

Board of Education Regular Meeting

Monday, December 8, 2014 7:00 PM

Conference Room
1501 Front Street
Henderson, NE 68371-8929

Agenda

1. Preliminary Procedures
 1. Call to Order
 2. Public Notice of the Meeting
 3. Roll Call
2. Public Comments on Agenda Items
3. Public Comments on Topics Not on the Agenda
4. Reports
 1. Superintendent's Report
 2. Principals' Reports
5. Discussion Items
 1. Review of NASB State Conference
 2. Climate Surveys
 3. Board Self-Evaluations
 4. Annual Report
6. Old Business
 1. Final reading of Policy DJED
 2. Final reading Policy IDDE
7. New Business
 1. First reading to replace policies KDA & KDAD with new policy KDAA
 2. Executive Session to Finalize Superintendent Evaluation and to Discuss Negotiations with HEA
 3. 2015-16 Negotiated Agreement with HEA

4. Recognize HEA as Bargaining Agent

8. Future Agenda Items

9. Consent Agenda

1. Approval of Minutes

2. Approval of Treasurer's Report

3. Approval of Claims

4. Financial Reports

5. Out of State Travel Requests

10. Adjournment

Policy DJED - SOLICITING PRICES (BIDS & QUOTATIONS)

All purchases of and contracts for supplies, materials, equipment and contractual services involving a cost of \$15,000 or more shall be based, unless determined by the superintendent to be inappropriate, on competitive quotes from at least 2 providers. The District shall formally bid every project for the construction, remodeling, or repair of any school-owned building or for site improvements when the contemplated expenditures for such project are \$40,000 or more. The bidding procedures shall comply with the requirements of state law and shall include the following:

1. Notice to Bidders: The Administration shall prepare a notice to bidders containing a general description of the scope of the project being bid; the location of the project; the means of obtaining project documents, including plans and specifications; the date and hour bids will close; and the date, hour and place bids are to be returned, received and opened, and a provision that such bids will be immediately and simultaneously opened in the presence of the bidder, or representative of the bidders, when the hour is reached for the bids to close.
2. Regular Manner of Advertisement for Bids: The notice to bidders for any project over \$40,000 shall be published one time in a newspaper of general circulation in the School District. The notice shall be published at least seven (7) days prior to the date designated for the opening of such bids. The Board of Education or Administration may, in its sole discretion, elect to utilize further advertisement for bids as it may determine appropriate to secure a sufficient number of qualified bidders for the scope of the project.
3. Bid Opening: When the hour is reached for such bids to close, bids will be immediately and simultaneously opened in the presence of the bidder, or representative of the bidders. Bid under \$40,000 shall be sealed and shall be opened by the Superintendent in the presence of at least one or more witnesses. The Board may reject any or all bids.
4. Additional Procedures: Labor and material bonds in the amount of the contract shall be provided by the person to whom the contract is awarded in a sum not less than the contract price, except for projects with a total cost of five thousand dollars or less, unless required by the bid notice or contract documents. Each bid for which a labor and material bond is required shall be accompanied by a bid bond or certified check in the amount of five percent (5%) of such bid. The Board of Education or Administration may provide for additional procedures for the procurement, opening and acceptance of bids as deemed appropriate for a particular project.
5. Award of Contracts: All open-market orders or contracts shall be awarded to the lowest responsible, qualified bidder, consideration being given to the qualities of the articles to be supplied, their suitability to the requirements of the educational system, the delivery terms and the past performance of vendors.

Adopted: September 1, 1998

Revised: March 11, 2008

Reviewed: July 20, 2011

Policy IDDE - RESTRAINT AND SECLUSION OF STUDENTS

Restraint and seclusion are behavioral interventions, not educational techniques. They are limited to exigent circumstances and situations that necessitate their use to protect the safety of the student, other students, staff and property. When used as safety intervention, they should be used as methods of last resort. When used as behavior intervention, they must be used according to the terms of this policy.

