

MINUTES OF 4J BOARD OF DIRECTORS SPRING RETREAT
SCHOOL DISTRICT 4J, LANE COUNTY, OREGON

Date: May 8, 2024

The Board of Directors (BOD) of School District No. 4J, Lane County, Eugene, Oregon, held a spring retreat at 4:30 p.m. in-person at the Education Center, 200 North Monroe Street in Eugene, Oregon, via live-stream and broadcast on KRVM. Notice of the meeting was emailed to the media and posted on the 4J website on May 3, 2024.

ROLL CALL

BOARD MEMBERS PRESENT:

Chair Maya Rabasa
Vice Chair Jenny Jonak
Judy Newman
Ericka Thessen
Tom Di Liberto
Morgan Munro
Rick Hamilton

STAFF:

Colt Gill, Interim Superintendent
Sherry Moore, Executive Assistant to the Chief of Staff
Debbie McKim, Executive Assistant to the Interim Superintendent and Board

OTHER GUESTS:

Vince Adams, Board Development Specialist, Oregon School Boards Association (OSBA)

EMPLOYEE ASSOCIATIONS:

None.

MEDIA:

None.

I. CALL 4J BOARD OF DIRECTORS SPRING RETREAT TO ORDER

Chair Maya Rabasa called the 4J Board of Directors Spring Retreat to order at 4:33 p.m.

II. ROLL CALL

Chair Rabasa said the names of the board members and attendees who were present.

III. ITEMS FOR INFORMATION

Board Development Specialist Vince Adams from the Oregon School Boards Association (OSBA) introduced himself. Mr. Adams explained that in his role as Board Development Specialist he provides training to school boards. Mr. Adams has ten years' experience serving on the Corvallis School District School Board.

The group engaged in an icebreaker game and shared the reasons why they chose to serve on the school board.

Ms. Munro voiced that her purpose serving on the school board is her history with the district and belief that public school is an important part of community and democracy. Her why is helping Eugene School District 4J become a functional bureaucracy with organizational clarity.

Ms. Newman said her why is that she feels strongly about public education and the role it plays for our voting public, economy, and equity for everyone. Specifically, she is passionate about aligning early childhood education and K-12 with an emphasis on special education and inclusion.

Interim Superintendent Gill said his why is supporting the needs of his community, students, and educators in a district he cares about.

Chair Rabasa is a former teacher inspired by what education could be.

Ms. Thessen said she is passionate about supporting neurodivergent students.

Mr. Di Liberto is a former 4J educator who wants to be part of a school board that considers its constituents and stakeholders.

Vice Chair Jonak said her why is to revolutionize neurodivergent students' right to access quality special education.

Mr. Hamilton explained that he has experience coaching athletics and has always enjoyed supporting youth.

1. REFRESHER ON PUBLIC MEETING LAWS AND BOARD RULES AND RESPONSIBILITIES

Mr. Adams introduced a refresher on public meeting laws and board rules and responsibilities via PowerPoint presentation.

He referenced Oregon's Public Meetings Law (ORS 192.620), "The Oregon form of government requires an informed public aware of the deliberations and decisions of governing bodies and the information upon which such decisions were made. It is the intent of [public meetings law] that decisions of governing bodies be arrived at openly."

He emphasized that while there have been new legislative updates to public meeting law, the changes to the process are not significant. He stressed avoiding email, text, and other methods of communicating to prevent unwittingly convening a meeting. According to HB 2805, convening means "gathering in a physical location; using electronic, video or telephonic technology to communicate contemporaneously among participants; using serial electronic written communication among participants; or using an intermediary to communicate among participants."

Chair Rabasa asked for more clarification around serial meetings.

Mr. Adams responded to think about the distinction between sharing information and lobbying. He urged having conversations in public. He provided examples of what are acceptable (discussing meeting logistics) and what are not acceptable (discussing board elections) conversations to have. He emphasized the distinction: the first example is acceptable for collecting information for the logistics of the board and the second example is not acceptable as it has the potential to shape a decision.

Mr. Adams and the BOD went over the 4J definition of a quorum, “a quorum will consist of the majority of the board members. Any four members of the board shall constitute a quorum.” He emphasized that four is still a quorum even in the case of a vacancy.

Mr. Adams and the BOD discussed best practice for occasions when the board members convene for an event or social gathering. He cautioned school board members about convening in a group, recommending that board members disperse and mingle as a means to signal public trust in that setting. Members constituting a quorum may not decide on or deliberate towards any decision.

Public meeting laws do not apply to communications between members that are a) purely factual or educational in nature and convey no deliberation or decision on any matter that might reasonably come before the governing body, b) not related to any matter that, at the time, could reasonably be foreseen to come before the governing body for deliberation and decision, or c) non substantive in nature, such as scheduling, leaves of absence, etc. For example, emailing an article to board members or logistics for carpooling.

There was discussion about the ethics of appropriate communication and the difference between sharing information versus lobbying. Mr. Adams recommended if there is any question about the ethics of sharing information, best practice is to share the information (i.e. article) in a handout during a public meeting.

Mr. Adams introduced the topic of public meeting minutes. The minutes must be a true reflection of the matters discussed and the views of the participants and be made available to the public within a reasonable time after the meeting. He went over public meeting requirements, including that a meeting must occur within the district, must be Americans with Disabilities Act (ADA) accessible, must be remotely/virtually accessible, and must be publicly noticed (7-10 days for a regular meeting, 24-hours for a special meeting, or in the event of an emergency meeting, the minutes must describe the emergency justifying less than 24 hours’ notice).

Mr. Adams informed the BOD that the Superintendent’s contract is a public record and is to be discussed only in a public meeting, rather than in an executive session.

