

BOARD OF EDUCATIONAL SERVICE UNIT No. 13

Tuesday, November 19, 2019

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

Facility Committee (Diemoz, Millette, Sinner, Richards) – 5:30 PM

Finance Committee (Knapper, Millette, Richards, Sinner) – 6:15 PM

Dinner – 6:30 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 Meetings (Budget Hearing, Tax Hearing, October 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

- **November 20-22, 2019** - NASB State Education Conference – CHI Health Center Downtown Omaha (Diemoz, Knapper, Marx)
- **November 27-29, 2019** – ESU 13 offices closed for Thanksgiving break
- **December 3** – 10th Annual Nebraska Child Health & Education Summit - Lincoln
- **December 4-7, 2019** – AESA Annual Conference, JW Marriott Desert Ridge Resort, Phoenix, AZ (Coon, Diemoz, Jones, Marx, Richards, Sinner)
- **December 11, 2019** – ESU 13 Administrative Advisory Council Meeting, via DL – 10:00 a.m.
- **December 17, 2019** – Regular Board Meeting

Public Forum

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

Reports

- Jadie Beam, Professional Learning Director – State accountability district rating/ESU 13 support
- EHS/HS Required Governance Training – Donna Jenne (PowerPoint and Reference Resource uploaded to the website)
- Head Start - Director's Report and Policy Council minutes for October (uploaded to the website)
- Administrator's Report ([Appendix A](#))
- Board Member Comments

4. OLD BUSINESS – None

- **Amendment of Board Policy – Article 3 (Services and Operations)**
Continuing with the revision and update of our current Board policy using the template from Perry Law Firm, Article 3, sections 1-10 have been revised and reviewed by our Policy Committee. The separate sections have been uploaded to the Board Member website. Due to the amount of new and revised content of Article 3, this is the second reading. We will have the final reading in December.

Recommendation: No action necessary.

- **Amendment of Board Policy – Employee Benefits, Sick Leave**
Our current leave of absence section V (Personnel); E (Employee Benefits); #7 (c) categorizes our classified staff into two groups (9 month and 12 month). We need to reflect the leaves of absence of those employees who do not fall into those two groups. Jerry Ostdiek has approved the changes. This is the final reading.

Sick leave is granted at the rate of ten (10) days for ~~nine-month~~ employees working 185 days and twelve (12) days for ~~twelve-month~~ 12-month-employees working 240 days (~~240-days~~). Employees contracted to work more than 185 days and less than 240 days are granted one day of sick leave for each additional 20 days they work, or major portion thereof, i.e. an employee contracted for 205 days is granted eleven (11) days.

Sick leave is accrued as follows and is accumulated as follows:

- *Certificated/~~contracted~~ licensed/~~degreed~~ personnel are granted the total sick leave on the first day of employment.*
- *Classified/~~non-contracted~~ degreed personnel are granted one day of sick leave on the first day of each month until the total is accumulated. For new ~~classified~~ employees, sick leave is granted after the 90-day probationary period at the same rate.*

Recommendation: Second and final reading of amendment to Employee Benefits, Sick Leave. Move to approve the revision.

5. NEW BUSINESS:

- **Introduction of 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.

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 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: Introduction only. No action necessary.

• **VoIP System Switches**

The Board Finance Committee will meet prior to our meeting to review bids for VoIP system Switches that must be able to be managed by a Fortinet firewall. The bid request included six (6) Fortinet FortiSwitch-448D-FPOE, and two (2) Fortinet FortiSwitch-424D-FPOE. The Finance Committee will make a recommendation to the Board for purchase.

Recommendation: Move to approve the recommendation of the Finance Committee for the purchase of VoIP System switches

• **Administrator Performance Evaluation**

ESU 13 does not have a formal Administrator evaluation. Two evaluation tools from NASB and six evaluation tools from other ESUs have been reviewed by President Mark Sinner. The recommended Administrator Performance Evaluation document is attached for review. ([Appendix B](#))

Recommendation: Move to approve President Sinner's recommendation for the Administrator Performance Evaluation.

