

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

Date: February 16, 2022

The Board of Directors of School District No. 4J, Lane County, Eugene, Oregon, held a work session at 5:30 p.m., a regular board meeting at 7:00 p.m., and an executive session immediately following the regular board meeting in-person and via zoom and at the Education Center, 200 North Monroe Street in Eugene, Oregon. Notice of the meeting was mailed to the media and posted in the Education Center on Friday, February 11, 2022 and published in *The Register-Guard* on Monday, February 14, 2022.

ROLL CALL

BOARD MEMBERS:

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

STAFF:

Cydney Vandercar, Superintendent
Kerry Delf, Chief of Staff
Brooke Wagner, Assistant Superintendent for Administrative Services
Christine Nesbit, General Counsel
Kyle Tucker, Chief Operations Officer
Karen Hardin, Director of Human Resources
Andrea Belz, Director of Finance
Lisa Fjordbeck, Executive Assistant / Board Secretary

MEDIA:

KMTR

I. 5:30 P.M. WORK SESSION

Executive Leadership Appointment Practices

The board did not recess to executive session to consider information or records exempt by law from public inspection, pursuant to ORS 192.660(2)(f).

Chair Newman called the work session to order. She asked that the board hold their questions until after the presentation.

Karen Hardin, Director of Human Resources, shared history about the positions of Assistant Superintendents in the district. She added that every year it was the practice of the superintendent to move administrators. Ms. Hardin then gave the reasons why a superintendent

would appoint someone to a position as opposed to having an open interview process. They included: the person had successful, established relationships within the district; the person's qualifications aligned with the district's missions and goals; the candidate had a positive history in 4J; the person's leadership been tested; the climate of the district supported a person being appointed. Ms. Hardin then gave reasons for recruiting a candidate: there was need for a new perspective; there were no clear internal candidate. Ms. Hardin also pointed out that for employee groups represented by unions, it was a requirement to post vacancies, but in the Managers, Administrators, Professionals and Supervisor's (MAPS) contract, there was no guidance.

Ms. Hardin shared a chart showing the history of the assistant superintendents and chief operations officers and pointed out that over the last twenty-four years, all but three had been appointed.

Ms. Nesbit introduced Jollee Patterson, partner with Miller Nash, outside counsel for the school district. Ms. Patterson spoke on the role of the superintendent in hiring or appointing an assistant superintendent. She said that the board approved the hiring of personnel through the consent agenda in the board packet.

Ms. Patterson was not aware of boards that were involved in the interviewing or other actions leading up to hiring. Superintendents had the authority to appoint and there were documents approved by the board that supported that authority. Ms. Patterson referred to the specific language in the superintendent's contract. She also referred to policy BBF which stated that although the board set policy for the district, they did not manage operations on a day-to-day level. Policy CBA also provided to the board the duties of the superintendent which included recommending hiring of union-represented personnel, and appointing, hiring and firing of non-represented personnel. Ms. Patterson summarized that board policies gave the superintendent authority to appoint personnel to certain positions and that there was no law that required the board to be actively involved in hiring below the level of the superintendent.

Ms. Nesbit opened the meeting for questions.

Mr. Lafer asked in situations where the interests of the superintendent and the interests of the board were not in agreement, were the inhouse and outside counsel representing the superintendent or the board. Ms. Nesbit responded that the district counsel was counsel for the district. Mr. Lafer reiterated his question to which Ms. Nesbit responded that district counsel was accountable to the board. There was further discussion about the nature of the meeting and who counsel was representing.

In response to a question from Ms. O'Rourke, Ms. Nesbit clarified that if a board member wished to discuss an item in a consent agenda, they could request to have it removed from the consent agenda and discussed as an item for action. She added that depending on the nature of the discussion, it might require being moving to executive session.

Ms. Rabasa asked Ms. Patterson what the term "appropriate category of employee" meant. She also asked whether the list of personnel actions included all administrative reassignments, such as principals moving from one school to another.

Ms. Patterson responded that she had used the term “appropriate category of employee” to define those persons who were included in the personnel actions of the board packet. In most situations, the board was required to approve the hiring of the superintendent and the contracts and renewals for licensed employees. In many districts, the hiring and firing of non-licensed employees did not appear in the personnel packet. She understood that in 4J, the names of administrative level hires and appointments were included.

Ms. Nesbit clarified that transfers within a level were not typically included, but other appointments were.

Mr. Lafer referred to ORS 332.505 which stated that the board had the authority to appoint the superintendent and assistant superintendents. It was up to the board to decide to use the authority or delegate it to the superintendent. He said that in the case of a superintendent, the board would need to approve a contract and make an announcement of hiring before the person began their job. He considered the process that had recently occurred to hire the assistant superintendent to be out of line.

