

NEBRASKA SCHOOL ACTIVITIES ASSOCIATION
BOARD OF DIRECTORS MEETING
Special Electronic Hearing
September 5, 2024
11:30 a.m.



Agenda

- I. Call Meeting to Order/Recognition of Guests & Visitors (Tobey)**
- II. Hearing**
 - A. Lincoln Lutheran High School
- III. Action Item**
 - A. Discuss, Consider, and Take All Necessary Action on the Hearing for Lincoln Lutheran High School.
- IV. Executive Session**

APPENDIX 2
NEBRASKA SCHOOL ACTIVITIES ASSOCIATION
MEETINGS POLICY

Board of Directors

1. **Meetings.** *The Board will hold regular and special meetings to conduct the business of the NSAA. Regular meetings generally will be scheduled monthly (except for July). Special meetings may be called by the Chair or at the request of at least two Board members.*
2. **Methods of Meeting.** *The Board generally will meet in person but may conduct meetings electronically when necessary or convenient for the Board members or affected individuals participating in the meeting, such as for a time-sensitive hearing or appeal.*
3. **Meeting Notices.** *Notice of meetings will be published on the NSAA website a reasonable time prior to the meeting. Notices will state the date, time, and location of the meeting.*
4. **Agendas.** *The Executive Director and Chair will prepare an agenda for meetings of the Board and will publish the agenda on the NSAA website a reasonable time prior to the meeting. The agenda will be updated on the website if items are added prior to the day of the meeting, unless extenuating circumstances or unavailability of NSAA staff do not permit an updated agenda to be posted. Agenda items of an emergency nature or items that require timely board action after the agenda is initially published may be added at the agenda if approved by the Chair or requested by any two Board members.*
5. **Open and Closed Sessions.** *The Board will take formal action in open session. The Board may enter closed session to discuss an agenda item upon affirmative vote of a majority of the members present. The Board may discuss multiple agenda items in a single closed session without opening and closing the meeting for each item.*
6. **Board Action.** *Formal action of the Board will be based on a motion, second, and roll call vote. Motions may be amended informally by the member making the motion, or as proposed by another member and accepted by the member making the initial motion. Motions may be rescinded by the member making the motion at any time prior to formal action. In addition to its Consent Agenda, the Board may act on multiple agenda items with one motion. The Board is not bound by formal rules or procedures other than those contained in this policy.*
7. **Minutes.** *The Board or a designee will keep minutes of each meeting consistent with the Constitution and Bylaws. The minutes will be posted on the NSAA website within a reasonable time after the minutes are finalized.*
8. **Public Attendance and Participation.** *Meetings of the Board are open to member school representatives and the public. The Board may, but is not required, to change the location of its meeting to accommodate the number of attendees. The Board will make reasonable efforts to permit attendees to hear discussion and results of Board votes. The Board will make other reasonable accommodations as required by law.*

- a. **Member School Comments.** Member school representatives will be permitted to address the Board during its Member Comment section or at any other time at the request of the Chair. Member comments will be limited to 5 minutes per member school, but additional time may be given to a member school at the discretion of the Chair. Member school representatives may comment on any matter within the jurisdiction and authority of the Board.
- b. **Public Comments.** Members of the public will be permitted to address the Board only during its Public Comment section, but public comment may not be permitted at all meetings. Public comments will be limited to 3 minutes per speaker and a maximum of 30 minutes for all speakers. If more than 10 members of the public wish to address the Board, the 30 total minutes designated for public comment will be shared evenly by all speakers. Public comments are limited to items on the agenda for that meeting or items addressed in the Constitution, Bylaws, and other rules adopted by the Board, subject to the following:
 - i. Unless permitted by the Chair, public comment will not be allowed on a topic if another means to bring the item before the Board is or was available, such as attempting to use public comment in lieu of requesting a hearing or appeal before the Board.
 - ii. Comments that are profane, slanderous, threatening, hostile, or inappropriate for the professional setting of Board meetings will not be permitted.
 - iii. Comments about or directed at any employee of the NSAA are not permitted. All such concerns should be presented in writing to the Executive Director.
 - iv. Repetitive comments by multiple members of the public or comments repeated from one meeting to the next are not permitted.
 - v. Members of the public who do not adhere to these rules or other directives of the Chair will be required to leave the meeting premises.

