

NOTICE: The meeting will be open to the public via live broadcast on KRVM 1280-AM, via the internet at www.4j.lane.edu/stream or via Zoom Webinar at <https://zoom.us/j/96142344890?pwd=bFlybTJlMnNST2RzUnNhQ0c1Zm5tZz09>

Public Comment: Interested residents can submit a request to provide public comment online at 4j.lane.edu/board/publiccomment (<https://www.4j.lane.edu/board/publiccomment/>). The deadline is noon (12 p.m.) on Monday before each regular meeting of the school board. District staff will contact requesters after the deadline to notify them whether they have been selected to speak and, if so, when and how to connect to provide public comment to the board.

Residents can continue to submit written comments via email to board@4j.lane.edu, with "Public Comment" in the subject line. The board will read and take into consideration all comments submitted by noon on the day of the meeting.

7:00 PM

6:00 p.m. Executive Session (non public) and 7:00 p.m. Regular Board Meeting

- I. **6:00 p.m. Executive Session (non public):**
The board will convene in executive session to conduct deliberations with persons designated by the governing body to negotiate real property transactions, pursuant to ORS 192.660 (2)(e)

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

- II. **7:00 p.m. Regular Board Meeting:**
- III. Call to Order, Roll Call, Flag Salute, Land Acknowledgement
- IV. Agenda Review
- V. Introduction of Guests and Superintendent's Report
- VI. Comments by Board Chair
- VII. Receive Reports from High School Student Representatives
- VIII. Items Raised by the Audience - Public Comment:

3

Up to 10 residents will provide public comment at each meeting. The time limit per speaker is two minutes. If more than 10 residents request to speak, the selection and order of speakers will be determined randomly. To ensure a diversity of voices, however, priority will be given to residents who did not provide public comment during the previous two meetings.

Community members can continue to submit written comments via email to board@4j.lane.edu.

Speakers may offer objective comments or criticism about district operations and programs. The district has a board policy for filing a formal complaint. Please contact the Superintendent's Office at 541-790-7706 for more information.

- IX. Comments by Employee Groups
- X. Consent Group - Items for Action
 1. Approve Meeting Minutes: December 16, 2020
Presenter: Cydney Vandercar, Superintendent
- XI. Items for Information

31

1.	Receive an Update on Lane ESD 2021-23 Local Service Plan Year One (15 minutes) Presenter: Cydney Vandercar, Superintendent	42
2.	Receive Update on COVID-19 and Return to On Site Learning (60 minutes) Presenter: Cydney Vandercar, Superintendent	81
3.	Bond Update and Summer 2021 Facilities Plan: (25 minutes) Presenters: Kyle Tucker, Chief Operations Officer and Ryan Spain, Director of Facilities Management	90
4.	Receive Update on Graduation Rates: (25 minutes) Presenters: Andy Dey, Director of Secondary Education and Oscar Loureiro, Director of Research and Planning	97
XII.	Items for Action at a Future Meeting	
1.	Consider Approval of Lane ESD 2021-23 Local Service Plan Year One: (5 minutes) Presenter: Cydney Vandercar, Superintendent	114
2.	Consider Adoption of DJC-AR Special Procurements and Exemptions from Competitive Bidding (5 minutes) Presenters: Holly Langan, Director of Support Services and Christine Nesbit, General Counsel	116
3.	Consider Adoption of and Revisions to Board Policies (10 minutes): CI – Emergency Superintendent Authority (<i>new adoption</i>) IGBA – Students with Disabilities – Child Identification Procedures IGBAH – Special Education – Evaluation Procedures IGBAJ – Special Education –Free Appropriate Public Education (FAPE) IGBBC – Talented and Gifted – Programs and Services JGAB – Use of Restraint or Seclusion JGD – Suspension Presenter: Christine Nesbit, General Counsel	150
XIII.	Comments and Committee Reports by Individual Board Members	
XIV.	Suggestions by the Board for Consideration of Items at a Future Meeting	
1.	<u>Meeting Dates:</u> September 2020: September 2, 10, 16, 21, 23 (Complete) October 2020: October 7, October 14 & October 21 (Complete) November 2020: November 4 & November 18 (Complete) December 2020: December 2 & December 16 (Complete) January 2021: January 13, 2021 & January 27, 2021 (Complete) February 2021: Wednesday, February 3 & Wednesday, February 17 March 2021: Wednesday, March 3 & Wednesday, March 17 April 2021: Wednesday, April 21 May 2021: Wednesday, May 5 & Wednesday, May 19 June 2021: Wednesday, June 2 & Wednesday, June 16	
XV.	Adjourn	

THIS MEETING WILL BE BROADCAST OVER KRVM-AM (1280)

INTERPRETERS FOR THE DEAF AND HARD OF HEARING:

To request interpreter services for this meeting, please call (541) 790-7850 or TDD (541) 790-7712 or the TDD Relay Number 1 (800) 735-2900

Zimbra**fjordbeck_l@4j.lane.edu**

[board] public comment

From : Andy Miller
<amiller@pbcins.com
>

Wed, Feb 03, 2021 09:06 AM

 3 attachments

Sender : board <board-
bounces@4j.lane.edu
>

Subject : [board] public
comment

To : board@4j.lane.edu

STOP. THINK. VERIFY. This message is not from a 4J address. Stop, think, and verify the source before you click links, open attachments, or respond. Never share passwords or confidential information.

Dear Board and Superintendent Vandercar,

As infection rates continue to decline and the vaccines continue to get into more and more arms, it is time for 4J to reopen classes. I've been to two states in the past 3 weeks that have pretty much been open throughout the pandemic and have figured out a way to navigate it. Why? Because it's what is best for our kids (the most important people) in our society. I went out of my way to talk to coaches and teachers and they all said the same thing, we are open because it's what's BEST for our kids! At this point it appears the coronavirus will be with us in

some capacity for many years (maybe forever), and we will have to learn to live with it, and to navigate it the best we can. As someone who is around Sheldon kids all of the time, I see them working full time at Safeway, Albertsons, Walmart, Kohls, Target, and many more places. And, parents like me are allowing it because they are at little risk and need something to do. Instead of working full time they should be in school full time; learning, playing sports, and building lifelong friendships!

If private schools and charter schools can return to in person learning so can public schools. If high school kids can be out in the public working around people all day and playing club sports, teachers can be teaching. We have a mental crisis at this point in our country and one that is gaining steam with our children. It's time to put them first, even if it puts 50 year old guys like me in a little more danger. Because my kid, your kids, and all of the kids are the most important thing in our society, and they are worth it! It's time to put them **FIRST!**

Best, Andy



Andy Miller

Insurance Agent

amiller@pbcins.com

pbcins.com

P: 541.484.6624
C: 541.510.1193
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 Eugene, Oregon 97401

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Zimbra**fjordbeck_l@4j.lane.edu**

[board] Public Comment

From : Claudia J. Parker
<parkersthreeindians@gmail.com>

Wed, Feb 03, 2021 11:09 AM

Sender : board <board-bounces@4j.lane.edu>

Subject : [board] Public Comment

To : board@4j.lane.edu,
vandercar c
<vandercar_c@4j.lane.edu>

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Dear Board & Superintendent Vandercar,

Due to the current situation with teachers receiving vaccines and infection rates declining. Eugene 4J needs to move forward with reopening the schools for all ages. I have two high schoolers and a middle schooler online has been horrible for them and their grades show it. It is

not healthy for them to be home . I see motivation for them declining very quickly. It's been almost a year they need to be back in school.

Their grades are very discouraging to them . They did well attending school. Especially my middle schooler, he went from being a A, B student to an F.

Please , the kids need to be back.

Thank you

Claudia

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Zimbra**fjordbeck_l@4j.lane.edu**

[board] Comment for Publish

From : Jen King
<jenkingncrc@gmail.com>

Wed, Feb 03, 2021 10:30 AM

Sender : board <board-bounces@4j.lane.edu>

Subject : [board] Comment for Publish

To : board@4j.lane.edu

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Hello,

I am writing to you to ask what your awareness and action plans are on the following topics:

- Waiting rooms on zoom being used to exclude elementary and middle school students demonstrating mental health or behavioral needs.
- GED Ready tests, the \$6 30 minute online unmonitored tests, being used to award 4 credits

that previously impacted our graduation rates for 2019 and are now being used again in school year 2020.

- Written LIPI protocols addressing not only the COVID safety plan, but also the safety plan for mental health supports as many of the students returning are in need of counseling services.
- Myriad and conflicting directives regarding Google Voice from admin regarding the creation of a personal google account outside of the 4j google realm so staff are able to text with students and families since 4j Google Voice is not a product purchased by the district.
- Transportation provisions for LIPI as informal information is that staff may be asked to transport.
- Movement of students to alt ed settings without parent involvement or consent when a student is determined to be McKinney Vento.

Many of these questions have been asked of admin in multiple e-mails with little or no response. Any information on these topics that allow our staff to better do their jobs while also not being required to put themselves at risk or to liability would be much appreciated.

Thank you,

Jen King

--

Be Well,

Jen

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Zimbra**fjordbeck_l@4j.lane.edu**

[board] Fw:

From : Jolene Sandberg Wed, Feb 03, 2021 08:56 AM
<jolenesandberg@hotmail.com>

Sender : board <board-bounces@4j.lane.edu>

Subject : [board] Fw:

To : board@4j.lane.edu

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Public Comment

I am writing today to ask that we immediately start the hybrid program (part in the classroom/part remote) for elementary schools, K-3 in Eugene 4J. My daughter is 7 years old and in 2nd grade. Since school has been virtual only since March 2020, my outgoing and social daughter has developed depression and anxiety. I am an essential worker and have continued to work full time, I have never had time away from work due to the pandemic. I make just slightly too much to qualify for child care assistance yet not enough to be able to afford said childcare

assistance. There seems to be this notion within the 4J community that all parents are stay at home parents and have these “villages” at the ready to help them. While I can’t speak for every family in the district, I can say that for myself, this is not the case. For almost a year, I have had a young child, sitting on the floor at my job, being quiet and not touching anything while doing her Zoom classes. You see, I am not allowed to bring my daughter to work with me and could lose my job for doing this but I have zero options and truthfully, I never thought I would be doing it this long. I have made 100 phone calls over the past year looking for direction and assistance. There is nothing available for a middle-class family like mine.

Upon speaking to my child’s pediatrician last month, he made a stern suggestion. Remove my child from the Eugene 4J public school system immediately. Find a way, any way to put her (and in the fall my incoming Kinder) in in-person private school. Whether this means selling my car, taking out a bank loan or turning to a family member for financial assistance. Children between the ages of 7-11 are now at imminent risk for developing depression and all that goes along with it – including things like eating disorders, cutting and suicide. It is unhealthy for children this age to be out of school and on Zoom for this long. He said we are reaching the point of no return. He said he is “as liberal as they come” but this is the suggestion he has a duty to make. I have made many phone calls to children’s mental health therapists, but as of yet, nobody has had room to take on any new patients.

Many schools across the country and in Eugene, have been back in session since August/September with no incidents. Let’s figure this out. Time is of the essence now! If we don’t take action, we are risking the lives of these young children. We are

forever changing them. The matter is now urgent. I hope you will consider this email seriously.

Please Help!

Jolene Sandberg

Eugene School District 4J (concerned) parent

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Zimbra**fjordbeck_l@4j.lane.edu**

[board] Public Comment

From : Kathryn young
<k1young@hotmail.com>

Thu, Jan 28, 2021 02:50 PM

Sender : board <board-bounces@4j.lane.edu>

Subject : [board] Public
Comment

To : board@4j.lane.edu

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Please wait until all of our staff has had the chance to get vaccinated. Although this will not help our families from potential COVID spread from our students, it will at a minimum ensure that our teachers will not get sick and need a sub.

Additionally, I feel that 4j needs to resend the school preference form to all of the families, and call home to those who do not respond. Especially those who possible do not speak English as their first language. Parents filled out the form when the return¹³ to school matrix was less

than 100 per 100,000. Change in matrix needs to allow for parental choice change.

Thank you.

Sent from [Mail](#) for Windows 10

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Zimbra**fjordbeck_l@4j.lane.edu**

[board] public comment re: return to hybrid instruction

From : Katie Bernstein Wed, Feb 03, 2021 05:13 PM
<kcbernstein@gmail.com>

Sender : board <board-bounces@4j.lane.edu>

Subject : [board] public
comment re: return to
hybrid instruction

To : board@4j.lane.edu,
hays a
<hays_a@4j.lane.edu>,
alevis@4j.lane.edu,
newman j
<newman_j@4j.lane.edu>,
lafer g
<lafer_g@4j.lane.edu>,
shabram m
<shabram_m@4j.lane.edu>,
jtorrey@4j.lane.edu,
mwalston@4j.lane.edu

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Hello,

I am writing to you as a 4J elementary special education teacher.

I am speaking for my position at elementary only.

What is motivating me to write to you:

In my caseload right now I can name five students who have recently made learning breakthroughs.

I am not referring to making academic progress - that is happening with all of them to varying degrees.

I'm talking about something that could create a change in self-concept for these kids.

Four of them are mid-elementary level with a variety of learning disabilities that affect multiple academic areas, including reading.

And...**in the last 2 weeks**, every single one of them has started reading independently.

Some are picking up books at home "randomly" and reading aloud to parents (who then email me to share that they are fighting tears of joy)...others are being asked to try by a parent, saying "I don't know how", parent saying "just for practice"...and then being able to read more words independently than ever before.

For all of those students, this has NEVER happened.

That is an obvious accumulation of instruction, intervention, and practice for many years. That said, though, each of those students is proof that CDL is not synonymous with losing skills.

I keep hearing about parents...somewhere...complaining that their kids need to be back in school because they aren't learning anything.

I don't know what to do with that kind of comment except add my own voice.

Compare this year to any other year in brick & mortar and I could name one or two students making such big learning breakthroughs.

This year, in CDL, I believe this might be happening partially because of students being away from school day distractions and being able to be in the comfort and safety of their own homes.

I am one of many, many teachers who do not "close down Zoom" when the group time is over.

I have worked many extra hours every week (and for years I have worked WAY outside of my contract hours like every teacher I know) to make sure ALL questions are answered AND to give students every extra minute they are wanting...because it is obvious to me that they NEED that for today. It's not something I have ever been able to do in the school building...and won't be easily able to once we return.

I wholeheartedly want to be back in the school building and with my students.

I miss every single thing about my work in the classroom and the role I play in guiding my students toward success.

Mostly, though...I really REALLY miss my students. !!!

Several students I serve are having a very challenging time engaging in CDL and I'm actively working with my gen ed partners, admin and office staff to make sure we work even harder to stay connected with those students and families.

That said, I believe that following the lead of science requires that we continue with CDL until we can **guarantee** our students, teachers, staff, and administrators are ALL healthy, protected, and can safely return to school.

It is doubtful to me that this would mean a return after spring break. I am SO saddened knowing that it could mean starting completely fresh for fall 2021.

In my building, during our zoom staff meetings, I am not in the minority with this feeling of what's best for our students.

Asking teachers and staff what they believe will cause the least disruption and you'll hear a lot of the same things I am saying.

We see it every single day - and now that families have worked out routines, the disruption caused by returning to hybrid too soon will have a long-term impact.

Just "back to school" time in September every year at elementary level lasts 6-8 weeks before students are demonstrating that they are "in routine" and used to the daily/weekly schedules.

Starting hybrid will be like doing that all over again.

There are so many examples of schools and districts that have returned to in-person learning and then having to reverse course and go back to CDL.

How does any of that actually HELP our students?

Let schools work on how to keep improving their connections with families.

Let teachers and staff continue honing their lessons and support in CDL.

Let students keep the comfort and safety they have cultivated in their learning spaces at home.

For those students whose connection is too weak to get meaningful data (similar to when high absence rate from brick & mortar is adversely impacting academic progress) or now non-existent, set up LIPI to engage them.

With respect,

Katie Bernstein

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Zimbra**fjordbeck_l@4j.lane.edu**

[board] Public comment

From : Mark Ruckwardt <markr@uoregon.edu>
Wed, Feb 03, 2021 08:36 AM

Sender : board <board-bounces@4j.lane.edu>

Subject : [board] Public comment

To : board@4j.lane.edu,
vandercar c
<vandercar_c@4j.lane.edu>

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Good morning,

I implore that you open the 4J schools to all student for in-person learning as soon as possible. I have two high school students who have been impacted and I do not see a valid justification to keep them out of school any longer than possible after the teachers and staff have been

vaccinated. I have not heard a legitimate excuse not to open the schools after the vaccinations. Educating students is your mission and these students are suffering without in-class learning and after-school sports.

Thank you for your consideration.

Mark Ruckwardt
Executive Assistant Athletic Director for Human Resources
University of Oregon Athletic Department
541-346-5537
markr@uoregon.edu

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Zimbra**fjordbeck_l@4j.lane.edu**

[board] Public Comment

From : Matt Peterson
<mbp1111@yahoo.com>

Sun, Jan 31, 2021 08:51 PM

Sender : board <board-bounces@4j.lane.edu>

Subject : [board] Public
Comment

To : board@4j.lane.edu,
vandercar c
<vandercar_c@4j.lane.edu>

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Greetings,

I'm writing to ask you to show some leadership and decisiveness by declaring that school will not go to hybrid learning until all teachers are fully vaccinated and inoculated. This repeated back and forth, and repeated surveying, is too much; I'm feeling overwhelmed by all the messages, surveys, and most importantly, the uncertainty that at any time, you will announce hybrid teaching starts in 2 weeks. There is already incredible uncertainty in our world right now and we don't need you adding more to our plates with all the back and forth and

indecisiveness. Support your staff and your students' families by declaring that school will not start until all are vaccinated - perhaps right after spring break?

I'm also concerned that if you bring students back prior to teachers getting vaccinated, you increase the risk of teacher to student transmission and/or exposure. The yo-yoing of opening and closing would be more detrimental to families and students than maintaining the well-established status quo until a date that ensures all teachers are fully vaccinated.

Sincerely,

Matt Peterson
Eugene, OR

Parent of a 4th grader and a 7th grader

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Zimbra**fjordbeck_l@4j.lane.edu**

[board] public comment

From : Haverland, Polly
<Polly.Haverland@usf
oods.com>

Wed, Feb 03, 2021 01:32 PM

 1 attachment

Sender : board <board-
bounces@4j.lane.edu
>

Subject : [board] public
comment

To : board@4j.lane.edu

Cc : vandercarc@4J.ed

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Dear Board and Superintendent Vandercar,
I am writing this email to reinforce what you already know. Our kids are getting very tired and we have been told to follow the science. As we look around the country and can use the catholic schools as an example we see how opening schools especially since the teachers are being vaccinated is little to no threat. Please do whatever you can to get them back in the classroom. Not only is it hurting their education, it is mentally killing them. I could

go on with more facts but I will spare you. Let's act like we truly care about our children rather than use excuses to keep them at home. We are approaching a year and I really hope we can make a change like so many other districts are doing to get them back to growth. Thank you for reading this. I know people are working hard and appreciate you all.

Thank you,
Polly Haverland



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Zimbra**fjordbeck_l@4j.lane.edu**

[board] Public Comment

From : Shane Sperry <shane@springcapitalgroup.com> Wed, Feb 03, 2021 11:11 AM

Sender : board <board-bounces@4j.lane.edu>

Subject : [board] Public Comment

To : board@4j.lane.edu, vandercar c <vandercar_c@4j.lane.edu>

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Dear Board and Superintendent Vandercar,

It is my hope that at today's meeting the board take a moment to review and reflect on its "Guiding Beliefs and Values" along with the "District Philosophy" as stated on the Eugene 4j website. Has the philosophy changed over the past year? Are the guiding beliefs and values still the

same? If your answer to each of those questions is yes, then it is time to expedite reopening plans and get our children back to in-person learning at school.

I could say that infection rates are declining and vaccines for teachers and staff are on the way but this is information you already know. I could talk about neighboring states, counties, cities, districts, and schools who have reopened for in-person learning, but you already know. I could talk about all the detriments to your students mental and physical health by not getting them back to in-person learning, but again you already know. While CDL has bridged a period of time, that bridge is crumbling and your students are suffering the longer it continues.

It is my hope as you gather today that you consider everything you already know and choose to lead from the front and not silently from the rear. Your students are counting on you! Lead from the front

Respectfully,
Shane Sperry

Zimbra**fjordbeck_l@4j.lane.edu**

[board] Public Comment

From : Tina Throm Phifer <throm.tina@gmail.com> Sun, Jan 31, 2021 12:43 PM

Sender : board <board-bounces@4j.lane.edu>

Subject : [board] Public Comment

To : board@4j.lane.edu

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Can you please share more details on how Hybrid Learning will work on the non-school week for elementary students?

I imagine the teacher will be busy with the in-person students and won't be able to live-teach those who are in an online week, correct? Will it be all asynchronous Seesaw type activities with no synchronous learning? I've heard something about EAs helping, but right now I don't think my kid's grade has an EA. Thank you.

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

December 16, 2020

The Board of Directors of School District No. 4J, Lane County, Eugene, Oregon, held a regular session at 7 p.m. Notice of the meeting was mailed to the media and posted in the Education Center on December 16, 2020, and published in The Register-Guard on December 11, 2020.

NOTICE: In light of current public health concerns related to coronavirus COVID-19, the meeting of the Eugene School District Board of Directors took place virtually via Zoom Meeting. Pursuant to ORS 192.670, the meeting was open to the public via live radio broadcast on KRVM 1280-AM and via the Internet at www.4j.lane.edu/

ROLL CALL

BOARD MEMBERS:

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

STAFF:

Cydney Vandercar, Superintendent
Charis McGaughy, Assistant Superintendent for Instruction
Kerry Delf, Chief of Staff
Brooke Wagner, Director of K-8 Education
Jeff Johnson, Director of K-8 Education
Kat Lange, Director of Student Services
Kyle Tucker, Chief Operations Officer
Andy Dey, Director of Secondary Education
Christine Nesbit, General Counsel
Karen Hardin, Director of Human Resources
Andrea Belz, Director of Finance
Lisa Fjordbeck, Executive Assistant/Board Secretary

STUDENT ADVISORY PANEL MEMBERS:

Harmony Simmons, Churchill High School
Joel Sadofsky, Eugene International High school
Paige Dunnivant, North Eugene High School
Mazie McNamara, Sheldon High School
Noa Ablow-Measelle, South Eugene High School

MEDIA: KRVM

OTHER: Deanna Chappel, Larry Lewin.

I. Work Session

Chair Walston called the work session for the 4J Board of Directors to order at 5:30 p.m.

Chair Walston stated that the board would continue their work on the All Students Belong Board priority. Chair Walston thanked Ms. Newman, Ms. Shabram, and Ms. Levis, who were on the subcommittee, for the work they had done on the project.

Ms. Shabram said that they would go through the student safety plan as it stood so far. First, she went over what they wanted to accomplish at the meeting that night. They wanted to review the information they received from the survey, decide on that year's priority work/goal, figure out what relevant data currently existed, decide on the process and timeline for selecting a facilitator, and decide on the renaming of the initiative.

Ms. Shabram stated that the goal of the project was to provide safe learning environments; support meaningful, equitable, and highly effective instruction so that all students could thrive socially, emotionally, and academically; and reduce the disparity of outcomes for students of color and students with disabilities. The Board was making a long-term commitment and a multi-year plan with tangible goals, outcomes, and accountability each year.

Ms. Newman read off the questions that were asked on the survey. They were: Returning to the goal we set at our first meeting, what are the three to five actionable things that you would like us to do in service of that larger goal? What is your top one or two priorities for this year? What are your outstanding questions? What data from the school district do you need to see?

Ms. Newman said that from the answers to the first question they formulated three proposed themes. The first was to focus on school climate supports and the social and emotional well-being of all students. The second was to align access to academic, Career and Technical Education, and extracurricular activities and staffing with student diversity while achieving parity in levels of success. The third goal, and their proposed priority goal for that year, was to reorient their discipline and student safety practices towards transformative justice so that all students felt safe at school. Those practices would not disproportionately harm students of color, LGBTQ+ students, students with disabilities, or any other group of students.

Ms. Newman said that the subcommittee listened to all responses to the questions and created strategies to implement the three goals with them. Other responses wanted the focus to be on professional development and clear guidance for staff; alternative forms of justice; attention to mental health and social emotional development and wellbeing; more school and districtwide activities/assemblies/workshops/etc. to honor the diversity in their schools (such as ways to celebrate Pride Day, Indigenous Peoples Day, Etc.); and more and varied school activities that connected students to their schools.

Ms. Newman said that there were some responses which were elements related to the process. They were to make an inclusive process where all voices were heard; be transparent in the process with effective communication on all levels; have accountability measures that were identified and tracked; include community partnerships as part of the solution; and make sure that their budget allocations reflected their goals.

Ms. Levis opened the discussion to hear thoughts and feedback on what they had written and what they might have missed.

Ms. Hays thought that the information was parsed out well. She wanted everyone to keep in mind that the Board was the “what” in the process and the staff was the “how”. Mr. Torrey agreed and was comfortable with the framework laid out.

Ms. Shabram mentioned that the full survey answers were available to anyone who wanted to look at them.

Mr. Lafer mentioned that they talked previously about coming up with a plan for who or what would replace the role of the school resource officers (SRO) and their relationship with EPD. Superintendent Vandercar said she spoke with Eugene Police Chief Chris Skinner and the district decided not to work out the SRO contract until the Board knew what direction they wanted to go. She made it clear that they had not paid SROs since July 1, 2020, and had not been contracted with EPD since June 30, 2020.

Superintendent Vandercar wanted to know what type of data the work group wanted to see. Ms. Levis thought that looking at data would be an important role of the work group and would be something they would figure out when they started meeting.

Chair Walston wanted to make sure they did not get too deep into what should be staff work. She was excited for this work to be done but knew that they could not get it all done in a few years. Chair Walston thought that “Those practices would not disproportionately harm students of color, LGBTQ+ students, students with disabilities, or any other group of students” should be their statement and their “how” should be how to reorient around it.

Mr. Sadofsky wanted to make sure that the work group did not put barriers up when talking about socio-economic class. They had to tackle issues and releasing those barriers were a part of the system. He had been reading the National School Board Association’s guidelines on accurate and equitable grading. Mr. Sadofsky thought that high schools should look at and consider these guidelines.

Ms. Shabram said that the direction that the Board was giving to the Superintendent and staff was to make sure there was no more disproportional harm. She noted that this was a huge goal. They would break the goal down year by year into smaller goals that were more realistic. Chair Walston mentioned that this work would be ongoing. She thought adding that idea to the Board values would be helpful. It would make sure that the work continued past their time on the Board.

Mr. Torrey said that they were talking about the “what” and had to make sure that message was clear to staff so they could execute it correctly. Since this was a long-term goal, they needed to be clear on what their priorities were.

Mr. Lafer had a process question. He wondered why they did not make a policy that made sure everyone was treated equally. From what he understood, the work group would work on making changes and doing outreach to ensure everything was being done to make sure no one was experiencing disparities. Ms. Levis said that was correct and they would delegate year to year what the work group would work on. By doing this they could break down the big issue into smaller ones and more accurately fix the problem. She noted that this was a work in progress and could change over the years.

Ms. Levis moved the conversation forward to the data that the district currently had. They had data on discipline, referrals, expulsions and suspensions, graduation and dropout rates, attendance, the information from the school climate survey, and some data from police interventions at school. She said that this information would be brought to the work group. Superintendent Vandercar noted that data from the last 12 months was not as good as the rest. Chair Walston wanted to make sure that they investigated data on who was giving out punishments, what the punishments were, and more. She also thought it was important to look at what the indicators for the data was at a young age versus the indicators at an older age. Mr. Sadosfky wanted them to look at what did not work as much as what did.

