

SEDGWICK COUNTY AREA EDUCATIONAL SERVICES INTERLOCAL COOPERATIVE #618

**BOARD OF DIRECTORS**  
SPECIAL EDUCATION OFFICE  
BOARD ROOM  
JULY 15, 2010  
7:30 P.M.

MINUTES

- Representatives Present:** Robert Matthews, Bruce Nicholson and Beth Fields
- Alternates Present:** Amy Scheer (Gardner) and Doug Griswold (Goodland)
- Superintendents Present:** Mike Hull
- Cooperative Staff Present:** Larry Clark, Kay B. Nance, Karen Kuhn and Christy Skelton
- Other Visitors:** [Redacted] and Shelly De [Redacted]

The meeting was called to order by Mr. Matthews at 7:30 p.m.

Only Informational items were presented until Mr. Griswold arrived at 8:08 p.m.

1. **ROLL CALL** - Representatives were asked to sign the attendance sheet. Representatives from Burrton, Lenwick, Valley Center and Conway Springs were not present.

2. **ADOPTION OF AGENDA** - Ms. Scheer moved and Ms. Beth Fields seconded the motion to adopt the agenda.

Motion carried 5-0.

3. **ELECTION OF OFFICERS** - Mr. Nicholson moved and Ms. Fields seconded to nominate Mr. Matthews for President.

Mr. Nicholson moved and Ms. Fields seconded to cease nominations for President.

Motion carried 5-0.

The motion to elect Mr. Matthews as President carried on a vote of 5-0.

Mr. Matthews moved and Mr. Griswold seconded to nominate Mr. Nicholson for Vice-President.

Mr. Matthews moved and Mr. Griswold seconded to cease nominations for Vice President.

Motion carried 5-0.

The motion to elect Mr. Nicholson Vice President carried on a vote of 5-0.

**4. CONSENSUS ITEMS:**

- a. **MINUTES OF JUNE 17, 2010 MEETING**
- b. **TREASURER'S REPORT**
- c. **APPROVAL OF BILLS**

Mr. Nicholson moved and Ms. Fields seconded to:

- a. Approve the Minutes of June 17, 2010 Meeting;
- b. Approve the Treasurer's Report as presented; and
- c. Approve the payment of bills, check numbers as listed on the July 15, 2010 Check Register.

**d. REPORT OF ACTIVITY FUNDS**

**e. PERSONNEL RESIGNATIONS - PERSONNEL RESIGNATIONS**

- a. Cox, M - Educator - Maize High School; and
- b. Garcia, A - Paraprofessional - Valley Center High School.

**f. PERSONNEL CONTRACTS AND LETTERS OF EMPLOYMENT**

- a. Bells, Patricia - Interrelated Teacher - Sedgwick;
- b. Hubb, Wanda - Interrelated Teacher - Maize South Elementary;
- c. Whitson, Amy A. - Interrelated Teacher - Maize Vermillion;
- d. Whitson, Amy D. - Interrelated Teacher - Maize Pray-Modman.

Motion carried 5-0.

**5. ORGANIZATIONAL AND RELATED ITEMS** - Mr. Nicholson moved and Mr. Griswold seconded to approve the following consensus items:

- a. Set Meeting Date, Time and Place as the first Thursday following the second Monday of each month at 7:30 p.m. in the Special Education Office Board Room;
- b. To Appoint Karen Kuhn to be Clerk of the Board and Erica Nance as Deputy Clerk;
- c. To Appoint Deborah Bradstreet as Treasurer and Jeanine Burleigh as Deputy Board Treasurer for the Cooperative;
- d. To Appoint Deborah Bradstreet as KPERS agent and Karen Kuhn as the alternate KPERS agent for the Cooperative;

- e. To Adopt the following resolution:

WHEREAS the Sedgwick County Area Educational Services Interlocal Cooperative, #618, Sedgwick County, Kansas, has determined that the financial statements and financial reports for the year ended June 30, 2008 to be prepared in conformity with the requirements of K.S.A. 75-1120a(a) (as amended) are not relevant to the requirements of the cash basis budget laws of this state and are of no significant value to the Board of Directors or the members of the general public of the Sedgwick County Area Educational Services Interlocal Cooperative #618; and

WHEREAS there are no revenue bond ordinances or other ordinance or resolutions of the Cooperative which require financial statements and financial reports to be prepared in conformity with K.S.A. 75-1120a(a)(as amended) for the year ended June 30, 2011.

