

SEDGWICK COUNTY AREA EDUCATIONAL SERVICES INTERLOCAL COOPERATIVE #618

BOARD OF DIRECTORS
SPECIAL EDUCATION OFFICE
BOARD ROOM
JULY 16, 2009
7:30 P.M.

MINUTES

Representatives Present: Robert Matthews, Bill Dalbom, Bruce Nicholson and Steve Kingsley

Alternates Present: Ken Spexarth (Renwick), Sheila Dunlavy (Burrton), Mark Graf (Cheney) and Rhonda Price (Valley Center)

Superintendents Present: Mike Hull and Doug Powers

Cooperative Staff Present: Larry Clark, Erica Nance, Kay Bartel, Doug Anderson and Karen Kuhn

Other Visitors:

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

1. **ROLL CALL** - Representatives were asked to sign the attendance sheet. A Representative from Goddard was not present.
2. **ADOPTION OF AGENDA** – Mr. Dalbom moved and Mr. Spexarth seconded the motion to adopt the agenda as written.

Motion carried 8-0.
3. **ELECTION OF OFFICERS** – Mr. Dalbom nominated and Mrs. Price seconded the nomination of Robert Matthews for President.

Mr. Dalbom moved and Mr. Spexarth seconded to cease nominations for President.

Motion carried 8-0.

The motion to elect Mr. Matthews for President carried on a vote of 8-0.

Mr. Dalbom moved and Mr. Kingsley seconded to nominate Mr. Nicholson for Vice-President.

Mr. Graf moved and Mrs. Price seconded to cease nominations for Vice President.

Motion carried 8-0.

The motion to elect Mr. Nicholson for Vice President carried on a vote of 8-0.

4. CONSENSUS ITEMS:

- a. MINUTES OF JUNE 11, 2009 MEETING**
- b. TREASURER'S REPORT**
- c. APPROVAL OF BILLS**
- d. REPORT OF ACTIVITY FUNDS**

Mr. Nicholson moved and Mrs. Price seconded to:

- a. Approve the Minutes of June 11, 2009 Meeting;
- b. Approve the Treasurer's Report as presented;
- c. Approve the payment of bills, check numbers as listed on the July 16, 2009 Check Register; and
- d. Approve the Activity Funds Report.

Motion carried 8-0.

5. ORGANIZATIONAL AND RELATED ITEMS – Mr. Dalbom moved and Mr. Spexarth 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 Kay Bartel to be Clerk of the Board and Karen Kuhn as Deputy Clerk;
- c. To Appoint Deborah Bradstreet as Board Treasurer and Jeanine Burleigh as Deputy Board Treasurer for the Cooperative;
- d. To Appoint Deborah Bradstreet as KPERS agent and Kay Bartel 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, 2010 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 and 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, 2010.

NOW, 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, 2009, 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, 2010.

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 2009-2010 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 Tom Powell and or Sara Loquist as Cooperative Attorneys for the 2009-2010 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 the Director and approved by them as correct, due and unpaid; and that the Clerk shall keep an accurate record of all moneys paid, the purposes for which expended, and shall submit the record to the board of Directors for approval at its next regular meeting, all in accordance with the provisions of K.S.A. 12-105b, as amended by L. 1999, Ch. 8b, Sec.2, April 22.

Dated this 17th day of July, 2009, at Sedgwick County, State of Kansas;

- m. To Adopt the following Authorization to Sign resolution:

Resolve that 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) 794-8641. 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: The OCR National Headquarters is located at:

Kansas City Office
Office for Civil Rights
U.S. Department of Education
8930 Ward Parkway, Suite 2037
Kansas City, MO 64114

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

Telephone: 816-268-0550
FAX: 816-823-1404;
TDD: 800-437-0833
Email: OCR_KansasCity@ed.gov

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

All Students receiving services form 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 as a 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 connection with this 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 unlawful manufacture, distribute, dispense, possess or use of 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 Clerk of the Board.

Employees are responsible for contacting the directors of the programs to determine the costs 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. For designated positions, applicants who have received an offer of employment must successfully complete a drug and/or alcohol detection 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.
2. 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 of 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 any retest requested by an employee or applicant, a final determination of any sanctions will be made by the Board.