Ms. Levis said that one thing the subcommittee would do was select facilitators for the work group and define the scope of the work. They had four people the work group was thinking about for this position. It would reach out to see if they were interested and ask for a statement of interest. Those statements would then be brought to the Board in January.

Chair Walston said that they had one Board meeting in January. She wondered if her, Ms. Newman, and district leadership should go ahead and set up a schedule for the work group. Everyone said that worked.

Ms. Levis mentioned that the subcommittee wanted to change the name of the initiative. They proposed renaming the work from the "Safety Plan" to the "All Students Belong Initiative." She said that the new name went beyond safety and would incorporate any issue that kept students from feeling like they belong. Everyone approved the name change.

Ms. Levis said that their next step would be to complete the facilitator outreach and selection. After that the work group would be defined and selected with the guidance of the facilitator. Ms. Newman, Chair Walston, and district leadership would also work to create a draft calendar for the work group.

Chair Walston thanked the work group for the work that had been done and ended the work session at 6:43 p.m.

II. Regular Board Meeting Call to Order

Chair Walston called the regular Board meeting of the 4J Board of Directors to order at 7:00 p.m.

III. Roll Call, Flag Salute, Land Acknowledgement

Chair Walston called roll and all Board members were present. She led everyone in the Pledge of Allegiance and read out the land acknowledgement. Chair Walston encouraged everyone to go to the eji.org website and look through it, listen to the podcast Nice White Parents, or read the book Caste.

IV. Agenda Review

There were no changes made.

V. Introduction of Guests and Superintendent's Report

Superintendent Vandercar talked about how their schools had just started their second trimester and the winter break was much needed. That night, they would hear about the Return to Learning plan. Even though the numbers in Lane County were higher than ever, they continued to plan to bring students back in person. If allowed, they would start online/on-site hybrid

learning for kindergarteners on February 1, 2021, and middle School and high school students in March 2021. At the beginning of the year, they gave families the choice between three learning pathways: enrolling in the Eugene Online Academy, enrolling in Same School Online, or enrolling in Same School Hybrid. More than 70% chose the Same School Hybrid, 20% selected Same School Online, and the rest chose Eugene Online Academy. In November, the district asked families if they wanted to change their pathway. Superintendent Vandercar said that several hundred families changed their pathway, which meant that staff was working to make the necessary changes. To make it possible, the District would need to change the elementary model. Online students would be in their own classroom, separate from hybrid students, to keep them on an asynchronous path. In order to accommodate for the change the District would be hiring 12 new teachers. Whether learning online or on-site, the District would continue to work to make sure that the health and safety of the students was taken care of.

VI. Comments by Board Chair

Chair Walston was glad to hear Superintendent's Vandercar's statement. They had received several emails talking about the hybrid model. She said that they would talk in more detail about the COVID-19 response to learning later. They would also be approving the district's Comprehensive Annual Financial Report.

VII. Receive Reports from High School Student Representatives

Ms. Shabram read out a statement from Mazie McNamara, the student representative from Sheldon High School. She wrote that the high school passed \$8,000 for their Snowflakes for Joy fundraiser and were planning a food drive for the week of January 11, 2021.

Paige Dunnivant, North Eugene High School, said that they raised \$5,000 for Project Give, which went to help students at North Eugene. She shared that students were transitioning into their new classes.

Joel Sadofsky, IHS, said that seniors were starting their extended essays. Student government was working to create Zoom events to help students connect.

Harmony Simmons, Churchill High School, reported that staff members were divided into teams and given points for how much they donated. They were able to gather an immense amount of food and had so much left over that they started a food pantry. They also raised \$900, which was used to buy more food for the pantry.

Noa Ablow Measelle, South Eugene High School, shared that students were accepting donations for their food and hygiene drive. They had started planning for their Annual Acts of Kindness Week, where they hoped to show appreciation for their hard-working teachers.

VIII. Items Raised by the Audience

Larry Lewin, retired 4J teacher, noted that there was hope as the Electoral College cast their votes for president and vice president and a COVID-19 vaccine was released. While there was no date set, there would soon be a day when students are back in the classroom. He hoped the District kept in mind the lessons learned during this hard year. Mr. Lewin wanted them to speak to families, teachers, and staff about what worked and did not work for them.

Deanna Chappel was happy to see that the Board was accepting live comment at their meetings again. Originally, she wanted to talk about returning to in-person learning as a parent, because she was baffled at how her child would react to more change. Then she saw that they would be talking about legislative priorities and wanted to comment on that. Ms. Chappel hoped

that the Board would consult with community groups they did not usually talk with. They could not get good work done unless they worked together. Ms. Chappel said that they should do the same with the All Students Belong initiative.

IX. Comments by Employee Groups

Sabrina Gordon, president of the Eugene Education Association (EEA), shared some magical teaching moments at the last meeting, but said that it should not be a surprise that many were looking forward to the break. She appreciated that District's communication with the Union but wanted to state that keeping them updated on the plan was not the same as getting them involved in the process.

Tom Horn, president of Managers, Administrators, Professionals and Supervisors (MAPS), highlighted the work being done with the District. Its primary motivation was to continue to focus on the District's ability to recruit, hire, and retain excellent staff. Two weeks ago, they talked about the pay disparity between 4J teachers and other teachers in the area. After this conversation, Mr. Torrey asked them to act on it. Mr. Horn was ecstatic to see the proposal on the consent agenda that night. He thanked everyone in the District for working to make a change for the best.

X. Consent Group – Items for Action

- 1. Approve Personnel Action**
- 2. Approve Enrolling Out-Of-District Students in 2021-22 (Inter-district Transfers)**
- 3. Authorize Restructuring Administrator Salary Schedule**
- 4. Accept Lane County School District 4J Comprehensive Annual Financial Report (CAFR) for 2019-20 Fiscal Year**
- 5. Accept KRVM Annual Financial Report**

MOTION: Ms. Newman moved, seconded by Ms. Hays, to approve the consent group.

VOTE: The motion passed – 7:0.

XI. Items for Information

1. Update on COVID-19 and Return to Learning

Superintendent Vandercar said that they would go over athletics, their statements on when they would move into the limited in-person model, and the hiring of 12 new teachers.

Mr. Dey said the district had reached a tentative consensus with their coaches the previous night on what their pay would be. He noted that lot of work still needed to be done to get the infrastructure in place to have students back in athletics. The Oregon School Activities Association (OSAA) had put out a calendar for the athletic season. Football would start February 8, 2021, and everything else would start on February 22, 2021. Staff would be working on how the process to register students and make sure physicals and contact tracing could be done. Mr. Dey said that in this pre-season there were strict limitations because of the number of cases in the County. They could only have 50 student athletes at any one time on a field.

Ms. Hays asked if they would give students information on where they could get a physical. Mr. Dey replied that they could go to their primary care doctor, but they also had places they directed student-athletes. Ms. Hays asked if the facility at Churchill could provide those services. Ms. Smith-Johnson said that those facilities are prepared to give out physicals.

Ms. Newman asked if the OSAA calendar encompassed middle school or if it was just high school, and how many kids they usually accommodated. Mr. Dey responded that there usually

were between 850 and 900 student-athletes at Sheldon High School. About 50% of the student population was involved in sports. He stated that the last couple months had been hard on coaches as they had to stay uninvolved with students.

Mr. Torrey asked if the North Eugene softball complex would be ready in the next 30 to 45 days to use. Mr. Dey replied that he could not say for sure, but if a team did not have access to a field they would look to the other schools in the District and their fields. Also, they had faith-based communities reaching out and offering spaces. Superintendent Vandercar mentioned that the softball complex was set to be done in February.

Chair Walston asked if they required a COVID-19 test or a temperature test before students played. Mr. Dey did not think they had the capacity to do daily testing. He said they would do whatever Lane County Public Health told them they needed to do to maximize safety.

Ms. Delf gave an update for on-site learning. The State of Oregon had clear guidelines for when the district could return to in-person learning. There were different metrics and models that the district had to account for. The County case rate per 100,000 people over 14 days had to be less than 50 cases to resume on-site learning for all students; had to be between 50 to 100 cases to resume on-site learning for 4J's youngest students; had to be between 100 to 200 to begin transitioning on hybrid learning; and with a case rate over 200, distanced learning had to continue. They also had to manage the County test positivity rate. If it was under 5%, they could have on-site learning; if it was between 5% and 8%, they could have distanced on-site learning; between 8% and 10%, they had to transition; and anything above 10% meant they had to be in distance learning.

Ms. Delf said that from November 29, 2020, to December 12, 2020, Lane County had 333.9 cases per 100,000 people and had a test positivity rate of 4.3%. Even though the case rate was currently too high, the district continued to plan for when they could be back in person. Limited in-person instruction could begin as early as January 19, 2021, and the hybrid model could begin at the kindergarten level at the earliest on February 1, 2021. At any point during the beginning of the hybrid rollout they could return to online learning, if necessary. If the County's numbers got lower, they could have all grade levels back in school at the earliest by March 29, 2021. Ms. Delf emphasized that it would most likely be after that.

To begin the hybrid model at the elementary school level they had to have classrooms set up. This meant that they had to hire 12 extra teachers.

Ms. Wagner clarified that they knew that the changes to the classroom rosters would be disruptive. It was never the district's intention for students to have their schedules jumbled around. The district was struggling with meeting the needs of both students and staff. Some staff were worried about teaching in-person and wanted to stay online. This meant that students doing the hybrid model needed to change teachers. While it was not ideal, they had to make sure that teachers were accommodated for and could keep working.

Ms. Wagner reported that 4J would hire 12 additional teachers to help at the elementary level. The first step in this process was to have administrators process staffing with their teachers. She stated that staff was being creative in the changes that were being made. They would begin working through the instructional models for what it would be like when kids were present at each level starting in January. They were working with EEA to make sure that teachers would be heard.

Ms. Wagner stated that they received a lot of feedback from families about the hybrid start date of February 1, 2021. She understood that many families just settled into a rhythm with online learning, but it was a change that was necessary.

Ms. Shabram said that there were clear guidelines for when they could go back and asked if there was a date when they had to be back in person. Also, she asked what the timeline would be for deciding to open for in-person learning and when it would start. Ms. Delf replied that there were guidelines for when they could go back and when they could not go back, but nothing about when they had to be back in person. She added that since COVID-19 case numbers were released every two weeks, the district would give a two-week notice on when hybrid would start.

Ms. Newman wanted to know how the decision was made to have hybrid students on a week in person followed by a week online. She wanted to know if teachers had input on that decision. Mr. Johnson said that when looking at student and staff safety and the time people were contagious, they thought it made sense to have a nine-day break before coming back in person. Ms. Delf added that they got feedback from families and staff before landing on that decision.

Mr. Lafer understood that at some point they would need to return, but he was unsure why they decided on February 1, 2021. He stated that the connection between young kids and their teachers was important and changing that to fit a hybrid model might not be the best idea. Ms. McGaughy responded that they had to be ready for the numbers to allow them to return to in-person learning and they could not just wait for that approval before planning. By changing teachers at the semester, they were avoiding the disruption happening in the middle of the semester. She emphasized that this was not something they wanted to do, but it was a decision that had to be made to appease both students and staff.

Mr. Torrey mentioned that the president-elect wanted children back in schools within the first 100 days of his presidency. He assumed that he would not say this without providing opportunities for financial support for school districts. The 100th day would be May 1, 2020, and Mr. Torrey said he would not support them changing models at that time since that was when teachers would be connecting the most with their students. Also, Mr. Torrey thought it was wrong of the Board to ask why this plan was being put together when they originally questioned if something was being done to prepare. He thought that staff did a great job of putting this plan together and listening to teacher's struggles with developing lesson plans. While the dates might be an issue, the Board could not fault the staff for planning for the inevitable. Mr. Torrey wanted to make sure that they were hearing from communities of color and those underserved.

Ms. Shabram asked if there was a grace period for families to change their pathway now that they knew their child's teacher was going to change. Superintendent Vandercar responded that they gave two opportunities for families to change and that pathway changes would create plan changes. She said that they would continue to work on their plan, but they could not allow families to continually change their pathway. It would make planning almost impossible for staff. Their conversations with EEA about what teaching would look like was coming and then they would plan again based on that feedback. Superintendent Vandercar emphasized that staff had thought long and hard about this plan and promised they were doing the best they could under the circumstances.

Mr. Lafer wanted the Board to vote to delay using February 1, 2021, as a date to be back. He thought it was within their right to vote on that. Ms. Hays noted that this was not on the Board's agenda as an item for action. She stated that this was not something that they should vote on. Chair Walston agreed and said that this was just information for them to take in. Ms. Hays said

that the Board's opinions were heard by staff and that was all that needed to be done. Superintendent Vandercar appreciated Mr. Lafer's concern for families but reassured him that they were doing what they could for everyone in the District. They would return in January with more information.

2. Receive Quarterly Financial Report

Ms. Belz presented the first quarter financial report for their fiscal year 2020-21 budget. She said that the first quarter was usually quiet since staff was not in the building. They saw one-third of the State School Fund enter their system in July. Their expenditures were in line with where they predicted. Ms. Belz said the district saw a little bit more spent in purchase services because it included the past three payments to charter schools. Also, they paid for liability and property insurance, which was always paid at the beginning of the year. She noted that the year-to-date negative number showed that they were \$200,000 over budget.

Ms. Belz said that they were looking at their accounting structures to make sure they were in line with the Oregon Department of Education (ODE). They wanted to make a function change in their Private Purpose Trust Fund. She said they would go to the Board in January to approve the changes to the budget.

Ms. Belz said that the nutrition services staff not only broke even but were able to save \$153,000. They did an incredible job making sure students were fed and taken care of.

Chair Walston asked if they would have to deal with the nutrition services deficit. Ms. Belz said that they would, and they had a \$936,000 set of transfers to support that program from the general fund. They would also set up additional funding in the COVID-19 budget which they would present in January.

Chair Walston inquired into what Ms. Belz thought of the Governor's Budget. Ms. Belz thought they would see an additional CARES Act funding package, which would add \$54 billion for K-12 nationwide. That would be significantly higher than the original CARES fund and could provide more money for the district to offset some of its increased expenses during the pandemic.

XII. Items for Action

1. Approve Revisions to Board Policies:

- GBEB – Communicable Diseases – Staff
- GBH/JECAC - Staff/Student/Parent Relations
- GBL – Personnel Records
- JECAC/GBH - Staff/Student/Parent Relations
- JHCC – Communicable Diseases – Students

Ms. Nesbit said that they had the first reading of these revisions at their last meeting and received no feedback.

MOTION: Ms. Newman moved, seconded by Ms. Shabram, to approve revisions to Board Policies GBEB, GBH/JECAC, GBL, JECAC/GBH, and JHCC.

VOTE: The motion passed – 7:0.

2. Approve Priorities for the Oregon Legislative Session

Ms. Newman said that these were the same priorities they talked about at their last meeting. There was the standardized test waiver which they talked about and supported. She received a

link to a bill that would limit the liability for schools. There would be a hearing on December 17, 2020, and she would forward the details to Board members.

MOTION: Mr. Torrey moved, seconded by Ms. Shabram, to approve 4J's priorities for the Oregon Legislative Session.

VOTE: The motion passed – 7:0.

XIII. Items for Action at a Future Meeting

1. Approve Instructional Hours for 2020-21

Ms. McGaughy said that every year the State set a required number of instructional hours. For kindergarten through 8th grade, it was 900 hours. For 9th grade through 11th grade, it was 990 hours. For 12th grade it was 966 hours.

Ms. McGaughy noted that there were regulations which allowed them to account for certain instructional-related activities as instructional hours. For the 2020-21 school year, the Oregon Department of Education modified the regulations. They now allowed for up to 90 hours for staff professional development and 90 hours for parent communications. Ms. McGaughy said that the district needed approval from the Board. They were suggesting 90 hours for staff professional development and 90 hours for parent communications for a total of 180 hours.

Mr. Lafer said that he strongly supported this action.

XIV. Comments and Committee Reports by Individual Board Members

Ms. Newman thanked everyone for reaching out to legislators about their upcoming legislative breakfast. The Legislative Committee would be creating the agenda that week. She asked Board members to reach out to their student representatives and ask them to attend the breakfast, as well. Ms. Newman noted that everyone was working hard, but they had to keep in mind that there was no perfect solution to the pandemic.

Ms. Shabram noted that December 14, 2020, was the eighth anniversary of the Sandy Hook shooting. She wanted to remember that teachers were told to shield doors with their bodies, which was a traumatic thing the teachers had to come to terms with. Ms. Shabram mentioned the Oregon Helpers Wellness Initiative, which was offering free online support groups. She had used similar groups before and found peer support to be very helpful and encouraged everyone to look into their programs.

Mr. Torrey said that it was great to have grandchildren who were so versed in technology. He was struggling with recording and sending his video reading a book to the library before his grandson came over. Mr. Torrey mentioned that his family would be having a Zoom Christmas and encouraged others to do the same. He hoped that the Governor would see the value of teachers and put them high up in the queue to receive the vaccine.

Mr. Lafer said that they were so lucky to have Superintendent Vandercar leading their District during this time. He thought that the COVID-19 plan they heard about that night showed how much her and the staff cared about their students. Mr. Lafer did not want his questions to be seen as criticism of her or the staff, but his desire to make sure that students and their families were being taken care of and having their questions answered. Mr. Lafer shared his displeasure with the current way they took in information and voted as a Board.

Ms. Hays mentioned that she met with her student representative buddy alongside Chair Walston. Ms. Levis appreciated the discussion they had that night. She praised staff for all the work they got done and how they received feedback from them. Ms. Levis thought that they should publicize the Equity Committee meeting so that the community could have more of a presence there.

Chair Walston thanked Superintendent Vandercar who gave them some resources to help get the North Region planning underway. She would be putting together a work group in January to help.

XV. Suggestions by the Board for Consideration of Items at a Future Meeting

1. Meeting Dates:

January 2021: Wednesday, January 13, 2021

February 2021: Wednesday, February 3 & Wednesday, February 17

March 2021: Wednesday, March 3 & Wednesday, March 17

April 2021: Wednesday, April 21

May 2021: Wednesday, May 5 & Wednesday, May 19

June 2021: Wednesday, June 2 & Wednesday, June 16

Mr. Lafer wanted an update and an opportunity to vote on a plan to reopen and a plan for the hybrid model. Ms. Shabram wanted to receive an update but did not think they should vote. Ms. Hays stated that it was not their place to vote on that type of plan. Ms. Newman thought they could talk about this at their retreat. She knew that this information was changing day by day, which made it hard to vote on. Ms. Lafer wanted to vote on the plan. He stated that because they set the school calendar, it was their business. It was also something that they set as one of their Board goals. Mr. Lafer was unsure what the issue was. Ms. Shabram was unsure where the line separating policy and practice for them was. Chair Walston stated that only two people backed Mr. Lafer's item and there needed to be three for it to move forward. She agreed that it was something they could talk about at the retreat.

Ms. Newman had thought about having some type of student advisory group. Mr. Torrey, Ms. Shabram, Ms. Levis, and Mr. Gordon supported this item. Ms. Hays was fine with this moving forward but did not think it should be a Board committee. Chair Walston agreed and said that it should be a Superintendent committee.

Ms. Shabram wanted an update on the downtown youth center and the implementation of Adi's Act. Ms. Newman, Ms. Levis, and Mr. Torrey supported the item.

XVI. Adjourn

Chair Walston adjourned the meeting at 9:55 p.m.

(Minutes recorded by Lydia Dysart)

Cydney Vandercar
District Clerk

Mary Walston
Board Chair



ITEM FOR INFORMATION

Date of Meeting

February 3, 2021

Title

Lane Education Service District Local Service Plan

Presenter

Cydney Vandercar, Superintendent

Tony Scurto, Superintendent

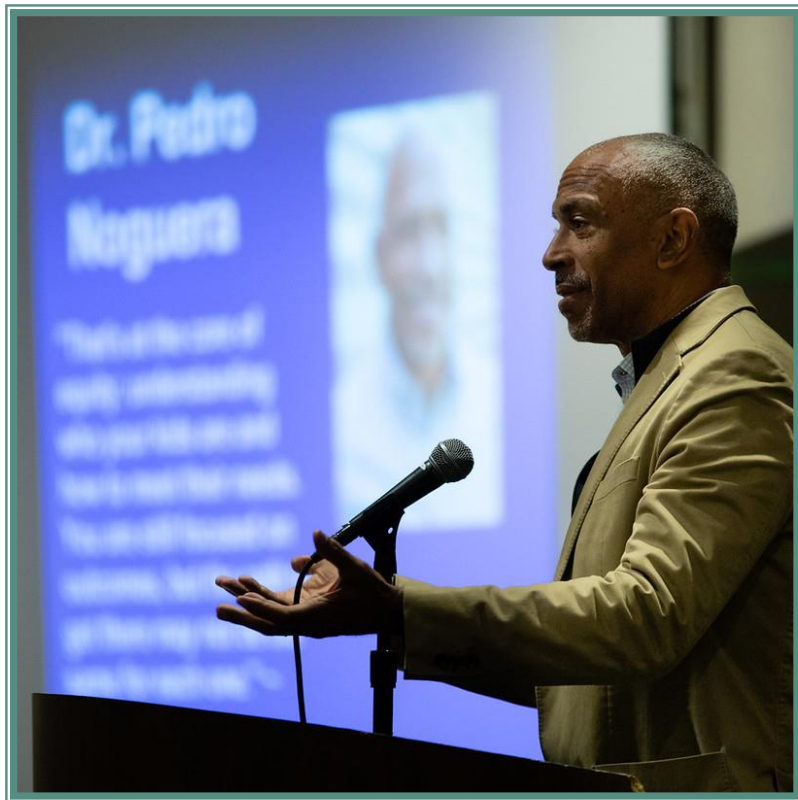
Summary

Lane Education Service District Superintendent Tony Scurto will provide the board with a review of the Lane ESD 2021-23 Local Service Plan Year One.

As required by House Bill 3184, Lane Education Service District has developed a Local Service Plan. The process in developing this plan included analysis of all resolutions/core services with the 16 component districts. Through this process component districts had the opportunity to gain knowledge, share and discuss their needs and provide recommendations for the local service plan.

This item also appears on the meeting agenda as an Item For Action At A Future Meeting (First Read) and the board will have the opportunity to take action at their February 17, 2021 board meeting.

Local Service Plan 2021-23 Year One



Lane Education Service District
1200 Highway 99 North
Eugene, OR 97402
Phone: (541)461-8200
Fax: (541)461-8298



Purpose

*Shaping the Future -
Supporting Excellence in
Education*

Values

Equity – We support a respectful work environment and access to educational service to all students

Commitment – To districts, student and employee success

Leadership – that is informed, responsive, visionary, proactive and planful

Collaboration – actively engaged with our partners to achieve success

Integrity—approach our work with ethical actions, making and keeping commitments, courage and humility

*Strategic Plan
5 Bold Steps*

Creating and Implementing Innovative Initiatives that Directly Impact or Influence Student Success

Supporting Best Instructional Practices

Modeling and Promoting Equitable Practice for All

Leadership – Leveraging Education and Community Partners

Strong Student Centered Advocacy



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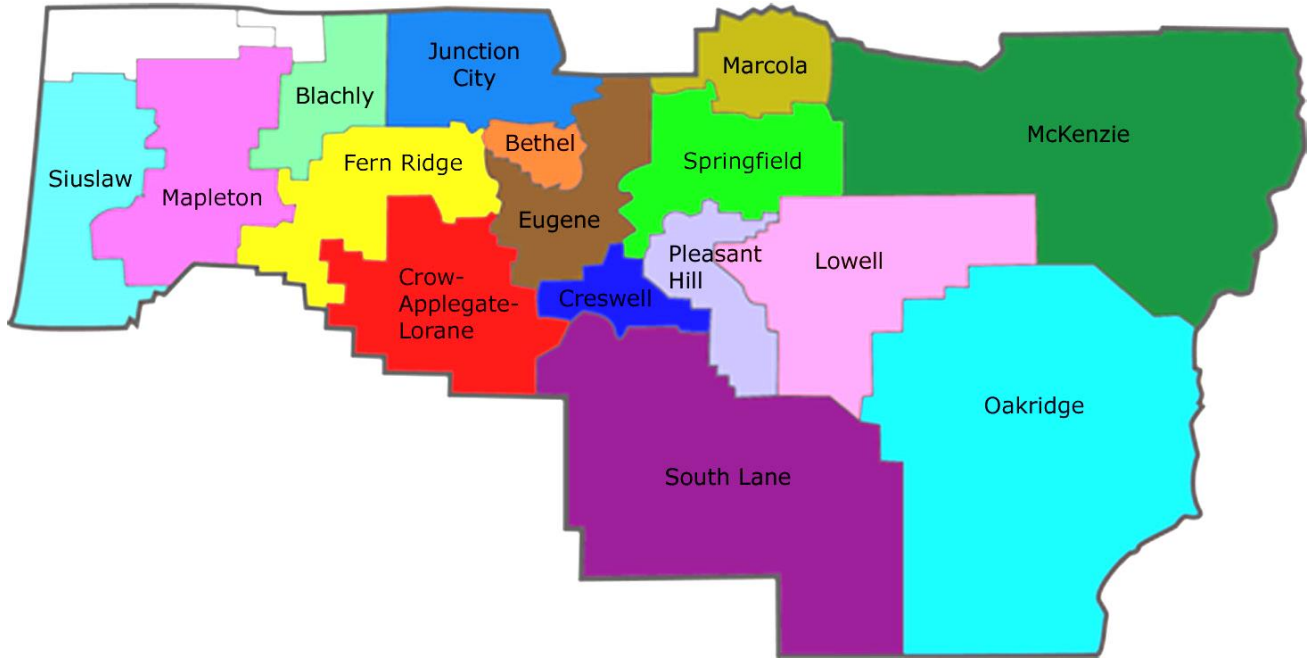


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Component Districts



Bethel, #52

Superintendent – Chris Parra

Blachly, #90

Superintendent – Adam Watkins

Creswell, #40

Superintendent – Mike Johnson

Crow-Applegate-Lorane, # 66

Superintendent – Malcom McCrae

Eugene, #4J

Superintendent – Cydney Vandercar

Fern Ridge, #28J

Superintendent – Gary Carpenter

Junction City, #69

Superintendent – Kathleen Rodden-Nord

Lowell, #71

Superintendent – Johnie Matthews

Mapleton, #32

Superintendent – Jodi O'Mara

Marcola, #79J

Superintendent – Terry Augustadt

McKenzie, #68

Superintendent – Lane Tompkins

Oakridge, #76

Superintendent – Reta Doland

Pleasant Hill, #1

Superintendent – Scott Linenberger

Siuslaw, #97J

Superintendent – Andy Grzeskowiak

South Lane, #45J

Superintendent – Yvonne Curtis

Springfield, #19

Superintendent – Todd Hamilton



Core Services and Funding Formula/Allocation Model

Lane ESD's Core Services and Funding Formula/Allocation Model provides the basis for allocating Lane ESD's resolution funds for Core Services and distribution of funds to districts. ORS 334.177 requires that at least ninety percent (90%) of all ESD revenues from the State School Fund (SSF) and other funds considered local revenues be spent on the provision of services approved in the Local Service Plan. The remaining ten percent (10%) may be spent on administrative services.

2021-23 (Year one) Local Service Plan

As provided for in ORS 334.177 districts notified the ESD of the intention to withdraw funds by November 1, 2020, as well as the percentage of funds to be withdrawn. Lane County districts have been asked to select a percentage range rather than identifying an exact percentage. No district requested more than 50% of available transit funds.

Because current ADMw numbers are not available during the development or implementation of the 2021-23 (Year Two) Local Service Plan, the most recent ADM figures, as provided by ODE, are used for the Core Services and Funding Formula/Allocation Model.