BE IT THEREFORE BE IT RESOLVED, by the Board of Directors of the Sedgwick County Area Educational Services Interlocal Cooperative #618 Sedgwick County, Kansas, in the regular meeting duly assembled this 17th day of July, 2008, that the Board of Directors waives the requirements of K.S.A. 75-1120a(a)(as amended) as they apply to the Sedgwick County Area Educational Services Interlocal Cooperative #618 for the year ended June 30, 2009.

BE IT FURTHER RESOLVED that the Board of Directors shall cause the financial statements and financial reports of the Sedgwick County Area Educational Services Interlocal Cooperative #618 to be prepared on the basis of cash receipts and disbursements as adjusted to show compliance with the cash basis and budget laws of this State;

- f. To Approve **any bank** as the Cooperative fund depository for the 2010-2011 school year;
- g. To Approve the following list of special education hearing officers;
1. James Beasley;
  2. Carol Boorady; and
  3. Linda Mitchell.
- h. To appoint Hinkle Elkouri Law Firm, L.L.C. – Tom Powell and or Sara Loquist as Cooperative Attorneys for the 2010-2011 school year;
- i. To designate the Wichita Eagle as the official newspaper of the Cooperative for publication of Cooperative notices;

- j To Appoint Kay Bartel as the custodian of Board records, bills and financial records, and Larry Clark as custodian of student records, personnel records and discrimination complaint investigation records;
- k To Appoint Kay Bartel as the Cooperative's Freedom of Information Officer;
- l. To Adopt the following policy for the early payment of bills:

BE IT RESOLVED by the Board of Directors of the Sedgwick County Area Educational Services Interlocal Cooperative #618, Sedgwick County, State of Kansas, that the Clerk of said Board is hereby authorized to pay in advance of approval by the Board of Directors any claims against said Interlocal that provide for a discount for early payment or for the assessment of a penalty for late payment; that prior to payment of any claim in advance of approval by the Board of Directors, the claim shall be audited by the treasurer of the board and approved by a Director and approved by them as correct, due and unpaid; and that the Clerk shall keep a separate record of all moneys paid, the purposes for which expended, and shall submit the record to the board of directors for approval at the next regular meeting, all in accordance with the provisions of K.S.A. 12-105b, as amended by L. 1999, Ch. 85, Sec. 2, April 22.

Dated this 1<sup>st</sup> day of July, 2010, at Sedgwick County, State of Kansas.

To Adopt the following authorization to Sign resolution:

Larry N. Clark is hereby severally authorized and directed to execute applications for credit cards, installment sales agreements or leases for, on behalf of, and in the name of the Sedgwick County Area Educational Services Interlocal Cooperative #618 as the applicant, purchaser or lessee, as the case may be in any manner and on such terms as he may deem advisable.

Be it further resolved, that notwithstanding any change to or termination of the foregoing authority by operation of law or otherwise, any originator of such credit, installment sales agreements or lease is held harmless in relying and acting upon said authorization until they shall have received written notice from the Interlocal of any such change or termination;

- n. To re-adopt the following Policy on Nondiscrimination:

**Nondiscrimination Policy Statement of the  
Sedgwick County Area Educational Services  
Interlocal Cooperative #618**

Applicants for admission and employment, students, parents of elementary and secondary school students, employees, sources of referral of applicants for admission and employment, and all unions or professional organizations holding collective bargaining or professional agreements with Interlocal #618 are hereby notified that this institution does not discriminate on the basis of race, color, national origin, sex, age, religion, or disability in admission or access to, or treatment or employment concerning Interlocal #618. Any person with questions, concerns, complaints, or requests for additional information regarding compliance with the regulations implementing Title VI of the Civil Rights Act of 1964 (Title VI), Title IX of the Education Amendments of 1972 (Title IX), Age Discrimination Act of 1975 (AGE), Section 504 of the Rehabilitation Act of 1973 (Section 504), or Title II of the Americans with Disabilities Act of 1990 (ADA) is directed to contact Larry N. Clark, Director of Special Education, 620 Industrial, P.O. Box 760, Goddard, Kansas, 67052, phone (316) 794-8000. Larry N. Clark has been designated by Interlocal #618 to coordinate the institution's efforts to comply with the regulations implementing Title VI, Title IX, AGE, Section 504, and the ADA. Title VI, Title IX, and Section 504 complaints may also be filed with the Regional Office for Civil Rights:

The OCR office for Kansas is located at:

Kansas City Office  
Office for Civil Rights  
U.S. Department of Education  
3600 Ward Parkway, Suite 2037  
Kansas City, MO 64114

Telephone: 816-268-0550  
FAX: 816-268-1404;  
TDD: 800-437-0833  
Email: OCR\_KansasCity@ed.gov

The OCR National Headquarters is located at:

