

**BOARD OF EDUCATIONAL SERVICE UNIT NO. 13**  
**Tuesday – February 18, 2020**  
**Location – ESU 13 Center, 4215 Avenue I, Scottsbluff, NE**

**Video Conference Sites:**

**ESU No. 13 Satellite Office – 1114 Toledo, Sidney, NE**  
**Alliance Public Schools Adm. Bldg. – 1604 Sweetwater, Alliance, NE**  
**Hay Springs High School – 407 N. Baker, Hay Springs, NE**  
**Hemingford High School – 911 Niobrara Avenue, Hemingford, NE**  
**Chadron State College – Miller Hall, 1000 Main Street, Chadron, NE**

**6:30 PM – Dinner**

**7:00 PM – Regular Meeting**

**1. Call to Order**

- Meeting is governed by the Nebraska Open Meetings Act as posted.
- The ESU 13 Board reserves the right to rearrange the order of the agenda.
- The ESU 13 Board reserves the right to convene an executive session in accordance with § 84-1410

**2. Excuse Absent Board Member(s) (Motion Necessary for Approval)**

**3. Approval of Agenda (Motion Necessary for Approval)**

**Consent Action Items (Motion Necessary for Approval)**

- Minutes of Regular Meeting (January 2020) and Special Board meeting (February 4, 2020)
- Treasurer's Report
- Fund Balance
- Budget Report
- Claims for Disbursement
- Approval of attendance for educational workshops, conferences, training programs, official functions, hearings, or meetings

**Calendar**

- February 21, 2020 – ESU 13 office closed
- February 26, 2020 – ESU 13 Administrative Advisory Council meeting, 10:00 AM – Andrew will be hosting from Sidney. NCSA's Dr. Mike Dulaney, Executive Director, and Dr. Dan Ernst, Associate Executive Director, will be joining by Zoom
- March 3, 2020 – Perry Law Firm Free Webinar: Hot Topics for Board Members – 4:30 PM (MST) via Zoom
- March 13, 2020 – Staff in-service and department meetings
- March 17, 2020 – Regular Board meeting (video conference sites are the same as listed on this agenda)

**Public Forum:**

- Time limit for each person is three (3) minutes; no response or action taken by the Board.

**Reports**

- B.J. Peters, Director – ESU 13 Technology Department
- Craig Hicks, ESU 13 Professional Learning – New Website Design
- Donna Jenne, Head Start Director – Head Start Eligibility Training
- 2020 Legislative Issues Conference – February 9-10 (Coon, Diemoz, Jones, Knapper)
- Head Start Director’s Report and Policy Council Activity Report for January (uploaded to the Board webpage)
- Audit Report (Dr. Dick)
- Administrator’s Report ([Appendix A](#))
- Board Member Comments

**4. Old Business: None**

**5. New Business:**

- **Amendment of Board Policy – Article 4, Sections 1-6 (Personnel)**  
Continuing with the revision and update of our current Board policy using the template from Perry Law Firm, Article 4, Sections 1-6 have been revised and reviewed by our Leadership Team and the Policy Committee. Due to the large content, the separate sections have been uploaded to the Board member webpage.

**Recommendation:** Introduction only. No action required.

- **Proposed Video Surveillance Policy**  
Video Surveillance cameras have been installed at HATC, Meridian School, Head Start CDC and Central locations. Justin Knight, who has been helping with our Board policy amendments, has suggested the following Board policy. The Policy Committee has reviewed the policy. Our Technology Director, B.J. Peters, has also reviewed and agrees with the policy. After approval, it will be placed in Board policy under Article 3, Section 7, *Management of Property*. This is the introduction.

*Video Surveillance Policy*

1. Purpose  
*The ESU #13 Board authorizes the use of video cameras and other passive electronic measures (such as motion detectors) for the purposes of ensuring the health, welfare and safety of staff, students and visitors, safeguarding ESU #13 facilities and equipment, and maintaining student discipline and an appropriate educational and work environment.*

2. Placement

*Video cameras and similar devices are authorized to be used in Unit facilities, Unit vehicles, and other places within the control of ESU #13. The locations in which the devices will be placed and the times the devices will be in use are to be determined by the Administrator or designee consistent with the purposes set forth in the Policy. The devices shall not be placed or operational in locations in which individuals have a high expectation of privacy, such as restrooms.*

3. Notice

*Notice of the fact that video surveillance cameras are being utilized shall be given through appropriate mechanisms, such as by posting signs in the building entry and other locations and by including a notice in the student-parent and employee handbooks.*

