

NOTICE: The meeting will be open to the public via live broadcast on KRVM 1280-AM and 98.7 FM, the internet at www.4j.lane.edu/stream, via Zoom Webinar at <https://zoom.us/j/97396578668?pwd=LzBRReEpqZ0JxRzVpaVdlQ3h5UFVzdz09>

School Board Meeting Request Forms:

Provide public comment: www.4j.lane.edu/board/publiccomment

The board will hear public testimony via Zoom from community members who signed up in advance. Up to 10 people will be scheduled to provide public comment virtually, at each regular meeting. Priority will be given to residents who have not recently provided public comment in a board meeting.

Requests to provide public comment must be submitted no later than 5 p.m. on the Monday before the meeting.

**7:00 PM
Regular Meeting**

- I. **5:30 p.m. Executive Sessions:**
The board will convene in executive session to conduct deliberations with persons designated by the governing body to carry on labor negotiations, pursuant to ORS 192.660 (2)(d).

Executive Sessions are closed to the public. All matters discussed during executive sessions are confidential and shall not be disclosed by any representative of the news media without authorization by the school board.
- II. **Work Session to follow the Executive Session by 6:15 p.m:** Superintendent Evaluation Process **3**
- III. **7:00 p.m. Regular Board Meeting:**
- IV. Call to Order, Roll Call, Flag Salute, Land Acknowledgement
- V. Agenda Review
- VI. Introduction of Guests and Superintendent's Report
- VII. Comments by Board Chair
- VIII. Items Raised by the Audience
- IX. Comments by Employee Groups
- X. Comments and Committee Reports by Individual Board Members
- XI. Consent Group - Items for Action
1. Approve Meeting Minutes: October 13, 2021 Special Board Meeting; October 27, 2021 Work Session; November 23, 2021 Special Board Meeting **15**
- XII. Items for Information
1. Receive FY22 First Quarter Financial Report (5 minutes) **28**
Prepared by: Andrea Belz, Director of Financial Services
2. Discuss Including Student Voice in Future Board Meetings (20 minutes) **32**
Prepared by: Judy Newman, Board Chair
- XIII. Items for Action
1. Vote on Oregon School Boards Association (OSBA) Election (5 minutes) **36**
Prepared by: Kerry Delf, Chief of Staff
2. Approve Resolution of Complaint (5 minutes) **62**
Prepared by: Christine Nesbit, General Counsel
- XIV. Items for Action at a Future Meeting **1**
1. Consider Resolution 2022-10 Authorizing Community Benefits Contracts **63**

(20 minutes)

Prepared by: Carole Knapel, Capital Improvement Program Manager;
Christine Nesbit, General Counsel; Ryan Spain, Director of Facilities

2. Consider Revisions and Updates to Board Policies:(5 min) 80
 1. GBNAB/JHFE Suspected Abuse of a Child Reporting Requirements
 2. JHFE/GBNAB Supected Abuse of a Child Reporting Requirements
 3. GBNA/JHFF Suspected Sexual Conduct with Students and Reporting Requirements
 4. JHFF/GBNAA Suspected Sexual Conduct with Students and Reporting Requirements
 5. IGBHA Alternative Education Programs
 6. IGDJ Interscholastic Activities
 3. Prepared by: Christine Nesbit, General Counsel
 4. Approve Board Working Agreements: Topic Guest Presenters (20 minutes) 101

Presenters: Judy Newman, Board Chair and Martina Shabram, Vice Chair
- XV. Suggestions by the Board for Consideration of Items at a Future Meeting
1. XIV.1. **2021–22 Board Meeting Dates:**
JULY: Thursday, July 1, 2021—Special Board Meeting
AUGUST: Wednesday, August 4 and Wednesday, August 18;
Board Retreat Dates: August 25 and August 28
SEPTEMBER: Wed., Sept. 1, Wed., Sept. 22 and Wed., Sept. 29
OCTOBER: Wed., Oct. 6; Wed., Oct. 13; Wed., Oct. 20; Wed., Oct 27
NOVEMBER: Wed, Nov. 3, Tuesday, Nov. 16, and Wed, Nov. 17; Tuesday, Nov. 23
DECEMBER: Wednesday, December 1; **TBD Wed, Dec. 8;** Wednesday, December 15
JANUARY 2022: Wednesday, January 12, 2022; **Board Retreat date TBD**
FEBRUARY: Wednesday, February 2 and Wednesday, February 16
MARCH: Wednesday, March 2 and Wednesday, March 16
APRIL: Wednesday, April 20
MAY: Wednesday, May 4 and Wednesday, May 18
JUNE: Wednesday, June 1 and Wednesday, June 22
- XVI. Adjourn

THIS MEETING WILL BE BROADCAST OVER KRVM-AM (1280)

INTERPRETERS FOR THE DEAF AND HARD OF HEARING:

To request interpreter services for this meeting, please call (541) 790-7850 or TDD (541) 790-7712 or the TDD Relay Number 1 (800) 735-2900



ITEM FOR INFORMATION – WORK SESSION

Date of Meeting

December 1, 2021

Title

Review Superintendent Evaluation Process

Presenter

Judy Newman, Board Chair

Description

Board Policy CBG, Evaluation of the Superintendent, states

“The board will evaluate the superintendent at least annually as per the timelines set forth in the superintendent’s employment contract. The evaluation will be based on the job duties described in the superintendent’s contract, board policy and progress in attaining any goals for the year established by the board and/or superintendent.

The board will establish goals for the superintendent, to be evaluated annually. Such goals, and any additional criteria for the superintendent’s evaluation will be developed and approved in a board meeting open to the public.

The board’s discussion and conference with and about the superintendent and his/her performance will be in executive session, unless the superintendent requests that it be done in open session. Such an executive session will not include a general evaluation of any district goal, objective or operation. Results of the evaluation will be written and placed in the superintendent’s personnel file”.

The time invested in providing meaningful feedback in the assessment of the superintendent’s performance, and the progress made in meeting the goals specified by the board for the superintendent, is critical to the success of the district.

The evaluation provides the opportunity for the board to assess the district’s progress.

EUGENE SCHOOL DISTRICT 4J
Superintendent Evaluation Process
2021-2022 School Year • Overview and Process

Introduction

Board Policy CBG, Evaluation of the Superintendent, states:

“The board will formally evaluate the superintendent’s job performance at least annually as per the timelines set forth in the superintendent’s employment contract. The evaluation will be based on the job duties described in the superintendent’s contract, board policy and progress in attaining any goals for the year established by the board and/or superintendent.

The board will establish goals for the superintendent, to be evaluated annually. Such goals, and any additional criteria for the superintendent’s evaluation, will be developed and approved in a board meeting open to the public. The superintendent will be notified of the additional criteria prior to the evaluation.

*The board’s discussions and conferences with and about the superintendent and his/her performance will be conducted in executive session, unless the superintendent requests a session open to the public. Such an executive session will not include a general evaluation of any district goal, objective or operation. Results of the evaluation will be written and placed in the superintendent’s personnel file.” **

If services are deemed to be unsatisfactory, the superintendent shall be notified in writing of specific areas to be remedied and shall be given an opportunity to correct these problems. If performance continues to be unsatisfactory, the board may dismiss the superintendent pursuant to the employment contract with the superintendent and law.

The time invested in providing meaningful feedback in the assessment of the superintendent’s performance, and the progress made in meeting the goals specified by the board for the superintendent, is critical to the success of the district. The evaluation provides the opportunity for the board to assess the district’s progress. Included is the superintendent’s assessment and self-evaluation of progress made toward accomplishing district priorities.

In order to enhance alignment with the strategic plan, Vision 20/20, the evaluation of the superintendent will be based upon the major goals of that plan. These are:

- Goal I Educational Excellence with Equitable Access and Outcomes for Every Student
- Goal II Multiple Pathways to Student Success
- Goal III Communication and Connection with Community
- Goal IV Diverse World-Class Workforce
- Goal V Stable, Sustainable Stewardship

In addition, the job of the superintendent includes administrative components and while these are not specifically identified in the Vision 20/20 Strategic Plan, several critical administrative functions also serve as criteria in the overall assessment of the performance of the superintendent. These have been added as a sixth area under the general heading of “Administrative Performance.”

**Refer to Board Policies CBA, CBB, CBC for more details on qualifications, hiring, and evaluation of the superintendent. A review of the current contract between the superintendent and the school district may also be helpful as a precursor for board members.*

EUGENE SCHOOL DISTRICT 4J
Superintendent Evaluation Process
2021-2022 School Year • Overview and Process

Process

Annually, board leadership will review the evaluation process and tool and if needed, schedule a work session to discuss and review proposed revisions. (It is recognized that over time there may be a need to refine and adjust goals and objectives arising from the district's strategic plan). Should revisions be necessary, board leadership will then schedule the approval of proposed revisions in a formal public meeting.

There is no numerical rating in this evaluation format. Instead each evaluation dimension is listed, with objectives for that goal from the Vision 20/20 plan. As these are embedded in the work plans for district staff, metrics have been developed. The feedback and comments from board members should be viewed as open-ended questions to elicit a deeper and richer assessment of the performance of the superintendent.

Board members will complete the evaluation individually. Board leadership will schedule at least one executive session to conduct the evaluation of the superintendent. During the executive session, board members will discuss the evaluation and assessment of the superintendent. Based upon this discussion the board chair or designee will prepare the final evaluation from the board to share and discuss with the superintendent at a subsequent executive session. The board will strive for consensus when developing the final evaluation, but in cases where consensus cannot be reached, the majority of opinion will be reflected in the final evaluation, with appropriate note of non-consensus.

In the spirit of transparency and open government, there will be a report on the outcome of the annual evaluation of the superintendent in a public meeting. This is to be developed and presented by board leadership.

Timeline

November–December 2021: Establish goals and evaluation process

- Approve the annual superintendent evaluation process in a public session
- Establish the goals and tool for evaluating the performance of the superintendent in a public session
- Board leadership will assign the specific dates for the steps noted below

February 2022: Conduct mid-year performance review - optional

- Superintendent's mid-year report on progress toward goals in public session
- Mid-year performance review in executive session

April 2022: Individual evaluation

- Board members complete evaluation individually
- Superintendent surveys leadership team
- Superintendent provides a self-evaluation for board members which includes salient information from the survey of the district leadership team

May 2022: Review and conduct evaluation

- Board meets in executive session to review evaluation and develops final evaluation
- Board conducts the performance evaluation in executive session with the superintendent

June 2022: Present evaluation

- Final evaluation document is prepared for public distribution
- Final evaluation is presented during a regular board meeting as an item for information

EUGENE SCHOOL DISTRICT 4J
Superintendent Evaluation Process
2020–21 School Year • Overview and Process

Background Information

The interim superintendent employment contract between Cydney Vandercar and the Eugene School District provides a general description of the duties of the interim superintendent in Section 2 of that document.

“Section 2. DUTIES:

In accordance with state law and the rules, policies and procedures as established by the Board, the Interim Superintendent shall: have charge of the operations and administration of the schools; be the chief executive officer and official secretary for the Board; carry out the administration and supervision of the District, including instituting reforms and systemic changes, such as curriculum and program offerings, as the Interim Superintendent finds necessary or expedient, in order to effect positive changes in the District; direct and assign teachers, principals, and other employees of the schools; organize, reorganize, and arrange the administrative and supervisory staff, including instruction and business affairs, as best serves the District; select, place and transfer personnel; suggest policy deemed necessary for the well ordering of the District and reasonably interpret policies, regulations, rules and procedures as the Interim Superintendent deems necessary for the efficient and effective operation of the District; have responsibility for the overall financial planning of the District, including the preparation of the annual budget and the submission of the budget to the Board or review and approval; make administrative recommendations on items of business considered by the Board as the Interim Superintendent deems necessary for the efficient and effective operation of the District; act as a liaison between the District and the community and have responsibility for a program of public relations for the purpose of creating and maintaining a cooperative working relationship between the schools and the community; establish and implement a process, including means and time parameters, for keeping the Board up to date on developments, initiatives and issues in the District; stay abreast of educational trends and developments by reading widely, visiting other districts and participating in appropriate professional development and professional organizations at the local, state and national levels; and, in general, perform all duties incident to the Office of Superintendent, implement the District’s policies and procedures and carry out such other duties and directives as may be prescribed by the Board from time to time; all of the foregoing are subject to the approval of the Board to the extent required by law or as directed by the Board. The Interim Superintendent shall devote the Interim Superintendent’s entire time, attention, and energy to the business of the District and related professional activities and shall not, without prior written approval of the Board’s Chairperson, engage in any other business activity which would interfere with such duties.

The Interim Superintendent shall extend the Interim Superintendent’s best efforts to achieve the Interim Superintendent goals as set by the Board pursuant to Section 8.

. . .Section 8. GOALS AND OBJECTIVES:

On or before December 1, 2021, the parties shall meet to establish goals and objectives for the District and Interim Superintendent. Such goals and objectives shall be reduced to writing and be among the criteria by which the Interim Superintendent is evaluated.”

EUGENE SCHOOL DISTRICT 4J
Superintendent Evaluation Format 2021-2022 Academic Year

2020 Vision–Strategic Plan: GOAL I

Educational Excellence with Equitable Access and Outcomes for Every Student

Provide all students with a high-quality, well-rounded educational experience that is rigorous, culturally responsive, healthful and engaging.

Objective 1

Support student learning with rigorous, relevant, consistent curriculum and clear expectations for teaching and learning.

Objective 2

Provide instructional supports and systems to meet the needs of all students.

Objective 3

Support struggling learners with interventions, resources and training.

Objective 4

Streamline assessment system to provide effective, efficient, meaningful assessments to inform instruction and maximize time for learning.

Identify strengths and accomplishments:

Identify areas for improvement or focus:

EUGENE SCHOOL DISTRICT 4J
Superintendent Evaluation Format 2021-2022 Academic Year

2020 Vision–Strategic Plan: GOAL II
Multiple Pathways to Student Success

Provide multiple pathways to student success, including instructional and career pathways to engage all students for post-graduate readiness.

Objective 1

Provide rigorous academic programs in both neighborhood and alternative (magnet) schools.

Objective 2

Provide equitable educational opportunities at all comprehensive secondary schools.

Objective 3

Provide strong and varied career and technical education programs.

Objective 4

Support student engagement in alternative educational settings.

Identify strengths and accomplishments:

Identify areas for improvement or focus:

EUGENE SCHOOL DISTRICT 4J
Superintendent Evaluation Format 2021-2022 Academic Year

2020 Vision–Strategic Plan: GOAL III
Communication and Connection with Community

Foster proactive and positive communication, engagement and partnerships with stakeholders

Objective 1

Implement a comprehensive communication strategy that provides timely, family- centered, two-way communication.

Objective 2

Strengthen connections between our schools and our community.

Objective 3

Support active school–family communication and engagement.

Objective 4

Provide multiple pathways to engagement.

Identify strengths and accomplishments:

Identify areas for improvement or focus:

EUGENE SCHOOL DISTRICT 4J
Superintendent Evaluation Format 2021-2022 Academic Year

2020 Vision–Strategic Plan: 2020 GOAL IV

Diverse World-Class Workforce

Ensure that every classroom has a high-quality, effective teacher, supported by high-quality, effective administrators and support staff.

Objective 1

Attract, hire and retain high-quality, passionate and diverse staff.

Objective 2

Elevate the professional capacity of our workforce to meet the needs of today's learners.

Identify strengths and accomplishments:

Identify areas for improvement or focus:

EUGENE SCHOOL DISTRICT 4J
Superintendent Evaluation Format 2021-2022 Academic Year

2020 Vision–Strategic Plan: GOAL V
Stable, Sustainable Stewardship

Provide effective, efficient, and equitable stewardship of district resources to best support our instructional mission.

Objective 1
Optimize efficiencies and improve effectiveness.

Objective 2
Provide transparent, accountable financial management.

Objective 3
Allocate resources in an equitable manner to meet every student’s needs.

Objective 4
Develop a sustainable budget aligned to district goals, strategies and objectives.

Objective 5
Provide safe, secure, sustainable learning spaces that meet educational needs.

Objective 6
Optimize technology to meet instructional and operational needs.

Identify strengths and accomplishments:

Identify areas for improvement or focus:

EUGENE SCHOOL DISTRICT 4J
Superintendent Evaluation Format 2021-2022 Academic Year

Administrative Performance

Operations, resource and personnel management; board governance and policy management; professionalism

Objective 1

Offers professional advice to the board with appropriate recommendations based on student analysis

Objective 2

Keeps the board regularly informed with data, reports, and information, which enable them to make effective timely decisions.

Objective 3

Interprets and executes the intent of board policies and advises the board on the need for new and/or revised policies. Executes board policy in a positive and responsive manner.

Objective 4

Makes considerable effort to have a working relationship with the board, treating all board members fairly and respectfully. Handles differences of opinion between board members and herself in an effective manner.

Objective 5

Engenders trust among board members, staff, and the community

Objective 6

Demonstrates ethical and professional behavior, inspiring others to higher levels of performance.

Objective 7

Demonstrates ability to work well with individuals and groups; maintains good relations with parents, community, and local leaders.

Objective 8

Speaks well in front of groups, expressing ideas logically and clearly.

Objective 9

Maintains professional development through reading, coursework, conferences, professional committees, and meetings with other superintendents.

Identify strengths and accomplishments:

Identify areas for improvement or focus:

EUGENE SCHOOL DISTRICT 4J
Superintendent Evaluation Format 2021-2022 Academic Year

Specific Goals Identified by Superintendent Vandercar:

- 1. Maintain and communicate a balanced budget.**
 - Respond to impacts of the pandemic
 - Understand ramifications of enrollment fluctuations
 - Identify programs and staff affected
 - Cut or add programming where needed
 - Adjust staffing as soon as possible
 - Communicate as early as possible

- 2. Keep school bond projects moving forward and on schedule.**
 - All schools will benefit from bond investments
 - Major building projects and target dates include:
 - Expansion of Gilham Elementary School: completing fall 2022
 - New Edison Elementary School: opening fall 2022
 - New North Eugene High School: opening fall 2023
 - New Camas Ridge Elementary School: opening fall 2024

- 3. Support 4J students, families and staff.**
 - Offer supports to traditionally underserved students and families
 - Provide student technology and tech support including internet access help
 - Serve meals and offer delivery until student transportation starts for on-site learning
 - *Provide wraparound services to students needing household supplies and supports
 - Continue to support students' academic, behavioral and social emotional learning needs
 - Strive to provide safe working environments and support wellbeing of district staff

- 4. Strengthen and expand the district's equity work.**
 - Increase number of employees who are trained for Restorative Practice responses
 - Increase capacity for Spanish-language communications
 - Expand and elevate leadership staffing focused on equity and instruction
 - Support current staff who need to complete student teaching

EUGENE SCHOOL DISTRICT 4J
Superintendent Evaluation Format 2021-2022 Academic Year

Overall comments, reflections, observations:

**MINUTES OF THE EXECUTIVE SESSION AND SPECIAL MEETING
OF THE BOARD OF DIRECTORS
SCHOOL DISTRICT 4J, LANE COUNTY, OREGON**

Date: October 13, 2021

The Board of Directors of School District No. 4J, Lane County, Eugene, Oregon, held an executive session at 5:30 p.m. and a regular meeting at 6:15 p.m. at the Education Center, 200 North Monroe Street in Eugene, Oregon. Notice of the meeting was mailed to the media and posted in the Education Center on Friday, October 8, 2021, and published in *The Register-Guard* on Monday, October 11, 2021.

ROLL CALL

BOARD MEMBERS:

Judy Newman, Chair
Martina Shabram, Vice Chair
Alicia Hays
Gordon Lafer
Laural O'Rourke
Maya Rabasa
Mary Walston

STAFF:

Cydney Vandercar, Superintendent
Lisa Fjordbeck, Executive Assistant / Board Secretary
Christine Nesbit, General Counsel (Executive Session)
Kerry Delf, Chief of Staff

I. EXECUTIVE SESSION

The Board convened in executive session to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed, pursuant to ORS 192.660 (2)(h).

The board convened in executive session to conduct deliberations to consider the dismissal or disciplining of, or to hear complaints or charges brought against a public officer, employee, staff member or individual agent, pursuant to ORS 192.660 (2)(b).

Executive Sessions are closed to the public. All matters discussed during executive sessions are confidential and shall not be disclosed by any representative of the news media without authorization by the school board.

II. SPECIAL BOARD MEETING

Chair Newman called the special meeting to order at 6:15 p.m.

III. CONSENT GROUP - ITEMS FOR ACTION

1. Approve Memorandum of Agreement (MOA) with Oregon School Employee Association (OSEA) Concerning Compensation of Transportation Employees
Presenter: Christine Nesbit, General Counsel

Martina Shabram moved and Mary Walston seconded to approve the items in the Consent Group. **The motion passed 7:0.**

IV. ITEMS FOR INFORMATION

1. Budget Committee Update
Prepared by Kerry Delf, Chief of Staff

Chair Newman referred to the information in the Board Packet. There were seventeen (17) applicants for the Budget Committee. Each applicant would receive acknowledgment of their application and a request to answer two supplemental questions. There would be a work session on October 20 to hear from each candidate. The Board would then review the candidates' responses, consider their personal statements, and prepare to cast their votes for three candidates on November 3. The proposed selection process was outlined in the Board packet.

Ms. Rabasa suggested that the question that began "how does a district's budget..." be changed to "how does 4J School District's budget..."

Ms. Shabram shared that Leadership attempted to be considerate of everyone's time and also allow equitable opportunity for each candidate during their presentation. Each candidate would have the same amount of time to present.

There was a suggestion to give time prompts to candidates and to allow them to finish their thought if they ran over time.

Chair Newman thanked the Board for their input.

V. ITEMS FOR ACTION AT A FUTURE MEETING

1. Approve Board Working Agreements
Presenter: Judy Newman, Board Chair

Chair Newman referred the Board to the Draft School Board Working Agreements for 2021-2022. There were process questions regarding what rationale was used to get to the draft before the Board. Chair Newman suggested moving through the items that had been indicated to be changed and then attend to other items.

