

BOARD OF EDUCATIONAL SERVICE UNIT NO. 13

Tuesday – January 10, 2017

Location – ESU #13 Center, 4215 Avenue I, Scottsbluff, NE

REGULAR MEETING – 7:00 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 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
- Treasurer's Report
- Fund Balance
- Budget Report
- Claims for Disbursement

Calendar

- **January 22-23, 2017** – Legislative Issues Conference – Cornhusker Marriott, Lincoln, NE
- **January 25, 2017** – ESU #13 Advisory Council Meeting – 10:00 a.m. – ESU #13 Center
- **February 8-9, 2017** – Education Forum – Younes Conference Center, Kearney, NE
- **February 21, 2017** – Regular Meeting – 7:00 p.m. – ESU #13 Center

Public Forum

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

Reports

- Administrator's Report ([APPENDIX A](#))
- Head Start Policy Council Activity Report and Director's Report. (No documentation for Board review this month as they have not met since previous Board meeting.)

6. Old Business

- **Board Policy Regarding Anti-Bullying and Dating Violence Prevention:**

NDE is leading the charge to standardize protocol for response to emergencies in schools. Jerry Ostdiek reviewed our existing policies and recommends that we add several policies related to safety and security. Listed below are the first two policies in the series.

Anti-Bullying Policy – Students

Educational Service Unit No. 13 is to provide a physically safe and emotionally secure environment for students and staff.

The administration and staff are to implement strategies and practices to reinforce and encourage positive behaviors by students. Positive behaviors include non-violence, cooperation, teamwork, understanding, and acceptance of others.

The administration and staff are to implement strategies and practices to identify and prevent inappropriate behaviors by all students, including anti-bullying education for all students. Inappropriate behaviors include bullying, intimidation, and harassment. Bullying means any ongoing pattern of physical, verbal, or electronic abuse on ESU grounds, in a vehicle owned, leased, or contracted by the ESU being used for an ESU purpose by an ESU employee or designee, or at ESU-sponsored activities or ESU-sponsored athletic events; and while away from ESU grounds, if the misconduct materially and substantially interferes with or disrupts the educational environment, the ESU's day-to-day operations, or the education process, regardless of where the student is at the time of engaging in the bullying behavior, the student may be subject to discipline to the extent permitted by law.

Dating Violence Prevention – Students

Educational Service Unit No. 13 is to provide a physically safe and emotionally secure environment for all students and staff. Positive behaviors are encouraged in the educational program and are required of all students and staff. Inappropriate behaviors, including but not limited to, dating violence, will not be tolerated and must be avoided by all students and staff.

Pursuant to Section 79-2, 140, the Legislature has defined (a) "dating violence" to mean a pattern of behavior where one person uses threats of, or actually uses, physical, sexual, verbal, or emotional abuse to control his or her dating partner; and (b) "dating partner" to mean any person, regardless of gender, involved in an intimate relationship with another person primarily characterized by the expectation of affectionate involvement whether casual, serious, or long-term.

Strategies and practices are implemented to reinforce positive behaviors and to discourage and protect others from inappropriate behaviors. Dating violence training, as defined by Section 79-2, 141(4), shall be provided to staff deemed appropriate by the administration. The administration will be responsible for reviewing the ESU's Student Code of Conduct to insure that this policy is reflected therein.

This is the second and final reading for the proposed Board policy regarding Anti-Bullying and Dating Violence Prevention.

Recommendation: Move to adopt the policy.

- **Board Policy regarding Weapons; Use of Metal Detectors; Searches, Seizures, and Arrests; Security; and Access to Buildings:**

Continuing with the series of policies regarding NDE's standardized protocol in response to emergencies in schools, we are introducing five new policies to be added to the official Board policies. Jerry Ostdiek has reviewed the policies below.

WEAPONS:

The Board of Educational Service Unit No. 13 believes weapons and other dangerous objects and look-a-likes in ESU facilities cause material and substantial disruption to the ESU environment or present a threat to the health and safety of students, employees and visitors on the ESU premises or property within the jurisdiction of the ESU.

Weapons and other dangerous objects and look-a-likes shall be taken from students and others who bring them onto the ESU property or onto property within the jurisdiction of the ESU or from students who are within the control of the ESU.

Parents of students found to possess weapons or dangerous objects or look-a-likes on ESU property shall be notified of the incident. Confiscation of weapons or dangerous objects shall be reported to the law enforcement officials, and students will be subject to disciplinary action including suspension or expulsion.