• **2020-2021 Baseline Grant Application for Head Start/Early Head Start Programs**

A baseline grant application in the amount of \$3,160,157 is being prepared for submission to the Administration for Children and Families for

the Head Start and Early Head Start programs no later than December 31, 2019. This grant includes the Head Start five year goals, self-assessment results, T/TA plan and School Readiness plan. Input for the 2020-2021 baseline grant was addressed at last month's meeting.

Recommendation: Move to approve the 2020-2021 baseline grant application submission for the Head Start/Early Head Start programs.

- **Interlocal Cooperation Agreement Between WNCC/ESU #13**

The WNCC Board has approved the Interlocal Agreement for the Sidney Project. The Agreement states the purpose of the Agreement is to exercise any power, privilege, or authority, and to construct, equip, furnish, use, operate, maintain and finance the WNCC/ESU #13 Sidney Facility in such manner as shall be necessary, desirable, advisable, or in the best interest of the parties, in the manner provided by the Interlocal act. (A copy of the Agreement has been uploaded to the website)

Recommendation: Move to approve the Interlocal Cooperative Agreement between WNCC/ESU #13.

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

7. **Adjournment**

Appendix A

Administrator's Report - November 2019

Grant Application for Day Treatment/Day School

ESU 13 will be submitting an application for a grant that could provide additional funding for the Day Treatment/Day School program. Per the Substance Abuse and Mental Health Services Administration website, "The Substance Abuse and Mental Health Services Administration (SAMHSA), Center for Mental Health Services (CMHS), is accepting applications for fiscal year (FY) 2020 National Child Traumatic Stress Initiative (NCTSI) - Category III, Community Treatment and Service (CTS) Centers grants (Short title: NCTSI III). The purpose of this program is to provide and increase access to effective trauma-focused treatment and services systems in communities for children and adolescents, and their families who experience traumatic events throughout the nation."

PowerSchool - TalentEd

***Strategic Objective 1.1:** By the winter of 2018, research and present (to member school districts) the concept of implementing a common school district application for all school districts in ESU 13.* ESU 13 and 11 member school districts have partnered to form a consortium. The consortium reviewed two products and the unanimous decision was to contract with PowerSchool - TalentEd for an online hiring and recruitment system. The system will be in place by January 1, 2020, if not sooner.

Classified Evaluation Instrument

A committee including Directors and myself have developed a new classified evaluation instrument. The previous instrument was outdated and Directors were struggling to provide their employees with meaningful feedback. We looked at several other instruments from various schools districts and ESUs. The new instrument has been reviewed by Jerry Ostdiek and he has indicated it is acceptable and he had no suggested amendments. Jerry also gave approval to implement in January 1, 2020 and confirmed the instrument did not need to be board approved.

KSO Audit

The audit team was here on November 4th and 5th for the 2018-2019 ESU 13 financial audit. Preliminary results are very favorable. During the exit interview, the only noted item was a check written in August that was not mailed until October.

Meridian Prom

The annual Meridian prom will be held on February 7, 2020. They will be participating in the 2020 Night to Shine, sponsored by the Tim Tebow Foundation. Desira will send out updates as more information comes in on this event.

CIR Decision and Supervisory Positions

Language included in the 2002 CIR decision identifies which certified positions should be included in the bargaining unit. Specifically, the certification order states, "All non-supervisory and non-administrative certificated employees, including the following positions: Psychologists, Teacher, Teacher-Valts, Naturalist/Counselor, Speech Pathologist, Director of Technology, Staff Developer, Speech Technician or School Nurse, Director of SOAR Staff Development." Currently, we have three certificated employees that are in supervisory roles in the bargaining unit and are not specifically listed in the order. According to Justin Knight from the Perry Law Firm, given that individuals in a supervisory role were never eligible to be in the bargaining unit, a conversation with or an email to those individuals will satisfy any legal obligations for notifying them of this change. Over the course of the next couple months, I will be taking the necessary steps to remove them from the bargaining unit.

NASB Education Leadership Search Service

An ESU 13 Leadership Profile has been uploaded to the website.

Board Member Conflict of Interest

At the NASB Area Membership Meeting in August, Marcia Herring discussed the importance of board members annually completing a Nebraska Accountability and Disclosure Commission (NADC) Disclosure Statement in order to disclose a potential conflict of interest. It is recommended by NASB that the disclosure statement be completed each January. The [link](#) below provides more information from NASB about this process and the necessary paperwork that would be completed.

