

BOARD OF EDUCATIONAL SERVICE UNIT #13

Tuesday – September 18, 2018

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

*Dinner – 6:30 PM

BUDGET HEARING – 7:00 PM

1. Call to Order

- Hearing is governed by the Nebraska Open Meetings

2. Review of ESU #13 Budget Document

Governing body will meet for the purpose of hearing support, opposition, criticism, suggestions or observations of taxpayers relating to the proposed 2018-2019 budget for the operation of ESU #13 (§ Sections 13-501 to 13-513)

3. Adjournment

TAX REQUEST HEARING – IMMEDIATELY FOLLOWING

1. Call to Order

- Hearing is governed by the Nebraska Open Meetings Act as posted.

2. Review of *Resolution* Setting the ESU #13 2018-2019 Final Tax Request

Governing body will meet for the purpose of hearing support, opposition, criticism, suggestions or observations of taxpayers relating to setting the proposed final tax request at a different amount than the prior year tax request. The Board of ESU #13 must pass by a majority vote a Resolution setting the tax request (§ Section 77-1601.02).

Year	Tax Request	Levy	Valuation
2017-2018	\$1,666,873.61	.01417865	\$11,756,225,075
2018-2019	\$1,651,110.63	.01398187	\$11,808,934,809

3. Adjournment

REGULAR MEETING – IMMEDIATELY FOLLOWING

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 (August 2018)
- 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

- **October 16, 2018** – Regular Board Meeting
- **October 19, 2018** – All staff in-service – HARMS Center
- **October 24, 2018** – ESU Advisory Council meeting – ESU 13 Conference room B & C, 10:00 am.
- **November 14-16** – 100th Annual State Education Conference – Lincoln (Diemoz, Knapper, Marx)
- **November 28-December 1, 2018** – 33rd AESA Annual Conference - The Broadmoor Hotel, Colorado Springs, CO.

Reports

- NASB Area Membership meeting (Diemoz, Knapper, Millette, Richards, Tollman)
- NASA/NASB Labor Relations Conference (Knapper)
- Administrator's Report ([Appendix A](#))
- Head Start Director's Report for August (uploaded to website)

4. OLD BUSINESS

- **Proposed Board Policy Regarding Records Management – E-Mail Retention, Disposition and Litigation Holds**

The following proposed Board policy on Records Management was sent to us by Jerry Ostdiek, our attorney. Our Technology department has reviewed the policy for compliance. This is the first reading.

1. General Standard

Records should generally be organized, managed, retained and disposed of in accordance with law and the Secretary of State's schedules for retention and disposition of public records.

2. Records Officer

The Administrator has been designated as the Records Officer of ESU #13. Any questions about the type or category of a record or the required retention period for it should be addressed to the Records Officer or designee.

3. Electronic Messages

Electronic messages are communications using an electronic system for the conduct of ESU #13 business internally, between other state and local government agencies, and with parents, students, patrons and others in the outside world. These messages may be in the form of e-mail, electronic document exchange (electronic fax), and Electronic Data Interchange (EDI). In this policy, the terms 'electronic messages' and 'e-mail' are used, depending on the context, to mean the same thing. The ESU #13 electronic system in which records are collected, organized and categorized to facilitate preservation, retrieval, use and disposition is as follows:

a. End-User Management

End-user means anyone who creates or receives electronic messages on the ESU #13 electronic system. Electronic messages are to be managed at the end-user's desktop rather than from a central point. Each end-user is responsible for organizing, managing, and disposing of records that are part of his or her desktop computer.

b. Categories for Retention

Electronic messages fall within three categories:

- Transitory messages*
- Records with a less than permanent retention period*
- Records with a permanent retention period*

End-users are to organize, store, retain, and dispose of electronic messages according to these three categories. This means determining which electronic messages require long-term retention, determining who is responsible for making this decision, and establishing storage and disposition requirements for electronic messages.

i. **Transitory Messages**

Transitory messages include copies posted to several persons and casual and routine communications similar to telephone conversations. For example, as determined on an individual case-by-case basis by the end-user, transitory messages include certain embryonic materials, notes or drafts; unwanted and unneeded "junk" mail; "personal" mail for employees not related to school business; unsolicited sectarian, religious, partisan, political or commercial messages or political advertising or advertisements promoting particular personal or religious beliefs, a specific ballot question, or controversial topics or positions. There is no retention requirement for transitory messages.

