MINUTES OF THE REGULAR SESSION
OF THE BOARD OF DIRECTORS
SCHOOL DISTRICT 4J LANE COUNTY, EUGENE, OREGON

February 5, 2020

The Board of Directors of School District No. 4J, Lane County, Eugene, Oregon, held a regular session at 6 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 January 31, 2020, and published in *The Register-Guard* on February 5, 2020.

ROLL CALL

BOARD MEMBERS PRESENT:
Anne Marie Levis, Chair
Mary Walston, Vice Chair
Alicia Hays
Judy Newman
Gordon Lafer
Martina Shabram
Jim Torrey

STAFF:
Dr. Gustavo Balderas, Superintendent of Schools
Charis McGaughy, Assistant Superintendent for Instruction
Kerry Delf, Chief of Staff
Kat Lange, Director of Student Services
Kyle Tucker, Chief Operations Officer
Cydney Vandercar, Assistant Superintendent for Administrative Services
Christine Nesbit, General Counsel
Steve Menachemson, Director of Technology
Oscar Loureiro, Director of Research and Planning
Jeffry Johnson, Director of K-8 Education
Andrea Belz, Director of Financial Services
Lisa Fjordbeck, Executive Assistant/Board Secretary

STUDENT ADVISORY PANEL MEMBERS:
Zoe Chihorek, International High School
Hannah Mitchell, North Eugene High School
Noa Ablow-Measelle, South Eugene High School

MEDIA: KRVM

I. EXECUTIVE SESSION

The board will convened in executive session to consider records that are exempt by law from public inspection pursuant to ORS 192.660 (2)(f)

II. REGULAR BOARD MEETING

III. CALL TO ORDER, ROLL CALL, FLAG SALUTE, LAND ACKNOWLEDGMENT

Board Chair Levis called the regular meeting to order at 6 p.m., and led everyone present in the pledge of allegiance. She then acknowledged the land on which the meeting was taking place was the Traditional Homelands of the Kalapuya People, who have been stewards of the land for approximately 14,000 years.

IV. AGENDA REVIEW

Ms. Newman reported that she had drafted a letter of testimony relevant to an upcoming State Senate Bill 1572—a Bill establishing subject-matter credit requirements that students must satisfy in order to receive a high school diploma, and also removes the authority of the State Board of Education (SBE) to establish requirements, including Essential Learning Skills, that students must satisfy in order to receive a high school diploma—and she wanted to get Board approval before sending in said letter. Ms. Newman said it would be placed under items for Action.

The Board gave its full consensus to placing Ms. Newman's request under Items for Action.

Mr. Lafer said that he would like to add an agenda item for action to make public the document the Board received during an earlier Executive Session.

The Board gave its consensus to placing Mr. Lafer's request under Items for Action at a Future Meeting.

V. INTRODUCTION OF GUESTS AND SUPERINTENDENT'S REPORT: SCHOOL BOARD APPRECIATION

Dr. Balderas introduced two guests who were at the meeting: Brenda Wilson, Executive Director of Lane Council of Governments (LCOG), and Tony Scurto, Lane Education Service District (ESD) Superintendent. Dr. Balderas offered that lane County was doing very well as far as Pre-K education went. He said there were some upcoming restrictions to Pre-K education that could cause tensions locally, but he assured the Board he was tracking those possible restrictions.

VI. COMMENTS BY BOARD CHAIR

Chair Levis offered that she was happy with the Board meetings taking place earlier, and she said the Board would love to hear community feedback on the earlier start times.
Chair Levis offered that the first 4J Budget Committee meeting of 2020 had taken place recently, including two new members of that Committee.
Chair Levis reported that graduation rate numbers had been released, and they showed improvement within 4J. She conceded there was still work to be done, but local graduation rates had seen significant growth of late.
Finally, Chair Levis applauded 4J's inhouse Nutrition Services team, for developing menus that focused more on local, from-scratch foods, than on processed foods. She reminded those present that in SD4J, food is equity.