4. Viewing Monitors and Video Recordings

*Monitors used to view video recordings are to be located and positioned such that only authorized personnel are able to see the images on the monitors. Only authorized personnel shall be allowed to view recorded video. Authorized personnel for these purposes are the ESU #13 Administrator or designee, and the ESU #13 Technology Department personnel responsible for the technical operations of the system (for technical purposes only). In some limited circumstances, the ESU #13 Administrator or designee may authorize a supervised viewing of surveillance cameras and recorded video by other designated staff members.*

*The ESU #13 Administrator or designee may allow law enforcement officers to view monitors and recorded video when such is consistent with school security and discipline and consistent with law.*

*Students shall not be permitted to view the monitors. Students shall not be permitted to view recorded video except where the individual student is the focus of the recorded video.*

5. Use of Video Recordings

*Video records may be used as a basis for student or employee disciplinary action and for making reports to law enforcement.*

6. Video Recordings as Education Records

*Video recordings which are considered to be "education records" within the scope of the Family Educational Rights and Privacy Act (FERPA) shall be maintained in accordance with FERPA and other applicable laws. A video recording may be considered an education record when a specific student is the focus of the video recording.*

*For example, if the video recording shows a student violating a school rule, the video recording is an education record of that student. It may be viewed on request by that student's parent (or the student if age 18 or older). The video recording may not be viewed by, nor will a copy be given to, others without the parent's written consent unless a FERPA exception exists.*

*In the event more than one student is a focal point of the video recording, it may be an education record of each such student. This would be the case, for example, if two students are recorded fighting. In that event, the school would allow both sets of parents an opportunity on request to view the video, but will not give a copy of the video to either set of parents without the written consent of the other student's parent.*

7. Maintaining Video Recordings

*Video recordings shall be retained for 30 days or until determined that no incident has occurred. If an incident has been recorded, the recording will be transferred and retained concurrently with the incident file. Video recordings that contain personal information shall be securely stored in the ESU #13 network data center and, when such recordings are no longer needed or required to be maintained shall be properly disposed of or erased.*

8. Maintaining the Integrity of the Video Surveillance System

*The ESU #13 Technology Department shall be responsible for checking the video surveillance system on a weekly basis to ensure it is operating properly. Students or staff who vandalize, damage, disable, or render inoperable surveillance cameras or equipment, or use the video surveillance system in a manner that is not consistent with the purposes set forth in this Policy, shall be subject to appropriate disciplinary action (up to and including expulsion for a student and termination for a staff member) and referral to appropriate law enforcement authorities.*

**RECOMMENDATION: Introduction only. No action necessary.**

• **Revision and Updated Head Start Policies and Procedures:**

As per the Performance Standards, we need Board approval of revised Policy and Procedures. The following revised written plans of Planning & Monitoring/Communication and Record Keeping and ERSEA (Eligibility, Recruitment, Selection, Enrollment and Attendance) have been uploaded to the Board webpage. Policy Council approved these policies at their January 28, 2020 Policy Council meeting.

**Recommendation: Move to approve the revised Head Start written plans of Planning & Monitoring/Communication and Record Keeping and ERSEA (Eligibility, Recruitment, Selection, Enrollment and Attendance).**

• **Amendment to Owner-Engineer Agreement for Sidney Building Addition and Garage Building**

A modification is needed to the Agreement Between Owner and Engineer for Professional Services. In this agreement, ESU will list WNCC as a co-owner and operator for the metal garage building to be designed and constructed as part of the project. Exhibit K has been uploaded to Board member website for review.

**Recommendation: Move to approve the Amendment to Owner Engineer Agreement.**

• **Audit Request from KSO CPAs + Advisors**

We have received an audit engagement letter from KSO CPAs + Advisors for the fiscal year ending August 31, 2020. This is the firm that just audited our fiscal year ending August 31, 2019. It is the Board's decision to either renew the contract or seek bids from other firms. Proposed cost of the audit is \$20,000 if field work is scheduled in conjunction with other area audits and \$24,000 if not. The cost is the same as it was last year.

**Recommendation: Your decision.**

- **Consideration of ESU 13 Administrator Contract**

The Personnel Committee met on February 4, 2020, to discuss a new contract format and terms of the contract for Dr. Andrew Dick. Proposed contract has been uploaded to Board Materials webpage. Jerald Ostdiek, ESU 13 attorney, has compiled the terms into the proposed format.

