



Bend-La Pine Schools School Board Work Session Meeting Agenda

January 24, 2023, 5:30 PM

Location:

Education Center, Board Room #314
520 NW Wall Street
Bend, OR 97703

1.	<u>Call to Order</u>	Speaker(s): Chair Barnes Dholakia	
2.	<u>Pledge of Allegiance</u>	Speaker(s): Chair Barnes Dholakia	
3.	<u>Review of Agenda</u>	Speaker(s): Chair Barnes Dholakia Description: Any changes to the Agenda after posting on January 20, 2023, are shown below. • Agenda Item 4.A.: Resolution 1946 was added to the Agenda on January 24, 2023. Attachments:	<u>2</u>
1.24.23 - Agenda de la Reunión de Sesión de Trabajo de la Mesa Directiva Escolar - BORRADOR			2
4.	<u>Action Items</u>		
	A. Resolution 1946: Bond Issuance Resolution Revision	Speaker(s): Brad Henry, Chief Operations and Financial Officer Attachments:	<u>3</u>
Executive Summary: Bond Issuance Resolution Revision			3
Resolution 1946: Bond Issuance Resolution Revision			4
5.	<u>Work Session</u>	Speaker(s): Greg Colvin and Heidi Kim, HDESD Legal Counsel Description: • Board Governance • Complaints • District Dealing • Public Meeting Law/Serial Communications Attachments:	<u>5</u>
Presentation: HDESD Legal Team			5
Board Ends			33
Presentación: Equipo Legal de HDESD			35
6.	<u>Board Comments</u>	Description: An opportunity for board members to provide comments or reflections.	
7.	<u>Adjourn</u>	Description: Meeting will be adjourned with next Regular School Board Business Meeting scheduled for February 14, 2023.	



Escuelas de Bend-La Pine

Agenda de la Reunión de Sesión de Trabajo de la Mesa Directiva Escolar - BORRADOR

24 de enero de 2023, 5:30 PM

Ubicación:

Centro de Educación, Sala de Juntas #314
520 NW Wall Street
Bend, OR 97703

1. **Llamada al Orden**
Ponente(s): presidenta Barnes Dholakia
2. **Juramento a la Bandera**
Ponente(s): presidenta Barnes Dholakia
3. **Revisión de la Agenda**
Ponente(s): presidenta Barnes Dholakia
Descripción: cualquier cambio a la agenda después de publicarse el 20 de enero de 2023, se muestra a continuación.
4. **Sesión de trabajo**
Ponente(s): Greg Colvin and Heidi Kim, asesores legales de HDESD
Descripción:
 - Reuniones públicas y en serie
 - Negociación obligatoria y permisiva
 - Limitaciones en el diálogo con los grupos representados
5. **Comentarios de la Mesa Directiva**
Descripción: Una oportunidad para que los miembros de la Mesa Directiva proporcionen comentarios o reflexiones.
6. **Levantamiento de sesión**
Descripción: Se levanta la sesión con la próxima reunión ordinaria de asuntos de la Mesa Directiva Escolar programada para el 14 de febrero de 2023.



DISCUSSION ITEM: Amending Resolution 1939

PRESENTED BY: Brad Henry, Chief Financial and Operations Officer

EXECUTIVE SUMMARY:

In December, 2022 staff brought a resolution to the Board for action that would authorize us to sell the general obligation bonds that were approved by voters in November, 2022. As part of the sale process, we apply to the Oregon State Treasury's Oregon School Bond Guaranty Program to add their guaranty to our bonds. This allows the rating agencies to provide a higher overall rating for the bonds (which translates into lower interest cost for our taxpayers) while also providing an "underlying" rating based only on our District. We applied for this program in early January, 2023.

As part of the application process for the OSBG program, the Oregon State Treasury asks for a copy of the resolution adopted by our Board authorizing the sale of the bonds, which we provided. After reviewing the resolution, Treasury staff asked that we add a few new "terms" to the resolution and ask the Board to re-approve. The resolution in front of you tonight amends the original resolution and adds these items. First, it now includes a "not to exceed" amount for the issuance. The original resolution provided authorization to sell the bonds in one or more issuances up to the authorized amount. So, this is a slight change to the language. Second, it references the ballot measure number. The original resolution did not specifically reference the ballot measure number but did reference the successful election. So, a slight change in language again.