Legislative Bodies

1. The NSAA is a membership organization which utilizes certain member-based legislative bodies to self-govern. Those include 6 Member Districts, a Legislative Commission, and a Representative Assembly (Legislative Bodies). The following rules apply to the Legislative Bodies but not other formal or informal committees, task forces, advisory bodies, or other groups that may advise or assist in conducting the business of the NSAA.
2. Legislative Bodies may meet in person or electronically as determined by the chair or lead of any meeting of the Legislative Body.
3. Notice of meetings of the Legislative Bodies will be published on the NSAA website a reasonable time prior to the meeting. The notice will include the date, time, and location of the meeting.
4. The chair or lead of meetings of the Legislative Bodies will prepare an agenda for each meeting or ensure an agenda is prepared, which will be posted on the NSAA website a reasonable time prior to each meeting.
5. Each Legislative Body will keep minutes of its meetings, which will be posted on the NSAA website a reasonable time after the minutes are finalized.
6. Members of the public are permitted to attend meetings of the Legislative Bodies, unless the meeting or any portion of the meeting is closed by the Legislative Body.
7. Each Legislative Body may designate its method for conducting business at its meeting consistent with all NSAA Constitution, Bylaw, or other duly-enacted provisions. In the absence of any rules enacted by the Legislative Body generally or as applicable to a specific meeting, Legislative Bodies will use the same rules as the NSAA Board for taking formal action and discussing agenda items.
8. Meetings of Member Districts and the Legislative Commission may include an opportunity for public comment at the discretion of the chair or lead of each such meeting. Members of the public may not address the Representative Assembly.

APPENDIX 2 NEBRASKA SCHOOL ACTIVITIES ASSOCIATION INSPECTION OF RECORDS POLICY

Member schools and members of the public may request records from the NSAA consistent with this policy. For purposes of this policy, records includes only existing paper or electronic documents and not all information or data in the possession of the NSAA. Individuals may request copies of meeting notices, agendas, and minutes; historical data that is disaggregated so as not to reveal confidential information; and other records that are not confidential records.

Confidential records includes, but is not limited to, those protected by law or NSAA rules; records relating to students, parents, employees, or board members of member schools or the NSAA; any employment-related records of current or past NSAA staff; internal communications of NSAA staff; drafts or incomplete records; communications to/from or between members of the Board of Directors, NSAA legislative bodies, committees, advisory groups, or other formal or informal working groups affiliated with the NSAA; records gathered or created as part of any eligibility determination, hearing, appeal, hardship waiver request, or individual or member school compliance determination, formal or informal; and any other records which in the opinion of the Executive Director should not be disclosed to best protect the NSAA and all of its operations, member schools, or participating students and their families.

Requested records will be processed in light of the following rules:

1. Requests will be fulfilled a reasonable time after they are received, considering the current staffing and operational needs of the NSAA. Priority will be given to requests made by member schools.
2. The NSAA is under no obligation to create new records, to seek records from any other entity, or to answer questions contained in a request, unless required by law.
3. Any requester seeking records already available to the public, such as on the NSAA website, will be directed to the location of such records and not provided additional copies.

4. *The NSAA may charge a fee, to be paid in advance by the requester, for any staff time (after the first 15 minutes), copying costs, or other costs to the NSAA of fulfilling the request. The fee will be communicated from the Executive Director or the Executive Director's designee to the requester. The fee must be paid prior to fulfilling the request. Any fee or portion of any fee may be waived by the Executive Director.*
5. *At the discretion of the Executive Director, voluminous, repetitious, or bad faith requests may be denied. Repetitious or bad faith requests include those whose purpose is or appears to be interference with or frustration of NSAA operations.*
6. *Records may be transmitted to the requester in whatever format is most efficient for the NSAA. The requester must communicate any accessibility needs as part of the request, which will be addressed as required by law.*

The business of the Nebraska School Activities Association (NSAA) shall be conducted at the meetings of the NSAA Board of Directors.

Member Comment at Board of Directors Meetings:

1. Agenda Items: The agendas for regular and special meetings of the Board of Directors are posted on the NSAA website. Representatives of member schools interested in speaking to an agenda item shall contact the Executive Director or the Board Chair prior to the meeting and indicate the agenda item they wish to address. The Executive Director or Board Chair shall determine whether the membership comment is relevant to the agenda. Speakers from member schools will be called upon at the "Member Comments" section of the agenda.
2. Non-Agenda Items: Member schools of the NSAA may attend the meetings of the Board of Directors, and bring suggestions, concerns, and comments to the Board relevant to the activities under the auspices of the organization. Representatives of member schools interested in speaking with regard to a matter not on the agenda may do so during the "Member Comments" agenda item.