Withdrawal of Transit Funds

Districts electing to withdraw transit funds in excess of 50% will be assessed a fee on services ordered from the ESD as follows:

51%-80%	10% service fee
81%-100%	15% service fee

The 2021-23 Local Service Plan provides three categories of service:

Core Services

Core Services are funded prior to the allocation of district Flex Funds and do not require districts to use their Flex Funds. Technology, General Education, Connected Lane County support, Innovation Project Funds and the Life Skills Cost Pool are currently designated Core Services.

Core Services are designed so that essential services are available to all districts. Core Services will not necessarily meet all of any individual district's needs. Districts are strongly encouraged to take advantage of Core Services. Core Services provide stability and flexibility in meeting county-wide needs where the level of supports may vary from district to district and from year-to-year; generally the true value of the service is realized over time.

Menu Services

These are services available from a "menu of services" that provides districts with the option to select or order available services. The cost of the services is covered by Flex Funds allocated to districts or district funds.

Custom Services

These are services that are developed for an individual district or group of districts based on a specific need. These services may include the assignment of a specific amount of FTE or the



provision of a service (e.g. payroll/business services, professional development, technology technician/engineer). Districts order the amount of service desired to meet their needs. Districts are assessed the full cost of the service and may use Flex Funds or district funds to pay for these services.

Changes for 2021-23 (Year one) Local Service Plan include the following:

Core Services and Funding Formula/Allocation Model

1. Addition of a Security Systems Administrator in Technology Services to help districts with prevention of and response to cyber threats and systems security.
1. Librarian services added to menu.

2021-23 Local Service Plan

The Superintendents' Council agreed to a two-year Local Service Plan framework, with the intent of aligning with Oregon's K-12 biennium funding structure. Alignment of the Local Service Plan with the two-year fiscal cycle provides stability and opportunity for long-range planning. Lane ESD programs can focus more strategically on implementation of services that support district long-range goals, while maintaining the ability to assess and make program adjustments to meet emerging needs. The Superintendents' Council will annually review and make service and program recommendations. As required, Lane ESD and component districts will follow the formal annual approval process for the Local Service Plan.

Withdrawal from Lane ESD

In 2013 amendments to ORS 260.432 and 334.105 expanded the option for component school districts to withdraw from local ESD's state-wide beginning in 2014-15.

To support partnerships within Lane County, Lane ESD's goal is to continue to collaborate and partner with any school district that may withdraw from the ESD. Districts that withdraw from services will:

- Be invited to attend job-alike meetings, including: Superintendents' Council, Special Education Directors, Lane County Technology Advisory Committee, Curriculum Leaders meetings, and any other meetings that are supportive of services and programs county-wide
- Continue as a member of the Life Skills Consortium and other consortium/collaborative program services
- Continue as a member of consortium grants, CTE/Perkins, and Title program collaborations
- Continue to participate in county-wide school improvement efforts
- Be able to purchase ESD menu and custom services

Potential Changes in Funding

The 2021-23 Local Service Plan continues to provide districts with the flexibility to access Core Services and annually select the amount of services needed to meet individual districts needs



and the option to develop unique services where feasible. Should there be reductions to Lane ESD's revenue as a result of legislative action which reduces the funding ratio for ESD's or the overall K-12 budget allocation, there will be a proportionate reduction in Flex Funds available to districts. The ESD will use the March estimate from ODE as the basis for the Flex Fund Allocation.

When overall economic conditions result in the reduction to Lane ESD's formula revenue, Lane ESD will make every attempt to respond with corresponding expenditure reductions or otherwise offset the revenue loss in a manner that minimizes further impact to component districts.

Grant funding is also used to support Lane ESD and component district programs and services. Lane ESD has been successful in securing a number of grants and Innovation grants. The availability of such grants to support future endeavors is uncertain.

Services funded via contracts or grants are not subject to the 90% expenditure requirement.

Process for Selecting Lane ESD Menu Services & Service Levels

Districts select the specific Lane ESD services and service levels from the service menu by mid-March of each year. Requests for services are placed using the Lane ESD Service Order Form. Districts' available funds and the costs for services are listed on the Lane ESD Service Order Form.

Core Service - Decision Making

Specific services and associated funding levels included in Core Services are agreed upon by the Lane County Superintendents' Council.

District Feedback

Lane ESD routinely surveys key district contacts to understand use of current services, assess the quality of services, suggestions for improvement, and interest in new services. The most recent survey of districts was completed in October 2018 and generally affirmed a high level of satisfaction as well as specific areas for follow up or improvement.

Additionally, the ESD periodically will conduct an in depth service review focusing on one particular service area or program. Service reviews are completed by a committee who works with the ESD to identify the scope of the review and makes recommendations to the Superintendents' Council.

Changing Services Included in Core Services

Core Services change or evolve based on recommendation of the ESD in response to analysis of county-wide needs or interests of component districts. In both cases the proposed change is analyzed and approved by the Superintendents' Council.

Timelines

Proposals that require significant change, such as the establishment of new programs, expansion of specialized services, or increase in fiscal resources allocated to Core Services, should be presented as early as possible, and no later than the Superintendents' Council



meeting in October. This timeline allows the Superintendents' Council time to determine if the proposal should move forward to formal feasibility assessment by the ESD. The Superintendents' Council may establish a subcommittee to review feasibility information and make final recommendations regarding proposals. Subcommittee recommendations and feasibility assessment will be presented to the full Superintendents' Council.

Exceptions to the timeline are made for proposals that do not require additional fiscal resources or re-staffing, as long as the proposal is supported by the Superintendents' Council.

Approved proposals that involve more complex changes (hiring of specialized staff, implementation of new programs) may be implemented either as a pilot or as a general change to Core Services.

When changes are implemented as a pilot, a subcommittee of superintendents will be asked to assist in the development of criteria to use in assessing the pilot and recommendations on whether changes should be incorporated into the Core Services. If a pilot is successful, but is not approved to be included in Core Services it may be offered as a service menu item or custom service.

Innovation/Projects

Proposals for Innovation/Projects may be developed by the Lane County Curriculum Leaders, Lane County Technology Advisory Committee (LCTAC), Special Education Directors, Lane ESD Leadership, or the Superintendents' Council.

Innovation/Project proposals should focus on priorities identified by the Superintendents' Council. It is recommended that proposals outline the specific outcomes for the project, the time frame for implementation, and budget requirements. Lane ESD administrators and component district staff will assist with feasibility aspects of the proposal.

Proposals for accessing Innovation Funds are approved annually by Superintendents' Council prior to March 30 to provide adequate planning time and effective implementation of the project in the next school year.

For 2021-23, the Superintendents' Council approved the use of Innovation/Projects Funds available from the Local Service Plan to fund Research for Better Teaching (RBT) licensing and trainer of trainer licensing. Funding was also set aside for targeted professional development as determined by the Superintendents' Council which includes specific criteria and application process.

Student Behavior Assistance Fund

In the past few years a critical need has emerged to address the needs of students with intense behaviors. The Student Behavior Assistance Fund is created to provide resources to address this problem through enhancing prevention, connecting students and families to appropriate health providers, and other methods to improve student behavior and reduce the number of intense behavioral incidents that schools are experiencing. We believe the most immediate need is for proper training of school staff so that they are able to de-escalate students and effectively handle situations "in the moment."



High Cost Pool

The High Cost Pool will be funded at a level decided upon by the Superintendents' Council, based on the final State School Fund amount. Access to the High Cost Pool is based on disproportionate Special Education enrollment for districts excluding Eugene 4J, Springfield, and Bethel.

Connected Lane County

Superintendents contribute funding towards the activities and infrastructure of Connected Lane County. This commitment is renewed annually.

Promise Programs

Promise Programs will be funded at a level decided by the Superintendents' Council, based on the State School Fund amount.

Menu Services – Decision Making

Adding Services to the Menu

A Menu Service offering may change or evolve based on recommendations of the ESD in response to analysis of county-wide needs or interests of component districts. In both cases, the proposed change is analyzed and approved by the Superintendents' Council.

Timelines

Proposed changes that require establishment of new programs, expansion of specialist services, or an increase in fiscal resources allocated to Core Services should be presented no later than the Superintendents' Council meeting in October so that the Superintendents' Council can determine if the proposal should move forward to formal feasibility assessment by Lane ESD. Timelines for completing the feasibility assessment will be set jointly by the ESD and the Superintendents' Council.

Proposals that come forward later in the planning process and that do not require complex program development and are supported by the Superintendents' Council will be placed on the menu if there is feasible interest to cover the costs of the service. **The following services are under consideration as menu options: nursing, communication (PIO), legal.**

In some cases, proposals may be implemented as a pilot as described below.

Elimination of Service

There may be instances where specific services are discontinued if component districts' orders and associated fiscal support are not adequate to continue the service. The decision to eliminate a service will be made by Lane ESD in consultation with component district superintendents, taking into consideration the implications for the impacted districts and the ESD's fiscal and personnel constraints.

Establishing Pilot/Custom Services

There may be instances where services are added if there is sufficient district interest and



associated fiscal resources to cover start up and implementation costs. Districts that have an identified need not currently available on the service menu may request that the ESD develop a custom service to meet the district's unique need. The district and the ESD will identify the nature and scope of the service need. This information is used to estimate costs of providing the service. If the district and ESD agree that it is feasible and cost effective to establish the service, it will be implemented either as a pilot or on-going service.

If implemented as a pilot, the ESD and district will establish criteria for assessing the results of the pilot. All Lane County superintendents will be informed regarding new custom services offerings and options for participating, as well as information gleaned from the pilot(s). Previous custom/pilot services included: Network Engineer service, Technology Technician. Twelve custom/pilot services proposals for 2021-23 are being explored to determine feasibility and will be reviewed by the Superintendents' Council.

Service Flexibility

Offerings on the "Menu of Services" are available to all component districts.

Service Implications

A flexible Menu of Services is key to ensuring the Lane ESD Local Service Plan continues to meet the needs of component districts.

The level of annual flexibility is dependent upon numerous factors and considerations for both the districts and Lane ESD.

For example, some services require a significant investment of resources on the part of the ESD and districts to develop a viable infrastructure and sustainable staffing. As a result, starting, ending or significantly changing these services require more analysis and review.

There are other services, however, that can be more flexible from year to year, making annual adjustments in services and service levels easier to accomplish.



Menu of Services

Current Menu

Below is the Menu of Services for 2021-23. The Menu of Services includes Core Services provided to all districts without the need to order and services that are offered based on district selection. Core Services are indicated by an asterisk (*).

The Menu of Services below does not include services provided via grants or services ESD's are mandated to provide.

2021-23 Menu of Services
Services to Students with Special Needs Life Skills ESD and Consortium Placements Lane School (Special School) Behavior Disorder Placements Behavior/Autism Spectrum Disorder Consortium Placements Behavior Disorders – Teacher or Consultant MLK Jr. Education Center School Psychologist Services Speech & Language Pathologist Augmentative Communication Sign Language Interpretation Services Direction Service Custom Services
School Improvement Services General Education* Career & Technical Education Connected Lane County Tragedy Response Custom Services
Technology Services Infrastructural Technology Services* Learn 360 Custom Services
Administrative Services Attendance Truancy Business Services Courier Services Librarian Services Substitute Teacher List Subscription Custom Services



Funding Sources

A brief explanation of the various funding sources and parameters for the services provided within this Local Service Plan is below.

State School Fund (SSF) Revenue

Lane ESD's primary revenue source for services to districts is the State School Fund (SSF). Lane ESD's share of SSF is based on the overall allocation of SSFs to all Lane County Districts. ESDs receive 4.5% of the total SSF allocated for their region.

The percentages and formulas for SSF allocations for districts and Oregon ESDs are set by the Oregon Legislature and are subject to change. Changes in ESD funding allocations have a direct impact on Lane ESD's Core and Flex Fund Model allocations to component districts, and will impact services and service levels.

ORS 334.177 requires that at least ninety percent (90%) of all ESD revenues from the State School Fund (SSF) and other funds considered local revenues be spent on the provision of services approved in the Local Service Plan. The remaining ten percent (10%) may be expended on administrative services.

The 10% administrative services allocation is an essential component to providing services to districts. The cost of facilities, accounting, human resources, technology, and general administrative overhead (insurance, legal fees, etc.) are paid for with these funds. Home School services and grant development services are also included in the 10% administrative services allocation.

Menu of Services Funding

Items on the Menu of Services are available to all districts based on their annual selection. The cost of services ordered from the menu are charged to the district's Flex Fund allocation and/or invoiced to the district if in excess of available Flex Funds.

Other Services

Lane ESD also provides services by way of contracts with component districts or other public or private entities.

Grants

Lane ESD actively seeks grant funding to enhance services to districts and further ESD and component district priorities.



Programs Included in 10% Administrative Revenue

Home Schooling

Oregon ESD's are mandated to provide Home School services. Lane ESD is responsible for accepting notification from parents or guardians who intend to educate their children at home. Lane ESD serves as a primary information resource to parents, students, schools, and districts.

Lane ESD is responsible for:

- monitoring compliance with home school notification and testing requirements;
- monitoring academic progress requirements;
- providing detailed reports to districts including compliance and testing information.

Grant Development

Lane ESD recognizes the importance of outside funding in shaping the future of education in Lane County. Lane ESD employs a grant writer to support acquisition of grant resources to enhance services in alignment with ESD and component district priorities.



Federal & State Mandates for Oregon ESDs

Lane ESD's services align with the services prescribed for every Oregon Education Service District in ORS 334.175(2) as follows:

Services to Children with Special Needs

Programs for children with special needs, including but not limited to:

- Special Education
- At-risk Students
- Professional development for employees who provide those services

School Improvement Services

School Improvement Services for component school districts, including but not limited to:

- Meeting the requirements of state and federal law
- Services designed to allow the ESD to participate in and facilitate a review of state and federal standards related to the provision of a quality education
- Support and facilitate continuous improvement planning
- Support for school-wide behavior and climate issues
- Professional Technical education
- Professional development for employees who provide those services

Technology Services

Technology Support for component school districts and the individual technology plans of those districts, including but not limited to:

- Technology infrastructure services
- Data services and distance learning
- Professional development for employees who provide those services.

Administrative Support Services

Administrative and Support Services for component school districts, including but not limited to:

- Services designed to consolidate component school district business functions.
- Liaison services between ODE and component districts
- Registration of children being taught by private teachers, parents or legal guardians pursuant to ORS 339.035

Other Services

Other Services that ESDs are required to provide by state or federal law, including but not limited to:

- Compulsory Attendance required under ORS 339.005 to 339.090.

Performance Measures

In addition to providing these "core" services, Lane ESD's services must also be equitable, cost effective, of high quality and meet local district needs. Services must also be evaluated using the following performance measures:

- Improving student learning
- Enhancing the quality of education for all students
- Providing quality professional development for district staff
- Providing districts and their students equitable access to resources
- Maximizing operational efficiencies and providing economies of scale

Services to Children with Special Needs

Life Skills Consortium Services

Service Description

Lane ESD's and district-operated Life Skills programs form a consortium to serve students with moderate, severe, and profound intellectual disabilities as part of a continuum of services. Classrooms for students in kindergarten through grade 12 are located in a number of elementary, middle and high schools throughout Lane County. Students ages 19-21 are served in "Transition Classrooms".

The Life Skills Consortium includes all sixteen districts, with Bethel, Eugene, Junction City, Springfield and Lane ESD as service providers. The Life Skills Consortium Agreement describes the common unit cost determined annually, resident and serving district responsibilities, the process for resolution of concerns, and Lane ESD's responsibility for the coordination of placements.



Kindergarten to Grade 12

- Highly individualized instruction in functional academics, daily living skills, and social/communication skills
- Inclusion support
- Secondary students also receive instruction in vocational skills and community accessibility.

Intensive Services Class

- This classroom serves secondary students whose support needs require environmental modifications that may not be feasible on a general education campus.

Transition Classes

- Students learn independent living skills to help transition to adulthood.
- Students explore community options such as public transportation, leisure and recreation, and employment opportunities.

Goals

- Assist component districts in meeting the requirements of IDEA and Oregon Administrative Rules.
- Implement evidence-based practices in the education of students with moderate, severe and profound intellectual disabilities to improve student learning.
- Enable component districts and the students they serve to have equitable access to resources in Special Education.
- Maximize operational and fiscal efficiencies for component districts in the area of Special Education.

Budget

The annual budget allocation for this service is based on the districts' annual service orders for the service.

Services to Children with Special Needs

Behavior Disorder Services

Service Description Lane ESD assists districts in meeting the federal requirement to provide a continuum of services for students with the most challenging behaviors.

Lane School

Lane School is a structured behavior and academic program designed for students in kindergarten through grade 8 who experience significant behavioral, social, and academic difficulties.

Lane School is located at the Lane ESD Westmoreland Campus. Services are designed to help students gain the skills needed to be successful in their home school. Students are referred by their resident district and typically attend Lane School for approximately 18 months before transitioning back to their home school.

Goals

- Assist component districts in meeting the requirements of IDEA and Oregon Administrative Rules.
- Implement evidence-based practices in the education of students with behavioral/emotional disabilities to improve student learning.
- Assist districts with targeted interventions addressing the needs of students with behavioral/emotional disabilities.
- Enable component districts and the students they serve to have equitable access to resources in Special Education.
- Maximize operational and fiscal efficiencies for component districts in the area of Special Education.



Budget

- The annual budget allocation for this service is based on the districts' annual service orders for the service.



Services to Children with Special Needs

Behavior Disorder –Consultants

Service Description Behavior Disorder Consultants provide in-service training/consultation to districts for behavior/classroom management, and strategies for working with students identified as having emotional/behavioral disabilities.

- Goals**
- Assist component school districts in meeting the requirements of state and federal laws for IDEA and enhance the quality of education provided to special education and at-risk students.
 - Improve student learning in special education and in at-risk youth by providing consultation to district personnel and provide professional development to component district employees in the area of special education services to at-risk youth.
 - Enable component school districts and the students they serve to have equitable access to resources in special education.
 - Maximize operational and fiscal efficiencies for component school districts in the area of special education and services to at-risk youth.

Budget The annual budget allocation for this service is based on the districts' annual service orders for the service.

Martin Luther King, Jr. Education Center

Service Description Martin Luther King, Jr. Education Center is a collaboration between Lane ESD and the Department of Youth Services (DYS) to provide educational services to adjudicated youth in middle and high school. The program is located at the Serbu Juvenile Justice Center. The program is funded by district-paid tuition for students enrolled in Credit Recovery and GED services and is augmented by DYS Juvenile Crime Prevention funds, Juvenile Accountability Block Grant funds and Video Lottery which funds Job Skills/Life Skills services.

- Goals**
- Assist component school districts in meeting the requirements of state and federal laws for IDEA and enhance the quality of education provided to special education and at-risk students.
 - Enable component school districts and the students they serve to have equitable access to resources targeting at risk youth.
 - Maximize operational and fiscal efficiencies for component school districts in the area of special education and at-risk youth.

Budget The annual budget allocation for this service is based on anticipated student enrollment.



Services to Children with Special Needs

School Psychology Services

Service Description	<p>School psychologists are utilized in a variety of ways based on the needs of component districts. School Psychology services might include:</p> <ul style="list-style-type: none"> • Psycho-educational assessments provided to assist districts in determining student eligibility for special education. • Development and monitoring of student behavior support plans. • Consultation with school staff and parents on behavioral and educational concerns. • Service coordination assistance to district staff, parents and other professionals to ensure student success.
Goals	<ul style="list-style-type: none"> • Assist component school districts in meeting the requirements of state and federal laws for IDEA. • Enhance the quality of education provided to special education and at-risk students by providing timely and comprehensive psycho-educational evaluations that assist districts in determining eligibility for Special Education Services. • Improve student learning in special education for at-risk youth by providing consultation to district personnel. • Provide professional development to component district employees in the area of special education and at-risk youth. • Enable component school districts and the students they serve to have equitable access to resources in special education. • Maximize operational and fiscal efficiencies for component school districts in the area of special education and at-risk youth.
Budget	<p>The annual budget allocation for this service is based on the districts' annual service orders for the service.</p>



Services to Children with Special Needs

Speech Services

Service Description Speech Services are offered to support districts in assessing and providing Individualized Education Plan (IEP) related services to identified students.

- Goals**
- Assist component school districts in meeting the requirements of state and federal laws for IDEA and enhance the quality of education provided to special education.
 - Improve student learning in special education by providing consultation to district personnel and provide professional development to component district employees in the area of special education.
 - Enable component school districts and the students they serve to have equitable access to resources in special education.
 - Maximize operational and fiscal efficiencies for component school districts in the area of special education.

Budget The annual budget allocation for this service is based on the districts' annual service orders for the service.

Augmentative Communication

Service Description Augmentative Communication Services are designed to work in partnership with school speech and language therapists and other team members. Augmentative Communication Specialists assist in identifying, evaluating and providing intervention for students with severe communication disorders who would benefit from augmentative communication. Augmentative communication includes all forms of communication, other than oral speech, that are used to express needs, wants and ideas.

- Goals**
- Assist component school districts in meeting the requirements of state and federal laws for IDEA and enhance the quality of education provided to special education.
 - Improve student learning in special education by providing consultation to district personnel and provide professional development to component district employees in the area of special education.
 - Enable component school districts and the students they serve to have equitable access to resources in special education.
 - Maximize operational and fiscal efficiencies for component school districts in the area of special education.

Budget The annual budget allocation for this service is based on the districts' annual service orders for the service.



Services to Children with Special Needs

Sign Language Interpreting Service

Service Description Sign Language Interpretation services are offered to support districts in providing Individualized Education Plan (IEP) supports to students, and ADA related services to students, staff, and families.

- Goal**
- Assist component school districts in meeting the requirements of state and federal laws for IDEA and provide equitable communication access for students who are deaf and hard of hearing or who have other identified auditory processing disorders.
 - Assist component school districts in meeting the requirements of state and federal laws under ADA by providing sign language interpretation for employees and families as needed.
 - Enable component school districts and the students they serve to have equitable access to resources in special education.
 - Maximize operational and fiscal efficiencies for component school districts in the area of special education.
 -

Budget The annual budget allocation for this service is based on the districts' annual service orders for this service.

Direction Service

Service Description Direction Service, a local non-profit agency, provides information and referral services to parents and districts regarding specialized services available in Lane County for students and families of students with disabilities. Direction Service also acts as a mediator between districts and parents of children with disabilities and focuses on collaborative dispute resolution. Lane ESD contracts with Direction Service on behalf of subscribing component districts.

- Goal**
- Provide districts and parents of students with special needs access to cost effective referral and mediation services.

Budget The annual budget allocation for this service is based on the districts' annual service orders for the service.



2021-23 Grant and Contract Services

Early Intervention/Early Childhood Special Education

Lane ESD sub-contracts with the University of Oregon (EC Cares) to provide administration and coordination of services to all eligible preschool children with disabilities and their families in the service area.

Lane Regional Program

Lane Regional Low Incidence Program provides Special Education services for children who have low-incidence disabilities, including; Visual Impairments, Hearing Impairments, Deaf/Blindness, Severe Orthopedic Impairment, Autism Spectrum Disorder and Traumatic Brain Injury.

State Hospital

Lane ESD provides educational services to 18-21 year old students who are hospitalized for either short-term or long-term care.

Juvenile Detention Education Program

Lane ESD provides educational services to youth in the Serbu Juvenile Detention Center.

Phoenix Treatment Program

Lane ESD provides educational services to youth in the Phoenix Treatment Program at Serbu Juvenile Detention Center.

System Performance Review & Improvement (SPR&I)

SPR&I sub grant awards assist with annual performance data collection and reporting for special education.

Extended Assessment

Supports training and professional development around the statewide assessment of students with disabilities.

IDEA Enhancement

Supporting enhancement of activities for students with disabilities in the areas of Response to Intervention (RTI), Positive Behavior Support (PBS), expanded SPR&I, and determination issues.

Employment Support Facilitator

The position supports the implementation of Youth Transition Programs (YTP) designed to meet the needs of students enrolled in the Life Skills Transition program. The Employment Support Facilitator coordinates with the Vocational Rehabilitation (VR) office, Oregon Developmental Disability Services (ODDS), and local County Service Coordinators to provide services to eligible students.



Services in School Improvement

Service Description

Instruction

General Education/Instruction Services include leadership and professional development to assist districts in implementing research-based instructional practices that address content standards to ensure a quality education for all students. Component districts have prioritized supporting and improving instruction. Since 2014 Lane ESD and component districts have invested in implementing a strong instructional framework that is supported by 1) the Research for Better Teaching/Studying Skillful Teacher trainings for classroom teachers and administrators and 2) content and standards-based professional development. In addition for 2016-18, the Superintendents' Council has identified a priority for integrating culturally sustaining instructional practices in all content areas, including supporting districts in developing awareness and basic understanding of the continuum of equitable education practices in schools.

Content specialists provide professional development, consultation, and coaching to teachers in curriculum, instruction, and assessment. Lane ESD has content specialists in the areas of English Language Arts, Math, Science, and Career Technical Education.

Services support the implementation of evidence-based practices within all programs to eliminate opportunity and achievement gaps for all underserved or historically underserved students and build upon the assets of each student and family.

Professional Development

Content specialists coordinate and provide professional development for district staff county-wide at Lane ESD or at the district or classroom level. Professional development is intended to improve high quality instruction, and includes the alignment of content standards and instructional strategies, student data analysis and the use of performance based assessments.

Consultation/Coaching

Content specialists and staff work with districts to review and adopt curriculum materials, analyze achievement and discipline/attendance data, review evidence-based practices, model and plan implementation strategies.

Learning Resources

Lane ESD provides an array of materials for Lane County public school educators, including over 200 hands-on educational models and kits and textbooks for review. Support is provided for textbook review and curriculum adoption.

Equity

While Lane ESD is focused on identifying and addressing barriers to equity and access for all students, many equity issues exist in our schools, community, and college/university. Lane ESD and component districts are committed to improving educational outcomes for culturally and linguistically diverse students, students navigating poverty, and student with disabilities. This requires strong collaborative efforts and determination from the ESD and partner organizations to develop and invest in initiatives across Lane County which will systemically eliminate opportunity gaps, improve and expand access to services and supports, and build upon the assets of each student and family.

Lane ESD is a member of the Equity and Community Consortium (representatives from 13 Eugene/Springfield area public agencies collaborating on equity and human rights issues). Lane ESD collaborates with equity and community organizations such as NAACP, Blacks In Government (BIG), Centro Latino Americano and Connected Lane County member organizations to strengthen expand and integrate our efforts to address equity issues in our community. Collaborative efforts



may include active participation in grants, initiatives, and community-based activities.

Current priorities are using culturally sustaining instructional practices for the implementation of professional development and supporting the development and enhancement of teacher pathways programs for diverse students interested in the field of education.

Partnerships

Lane ESD is active in state-wide, regional and community partnership to further the identified instructional improvement goals of component districts. Lane ESD is a member of the ODE-OAESD Program Cabinet whose goal is to support effective communication and implementation of ODE initiatives. In addition Lane ESD serves as the backbone organization for the Regional Achievement Collaborative (Connected Lane County) and the STEM Hub (Lane STEM).

The ESD regularly submits grants on behalf of a consortium of districts, including community and business partners.

Goals

The goals of the School Improvement service area align with Lane ESD's Strategic Plan, specifically:

- Create and implement innovative initiatives that directly influence student success
- Supporting best instructional practices
- Modeling and promoting equitable practice for all

Budget

For 2021-23 School Improvement Services are fully funded and available to all districts. Districts do not need to order the service or use their Flex Fund allocation to cover the cost of the service.

Services in School Improvement

Career & Technical Education

Service Description

Career and Technical Education (CTE) staff provides leadership and services to districts for students to enhance 21st century technical skills, career exploration, and successful transition to work or extended schooling.

