

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

February 20, 2019

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 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 February 15, 2019, and published in *The Register-Guard* on February 20, 2019.

ROLL CALL

BOARD MEMBERS:

Alicia Hays, Chair (called in)
Anne Marie Levis, Vice Chair
Eileen Nittler
Judy Newman
Evangelina Sundgrenz (called in)
Jim Torrey
Mary Walston

STAFF:

Dr. Gustavo Balderas, Superintendent of Schools
Kerry Delf, Chief of Staff
Cheryl Linder, Director of Student 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
Andrea Belz, Associate Director Finance
Holly Langan, Support Services Manager
Carole Knapel, Capital Improvement Program Manager

STUDENT REPRESENTATIVES:

Claire Shepard, Churchill High School (absent)
Crystal Finnerty, ECCO
Jane Brinkley, IHS (alternate)
Zoe Chilhorek, IHS
Hannah Mitchell, North Eugene High School
Ainsley Abraham, Sheldon High School (absent)
Tiffany Huang, South Eugene High School

MEDIA: KRVM, Register Guard.

OTHER: Tad Shannon, Eugene Education Association President.

I. EXECUTIVE SESSION

The board convened in executive session from 5:30 p.m. to 6:45 p.m. To conduct deliberations with persons designated by the governing body to negotiate real property transactions pursuant to ORS 192.660 (2)(e), and to consider records that are exempt by law from public inspection, pursuant to ORS 192.660 (2)(h) and to conduct deliberations with persons designated by the governing body to carry on labor negotiation, pursuant to ORS 192.660 (2)(d).

II. REGULAR MEETING

Vice Chair Levis called the regular meeting to order at 7:00 p.m.

III. CALL TO ORDER, ROLL CALL, FLAG SALUTE

Ms. Levis led those present in the pledge of allegiance.

IV. AGENDA REVIEW

Ms. Walston requested to add an agenda item under Items for Action, regarding a board hearing on March 18, 2019. At that time, she would make a motion.

Ms. Levis added her request to Items for Action.

V. INTRODUCTION OF GUESTS AND SUPERINTENDENT'S REPORT

Dr. Balderas recapped the last meeting's discussion around a priority enrollment limit of 50% at Coburg Community Charter School (CCS) just like all other charter schools in 4J. Currently, 40% of students lived in the old Coburg Elementary School catchment area. Dr. Balderas appreciated voices from the Coburg community and understood the desire for a neighborhood school, but didn't believe there were any students currently being denied enrollment. Perhaps, in two or three years, the limit would become a concern. As of that time, the recommendation was to revisit the cap when it became more of an issue.

Dr. Balderas shared the budget committee discussed projected enrollment numbers for 2019-2020. There would be fewer students enrolled but the committee and district elected not to reduce staff based on previous projections and instead create smaller class sizes. Dr. Balderas explained that beyond 2019, 4J projected to lose some students due to closing of open enrollment. The district corrected future staffing allocations, which showed a reduction to licensed employees - Dr. Balderas clarified the change was a correction to align with enrollment numbers.

Dr. Balderas would recommend using around \$750,000 from reserve dollars to augment staffing levels and keep class size ratios down in certain elementary schools. Staffing allocations were sent to administrators the past Tuesday. The addition was on top of \$1.75 million Dr. Balderas would recommend as unallocated staffing.

Dr. Balderas added during 2018-2019 the district added mid-year allocations of roughly \$500,000 in hired additional staff which would carry over to the following year. The district also expected to add another life skills classroom, which would be \$1.6 million above adopted budget. Dr. Balderas would also recommend reserve funding toward the behavioral support team.

Ms. Walston asked if the outlined funds were allocated for the current fiscal year or for the next. Dr. Balderas clarified it was on the next fiscal year's proposed budget.

VI. REPORTS FROM HIGH SCHOOL REPRESENTATIVES

Claire Shepard reported February was a slower month at Churchill High School. Currently, students were registering for Advanced Placement (AP) testing in May 2019. Ms. Shepard acknowledged it was Black History Month, so the Black Student Union conducted additional events. The previous week the Thespian Club held a signing Valentines' Day fundraiser. Ms. Shepard concluded with a brief update on winter sports.

Tiffany Huang said staff was on a modified schedule due to student forecasting and a Steps for Change assembly around school climate and diversity. Ms. Huang noted students were curious as to why forecasting occurred so early that year. Congressman Peter DeFazio visited South Eugene High School that morning to speak with AP Government Students. On Valentines' Day, student government sold over 100 Val-o-Grams and was now hosting a basic necessity drive for First Place Family Center. Ms. Huang also provided a sports and extracurricular update.

Jane Brinkley stated it was a busy time of year for IHS students. Currently, seniors and juniors were completing their Creativity, Activity, and Service (CAS) hours. There were many other requirements related to graduation. IHS orientation nights were also approaching for incoming students.