Ms. Patterson said that when the board approved an assistant superintendent in a personnel agenda, they were fulfilling their role as outlined in ORS 332.505. Ms. Patterson was not aware of any court that had interpreted the clause.

Chair Newman said that the policy did delegate to the superintendent the ability to make appointments.

Ms. Hays was asking the purpose of the work session. To her it was clear that the superintendent had the responsibility to appoint or hire an assistant superintendent. Ms. Hays added that she considered that in her actions, the superintendent was responding to the sense of urgency to fill the vacant position of assistant superintendent that had been expressed by some of the board members. She asked one of the three board members who had called the work session to clarify the purpose of the meeting.

Ms. Rabasa said she had requested the meeting even before the appointment had been announced in order to have clarity and transparency around the process. She was concerned about appearances of impropriety in hiring practices. She was curious about how communication was prioritized in the district. She was aware that many were still not aware of the appointment and questioned the speed with which the appointment had been made in contrast to the length of time it often took to hire teachers. She did not want to imply that anything improper had occurred, but she was aware that actions such as had occurred created a lack of transparency and created mistrust. She also said that she did not like being uninformed about important matters for which she might have to field questions.

In response to a question about the practice of appointments under Superintendent Berman, who seemed to be absent in the chronological list, Ms. Hardin responded that Dr. Berman did not have assistant superintendents.

Mr. Lafer had called for the session to discuss the process which had not been transparent and had created an awkward situation on the heels of the departure of the prior Assistant Superintendent Dr. Salgado. He said that at the time of the announcement of Dr. Salgado's departure, he and other board members had asked for an open process with input from the

board to fill the position, not an appointment. He was concerned about the integrity of the superintendent search. He was aware that the appointment had created cynicism and mistrust and also undermined the work of Dr. Wagner. Mr. Lafer concluded his comments by saying that the board had the legal authority to appoint an assistant superintendent and that was the direction he wanted to take in the present situation.

In response to a question from Ms. O'Rourke, Ms. Hardin responded that George Russell had appointed assistant superintendents while he was an interim superintendent. The only other interim superintendent who appointed an assistant superintendent was Superintendent Vandercar.

Ms. O'Rourke was concerned that an interim superintendent had the ability to make permanent appointments. The person who had been appointed was not the issue for her, but rather the way it had occurred. She added that in light of all the work the district was doing to implement an equity lens to their decisions, she wondered how it had been applied in the situation. She did not want to do business as usual. She considered the process to have been a missed opportunity to do foundational equity work.

Ms. Walston said that when interim Superintendent Vandercar was appointed, she was given the full authority of a superintendent to do the work of the district with no restrictions.

Ms. Rabasa asked why other appointees was not also on this list given to the board by Ms. Hardin. Ms. Rabasa continued by asking why Superintendent Vandercar had not have an interview process to appoint Ms. Wagner to her current position as she had to hire Ms. Wagner to the interim position. She considered it to be a better process. She added that there was precedence for including the community with hires other than the superintendent. She referenced a time earlier in the history of 4J when the community was involved in hiring the principal of their school. She questioned why there had been a shift to a more closed process which was not as transparent or inclusive.

Ms. Vandercar read from a prepared statement: She was disappointed with the way her actions had created question about her character and performance. She said it was the practice in the district and other districts to select, hire and transfer cabinet members for which she also had authority. She claimed that the rumors that she had hired her best friend were unfounded. She had the highest respect for Dr. Wagner and considered her highly qualified for the role. She shared the climate in which Ms. Wagner had been hired: someone was needed to stabilize the department, "hit the ground running", do the work, and make the position permanent. She had considered a number of internal and external candidates. The person needed to have a strong commitment to equity, appreciation for the relationship with the district's unions, understanding of the SIA budget and process, informed decision making for school staffing, understanding of the education process at all schools, respect for the need to support every school, and more.

Superintendent Vandercar chose Dr. Brooke Wagner who had a quarter century of experience in education and an earned doctorate in education. Ms. Vandercar considered Dr. Wagner to be highly qualified for the role, and shared Ms. Wagner's history with the district and with Springfield School District.

Ms. Vandercar then answered questions about Ms. Melissa Goth who had been offered a position in the district, but turned it down. Superintendent Vandercar had not done an interview

process because she had heard from a number of board members that the process needed to happen quickly. The reason why the district was not including outside persons to be on hiring committees was due to privacy issues: the names of external candidates were being shared inappropriately. Ms. Vandercar also said that she had been asked questions about personnel that could not be answered in a public setting. Of all the persons she had considered, she knew that Dr. Wagner would work to ensure the best outcome for all students.

Ms. O'Rourke said that part of the equity lens was to consider who was not at the table and to ensure an open, transparent system, to which Ms. Vandercar responded that when it came to discussing personnel issues, she often could not do it openly and transparently because of legal requirements.

