

BOARD OF EDUCATIONAL SERVICE UNIT #13

Tuesday – May 15, 2018

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

DINNER – 6:30 PM

REGULAR MEETING – 7:00 P.M.

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
- Approval of attendance for educational workshops, conferences, training programs, official functions, hearings, or meetings

Calendar

- **May 21-22, 2018** – Dr. Larry Dlugosh – Strategic planning, Harms Center, Rooms 188 and 189 - 9:00 a.m. to 4:00 p.m. (Marsh, Coon, Richards, Millette)
- **May 24, 2018** – Staff In-service and department meetings
- **May 28, 2018** – Office closed for Memorial Day
- **June 14, 2018** – NASB Member Golf Outing – Kearney
- **June 15, 2018** – School Law Seminar – Kearney
- **July 15, 2018** – Incumbent filing deadline. (Patricia Dobry, Rosalene Tollman, Mark Sinner, Bill Knapper, Diane Coon, Don Egging)
- **August 1, 2018** – Non-incumbent filing deadline.

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 Director’s Report for April (uploaded to website)
- Board President Ray Richards came to review Business Office procedures. Section 125 (Select Flex) and Investment procedures were reviewed.

4. OLD BUSINESS

- **Amendment to Sick Leave and Bereavement Leave Policies:**

Board member Mark Sinner requested adding “in loco parentis” to the above policies. The amendment has been made by our attorney, Mr. Ostdiek. The Policy Committee has reviewed and approved the new amendment. Both policies are in Section V: Personnel under Employee Benefits. This is the third and final reading for this policy.

Sick leave amendment in red:

The time granted under this leave may be used for personal illness or because of death or serious illness of the employee’s immediate family. Immediate family shall mean husband, wife, children, parents, grandparents, grandchildren, sons-in-law, daughters-in-law, brothers, sisters, brothers-in-law, sisters-in-law, or persons bearing the same relation to the spouse.

This policy includes stepparents, stepbrother, stepsister, stepchildren and persons who are “in loco parentis” (~~persons with day-to-day responsibilities to care for or financially support a child~~), which include those currently with day-to-day responsibilities to care for and financially support a child, or in the case of an employee, who had such responsibility for the employee when the employee was a child.

Bereavement leave amendment in red:

Immediate family includes husband, wife, children, parents, grandparents, grandchildren, sons-in-law, daughters-in-law, brothers, sisters, brothers-in-law, sisters-in-law, aunts, uncles, nieces, nephews, or persons bearing the same relationship to the spouse.

This policy includes stepparents, stepbrother, stepsister, stepchildren and persons who are “in loco parentis” (~~persons with day-to-day responsibilities to care for or financially support a child~~), which include those currently with day-to-day responsibilities to care for and financially support a child, or in the case of an employee, who had such responsibility for the employee when the employee was a child.

Recommendation: Move to adopt the proposed amendment of Board Policy regarding Sick Leave and Bereavement Leave.

- **Fixed Capital Asset and Inventory Policies:**

During the State Audit, it was found that ESU 13 does not have a formal Board Policy regarding Capital Assets and Inventory. They made a recommendation to add a Fixed Capital Asset Policy to ESU 13's Board Policies. Jerry Ost diek has drafted the following policies as part of our corrective action addressing that finding. This will be placed under Section IV: (C) Business. This is the second and final reading.

9. Capital Asset Management

ESU #13 shall maintain a fixed capital asset management system, tracking fixed capital assets equal to or greater than \$5,000. Fixed capital assets shall include the following: land, land improvements, easements, buildings, building improvements, vehicles, machinery and equipment, and infrastructure such as roads and waterlines. Any renovation or alteration to an existing building that adds useful space to the structure or extends the facility's useful life will be considered a fixed capital asset. Conversely, improvements that do not add useful space to the structure, or extend the facility's useful life will be considered maintenance and repair. At the discretion of the Administrator, items may be included in the fixed capital asset listing which do not meet the definition, including items generally smaller in size and more susceptible to theft.

The following are general guidelines for additions, disposal and review of capital assets.