Mr. Lafer requested removal of Item 6 under Board Organization and Governance. There was discussion about the intent of the item. Ms. O'Rourke asked for a definition of the word "respect." Ms. Shabram said that the value that was shared was that the Board respected the right to voice their opinion and vote their convictions. Ms. Hays asked for clarification on why there was a proposal to remove the item. Mr. Lafer answered that his concern was that it might restrict a Board member from expressing their viewpoint as individuals. Ms. Rabasa suggested rewriting it to say "Individual board members will abide by decisions of the majority and will

respect the right of the individual members to express opposing viewpoints and vote their convictions.”

Ms. Shabram was concerned that comments expressed might undermine the decision of the whole Board.

Ms. Hays was concerned that expressing personal views outside of the Board room effected the work of the district.

Ms. Shabram reviewed the process to move forward: each item did not require a vote to confirm changes. There was additional discussion about the process of reviewing and changing the working agreements. Ms. Walston asked for collegiality and trust of other Board members. Ms. Rabasa and Chair Newman spoke to the spirit to trust each other and not undermine the work of the district.

Ms. Shabram said that at the next work session they would have further conversation and continue with edits.

VI. ADJOURN

Chair Newman adjourned the meeting at 7:12 p.m.

Cydney Vandercar
District Clerk

Judy Newman
Board Chair

(Recorded by Eliza Drummond)

**MINUTES OF THE WORK SESSION OF THE BOARD OF DIRECTORS
SCHOOL DISTRICT 4J, LANE COUNTY, OREGON**

Date: October 27, 2021

The Board of Directors of School District No. 4J, Lane County, Eugene, Oregon, held a work session at 5:30 p.m. at the Education Center, 200 North Monroe Street in Eugene, Oregon. Notice of the meeting was mailed to the media and posted in the Education Center on Friday, October 22, 2021, and published in *The Register-Guard* on Monday, October 25, 2021.

ROLL CALL

BOARD MEMBERS:

Judy Newman, Chair
Martina Shabram, Vice Chair
Alicia Hays
Gordon Lafer
Laural O'Rourke
Maya Rabasa
Mary Walston

STAFF:

Karen Hardin, Director of Human Resources
Christine Nesbit, General Counsel
Kerry Delf, Chief of Staff
Lisa Fjordbeck, Executive Assistant / Board Secretary

MEDIA: KRVM

I. WORK SESSION

1. Conduct Interviews of Superintendent Search Firm Finalist(s)
Prepared by: Christine Nesbit, General Counsel and Kerry Delf, Chief of Staff
Presented by: Judy Newman, Board Chair

The services of a consultant are needed to assist the school board with the search plan and recruitment process for a permanent superintendent of schools.

The district received four proposals in response to the RFP. At the October 20 meeting, the Board confirmed which firms would be the finalists to invite for an interview. The purpose of the work session was to interview three finalists. A timeline of the work session was included in the packet. Each interview was 40 minutes long.

Chair Newman summarized the timeline and then introduced Karen Hardin, Director of Human Resources. Ms. Hardin referred to the packet each Board member had received which included the questions that would be asked and a place to write notes. It also included a ranking sheet. She gave additional suggestions for how the Board would use their time between the interviews, and asked the Board to check their assumptions before the interviews began.

Each Board member had been assigned a question to be asked, in order, for each search firm. She also asked the Board not to ask follow-up questions in order to make the interviews fair. However, she did say that reiteration or redirection of the question was allowed.

Director Hardin then showed how to use the ranking sheet and clarified that scoring could change as a result of discussion.

There was a discussion about whether everyone had read the materials and whether they should take time to review them. Ms. Hardin reminded the Board that the notes they took that evening were part of the public record and should pertain to the responses they heard. The notes would be collected.

The first search firm interviewed was Hazard, Young, Attea and Associates.

Chair Newman introduced herself and gave a brief overview of the interview process. Lorraine Garcy, Dr. David Gomez, and Carolyn McKennan introduced themselves.

Ms. Walston asked the first question: What lessons had the search firm learned about working with different stakeholder groups at different stages in the search process. Ms. Darcy answered that the engagement process was one of the most important parts of what they did to learn about the needs of the district. Dr. Gomez enjoyed interviewing the Board members to learn their vision. Ms. McKennan added that after the engagement process was complete, the firm would be able to create a leadership profile.

Ms. Shabram asked how the process might change as a result of COVID restrictions. Ms. McKennan answered they had experience with the issue and had been successful with large group virtual meetings. Dr. Gomez added that they would also use surveys to create qualitative data to accompany what they were hearing in the large group meetings.

Ms. Rabasa asked what methods and data the firm could provide to show their success in engaging candidates who had historically been underrepresented in superintendencies. Dr. Gomez shared a current example in a district in California. He added that they were a national firm and once they had a leadership profile would look for potential candidates. He said that they also recruited applicants who might not have applied. Ms. McKennan added that the firm did have data to prove their track record in recruiting underrepresented groups.

Ms. O'Rourke asked how a candidate profile was developed. Ms. McKennan answered that the first step was to interview constituents and ask three questions: what were the strengths of the district; what were the challenges of the district; and what were the desired characteristics in a superintendent. She continued that from the information gathered in the meetings and surveys, they created a leadership profile with which to find candidates. Dr. Gomez added that each Board member would be interviewed. Once the profile was created, the Board would have the opportunity to refine it during a meeting.

Chair Newman asked the firm for an example of a successful match for a district that had a distinct candidate profile. After clarifying the question, Dr. Gomez gave an example of a situation in California in which the firm was able to find a unique match for a district that was struggling with trust. Ms. McKennan said that the strength of a good search firm was their ability to determine what the Board and community were looking for in the right candidate. Ms. Gary

reiterated that the most important part of the process was determining the characteristics of the candidate based on the feedback of stakeholders.

Mr. Lafer asked for an example of a time when the firm had helped a Board that had significant disagreements among its members to reach agreement and move forward. He asked for details on the conflict and how it was resolved. Ms. McKennan started by sharing information about the selection process. She added that there was a part of the process that included respectful discussion about specific candidate choices to help the Board reach a consensus. Ms. Garcy shared a situation during which a Board had significant disagreement, but were able to reach a decision by following the process. Ms. McKennan warned the Board that there would be many groups trying to influence the Board's decision, but they needed to determine what was best for the district.

Ms. Hays asked whether the firm wanted to share anything else that had not been covered. Ms. McKennan shared that they looked for superintendent candidates who showed an understanding that it was their role to work with boards to get work done, not try to sway boards to their agenda. Dr. Gomez said that it was important to select a superintendent who could make decisions in the best interest of the district. Ms. McKennan added that it was important to find someone who was philosophically aligned with the Board. She, Ms. Darcy, and Dr. Gomez made summarizing comments.

The next search firm interviewed was Alma Advisory Group, represented by Monica Santana Rosen, Kathleen Shiverdecker and Sylvia Flowers. Each of them introduced themselves. Ms. Rosen, the founder, shared that the firm had been in business for five years.

In response to the first question, Ms. Rosen answered that her firm would begin by asking the board who were the key stakeholders, and would give special emphasis to determining which groups might have been excluded and how they could come to the table to be part of the conversation. She added that it was important to get the word out early so that the community could have time to plan to attend. In addition, she shared that it was important to have smaller facilitated conversations so that everyone had a chance to share. The firm would also use surveys to reach those community members who could not or were not willing to attend a meeting. Ms. Flowers added that in person and virtual meetings gave more people the opportunity to participate.

In response to the second question, Ms. Flowers shared that they had run entire searches virtually. They had co-created, with board input, a design for the process that was successful. She added that they used recordings to provide information not in real time. Ms. Shiverdecker said that the student voice was very important and using virtual engagement worked very well with them. Ms. Rosen added that they were creating hybrid environments to ensure that stakeholders could participate in the way that felt the most safe to them. She also shared that the meetings with the community were the core of the job description they used for candidates.

In response to the third question, asked by Ms. Rabasa, Ms. Rosen said that every step of their process was designed to mitigate bias. Once the board determined what skills were the most necessary for the role, the firm ensured that only those skills were measured. They also offered anti-bias training as a prerequisite for being an interviewer. She continued that by being clear on a skillset, the process allowed candidates to focus on their strengths, biases were mitigated,

and more leaders of color emerged. Ms. Rosen shared some data that showed their success rate in promoting finalists of color and that their process was fair and equitable.

Ms. Shiverdecker answered question four. She shared that they wanted to ensure that the focus was on the competencies for the role. Ms. Rosen added that they started the superintendent search process by interviewing each Board member to determine why they had wanted to be a Board member. They then invited stakeholders to share their hopes for the future work of their new superintendent. Ms. Rosen gave an example of a search they had conducted for a district in Colorado. Ms. Shiverdecker added that they wanted potential candidates to see themselves reflected in the job description. This would allow the right persons to apply for the job. Ms. Flowers added that many candidates had been compelled to apply because of the honesty of the job description.

Ms. Rosen answered question five with an example from Denver Public Schools. She shared that there were three important issues that the community faced and were looking for someone who could unify the district. Ms. Rosen described the process that the finalist implemented in order to set himself apart from the rest of the finalists, including the background work he did prior to his interview to familiarize himself with the community, and the grace he showed during interviews with students.

Ms. Rosen began her answer to question six by stating that hiring a superintendent was the most important decision a board would make. She continued that it would be important to spend the time necessary to determine what the board held as common ground, so that later on, if there were disagreements, there was an understanding of the priorities. She said that it was the firm's role to help facilitate the conversations so that the Board could reach shared language to define the skills and competencies they were looking for in a candidate. Ms. Flowers added that boards and search committees that embraced the process learned to return to the evidence seen and heard in the interviews. After determining which candidates had demonstrated evidence of their skills and competencies, final deliberation was to agree on the one candidate that all members could support.

In response to question seven, Ms. Shiverdecker reiterated the firm's fierce commitment to engaging stakeholders who were often not heard in the process. Ms. Rosen added that it was important to lead meetings and have conversations with people in their native language. She challenged the Board to determine what other languages besides Spanish were represented in the community.

Ms. Rosen added that their process seemed simple, but gave space for determining the unique attributes of the district. She shared that their first goal was to learn, and secondly to partner with a district to do their work. She finished by saying that throughout the search process, she hoped the Board would learn skills and adapt them to other situations.

The third firm interviewed was McPherson & Jacobsen, LLC, represented by Steve Lowder, Janet Dixon, Douglas Nelson, and Gustavo Balderas, who introduced themselves.

In response to the first question, Mr. Lowder responded that all student groups would need to be involved in all stages of the process. He had learned throughout the previous year that more of the community could give their voice when meetings were offered virtually. Ms. Dixon added that she been on the school board as part of a search with McPherson & Jacobsen and had

learned firsthand how important it was to hear from all stakeholders, internal as well as external. Mr. Balderas said that it was also important to understand the differences in areas of the community and to seek out input from students who had been marginalized.

In response to question two, Mr. Lowder reiterated that having virtual meetings had enhanced the ability to reach out to more people in the community. Ms. Dixon said that community members could also watch the recorded meetings and give their input through a survey.

Mr. Lowder began the answers to question three by sharing that the firm had 125 consultants across the country who represented diverse backgrounds and were actively engaged in helping find candidates. He said that in the past five years, thirty percent of their applicants had been women and a fourth had been ethnically diverse. In the past ten years a third of the candidates placed had been either women or ethnically diverse. He discussed how critical it was to find a good fit, someone who had the skill set and the sensitivity to the needs of the district, and shared additional statistics to show the firm's track record in placing superintendents who stayed in the job.

Ms. O'Rourke asked question four. Mr. Lowder began by saying that instead of developing a profile for a candidate, the firm tried to match a skill set, qualities and characteristics, experiences and traits of the individual with a district's needs. They would look for candidates and individuals who met the needs that were developed through the process. Mr. Nelson added that the firm would work with the board and stakeholder groups that would develop the skills and characteristics.

In response to question five, Mr. Lowder shared a story about finding a candidate for a school district in Vancouver. The candidate was selected because of his track record in the community and his skillset. His work was known to the groups and he was the unanimous choice. Ms. Dixon gave an example in Vicksburg, Mississippi. Mr. Balderas added that it would be important to find a leader who is valued by the employee groups.

Mr. Lafer asked question six. Mr. Lowder shared a story about Valdez, Alaska. The community was split between two very different candidates. He shared that the most important relationship would be between the board and their superintendent. Any weaknesses of a candidate would be supported by staff. Mr. Nelson shared that sometimes the best thing for a search firm to do was to support the board in working through their issues. Ms. Dixon added that although some boards could not get along, they were able to come together when the best choice of superintendent to support the students was clear. Mr. Balderas continued that if the fit was right, the board would coalesce around the bigger objective.

Mr. Lowder finished by saying that it was about serving all students, ensuring that all employee and community voices were heard, with the outcome of them being ready to support their new superintendent. Mr. Douglas said that they did not have a group of candidates from which they always pulled, but would actively recruit candidates that met the criteria provided by the district. Mr. Balderas said a good superintendent would be an equalizer and a champion for the unique educational needs of the community. Ms. Dixon shared that if their firm was chosen, they would be the most hard-working team ever.

After hearing from the three firms, the Board began their discussion. Ms. Walston asked whether they would be using the equity tool to guide their thinking. Chair Newman said that it

would be important to use the equity tool, even though they had not received training. Ms. O'Rourke agreed.

After discussing what voting system the Board would use to indicate their choices, Ms. Hardin asked everyone to raise their hand when she called the name of each firm to indicate whether they had ranked it third. After the initial round of voting, it was determined that Hazard, Young, Attea & Associates was no longer a candidate.

Ms. Hardin then gave each member of the Board one minute to share their thoughts on Alma Advisory group, after which the Board did the same for McPherson & Jacobsen. Ms. Hardin then asked the Board to compare and contrast specific issues for each candidate to see whether they could come up with a clear choice.

Ms. Hays asked whether it would be possible to move forward two candidates in case one of the candidates did not pass the reference check or determined that they did not want to assist in the search. Ms. Newman agreed that she thought the Board would be forwarding two candidates. She added that she hoped to have more time to reflect on her notes.

Ms. O'Rourke expressed interest in discussing the Board's concerns about each candidate. There was a discussion about Alma Advisory Group's lack of experience hiring superintendents. There was also continued discussion about how the Board would use the equity tool during the process.

Ms. Hardin clarified that when calling to get references, it was a good practice to have general questions asked about both firms, and then some targeted questions to learn more about each candidate.

Chair Newman summarized that there was concern among some Board members about the reach and capacity of Alma Advisory Group, and asked whether there were any concerns about McPherson & Jacobsen that could be clarified during the reference check. Ms. O'Rourke shared that she wanted to learn how the firm addressed equity in the process they used. She added that she wondered why the firm felt the need to share that they had experience doing searches in Oregon. Ms. Newman said she felt that understanding the nuances of districts in Oregon was a plus. Ms. Walston expressed her concern over the conflict of interest shown by having a past superintendent of the district on the search firm.

Ms. Rabasa then encouraged that the reference questions be framed in specific examples. Mr. Lafer suggested asking groups in Vancouver what their experience had been with McPherson & Jacobsen. Ms. Walston expressed her concern with getting reference checks done before the next Board meeting on November 3.

Ms. Shabram proposed to the Board the following questions be asked during references checks, along with the specific questions for each firm: please give us examples of how the firm dealt with conflict resolution; would you hire the firm again; what was your biggest concern going into the search and how did the firm address the concern? Additional questions were offered during the discussion that followed: did the firm find candidates that matched your specific profile; what community groups were involved and who was on your search team?

Chair Newman clarified that the Board would receive anti-bias training before they started the superintendent search process, regardless of what search firm they hired.

Chair Newman summarized that the next steps would be to have an executive session prior to the Board meeting on November 3 to get the feedback from the references they had contacted for each candidate. They would ask an equal number of references. The Board would also share how they had used their preferred equity tool to reach their decisions. Ms. Shabram added that the executive session would be before the regular Board meeting, during which they would vote.

Ms. Hardin reminded the Board that all their notes were part of the public process and needed to be collected.

II. ADJOURN

Chair Newman adjourned the work session at 9:25 p.m.

Cydney Vandercar
District Clerk

Judy Newman
Board Chair

(Recorded by Eliza Drummond)

**MINUTES OF THE SPECIAL MEETING
OF THE BOARD OF DIRECTORS
SCHOOL DISTRICT 4J, LANE COUNTY, OREGON**

Date: November 23, 2021

The Board of Directors of School District No. 4J, Lane County, Eugene, Oregon, held a special meeting at 5:15 p.m. at the Education Center, 200 North Monroe Street in Eugene, Oregon. Notice of the meeting was mailed to the media and posted in the Education Center on Monday, November 22, 2021.

ROLL CALL

BOARD MEMBERS:

Judy Newman, Chair
Martina Shabram, Vice Chair
Alicia Hays
Gordon Lafer
Laural O'Rourke
Maya Rabasa
Mary Walston

STAFF:

Cydney Vandercar, Superintendent
Kerry Delf, Chief of Staff
Lisa Fjordbeck, Executive Assistant / Board Secretary
Christine Nesbit, General Counsel
Brooke Wagner, Assistant Superintendent for Administrative Services
Kyle Tucker, Chief Operations Officer

MEDIA: KRVM

I. SPECIAL MEETING

II. CALL TO ORDER

Chair Newman called the special meeting to order at 5:15 p.m. All Board members were present via Zoom.

III. ITEM FOR ACTION

1. Consider Revision to School Calendar
Presenter: Cydney Vandercar, Interim Superintendent

Superintendent Vandercar introduced the item for action and referred to the information in the packet. She reviewed the proposal that would change some instructional days to noninstructional days at each school level and would adjust work assignments on other days. The effect would be to add three no-school days for students and provide three non-student work days for district staff.

Superintendent Vandercar reviewed that the board had previously considered a proposal in the school board meetings on November 3 and November 17 to convert two instruction days to non-instruction days, on Wed., November 24, and Fri., January 14. On November 17, the Board did not approve the suggested dates and asked for a revised proposal. The special meeting had been called to allow parents ample time to make decisions about child-care.

The superintendent recommended that the following changes be made to the district's instructional calendar:

- December 6, 2021: Add a no-school staff work day for elementary schools. Continue currently scheduled no-school grading day for middle and high schools.
- December 7, 2021: Add a no-school staff work day for middle and high schools.
- January 21, 2022: Add a no-school day for all school levels, a grading day for elementary schools and a staff work day for middle and high schools.
- January 28, 2022: Change current no-school day from grading day to staff work day for elementary schools. Continue current no-school day for progress reports/professional development for middle and high schools. No change for students.
- March 18, 2022: Change current no-school day from professional development/planning day to staff work day for all levels. No change for students.
- April 15, 2022: Add a no-school day for professional development/planning for all levels.

Superintendent Vandercar referred to the chart that was included in the packet and which gave information regarding the overall student impact. She added that the schedule would allow time for staff to make adjustments to student enrollment from online to in-person before the new term.

The superintendent concluded that there would be three days changed from instruction to non-instruction, work relief days. This would result in the district being short on instructional hours per the Oregon Department of Education. The superintendent would return to the Board in the spring with a report on a total loss of instructional time once any snow days had been taken. She added that OSEA, EEA, and MAPS had agreed to the new schedule.

Chair Newman thanked the Superintendent for including the chart, which made the changes easier to understand.

Ms. Walston thanked the Superintendent for developing a well thought out plan. Ms. O'Rourke also appreciated that the plan covered the rest of the year and agreed with Ms. Walston that she was happy to see the equity tool being used in decision-making. She said that seeing it in action helped to normalize its use.

Ms. Shabram appreciated that the employee groups had all approved the plan. She acknowledged the cost to the Superintendent and staff's personal time in developing the proposal and the hardship that it would create for some families to make childcare arrangements.

Chair Newman added her agreement that it would be a hardship for families to find childcare and shared that the superintendent had reached out to childcare providers to inform them of the district's proposal.

Ms. Shabram moved that the Board approve adoption of the proposed revisions to the school calendar, changing from instructional to non-instructional days on Monday, December 6 for

elementary schools; Tuesday, December 7 for middle and high schools; Friday, January 21 at all school levels and Friday, April 15 at all school levels. Ms. Walston seconded the motion.

The motion carried 7:0.

IV. ADJOURN

Chair Newman adjourned the meeting at 5:30 p.m.

Cydney Vandercar
District Clerk

Judy Newman
Board Chair

(Recorded by Eliza Drummond)

DRAFT



ITEM FOR INFORMATION

Date of Meeting

December 1, 2021

Title

FY22 1st Quarter Financial Report

Presenter

Andrea Belz, Director of Financial Services

Description

Discussion of the 1st Quarter update on fiscal year 2022 General Fund and Nutrition Services balances as of September 30, 2021.