Employees sending or receiving such communications may delete them immediately without obtaining approval.

ii. **Less Than Permanent Retention Records**

These records are governed by the retention period of equivalent hard copy records as specified in the approved records retention and disposition schedules. (Please refer to Schedule 24 - Local Government-General Records and Schedule 95 - Local Government-Educational Service Units on the Nebraska Records Management Division website. www.sos.ne.gov/records-management/retention_schedules.html.) These records should be converted to hard copy (printed) or an electronic format which can be retrieved and interpreted (downloaded) for the legal retention period. Employees creating or receiving such communications may delete or destroy the records only according to the applicable retention schedule. Question relating to the retention or destruction of these records should be referred to the Records Officer.

iii. **Permanent/Archival retention records**

Decisions relating to such records should be made by the records officer in consultation with the State Records Administrator about either transferring the records or maintaining them in the agency of origin. If the transfer decision is made, the method, frequency, and format of the transfer should be determined cooperatively by the Records Officer and the State Records Administrator.

c. **ESU #13 E-mail Deletion Guidelines**

ESU #13 employees are responsible for managing the e-mail inboxes. ESU #13 e-mail is secure and is backed up daily. The only e-mails that are deleted by the network are e-mails that employees have manually deleted and moved into the deleted folder, and the e-mails that in the junk mail folder. Junk mail is permanently deleted every 21 days and all items in a user deleted folder are permanently deleted every 90 days. All other e-mail messages in a user's inbox or in any subfolders are retained permanently.

d. **Proper use of Electronic Messages**

i. **Non-Discrimination**

Electronic messaging is not permitted to be used to promote discrimination on the basis of race, color, national origin, age, marital status, sex, political affiliation, religion, disability or sexual preference; promote sexual harassment; or to promote personal, political or religious business or beliefs.

ii. **Permissible Use**

Electronic messaging is to be used only for purposes that are consistent with the mission of ESU #13. Electronic messaging is not permitted to be used for personal purposes except for: incidental, intermittent, or occasional use which does not interfere with performance of duties as determined by the administration, use that is authorized pursuant to an individual use agreement, and use that represents a form of the employee's compensation. Electronic messaging is not permitted to be used for personal financial gain or for the purpose of campaigning for or against the nomination or election of a candidate or the qualification, pass, or defeat of a ballot question. Electronic messaging is not permitted to be used for purposes of assisting a nonprofit organization except when and to the extent such use serves an ESU #13 purpose or facilitates ESU #13 business.

iii. **Conduct**

Employees shall not read electronic message received by another employee when there is no ESU #13 purpose for doing so, send electronic messages under another employee's name without the employee's consent or administrative authorization, or change or alter any portion of a previously sent electronic message without administrative authorization.

iv. **Other Regulations**

Electronic messaging is subject to all requirements of ESU #13's "Acceptable Use of computers, Network, Internet and Websites" policy and may be monitored and access at any time without prior notice. ESU #13 has complete authority to regulate all electronic messaging. Electronic messaging is a privilege and not a property right; it is not a public forum. Electronic messaging is made available subject to all ESU #13 Board of Education policy and regulations, these regulations, building guidelines, use agreements, handbook provisions, and all administrative orders or directives as issued from time to time.

4. **Litigation Holds**

When litigation against ESU #13 or its employees is filed or threatened, ESU #13 will take all reasonable action to preserve all documents and records that pertain to the issue. Such action will, in particular, be taken when the litigation may be filed in federal court or otherwise subject to federal rules of discovery.

As soon as ESU #13 is made aware of pending or threatened litigation, a litigation hold directive will be issued by the Records Officer or designee. The directive will be given to all persons suspected of having records that may pertain to the litigation issue.

The litigation hold directive overrides any records retention schedule that may otherwise call for disposition or destruction of the records until the litigation hold has been lifted. E-mail and computer accounts of separated employees that have been placed on a litigation hold will be maintained by the Records Officer until the hold is released.

Employees who receive notice of a litigation hold are to preserve all records that pertain to the litigation issue. This includes preserving electronic messages that would otherwise be deleted by the computer system. Such messages are to be converted by the recipients of the litigation hold to hard copy (printed) or electronic format which can be retrieved and interpreted (downloaded) for the duration of the litigation hold.

No employee who has been notified of a litigation hold may alter or delete an electronic or other record that falls within the scope of the hold. Violation of the litigation hold may subject the employee to disciplinary actions, up to and including dismissal, as well as personal liability for civil and/or criminal sanctions by the courts or law enforcement agencies.

Recommendation: First reading only. No action required.

5. NEW BUSINESS:

- **Proposed 2018-2019 Budget for ESU #13**

A copy of the Budget Document has been uploaded to the website. The proposed budget reflects an increase of \$3,158 over last year's adopted budget.

Recommendation: Move to approve the 2018-2019 proposed budget for the operation of ESU #13 in the amount of \$15, 068,374.