**RECOMMENDATION: Your decision.**

**6. Approval of Minutes (Motion necessary for Approval)**

**7. Adjournment**

## **Appendix A**

### **February Board Notes – Dr. Andrew Dick**

#### **Advice from Jerry Ostdiek - Re: Head Start Certified Teacher Pay**

From my research, and based upon the Certification Order entered by the Nebraska Commission of Industrial Relations regarding ESU 13, I believe you will have to pay Head Start/Early Head Start certified teachers under the negotiated agreement, and you can pay teachers that aren't certified outside of the negotiated agreement.

#### **Federal Food Program Audit**

On January 9th, we received notice that on February 20, 2020, Laura Lutz from NDE will be here to conduct an Administrative Review and Procurement Review of the School Lunch Program. Pam Brezenski, Director of Special Education, and her staff have been collecting and sending required documentation prior to the audit.

Hazard Analysis and Critical Control Point Policy has been updated and will be available on the day of the review. I will update the Board when the audit review results are in.

#### **Certified Staff Intent to Return**

Certificated staff will be receiving a letter which will require them to inform ESU 13 of their intent to return or not to return for the 2020/2021 school year. This is a new process for certificated staff. Renee Miller, Education Association President, was in support of the process. Jerry Ostdiek drafted the letter, which is in accordance with State Statute 79-1239. For your reference, I have included the applicable state statute that allows for either the board or administrator to request certificated staff provide such notice.

79-1239. Tenure; permanent certificated employee; amendment or termination of contract; grounds; procedures.

(1) The board by a vote of the majority of its members may determine that a permanent certificated employee's contract shall be amended or terminated for any of the following reasons: (a) Just cause as defined in section 79-1234; (b) reduction in force as set forth in sections 79-846 to 79-849; (c) a change of leave-of-absence policy; (d) failure of the permanent certificated employee upon written request of the board or the administrators of the educational service unit to accept employment for the next school year within the time designated in the request, except that the permanent certificated employee shall not be required to signify such acceptance prior to March 15 of each year; or (e) revocation or suspension of the permanent certificated employee's certificate by the State Board of Education.

### **Director of Special Projects**

We have advertised for approximately two weeks for a new position. The Director of Special Projects position evolved out of a conversation with the Nebraska Department of Education (NDE) Office of Special Education and some specific administrative needs at ESU 13. NDE will be submitting a proposal to the State Board in March to provide an additional \$120,000 in grant funds to ESU 13 to fund .6 FTE of a NeMTSS State Co-Coordinator. The individual selected for this position will focus on...

- Strengthening ESU 13's efforts with Goal 4: ESU 13 will develop a model to support school districts with the implementation of a multi-tiered system of support to meet the unique needs of students of all ages within the member school districts.
- As required by Rule 84 and state statute, supervise certificated teachers within the Head Start program.
- Assist the Program Coordinator (as defined in Rule 11) of Head Start.
- Coordinate the work established with Strategic Objective 1.3: By 2019, ESU 13 work with member schools to support ESU 13 funding and collaborate with ESU 13 school districts to assist them with grant training, support, and assistance with grant preparation.
- Other special projects as determined by the Administrator.

### **See It, Say It, Send it Notification System**

Scottsbluff Public Schools has coordinated a new online incident reporting system available to students and parents. The new system includes a partnership with Scottsbluff and Gering Police, the Scotts Bluff County Sheriff's Department, WNCC and all other schools in Scotts Bluff County to adopt a comprehensive incident reporting system. Students, parents, teachers, and community members can download the app and hold anonymous two-way conversations with school and law enforcement officials. ESU 13 is working with Scottsbluff Schools to create our own safety tip line. This will be for any of our student programs as well as for staff. The app will allow anyone to report possession of weapons, drugs or alcohol, harassment/intimidation, school vandalism, physical assault, threats of violence, suicide risk and abuse/neglect. We will update the Board when the app launches.

### **Board Terms and Date for Submitting Name to County Office**

It is time again for six of our Board members to file for recertification. Desira has completed and mailed the certifications to the Secretary of State and Counties. The following members will need to complete the Candidate Filing Form: Diemoz, Jones, Marsh, Marx, Millette and Richards. Filing deadline for incumbent is July 15, 2020 and nonincumbent is August 3, 2020.

### **Perry Law Firm Free Webinar for Board members**

On Tuesday, March 3rd at 4:30 (MST), the Perry Law Firm will host a free webinar online (via Zoom) for board members on several hot topics. The flyer for this event

has been uploaded to the Board webpage. If you would like to attend the webinar or receive a copy of the recording, please let Desira know.