This policy does not cover interventions such as voice control, limited to loud, firm commands; time-limited ignoring of specific behaviors; brief physical prompts to interrupt or prevent a specific behavior; physical interventions which a student's health care provider have indicated are medically necessary for the treatment or protection of the individual; or other similar interventions.

I. Seclusion

A. Definition

1. Seclusion is a last resort emergency safety intervention that provides an opportunity for the student to regain self-control. Seclusion is the confinement of a student in a room or other space from which the student is physically prevented from leaving and which provides for continuous adult observation of the student.
2. A room or area used for seclusion:
 - a. must not be locked;
 - b. must not prevent the student from exiting the area should staff become incapacitated or leave that area;
 - c. must provide for adequate space, lighting, ventilation, viewing, and the safety of the student.

B. Timeout

1. Timeout is a behavior intervention in which a student, for a limited and specified time, is placed in an environment where access to positive reinforcement is unavailable.
2. Timeout should not be confused with seclusion because a student's movement in a timeout setting is not physically restricted.
3. Timeout lies within a continuum of procedures that help students self-regulate and control their behavior.

C. Seclusion is inappropriate for students who are severely self-injurious or suicidal.

D. Time and Duration

1. Emergency seclusion should be used only as long as necessary to allow a student to regain control of his/her behavior, but generally:
 - a) Elementary school students – no longer than 15 minutes; and
 - b) Middle and high school students – no longer than 20 minutes.
 - c) If an emergency seclusion lasts longer than the suggested maximum time, the staff member should:

- (1) summon additional support (e.g., change of staff, introducing a nurse or specialist, obtaining additional expertise); and
- (2) document the need to explain the extension beyond the time limit.

E. Staff Requirements

While using seclusion, staff must:

1. involve appropriately-trained key identified personnel to protect the care, welfare, dignity, and safety of the student;
2. continually observe the student in seclusion for indications of physical distress and seek medical assistance if there is a concern; and
3. document observations.

II. Restraint

There are three types of restraint: physical, chemical, and mechanical.

A. Physical restraint involves direct physical contact that prevents or significantly restricts a student's movement.

1. Restraint is a last resort emergency safety intervention. Restraint is an opportunity for the student to regain self-control.
2. This policy on physical restraint is not intended to forbid actions undertaken:
 - a. to break up a fight
 - b. to take a weapon away from a student
 - c. to hold a student briefly in order to calm or comfort
 - d. to escort a student physically from one area to another location within the school building
 - e. to assist a student in completing a task/response if the student does not resist or resistance is minimal in intensity or duration.
 - f. to hold a student briefly in order to prevent an impulsive behavior that threatens the student's immediate safety (e.g., running in front of a car).

B. Chemical restraint is the administration of medication for the purpose of restraint.

1. The school district will not, under any circumstances, engage in chemical restraint.
2. Chemical restraint does not apply to medication prescribed by and administered in accordance with the directions of a physician.

C. Mechanical restraint means the use of any device or material attached to or adjacent to a student's body that restricts normal freedom of movement and which cannot be easily removed by a student.

1. Mechanical restraint does not include:
 - a. an adaptive or protective device recommended by a physician or therapist (when it is used as recommended).
 - b. safety equipment used by the general student population as intended (for example, seat belts, safety harness on school transportation).

III. Limitations in Use

- A. Seclusion and/or restraint shall not be used:
1. for the convenience of staff;
 2. as a substitute for an educational program; or
 3. as a form of discipline/punishment.

IV. Recurring Behavior

- A. If a pattern of behavior emerges, or is anticipated, which may require the use of emergency seclusion, the school personnel must:
1. conduct a functional behavioral assessment;
 2. call a meeting of the student's IEP team to develop or revise a positive behavior intervention plan to facilitate the reduction or elimination of the use of seclusion and/or restraint
- B. Given the limited size and training of the school district's staff, students whose behavior routinely requires seclusion and restraint may not be able to be served in the school district and may require a placement out of the school district.

