

**BOARD OF EDUCATIONAL SERVICE UNIT #13**  
**Tuesday – January 15, 2019**  
**Location – ESU #13 Center, 4215 Avenue I, Scottsbluff, NE**

**Finance Committee Meeting (Knapper, Millette, Richards, Sinner) – 6:00 PM**  
**(Bid opening for garage addition project)**

**Dinner – 6:30 PM**

**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. Reorganization of the Board**

- Appointment of the Treasurer

**3. Oath of Office**

- State Statute, Section 11-101, requires that all Board members take the Oath of Office. It may be administered orally or silently read and signed by each member. The Board Secretary will keep each signed Oath with the official minutes. On Tuesday, we will give each of you a copy of the Oath for signature.

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

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

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

- Minutes of Regular Meeting (December)
- 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**

- **January 23, 2019** – Superintendent Meeting – Hosted by Bridgeport Public Schools – 10:00 AM
- **January 27-28, 2019** – 2019 Legislative Issues Conference – Cornhusker Marriott – Lincoln (Jones, Knapper, Millette)
- **February 5, 2019** – Spring Legal Workshop – Gering

- **February 13, 2019** – Budget & Finance Workshop – LaVista
- **February 17-18, 2019** – President's Retreat – Kearney (February 24-25, 2019 – Lincoln)
- **February 18, 2019** – ESU's Mid-Winter Conference
- **February 19, 2019** – Regular Board Meeting
- **February 20, 2019** – Budget & Finance Workshop – North Platte

**Public Forum:**

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

**Reports**

- B. J. Peters, Tech Director, ESU 13 – All Hazard's Manual
- Jadie Beam, SOAR Director, ESU 13 – ESU #13 Schools Aquestt EBA Findings
- Head Start – Head Start Annual Report, Self-Assessment 2017-2018 and Updated Five Year Goals (uploaded to website). Policy Council did not meet in December, therefore, there are no policy council minutes or Director's Report.
- Administrator's Report ([Appendix A](#))

**6. Old Business:**

• **Proposed Defibrillator (AED) Policy:**

ESU #13 now has an AED and signage showing its location. We need a policy regarding the use of the device. Jerry Ostdiek has reviewed the policy below and suggests that the administrative protocol (uploaded to website) not be part of the policy, but a reference located in the policy section. Policy Committee has a recommendation to delete the sentence highlighted in yellow. This is the first reading.

*The ESU #13 Board recognizes that from time to time emergencies may arise that justify the use of an Automated External Defibrillator (AED). **ESU #13 will maintain an AED on each site where one is located.** The AED shall be used in emergency situations warranting its use.*

*The AED shall be maintained and tested in accordance with operation guidelines of the manufacturer and monitored by the ESU #13 nurse.*

*The AED will be kept on ESU #13 property and will not accompany EMS personnel to a hospital emergency room.*

*It shall be the responsibility of the ESU #13 Administrator to develop administrative protocol regarding this policy.*

**Recommendation:** First reading. No action required. A recommendation from the Policy Committee is to remove the highlighted sentence.

- **Revision of Family and Medical Leave Board Policy:**

We are updating our FMLA procedure utilizing a new step by step manual written for us by Jason Ossian, a partner of Jerry Ostdiek, our attorney. The FMLA policy was adopted 10/8/02. At the December Board meeting, it was determined by the Board that further clarification is needed. Mr. Ossian has revised the text (in blue) from last month and provided an example as requested. This is the first reading with amendments.

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

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

~~Substitution of accrued paid leaves for otherwise unpaid FMLA leaves may be required at the discretion of the Administrator or the Administrator's designee, or the Board. The employee may also have paid leave run concurrently with unpaid FMLA leave entitlement, provided the employee meets applicable requirements of the leave policy.~~

*FMLA leave is unpaid except to the extent that an employee has accumulated paid leave under other applicable leave provisions of ESU #13's policies. All Forms of accrued paid leave such as vacation and sick leave will run concurrently with FMLA leave shall be substituted for unpaid leave so long as accrued time is available according to the rules. Accumulated paid leave shall be exhausted prior to the employee taking unpaid leave. In determining whether leave has been accrued or earned, ESU #13 will apply the provisions of the respective paid leave policy and procedures, including any restrictions. What this means is an employee's existing “bank” of paid leave will run concurrently (at the same time) with the 12 work weeks of FMLA leave i.e. they will be counted and used together. When an employee has exhausted all paid leave, all remaining FMLA leave will be unpaid. The use of accrued paid leave as a concurrent part of FMLA leave is mandatory.*