- **Resolution Setting the 2018-2019 Final Tax Request:**

The property tax request for the prior year will be the property tax request for the current year for purposes of the levy set by the County Board of Equalization unless the governing body passes by a majority vote a *Resolution* setting the tax request at a different amount. ([Appendix B](#))

Recommendation: Move to approve the Resolution setting the 2018-2019 property tax request at \$1,651,110.63

6. Approval of Minutes (Motion necessary for Approval)

7. Adjournment

Appendix A

ESU 13 BOARD NOTES Dr. Jeff West September 2018

Finance Committee and 2018-2019 Budget

The Finance Committee met to review the budget on September 10th. Members of the committee were Bill, Ray and Mark. Tom was out of town. We have lowered the levy again this year to .013981 and reduced the tax request by \$15,763. We are also lowering the cash reserve to \$4.1 million at the end of this year if we spend everything that is budgeted.

This year's valuation increase was .448% which is down from the previous year of 3.363%.

Scottsbluff Facility Update

For the 18-19 fiscal year, I wanted to update you on proposed improvements to the Scottsbluff site. Included in your Board packet is a project estimate for new vehicle storage buildings for 4 cars and 6 busses. We are also proposing completing the front concrete driveway and the multi-purpose room parking lot. There will also be a landscape project directly behind the Conference Room C door in the north parking.

Sidney Office Update

Nothing new to report.

Auditor:

KSO CPAs + Advisors will be here on Monday and Tuesday November 26 and 27, 2018 for our 2017-2018 audit. They will be contacting Jodi and Desira for information.

ESU Administrator Evaluation Instrument:

Even though my evaluation doesn't happen until March, do we want to start reviewing some of the evaluation forms given to me by other ESUs? Do you want to change the evaluation instrument?

Nebraska Rural Community Schools Association (NRCSA):

Dr. Caroline Winchester, Chadron Public Schools Administrator, asked me to consider becoming a member of this Association. The dues for 2018-2019 are \$850.00. A brochure has been uploaded to your Board materials. I would guess that more than half of our schools are members of NRCSA. Your thoughts?

Hire Dates for Compensation Increases:

When we calculate compensation increases for the new school year, do we want to have a cutoff date when the staff member was hired? As an example, if we hire someone in May, June or July, they would not be considered for an increase.

ESU 13 Safety Notebook (Plan)

The All Hazards Manual is completed. The Safety Committee is still reviewing the manual. We will be presenting it to the Board for approval in October. Each of you will receive a copy.

HATC Safety Conversations

As I shared with you in June, we will be replacing the store front doors with traditional doors with panic bars. We discussed handicap accessibility as well as a buzzer system so our doors can be locked. The two bids we received are in your board packet. The low bid was to Looking Glass Windows but WNCC has not been able to get in contact with them all summer, so they are now reaching out to Thompson Glass. We will get this scheduled as soon as possible.

Baker & Associates Process for Facility Assessment/Estimates

After our discussions last month concerning a possible facility for Meridian, Head Start and New Beginnings Day Treatment, I reached out to Baker & Associates and have included my e-mail to them and their response below:

“Good morning,

I have a rather complicated question and I don’t even know if you can give me an answer but here it goes.

We are exploring the possible expansion of a couple existing programs and possibly adding a new program at ESU 13. That would require the acquisition/renovation of an existing building. Without knowing what building, what design would best meet our needs, and what it would cost to renovate, do you have a set contract price for going into a building and giving us an estimate of what it might cost to renovate? Or is that cost based upon more info then I can give you at this point?

Sorry if this is confusing. Just trying to find out how we might get started and what that could possibly cost us.”

Thanks

Jeff

Jeff:

“Our initial review of a building to provide a rough budget cost to remodel would be at no cost to you. The probable cost would be based on square foot costs based on a rough understanding that the building would need to meet ADA and current code standards and be classrooms and/or meeting rooms.

More detailed probable costs could be provided after existing and proposed floor plans are developed, which would require architectural fees for the drawings. We would provide a proposal once you have a building selected and provided an outline of the programs/rooms required.

Please contact us if you have any questions or need additional information.”

Barry Swanson | Senior Project Manager

Meridian/Panhandle Beginnings

For a number of years Meridian staff, outside providers and our SPED Directors (Marg and Laura) have shared concerns with me about the lack of space in our Meridian classrooms, therapy space, and indoor recreational space. Until recently I have just kind of felt we didn't have any other options. I have had a recent conversation with Krystal Palm about the front part of the old TLC building. I think they are very willing to talk with us about some of that space. Laura has talked with the SPED directors in our service area about this as a possibility and if they would support the move and possible improvements we could make with the program with the additional space. The response has been overwhelmingly positive. We would also have enough space to add a day treatment/school program in that space in the future should we figure out the funding. Both Laura and Dr. Katie Carrizales (Day Treatment/Day School Director) feel we can accommodate both programs in this space. I have asked Laura to share her thoughts with me in writing:

Meridian Benefits

Meridian staff and district representatives were informally surveyed and all of them felt this would be a benefit to students in the Meridian program. Some of the benefits we have discussed are:

