

BOARD OF EDUCATIONAL SERVICE UNIT NO. 13

Tuesday – April 11, 2017

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

Finance Committee – 6:00 (Review bid from the Arboretum staff on landscape project and sprinkler bids)

***Dinner - 6:30 PM**

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. 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
- Treasurer's Report
- Fund Balance
- Budget Report
- Claims for Disbursement

Calendar

- **April 12 & 13, 2017** – SWEAT (Student Wellness Education & Training) – Kearney Holiday Inn.
- **April 14 & 17, 2017** – No school for students or staff (offices closed)
- **April 26, 2017** – ESU #13 Administrative Advisory Council Meeting-ESU #13 Center, 10:00 a.m.
- **May 16, 2017** – Regular Board Meeting
- **June 8-9, 2017** – School Law Seminar- Younes Conference Center, Kearney, NE

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.

4. Old Business

- **Board Policy regarding Harassment by Students:**
Continuing with the series of policies regarding NDE's standardized protocol in response to emergencies in schools, the following policy is listed for addition to the official Board policies.

Harassment by Students

Harassment of students, staff or visitors by other students will not be tolerated in ESU No. 13. This policy is in effect while students are on ESU grounds, ESU property, or on property within the jurisdiction of the ESU; while on ESU owned and/or ESU operated transportation; while attending or engaged in ESU activities; and while away from ESU grounds if the misconduct directly affects the good order, efficient management and welfare of the ESU.

Harassment prohibited by ESU includes, but is not limited to, harassment on the basis of race, sex, creed, color, national origin, religion, marital status or disability. Students whose behavior is found to be in violation of this policy will be subject to the investigation procedure which may result in discipline, up to and including, suspension and expulsion.

Sexual harassment means unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

- *Submission to such conduct is made either explicitly or implicitly a term or condition of a student's education or of an individual's participation in school programs or activities;*
- *Submission to or rejection of such conduct by a student is used as the basis for decisions affecting the student; or*
- *Such conduct has the purpose or effect of unreasonably interfering with an individual's performance or creating an intimidating, offensive or hostile learning or work environment.*

Sexual harassment as set out above, may include, but is not limited to the following:

- *Verbal or written harassment or abuse, or unwelcome communication implying sexual motives or intentions;*
- *Pressure for sexual activity; repeated remarks to a person with sexual or demeaning implications;*
- *Unwelcome touching;*
- *Unwelcome and offensive public sexual display of affection;*
- *Suggesting or demanding sexual involvement, accompanied by implied or explicit threats concerning one's grades, achievements, etc.*

Harassment on the basis of race, creed, color, religion, national origin, marital status or disability means conduct of a verbal or physical nature that is designed to embarrass, distress, agitate, disturb or trouble individuals when:

- *Submission to such conduct is made either explicitly or implicitly a term or condition of a student's education or of an individual's participation in school programs or activities;*

- *Submission to or rejection of such conduct by a student is used as the basis for decisions affecting the student; or*
- *Such conduct has the purpose or effect of unreasonably interfering within an individual's performance or*
- *Creating an intimidating, offensive or hostile learning or work environment.*
- *Harassment as set forth above may include, but is not limited to the following:*
 - a) *Verbal, physical or written harassment or abuse;*
 - b) *Repeated remarks of a demeaning nature;*
 - c) *Implied or explicit threats concerning one's grades, achievements, etc.;*
 - d) *Demeaning jokes, stories, or activities directed at an individual.*

ESU will promptly and reasonably investigate allegations of harassment. The Administrator will be responsible for handling all complaints by students alleging harassment.

Retaliation against an individual because the individual has filed a harassment complaint or assisted or participated in a harassment investigation or proceeding is also prohibited. A student who is found to have retaliated against an individual in violation of this policy will be subject to discipline, up to and including, suspension and expulsion.

It shall be the responsibility of the Administrator, in conjunction with the investigator and Directors, to develop administrative rules regarding this policy. The Administrator shall also be responsible for organizing training programs for students and employees. The training shall include how to recognize harassment and what to do in case an individual is harassed. The employee training will be documented to ensure a record of training for each employee.