Superintendent Vandercar said that she had been shocked by the response she received to her appointment, after doing what she considered to be in the best interest of the district and with direction from board members. She compared the current situation to a past superintendent who had appointed all his cabinet members and had not received any pushback. She asked that if she was not to follow the same process, that she be told so by the whole board.

Ms. Rabasa appreciated the statement that Ms. Vandercar had read. She said it was not about the hire of the person, for whom she had the utmost respect, it was the process. She acknowledged that she had been one of the people asking for urgency in the hiring. Along with her call for urgency, she had repeated her desire to be kept in the loop. She emphasized that she need clarity on the process. When she had asked Superintendent Vandercar for an update, she had received none, only to find out soon after that Ms. Wagner had been appointed, which made her feel underinformed. She said that there were still staff wondering why they had not heard about the appointment either.

Ms. Shabram appreciated what she had learned about the history. She strongly disagreed with the questioning of Superintendent Vandercar's decision. She said that if she was in a candidacy role and heard her board speaking about the superintendent the way that they were speaking about Superintendent Vandercar, she would be very leery of taking a superintendency. She said that if she were looking for a job and heard how this board speaks to the superintendent, she would not want to work in such a place. She did not agree that the board should be involved in the hiring of cabinet members. She did not consider herself qualified to make the decisions necessary. She said that was the role of the superintendent. Ms. Shabram added that she would not want to be micromanaged in the way that Superintendent Vandercar had been. She did not understand where the stories and rumors were coming from, instead she wished for faith and trust in their one employee to do her job.

Mr. Lafer said that his comments had nothing to do with stories or rumors. He added that he regretted that Superintendent Vandercar was in the position she was. His concerns had everything to do with the process. He asked when multiple board members said they wanted to have an open and transparent process, why did the superintendent not speak up? He also commented about the decision to hire Ms. Wagner after Superintendent Vandercar found out she was no longer a candidate for the superintendency in Albany.

Ms. Vandercar responded regarding the question about her candidacy for the position in Albany and also that their board had asked her not to say anything. She reiterated that unless she received a clear direction from all board members, she followed policy and practice under her

job description, which she had done in the case of hiring Ms. Wagner. There was a continued discussion between Mr. Lafer and Superintendent Vandercar.

Ms. O'Rourke said that she did not see how the equity lens had been used. She added that if Superintendent Vandercar were the superintendent, Ms. O'Rourke would not have a problem with the appointment of Ms. Wagner. However, Ms. Vandercar was only interim. Ms. O'Rourke said her motivation was to be as transparent as possible. She said that it was rare for an appointment to be kept from the board. She wanted to see the equity tool used in the way it was meant to be. Ms. O'Rourke asked for more information from Superintendent Vandercar about the way she was making decisions. She asked to work as a district on how processes were used and reported. Responding to a question from Ms. O'Rourke, Ms. Nesbit said that although the board had adopted an equity tool, they had not created a policy. Ms. O'Rourke asked that the board discuss creating a board policy for the use of the equity tool at a work session in the future.

Ms. Walston said that to be kept in the loop, board members needed to be open to discussing issues with their superintendent. She also took offense at being included in Mr. Lafer's apology for disrespecting Dr. Wagner because she had not done so. She said that she did not include herself in the "we" that Mr. Lafer referred to.

Ms. Hays said that Ms. Shabram's statement had captured her sentiment and feelings regarding the issue. She was surprised that there were board members who insisted that the assistant superintendent position be filled, along with other directives, when it was not decided upon by the whole board. She said that it was confusing. She opined that the word "transparency" might mean different things to each board member. She said that it was hard to watch the superintendent be grilled and to have the rules change. She was committed to doing a better job of working together. She hoped that the discussion that was occurring would not happen again. She did not appreciate that the board were treating the superintendent in the manner occurring that evening.

Chair Newman concluded the work session by agreeing that in the future if the board wanted the superintendent to take a specific action, they needed to put it on the agenda and vote on it.

II. 7:00 P.M. REGULAR BOARD MEETING

III. CALL TO ORDER, ROLL CALL

Chair Newman called the meeting to order at 7:04 p.m. Chair Newman noted that all board members were present. Ms. Hays joined the meeting via video conference.

IV. ITEMS FOR ACTION

1. Consider Calendar Dates for Training Retreat with Alma Advisory Group
2. Discuss Timeline for Superintendent Selection Process

Chair Newman began the discussion of both items for action by getting affirmation that all the board members wanted to continue with the superintendent search. Ms. O'Rourke said that it was imperative to get going. She did not agree with the perception that the board was dysfunctional. She said that the board was in change and sometimes change was hard.