- Meridian classrooms are currently very full due to the number of students who use wheelchairs and the number of staff we have in order to meet the needs of the students. All staff are based upon the student's IEP so reducing staff is not an option for us.
- We have a playground and play area that is great for the students to burn off energy, but it is not completely accessible for students who use wheelchairs. During the winter, students stay indoors on a regular basis because of medical conditions that could be worsened by prolonged exposure to the cold and wind. My vision would be turning one of the greenhouses into an accessible playground for the students so that they can always have somewhere for physical exercise and play.
- Our current sensory rooms meets the large motor physical therapy and sensory needs through treadmill, exercise bike and elliptical. However, we are missing a quiet sensory space that students could use to self-soothe and regain composure. Physical therapy spaces are limited to hallways and the multipurpose room that is sometimes occupied by the music program. This limits the activities that the physical therapists could provide for our students.

Panhandle Beginnings Benefits

- Partnering with established program would allow for credibility of name and programming.
- There are built in volunteer opportunities through working with Meridian.
- The location is dedicated to education and not shared with other entities.

Benefits to both

- Private therapeutic spaces for students to receive services.
- Possible sharing of staff: nursing, teachers, principal, secretarial, etc.
- Access to nature
- Opportunity for more life skills programming for students through shared on-site facilities (laundry, cooking, gardening, etc.)

Benefits to Special Services Program with expanded space

- All Special Services staff in one area of the building making collaboration easier.
- Special Services Meeting room/training facility that won't take up the other conference rooms. There are many times this is booked.
- Room for existing and expanding staff. All Special Services offices have 2-3 people in them already. We are looking at two more offices housing 3 people within the next year. The current offices are not built for this.

This would also allow us to convert the Meridian classrooms into additional offices/meeting rooms. We have already outgrown our new space. When we renovated the Meridian classrooms we did so with the idea that we may want to convert them to offices or meeting rooms sometime in the future.

As a Board, we have discussed budgeting next year to build a garage for the busses. I think that was estimated to cost \$450,000 or so. My thought would be as important as that garage may be, I would rather we consider using those funds to purchase a building that allows us to expand and improve student programs.

What are the thoughts of the Board?

CAPWN LEASE WITH WNCC:

We are keeping the leases the same this year with CAPWN.

Strategic Planning:

I have met with the Directors and we have two Directors signed up to Co-Chair each of the writing teams for the 5 goals. We are meeting with Dr. Larry Dlugosh, on September 21 when he will train us on the process of writing the action plans for the 5 goals. Then, the Directors will reach out to people who attended our strategic planning session last May and ask three people, who have some expertise about the goal, to make up each

committee. Ray, Tom, Diane, Scott and Kim, if you would like to sit in on one of the writing teams for a particular goal, that would be great but we understand it may not be feasible with your schedules.

Legislation Update:

Nothing new to report.

AESA Annual Conference:

Please let Desira know as soon as you can to register for this event. A copy of the agenda is uploaded to your Board materials. Early registration discount deadline is October 24th (\$100 savings).

Appendix B

**RESOLUTION SETTING THE FINAL PROPERTY TAX REQUEST
OF EDUCATIONAL SERVICE UNIT NO. 13**

WHEREAS, Nebraska Revised Statute 77-1601.02 provides that the property tax request for the prior year shall be the property tax request for the current year for purposes of the levy set by the County Board of Equalization unless the governing body of Educational Service Unit No. 13 (ESU #13) passes by a majority vote a **RESOLUTION** setting the tax request at a different amount; and

WHEREAS, a special public hearing was held as required by law to hear and consider comments concerning the property tax request; and

WHEREAS, it is in the best interest of ESU #13 that the property tax request for the current year be a different amount than the property tax request for the prior year.

NOW, THEREFORE, the governing body of ESU #13, by a majority vote, resolves that:

1. The 2018-2019 property tax request be set at:

Fund	Tax Request	Levy
General	\$1,592,517.51	.013485699
Bonded Indebtedness	\$58,593.12	.000496177
Total	\$1,651,110.63	.013981876
2018 Valuation: \$11,808,934,809		

2. A copy of this **RESOLUTION** shall be certified and forwarded to the County Clerk prior to September 20, 2018.

It is so moved by _____ and seconded by _____ this **18th day of September, 2018.**

Roll call vote as follows:

Board Member	Yes	No
Diane Coon		
Steve Diemoz		
Patricia Dobry		
Don Egging		
Patricia Jones		
William Knapper		
Scott Marsh		
Kim Marx		
Tom Millette		
Ray Richards		
Mark Sinner		
Rosalene Tollman		

The undersigned herewith certifies as President of the Board of ESU #13 that the above-stated **RESOLUTION** was duly adopted by a majority of said Board at a duly constituted public meeting of said Board.

President of the Board: _____