Member schools may request that specific agenda items be added to the Board of Directors meeting agendas. To do so, the member school should contact the Executive Director or Board Chair at least one week prior to the Board meeting to place that agenda request.

Representatives of member schools wishing to refer a matter to the Board of Directors or the Executive Director and NSAA staff for consideration are invited to provide written information to the Executive Director or the Board of Directors Chair. That information will be distributed to the members of the Board of Directors and the Executive Director and NSAA staff for review, consideration, and possible action by the Board of Directors, the Executive Director and/or NSAA staff.

Public Comment at Board of Directors Meetings:

1. A "Public Comment" time shall be included on the agenda of all regular Board of Directors meetings. Public Comment will be accepted at the start of the meeting to allow for members of the public to raise issues and make comments for the good of high school activities. Members of the public will not be permitted to participate in the discussion of scheduled agenda items.

Public Comment time shall be limited to a maximum of 30 minutes, with each member of the public being allocated one opportunity to speak at the meeting for a time period of up to five minutes. If the number of members of the public wishing to comment warrants a reduction in the five-minute allotment, the Board Chair shall have the authority to limit comments.

Members of the public wishing to comment at any regular NSAA Board of Directors Meeting must state and sign in their name, and they will be expected to state the topic of their comments for documentation in the Board Meeting minutes.

Public comment about personnel will not be permitted, and the Board Chair has the prerogative to curtail any inappropriate public comment.

No Board of Directors action will be taken on any of the Public Comment issues at that meeting unless the Board determines the item to be of an emergency nature.

**NEBRASKA SCHOOL ACTIVITIES ASSOCIATION
OPEN MEETING / INSPECTION OF RECORDS POLICY**

The Nebraska School Activities Association (NSAA) shall comply with the requirements of Neb. Rev. Stat. §§84-712 through 84-712.08, relating to the inspection of public records, and the Nebraska Open Meetings Act, Neb. Rev. Stat. §§ 84-1407 through 84-1414, as amended by the Nebraska Unicameral, relating to open and public meetings, to the extent that such records and meetings relate to the association's activities with respect to member schools, and subject to the provisions and limitations set forth below required in the exercise of judicial and administrative authority and the legislative procedure and authority of the different NSAA governing bodies set forth in the Constitution and By-Laws of the NSAA. Such voluntary compliance by the NSAA shall not be deemed to subject the NSAA to such laws except to the extent such laws are applicable to the NSAA.

I. INSPECTION OF RECORDS POLICY: Information requests from member schools or members of the public for copies of meeting minutes, historical data, or other non-confidential NSAA or member school information or documents can be provided upon approval of the Executive Director.

1. The NSAA will withhold from release to member schools and the public those records that are confidential. Records that are confidential are those that, if the NSAA were a public school district, or if the records were in the possession of a public school, could be withheld from the public under provisions of Neb. Rev. Stat. §84-712.05 or other law.
2. This policy shall not be construed to require the NSAA to produce or generate any record in a new or different form or format modified from that of the original record.
3. With regard to all requests for information, the following provisions shall apply:
 - A. There will not be a charge to the requesting party for the first one-half hour of staff time necessary to fulfill the information request; however, the cost of photocopies for any information requested shall be as set forth below.
 - B. Staff time will be charged in quarter-hour increments for all duties associated with the information request including employee time for making, certifying, compiling, and transmitting data.
 - C. Any additional staff time necessary to fulfill the initial information request in excess of one-half hour or the time it takes to fulfill subsequent information requests from the same individual or group within a one-year period will be charged at the actual hourly wage rate of the person(s) performing the work.
 - D. The first ten (10) pages of photocopies for member school, from the initial request, will be at no charge. After the initial ten (10) pages, or for subsequent requests within one year, the cost of copies will be at a rate of 25¢ per page.

E. The Minutes of the Board of Directors meetings are posted on the Association's web page, www.nsaahome.org, and only if the requesting person does not have access to the web site will copies of the Minutes be printed.