LES D Specialists and staff provides technical assistance to instructors, counselors, and administrators on:

- innovative curriculum;
- employment preparation;
- alignment with secondary graduation requirements;
- services to reduce duplication given limited resources.



Partnerships with Colleges & Districts

CTE Specialists and staff facilitate partnerships between area colleges and districts to address alternative learning options for students to obtain college and/or high school credit.

Career Counseling and Guidance

Staff works to enhance community and college partnerships for career exploration, workplace readiness, and technical skill development.

Goals

- Provide professional development to instructors on Career and Technical Education program design, curriculum and assessment.
- Facilitate high school and post-secondary partnerships to support student transitions to college and career opportunities.
- Develop business and community partnerships at local, regional and national levels to enhance learning opportunities for students.
- Connect Career and Technical Education programs with businesses through sponsoring and coordinating regional events that provide students with career-related experiences.

Budget

The annual budget allocation for this service is based on the districts' annual service orders for the service.



Connected Lane County

Service Description

Connected Lane County (RAC) is the evolution of an early collaborative called the Education Partnership established in 2010. The Education Partnership was an outcome of a long-held goal of Lane Community College President Mary Spilde and was initially based on the Mid-Valley Partnership sponsored by Oregon State University. This Lane County K-16 coalition was made up of the superintendents and presidents of local school districts, Lane CC, and UO. The initial purpose of the coalition was to share information increase cooperation and support Lane County students in their education transition by: identifying shared strengths, issues, and concerns across education institutions; addressing barriers to equity and accessibility for all students; exploring opportunities for cooperation; discovering resources to benefit partners; and utilizing the resources and inspiration of Lane CC and the UO to support aspirations for higher education for all Lane County students.

Connected Lane County partners share information, increase cooperation, and aid students in their education transitions by identifying shared strengths, issues and concerns; identifying and addressing systemic barriers that harm equity and accessibility for all students; exploring opportunities for cooperation; and identifying resources that can benefit partners such as grants, donations, knowledge and experience.

Goals

- Increase the number of local high school graduates who are successful in higher education and life by creating a seamless and streamlined transition between early childhood, K-12 and higher education through partnerships and relationships with educational, community, and business partner organizations.
- Create pathways for all students to enter kindergarten ready to learn and be prepared for higher education or careers.
- Build programs and work utilizing an equity lens that ensures cultural appropriateness.

Budget

For 2021-23 funding to support CLC includes partner dues, Oregon Department of Education/Chief Education Office Regional Achievement Collaboratives grants, and Superintendents' Council Core Services funding.

Tragedy Response

Service Description

Lane ESD coordinates annual training for district tragedy response team members on behalf of subscribing districts.

Goals

- Provide districts with cost effective training.
- Maximize operational efficiencies for component school districts in maintaining a county-wide Tragedy Responses Network.

Budget

The annual budget allocation for this service is based on the districts' annual service orders for the service.



Lane ESD Student Success Act Comprehensive Support Plan¹

Service

Description

The 2020 Lane ESD Student Investment Act (SIA) Plan is designed to support districts in meeting students' mental or behavioral health needs, and increasing academic achievement for students, including reducing academic disparities for students navigating poverty, homelessness, and/or foster care, students from racial or ethnic groups that have historically experienced academic disparities, students with disabilities, and students who are English language learners.

Lane ESD will engage districts in quarterly continuous improvement self-monitoring routines, helping to align the outcomes, strategies, and activities of the Student Investment Account, Continuous Improvement Plan, High School Success Plan, and Career Technical Education. Additionally, Lane ESD will host programming that empowers youth, families, and community members representative of the four focal groups to inform county and district initiatives; establish and support networked learning communities to support academic success, social emotional well-being, community engagement, district capacity, and overall school and community climate; and partner with districts to provide educators and administrators high quality professional learning that supports culturally responsive-sustaining teaching and trauma-informed, restorative leadership.

1. See appendix

2021-23 Grant and Contract Services

Carl Perkins Consortium Services

Lane ESD manages and supports quality Career Technical Education programs and services. Programs of Study articulate with Lane Community College Career Pathways and are based on industry needs. All districts with CTE Programs of Study are included.

Advanced Manufacturing and Construction

This grant provides support for a regional advisory committee and industry connections to strengthen the quality of CTE Programs of Study. This grant also sponsors the Construction Utility Career Day.

Apprenticeship Trades Academy

Through this grant, Lane ESD is able to provide opportunities for students to experience pre-apprenticeships using local Training Centers.

Connected Lane County/Regional Achievement Collaborative

Lane ESD serves as the fiscal agent on behalf of Connected Lane County/Regional Achievement Collaborative, which was selected as one of 11 regional partnerships across the state of Oregon to receive Regional Achievement Collaborative grants. Connected Lane County was chosen based on the depth of its partnerships, commitment to the success of students from pre-natal to age 22 (P-22), and the potential for implementing innovating and effective projects. Because of the depth and breadth of partnerships already developed since educational partners in Lane County partners first came together to work on K-12/higher education outcomes in 2010. Previously, Connected Lane County/RAC was chosen by the OEIB to serve as a mentor and leader to other Regional Achievement Collaboratives.

Lane African American Black Student Success

The African American/Black Student Success Program improves academic outcomes for African American/Black students to achieve a vision of an equitable education system in Lane County. The project promotes regular and consistent school attendance, provides students access to culturally responsive teaching and learning supports which contribute to their academic success from early learning to post-secondary, provides rigorous skill enhancement and leadership advocacy programs, and provides students and their families support in navigating educational processes and opportunities.

Lane Regional Promise

The overarching purpose of Lane Regional Promise is to foster a college going and career culture that guarantees well-designed opportunities for students to earn credit in college level courses and meaningful career exploration experiences that will set them on a path to a successful post-secondary future.

Lane STEM (Hub)

Lane County education, business and community partners submitted a STEM Hub grant proposal to the Oregon Department of Education in December 2015. Lane STEM (Hub) received a 16-month planning grant award in February 2016 and in December 2016 received a program grant award. Lane ESD serves as the backbone organization for the Lane County STEM Hub. Lane STEM coordinates, promotes and supports STEM education in Lane County by integrating science, technology, engineering, and math in the classroom and beyond. The STEM Hub provides teachers in Lane County with connections to STEM professionals (engineers, scientists, technicians, and analysts) and offers resources for Lane County educators, industry professionals, families, and community members. The vision of Lane STEM is to 1) ignite student interest in, and fuel preparation for, STEM careers; 2) create a STEM-literate citizenry well-positioned to make sound decisions and



participate in community STEM-related discourse; 3) foster a diversity of confident educators and students applying and innovating with STEM concepts.

Migrant Education – Title IC

Lane ESD coordinates a regional Migrant Education Program consortium serving Lane and Douglas counties including 29 school districts. MEP services provide supplemental instruction, community outreach and parent involvement for eligible MEP students including summer school and pre-school.

Multi-Tiered System of Supports (MTSS) Regional Coaching

The focus of the Oregon Multi-Tiered System of Supports (MTSS) project is the implementation of a cohesive evidence-based professional development and coaching network to support the implementation of MTSS for academics and behavior. Through integrated supports, Oregon has a statewide network of high quality coaches, and is increasing the number of districts implementing MTSS with fidelity, ultimately increasing student outcomes for students with disabilities.

English Language Learners – Title III

ELL services include technical assistance and training on ESL curriculum alignment and integrating English Language Proficiency standards into the regular curriculum.

Curriculum Directors and Rural School Network

This network composed of district and building administrators from all 16 component districts. A major component of this network is creating differentiated ways for districts to collaborate with each other and share resources and best practices. This work is based on the Oregon Equity Lens, and other State-led initiatives including but not limited to the Student Success Act.

Western Regional Educator Network (WREN)

The Western REN is an educator-led, improvement-focused network that elevates and embraces teachers' voice by emphasizing the Equity Lens to interrupt historical patterns of inequities and support educators through every stage of their career from recruitment through retirement by creating more inclusive and empowering school cultures. In 2017, Oregon Legislature passed [Senate Bill 182](#) which created the [Educator Advancement Council \(EAC\)](#), an innovative public/nonprofit partnership designed to support public educators. Through this bill, the EAC was charged with the task of creating local educator networks. These ten networks or "Regional Educator Networks" (REN) are designed to create a seamless system through three major vehicles: teacher voice, an equity lens, and a continuous improvement model.

Our Regional Educator Network (Region C), called the Western Regional Educator Network (WREN), encompasses twenty-eight school districts spanning the Lane ESD and Linn-Benton-Lincoln ESD Region.

Youth Transition Program

The Youth Transition Program is a collaboration between the Vocational Rehabilitation Division, Oregon Department of Education, University of Oregon, Lane County school districts, and Career Learning. The program serves students on Individual Education Plans (IEPs), providing assistance with academic, vocational, independent living and personal-social skills so students can experience success in the workforce.

Technology Services

Infrastructural Technology

Service Description

Lane ESD offers component districts a variety of technology services to support student learning and staff productivity. In small districts technology supports focus on escalated response needs and interaction with contracted service providers; in large districts services are project-based with a specified allocation of service hours, augmenting district technology expertise. Lane ESD technology offerings include:

- Managed network connectivity, including CIPA compliant filtering, and intrusion protection;
- Coordination and engineering support to district initiatives, including securing new implementations;
- Hosted services, e.g. email, web, and library services;
- Professional development to district technology support staff;
- Network engineering and support in the design of districts' infrastructures, with an emphasis on securing infrastructure;
- Assistance in the writing, coordination, and implementation of grant activities related to technology infrastructures, including assistance with the filing of eRate;
- Internship hiring and placement for college students into an education technology environment;

Goals

- Enhance the current network infrastructure to support scalable instructional needs of the component districts, including systems for the effective utilization of network resources in a secure manner.
- Develop internal component district technology infrastructures to support robust long-range instructional needs, and to ensure staff and student usability, and security.

Budget

2021-23 Technology Services are fully funded and available to all districts. Districts do not need to order the service or use their Flex Fund allocation to cover the cost of the service.





Technology Services

2021-23 Grant and Contract Services

LCC Contract

LESD Technology functions as the Internet Service Provision (ISP) and remote campus connectivity for Lane Community College (LCC). LESD and LCC began a recurring contract in 2005-06 that provides needed services to LCC and entrepreneurial funding to serve Lane County districts. Lane County districts have benefited from the LCC relationship and revenue in the following ways:

- Network core upgrade purchases (e.g. costly core routing systems, firewall)
- Common wide area network across 14 districts and all LCC sites simplifying instructional access
- Funding for development and "proof of concept" endeavors in direct support to districts



Administrative Services

Business Services

Service Lane ESD's Business Office can provide services to districts on either a short term or annual basis.
Description Services include:

- Payroll
- Accounts Payable
- Budget Preparation
- Audit preparation
- Financial reporting and management for grants
- Monthly financial reports to Boards
- Financial reporting to the Oregon Department of Education

- Goals**
- Assist component school districts in meeting the requirements of the Oregon Revised Statutes regarding local budget law and investments, IRS payroll and accounts payable regulations and Generally Accepted Accounting Principles.
 - Improve student learning and enhancing quality education by providing accurate budget information to allow the districts to maximize the use of available funds for instructional services.
 - Provide professional development opportunities at the bi-monthly meeting of the Lane County Business Officials.
 - Provide services that allow districts to utilize the ESD's economies of scale and expertise to reduce their administrative costs.

Budget The annual budget allocation for this service is based on the districts' annual service orders for the service.



Administrative Services

Courier Services

Service Description Lane ESD's courier services provides an efficient and secure method of moving materials between the ESD, districts and other public agencies.

- Weekly delivery services to subscribing districts, supporting both inter- and intra-district mail and instructional materials delivery for component districts
- Secure and confidential delivery of Student Records, including Special Education records
- Pick-up and delivery of instructional materials provided by Lane ESD to component districts including Media Materials (science kits, models, etc.), and audience response systems
- Movement of specialized equipment for special education classrooms
- Customized services to Eugene and Springfield Schools Districts to interface with district courier.

Goals • Provide cost-effective, timely, accurate and courteous courier services to all component school districts.

Budget The annual budget allocation for this service is based on the districts' annual service orders for the service.

Librarian Services

Service Description Lane ESDs Librarian supports districts in meeting Division 22 standards regarding library and media services.

- Goals**
- Provide training to classified staff assigned to school libraries
 - Assist with culling library collections and selecting materials
 - Assist districts in meeting Division 22 standards.

Budget The annual budget allocation for this service is based on the districts' annual service orders for the service.

Substitute Teacher List Subscription

Service Description Lane ESD's Substitute Teacher Registration subscription provides an efficient method of ensuring that substitute teachers have completed required background checks and annual training requirements.

- Goals**
- Provision of annual application process to register new teacher substitutes
 - Provision and monitoring of annual training requirements
 - Completion of annual "intent to return" and usual and customary break periods notice
 - Verification of valid teacher licensure

Budget The annual budget allocation for this service is based on the districts' annual service orders for the service.



Administrative Services

Attendance/Truancy Services

Service Description Lane ESD provides truancy officers to assist districts in returning truant students to the classroom. Assistance is also provided in referring persistent truancy cases to Lane County Juvenile Court, Services to Children and Families, or citations for failure to maintain a child in school.

This is a state mandated service to districts with less than 1,000 students.

Lane ESD also coordinates the work of Conference Officers on behalf of local districts.


- Goals**
- Assist component school districts in meeting the requirements of the Oregon Revised Statutes regarding mandatory school attendance.
 - Improve student learning and enhancing quality education by supporting district efforts to maintain student attendance and recapture ADM funding.
 - Provide services that allow districts to utilize the ESD's economies of scale and expertise to reduce their administrative costs.

Budget Attendance/Truancy Services are fee-based.

2021-23 Grant and Contract Services	
Inter-Library Courier	Lane ESD provides pick-up and delivery of inter-library loan materials to the Lane County Libraries consortium.
Substitute Teacher List Subscription	Lane ESD Substitute Teacher List subscription services to private and alternative schools.
ODOT Teens Driving Safely Grant	Supports increasing the number of trained driver education instructors and increasing course offerings in Lane County.
State Farm Grant	Supports access to ODOT approved Driver Education courses.



**Appendix
1. Student Investment Account**

		Relevant Strategy				
		S1	S2	S3	S4	S5
Outcome	Lane County districts engage in quarterly continuous improvement self-monitoring routines (SIA, CIP, HSS, CTE alignment).		X	X		
Outcome	Youth, families, and community members representative of the four focal groups are empowered to inform district continuous improvement planning and implementation.	X	X	X	X	X
Outcome	Networked Learning communities can be linked with positive changes in academic success, social emotional well being, community engagement, district capacity, and overall school and community climate.	X	X	X	X	X
Outcome	District educators and administrators have access to high quality professional learning that supports culturally responsive-sustaining teaching and trauma-informed, restorative leadership.	X	X	X	X	X
Strategy #1	Embed Foundations of Culturally Responsive Pedagogy content across professional learning for all content areas.					
Strategy #2	Amplify youth, Black/African American, Latinx, Native American, and South Pacific Asian voices in Lane County through coordination of Youth Equity Council and connection to local cultural organizations.					
Strategy #3	Host networked learning communities that use diverse, disaggregated data to inform plan implementation, support authentic two-way community engagement, and drive equitable decision-making and resource allocation in an ongoing continuous improvement process.					
Strategy #4	Facilitate communities of practice aligned to SIA priorities (closing disparities in academic achievement and supporting mental/behavioral health) and shared district strategies.					
Strategy #5	Support recruitment and preparation of diverse teacher candidates through certification and hiring processes.					



Local Service Plan

2021-23

		YEAR 1 BUDGETED COST			PROJECTED 3-YEAR COST				
Strategy 1	Embed Foundations of Culturally Responsive Pedagogy content across professional learning for all content areas.	\$	155,300.00	\$	-				
Strategy 2	Amplify youth, Black/African American, Latinx, Native American, and South Pacific Asian voices in Lane County through coordination of Youth Equity Council and connection to local cultural organizations.	\$	155,300.00	\$	-				
Strategy 3	Host networked learning communities that use diverse, disaggregated data to inform plan implementation, support authentic two-way community engagement, and drive equitable decision-making and resource allocation in an ongoing continuous improvement process.	\$	524,500.00	\$	-				
Strategy 4	Facilitate communities of practice aligned to SIA priorities (closing disparities in academic achievement and supporting mental/behavioral health) and shared district strategies.	\$	150,100.00	\$	-				
Strategy 5	Support recruitment and preparation of diverse teacher candidates through certification and hiring processes.	\$	95,000.00	\$	-				
#	Activities	Aligned Primary Strategy	2020-21	2021-22	2022-23	Year 1 Budgeted Cost	Projected Three Year Cost	Object Code	Priority Level YEAR 1
1	Hire 1.0 Data Coordinator to support quantitative and qualitative evaluation of continuous improvement process and activity implementation	S3				\$ 98,100.00			HIGH
2	ODS/Oregon Data Suite: Purchase/Support Data Dashboard System which provides access to make informed decision for instruction, student success, with special attention to focal groups	S3				\$ 80,000.00			HIGH
Person/Team Responsible	Outputs: Measures/Artifacts/Evidence of Successful Implementation								
3	Hire .5 Program Assistant to support communication and planning of SIA district engagements and networked learning events	S3				\$ 50,700.00			HIGH
Person/Team Responsible	Outputs: Measures/Artifacts/Evidence of Successful Implementation								
4	Hire 1.0 bilingual/multicultural Community and Family Engagement Liaison to increase ongoing engagement and partnership with Latinx students and families with attention to identification of SEL/Mental Health needs	S2				\$ 98,100.00			HIGH
Person/Team Responsible	Outputs: Measures/Artifacts/Evidence of Successful Implementation								
5	Professional Learning for Improvement Science and Networked Learning (i.e. Carnegie/NW Region Experts) for ESD and district leaders	S3				\$ 140,000.00			HIGH
Person/Team Responsible	Outputs: Measures/Artifacts/Evidence of Successful Implementation								
6	Continue funding of 1.0 Student Success Act Administrator to lead continuous improvement processes, SIA plan implementation, and networked learning communities	S3				\$ 155,700.00			HIGH
Person/Team Responsible	Outputs: Measures/Artifacts/Evidence of Successful Implementation								
7	Hire 1.0 Education Specialist to support mental health networked learning communities and communities of practice, with attention to trauma informed practices, restorative practices, and suicide prevention systems and curriculum	S4				\$ 98,100.00			HIGH
Person/Team Responsible	Outputs: Measures/Artifacts/Evidence of Successful Implementation								



8	Hire 1.0 Education Specialist to support writing, integration, and implementation of Foundations for Culturally Responsive Pedagogy content	S1				\$ 98,100.00			HIGH
9	Hire .5 Education Specialist/Instructional coach to support and train districts in the writing, integration, and implementation of Foundations for Culturally Responsive Pedagogy content	S1				\$ 55,100.00			
Person/Team Responsible									
8	Hire a .5 Youth Equity Council/Youth Voice Coordinator to oversee countywide youth governance model and connections to cultural organizations	S2				\$ 57,200.00			HIGH
Person/Team Responsible	Outputs: Measures/Artifacts/Evidence of Successful Implementation								
9	Implement Train the Trainer and community of practice model for Patterns Science professional learning and curriculum implementation.	S4				\$ 52,000.00			HIGH
Person/Team Responsible	Outputs: Measures/Artifacts/Evidence of Successful Implementation								
10	Partnership with local post-secondary institutions to design and implement a community of practice for EAs/IAs to learn and implement trauma informed and culturally-responsive instructional strategies.	S5				\$ 95,000.00			HIGH
12	Support district capacity building (mitigating implicit bias in hiring practices, application of equity lens, two-way communications)	S5							HIGH
13									
Person/Team Responsible	Outputs: Measures/Artifacts/Evidence of Successful Implementation								
Total Budget									

\$ 1,080,200.00



ITEM FOR INFORMATION

Date of Meeting
February 3, 2021

Title
Receive Update on COVID-19 and Return to On Site Learning

Presenter
Cydney Vandercar, Superintendent

Background

School districts across Oregon have returned to learning for the 2020–21 school year. Eugene School District 4J's return-to-learning plan, which aims to support students' well-being and academic progress while protecting students and staff from the spread of COVID-19, has been established in alignment with state requirements issued by Gov. Kate Brown, Oregon Department of Education and Oregon Health Authority.

4J students are learning online in a comprehensive distance learning model, which will continue at least through winter break. Schools will resume in-person instruction in a hybrid of online and on-site learning in January or later, when public health conditions allow.

While students are learning online, the district is providing free meals for all youth, space for childcare providers, and limited in-person instruction supports for individual students, including special education evaluation and internet hubs for students who can't access online instruction at home.

Staff will provide an update on the district's return to learning for the 2020–21 school year.

EUGENE SCHOOL DISTRICT 4J

(**r e t u r n** *to* **s c h o o l** *)*

Roadmap for Return

Prep

Health and safety measures have been established ✓

Workgroups are planning for teaching and learning in hybrid model

Vaccine

Key staff supporting a grade level will have opportunity for both vaccine doses + 2 weeks to develop immunity

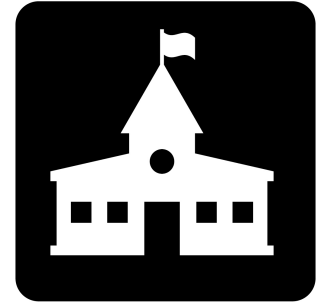
Vaccine is optional and not all staff may be vaccinated

Vaccination of staff is underway now

Metrics

Local COVID case rates must be within advisory metrics for school reopening

Rollout may pause if metrics are near threshold and rising



Back to buildings

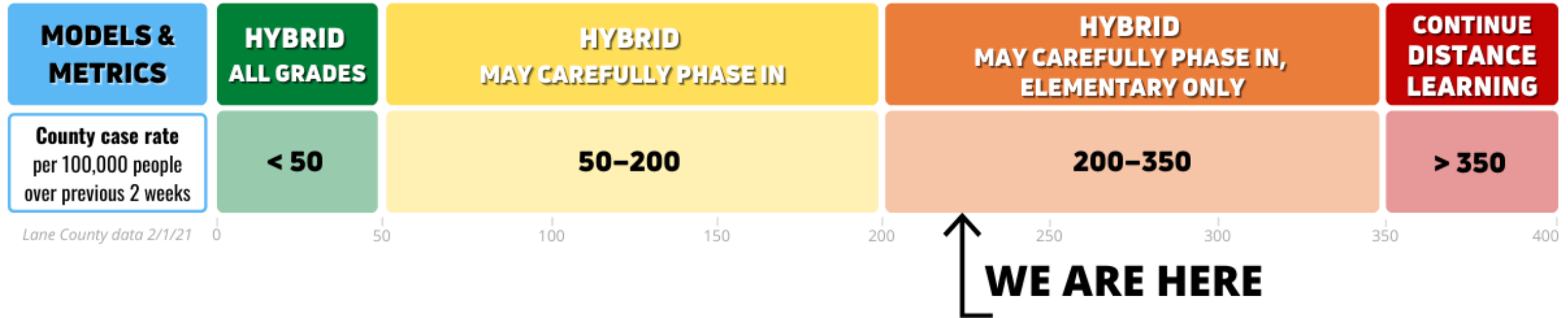
Hybrid model will roll out by grade level bands, starting with the youngest grades

Vaccination of Educators



Oregon Metrics for School Return

OREGON ADVISORY METRICS FOR RETURNING TO IN-PERSON INSTRUCTION IN HYBRID MODEL

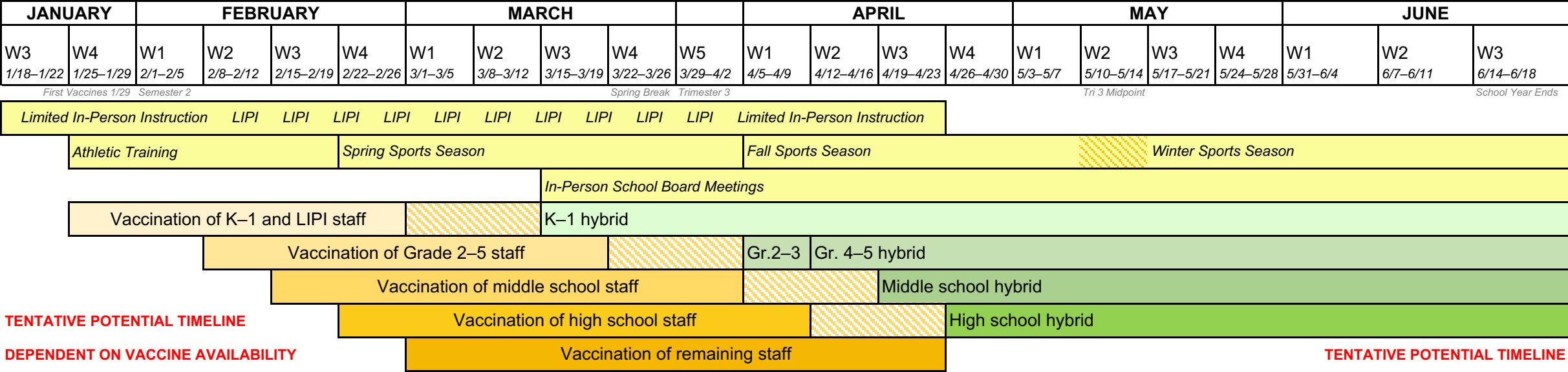


Parent Choice: Pathway Change Same School Online ↔ Hybrid



Potential Hybrid Rollout Timeline Example

NOTE: Dates are examples only. Actual dates will be dependent on availability of vaccine and public health metrics.



Elementary Hybrid Model

Planning: Elementary Operations Workgroup
including 25 gen ed, special ed, Title, ELD teachers & counselors

On-Site Days:

- Two-tiered school schedule
- 5-hour school day with lunch and recess
- 1 day a week remote learning for all
- Extensive health and safety measures:
Masks, distancing, cleaning, hygiene, ventilation, etc.

Off-Site Days:

- School day schedule similar to on-site days
- Combination of synchronous / asynchronous learning
- Less live teacher time than in distance learning for all



EUGENE SCHOOL DISTRICT 4J

(**r e t u r n** *to* **s c h o o l** *)*



ITEM FOR INFORMATION

Date of Meeting

February 3, 2021

Title

Bond Update: Summer 2021 Facilities Plan

Presenter

Kyle Tucker, Chief Operations Officer and Ryan Spain, Director of Facilities

Background

Local voters approved a bond measure in November 2018 to fund capital improvements at every 4J school. Three aging school buildings will be replaced with high-quality facilities built for school safety, modern seismic standards, sustainability, and 21st century education: North Eugene High School, Edison Elementary School and Camas Ridge Elementary School. Planning for the new school buildings and other capital improvements continues.

Three aging school buildings will be replaced with high-quality facilities built for school safety, modern seismic standards, sustainability, and 21st century education: North Eugene High School, Edison Elementary School and Camas Ridge Elementary School. Planning for the new school buildings and other capital improvement is underway now.

Staff will present an update on bond and other facilities related work planned for summer 2021.

