

PEMBINA SPECIAL EDUCATION COOPERATIVE

# PSEC Board Policy

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Revised 2018

### A.1.1 Membership

#### Pembina Special Education Cooperative Board

Drayton	#19
North Border	#100
St. Thomas	#43
Valley-Edinburg	#118

1. Districts seeking membership in the Cooperative must apply in writing by January 20 of the school year before they wish to join. Special consideration for admission requests made after January 20 will be made by the special education board on a need basis.
2. Districts seeking to leave membership in the Cooperative must notify the Cooperative board in writing by March 1 of the school year before they wish to leave.
3. Each member district shall be eligible to have one voting member present at all board meetings. Each member school is to designate their district representative(s) at their annual board meeting in July. Any alternate or substitute member should also be designated at the July meeting. Terms of office for all board members shall be one year, with right to unlimited appointment by the member school district board. Vacancies will be filled by the school district board which has the vacancy.

### A.1.2 Duties

1. The board shall conduct the necessary activities to carry out the responsibilities of board membership.
2. All board members have the responsibility to bring the information from Cooperative board meetings back to their respective district board meetings on a regular basis.

### A.1.3 Compensation

Each member of the Cooperative board shall receive compensation as allowed by board action.

### A.1.4 Meetings

1. Meetings shall take place at a time, and designated place on a regular basis each month. Changes in meeting times or places shall be done with majority board approval. Special board meetings shall be arranged as needed.
2. A quorum is needed to conduct official business. Minutes shall be kept and distributed to all board members by the recording secretary. Notice of all meetings shall be posted in the designated county newspaper prior to each meeting. All meetings will be conducted according to *Robert's Rule of Order*. All Cooperative board policies will be presented for two readings before formal action takes place.
3. At the annual meeting, the Cooperative shall elect a chairperson, vice-chairperson, designate a recording secretary, designate a fiscal agent, designate a financial depository, accept a pledge of

securities, and designate an official newspaper. Other official activities as needed will also be conducted at the annual meeting. Terms of office shall run one year, with succession into same office a recognized board option.

#### A.1.5 Fiscal Operation

1. Local revenue to support the Cooperative budget will be based on prior year ADM and taxable evaluation calculations. The division of financial support for each district will be 25% from taxable evaluation and 75% from ADM amounts.
2. The budget for the Cooperative operation shall be presented to both the Cooperative board and the individual member district boards for approval prior to October 10<sup>th</sup> of the fiscal year of the budget. Unanimous approval of the budget is required for its provisions to take place.
3. The business manager shall prepare a monthly financial report on the status of revenue and expenditure budgets. Funds shall be deposited in an account in the bank of the board's choosing.
4. All federal funds will be received directly by the Cooperative board. Application for special grants require Cooperative board approval.
5. Member districts will submit claim vouchers for special education expenses incurred by the twentieth (20<sup>th</sup>) of each month. Upon board review, all claims will be paid at the monthly meeting. If there is not sufficient funds available in the Cooperative financial account to meet expenses, member districts will be billed per individual district assessment. In a cash flow situation, advances will be deducted from next year's payment.
6. All teachers will be hired through each district. If agreed upon, shared service staff members shall be reimbursed by the Cooperative and/or the appropriate districts. The Cooperative will reimburse the districts on a monthly basis for these costs.
7. The classroom aides will be hired through each district. If agreed upon, the Cooperative shall pay a special education paraprofessional and be reimbursed by the district.
8. The Cooperative will provide teaching/evaluation supplies and equipment to special education staff within the unit. All requests are to be made in writing to the Cooperative office. The supplies remain the property of the Cooperative and should any district leave the Cooperative, all purchased supplies and equipment will be returned to the Cooperative office for redistribution. The exiting district may choose to pay fair market price (upon agreement with the Cooperative office) for supplies in order to keep them after leaving.
9. In the event a district voluntarily leaves the special education cooperative, the district is not eligible to share in any end-of-year cash balance. In the event of unit dissolution, all districts will divide resources (cash, materials) according to the ADM amount identified in the budget.

Staff members shall be reimbursed for authorized travel at the state rate. Each staff member will be assigned a base school to determine mileage. The base school will be assigned either by caseloads in assigned buildings or by the fact of being the hiring district. Staff will not be reimbursed for travel to and from the base school. Mileage will be reimbursed to and from the base school to other places of work. Mileage will be reimbursed from the base school or home to the first place of work, whichever is less, and from the last place of work to the base school or home, whichever is less.

## A.2.0 Pembina Special Education Cooperative Personnel Plan

### A.2.1 Director

1. The Cooperative board shall hire an administrative officer, deemed Director of Special Education. The director shall meet all DPI qualification guidelines for director of special education, shall perform the duties of the position as outlined by the DPI, and shall fulfill any additional duties as outlined by the Cooperative job description for Director of Special Education.
2. The Cooperative Board shall conduct a formative and a written evaluation of the performance of the Director of Special Education which shall be made available to the Director in December and in March. This evaluation will address the following issues of the Director's job description:
  - a. General responsibilities
  - b. Staff relations
  - c. Cooperative procedures
  - d. Student programs
  - e. Public relations
  - f. Director/board activities
  - g. Other items deemed relevant by the Cooperative board

Shall contain written recommendations with respect to all areas within which the board considers the performance to be unsatisfactory.

### A.2.2 Complaints

Constructive criticism of the schools and personnel is welcomed by the Pembina Special Education Unit (PSEC) Board whenever it is motivated by a sincere desire to improve the quality of the educational program or to equip the unit to do its tasks more effectively. The Board has; however, confidence in its professional staff and desires to support their actions in order that they may be free from unnecessary, spiteful, or negative criticism and complaint. Therefore, whenever a complaint is made directly to the Board as a whole or to an individual board member, it will promptly be referred to the appropriate personnel for study and possible action.