VII. RECEIVE REPORTS FROM HIGH SCHOOL STUDENT REPRESENTATIVES

Hannah Mitchell, representing North Eugene High School, reported that North had their Winter Formal recently, and it was well-attended. She said that musical theater rehearsal had begun for both the pit orchestra and the ensemble for North's production of "Singing in the rain." Finally, she announced the early-bird deadline for OSAC Scholarships were on February 15, 2020.

Noa Ablow-Measelle, representing South Eugene High School, announced that South's Winter Formal would be held on Saturday, February 8, 2020. She also said opening night for South's latest theater performance was Thursday, February 6, 2020. Finally, she reported that South Eugene High School's Social Justice Leadership class was hosting a movie night fundraiser in honor of Black History Month, and they would be showing Black Panther.

Zoe Chihorek, representing International High School (IHS), reported that IHS merchandise was now for sale, and the prices had been lowered to encourage student purchases. She also announced there was an event held recently at South Eugene High School for eighth-graders possibly interested in attending IHS.

Vice Chair Walston for Nick Clendenen, representing Churchill High School, announced that Churchill's boys' basketball team was now ranked #1 in the state, and girls' basketball was ranked #4 in the state. She also reported that Churchill's Black Student Union was having a Spirit Week during this week.

VIII. ITEMS RAISED BY THE AUDIENCE

Larry Lewin of Eugene, spoke unfavorably of the generic writing prompt from the ODE for the writing sample portion of the Essential Skills Assessment. He urged support of SB 1572, which would remove the "barrier" of the Essential Skill requirement for Oregon's high school students.

Imelda Cortez of Eugene, spoke in opposition to the Kelly Middle School/Yujin Gakuen co-location. She asserted that $1,974—the amount being allocated per student in the Kelly Middle School/Yujin Gakuen co-location —paled in comparison to the $19,118 being allocated per student in the south region. She said things like this were perpetuating the glaring inequity present in 4J between the south region and the north region of the District.

Carrie Ann Naumoff, of Eugene, and a retired 4J teacher at Edison Elementary, spoke in opposition to standardized testing. She said the time and resources taken away from students, and their anxiety over standardized testing were not conducive to a solid education.

Chris Bales of Eugene, and President of the Assistance League of Eugene, offered the Board a brief report on what the Assistance League of Eugene was doing locally, including Operation School Bell, which sponsors shopping nights for elementary and middle school children to purchase new clothes from local retailers, Books for Kids, which provides books for the kids of low-income families, and a weekend food pantry.

Brenda Wilson, of Eugene, and Executive Director of the Lane Council of Governments (LCOG), addressed the Board about the 2020 Census. She said she coordinated the Complete Count Committee of Lane County, leading up to the Census on April 1, 2020. She urged the importance of an accurate county Census, as it determined the distribution of federal funds annually.

Rev. Jessica Connor, of Eugene, spoke to the inequity inherent in Christian holidays being recognized by the school district, while not all Jewish (or other faiths) holidays received the same treatment. She urged the Board to adopt a policy that states no school- or District-sponsored celebra-

tions, events, etc., or any graded work, such as exams, be scheduled on the Holy days already listed in Section 17 of the Administrator's Back to School Memo.

Stephanie Birmingham of Eugene, and representing Kelly Middle School, spoke in opposition to the Kelly Middle School/Yujin Gakuen co-location . She pointed out that 4J was allocating $6.9 million for work in the north region, which equaled $3,547 per student in the north region, whereas much more was being spent on just the 600+ students in the south from Edison and Camas Ridge.

Larry Koenigsberg of Eugene spoke to the Board about the student protest of the Richard Wistocki presentation in District schools. He pointed to a recent KLCC article on the subject, and suggested everyone present read the article to get a better idea of this issue and the student response to it.

Justin Potts of Eugene, introduced himself as a psychologist working within the District. He said the money allotted to pay for psych services in the District was grossly inadequate, and caused him, and other 4J psychologists to work for free for a portion of the year. He asked the Board if the overwhelming stress he and other 4J psychologists feel at the wave of work that continues to build toward them, without a moment's rest, was just something he and his colleagues should get used to.