Students bringing firearms to the ESU or knowingly possessing firearms at the ESU may be expelled for a period of not less than one year. Students bringing to the ESU or possessing dangerous weapons, including firearms, will be referred to law enforcement authorities. The Administrator shall have the authority to recommend this expulsion requirement be modified for students on a case-by-case basis. For purposes of the portion of this policy, the term "firearm" includes, but is not limited to, any weapon which is designed to expel a projectile by the action of an explosive, the frame or receiver of any such weapon, a muffler or silencer for such a weapon, or any explosive incendiary or poison gas.

Weapons under the control of law enforcement officials shall be exempt from this policy. Firearms also may be possessed by a person for the purpose of using them, with the approval of the ESU, in a historical reenactment, in a hunter education program, or as part of an honor guard. The Program Director may allow authorized persons to display weapons or other dangerous objects or look-a-likes for educational purposes. Such a display shall also be exempt from this policy.

USE OF METAL DETECTORS

When Educational Service Unit No. 13 administration has reasonable cause to believe that weapons are in the possession of unidentified students, when there has been a pattern of weapons found at the ESU or when violence involving weapons has occurred at the ESU or at ESU sponsored events, the administration shall be authorized to use stationary or mobile metal detectors in accordance with procedures approved by the Board.

Any search of a student's person as a result of the activation of the detector shall be conducted in private in accordance with the policy on Searches, Seizures and Arrests.

SEARCHES, SEIZURES AND ARRESTS

Educational Service Unit No. 13 property is held in public trust by the Board. ESU authorities may, without a search warrant, search students, protected student areas, or vehicles driven by students parked on ESU property based on a reasonable and definable suspicion that an ESU policy, rule, regulation or law has been violated.

The search shall be in a manner reasonable in scope to maintain order and discipline in the schools, promote the educational environment, and protect the safety and welfare of students, employees and visitors to the ESU facilities. The furnishing of a locker, desk or other facility or space owned by the ESU and provided as a courtesy to a student, even if the student provides the lock for it, shall not create a protected student area and shall not give rise to an expectation of privacy with respect to the locker, desk or other facility.

ESU authorities may seize any illegal, unauthorized or contraband materials discovered in the search. Items of contraband may include, but are not limited to, nonprescription controlled substances, marijuana, cocaine, amphetamines, barbiturates, apparatus used for controlled substances, alcoholic beverages, tobacco, weapons, explosives, poisons and stolen property. Such items are not to be possessed by a student while they are on ESU property or on property within the jurisdiction of the ESU; while on ESU owned and/or operated transportation; while attending or engaged in ESU activities; and while away from ESU grounds if misconduct will directly affect the good order, efficient management and welfare of the ESU.

Possession of such items will be grounds for disciplinary action including suspension or expulsion and may be reported to local law enforcement officials. The Board believes that illegal, unauthorized or contraband materials may cause materials and substantial disruption to the school environment or presents a threat to the health and safety of students, employees, or visitors on the ESU premises or property within the jurisdiction of the ESU.

The Administrator or Program Directors may release minor students into the custody of a law enforcement officer upon presentation of a court order or warrant for the student's arrest, or to remove a student from the ESU premises if the officer or ESU Administrator has reason to believe that the students has violated the law.

The Program Director or designee will immediately attempt to notify the parent/guardian or responsible relative of the student's release and the place to which the student is reportedly taken, except in cases of child abuse.

SECURITY

The Board of Educational Service Unit No. 13 encourages cooperation with the local law enforcement and the fire authorities and insurance company personnel in planning and carrying out proper security measures to preserve and protect ESU's investment in its physical plant. Buildings constitute one of the greatest capital investments of the ESU and should be protected. Security includes minimizing fire or other safety hazards, reducing the probability of faulty equipment, and keeping records and funds in a safe place. Security also includes having available floor plans of buildings and site plans showing the boundaries and access points.

A key control system shall be established and maintained limiting building access to ESU #13 personnel thus safeguarding against potential entry by unauthorized persons.

Protective devices designed as safeguards against illegal entry and vandalism shall be installed where appropriate. A security guard may be employed when special events or activities are scheduled, or in situations involving special risks.

The Administrator is directed to establish regulations as may be needed to provide for security of building and grounds.

