

**ESU #1 BOARD MEETING
October 13, 2009**

A meeting of the ESU #1 Board of Directors convened in open and public session on Tuesday, October 13, 2009, at 5:30 p.m. at ESU #1 in Wakefield, Nebraska.

Present: Joy Bock, Nancy Kirkholm, Pat Nauroth, Dave Dowling, Fred Boelter, Rodney Garwood, and Sally Reinert. **Absent:** Rich Higgins, Wayne Goeden, Ronnie Wenstrand and Kelly Ballinger

Notice of the meeting was given in advance by publication and/or posting in accordance with the Board approved method for giving notice of meetings. Notice of this meeting was given in advance to all members of the Board of Directors. The Recording Secretary maintains a list of news media requesting notification of meetings and advance notification to the listed media of the time and place of the meeting and the subjects to be discussed at this meeting was provided. Availability of the agenda was communicated in the publicized notice and a current copy of the Agenda was maintained as stated in the publicized notice. All proceedings of the Board of Directors, except as may be hereinafter noted, were taken while the convened meeting was open to the attendance of the public.

Audience: None

Call Meeting to Order. Chairman Dowling duly called the meeting to order.

A. Announcement of Open Meetings Act Posting

At the beginning of this meeting, the Chairman announced and informed the public that a current copy of the Open Meetings Act is available at the meeting.

B. Approval of Agenda. Motion by Garwood, second by Nauroth, to approve the October 13, 2009 agenda as presented. After discussion and on roll call vote, the Board voted as follows:

For: Bock, Kirkholm, Reinert, Dowling, Boelter, Garwood and Nauroth; **Against:** None; **Not Voting:** Goeden, Higgins, Wenstrand and Ballinger; **Motion carried:** 7-0.

C. Consent Agenda. Motion by Boelter, second by Reinert, to approve all items on the consent agenda as provided (September 15, Minutes; Financial Reports; Treasurer's Report, October Bills of \$610,797.74, and Administrator's Report). After discussion and on roll call vote, the Board voted as follows:

For: Bock, Kirkholm, Reinert, Dowling, Boelter, Garwood and Nauroth; **Against:** None; **Not Voting:** Goeden, Higgins, Wenstrand and Ballinger; **Motion carried:** 7-0.

Motion by Garwood, second by Reinert, to hold the December 8, meeting at Tower School and an appreciation dinner at Geno's in Wayne for Board members and their spouses, along with the 2008-09 Employee of the Year and spouse. After discussion and on roll call vote, the Board voted as follows:

For: Bock, Kirkholm, Reinert, Dowling, Boelter, Garwood and Nauroth; **Against:** None; **Not Voting:** Goeden, Higgins, Wenstrand and Ballinger; **Motion carried:** 7-0.

D. Public Comment. None

E. Additional September Expenditures. Motion by Boelter, second by Dowling, to approve the additional September expenditures in the amount of \$19,135.55 to complete grants ending on September 30. After discussion and on roll call vote, the Board voted as follows:

For: Bock, Kirkholm, Reinert, Dowling, Boelter, Garwood and Nauroth; **Against:** None; **Not Voting:** Goeden, Higgins, Wenstrand and Ballinger; **Motion carried:** 7-0.

- F. ESU #1 Technology Plan. Motion by Neuroth, second by Boelter, to approve the 2009-10 Technology Plan as presented. After discussion and on roll call vote, the Board voted as follows:
- For:** Bock, Kirkholm, Reinert, Dowling, Boelter, Garwood and Neuroth; **Against:** None; **Not Voting:** Goeden, Higgins, Wenstrand and Ballinger; **Motion carried:** 7-0.
- G. Native American Education Initiatives. Administrator Uhing outlined the Native American Initiatives being proposed for academic year 2009-10.
- H. AdvancEd Accreditation. Motion by Reinert, second by Garwood, to approve ESU #1 pursuing AdvancEd Accreditation based on the cost and timelines presented by Administrator Uhing. After discussion and on roll call vote, the Board voted as follows:
- For:** Bock, Kirkholm, Reinert, Dowling, Boelter, Garwood and Neuroth; **Against:** None; **Not Voting:** Goeden, Higgins, Wenstrand and Ballinger; **Motion carried:** 7-0.
- I. Board Policy Update. Motion by Garwood, second by Dowling, to approve the following Board Policy changes. Replace ***Relationship with Students Policy (Article 4, Section 5), Use of ESU Office, Information, or Resources Policy (Article 3, Section 6), and Personal Presence at Meeting Policy (Article 2, Section 8)*** with ***Professional Boundaries Between Employees and Students Policy, Use of Public Resources by Board Members Policy and Employees and Personal Presence at Meeting and Telephone Conference or Videoconference Meetings Policy*** respectively. This is the second reading of the required two readings for passage of Board Policy. Replacement policies are attached to these minutes and shall be considered a part of the minutes as though contained herein. After discussion and on roll call vote, the Board voted as follows:
- For:** Bock, Kirkholm, Reinert, Dowling, Boelter, Garwood and Neuroth; **Against:** None; **Not Voting:** Goeden, Higgins, Wenstrand and Ballinger; **Motion carried:** 7-0.
- J. Education Assistance Program. Motion by Garwood, second by Boelter, to approve the revised Education Assistance Administrative Policy for Speech/Language Pathologists as presented and to include a maximum per credit hour reimbursement, based on ESU regional colleges and universities. After discussion and on roll call vote, the Board voted as follows:
- For:** Bock, Kirkholm, Reinert, Dowling, Boelter, Garwood and Neuroth; **Against:** None; **Not Voting:** Goeden, Higgins, Wenstrand and Ballinger; **Motion carried:** 7-0.
- K. Personnel. Board notified that Michelle Fitzgerald has been hired as a Paraeducator for the Tower S/P program.
- L. Adjournment. Motion by Neuroth, second by Garwood, to adjourn the meeting at 6:16 p.m. Unanimous approval received.