Hannah Mitchell provided an update on winter sports, and senior nights for each team. That week was the school's spring fling dance. Sports registration for spring was that day, and finals were approaching. Ms. Mitchell reported band and choir concerts were also coming up.

Ms. Nittler provided a report on behalf of Ainsley Abraham. Clubs at Sheldon High School were taking off and there was more participation than ever before due to the exciting activities and opportunities provided. The Dubliners held fundraisers at Papa's Pizza and Roaring Rapids and there was also a fundraiser link to help support a trip to the Anaheim Jazz Festival. Finally, the Mr. and Ms. Irish Pageant was approaching on Saturday March 2, 2019.

VII. ITEMS RAISED BY THE AUDIENCE

Ms. Levis read the district policy on providing public comment.

Ms. Levis read a comment on behalf of Linda Smart. The Coburg Community Charter School should be able to allow preference to all Coburg children before kids from outside communities. There should be no percentage cut off. Ms. Smart encouraged folks to move to Coburg for priority enrollment.

Carrie Frazier spoke on behalf of Kid Food Matters. Kid Food Matters' mission was to provide every Eugene 4J student with fresh, minimally processed, nutrient dense food that optimized learning and health, supported the local economy, and protects the planet. For nearly a decade, Kid Food Matters has worked diligently with Sodexo to increase local purchasing, reduce waste, and remove the most egregious ingredients in entrees. Despite years of hard work, Kid Food Matters experienced little success. For example, in 2011, Kid Food Matters met with Sodexo to develop a long-term plan to eliminate such ingredients as high fructose corn syrup, partially hydrogenated oils, and additives such as artificial colors and flavors. Eight years later, the ingredients remained in entrees served daily. Given the organization's experience working with

Sodexo, Kid Food Matters thought a self-operating program was the only way to ensure health and well-being as profit would no longer be the main driver.

Mary Bauer served on the board of CCS during its first three years. Her first comment was around CCS being the most “racially segregated school in 4J.” Ms. Bauer chose Awbrey Park Elementary School to provide comparison as it sat about the same distance north of Eugene as Coburg. She explained 80% of students were white, compared to Coburg’s 88%. In addition, five languages were spoken within the school, which was the same as CCS. The information indicated Coburg was not dramatically different in racial makeup. Ms. Bauer noted that additionally, Coburg was listed as having 11% free and reduced lunch. However, because the school lunch was handled in-house as part of its agricultural focus as a rural school, and school lunches were based on a family’s ability to pay, Coburg’s actual free and reduced lunch rate was truly much higher. Ms. Bauer provided another comparison with Charlemagne French Immersion School. Both schools showed high levels of academic achievement. Data also showed that Charlemagne had a 7% rate of children with disabilities as opposed to CCS’s 8%. Coburg’s average socioeconomic status ranking was 559, compared to Charlemagne at 673. This demonstrated that with a far less economically advantaged student population, Coburg had achieved academic success. Ms. Bauer thought comparing CCS to 4J average was saying every other school in Eugene was the same and Coburg was the outlier. In truth, every school was unique and each strove to serve students in the most sensitive and responsive way.

Brenda Willis was a resident of Coburg with two children in 4J schools. Ms. Willis appreciated past support of CCS. She spoke to the submitted petition, signed by 154 individuals respectfully requesting the board adopt a resolution that allowed CCS to provide priority to Coburg residents without limitation. Nearly 25% of signers lived in Eugene, an indication that the greater population understood, and valued CCS having been established primarily by Coburg families for the benefit of the Coburg community and others. Ms. Willis noted during the February 6, 2019 meeting that the board celebrated the fact that 73% of students enrolled in neighborhood schools. She respectfully asked for a similar opportunity within Coburg.

Shara Mondragon was the principal at CCS. Ms. Mondragon provided more information in regard to concerns around equity. She agreed equity in education was more important than ever. There was no doubt CCS demographics reflected less diversity than a typical 4J school; however, capping the school’s preference at 50% would likely make it more difficult to increase diversity at the school. The waiver and cap, in effect, would maintain the status quo. First, limiting the school’s ability to serve all Coburg residents would restrict CCS’ ability to reach underserved families in the community. It would make it more likely that low income families would have to send their children the five plus miles to Gilham Elementary School, which further impacted a student’s ability to attend school functions and participate in community events. Second, because there were no bussing options for Eugene families to CCS, only those who had means to transport students daily could enroll. In theory, the cap should work but it really didn’t and instead created a situation between disproportion of have and have not’s. Ms. Mondragon would love to work with the district to provide transportation to and from Coburg to allow more equitable access to CCS. Further, Ms. Mondragon would like to explore ways to increase diversity through the lottery process.