EUGENE SCHOOL DISTRICT NO. 4J, EUGENE, OREGON
APPROPRIATION LIMITATION as of September 30, 2021



Fiscal Year 2022

	<u>BOARD APPROVED BUDGET</u>	<u>EXPENDITURES TO DATE</u>	<u>REMAINING AUTHORITY</u>
General Fund			
1000 Instruction	125,613,322	19,042,396	106,570,926
2000 Support Services	79,973,629	16,007,130	63,966,499
3000 Enterprise & Community Services	565,623	98,411	467,212
4000 Facilities Acquisition & Construction	1,000	-	1,000
5000 Debt Service/Transfers	5,777,000	-	5,777,000
6000 Contingency/Reserves	41,086,584	-	41,086,584
7000 UEFB	7,570,440	-	7,570,440
GENERAL FUND	260,587,598	35,147,937	225,439,661
Federal, State & Local Programs Fund			
1000 Instruction	53,855,836	7,468,749	46,387,087
2000 Support Services	31,568,099	2,299,758	29,268,341
3000 Enterprise & Community Services	2,737,104	183,923	2,553,181
4000 Facilities Acquisition & Construction	6,204,793	687,750	5,517,043
FEDERAL, STATE & LOCAL PROGRAMS FUND	94,365,831	10,640,180	83,725,651
School Resources Fund			
1000 Instruction	7,356,669	129,303	7,227,366
2000 Support Services	3,596,331	204,863	3,391,468
3000 Enterprise & Community Services	1,000	-	1,000
4000 Facilities Acquisition & Construction	1,000	-	1,000
5000 Debt Service/Transfers	1,000	-	1,000
6000 Contingency/Reserves	3,040,000	-	3,040,000
7000 UEFB	1,500,000	-	1,500,000
SCHOOL RESOURCE FUND	15,496,000	334,166	15,161,834
Debt Service Fund			
5000 Debt Service/Transfers	31,709,598	-	31,709,598
7000 UEFB	1,854,815	-	1,854,815
DEBT SERVICE FUND	33,564,413	-	33,564,413
Capital Projects Fund			
1000 Instruction	3,948,916	3,360	3,945,556
2000 Support Services	15,253,249	640,543	14,612,706
3000 Enterprise & Community Services	1,000	-	1,000
4000 Facilities Acquisition & Construction	153,765,941	14,872,196	138,893,745
5000 Debt Service/Transfers	223,550	222,549	1,001
6000 Contingency/Reserves	2,250,000	-	2,250,000
CAPITAL PROJECTS FUND	175,442,656	15,738,648	159,704,008
Nutrition Services Fund			
3000 Enterprise & Community Services	6,832,763	1,150,216	5,682,547
NUTRITION SERVICES FUND	6,832,763	1,150,216	5,682,547
Insurance Reserve Fund			
1000 Instruction	1,000	-	1,000
2000 Support Services	38,364,018	7,769,906	30,594,112
3000 Enterprise & Community Services	1,000	-	1,000
5000 Debt Service/Transfers	2,000	-	2,000
6000 Contingency/Reserves	500,000	-	500,000
7000 UEFB	8,173,293	-	8,173,293
INSURANCE RESERVE FUND	47,041,311	7,769,906	39,271,405
Postemployment Benefits Fund			
2000 Support Services	1,612,000	140,045	1,471,955
7000 UEFB	2,753,432	-	2,753,432
POSTEMPLOYMENT BENEFITS FUND	4,365,432	140,045	4,225,387
Private Purpose Trust Fund			
1000 Instruction	130,994	-	130,994
3000 Enterprise & Community Services	116,537	-	116,537
PRIVATE PURPOSE TRUST FUND	247,531	-	247,531
Grand Total	29 637,943,535	70,921,098	567,022,438

EUGENE SCHOOL DISTRICT NO. 4J, EUGENE, OREGON
GENERAL FUND BUDGET, FORECAST and EXPENDITURES as of September 30, 2021



Fiscal Year 2022

	ADOPTED BUDGET	CURRENT BUDGET ¹	YTD ACTUALS	MAY 2021 FORECAST ²	YTD to Current Budget +%/(-%)
REVENUES					
State School Funding (formula)					
Current Property Tax	\$ 77,072,000	\$ 77,072,000	\$ 105,751	\$ 77,011,000	0%
Prior Year Property Taxes	1,358,000	1,358,000	63,658	1,419,000	5%
State School Fund (SSF)	97,813,695	97,813,695	33,768,028	97,814,000	35%
High Cost Disability	1,800,000	1,800,000	-	1,800,000	0%
Other SSF (Common & County)	2,067,142	2,067,142	465	2,067,000	0%
Local Option Taxes (current & prior)	20,211,000	20,211,000	41,944	20,210,000	0%
State Funding (ESD flow-through funds)	2,781,337	2,781,337	-	2,781,337	0%
Other	2,730,424	2,730,424	355,724	2,730,663	13%
Total Revenues	<u>205,833,598</u>	<u>205,833,598</u>	<u>34,335,570</u>	<u>205,833,000</u>	<u>17%</u>
Interfund Transfers-in	4,000	4,000	-	4,000	0%
Beginning Fund Balance (unaudited)	54,750,000	54,750,000	63,962,451	54,751,000	
TOTAL RESOURCES	<u>260,587,598</u>	<u>260,587,598</u>	<u>98,298,021</u>	<u>260,588,000</u>	
EXPENDITURES					
Salaries	108,223,627	108,223,627	18,975,012	108,089,000	18%
Employee Benefits	71,397,086	71,413,616	11,218,322	71,462,000	16%
Purchased Services ³	19,100,341	19,153,281	3,023,715	19,158,000	16%
Supplies and Materials	5,843,683	5,774,213	692,739	5,853,000	12%
Capital Outlay	176,179	176,179	-	178,000	0%
Other accounts	1,413,658	1,413,658	1,238,149	1,411,000	88%
Total Expenses	<u>206,154,574</u>	<u>206,154,574</u>	<u>35,147,937</u>	<u>206,151,000</u>	<u>17%</u>
Interfund Transfers-out	5,776,000	5,776,000	-	5,776,000	0%
Contingency					
**Spendable	1,401,850	1,401,850 ⁴	-	1,402,000	
**Held per Board policy	2,721,240	2,721,240	-	2,721,000	
Unappropriated Ending Fund Balance	7,570,440	7,570,440	-	7,571,000	
Subtotal	<u>11,693,530</u>	<u>11,693,530</u>	<u>-</u>	<u>11,694,000</u>	
Reserves					
Operations Reserve	27,963,494	27,963,494	-	27,967,000	
PERS Reserve	9,000,000	9,000,000	-	9,000,000	
TOTAL REQUIREMENTS	<u>\$ 260,587,598</u>	<u>\$ 260,587,598</u>	<u>\$ 35,147,937</u>	<u>\$ 260,588,000</u>	

Notes:

¹Current Budget includes the Adopted Budget, Supplemental Budgets (SB) and Resolutions approved by the Board to date.

²The May Forecast for 2021-22 as reported in the 2021-22 Adopted Budget.

³Purchased services includes Charter School payments.

⁴Contingency funds not yet committed for FY 2022.



Nutrition Services 1st Quarter Status Report

Eugene School District 4J serves meals at 31 schools and supports nine other educational programs. Due to the COVID-19 pandemic and school closure, Nutrition Services has provided free meals to students through the USDA waivers for child nutrition programs. Waivers extended the Seamless Summer Option (SSO) through June 30, 2022 and allowed for a variety of meal distribution options, including a weekly meal box for students learning offsite. Outlined below is the first quarter and year-to-date profit and loss summary, average daily participation rates, and supporting financial information as of September 30, 2021; rates may not be comparable to prior quarterly reports.

AVERAGE DAILY PARTICIPATION & FREE AND REDUCED MEAL ELIGIBILITY RATES

Level	Average Daily Participation		Free or Reduced Meals Eligible		
	Breakfast	Lunch	Non-CEP	CEP*	Total
Elementary	46%	45%	25%	59%	49%
Middle	13%	40%	36%	66%	50%
High	5%	18%	35%	56%	37%
Total	32%	39%	44%		



*Community Eligibility Provision (CEP) participation eliminates applications for free and reduced eligibility. Eligibility is reported students listed as direct certification from the state multiplied by a factor of 1.6.



During the summer, on average, 1,700 students received a breakfast and lunch daily to support both onsite 4J summer instruction and grant-funded summer activities for students. September breakfast participation was greater than normal due to both universally free meals and distribution changes during breakfast. In September, 4J served 4,400 breakfasts, 6,000 lunches, and 460 after-school meals across all schools and programs, which includes the weekly meal boxes.

Also notable is all students could participate in school meals at no cost last year and this year. The district cleared all negative meal balances during the pandemic, resulting in no negative meal balances through August 2022.

2021-22 Nutrition Services Profit & Loss		2021-22 Budget	2021 July-August	2021 September	2021-22 YTD
REVENUES	Federal Funding	\$4,243,763	\$529,634	\$632,547	\$1,162,181
	Student Food Payments	753,000			
	Grants & Matching Funds	1,836,000			
		<u>\$6,832,763</u>	<u>\$529,634</u>	<u>\$632,547</u>	<u>\$1,162,181</u>
EXPENDITURES	Salaries & Benefits	\$3,809,108	\$357,253	\$336,069	\$693,322
	Services/Supplies	140,353	28,501	5,502	34,003
	Food/Smallwares	2,883,302	165,250	257,897	423,147
		<u>\$6,832,763</u>	<u>\$551,004</u>	<u>599,468</u>	<u>\$1,150,472</u>
Revenues over/(under) Expenditures		31 \$0	(\$21,370)	\$33,079	\$11,709



ITEM FOR INFORMATION

Date of Meeting

December 1, 2021

Title

Student Voice and Student Board Representation

Presented by: Judy Newman, Board Chair

Description

The district has adopted an equity stance as a means to target areas for action, intervention and investment. In particular, we believe:

- Everyone has the ability and right to learn. We have an ethical, professional and legal responsibility to ensure an education system that provides active participation and optimal learning to prepare students for their desired individual futures and to create a thriving community.

Discussion

Discuss plans that provide equitable opportunities for all students to participate and have their voice heard, enhance student learning, create space for students to advocate and engage in decisions impacting their education and enrich the student experience in our district.

Recommendation for 2021-2022:

The following recommendation is based on the ideas presented by Misael Flores Gutierrez and Larry Williams at the Board’s work session on 11/17/21 and consideration of realistic timelines and circumstances this year. Each Board member is to use the equity lens on this proposal for student participation and voice from January- June 2022. We will discuss it at the December 1st meeting.

Student Board Reps from each high school have already been selected for this year. They will start attending Board meetings after an orientation in January. At each Board meeting they will report on things that are going on in their schools and that are important to them and other students. We will also encourage them to raise issues of importance to students at their school. The Board will provide guidance and ideas about what could be in a report. Students will have a Board member assigned as a mentor and contact to help answer questions and guide them. We will also ask them to give input on specific issues or ideas as they come up on Board agendas and work sessions. These topics will be provided in advance so they can give them thought and seek input from other students.

AND

The Board will hold 1-2 work sessions with leaders from the five affinity groups. We will ask them for input on issues or ideas that are being considered by the Board. We will also ask them to bring up any issues or ideas that have come up in their groups. Student affinity coordinators will work with school-based advisors to help them prepare.

For next year, 2022-2023 – The Board will discuss plans to expand authentic student voice in the late spring or summer of 2022. The Board will consider establishing a student advisory group with broad representation including but not limited to students from each high school and each affinity group. The student advisory group will meet monthly and be asked for input on Board issues and ideas and for ideas and issues they are seeing or hearing about in schools. At each Board meeting 2-4 representatives from the student advisory group will attend to share information, either in response to specific issues that are coming before the Board or on issues and ideas that they wish to elevate to our attention.

Please apply the 4J Equity Lens to the proposal for this year in preparation for our discussion.

The 4J Equity Lens is attached and these are 4J Equity Lens Questions:

Purpose: What are we trying to do? What is our goal?

Inclusion: Who will be impacted and are they being included in the process?

Outcomes: How might this decision increase, decrease or ignore equity?

Evaluation: How will we know we have accomplished the goal/purpose?

DRAFT 4J EQUITY LENS: SHORT VERSION



An equity lens helps us identify potential impacts on under-served and marginalized individuals and groups, and to identify and potentially eliminate barriers.

WHEN APPLYING AN EQUITY LENS ASK YOURSELF (OR YOUR GROUP):

PURPOSE

What are we trying to do? What is our goal?

INCLUSION

Who will be impacted and are they being included in the process?

OUTCOMES

How might this decision **increase, decrease, or ignore** equity?

Consider:

Race, gender identity, sexual orientation, LGBTQIA+, religion, age, country of origin, geography, disability, class/socio-economic status, the balance of power, etc.

Once you've determined what action you will take, ask yourself (or your work group):

COMMUNICATION

How will we ensure communication to those affected takes place in an inclusive and culturally sensitive manner?

EVALUATION

How will we know if we have accomplished our goal?

DRAFT 4J EQUITY LENS: EXPANDED VERSION

PURPOSE & ASSUMPTIONS

What are we trying to do?

What is the issue, policy, or process being examined?

What assumptions are we bringing into the issue?

INCLUSION/REPRESENTATION

Who is included in this process?

Who is not included in this process? And why?

How are we intentionally engaging multiple perspectives?

How have barriers to participation been addressed?

IMPACT/OUTCOMES

What are the outcomes we are hoping to create?

What are potential unintended outcomes? How will we address these?

Who is being affected by this decision (Policy, Issue, and Process)?

How might this decision increase, decrease, or ignore equity?

Consider: race, gender identity, sexual orientation, LGBTQIA+, religion, age, country of origin, geography, disability, class/socio-economic status, language, the balance of power, etc.

PROCESS/COMMUNICATION

How and when will the process be communicated?

How will you ensure communication takes place in an inclusive, culturally sensitive and responsible manner?

EVALUATION/FEEDBACK

Are we accomplishing our initial goal?

What barriers prevented more equitable outcomes? How will you address these?

How will we incorporate this learning next time?

How will feedback from staff and stakeholders be collected?

Who will we share evaluations with?

What did we learn from this?

How will you use evaluation and learning to raise racial awareness?



ITEM FOR ACTION (Second Read)

Date of Meeting:
December 1, 2021

Title:
Vote on Oregon School Boards Association (OSBA) Election

Prepared by:
Kerry Delf, Chief of Staff

Description:
The Oregon School Boards Association (OSBA) is organized as one general state association with up to 23 regionally elected representatives established across 14 geographic regions to support member participation and representation. Eugene School District 4J is in the Lane Region and is represented by Position 6.

In even-numbered years an election is held for odd-numbered positions on the OSBA Board of Directors. Member boards also vote on the OSBA Legislative Policies and Priorities (LPC).

In odd-numbered years an election is held for the even-numbered positions on the OSBA Board of Directors. Member boards also elect the Legislative Policy Committee.
The OSBA 2021 election for this region includes one resolution:

- Candidates for Board of Directors Position 6
- Candidates for LPC Position 6

Voting is open from November 15 to December 17, 2021.

Action:
At the November 17, 2021 meeting, the board will vote their candidate for Board of Directors Position 6 and their candidate for LPC for Position 6

The board will vote as a body and staff will record the vote with OSBA.



2021 OSBA Election

* Board of Directors Position 6 (Vote for one)

- Mark Boren, Fern Ridge 28J
- Linda Hamilton, Lane ESD
- Abstain
- No action taken

* LPC Position 6 (Vote for one)

- Austin Fohnagy, Lane CC
- Judy Newman, Eugene 4J
- Abstain
- No action taken

*** Type the name of the district, ESD, or community college board that officially made this vote.**

*** Type the meeting date when the board officially made this vote.**

*** Type your name and title.**

To retain a record of your vote, you **MUST** print this page before clicking the Done button.

Done

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OSBA Board of Directors election

The [2021 elections calendar](#) lists the nomination and election dates. For your reference, we've posted this list of the [currently open positions with the incumbents](#).

Candidate materials are posted here as they are submitted, as per OSBA board adopted policy.

2021 Board Candidates

Position 1 (Eastern Region)



Chris Cronin

Grant ESD

[Nomination Form](#) (Nominated by ⁴⁰Grant ESD)

[Resume](#)

Incumbent

Position 2 (Gorge Region)



Jacob Cain

Morrow 1

[Nomination Form](#) (Nominated by Morrow 1)

[Resume](#)



Emily Smith

Helix 1

[Nomination Form](#) (Nominated by Helix 1)

[Resume](#)

Position 4 (Southeast Region)



Lori Therros

Klamath Falls City Schools

[Nomination Form](#) (Nominated by Klamath Falls City Schools)

[Resume](#)

Incumbent

Position 6 (Lane Region)



Mark Boren

Fern Ridge 28J

[Nomination Form](#) (Nominated by Fern Ridge 28J)

[Resume](#)



Linda Hamilton

Lane ESD

[Nomination Form](#) (Nominated by Lane ESD)

[Resume](#)

Incumbent

Position 8 (Clackamas Region)



Libra Forde

North Clackamas 12

[Nomination Form](#) (Nominated by North Clackamas 12)

[Resume](#)

Incumbent

Position 10 (Linn/Benton/Lincoln Region)



Jeff Davis

Alsea 7J

[Nomination Form](#) (Nominated by Alsea 7J)

[Resume](#)

Position 11 (Marion Region)



Anthony Medina

Woodburn 103

[Nomination Form](#) (Nominated by Woodburn 103)

[Resume](#)

Incumbent

Position 12 (Marion Region)



Melissa LaCrosse

Jefferson 14J

[Nomination Form](#) (Nominated by Jefferson 14J)

[Resume](#)

Incumbent

Position 14 (North Coast Region)



Greg Kintz

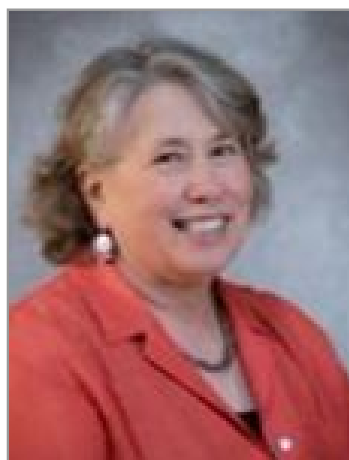
Vernonia 47J

[Nomination Form](#) (Nominated by Vernonia 47J)

[Resume](#)

Incumbent

Position 15 (Washington Region)



Susan Greenberg

Beaverton 48J

[Nomination Form](#) (Nominated by Beaverton 48J)

[Resume](#)

Incumbent

Position 18 (Multnomah Region)



Kris Howatt

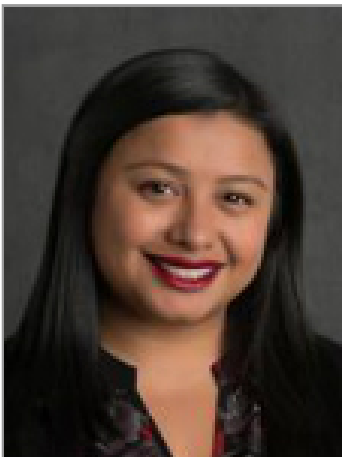
Gresham-Barlow 10

[Nomination Form](#) (Nominated by Gresham-Barlow 10)

[Resume](#)

Incumbent

Position 20 (Washington Region)



Erika Lopez

Hillsboro 1J

[Nomination Form](#) (Nominated by Hillsboro 1J)

[Resume](#)

Incumbent

Home > About OSBA > Election Center > OSBA Elections-LPC

OSBA Legislative Policy Committee election

In odd-numbered years, elections are held for all OSBA Legislative Policy Committee (LPC) positions. The [2021 elections calendar](#) lists the nomination and election dates. For your reference, we've posted this list of the [currently open positions with the incumbents](#).

Legislative Policy Committee candidate materials are posted here as they are submitted.

2021 LPC Candidates

Position 1 (Eastern Region)



Bruce Kevan

La Grande 1

[Nomination Form](#) (Nominated by La Grande 1)

[Resume](#)



Pat Morinaka

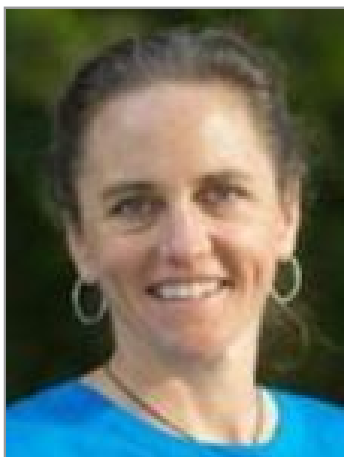
Nyssa 26

[Nomination Form](#) (Nominated by Nyssa 26)

[Resume](#)

Incumbent

Position 2 (Gorge Region)



Judy Richardson

49

North Wasco County 21

[Nomination Form](#) (Nominated by North Wasco County 21)

[Resume](#)

Position 3 (Central Region)



Courtney Snead

Jefferson Co 509J

[Nomination Form](#) (Nominated by Crook County)

[Resume](#)

Incumbent

Position 4 (Southeast Region)



Steve Lowell

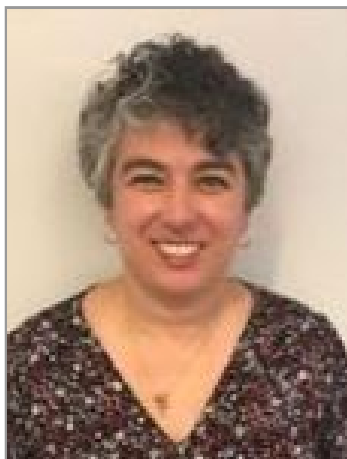
Klamath County

[Nomination Form](#) (Nominated by Klamath County)

[Resume](#)

Incumbent

Position 5 (Southern Region)



Sara Crawford

Phoenix-Talent 4

[Nomination Form](#) (Nominated by Phoenix-Talent 4)

[Resume](#)



Ray Williams

Prospect 59

[Nomination Form](#) (Nominated by Prospect 59)

[Resume](#)

Position 6 (Lane Region)



Austin Folnagy

Lane CC

[Nomination Form](#) (Nominated by Lane CC)

[Resume](#)



Judy Newman

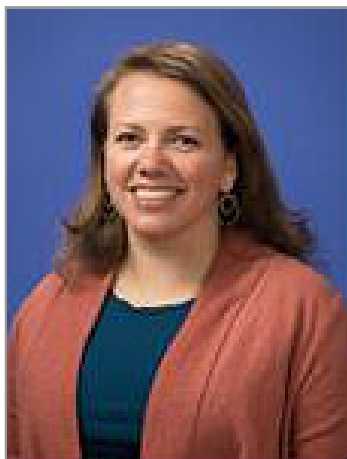
Eugene 4J

[Nomination Form](#) (Nominated by Eugene 4J)

[Resume](#)

Incumbent

Position 7 (Clackamas Region)



Chrissy Reitz

Hood River County

[Nomination Form](#) (Nominated by Hood River County)

[Resume](#)

Incumbent

Position 8 (Clackamas Region)



Kathy Wai

North Clackamas 12

[Nomination Form](#) (Nominated by North Clackamas 12)

[Resume](#)

Incumbent

Position 9 (Douglas/South Coast Region)



Fred Brick

South Coast ESD 7

[Nomination Form](#) (Nominated by South Coast ESD 7)

[Resume](#)

Incumbent



Candice Voynick

Glide 12

[Nomination Form](#) (Nominated by Glide 12)

[Resume](#)