Board and Superintendent Goals

4J Vision 20/20 Strategic Plan

Goal III: Communication & Connection with Community

Goal V: Stable, Sustainable Stewardship

Bond Update

Ryan Spain & Kyle Tucker

February 3, 2021



EDISON ELEMENTARY

- Design
- Construction
- Budget

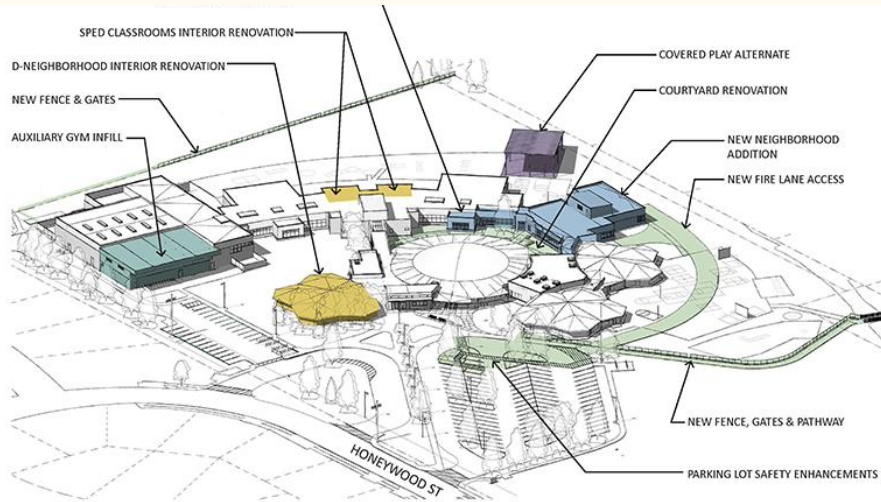




NORTH EUGENE HIGH SCHOOL

- Design
- Construction
- Budget





GILHAM ELEMENTARY

- Design
- Construction
- Budget



SUMMER 2021 WORK

- North Eugene Softball Field
 - Kennedy Middle School Renovation for Chinese Immersion
 - Equitable Athletic Improvements (*Churchill, SEHS, Sheldon*)
 - Turf Replacements (*Churchill, Sheldon*)
 - Camas Ridge New Building Design
 - Twin Oaks Entry Vestibule
 - Fox Hollow Restroom Renovation
 - Multi-Site Roofing Projects (*Spencer Butte, Kelly, Monroe*)
 - Multi-Site Track Resurface (*Churchill, NEHS, SEHS*)
 - Multi-Site Paint/Sealer Projects (*Kennedy, Bldg 2120, Ed Center*)
 - Bleacher Replacement (*Kennedy, Monroe*)
-

THANK YOU!





ITEM FOR INFORMATION

Date of Meeting

February 3, 2021

Title

Receive a Report on 2020 Graduation Rates

Presenters

Oscar Loureiro, Director of Research and Planning and Andy Dey, Director of Secondary Education

Description

4J graduation rates have climbed to an all-time high. More students in Eugene School District 4J graduated on time than in any previous year since the Oregon Department of Education began consistently recording the data, according to official 2020 graduation rates released by the agency in January.

In fact, 4J reached its best rate in *all* indicators: best 4-year and 5-year graduation rates ever, best 4-year and 5-year completion rates ever, and the lowest drop-out rate ever.

Eugene School District 4J is focused on helping all students complete high school ready for college, careers and life. While there is still much work to be done to reach this goal, these successes are noteworthy. We're proud of our 4J students and staff and their hard work to achieve these gains.

4J's graduation rates are rising

Eugene School District's on-time, four-year graduation rate in 2020 was 81.7%—3.9 percentage points higher than the previous school year, ahead of the Lane County average of 78.8%, and coming within 1 percentage point of the statewide average of 82.6%, which also is a new high.

The most significant increase occurred in Eugene Education Options, encompassing ECCO and other alternative high school programs, which many students enter behind schedule on completing graduation requirements. EEO's four-year graduation rate more than doubled, from 18.1% in 2019 to 39.5% in 2020.

The district's career technical education (CTE) programs played an important role in helping students succeed in high school. The on-time, four-year graduation rate rose to 94.7% for those students with a concentration in CTE (having successfully completed at least two courses in a single CTE program of study), and to 89% for students who participated in any CTE courses. Thanks to the passage of the 2018 school bond measure and state funding support from the High School Success Act, the district is expanding CTE programs at all four comprehensive high schools.

The dropout rate for 4J students also was the lowest ever on record, 2.7%—down from 3.6% in 2019 and 4.4% in 2018.

Additional students complete high school in a fifth year or with an alternate credential. These other high school graduation and completion rates were also higher in 2020 than any previous year since the Oregon Department of Education began consistently recording the data.

Every increase in on-time graduation rates and other measures of high school completion means a real difference for students' futures.

Some opportunity and achievement gaps have narrowed

Graduation rates improved for most but not all groups of 4J students in 2020.

Some of the most significant improvements in 4-year graduation rates were for traditionally underserved groups of students: Native American students (↑ 20.9%), homeless students (↑ 18.4%), Black / African-American students (↑ 17.9%), students navigating poverty (↑ 5.6%), Hispanic / Latino students (↑ 3.7%), and students with disabilities (↑ 2.7%).

Despite these gains, opportunity and achievement gaps persist, as they do across Oregon and the United States.

2020 on-time graduation rates in Eugene School District 4J

	2020 on-time grads	2019 on-time grads	2018 on-time grads	Change over 1 year (% points)	Change over 2 years (% points)
Eugene School District 4J	81.7%	77.8%	74.4%	↑ 3.9%	↑ 7.3%
Churchill High School	86.3%	90.1%	81.2%	↓ 3.8%	↑ 5.1%
North Eugene High School	86.2%	86.4%	81.4%	↓ 0.2%	↑ 4.8%
Sheldon High School	90.4%	90.4%	88.3%	0.0%	↑ 2.1%
South Eugene High School	92.1%	91.6%	91.4%	↑ 0.5%	↑ 0.7%
Eugene Education Options (alternative high school programs)	39.5%	18.1%	20.7%	↑ 21.4%	↑ 18.8%

An unusual end to the year

The Oregon Department of Education altered some graduation requirements in 2020 in response to the coronavirus pandemic.

The COVID-19 pandemic caused the emergency closure of school buildings in March 2020. State testing was suspended, with a waiver from federal assessment requirements, and the state also suspended the Personalized Learning and the Essential Skills graduation requirements, which require students to show proficiency in areas of reading, writing and math. Seniors who were on track to graduate on time when school buildings closed in March were awarded diplomas.

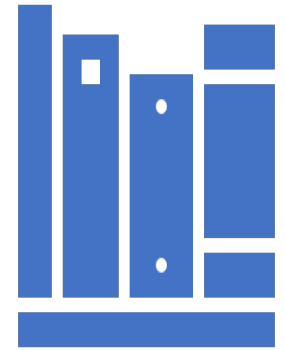
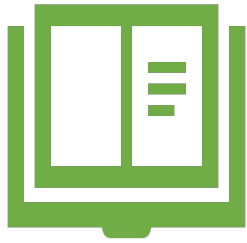
These changes in the last trimester of seniors' final year may have had some impact, but state education officials do not think they significantly affected graduation rates.

About the numbers

The on-time or "four-year cohort" graduation rate tracks students beginning in ninth grade and measures how many of those students graduate within four years. The rate is adjusted for students moving in or out of the district. Students who take an extra year to graduate are included in a five-year graduation rate.

Students who complete their high school education by alternate means, such as a GED or an extended diploma, are not included in the graduation rate but are included in high school completion rates.

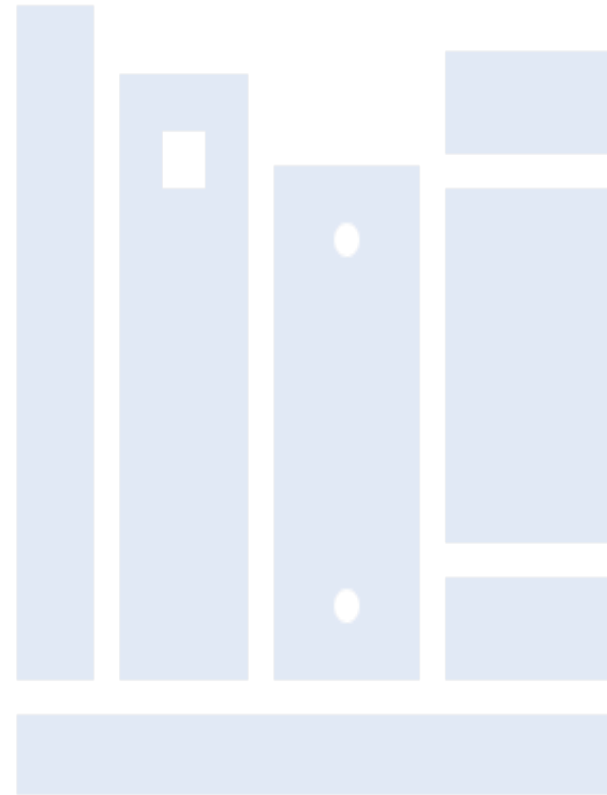
The districtwide graduation rate also includes students in charter schools and alternative education providers, in addition to the 4J high schools listed above.



2019-20 Graduation Rates in 4J

GRADUATION RATES FOR 2019-20 IN 4J

- Data were released by ODE on 1/21/2021
- Graduation rates count students who received regular or modified diplomas
- Completion rates also count students who received extended diplomas or GEDs



ALL THE GRADUATION OUTCOME INDICATORS IMPROVED IN 2019-20

- 4-Year Graduation Rate:

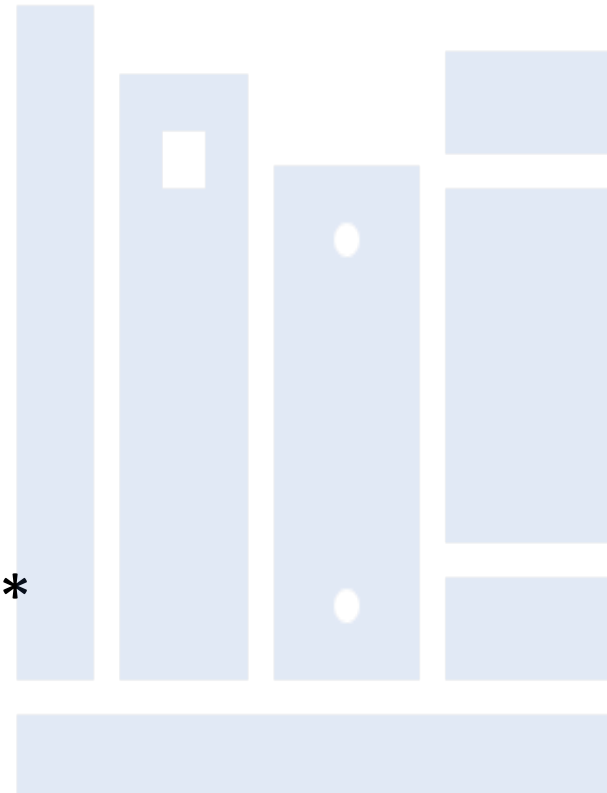


(by 3.9 points to 81.7%)*

- 4-Year Completion Rate:



(by 1.3 points to 85.9%)*

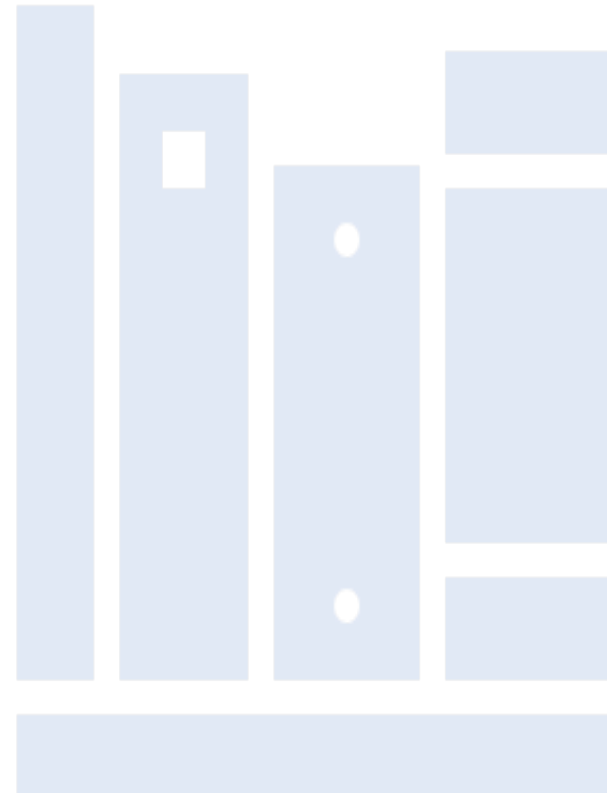


**The highest level ever since ODE started reporting graduation rates*

ALL THE GRADUATION OUTCOME INDICATORS IMPROVED IN 2019-20

- 5-Year Graduation Rate:
↑ (by 1.9 points to 80.6%)*
- 5-Year Completion Rate:
↑ (by 1 point to 88.1%)*
- Drop-out Rate:
↓ (by 0.9 points to 2.7%)*

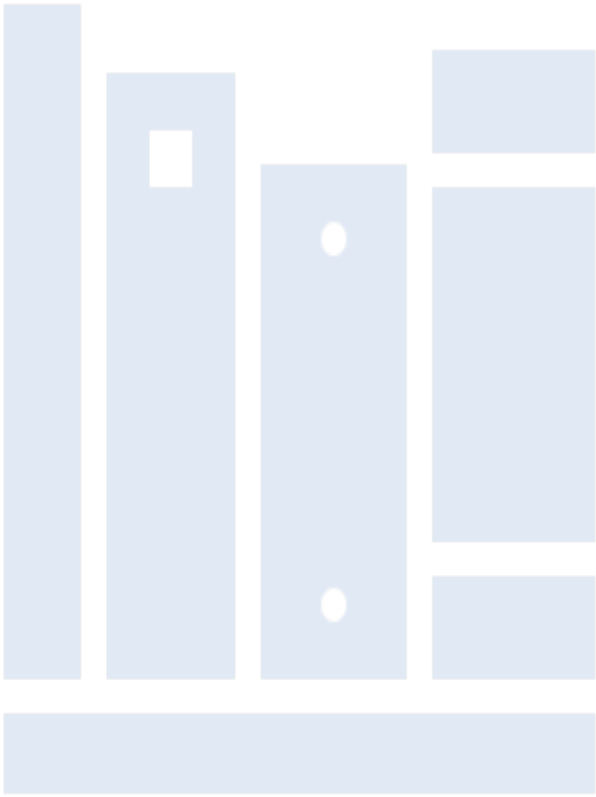
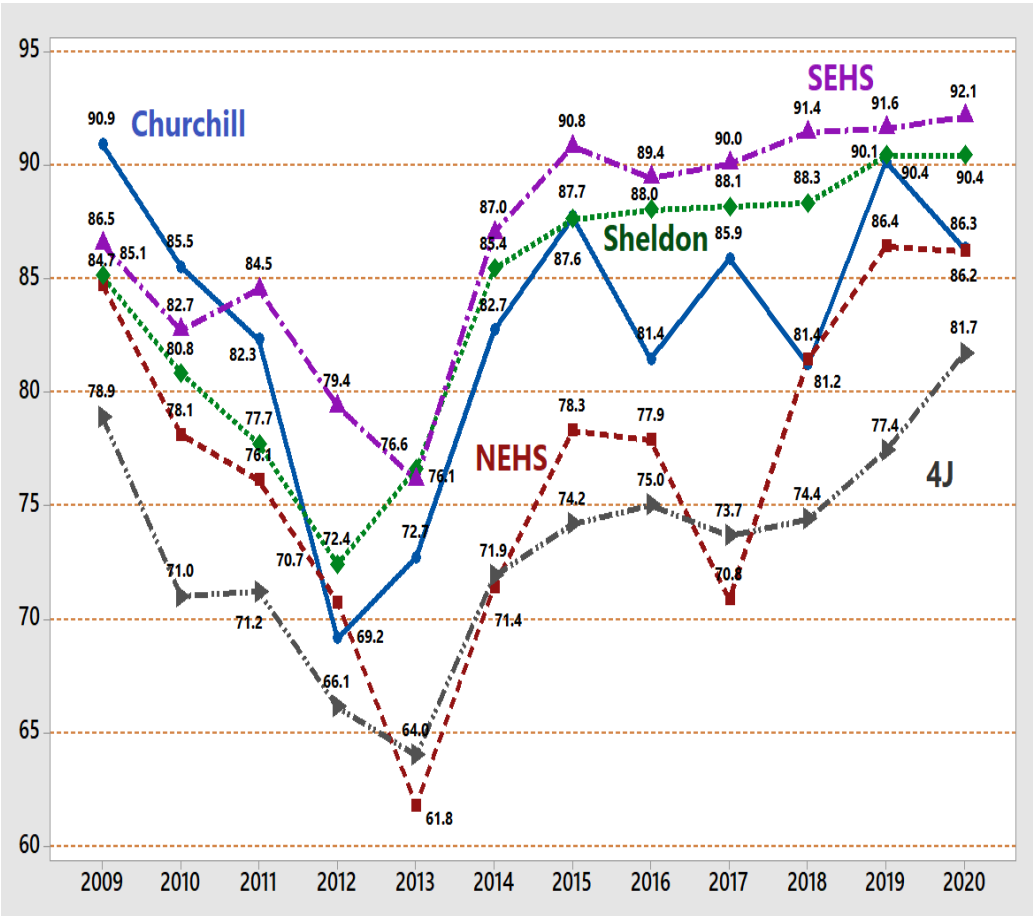
**The highest level ever since ODE started reporting graduation rates*



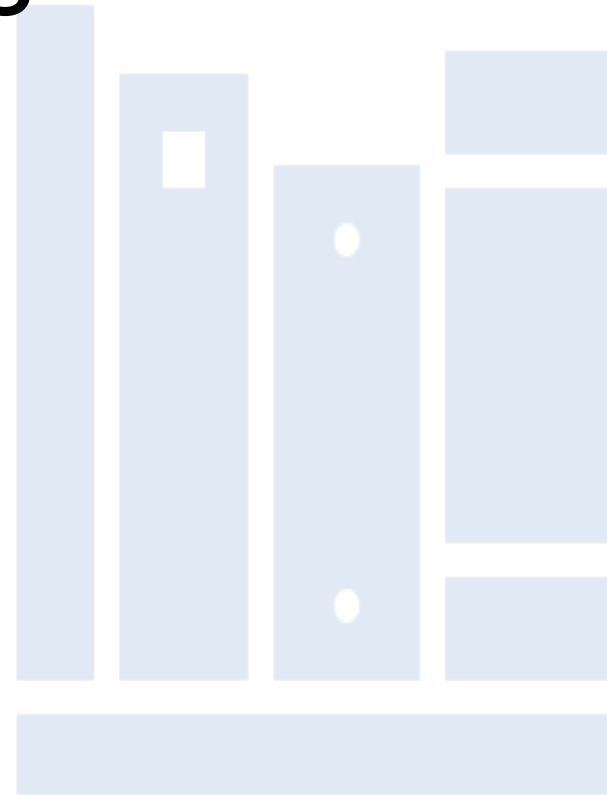
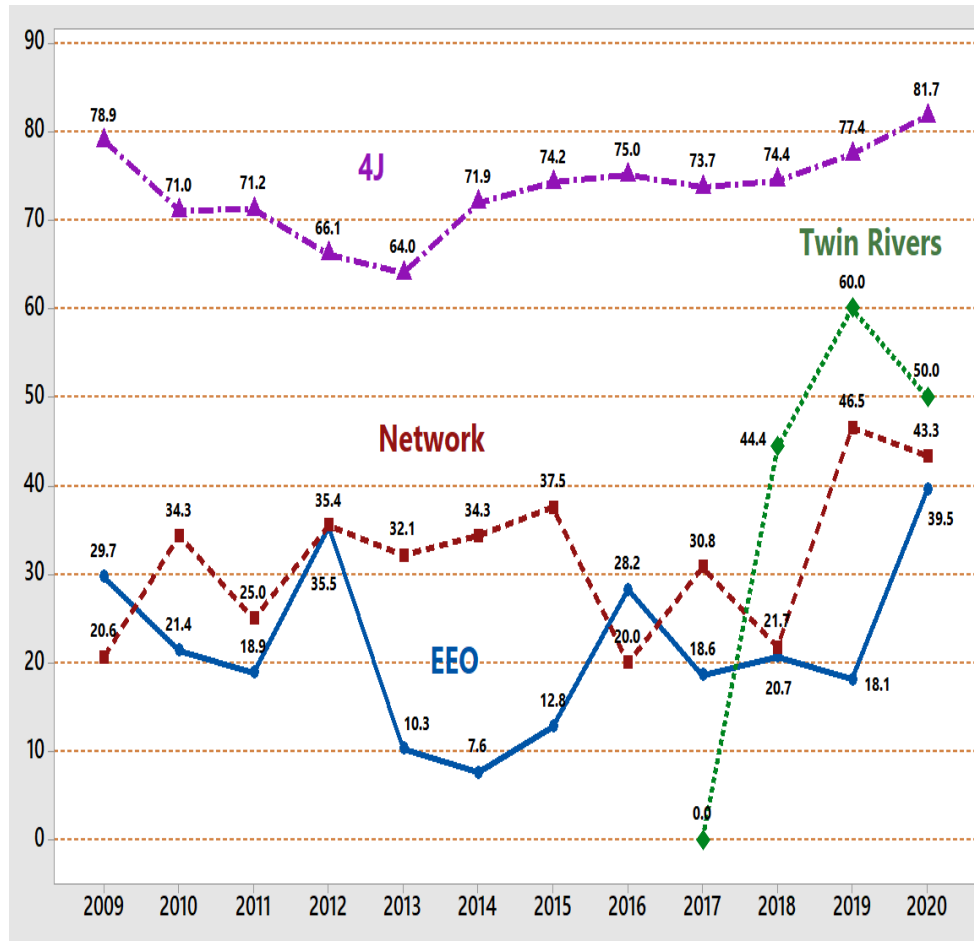
GRADUATION RATES BY HIGH SCHOOL

SCHOOL	GROUP	4-YR GRAD RATE					4-YR COMPLETION RATE					N		
		CLASS 2020	CLASS 2019	CLASS 2018	DIFF. 2020 vs 2019	DIFF. 2020 vs 2018	CLASS 2020	CLASS 2019	CLASS 2018	DIFF. 2020 vs 2019	DIFF. 2020 vs 2018	CLASS 2020	CLASS 2019	CLASS 2018
4J	All Students	81.7	77.8	74.4	3.9	7.3	85.9	84.6	81.2	1.3	4.7	1352	1412	1386
Churchill High School	All Students	86.3	90.1	81.2	(3.8)	5.1	87.0	90.8	83.1	(3.8)	3.9	262	283	266
Eugene Education Options	All Students	39.5	18.1	20.7	21.4	18.8	64.9	58.2	53.9	6.7	11.0	114	177	169
Network Charter School	All Students	43.3	46.5	21.7	(3.2)	21.6	56.7	67.4	63	(10.7)	(6.3)	30	43	46
North Eugene High School	All Students	86.2	86.4	81.4	(0.2)	4.8	88.0	86.4	83	1.6	5.0	225	199	188
Sheldon High School	All Students	90.4	90.4	88.3	(0.0)	2.1	91.3	91.3	89.2	(0.0)	2.1	333	343	333
South Eugene High School	All Students	92.1	91.6	91.4	0.5	0.7	93.8	93.1	92	0.7	1.8	341	334	348
Twin Rivers Charter Scho	All Students	50.0	60	44.4	(10.0)	5.6	55.0	100	44.4	(45.0)	10.6	20	5	9

COMPREHENSIVE HIGH SCHOOLS

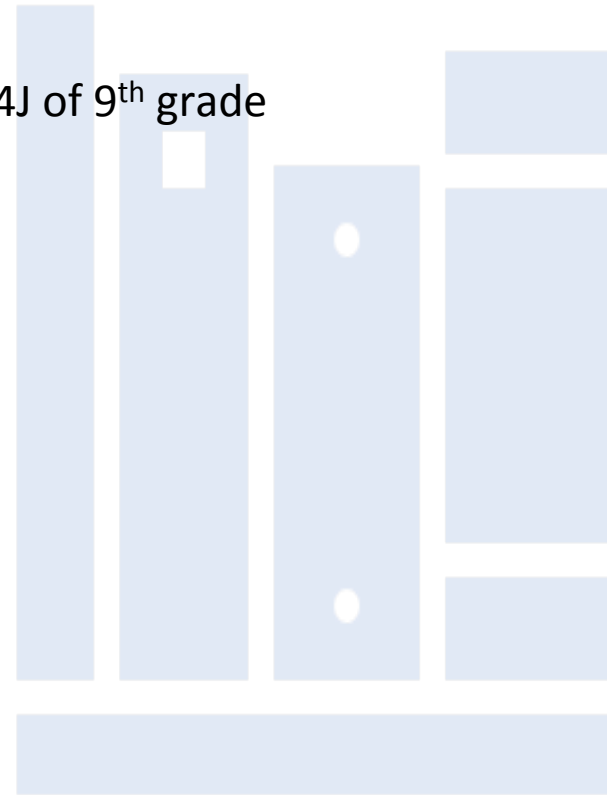
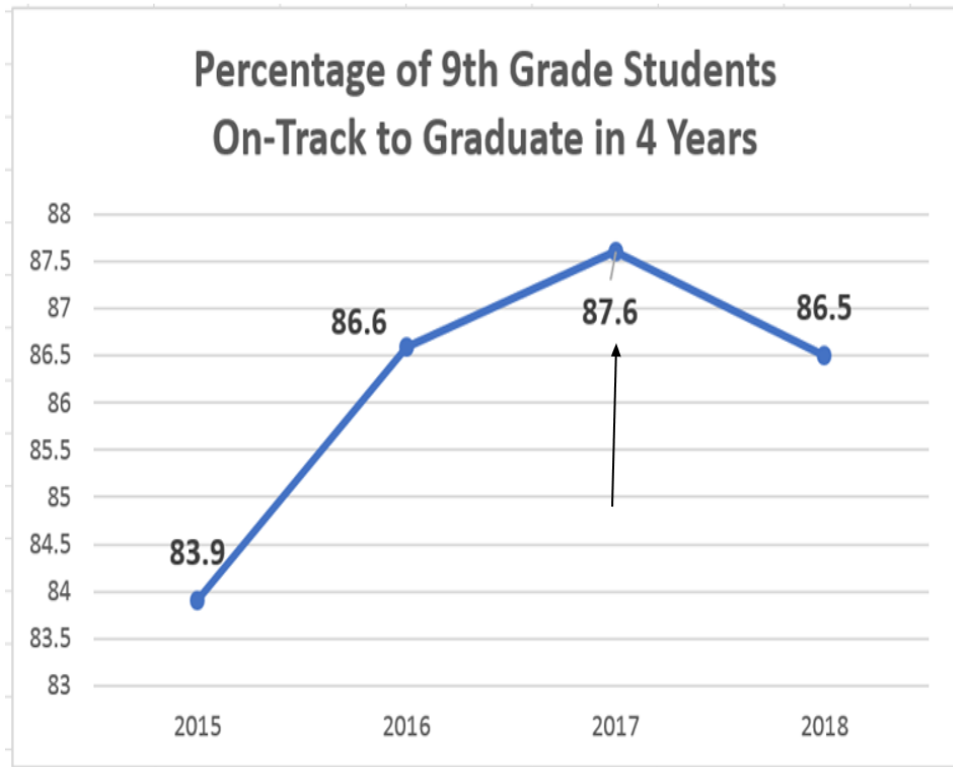