*Example: Employee requires a 12-week leave under FMLA and has accrued three (3) weeks' of paid vacation leave pursuant to ESU 13's policies. The employee's other forms of paid leave have already been exhausted. Accordingly, the first three (3) weeks of FMLA leave would be paid from the employee's accrued “bank” of vacation pay and the remaining nine (9) weeks would be unpaid leave.*

*Employees shall be required to submit medical certifications to support a request for FMLA leave because of a serious health condition, or a sick leave,*

*when such leave is for a duration in excess of five (5) successive days, and in such other cases as deemed appropriate by the Administrator or the Board based on the nature of the illness or other circumstances surrounding the leave. Second and third medical opinions may, at the Administrator's or the Board's discretion, be required. Employees shall be required to report periodically, at such times as requested by the Administrator or the Board, on their intent to return to work from FMLA leaves and other leaves. Employees shall be required to submit a fitness-for-duty certification from their health care provider as a condition of returning to work from a FMLA leave taken because of the employee's serious health condition or from a sick leave taken by reason of the employee's illness, when such leave was of a duration in excess of five (5) successive days, and upon request of the Administrator or the Board when such is deemed appropriate by the Administrator or the Board based upon the nature of the illness or other circumstances surrounding the leave.*

*An "equivalent position" for FMLA restoration purposes shall, in the case of certificated employees, be any administrative, teaching, or instruction related position for which the employee is qualified by reason of endorsement, college preparation, experience, or other indicia; in the case of coaching or other similar extracurricular duty assignments, be any extracurricular duty assignment, and in the case of other employees or positions, be in a position with or at equivalent pay, benefits, and working conditions, involving similar or related duties, as determined by the Administrator or the Board.*

**Recommendation:** First Reading with amendment. No action necessary.

## 7. New Business:

- **ESU #13 Depositories**

Each year, you approve ESU #13's current depositories as listed on the Treasurer's Report and give the Treasurer the latitude to shift money when in our best interest to do so.

**Recommendation:** Move to approve ESU #13's current depositories and give the Treasurer the latitude to shift money when in ESU 13's best interest.

- **ESU #13 Legal Counsel**

Annually, you approve ESU #13's legal counsel. Jerald Ostdiek (Douglas, Kelly, Ostdiek, Snyder, Ossian, Vogl & Snyder, PC) has agreed to serve as our attorney.

**Recommendation:** Move to approve Jerald Ostdiek as ESU #13's attorney.

- **Payment of ESU #13 Claims Between Board Meetings**

Annually, we ask the Board for authorization to pay credit cards, utilities and payroll between Board meetings. These claims are then included with the Check Listing for official approval at the next regular meeting.

**Recommendation:** Move to authorize the Business Manager to pay credit cards, utilities and payroll between Board meetings.

- **Board Standing Committee Appointments**

In accordance with our Board Policy, "Annually, the Board President shall appoint members to the Board standing Committees." I have included a list of current committee assignments as [Appendix B](#).

- **Video-Conference Meetings**

The Board needs to decide whether or not to continue the practice of holding our February and March meetings as video-conference meetings. In past years, we have broadcast to Alliance, Sidney, Crawford, and Hay Springs. Additional sites can be added at your request.

**Recommendation:** Your decision.

- **Garage Addition Project**

Prior to our meeting, the Board Finance Committee will review bids for a new 50' X 70' X 14' eave height metal building for vehicle storage to be located at 4215 Avenue I in Scottsbluff. We would like the work to begin this month. The Committee will make a recommendation to the Board for purchase.

**Recommendation:** Move to approve the recommendation of the Board Finance Committee regarding the purchase of a new metal building for vehicle storage.

- **ESU Board Member Resignation and Board Vacancy**

Terri Haynes has submitted her resignation as an ESU #13 Board member. She has accepted a position with ESU #13 as the AWARE Project Manager. Per Nebraska Statute and ESU Board Policy, we need to declare that we have a vacancy on our Board so that we can publish notice in Election District 3 area newspapers. We will also reach out to Chadron and Crawford School Administrators for potential candidates. We will fill the vacancy at next Board Meeting.

**Recommendation:** Move to accept the resignation of Terri Haynes, ESU #13 Board Member and declare a vacancy on our Board, Election District 3, Dawes County.

- **Emergency Prevention and Response Plan Manual**

The Nebraska Legislature passed LB923 in 2014 that created the position of State School Security Director within the State Department

of Education. Because of the increased emphasis on school safety, ESU 13 has completely rewritten its Emergency Prevention and Response Plan following the guidelines provided by NDE. This Plan covers:

- a. The make-up and process of the ESU 13 Safety and Security Committee
- b. The ESU 13 Emergency Prevention processes
- c. The specific duties of staff in the event of an emergency
- d. The safety and security procedures that are followed
- e. The Incident Command System
- f. An emergency quick reference guide
- g. Forms and Documents that cover our emergency procedures.