PROCEDURES REGARDING COMPLAINTS OF HARASSMENT:

Allegations of harassment will be thoroughly investigated. A student who believes he/she has been harassed, or persons having knowledge of incidents of alleged harassment, hereinafter referred to as "complainant", should notify the Director concerning the alleged action. Such notification shall be by the most direct means possible and shall be considered confidential. The complaint shall be made within (30) days of the alleged incident.

Any ESU employee contacted by a student complainant shall notify the Director. The student's parents or legal guardians shall be notified immediately, in writing, by the individual conducting the informal procedure.

Upon notification of conduct which allegedly constitutes harassment, the Director will investigate the complaint and attempt to resolve the situation on an informal basis. Every effort shall be made to maintain full confidentiality throughout the investigation and implementation of these procedures.

INFORMAL PROCEDURE:

The Director shall:

Meet with the complainant to determine the nature and extent of the alleged incident. The complainant's parents/guardians shall be present. The accused shall be allowed to have a representative of his/her choice present. A record shall be kept of the complaint, including names of the complainant and the person accused of harassment, date, time, location, description of the incident, witnesses, and any redress sought by the complainant.

Immediately refer the complaint to the Administrator and encourage the student to consult with him/her.

Meet with the person accused of harassment and inform him/her that a complaint of harassment has been made against him/her. A record of information, furnished by the person accused of harassment, shall be made.

Meet with witnesses, if any, and record information gathered.

Determine if the educational situation of the complainant is threatened and if so, take appropriate corrective measures.

Conclude the informal investigation in a period, not to exceed (30) days, with the following findings:

- *Resolve the matter to the satisfaction of both the complainant and person accused of harassment.*
- *Find that the parties are unable to resolve the matter informally, in which case, a formal complaint may be filed by the complainant. Upon filing of a formal complaint, the file of the informal procedure shall be forwarded to the individual conducting the formal procedure. If no formal complaint is filed, the record of the informal investigation shall be kept in a confidential file in the office of Administration. If the complaint involves an Administrator or employee of Administration, the file shall be kept at the office of the ESU Attorney.*

FORMAL PROCEDURE:

If the complainant of harassment is not satisfied with the result of the informal procedure, he/she may file a formal written complaint with an individual selected by a committee composed of the Administrator and the Director. The complaint must include information on the alleged incident such as name(s), date(s), time(s), location(s), description of the incident(s), and redress requested. The complaint must be filed within (30) days of the final determination under informal procedure. The report of the informal complaint investigation shall become part of the formal complaint. A record will be kept of all formal procedures.

The individual conducting the formal procedure shall meet with all parties involved to review the complaint, the report of the informal investigation, and educational environment of the complainant.

If deemed necessary, the educational situation of the complainant may be changed to provide for a non-intimidating or non-hostile atmosphere. These changes may include change of instructor and if pertinent, waiver of academic requirements. Decisions concerning such action must consider that the complainant is not to be inadvertently or otherwise punished because he/she has allegedly been harassed.

The individual conducting the formal procedure will render a written decision concerning the validity of the formal complaint within fifteen (15) days after receiving the formal complaint.

In determining whether conduct constitutes harassment, the individual conducting the formal procedure will examine the records, as a whole, and the totality of the circumstances, such as the nature of the alleged harassment and the context in which the alleged incident occurred. The determination will be on a case-by-case basis.

Copies of the decision shall be furnished to the complainant and the person accused of the harassment. The record of the formal investigation shall be kept in a confidential file in the office of Administration. If the complaint involves an Administrator or employee of Administration, the file shall be kept at the office of the ESU Attorney.

The complainant or person accused of harassment may appeal the decision at the conclusion of the formal procedure by filing a grievance through the established grievance procedures of the ESU.

The complainant may withdraw a complaint and stop the proceedings at any time. In the event a complaint is withdrawn, all records of the proceedings shall be expunged from the files of the individuals involved and complete confidentiality shall be maintained.

An employee who is found to have engaged in harassment of a student, will be subject to disciplinary sanctions, which may include but not be limited to, written reprimand, probation, demotion, transfer, required professional counseling, or termination of employment.

Bad faith allegations of harassment or use of this procedure for purposes unrelated to its clear intent are expressly prohibited.

ASSAULT:

If criminal charges for assault have been formally filed against any student, on the basis of alleged criminal conduct committed on ESU premises or within the scope of the ESU setting, the student shall be suspended, without prejudice, pending the outcome of the trial. No hearing regarding or evaluation of the alleged conduct shall be made until the criminal matter is dismissed or decided.