A. Additions – *All purchases of fixed capital assets shall comply with the policies of the Board of Educational Service Unit #13. When capital assets are received, the Business Manager shall insure that the Administrative Assistant is notified of the addition. The Administrative Assistant will be responsible for maintaining a master spreadsheet with all of ESU #13's fixed capital assets included.*

B. Disposal – *The disposal of any ESU #13 capital assets shall be in compliance with the policies of the Board of Educational Service Unit #13. Upon the disposal of any capital assets, the Administrator shall inform the Administrative Assistant of the asset's disposal, and the Administrative Assistant will make the appropriate amendments to the master spreadsheet of fixed assets.*

C. Review – *The Administrative Assistant will conduct an annual review of the fixed capital asset listing to ensure accuracy and make necessary adjustments.*

10. Inventory of ESU #13 Property

ESU #13's Administrative Department (Office Manager) shall maintain a master inventory spreadsheet of ESU #13's assets that have a value of over \$300 for technological items and \$500 for all other items. This inventory shall not include items listed under the fixed capital asset list. The Director of each program shall inform the Administrative Department (Office Manager) when an item is disposed of, and the items shall be removed from the master inventory spreadsheet. An annual review of the master inventory spreadsheet will be conducted in January, with the Director of each program verifying the accuracy of the spreadsheet.

Recommendation: Move to adopt the Capital Asset Management and Inventory Policy.

5. NEW BUSINESS

• **Proposed Board policy for Pregnant and Parenting Students:**

In 2017, the Nebraska Legislature passed Section 79-2,149, et seq. Under this law, schools are required to “adopt a written policy...which provides for standards and guidelines to accommodate absences related to pregnancy and child care for pregnant and parenting students.” The Legislature directed NDE to adopt a model policy. Perry Law Firm has modified the policy to better reflect our legal requirements under the new law. This is the introduction.

Pregnant and Parenting Students

ESU #13 recognizes that pregnant and parenting students have the right and responsibility to attend school. This attendance right and responsibility applies to students regardless of their marital or parental status. Further, ESU #13 will educate pregnant and parenting students and will provide reasonable accommodations to support and encourage all pregnant and parenting students to obtain their high school diploma. No student will be excluded from, denied the benefit of, or discriminated against under any educational program or activity because of pregnancy or parent responsibilities.

Attendance and Leave of Absences

Pregnant and parenting students will be permitted to attend to their own health care, their child's medical care or other pregnancy-or parenting-related appointments with the benefit of having any such absences or tardiness excused. A student will be permitted to take a leave of absence for pregnancy, childbirth, and any other pre-and post-natal related medical needs, along with recovery therefrom for the duration that is deemed medically necessary by the student's licensed health care provider. At the conclusion of the leave of absence, a student will be immediately enrolled at ESU #13 at the same grade and status as when the leave began. Pregnant and parenting students shall be allowed to participate in all activities including extracurricular activities throughout the student's pregnancy and thereafter unless ESU #13 deems such participation poses a substantial risk of injury to the student or to others. A pregnant and parenting student may be asked to obtain certification from the student's licensed healthcare provider regarding the student's safe participation in an extracurricular activity when such certification is required of

students for other conditions which require the attention of a licensed healthcare provider.

Any absences accumulated due to pregnancy or pregnancy-related conditions, or care for an ill child, should not count towards ESU #13 policies in effect under compulsory attendance requirements. Pregnant and parenting students with excused absences or tardiness shall be treated like all other students with excused absences or tardiness for any other medical reasons.

Pregnant and parenting students will be provided with assignments, classwork and any additional support needed to ensure that the student can keep up with class requirements when absent for pregnancy or parenting-related absences.

Alternative Means to Complete Course Work

ESU #13 will provide at least one alternate method, in addition to traditional classroom instruction, to keep pregnant and parenting students in school. Such accommodation(s) may include accessing coursework online, home-based independent study, or at-home tutoring. Alternative methods of instruction or other alternative program for pregnant and parenting students are voluntary for the student who may elect whether to engage in an alternative method of instruction or the traditional methods of instruction available to their peers. Pregnant and parenting students shall be allowed to attend their regular classrooms and complete regular coursework.

Lactation

ESU #13 will provide reasonable time and space to accommodate lactating students to express breast milk or breastfeed during the school day. Such accommodations will be in a location, other than a bathroom or closet that is private, clean, has an electrical outlet, a chair and is reasonably accessible. Students shall also be provided a food safe refrigerator to store breast milk safely.

Child Care

If in-program child care is not provided, a list of qualified licensed child care providers will be provided upon request to pregnant or parenting students. Such list will be updated annually and include providers that participate in the quality rating and improvement system and meet all of the quality rating criteria for at least a step-three rating pursuant to the Step Up to Quality Child Care Act. Nothing in this policy is intended to prohibit or limit any referral for a student or a student's child to an early head start program or any other available community resources.

Privacy and Confidentiality

Pregnant and parenting students have the right to have their health and personal information kept confidential in accordance with law. ESU #13 staff will make every effort to keep personal information and health records confidential and in compliance with Nebraska and federal law.

Information about students' pregnancies and related conditions will not appear in their cumulative records and will not be used when they are being considered for education or job opportunities, awards or scholarships.