With approval tonight, we will still be on track to receive bids on the bonds on February 15th and closing on March 2nd.

RECOMMENDED MOTION:

I move to approve Resolution 1946 as presented.

RESOLUTION NO. 1946

A RESOLUTION OF ADMINISTRATIVE SCHOOL DISTRICT NO. 1 (BEND-LA PINE SCHOOLS), DESCHUTES COUNTY, OREGON AMENDING RESOLUTION NO. 1939

SECTION 1. FINDINGS

The Board of Directors (the “Board”) of Administrative School District No. 1 (Bend-La Pine Schools), located in Deschutes County, Oregon a common school district of the State of Oregon (the “District”) finds:

- a. The District adopted Resolution No. 1939 on December 13, 2022 (the “Sale Resolution”) to authorize the general obligation bonds in Measure 9-155 approved by a majority of the qualified voters of the District voting at the November 8, 2022 election (the “Bonds”); and
- b. The Oregon State Treasurer’s office requires that the Sale Resolution be amended to identify when and in what amount the first series of Bonds are expected to be issued in order to qualify for the Oregon School Bond Guaranty; and
- c. The District adopts this resolution to amend the Sale Resolution.

SECTION 2. CAPTION FOR BONDS

Section 2 of the Sale Resolution is hereby amended to add the following sentence: “The first series of the Bonds are expected to be issued in March 2023 in a principal amount not to exceed \$100,000,000 and are expected to be captioned ‘General Obligation Bonds, Series 2023.’”

SECTION 3. SALE RESOLUTION

Other than as specified in Section 2 of this resolution, the Sale Resolution remains unchanged.

ADOPTED by the Board of Directors of Administrative School District No. 1 (Bend-La Pine Schools), located in Deschutes County, Oregon this 24th day of January 2023.

**ADMINISTRATIVE SCHOOL DISTRICT NO. 1
(BEND-LA PINE SCHOOLS)
DESCHUTES COUNTY, OREGON**

By: _____
Chair, Board of Directors

ATTEST:

By: _____
Superintendent

BLS School Board Work Session

Greg Colvin and Heidi Kim, Attorneys
High Desert Education Service District



Agenda

➤ Training Topics

- Board Governance
- Complaints
- Direct Dealing
- Public Meeting Law/Serial Communications

➤ Scenarios



Why do we need this training?

- Refresher/New Training
- Increased parent and staff voices and input
- Ensure proper communication channels with constituents



Board Governance

A School Board has two primary roles:

1. Establish vision and set policy
2. Hire the Superintendent to carry out policies



Board Governance

In 2016, the BLS board adopted the Carver policy governance model

This model is incorporated into BLS policies that are currently in effect:

- GP-1 through GP-6 and EL-1 through EL-13, although the ELs are currently being restructured



Board Governance

Carver Model commits two responsibilities to the Board:

1. Set “Ends/Results”
2. Set “Executive Limitations” on Superintendent’s actions



Board Governance

What are the Ends/Results that the BLS Board has set out?

1. Strong Academic Foundation
2. Passion, Purpose, and Plan
3. Wellness, Inclusion, and Belonging
4. Operational Alignment and Support

(from BLS Policy coded “Ends/Results”)



Board Governance

What are the executive limitations?

We have 13 ELs, but those are currently being re-written to align with the 4 goals



Board Governance

BLS executive limitations = board's levers

Once this board sets the levers, the implementation falls to the superintendent to delegate



Governance Clock

<https://www.youtube.com/watch?v=xFY1EOflkpQ>



Board Governance

As you make decisions and find yourself involved in district business:

1. Vision + Policy = Board
2. Policy implementation + Operations = Superintendent

Whenever you're acting as a board member, ask yourself, where does this act/event/topic fall on the clock?