MISCELLANEOUS

This policy is intended to be a unilateral expression of the general policies, 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.

A copy of this policy, along with a list of acceptable drug and alcohol counseling, treatment and rehabilitation programs, shall be provided to all 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 up to 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 Cooperative may only take an aggregate of 12 weeks of leave for the birth or adoption of a child within a 12-month period.

Leave is available for the following:

- (1) the birth of a son or daughter of the employee and to care for the newborn child;
- (2) the placement of a son or daughter with the employee for adoption or foster care and to care for the newly placed child;

- (3) to allow the employee to care for the employee's spouse, son, daughter, or parent with a serious health condition;
- (4) a serious health condition of the employee that makes the employee unable to perform the functions of his or her job;
- (5) any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on active duty (or has been notified of an impending call or order to achieve active duty) in support of a contingency operation; and
- (6) the need to care for a covered service member with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin of the service member. Eligible employees are, for reason (6) only, 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 the date of birth or placement of the child.)

This leave shall normally be unpaid leave. However, if the employee has any paid vacation, personal, or sick 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 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 if he or she has been employed by the Cooperative for at least 12 months and has worked at least 1,250 hours during the 12-month period immediately preceding the commencement of the FMLA leave.

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 prior to the commencement of the leave. The Board may terminate group health coverage if the employee's portion of the payment is not received within 30 days of the due date, so long as written notice of the delinquency in payment and the notice of intent to terminate coverage are sent at least 15 days prior to the termination.

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 is practicable.

Upon the employee providing notice of need for leave, the employer will notify the employee of the following within 5 business days, absent extenuating circumstances:

- a. whether or not the employee is eligible for FMLA leave; the reasons that leave will or will not count 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, and
- f. any employer required fitness-for-duty certifications.

Family leave (reasons 1 or 2) may not be used intermittently or on a part-time basis without the prior approval of the 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 or for a qualifying exigency as described in section (5) above, 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.
- o. To Set Petty Cash Fund limit for the Special Education Central Office Petty Cash Fund at \$1,000.00 limit and the Day School Petty Cash Fund at \$250.00 limit.

Motion carried 8-0.

6. PATRON'S COMMENTS – None

7. PERSONNEL RESIGNATIONS – Mr. Spexarth moved and Mrs. Price seconded to accept the following personnel resignations:

- a. Beard, Flo – Interpreter;
- b. Bills, Brandy – Paraeducator – Goddard Eisenhower Middle School;
- c. Buche, Leanne – Paraeducator – Valley Center Middle School;

- d. Chandra, Sharmila – Paraeducator – Goddard Clark Davidson;
- e. Florio, Gayle – Paraeducator – Valley Center High School;
- f. Gift, Cherylen – Paraeducator – Goddard Amelia Earhart;
- g. (Bailey)Houston, Lois – Paraeducator – Andale High School;
- h. John, Angela – Paraeducator – Valley Center Middle School;
- i. Roberts, Margo – Paraeducator – Colwich Elementary; and
- j. Keller, Jennifer – Paraeducator – Goddard Challenger Intermediate.

Motion carried 8-0.

8. PERSONNEL CONTRACTS – Mr. Nicholson moved and Mr. Dalbom seconded to approve the following personnel contracts:

- a. Certified/Licensed for 2009-2010 School Year
 - 1. Karr, Peggy J. - IR Teacher;
 - 2. Ritchie, Amy L. – IR Teacher;
 - 3. Goodwin, Gary W. – IR Teacher;
 - 4. Knepper, Kyanne A. – IR Teacher – Clearwater;
 - 5. Longberg, Traci D. – IR Teacher – Maize High School; and
 - 6. Williams, Ashley G. – Adaptive Physical Education Teacher.
- b. Certified/Licensed for Extended School Term
 - 1. Beatty, Geri M. – Physical Therapist;
 - 2. Hopkins, Melissa – ESY Teacher;
 - 3. Hotmar, Danna K. – Physical Therapist;
 - 4. Jones, Renee L. – Occupational Therapist;
 - 5. Lamberger, Gina L. – Occupational Therapist;
 - 6. Peterson, Christy – School Nurse;
 - 7. Probst, Sarah D. – Speech/Language Pathologist;
 - 8. Stover-Brown, Jenny A. – Social Worker; and
 - 9. Strain, Teresa L. – School Nurse.

