

BOARD OF EDUCATIONAL SERVICE UNIT NO. 13

Tuesday – March 21, 2017

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

Videoconference Sites:

ESU #13 Satellite Office-1114 Toledo, Sidney NE

Alliance Public Schools Adm. Bldg.-1604 Sweetwater, Alliance, NE

Crawford High School – 908 5th Street, Crawford, NE

***Finance Subcommittee Meeting, ESU #13 Center - 3:00 PM (Millette, Richards, Sinner)
(Review signage 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

- **March 24, 2017** – Buffet Early Childhood Institute and Gallop Survey findings – Hampton Inn & Suites – Scottsbluff, 11:00 a.m.
- **April 11, 2017** – Regular Meeting (Moved up one week to accommodate Administrator's travel schedule.) B.J. Peters will be taking pictures of the Board Members for ID badges.
- **April 12 & 13, 2017** – SWEAT (Student Wellness Education & Training) – Kearney Holiday Inn.
- **April 26, 2017** – ESU #13 Administrative Advisory Council Meeting-ESU #13 Center, 10:00 a.m.

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](#))
- B.J. Peters – Landscape Grant- bids will be sent out prior to April meeting.
- President's Retreat held February 26-27 – Kearney Holiday Inn (Richards)
- Back to the Basics of School Law held March 7, Gering (Tollman, Diemoz, & Millette)
- Head Start Policy Council Activity Report and Director's Report.

4. Old Business

- **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 added to the official Board policies. The following policy was previously discussed with changes. Secondly, the current Board policy has a separate section for Firearms. The proposed Weapons Policy below would remove and replace the Firearms Policy. Jerry Ostdiek has reviewed the changes and has suggested the following.

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. When appropriate, law enforcement may be requested for assistance.

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. When appropriate, law enforcement may be requested for assistance.

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.

ESU will share the levels of protection with local fire departments, law enforcement and 911 communications to include location of KNOX BOX and other safeguards and contact information for after-hour emergencies on ESU properties.

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: Move to adopt the policy

5. New 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: Information item only; No action required.

- **ESU #13 Sign Bids:** The Board Finance Committee will review bids for signage for the ESU #13 facility prior to our meeting on Tuesday and make a recommendation to the Board for purchase.

Recommendation: Move to approve the recommendation of the Board Finance Committee regarding the purchase of signage for the ESU #13 facility.

- **ESU #13 Financial Report from McDermott & Miller:**

On Friday, March 10, we mailed a copy of McDermott & Miller's Financial Report for ESU #13 for the year ending August 31, 2016 for your review. Our auditors continue to recommend increasing internal controls through better use of staff as well as the Board. However, as discussed at the previous meeting, we are in the process of restructuring our Finance department. We will discuss this more in detail on Tuesday.

Recommendation: The Board acknowledges receipt and moves to accept ESU #13's Financial Report for the year ending August 31, 2016. A copy of the report is kept on file in the administrative office.

- **Employee Resignation:**

Jim Copley, Director of Internet Services, has submitted his letter of resignation effective July 1, 2017. He states "I will always be grateful for the opportunities and experiences I've had in my 24 years working with the staff of ESU-13. It's been particularly gratifying serving on the leadership team and unit improvement steering committee."

Recommendation: Move to accept the letter of resignation from Jim Copley beginning July 1, 2017.

- **Decision on date for Special Board Meeting to Approve Bids for Head Start Stove:**

Bids have been advertised for Head Start stove. The Finance Committee will need to meet 30 minutes prior to this special meeting. The Board will need to meet on either the 29th or 30th to approve the recommendation of the Finance Committee to purchase the item before March 31, 2017. The time of the meeting needs to be decided and whether this could be a DL meeting.

Recommendation: Move to have a special Board meeting on the March 29th or 30th at designated time to approve bids for Head Start stove recommended by Finance Committee.

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

7. **Adjournment**

APPENDIX A

ESU 13 BOARD NOTES Dr. Jeff West March 2017

Scottsbluff Location Facility Projects

- *New Boiler System/Controls in original Building: \$110,000-200,000
- *Replace Pathway: \$70,000
- *Efficient Heating System in Meridian Classrooms: \$35,000
- *Air Conditioning in Sixpence offices: \$25,000-40,000
- *Garage Additional Heat and Power
- Parking lots
- Extend Vehicle storage building
- Outside security cameras: ??
- *Sprinklers/Landscaping: \$25,000 (this is outside the Baker Agreement but approved by the Board)

Vehicle Storage Building

Head Start has some extra funds as they approach the end of their grant year. We have spent considerable time talking with Region 7 about the possibility of having some of the Head Start grant funds be used to construct an extension to our current vehicle storage building to shelter the new Head Start vehicles. If and when, there is a separation from ESU 13 and the Head Start grant, we would need to work through Region 7 and they would need to approve ESU 13 purchasing the vehicle storage building and writing a check back to the grant. There is a chance that if another entity would get the grant instead of ESU 13 and they would be located in Scottsbluff, it is possible they would want to keep the building as a part of the grant.

Alliance Board of Education Retreat

I am going to do a retreat/Goal-Setting session with the Alliance School Board and Superintendent on March 22nd.

AESA Spring Meeting in Waco, TX

I will be officially transitioning from President-Elect to President of AESA at this meeting. This is a quick meeting. I fly in on April 5th and fly back home on April 7th.

Buffett Early Childhood Institute Panel

I will be a member of a panel on March 24th where the Buffett Early Childhood Institute will unveil a statewide Gallup report on early childhood programs. Other panel members include Senator John Stinner, Kim Engel, Director of Panhandle Public Health District, Kathleen Gallagher, Cille and Ron Williams Community Chair, UNK and Buffett Early Childhood Institute, and Dr. Caroline Winchester, Chadron Superintendent.

All Staff In-Service Day on March 17th

We brought all 180 employees together last Friday to review the exit report from our recent AdvancED team visit. As I said last month, as soon as we get the official report, I will put it on the agenda and I will walk the board through the report.

Jeff Vacation

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

Update on Jeff's 2016-17 Goals

Next month I will provide the board with an update on progress I have made on this year's goals.