

BOARD OF EDUCATIONAL SERVICE UNIT NO. 13

Tuesday – January 21, 2020

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

**5:30 PM – Policy Committee (Coon, Horn, Jones, Richards) – Article 4,
Personnel review**

**6:00 PM - Finance Committee Meeting (Knapper, Millette, Sinner,
Richards) - Bid opening for Sidney Project**

6:30 PM - Dinner

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

- Election of President
- Election of Vice President
- Election of Secretary
- Appointment of the Treasurer
- Appointment of Recording Secretary

3. Conflict of Interest Statutes and Code of Ethics for Board Members

- State Statutes 49-14,101.01 and 49-14, 101.02 regarding conflict of interest will be given to each Board member. Disclosure forms will be available, if needed.
- Following Board policy, and to assure that the entire Board acts in accordance with the foregoing legal responsibility and to ensure the effective functioning of the Board, each Board member will sign a Board-approved Code of Ethics.

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 22, 2020** – Advisory Council Meeting – 10:00 AM - hosted by Scottsbluff Public Schools – Speakers are Dr. Matt Blomstedt, Commissioner of Education, and Lane Carr and Shirley Vargas from NDE.
- **January 29 & February 5, 2020** – Budget & Finance Workshop – Norfolk and Kearney
- **February 9-10, 2020** – Legislative Issues Conference – Cornhusker Marriott – Lincoln (Diemoz, Jones, Knapper)
- **February 16-17, 2020** – President’s Retreat- Sidney
- **February 17, 2020** – Professional Learning Department-Mid-Winter Conference
- **February 18, 2020** – Regular Board meeting

Public Forum:

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

Reports

- Paul Smith, Director – ESU 13 Psych Services
- Head Start did not have a Policy Council meeting for December. The new 5 year grant proposal was submitted to Region 7 Office of Head Start. Approval of the grant will be announced by March 31, 2020. Head Start Annual Report, Self-Assessment 2018-19 and new five year goals were uploaded to the Board webpage in December for Board review.
- Administrator’s Report ([Appendix A](#))
- Board Member Comments

6. Old Business:

- **Social Media Board Policy**

ESU 13 does not have a Social Media Board Policy. We have researched social media policies from other districts and as a result, we have written the policy below for your approval. It has been reviewed by our safety director, B.J. Peters and our attorney, Jerry Ostdiek. It was introduced in November. This is the final reading.

Social media is an important tool for communicating, keeping up to date with current developments in education and for conducting research to enhance management, teaching, and learning skills. ESU #13 also uses social media accounts to provide information to our stakeholders. This policy is intended to ensure (1) appropriate use of social media by staff and (2) appropriate control of social media accounts belonging to or affiliated with ESU #13.

A. Personal versus ESU #13-Affiliated Social Media Use

1. *Personal Social Media Use*
 - a. *ESU #13 will not require staff members or applicants for employment to provide their username and password to personal social media accounts.*
 - b. *ESU #13 will not require staff to add anyone to the list of contacts associated with the staff member's personal social media accounts or require a staff member to change the settings on his or her personal social media accounts so that others can or cannot view their accounts.*
 - c. *Staff members whose personal social media use interferes with the orderly operation of ESU #13, interferes with the staff member's ability to perform their job duties or who use social media in ways that are not protected by the First Amendment may be subject to discipline by ESU #13.*

B. ESU #13-Affiliated Social Media Use

1. *Any social media account which purports an account of ESU #13 (e.g., "VALTS"), or any of its programs, classes or entities will be considered to be an account that is used exclusively for ESU #13's business purpose. Staff members may not use ESU #13- affiliated accounts for personal use.*
2. *Staff may be required to provide the username and password of ESU #13 affiliated social media accounts.*
3. *When staff use ESU #13-affiliated social media accounts to comment on ESU #13-related matters, they do not do so as private citizens and are therefore not entitled to First Amendment protections.*