Chair Newman continued that Alma Advisory Group had suggested that the board have a training retreat. Chair Newman wanted to discuss the merits of having training, and if the board agreed, when it would occur.

Mr. Lafer was skeptical that the training would have any effect. The issues the board was having were about what was important to each board member, and he did not see how that would be resolved through a training session. Mr. Lafer continued that he had great respect for Superintendent Vandercar at the same time that he disagreed with the way she had handled the appointment of the assistant superintendent for instruction.

Mr. O'Rourke said she did not feel that Alma was qualified to hold a safe retreat. She said that the anti-bias training had not been a safe space for her. She felt that conversations would get the board closer to each other, but was leery of whom could facilitate a safe retreat.

Ms. Rabasa wondered whether a two-day retreat would meet the intention of helping the board to function better, and if not, would the time spent be worth it. She did regret not having had more time to build community at the beginning of her tenure on the board. She added that not knowing what Alma's plan was made it challenging to determine whether they could create a safe space.

Chair Newman responded that she had been in touch with Alma Advisory Group and learned that they planned to check in with each board member individually to get their expectation and create the agenda for the retreat. She said that she had been interviewing other people who could facilitate. Ms. Rabasa wondered whether Alma considered having a training retreat to be a deal-breaker for working with the board. Chair Newman said she had not asked them.

Ms. Hays said that she also was skeptical about whether the board would find benefit from the retreat. She continued that it was important to her that everyone felt safe. She referred to an incident that had just happened in the prior work session and what she had learned from it regarding the importance of choosing her words so that others could hear what she had to say.

In response to a question from Mr. Lafer regarding whether the retreat would be private, Chair Newman said she had met with the district's general counsel to determine that the board would be able to meet privately as long as they kept the focus of their discussion to how to work together better, used general examples, and did not discuss district business that was immediate or could be business in the future. Mr. Lafer was interested in determining what the outcome of the training would be, for example: how to make decisions.

Chair Newman responded to a comment by Ms. O'Rourke by suggesting the board determine together what would be the focus of the meeting.

Ms. Walston agreed that she wanted to know what the goal of the training would be and who would lead it.

Ms. Rabasa said that if the intention was specific to the process of hiring the superintendent, the board should consider Alma Advisory Group.

Chair Newman suggested that the first step would be to proceed with individual conversations with Alma, from which could be created an agenda, and then decide whether to move forward or not. There was a discussion about the benefit of having an opportunity for Alma to speak to each board member individually. Mr. Lafer and Ms. O'Rourke asked for some samples of recent agendas from other retreats.

Ms. Rabasa asked that the information regarding the qualifications for the superintendent be shared as soon as possible so that the board could meet to finalize them.

Chair Newman returned to the conversation about the retreat and asked the board to consider possible dates. Ms. O'Rourke wanted to make sure that the work of hiring a superintendent moved forward separately from the retreat. Ms. Walston was concerned whether Alma Advisory Group could do the work needed to plan a retreat in such a short amount of time.

Ms. Hays recapped the plans that she thought had been agreed upon by the group: to do a Saturday-Sunday retreat after Alma Advisory Group had interviewed each individual board member to form an agenda. There was continued conversation about ensuring that everyone felt comfortable and the group would process. **Ms. O'Rourke moved to have a weekend retreat on February 26-27 with Alma Advisory Group, with additional information provided before the retreat. Ms. Shabram seconded the motion. Ms. Rabasa added that the meeting would not happen if after speaking with Alma, someone was uncomfortable proceeding.**

Ms. Walston asked for clarification about the times on Saturday and Sunday.

The motion passed unanimously 7:0.

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

Ms. O'Rourke asked to have a discussion about policy regarding changes to the board calendar. She also asked to discuss difference in authority between a superintendent and an interim superintendent to appoint staff members. Ms. O'Rourke also asked to have two co-chairs for Leadership because of the amount of work required. There were enough board members in agreement with each suggestion to move them to Leadership for planning for future meetings.

Chair Newman reviewed the calendar for upcoming meetings and trainings.

VI. EXECUTIVE SESSION

Immediately following the board meeting, the board convened in executive session to "conduct deliberations with persons designated by the governing body to carry on labor negotiations," pursuant to ORS 192.660 (2) (d).

All matters discussed during this executive session were confidential and should not be disclosed without authorization by the school board.

Pursuant to ORS 192.660 (4) and board policy BCD Executive Sessions, members of the news media may not be present for an executive session to conduct deliberations with persons designated by the board to carry on labor negotiations.

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

VII. ADJOURN

Chair Newman adjourned the regular meeting at 7:52 p.m. The executive session began at 8:00 p.m.

Cydney Vandercar
District Clerk

Judy Newman
Board Chair

(Recorded by Eliza Drummond)