Since individual board members have no authority to resolve complaints, other than by formal board action, administrators are expected to follow-up on all complaint referrals and to advise the board of the nature of the complaint and the action(s) taken. The Board expects that the administration will develop a procedure for receiving complaints courteously and that it will take steps to make a proper reply to the complainant. This follow-up should generally take the form of a brief written memorandum to the Board.

Complaints for which specific resolution procedures are provided shall be directed through those channels. This includes complaints about personnel and instructional materials.

Complaints should be resolved at the lowest possible level (point closest to the source) of authority. If resolution of the problem seems unlikely at that level or at the building level, either party is encouraged to refer the matter to the Director for review.

If all other remedies have been exhausted, and a non-personnel related complaint has not been satisfactorily resolved, the complainant may request that the matter be placed on the agenda of the next regular meeting of the Board. The complaint shall be presented in writing and included with the

agenda materials provided to the Board prior to the meeting. Generally, all parties involved, including the administrator(s), shall be asked to attend such meeting for purposes of presenting additional facts, making further explanation, and clarifying the issue.

The Board will not consider or act upon complaints that have not been explored at the appropriate administrative level or complaints for which specific resolution procedures have been established that do not include Board review. If the Board decides to hear the complaint, the Board shall make a decision which shall be provided to all interested parties. If the decision alters policy, the procedures for suspending, amending, or adopting policy shall be followed. Complaints concerning personnel will be heard only in accordance with applicable statutes.

Cross Reference: Generic Complaint Form

#### A.2.3 Personnel Files

The PSEC office maintains personnel records on all employees. The files are maintained in the director's office.

1. The following materials are contained in the personnel file:
  1. Employment application
  2. College placement papers
  3. Transcripts
  4. Evaluations
  5. Vitas/resumes
  6. Other related items including, but not limited to contracts, job descriptions, state correspondence, credentials, and licensure.
2. All PSEC employees may review the contents of their file. They may also request copies of these materials. (Requests for copies shall be made in writing and presented to the business manager). Original contents of the files cannot be taken out of the central office. A reasonable fee for photocopying may be charged to the employee. Employees may make written requests to the director asking that materials believed to be inappropriate or in error, except for formal evaluations, be removed. If the director refuses the request, the employee may appeal this action to the PSEC board. The decision of the board shall be final. If the employee disagrees with the contents of any material in the file, they may state their disagreement in writing and that statement shall be attached to the material in the file being questioned.

#### A.2.4 Recruitment and Hiring Procedures

1. Recruitment and hiring authority: The board authorizes the director to hire non-ESPB licensed staff. No action of the board shall be necessary so long as the board previously established the position and hiring is within budget limitations. All non-ESPB licensed staff shall be hired on an hourly rate. Their employment shall be at will. All advertising for non-ESPB licensed positions will include a closing date.
2. Qualifications screening process. The director shall investigate the qualifications of applicants including education and experience. In order to determine if an applicant is qualified, the

director shall conduct criminal history record checks when necessary (as explained below) and may:

1. Conduct a driving record check for applicants seeking a position involving transportation of students.
2. Require a work history.
3. Require applicants to submit to an oral interview.
4. Require professional references; if appropriate.
5. Require the applicant to submit to a work simulation, if appropriate.

Job announcements for positions requiring satisfactory driving records must list such requirements.

No individual shall be hired if the employment would create a direct supervisor-subordinate relationship with an immediate family member who is also an employee. An exception may be made upon the unanimous approval of the Board declaring the exception.

### 3. Qualifications Screening: Criminal Background Checks

As part of the qualifications investigation, applicants for positions that allow unsupervised contact with students shall be required to:

1. Submit to criminal history check; and
2. Certify in writing that the applicant has never been charged with a crime or provide a written description of the disposition of the charge.

The director shall adjudicate criminal history records based on the following factors:

1. The nature and gravity of any known misconduct and/or offense(s);
2. The time that has passed since any known misconduct, criminal conviction, and/or completion of a sentence occurred;
3. The nature of the job sought.

Applicants will be deemed to be at risk unsuitable for district employment in at least the following instances:

1. The applicant is a sexual offender or has committed an offense involving a child victim.
2. The falsification or omission of any information concerning criminal convictions or pending criminal charges.

### 4. Applicant Rights

Records obtained by the Cooperative for background and other record checks will be used solely for purposes that they were requested and will only be disseminated and retained in accordance with the personnel records policy. The director shall advise applicants that the procedure for obtaining, correcting, or updating federal records is contained in 28 CFR 16.34. Before making a hiring determination, the director shall give the applicant a reasonable time to correct and/or complete his/her criminal history record or decline to do so.

## 5. Orientation

The director or designee shall provide an orientation program for new non-ESPB licensed employees to acquaint them with the district's policies and procedures, the school's rules and regulations, and the responsibilities of their position.

### A.2.5 Miscellaneous

1. The Cooperative has adopted the current North Dakota Department of Public Instruction guidelines for evaluation, eligibility and service for all categories of special education students. The board has adopted all current state guideline reference materials as unit policy and procedure. The Eligibility Requirements Document and Comprehensive General Plan of the Pembina Special Education Cooperative are part of the Pembina Special Education Cooperative's procedures.
2. The board approved payment of \$10.00 per meeting for all staff participating in after school IEP-related activities.
3. The board agreed to offer teacher training scholarships on a need basis as presented by the director and approved by the board.

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