ALTERNATIVE AND CHARTER HIGH SCHOOLS



FACTORS AFFECTING GRADUATION RATES

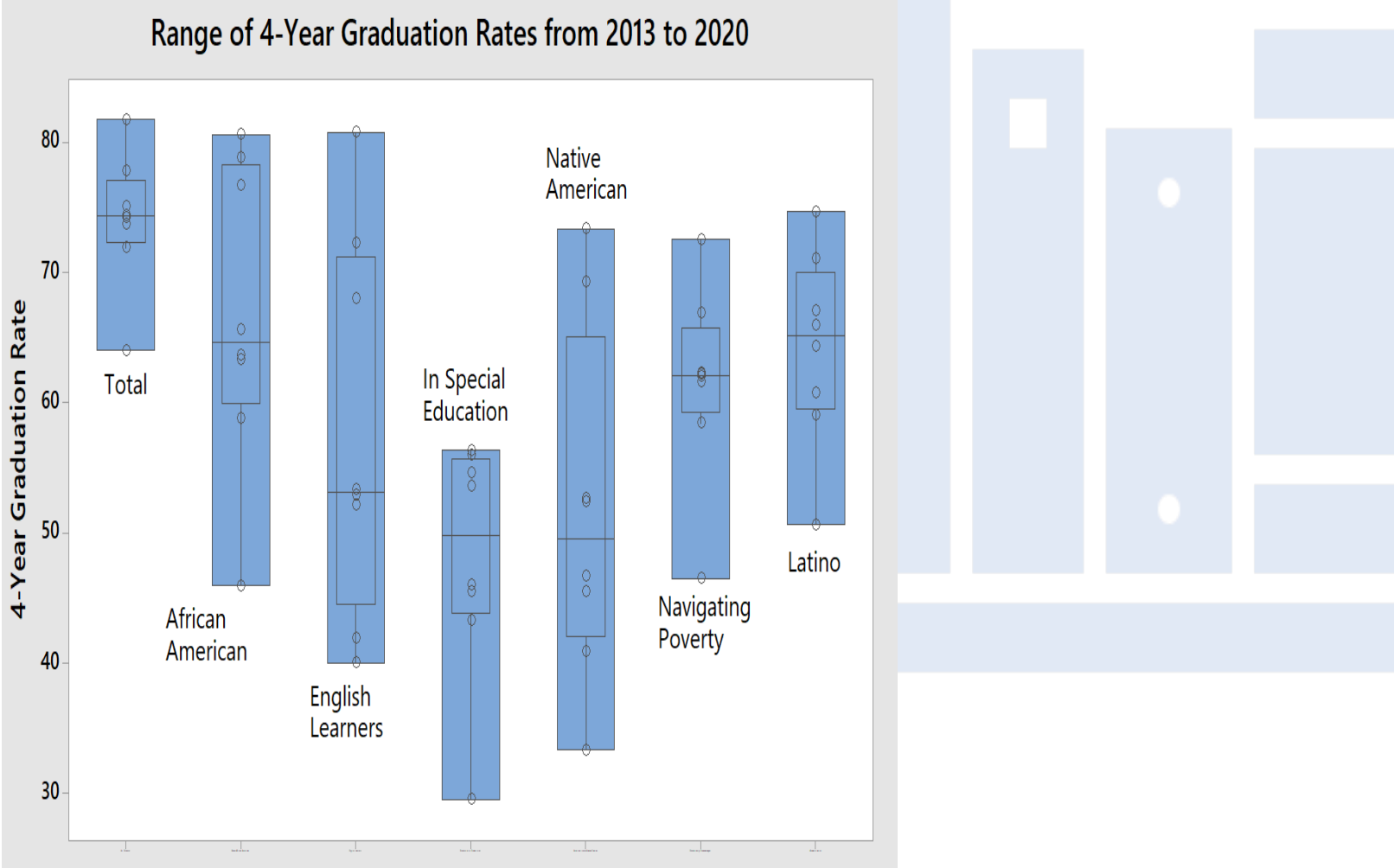
- The class of 2020 had the highest percentage in 4J of 9th grade student on track to graduate on time



LONG-TERM TREND IN GRADUATION RATES

STUDENT GROUP	2013	2014	2015	2016	2017	2018	2019	2020	GROWTH 2013 TO 2020
Black/African American	46.0	63.6	65.6	80.6	78.8	63.3	58.8	76.7	30.7
English Learners	52.2	68.0	40.0	41.9	72.2	53.3	52.9	80.8	28.6
Students with Disabilities	29.5	43.3	56.0	54.6	46.0	45.5	53.6	56.3	26.8
American Indian/Alaska Native	46.7	40.9	52.6	45.5	33.3	69.2	52.4	73.3	26.7
Economically Disadvantaged	46.5	58.4	61.6	62.3	62.0	62.2	66.9	72.5	26.0
Combined Disadvantaged	47.8	59.4	63.5	64.1	62.8	63.5	67.6	73.6	25.7
Underserved Races/Ethnicities	49.8	58.1	61.1	67.9	63.4	66.4	68.1	75.3	25.5
Hispanic/Latino	50.6	59.1	60.7	67.0	64.3	66.0	71.0	74.7	24.0
Male	60.3	69.3	70.0	70.6	71.1	69.4	74.5	78.3	18.1
White	66.2	75.2	75.9	76.2	74.6	76.3	79.0	84.0	17.9
All Students	64.0	71.9	74.2	75.0	73.7	74.4	77.8	81.7	17.7
Female	67.9	74.7	78.5	79.8	76.3	79.9	81.5	85.3	17.5
Asian/Pacific Islander	79.0	88.9	89.3	84.1	88.5	95.7	93.9	91.5	12.5
Talented and Gifted	88.0	92.4	92.9	88.8	94.4	92.9	92.4	100.0	12.0
Multi-Racial	65.0	66.3	78.2	76.1	80.0	68.8	80.3	75.4	10.4
CTE Concentrators				91.7	89.0	87.8	92.6	94.7	
CTE Participants				85.1	84.1	83.9	87.4	89.0	
Former English Learners						68.3	80.0	73.7	
Homeless Students							30.5	48.9	

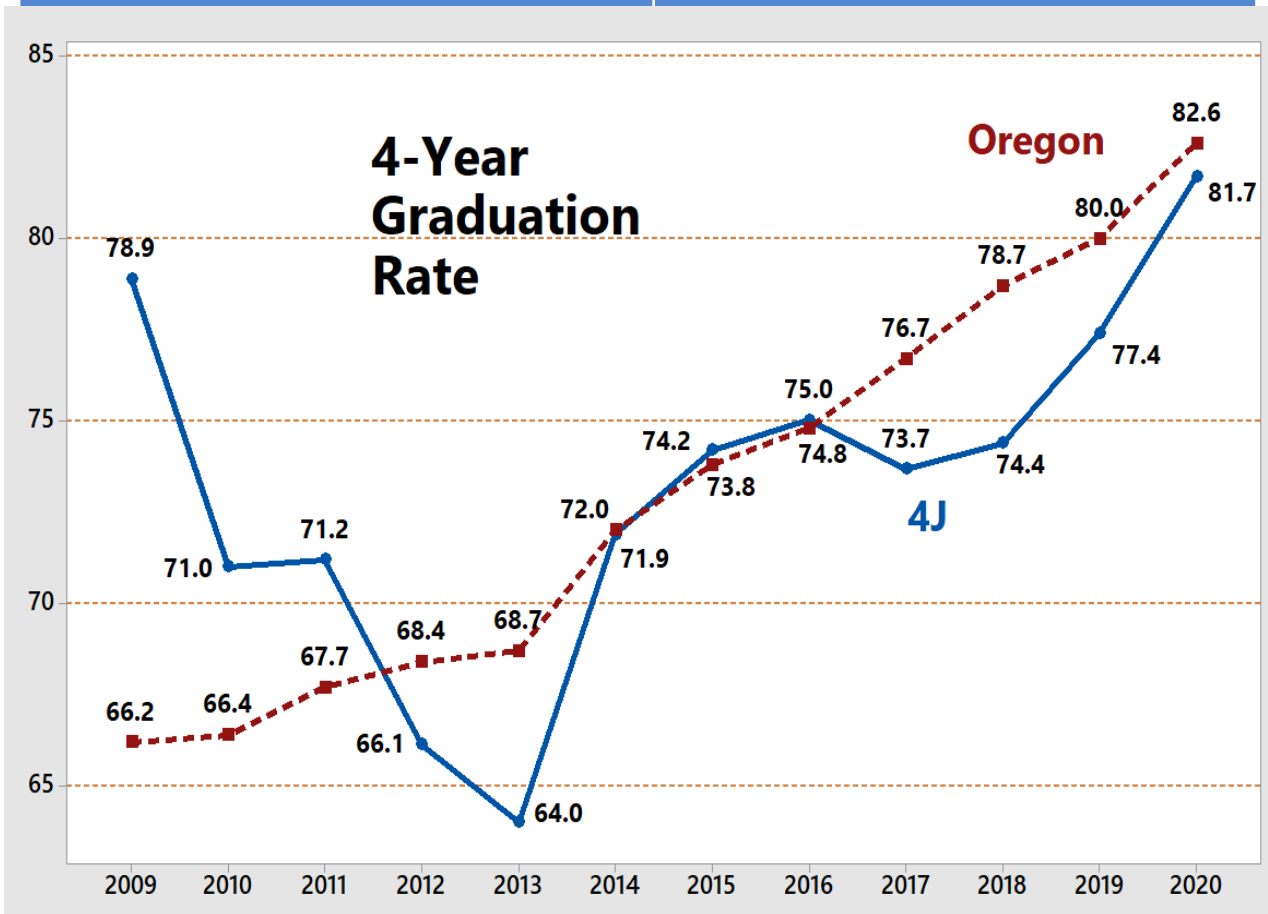
LONG-TERM TREND IN GRADUATION RATES



OREGON GRADUATION RATES CONTINUE TO IMPROVE

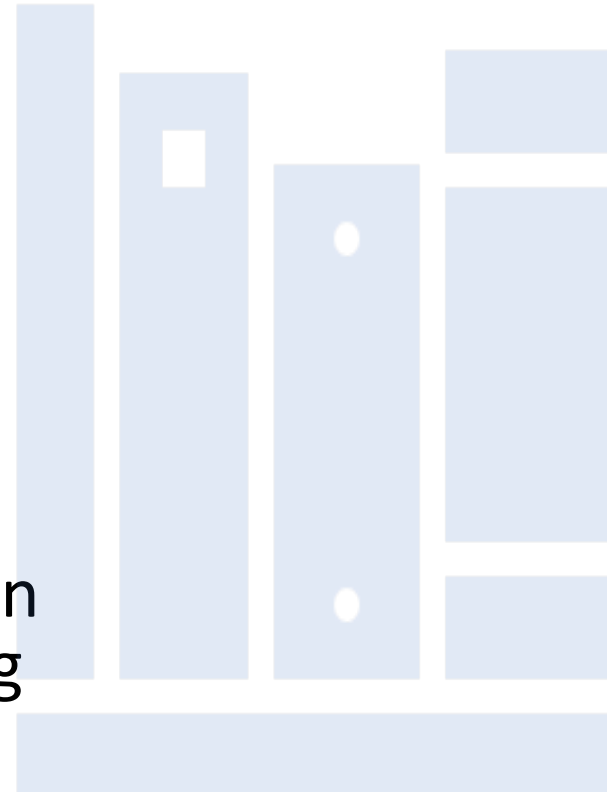
The state as a whole improved its 4-year

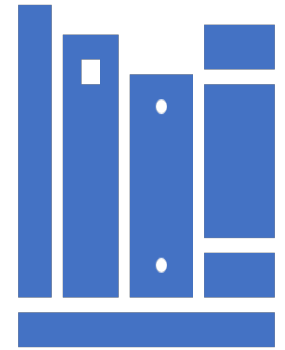
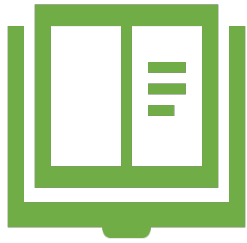
Graduation requirements in Oregon are more strict than



COMPARISON WITH OTHER DISTRICTS

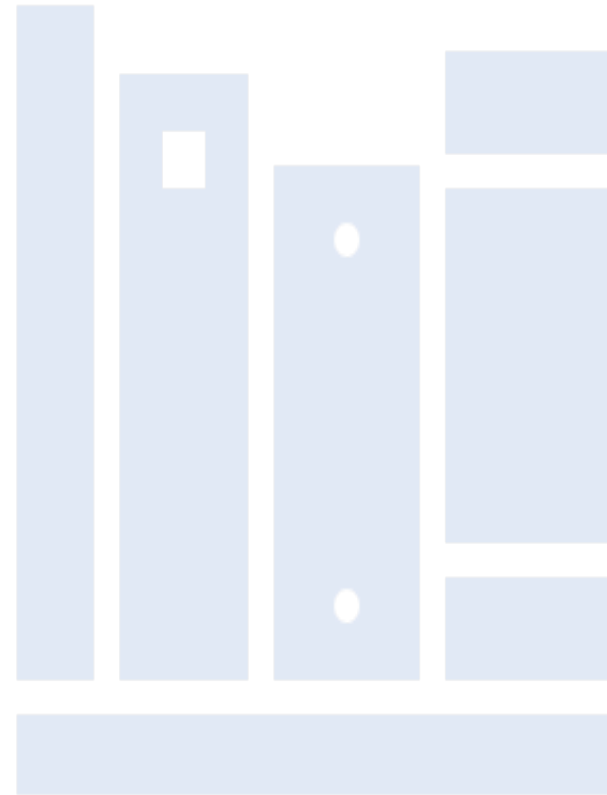
- Among Lane County districts, 4J's graduation ranking improved from 9th to 8th (out of 15 districts) from 2019 to 2020, and was higher than the rates for Bethel and Springfield
- Among the 10 largest districts in Oregon, 4J's graduation ranking improved from 9th to 8th from 2019 to 2020





**What are we doing to
improve graduation
rates?**

QUESTIONS





ITEM FOR ACTION AT A FUTURE MEETING (First Read)

Date of Meeting

February 3, 2021

Title

Approve the Lane Education Service District Local Service Plan

Presenter

Cydney Vandercar, Superintendent

Summary

As required by House Bill 3184, Lane Education Service District has developed a Local Service Plan. The process in developing this plan included analysis of all resolutions/core services with the 16 component districts. Through this process component districts had the opportunity to gain knowledge, share and discuss their needs and provide recommendations for the local service plan.

The Local Service Plan contains all services mandated by law. These services are intended to: Improve student learning; enhance the quality of instruction provided to students; assure equitable access to resources; and maximize operational and fiscal efficiencies. This plan includes services for:

1. Students with special needs
2. School improvement
3. Technology
4. Administrative and support
5. Additional services

Recommendation

The superintendent recommends approving the Lane Education Service District Local Service Plan.

Lane Education Service District
2021-23 Local Service Plan - Year One
Component District Board Action

As required by ORS 334.175, Lane Education Service District has developed a Local Service Plan. The process in developing this plan included analysis of all resolution and core service offerings available to component school districts.

The 2021-23 Local Service Plan - Year One was developed in collaboration with component district superintendents, Lane ESD administrators and staff, and reviewed and approved by the Lane ESD Board of Directors on January 5, 2021.

The Local Service Plan contains all services mandated by law. Local Service Plan services are intended to: Improve student learning; enhance the quality of instruction provided to students; assure equitable access to resources; and maximize operational and fiscal efficiencies.

The Board of Directors of the Eugene School District 4J has completed their annual review of the Lane ESD 2021-23 Local Service Plan - Year One which includes services for:

- Students with Special Needs
- Instruction, Equity and Partnerships (School Improvement)
- Technology
- Administrative and Support
- Custom Services

The Lane ESD 2021-23 Local Service Plan provides a two-year framework which must be approved annually by Lane ESD and component district boards no later than March 1 (ORS 334-175 (5)(b)).

BE IT RESOLVED that the Board of Directors of Lane County School District Eugene School District 4J hereby authorizes the approval the Lane ESD 2021-23 Local Service Plan - Year One and requests the Lane ESD to provide the services described during the 2021-22 (year one) fiscal year in accordance with ORS 334.175.

This resolution adopted this _____ day of __, 2021.

Chairman or Clerk
Eugene School District 4J



ITEM FOR ACTION AT A FUTURE MEETING (First Read)

Date of Meeting

February 3, 2021

Title

Consider Adoption of DJC-AR Special Procurements and Exemptions from Competitive Bidding

Presenters

Holly Langan, Director of Support Services
Christine Nesbit, General Counsel

Background

Under Board Policy DJC (Bidding Requirements), the Board of Directors is the Local Contract Review Board (LCRB) for the district under Oregon public contracting laws, and is authorized to adopt rules and findings for special procurements and exemptions from competitive bidding. Proposed regulation DJC-AR would establish certain exemptions from competitive bidding and designate certain classes of contracts for special procurement.

Special procurement means procurement by a contracting procedure that differs from the standard competitive procurement processes in circumstances when those standard procedures are not the most effective way to obtain the good or service.

In order to approve a class special procurement, the board must find that the designation of each such class of goods and/or services is:

1. Unlikely to encourage favoritism in the awarding of public contracts or to substantially diminish competition for public contracts; and
2. Either:
 - a. Is reasonably expected to result in substantial cost saving to the district or the public, or
 - b. Otherwise substantially promote the public interest in a manner that could not practically be realized by complying with standard procurement processes.

Use of special procurement and exemptions from competitive bidding is consistent with state law and practices by school districts and other public agencies throughout Oregon. In developing the proposed list of special procurements and exemptions staff considered those adopted by Portland Public Schools and Beaverton School District and the recommendations of Oregon School Board Association.

The Superintendent has determined that it is advantageous in specified cases to take advantage of special procurement procedures and exemptions from competitive bidding, and is requesting that the Board, consider the proposed findings in support of the proposed special procurements from competitive bidding and any evidence or testimony provided at the board's

public hearing, and – at a later meeting – adopt these findings and proposed regulation DJC-AR. The proposed findings are in Exhibit A.

Options and Alternatives

To be discussed.

Budget/Resource Implications

Special procurements, by definition, are expected to result in substantial cost savings or otherwise promote a substantial public interest.

Recommendation

At a future meeting, the Superintendent will recommend that the Board, acting as the Local Contract Review Board:

- (1) Adopt the findings and conclusions in support of DJC-AR Special Procurements and Exemptions from Competitive Bidding; and
- (2) Adopt proposed DJC-AR - Special Procurements and Exemptions from Competitive Bidding

**Exhibit A – Findings in Support of DJC-AR
Special Procurements and Exemptions from Competitive Bidding**

The board of directors, acting as the Local Contract Review Board (LCRB) makes the following findings in support of its adoption of Special Procurements and Exemptions from Competitive Bidding – DJC-AR as an amendment to its Public Contracting Rules.

Special Procurements – Findings of Fact

The district’s Class Special Procurements presented in Exhibit B, Eugene School District 4J Policy DJC-AR, are supported by the findings of fact on each class of goods and/or services, as follows:

1. Advertising Contracts (Purchase)

Findings of Fact

By their nature, media sources are generally unique. Advertisements are placed in a particular source because of the specific audience that source serves. Competition to furnish advertising space in daily newspapers of general, trade or business circulation in the vicinity of the district is limited. Cost savings are difficult to quantify where the sources are unique and not interchangeable. Advertisements may be placed to satisfy legal notice or Board policy requirements. Other published advertisements or notices, such as routine public notices, personnel recruitment information, etc., are placed in one or more of the publications of general circulation in the local area and other publications, as appropriate. It is unknown whether contracts for advertisements placed with radio, television or other broadcast media are going to result in cost savings if not placed for competitive bid or request for proposal (RFP). If possible savings could be obtained through competitive means, the district would attempt to obtain competitive quotes or bids, as appropriate.

Conclusion of Compliance with Law

Due to limited competition and unique nature of sources, it is unlikely that this class special procurement will encourage favoritism in the awarding of public contracts or substantially diminish competition for such contracts. Further, any contracts awarded under this class special procurement would result in a cost savings available to the district where the district can achieve volume savings through contracts for advertising with a particular media source, or otherwise substantially promote the public interest.

Advertising Contracts (Sale)

Findings of Fact

Sales of advertising for student activities are generally other fund revenues, where student groups solicit advertisements from local businesses to help with the cost of the activity itself. A common example is the sale of advertising in school newspapers and yearbooks. The circulation of the newspaper and yearbook is limited to the students, teachers, parents and interested members of the community associated with the activities of that particular school. Due to the limited circulation and audience, the businesses that participate by purchasing advertising do so partly in the spirit of good will. Any business is welcome to place an advertisement in the school newspaper or yearbook; all it needs to do is to contact any district school department which publishes one. The district itself

would not achieve any increased revenue to the General Fund by seeking competitive bids or proposals for such advertising. This holds true for advertising in publications relating to other student activities, such as athletics, drama or music events and the like.

Conclusion of Compliance with Law

These findings indicate that it is unlikely that this special procurement will encourage favoritism in the awarding of public contracts or substantially diminish competition for such contracts. Any business or individual who wishes to advertise in this manner may do so by simply contacting the student group responsible for the activity. The sale of advertising for student activities such as school newspapers, yearbooks, athletic, drama or music programs would not benefit from competitive procurement. Such a requirement would place an unnecessary burden on the student group's activity and there is no financial advantage to the district in doing so. Consequently, the cost savings test is not an issue.

2. Equipment Repair and Overhaul Contract in an amount no greater than \$150,000

Findings of Fact

- a. The need for equipment repair or overhaul cannot be anticipated by district staff. If a piece of equipment is broken or not working properly, the district incurs cost of downtime, possible replacement equipment rental fees, staff time and other inconveniences or liabilities to its programs.
- b. Generally, there are a limited number of vendors who are able to perform repair or overhaul on a particular piece of equipment because of its make or manufacture. Sophisticated equipment may require specially trained personnel available from only one source. Often, a piece of equipment will have a partial warranty in place which will guarantee some savings to the district in the parts and/or labor needed to do the repair or overhaul. This warranty savings may only be achieved if the original manufacturer or provider of the equipment performs the necessary repair or overhaul.
- c. The dollar limits on the use of this special procurement procedure ensure that when the cost of the equipment repair or overhaul is expected to exceed \$150,000, the district will either seek formal competitive bids or, if that is not practical or cost effective, obtain a contract-specific special procurement procedure from the LCRB to proceed with the purchase of the needed repair or overhaul.

Conclusion of Compliance with Law

It is unlikely that this special procurement procedure will encourage favoritism in the awarding of public contracts or substantially diminish competition for such contracts because the dollar limits, incorporated into this special procurement when the anticipated costs exceed \$150,000, ensure the district will seek formal competitive bids and proposals. If the formal process is not practical, the district will obtain a contract-specific exemption from the LCRB to proceed with the purchase of the needed repair or overhaul.

The awarding of public contracts under this special procurement will result in a cost savings to the district, as required by ORS 279B.085, because the district incurs direct and indirect costs from the moment equipment breaks down or becomes unusable. This special procurement only applies to equipment already owned by the district and does not provide for the purchase of new equipment. The district must be able to purchase necessary services and parts as quickly as possible in order to minimize equipment downtime and potential costs during that downtime.

3. Brand Names “or Equal”

Findings of Fact

It is unlikely that this special procurement will encourage favoritism in the awarding of public contracts or substantially diminish competition for such contracts and is reasonably expected to result in substantial cost savings to the district which could not be realized under ORS 279B.055, 279B.060, 279B.065 or 279B.070 as required by ORS 279B.085(4). Public notice of the approval must be given in the same manner as provided in ORS 279B.055(4). This rule requires the districts to make a good faith effort to determine that no other sources are available for the specified products. The district maintains open lists from which vendors are contacted for quotations and utilizes electronic means of determining new vendors on an ongoing basis.

Conclusion of Compliance with Law

The awarding of a contract as described in this special procurement should result in substantial cost savings by virtue of the ability to reduce solicitation costs when it is known that comparable products are not available, or when specifying another product solely to meet a competition requirement might lead to lower initial cost but longer lifetime cost.

4. Copyrighted Materials and Creative Works

The district may, without competitive bidding and regardless of a dollar amount, purchase copyrighted materials and/or creative works where there is only one known supplier available for such goods. Examples of copyrighted materials and creative works covered by this special procurement procedure may include, but are not necessarily limited to, newly adopted textbooks/instructional materials, workbooks, curriculum kits, reference materials, audio and visual media and non-mass-marketed software from a particular publisher or their designated distributor.

Findings of Fact

- a. By their nature, copyrighted materials are protected for the use of a single owner. Copyrighted materials may not be duplicated by others without the copyright owner’s permission or license. Copyrights are established and regulated under federal law.
- b. Often, copyrighted materials are produced by only one supplier who may be the owner of the copyright or his/her licensee. Textbooks/Instructional materials are examples of copyrighted materials that the district purchases through a sole source. Textbooks/Instructional materials are adopted through a statewide process under the authority of the Oregon Department of Education. A textbook/instructional material adoption defines the various materials which the district will purchase for use in its educational programs.

The district purchases its textbooks/instructional materials through the Northwest Textbook Depository. This practice enables the regional textbook depository to purchase and warehouse textbooks/instructional materials in conformance with adoptions made in the states of their region. The result is that savings are achieved through the depository’s combined purchases on behalf of member districts. Freight costs for individual districts are reduced by the bulk purchases of the depository and the depository takes on the cost of stocking and warehousing enough to meet each member district’s needs.

The system of textbook/instructional materials distribution enables the district to participate in the largest possible bulk purchasing activity of adopted textbooks/instructional materials in the region. This ensures a cost savings to the district. A savings that would be jeopardized if the district was to act as an individual purchaser.

Conclusion of Compliance with Law

This class of special procurement will not encourage favoritism or substantially diminish competition in the awarding of public contracts. The production and distribution of copyrighted materials is controlled by the owner of the copyright and may only be permitted through a sole source. The district has no control over this. If circumstances arise for a unique competitive environment to exist, the district may elect to procure these items using a competitive process if it is expected to result in cost savings.

The awarding of contracts pursuant to this special procurement will result in a cost savings to the district when it needs to purchase copyrighted materials and there is only one known supplier for such goods, or otherwise substantially promote the public interest.

5. Product Prequalification

Findings of Fact

- a. There are occasions when the district needs to establish a list of prequalified products before it invites bids or proposals to furnish the products. The district may have a specific performance or design need, but it is impractical for the district to create a specification for the type of products to be purchased. An example is audiovisual equipment. There is a tremendous variety of audiovisual products offered in the market. The equipment technology is complex and constantly changing. It would be very burdensome and time consuming for the district to generate nonbrand name, generic performance specifications for such equipment every time it wants to make a purchase.

Also, competition would be poorly served because bidders and proposers would not know in advance whether their offered product would meet the general specification substantially enough to be considered a responsive offer. The decision to make an award would be slow, because each product offered would have to be analyzed against the district's specification. Slowdown in the award process affects both bidders, who are asked to hold their bids open until award is made, and district programs, because staff are not able to order the equipment they need until the contract is awarded.

In such cases, it might be more cost effective and efficient for the district to prequalify products and establish a list of approved products before invitations to bid are sent out. The prequalification process can be done some time before the need for a new contract. Once the prequalified product list is established, the bidding and contract award process can go quickly and smoothly.

- b. A second occasion when prequalification of products will be useful is when the specific design or performance specifications for a product are so exacting that the district must have time to carefully consider what is offered in the market that may or may not meet the specifications and, if necessary, reconsider its options before issuing an invitation to bid.
- c. This rule sets out a process of prequalification which requires the use of advertisement or other appropriate means to notify vendors of competing products of their opportunity to submit

items for prequalification. The district maintains vendor mailing lists which are open to all interested vendors. The district uses these lists routinely to notify vendors of its intentions to prequalify products or to invite bids on products.

- d. This includes a 15-day time limit between the closure of a prequalification list and a related invitation to bid. This time factor ensures that vendors have a reasonable time to apply to include their products on a prequalified product list.
- e. Subsection c., of this Special Procurement Class provides vendors with an appeal process to follow if their application for prequalification is denied.

Conclusion of Compliance with Law

Where prequalification of products is appropriate, it is unlikely that this special procurement will encourage favoritism in the awarding of public contracts or diminish competition for such contracts. There are several safeguards in the rule to prevent this, including notice, advertising, time and appeal process requirements to ensure that vendors are given a fair and open opportunity to participate in the prequalification process.