Position 10 (Linn/Benton/Lincoln Region)



Sarah Finger McDonald

Corvallis 509J

55

[Nomination Form](#) (Nominated by Corvallis 509J)

[Resume](#)

Incumbent

Position 11 (Marion Region)



Maria Hinojos Pressey

Salem-Keizer 24J

[Nomination Form](#) (Nominated by Salem-Keizer 24J)

[Resume](#)

Position 12 (Marion Region)



Ashley Carson Cottingham

Salem-Keizer 24J

[Nomination Form](#) (Nominated by Salem-Keizer 24J)

[Resume](#)

Position 13 (Yamhill/Polk Region)



Rebecca Piros

Newberg 29J

[Nomination Form](#) (Nominated by Newberg 29J)

[Resume](#)

Incumbent

Position 15 (Washington Region)



Mark Watson

Hillsboro 1J

[Nomination Form](#) (Nominated by Hillsboro 1J)

[Resume](#)

Incumbent

Position 16 (Washington Region)



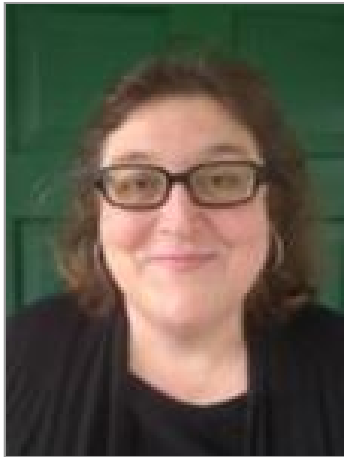
Becky Tymchuk

Beaverton 48J

[Nomination Form](#) (Nominated by Beaverton 48J)

[Resume](#)

Position 17 (Multnomah Region)



Elizabeth Durant

Parkrose 3

[Nomination Form](#) (Nominated by Parkrose 3)

[Resume](#)

Position 18 (Multnomah Region)



Jessica Arzate

Multnomah ESD

[Nomination Form](#) (Nominated by Multnomah ESD)

[Resume](#)

Incumbent

Position 20 (Washington Region)

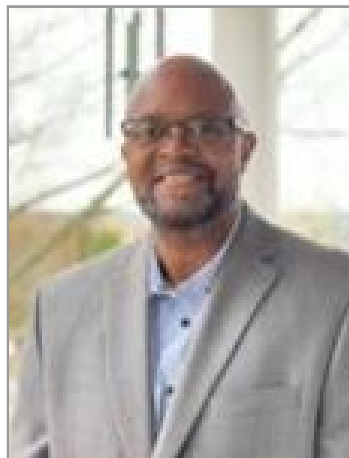


TJ Johnson

Gaston 511J

[Nomination Form](#) (Nominated by Gaston 511J)

[Resume](#)



Marvin Lynn

Tigard-Tualatin 23J

[Nomination Form](#) (Nominated by Tigard-Tualatin 23J)

[Resume](#)

**2021 OSBA Elections Calendar
Adopted by the Board February 5, 2021**

Nomination and election of regional members of the OSBA board of directors holding even-numbered positions and <u>all</u> LPC representatives		
August 23, 2021		Notice of position vacancies, candidate information packets, and official nomination forms shall be distributed to all incumbent directors and boards in eligible regions.
August 23, 2021 through October 1, 2021		A school board nominating one or more of its regional board members to the OSBA board of directors and/or LPC must do so by formal resolution of the board and timely submission of the nomination forms to the office of the OSBA. Nominations are closed after this date.
No later than October 15, 2021		Official ballots are distributed to member boards in each region 30 days prior to the date of the election, but no later than October 15.
No earlier than November 1, 2021		Member boards are asked to vote on the candidate(s) of their choice for their region no earlier than November 1, 2021, following the conclusion of all OSBA Fall Regional Meetings.
November 15, 2021 through December 17, 2021		Submission of votes to OSBA. Each member board in the appropriate region shall have one vote in the regional elections for members of the OSBA board of directors and LPC. The person receiving a majority of the votes cast for any position on the OSBA board of directors and LPC shall be elected.
As soon as possible		In cases where there are more than two candidates nominated for any position, and none receives a majority of the votes cast, a second ballot shall be required between the two candidates receiving the highest number of votes. The one receiving a majority of the votes cast shall be declared elected.
January 1, 2022		Newly elected officers and regional members of the OSBA board of directors and LPC officially take office.

OSBA Resolution Election		
No later than September 30, 2021		All resolutions to be submitted to the membership for a vote must be received at the OSBA offices.
No later than October 15, 2021		Resolution details, along with an official ballot, will be sent to the membership.
November 15, 2021 through December 17, 2021		Each member board in the state shall vote in the general election on resolutions, bylaws amendments, and Legislative Policies and Priorities (even-numbered years only) using the weighted voting system outlined in the bylaws.

OSBA Officer Elections		
September 17-18, 2021, or no later than October 31, 2021		The currently seated OSBA board of directors meets to elect officers. Candidates receiving a majority of the votes cast for any officer position on the OSBA board shall be elected.



ITEM FOR ACTION

Date of Meeting

December 1, 2021

Title

Approve Resolution of Complaint

Presenter

Judy Newman, Board Chair

Background

Board policy KL and implementing regulation KL-AR describe the board process for resolving complaints made by members of the public. On October 13, 2021, the board reviewed and considered such a complaint in an executive session on October 13, 2021 held pursuant to ORS 192.660(2)(b).

A proposed motion is below.

Proposed Motion

I move that the board find that the evidence does not substantiate the complaint and that the complainant be notified of this decision within the timelines provided by KL-AR.



ITEM FOR ACTION AT A FUTURE MEETING

Date of Meeting

December 1, 2021

Title

Consider Resolution 2022-10 – Authorizing Community Benefits Contracts

Presenters

Carole Knapel – Capital Improvement Program Manager
Christine Nesbit, General Counsel
Ryan Spain, Director - Facilities

Background

Purpose:

If approved, this resolution would authorize on a trial basis the use of community benefits contracts on a portion of the Camas Ridge Elementary rebuild project. Use of a community benefits agreement is one tool by which the board may achieve policy objectives for the betterment of the community. This resolution is necessary in order to allow a district public improvement contract to be designated as a community benefits agreement.

Prior Board Discussion:

In May 2019, the board of directors adopted a statement of values regarding consideration of identified community benefits in the design and construction of large capital projects. The values and community benefits then identified by the board included supporting local businesses, paying prevailing wages, and supporting learning opportunities for students and community. On May 5, 2021, the board expressed interest in community benefits contracting procedures used by a neighboring agency, and a desire to further consider how the district could develop and implement community based contracting processes. On June 2, 2021, the board received information about using a prequalification process to achieve a community benefits contract.

Based on prior board discussion, it is understood that the board's policy goals are to promote the following:

- Employer-paid family medical insurance benefits
- Opportunity for women, minority-individual and disabled veterans and businesses owned by such individuals to perform project work
- Opportunity for participation by apprentices in project work
- The payment of wages at or above prevailing wage rates

Legal Framework:

In June 2021, the Oregon legislature passed legislation (SB 420) which expressly permits public agencies or local contract review boards to authorize the designation of a public improvement contract as a community benefits contract. A "community benefits contract" is defined by law as a public improvement contract that includes, but is not limited to, identified contract elements

that are in addition to and not in lieu of any other legal requirement of public improvement contracts. Examples of terms include requiring a contractor to provide apprenticeship training and/or to provide employer-paid family health insurance.

The law passed in June 2021 applies to procurements advertised or contracts entered into on or after January 1, 2022, but permits a contracting agency or local review board to adopt a resolution before that date as necessary to enable the agency to exercise the rights created by the legislation on or after January 1, 2022.

State contracting law creates a strong policy preference for awarding bids to the lowest responsible bidder, and it precludes limiting competition to local providers. The law also provides for protests by adversely affected bidders. In determining the lowest responsible bidder, the bidder must demonstrate to the district that it has the appropriate financial and personnel resources and expertise, or the ability to obtain the same, necessary to discharge the responsibilities of the contract. Thus, it is permissible for the district to evaluate, consider and require that a bidder demonstrate capacity to meet certain *personnel or workforce* related expectations. Additionally (and effective January 1, 2022), in determining whether a bidder is responsible, the district may consider whether the bidder has agreed to be bound by the terms and conditions of a community benefit contract, if applicable.

Board policy DJC provides that the board is the local contract review board (LCRB) for the district; as such the board may decide that the district will undertake community benefits agreements.

Context

The district has not previously used a community benefits agreement or community benefits prequalification process before, and there are a number of practical, policy and financial issues to consider. Similar to the approach taken by other local agencies, staff believe it critical to have the opportunity to develop procedures for and implement community benefits agreements at a manageable pace and on a pilot basis. The district is managing multiple major projects resulting from the 2018 bond; staffing challenges, supply-chain delays, and other current market conditions along with these proposed CBA changes will compound schedule and cost impacts that are already in excess of what was forecasted in 2018.

Last month the Oregon Department of Transportation (ODOT) convened a Stakeholder Advisory Committee to provide recommendations for an ODOT Community Workforce/Community Benefits Agreement process for statewide projects. The Committee includes representatives from contractors, organizations which support women and minority contractors, trade organizations and local government agencies. The goals of this Committee are to expand the workforce pipeline, improve access to training programs and career opportunities, increase contracting opportunities for certified firms and maximize the benefit to the communities in which ODOT initiates projects. ODOT anticipates completing the work of the Committee by March 2022.

Staff proposes to combine the best thoughts and recommendations from this statewide effort, current and updated community benefits contracting programs by other community partners, and our pilot project experience to develop a “best practices” process for future 4J construction projects.

The next major public improvement project underway is Camas Ridge Elementary School. The district is already under contract with a general contractor, and current project estimates were created long before discussion of a CBA. It is anticipated that bidding will begin spring 2022.

After conferring with the general contractor, staff identified a subset of anticipated contracts for the Camas rebuild that appear suitable to achieving the policy goals previously identified by the board (i.e., are suitable for being designated as community benefits agreements). Those contracts are the tier one contracts for electrical, plumbing, mechanical (HVAC), fire sprinklers, framing, drywall, and ceiling systems.

Staff will need time to develop and implement community benefits program details, including use of a prequalification process. Prequalification is one way to ensure the selection of a responsible bidder while delivering identified community benefits. When a prequalification procedure is used, only companies that have been prequalified to bid on a project may do so, and an applicant who is found ineligible through the prequalification process would have the opportunity to protest and have a hearing on the same - a process that would occur before bidding. Thus, a prequalification process would be expected to provide the district with information early in the process about a potential or actual dispute. Staff will require sufficient time in advance of bidding to develop the prequalification process as well as the necessary bid documents. For example, the statute requires that prior to advertising for a community benefit contract, the terms must conspicuously identify the provisions to which a contractor will be subject, including the percentage of work hours for which the contractor must employ apprentices and the standards that will apply to the health plan that the contractor must provide.

Summary of Resolution

The resolution authorizes the district to designate certain contracts as community benefits contracts and establishes policy goals to be advanced through such contracts. The policy goals identified include:

- Employer-paid family health care benefits
- Promoting the use of apprentice programs
- Increasing opportunity for women, minority individual and disabled veterans and businesses certified by the State of Oregon Certification Office for Business Inclusion and Diversity (COBID) to perform work under the contract
- Supporting students enrolled in the district's construction CTE program by permitting site tours and through other means identified by the superintendent
- Paying wages at or above the BOLI prevailing wage rate
- Maintaining a harassment-free workplace by conducting a review, prior to beginning project work, using a checklist for employers such as those provided by the EEOC or Oregon Tradeswomen.

The resolution contains delegates authority for the superintendent to create procedures and regulations necessary to carry out the resolution, including requirements related to record-keeping and sharing by contractors. In addition, it provides an "offramp"; specifically, if application of the terms of a community benefits agreement will limit bidding to fewer than three qualified bidders, or result in substantial cost increases or delays, the superintendent would have authority to bid/rebid the contract without those terms.

Options and Alternatives

To be discussed.

Recommendation

The board chair will request a motion to adopt Resolution 2022-10 at a future meeting

RESOLUTION 2022-10
EUGENE SCHOOL DISTRICT 4J BOARD OF DIRECTORS
Authorizing Community Benefits Contracts

WHEREAS:

1. The Eugene School District 4J board of directors acts as the local contract review board (LCRB) for the district;
2. The board has recognized the value of community benefits in the design and construction of capital projects, including but not limited to: providing jobs that pay prevailing wages; employing local businesses, contractors and workers; promoting diversity and equity in all workplaces; and supporting learning opportunities for students and community members;
3. On June 2 and December 1, 2021, the board received information about how the district could implement community benefits contracts on a trial basis;
4. Oregon law relating to public improvement contracts:
 - a. Provides that in determining the lowest responsible bidder, the agency shall determine whether a bidder is responsible, and has available the appropriate financial, material, equipment, facility and personnel resources and expertise, or has the ability to obtain the resources and expertise, necessary to meet all contractual responsibilities;
 - b. Expressly permits a public improvement contract entered into on or after January 1, 2022 to be designated as a community benefit contract, in addition to and not in lieu of any other requirement that applies to such contracts;
 - c. Authorizes the district to adopt a rule, resolution, ordinance or other regulation permitting or requiring mandatory prequalification of a prospective bidder to prequalify for public improvement contracts including community benefit contracts;
 - d. Authorizes the district to establish contract specifications consistent with the Oregon public contracting code; and
 - e. Authorizes the board to delegate and subdelegate the exercise of its authority under the public contracting code;
5. The district has not previously used a community benefits contract or prequalification procedure in a public improvement project and desires to do so on a trial basis;
6. The district has contracted with a construction manager general contractor (CM/GC) for the rebuild of Camas Ridge Elementary School;
7. Staff have identified anticipated subcontracts to the CM/GC in connection with that project that could be designated as community benefits contracts;
8. The board intends for some of the Camas Ridge Elementary School rebuild subcontracts to the CM/GC to be designated as community benefits contracts.

THEREFORE, SO BE IT RESOLVED:

1. The board authorizes the superintendent to designate certain subcontracts to the CM/GC in connection with the rebuild of Camas Ridge Elementary School as community benefits contracts, including

subcontracts with tier one subcontractors in the following trades: framing, drywall, and ceiling systems; plumbing; mechanical (HVAC); fire sprinklers; and electrical.

2. The superintendent is authorized to use a prequalification process by which a prospective bidder or proposer may prequalify for a subcontract designated as a community benefit subcontract as a result of this resolution.
3. The community benefit subcontract will include, as material provisions of the subcontract, terms and conditions that require the subcontractor to:
 - a. Provide employer-paid full family health insurance coverage.
 - b. Be approved to participate in at least one apprenticeship program registered with the State of Oregon Bureau of Labor and Industries (BOLI), or federal equivalent.
 - c. Establish and implement a plan to promote opportunities for minority individuals, women, and disabled veterans in apprenticeship programs that the contractor participates in and as journey-level workers employed by the contractor, and for businesses certified by the State of Oregon Certification Office for Business Inclusion and Diversity (COBID) to perform work on the contract.
 - d. Provide wages at or above the BOLI prevailing rate of wage.
 - e. Support the district's construction CTE program by permitting construction site tours or through other means identified by the superintendent.
 - f. Maintain a harassment-free workplace by conducting a review, prior to beginning project work, using a checklist for employers such as those provided by the EEOC or Oregon Tradeswomen.
 - g. Maintain and provide records as determined by the superintendent.
4. The superintendent shall reserve the right to bid/re-bid work without the requirements of the CBA when bidding participation under the CBA does not provide sufficient coverage, (i.e., a minimum of 3 qualified bids), or would cause significant expense or delay.
5. The board delegates authority to the superintendent to create administrative regulations and/or procedures necessary to carry out the terms of this resolution. This delegation includes but is not limited to the authority to designate a public improvement contract under ORS Chapter 279C as a community benefit contract, establish additional terms and conditions for prequalification and community benefit subcontracts not inconsistent with this resolution.
6. The superintendent may sub-delegate the authority granted by this resolution.

By: _____

Date: _____

Judy Newman, Board Chair
Board of Directors, Eugene School District 4J

FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: SB 420 - B

81st Oregon Legislative Assembly – 2021 Regular Session
Legislative Fiscal Office

*Only Impacts on Original or Engrossed
Versions are Considered Official*

Prepared by: Michael Graham
Reviewed by: John Borden, Laurie Byerly, Michelle Deister, Paul Siebert, Doug Wilson, Ben Ruef
Date: May 27, 2021

Measure Description:

Permits local contract review board or local contracting agency to enact or adopt, as appropriate, ordinance, resolution, rule, regulation or other legislative or administrative measure to designate certain public improvement contracts or subcontracts with anticipated costs of \$200,000 or more as community benefit contracts.

Government Unit(s) Affected:

Statewide, Bureau of Labor and Industries (BOLI), Department of Administrative Services (DAS), Department of Justice (DOJ), Oregon Department of Transportation (ODOT), Counties, Cities, School Districts, Special Districts, TriMet, Metro

Summary of Fiscal Impact:

Costs related to the measure are anticipated to be minimal - See explanatory analysis.

Analysis:

Senate Bill 420, B-engrossed, amends the public contracting code to allow a state contracting agency or a local contract review board to designate a public improvement contract or subcontract with an anticipated contract price of \$200,000 or more as a “community benefit contract.” A public improvement contract that a contracting agency or local contract review board designates as a community benefit contract may include, but need not be limited to, terms and conditions that require a contractor to register as an apprentice training agent, employ apprentices to perform a specified percentage of work hours in occupations with viable apprenticeships, provide employer-paid family health benefits for each worker, establish and implement a plan to conduct outreach for recruiting and retaining women, members of minority groups and service-disabled veterans, and meet any other requirements established by the contracting agency. The measure allows a contracting agency or, if appropriate, a local contract review board, to adopt a rule, resolution, ordinance or other regulation that permits or requires a prospective bidder or proposer to prequalify for public improvement contracts, including community benefit contracts, for which the contracting agency intends to conduct a procurement. The rule, resolution, ordinance or other regulation must include the time for submitting prequalification applications and a general description of the type and nature of the contracts for which the contracting agency intends to conduct a procurement. A person who wishes to prequalify must submit a prequalification application to the contracting agency, and the contracting agency must determine whether the applicant is qualified within 30 days of receipt. The measure applies to procurements solicited or contracts entered into after the measure’s operative date. The measure takes effect 91 days after adjournment *sine die* and becomes operative on January 1, 2022.

State Agencies and Political Subdivisions

The measure is anticipated to have a minimal fiscal impact on state agencies and local governments. The measure is permissive to state contracting agencies and local contract review boards. Consequently, if a state contracting agency or a local contract review board do not designate a public improvement contract as a public benefit contract, the measure would have no fiscal impact on state and local government. Assuming a state contracting agency were to designate a public improvement contract as a public benefit contract, the agency in question would need to engage in rulemaking to guide this new process, which would present only a minimal fiscal impact. However, the measure also has the potential to increase construction costs for public improvement

contracts. If a contracting agency or a local contract review board were to designate a project as community benefit contract, the construction costs would likely increase. In order to qualify, a contractor in a community benefit contract must employ apprentices and provide employer-paid family health insurance, which would likely increase the cost of the contract bid to the contracting agency or local contract review board. Since the measure would limit the number of contractors that qualify for public improvement contracts, that in turn would limit competition amongst bidding contractors and, especially in more rural and remote areas, could substantially increase the cost of contracts or make it more difficult to secure a qualified contractor. It is unclear, though, how much these additional requirements on qualifying contractors would increase project costs.

Enrolled Senate Bill 420

Sponsored by Senator MANNING JR; Representatives KOTEK, WILDE (at the request of Joe Berney) (Pre-session filed.)

CHAPTER

AN ACT

Relating to community benefit contracts; creating new provisions; amending ORS 279C.375 and 279C.430; and prescribing an effective date.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Section 2 of this 2021 Act is added to and made a part of ORS 279C.300 to 279C.470.

SECTION 2. (1) As used in this section:

- (a) "Apprentice" has the meaning given that term in ORS 660.010.
- (b) "Apprenticeable occupation" has the meaning given that term in ORS 660.010.
- (c) "Community benefit project" means a public improvement project that is subject to the terms and conditions of a community benefit contract.

(2) As used in this section and in ORS 279C.375 and 279C.430, "community benefit contract" means a public improvement contract that includes, but is not limited to, the elements described in subsection (3)(b) of this section.

(3)(a) A contracting agency or local contract review board may enact or adopt, as appropriate, an ordinance, resolution, rule, regulation or other legislative or administrative measure that authorizes the contracting agency or local contract review board to designate a public improvement contract as a community benefit contract.

(b) In addition to and not in lieu of any other requirement that applies to a public improvement contract under this chapter, a public improvement contract that a contracting agency or local contract review board designates as a community benefit contract may include as material provisions of the contract, but need not be limited to, terms and conditions that require the contractor to:

- (A) Qualify as a training agent, as defined in ORS 660.010, or provide apprenticeship training that meets applicable federal and state standards for apprenticeship training;
- (B) Employ apprentices to perform a specified percentage of work hours that workers in apprenticeable occupations perform on the community benefit project;
- (C) Provide employer-paid family health insurance; and
- (D) Meet any other requirements that the contracting agency or local contract review board sets forth in the ordinance, resolution, rule, regulation or other legislative or administrative measure that authorizes procurements of community benefit contracts.

(c) A contracting agency or local contract review board shall:

(A) Ensure, before advertising or soliciting a community benefit contract, that all advertisements and solicitation documents state clearly that the procurement is for a com-

munity benefit contract and identify conspicuously all of the provisions to which a contractor will be subject, including the percentage of work hours for which the contractor must employ apprentices and the standards that will apply to the health plan the contractor must provide; and

(B) Require, before accepting and evaluating bids or proposals for a community benefit contract, that each bidder or proposer include with the bid or proposal a signed statement that acknowledges that the bidder or proposer understands and agrees to be bound by the requirements that apply to the community benefit contract.

(4) Except as otherwise provided in this section, a solicitation and award of a community benefit contract is subject to all applicable provisions of the Public Contracting Code.