Board Governance

Individual Board Member v. Board as a Whole

Act as a member of a board, not in your individual capacity

Individual board member:

- Has no authority in their individual capacity
- Can only act in the context of an official meeting
- Cannot commit the board to any action
- Cannot take independent action
- Can lose legal protection for any district liability if they act on their own

Board Governance

Consequences of not staying above the perforated line in the clock model:

- The public becomes confused about authority as a board member
- Potential or actual conflict of interest (compromise neutrality if a decision comes down to the board)
- Bypasses the investigation process outlined in complaint policies
- Violates the “board as a whole” principle
- Can cause or exacerbate disputes among board, superintendent, public
- Violates the district’s own policies, which can lead to complaints

Complaints

Citizens often contact board members to discuss issues about a staff member or a District operation. When do they rise to the level of a complaint?

Complaints about specific board policy?

- **Above** perforated red line > appropriate for board consideration
- But can't act alone or suggest you can
- Thank the constituent and refer to the appropriate administrator

Complaints about staff member, administrative operation, or AR?

- **Below** perforated red line > inappropriate matter for board consideration (yet!)
- Thank and refer the citizen to the appropriate policy, AR or administrator

District Dealing – Bargaining

Prohibition against Direct Dealing:

A public employer may not attempt to bypass a labor union and deal directly with its employees on employment relations matters



District Dealing – Bargaining

Examples of mandatory topics:

- Wages (includes any financial benefits such as bonuses)
- Benefits (leave, retirement, vacation, health care)
- Working conditions
- Hours/scheduling
- Grievance procedures



District Dealing – Bargaining

What is a permissive topic?

- Anything that is not a mandatory topic



Direct Dealing – Bargaining

Why is direct dealing prohibited?

- The district is required by law to bargain with the exclusive union representatives:
 - BLS classified employees → OSEA
 - BLS licensed teachers → BEA
- The district is prohibited from interfering with the existence or administration of the exclusive representative entity.
- By dealing directly with employees on contractual matters, the employer undermines the exclusive representative's status and impairs the representative's ability to comply with its obligations
- May result in erosion of trust
- Long-term impact on relationship

Direct Dealing – Bargaining

What are the consequences of direct dealing?



Serial Communications

School board members are required to comply with Oregon Public Meetings Law.

What does that law require?

All school board meetings must be open to the public.

”Meeting” - the convening of any governing body for which a quorum is required to make or deliberate toward a decision on any matter, or to gather information

A meeting does not have to be in person, or with all board members present.

Serial Communications

What is a serial communication?

A serial communication occurs when members of a governing body have a series of smaller gatherings or communications that results in a majority of the body collectively taking action on a decision on which a vote from the board is required, even if a majority is never part of any one communication.

Engaging in serial communications are a violation of Oregon's Public Meetings Law.

Serial Communications

“Majority of members”:

If at least a quorum of the board members communicate about how they will vote on a particular topic -- even if these conversations take place via phone and email between only two of them at a time, with multiple conversations between different members at different times -- they have violated the Public Meetings Law

4 is the magic number here!

Serial Communications

“Gatherings or communications”:

- In person
- Text
- Email
- Phone Calls

Doesn't matter whether it's done at once or at different times, with different combinations of members

Serial Communications

“Taking action on a decision on which a vote from the board is required”:

A decision is any determination, action, vote or final disposition upon a motion, proposal, resolution, order, ordinance or measure on which **a vote of the school board is required**, at a meeting at which a quorum is present. *ORS 192.610*

- 38 Op Atty Gen 1471 (1977), 1977 WL 31327.
- When a governing body gathers to obtain information on a subject within its jurisdiction, it is deliberating towards a decision and must comply with the meeting requirements.

Public Meetings Law

Takeaway:

If the communication/gathering is determined to be a “meeting” under the definition of the law,

- Must be open to the public
- Public notice is required, i.e., at least 24 hours’ notice unless it’s an emergency meeting



Public Meetings Law

Consequences of violating Public Meeting Laws?