U.S. Department of Education  
Office for Civil Rights  
Customer Service Team  
550 12th Street, SW  
Washington, DC 20202 -1100

Telephone: 1-800-421-3481  
FAX: 202-245-6840;  
TDD: 877-521-2172  
Email: OCR@ed.gov

All Students receiving services from Interlocal #618 may participate in educational programs and extracurricular activities, including but not limited to: health; physical education; music and vocational and technical education, regardless of race, color, national origin, age, sex, religion, or disability;

o. Policy on Substance and Drug Abuse Program

Recommend the Board re-adopt the following policy which includes minor changes as recommended by KASB to the Cooperative's policy on Substance and Drug Abuse Prevention Program:

## SUBSTANCE AND DRUG ABUSE PREVENTION PROGRAM POLICY

The unlawful possession, use, sale or distribution of illicit drugs and alcohol by students or Cooperative employees on any of the nine school districts or the Cooperative premises or any part of any school activity is prohibited.

### CURRICULUM

All of the Cooperative's students shall be made aware of the legal, social and health consequences of drug and alcohol use. Students shall be instructed on effective techniques for resisting peer pressure to use illicit drugs or alcohol. Students shall also be informed that the use of illicit drugs and the unlawful possession and use of alcohol is both wrong and harmful.

The Board of the Sedgwick County Area Educational Services Interlocal Cooperative #618, does not wish to infringe upon the duties or rights of member districts. Therefore, the Cooperative will leave the obligation of development, promulgation and the carrying out of a policy for students in conjunction with the Act to each member district for that district's students served by the Cooperative.

### EMPLOYEE CONDUCT

As a condition of continued employment in this Cooperative, all employees shall abide by the terms of this policy.

Employees shall not unlawfully manufacture, distribute, dispense, possess or use illicit drugs, controlled substances, or alcoholic beverages, other than a controlled substance dispensed as a prescription by a physician for such Cooperative employee, on Cooperative or school premises or at any Cooperative or school activity. Compliance with the terms of this policy is mandatory.

Employees who are found violating the terms of this policy will be reported to the appropriate law enforcement officers. Additionally, any employee who violates the terms of this policy will be subject to any or all of the following sanctions:

1. Short term suspension with pay;
2. Short term suspension without pay;
3. Long term suspension without pay;
4. Required participation in a drug and alcohol education, treatment, counseling, or rehabilitation program; or
5. Termination or dismissal from employment.

Prior to applying sanctions under this policy, employees will be afforded due process rights to which they are entitled under their

contracts or the provisions of Kansas law. Nothing in this policy is intended to diminish the right of the Cooperative to take any other disciplinary action which is provided for in Cooperative policies or the negotiated agreement. This policy is not intended to change any right, duty or responsibilities in the current negotiated agreement.

If it is agreed that an employee should enter into and complete a drug education or rehabilitation program, the cost of such program will be borne by the employee. A list of acceptable drug and alcohol counseling, treatment and rehabilitation programs, available for employees of the Cooperative are on file with the Office of the Board.

Employees are responsible for contacting the directors of the programs to determine the cost and length of the program and for enrolling in the programs.

### **SCREENING PROCESS**

In keeping with the Cooperative's goal to establish and maintain an environment free from the effects of drugs and intoxicating substances, the following procedures are established:

1. In all design positions, applicants who have received an offer of employment must successfully complete a drug and/or alcohol concentration test in addition to successful completion of any other physical examination requirements. A positive finding of alcohol or illegal drugs will result in denial of employment with the Cooperative. Applicants who do not submit to screening at the appointed time will be denied employment.
3. The Cooperative administration, with any needed input from an employee's immediate supervisor, shall initiate drug or alcohol screening of employees involved in reportable incidents if there is reasonable suspicion of substance abuse. (No registered nurse concurrence required).
4. Drug or alcohol testing of employees may be initiated by the Board when there is reasonable suspicion that substance abuse is occurring. The concurrence of a registered nurse that there is reasonable suspicion that substance abuse is occurring should be obtained if possible.
5. Drug or alcohol screening of applicants or employees may include an urinalysis and may also include a breath analysis and/or blood sample testing. Any positive readings following urine testing may be confirmed by an alternate testing method at the employee's

expense; provided however, that administrative action may be taken prior to receipt of results of conformation testing, such action to be within the sole discretion of the administration.