SECTION 3. ORS 279C.375 is amended to read:

279C.375. (1) After a contracting agency has opened bids and determined that the contracting agency will award a public improvement contract, the contracting agency shall award the contract to the lowest responsible bidder.

(2) At least seven days before awarding a public improvement contract, unless the contracting agency determines that seven days is impractical under rules adopted under ORS 279A.065, the contracting agency shall issue to each bidder or post, electronically or otherwise, a notice of the contracting agency's intent to award a contract. This subsection does not apply to a contract to which competitive bidding does not apply under ORS 279C.335 (1)(c) or (d). The notice and the manner in which the notice is posted or issued must conform to rules adopted under ORS 279A.065.

(3) In determining the lowest responsible bidder, a contracting agency shall do all of the following:

(a) Check the list created by the Construction Contractors Board under ORS 701.227 for bidders who are not qualified to hold a public improvement contract.

(b) Determine whether the bidder is responsible. A responsible bidder must demonstrate to the contracting agency that the bidder:

(A) Has available the appropriate financial, material, equipment, facility and personnel resources and expertise, or has the ability to obtain the resources and expertise, necessary to meet all contractual responsibilities.

(B) Holds current licenses that businesses or service professionals operating in this state must hold in order to undertake or perform the work specified in the contract.

(C) Is covered by liability insurance and other insurance in amounts the contracting agency requires in the solicitation documents.

(D) Qualifies as a carrier-insured employer or a self-insured employer under ORS 656.407 or has elected coverage under ORS 656.128.

(E) Has made the disclosure required under ORS 279C.370.

(F) Completed previous contracts of a similar nature with a satisfactory record of performance. For purposes of this subparagraph, a satisfactory record of performance means that to the extent that the costs associated with and time available to perform a previous contract remained within the bidder's control, the bidder stayed within the time and budget allotted for the procurement and otherwise performed the contract in a satisfactory manner. The contracting agency shall document the bidder's record of performance if the contracting agency finds under this subparagraph that the bidder is not responsible.

(G) Has a satisfactory record of integrity. The contracting agency in evaluating the bidder's record of integrity may consider, among other things, whether the bidder has previous criminal convictions for offenses related to obtaining or attempting to obtain a contract or subcontract or in connection with the bidder's performance of a contract or subcontract. The contracting agency shall document the bidder's record of integrity if the contracting agency finds under this subparagraph that the bidder is not responsible.

(H) Is legally qualified to contract with the contracting agency.

(I) Possesses an unexpired certificate that the Oregon Department of Administrative Services issued under ORS 279A.167, if the bidder employs 50 or more full-time workers and submitted a bid

for a procurement with an estimated contract price that exceeds \$500,000 in response to an advertisement or solicitation from a state contracting agency.

(J) Has agreed in the bid or proposal to be bound by the terms and conditions of a community benefit contract, if the public improvement contract is a community benefit contract.

[(J)] **(K)** Supplied all necessary information in connection with the inquiry concerning responsibility. If a bidder fails to promptly supply information concerning responsibility that the contracting agency requests, the contracting agency shall determine the bidder's responsibility based on available information, or may find that the bidder is not responsible.

(c) Document the contracting agency's compliance with the requirements of paragraphs (a) and (b) of this subsection in substantially the following form:

RESPONSIBILITY DETERMINATION FORM

Project Name: _____
Bid Number: _____
Business Entity Name: _____
CCB License Number: _____
Form Submitted By (Contracting Agency):

Form Submitted By (Contracting Agency Representative's Name): _____
Title: _____
Date: _____

(The contracting agency must submit this form with attachments, if any, to the Construction Contractors Board within 30 days after the date of contract award.)

The contracting agency has (check all of the following):

- Checked the list created by the Construction Contractors Board under ORS 701.227 for bidders who are not qualified to hold a public improvement contract.
- Determined whether the bidder has met the standards of responsibility. In so doing, the contracting agency has found that the bidder demonstrated that the bidder:
 - Has available the appropriate financial, material, equipment, facility and personnel resources and expertise, or the ability to obtain the resources and expertise, necessary to meet all contractual responsibilities.
 - Holds current licenses that businesses or service professionals operating in this state must hold in order to undertake or perform the work specified in the contract.
 - Is covered by liability insurance and other insurance in amounts required in the solicitation documents.

- Qualifies as a carrier-insured employer or a self-insured employer under ORS 656.407 or has elected coverage under ORS 656.128.
 - Has disclosed the bidder's first-tier subcontractors in accordance with ORS 279C.370.
 - Has a satisfactory record of performance.
 - Has a satisfactory record of integrity.
 - Is legally qualified to contract with the contracting agency.
 - Possesses a certificate that the Oregon Department of Administrative Services issued under ORS 279A.167.
 - Agrees to be bound by the terms and conditions of a community benefit contract if the public contract is a community benefit contract.**
 - Has supplied all necessary information in connection with the inquiry concerning responsibility.
 - Determined the bidder to be (check one of the following):
 - Responsible under ORS 279C.375 (3)(a) and (b).
 - Not responsible under ORS 279C.375 (3)(a) and (b).
- (Attach documentation if the contracting agency finds the bidder not to be responsible.)

(d) Submit the form described in paragraph (c) of this subsection, with any attachments, to the Construction Contractors Board within 30 days after the date the contracting agency awards the contract.

(4) The successful bidder shall:

(a) Promptly execute a formal contract; and

(b) Execute and deliver to the contracting agency a performance bond and a payment bond when required under ORS 279C.380.

(5) Based on competitive bids, a contracting agency may award a public improvement contract or may award multiple public improvement contracts when specified in the invitation to bid.

(6) A contracting agency may not exclude a commercial contractor from competing for a public contract on the basis that the license issued by the Construction Contractors Board is endorsed as a level 1 or level 2 license. As used in this section, "commercial contractor" has the meaning given that term in ORS 701.005.

SECTION 4. ORS 279C.430 is amended to read:

279C.430. (1) A contracting agency **or, if appropriate, a local contract review board**, may adopt a rule, resolution, ordinance or other regulation [*requiring mandatory prequalification for all persons desiring to bid for public improvement contracts that are to be let by the agency*] **that permits**

or requires a prospective bidder or proposer to prequalify for public improvement contracts, including community benefit contracts, for which the contracting agency intends to conduct a procurement. The rule, resolution, ordinance or other regulation authorized by this section must include the time for submitting prequalification applications and a general description of the type and nature of the contracts *[that may be let]* for which the contracting agency intends to conduct a procurement. The prequalification application must be in writing on a standard form prescribed under the authority of ORS 279A.050.

(2) *[When]* If a contracting agency or local contract review board permits or requires prequalification of bidders, a person who wishes to prequalify shall submit a prequalification application to the contracting agency on a standard form prescribed under subsection (1) of this section. Within 30 days after *[receipt of]* receiving a prequalification application, the contracting agency shall investigate the applicant as necessary to determine if the applicant is qualified. The determination *[shall]* **must** be made in less than 30 days, if practicable, if the applicant requests an early decision to allow the applicant as much time as possible to prepare a bid on a contract that *[has been]* the contracting agency advertised. In making *[its]* the determination, the contracting agency shall consider only the applicable standards of responsibility listed in ORS 279C.375 (3)(b). The agency shall promptly notify the applicant whether or not the applicant is qualified.

(3) If the contracting agency finds that the applicant is qualified, the notice must state the nature and type of contracts *[that the person is qualified to bid on]* for which the prospective contractor may submit a bid or proposal and the period of time for which the qualification is valid under the contracting agency's rule, resolution, ordinance or other regulation. If the contracting agency finds the applicant is not qualified as to any contracts covered by the rule, resolution, ordinance or other regulation, the notice must specify the reasons found under ORS 279C.375 (3)(b) for not prequalifying the applicant and inform the applicant of the right to a hearing under ORS 279C.445 and 279C.450.

(4) If a contracting agency has reasonable cause to believe that *[there has been]* a substantial change **has taken place** in the conditions of a prequalified person and that **because of the substantial change** the person is no longer qualified or is less qualified, the agency may revoke or may revise and reissue the prequalification after reasonable notice to the prequalified person. The notice shall state the reasons found under ORS 279C.375 (3)(b) for revocation or revision of the prequalification of the person and inform the person of the right to a hearing under ORS 279C.445 and 279C.450. A revocation or revision does not apply to any public improvement contract for which publication of an advertisement, in accordance with ORS 279C.360, commenced before the date the notice of revocation or revision was received by the prequalified person.

SECTION 5. Section 2 of this 2021 Act and the amendments to ORS 279C.375 and 279C.430 by sections 3 and 4 of this 2021 Act apply to procurements that a contracting agency or local contract review board advertises or otherwise solicits, or if the contracting agency or local contract review board does not solicit the procurement, to public contracts into which the contracting agency or local contract review board enters on or after the operative date specified in section 6 of this 2021 Act.

SECTION 6. (1) Section 2 of this 2021 Act and the amendments to ORS 279C.375 and 279C.430 by sections 3 and 4 of this 2021 Act become operative on January 1, 2022.

(2) A contracting agency or local contract review board may enact or adopt, as appropriate, an ordinance, resolution, rule, regulation or other legislative or administrative measure before the operative date specified in subsection (1) of this section that is necessary to enable the contracting agency or local contract review board, on and after the operative date specified in subsection (1) of this section, to undertake or exercise all of the duties, functions and powers conferred on the contracting agency or local contract review board by section 2 of this 2021 Act and the amendments to ORS 279C.375 and 279C.430 by sections 3 and 4 of this 2021 Act.

SECTION 7. This 2021 Act takes effect on the 91st day after the date on which the 2021 regular session of the Eighty-first Legislative Assembly adjourns sine die.

Passed by Senate April 29, 2021

Repassed by Senate June 21, 2021

.....
Lori L. Brocker, Secretary of Senate

.....
Peter Courtney, President of Senate

Passed by House June 9, 2021

.....
Tina Kotek, Speaker of House

Received by Governor:

.....M,....., 2021

Approved:

.....M,....., 2021

.....
Kate Brown, Governor

Filed in Office of Secretary of State:

.....M,....., 2021

.....
Shemia Fagan, Secretary of State

Date: November 12, 2021
From: Judy Newman, Board Chair
To: The Eugene 4J School Board Members
Re: A summary of Information about Local CBB/CBA Experiences

What efforts are there to increase women and minorities and other under represented groups in these trades?

Below is some basic information about the apprenticeship programs registered in Oregon received from Oregon’s State Labor Commissioner Val Hoyle.

For reference, nationally just less than 4% of apprentices in the building and construction industry are female.

With the expansion of apprenticeship requirements in public projects we have seen a proliferation of programs. We have a state registration and support system which ensures that programs deliver a proficiency in the industry standard. BOLI oversees programs and assists employers in recruiting apprentices that reflect the community they are working in.

It is important to give 4J students the opportunity to learn and to attain the skills to earn a living wage and high quality apprenticeships are one avenue to accomplish this. In fact, a person can earn a 6-figure salary without any debt after completing some apprenticeship programs 4J school district can work towards providing these opportunities and in the future we can explore how the CBB/CBA process could assist with this.

Apprentice Demographics:

At the end of Fiscal Year 2021, Oregon had 10,082 registered apprentices. The table below shows the flow of female identified and BIPOC into and out of apprenticeship in FY 20-21.

	Total	Female	Female % of Total	BIPOC	BIPOC % of Total
Registrations – FY 20-21	2965	285	9.6%	746	25.1%
Completions – FY 20-21	1474	114	7.7%	334	22.6%
Cancellations – FY 20-21	1794	153	8.5%	380	21.1%

The Lane Community College (LCC) CBA process asks Contractors to provide information on women and minorities working on their projects. LCC shared that some or all of this information is reported by Contractors already and they need to pull it out of

state reports to provide a report specific to LCC. (*Note: This information is updated monthly by LCC staff.)

How many women and minorities and Vets are working on the LCC projects?

14% goes to **COBID** subcontractors which means women- and minority-owned businesses plus emerging small businesses.

In Oregon Certification from Office for Business Inclusion and Diversity (COBID) provides certification for minority-owned, women-owned, service-disabled veteran-owned businesses, and emerging small businesses.

How many local workers are working on the LCC projects?

36% of total construction contract goes to Lane County businesses

57% goes to Valley + Lane County - meaning I-5 corridor Salem and south plus Lane County.

(*Note: This information is updated monthly by LCC staff.)

EXHIBIT B - Cost Breakdown

Lane Community College Building 19 Seismic Renovation

GMP

100% Construction Documents, Permit Set
May 10, 2021

SP#	Description	5 - Subcontractor	GMP Scope Package Total	Lane County Business	Valley + Lane Co. Business	COBID Amount	Prequal (Y/N)
Subcontractor Work							
01.70	FINAL CLEANING	WFJ	\$ 9,530		\$ 9,530	\$ 9,530	YES
03.30	CAST-IN-PLACE CONCRETE	Pence Kelly	\$ 55,250	\$ 55,250	\$ 55,250		YES
04.20	MASONRY	Kraft	\$ 12,109		\$ 12,109		YES
05.10	STRUCTURAL AND MISC. STEEL	Gibson / Norse	\$ 236,589	\$ 236,589	\$ 236,589		YES
06.10	ROUGH CARPENTRY	TGC	\$ 268,010		\$ 268,010		YES
06.40	MILLWORK AND CASEWORK	Fortis	\$ 2,000				YES
07.40	METAL PANELS	Smith SM / Stedman / McGilchrist	\$ 722,143	\$ 441,580	\$ 722,143	\$ 205,755	YES
08.40	GLASS AND GLAZING	Culver Glass	\$ 15,326	\$ 15,326	\$ 15,326		YES
09.20	METAL STUDS, GYPSUM BOARD, AND CEILINGS	WPI	\$ 144,860	\$ 144,860	\$ 144,860		YES
09.50	FLOORING	Floor Solutions	\$ 24,860			\$ 8,204	YES
09.90	PAINTINGS AND COATINGS	WPI	\$ 9,806	\$ 9,806	\$ 9,806		YES
11.24	FALL PROTECTION	Allowance	\$ 15,000				n/a
12.20	WINDOW TREATMENTS	Superior Interiors	\$ 5,690			\$ 5,690	YES
21.00	FIRE SUPPRESSION	Allowance	\$ 15,000				n/a
22.00	PLUMBING	Allowance	\$ 12,000				n/a
23.00	MECHANICAL	Allowance	\$ 50,000				n/a
26.00	ELECTRICAL	OEG	\$ 56,190	\$ 56,190	\$ 56,190		YES
31.00	SITework, DEMOLITION AND UTILITIES	UWD PreBuild	\$ 144,475			\$ 144,475	YES
99.01	EXPANSION JOINT	Allowance	\$ 5,000				n/a
SUBTOTAL SUBCONTRACTOR WORK			\$ 1,803,838	\$ 959,601	\$ 1,529,813	\$ 373,654	
Fixed Sum for General Conditions Work			\$ 543,991	53%	83%	21%	
SUBTOTAL			\$ 2,347,829	(of subs cost)	(of subs cost)	(of subs cost)	
1	Design Contingency		\$ -				
2	Escalation		\$ -				
3	Construction Contingency		\$ 135,000				
6	All Risk Insurance		\$ 13,656				
7	Liability Insurance		\$ 29,958				
8	Sub Bond Program		\$ 30,317				
9	Contractor Bond		\$ 23,011				
10	Fee		\$ 67,074				
	EWA 1 - Exploratory Work / BRB Engineering		\$ 34,145				
11	Preconstruction		\$ 11,800				
SUBTOTAL DIRECT JOB COST			\$ 344,961				
TOTAL			\$ 2,692,790	36%	57%	14%	

Full family Benefits:

4J is required to hire contractors that pay prevailing wage. The prevailing wage includes a % for fringe benefits. In the CBB/CBA we would be requiring contractors who fall under the agreement to pay full family benefits. They can use the fringe benefit amount to pay full family benefits to employees working on our projects if they choose to do this.

Increased costs.

We received data from Lane County about their anticipated costs and actual costs. They reported that the bids that came in and were awarded were slightly under their projections. This was provided by Shawn Waite, Facilities and Capital Planning Manager for Lane County. (* Note: The cost estimates were completed prior to the Board approving the implementation of the CBB program.)

Shawn Waite shared that they did not yet do a formal write up, but will be compiling one in November or December once our first project is complete. The analysis they conducted was a comparison of their cost estimates and the actual contract costs. Their projections are compiled by the architects they contract with for design and cost estimators that their architects work with. High and a low estimates are provided.

Here is the breakdown by project.

Developmental Disabilities Services:

Estimated cost for construction contract: \$11,300,000

Contract Total: \$10,367,340

Parole and Probation:

Estimated cost for construction contract: \$4.8 to \$8.1 for high/low estimates. We normally go with a lower/mid-range, so we anticipated approximately \$5.6M (I am not sure why we don't have the same type of spreadsheet for this project as we do for the DDS project to share with you. I will look into that.)

Contract Total: \$4,406,405

These projects are both prevailing wage, so the conversation with the contractors was primarily about what to do with the fringe benefit. The fringe benefit under prevailing wage can be paid directly to the employee and the employee can use that to pay their portion of the premium costs for insurance coverage. **Lane County's program requires that the fringe not be paid to the employee and the employer use that to pay for the insurance premium in full.**

In reviewing the companies' GL reports and certified payroll, there has been no additional cost charged back to the county. The mark-up and administration costs percentage remained the same as what was estimated and what has been charged on previous projects.

Note: Shawn included one of their cost estimate sheets from the Developmental Disabilities Service Project for our reference. Let us know if you want a copy. Note that the construction costs on the spreadsheet state \$12,054,000, but part of that was for demo and the change order contingency was not included in the contract amount. That was for our budgeting purposes only.

I spoke with someone involved with the University of Oregon's Project Labor Agreement (PLA). A PLA is different than a CBB or CBA but has many of the same requirements and goals. He reported that it:

- Drove up costs from 2-5 %
- In some areas they struggled to get bids, especially union bids
- Difficult to get data on diversity except in the category of veterans- both men and women -because they worked with a local organization that served vets



ITEM FOR ACTION AT A FUTURE MEETING (First Read)

Date of Meeting

December 1, 2021

Title

Consider Revisions to Board Policies

GBNAB/JHFE	Suspected Abuse of a Child Reporting Requirements
JHFE/GBNAB	Suspected Abuse of a Child Reporting Requirements
GBNAA/JHFF	Suspected Sexual Conduct with Students and Reporting Requirements
JHFF/GBNAA	Suspected Sexual Conduct with Students and Reporting Requirements
IGBHA	Alternative Education Programs
IGDJ	Interscholastic Activities

Prepared by:

Christine Nesbit, General Counsel

Background

The board has committed to adopting new policies in response to identified need and to maintaining updated board policies that comply with law and are consistent with best practices. As explained below, the superintendent is recommending revisions to the above-referenced policies.

**1. GBNAB/JHFE – Suspected Abuse of a Child Reporting Requirements
JHFE/GBNAB – Suspected Abuse of a Child Reporting Requirements**

Board policy JHFE addresses child abuse reporting. The proposed changes would:

- Clarify that employees’ child abuse reporting obligation applies (among other circumstances) when the employee has reason to believe that “any person” with whom employee is in contact has abused a child.
- Incorporate flexibility permitted by 2021 legislation to allow the district to appoint a non-TSPC licensed staff member to serve as the central point of contact for internal reports when a district employee, contractor, agent or volunteer is suspected of child abuse.
- Reletter the policy consistent with the Oregon School Board Association lettering system. The result will be that the policy is duplicated in two chapters of the

board's policy manual. Policies GBNAB/JHFE and JHFE/GBNAB are identically worded, other than the letter coding.

2. GBNAA/JHFF – Suspected Sexual Conduct with Students and Reporting Requirements

JHFF/GBNAA – Suspected Sexual Conduct with Students and Reporting Requirements

The changes recommended for the district's Suspected Sexual Conduct policies (GBNAA/JHFF and JHFF/GBNAA) are needed to align with 2021 legislative changes as they relate to reporting and the definition of sexual conduct. The changes also clarify that students are subject to the policy if they are acting as an employee, contractor, agent or volunteer.

3. IGBHA – Alternative Education Programs

The proposed changes are to define "alternative education program" and to better align the policy with state administrative regulations.

4. IGDJ – Interscholastic Activities

SB 2817, passed in 2021, allows students enrolled in a district or ESD-provided General Education Development program who reside in the district to participate in available interscholastic activities. The proposed change to policy IGDJ will update it in accordance with new law.

Options and Alternatives

The board may, as to any of the proposed policies: approve the policy revisions as proposed; direct staff to make changes in response to board, staff or public comment; not approve the policy revisions and require additional research or stakeholder engagement; or not approve the policy revisions.

Failing to bring certain policies up to date would mean they no longer reflect current law and could pose risk for the district. Approving policy updates to reflect legal changes or best practices supports the district's mission and reduces risk to the district.

Equity implications:

The proposed policy changes under consideration are moderate and for the most part intended to reflect changes in state law. In many cases, the changes are required, and promptly reflecting them in district policy transparently makes them available to students and staff. Per board policy, the proposed changes are posted publicly and community members will have the opportunity to comment on proposed changes before they are acted on by the board.

The proposed changes in the child abuse and sexual conduct policies are aimed to support all students in the district, particularly those who report or have been subjected to sexual conduct or abuse. Children in more vulnerable populations who are statistically more likely to be targeted for sexual abuse.

The proposed changes in the interscholastic activities policy reflect changes in state law that increase access to high school interscholastic activities for students enrolled in GED programs.

Budget/Resource Implications:

None.

Recommendation

At a future meeting, the superintendent will recommend that the board approve revisions to board policies referenced above.