Lisa Salmon, Recording Secretary

Ronnie Wenstrand, Board Secretary

Next Meeting @ ESU #1 (Wakefield) ~ Tuesday, November 10, 2009 @ 5:30 p.m.

ESU Board Policy Revisions

Article 4 Personnel; Section 5 Standards of Conduct

Current Policy:

E. Relationships with Students ~ To Be Replaced By:

E. Professional Boundaries Between Employees and Students

All employees are expected to observe and maintain professional boundaries between themselves and students. A violation of professional boundaries will be regarded as a form of misconduct and may result in disciplinary action.

The following non-exclusive list of actions will be regarded as a violation of the professional boundaries that employees are expected to maintain with a student:

- Using e-mail, text messaging, instant messaging or social networking sites to discuss with a student a matter that does not pertain to school or ESU related activities, such as the student's homework, class activity, school sport or club, or other school or ESU sponsored activity. Electronic communications with students are to be sent simultaneously to multiple recipients, not to just one student, except where the communication is clearly school-related and inappropriate for persons other than the individual student to receive (for example, e-mailing a message about a student's grades).
- Engaging in social-networking friendships with a student on MySpace, Facebook, or other social networking site. Material that employees post on social networks that is publicly available to those in the school community must reflect the professional image applicable to the employee's position and not impair the employee's capacity to maintain the respect of students and parents or impair the employee's ability to serve as a role model for children.
- Engaging in sexual activity, a romantic relationship or dating a student or a former student within one year of the student graduating or otherwise leaving the District.
- Making any sexual advance – verbal, written, or physical – towards a student.
- Showing sexually inappropriate materials or objects to a student.
- Discussing with a student sexual topics that are not related to a specific curriculum.
- Telling sexual jokes to a student.
- Invading a student's physical privacy (e.g., walking in on the student in a restroom).
- Hugging or other physical contact with a student that is initiated by the employee when the student does not seek or want this attention.
- Being overly "touchy" with a specific student.
- Allowing a specific student to get away with misconduct that is not tolerated from other students, except as appropriate for students with an IEP or 504 Plan.
- Discussing with a student the employee's problems that would normally be discussed with adults (e.g., marital problems).
- Giving a student a ride in the employee's personal vehicle without express permission of the student's parent or school administrator unless another adult is in the vehicle.
- Taking a student on an outing without obtaining prior express permission of the student's parent or school administrator.
- Inviting a student to the employee's home without prior express permission of the student's parent and school administrator.
- Going to the student's home when the student's parent or a proper chaperone is not present.
- Giving gifts of a personal nature to a specific student.

Appropriate exceptions are permitted to the foregoing for legitimate health or educational purposes and for reasons of familial relationships between employees and their children.

Legal Reference:	
Date of Adoption:	

Article 3 Services and Operations; Section 6 Conflicts of Interest

Current Policy:

A. Use of ESU Office, Information, or Resources ~ To Be Replaced By:

A. Use of Public Resources by Board Members and Employees

Restrictions on Use

No Board member or employee of ESU #1 shall use or authorize the use of his or her public office or any confidential information received through the holding of the public office to obtain financial gain, other than compensation provided by law, for himself or herself, a member of his or her immediate family, or a business with which the individual is associated.

No Board member or employee shall use or authorize the use of ESU personnel, resources, property, or funds under his or her official care and control other than in accordance with prescribed constitutional, statutory, and regulatory procedures or use such items, other than compensation provided by law, for personal financial gain.

No Board member or employee shall use or authorize the use of ESU resources for the purpose of campaigning for or against the nomination or election of a candidate or the qualification, passage, or defeat of a ballot question. For purposes of this restriction, "ESU resources" means personnel, property, resources, or funds under the official care and control of the Board member or employee.

Authorized Uses

The uses described below are not authorized by employees, and violate this policy, where an employee's use: (1) interferes with the conduct of ESU business; (2) interferes with the performance of the employee's duties and responsibilities; (3) is contrary to another Board policy or a rule or directive set forth in an employee handbook or other employee communication device; (4) is contrary to a supervisor's directive; or (5) the use is for the employee's personal financial gain or potential for potential for personal financial gain.