### APPEAL PROCESS

Upon report of a positive test, the employee or applicant will be notified of the test results. As part of that notification, he/she will be provided an opportunity to explain any positive results. An employee or applicant whose test results are positive may, at the employee's or applicant's own expense, have a retest conducted on the original sample at a laboratory of the employee's or applicant's choice that has been approved by the Cooperative. An employee or applicant shall request such retest within thirty days of being notified of the original test results. The laboratory used for the retest shall have chain of custody procedures to ensure proper identification, labeling and handling of test samples and proper exchange with the return of the samples of the original medical group or laboratory. Following a review by the administration of an explanation of positive test results and the results of a retest requested by an employee or applicant, a final determination and any sanctions will be made by the Board.

### MISCELLANEOUS

This policy is intended to be a unilateral expression of the general procedures and guidelines concerning substance abuse and the Cooperative's personnel program. It is not intended to create any contractual rights of employment, either express or implied, between the Cooperative and its employees.

Programs for counseling along with a list of acceptable drug and alcohol counseling, treatment and rehabilitation programs, shall be provided to employees. The Cooperative reserves the right to change the provisions of the personnel program and this policy at any time.

- p. Policy and Plan on Family and Medical Leave

Recommend that the Board adopt the following policy and plan which includes minor changes as recommended by KASB to the Cooperative's policy and plan on Family and Medical Leave:

#### Family and Medical Leave Policy

Cooperative employees shall be provided family and medical leave as provided by a plan approved by the Board. The plan for providing leave under this policy shall be filed with the clerk of the Board and made available to all staff at the beginning of each school year.

#### Family and Medical Leave Plan

Family and medical leave as required by federal law shall be granted for a period of not more than 12 weeks during a 12-month period. For purposes of this policy, a 12-month period shall be defined as a fiscal year beginning on July 1 and ending the following June 30. Spouses employed by the district may only take an aggregate of 12 weeks of leave for a birth or adoption of a child or to care for a child with a serious health condition.

Leave is available because of:

- (1) the birth of a son or daughter of the employee and to care for the son or daughter;
- (2) the placement of a son or daughter with the employee for adoption or foster care;
- (3) the need to care for a spouse, son, daughter or parent of the employee because of a serious health condition;
- (4) a serious health condition of the employee that prevents the employee from performing the job functions;
- (5) a qualifying emergency occurring because the spouse, son, daughter or parent of the employee is on active duty (or has been called of an impending call or order to achieve active duty) in the United States Armed Forces; or
- (6) a spouse, son, daughter, parent or next of kin of a covered service member if the employee is entitled to care from the eligible family member. Eligible employees, in this case, entitled to a combined total of 26 workweeks of leave during a 12-month period.

Leave for reason 1 or 2 must be taken within 12 months of birth or placement.)

This leave shall normally be unpaid leave. However, if the employee has any paid vacation or temporary leave that is available for use because of the reason for the leave, the paid leave shall be used first and counted toward the annual family and medical leave. The Director or Assistant Director will notify the employee of the beginning date of family and medical leave and the amount of the employee's accrued paid leave designated as family and medical leave.

The employee is eligible for family and medical leave upon completion of 12 months of service in the Cooperative and employed at least 1250 hours during the preceding year.

During the period of any unpaid family and medical leave the Board shall continue to pay the employer's share of the cost of group health benefits in the same manner as paid immediately prior to the leave. Any employee portion of the cost shall be paid by the employee to the Clerk of the Board on the payroll date or other time as the employee and Director may agree. The Board may terminate group health

coverage if the employee payment is not received within 30 days of the due date.

When leave is foreseeable, the employee shall give written notice 30 days in advance. If leave is not foreseeable, notice will be given as soon as practicable.

Upon the employee providing notice of need for leave, the employer will notify the employee:

- a. the reasons that leave will cover as family and medical leave,
- b. any requirements for medical certification,
- c. employer requirement of substituting paid leave,
- d. requirements for premium payments for health benefits and employee responsibility for repayment if employer pays employee share,
- e. right to be restored to same or equivalent job,
- f. any employer required non-duty certifications.

Family (reasons 1 or 2) may not be used intermittently or on a part-time basis without the prior approval of the Director or Assistant Director.

The Director may require an instructional employee to continue leave until the end of a semester if the leave begins more than five (5) weeks before the end of a semester, lasts more than three (3) weeks and the return would occur during the last three (3) weeks of the semester.