The Safety Committee and the Directors have approved the manual. It is now time for Board approval.

**Recommendation: Move to approve ESU #13's Emergency Prevention and Response Plan.**

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

**9. Adjournment**

## **Appendix A**

### **ESU 13 BOARD NOTES January 2019**

#### **Sidney Office Update**

I met with Jack Baker and Tearle Schmer from Baker & Associates on December 18<sup>th</sup> to discuss about the options of the Sidney office.

#### **Sherwood Foundation**

Senator John Stinner, Rick Myles from SBPS, Katie Carrizales and I had a meeting in Omaha on Wednesday, December 5<sup>th</sup> to discuss possible funding for our Panhandle Beginnings Day Treatment proposal. They have asked us to complete an application and submit it for possible funding. They asked how much we were wanting. I said the startup costs of \$280,000 and part of the operating costs for 2-3 years (\$190,000). We will see what happens once we complete the application. I will keep you informed how it is progressing.

#### **Emergency Prevention and Response Plan**

Each of you has received the Emergency Prevention and Response Plan (All Hazards) notebook. The Safety Committee and the Directors have reviewed and approved the plan. BJ will give a report on the manual prior to Board approval tonight.

#### **KSO CPAs + Advisors**

Four auditors from the above firm were here November 26<sup>th</sup> & 27<sup>th</sup> to audit the 2017-18 finances. The only finding in the preliminary draft is the Head Start Inventory. We are still working on those items to be entered into our Inventory Program. New inventory lists will be given to the Director's this month. Jodi and Desira are finalizing the reports so you should have the audit report at February's meeting.

#### **Boys Town Ecological in-Home Family Treatment Model**

Request (RFQ) on-site sustainable replication of Boys Town Ecological in-home family treatment model for the juvenile justice home-based initiative.

#### **Perry Law Firm Board Policy**

We are currently in the process of having the Board Policy Committee decide whether or not to include certain parts of our current Board policies as we transfer to the Perry Law Firm template. Rhoda has compared our current ones to the template and has forwarded Sections I, II, and III which show highlighted sections that do not appear in the Perry Law Firm template. Do we want to keep these highlighted areas or follow the Perry Law Firm template and omit the highlighted areas?

#### **Nasb and Search Committee**

Shari Becker from NASB and our Search Committee: Ray, Tom, Bill and Mark, met last Thursday, January 10<sup>th</sup>. The timeline is that the committee will meet again on February 7<sup>th</sup> and then hold a special Board meeting on February 13<sup>th</sup> to conduct interviews. We would like to be able to offer a contract to a new administrator at the February 19<sup>th</sup> Board meeting.

#### **Criteria for Selection of Candidates**

In reviewing candidates for interviews, I would consider anyone with a Superintendent Certificate who has served in a central office or principal role even though they may not have served as a superintendent.

## Appendix B

### BOARD COMMITTEE ASSIGNMENTS 2018

#### Policy:

- Pat Dobry
- Ray Richards
- Patricia Jones
- Diane Coon

#### Building/Grounds: (formed at the 9/13/11 Board Meeting)

- Steve Diemoz
- Tom Millette (Jeff West/Fermin Hernandez)
- Ray Richards
- Mark Sinner

#### Projects:

- Kim Marx
- Ray Richards
- Mark Sinner

#### Negotiations/Personnel:

- Don Egging
- Thomas Millette (appointed by Chairman on 10/18/16)
- Bill Knapper
- Ray Richards
- Mark Sinner

#### Programs/Services:

- Pat Dobry
- Kim Marx
- Tom Millette
- Rosalene Tollman

#### Finance:

- Bill Knapper (Jeff West/Desira Martin)
- Tom Millette
- Ray Richards
- Mark Sinner

#### ESU/WNCC Project Board:

Coral Richards (WNCC-Secretary)

- Ray Richards
  - Mark Sinner
  - Scott Marsh
- Timothy H. Daniels (WNCC)  
Thomas L. Perlinski (WNCC)  
Julienne K. Walworth (WNCC)

#### Election Districts:

- Bill Knapper (Jeff West)
- Tom Millette
- Ray Richards
- Mark Sinner

**Legislative Liaison:**

- Patricia Jones
- Diane Coon
- Steve Diemoz

**Complaint and Grievance:**

- Patricia Jones
- Bill Knapper
- Ray Richards
- Scott Marsh