Jessica Harvey of Eugene, introduced herself as a 4J psychologist in the employ of the District for 17 years. She said her workload of students was far too dense for one person to handle, and it was all she could do to just keep up. Ms. Harvey hoped the Student Success Act funds to be used on psychological services in 4J schools was enough to have a positive impact.

Daniel Denton a teacher at Kelly Middle School, pointed out systemic inequity within the school district. He asserted that poor kids within the district do not receive the same treatment as the kids from wealthier families. Mr. Denton said everyone could do better, and that he trusted the board to do the right thing.

Karen Apgar of Eugene, introduced herself as a long-time psychologist in 4J. She asserted the language in the Student Success Act clearly stated that Student Investment Account (SIA) monies be used to meet students' mental and behavioral health needs. Ms. Apgar asked that many more school psychologists be hired.

Colleen Young of Eugene, shared quotes from Ibram X. Kendi's piece "How to be an Antiracist." She pointed out how these quotes spoke to the "space racism" that was evident between the 4J schools on the south side of the city, and those on the north side.

Victoria Palacios of Eugene, offered that she had sent a universal standardized testing opt-out form with her child to Buena Vista Elementary at the beginning of the schoolyear, only to receive a dismissive email from her kid's teacher, rejecting the form. She said she got a call on January 22 from an acting administrator of the school, telling her she had no right to opt her child out of state and district testing. Ms. Palacios said the Board could not condone district personnel preventing a parent from opting their child out of standardized testing.

Jessica Gibson of Eugene, addressed the Board concerning assessments. She said she was in support of a Smarter Balanced Assessment (SBAC) testing waiver, and the formation of a subcommittee to implement assessment changes, with the caveat that the subcommittee could drag the issue out a long time, without clear goals set. Ms. Gibson suggested an opt-out form available to all 4J parents at the beginning of the schoolyear, and that those forms are respected by the schools.

Sam Nystrom-Costales of Eugene, spoke to the Board about the Richard Wistocki Internet safety presentation. He expressed disappointment at the choice of speaker, and the district itself for bringing him in. He offered the presentation was inappropriate on many levels, not the least of which was its lack of inclusivity for the LGBTQ+ community.

Chair Levis reported the end of the allotted time for Items Raised by the Audience. She said they would get back to the few remaining possible speakers later in the meeting.

IX. COMMENTS BY EMPLOYEE GROUPS

Sabrina Gordon, President of the Eugene Education Association (EEA), was excited to announce that a concrete plan for use of Student Success Act funds within the district would soon be underway. She also announced that 4J and EEA would begin collective bargaining this spring.

X. COMMENTS AND COMMITTEE REPORTS BY INDIVIDUAL BOARD MEMBERS

Ms. Hays clarified, in the Board's working agreements, they had agreed to notify the principal upon entering a school building. She offered the reasons for this were many, like safety and ethics, but that did not mean Board members never met with 4J teachers. Ms. Hays appreciated those members of the public who pointed out the disparity between money spent in the north region, as opposed to money spent in the south region, but the Willard site was being looked at as a permanent site, and not a swing site. Finally, she expressed disappointment at the Wistocki presentation(s), and urged the district to do a better job bringing in outside speakers in the future.

Ms. Shabram echoed Ms. Hays' concerns about the Wistocki presentation, and said there was more support needed to prevent this kind of thing in the future. On the issue of the KMS/YG merger, Ms. Shabram expressed frustration at which direction to go to mitigate the issue. She said some of the solutions looked good on paper, but feared they would not be sufficient in application. She said she would like to hear, at a future meeting, what some of the remedies for the aforementioned merger would be.

Mr. Torrey thanked all of 4J staff and volunteers who read to 4J kids on a weekly basis. He also reported he went to a BEST Afterschool Program meeting recently, at which they talked about the orchestra program, a program designed to introduce kids to orchestra instruments and the playing of them.