Lisa Jager was executive director for CCS. Ms. Jager addressed the concern that approving HB3313 for Coburg would result in preferential treatment for the school. A recent Oregon state legislative legal brief expressed bipartisan support for charter schools, stating “Chartering allows schools to run independently from the traditional public-school system and to tailor programs to community needs.” In addition, the 4J website stated, “Charter schools are independently run

and have their own admission procedures.” CCS was not asking for preferential treatment, but differentiation. Each charter school in 4J offered something different, structurally and environmentally. Some examples included the 4J neighborhood schools’ unique focus for unlimited priority for River Road el Camino del Rio and Howard Elementary super boundary. Students living within those boundaries could choose to enroll in IHS or their neighborhood high school. Preference was extended to low income students in all choice schools. Ms. Jager said there was also flexibility with instructional curriculum in the Montessori and Waldorf schools, Twin Rivers Charter School, and the Spanish immersion program. Ms. Jager thought, as educators, they should all use strategies to help students achieve their unique mission.

Andrea McGarvey lived at the very northern edge of the district. She lived nine miles to Gilham Elementary School, meaning if she didn’t have the opportunity for her daughter to attend CCS, she would drive past it to their neighborhood school. Ms. McGarvey provided an estimation for the population growth rate of Coburg versus Eugene. Estimated population growth rates in Coburg and Eugene that were produced in 2015 by the district were outdated. Between 2014 to 2018, the Coburg area population increased at an annual average rate of 3.5%, more than 150% higher than average annual growth rate in Eugene. Between 2017 and 2018 alone, the Coburg population increased 10.5%. Ms. McGarvey stated the increase was nearly 800% higher than the growth of Eugene during that time. Based on the number of residential building permits currently approved by the City of Coburg, the population would likely increase by more than 8% per year for the next two years. Ms. McGarvey asked the board to approve the increase to support growth in the Coburg community.

Molly Rust was the administrative specialist at CCS and a parent of a student currently enrolled. Ms. Rust explained 42% of CCS’s total enrollment was made up of Coburg residents. The enrollment lottery for the 2019-2020 school year would be held on April 10, 2019. Based on applications received to date, Coburg residents were expected to increase to at least 47% of total enrollment the next year. It could exceed 50% the following year, with only a few additional applications. Ms. Rust stated the school would certainly reach the 50% during 2021. Based on current projections, Coburg residents would make just over 75% of total enrollment by 2026-2027 school year, the final year of the current contract. She asked the board to consider allowing more certainty for Coburg families in the matter.

John Barry was president of the CCS school board of directors. Following passage of HB3313, Oregon law stated a public charter school may give priority for admission to student who resided within the neighborhood boundaries. The law didn’t mention any limit on providing priority enrollment to neighborhood students. Mr. Barry shared the law’s purview and stated charter approval was through district board action. The law didn’t anticipate, or maybe even allow, school board’s the option to limit a charter’s ability to provide priority enrollment. Mr. Barry said the intent was explicit within CCS’s current charter contract as negotiated and mutually agreed upon with 4J. Specifically, the contract read, “CCS may give preference to students living within the former Coburg Elementary boundaries in accordance with HB3313.” Again, there was no mention of limitation on priority toward Coburg residents. HB3313 was vetted through three public hearings and passed unanimously in both branches -- not once was there any mention of limits to provide full preference to neighborhood students. He also noted during district negotiations, there were no concerns expressed about priority enrollment levels. Mr. Barry asked the board respect founding of CCS, as well as the language and intent of HB3313.

Leah Claypool was a co-founder of CCS. She provided some historical reference around Coburg Elementary School and its closure. Ms. Claypool explained a proactive group of citizens began looking for an alternative and found charter law. Working together, they created the CCS

proposal, with the mission of community immersion and the goal of serving students in Coburg, which was adopted by 4J. Ms. Claypool shared that to continue CCS's mission, representatives from the school sought a waiver to allow students from the former Coburg Elementary School catchment boundary to be given priority. At that point, 50% was introduced as part of negotiations at the state level. The waiver had to be renewed annually and created a lot of instability for parents and staff. Ms. Claypool explained the passage of HB3313 was meant to alleviate instability for charters and families. She said it wasn't a reaction to long anticipated growth but was a pro-active stance CCS had taken since its inception, as a way to treat everyone in the catchment area with preference and create a historical tie with the community.

Kadri Jacobsen spoke about school nutrition. She was in support of Kid Food Matters and was an advocate for real foods. Ms. Jacobson asked board members to consider how their body felt when they ate a nutritious, simple meal compared to one that was full of sugar, trans fats, etc. Science supported there were differences. Ms. Jacobson attended the recent work session discussing nutrition services and she was surprised about the enthusiasm to continue with Sodexo. She provided an example of a Sodexo meal. On February 26, 2018 Sodexo served students French Toast Sticks. Ms. Jacobson couldn't pronounce most things on the nutrition label; however, one of the first ingredients was high fructose corn syrup. She was surprised by that, considering how many years the board had focused on eliminating the ingredient. Additionally, she was surprised by the comment that nutrition services needed to begin reinventing menus. Ms. Jacobson disagreed - healthy nutritious meals were out there already as many school districts already had healthy menus. She asked the board to reconsider their position on what kids deserved. Education didn't always start at home, it also started at school.

