

BOARD OF EDUCATIONAL SERVICE UNIT #13

Tuesday – October 16, 2018

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

***Finance Committee (Knapper, Millette, Richards, Sinner) – 6:00 PM**

***Dinner – 6:30 PM**

BUDGET HEARING FOR AMENDED BUDGET – 7:00 PM

1. Call to Order

- Hearing is governed by the Nebraska Open Meetings

2. Review of ESU #13 Amended Budget

Governing body will meet for the purpose of hearing support, opposition, criticism, suggestions or observations of taxpayers relating to the proposed amended 2018-2019 budget for the operation of ESU #13 (§ Sections 13-501 to 13-513)

3. Adjournment

REGULAR MEETING – IMMEDIATELY FOLLOWING

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 (Budget Hearing, Tax Hearing, September 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

- **October 19, 2018** – All staff in-service – HARMS Center
- **October 24, 2018** – ESU Advisory Council meeting – ESU 13 Conference room B & C, 10:00 am.
- **October 26, 2018** – Fall Break (ESU #13 closed)
- **November 14-16** – 100th Annual State Education Conference – Lincoln (Diemoz, Knapper, Marx)
- **November 20, 2018** – Regular Board Meeting
- **November 27, 2018** – New Board Member Workshops - Gering
- **November 28-December 1, 2018** – 33rd AESA Annual Conference - The Broadmoor Hotel, Colorado Springs, CO. (Coon, Diemoz, Jones, Marx, Richards, Sinner)

Public Forum:

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

Reports

- Craig Hicks - ESU 13 Tech Staff - *Nebraska Cloud Portal and Digital Content* - Single Sign On connection to the Nebraska Cloud Portal environment.
- Administrator's Report ([Appendix A](#))
- Head Start Director's Report for September (uploaded to website)

4. OLD BUSINESS

- **Proposed Board Policy Regarding Records Management – E-Mail Retention, Disposition and Litigation Holds**

The following proposed Board policy on Records Management was sent to us by Jerry Ostdiek, our attorney. Our Technology department has reviewed the policy for compliance. This is the final reading.

1. General Standard

Records should generally be organized, managed, retained and disposed of in accordance with law and the Secretary of State's schedules for retention and disposition of public records.

2. Records Officer

The Administrator has been designated as the Records Officer of ESU #13. Any questions about the type or category of a record or the required retention period for it should be addressed to the Records Officer or designee.

3. Electronic Messages

Electronic messages are communications using an electronic system for the conduct of ESU #13 business internally, between other state and local government agencies, and with parents, students, patrons and others in the outside world. These messages may be in the form of e-mail, electronic document exchange (electronic fax), and Electronic Data Interchange (EDI). In this policy, the terms 'electronic messages' and 'e-mail' are used, depending on the context, to mean the same thing. The ESU #13 electronic system in which records are collected, organized and categorized to facilitate preservation, retrieval, use and disposition is as follows:

a. End-User Management

End-user means anyone who creates or receives electronic messages on the ESU #13 electronic system. Electronic messages are to be managed at the end-user's desktop rather than from a central point. Each end-user is responsible for organizing, managing, and disposing of records that are part of his or her desktop computer.

b. Categories for Retention

Electronic messages fall within three categories:

- i. Transitory messages*
- ii. Records with a less than permanent retention period*
- iii. Records with a permanent retention period*

End-users are to organize, store, retain, and dispose of electronic messages according to these three categories. This means determining which electronic messages require long-term retention, determining who is responsible for making this decision, and establishing storage and disposition requirements for electronic messages.

i. Transitory Messages

Transitory messages include copies posted to several persons and casual and routine communications similar to telephone conversations. For example, as determined on an individual case-by-case basis by the end-user, transitory messages include certain embryonic materials, notes or drafts; unwanted and unneeded "junk" mail; "personal" mail for employees not related to school business; unsolicited sectarian, religious, partisan, political or commercial messages or political advertising or advertisements promoting particular personal or religious beliefs, a specific ballot question, or controversial topics or positions. There is no retention requirement for transitory messages.