If the leave is for a reason other than the employee's serious health conditions, the Director may require an instructional employee to continue leave until the end of a semester, if:

- 1. the leave begins in the last five (5) weeks of a semester, will last more than two (2) weeks and the return to work would occur in the last two (2) weeks of a semester, or
- 2. the leave begins in the last three (3) weeks of a semester, and lasts more than five (5) days.

q. Acceptable Use Policy

Recommend that the Board adopt the following policy and Contract for acceptable use of computers, networks, internet, electronic mail and other online services for Cooperative employees:

## ACCEPTABLE USE POLICY

### **ACCEPTABLE USE OF COMPUTERS, NETWORKS, INTERNET, ELECTRONIC MAIL, AND OTHER ONLINE SERVICES - EMPLOYEES**

#### **BOARD POLICY:**

The Cooperative or the district in which the employee is working will provide administrators, teachers, and other employees access to computers, networks, Internet, electronic mail (e-mail), and employee data systems through the Cooperative's or the district's internal and external Portal accounts. The purpose of this access is to promote educational excellence in schools by facilitating resource sharing, innovations, and communications. The use of computers, networks, the Internet, e-mail, and other on-line services shall be in support of educational and research consistent with the educational objectives of the Cooperative and the district in which the employee is working.

#### Administrative Implemental Procedures:

1. Services. The Cooperative and member districts encourage employees to learn to use computers, networks, Internet, e-mail, and other online services and apply these tools in appropriate ways to the performance of tasks associated with their positions and assignments.
2. Appropriate Use. Employees shall communicate with telecommunication tools in a professional manner consistent with state laws and Cooperative/district policies governing the behavior of school employees and with federal laws governing copyright. For compliance with electronic discovery rules, employees are required to use Cooperative or district e-mail rather than personal e-mail accounts, to conduct Cooperative business. E-mail and telecommunications shall not be improperly utilized to disseminate confidential information about Cooperative/district employees or to disclose information from student education records in violation of the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g, as amended, and its interpretive regulations, 34 C.F.R. § 99.1, *et seq.* This shall not apply to the student information system program or other Cooperative/district administrative software that is to be used by authorized employees in a manner that complies with FERPA and its interpretive regulations.

It is the responsibility of all Cooperative employees and/or persons with access to Cooperative/district data (including contractors and volunteers) to maintain the highest level of security to prevent data stored on portable devices from being accessed by unauthorized individuals. Portable devices include, but are not limited to, laptop computers, jump drives, and external hard drives.

3. Public Communication. Communication over networks should not be considered to be private. Messages may be diverted accidentally to another destination. The

Cooperative/district network administrator(s) from time to time may review directories, files, or e-mail to ascertain compliance with network guidelines for acceptable use and/or appropriate personnel action. In addition, e-mail and other electronic files may be reviewed for other purposes, such as litigation and open records requests. The network administrator(s) may delete files that are not kept to a manageable storage level or are deemed inappropriate.

4. Student Access. Regardless of any “technology protection measure” implemented by the Cooperative/district as may be required by the Children’s Internet Protection Act, teachers, administrators, and others who make decisions regarding student access to the Internet shall, in making such decisions, at all times consider the cooperative’s/district’s stated educational mission and the student acceptable use policy. To the extent possible, students’ use of the Internet shall be structured in ways that point students to those resources that have been evaluated prior to use. Cooperative professional staff shall supervise students utilizing Cooperative/district-provided Internet access. Students shall not be allowed to utilize electronic communications unless a signed consent is on file. A family’s right to decide whether or not to give the consent for their student shall be supported and respected. Permission is not transferable from one student to another and may not be shared.
5. Violations. Employees who violate this policy will be subject to appropriate disciplinary action, up to and including termination.
6. Inappropriate Use. The following uses of Cooperative/school-provided access to computers, networks, Internet e-mail, and other online services are not permitted on the part of Cooperative employees:
  - a. Accessing, uploading, downloading, or distributing pornographic, obscene, or sexually explicit material;
  - b. Transmitting obscene, abusive, sexually explicit, or threatening language;
  - c. Violating any local, state, or federal statute;
  - d. Accessing another employee’s materials, information, or files without permission from the employee or the appropriate network administrator or principal;
  - e. Violating copyright or otherwise using the intellectual property of another individual or organization without permission, specifically including, but not limited to the unlawful downloading of music, movies, computer software, or pictures;
  - f. Using others’ passwords and allowing students or third parties who are not employed by the Cooperative/district to use staff members’ passwords;