Erin Pasternack was new to the district. Her daughter and son were both students in 4J. Ms. Pasternack looked at school lunch menus to ensure there were some nutritious products. She was not familiar with district history around the topic, but she was appalled by menu options and wanted to speak up. Ms. Pasternack brought a June 16, 2015 article from the Washington Post. It explained the Food and Drug Administration (FDA) made a decision that food manufacturers had three years to remove artificial trans fats from the nation's food supply. That time limit had passed, and the district menus still included them. For example, there was a taco salad with vegetable shortening, including hydrogenated soybean oil. Some items served were illegal. Ms. Pasternack thought unacceptable food was being served to young children still developing. She concluded there shouldn't be an opportunity to eat those items, as parents trusted schools.

VIII. COMMENTS BY EMPLOYEE GROUPS

Tad Shannon, president of EEA, thanked board members who attended a recent rally in Salem. Roughly 350 local educators also came, with 5,000 attendees in total. Mr. Shannon had cautious optimism because there were indications that maybe Oregon legislators realized the state couldn't continue in the same trajectory if it wanted to improve high school graduation rates and behavior crises. He looked forward to continued advocacy.

IX. COMMENTS AND COMMITTEE REPORTS BY INDIVIDUAL BOARD MEMBERS

Ms. Walston attended the march in Salem. Additionally, she recently attended a Stand for Children event, where Ms. Shepard helped. She also participated in the Oregon Battle of the Books (OBOB) as a judge. Finally, there was an LCOG dinner on Saturday, March 2, 2019.

Mr. Torrey participated in the event at Salem. He was struck by consistency in the district's and EEA's declaration when hearing other speakers. All were in an effort to ensure education was

funded to the highest level possible. Mr. Torrey attended the event at South Eugene High School with Mr. DeFazio. He was impressed by student questions during the event. Mr. DeFazio also worked on a transportation committee. Mr. Torrey asked him about I-5 too Beltline 126 and West 11th - Mr. DeFazio expressed his concern as well. He concluded it was important to find ways to work together.

Ms. Nittler addressed public comments. She addressed Ms. Jacobson's comment around the board's position. Ms. Nittler clarified the board had not yet taken a position on food services; they would discuss that evening. Additionally, there were comparisons made between CCS and River Road el Camino del Rio which were somewhat inaccurate. Ms. Nittler did go to the Salem march which had great energy. She also attended an NCAA dinner, and that morning she read to elementary students and observed some behavioral issues. Ms. Nittler would work on a behavioral support task force in the near future. Lastly, the EEF gala was on March 5, 2019.

Ms. Levis thanked everyone for coming. She was always heartened by the passion brought forward. She reminded everyone the board was not on different sides than community members - everyone wanted to reach the same result. Remembering that was a good place to start.

Ms. Newman thanked folks for coming. She clarified decisions around the nutrition program and CCS hadn't been made. Ms. Newman was on the equity subcommittee and she noted members brought a lot of richness to discussions on different issues.

X. CONSENT GROUP – ITEMS FOR ACTION

1. Ratify Awards for Capital Improvement (CIP) Bond Funded Projects
2. ~~Approve Minutes from the Work Session and Regular Board Meeting on January 23, 2019~~

MOTION: Ms. Walston moved, seconded by Mr. Torrey, to approve the Consent Calendar.

VOTE: The motion passed unanimously, 7:0.

Ms. Nittler noted there were no minutes included in the agenda packet for her to read through. Mr. Torrey suggested removing the minutes from the consent group. There were head nods from all members and the item was removed.

XI. ITEMS FOR INFORMATION

1. Receive an Update on Bond and Levy Community Engagement Plan

Ms. Delf presented a PowerPoint entitled, "*4J Bond & Levy Community Engagement*."

Ms. Delf shared what was coming up, including meetings around school constructions, program moves, and the upcoming local option levy. During the month of February 2019, administration would meet with all schools being reconstructed to understand the overall process as well as engagement options. After, there would be community meetings to provide an update on expectations. There would be a series of school design, vision, and values workshops.

Ms. Delf said there were a number of programs moving or requiring a new space in the upcoming years. Some moves were related to bond construction; other moves were unrelated (i.e. ECCO and Chinese Immersion).

Ms. Delf stated if the board opted to place the local levy on an upcoming ballot, the district would provide information to, and would want input from, community members. Assuming the levy option moved forward, a community forum would be scheduled.

Ms. Delf shared the district would hold information sessions at the three schools being reconstructed. The sessions were very specific to each school. In March 2019, there would be a series of four workshops to develop vision and values and to inform future improvements.