The prequalification of products process is a time-consuming effort for the district. It is not a shortcut procurement method. The district would use this method only after balancing cost-saving considerations, such as the ability of the district to create or generate nonbrand name generic specifications for types of products or the need for lengthy product evaluation prior to a contract award. If the prequalification method is chosen, it will result in a cost savings to the district because the normal method of product selection is too cumbersome and costly to pursue, or otherwise substantially promote the public interest.

6. Spot Buys

Findings of Fact

There are occasions when the district has the opportunity to purchase certain goods or services at a deeply discounted rate. Examples have included close-out pricing for custodial supplies and food. By its nature, these opportunities are unforeseen and available only for a limited period of time. The district's experience in using this exemption in the past is that it allows the district to save substantial sums

Conclusion of Compliance with Law

This class special procurement will not encourage favoritism or diminish competition because it takes advantage of a unique marketing process for certain goods and services. The rule allows for a limited competitive review process to ensure that the "spot price" is in fact substantially less expensive than the competitive market price. This class special procurement is expected to result in substantial cost savings to the district by enabling the district to better take advantage of special sales of products at lower-than-normal prices, and promotes the public interest, in accordance with ORS 279B.085(4), because use of a standard competitive process would cost the district the opportunity to take advantage of a special sale price.

7. Requirements Contracts (Blanket Purchase Orders, Price Agreements)

Findings of Fact

- a. This rule permits the district to enter into a requirements contract, in which the vendor agrees to provide specified goods and/or services over the term of the contract at the bid price or discount rate. A requirements contract is useful when the purchase of the goods or services are routine and repetitive. For example, school, office, custodial and facilities maintenance supplies are customarily purchased through requirements contracts.
- b. Requirements contracts are a common method of minimizing paperwork, achieving continuity of product, securing a source of supply, reducing inventory, obtaining volume discounts, standardizing usage among schools and departments and reducing lead time for ordering.
- c. The district establishes a requirements contract as a result of open competitive bidding or RFP processes, unless otherwise permitted under the public contracting code.
- d. The district limits the term of a requirements contract, including all renewal options, to a maximum of five years before competitive rebidding must be done, unless otherwise permitted under the public contracting code.
- e. The district may use the requirements contracts established by other public agencies, subject to certain conditions of state law, Board policy and administrative regulation.

Conclusion of Compliance with Law

It is unlikely that this special procurement will result in favoritism in the awarding of public contracts or diminish competition for such contracts. The district will only enter into requirements contracts which result from open competitive bidding processes. This condition applies also to the use of requirements contracts established by other public contracting agencies.

The awarding of district requirements contracts will result in a cost savings to the district, or otherwise substantially promote the public interest. It would be costly and inefficient to make routine, repetitive purchases of goods and services through individual transactions. Also, the guaranteed volume of a requirements contract allows the district to get better prices from bidders.

8. Purchase of Used Personal Property or Equipment

Findings of Fact

- a. The district is responsible to manage expenditures in the best interests of the public. Cost savings can be achieved through the procurement of used property and equipment. The district purchases used property and equipment when it meets the district's needs and is cost effective. Considerations include type, quality, quantity and estimated useful life of the used item.
- b. Used equipment and property becomes available sporadically and without notice. Used equipment and property is generally sold on a first-come, first-served basis. When used property or equipment does become available, the district must be able to respond immediately in order to obtain the property or equipment.
- c. Some types of property or equipment may not be readily available in the new goods market. The district may have to look for used items to fill the need.
- d. Competition to provide used property and equipment may be very limited and inconsistent, depending on the type of product.
- e. The district maintains vendor lists which include information on whether a vendor provides used property or equipment. These lists are open to all vendors.

Conclusion of Compliance with Law

It is unlikely that this special procurement will encourage favoritism in the award of public contracts

or substantially diminish competition for such contracts. The purchase of used property or equipment depends on an inconsistent, sporadic market. When a used item is available, there is often little competition available. Sources for used items of the type, quality and quantity required by the district are inconsistent. This rule requires the district to attempt to obtain and document quotes as appropriate to the dollar amount of the purchase. If the anticipated purchase is over \$150,000, the district will advertise its need.

The use of this special procurement will result in a cost savings to the district, or otherwise substantially promote the public interest. The cost of used equipment or property is generally substantially less than that of new. Savings of 20 percent to 50 percent are not uncommon. Used equipment can provide good value to the district and help ensure the continuation of district services and programs.

9. Telecommunications Services

Findings of Fact

- a. Since deregulation there is generally adequate competition among vendors of telecommunication services to allow the district to make competitive procurements.
- b. Since there is competition, price competition exists in the marketplace. It is important for the district to take advantage of existing competition.
- c. The district will follow its rules governing special procurements and document reasonable efforts to obtain at least three informally solicited quotes for purchases less than or equal to \$150,000. The district shall keep a written record of the sources of the quotes or proposals received. If three quotes or proposals are not reasonably available, fewer will suffice, but the district shall make a written record of the effort made to obtain the quotes or proposals.
- d. If a purchase of service is expected to cost more than \$150,000, the district will use a formal competitive bidding or proposal process in accordance with these rules and the *Attorney General's Model Public Contract Rules*.
- e. There may be occasions where there is limited competition that can furnish telecommunications services of the quality and extent required by district operations. In such instances, the district will follow this rule and also its rule governing Brand Names or Products, "Or Equal," Single Seller and Sole Source, Section 1. under Special Procurements, to procure needed services from the sole source.

Conclusion of Compliance with Law

It is unlikely that this special procurement will encourage favoritism in the awarding of public contracts or substantially diminish competition for such contracts. Routinely, the purchase of telecommunications services will be made in accordance with other competitive bidding rules contained in this administrative regulation. If the anticipated purchase is over \$150,000, the district will advertise its need, issue a written solicitation document and invite written bids or proposals to be furnished in response.

There may be circumstances, however, where sufficient competition does not exist in the relevant geographic and service market area. In such cases, the district will follow this rule in determining whether sufficient competition exists to make a competitive procurement.

The use of this special procurement will result in a cost savings to the district, or otherwise substantially promote the public interest. Competition will be encouraged at all dollar levels of purchase of telecommunications hardware and software. This rule gives the district some flexibility

in selecting the method of competitive procurement but requires adherence to the rule on brand name or sole source acquisitions if those situations occur. The rule also states the steps to be taken to document situations where sufficient competition may not exist and a sole source purchase needs to be made.

10. Software and Hardware Maintenance, Licenses, Subscriptions and Upgrades

Findings of Fact

- a. Rapid changes in information technology and telecommunications make it necessary for the district to be able to purchase or renew existing contracts for information technology and telecommunications hardware or software maintenance, licenses, subscriptions, and upgrades without competitive solicitation where the maintenance, upgrades, subscriptions and licenses are either available only from one source or, if available from more than one provider, are obtained from the district's current provider in order to utilize the pre-existing knowledge of the vendor regarding the specifics of the district's hardware or software system.
- b. Since deregulation, there is generally adequate competition among vendors of telecommunication hardware and software to allow the district to make competitive purchases.
- c. Pricing for telecommunications hardware and software also changes frequently. It is important for the district to take advantage of price competition in the marketplace.
- d. The district will follow procedures governing special procurements and document reasonable efforts to obtain at least three informally solicited quotes for purchases over \$10,000 but less than or equal to \$150,000. If a purchase of telecommunications hardware or software is expected to cost more than \$150,000, the district will use a formal competitive bidding or proposal process in accordance with these rules and the *Attorney General's Model Public Contract Rules*.
- e. It is impractical to seek competition for the purchase or lease of ongoing hardware or software maintenance or upgrades given that the hardware/software intellectual property is generally available from a single source.
- f. There are also times when the district needs to purchase specific items that are compatible with current equipment. On these occasions, the district will follow its rule governing Brand Names or Products "or Equal" Special Procurements, to make the purchase.

Conclusion of Compliance with Law

It is unlikely that this special procurement will encourage favoritism in the awarding of public contracts or substantially diminish competition for such contracts. The purchase of telecommunications hardware and software will be made in accordance with other competitive bidding rules herein. If the anticipated purchase is over \$150,000, the district will advertise its need.

The use of this special procurement will result in a cost savings to the district, or otherwise substantially promote the public interest. Competition will be encouraged at all dollar levels of purchase of telecommunications hardware and software. This rule gives the district some flexibility in selecting the method of competitive procurement but requires adherence to the rule on brand name or sole source acquisitions if those situations occur.

This class special procurement is not expected to encourage favoritism or diminish competition because it requires due diligence to support the specific procurement and supporting the intent of this exemption. It is impractical to seek competition for the purchase or lease of ongoing hardware or software maintenance or upgrades given that the hardware/software intellectual property is generally available from a single source. This class special procurement promotes the public interest in accordance with ORS 279B.085(4) because it allows the district to utilize its existing software or

hardware, to upgrade and maintain it to the latest standards and to do so in a cost and time efficient manner.

11. Hazardous Material Abatement

Findings of Fact

- a. When the DEQ orders a public agency to remove or clean up hazardous material or oil, the public agency must respond within a very short time, which is stated in the DEQ order. This time period does not generally allow the agency to take the time necessary to solicit written bids or proposals for the work to be performed. The district would be liable for any delay in responding to DEQ orders to perform hazardous material removal or cleanup.
- b. This exemption will not be used in those situations where there is no DEQ order to remedy the situation. Routine competitive procurement methods will be used where there is no DEQ order to act immediately. The district maintains open lists of vendors who are interested in providing hazardous material removal and cleanup services. Whenever it needs hazardous material removal or disposal, the district makes use of these lists to solicit quotes, bids or proposals as needed, in addition to advertising the procurement as required.
- c. Cost savings are achieved through this exemption because the district can be liable for DEQ penalties and fines if it does not timely remove hazardous materials or oil as ordered. There is also serious risk in these situations, that property damage or personal injury could result if the district is slow to act.

Conclusions of Compliance with Law

It is unlikely that this special procurement will encourage favoritism in the awarding of public contracts or substantially diminish competition for such contracts as required by ORS 279B.085 (3)(a). If it is under DEQ order to act immediately, the district will still attempt to obtain competitive quotes for the work to be performed as it has the ability and time to do so. Unless the district is faced with the quasi-emergency situation of a DEQ order to remove or clean up hazardous waste or oil, it will follow normal competitive procedures to obtain these services.

The award of public contracts pursuant to this special procurement will result in a cost savings to the district in these situations, as required by ORS 279B.085(3)(b), because the district must comply with the law and avoid and minimize risk to persons and property. Where possible, it will seek competitive quotes for the work to be performed and will award the contract to the lowest, responsive and responsible bidder.

12. Donated Materials or Services

Findings of Fact/ Conclusions of Compliance with Law

Subject to the requirements of this class special procurement, the district will award such contracts for materials and/or services to the district by alternative contracting, including the option for direct negotiation, which in the discretion of the superintendent or designee best serves the criteria of ORS 279B.085(4). Donated materials and/or services avoids unnecessary expenditure by the district and results in cost savings. The opportunity for donated services or materials affords the district the ability to take advantage of such donated materials and/or services, enables the district to use its limited funds in other areas or accept materials and/or services the district would not otherwise be able to afford. The acceptance of donated materials or services is not expected to encourage

favoritism or diminish competition. The class special procurement is conditioned upon and ensures that the donee will comply with the public contracting requirements applicable to the project and required to protect the district.

13. Purchases through Federal Programs.

Findings of Fact

The district may enter into public contracts through available federal procurement contracts or programs established by open solicitation. Federal programs operate competitive procurement processes that are comparable to Oregon law. When the district makes purchases through federal programs, it avoids cost inefficiencies. It would be costly and inefficient to make routine, repetitive purchases of goods and services through individual transactions.

Conclusions of Compliance with Law

It is unlikely that this class special procurement will result in favoritism in the awarding of public contracts or diminish competition, because the district will only enter into contracts available from the federal programs which result from open competitive bidding processes equivalent to Oregon law. The awarding of district contracts will result in a cost savings to the district, or otherwise substantially promote the public interest.

14. Purchases under Contracts Solicited by Nonprofit Procurement Organizations of which the district is a Member.

Findings of Fact

Nonprofit procurement organizations provide vendors the opportunity to compete in a fair and open manner for the goods and services to be purchased. When the district participates in such organizations, it is able to take advantage of the competition fostered in the procurement process operated by the organization, which is expected to result in cost savings to the district and to avoid the district having to spend its own resources on a duplicative procurement process.

Conclusions of Compliance with Law

This class special procurement will substantially promote the public interest in accordance with ORS 279B.085(4) because it assures that a legally compliant competitive process is performed, while preserving the district's labor and time in lieu of engaging in a duplicative procurement process. This class special procurement is not expected to encourage favoritism or diminish competition because vendors are able to compete in a fair and open manner for the goods and services to be purchased.

15. Flexible Services Contractor Pool (FSCP).

Findings of Fact

After a list of qualified vendors within a Flexible Services Contractor Pool has been created by competitive solicitation, the district may thereafter directly execute public contracts with the FSCP vendors for services within the scope of the original solicitation. Contracts for individual services or goods will be offered, negotiated, and awarded sequentially to contractors on the FSCP list.

Conclusions of Compliance with Law

This class special procurement will not encourage favoritism or diminish competition because the

FSCP is created by competitive solicitation and contractors offered the opportunity for work in sequential rotation from the randomly generated FSCP list of qualified contractors.

16. Contracts of Price-Regulated Items.

Findings of Fact

Price-regulated items are, by definition, regulated and competition therefore not an option.

Conclusions of Compliance with Law

This class special procurement will substantially promote the public interest in accordance with ORS 279B.085(4) because it will allow for expedient purchases of items and/or services where price competition is not an option. This class special procurement is not expected to encourage favoritism or diminish competition because prices in class are pre-established. In awarding the work or ordering the products, the district may compare the experience, qualifications and other criteria of interested vendors.

17. Expedited Contracting Process in order to Access State, Federal, or Grant Funding.

Findings of Fact

Federal and state governments have historically adopted a number of programs intended to achieve certain policy goals, including for instance the goal of the American Recovery and Investment Act of 2009 to stimulate the economy. These programs provide federal and state funding to governmental agencies such as the district to acquire goods and services. Because the purpose of similar acts is to stimulate the economy, these programs are known to impose very short timelines on public bodies to have projects ready to go in order to be eligible for funding. The state and federal governments and certain nonprofit and for-profit granting entities also have other grant/funding programs that may have deadlines or limit funding availability to a certain window of time. The purpose of this special procurement is to grant the authority to the Superintendent or designee to modify the procurement process and approve and execute a contract in any dollar amount where strict adherence to the standard process could jeopardize the district's eligibility for such funding by delaying a contract, project or procurement. The Superintendent or designee must document the reasons supporting and the extent of the waiver in the procurement file, as well as provide for an alternative contracting process consistent with the applicable time constraint.

Conclusions of Compliance with Law

This special procurement will not encourage favoritism or substantially diminish competition for district contracts because it would apply to a very limited subset of contracts eligible for specialized funding, and because the Superintendent or designee is required to design an alternative competitive process based on the timeline for award of the funding. This class special procurement will substantially promote the public interest in accordance with ORS 279B.085(4) because the use of this class special procurement will result in substantial cost savings to the district by enabling it to better take advantage of state, federal and other time-sensitive grant funding opportunities.

18. Hotel and Space Rental Contracts.

Competitive procurement need not be used for the rental of real estate, floor space or other short- or long-term rentals of physical space.

Findings of Fact

Many space rental transactions must, of necessity, take place in private in order to ensure that public disclosure will not have negative effects upon price or other contractual considerations. Additionally, rentals are subject to considerable personal judgment in the selection of the space, its availability, its surrounds, its geographical location, the landlord, and the contract terms. Many of these items are not subject to negotiation or are extremely difficult to compare objectively. Moreover, many such rentals must be finalized in extremely short periods, occasionally within minutes, or the arrangement may be lost to another offeror. It is not in the best interest of the public to disadvantage the district by necessitating an arduous selection process for rentals of space, which, of necessity, are highly subjective activities.

Conclusion of Compliance with Law

It is unlikely that this Special Procurement will result in favoritism in the awarding of public contracts or substantially diminish competition since all vendors, including Oregon businesses, are able to compete (ORS 279B.085(3)(a)), and it will enable the District to promote the public interest (ORS 279B(3)(b)(B)), through expediting its procurement processes without compromising integrity for cost.

Exemptions From Competitive Bidding – Background

A. Background

All public contracts shall be based upon competitive bids or proposals, except the following:

1. Contracts which have been specifically exempted under ORS 279A.025 and 279C.335; and
2. Contracts covered by the class exemptions in the following set of rules developed pursuant to ORS 279C.335(2) and (5) and based on Oregon Administrative Rules, Chapter 137, Divisions 46 through 49.

The Board, acting as the LCRB for the district, has made the findings required by ORS 279C.330, ORS 279C.335 and ORS 279C.345, and determined that awarding a contract under this exemption is unlikely to encourage favoritism or substantially diminish competition for the public contract and will likely result in a substantial cost savings and other substantial benefits to the district.

In approving a finding under this section, the LCRB considers the type, cost and amount of the contract and, to the extent applicable to the particular public improvement contract or class of public improvement contracts, the following:

1. How many persons are available to bid;
2. The construction budget and the projected operating costs for the completed public improvements;
3. Public benefits that may result from granting the exemption;
4. Whether value engineering techniques may decrease the cost of the public improvement;

5. The cost and availability of specialized expertise that is necessary for the public improvement;
6. Any likely increases in public safety;
7. Whether granting the exemption may reduce risks to the district or the public that are related to the public improvement;
8. Whether granting the exemption will affect the sources of funding for the public improvement;
9. Whether granting the exemption will better enable the district to control the impact that market conditions may have on the cost of and time necessary to complete the public improvement;
10. Whether granting the exemption will better enable the district to address the size and technical complexity of the public improvement;
11. Whether the public improvement involves new construction or renovates or remodels an existing structure;
12. Whether the public improvement will be occupied or unoccupied during construction;
13. Whether the public improvement will require a single phase of construction work or multiple phases of construction work to address specific project conditions; and
14. Whether the district has or has retained under contract, and will use district personnel, consultants and legal counsel that have necessary expertise and substantial experience in alternative contracting methods to assist in developing the alternative contracting method that the district will use to award the public improvement contract and to help negotiate, administer and enforce the terms of the public improvement contract.

Only these findings are required for each class or individual contract exemption, unless the LCRB specifically excludes a finding or includes an additional finding. Promulgation of these exemptions can only occur after public notification and a public hearing to receive testimony pertaining to the draft exemptions and findings, pursuant to ORS 279C.335.

B. Findings

1. Brand Names or Products, “Or Equal,” Single Seller and Sole Source

- a. The district may purchase brand names or products from a single seller or sole source without competitive bidding subject to the limitations of this rule.
- b. The district has determined that value engineering, specialized expertise required, public safety and technical complexity, generally do not apply to this exemption.
- c. Solicitation specifications for public contracts of the district shall not expressly or implicitly require any product of any particular manufacturer or seller except as expressly authorized in subsections d. and e. of this rule.
- d. The district may specify a particular brand name, make or product suffixed by “or equal,” “or approved equal,” “or equivalent,” “or approved equivalent” or similar language if there is no other practical method of specification after documenting the procurement file with the following:

- (1) A brief description of the solicitation(s) to be covered, including contemplated future purchases;
 - (2) Description of the brand name, mark or product to be specified; and
 - (3) A brand name specification may be prepared and used only if the district determines for a solicitation or class of solicitations that only the identified brand name specification will meet the needs of the district based on one or more of the following written determinations:
 - (a) The use of the brand name specification is unlikely to encourage favoritism in the awarding of public contracts or substantially diminish competition for public contracts; or
 - (b) Specification of the brand name, mark or product would result in substantial cost savings to the district; or
 - (c) There is only one manufacturer or seller of the product of the quality, performance or functionality required; or
 - (d) The efficient utilization of existing goods requires the acquisition of compatible goods and services.
 - (4) The district shall make reasonable effort to notify all known suppliers of the specified product and invite such vendors to submit competitive bids or proposals.
- e. The district may purchase a particular product or service available from only one source, after documenting the procurement file with the district's findings of current market research to support the determination that the product is available from only one seller or source. The district's findings shall include:
- (1) A brief description of the contract or contracts to be covered, including contemplated future purchases;
 - (2) Description of the product or service to be purchased; and
 - (3) The reasons the district is seeking this procurement method, which shall include any of the following:
 - (a) That the efficient utilization of existing equipment, supplies or services requires the acquisition of compatible equipment, supplies or services; or
 - (b) That the goods or services required for the exchange of software or data with other public or private agencies are available for only one source; or
 - (c) That the goods or services are for use in a pilot or an experimental project; or
 - (d) Other findings that support the conclusion that the goods or services are available from only one source.
 - (4) To the extent reasonably practical, the contracting agency shall negotiate with the sole source to obtain contract terms advantageous to the contracting agency.
- f. The district may specify a product or service available from only one manufacturer but available through multiple sellers, after documenting the procurement file with the following information:
- (1) If the total purchase is over \$10,000 but does not exceed \$100,000, and a comparable product or service is not available under an existing state cooperative purchasing contract, competitive quotes shall be obtained by the district and retained in the

procurement file; or

- (2) If the amount of the purchase exceeds \$100,000, the product or service shall be obtained through competitive bidding unless a specific exemption is granted by the LCRB.
- g. If the district intends to make several purchases of the product of a particular manufacturer or seller for a period not to exceed five years, the district will so state in the solicitation file and in the solicitation document, if any. Such documentation shall be sufficient notice as to subsequent purchases. If the total purchase amount is estimated to exceed \$100,000, this shall be stated in the advertisement for bids or proposals.

Findings of Fact/Conclusion of Compliance with Law

It is unlikely that this process will encourage favoritism in the award of public contracts or substantially diminish competition for such contracts, as required by ORS 279C.335(2)(a).

This class exemption applies only to contracts under a limited dollar amount, and then, only after efforts to obtain competitive quotes are made, or other methods have been employed to ensure that competitive means are used if available. The district maintains open lists from which vendors are contracted for quotations. In addition, as required by ORS 279C.335(2)(b) award of a public contract subject to the above-described exemption should likely result in substantial cost savings or other substantial benefits to the district by virtue of the ability to reduce solicitation costs when it is known that comparable products are not available, or when specifying another product solely to meet a competition requirement might lead to lower initial cost but longer lifetime cost.

2. Purchases under Contracts Solicited by Nonprofit Procurement Organizations of which the district is a Member.

Findings of Fact

Nonprofit procurement organizations provide vendors the opportunity to compete in a fair and open manner for the goods and services to be purchased. When the district participates in such organizations, it is able to take advantage of the competition fostered in the procurement process operated by the organization, which is expected to result in cost savings to the district and to avoid the district having to spend its own resources on a duplicative procurement process.

Conclusions of Compliance with Law

This class exemption will substantially promote the public interest in accordance with ORS 279C.335(2) because it assures that a legally compliant competitive process is performed, while preserving the district's labor and time in lieu of engaging in a duplicative procurement process. This class exemption is not expected to encourage favoritism or diminish competition because vendors are able to compete in a fair and open manner for the goods and services to be purchased.

3. Flexible Services Contractor Pool (FSCP)

Findings of Fact

After a list of qualified vendors within a Flexible Services Contractor Pool has been created by competitive solicitation, the district may thereafter directly execute public contracts with the FSCP vendors for services within the scope of the original solicitation. Contracts for individual services or

goods will be offered, negotiated, and awarded sequentially to contractors on the FSCP list.

Conclusions of Compliance with Law

This exemption will not encourage favoritism or diminish competition because the FSCP is created by competitive solicitation and contractors offered the opportunity for work in sequential rotation from the randomly generated FSCP list of qualified contractors.

4. Requirements Contracts (Blanket Purchase Orders, Price)

- a. The business manager, on behalf of the district, may establish requirements contracts for the purposes of minimizing paperwork, achieving continuity of product, securing a source of supply, reducing inventory, combining district requirements for volume discounts, standardization among schools and departments and reducing lead time for ordering.
- b. The district has determined that value engineering, specialized expertise required and technical complexity, generally, do not apply to this rule.
- c. The district may enter into a requirements contract (also known as a blanket purchase order or price agreement) whereby it is agreed to purchase goods or services for an anticipated need a predetermined price or price discount from a price list, provided the contract is led by a competitive procurement process pursuant to the requirements of the public contracting code and these rules.
- d. Once a requirements contract is established, schools and departments may purchase the goods and services from the awarded contractor without first undertaking additional competitive solicitation.
- e. Schools and departments shall use requirements contracts established by the district, unless otherwise specified in the contract, allowed by law or these rules or specifically authorized by the superintendent or designee.
- f. Under the authority of ORS 279A.025 and 279C.335, the district may use the requirements contracts entered into by another Oregon public agency when:
 - (1) The original contract met the requirements of the public contracting code; and
 - (2) The original contract allows other public agency usage of the contract; and
 - (3) The original public contracting agency concurs and this is documented by a written interagency agreement between the district and the agency.
- g. The term of any district requirements contract, including renewals, shall not exceed five years unless otherwise exempted pursuant to ORS 279C.335.

Findings of Fact

- a. This rule permits the district to enter into requirements contracts, in which the vendor agrees to provide specified goods and services over the term of the contract at the bid price or discount rate. A requirements contract is useful when the purchase of the goods or services are routine and repetitive. For example, school, building, office, custodial and facilities maintenance supplies are customarily purchased through requirements contracts.
- b. Requirements contracts are a common method of minimizing paperwork, achieving continuity of product, securing a source of supply, reducing inventory, obtaining volume discounts, standardizing usage among schools, buildings and departments and reducing lead time for ordering.
- c. The district establishes requirements contracts as a result of open competitive bidding or RFP processes, unless otherwise exempted.

- d. The district limits the term of a requirements contract, including all renewal options, to a maximum of five years before competitive rebidding must be done, unless otherwise exempted.
- e. The district may use the requirements contracts established by other public agencies, subject to certain conditions of state law, Board policy and administrative regulation.

Conclusion of Compliance with Law

It is unlikely that this exemption will result in favoritism in the awarding of public contracts or diminish competition for such contracts, as required by ORS 279C.335(2)(a). The district will only enter into requirements contracts which result from open competitive bidding processes. This condition applies also to the use of requirements contracts established by other public contracting agencies.

The awarding of district requirements contracts will likely result in a substantial cost savings and other substantial benefits to the district, as required by ORS 279C.335(2)(b). It would be costly and inefficient to make routine, repetitive purchases of goods and services through individual transactions. Also, the guaranteed volume of a requirements contract allows the district to get better prices from bidders.

5. Expedited Contracting Process in order to Access State, Federal, or Grant Funding.

Findings of Fact

Federal and state governments have historically adopted a number of programs intended to achieve certain policy goals, including for instance the goal of the American Recovery and Investment Act of 2009 to stimulate the economy. These programs provide federal and state funding to governmental agencies such as the district to acquire goods and services. Because the purpose of similar acts is to stimulate the economy, these programs are known to impose very short timelines on public bodies to have projects ready to go in order to be eligible for funding. The state and federal governments and certain nonprofit and for-profit granting entities also have other grant/funding programs that may have deadlines or limit funding availability to a certain window of time. The purpose of this special procurement is to grant the authority to the Superintendent or designee to modify the procurement process and approve and execute a contract in any dollar amount where strict adherence to the standard process could jeopardize the district's eligibility for such funding by delaying a contract, project or procurement. The Superintendent or designee must document the reasons supporting and the extent of the waiver in the procurement file, as well as provide for an alternative contracting process consistent with the applicable time constraint.