Motion carried 8-0.

9. RENEW MEMBERSHIP WITH KEYSTONE LEARNING SERVICES – Mr. Spexarth moved and Mr. Kingsley seconded for the Board to approve the continuation of membership in the Kansas Educational Technology Consortium through Keystone Learning Services for the 2009-2010 school year and to authorize a handwritten check to Keystone Learning Services for \$4,270.00 for the cost of that membership.

Motion carried 8-0.

10. **EXECUTIVE SESSION** – Mr. Matthews moved and Mr. Graf seconded for the Board and Cooperative Administration per Board discretion to move into Executive Session at 7:42 p.m. for a period of 10 minutes to discuss Negotiations and to return to open session at 7:52p.m. in the Special Education Board Room.

Motion carried 8-0.

The Board moved into Executive Session at 7:42 p.m.

The Board moved out of Executive Session and back in to open session at 7:52 p.m.

Mr. Graf moved and Mr. Kingsley seconded for the Board and Cooperative Administration per Board discretion to go back into Executive Session at 7:52 p.m. for a period of 8 minutes to continue discussions on Negotiations and to return to open session at 8:00 p.m. in the Special Education Board Room.

Motion carried 8-0.

The Board moved into Executive Session at 7:52 p.m.

The Board moved out of Executive Session and back in to open session at 8:00 p.m.

11. **PARAEDUCATOR SICK LEAVE POOL** – Mrs. Price moved and Mrs. Dunlavy seconded for the Board to begin a sick leave pool for paraeducators and to use Option 1.

Motion carried 8-0.

Option 1:

A classified employee would have the option to contribute six leave hours to a sick leave pool at the beginning of each school year which would make the classified employee eligible for utilizing the sick leave pool should the employee run out of sick leave hours during a given school year. Contributions must be from previously accumulated leave.

- a. A classified employee must have been working for the Cooperative for one full year before being eligible to donate or utilize leave.
- b. Any use of the sick leave pool must be for the employee or a person living in the immediate household for the reason of a chronic illness.
- c. In order to utilize leave from the pool, the employee would fill out a form which would need approval from the director or designee.
- d. Utilization of the leave would be for a maximum of sixty hours for any school year.
- e. Leave would have to be taken in full day increments.
- f. Leave would require a doctor's verification of a chronic illness.

- g. Unused pool hours would not be carried over from year to year

Option 2:

The Cooperative would allot a specified number of days for a sick leave pool with no contributions from staff. Requirements would be the same as in Option 1.

- 12. **SPECIAL EDUCATION ELIGIBILITY INDICATORS** - Mr. Dalbom moved and Mr. Spexarth seconded to approve the Cooperative Eligibility Indicators as written.

Motion carried 8-0.

- 13. **SECTION 125 FLEXIBLE BENEFIT PLAN ADOPTION AGREEMENT** – Mrs. Price moved and Mr. Nicholson seconded to approve the Section 125 Flexible Benefit Plan Adoption Agreement as presented.

Motion carried 8-0.

- 14. **PRELIMINARY BUDGET FOR 2009-2010** – Presented rough draft of budget, significant decrease in categorical aid, build budget on \$23,000 for categorical aid, 3% decrease overall, getting stimulus money of \$200,000 each for the next two years but have to have all stimulus money in the budget this year, also increases amount spent on private school percentage.

- 15. **INFORMATIONAL MEETING** - A date was established to hold an informational meeting at 6:00 p.m., prior to the September Board Meeting.

- 16. **VACANCY STATUS** – 1 Physical Therapist Position.

- 17. **OTHER** – Vans the Coop owns at Chisholm parking lot received hail damage and will be repaired.

- 18. **ADJOURNMENT** – Mr. Matthews adjourned the meeting.

Motion carried 8-0.

The meeting adjourned at 8:30 p.m.

Kay Bartel, Clerk of the Board