Ms. Delf explained that as the district planned for program relocations, it would continue to provide updates to family and staff at affected schools. ECCO would move the fall of 2019 as the lease at LCC was expiring; Yujin Gakuen and Corridor would need to move the following year.

Ms. Nittler noted a slide indicated “find final locations for YG and Corridor.” Ms. Delf said correct, some programs would relocate in a temporary sense. After the new North Eugene High School was built, the old facility would remain as available space for alternative programs and final decisions around configuration would continue afterward.

Ms. Levis asked how the district communicated information out to folks. She also wondered expectation of board members during the process. Ms. Delf said there were a wide variety of ways to communicate (i.e. media, district website, individual school newsletters/emails, Facebook events, etc.).

To answer Ms. Levis’ second question, Ms. Delf understood board members were busy, so not everyone would be able to attend each event; however, it was desired to have all involved as much as possible. Important dates would be listed in board memos so individuals could express their interest in each community event. Ms. Levis noted translation and childcare was offered at each meeting. She also suggested sending a Doodle Poll to board members.

XII. ITEMS FOR ACTION

1. Approve Resolution 2019-10 Referring Local Option Levy Renewal Measure to the May 2019 Election Ballot

Ms. Delf explained the board had discussed the local option levy funding measure for schools for some time. The levy needed to be renewed in order for funding to continue beyond 2020. Ms. Delf presented a PowerPoint entitled, “*4J’s Local Option Levy*.”

Ms. Delf explained how the levy supported learning. The projected \$17 million in levy funds paid for 161 teachers and was equivalent to 26.5 school days. She explained it was one of two ways for local communities to fund education. Bond funds could pay for buildings and supplies, while levy funds paid for staffing, operations, and learning.

Ms. Delf shared that over time, levy revenues changed as it was affected by local property values and the relationship between Real Market Values (RVM) and assessed values.

Ms. Delf highlighted what the average taxpayer contributed. The maximum rate was \$1.50 per \$1,000 of assessed value, but most taxpayers pay less due to complexities of Oregon tax law. The average rate in property owners’ 2017 tax bills was \$1.01 per \$1,000. The estimate for next years’ tax was \$1.15 per \$1,000.

Ms. Delf said voter approval was required in order to pass a levy. 4J's levy was first approved by voters in 2000, and was then renewed in 2004, 2008, and 2014. Oregon law limited levy length to 5 years, so the current levy expired in June 2020.

Ms. Delf stated if the levy was renewed it would support current service levels. It was not additional funding -- it was a continuation of the current budget. Additionally, approval would not change the tax rate. If the levy was not renewed, \$17 million+ (~9%) must be cut from the annual budget starting in 2020–21.

Ms. Delf shared a map of previous voter support. Around 76% of the community voted in favor.

Ms. Delf stated the superintendent's recommendation was to submit the measure to voters on May 2019 election ballot. The timeline would be as follows:

- Board action: February 20, 2019
- File ballot title: by March 2, 2019
- File notice of measure election: by March 21, 2019
- Voter registration: by April 30, 2019
- Ballots mailed: May 1–7, 2019
- Ballots due: by May 21, 2019 at 8 p.m.

Mr. Torrey asked to explain how charter schools benefited from the levy. Ms. Delf said that 4J provided a portion of local option levy funding to charter schools for the proportion of students living within the district.

Ms. Nittler asked whether charter school funds were allocated by the board or if there was an agreement in the charter itself. Ms. Delf was unsure, as the agreement went back some time. Staff would follow up.

MOTION: Ms. Walston moved, seconded by Ms. Newman, to approve Resolution 2019-10 Referring the Local Option Levy Renewal Measure to the May 2019 Election Ballot.

VOTE: The motion passed unanimously, 7:0.

2. Appoint Presiding Officer for Board Hearing on March 21, 2019

This item was added to the agenda by request of Ms. Walston.

MOTION: Ms. Walston moved, seconded by Mr. Torrey, to appoint Erin Fennerty as presiding officer for the board hearing expected to be held on March 21, 2019.

VOTE: The motion passed unanimously, 7:0.

3. Approve Amending Ridgeline Montessori Public Charter School Contract to Remove Grade Level Enrollment Limits

Ms. McGaughy explained the superintendent recommended the board approve a contract addendum to the current Ridgeline Montessori contract to remove the grade level enrollment

limits. She explained there were five district contracts with charter schools; Ridgeline's was the only one having limits by grade level. Other schools had an overall enrollment cap.

MOTION: Ms. Nittler moved, seconded by Ms. Newman, to Approve Amending Ridgeline Montessori Public Charter School Contract to Remove Grade Level Enrollment Limits.

VOTE: The motion passed unanimously, 7:0.