Other Accommodations

Pregnant and parenting students may request additional reasonable accommodations to ensure continued participation and enrollment in ESU

#13. *Accommodation requests will be evaluated on a case-by-case basis. Such accommodations may include but are not limited to: additional frequency allowed for bathroom breaks, additional time allowed in between class periods, a larger desk or additional work space, and adjustments to requirements for physical education as needed. Students seeking additional reasonable accommodation should make such requests to the program director.*

Bullying and Harassment

Pregnant and parenting students have the same rights as other students to be free from discrimination, bullying and harassment. Such ESU #13 policies are incorporated herein and apply to all students.

Policy Dissemination

This policy will be available at the beginning of each school year on the ESU #13 website and will be incorporated in the LifeLink handbook.

Recommendation: Introduction item only. No action necessary.

• **ESU #13 Menu of Services for 2018-2019 (uploaded to website)**

The results of the ESU #13 internal and external survey have been uploaded to the website for your review. Every year we ask our member districts to evaluate our existing programs and services and offer suggestions for revision and/or expansion to comply with §79-1204: *“ESUs shall act primarily as service agencies in providing core services and services identified and requested by member school districts.”* Feedback from the surveys determines our **Menu of Services** for the next year. At their April meeting, our Superintendents (representing a majority of the students) took official action to approve the 2018-2019 **Menu of Services** and recommend them to the ESU #13 Board for funding. The changes are highlighted in yellow.

Recommendation: Move to approve ESU #13’s 2018-2019 Menu of Services for funding as recommended by the member districts.

• **2018-2019 ESUCC Master Services Agreement:**

We have included a copy of the one-year Master Services Agreement between ESUCC and ESU #13 (uploaded to website). Page 17 of the agreement lists the cost for each project. I recommend the participation in the following projects:

- ✓ ESUPDO (Fee decreased from \$4,468 to \$4,131)
- ✓ BlendEd Projects:
 - Administration (no increase - \$5,400)
 - BlendEd (no fee)
 - Distance Education (No fee)
 - Media on Demand/Learn 360 (fee unchanged at \$0.425/student)

- Learning Object Repository (per negotiated contract)
- Instructional Materials: Learning Objects Acquisitions (no increase - \$5,000)
- Instructional Materials: Special Projects (no increase - \$4,500)
- Identity Management (no fee)
- Coop Purchasing (no fee)
- SRS (no change in fee-\$5,500 plus tier fee)

✓ Legislative and Governmental relations (fee unchanged at \$1,629.41)

Recommendation: Move to approve ESU #13’s participation in the above-listed ESUCC cooperative projects for 2018-2019 and authorize the Administrator to execute the Agreement.

- **Revision and Updated Head Start Policies and Procedures:**

As per the Performance Standards, we need Board approval of Policy and Procedures. We have uploaded to the website the revised *Transportation Written Plans and Family and Community Partnerships Written Plans*. Policy Council approved these plans at the April 24, 2018 meeting. (Policy Council minutes uploaded to website.)

Recommendation: Move to approve the revised Transportation Written Plans and Family and Community Partnerships Written Plans.

- **Accreditation for 2018-2019:**

We received official notification that the State Board of Education voted at their meeting on May 4, 2018 to grant the Commissioner of Education the authority to approve our application and classify ESU #13 as accredited based on our assurance of compliance with the provisions of Rule 84. This status is in effect for the period of July 1, 2018-June 30, 2019.

Recommendation: Information item only. No action required.

- **Employee Resignation:**

Rachel Tidemann, Teacher of the Deaf and Hard of Hearing, will be retiring after 12 years with ESU #13. She has submitted her letter of resignation effective at the end of the 2017-2018 school year. She states, “I am thankful for these years of opportunity to serve families, students, school districts, and our communities as a Teacher of the Deaf and Hard of Hearing through our Educational Service Unit.”

Recommendation: Move to accept the letter of resignation from Rachel Tidemann effective at the end of the 2017-2018 school year.

- **Employee Resignation:**

Michele Kuxhausen, CDC1 Head Start Teacher, has submitted her letter of resignation due to financial uncertainties of the Head Start program effective

at the end of the 2017-2018 school year. Michele states “I have enjoyed my time working for ESU 13 and would love to come back if something becomes available under my current degree.” She is working toward achieving a Master’s Degree and endorsement in Special Education Services.

Recommendation: Move to accept the letter of resignation from Michele Kuxhausen effective at the end of the 2017-2018 school year.

- **Discussion and Possible Action Regarding Non-renewal of Probationary Teacher Contract:**

Due to the financial uncertainties in relation to the funding of the Head Start Program, it is recommended that the contract for the 2018-2019 school year of Deborah Sinks, Early Head Start Teacher, not be renewed.

