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

May 22, 2019

The Board of Directors of School District No. 4J, Lane County, Eugene, Oregon, held a work session at 5:30 p.m. and an executive session at 7:00 p.m. at the Education Center, 200 North Monroe Street, Eugene, Oregon. Notice of the meeting was mailed to the media and posted in the Education Center on May 17, 2019, and published in *The Register-Guard* on May 22, 2019.

ROLL CALL
BOARD MEMBERS:
Alicia Hays, Chair
Anne Marie Levis, Vice Chair
Eileen Nittler
Judy Newman
Evangelina Sundgrenz
Jim Torrey
Mary Walston

STAFF:
Dr. Gustavo Balderas, Superintendent of Schools
Charis McGaughy, Assistant Superintendent for Instruction
Kerry Delf, Chief of Staff
Brooke Wagner, Director of Elementary Education
Andy Dey, Director of Secondary Education
Cheryl Linder, Director of Educational Support Services
Cydney Vandercar, Assistant Superintendent for Administrative Services
Christine Nesbit, In-House Counsel
Ryan Spain, Director of Facilities Management
Steve Menachemson, Director of Technology
Oscar Loureiro, Director of Research and Planning
Lisa Fjordbeck, Executive Assistant / Board Secretary

MEDIA: KRVM.

I. **WORK SESSION**
   a. Board work session to review and discuss the request from Coburg Community Charter School (CCCS) to give priority enrollment to students residing in previously established attendance boundary

Chair Hays opened the work session at 5:31 p.m.

Dr. Balderas said what staff brought forward that evening was a question around whether Coburg Community Charter School (CCCS) should determine its own enrollment and to what degree. Dr. Balderas said that this had been an item of discussion for some time. The goal for the board's next meeting was to take action.

Ms. Nesbit presented a PowerPoint presentation entitled, "*Work Session - Coburg Neighborhood Preference*."

Ms. Nesbit highlighted excerpts from charter school law and choice. The intent of the law was to create new, innovative and more flexible ways of educating children within the public-school system. One goal was to increase choices of learning opportunities for students.

Ms. Nesbit explained the waiver process for charter schools. A public charter school may apply to the State Board of Education (OSBA) for a waiver of any Oregon charter school law (with some exceptions).

The waiver may be granted if the charter school:

- promoted program development
- enhanced equitable access by underserved families to the public education of their choice
- extended equitable access to public support by all students
- permitted high quality programs of unusual cost.

Ms. Nesbit mentioned that CCCS requested a waiver in the past to allow a geographic preference. She pointed to Tab 2 of the information packet provided to board members. Previously, the requested waiver was granted in 2012 and 2014. After 2014, OSBA began asking more questions about the waiver process to ensure specific criteria was met, and 4J implemented its equity lens to help guide CCCS.

Dr. Balderas shared that over the past week, he attended a state board meeting. There were currently five charter waivers being considered within the state, all having to do with preference. Colt Gill led a discussion on how the state board also used an equity lens during decision making.

Ms. Nesbit said the most recent waiver requested by the CCCS would last through the end of its contract.

Ms. Nesbit discussed law around charter schools and enrollment. All students residing within the district were eligible for enrollment if space was available, however, enrollment was voluntary. Then, after in-district students enrolled, out of district students were eligible for enrollment, if space was available. Ms. Nesbit shared that, subject to a few exceptions, if the number of applications from in-district students exceeded the capacity of a program, class, grade level, or building, the public charter would select students through an equitable lottery selection process.

Charter school enrollment exceptions to the lottery process included students enrolled the prior year, and students who had siblings presently enrollment in the school and who were enrolled in the school the prior year.

Ms. Nesbit shared HB3313 (2017), Geographic Exception:

- (b)(A): "A public charter school may give priority for admission to students who reside within the attendance boundaries that were in effect at the time a school district closed a non-chartered school if:
    i. It began operations within 2 years of closure
    ii. District that closed the non-chartered school was sponsor of the charter
    iii. Charter school was physically located within the attendance boundaries of the closed non-chartered public school.
    iv. The school district board, through board action, approved the public charter school giving priority as described in this paragraph."

- (A) Nothing in the paragraph required an amendment to a charter. A school district may take an action described in subparagraph (A)(iv) at any time during the charter."