4. Approve Resolution 2019-09 Authorizing Coburg Community Charter School to Give Priority Enrollment to Students Residing in Previously Established Attendance Boundary

Mr. Torrey told Legal Counsel that two of his grandchildren attended CCS and his daughter in law was a member of the board. He wondered if there was any conflict of interest, and if so, he would recuse himself from the discussion and vote. Dr. Balderas said there was no conflict of interest.

Ms. McGaughy said the superintendent's recommendation was that CCS give priority enrollment to 50% of students living in the previous boundary for Coburg Elementary School.

Ms. McGaughy clarified the district signed a letter of support that provided a waiver allowing priority enrollment of 50%. Due to recent legislation, school boards were now allowed to approve geographic priorities if they met four criteria without a waiver. CCS was the only charter of five in the district that had a special exclusive geographic priority. She thought there was some confusion about what priority meant. It was not a cap on enrollment for Coburg residents - it was a special geographic priority that guaranteed 50% of available seats to those living in that boundary. It meant that the first preference went to returning students. Of that first group, about 40% were currently Coburg residents.

Ms. McGaughy said the second group of students receiving preference were siblings. Then, the remaining percentage would be open lottery that allowed both Coburg families and 4J students to apply. Finally, the lowest priority was out of district students. That group made 14% of CCS enrollment.

Ms. McGaughy stated the equity lens was used during the decision-making process when providing the recommendation.

Ms. Walston appreciated the efforts of CCS. Ms. Walston asked what precipitated in bringing the issue to the district's attention; she was a bit caught off guard by the request. Ms. McGaughy thought the precipitating event was passage of legislation allowing charter schools that met four criteria (including approval from the authorizing board) to become geographic charter schools. Then, in fall 2018 CCS leadership approached the district

Ms. Newman asked whether the contract change could be brought up any time. Ms. McGaughy replied yes. Ms. Newman asked for CCS's mission. Ms. McGaughy stated CCS's mission in general was to be a community school, so there were strong partnerships with the community. There were beautiful relationships forged with businesses, events, festivals, etc.

Ms. Levis said a lot of numbers were brought up when discussing growth in Coburg, and some differed greatly. She wondered if the charter amendment could be considered later on.

Ms. Levis noted there was a public comment about transportation. Ms. McGaughy said the district did not provide transportation to charters unless it was part of an Individual Education Plan (IEP). She noted the district allowed CCS students to utilize the bus if they were on an existing route between Coburg and Gilham, and if there was extra space on those buses.

Ms. Walston appreciated the pack of information provided to board members by CCS leadership. She asked for projections of how many actual kids would be enrolled in the coming years.

Mr. Loureiro said currently, 89 students who lived in the old Coburg school boundary were enrolled. Regarding projected growth, the report provided by Portland State University (PSU) had the best information. The report was incorporated into the Long-Range Facilities Plan (LRFP). It was predicted the Coburg area would grow 0.5% in 2020 and then 1.2% annually until 2030. Based on that information, it would take at least 12 years to reach 225 students.

Mr. Torrey asked Ms. McGaughy to expand upon equity considerations. Ms. McGaughy stated the biggest groups showing disparities were students of color and special education needs students. She conducted a deeper analysis and what really stood out was the breakdown of students at CCS who lived in the neighborhood. Of the 89 students, about 90% were white. On the other hand, about 65% of Coburg students enrolled at Gilham Elementary School were white. CCS received additional diversity from students coming in from other areas.

Mr. Torrey understood the enrollment limit at CCS was 234, not 225 as mentioned.

Ms. Nittler clarified the equity lens took a broad look at different groups who could be affected by the resolution. Ms. McGaughy confirmed yes.

Ms. Levis noted there was testimony about the contract and including HB3313. Ms. McGaughy said HB3313 was passed, but enrollment priorities were contingent upon board approval.

Ms. Walston asked if choosing a cap on enrollment priority was binding if it was set to 100%. Ms. McGaughy said if the board decided on 100%, it really wouldn't come into effect until there were enough students living within the Coburg community wanting to attend the charter school. Until then, CCS would still allow 4J students first then out of district students to reach contractual enrollment limit.

Ms. Levis stated the board could reconsider the decision at any time. She asked Dr. Balderas whether his opinion changed at all based on analysis done and testimony heard. Dr. Balderas said no, and also reiterated it was not binding and was not a cap.

Ms. Newman was open to relooking at priority enrollment if and when growth occurred. She was concerned because she was unsure about unintended consequences if the board made the change now. Ms. Newman was also concerned about special education students not attending CCS. She wanted to understand why they chose to attend school at Gilham Elementary School.

Ms. McGaughy added that not all stakeholders had been engaged (i.e. those attending through lottery that were out of district). Charter schools were meant to increase choices for students so some families would be negatively impacted. In fact, 98% of families would not have the choice to attend CCS if there was increased priority enrollment.

MOTION: Mr. Nittler moved, seconded by Mr. Torrey, to approve Resolution 2019-09.

VOTE: There was no vote.