V. Prohibited Practices

- A. The following are prohibited under all circumstances, including emergency situations:
1. corporal punishment;
 2. the deprivation of basic needs;
 3. anything that constitutes child abuse;
 4. the seclusion of preschool children; and
 5. the intentional application of any noxious substance(s) or stimuli which result in physical pain or extreme discomfort.

Adopted:

Revised:

Reviewed:

KDA - LAW ENFORCEMENT

It is the intent of the board that the employees of the district cooperate with law enforcement agencies in such a manner that the rights of the school, the home, civil authorities, and individuals be understood and protected.

The superintendent is charged with formulation of administrative regulations for implementation of this policy, including provisions for inservicing of employees about the rights of individuals. Such regulations shall include the following:

If a student, as the result of court actions, is either a ward of the court or has been assigned a probation officer, the school shall permit the assigned probation officer or social worker to interview the child at school, without the presence of other students or school personnel, or to take the child into custody.

Law enforcement officers should not be permitted to remove a child from school while the child is properly in attendance, without permission of the child's parent or guardian, except when the enforcement officer has a signed warrant for the student's arrest or when the student is arrested because of the law enforcement officer's Active pursuit@ resulting from commission of a specific crime, or in cases of alleged child abuse and/or neglect.

Law enforcement officers will be permitted to question students within the school when a crime has been committed on school premises. Every effort shall be made to notify parents prior to the release of a child from school and/or questioning of a child within school hours.

Adopted: September 1, 1998

Revised:

Reviewed:

KDAD - WELFARE DEPARTMENT OF HEALTH AND HUMAN SERVICES

When students are in apparent need of health and/or human services assistance, it shall be the responsibility of school employees to refer the student to appropriate agencies. Each building administrator, under the supervision of the superintendent, shall establish procedures for use by personnel in making such referrals.

Adopted: September 1, 1998

Revised:

Reviewed:

Policy KDA – Interviewing of Students

Requests to Contact Students and Student Interviews by Non-School Personnel

A. Removals of Students and Interviews of Students

In dealing with law enforcement officials, [Name] Public Schools' employees are not to obstruct government operations or unreasonably refuse or fail to aid a peace officer, but are also to attempt to prevent undue interference with District operations or educational programming.

1. Removals of Students by Law Enforcement Officials

Law enforcement officers should not be permitted to remove a child from school while the child is properly in attendance, without permission of the child's parent or guardian, except when legally authorized to do so. For purposes of this policy, a law enforcement officer is defined as: sheriffs, coroners, jailers, marshals, police officers, state highway patrol officers, members of the National Guard on active service by direction of the Governor during periods of emergency, and all other persons with similar authority to make arrests. (Neb. Rev. Stat. §49-801).

Law enforcement officers may in the line of duty require a student to accompany him or her for questioning or detention either with or without an arrest warrant. A peace officer has the lawful authority to take immediate temporary custody of children under the age of 18 with an arrest warrant, or without a warrant or order of the court when:

- (a) the child has violated a state law or a municipal ordinance and the officer has reasonable grounds to believe the child committed such violation;
- (b) the child is seriously endangered in his or her surroundings and immediate removal appears to be necessary for the child's protection;
- (c) the officer believes the child to be mentally ill and dangerous as defined in Neb. Rev. Stat. §71-908 and that the harm described in that section is likely to occur before proceedings may be instituted before the juvenile court;
- (d) the officer has reasonable grounds to believe that the juvenile has run away from his or her parent, guardian, or custodian;
- (e) a probation officer has reasonable cause to believe that a juvenile is in violation of probation and that the juvenile will attempt to leave the jurisdiction or place lives or property in danger; or
- (f) the officer has reasonable grounds to believe the juvenile is truant from school. (Neb. Rev. Stat. §§43-418 and 43-248).