Ms. Nesbit interpreted the law as the state legislature giving school boards full authority to make a policy decision about the priority given for enrollment at charter schools. She noted the board had heard some questions about whether the legislative history supported that view, so she briefly reviewed some key facts.

Under the waiver system, a critical issue for charters was lack of stability. Each year, schools had to re-submit a waiver. Another issue, according to Representative Barnhart who lobbied for the bill, was that a 50% waiver wasn't sufficient for CCCS. As introduced, the bill gave 100% authority to charters to decide priority. OSBA objected to the bill, because it took away school board authority. Following the objection, Representative Barnhart collaborated with OSBA to come up with a compromise. The compromise added substantial language including, "the school district board, through board action, shall approved the public charter school giving priority as described in this paragraph." In sum, the bill automatically giving charter schools 100% authority did not pass.

Ms. Nesbit clarified she wasn't saying the board should or shouldn't grant CCCS 100% priority, but she did want to dispel the notion that legally, CCCS had that right. Additionally, in contract negotiations, CCCS did not negotiate with the board to grant CCCS that authority. It was agreed that children living within previous boundaries were given admissions priority in accordance with HB 33133 contingent upon board approval.

Ms. Nesbit stated the board had the authority to decide. The state wouldn't have required a legislative approval process by the board if it was meaningless, so she wanted the board to feel empowered in the situation.

Ms. Nesbit shared the policy choices available to the board. Those included:

- Not approve CCCS to give geographic priority
    - State Board of education waiver was still an option
- Approve CCCS to give unlimited geographic priority
- Approve CCCS to give unlimited geographic priority, e.g.:
    - x% of total enrollment, including sibling preference
    - x% of total enrollment, with increases tied to population, up to a certain cap
    - pre-determined number of seats
    - Duration: 3 years; 5 years; term of contract.

Ms. Nesbit highlighted important considerations:

- 4J charters were choice schools
- CCCS was the only charter currently permitted to give geographic preference
- 2012-18: State Board of Education waiver provided 50% geographic priority of total enrollment
- 2019-20: 4J School Board approved one-year Resolution for 50% of total enrollment
- No action would mean no geographic preference, effective next year.
- Contract Amendment was recommended

Ms. Nesbit noted the City of Coburg had changed from then until now. In 2010-11, there was still Coburg Elementary School which had an enrollment of 123 students in 2009 and 110 students in 110. In 2011, the district closed Coburg, Meadowlark, Parker and Crest elementary schools. CCCS was created due to the closures. In 2019-20 its enrollment was 225, and the school appeared to be excelling. Gilham Elementary School was now the neighborhood elementary school for the area.

Chair Hays looked at enrollment numbers. She asked if in 2012, when the State Board of Education first approved a 50% waiver, 55 students had preference. Ms. Nesbit suspected enrollment was lower so it would have been fewer than 55.
Mr. Torrey noted that in 2009 and 2010 CCCS was only kindergarten through 8th grade. Subsequently, CCCS added grades 6-8, which easily made enrollment numbers higher.

CHARTER APPLICATION 2010
Ms. Nesbit included an excerpt from CCCS's charter application, which was around 75 pages long in total, and could be sent to board members upon request. Part of CCCS's application included these statements:

- "[4J] has also been a pioneer in the concept of school choice. In keeping with the district's philosophy to give every student an excellent education, the district has long supported unique educational opportunities for its students. [CCCS] will offer another unique education opportunity within the District."
- "Increasing choices of learning opportunities is one of the goals of Oregon's charter school law; CCCS will address this goal, as well as the goal to better meet individual student academic needs and interests."
- A description of the target population of students the public charter school would be designed to serve: "[CCCS] will mainly serve children in grades K-8 in the City of Coburg, as well as any other families in the district who are interested in a small-town school with our unique educational model."

Dr. Balderas explained staff used the equity decision making tool as a process and driver of discussion; however, it wasn't the end all be all.

Ms. Newman asked what exactly was CCCCs unique educational model. Ms. McGaughy said they used a community schools' model, with deep partnerships and connections in the community. The partnerships provided rich opportunities for students to engage with community members, both in and out of the classroom. Additionally, it served as a hub for the Coburg community, with multiple community events. Ms. McGaughy said CCCS also had a very strong academic model around strong academic and character development. Overall, it was a high achieving school with a lot of interaction.