Ms. Nittler was not a huge fan of school choice, as it was hard to provide equity and choice at the same time. That being said, choice was a policy and value 4J claimed so it should be enforced consistently.

Mr. Torrey proposed an amendment to the motion. He took language used from the French Immersion School contract in terms of priority and utilizing the lottery system, to remain consistent. He wanted to provide first priority in lottery to students who qualified for free and reduced lunch within the original Coburg school boundary and exempt those students from the 50% limitation. Second priority would be students from all other areas in 4J who qualified. Mr. Torrey wondered whether or not the board could insert students of color. Ms. Nesbit responded state law allowed charters to give weighted preference to historically disadvantaged students. So, in order for the motion to be legal, it would need to include free and reduced lunch and one other factor from that list (i.e. race, disability, English Language Learners [ELL]). The caveat was the state law would sunset January 2, 2020.

MOTION: Mr. Torrey moved, seconded by Ms. Walston, to amend the initial motion to give first priority in the lottery to students who qualified for free and reduced lunch and students of color and that those students be exempt from the 50% preference.

VOTE: The motion was not passed.

Ms. Newman was concerned about kids on IEPs. It would be best to keep those students closer to their home community. Ms. McGaughy added some of the students going to Gilham Elementary School or elsewhere were enrolled in certain programs unavailable at CCS. Ms. Linder conferred with legal counsel on the issue. Staff would look to the IEP team to determine level of service needed for certain students; then, the district could possibly offer services in conjunction with attendance at CCS. For example, in the past the district picked up a student from CCS and took them to another school for part of the day to receive services.

Ms. Nittler quoted Mr. Torrey about remaining consistent. To her, the proposed amendment was a dubious and messy addition to an otherwise clean and effective resolution. Mr. Torrey disagreed because the original mission of the charter was to allow students to stay within their home community. It was a complex issue as they were trying to enhance equity and create a level of predictability. He wondered if there was a number greater than 50% that would be suitable and would allow CCS to plan for future growth.

Ms. Levis was concerned, as she wanted to ensure everything agreed upon was legal.

Ms. Nesbit thought it would behoove the board to use a race neutral alternative that generated the same result. She reminded board members the law was only in place for one more year.

Chair Hays supported Mr. Torrey's intent, but she would not support the amended motion.

Ms. Sundgrenz thought it was a very complicated topic and she still had questions.

Ms. Walston asked if the decision was time sensitive. Dr. Balderas said the item for action could be brought back at a future meeting. Mr. Torrey was prepared to table the issue.

Ms. Newman also wanted more time. Additionally, since the district knew priority enrollment would not be an issue in 2019-2020, it was unclear to her why a decision needed to be made at that time. Ms. McGaughy said priority enrollment was projected to reach 47%, which is why CCS was concerned.

Chair Hays wondered what would be different in two weeks. She asked if there were specific questions for staff to answer at the next meeting, or if there would be a work session.

Ms. Nittler did not think Charlemagne was a relevant example, because negotiations had been over a different situation. To her, the equity question at CCS wasn't about race but about excluding families from the option. Raising the priority enrollment to 100% would be an exclusionary practice.

Ms. Walston addressed Chair Hays' question. Ms. Walston wanted clarification on legal question. Ms. Levis added that new things were brought up that evening.

Ms. Delf provided additional clarity on lottery priorities and practices within the district.

MOTION: Mr. Torrey moved, seconded by Ms. Sundgrenz, to table a decision on Resolution 2019-09 to the March 6, 2019 regular meeting.

VOTE: The motion passed unanimously, 7:0.

XIII. ITEMS FOR ACTION AT A FUTURE MEETING

1. Consider for Approval the 2019-20 Academic Calendars

Ms. Nesbit explained state law required the board to adopt academic calendars annually. She was in consultation with staff, the superintendent, and EEA around the 2019-2020 calendar. The calendar was virtually identically to the 2018-2019 school year. There was no budget impact.

The superintendent recommended adoption at a future meeting.

Ms. Nittler noted it would be great to start the school year earlier, as it affected class time. Specifically, high school students received about three weeks in instructional time than counterparts on the east coast.

2. Review Nutrition Services Contract: Annual Evaluation for Renewal

Holly Langan explained the item was discussed in depth during the work session. At a future meeting, the board would vote on whether or not to renew a contract with Sodexo, the current school meal provider. Ms. Langan briefly presented a PowerPoint entitled "*Nutrition Services Annual Program Management Review.*"

Ms. Langan explained there were three options moving forward:

- Option 1: Renew Sodexo contract
- Option 2: Solicit new proposals
- Option 3: Transition to self-operating program

Ms. Langan reviewed benefits and drawbacks for each option.

Mr. Torrey clarified that other than going to self-operating model, the district had no other options besides releasing a new RFP or renewing Sodexo's contract. Ms. Langan said the district could negotiate within certain parameters, but they could not make major changes without opening an RFP.