Scenarios



Takeaways

- Communicate regularly with your superintendent
- Ask yourself “is this about policy or vision, or is this about policy implementation and operations?”
- Refer anyone approaching you to the appropriate channels (e.g., complaint process/policies, public comment board, etc.)
- Thank you for your amazing service and hard work for the district, students, teachers and staff, and the community!!!

PURPOSE

The Bend-La Pine Schools Board of Directors, in collaboration with the Superintendent and District Leadership, has established Board Ends to provide a common set of goals that guide the work of the district. Measures are defined to ensure that the best available evidence is used to report progress on these goals.

PROMISE

Every student in Bend-La Pine Schools is known by name, strengths, and needs, and graduates ready for college, career and community engagement, and life.

GOALS

Outcomes and Experiences

1. Students are engaged and develop a **strong academic foundation** as measured by the following, overall and for historically underserved subgroups:
 - a. Mastery of English Language Arts (ELA) & Math foundational knowledge and skills by the end of 1st Grade, as measured standardized assessments
 - b. ELA, Math, & Science proficiency rates in 3rd-8th grades, as measured by the Oregon Statewide Assessment System (OSAS)
 - c. ELA and Math growth rates in 4th-8th grades as measured by the Oregon Statewide Assessment System (OSAS)
 - d. The percent of 9th graders on track for graduation, as measured by credit attainment toward graduation requirements
 - e. The percent of students designated as English learners that are on track to acquire English proficiency, as measured by Oregon's English Language Proficiency Assessment (ELPA)
 - f. Efficacy of academic programs, as measured by surveys and/or focus groups

2. Students have a **passion, purpose, and plan** for their future as measured by the following, overall and for historically underserved subgroups:
 - a. The percent of high school students who graduate in four years, who graduate in five years, and who complete high school in five years
 - b. The percent of graduates who earn a diploma plus complete at least one of the following career and life indicators:
 - i. Two or more credits of Advanced Placement (AP), International Baccalaureate (IB), or college credit eligible coursework
 - ii. Oregon State Seal of Biliteracy
 - iii. Two years of Junior ROTC
 - iv. CTE Concentrator (Two or more credits in a program)
 - v. Meets the college readiness benchmark for both language arts and mathematics on high school OSAS, ACT, or SAT assessments
 - vi. Meets automatic admission requirements for all Oregon Public Universities
 - c. Students' preparedness for their future, as measured by surveys and/or focus groups

3. Students, families, and staff **experience wellness, inclusion, and belonging** in our schools as measured by the following, overall and for historically underserved subgroups:
 - a. Student, family, and staff experiences of key elements of school culture (including voice, belonging, and emotional/psychological wellness), as measured by surveys and/or focus groups
 - b. Bias incident data and trends
4. Operational systems align and support an academically effective and sustainable organization.

Updated and Adopted: 10/11/2022, 12/13/2022

Sesión de trabajo de la Mesa Directiva Escolar de Escuelas de Bend-La Pine

(BLS, por sus siglas en inglés)

Greg Colvin y Heidi Kim, Attorneys

Distrito de Servicios Educativos de High Desert



Agenda

- **Temas de capacitación**
 - **Gobernanza de la Mesa Directiva**
 - **Quejas**
 - **Trato directo**
 - **Reunión pública/Comunicaciones en serie**
- **Escenarios**



¿Por qué necesitamos esta capacitación?

- Repaso/Entrenamiento nuevo
- Elevar las voces y aportes de los padres y madres de familia y el personal
- Garantizar canales de comunicación adecuados con los constituyentes



Gobernanza de la Mesa Directiva

Una Mesa Directiva Escolar tiene dos funciones principales:

1. Establecer la visión y establecer políticas
2. Contratar al superintendente para llevar a cabo sus políticas



Gobernanza de la Mesa Directiva

En 2016, la Mesa Directiva de BLS adoptó el modelo de gobernanza de políticas de Carver

Este modelo está incorporado en las políticas de BLS que están actualmente en vigor:

- GP-1 a GP-6 y EL-1 a EL-13, aunque las ELs se están reestructurando actualmente



Gobernanza de la Mesa Directiva

El Modelo Carver compromete dos responsabilidades con la Mesa Directiva:

1. Establecer "Metas/Resultados"
2. Establecer "limitaciones ejecutivas" en las acciones del superintendente



Gobernanza de la Mesa Directiva

¿Cuáles son las Metas/Resultados que la Mesa Directiva de BLS ha establecido?