Mr. Lafer offered he was well aware of the inequity issues at play in the Eugene area, and he believed 4J had only the best intentions for mitigating those issue as much as possible within the district. On the religious holiday's topic, he offered there was a great study out of New Jersey, that could show 4J the way forward in dealing with this issue.

Ms. Newman said 4J's Legislative Committee would be submitting testimony to the State concerning SB 1572. She also spoke to the Kelly Middle School/Yujin Gakuen co-location, saying that while a lot of the possible solutions looked good on paper, there needed to be contingencies in place, such as modular spaces.

Vice Chair Walston pointed out in the audience was Linda Hamilton, a member of the Board of the Lane ESD, and the regional OSBA representative. She reiterated that the Board's working agreements do not prohibit them from speaking with teachers, as some may have originally believed. Vice Chair Walston also announced she had recently visited Churchill High School (CHS), where she met with the CHS Leadership Group.

XI. CONSENT GROUP – ITEMS FOR ACTION

Information about the consent group items was included in the board packet.

1. **Approve Amendment #1 to Contract with Coburg Community Charter School**
2. **Approve Minutes from Board Meeting on December 4, 2019**
3. **Approve Minutes from Board Meeting on December 18, 2019**
4. **Approve Edison Construction Manager/General Contractor (CM/GC) Award**
5. **Ratify Awards for Capital Improvement Program (CIP) Bond Funded Projects**

MOTION: Vice Chair Walston moved, seconded by Mr. Torrey, to approve the items in the Consent Group as presented.
VOTE: The motion carried unanimously - 7:0.

XII. ITEMS FOR INFORMATION

1. Receive Information Regarding Revisions to the 2019-2021 Lane Education Service District Local Service Plan

Mr. Scurto and Ms. Hamilton offered the Board a report on the revisions to the 2019-2021 Lane Education Service District local service plan.

2. Receive Information About 4J Policy and Practice Concerning Religious Holidays

Ms. Nesbit offered the Board a report and Power Point presentation on 4J policy and practice concerning religious holidays.

Chair Levis asserted the district could do better with this issue. She offered there was a disconnect between the policy as written, and its implementation. Chair Levis asked for more details surrounding the restrictions on the policy.

Ms. Nesbit said that while the district could not schedule a non-school day for religious reasons, they could schedule a non-school day for other reasons, such as there not being enough substitute teachers to cover the school day.

Mr. Lafer cited a survey in which 71% of Jewish students reported scheduling conflicts between school and religious observances, but he clarified that this issue was not affecting Jewish families exclusively, but many other religions as well. Mr. Lafer pointed to the salient issue of balancing accommodations with not favoring any particular religion(s). He said there was a very instructive model from New Jersey that he had previously shared with staff and other members of the Board. In that model, he offered, the New Jersey school district had gradated religious holidays into three grades: no school on major religious holidays, no homework, tests, or special school activities/field trips assigned to individual students during the span of their religious holidays, and finally, if there was a large enough percentage of students observing religious holidays on the same day(s), then there would be no homework, tests, or special school activities/field trips for any of the students.

Vice Chair Walston wondered if there would need to be a “significant impact’ on school operations during religious observances, and how that phrase was defined.

Ms. Nesbit admitted she had not done a lot of fact-finding on that particular question.

Ms. Shabram expressed concern over how the district would measure a “significant impact” on a school or schools. She also wondered if teachers taking a day or days off for religious observances were doing so by using a sick or vacation day.

Ms. Nesbit returned they would have to take a Personal Day, of which teachers have two per year, and they can accumulate them up to a total of five Personal Days.

Mr. Lafer asked if there were any legal concerns or restrictions that would prevent 4J from doing something like what is laid out in the aforementioned New Jersey model.

Ms. Nesbit said she would have to study the New Jersey model a bit more before answering that question, as she interpreted parts of it differently than Mr. Lafer.

Ms. Newman pointed out that during her presentation, Ms. Nesbit said any new religious holiday policy could be put into the required policies to be reviewed by employees, and she wondered how many policies were required to be reviewed by employees, and how often must said employees review them.

