

# BOARD OF EDUCATIONAL SERVICE UNIT NO. 13 (ESU 13)

Tuesday - November 17, 2020

Location - ESU 13 Main Office, 4215 Avenue I, Scottsbluff, NE

Regular Meeting - 7:00 PM

## A. Call to Order

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

## B. Excuse Absent Board Member(s) (Motion Necessary for Approval)

## C. Approval of Agenda (Motion Necessary for Approval)

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

- Minutes of meeting (October regular meeting)
- 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

- **November 18-20, 2020** - State Education Conference - Virtual (Jones, Knapper)
- **November 25-27, 2020** - ESU 13 closed for Thanksgiving break
- **December 2-5, 2020** - AESA Virtual Annual Conference (Jones)
- **December 9, 2020** - Panhandle Beginnings Ribbon Cutting Ceremony with Senator Stinner - 3:00 PM
- **December 15, 2020** - Regular Board Meeting (discuss holding virtually)
- **December 21, 2020 - January 1, 2021** - ESU 13 closed for Christmas break

### Public Forum:

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

### Reports

- Strategic Plan Goal #2 Update - Dr. Katie Carriazles and Danielle Cole
- Proposed establishment of an ESU 13 Foundation - Dr. Andrew Dick and Dr. Laura Barrett
- EHS/HS Required Governance Training - Donna Jenne
- Head Start Director's Report and Policy Council Activity Report for October (Uploaded to the Board material webpage)
- Administrator's Report ([Appendix A](#))

- Board Member Comments

#### D. Old Business

1. **Proposed Article 6, Sections 1-9 (Services to Schools and Children)**

Continuing with the revision and update of our current Board Policy using the template from Perry Law Firm, we have uploaded Article 6, Services to Schools and Children, for Board review. These sections have been also reviewed by Dr. Dick, ESU 13 staff, and the Board Policy Committee. In addition, the Student Health Section was reviewed by Carol Sinner, RN. This is the first reading of Article 6, Sections 1-9.

**Recommendation: First reading only. No action necessary.**

#### E. New Business

1. **Proposed Revision of Article 2, Section 6 (Notice of Meeting)**

In light of the new bills from the most recent Legislative session, Justin Knight, Attorney, of Perry Law Firm recommended that we update our current Board policy. This proposed revision is required under LB 148. The Policy Committee has reviewed the change. ([Appendix B](#))

**Recommendation: Move to approve the revision of Article 2, Section 6 (Notice of Meeting).**

2. **Proposed Revision of Article 4, Section 5 (Standards of Conduct)**

Justin Knight, Attorney, of Perry Law Firm, recommends this revision to stay consistent with school policies under LB 1080. The Policy Committee has reviewed this revision. ([Appendix C](#))

**Recommendation: Move to approve the revision of Article 4, Section 5 (Standards of Conduct).**

3. **Revision and Updated Head Start Policies and Procedures**

As per the Performance Standards, we need Board approval of revised Policy and Procedures. The revised Head Start Bylaws have been uploaded to the Board material webpage. Policy Council approved the Bylaws at their meeting on October 10, 2020.

**Recommendation: Move to approve the revised Head Start Bylaws.**

4. **Head Start/Early Head Start 2021-2022 Continuation Grant Application**

A Continuation Grant application in the amount of \$3,313,210.00 has been prepared for submission to the Administration for Children and Families for the Head Start and Early Head Start Programs no later than December 31, 2020. The continuation grant includes the Head Start five year goals, self-assessment results, T/TA Plan and School Readiness Plan.

**Recommendation: Move to approve the 2021-2022 Continuation Grant application for the Head Start/Early Head Start programs.**

#### F. Approval of Minutes (Motion necessary for Approval)

#### G. Adjournment

## **Appendix A**

### **Administrator Notes November 2020**

#### **ALICAP Award**

ESU 13 was the recipient of ALICAP's 2019-2020 SafeSchools Award Winner.