Employees sending or receiving such communications may delete them immediately without obtaining approval.

ii. **Less Than Permanent Retention Records**

These records are governed by the retention period of equivalent hard copy records as specified in the approved records retention and disposition schedules. (Please refer to Schedule 24 - Local Government-General Records and Schedule 95 - Local Government-Educational Service Units on the Nebraska Records Management Division website. www.sos.ne.gov/records-management/retention_schedules.html.) These records should be converted to hard copy (printed) or an electronic format which can be retrieved and interpreted (downloaded) for the legal retention period. Employees creating or receiving such communications may delete or destroy the records only according to the applicable retention schedule. Question relating to the retention or destruction of these records should be referred to the Records Officer.

iii. **Permanent/Archival retention records**

Decisions relating to such records should be made by the records officer in consultation with the State Records Administrator about either transferring the records or maintaining them in the agency of origin. If the transfer decision is made, the method, frequency, and format of the transfer should be determined cooperatively by the Records Officer and the State Records Administrator.

c. **ESU #13 E-mail Deletion Guidelines**

ESU #13 employees are responsible for managing the e-mail inboxes. ESU #13 e-mail is secure and is backed up daily. The only e-mails that are deleted by the network are e-mails that employees have manually deleted and moved into the deleted folder, and the e-mails that in the junk mail folder. Junk mail is permanently deleted every 21 days and all items in a user deleted folder are permanently deleted every 90 days. All other e-mail messages in a user's inbox or in any subfolders are retained permanently.

d. **Proper use of Electronic Messages**

i. **Non-Discrimination**

Electronic messaging is not permitted to be used to promote discrimination on the basis of race, color, national origin, age, marital status, sex, political affiliation, religion, disability or sexual preference; promote sexual harassment; or to promote personal, political or religious business or beliefs.

ii. **Permissible Use**

Electronic messaging is to be used only for purposes that are consistent with the mission of ESU #13. Electronic messaging is not permitted to be used for personal purposes except for: incidental, intermittent, or occasional use which does not interfere with performance of duties as determined by the administration, use that is authorized pursuant to an individual use agreement, and use that represents a form of the employee's compensation. Electronic messaging is not permitted to be used for personal financial gain or for the purpose of campaigning for or against the nomination or election of a candidate or the qualification, pass, or defeat of a ballot question. Electronic messaging is not permitted to be used for purposes of assisting a nonprofit organization except when and to the extent such use serves an ESU #13 purpose or facilitates ESU #13 business.

iii. **Conduct**

Employees shall not read electronic message received by another employee when there is no ESU #13 purpose for doing so, send electronic messages under another employee's name without the employee's consent or administrative authorization, or change or alter any portion of a previously sent electronic message without administrative authorization.

iv. **Other Regulations**

Electronic messaging is subject to all requirements of ESU #13's "Acceptable Use of computers, Network, Internet and Websites" policy and may be monitored and access at any time without prior notice. ESU #13 has complete authority to regulate all electronic messaging. Electronic messaging is a privilege and not a property right; it is not a public forum. Electronic messaging is made available subject to all ESU #13 Board of Education policy and regulations, these regulations, building guidelines, use agreements, handbook provisions, and all administrative orders or directives as issued from time to time.

4. **Litigation Holds**

When litigation against ESU #13 or its employees is filed or threatened, ESU #13 will take all reasonable action to preserve all documents and records that pertain to the issue. Such action will, in particular, be taken when the litigation may be filed in federal court or otherwise subject to federal rules of discovery.

As soon as ESU #13 is made aware of pending or threatened litigation, a litigation hold directive will be issued by the Records Officer or designee. The directive will be given to all persons suspected of having records that may pertain to the litigation issue.

The litigation hold directive overrides any records retention schedule that may otherwise call for disposition or destruction of the records until the litigation hold has been lifted. E-mail and computer accounts of separated employees that have been placed on a litigation hold will be maintained by the Records Officer until the hold is released.

Employees who receive notice of a litigation hold are to preserve all records that pertain to the litigation issue. This includes preserving electronic messages that would otherwise be deleted by the computer system. Such messages are to be converted by the recipients of the litigation hold to hard copy (printed) or electronic format which can be retrieved and interpreted (downloaded) for the duration of the litigation hold.