- g. Vandalizing, which is any unauthorized access and/or malicious attempt to damage computer hardware/software or networks or destroying the data of another user, including creating, uploading, or intentionally introducing viruses;
- h. Intentionally wasting limited resources, including, but not limited to, storage of excessive amounts of personal e-mails, movies, music, and picture files on Cooperative/district computers or servers;
- i. Using the Cooperative's/district's network or computers for commercial purposes, including, but not limited to, selling items, and maintenance of a personal or business website or e-mail accounts;
- j. Harassing, bullying, insulting, or attacking others;
- k. Accessing or transmitting e-mail or other electronic files containing inappropriate and/or offensive material that targeted members of any protected class (examples would include jokes targeting a person(s) based upon gender, race, ethnicity, disability, etc.);
- l. Using e-mail lists from the Cooperative's/district's Internet site, network, or servers to create mailing lists for non-Cooperative/district purposes;
- m. Gaining unauthorized access to resources or entities;
- n. Invading the privacy of individuals;
- o. Improperly altering the setup of computers (e.g., desktops, icons, wallpapers, screen savers, installed software) as determined by the network administrator;
- p. Failing to follow Cooperative/district policies while using computers or failing to follow any other policies or guidelines established by Cooperative/district administration or the user's supervisor and failure to follow instructions of supervisor;
- q. Attempting to gain or gaining unauthorized access to information resources or other computing devices; and
- r. Using Cooperative/district resources to create or access personal e-mail accounts to conduct Cooperative/district business or to engage in conduct that would violate any Cooperative/district policy.

- 7. Security. Users are responsible for maintaining a safe, secure environment:
  - a. Users will keep passwords secure; and

- b. Users will change passwords when directed by the Cooperative/network administrator.
8. Security Risk. Any user identified as a security risk or having a history of problems with other computer systems may be denied access.
9. Copyright law shall be respected for all Internet and on-line services.
10. Disclaimer. The Cooperative/district makes no warranty of any kind, whether express or implied, for the access it is providing, nor will it be responsible for any damages suffered. This includes loss of data resulting from delays, non-deliveries, misdeliveries, or service interruptions caused by its own negligence or user errors or omissions. Use of any information obtained via the Internet is at the user's risk. The Cooperative/district denies any responsibility for the accuracy or quality of information obtained through its system. The Cooperative/district is not liable for any commercial transactions conducted through its system.
11. Statements of Personal Belief. Any statement of personal belief found on computers, networks, the Internet, or other on-line services, or any other telecommunication system shall be implicitly understood to be representative of the author's individual point of view, and not that of the Cooperative/district, its administrators, teachers, staff, or the participating school. No representations contrary shall be published without written approval from the signed Cooperative-/district-level administrator(s). Directors, Assistant Directors, Principals, district-level administrators, or their designees may review and comment in any Internet or on-line accounts paid for, in whole or in part, by the Cooperative/district or any school, without notice of any kind.
12. Cooperative Employee Access Contract and Annual Review.
- For use of Cooperative/district computers, networks, the Internet, electronic mail, and other on-line services, the employee desiring to use such services shall submit a signed Cooperative Employee Access Contract to the Cooperative office for filing. A Cooperative Employee Access Contract must be on file in order for an employee to have access to the above services.
- b. Any employee who declines to sign a Cooperative Employee Access Contract shall be denied access to the above services. In this event, the employee shall initial the Cooperative Employee Access Contract to acknowledge awareness of this policy. The initialed Cooperative Employee Access Contract shall be submitted to the Cooperative office for filing.
- c. The Cooperative shall maintain a current list of employees who have signed Cooperative Employee Access Contracts and make it available to all directors, principals, district office administrators, and their designees at their request.



## PUBLIC ACCESS TO RECORDS POLICY

### BOARD POLICY:

**In accordance with the Kansas Open Records Act (K.S.A. § 45-215, *et seq.*), Cooperative records shall be open for inspection by any person, except as otherwise provided by law.**

#### Administrative Implemental Procedures/Definitions:

1. **Public Records.** "Public Record" means any recorded information, regardless of form or characteristic, which is made, maintained or kept by or is in the possession of the Cooperative except for exempted records. Public Records as defined in the Kansas Open Records Act (K.S.A. § 45-217(f), *et seq.*) ("**KORA**") shall be open to the public for their inspection and copying.
2. **Excluded and Exempt Records.** Specific excluded and exempt records, see K.S.A. § 45-217 and 45-221 *et seq.* "Excluded and Exempted Records" mean Public Records that are legally excluded or exempted from the definition of Public Records under KORA.
3. **Student Records.** Disclosure of information contained in student education records must be done in compliance with the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g, as amended, and its interpretive regulations, 34 C.F.R. § 99.1, *et seq.*

**Record Custodians.** For purposes of access to Cooperative Public Records, the designated official custodian is the Clerk of the Board or in his/her absence, the Deputy Clerk of the Board. The Clerk of the Board or in his/her absence, the Deputy Clerk of the Board, may request an employee (employee/custodian) who is the custodian of a Public Record to respond to a request for Public Records. The principal office for the Cooperative and its Board of Directors is Special Education Office, 620 Industrial, P.O. Box 760, Goddard KS, 67052, Phone: 316-4-8641. The Clerk of the Board shall distribute KORA Guidelines for administrative reference and KORA brochures for public display at the beginning of each fiscal year.