Incidents of illegal entry, theft of school property, vandalism or damage to ESU property from any cause shall be reported by phone to the office of the Administrator and to the appropriate law enforcement agency as soon as discovered. A timely written report of the incident shall be forwarded to the Administrator.

ACCESS TO BUILDINGS

Security for Educational Service Unit No. 13 buildings and grounds (at all times) contributes to the well-being and safety of its students and staff as well as to that of the sites themselves.

The Administrator and/or designee will control access to the ESU buildings and other facilities as appropriate and necessary to protect property, students and personnel.

Card access to buildings are determined and controlled through the issuances of cards. Hours shall be determined by the Administrator and enforced by the building Program Directors.

Program Directors will control access to the ESU buildings and will provide safeguards against unauthorized access to these buildings. Each Program Director, with the Administrator's approval, will develop regulations designed to control the use of the building keys and to ensure that buildings are adequately closed and locked when no authorized personnel are present. Staff or students who fail to obey such regulations may be disciplined, suspended or dismissed.

During regular school hours, flow of traffic into and out of buildings shall be closely monitored and limited to certain doors. Visitors shall be required to check in to show proper identification and reason for being at the school and shall wear name tags identifying them as visitors. This will not apply when parents/guardians have been invited to a classroom or assembly program.

Access to school buildings outside of regular school hours shall be limited to personnel whose work requires it and to sponsors of approved student activities.

Recommendation: First reading. No action required.

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 & Ossian, P.C.) 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](#).

- **Videoconference Meetings:**

The Board needs to decide whether or not to continue the practice of holding our February and March meetings as videoconference 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.

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

9. **Adjournment**

Appendix A

ESU 13 BOARD NOTES

Dr. Jeff West

January 2016

The furniture for the new addition conference room and reception area will be delivered on Friday, January 13th.

I am still working with Abbie Winters on external and internal signage. We want to take our time and make sure that we have the right signage in the correct locations to guide traffic both inside and outside. Once I receive Abbie's recommendations, I will ask for feedback from Directors to make sure we haven't missed something. Then we will put it out for bid.

Update on Scottsbluff Location Facility Projects for the 2016-17 Year

Fermin and I met with Tearle, Jack Baker and others from Baker and Associates to discuss a timeline and process for addressing the following facility issues:

- A new boiler system and controls in the original building (\$110,000- \$200,000)
- Replacing the walking path around the grounds so our Meridian students can get outside when the weather is nice. (\$70,000)
- Extend the vehicle storage building 2 additional car bays and one larger bay for the 2 buses.
- Concrete work (sidewalks) that are in need of replacement
- Explore most efficient heating options in the Meridian classrooms ((\$35,000)
- Air conditioning in Sixpence Offices ((\$25,000-\$40,000)

- Maintenance free siding on the multi-purpose room and out buildings (garages)
- Parking Lots

State ESUCC/Senator meetings

I was in Omaha for state ESUCC meetings on January 4th and 5th at ESU 3. I then met with Senator Stinner and other Western Nebraska state senators on Friday, January 6th at the state Capitol.

Day Treatment Facility

Laura Barrett and I continue to meet with DHHS, Region I and our member schools about the possibility of creating a day treatment facility. It looks as though we have the therapeutic side covered through private insurance, Medicaid, and other sources. Our main obstacle is funding the \$375,000/year for the education side.

AdvancEd External Visit Schedule

As we firm up our AdvancED accreditation visitation schedule, we need to get a public meeting of the board on the calendar for Wednesday February 1, 2017, from 2:00 p.m. - 2:30 p.m. The public meeting is an expectation included in the AdvancED Education Service Agency Accreditation Procedures.

During the meeting, the external review team will deliver their oral exit report to Dr. West, the board and the public.

Appendix B

BOARD COMMITTEE ASSIGNMENTS 2016

Policy:

- Pat Dobry
- Ray Richards
- Marilyn Wimmer

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/Doris Christensen)
- Tom Millette
- Ray Richards
- Mark Sinner

ESU/WNCC Project Board:

- Ray Richards Coral Richards (WNCC-Secretary)
- Mark Sinner Paul Leseberg (WNCC)
- Marilyn Wimmer Jack Nelson (WNCC)
- Richard Stickney (WNCC)

Election Districts:

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

Legislative Liaison:

- Patricia Jones

Complaint and Grievance:

- Patricia Jones
- Bill Knapper
- Ray Richards
- Marilyn Wimmer