C. Staff Expectations in Use of Social Media – Applicable to Both Personal and ESU #13- Affiliated Use

1. *General Use and Conditions*
 - a. *Staff must comply with all board policies, contract provisions, and applicable rules of professional conduct in their social media usage. They must comply with the board's policy on professional boundaries between staff and students at all times and in both physical and digital environments.*
 - b. *Staff must obtain the consent of their department director or the administrator prior to posting any student-related information in order to make sure that the publication does not violate the Federal Education Rights and Privacy Act (FERPA) or any other laws. Staff must also comply with all applicable state and federal record retention requirements, even with regard to personal social media usage.*
 - c. *Electronic communications with students are to be sent simultaneously to multiple recipients, not to just one student, except where the communication is clearly ESU #13-related and inappropriate for persons other than the individual student to receive (e.g., student grades). Communication with one student/parent should only be used on an emergency basis. In this case, these communications should include an ESU #13 staff member as a third person in the communication.*

d. *Staff must comply with all applicable laws prohibiting the use or disclosure of impermissible content, such as copyright laws, accountability and disclosure laws, and any other law governing the use of resources of a political subdivision. Questions about appropriate content should be referred to the staff member's direct supervisor.*

2. *Acceptable Use*

- a. *Staff may use social media for instructional purposes.*
- b. *Staff may use social media for ESU #13-related communication with fellow educators, students, parents, and patrons. Staff posting student-related information must ensure that it does not violate (FERPA) or any other laws.*

3. *Unacceptable Use*

- a. *Staff shall not access obscene or pornographic material while at work, on an ESU #13-owned device or on an ESU #13-affiliated social media account.*
- b. *Staff shall not engage in any illegal activities, including the downloading and reproduction of copyrighted materials.*
- c. *Staff shall not access social media networking sites such as Facebook, Twitter, and Instagram on ESU #13-owned devices unless such access is for an educational activity which has been preapproved by the staff member's direct supervisor. This prohibition extends to using chat rooms, message boards, or I instant messaging in social media applications and includes posting on social networking sites using personal electronic devices.*
- d. *Staff members may not use social media to harass or threaten other persons, including other staff members. In the event that a staff member is found to have harassed or threatened another person, said staff member may be subject to disciplinary action, including termination of employment.*

D. *ESU #13-Affiliated Digital Content*

1. *General Use and Conditions for ESU #13-Affiliated Accounts*

- a. *Staff must obtain the permission of their direct supervisor prior to creating, publishing, or using any ESU #13-affiliated web pages, social media pages or handles, or any other digital content which represents itself to be ESU #13-related, or which could be reasonably understood to be ESU #13-related. This includes any content which identifies ESU #13 by name in the account name or which uses ESU #13's name or image.*
- b. *Staff must provide their direct supervisor with the username and password for all ESU #13-affiliated accounts and must only publish content appropriate for the ESU #13 setting. Staff may not provide the username and password to ESU #13-affiliated accounts to any unauthorized individual, including students and volunteers without express, written consent from their direct supervisor.*

2. *Moderation of Third Party Content*

The purpose of ESU #13-related social media accounts is to disseminate information. No ESU #13-related or ESU #13-affiliated social media account covered by this policy shall permit comments by the public unless otherwise approved by the administrator. All comment functions for applications such as Facebook and Instagram must be turned to "off" without this approval.

Recommendation: Move to adopt Social Media Policy.

7. **New Business:**

• **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.

• **Board Standing Committee Appointments**

In accordance with our Board Policy, we take action annually to appointment members to a committee, or make changes to current committees. I have included a list of current committee assignments as [Appendix B](#).

• **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.

• **Designate Newspapers of Record**

Pursuant to Board Policy, included in our annual organizational meeting is the need to designate our newspaper of record. ESU 13 will continue to use Scottsbluff Star Herald.

Recommendation: Move to approve Scottsbluff Star-Herald as ESU 13's newspaper of record.

• **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.

- **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 Chadron, Alliance, Hay Springs, Hemingford and Sidney. Additional sites can be added at your request.

Recommendation: Your decision.

- **July Board Meeting**

AESA's summer Leadership Conference is held in July and coincides with the July Board meeting date. In past years, we have cancelled our July Board meeting if the agenda permits us to do so. However, we will need your approval to pay the General Fund Claims for July. This action will be ratified at our August Board meeting. Desira will email Board members when the claims have been posted on the Board webpage.

Recommendation: Your decision.

- **Sidney Project**

The Board Finance Committee will make a recommendation to the Board for approval of a contract for the construction of a new office structure that will be attached to the existing WNCC building in Sidney.

Recommendation: Move to approve the Finance Committee's recommendation for the contract.

- **Employee Resignation**

Paul Smith, Director of our Psychological Services Department, has submitted his resignation for retirement effective May 29, 2020. Paul has been an employee at ESU 13 since August 1998. He states "During my tenure, I have met and worked with students and staff in nearly 70 school buildings including those within ESU 13, and Goshen and Laramie Counties in Wyoming. I am certain that I will dearly miss the challenge, comradery, and the facilitation of student teams within schools and the ESU 13 staff."