Recommendation: Move to non-renew Deborah Sinks’ Early Head Start Teacher Contract for the 2018-2019 school year.

6. Approval of Minutes (Motion necessary for Approval)

7. Adjournment

Appendix A

ESU 13 BOARD NOTES Dr. Jeff West May 2018

Scottsbluff Facility Projects

Work has been completed on the metal siding for the multipurpose room, still waiting to replace the two external doors to the multipurpose room.

LB 803: NDE/State Board Waiver; Head Start Teacher Certification Signed into Law by Governor

The Governor signed LB 803 into law. I have a signed copy of the bill hanging in the administrative office building.

Sidney Office Update

Nothing new to report from last month that follows.

ESU 13 Internal/External Survey Results

We uploaded the results in April so you could see what our member schools and our ESU 13 staff think about the job we are doing here at ESU 13. They are on this month's Board materials in the event you want to discuss the results.

Menu of Services

There is a motion to approve the Menu of Services for 2018-2019.

ESU 13 Safety Notebook (Plan)

We are finalizing our safety plan for ESU 13. Directors have shared with me their suggested changes. Next we will have the ESU 13 Safety Committee review and approve it as well. Once it has been reviewed and approved by those two groups, I will bring it to the Board for review and your approval.

HATC Safety Conversations

George Schlothauer and I have been meeting with Bill Knapper and Michelle Coolidge at WNCC to discuss the sliding doors into the ESU side of HATC. Our last meeting was on Thursday, March 15th where we met with two vendors to discuss 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. We are also talking with WNCC about a common intercom system throughout the HATC as well as staff access into the building.

Board Member ESU 13 Email Addresses

Ray Richards had asked me to check with our attorney regarding Board members using personal or other company emails for our board/ESU communication. Jerry agreed that due to a risk in litigation, it would be a good idea for us to communicate using ESU 13 assigned email addresses for you. Thoughts

Certified Teacher Re-assignment:

Pam Brezenski, our Transition teacher, will be re-assigned as SPED Coordinator for 2018-2019. We are currently advertising to fill her position. Pam is working on her administrative degree. Pam is filling the position, which has been held by Beth Maser.

Horizontal Movement on the Salary Schedule:

We have received a request for horizontal movement on the salary schedule for one of our VALTS teachers. The request states that when completed, the above courses will qualify him for the next degree of Masters of Administration. My interpretation of the negotiated agreement is that we wouldn't approve the move. The paragraph pertaining to this discussion follows:

Horizontal movement on the salary schedule will be granted only for approved graduate semester hours earned above and beyond full certification and endorsement for the current position. The hours must have been earned with a transcript or other evidence on file by September 1 in order to receive credit.

No more than 36 semester hours will be credited beyond the BA unless the MA is earned.

I did reach out to Jerry Ostdiek who said "Although not entirely clear from the language of the Negotiated Agreement, as I interpret Paragraph D of the Negotiated Agreement, if the new hours are not for the current position, then there would be no horizontal movement. These new hours would not be approved for this current position." Thoughts?

Public Notice of Board Policy Subcommittee meetings:

With the Board policy subcommittee beginning to meet and make recommendations to the board regarding policy, we reached out to our attorney to inquire about the Open Meetings Act and whether we need to publish as a public notice. Jerry says there has been recent litigation indicating that when a subcommittee is making a policy recommendation, even when it consists of less than a quorum, it would be best to publish a notice. If the subcommittee would like to meet prior to the regular Board meeting, then we could publish the notice at the same time of the regular meeting.

Perry Law Firm Policy Templates:

Continuing with Board Policy, we now have the templates for policies that pertain to ESUs. Desira has made copies of the templates for our subcommittee members (Coon, Dobry, Jones, Richards). I would recommend that the policy committee begin to review that template to see what we might be missing.

ALICAP Annual Safety Report:

In March, NASB Loss Control Consultant, Ken Navratil, came and met with B.J. Peters, Tiffany Leetch and Fermin Hernandez. We have uploaded this report for your review. I would like you to have time to review it, so if you prefer, we can discuss it at June's Board meeting.

ESU 13 Election District Filing:

Just a reminder to be sure to file in your district. Desira has put this into the calendar portion of the Agenda. A visitor came to ESU and picked up a color copy of our voting districts.

Morrill Board Meeting Comments:

I will share information regarding inaccurate comments made by Mr. Sherwood at a Morrill School Board meeting about Head Start payments.

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. Thoughts?

Pay off Balance of HATC Addition

I will have details at the meeting about the balance we owe on the HATC addition. I will also have some info about our cash reserve and where we project our cash reserve may end this fiscal year. With the political environment as it is, might it be a good idea to spend some of our cash reserve down, pay off this debt, and not have to levy any longer for this payment.