Ms. Nesbit answered there were a lot of policies that were required to be reviewed by 4J employees—over two dozen—and they are to be reviewed annually by employees.

Chair Levis wondered about next steps. She wanted to know what the recommendation from staff was on this agenda item.

Ms. Nesbit said the Board should discuss whether or not they want to direct staff to make some of these policy changes, but at a minimum, the annual review of these policies for staff, and a newsletter to 4J families should be put in place.

Chair Levis posited the Board should study what Ms. Nesbit had laid out in the presentation, and, possibly, eventually forming a subcommittee to decide exactly what to do.

Mr. Lafer offered that more information was needed before the Board could do something more meaningful about the issue.

Ms. Hays suggested giving this issue to staff to look over, to make sure all the legal considerations were addressed.

Vice Chair Walston said she would like to know the direction the district was going in with this before the next school-year. She recommended the Board follow Ms. Nesbit's suggestions as a first step, and have Ms. Nesbit report back to the Board to let them know how it was going. Finally, Vice Chair Walston said she was not in favor of a committee to address this issue at this time, as the Board already had enough direction to move forward.

Mr. Torrey opined that staff should put together a formal recommendation that could be brought back to the Board, which could be amended, etc. He said he was not in favor of a committee at this time.

Mr. Lafer asked Ms. Nesbit to come back to the Board with the defined parameters in which the Board could make decisions on this issue.

Dr. Balderas said staff would put together an action plan (including a communication plan) for the Board, and also look at the parameters the Board must work inside of on this issue.

3. Update Student Success Act: Student Investment Account Planning Update

Ms. McGaughy and Ms. Delf offered the Board an update and a Power Point presentation on Student Investment Account (SIA) planning.

Dr. Balderas offered the Board may need to have a Work Session in order to fully digest the information contained in this presentation; the Board agreed.

Mr. Lafer asked if there were any surprises that were raised by this presentation and the work that went into preparing it—something that perhaps was not on senior staff's of the Board's radar previously.

Ms. McGaughy replied that most of what they were hearing during community engagement sessions, was also true of the survey results.

Ms. Newman wondered if the survey results reflected student involvement in the survey.

Ms. Delf said there were a small number of student respondents to the survey.

Mr. Torrey said it was his hope that upcoming Board meeting agendas be smaller in content, to give the Board ample time to discuss this issue.

4. 4J Vision 20/20 Strategic Plan: Key Performance Indicators Update

Ms. McGaughy, Ms. Delf, Mr. Loureiro, Ms. Vandercar, and Mr. Tucker offered the Board an update and Power Point presentation on the 4J Vision 20/20 Strategic Plan Key Performance Indicators.

Mr. Lafer offered the numbers in the presentation looked great, but he was not sure he understood what was affecting the numbers themselves. He said, in the future, he would like to hear from staff what they believe 4J is doing right, to affect these numbers in such a positive fashion.

Ms. Shabram echoed Mr. Lafer's curiosity. She said that she too would like to see the machinations by which the numbers changed positively.

XIII. ITEMS FOR ACTION

1. Adopt Revisions to and Deletion of Board Policies: GCDA/GDDA Criminal Background Checks (revisions); JHFE Reporting Suspected Abuse of a Child (delete current version); JHFE Reporting; Suspected Abuse of a Child (adoption); JHFE-AR(1) Reporting Suspected Abuse of a Child (adoption)

Ms. Nesbit offered the Board an update on the revisions and deletion of the stated Board Policies.

MOTION: Vice Chair Walston moved, seconded by Mr. Lafer, to adopt the revisions to, and deletion of, Board Policies: GCDA/GDDA, JHFE, and JHFE-AR(1).
VOTE: The motion carried unanimously - 7:0.

2. Legislative Committee Review of Senate Education Committee about SB1572.

Ms. Newman reported that she had drafted a letter of testimony relevant to an upcoming State Senate Bill 1572—a Bill establishing subject-matter credit requirements that students must satisfy in order to receive a high school diploma, and also removes the authority of the State Board of Education (SBE) to establish requirements, including Essential Learning Skills, that students must satisfy in order to receive a high school diploma—to the Oregon Senate Education Committee, and she wanted to get Board approval before sending in said letter.