RECOMMENDATION: First Reading. No action required.

5. NEW BUSINESS:

• **Landscape Grant:**

The Board Finance Committee will review the winning bid from the Arboretum staff for the landscape grant project prior to our meeting on Tuesday and make a recommendation to the Board for approval.

Recommendation: Move to approve the recommendation of the Board Finance Committee regarding the landscape contract(s).

• **Sprinkler System for New Landscape:**

The Board Finance Committee will review bids for the separate sprinkler system for the landscape grant project prior to our meeting on Tuesday and make a recommendation to the Board for approval.

Recommendation: Move to approve the recommendation of the Board Finance Committee regarding the sprinkler contract(s).

• **ESU #13 Proposed Calendar for 2017-2018:**

We have uploaded to our website a draft of our proposed calendar for 2017-2018. Approval of our calendar will be an action item on the May agenda.

Recommendation: Information item only; no action required.

- **Employee Resignation:**
Kathy Vandamme, SOAR Staff Developer, will be retiring and submitted her letter of resignation on March 30, 2016. She states “I have enjoyed my 6 years as an employee with ESU 13 very much. It has been challenging and enriching. I feel I have represented my position with integrity and professionalism. It has been a pleasure to work for ESU 13.” Her contract ends June 20, 2017.
Recommendation: Move to accept the letter of resignation from Kathy Vandamme at the end of her 2016-2017 contract period.
- **Executive Session for Administrator’s Goal Setting: ([Appendix B](#))**
Each year we move to executive session for the purpose of discussing my personal goals.
Recommendation: Move to executive session for the purpose of discussing a personnel matter with the Board and the Administrator present.

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

7. **Adjournment**

APPENDIX A

**ESU 13
BOARD NOTES
Dr. Jeff West
April 2017**

2016-17 Scottsbluff Location Facility Projects

*New Boiler System/Controls in original Building: \$200,000
*Replace Pathway: \$70,000
*Efficient Heating System in Meridian Classrooms: \$35,000
*Air Conditioning in Sixpence offices: \$40,000
*Garage Additional Heat and Power: ???
Extend Vehicle storage building with Head Start/ESU 13: \$34,875
Matching Landscaping Grant: \$10,000
Sprinklers: \$15,000
Signage: \$43,800
Baker & Associates Pathway/Mechanical/Electrical Contract: \$43,350
Baker & Associates Parking Lot/Garage Contract: \$57,850

Total Estimated Costs for 2016-17 Projects: \$549,875

Remaining Spending Function Code Amounts in the 2016-17 Budget:

#2611	Facility Improvement	\$244,200
#3995	State Grants	\$150,000
#4999	Federal Grants	\$300,000

Total Spending Authority Remaining for 2016-17: \$694,200

2017-18 Projects

Parking Lots: \$400,000
Bus Garage/Concrete: \$412,000
Outside security cameras???

Vehicle Storage Building

We continue to work with Region 7 Head Start on the vehicle garage extension.

"New Beginnings" Day Treatment

Laura Barrett and I continue to work with Senator Stinner on a pilot project for a day treatment facility here in Scottsbluff that would serve the most students in our member schools with severe mental illness. We have provided the Senator with our latest draft. Our plans are to meet with Senator Stinner after this year's legislative session ends to review the draft and make any necessary changes he feels are necessary before he begins to float the idea with the Governor and other state senators.

We know it will need to be a pilot program. We are asking for a 5-year pilot. Region 1 Mental Health will handle the therapeutic components of the day treatment pilot program. The Educational Component will be offered through ESU 13. We are estimating the educational costs to be around \$500,000/year. This does not include a building. We are also meeting with Phillip Black, Congressman Smith's Community Liaison, to discuss possible federal support for our day treatment facility. Phillip is working with the Congressman's staff in Kearney as well as

Washington, DC to explore options that may exist. Eventually, we will meet with Congressman Smith to discuss our proposal.