[Board Member Conflict of Interest](#)

**EDUCATIONAL SERVICE UNIT NO. 13
ADMINISTRATOR PERFORMANCE EVALUATION**

Administrator's Name _____

The Board of Directors will evaluate the Administrator through a formal procedure at least once annually prior to December 31st. **Each board member that fills out an evaluation is to send it to the Board President so a summary of evaluation ratings will be compiled into one document.** The Board will reach a consensus on comments that will be included in the final evaluation document. The Board will share and discuss this document with the Administrator during an executive session at a future meeting.

Evaluation is a process whereby the performance of an employee is assessed in relation to the goals, objectives, and philosophy of the organization. The stated purposes of the Administrator's evaluation are to:

- A. Evaluate the effectiveness of job performance.
- B. Provide the Unit Administrator with feedback of the job performance.
- C. Document a record of the Administrator's annual job performance.

Directions: Board members are to rate each of the six (6) performance categories (Leadership, Board Relations, Staff Relations, Public Relations, Program Development, Fiscal Management) with the assistance of the five indicators listed below in each category. **Circle one rating value for each performance category.**

The descriptor codes are as follows:

Rating Value = 4 Accomplished (A)... is performance that is defined to "exceed the standard" and is addressing all five indicators appropriately.

Rating Value = 3 Competent (C)... is performance that is defined as "meeting the standard" and needs to address at least one indicator more appropriately.

Rating Value = 2 Needs Improvement (NI)... is performance that is defined as "below the standard" and needs to address at least two indicators more appropriately.

Rating Value = 1 Unsatisfactory (US)... is performance that is defined as "not acceptable" and is not addressing a majority of the indicators.

Leadership

1 2 3 4

- + - Creates a vision for the ESU and challenges others to follow.
- + - Approaches work with enthusiasm, commitment, and integrity.
- + - Listens well to others and creates an environment conducive to learning.
- + - Provides supervision and leadership for all operations of the ESU.
- + - Represents the ESU on local, state, and national matters

**EDUCATIONAL SERVICE UNIT NO. 13
ADMINISTRATOR PERFORMANCE EVALUATION**

Board Relations 1 2 3 4

- + - Communicates and establishes a relationship of trust with all board members.
- + - Attends all board meetings and supports decisions to public and staff.
- + - Keeps the Board informed regarding needed programs and progress of programs.
- + - Represents (and informs) the Board when dealing with unforeseen situations.
- + - Establishes procedures to comply with policy, state and national laws.

Staff Relations 1 2 3 4

- + - Is visible, listens, promotes collaboration, teamwork, and accomplishments.
- + - Provides staff development appropriate for ESU personnel.
- + - Meets and confers with staff on ESU matters, such as salary, programs, goals, etc.
- + - Recommends employment to the Board and determines assignment of staff.
- + - Ensures staff evaluations and recommends promotions/dismissals to the Board.

Public Relations 1 2 3 4

- + - Promotes and maintains a focus on the mission of the ESU.
- + - Maintains a good working relationship between the ESU and schools served.
- + - Develops and implements a publicity strategy for the ESU.
- + - Is actively involved in the ESUCC and legislative matters.
- + - Communicates effectively when dealing with the staff, Board, and public.

Program Development 1 2 3 4

- + - Develops and aligns ESU program of services with school district needs.
- + - Promotes scheduled meetings and in services for school district personnel.
- + - Ensures alignment of ESU program with State and Federal mandates.
- + - Conducts plan for an ongoing ESU improvement process.

Fiscal Management 1 2 3 4

- + - Establishes and communicates a plan for budgeting, facilities, resources, etc.
- + - Prepares and administers an annual budget as adopted by the Board.
- + - Authorizes purchases for items covered by the budget.
- + - Maintains an accurate account of all financial transactions.
- + - Maintains an accurate inventory of equipment and materials.

**EDUCATIONAL SERVICE UNIT NO. 13
ADMINISTRATOR PERFORMANCE EVALUATION**

Areas of Strength

Areas of Concern (Problems)

Signature of Board President: _____ **Date** _____

Signature of Administrator: _____ **Date** _____

(Signatures indicate only that the evaluation results have been shared. The Administrator may attach comments to this three page performance evaluation at any time.)