Mr. Torrey was in support of sending in Ms. Newman's letter of testimony. He said this was the Board's best chance to get rid of the Essential Skills Test during the State Legislature's short session.

Mr. Lafer said he would also support Ms. Newman's missive to the Senate Education Committee, although he offered he would make the correspondence more clear that 4J supports the Bill, but also make it clear that 4J would like them to remove the provision that puts it on local school districts.

Ms. Newman said she wanted to be careful about changing the letter's intent.

MOTION: Ms. Hays moved, seconded by Vice Chair Walston, to approve the letter, as written, for sending to the Oregon Senate Education Committee.
VOTE: The motion carried unanimously - 7:0.

XIV. ITEMS FOR ACTION AT A FUTURE MEETING

1. Consider Approving Revisions Made to the Lane Education Service District Local Service Plan for 2019-2021

Chair Levis asked the Board if they were all clear on this agenda item from the earlier presentation by Mr. Scurto and Ms. Hamilton. The Board said they were.

ITEMS RAISED BY THE AUDIENCE (2)

At this point in the meeting, Chair Levis invited anyone wishing to provide public testimony who did not get the chance to share at the beginning of the meeting to speak.

Ray Martin of Eugene, spoke about the role of the school board. He asked, if the Board does not get into the day-to-day operations of the district, why does the Board encourage people to give them testimony? Mr. Martin believed that the Board *was* involved in the day-to-day operations of the school district. He urged the Board to continue taking action on the salient issues.

Chair Levis read into record a correspondence to the Board from Ezra Lieberman, a 4th-grader from Edison Elementary, in which the student recalled how there was a school field trip assigned on Yom Kippur. He said he would like to see all schools in the district respect religious holidays and/or observances, and not schedule field trips during them.

XV. SUGGESTIONS BY THE BOARD FOR CONSIDERATION OF ITEMS AT A FUTURE MEETING

Mr. Lafer posited the Board should not be holding Executive Sessions to get advice on what they can do concerning a policy.

Ms. Nesbit interrupted to say she was concerned a member of the Board was disclosing the subject matter of an Executive Session, without the authority given by the Board to do so.

Chair Levis agreed.

Ms. Hays said she could not understand, if a Board member suggested releasing "a document" from an Executive Session, how the rest of the Board was supposed to know what document they meant.

Ms. Nesbit suggested the document could be named by giving the date and time of the Executive Session.

Mr. Lafer asked if it was permissible for the board to talk about the parameters of Executive Sessions themselves, and what they are used for.

Chair Levis said that was not the original question Mr. Lafer asked that was moved, seconded, and voted on to add to this meeting.

Ms. Nesbit clarified the Board could use the agenda-setting process to amend its rules governing Executive Sessions.

Ms. Shabram asked if it was permissible to request an Executive Session, to discuss the release of items heard and seen by the Board during Executive Session.

Mr. Torrey offered a good first step would be to send a copy of the Board's policies regarding Executive Session to all Board members to help them determine whether they would want to release the information at question.

Mr. Lafer said he would like to hold the question until the next Board meeting.

Chair Levis said she was in the process of drafting a letter to LTD concerning the proposed route changes which would affect 4J students and faculty.

The Board supported Chair Levis drafting said letter to LTD.

Ms. Shabram said she would like to have a future conversation concerning policies surrounding 4J bringing in guest educators.
Ms. Shabram also wanted to gauge Board support for making sure students of 4J schools get priority during the public comment period. She wondered if there was a way to have speakers indicate on the request to speak forms whether they were a student or not.

Dr. Balderas said it could be a box on the forms themselves.

XVI. ADJOURNMENT
Chair Levis adjourned the meeting at 9:47 pm.

(Recorded by Rodney Cimburke)

_____
Dr. Gustavo Balderas
District Clerk

_____
Anne Marie Levis
Board Chair