If a peace officer or probation officer requests to take custody of a student who is at that time under the control and jurisdiction of [Name] Public Schools, the following action is to be taken:

- (a) Establish Authority to Remove. The student should be released after appropriate measures are taken and documented to ensure that the officer has the authority to take the student. The form attached as Exhibit “A” to this Policy may be used for this purpose.
- (b) Notify Local Law Enforcement. In some instances there may be orders for custody of a student served by the officers with authority to arrest from outside the jurisdiction of [Name] Public Schools. Local law enforcement should be contacted and requested to participate in or monitor the removal.
- (c) Notify Parent of Removal. When a principal or other school official releases a minor student to a peace officer for the purpose of removing the minor from the school premises, the principal or other school official shall take immediate steps to notify the parent, guardian, or responsible relative of the minor regarding the release of the minor student to the officer and the place to which the student is reportedly being taken. Provided, however, when a minor student has been taken into custody as a victim of suspected child abuse, the principal or other school official is not required to notify the parent or guardian, but shall provide the peace officer with the address and telephone number of the minor student’s parents or guardian.

A student should not be released to a private detective or “special police officer” who is not an officer of a Nebraska political subdivision or an officer of an agency of the federal government without consent of the student’s parent, guardian or custodian.

2. Interviews of Students by Law Enforcement Officials

Law enforcement officers and other law authorities should be urged to contact students for questioning outside the instructional day and off school premises whenever possible. When it is appropriate that such questioning occur, the following guidelines are to be followed:

- (a) Interviews not related to District Events. If an interview of a student is requested during school hours concerning an ongoing investigation of a crime not related to [Name] Public Schools, questioning should not take place until the student’s parent, guardian or custodian has been contacted and permission is given for such interview. The consent should be documented. The

presence of a school employee during the interview is not necessary.

- (b) Interviews Related to District Events. If the investigation relates to an incident which took place on school premises or during instructional time, it is not necessary to obtain consent of the student's parent, guardian or custodian. In these situations, an employee of the District should be present during the interview to ensure that the interview relates only to the incident which took place on school premises or during instructional time or something which is directly related thereto.
- (c) Child Abuse or Neglect. If an investigator represents that an interview is necessary to collect information concerning an allegation of child abuse or neglect or an offense involving a family relation and it is clear that obtaining parental consent for the interview would be impossible or counter-productive, the interview may be conducted without consent of the student's parent, guardian or custodian. In these situations, an employee of [Name] Public Schools should be present during the interview to ensure that the interview relates only to those matters.
- (d) Probation Officer Interview. A probation officer assigned to a student by a court may be allowed the opportunity, on request, to interview a student on school premises. In such situations, it is neither necessary nor desirable that a District employee be present during the interview. It also is not necessary to obtain the consent of the parent, guardian, or custodian.

3. Disclosure of Student Records

School employees shall not, in the course of dealing with a peace officer or probation officer, disclose any confidential student records or information from such student records other than in response to a court order or subpoena or as otherwise authorized by state law and the Family Educational Rights and Privacy Act (FERPA).

4. Removals and Interviews by Persons other than Law Enforcement Officials

A person who comes to school premises to interview a student or remove a student prior to the end of the student's instructional day must obtain permission of an administrator or designee.

Permission to remove is not to be granted without consent of the student's parent, guardian or custodian, or a person authorized by the student's parent, guardian or custodian to give such permission.

Permission to interview on subjects not related to school matters is not to be granted unless there is a clearly valid and proper reason for the interview and such is not disruptive to school operations or the student's educational program. Ordinarily such contacts shall be restricted to the student's parent, guardian or custodian or a friend of the family when an emergency or other similar circumstance exists.

Legal Reference: Neb. Rev. Stat. §§43-248; 43-418; 79-294; 79-2104
 20 U.S.C. §1232g (FERPA)

Date of Adoption: [Insert Date]

AR-5413--Exhibit A

Affidavit and Release to Remove Student

Date: _____

The undersigned hereby states and affirms to the [Name] Public Schools as follows:

1. That I am duly-appointed and acting peace officer employed by _____ and am currently acting within the scope of such employment.