1. Sólida base académica
2. Pasión, propósito y plan
3. Bienestar, inclusión y pertenencia
4. Apoyo y alineación operacional
5. [de la política de BLS codificada como “Ends/Results”

[de la política de BLS codificada como “Ends/Results” (“Metas/Resultados”, por su traducción al español)]



Gobernanza de la Mesa Directiva

¿Cuáles son las limitaciones ejecutivas (EL, por sus siglas en inglés)?

Tenemos 13 ELs, pero actualmente se están reescribiendo para alinearlas con los 4 objetivos.



Gobernanza de la Mesa Directiva

**Limitaciones ejecutivas de BLS =
oportunidades para la Mesa Directiva**

Una vez que esta Mesa Directiva establece las oportunidades, la implementación recae en el/la superintendente para delegar



Reloj de Gobernanza

<https://www.youtube.com/watch?v=xFY1EOflkpQ>



Gobernanza de la Mesa Directiva

A medida que tomas decisiones y te encuentras involucrado/a en los asuntos del distrito:

1. Visión + Política = Mesa Directiva
2. Implementación de políticas + Operaciones = superintendente

Siempre que estés actuando como miembro de la Mesa Directiva, pregúntate: ¿dónde recae este acto/evento/tema en el reloj?



Gobernanza de la Mesa Directiva

Miembro individual de la Mesa Directiva v. la Mesa Directiva como un todo

Actua como miembro de una Mesa Directiva, no en tu capacidad individual

Miembro individual de la Mesa Directiva:

- No tiene autoridad en su capacidad individual
- Solo puede actuar en el contexto de una reunión oficial
- No puede comprometer a la Mesa Directiva a ninguna acción
- No puede tomar acción independiente
- Puede perder la protección legal por cualquier responsabilidad del distrito si actúa de manera independiente

Gobernanza de la Mesa Directiva

Consecuencias de no permanecer por encima de la línea perforada en el modelo de reloj:

- El público se confunde acerca de la autoridad como miembro de la Mesa Directiva
- Conflicto de intereses potencial o real (compromete la neutralidad si una decisión se reduce a la Mesa Directiva)
- Omite el proceso de investigación descrito en las políticas de quejas
- Viola el principio de “la Mesa Directiva como un todo”
- Puede causar o exacerbar disputas entre la Mesa Directiva, el/la superintendente, el público
- Viola las propias políticas del distrito, lo que puede dar lugar a quejas

Quejas

Los ciudadanos a menudo se comunican con los miembros de la Mesa Directiva para discutir asuntos sobre un miembro del personal o una operación del Distrito. ¿Cuándo se elevan al nivel de una queja?

¿Quejas sobre una política específica de la Mesa Directiva?

- **Por encima** de la línea roja perforada > apropiado para la consideración de la Mesa Directiva
- Pero no puedes actuar solo/a o sugerir que puedes
- Agradece al constituyente y refiéralo/a al administrador apropiado

¿Quejas sobre un/una miembro del personal, una operación administrativa o AR?

- **Debajo** de la línea roja perforada > asunto inapropiado para la consideración de la Mesa Directiva (¡por ahora!)
- Agradece y remite al ciudadano a la política, AR o administrador apropiado

Trato directo – Negociación

Prohibición de la negociación directa:

Un empleador público no debe intentar omitir a un sindicato y tratar directamente con sus empleados en asuntos de relaciones laborales.



Trato directo – Negociación

Ejemplos de temas obligatorios:

- Salarios (incluye cualquier beneficio financiero como bonos)
- Beneficios (permisos de ausencia, jubilación, vacaciones, servicios de salud)
- Condiciones de trabajo
- Horas/programación
- Procedimientos de quejas



Trato directo – Negociación

¿Qué es un tema permisivo?