Mr. Torrey wondered if there were statistics for students living within the CCCS catchment area that attended a different 4J school. Ms. McGaughy said yes. The information was provided information on the last tab of board members' presentation packets.

Ms. McGaughy explained the equity tool chart. Within columns, there were analyses and implications, with three different options attached. Those options were not recommendations or to influence board decision, but simply to show the range of impact and analysis.

Ms. Levis asked how sibling preference worked for option one. Ms. McGaughy said the current sibling preference took a large number of slots. There were 26 kindergarteners and 16 of those were for siblings of returning students. That left only nine slots available. Fifteen kindergarteners from Coburg applied so there was a waitlist of six students. Overall, returning students and sibling priority took a significant number of seats.

Ms. Sundgrenz noted CCCS was such a small school; there was only one class per grade, which made it more competitive.

Mr. Torrey wondered, of the 15 students receiving sibling preference, what percentage were from Coburg. Ms. McGaughy hadn't seen a list of those students, but based on current enrollment, she thought it was reasonable to assume about half were from Coburg and half were from outside of Coburg.

Ms. Nittler asked if, theoretically, the district could do away with sibling preference. Ms. Nesbit thought it could be regulated it in the agreement. Ms. McGaughy clarified sibling preference was allowed in all charter and choice schools. It was consistent across the choice system.

Ms. Newman said some grades had less students and some had more. CCCS could conceivably have two kindergarten classes, and fewer classes in the upper grades to meet the cap. Ms. McGaughy said that was correct. Contract language put a cap at 225 students, but it could be distributed in any way among grade levels.

Ms. McGaughy said option two was current practice. The first 50% of the lottery students were taken from the Coburg boundary. The second 50% included both students living within and outside of the boundary, but within the 4J district.

In response to Ms. Walston, Ms. McGaughy said the 50% oscillated across grade levels.

Ms. McGaughy explained staff went through the equity lens process and analyzed student stakeholders most affected. The three groups of students primarily affected included those living in the boundary, all other students within 4J boundary, and those living outside the district. If there were spots remaining, CCCS did draw in kids from rural areas. Charter schools didn't require a release from the home district, so it was often preferred for families living in rural areas.

Ms. McGaughy said the purpose around option 1 was to have consistent practice across all charter schools. The priority enrollment could grow, as the population grew, which absolutely supported CCCS's mission to be a community school.

Ms. Walston said if it was 100% exclusive to Coburg residents, then no other 4J student applied. She wondered if there was a possibility less people wanted to attend CCCS, and enrollment shrank. Ms. McGaughy clarified as many students from Coburg who applied would receive preference. If there was room, CCCS would draw from the waitlist of students living within the district. If there was still room, they would draw from outside of the district.
Ms. Walston wondered if it was possible to go under 225 students. Ms. McGaughy said yes. Not all 4J charters were enrolled to capacity.

Mr. Torrey asked about other elementary schools and whether they were capped. Ms. Delf said district accepted requests from all students living within 4J, whether there was space or not. Mr. Torrey knew how full district elementary schools were. He asked if a student living in Coburg who applied to CCCS but was denied would still be able to attend Gilham Elementary School. Ms. McGaughy said yes and clarified there was no cap for those living within neighborhood boundaries.

Ms. McGaughy said shared analysis. Staff looked at inequities, as well as negative and positive effects.

Ms. McGaughy pointed to Table 1, which showed different groups of students and how current enrollment practices impacted different groups of students. She explained there were currently 89 students enrolled who lived within the old boundary. Of those, 4.5% were low income, 11.2% were special education, and 1.1% were English Language Learners (ELL). Overall, 89.9% were white. Ms. McGaughy compared those numbers to students living in the old boundary, who didn't attend CCCS. There was a big discrepancy in demographic makeup between those groups, which was another point to consider if the enrollment preference was expanded to 100%. Previously, public testimony argued 100% preference would allow CCCS to better serve historically underserved students; however, there was currently capacity for those students not attending, so she couldn't see how increasing the preference would add diversity.