Eugene School District 4J

Code: **GBNAB/JHFE**
Adopted: 5/07/14
Revised/Readopted: 11/28/18; 2/05/20; **12/XX/21**
Orig. Code: JHFE

Reporting of Suspected Abuse of a Child Reporting Requirements**

By Oregon law (ORS 419B.005 – 419B.045) all district staff are designated “mandatory reporters” and are required by law to report suspected child abuse. Any district employee who has reasonable cause to believe that any child with whom the employee has come in contact has suffered abuse¹ shall orally report or cause an oral report immediately by telephone or otherwise to the local office of the Oregon Department of Human Services (DHS) or its designee or to the law enforcement agency within the county where the person making the report is located at the time of the contact pursuant to Oregon Revised Statute (ORS) 419B.010. Any district employee who has reasonable cause to believe that any person² ~~adult or student~~ with whom the employee is in contact has abused a child shall immediately report or cause a report to be made in the same manner to DHS or its designee or to the law enforcement agency within the county where the person making the report is located at the time of the contact pursuant to ORS 419B.010. If known, the report shall contain the names and addresses of the child and the parents of the child or other persons responsible for the child’s care, the child’s age, the nature and extent of the suspected abuse, including any evidence of previous abuse, the explanation given for the suspected abuse, any other information that the person making the report believes might be helpful in establishing the possible cause of the abuse and the identity of a possible perpetrator.

Abuse of a child by district employees, contractors³, agents⁴, volunteers⁵; or students is prohibited and will not be tolerated. All district employees, contractors, agents, volunteers and students are subject to this policy and the accompanying administrative regulation.

Any district employee who has reasonable cause to believe that another district employee, contractor, agent, volunteer or student has engaged in abuse, or that a student has been subjected to abuse by another district employee, contractor, agent, volunteer or student shall immediately report such to ~~the Oregon Department of Human Services (DHS)~~ or its designee or the local law enforcement agency pursuant to ORS 419B.015, and to the designated licensed administrator for the building.

¹ Includes the neglect of a child; abuse is defined in ORS 419B.005.

² “Person” includes any adult, student or other child.

³ “Contractor” means a person providing services to the district under a contract in a manner that requires the person to have direct, unsupervised contact with students.

⁴ “Agent” means a person acting as an agent for the district in a manner that requires the person to have direct, unsupervised contact with students.

⁵ “Volunteer” means a person acting as a volunteer for the district in a manner that requires the person to have direct, unsupervised contact with students.

The district will designate a licensed administrator⁶ and an alternate licensed administrator, in the event that the designated licensed administrator is the suspected abuser, for each school building to receive reports of suspected abuse of a child by district employees, contractors, agents, volunteers or students.

If the superintendent is the alleged perpetrator the report shall be submitted to the Human Resources Director who shall also report to the Board chair.

The district will post, in each school building: (1) the name and contact information of the licensed administrator and alternate designated to receive reports of suspected abuse, (2) the procedures in GBNAB/JHFE-AR(1) - Reporting of Suspected Abuse of a Child Reporting Requirements the designee will follow upon receipt of a report, (3) the contact information for local law enforcement and the local DHS office or its designee, and (4) a statement that this is a duty to report suspected abuse to DHS or law enforcement in addition to the requirement to make a report to the designated licensed administrator.

When a designee receives a report of suspected abuse, the designee will follow procedure established by the district and set forth in administrative regulation GBNAB/JHFE-AR(1) - Reporting of Suspected Abuse of a Child Reporting Requirements. All such reports of suspected abuse will be reported to a law enforcement agency or DHS, or its designee, for investigation, and the agency will complete an investigation regardless of any changes in the relationship or duties of the person who is the alleged abuser.

When there is reasonable cause to support a report, a district employee suspected of abuse shall be placed on paid administrative leave pending an investigation and the district will take necessary actions to ensure the student's safety. When there is reasonable cause to support a report, a district contractor, agent or volunteer suspected of abuse shall be removed from providing services to the district and the district will take necessary actions to ensure the student's safety.

The district will notify the person, as allowed by state and federal law, who was subjected to the suspected abuse about any actions taken by the district as a result of the report.

A substantiated report of abuse by an employee shall be documented in the employee's personnel file. A substantiated report of abuse by a student shall be documented in the student's education record.

The initiation of a report in good faith, pursuant to this policy, may not adversely affect any terms or conditions of employment or the work environment of the person initiating the report or who may have been subjected to abuse. If a student initiates a report in good faith of suspected abuse of a child by a district employee, contractor, agent, volunteer or other student, in good faith, the student will not be disciplined for making the report by the district or any district employee, contractor, agent or volunteer. Intentionally making a false report of abuse of a child is a Class A violation.

The district shall provide information and training each school year to district employees on the prevention and identification of abuse and sexual conduct, the obligations of district employees under ORS 339.388 and ORS 419B.005--419B.050 and as directed by Board policies to report suspected abuse of a child and sexual conduct, and appropriate electronic communications with students as described in ORS 339.372(11). The district shall make available each school year the training described above to contractors,

⁶ "Licensed administrator" for purposes of this policy may include either a district employee who holds an administrative license from the Teacher Standards Practices Commission (TSPC), or a non-TSPC licensed administrator or manager designated by the superintendent to serve in this capacity. ORS 339.372.

agents, volunteers, and parents and legal guardians of students attending district-operated schools. The training, ~~and~~ will be made available separately from the training provided to district employees.

Each school year, ~~The~~ district shall provide to contractors, agents and volunteers ~~each school year~~ information on the prevention and identification of child abuse and sexual conduct, the obligations of district employees under ~~B~~board policies to report abuse and sexual conduct, and appropriate electronic communications with students ~~to contractors, agents and volunteers.~~

Each school year, ~~The~~ district shall also make available ~~each school year training that is designed to prevent abuse~~ to students attending district-operated schools: ~~training that is designed to prevent abuse and sexual conduct.~~

The district shall provide to a district employee at the time of hire, or to a contractor, agent, or volunteer at the time of beginning service for the district, the following:

1. A description of conduct that may constitute abuse;
2. A description of the investigatory process and possible consequences if a report of suspected abuse is substantiated; and
3. A description of the prohibitions imposed on district employees, contractors, and agents when another district employee, contractor or agent attempts to obtain a new job, as provided under ORS 339.378. A district employee, contractor or agent will not assist another district employee, contractor or agent in obtaining a new job if the individual knows, or has reasonable or probable cause to believe ~~that~~ the district employee, contractor or agent engaged in abuse, unless criteria found in ORS 339.378(2)(c) are applicable.

Nothing in this policy prevents the district from disclosing information required by law or providing the routine transmission of administrative and personnel files pursuant to law.

The district shall make available to students, ~~district~~ employees, contractors, agents, and volunteers a policy of appropriate electronic communications with students. All district employees are subject to ~~b~~Board policy GCAB - Personal Electronic Devices and Social Media - Staff regarding appropriate electronic communications with students.

Any electronic communications with students by a contractor, agent or volunteer for the district will be appropriate, for a legitimate school-related purpose, and only as directed by district administration. The district prohibits contractors, agents and volunteers from making electronic communications with students without the knowledge of parents/guardians.

The superintendent shall develop administrative regulations as are necessary to implement this policy and to comply with state law.

END OF POLICY

Legal Reference(s):

[ORS 339.370 - 339.400](#)
[ORS 418.257 - 418.259](#)

[ORS 419B.005 - 419B.050](#)

[OAR 581-022-2205](#)
[Senate Bill 155 \(2019\)](#)

Greene v. Camreta, 588 F.3d 1011 (9th Cir. 2009), vacated in part by, remanded by Camreta v. Greene, 131 S. Ct. 2020 (U.S. 2011); vacated in part, remanded by Greene v. Camreta 661 F.3d 1201 (9th Cir. 2011).
Senate Bill 51 (2021).

Corrected 11/18/21

Eugene School District 4J

Code: JHFE/GBNAB
Adopted: 5/07/14
Revised/Readopted: 11/28/18; 2/05/20; 12/XX/21
Orig. Code: JHFE

Reporting of Suspected Abuse of a Child Reporting Requirements**

By Oregon law (ORS 419B.005 – 419B.045) all district staff are designated “mandatory reporters” and are required by law to report suspected child abuse. Any district employee who has reasonable cause to believe that any child with whom the employee has come in contact has suffered abuse¹ shall orally report or cause an oral report immediately by telephone or otherwise to the local office of the Oregon Department of Human Services (DHS) or its designee or to the law enforcement agency within the county where the person making the report is located at the time of the contact pursuant to Oregon Revised Statute (ORS) 419B.010. Any district employee who has reasonable cause to believe that any person² ~~adult or student~~ with whom the employee is in contact has abused a child shall immediately report or cause a report to be made in the same manner to DHS or its designee or to the law enforcement agency within the county where the person making the report is located at the time of the contact pursuant to ORS 419B.010. If known, the report shall contain the names and addresses of the child and the parents of the child or other persons responsible for the child’s care, the child’s age, the nature and extent of the suspected abuse, including any evidence of previous abuse, the explanation given for the suspected abuse, any other information that the person making the report believes might be helpful in establishing the possible cause of the abuse and the identity of a possible perpetrator.

Abuse of a child by district employees, contractors³, agents⁴, volunteers⁵; or students is prohibited and will not be tolerated. All district employees, contractors, agents, volunteers and students are subject to this policy and the accompanying administrative regulation.

Any district employee who has reasonable cause to believe that another district employee, contractor, agent, volunteer or student has engaged in abuse, or that a student has been subjected to abuse by another district employee, contractor, agent, volunteer or student shall immediately report such to ~~the Oregon Department of Human Services (DHS)~~ or its designee or the local law enforcement agency pursuant to ORS 419B.015, and to the designated licensed administrator for the building.

¹ Includes the neglect of a child; abuse is defined in ORS 419B.005.

² “Person” includes any adult, student or other child.

³ “Contractor” means a person providing services to the district under a contract in a manner that requires the person to have direct, unsupervised contact with students.

⁴ “Agent” means a person acting as an agent for the district in a manner that requires the person to have direct, unsupervised contact with students.

⁵ “Volunteer” means a person acting as a volunteer for the district in a manner that requires the person to have direct, unsupervised contact with students.

The district will designate a licensed administrator⁶ and an alternate licensed administrator, in the event that the designated licensed administrator is the suspected abuser, for each school building to receive reports of suspected abuse of a child by district employees, contractors, agents, volunteers or students.

If the superintendent is the alleged perpetrator the report shall be submitted to the Human Resources Director who shall also report to the Board chair.

The district will post, in each school building: (1) the name and contact information of the licensed administrator and alternate designated to receive reports of suspected abuse, (2) the procedures in JHFE/GBNAB-AR(1) - Reporting of Suspected Abuse of a Child Reporting Requirements the designee will follow upon receipt of a report, (3) the contact information for local law enforcement and the local DHS office or its designee, and (4) a statement that this is a duty to report suspected abuse to DHS or law enforcement in addition to the requirement to make a report to the designated licensed administrator.

When a designee receives a report of suspected abuse, the designee will follow procedure established by the district and set forth in administrative regulation JHFE/GBNAB-AR(1) - Reporting of Suspected Abuse of a Child Reporting Requirements. All such reports of suspected abuse will be reported to a law enforcement agency or DHS, or its designee, for investigation, and the agency will complete an investigation regardless of any changes in the relationship or duties of the person who is the alleged abuser.

When there is reasonable cause to support the report, a district employee suspected of abuse shall be placed on paid administrative leave pending an investigation and the district will take necessary actions to ensure the student's safety. When there is reasonable cause to support the report, a district contractor, agent or volunteer suspected of abuse shall be removed from providing services to the district and the district will take necessary actions to ensure the student's safety.

The district will notify the person, as allowed by state and federal law, who was subjected to the suspected abuse about any actions taken by the district as a result of the report.

A substantiated report of abuse by an employee shall be documented in the employee's personnel file. A substantiated report of abuse by a student shall be documented in the student's education record.

The initiation of a report in good faith, pursuant to this policy, may not adversely affect any terms or conditions of employment or the work environment of the person initiating the report or who may have been subjected to abuse. If a student initiates a report in good faith of suspected abuse of a child by a district employee, contractor, agent, volunteer or other student, in good faith, the student will not be disciplined for making the report by the district or any district employee, contractor, agent or volunteer. Intentionally making a false report of abuse of a child is a Class A violation.

The district shall provide information and training each school year to district employees on the prevention and identification of abuse and sexual conduct, the obligations of district employees under ORS 339.388 and ORS 419B.005--419B.050 and as directed by Board policies to report suspected abuse of a child and sexual conduct, and appropriate electronic communications with students as described in ORS 339.372(11). The district shall make available each school year the training described above to contractors,

⁶ "Licensed administrator" for purposes of this policy may include either a district employee who holds an administrative license from the Teacher Standards Practices Commission (TSPC), or a non-TSPC licensed administrator or manager designated by the superintendent to serve in this capacity. ORS 339.372.

agents, volunteers, and parents and legal guardians of students attending district-operated schools. The training, ~~and~~ will be made available separately from the training provided to district employees.

Each school year, ~~The~~ district shall provide to contractors, agents and volunteers ~~each school year~~ information on the prevention and identification of child abuse and sexual conduct, the obligations of district employees under ~~B~~board policies to report abuse and sexual conduct, and appropriate electronic communications with students ~~to contractors, agents and volunteers~~.

Each school year, ~~The~~ district shall also make available ~~each school year training that is designed to prevent abuse~~ to students attending district-operated schools: ~~training that is designed to prevent abuse and sexual conduct~~.

The district shall provide to a district employee at the time of hire, or to a contractor, agent, or volunteer at the time of beginning service for the district, the following:

1. A description of conduct that may constitute abuse;
2. A description of the investigatory process and possible consequences if a report of suspected abuse is substantiated; and
3. A description of the prohibitions imposed on district employees, contractors, and agents when another district employee, contractor or agent attempts to obtain a new job, as provided under ORS 339.378. A district employee, contractor or agent will not assist another district employee, contractor or agent in obtaining a new job if the individual knows, or has reasonable or probable cause to believe ~~that~~ the district employee, contractor or agent engaged in abuse, unless criteria found in ORS 339.378(2)(c) are applicable.

Nothing in this policy prevents the district from disclosing information required by law or providing the routine transmission of administrative and personnel files pursuant to law.

The district shall make available to students, ~~district~~ employees, contractors, agents, and volunteers a policy of appropriate electronic communications with students. All district employees are subject to ~~b~~Board policy GCAB - Personal Electronic Devices and Social Media - Staff regarding appropriate electronic communications with students.

Any electronic communications with students by a contractor, agent or volunteer for the district will be appropriate, for a legitimate school-related purpose, and only as directed by district administration. The district prohibits contractors, agents and volunteers from making electronic communications with students without the knowledge of parents/guardians.

The superintendent shall develop administrative regulations as are necessary to implement this policy and to comply with state law.

END OF POLICY

Legal Reference(s):

[ORS 339.370 - 339.400](#)
[ORS 418.257 - 418.259](#)

[ORS 419B.005 - 419B.050](#)

[OAR 581-022-2205](#)
[Senate Bill 155 \(2019\)](#)

Greene v. Camreta, 588 F.3d 1011 (9th Cir. 2009), vacated in part by, remanded by Camreta v. Greene, 131 S. Ct. 2020 (U.S. 2011); vacated in part, remanded by Greene v. Camreta 661 F.3d 1201 (9th Cir. 2011).
Senate Bill 51 (2021).

Corrected 11/18/21

Eugene School District 4J

Code: GBNAA/JHFF
Adopted: 9/01/10
Revised/Readopted: 11/28/18; 1/15/20; 12/XX/21
Orig. Code(s): JHFF

~~Reporting Requirements for Suspected Sexual Conduct with Students~~ and Reporting Requirements *

Sexual conduct by district employees, contractors¹, agents², and volunteers³ is prohibited and will not be tolerated. All district employees, contractors, agents, and volunteers are subject to this policy. Students are also subject to this policy if they are acting as an employee, contractor, agent or volunteer.

“Sexual conduct,” means verbal or physical conduct or verbal, written or electronic communications by a school employee, a contractor, an agent or a volunteer that involve a student and that are sexual advances or requests for sexual favors directed toward the student, or of a sexual nature that are directed toward the student or that have the effect of unreasonably interfering with a student’s educational performance, or of creating an intimidating or hostile or offensive educational environment. “Sexual conduct” does not include touching or other physical contact that is necessitated by the nature of the school employee’s job duties or by the services required to be provided by the contractor, agent or volunteer, and for which there is no sexual intent; verbal, written or electronic communications that are provided as part of an education program that meets state educational standards or a policy approved by the board; or conduct or communications described in the definition of sexual conduct herein if the school employee, contractor, agent or volunteer is also a student and the conduct or communications arise out of a consensual relationship between students, do not create an intimidating or hostile educational environment and are not prohibited by law, any policies of the district or any applicable employment agreements.⁴

“Student” means any person who is in any grade from prekindergarten through grade 12 or 21 years of age or younger and receiving educational or related services from the district that is not a post-secondary institution of education, or who was previously known as a student by the person engaging in sexual conduct and who left school or graduated from high school within 90 days prior to the sexual conduct.

¹ “Contractor” means a person providing services to the district under a contract in a manner that requires the person to have direct, unsupervised contact with students.

² “Agent” means a person acting as an agent for the district in a manner that requires the person to have direct, unsupervised contact with students.

³ “Volunteer” means a person acting as a volunteer for the district in a manner that requires the person to have direct, unsupervised contact with students.

⁴ The definition of “sexual conduct” in this policy affects all conduct that occurs before, on or after June 23, 2021, for purposes of reports that are made, investigations that are initiated, or a collective bargaining agreement, an employment contract, an agreement for resignation or termination, a severance agreement or any similar contract or agreement entered into, on or after June 23, 2021.

The district will post in each school building the names and contact information of the employees designated for the respective school buildings to receive reports of suspected sexual conduct and the procedures the designee will follow upon receipt of the report.

Any district employee or volunteer who has reasonable cause to believe that a student has been subjected to sexual conduct by another district employee, contractor, agent or volunteer, or that another district employee, contractor, agent or volunteer has engaged in sexual conduct with a student shall immediately report such suspected sexual conduct to the student's building principal, and to the designated licensed administrator or the alternate designated licensed administrator, in the event the designated administrator is the suspected perpetrator, for their school building. The designated licensed administrator for all 4J schools is the Human Resources Director, and the alternate designated licensed administrator is the Title IX Coordinator. If the conduct also constitutes child abuse, the employee must make mandatory reports in accordance with board policy GBNAB/JHFE – Suspected Abuse of a Child Reporting Requirements.

If the superintendent is the alleged perpetrator the report shall be submitted to the Human Resources Director who shall report the suspected sexual conduct to the ~~b~~Board chair.

If an employee fails to report suspected sexual conduct, the employee may be disciplined up to and including dismissal.

When ~~a~~the designated licensed administrator receives a report of suspected sexual conduct by a district employee, contractor, agent or volunteer, the administrator will follow procedures established by the district and set forth in the district's administrative regulation ~~JHFF/GBNAA/JHFF-AR - Suspected Sexual Conduct Report Procedures and Form~~. All such reports will be reported to the Oregon Department of Education (ODE) or Teacher Standards and Practices Commission (TSPC) in accordance with the administrative regulation ~~as appropriate, for investigation~~. The agency receiving a report will complete an investigation regardless of any changes in the relationship or duties of the person who is the alleged perpetrator.

When there is reasonable cause to support the report, a district employee suspected of sexual conduct shall be placed on paid administrative leave pending an investigation and the district will take necessary actions to ensure the student's safety.

When there is reasonable cause to support the report, a district contractor, agent or volunteer suspected of sexual conduct shall be removed from providing services to the district and the district will take necessary actions to ensure the student's safety.

~~The district will post in each school building the names and contact information of the employees designated for the school building to receive reports of suspected sexual conduct and the procedures the designee will follow upon receipt of the report.~~

The district will notify, as allowed by state and federal law, the person who was subjected to the suspected sexual conduct about any actions taken by the district as a result of the report.

A district employee, contractor or agent will not assist another district employee, contractor or agent in obtaining a new job if the individual knows, or has reasonable cause to believe the district employee, contractor or agent engaged in sexual conduct. Nothing in this policy prevents the district from disclosing information required by law or providing the routine transmission of administrative and personnel files pursuant to law.

The initiation of a report in good faith about suspected sexual conduct may not adversely affect any terms or conditions of employment or the work environment of the person who initiated the report or who may have been subject to sexual conduct. If a student initiates a report of suspected sexual conduct by a district employee, contractor, agent or volunteer in good faith, the student will not be disciplined by the district or any district employee, contractor, agent or volunteer for making the report.

The district will provide to employees at the time of hire, or to a contractor, agent or volunteer at the time of beginning service for the district, the following:

1. A description of conduct that may constitute sexual conduct;
2. A description of the investigatory process and possible consequences if a report of suspected sexual conduct is substantiated; and
3. A description of the prohibitions imposed on district employees, contractors and agents when they attempt to obtain a new job, pursuant to ORS 339.378(2).

All district employees are subject to **b**Board policy GCAB - Personal Electronic Devices and Social Media - Staff regarding appropriate electronic communications with students.

Any electronic communications with students by a contractor, agent or volunteer for the district will be appropriate, for a legitimate school-related purpose, and only as directed by district administration. The district prohibits contractors, agents and volunteers from making electronic communications with students without the knowledge of parents/guardians.

Policy **GBN/JBA** strictly prohibits sexual harassment in all of its programs and activities, including harassment of students by staff, volunteers, contractors and other students. As applicable, board **P**policy **GBN/JBA – Sexual Harassment** will be followed in addition to the terms of this policy. Any suspected child abuse, including sexual abuse and sexual exploitation, shall be immediately reported to DHS or law enforcement and the district's designated licensed administrator as provided in policy **GBNAB/JHFE – Reporting Suspected Abuse of a Child**.

The superintendent shall develop administrative regulations to implement this policy and to comply with state law.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

[ORS 339.370 - 339.400](#)

[ORS 419B.005 - 419B.045](#)

Every Student Succeeds Act, 20 U.S.C. § 7926 (2018).

House Bill 2136 (2021).

Senate Bill 51 (2021).

Corrected 11/18/21

Eugene School District 4J

Code: JHFF/GBNAA
Adopted: 9/01/10
Revised/Readopted: 11/28/18; 1/15/20; 12/XX/21
Orig. Code(s): JHFF

Reporting Requirements for Suspected Sexual Conduct with Students and Reporting Requirements *

Sexual conduct by district employees, contractors¹, agents², and volunteers³ is prohibited and will not be tolerated. All district employees, contractors, agents, and volunteers are subject to this policy. Students are also subject to this policy if they are acting as an employee, contractor, agent or volunteer.