- Cualquier cosa que no sea un tema obligatorio



Trato directo – Negociación

¿Por qué está prohibido el trato directo?

- El distrito está obligado por ley a negociar con los representantes sindicales exclusivos:
 - Empleados clasificados de BLS → OSEA
 - Maestros con licencia de BLS → BEA
- El distrito tiene prohibido interferir con la existencia o administración de la entidad representativa exclusiva.
- Al tratar directamente con los empleados sobre asuntos contractuales, el empleador menoscaba el estatus del representante exclusivo y merma la capacidad del representante para cumplir con sus obligaciones
- Puede resultar en la erosión de la confianza
- Impacto a largo plazo en la relación

Trato directo – Negociación

¿Cuáles son las consecuencias del trato directo?



Comunicaciones en serie

Los miembros de la junta escolar deben cumplir con la Ley de Reuniones Públicas de Oregón.

¿Qué exige esa ley?

Todas las reuniones de la Mesa Directiva Escolar deben estar abiertas al público.

"Reunión": la convocatoria de cualquier órgano de gobierno para el cual se requiere un cuórum para tomar o deliberar sobre una decisión sobre cualquier asunto, o para recopilar información

Una reunión no tiene que ser en persona, o con todos los miembros de la Mesa Directiva presentes.

Comunicaciones en serie

¿Qué es una comunicación en serie?

Una comunicación en serie ocurre cuando los miembros de un órgano de gobierno tienen una serie de reuniones o comunicaciones más pequeñas que dan como resultado que la mayoría del órgano tome medidas colectivas sobre una decisión sobre la cual se requiere el voto de la Mesa Directiva, incluso si la mayoría nunca es parte de una comunicación cualquiera.

Participar en comunicaciones en serie es una violación de la Ley de Reuniones Públicas de Oregón

Comunicaciones en serie

“Mayoría de los miembros”:

sí al menos un cuórum de los miembros de la Mesa Directiva comunica cómo votarán sobre un tema en particular, incluso si estas conversaciones se realizan por teléfono y correo electrónico entre solo dos de ellos a la vez, con múltiples conversaciones entre diferentes miembros en diferentes momentos, han violado la Ley de Reuniones Públicas

¡4 es el número mágico aquí!

Comunicaciones en serie

“Reuniones o comunicaciones”:

- En persona
- Texto
- Correo electrónico
- Llamadas telefónicas

No importa si se hace una vez o en diferentes momentos, con diferentes combinaciones de miembros

Comunicaciones en serie

“Tomar acción sobre una decisión sobre la cual se requiere el voto de la Mesa Directiva”:

Una decisión es cualquier determinación, acción, voto o disposición final sobre una moción, propuesta, resolución, orden, ordenanza o medida en la que se requiere el voto de la Mesa Directiva Escolar, en una reunión en la que hay cuórum. *ORS 192.610*

- 38 Op Atty Gen 1471 (1977), 1977 WL 31327.
- Cuando un órgano de gobierno se reúne para obtener información sobre un tema de su jurisdicción, está deliberando para tomar una decisión y debe cumplir con los requisitos de la reunión.

Ley de Reuniones Públicas

Puntos clave:

Si se determina que la comunicación/reunión es una “reunión” según la definición de la ley,

- Debe estar abierta al público.
- Se requiere aviso al público, es decir, al menos 24 horas de anticipación a menos que sea una reunión de emergencia



Ley de Reuniones Públicas

¿Consecuencias de violar las Leyes de Reuniones Públicas?



Escenarios



Puntos clave:

- Comunícate regularmente con tu superintendente
- Pregúntate "¿se trata de políticas o visión, o se trata de implementación de políticas y operaciones?"
- Refiere a cualquier persona que se acerque a ti a los canales apropiados (p. ej., proceso/políticas de quejas, la Junta de comentarios públicos, etc.)
- ¡Gracias por tu increíble servicio y arduo trabajo para con el distrito, los estudiantes, los maestros y el personal, y la comunidad!