No employee who has been notified of a litigation hold may alter or delete an electronic or other record that falls within the scope of the hold. Violation of the litigation hold may subject the employee to disciplinary actions, up to and including dismissal, as well as personal liability for civil and/or criminal sanctions by the courts or law enforcement agencies.

Recommendation: Move to adopt the proposed Board Policy regarding Records Management – E-Mail Retention, Disposition and Litigation Holds.

5. NEW BUSINESS:

- **Proposed 2018-2019 Amended Budget for ESU #13**

A copy of the amended budget has been uploaded to the website. The proposed amendment of an additional \$944,848.00 is due to a clerical error in the entry of the amount for the Head Start federal program (September 2018-March 2019). The amended budget reflects an increase of \$948,006 over last year's adopted budget.

Recommendation: Move to approve the 2018-2019 proposed amended budget for the operation of ESU #13 in the amount of \$16,013,222.00.

- **New Model 2019 Full Size Four-Door Sedans (3)**

The Board Finance Committee will review bids for three New Model 2019 full size four-door sedans 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 three New Model 2019 full size four-door sedans.

- **Employee Resignation:**

Nora Robinson, staff developer in our SOAR department will be resigning on October 19, 2018. She has accepted the position of Panhandle Early Learning Connection Coordinator which was vacated by Nici Johnson, our Early Childhood Director. This position is responsible for coordinating professional development opportunities for people working with early childhood birth to 8.

Recommendation: Move to accept Nora Robinson's resignation effective 10/19/18.

6. Approval of Minutes (Motion necessary for Approval)

7. Adjournment

Appendix A

ESU 13 BOARD NOTES Dr. Jeff West October 2018

Sidney Office Update

Nothing new to report.

Hire Dates for Compensation Increases:

We reached out to Jerry Ostdiek, our attorney, for the legal language to add to our Personnel Handbook. A copy of his letter is in your Board packet. If this looks appropriate to the Board, we will add it. As in the past, the Board will vote to approve the entire handbook again in August.

ESU 13 Safety Notebook (Plan)

The All Hazards Manual is completed. The Safety Committee is still reviewing the manual. We will present it to you when the Committee is finished. Each of you will receive a copy.

HATC Safety Conversations

As I shared with you in June, we will be 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. The two bids we received are in your board packet. The low bid was to Looking Glass Windows but WNCC has not been able to get in contact with them all summer, so they are now reaching out to Thompson Glass. We will get this scheduled as soon as possible.

Alicap Inspection Report

A copy of the inspection report has been uploaded for your review. The 2018-2019 "Experience Modifier" is 0.91 which is up from last year's 0.89. It looks like one issue we may want to address is outside security cameras. It was on the report last year and is included again this year.

ESU 13 Board Finance Committee/Baker & Associates Facility Tour

Prior to the board meeting, members of the Finance committee, staff from Baker & Associates, and ESU 13 staff met to tour the TLC building. We are trying to get an estimate of the cost to renovate that facility to meet the needs of our programs that would be housed there. We can update the board about that tour.

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 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.

Strategic Planning:

We have begun assembling our writing committees to write action plans for each of the five goals the board has approved. We have two directors on each committee as well as members from our school districts and some board members. Our deadline is to have a draft of each action plan completed by November 9th so they can be brought to the November Board meeting for your approval. After the action plans are approved, we will begin the implementation.

Grants Specialist

During our first meeting with superintendents concerning Goal #1 of our strategic planning process, we discussed the reasons for not wanting to hire a full-time grant writer at ESU 13. Out of that conversation came another consideration: for ESU 13 to hire a staff member that could create an updated list of possible educational grant opportunities for schools, keep an updated list of possible grant writers, and someone who could go out to schools and train/support district staff in grant writing. Does this sound like a possible option to help us address the part of goal #1 dealing with grants and alternative funding for our schools and how we can support them? Perhaps a part-time staff developer/part-time grants specialists position that could be utilized in other ways in our schools when not working with schools on grant support?