Incidental or De Minimis Use: Use of ESU resources by a Board member or employee which is incidental or de minimis does not constitute a violation of this policy.

Personal Use as Part of Compensation: Use of ESU resources for personal purposes is authorized by this policy if:

1. the use of the resource for personal purposes is part of the employee's compensation provided in an employment contract or is consistent with this policy; and
2. the personal use of the resource as compensation is reported in accordance with the Internal Revenue Code of 1986, as amended, and taxes, if any, are paid by the affected employee.

Employees who engage in such personal use shall, upon request of the Board or the administration, provide evidence to establish that the compensation has been reported and taxes paid as required by the Tax Code.

ESU Vehicles: Use of an ESU vehicle by a Board member or employee to travel to a designated location or the home of the Board member or employee is permissible when the primary purpose of the travel serves a Unit purpose. Such use is authorized by this policy. No travel other than directly to the ESU-related trip destination shall occur, however, when students are in the vehicle or if the vehicle is a school bus.

Communication Devices: A Board member or employee may use a telecommunication system, a cellular telephone, an electronic handheld device, or a computer under the control of the ESU for email, text messaging, a local call, or a long-distance call, to a child at home, a teacher, a doctor, a day care center, a baby-sitter, a family member, or any other person to inform any such person of an unexpected schedule change or for other essential personal business. Any such communication shall be kept to a minimum and shall not interfere with the conduct of ESU business or the performance of an employee's duties.

A Board member or employee shall be responsible for payment or reimbursement of charges (e.g. long distance charges), if any, that directly results from any such communication. The Board member or employee shall promptly report any such communication that results in an expense to ESU #1 to the Administrator or the Administrator's designee. The Administrator or the Administrator's designee shall establish procedures for reimbursement of charges incurred as a result of such communications.

Use of the District’s Internet system for such communications shall not be permitted to the extent such use violates the terms of the E-Rate program, which restricts use of the Internet system to “educational purposes.”

Election Issues: A Board member or the Administrator, in the normal course of his or her duties, may use ESU resources to research and prepare materials to assist the Board in determining the effect of a ballot question on the ESU.

Mass mailings, mass duplication, or other mass communications at ESU expense for the purpose of qualifying, supporting, or opposing a ballot question is not permitted. Mass communications does not include placing public records demonstrating the consequences of the passage or defeat of a ballot question affecting the ESU on its existing websites.

A Board member or employee may campaign for or against the qualification, passage, or defeat of a ballot question or the nomination or election of a candidate when no ESU resources are used. An employee shall not engage in campaign activity for or against the qualification, passage, or defeat of a ballot question or the nomination or election of a candidate while on duty time.

A Board member or authorized employee may make ESU facilities available for campaign purposes if the identity of the candidate or the support for or opposition to the ballot question is not a factor in making the facilities available or a factor in determining the cost or conditions of use.

The ESU Board may discuss and vote upon a resolution supporting or opposing a ballot question.

A Board member may respond to specific inquiries by the press or the public as to his or her opinion regarding a ballot question or provide information in response to a request for information.

A Board member or employee may identify himself or herself by his or her official title when communicating about a ballot question. Employees who do so shall clearly communicate that their communication is their personal opinion and does not reflect the position or views of the Board or the ESU unless express authorization is given by the Board or the Administrator.

Legal Reference:	Neb. Rev. Stat. §§49-14,101.01 and 49-14,101.02
Date of Adoption:	

Article 2 Board Meetings; Section 8 Board Member Attendance

Current Policy:

A. Personal Presence at Meeting ~ To Be Replaced By:

A. Personal Presence at Meeting and Telephone Conference or Videoconference Meetings

Board members must be personally present at the Board meeting in order to vote or otherwise participate at the meeting in their position as a board member. Attendance via telephonic or videoconferencing means is permitted if the procedures for a telephonic or videoconference meeting are followed, and for emergency meetings, if the procedures for an emergency meeting are followed.

The procedures for a telephonic or videoconference meeting are as follows:

1. Reasonable advance publicized notice must be given which identifies each telephone conference or videoconference location at which a Board member will be present;
2. All telephone conference or videoconference meeting sites identified in the notice are located within public buildings used by Board members or at a place which will accommodate the anticipated audience;
3. Reasonable arrangements are made to accommodate the public’s right to attend, hear, and speak at the meeting, including seating, recordation by audio recording devices, and a reasonable opportunity for input such as public comment or questions to at least the same extent as would be provided if a telephone conference call or videoconference was not used;
4. At least one copy of all documents being considered is available to the public at each site of the telephone conference call or videoconference;
5. At least one Board member is present at each site of the telephone conference call or videoconference identified in the public notice;
6. The telephone conference call lasts no more than one hour (there is no time limit for videoconference calls); and

7. No more than one-half of the Board's meetings in a calendar year are held by telephone conference call and no more than one-half of the Board's meetings in a calendar year are held by videoconference call.

Legal Reference:	§ 84-1411 (2) (3), (5) and (6)
Date of Adoption:	_____, 2009