Chair Hays spoke with Coburg community members recently and heard that sometimes all the paperwork and the uncertainty of getting into CCCS was a barrier. Dr. Balderas addressed Chair Hays' point and thought a discussion on the choice system as a whole may be necessary down the road.

Ms. Newman wondered if concerns existed because CCCS was not meeting the 50% priority. She felt the board was having a conversation to solve a problem that didn't yet exist.

Mr. Torrey looked at the low-income numbers. He wondered how many of those people did not have access to transportation, other than what 4J provided. Additionally, sometimes special education students couldn't attend their neighborhood school and needed to attend another school for services. He was most interested in understanding why low income and special education students didn't attend CCCS.

Ms. McGaughy emphasized the percent of low-income students was artificially low, because CCCS didn't participate in free and reduced lunch. Lunch was provided free for all students.

Ms. Sundgrenz also wanted clarification on special education and low-income numbers. They seemed somewhat speculative, as she had been told families were not asked directly and students of those demographics were only known if families approached administrators or teachers. She wondered how that information was found.

Ms. Linder said that every school had a child find process, including charter schools. When a disability was suspected, there was a process, under IDA and Section 504. Teachers and administrators came together, heard information and concerns, and made a decision whether or not an evaluation was needed.

She continued that an evaluation would be conducted, and staff would determine whether the student was eligible for IDA or Section 504. If the child was eligible, a placement decision was made. Every school had a learning center level of support including CCCS. If the placement was at a learning center level, 4J supported the student at their school. If the child needed more comprehensive services, staff selected the program closest to the neighborhood school, or attending school, depending on the individual's factors.

Ms. Sundgrenz asked what happened to the child find program if the parent didn't allow for additional testing. Ms. Linder responded that if parents chose not to participate in the process, the child remained at their school, unless the school had an internal process to look at student needs.

Ms. McGaughy concluded that by using the tool in terms of enrollment and demographic patterns, 4J came to believe the school would become less diverse with a higher percentage of geographic preference.

Dr. Balderas noted that data could tell any story. The percent of low-income students seemed low, however, it may be underrepresented. Additionally, there were special education programs at other schools where students could be bussed to, if they were not able to be served at CCCS. He wanted to be fair and clear about the conversation.

Ms. Nittler asked how a Spanish speaking student would be accommodated at CCCS. Ms. McGaughy said the district provided services for ELL within all schools, including charter schools. It was part of a federal program.

Ms. Levis returned back to policy choices. She thought the decision on geographic preference was up to the 4J board, and board did have ability to make decision. Additionally, that decision could be anything, not just the three options laid out.

Dr. Balderas said yes, the percentage could be anything and could change annually.

Ms. Nesbit said the board had authority, but it needed to decide what made sense. She recommended putting some cap on geographic preference in case things changed in the future, as it wouldn't be permanent. She recommended the cap be included as a contract amendment, which would be simple to do once policy issues were decided.

Ms. Walston said the board just renewed a ten-year contract with CCCS. She wondered if the decision would be separate from the contract. Ms. Nesbit recommended an addendum to the existing contract. There would be flexibility in the preference timeline.

Ms. Nittler thought there could be time in the future where the district considered taking CCCS back into the fold as a neighborhood school. It was something to consider.

Ms. Newman wanted to understand the law fully. She wondered if, for example, Crest Elementary School could have formed a charter after the schools were closed in 2011. Ms. Nesbit said conceivably, yes, if the district agreed on the area and the request was within two years.

When Chair Hays looked at the Coburg, Gilham, and Kinney loop area, she noticed schools were almost full as more houses were being built in Coburg. As thinking about the need for CCCS, the board needed to challenge itself to think about future needs of the district; however, she also understood worries of the Coburg community.

Chair hays was curious to hear the Superintendent's recommendation at a future meeting.

Dr. Balderas said there were many uncertainties over the long term. He noted the district did own property outside of Eugene's in Coburg. Dr. Balderas asked the board to be prepared for a recommendation at the next regular meeting on June 5, 2019.

II. ADJOURN

Chair Hays closed the work session at 6:46 p.m.
(Recorded by Marina Brassfield)

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Dr. Gustavo Balderas	Alicia Hays
District Clerk	Board Chair