“Sexual conduct,” means verbal or physical conduct or verbal, written or electronic communications by a school employee, a contractor, an agent or a volunteer that involve a student and that are sexual advances or requests for sexual favors directed toward the student, or of a sexual nature that are directed toward the student or that have the effect of unreasonably interfering with a student’s educational performance, or of creating an intimidating or hostile or offensive educational environment. “Sexual conduct” does not include touching or other physical contact that is necessitated by the nature of the school employee’s job duties or by the services required to be provided by the contractor, agent or volunteer, and for which there is no sexual intent; verbal, written or electronic communications that are provided as part of an education program that meets state educational standards or a policy approved by the board; or conduct or communications described in the definition of sexual conduct herein if the school employee, contractor, agent or volunteer is also a student and the conduct or communications arise out of a consensual relationship between students, do not create an intimidating or hostile educational environment and are not prohibited by law, any policies of the district or any applicable employment agreements.⁴

“Student” means any person who is in any grade from prekindergarten through grade 12 or 21 years of age or younger and receiving educational or related services from the district that is not a post-secondary institution of education, or who was previously known as a student by the person engaging in sexual conduct and who left school or graduated from high school within 90 days prior to the sexual conduct.

The district will post in each school building the names and contact information of the employees designated for the respective school buildings to receive reports of suspected sexual conduct and the procedures the designee will follow upon receipt of the report.

¹ “Contractor” means a person providing services to the district under a contract in a manner that requires the person to have direct, unsupervised contact with students.

² “Agent” means a person acting as an agent for the district in a manner that requires the person to have direct, unsupervised contact with students.

³ “Volunteer” means a person acting as a volunteer for the district in a manner that requires the person to have direct, unsupervised contact with students.

⁴ The definition of “sexual conduct” in this policy affects all conduct that occurs before, on or after June 23, 2021, for purposes of reports that are made, investigations that are initiated, or a collective bargaining agreement, an employment contract, an agreement for resignation or termination, a severance agreement or any similar contract or agreement entered into, on or after June 23, 2021.

Any district employee or volunteer who has reasonable cause to believe that a student has been subjected to sexual conduct by another district employee, contractor, agent or volunteer, or that another district employee, contractor, agent or volunteer has engaged in sexual conduct with a student shall immediately report such suspected sexual conduct to the student's building principal, and to the designated licensed administrator or the alternate designated licensed administrator, in the event the designated administrator is the suspected perpetrator, for their school building. The designated licensed administrator for all 4J schools is the Human Resources Director, and the alternate designated licensed administrator is the Title IX Coordinator. If the conduct also constitutes child abuse, the employee must make mandatory reports in accordance with board policy JHFE/GBNAB – Suspected Abuse of a Child Reporting Requirements.

If the superintendent is the alleged perpetrator the report shall be submitted to the Human Resources Director who shall report the suspected sexual conduct to the ~~b~~Board chair.

If an employee fails to report suspected sexual conduct, the employee may be disciplined up to and including dismissal.

When ~~a~~the designated licensed administrator receives a report of suspected sexual conduct by a district employee, contractor, agent or volunteer, the administrator will follow procedures established by the district and set forth in the district's administrative regulation JHFF/GBNAA-AR - Suspected Sexual Conduct Report Procedures and Form. All such reports will be reported to the Oregon Department of Education (ODE) or Teacher Standards and Practices Commission (TSPC) in accordance with such administrative regulation ~~as appropriate, for investigation~~. The agency receiving a report will complete an investigation regardless of any changes in the relationship or duties of the person who is the alleged perpetrator.

When there is reasonable cause to support the report, a district employee suspected of sexual conduct shall be placed on paid administrative leave pending an investigation and the district will take necessary actions to ensure the student's safety.

When there is reasonable cause to support the report, a district contractor, agent or volunteer suspected of sexual conduct shall be removed from providing services to the district and the district will take necessary actions to ensure the student's safety.

~~The district will post in each school building the names and contact information of the employees designated for the school building to receive reports of suspected sexual conduct and the procedures the designee will follow upon receipt of the report.~~

The district will notify, as allowed by state and federal law, the person who was subjected to the suspected sexual conduct about any actions taken by the district as a result of the report.

A district employee, contractor or agent will not assist another district employee, contractor or agent in obtaining a new job if the individual knows, or has reasonable cause to believe the district employee, contractor or agent engaged in sexual conduct. Nothing in this policy prevents the district from disclosing information required by law or providing the routine transmission of administrative and personnel files pursuant to law.

The initiation of a report in good faith about suspected sexual conduct may not adversely affect any terms or conditions of employment or the work environment of the person who initiated the report or who may have been subject to sexual conduct. If a student initiates a report of suspected sexual conduct by a district

employee, contractor, agent or volunteer in good faith, the student will not be disciplined by the district or any district employee, contractor, agent or volunteer for making the report.

The district will provide to employees at the time of hire, or to a contractor, agent or volunteer at the time of beginning service for the district, the following:

1. A description of conduct that may constitute sexual conduct;
2. A description of the investigatory process and possible consequences if a report of suspected sexual conduct is substantiated; and
3. A description of the prohibitions imposed on district employees, contractors and agents when they attempt to obtain a new job, pursuant to ORS 339.378(2).

All district employees are subject to Board policy GCAB - Personal Electronic Devices and Social Media - Staff regarding appropriate electronic communications with students.

Any electronic communications with students by a contractor, agent or volunteer for the district will be appropriate, for a legitimate school-related purpose, and only as directed by district administration. The district prohibits contractors, agents and volunteers from making electronic communications with students without the knowledge of parents/guardians.

Policy JBA/GBN strictly prohibits sexual harassment in all of its programs and activities, including harassment of students by staff, volunteers, contractors and other students. As applicable, board policy JBA/GBN – Sexual Harassment will be followed in addition to the terms of this policy. Any suspected child abuse, including sexual abuse and sexual exploitation, shall be immediately reported to DHS or law enforcement and the district's designated licensed administrator as provided in policy JHFE/GBNAB – Reporting Suspected Abuse of a Child.

The superintendent shall develop administrative regulations to implement this policy and to comply with state law.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

[ORS 339.370 - 339.400](#)

[ORS 419B.005 - 419B.045](#)

Every Student Succeeds Act, 20 U.S.C. § 7926 (2018).

House Bill 2136 (2021).

Senate Bill 51 (2021).

Corrected 11/18/21

Eugene School District 4J

Code: IGBHA
Adopted: 9/06/06
Revised/Readopted: 9/05/07; 6/18/08; 12/XX/21
Orig. Code: IGBHA

Alternative Education Programs**

The **b**Board is dedicated to providing educational options for all students. It is recognized there will be students in the district whose needs and interests are best served by participation in an alternative educational program.

“Alternative education program” means a school or separate class group designed to best serve students’ educational needs and interests and assist students in achieving the academic standards of the school district and the state.

A list of alternative education programs will be approved by the **b**Board annually. The superintendent may provide for the involvement of staff, parents or guardians and the community in recommending alternative education programs for **b**Board approval, and in the development of related **b**Board policy and an administrative regulation. Annual evaluation of alternative education programs will be made in accordance with Oregon Revised Statute (ORS) 336.655 and Oregon Administrative Rule (OAR) 581-022-2505 ~~1350~~. The superintendent will develop administrative regulations as necessary to evaluate the district’s alternative education programs ~~implement this requirement~~.

Alternative education programs will consist of instruction and guidance that assist the student in achieving district and state academic content standards and serve the student’s educational needs and interests. These programs may be public or private. Private alternative education programs shall be registered with the Oregon Department of Education. Alternative education programs must meet all the requirements set forth in ~~ORS 336.625, 336.631 and 336.637~~ state law and rules, and federal law, as applicable.

If alternative education is being considered by either parents or the district, the district must first determine that it is unable to meet the student’s educational needs within its schools and programs. All alternative education placements must have the approval of the student’s resident district and, as appropriate, the attending district. The district will also consider and propose alternative education programs for students prior to expulsion or leaving school as required by law.

The district shall pay the actual ~~cost~~ of an alternative education program ~~cost~~ or an amount equal to 80 percent of the district’s estimated current year’s average per-student net operating expenditure, whichever is less. ~~The district will enter into a written contract with district approved private alternative programs.~~ When contracting with a private alternative education program, the district’s contract will meet the requirements of law.

Students placed by the district in alternative education programs will be considered to be public school students during the time that they attend an alternative education program’ and will be included in the district’s performance and other data reports.

This policy is not intended to allow for placement of registered homeschooled students in a qualified private alternative education program, ~~with the exception of students who were enrolled in a qualified~~

~~private alternative education program, pursuant to ORS 336.668 through 336.675 (repealed), prior to May 1, 2008.~~

END OF POLICY

Legal Reference(s):

[ORS 329.485](#)
[ORS 332.072](#)
[ORS 336.014](#)
[ORS 336.175](#)
[ORS 336.615 - 336.665](#)
[ORS 339.030](#)

[ORS 339.250](#)

[OAR 581-021-0045](#)
[OAR 581-021-0065](#)
[OAR 581-021-0070](#)
[OAR 581-021-0071](#)

[OAR 581-022-2320](#)
[OAR 581-022-2505](#)
[OAR 581-023-0006](#)
[OAR 581-023-0008](#)

Corrected 11/18/21

Eugene School District 4J

Code: IGDJ
Adopted: 11/07/18; 12/XX/21
Revised/Readopted: 5/15/19

Interscholastic Activities

The ~~b~~Board recognizes the integral role interscholastic activities play in the character development and general enhancement of the education of its students. Accordingly, administrators, coaches, student participants, and others associated with the district's high school activities programs and events¹ shall conduct themselves in a manner that is consistent with the letter and spirit of policies, rules, and regulations of the district and of the Oregon School Activities Association (OSAA) and the fundamental values of sportsmanship. Each will be held accountable for their actions.

The district shall allow ~~homeschooled~~ students who reside in the district and are eligible to attend school and who are homeschooled, attend a public charter school or are enrolled in a GED (General Educational Development) program provided by the district or ESD, ~~and students attending a public charter school who reside in the district~~ to participate in available interscholastic activities when the requirements found in Oregon law are met.

Interscholastic activities when provided by the district will comply with Title IX and other nondiscrimination laws.

District employees, students, parents, alumni and activity volunteers are prohibited from inducing or attempting to induce a student to attend a district school for interscholastic activity eligibility or participation. The principal, activities director, and coaches are each responsible for ensuring student participants meet all district and OSAA eligibility requirements. The principal is responsible for ensuring accurate certification regarding the eligibility of participating students and for verifying that athletic directors, coaches of sports, and activity advisors, have all required certifications prior to assuming their duties. The principal shall ensure that a program is in place to effectively evaluate the performance of all coaches and activity advisors under their supervision.

Volunteers may be approved to assist with district activities with prior approval from the principal.

The principal shall investigate all allegations of district student ineligibility, staff recruitment violations or other student or staff conduct that may violate ~~b~~Board policies, administrative regulations, and/or OSAA rules and regulations. The principal shall notify the superintendent of conduct that violates the terms of this policy and report to the OSAA as required.

An employee determined to have violated rules and regulations of the OSAA may be subject to discipline, up to and including, dismissal. A student in violation of the OSAA rules and regulations will be subject to discipline, up to and including, dismissal from an interscholastic activity or program, suspension and/or expulsion from school. Volunteers in violation of the OSAA rules and regulations shall be subject to discipline, up to and including, removal from district programs and activities and such other sanctions as may be deemed appropriate by the building administrator.

¹ This applies to only OSAA-sanctioned activities and events.

Employees, volunteers, or students in violation of OSAA rules and/or regulations may be required to remunerate the district in the event of fines assessed by OSAA as a result of their actions.

The superintendent or designee will develop procedures, as necessary, to implement this policy, including a process to ensure that all district rules governing the conduct of students, staff, and volunteers engaged in district activities are regularly reviewed and updated.

END OF POLICY

Legal Reference(s):

[ORS 326.051](#)

[ORS 332.075\(1\)\(e\)](#)

[ORS 339.450 - 339.460](#)

[OAR 581-015-2255](#)

[OAR 581-021-0045 - 0049](#)

[OAR 581-026-0005](#)

[OAR 581-026-0700](#)

[OAR 581-026-0705](#)

[OAR 581-026-0710](#)

Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683; Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106.

OREGON SCHOOL ACTIVITIES ASSOCIATION, OSAA HANDBOOK.

Montgomery v. Bd. of Educ., 188 Or. App. 63 (2003).

Corrected 11/18/21



ITEM FOR ACTION AT A FUTURE MEETING

Date

December 1, 2021

Title

Approve Board Working Agreements

Presenter

Judy Newman, Board Chair

Background:

The board annually reviews, affirms or revises Board Working Agreements.

Discussion:

At the December 1 meeting, board members will review and discuss Working Agreements - three documents attached.

1. The Side by Side Chart with all submitted suggested edits.
2. A document with all track changes visible - the changes were made on the current Working Agreements document. It includes edits Martin and I made based on input as well as decisions we made as we reviewed the documents together. Mostly in sections: "Board Organization", and "meeting Agreements", and "Agenda Planning" . The other sections we still need to discuss.
3. A document with all track changes accepted to this point - so it is easier to read. We will begin the conversation with items 2-3 under "Duties and Responsibilities, Role of Board Leadership" .

Next Section: "Communication by Board Members".

Working Agreements Feedback Analysis

- + Maya- Timeframe of Agreements Clarify = 1 year – we affirm or change annually in Fall Retreat
- + Gordon and Laura had some edits in introduction
- + Mary and Gordon had feedback about the preamble-

Board Organization and Governance	Gordon	Laural ** 2 requests = goals	Maya	Mary
1. Board will work with the Sup in a cooperative and collaborative partnership aligned towards goals	X add “The board will <u>seek to</u> work with the superintendent....			I am wondering why the language about working with the superintendent was watered down from "will" to "seek to" (Alicia had the same question)
2 Focus on policy making, planning, eval of Sup, fiscal oversight	Delete			
3				
4				
5				
6 Individual board members share view and respect majority vote	Delete-			
7				
8 New Board members offered and expected to participate in orientation		X and add after election and before July 1st		What responsibility does the new board member have for training - versus placing

				the onus on board leadership
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Meeting Agreements	Gordon	Laural	Maya
1			
2 Board meetings will begin at the designated start time and members will work to end meetings on time.		X added end time to mtg 10 pm	
3 Board members will attend all regular meetings of the board. Members will contact board leadership and the superintendent, in advance of the meeting if unable to attend. Calling in to meetings is an option but should be used only in rare occasions when in-person attendance is not possible.		X added calling in and zooming okay	
4 . Board members will cast a vote on all matters before the board, except when a conflict of interest is identified. Abstentions are not allowed.		X added a clarification	
5			
6			
7 Exec sessions- respect and adhere to confidentiality	X Keep and add – legal clarification Documents that are public record already are exempt	X Keep and add clarifying lang Use exec sessions judiciously	

Duties, Responsibilities , and Role of Board Leadership	Gordon	Laural	Maya
1 Board leadership is the annually elected chair and vice chair of the board. Terms for these roles begin on July 1 and end on June 30.	X Change to - vote in as soon as possible after 7/1	X Date change to August 1-July 31 term	
2 The board chair and vice chair will meet regularly with the superintendent to develop, set, and review agendas for board meetings. A single board member will attend each leadership meeting and agenda review in a rotation format. The schedule of attendance at leadership will be included in the board calendar.	X Keep and add: Items that have been supported by at least three members of the Board will take precedence in setting the agenda and scheduling the use of meeting time.		
3 Board leadership, in conjunction with the superintendent, will provide a list of board meetings and topics at least once a month.	X Keep and add this list is subject to change by a majority vote of the Board.		
4			
5			
6			
7			
8. Laural added		Added – Board Leadership responsible for timely sup eval and aligned with contract	

Communication by Board Members	Gordon	Laural	Maya
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1 Communication subject to Oregon Public meeting laws..	Keep and delete second sentence “a discussion of more than 3 Board members in a non public meeting by any board member is not allowed- legal clarification		
2			
3 Board member requests for information – not to exceed 15 min, or sup refers to Board leadership if aligns with priorities of board and district	X-addition - staff estimates time – okay if 3 board members vote to get it.	? 15 min?	
4. When attending meetings or talking directly to district staff, board members are expected to understand and respect their status as elected leaders of the school district and how this position will be perceived. It is important to keep communication on district issues focused to the superintendent.	Keep and delete last sentence. It is important to keep communication on district issues focused to the superintendent.	Keep and delete ... and how this position will be perceived. It is important to keep communication on district issues focused to the superintendent.	
5 Board members will communicate concerns about the agenda to board leadership and the superintendent	Delete-		
6			
7 Board chair responds to all communications and on behalf of the Board and copy the board on response. Caution about public meeting laws.			Clarification about when other Board members can respond
8. In some instances, board members may have an existing professional relationship or volunteer relationship		Keep and delete second sentence: When visits or interactions are as a part	Discuss practical application

<p>with schools, programs or Eugene 4J staff that necessitates interactions in the board member’s capacity as a private citizen or volunteer. The board member must clearly state the visit or interaction has no official board-related purpose. The board member should inform the superintendent and building administrator of this visit or interaction. When visits or interactions are as a part of a work or volunteer schedule, the board member should inform the superintendent, to the extent possible, of the schedule of meetings.</p>		<p>of a work or volunteer schedule, the board member should inform the superintendent, to the extent possible, of the schedule of meetings</p>	
<p>9. Board members, at times, may wish to learn more about a specific topic, issue or program within the school district. These requests should first be made to the superintendent (see #2 above). If a site or program visit is requested, this should also be made first to the superintendent who can inform the building administrator and or program staff. Further, from time to time, building administrators or program staff may proactively invite board members to a site or program visit as learning opportunities; these are encouraged. Again, board members should be in communication with the superintendent when</p>	<p>Delete-</p>		<p>Delete or rewrite</p>

such requests are received and should be mindful of the Oregon Public meetings Law.			
10			
New #11 Judy and Martina * see below			I think that we do not need the section in the WA and it creates more questions than resolution. If the decision is made to put it in the WA, then it should not be in the section on communication. It should be in the first section on how board members relate to each - the governance section.

Maybe for this section we should describe process and then discuss as a whole and not item by item.?? We re-wrote this section

Agenda Planning	Gordon	Laural	Maya
1. Agenda for each regular board meeting is developed with Sup and Board leadership based on Board calendar and goals from annual retreat	X change to:developed by Board leadership based on items raised by Board as highest priority. Board leadership will consult with Sup if she wants to add other items even if not one of the Board priorities.		
2	X	Discuss	
3 Combine 2+3+4- see below	Delete	? least 4 members ?	
4			
5			
6			

New #7 Proposed by Laural **			
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Planning and Evaluation	Gordon	Laural	Maya
1			
2			Discuss how agenda items are added
3			clarify time frames
4	X		
5			

***Proposed new #11 under *Communication by Board Members Section*:**

If a Board member is experiencing threats, bullying or insults they should alert Board Leadership as soon as they are comfortable doing so. If the behavior is being delivered via Board email or during a Board meeting, then Board Leadership will respond on behalf of the entire Board to ensure the personal safety of Board members and that interactions with the public are respectful and constructive. Board members are encouraged to alert the Superintendent and /or Board Leadership of any threats, insults or bullying other than through Board email or meetings that affects feelings of safety and ability to perform their duties and that may affect other Board members as well. Together we will decide on appropriate action.

If Board Leadership is involved, the Board member will alert the Superintendent as soon as they are comfortable.

****Proposed new #7 under *Agenda Planning Section*:**

Write a process for adding time-sensitive and emergency items to a Board agenda.

Combined under *Agenda Planning items 2 and 3 and 4*:

How do we get information on items and when and how do they get on the Board Agenda We want to maximize transparency

Maybe this needs to be an open ended discussion first

At each regular Board meeting there will be an opportunity for a board member to request an item be considered by the Board. The Board will discuss the item and vote as to whether or not we want to address it- A majority vote of 4 members will move it forward. The Board will decide how to address it- can it be addressed by receiving information in the Friday memo? If not, should it be placed as an item for information on Board agenda? After the information is heard the Board can vote to put it on as an item for future action – a majority vote of 4 is needed to move it. Board Leadership will figure out when to place it on the calendar of Board meetings and report back to the Board when it will be discussed.

Updated 10.24.21

School Board Working Agreements - 2021-2022

The Board of Directors is the educational policy making body for Eugene School District 4J. The Board is responsible to guide practices, processes and programs with the goal of producing the highest educational achievement for all students. The board is charged with accomplishing this goal while also being responsible for prudent management of available resources. To ensure student success, members of the school board and the superintendent agree to function together with integrity and commitment as a leadership team. To help the Board function together effectively and efficiently, the Board establishes Working Agreements that provide a set of guidelines, shared agreements and expectations and hold each other accountable to follow them.

~~The board's primary responsibility is to establish policies for the 4J School District to guide practices, processes and programs with the goal of producing the highest educational achievement. The board is charged with accomplishing this goal while also being responsible for prudent management of available resources. The board must fulfill these responsibilities by:~~

- ~~• Functioning primarily as a legislative body to formulate and adopt policy~~
- ~~• Hiring and managing a superintendent to implement policy and run the district~~
- ~~• Evaluating the results of the work of the district~~
- ~~• Carrying out its functions openly and seeking the involvement of students, staff and the public during its decision-making processes~~
- ~~• Honoring and respecting the trust and faith the community has placed in the board as individually elected officials by encouraging and soliciting participation and engagement of the community~~

~~To ensure student success, members of the school board and the superintendent agree to function together with integrity and commitment as a leadership team.~~

~~These working agreements do not seek or intend to restrict the rights of an individual board member, but rather to provide a set of guidelines, shared agreements and expectations among and between the individual members, the superintendent and district staff. As a board, there is accountability for these shared agreements in an effort to focus the work of the district.~~ These agreements are intended to augment and detail section A and B of the Eugene School District 4J Policies. (See <http://www.4j.lane.edu/board/policies/>)

4. Board Organization and Governance

1. The board will seek to work with the superintendent in a cooperative and collaborative partnership aligned toward a common mission and goals.
2. The board will focus on the responsibilities of policy making, planning and evaluation of the superintendent, and fiscal oversight.