**Freedom of Information Officer.** The Board of Directors shall, at the first meeting of July of each year, appoint a local Freedom of Information Officer who shall serve until a replacement person is designated. Duties of the Freedom of Information Officer shall include:

- a. Prepare and provide to Cooperative staff educational material and information concerning the Open Records Act;

- b. Assist Cooperative employees and members of the general public to resolve disputes related to the Open Records Act;
- c. Respond either directly or through an employee/custodian to inquiries related to the Open Records Act; and
- d. Establish requirements for a brochure required to be displayed or distributed, or otherwise made available to the public under the Open Records Act.

6. **Requests for Public Records.** All requests for access, inspection, and copying of Public Records must be submitted to the Clerk of the Board or employee custodian. The Clerk of the Board or in his/her absence, the Deputy Clerk of the Board, shall be available during business hours to carry out these duties.

- a. The request for access, inspection, or copies of Public Records shall be in writing and the requester shall be required only to furnish his or her name and address, proof of identity, if necessary, and information needed to ascertain records desired.

7. **Access, Inspection, and Copying.**

- a. Access, inspection, and copying of Public Records should be granted as soon as possible in most cases.
- b. Public Records may be inspected during the Cooperative's or school's regular office hours.

While an individual has a right to make abstracts or obtain copies of public records, an individual has no right to remove original records from the school and/or Cooperative office. Copies of records must be made while records are in the control of the custodian. Cooperative staff shall make copies, and not give original documents to requesters to copy.

Requirements of access and inspection apply to existing Public Records and do not require the creation of new records. Computer or electronic records will be provided only in the form and format which the information is maintained by the Cooperative.

- e. Copies of radio or recording tapes or discs, video tapes or films, pictures, slides, graphics, illustrations, or similar audio or visual items or devices, shall not be required to be copied unless such items or devices were shown or played to a public meeting of this Board of Directors, but such shall not be copied if such items or devices are copyrighted by a person other than the Cooperative. All such copies not shown or placed at a public meeting

of the Board, if not otherwise exempted under KORA, shall be made available for viewing or listening upon request.

- f. If a Public Record contains material that in part is not subject to disclosure pursuant to Kansas Open Records Act (KORA), the employee/custodian of the Public Record responding to a request shall redact such material and make available to the requester only the material in the Public Record subject to disclosure.

**8. Delay and/or Denial of Request.**

- a. **Delay of Request:** If immediate access is not granted by the Clerk of the Board, or in his/her absence, the Deputy Clerk of the Board, or the employee/custodian of the Public Record must give a detailed explanation of the reason for the delay and indicate the earliest time and place at which the Public Records will be available. This written statement shall be furnished to the requester no later than the end of the third business day following the date that the request for the Public Record is received.

- b. **Denial of Request:** If a request is denied, the employee/custodian of the Public Record shall, through the office of the Clerk of the Board, provide a written statement of the grounds for the denial, and shall cite the specific provision of law under which access is denied. This written statement shall be furnished to the requester not later than the end of the third business day following the date that the request for the Public Record is received. If the Clerk of the Board or employee/custodian of the Public Record denies access and the requester disagrees with that decision, the Executive's Freedom of Information Officer in consultation with Board legal counsel should settle the dispute under KORA.

**Response Time.** In all cases, the request must be acted upon or responded to not later than the third business day following the date the request is received.

**10. Fees.** Fees shall be charged for the provision of access to, inspection of, and copying of Public Records.

- a. The Clerk of the Board shall establish a schedule of fees for this purpose. Fees for copies shall equal the actual cost of furnishing copies, including the cost of staff time required to collect the material/information and make copies.
- b. Fees shall be collected in advance.
- c. Fees for providing access to computer records shall include the cost of computer services, including staff time required.

- d. All charges or fees collected by the Clerk of the Board or employee/custodian of the record shall be remitted at least monthly to the treasurer of the Cooperative and credited to the Special Education fund.

s. **Set Petty Cash Fund Limits**

Recommended the Board re-establish the Petty cash Fund limit for the Special Education Central Office Petty Cash Fund at the current \$1,000.00 limit and the Day School Petty Cash Funds at the current \$250.00 limit.

Motion carried 5-0.

6. **PATRON'S COMMENTS** – None

- 7. **COPIER BIDS** – The Board was presented with information on the copier needed at the Coop office, IMC and the Day School. John Norwood from the Service Center, provided the bids. The brands looked at were Toshiba and Ricoh.