2. That request is hereby made of the [Name] Public Schools to deliver to me the following named student: _____.

3. That I am entitled to immediate physical custody of said student by virtue of:

 Neb. Rev. Stat. 43-248 for the reason that said student (1) violated a state or municipal law in my presence, (2) is believed by me to have committed a felony, (3) is seriously endangered in his or her surroundings and immediate removal appears to be necessary for the student's protection, or (4) is believed to have run away from his or her parent, guardian, or custodian.

 There having been issued a valid warrant for such student's arrest, a true copy of which is attached hereto.

 There being reasonable grounds for me to arrest such student without a warrant, such grounds being that: _____

 Other (specify) the student being placed under arrest due to following authority: _____

4. That the undersigned will take immediate action to notify the parent(s), custodian, or legal guardian of said student that said student has been taken into custody and the reason or reasons for said custody.

5. That the undersigned has the legal right to take custody of the student without the consent of said student's parent(s), guardian, custodian, or the [Name] Public Schools.

6. That any facts or circumstances set out on the back of this affidavit and release are true and correct and are incorporated herein by reference.

(Give complete description of officer's name and position, including badge number)

AR-5413--Exhibit B
Affidavit to Interview or Question Student

Date: _____

The undersigned requests the right to interview or question _____, a student of the [Name] Public Schools, and hereby states and affirms to the [Name] Public Schools as follows:

() That the undersigned is a duly appointed probation officer acting pursuant to a valid appointment by the _____ Court of _____ County, Nebraska.

() That the undersigned is duly authorized by law to investigate allegations of criminal activity and this request is made to facilitate such an investigation.

() That the undersigned is duly authorized by law to investigate allegations of criminal activity and this request is made to facilitate an investigation of criminal activity which occurred on the school premises.

() That the undersigned is duly authorized by law to investigate allegations of abuse or neglect as defined in Neb. Rev. Stat. 28-710(3) and this request is made to facilitate an investigation where a family member is alleged to have committed acts of abuse or neglect against the above-named student.

() That requesting consent to the interview from the child's parent or guardian and notification of child's parent or guardian of the interview would be counter productive, and request is hereby made that the same be kept confidential.

That the additional information, if any, set out on the back of this affidavit is true and correct and is incorporated herein by reference.

(Give complete description of officer's name and position including badge number)

**Minutes for
Heartland Community Schools
Board of Education Regular Meeting**

November 12, 2014 7:00 PM
Conference Room

MISSION STATEMENT: Heartland Community Schools - Henderson/Bradshaw is dedicated to educating all students by providing challenging opportunities to learn according to individual needs.

Attendance Taken at 7:00 PM:

Present Board Members:

Mr. Kent Allen
Mr. Gary Braun
Mr. Paul Brune
Mr. Glenn Larson
Mr. Boyd Stuhr
Mrs. Debra Wilhelm

1. Preliminary Procedures

1.1. Call to Order

1.2. Public Notice of the Meeting

1.3. Roll Call

2. Public Comments on Agenda Items

3. Public Comments on Topics Not on the Agenda

4. Reports

4.1. Superintendent's Report

Discussion:

Mr. Best reported that the annual report will be ready for next month's meeting. A preliminary list of the building projects for the second half of this year and next summer will also be ready for the next meeting. Board self-evaluation surveys will be sent out to board members within a couple of weeks.

4.2. Principals' Reports

Discussion:

Mrs. Houck listed the October students of the month. Clark Ribble was named the October Teacher of the Month. She reported that the 2nd grade won the Box Top collection challenge and recently had a popcorn party. She also reported that last in-service meeting with April Kelley from ESU #6 was well received.