F. Payment for the staff time expended and/or the cost of copies is due upon receipt of the information. Fifty percent of the estimated cost of the requested information must be prepaid if the total cost of the requested information exceeds \$50.00.

II. OPEN MEETING PROVISIONS:

1. Judicial and Administrative Authority:

A. Board of Directors: The NSAA Board of Directors is the judicial and administrative body of the association. Meetings of the Board of Directors of the NSAA shall be subject to the inspection of public record statutes and the Nebraska Open Meetings Act, subject to the proviso that the Board of Directors shall not be required to comply with such statutes or to conduct open and public meetings or provide inspection of records when acting in a quasi-judicial capacity where the sole subject of such meeting or record, or portion thereof, pertains to the personnel information in records regarding a student, prospective student, or former student of any member school, including but not limited to birth records, medical records, academic records, performance or eligibility information and determination of the student to participate or to continue to participate in sponsored events, contests or activities; provided, however, where a meeting or record of such association is devoted in part to matters excepted in the preceding proviso, any portion of the meeting or record not subject to such exception shall be open to the public. Reasonable arrangements will be made to accommodate the public's right to hear the discussion and action taken at the meeting. Public participation in the Board of Directors meetings shall be permitted only during a public comment agenda item at the beginning of such meeting. The designated method of providing public notice of the date, time, location and agenda of Board of Directors meetings shall be through posting on the NSAA website, nsaahome.org. The minutes of each meeting of the Board of Directors shall be posted on the NSAA website.

2. Legislative Procedure and Authority:

A. District Meetings: NSAA district meetings are legislative bodies of the association. Meetings of each of the six NSAA districts as legislative bodies shall be subject to the inspection of public record statutes and the Nebraska Open Meetings Act. Reasonable arrangements will be made to accommodate the public's right to hear the discussion and action taken at the meeting. Public participation in the district meetings shall be permitted only during a public comment agenda item at the beginning of such meeting, and shall not be permitted during the legislative debate and action by the representatives of the member schools. The designated method of providing public notice of the date, time, location and agenda of NSAA district meetings shall be through posting on the NSAA website, nsaahome.org. The minutes of each meeting of a NSAA district shall be posted on the NSAA website.

B. Legislative Commission: NSAA Legislative Commission is a legislative body of the association required to consider and screen proposals for changes in the Constitution and By-Laws passed by the Districts to be submitted to the Representative Assembly. Meetings of the NSAA Legislative Commission as a legislative body shall be subject to the inspection of public record statutes and the Nebraska Open Meetings Act. Before taking final action on a proposed change in the Constitution or By-Laws of the NSAA, the NSAA Legislative Commission shall hold a public hearing thereon and give at least seven (7) calendar days' notice of the meeting at which such hearing will be held (reference, Nebraska Unicameral, Rule 3 – Committees, Section 14). Reasonable arrangements will be made to accommodate the public's right to hear the discussion and action taken at the meeting. Public participation in the NSAA Legislative Commission meetings shall be permitted during the public hearing with regard to the proposals for changes in the Constitution or By-Laws of the NSAA. The designated method of providing public notice of the date, time, location and agenda of NSAA Legislative Commission meetings shall be through posting on the NSAA website, nsaahome.org. The minutes of each meeting of the NSAA Legislative Commission shall be posted on the NSAA website.

C. Representative Assembly: NSAA Representative Assembly is a legislative body of the association responsible for establishing policy for the effective regulation of school activities for which the NSAA has been created by its member schools, including taking action on proposed changes in the Constitution and By-Laws of the NSAA approved by the Legislative Commission for placement on the Agenda of the Representative Assembly. Meetings of the NSAA Representative Assembly as a legislative body shall be subject to the inspection of public record statutes and the Nebraska Open Meetings Act. Reasonable arrangements will be made to accommodate the public's right to hear the discussion and action taken at the meeting. No individual except members of the NSAA staff and Representative Assembly may address the Representative Assembly (reference, Nebraska Unicameral, Rule 2 – Rules of Procedure, Section 3, paragraph (i)). Members of the public will not be permitted to address the Representative Assembly. The designated method of providing public notice of the date, time, location and agenda of NSAA Representative Assembly meetings shall be through posting on the NSAA website, nsaahome.org. The minutes of each meeting of the NSAA Representative Assembly shall be posted on the NSAA website.