The email notifying us of the award states, "ESU #13 has proven to be a safety-minded district, with a strong SafeSchools training plan in place. According to our records, your staff completed 2,382 training courses using SafeSchools in the 2019-2020 school year. The time, effort and dedication of the administrators and staff members, does not go unnoticed. We applaud you all! In recognition of your efforts, ESU #13 received a 2% premium contribution discount on the 2020-2021 ALICAP billing (which was mailed in August). And furthermore, coming up in November at the State Education Conference, ALICAP will recognize your ESU at the Annual ALICAP Membership Meeting, which is Wednesday, November 18<sup>th</sup> at 4pm, in the CHI Center, in downtown Omaha. If at all possible, we would like to have at least one representative from your ESU in attendance at this meeting to receive public appreciation. Once again, congratulations on your award, and thank you on behalf of the entire ALICAP team. Your dedication to loss control and employee safety is outstanding!"

#### **Sidney Office Construction Project Update**

Andrew will provide an update on progress of the ESU 13/WNCC – Sidney Office construction project. The budget for this project included \$100,000 for contingencies. As of Friday, November 12th, \$72,005.34 remained in this account.

#### **Sale of Sidney Office Update**

Per Board Policy (Article 3 - Section 8 - Disposal of Property), "Real estate will be sold to the highest bidder, except that a minimum acceptable price may be established prior to bidding." Nan McMillen, Certified General Appraiser, completed an appraisal of the property. The different indications of value derived in the appraisal report followed:

- Value Indicated by Cost Approach - \$130,900
- Value Indicated by Market Comparison Approach - \$128,900

The final reconciled appraised value is \$130,000. I am open to input from the Board to assist in establishing a minimum acceptable price.

#### **HVAC Replacement and Computer Lab Renovation**

I would like to convene the Finance Committee prior to the December Board Meeting to review bids for the previously discussed (June Board Meeting) proposed HVAC replacement and a potential renovation to the Computer Lab. Plans go out to bid on Monday, November 16, with bids being due on December 8.

Engineer Cost Estimates (all include 10% contingency) are as follows:

- Learning Center HVAC Improvements - \$259,019
- Learning Center HVAC Improvements - \$293,692
  - Includes replacing existing ceilings and lighting fixtures
- Learning Center Ceiling & Lighting Replacement - \$87,004
- Computer Lab Remodel - \$69,350
- Central Building Upper Level HVAC & Lighting Replacement - \$86,849
- Learning Center Carpet Replacement - \$28,879
- IT Room Supplemental Units - \$17,022

### **Administrator Evaluation Timeline**

At last November's Board meeting, a new Administrator Evaluation instrument was approved. This instrument will be distributed to Board members tonight along with a copy of my goals. These are also posted on the Board Materials webpage. Please have these back to our Board President by December 7th. Mark and I will summarize the findings and comments in December and present them to the Board in January for my evaluation. In February, we will discuss my contract.

### **Snow-Redfern Foundation**

On November 5th, we received notice that ESU 13 was awarded a \$5,500 grant from the Snow-Redfern Foundation to enhance the therapy rooms at Panhandle Beginnings Day Treatment. Dr. Carrizales applied for this grant earlier in the summer. The funds will be used to furnish and supply our play therapy and sand tray/art therapy rooms.

## Appendix B

### BOARD MEETINGS

#### Section 6 - Notice of Meeting

##### A. Notice to Public

Reasonable advance publicized notice shall be given for meetings that are subject to the Open Meetings Act. The notice shall give the time and place of the meeting and contain an agenda of subjects known at the time of the notice. The agenda, which shall be kept continually current, shall be readily available for public inspection at the office of ESU #13 during normal business hours.

The Board will give advance notice of meetings by publishing such notice in a newspaper of general circulation within the ESU #13's jurisdiction and, if available, on such newspaper's web site. In addition to publishing, the Board may, in its sole discretion, also give advance notice of meetings by posting as an additional means of giving notice to the public. If notice is given by posting, the notice shall be posted on the front door of the Main office of ESU #13. The notice may in addition be posted at post offices, banks and other public places in the boundaries of ESU #13 or such other places at which the public may reasonably be notified.