Recommending the following:

- Ricoh 6001 for the book room at the Coop
- Toshiba e-studio 455 for the Day School
- Ricoh 6001 for the IMC
- Ricoh 650 for the main office at the Coop

It was recommended to the Board that the Coop lease the above listed copiers for 5 years, through the Service Center, after which time they can be purchased for \$1.00.

Ms. Griswold moved and Mr. [redacted] seconded the motion to purchase the above listed

Motion carried 5-0.

**VEHICLE BIDS** – The Board was provided information on the need for an additional leased vehicle for one of the Coops Orientation and Mobility Specialists. The car is needed to transport students out into the community in order to work on travel skills such as crossing the streets and navigating curbs.

- The Board received bids from Don Hattan and Eddy's Toyota
- 2010 Chevy Cobolt (36 moths/15,000 miles/yr) \$297 per month lease
- 2011 Camry (36 months/15,000 miles/yr) \$271.00 per month lease

It was recommended that the Coop lease the 2011 Camry

Ms. Beth Fields moved and Mr. Bruce Nicholson seconded the motion to lease the 2011 Camry from Eddy's Toyota.

Motion carried 5-0.

9. **EXECUTIVE SESSION** - Mr. Matthews moved and Mr. Griswold seconded for the Board and Cooperative Administration per Board discretion to move into Executive Session at 8:25 p.m. for a period of 20 minutes to discuss Negotiations, Non-Elected Personnel and Student Related Matters to return to open session at 8:45 p.m. in the Special Education Board Room.

Motion carried 5-0.

The Board moved into Executive Session at 8:25 p.m.

The Board moved out of Executive Session and back into open session at 8:45 p.m.

Ms. Scheer moved and Ms. Fields seconded for the Board to accept Douglas Banmans resignation without penalty.

Motion carried 5-0.

Mr. Griswold moved and Ms. Fields seconded to accept the following resolution:

WHEREAS, Traci D. Longberg and Beverly A. North are currently employed in the Sedgwick County Area Educational Services Interlocal Cooperative #618, Sedgwick County, Kansas;

WHEREAS, the Board of Directors of the Sedgwick County Area Educational Services Interlocal Cooperative #618, Sedgwick County, Kansas, finds that the contract(s) of Traci D. Longberg and Beverly A. North shall be nonrenewed, and that Traci D. Longberg and Beverly A. North should be given notice on or before May 21, 2010 of the intent of the Board of Directors to nonrenew his/her contract for the 2010-2011 school year;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE SEDGWICK COUNTY AREA EDUCATIONAL SERVICES INTERLOCAL COOPERATIVE #618, SEDGWICK COUNTY, KANSAS, AS FOLLOWS:

That the Board of Directors hereby decided to be the intent of the Board of Directors of the Sedgwick County Area Educational Services Interlocal Cooperative #618, Sedgwick County, Kansas that the contract(s) of Traci D. Longberg and Beverly A. North as a teacher be nonrenewed for the 2010-2011 school year; and

That the clerk of the Board of Directors is directed to give written notice in person or by registered States mail to Traci D. Longberg and Beverly A. North on or before May 21, 2010 of the Board's intent to nonrenew his/her contract for the 2010-2011 school year.

ADOPTED by the Board of Directors of the Sedgwick County Area Educational Services Interlocal Cooperative #618, Sedgwick County, Kansas, the 13<sup>th</sup> day of May, 2010.

Motion carried 5-0.

10. **SECTION 125 FLEXIBLE BENEFIT PLAN** – Mr. Nicholson moved and Mr. Griswold seconded to approve the Section 125 Flexible Benefit Plan Adoption Agreement as written. It was explained to the Board that the maximum may change depending on negotiations and the law governing maximum total with respect to unpaid medical costs.

Motion carried 5-0.

11. **PRELIMINARY BUDGET FOR 2008-2009** – The Coop is not requesting any additional funds/assessments from the local districts. 96%-97% of the budget is salaries.

12. **INFORMATIONAL MEETING** - A date was established to hold an informational meeting at 6:00 p.m., prior to the September Board Meeting.
13. **VACANCY STATUS** - No licensed vacancies at this time.
14. **OTHER** - Mr. Nicholson asked if it would possible to track the special education students who are attending one of the nine districts as an out-of-district expense. It was suggested that after official enrollment (September 20<sup>th</sup>) the Coop could gather information and determine the cost.
15. **ADJOURNMENT** - Mr. Matthews adjourned the meeting.

The meeting adjourned at 9:02 p.m.

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ren Kuhn, Clerk of the Board

**DRAFT**