Recommendation: Move to accept the letter of resignation for retirement from Paul Smith effective May 29, 2020.

- **ESU 13 Proposed Calendar for 2020-2021**

A draft of the proposed calendar for 2020-2021 has been uploaded to the website. It is ready for approval.

Recommendation: Move to approve the ESU 13 proposed calendar for 2020-2021.

8. Approval of Minutes (Motion necessary for Approval)

9. Adjournment

Appendix A

ESU 13 BOARD NOTES January 2020

Substitute Para and Job Coach Pay

The current hourly rate for substitute para and job coaches is \$10/hour. We continue to struggle to find subs in this area, and know that this is challenging and demanding work. Effective February 1st, we plan to increase the hourly rate to \$11/hour.

Upcoming Meeting with Head Start/Early Head Start Teachers

On Friday, February 7th, myself, Donna Jenne, Nici Johnson, and Kerry Mehling will be meeting with our Head Start/Early Head Start teachers to inform them of the revised language in Rule 11 and our next steps in order to ensure compliance with teacher certification regulations.

KSO CPAs + Advisors

Jodi and Desira received the draft of the audit on January 15th and are reviewing it. You should have the final report at the February Board meeting.

Administrator Contract

In accordance with Board policy, the contract with the Administrator is to be acted on at the regular February meeting. President Sinner would like the Negotiations/Personnel Committee to convene in the next week or so to discuss contract content that can be presented for action at the February Board meeting

Educational Service Unit Election Certification

It is time again for six of our Board members to file for recertification. Desira has completed and mailed the certifications to the Secretary of State and Counties. The following members will need to complete the Candidate Filing Form: Diemoz, Jones, Marsh, Marx, Millette and Richards. Filing deadline for incumbent is July 15, 2020 and nonincumbent is August 3, 2020.

Response to “Stronger Together” Article

After reading the column published in the January 9th Star-Herald, Calynn Evans, Federal Senior TA Liaison contacted NDE Federal Programs for additional information about ESU #13 Consortium of Mental Health Program. Kirk Russell's (ESEA Federal Programs Specialist at NDE) email to Dr. Katie Carrizales and I stated, “They would like to highlight the work ESU #13 and the eight (8) consortia schools are doing with the Title IV-A funds. Beth and I could answer surface level questions about your program, I know you and your Administrator can do a much better job. Calynn Evans is a real caring employee of the Title IV-A Technical Assistance Center, so I have enclosed a screen shot of our Title IV-A State Coordinators Portal page, and Calynn's email asking for further details of the ESU #13 Mental Health Consortium.”

NPPD Community Solar Program

ESU 13 has enrolled in the NPPD Community Solar Program. There is a one-time enrollment fee of \$50, which is refunded if you remain in the program for three years.

Based on the amount of kilowatts we used, it is anticipated that we will save approximate \$1,000 annually through our participation in the program.

Retirement

Maggie Bernal, Media Secretary, has submitted her retirement. Maggie's last day of employment with ESU 13 will be April 30, 2020. She has been an employee of ESU 13 for just over 48 years.

Staffing - Capacity

We have been and will continue to have conversations over the next few weeks around the topic of capacity, specifically in the area of supervision and leadership as it applies to a few of our departments. There are a couple roles, one of which is the evaluation of certificated teachers in the Head Start program that we need to ensure we are in compliance with state statute and Rule 84. In addition, with the retirement of Paul Smith, Director of Psychological Services, we need to determine how we will move forward with the leadership of Psych Services.

Nebraska School Board Recognition Week

The week of February 9-15 is School Board Recognition Week in Nebraska. The educational system in the Panhandle of Nebraska is stronger because of your leadership and engagement. THANK YOU for your dedication and service to the ESU 13 Board of Education.

Appendix B

BOARD COMMITTEE ASSIGNMENTS 2019

Policy:

- Diane Coon
- Tim Horn
- Patricia Jones
- Ray Richards

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

Programs/Services:

- Kim Marx
- Tom Millette

Finance:

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

ESU/WNCC Project Board:

- Scott Marsh Linda Guzman-Gonzales (WNCC)
- Ray Richards F. Lynn Klemke (WNCC)
- Mark Sinner R. J. Safely, Jr. (WNCC)

Election Districts:

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

Legislative Liaison:

- Diane Coon
- Steve Diemoz
- Patricia Jones

Complaint and Grievance:

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