~~Public notice of all regular and special meetings of the Board of ESU #13 will be printed in the Star Herald. Three days advance notice of the designated method shall be considered sufficient. Except for items of an emergency nature, the agenda shall not be enlarged later than twenty-four (24) hours before the scheduled commencement of the meeting. Proof of publication shall be presented at the beginning of each Board meeting and made part of the official minutes of the meeting.~~

For an emergency meeting, notice shall not be required to be given; however, the Board will complete minutes for such an emergency meeting as required by law.

The Board meetings that are subject to the notice requirement include all regular, special, or called meetings, formal or informal, of ESU #13 for the purposes of briefing, discussion of quorum, formation of tentative policy, or the taking of any action of ESU #13.

The notice requirement does not apply to the following:

1. Chance meetings or attendance at or travel to conventions or workshops of members of the Board at which there is no meeting of the Board intentionally convened, if there is no vote or other action taken regarding any matter over which the Board has supervision, control, jurisdiction, or advisory power.
2. Meetings of subcommittees unless a quorum of the Board attends or unless such subcommittees are holding hearings, making policy, or taking formal action on behalf of the Board.
3. Judicial or quasi-judicial proceedings such as termination hearing proceedings.

## Appendix C

### PERSONNEL

#### Section 5 Standards of Conduct

##### E. Professional Boundaries Between Employees and Students

All employees are expected to observe and maintain professional boundaries between themselves and students. A violation of professional boundaries will be regarded as a form of misconduct and may result in disciplinary action.

The following non-exclusive list of actions will be regarded as a violation of the professional boundaries that employees are expected to maintain with a student:

- Using e-mail, text messaging, instant messaging or social networking sites to discuss with a student a matter that does not pertain to school or ESU #13 related activities. Electronic communications with students are to be sent simultaneously to multiple recipients, not to just one student, except where the communication is clearly school-related and inappropriate for persons other than the individual student to receive (for example, e-mailing a message about a student's grades).
- Engaging in social-networking friendships with a student on social networking sites. Material that employees post on social networks that is publicly available to those in the school community must reflect the employee's professional image.
- Engaging in sexual activity, a romantic relationship or dating a student or a former student prior to the student graduating or otherwise leaving their home District.
- Making any sexual advance – verbal, written, or physical – towards a student.
- Discussing with a student sexual topics that are not related to a specific curriculum.
- Allowing a specific student to get away with misconduct that is not tolerated from other students, except as appropriate for students with an IEP or 504 Plan.
- Discussing with a student the employee's problems that would normally be discussed with adults (e.g., marital problems).
- Giving a student a ride in the employee's personal vehicle without express permission of the student's parent or school administrator unless another adult is in the vehicle.
- Taking a student on an outing without obtaining prior express permission of the student's parent or school administrator.
- Inviting a student to the employee's home without prior express permission of the student's parent and school administrator.
- Going to the student's home when the student's parent or a proper chaperone is not present.
- Giving gifts of a personal nature to a specific student.
- **Discussing alcohol, tobacco or other illicit drugs in a non-instructional setting, such as describing a party that the employee attended.**
- **Discussing another student's or employee's personal matters when it is not appropriate outside of the instructional setting.**
- **"Grooming," which includes building trust with a student and individuals close to the student in an effort to gain access to and time alone with the student, with the ultimate goal of engaging in sexual contact or sexual penetration with the student, regardless of when in the student's life the sexual contact or sexual penetration would take place.**

Appropriate exceptions are permitted to the foregoing for legitimate health or educational purposes and for reasons of familial relationships between employees and their children who are students of ESU #13. A staff member seeking an exception must receive advance approval from the Administrator or designee. If a staff member is unable to communicate with the Administrator or designee in advance (such as in the event of an emergency), the staff member must notify the Administrator or designee as soon as possible, but not later than 24 hours immediately following the event.

Any person who suspects an ESU #13 employee of engaging in any prohibited conduct under this policy, including grooming, should contact the Administrator or designee as soon as practical.

An employee who violates this policy may face discipline, up to and including termination of employment, and may be referred to the appropriate certification or credentialing agencies for further discipline.

A violation of this policy will result in referral to the Department of Health and Human Services, law enforcement, or both.