3. The board will make decisions in the best interest of students and the district as a whole.
4. The board will actively solicit input, listen to all perspectives and give careful consideration to all issues presented to the board.
5. Individual board members have no authority to take individual action regarding policy or district and school administrative matters.
6. Individual board members will abide by decisions of the majority and respect the right of the individual members to express opposing viewpoints and vote their convictions. The minority will not undermine the decision and it cannot be revisited for _____ (time)The Board will respect each individual member's right to express opposing viewpoints and vote their convictions, whether they are in the minority or the majority. Individual Board members will abide by decisions made by the Board and will not interfere with action on settled decision.
- ~~6. Individual board members will respect decisions of the board. Each board member should express viewpoints, and then respect and abide by the vote of the majority.~~
7. Each year the board will select a chair and vice chair, and this constitutes "Board Leadership".
8. Newly elected or appointed board members will be offered and expected to participate in orientation sessions to be provided by Eugene 4J staff and supplemented by outside training as deemed appropriate. And Board leadership will work with staff to develop a list of topics and resources for orientation and onboarding. The list will be given to new board members before July 1st and the new board members will complete the onboarding before the first Board meeting in August. Board Leadership and staff will help new Board members connect with resources."

8.—

Meeting Agreements

1. Board members will arrive on time for meetings in advance of the start time of meetings and will carefully review all meeting materials in advance of the meeting.
2. Board meetings will begin at the designated start time and members will work to end meetings on time.
3. Board members will attend all regular meetings of the board. Members will contact board leadership and the superintendent, in advance of the meeting if unable to attend. Attending meetings via phone or web conference (i.e. Zoom) ~~Calling in to meetings~~ is an option but should be used only in rare occasions when in-person attendance is not possible.

4. Board members will cast a vote on all matters before the board, except when a board member must recuse themselves from the vote, such as in circumstances of a conflict of interest is identified. Abstentions are not allowed.
5. Board meetings will be held only at accessible locations.
6. Board meetings will be properly noticed and adhere to Oregon Public Meeting Law requirements as per Oregon Revised Statutes 192.610–192.690.
7. The Board may hold an executive session as defined in ORS 192.660 and ORS 332.061. Board members must respect and adhere to the confidentiality of all matters and all materials discussed within an executive session of the board. Information shall not be shared with anyone outside of an executive session except if the document has already been published.

Duties, Responsibilities and Role of Board Leadership

1. Board leadership is the annually elected chair and vice chair of the board. Terms for these roles begin on July 1 and end on June 30. A confirmation vote will take place at the first Board meeting on or after July 1st in those years when incoming new Board members are unable to vote for leadership.
2. The board chair and vice chair will meet regularly with the superintendent to develop, set, and review agendas for board meetings. A single board member will attend each leadership meeting and agenda review in a rotation format. The schedule of attendance at leadership will be included in the board calendar.
3. Board leadership, in conjunction with the superintendent, will provide a list of board meetings and topics at least once a month. Leadership will take extra care to prioritize items that have been supported by at least three members of the Board. This list is subject to change by a majority vote of the Board.
4. Board leadership will informally survey each member of the board to determine preference and interest for the various board committees. The chair will present the annual board assignments during a regular meeting of the board of directors and will seek ratification of these assignments at that same meeting. When making committee assignments, the chair will consider the preferences expressed by individual board members, and will strive to rotate assignments to maximize opportunities to gain a broader understanding of the district. At the same time, the board chair will assign mentor relationships with the student board representatives. The chair retains the right to make these assignments should ratification not occur.
5. Board members who are not the official appointee to a committee may attend meetings of any committee, but the board member(s) should take caution and be aware that four members of the board constitute a quorum of the board.
6. Board leadership will be responsible for the board self-assessment.
7. Board leadership will be responsible to ensure the annual evaluation of the superintendent occurs in a timely manner and is consistent with the superintendent's contract.

Communication by Board Members

1. Board member communication is subject to the Oregon Public Meetings Law as defined and established in ORS 192.610–192.690. Board members should not deliberate toward any public decisions in any format except for public meetings. A discussion by more than three board members in a non-public forum meeting on any board matter is not allowed.
2. Board members will communicate directly with the superintendent when relaying a concern, complaint or problem received from a community member, Eugene 4J School District staff member or another stakeholder. Any request for information, data or reports, other than a simple distribution of an existing document or report, must be made through the superintendent.
3. Information requests supported by a majority of the Board will be honored as soon as is possible. Information requests by individual Board members which that can be expected to require roughly 15 minutes or more of staff work or staff resources will be referred by the superintendent to board leadership or the full board to determine if the request to use resources aligns with board and district priorities. Board members may always elevate an informal request to for information to a formal agenda item by proposing it in a regular Board meeting (during “Suggestions for Items for a Future Meeting”). and supported by 2 other Board members.
4. When attending meetings or speaking directly to district staff, board members are expected to respect and understand their status as the elected leaders of the school district and how this position will be perceived. It is important to keep communication on district issues focused to the superintendent.
5. Board members will communicate questions or concerns about agenda items to the superintendent and board leadership.
6. The board chair or designee is the official spokesperson for the board. If a media request is made to another member who is not the chair, that member may speak with the media as an individual member, and, and should inform the board as a whole.
7. The board chair will be responsible to answer in writing all correspondence sent to the board. All board members will be copied on responses. However, board members should be cautious to abide by the Oregon Public Meetings Law (ORS 192) with regard to serial meetings via electronic communication; avoid the use of “reply to all”. The board chair will strive for a response timely response to correspondence.
8. In some instances, board members may have an existing professional relationship or volunteer relationship with schools, programs or Eugene 4J staff that necessitates interactions in the board member’s capacity as a private citizen or volunteer. The board member must clearly state the visit or interaction has no official board-related purpose. The board member should inform the superintendent and building administrator of this visit or interaction. When visits or interactions are as a part of a work or volunteer schedule, the board member should inform the superintendent, to the extent possible, of the schedule of meetings.
9. Board members, at times, may wish to learn more about a specific topic, issue or program within the school district. These requests should first be made to the

superintendent (see #2 above). If a site or program visit is requested, this should also be made first to the superintendent who can inform the building administrator and or program staff. Further, from time to time, building administrators or program staff may proactively invite board members to a site or program visit as learning opportunities; these are encouraged. Again, board members should be in communication with the superintendent when such requests are received and should be mindful of the Oregon Public meetings Law.

9.

10. 10. With the popularity and availability of photography for social media purposes, photos of students in which students can easily be identified should not be posted without prior and explicit consent of the parent or guardian of the student.

11. If a Board member is experiencing threats, bullying, or insults, they should alert Board Leadership as soon as they are comfortable doing so. If the behavior is being delivered via Board email or during a Board meeting, then Board Leadership will respond on behalf of the entire Board to ensure the personal safety of Board members and that interactions with the public are respectful and constructive. If Board members are receiving threats, insults, or bullying that affect their feelings of safety and ability to perform their duties, or that may affect other Board members, they are encouraged to alert Board leadership as soon as possible. Leadership and the Board member will decide on appropriate action.

Agenda Planning

1. The agenda of each regular board meeting is developed in collaboration between the superintendent and board leadership and is based on an annual calendar and board goals set by the board at a summer retreat.
2. At each regular meeting of the board there will be an opportunity for any member to request an item to be considered for further information or inclusion on the agenda for an upcoming meeting. Board leadership will assess interest or agreement by other members of the board with a straw poll. In order to better plan and manage board time and staff and district resources, the request will be considered if it is supported by at least three members of the board. Each request will be reviewed by board leadership and will be considered for next steps, which may be information provided to the board in the superintendent's weekly memo, an item for information or an item for future action on an upcoming board meeting agenda. Leadership will communicate the next steps decided for the proposed topic to the requesting board member.
3. Regular meeting agendas will include a short verbal report by the chair to preview upcoming meetings and the major topics to be considered. The weekly memo from the superintendent will also include the working calendar of agenda topics for upcoming meetings.
4. In general, agendas will not be changed after they have been published.

- On occasion, an item may be removed, postponed, or changed by board leadership with proper notice to the board and the public in advance of the meeting.
- On occasion, with a majority vote of the board during agenda review at the beginning of the meeting, an agenda may be changed to remove, postpone, or change an item. During a meeting, an item may be postponed due to time or other constraints, with consent of the Board.
In exceptional circumstances, during agenda review at the beginning of the meeting with a majority vote of the board during agenda review at the beginning of the meeting, may an change an agenda, either to add an item or to change an item from information to action may be changed to add an item. This is discouraged, as it is not transparent to the public reduces the possibility for public comment and does not allow for staff preparation. –It should be done only for a time-sensitive matter under circumstances that could not have been foreseen. This will not lead to a board action in the same meeting in which it is raised except under true emergency conditions. OR
- It should be done only if the timing is critical for the operations of the district
- and not passing it immediately would limit health and safety or create a financial consequence or timing problem for operations. This will not lead to a board action in the same meeting in which it is raised except under true emergency conditions. An emergency condition would be one where:
 - Acting immediately is critical for the operations of the district, and
 - not acting immediately would threaten health and safety or create either an unacceptable financial consequence or timing problem for operations.

~~The agenda of each regular board meeting is developed in collaboration between the superintendent and board leadership and is based on an annual calendar and board goals set by the board at the summer board retreat.~~

1. ~~At each regular meeting of the board there will be an opportunity for members to request an item to be considered by the board. In order to better plan and manage staff and district resources, the request must be supported by at least three members of the board. There will be a verbal vote on such requests to ascertain if there are three members in support of the request. The first step for staff response will be information included in the superintendent's weekly memo. If, at this point, a member would like to ask for a work session or "item for information" at a regular meeting of the board, support of at least three members will be needed to place it on the agenda at a future meeting. When the intent is to eventually create or amend board policy, the item will be researched and vetted by staff, and presented at the next reasonably available meeting as an "item for information". The proposed policy or proposed amendment will then be placed as an "item for future action" so as to ensure sufficient time to inform and receive~~

comments from community members. The next step, if the item is to be moved forward, will be the consideration of the matter as an “item for action.”

- ~~2. When a work session, new policy or policy amendment request has been supported by at least four board members, the request will be reviewed by board leadership and will be placed on a future meeting agenda.~~
- ~~3. The board chair will report to the body the status of agenda requests at the next regularly scheduled meeting, provided that there has been sufficient time to review the request with the superintendent and staff. In addition, the weekly memo from the superintendent will also include the “Working Calendar and Draft Agenda”.~~
- ~~4. At the end of regular meetings at which there have been requests for more information or a work session on a topic, the chair will offer a summary of items which have been moved forward.~~
- ~~5. Regular meeting agendas will include a short verbal report by the chair to preview upcoming meetings and the major topics to be considered.~~

Planning and Evaluation

1. Board members will conduct an annual self-assessment of the board’s performance; the annual review ideally should be completed within the context of the board’s spring retreat.
2. Board members will review the “Board of Director’s Guiding Beliefs and Values” statement and “Working Agreements” at least annually.
3. Board members will participate in establishing annual expectations and goals for the superintendent.
4. Board members will objectively evaluate the superintendent’s annual performance and provide appropriate feedback.
5. The board will annually set goals for itself, which will be reviewed and evaluated within the agenda of the summer board retreat.

I _____, have read and understand these working agreements. I agree to work under these agreements during my term as an elected school board member.

(Signature)

1. Board Policy Sections A and B
2. List of Board Committees
3. Role of Student Representatives (Board Policy BCBA)
4. ORS 192.610-690, (Oregon Public Meetings Law)
<https://www.doj.state.or.us/7regon-department-of-justice/public-records/attorney->

[generals-public-records-and-meetings-manual-2014/ OSBA: Public Meetings
http://www.osba.org/Resources/Article/Board_Operations/PublicMeetings.aspx](http://www.osba.org/Resources/Article/Board_Operations/PublicMeetings.aspx)

5. _____

have read and understand these working agreements. I agree to work under

1. ~~Board Policy Sections A and B~~
2. ~~List of Board Committees~~
3. ~~Role of Student Representatives (Board Policy BCBA)~~
4. ~~ORS 192.610-690, (Oregon Public Meetings Law)~~
~~<https://www.doj.state.or.us/oregon-department-of->~~

~~[justice/public-records/attorney-generals-public-records-and-meetings-manual-2014/ OSBA: Public Meetings
http://www.osba.org/Resources/Article/Board_Operations/PublicMeetings.aspx](http://www.osba.org/Resources/Article/Board_Operations/PublicMeetings.aspx)~~

[Updated 11.23.21 version 2](#)[Updated 11.24.21 version 3](#)

School Board Working Agreements - 2021-2022

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These agreements are intended to augment and detail section A and B of the Eugene School District 4J Policies. (See <http://www.4j.lane.edu/board/policies/>)

Board Organization and Governance

1. The board will seek to work with the superintendent in a cooperative and collaborative partnership aligned toward a common mission and goals.
2. The board will focus on the responsibilities of policy making, planning and evaluation of the superintendent, and fiscal oversight.
3. The board will make decisions in the best interest of students and the district as a whole.
4. The board will actively solicit input, listen to all perspectives and give careful consideration to all issues presented to the board.
5. Individual board members have no authority to take individual action regarding policy or district and school administrative matters.
6. The Board will respect each individual member's right to express opposing viewpoints and vote their convictions, whether they are in the minority or the majority. Individual Board members will abide by decisions made by the Board and will not interfere with action on settled decision.
7. Each year the board will select a chair and vice chair, and this constitutes "Board Leadership".
8. Newly elected or appointed board members will be offered and expected to participate in orientation sessions to be provided by Eugene 4J staff and supplemented by outside training as deemed appropriate. And Board leadership will work with staff to develop a list of topics and resources for orientation and onboarding. The list will be given to new board members before July 1st and the new board members will complete the onboarding before the first Board meeting in August. Board Leadership and staff will help new Board members connect with resources.

Meeting Agreements

1. Board members will arrive on time for meetings and will carefully review all meeting materials in advance of the meeting.
2. Board meetings will begin at the designated start time and members will work to end meetings on time.
3. Board members will attend all regular meetings of the board. Members will contact board leadership and the superintendent, in advance of the meeting if unable to attend. Attending meetings via phone or web conference (i.e. Zoom) is an option but should be used only in rare occasions when in-person attendance is not possible.
4. Board members will cast a vote on all matters before the board, except when a board member must recuse themselves from the vote, such as in circumstances of a conflict Abstentions are not allowed.
5. Board meetings will be held only at accessible locations.
6. Board meetings will be properly noticed and adhere to Oregon Public Meeting Law requirements as per Oregon Revised Statutes 192.610–192.690.
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2. The board chair and vice chair will meet regularly with the superintendent to develop, set, and review agendas for board meetings. A single board member will attend each leadership meeting and agenda review in a rotation format. The schedule of attendance at leadership will be included in the board calendar.
3. Board leadership, in conjunction with the superintendent, will provide a list of board meetings and topics at least once a month. Leadership will take extra care to prioritize items that have been supported by at least three members of the Board. This list is subject to change by a majority vote of the Board.
4. Board leadership will informally survey each member of the board to determine preference and interest for the various board committees. The chair will present the annual board assignments during a regular meeting of the board of directors and will seek ratification of these assignments at that same meeting. When making committee assignments, the chair will consider the preferences expressed by individual board members, and will strive to rotate assignments to maximize opportunities to gain a broader understanding of the district. At the same time, the board chair will assign mentor relationships with the student

board representatives. The chair retains the right to make these assignments should ratification not occur.

5. Board members who are not the official appointee to a committee may attend meetings of any committee, but the board member(s) should take caution and be aware that four members of the board constitute a quorum of the board.
6. Board leadership will be responsible for the board self-assessment.
7. Board leadership will be responsible to ensure the annual evaluation of the superintendent occurs in a timely manner and is consistent with the superintendent's contract.

Communication by Board Members

1. Board member communication is subject to the Oregon Public Meetings Law as defined and established in ORS 192.610–192.690. Board members should not deliberate toward any public decisions in any format except for public meetings. A discussion by more than three board members in a non-public forum on any board matter is not allowed.
2. Board members will communicate directly with the superintendent when relaying a concern, complaint or problem received from a community member, Eugene 4J School District staff member or another stakeholder. Any request for information, data or reports, other than a simple distribution of an existing document or report, must be made through the superintendent.
3. Information requests supported by a majority of the Board will be honored as soon as is possible. Information requests by individual Board members that can be expected to require roughly 15 minutes or more of staff work or staff resources will be referred by the superintendent to board leadership or the full board to determine if the request to use resources aligns with board and district priorities. Board members may always elevate an informal request for information to a formal agenda item by proposing it in a regular Board meeting (during “Suggestions for Items for a Future Meeting”).
4. When attending meetings or speaking directly to district staff, board members are expected to respect and understand their status as the elected leaders of the school district and how this position will be perceived. It is important to keep communication on district issues focused to the superintendent.
5. Board members will communicate questions or concerns about agenda items to the superintendent and board leadership.
6. The board chair or designee is the official spokesperson for the board. If a media request is made to another member who is not the chair, that member may speak with the media as an individual member, and should inform the board as a whole.
7. The board chair will be responsible to answer in writing all correspondence sent to the board. All board members will be copied on responses. However, board members should be cautious to abide by the Oregon Public Meetings Law (ORS 192) with regard to serial meetings via electronic communication; avoid the use of “reply to all”. The board chair will strive for a response timely response to correspondence.

8. In some instances, board members may have an existing professional relationship or volunteer relationship with schools, programs or Eugene 4J staff that necessitates interactions in the board member's capacity as a private citizen or volunteer. The board member must clearly state the visit or interaction has no official board-related purpose. The board member should inform the superintendent and building administrator of this visit or interaction. When visits or interactions are as a part of a work or volunteer schedule, the board member should inform the superintendent, to the extent possible, of the schedule of meetings.
9. Board members, at times, may wish to learn more about a specific topic, issue or program within the school district. These requests should first be made to the superintendent (see #2 above). If a site or program visit is requested, this should also be made first to the superintendent who can inform the building administrator and or program staff. Further, from time to time, building administrators or program staff may proactively invite board members to a site or program visit as learning opportunities; these are encouraged. Again, board members should be in communication with the superintendent when such requests are received and should be mindful of the Oregon Public meetings Law.
10. With the popularity and availability of photography for social media purposes, photos of students in which students can easily be identified should not be posted without prior and explicit consent of the parent or guardian of the student.
11. If a Board member is experiencing threats, bullying, or insults, they should alert Board Leadership as soon as they are comfortable doing so. If the behavior is being delivered via Board email or during a Board meeting, then Board Leadership will respond on behalf of the entire Board to ensure the personal safety of Board members and that interactions with the public are respectful and constructive. If Board members are receiving threats, insults, or bullying that affect their feelings of safety and ability to perform their duties, or that may affect other Board members, they are encouraged to alert Board leadership as soon as possible. Leadership and the Board member will decide on appropriate action.

Agenda Planning

1. The agenda of each regular board meeting is developed in collaboration between the superintendent and board leadership and is based on an annual calendar and board goals set by the board at a summer retreat.
2. At each regular meeting of the board there will be an opportunity for any member to request an item to be considered for further information or inclusion on the agenda for an upcoming meeting. Board leadership will assess interest or agreement by other members of the board with a straw poll. In order to better plan and manage board time and staff and district resources, the request will be considered if it is supported by at least three members of the board. Each request will be reviewed by board leadership and will be considered for next steps, which may be information provided to the board in the superintendent's weekly memo, an item for information or an item for future action on an upcoming

board meeting agenda. Leadership will communicate the next steps decided for the proposed topic to the requesting board member.

3. Regular meeting agendas will include a short verbal report by the chair to preview upcoming meetings and the major topics to be considered. The weekly memo from the superintendent will also include the working calendar of agenda topics for upcoming meetings.
4. In general, agendas will not be changed after they have been published.
 - On occasion, an item may be removed, postponed, or changed by board leadership with proper notice to the board and the public in advance of the meeting.
 - On occasion, with a majority vote of the board during agenda review at the beginning of the meeting, an agenda may be changed to remove, postpone, or change an item. During a meeting, an item may be postponed due to time or other constraints, with consent of the Board.
 - In exceptional circumstances, during agenda review at the beginning of the meeting a majority vote of the board may change an agenda, either to add an item or to change an item from information to action. This is discouraged, as it reduces the possibility for public comment and does not allow for staff preparation. It should be done only for a time-sensitive matter under circumstances that could not have been foreseen.
 - This will not lead to a board action in the same meeting in which it is raised except under true emergency conditions. An emergency condition would be one where:
 - Acting immediately is critical for the operations of the district, *and*
 - not acting immediately would threaten health and safety or create either an unacceptable financial consequence or timing problem for operations.

4.

Planning and Evaluation

1. Board members will conduct an annual self-assessment of the board's performance; the annual review ideally should be completed within the context of the board's spring retreat.
2. Board members will review the "Board of Director's Guiding Beliefs and Values" statement and "Working Agreements" at least annually.
3. Board members will participate in establishing annual expectations and goals for the superintendent.
4. Board members will objectively evaluate the superintendent's annual performance and provide appropriate feedback.
5. The board will annually set goals for itself, which will be reviewed and evaluated within the agenda of the summer board retreat.

I _____, have read and understand these working agreements. I agree to work under these agreements during my term as an elected school board member.

(Signature)

1. [Board Policy Sections A and B](#)
2. List of Board Committees
3. Role of Student Representatives ([Board Policy BCBA](#))
4. [ORS 192.610-690, \(Oregon Public Meetings Law\)](#)
<https://www.doj.state.or.us/6regon-department-of-justice/public-records/attorney-generals-public-records-and-meetings-manual-2014/> OSBA: Public Meetings
http://www.osba.org/Resources/Article/Board_Operations/PublicMeetings.aspx

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