Mr. Adams covered committees and subcommittees, noting that they are also subject to public meetings law if they have 1) authority to make decisions for a public body or 2)

authority to make recommendations to a public body. For workgroups making recommendations to the superintendent, he strongly advocated using charter documents and offered a template for use.

There was discussion about utilizing resolutions along with motions. A motion is a proposal from a member of the meeting whereas a resolution reflects the general opinion of the board. Not all motions can be resolutions, but all resolutions come from motions. Resolution numbers may assist with record keeping, as they assign a number to every motion. Mr. Adams said that resolutions are an administrative process for tracking actions.

Mr. Adams went over executive sessions, permitted for specific reasons: to consider matters relating to the safety of the governing body, staff, and volunteers, security of public body facilities and meeting spaces, cyber security, employee dismissal, discipline, or complaint, labor negotiations, real property transactions, records exempt from public disclosure, consult with attorney regarding pending or threatened litigation, evaluate employee performance, and student expulsion. Voting must take place in open session, except for executive session held pursuant to ORS 332.061 (expulsion of a minor student or examination of a student's confidential records). He added that the easiest way for the board to get into trouble is by straying off topic in an executive session.

Executive session violations may include complaints, fines, and lawsuits. Fines may include a civil penalty of up to \$1,000 for each board member who participates in an illegal executive session. He noted that the Oregon Government Ethics Commission (OGEC) is no longer obligated to wait for a complaint.

Mr. Adams shared information pertaining to media. Media can be excluded in four cases: labor negotiations, considering expelling a student, discussing students' confidential records, discussing litigation against the district in which the report or the reporter's media organization is involved.

Mr. Adams urged the BOD to reference the Oregon Attorney General's Public Records and Meetings Manual (2019 edition) online at <https://www.doj.state.or.us/oregon-department-of-justice/public-records/attorney-generals-public-records-and-meetings-manual/>. For legal guidance, email pacelegal@osba.org.

Mr. Adams went over how to build a meeting agenda. He and the BOD discussed the frequency and length of 4J school board meetings. He inquired about the amount of time spent in public meetings. Interim Superintendent Gill described the 4J public meeting format and BOD members offered context for the information they provide in meetings, resulting in a discussion about the history, function, and expectation of board member reports.

Mr. Adams suggested that board member reports may be performative. He advised moving board member reports and non-substantive agenda items to the end of the meeting.

Interim Superintendent Gill brought up the challenge of staff reports occurring so late in the evening.

There was discussion about restructuring the school board agenda by moving board member reports to end of meeting, limiting the board member report time to approximately two minutes, or sharing board member comments in an alternative format.

There was discussion about the functionality and content of student representative reports. Chair Rabasa explained that each high school has two alternating representatives on the board.

Ms. Munro brought up a concern about board packets and how the information is presented. She said it is sometimes challenging to understand and noted that student representatives and members of the public may also be reading it.

Vice Chair Jonak added that sometimes the information is too little and sometimes it is too much. She provided an example of receiving a two-hundred-page report, only to have the presenters deliver a condensed presentation at the board meeting. She would have preferred a condensed report in the meeting packet.

Mr. Adams responded with a comment about a findings letter, which provides all the substantive information.

At his request, Chair Rabasa explained the current process for building the school board agenda. Mr. Adams expressed approval of 4J procedures and acknowledged that the BOD has faced unusual circumstances this school year, resulting in more meeting time, less policy work, and other challenges.

Mr. Adams suggested that the BOD consider using consolidated information as a place to put reports, not referring to it unless a question comes up. Furthermore, if there *is* a question on an agenda item, he strongly urged submitting it to staff ahead of time so that they can prepare an answer.

Chair Rabasa responded that the working agreements state that questions must go through the Superintendent.

Mr. Adams noted that there seems to be a lot of congestion in the process. He said review of school board agendas will give him a better sense of if the 4J school board process is aligned with their strategic priorities.

Interim Superintendent Gill responded that other departments in the district could benefit from better aligning with board priorities, for example the Finance Department.

Mr. Adams offered a series of recommendations, starting with considering strategic abandonment by focusing attention on what is going to have the most impact on children. Regarding agendas, he said to look at three agendas: the upcoming agenda, the two weeks

out agenda, and the one month out agenda. He recommended utilizing a spreadsheet with all twelve months. He offered a template for use. He added that the BOD may want to consider reversing the order of agenda items.

Vice Chair Jonak asked about starting the regular board meetings at 6:00 p.m. instead of 7:00 p.m.

Chair Rabasa responded that the last time that was proposed, it did not get good feedback, but it could always be reconsidered.

Mr. Adams brought forward the topic of electing school board officers (i.e. Chair and Vice Chair). He explained that the Chair has a four-year term limit, and officers are elected during an organizational meeting.

There was consensus to hold an organizational meeting during the first week of July 2024.

Discussion ensued about leadership expectations, existing inequities, and the mechanism for nominating school board members to a leadership position. The Chair will solicit the willingness of school board members for nomination.

2. FINALIZING BOARD WORKING AGREEMENTS

Mr. Adams and the BOD reviewed the draft board working agreements, including norms, board roles, responsibilities, and relationships, operations and decision-making, communications, and governing law and policy documents.

Adjustments were made to refine language and provide more clarity. Board members may email Chair Rabasa with further suggestions. Next steps include finalizing the working agreements. Mr. Adams will offer guidance and follow up with the board.

There was consensus to hold a tentative school board retreat on Thursday, June 6 at 4:30 p.m.

IV. ADJOURNMENT

Chair Rabasa adjourned the 4J Board of Directors spring retreat at 8:59 p.m.



Colt Gill
District Clerk



Maya Rabasa
Board Chair

(Recorded by LCOG)
Approved on 06/05/2024