AESA Annual Conference Spouse Repayment

As we continue to prepare for the state auditor's visit this October, we are reviewing and cleaning up some possible issues. One of the issues I feel we need to address is the repayment of spousal costs at the AESA Annual Conference. In the past, the ESU 13 Finance Department has held off on asking for repayment for spouse expenses until all the bills are in and recorded on the credit card. I think the state auditor may see this as the ESU covering these expenses for several months. I am recommending that in the future, we ask for repayment as soon as expenses appear on the credit card bill. That may mean board members having to pay the ESU twice instead of once, but I think that is cleaner. Thoughts?

Audit Discussion Update

During the Audit report discussion at last month's Board meeting, Scott wanted to know what they should be looking for when they visit unannounced. The question was emailed to Kristen who said she will put together a list later this month. We can discuss this at the May meeting.

Nebraska Liquid Asset Fund

Barry Ballou, of the Nebraska Liquid Asset Fund, visited with me about reactivating our account.

Stained Glass Repair

I would like to discuss the cost to repair the stained glass and whether or not we want to do it.

Jeff Vacation

I am going to take some vacation time in April, after the board meeting.

Update on Jeff's 2016-17 Goals

In a separate attachment I provided the board with an update on progress I have made on this year's goals. We will go into Executive Session to discuss this year's goals as well as talk about next year's goals.

APPENDIX B

Jeff West's Professional Goals for 2016-17

1. Continue focusing on a regional communication plan sharing relevant and important information about ESU 13 with all stakeholders.
 - Continue with monthly articles that will be shared regionally with all media outlets (newspaper, radio, TV) **I continue to send monthly newspaper articles at all regional newspapers, radio stations and TV stations.**
 - Continue to host at least one superintendent's advisory meeting from the Sidney and Chadron offices. Also, share ESU 13 information with superintendents during advisory council meetings throughout the year. **I did host a meeting this year at both the Chadron and Sidney offices.**
 - Provide staff with monthly communication via ESU 13 newsletter as well as updates at All-Staff In-service Days when appropriate. **I have a monthly article in the ESU 13 newsletter and have a section at each in-service day to update staff.**

2. Plan for and oversight of short and long-term facility projects at the Scottsbluff and Sidney offices.
 - Work closely with the Board Facility and Grounds Committee, ESU 13 staff, and Baker & Associates to provide the ESU 13 Board of Education with monthly reports on office improvements in Scottsbluff and Sidney. **I have been providing updates to the Board on the Sidney and Scottsbluff offices as new information becomes available.**
 - My report, along with the Buildings and Grounds reports, should serve as a framework or blueprint to guide the Board in decisions regarding future facility improvements in Scottsbluff and Sidney.
 - I will work closely with the Building and Grounds Committee and ESU 13 Board to plan for and fund facility improvements based on Board recommendations.

3. Work closely with ESU 13 staff, Region 7 Office and Central Office in Washington, DC in the proper oversight and governance of the Head Start/Early Head Start Grant.
 - Hire essential Staff to provide oversight and governance of the HS/EHS grant. **We have excellent staff in place in the essential staff positions.**
 - ESU 13 Finance Team Weekly Meetings. **The Central Office staff, Head Start Fiscal staff, Head Start Director, and HR staff meet weekly to keep everyone updated and on the same page.**

- Establish regularly scheduled meeting dates and times with essential HS/EHS staff to ensure proper oversight and governance of the grant. **These meetings are held Monday mornings at 9:00 a.m. in conjunction with the ESU 13 Finance Team meetings.**
4. Explore the creation of a Public Relations Committee as part of our Unit Improvement process to address communications with our external stakeholders and the community at-large.
- We are exploring with staff creating a PR Committee. **We already have an “internal” communication committee that was established when we merged with ESU 14. That committee is still in place and serves an ongoing purpose for keeping all of our offices and staff on the same page. What we need help with is communicating with the public and our external stakeholders.**
5. Continue with strong financial oversight of ESU 13 by the central office finance department and Board of Education as the organization continues to grow.
- Reorganized the ESU 13 Finance department to address some of the issue raised by our auditor during this year’s visit. **I shared those issues with the Board last month as well as steps we have taken.**
 - ESU 13 Finance Team Weekly Meetings. **The Central Office staff, Head Start Fiscal staff, Head Start Director, and HR staff meet weekly to keep everyone updated and on the same page.**
 - Ask the Board to make unannounced visits to the finance department to review various financial documents being prepared by staff as a way to address the ongoing issue of lack of segregation of duties.
 - Prepare for the state auditor’s visit in October of 2017.