Mr. Carr reported that Digital Citizenship Classes have begun. He also discussed exceptional student performances, professional development, the recent safety drill at the school, and that Henderson Health Care Services recently held a fundraiser for Heartland student scholarships. The National Honor Society Food Drive will begin December 8th.

5. Discussion Items

5.1. Multicultural Report

5.2. NASB State Convention

Discussion:

Deb Wilhelm will represent the board as our delegate to the convention delegate assembly.

5.3. January Board Retreat

6. Old Business

6.1. 2nd Reading Policy IDDE - Seclusion & Restraint

Motion Passed: To approve the second reading of Policy IDDE passed with a motion by Mr. Glenn Larson and a second by Mr. Paul Brune.

Mr. Kent Allen	Yes
Mr. Gary Braun	Yes
Mr. Paul Brune	Yes
Mr. Glenn Larson	Yes
Mr. Boyd Stuhr	Yes
Mrs. Debra Wilhelm	Yes

6.2. 2nd Reading of Policy DJED - Bid Solicitation

Motion Passed: To approve the 2nd reading of Policy DJED passed with a motion by Mr. Paul Brune and a second by Mr. Glenn Larson .

Mr. Kent Allen	Yes
Mr. Gary Braun	Yes
Mr. Paul Brune	Yes
Mr. Glenn Larson	Yes
Mr. Boyd Stuhr	Yes
Mrs. Debra Wilhelm	Yes

6.3. Scoreboard

Motion Passed: To approve the latest quote on scoreboards in the old gym passed with a motion by Mr. Boyd Stuhr and a second by Mr. Kent Allen.

Mr. Kent Allen	Yes
Mr. Gary Braun	Yes
Mr. Paul Brune	Yes
Mr. Glenn Larson	Yes
Mr. Boyd Stuhr	Yes
Mrs. Debra Wilhelm	Yes

7. New Business

7.1. 2013-14 Financial Audit

Motion Passed: To accept the 2013-14 financial audit conducted by Mierau & Associates passed with a motion by Mr. Kent Allen and a second by Mr. Paul Brune.

Mr. Kent Allen	Yes
Mr. Gary Braun	Yes
Mr. Paul Brune	Yes
Mr. Glenn Larson	Yes
Mr. Boyd Stuhr	Yes

Mrs. Debra Wilhelm Yes

8. Future Agenda Items

9. Consent Agenda

Motion Passed: Motion to approve the consent agenda passed with a motion by Mr. Paul Brune and a second by Mr. Glenn Larson .

Mr. Kent Allen Yes
Mr. Gary Braun Yes
Mr. Paul Brune Yes
Mr. Glenn Larson Yes
Mr. Boyd Stuhr Yes
Mrs. Debra Wilhelm Yes

9.1. Approval of Minutes

9.2. Approval of Treasurer's Report

9.3. Approval of Claims

9.4. Financial Reports

9.5. Out of State Travel Requests

10. Executive Session

Discussion:

Chairman Braun declared the executive session ended at 8:28 p.m.

Motion Passed: To enter into Executive Session for the purpose of discussing Superintendent Evaluation at 8:07 p.m. passed with a motion by Mr. Gary Braun and a second by Mrs. Debra Wilhelm.

Mr. Kent Allen Yes
Mr. Gary Braun Yes
Mr. Paul Brune Yes
Mr. Glenn Larson Yes
Mr. Boyd Stuhr Yes
Mrs. Debra Wilhelm Yes

11. Adjournment

Discussion:

The next scheduled meeting to be held on December 8, 2014 at 7:00 p.m.

Motion Passed: Motion to adjourn the meeting at 8:28 p.m. passed with a motion by Mr. Paul Brune and a second by Mrs. Debra Wilhelm.

Mr. Kent Allen Yes
Mr. Gary Braun Yes
Mr. Paul Brune Yes
Mr. Glenn Larson Yes
Mr. Boyd Stuhr Yes
Mrs. Debra Wilhelm Yes

Board President

Board Secretary