Mr. Torrey stated the board could have whatever type of program they wanted, but they had to decide how much they were willing to spend. He noted there was money set aside in the bond.

Ms. Newman hadn't been on the board that long, but she felt they were having the same conversation as they did in 2018. She explained the board asked Sodexo to provide the district with a baseline and then begin eliminating seven ingredients. Ms. Newman didn't feel like the board had received good information from Sodexo. She was ready to do something different with nutrition services.

Ms. Nittler wondered when the district would transition to self-operating, if they chose to go that route. Ms. Langan responded that Sodexo's contract ended June 30, 2019, and then summer programs started up. Staff would likely recommend transitioning July 1, 2019.

Ms. Walston was dismayed that certain ingredients were still used by Sodexo. If the board decided to go with Sodexo, it was something that needed to be put into the contract.

Ms. Levis said school nutrition was a social justice issue and a health issue. She stated the district tried to work with its existing partner, but the business continued to not work with district and provide transparency. Ms. Levis pointed out there was money from the bond so the district could control its own destiny.

Ms. Newman asked who the other nutrition program provider in Oregon was, and wondered if the board could have additional information on the company.

Ms. Sundgrenz commented the district needed to make the most nutritious and healthy meals possible. She knew the district could do better. Ms. Sundgrenz didn't envision the district being able to go into Option 3 immediately, but she would like to explore how to use bond money toward nutrition programs.

Dr. Balderas explained that the transition to self-operating would have many up-front costs, such as additional staffing and utensils, for example. In that type of operation, the district would have more control over what was provided to students however it could be more expensive.

Ms. Langan explained one aspect of choice in self-operating. Currently, kids could not purchase single items like a carton of milk; they had to purchase the whole reimbursable meal. Because all food belonged to Sodexo, the extra couldn't be donated and there was generally more waste.

Ms. Newman thought Option 3 was a heavy lift in a short timeline. She was unsure what was feasible and would be curious to learn more.

3. Consider Approving Alternate Contract Methods: Construction

Mr. Spain and Ms. Knapel sought board approval to use alternate contract methods for selecting a construction manager and general manager. Mr. Spain explained that when the district

released an RFP for ATA in 2016, they only received one bid. In that case, the district was lucky because it was a responsible bid; however, if none were received the district would have lost money. With current market conditions, Mr. Spain thought it was critical to consider a different contract method with the current market conditions. Contract complexities enabled a contractor to get on board during the design process; right after an architect was selected. That way, the design team and the contractor could work together in scheduling and more. The change would save dollars all around.

Dr. Balderas added alternate contracting methods were utilized across the state by school districts.

Mr. Spain added that the top 20 school districts were using, or had since 2016, the alternate contract method. 4J used the process successfully during the 2002 bond. Between the facilities staff, there were about 47 years of combined experience in the process.

Mr. Spain said the district conferred with general contractors used before, and all were on board with the process.

Ms. Knapel explained how the process would work. Oregon Statute allowed districts to use the alternative contracting method, however, there were some requirements the district needed to meet. First, the district needed to present draft findings on why it was a good idea to use the alternate method. Those findings had to be posted for a two-week period so the public could comment. The findings were posted locally as well as in regional contractor publications so folks could review the report.

Ms. Knapel continued to say that after the two-week period the board would hold a public hearing acting on draft findings and then make a decision, based on the comments, whether to proceed with the method. There was a competitive process to select the contractor if the board decided to move forward. Initially, the district would go through an RFP process to select a general contractor. The process would require specific criteria such as background and experience, understanding of the district's particular projects, and the fee charged as part of contract negotiations. The general contractor would provide pre-construction activities; then, for the actual construction work, the contractor would competitively bid for a sub-contractor. Doing so was required by Oregon Administrative Rules (OAR). In sum, there were two competitive processes conducted.

Mr. Torrey asked for a timeline. Ms. Knapel responded the draft findings were prepared and posted on the district website. There was a public hearing scheduled for the March 6, 2019 regular board meeting.

Ms. Nittler thought the alternative method seemed to be good. She wondered if there were downsides. Mr. Spain responded a downside would be if the district designed projects and then didn't receive bids. But, if a general contractor was already locked into the job, they would then competitively bid out to their subcontractor group. The benefit was that typically, reputable general contractors often had large followings of subcontractors to draw from.

Dr. Balderas added it was difficult to find contractors/subcontractors because there were many projects occurring within Eugene.

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

1. Next Three Meeting Dates:

- March 6, 2019
- March 20, 2019
- April 3, 2019

Ms. Levis asked board members to email any comments on CCS to the superintendent.

XV.ADJOURN

Chair Hays adjourned the meeting at 10:10 p.m.

(Recorded by Marina Brassfield)

Dr. Gustavo Balderas
District Clerk

Alicia Hays
Board Chair