Conclusions of Compliance with Law

This class exemption will not encourage favoritism or substantially diminish competition for district contracts because it would apply to a very limited subset of contracts eligible for specialized funding, and because the Superintendent or designee is required to design an alternative competitive process based on the timeline for award of the funding. This exemption will substantially promote the public interest in accordance with ORS 279C.335 because the use of this exemption will result in substantial cost savings to the district by enabling it to better take advantage of state, federal and other time-sensitive grant funding opportunities.

6. Product Prequalification

- a. When specific design or performance specifications must be met or such specifications are impractical to create or reproduce for a type of product to be purchased, the district may specify a list of approved or qualified products by reference to the prequalified product(s) of particular manufacturers or vendors in accordance with the following product prequalification procedure:
 - (1) The district will make reasonable efforts to notify all known manufacturers and vendors of competing products of the district's intent to compile a list of prequalified products. The notice will explain the opportunity manufacturers and vendors of competing products will have to apply to have their product(s) included on the district's list of prequalified products. At its discretion, the district may provide notice by advertisement in a trade paper of general statewide circulation or other appropriate trade publication; or instead of advertising, the district may provide written notice to those manufacturers and vendors appearing on the appropriate list maintained by the district; and
 - (2) The district will accept manufacturer and vendor applications to include products in the district's list of prequalified products up to 15 calendar days prior to the initial advertisement for bids or proposals for the type of product to be purchased, unless otherwise specified in the advertisement or in the district's written notice.
- b. The district has determined that special expertise required, generally, does not apply to this rule.
- c. If the district denies an application for inclusion of a product on its list of prequalified products, the district shall promptly provide the applicant with a written notice of the denial and include the reason for denial. The applicant may submit a written appeal within seven calendar days to the district business manager to request review and reconsideration of the denial.

Findings of Fact

- a. There are occasions when the district needs to establish a list of prequalified products before it invites bids or proposals to furnish the products. The district may have a specific performance or design need, but it is impractical for the district to create a specification for the type of products to be purchased. An example is audiovisual equipment. There is a tremendous variety of audiovisual products offered in the market. The equipment technology is complex and constantly changing. It would be very burdensome and time consuming for the district to generate nonbrand name, generic performance specifications for such equipment every time it wants to make a purchase.

Also, competition would be poorly served because bidders and proposers would not know in advance whether their offered product would meet the general specification substantially enough to be considered a responsive offer. The decision to make an award would be slow, because each product offered would have to be analyzed against the district's specification. Slowdown in the award process affects both bidders, who are asked to hold their bids open until award is made, and district programs, because staff are not able to order the equipment they need until the contract is awarded.

In this case, it might be more cost effective and efficient for the district to prequalify products and establish a list of approved products before invitations to bid are sent out. The

prequalification process can be done some time before the need for a new contract. Once the prequalified product list is established, the bidding and contract award process can go quickly and smoothly.

- b. A second occasion when prequalification of products will be useful is when the specific design or performance specifications for a product are so exacting that the district must have time to carefully consider what is offered in the market that may or may not meet the specifications and, if necessary, reconsider its options before issuing an invitation to bid.
- c. This rule sets out a process of prequalification which requires the use of advertisement or other appropriate means to notify vendors of competing products of their opportunity to submit items for prequalification. The district maintains vendor mailing lists which are open to all interested vendors. The district uses these lists routinely to notify vendors of its intentions to prequalify products or to invite bids on products.
- d. This includes a 15-day time limit between the closure of a prequalification list and a related invitation to bid. This time factor ensures that vendors have a reasonable time to apply to include their products on a prequalified product list.
- e. Subsection c. of this rule provides vendors with an appeal process to follow if their application for prequalification is denied.

Conclusion of Compliance with Law

Where prequalification of products is appropriate, it is unlikely that this exemption will encourage favoritism in the awarding of public contracts or diminish competition for such contracts as required by ORS 279C.335(2)(a). There are several safeguards in the rule to prevent this, including notice, advertising, time and appeal process requirements to ensure that vendors are given a fair and open opportunity to participate in the prequalification process.

The prequalification of products process is a time-consuming effort for the district. It is not a shortcut procurement method. The district would use this method only after balancing cost-saving considerations, such as the ability of the district to create or generate nonbrand name generic specifications for types of products or the need for lengthy product evaluation prior to a contract award. If the prequalification method is chosen, it will likely result in a substantial cost savings and other substantial benefits to the district as required by ORS 279C.335(2)(b) because the normal method of product selection is too cumbersome and costly to pursue.

Eugene School District 4J

Code: DJC-AR
Adopted: 02/XX/20
Orig. Code: 6710, 6710.1,
6710.2, 6710.3

Special Procurements and Exemptions from Competitive Bidding

I. Special Procurements for Public Contracts (other than contracts for public improvements)

A. Purpose and Process

1. The district may award a public contract as a special procurement pursuant to the requirements of this regulation and ORS 279B.085, which permits Class Special Procurements. The LCRB may approve the a special procurement if it finds that the special procurement:
 - a. is unlikely to encourage favoritism in the awarding of public contracts or to substantially diminish competition for public contracts, and
 - b. is reasonably expected to result in substantial cost savings to the district or to the public, or
 - c. otherwise substantially promote the public interest in a manner that could not practicably be realized by complying with requirements that are applicable under Oregon Revised Statute (ORS) 279B.055, 279B.060, 279B.065, 279B.070 or under any related rules.
2. Definitions. A “Class Special Procurement” enabling the award and execution of a series of contracts over time or for multiple projects based upon the classification of the contract. A “Contract-Specific Special Procurement” which provides a procurement procedure for the award and execution of a single Contract or a number of related Contracts on a one-time basis or for a single project. A “Special Procurement” means, unless the context requires otherwise, a Class Special Procurement or Contract-Specific procurement or both.
3. When the LCRB approves a Class Special Procurement, the district may award contracts to acquire goods and services within the class of goods and services in accordance with the terms of the approval without making a subsequent request for a special procurement.
4. Prior to utilizing a Class Special Procurement, the authorized procurement manager or designee will document in writing in the procurement file the reasons why the contract qualifies as a Class Special Procurement under these administrative rules, including any required findings. Except as provided in this rule, any contracts awarded pursuant to a special procurement with the contract price exceeding the \$150,000 threshold of delegated authority are subject to approval by the Board.
5. Public notice of the approval of a special procurement must be given in the same manner as provided in ORS 279B.055(4).

6. If the district intends to award a contract through special procurements that calls for competition among prospective contractors, the district shall award the contract to the contractor it determines to be most advantageous to the district.

B. Approval of Special Procurements

The Board of Directors, acting in the Local Contract Review Board, hereby approves and designates the following classes of contracts for special procurement:

1. **Advertising Contracts, Purchase or Sale.** The district may purchase advertising in any medium, regardless of the dollar value of the contract, without competitive bidding. The district may sell advertising for district publications or activities, regardless of the dollar value of the contract, without competitive bidding, for activities including school newspapers, yearbooks, athletic programs, drama or music and similar functions. This exception may only be used for advertising contracts that comply with all relevant district policies, including policies KJ-Commercial Activities and KJA-Materials Distribution.
2. **Equipment Repair or Overhaul.**
 - a. If the proposed contract is less than or equal to \$150,000, the district may enter into a public contract for equipment repair or overhaul without competitive procurement, subject to the following conditions:
 - (1) Where the extent of the repair or overhaul is unknown or not easily identified; or
 - (2) Where service or parts requirements are unpredictable; or
 - (3) Service or parts required are for equipment for which specially trained personnel are required and such personnel are available from only one source; and
 - (4) Conducting a competitive process is impractical. The district must document in the procurement file the reasons why a competitive process was deemed to be impractical.
 - b. If a school or department official thinks the contract may exceed \$150,000, they shall submit in writing to the Superintendent or designee the reasons why competitive bidding is deemed to be impractical and a description of the cost savings to be obtained by an exempted purchase. The Superintendent or designee may prepare a specific request for the anticipated contract to be authorized as a contract-specific special procurement exempted from certain competitive bidding or proposal requirements under ORS 279B by approval of the LCRB and subject to the conditions of ORS 279B.085(4).
3. **Brand Names or Products “or Equal”**
 - a. “Or Equal” Specification.
 - (1) A Brand Name or Equal Specification may be used when the use of a Brand Name or Product or Equal Specification is advantageous to the district, as determined by the Superintendent or designee, because the Brand Name describes the standard of quality, performance, functionality, and other characteristics of the product needed by the district.
 - (2) The district may specify a particular brand name, make or product suffixed by "or equal," "or approved equal," "or equivalent," "or approved equivalent" or similar language if there is no

other practical method of specification after documenting each of the following in the procurement file:

- (a) A brief description of the solicitation(s) to be covered, including contemplated future purchases;
- (b) The brand name, mark or product to be specified; and
- (c) The reasons the district is seeking this procurement method, which shall include the following findings:
 - (i) It is unlikely that specification of the brand name, mark or product will encourage favoritism in the award of the public contracts or substantially diminish competition; and
 - (ii) Specification of the brand name, mark or product would result in substantial cost savings to the agency; or
 - (iii) Efficient utilization of existing equipment or supplies requires the acquisition of compatible equipment or supplies. The scope of "compatibility" for Class Special Procurement includes technical compatibility, technological equity and equivalent ease of training, durability, and use. "Compatibility" also includes, without limitation, compatibility among equipment in a standardized technology bundle developed to deliver curriculum in a classroom.
- (d) Nothing in this section may be construed as prohibiting the district from specifying one or more comparable products as examples of the quality, performance, functionality, or other characteristics of the product needed by the district.

b. Specifying a Particular Make or Product. A Brand Name Specification may be prepared and used only if the Superintendent or designee determines for a solicitation or a class of solicitations that only the identified Brand Name Specification will meet the needs of the district based on one or more of the following findings:

- (1) That use of a Brand Name Specification is unlikely to encourage favoritism in the awarding of Public Contracts or substantially diminish competition for Public Contracts; and
- (2) That use of a Brand Name Specification would result in substantial cost savings to the district;
- (3) That there is only one manufacturer or seller of the product of the quality, performance, or functionality required; or
- (4) That efficient utilization of existing Goods requires the acquisition of compatible Goods or Services. For the purposes of this finding, "compatibility" includes, without limitation, technical compatibility, technological equity, and equivalent ease of training, durability, and use. "Compatibility" also includes, without limitation, compatibility among equipment in a standardized technology bundle developed to deliver curriculum in a classroom.

4. **Copyrighted Materials and Creative Works.** The district may directly purchase copyrighted materials or creative works regardless of dollar value if available from only one source. Examples of copyrighted materials covered by this exemption may include, but are not necessarily limited to, new adopted textbooks, workbooks, curriculum kits, on-line curriculum, reference materials, books, periodicals, audio and visual media, and non-mass-marketed software. Examples of creative works covered by this Class Special Procurement include, but are not limited to, artwork, music, uncopyrighted writings, and similar works. This class special procurement includes instructional

resources (digital resources, educational resources, learning management systems, open educational resources) that are vetted and approved through the process described within Administrative Rule IIA-AR “Instructional Materials Selection.”

5. **Product Prequalification.** When specific design or performance specifications must be met or such specifications are impractical to create or reproduce for a type of product to be purchased, the district may specify a list of approved or qualified products by reference to the prequalified product(s) of particular manufacturers or vendors in accordance with the following product prequalification procedure:
 - a. The district will make reasonable efforts to notify all known manufacturers and vendors of competing products of the district’s intent to compile a list of prequalified products. The notice will explain the opportunity manufacturers and vendors of competing products will have to apply to have their product(s) included on the district’s list of prequalified products. At its discretion, the district may provide notice by advertisement in ORPIN or other appropriate trade publication; or instead of advertising, the district may provide written notice to those manufacturers and vendors appearing on the appropriate list maintained by the district; and
 - b. The district will accept manufacturer and vendor applications to include products in the district’s list of prequalified products up to 15 calendar days prior to the initial advertisement for bids or proposals for the type of product to be purchased, unless otherwise specified in the advertisement or in the district’s written notice.
 - c. If the district denies an application for including a product on a list of prequalified products, the district shall promptly provide the applicant with a written notice of the denial and include the reason for denial. The applicant may submit a written appeal within ten calendar days to the district to request review and reconsideration of the denial.
6. **Spot Buys.** This Special Procurement provides a process for the district to procure products that are available for a limited period of time at "lower-than-normal" prices (also referred to as "spot buys").
 - a. Regardless of dollar value and without competitive procurement, the district may purchase "spot buys."
 - b. The district may procure an unlimited dollar value of products when any of the following conditions are present:
 - (1) A non-exclusive mandatory-use contract or regularly scheduled Bid process already exists for the item being purchased; or
 - (2) The proposed unit price of the item(s) to be purchased is significantly less than a comparable item's price on an existing mandatory-use contract, recent bid, or based on obtaining at least three quotes, and the amount saved exceeds any additional administrative costs incurred to purchase the item using this Special Procurement; or
 - (3) The product being purchased has limited availability (i.e., the product may no longer be available or available at the special price upon completion of normal bid processes); or
 - (4) Any mandatory-use contract currently in place for the item being purchased contain clauses allowing for the use of this Special Procurement.
 - c. Notwithstanding subsection 6(b) above, the district may not purchase a spot buy if doing so would jeopardize fulfillment of a guaranteed minimum volume under an existing mandatory- use contract;
 - d. Purchases may only be made under this Special Procurement if documentation to the Procurement

File demonstrates that one or more of the conditions set forth in Section (6)(b) apply to the proposed purchase.

7. **Requirements Contracts** (Blanket Purchase Orders, Price Agreements).
 - a. A requirements contract may be established for the purposes of minimizing paperwork, achieving continuity of product, securing a source of supply, reducing inventory, combining district requirements for volume discounts, creating standardization among schools and departments, and reducing lead time for ordering. The district may enter into requirements contracts to purchase Goods or Services for an anticipated need at a predetermined price, but the Contract must be let by a Competitive Procurement process pursuant to the requirements of these Rules.
 - b. Schools and departments may purchase goods and services from a Contractor Awarded a requirements contract without first undertaking additional Competitive solicitation up to the amount set forth in the requirements contract.
 - c. The district may use a requirements contract entered into by another Public Agency when the Original Contract was let pursuant to ORS 279A and 279B, and allows other public agency usage of the contract. If required for use, obtain permission from the original contracting agency and complete any required documentation (interagency agreement, contract) permitting use by Eugene School District 4J;
 - d. The term of the district's requirements contract, including renewals, may not exceed five (5) years or the term stated in the original solicitation, whichever is shorter.
8. **Purchase of Used Personal Property.** The district may purchase used property or equipment without obtaining competitive bids or quotes, if the district has determined that the purchase will result in cost savings to the district and will not diminish competition or encourage favoritism.
 - a. "Used personal property or equipment" is property or equipment that has been placed in its intended use by a previous owner or user for a time recognized in the relevant trade or industry as qualifying the personal property or equipment as "used" at the time of the district purchase.
 - b. "Used personal property or equipment" generally does not include property or equipment if the district was the previous user, whether under a lease, as part of a demonstration, trial, or pilot project, or under a similar arrangement.
 - c. Notwithstanding Board Policy DJ for delegation of authority, the Board hereby authorizes the district to enter into and approve payment on a contract for the purchase of used personal property up to \$150,000.
 - d. For purchases of used personal property or equipment totaling \$150,000 or more, the district shall attempt to obtain three competitive quotes. The district will keep a written record of the source and quote amounts received. If three quotes are not available, a written record must be made of the attempt to obtain quotes. If practical, the district will also advertise the proposed procurement. Any resulting contract to purchase will be presented to the Board for approval prior to award.
9. **Telecommunications Services.** The district shall secure the most competitive, cost-effective telecommunications services of the quality needed to meet all service performance requirements while minimizing administrative and service delivery costs. The district will use routine purchasing procedures whenever possible, but if necessary, the district can consider alternative procurement methods in accordance with this Rule. The district will generally follow the normal competitive procurement processes in obtaining telecommunications services. This process will only be used, if

necessary, where there is a lack of sufficient competition to furnish needed services.

a. In determining the appropriate procurement method for telecommunications services, the district shall comply with the requirements of ORS 276A.206 and determine whether competition exists. In determining whether competition exists, the district will consider the applicability of the following factors:

- (1) The extent to which alternative providers exist in the relevant geographic and service market; the greater area of Lane County;
- (2) The extent to which alternative services offered are comparable or substitutable in technology, service provided and performance. For example, if the district requires digital services, analog services are not comparable or substitutable. If the district requires fiber optic technology, then copper, microwave or satellite transmission technology may not be comparable or substitutable;
- (3) The extent to which alternative providers can respond to the district's interest in consistency and continuity of services throughout its service area, volume discounts, equitable service for all users, centralized management and limiting District liability. For example, to be considered as the district's long-distance service provider, any long-distance service vendor must be able to meet, support and interface with the district's centralized automated billing requirements.

The district must document to the procurement file its findings on these factors and any other factors used in determining whether competition exists. In developing its findings, the district may solicit the information either through informal telephone or written contacts or through a formal solicitation such as an RFP.

b. If the district determines that competition does not exist in the area for the relevant service, the district may proceed to secure the service on a sole source or service monopoly basis, as described in these Rules.

10. Software and Hardware Maintenance, Licenses, Subscriptions and Upgrades. The district may enter into a contract and may renew existing contracts for proprietary information technology and telecommunications services, and hardware or software maintenance, licenses, subscriptions and upgrades without competitive solicitation where the maintenance, upgrades, subscriptions, and licenses are either available from only one source or, if available from more than one provider, are obtained from the District's current provider in order to utilize the pre-existing knowledge of the vendor regarding the specifics of the District's hardware or software system. The district must document its findings in writing which establish that the district is qualified to use this Class Special Procurement. In making this determination, the district may consider the functionality of the existing system with upgrades or continued service, long-term cost, ease of use, integration with existing technology or systems, or other factors.

11. Hazardous Material Abatement.

- a. The district may enter into Public Contracts without Competitive Procurement, regardless of dollar amount, when ordered to clean up oil or hazardous waste pursuant to the authority granted by the Oregon Department of Environmental Quality ("DEQ") under ORS Chapter 466, especially ORS 466.605 through 466.680.
- b. The district must, to the extent reasonable under the circumstances, encourage competition by attempting to obtain informal quotes from potential suppliers of goods and services.
- c. The department responsible for managing or coordinating the clean-up must submit to the district

- purchasing team a written description of the circumstances that require the cleanup and a copy of the DEQ order for the clean-up, along with a requisition authorizing the contract.
- d. The district purchasing team must record the measures taken under Section (b) of this Rule to encourage competition, the quote or proposal amounts obtained, if any, and the reason for selecting the contractor to whom award is made.
 - e. The district shall not contract pursuant to this exemption in the absence of an order from the DEQ to clean-up a site that includes a time limit that would not allow the district to hire a contractor under normal Competitive Procurement procedures. Goods and services to perform other hazardous material removal or clean-up will be purchased in accordance with normal Competitive Procurement procedures as described in these Rules and policies.
 - f. The district will report the nature and amount of the contract to the Board at their next regularly scheduled board meeting.
12. **Donated Materials or Services.** The district may directly negotiate a contract with a person to perform services or provide goods regardless of dollar amount, if:
- a. The person has agreed to donate all or a significant portion of the materials or services necessary to perform the work; and
 - b. The person enters into a license or agreement with the district whereby the person agrees to comply with the Public Contract requirements applicable to the particular project and any requirements that the district deems necessary or beneficial to protect the district.
13. **Purchases through Federal Programs.** The district may purchase certain authorized goods and services through General Service Administration federal programs or federal contracts, provided that the district has federal authorization to purchase through the federal program and the federal contract was solicited in a manner substantially equivalent to the requirements of the Oregon Public Contracting Code and the applicable Oregon Attorney General Model Rules.
14. **Purchases under Contracts Solicited by Nonprofit Procurement Organizations of Which the district is a Member.** The district may purchase goods or services under a contract or procurement solicited by a Nonprofit Procurement Organization of which it is a member. For the purposes of this Special Procurement, such a Procurement Organization will be considered to be an "Administering Contracting Agency" and a "Contracting Purchasing Group". Such procurement must otherwise comply with the requirements for permissive, joint, or Interstate Cooperative Procurements, as applicable.
15. **Flexible Services Contractor Pool (FSCP).** The district may establish a FSCP for goods, services, or construction services that are not Public Improvements for a particular class of services, where the need for such services is ongoing in nature, where it is difficult to anticipate the service need, time, amount, or availability of contractors, or where service needs arise so quickly that it is not practical or cost-effective to conduct individual solicitations under these Rules. A FSCP shall comply with the following requirements:
- a. Solicitation to Create a FSCP. A FSCP for goods or services shall be solicited based on the total cost of the work estimated to be awarded through the FSCP during its life. If the total amount of the work is estimated to be over \$150,000, the district shall use a Competitive Sealed Proposals process. If the total amount of the Work is \$150,000 or less, the FSCP may be solicited pursuant to the Intermediate Procurement process.

- (1) The district shall document the reasons for establishing a FSCP consistent with this Rule in the Procurement File.
 - (2) The solicitation shall describe the class of contracts services that can be awarded by contract to contractors in the FSCP. The district may not award contracts outside the designated class of contracts to the FSCP.
 - (3) The solicitation shall set forth the number of contractors that will be appointed to the FSCP, the selection criteria, and the methodology for ranking the requests and selecting the contractors to be appointed to the pool.
 - (4) The solicitation may request a binding Price Quote or rate that will become part of a subsequent contract or may establish the pool based on qualification alone.
 - (5) The solicitation may set or limit the value of the Work to be performed by the FSCP.
- b. Contracting for Work from a FSCP. Once a FSCP has been established, the district may negotiate contracts directly with contractors in the pool to perform certain services or provide certain goods within the established scope of the work. Upon creation of the FSCP, the district will generate a random list of names of the contractors appointed to the FSCP. Contracts for individual services or goods will be offered, negotiated, and awarded sequentially to contractors on the FSCP list. Once the district has offered a contract to all of the contractors in the FSCP (whether or not some or all of the contractors have accepted the offer), a new random FSCP list will be generated. The district may offer a contract to contractors out of sequence in the following circumstances:
- (1) The contractor that is next on the list declines or is unavailable during the time period needed.
 - (2) Contract negotiations with the next-listed Contractor are not successful.
 - (3) The project is for goods or services that is a continuation of, addition to, or connected with goods or services previously performed by a contractor on the list, and such prior experience means that it is in the best interest of the district to award the contract to the contractor that performed the prior work or provided the prior goods.
 - (4) The nature of the project is such that the district determines that an additional analysis of contractor capability or capacity is required. In order to make this determination, the district shall conduct an intermediate procurement limited to contractors in the FSCP.

If a Contractor is selected outside of the sequence, the reason shall be documented in writing in the Procurement File.

- c. Any FSCP established under this rule will expire no later than five years from the date of closing of the solicitation.
 - d. Appointment to a FSCP does not guarantee that a contractor will receive a particular amount of work or orders, or any work or orders at all.
 - e. The establishment of a FSCP does not preclude the district from procuring goods or services that would otherwise fall within the FSCP from other contractors through any other procurement method authorized under these rules.
 - f. At any time during the term of an FSCP, the district may request confirmation from a contractor or contractors in the pool that the contractor continues to maintain the skills, personnel, inventory, or other capability needed to perform the class of work or provide the required goods or services.
16. **Contracts for Price-Regulated Items.** The district may contract for the direct purchase of goods or

services where the rate or price for the goods or services being purchased is established by federal, state, or local regulatory authority without competitive solicitation.

17. Expedited Contracting Process in Order to Access State, Federal, or Grant Funding. The district may waive any or all of the solicitation procedures under District Policy DJC in the following circumstances:

- a. The state or federal government or a granting entity has adopted a funding program or made funding available to assist the district in purchasing Goods or Services and has attached a time deadline to have a Contract in place or underway or completed in order for the district to access or be eligible for those funds.
- b. The district determines that compliance with the solicitation procedures in this Rule could jeopardize the district's ability to access or be eligible for such funding under the timeline established by the state or federal government or granting entity.
- c. The district provides for an alternative contracting process.
- d. The reasons for and extent of the waiver are documented in the Procurement File.
- e. The district will report the nature and amount of the contract to the Board if the contract is over the Superintendent's delegated authority.

18. Hotel and Space Rental Contracts

- a. The district may rent a room or meeting facility in a hotel, event space, or other venue for District purposes without competitive procurement.
- b. The district may hire a caterer without competitive procurement where use of a particular caterer or catering service is a condition of rental of a facility.

II. Class Exemptions for Public Improvement Contracts

The Board of Directors, acting as the Local Contract Review Board, declares the following classes of Public Improvement Contracts exempt from Competitive Bidding:

1. Brand Names or "Or Equal"

- a. In connection with contracts for public improvements, the district may purchase brand names from a single seller or sole source without competitive bidding subject to the limitations of this rule.
 - (1) The district may specify a particular brand name, make or product suffixed by "or equal," "or approved equal," "or equivalent," "or approved equivalent" or similar language if there is no other practical method of specification after documenting the following in the procurement file:
 - (a) A brief description of the solicitation(s) to be covered, including contemplated future purchases;
 - (b) The brand name, mark or product to be specified; and
 - (c) The reasons the district is seeking this procurement method, which shall include any of the following findings:
 - (i) It is unlikely that specification of the brand name, mark or product will encourage favoritism in the award of the public contracts or substantially diminish competition; or
 - (ii) Specification of the brand name, mark or product would result in cost savings to the

agency; or

(iii) Efficient utilization of existing equipment or supplies requires the acquisition of compatible equipment or supplies.

(d) The district shall make reasonable effort to notify all known suppliers of the specified product and invite such vendors to submit competitive bids or proposals.

b. In connection with contracts for public improvements, the district may purchase a particular product or service available from only one source, after documenting in the procurement file the district's findings of current market research to support the determination that the product is available from only one seller or source. The district's findings shall include:

(1) A brief description of the contract or contracts to be covered, including contemplated future purchases;

(2) Description of the product or service to be purchased; and

(3) The reasons the district is seeking this procurement method, which shall include any of the following:

(a) Efficient utilization of existing equipment or supplies requires the acquisition of compatible equipment, supplies or services; or

(b) The required product is data processing equipment which will be used for research where there are requirements for exchange of software and data with other research establishments; or

(c) The particular product is for use in a pilot or an experimental project.

c. In connection with contracts for public improvements, the district may specify a product or service available from only one manufacturer but available through multiple sellers, after documenting the procurement file with the information required in Section b above, and subject to the following:

(1) If the total purchase is over \$5,000 but does not exceed \$150,000, and a comparable product or service is not available under an existing state cooperative purchasing contract, competitive quotes shall be obtained by the district and retained in the procurement file;

(2) If the purchase does not exceed \$150,000, and the comparable product or service is available under an existing state cooperative purchasing contract, authorization from DAS, Central Purchasing, to proceed with the acquisition shall be first requested and obtained. The acquisition process would then be subject to the requirements and documentation in this rule; or

(3) If the amount of the purchase exceeds \$150,000, the product or service shall be obtained through competitive bidding unless a specific exception is granted by the LCRB.

d. In connections with contract(s) for public improvements, if the district intends to make several purchases of the product of a particular manufacturer or seller for a period not to exceed five years, the district will so state in the solicitation file and in the solicitation document, if any. Such documentation shall be sufficient notice as to subsequent purchases. If the total purchase amount is estimated to exceed \$100,000, this shall be stated in the advertisement for bids or proposals.

2. **Purchases under Contracts Solicited by Nonprofit Procurement Organizations of Which the district is a Member.** The District may purchase Public Improvements under a Contract or Procurement solicited by a Nonprofit Procurement Organization of which it is a member. For the purposes of this Special Procurement, such a Nonprofit Procurement Organization will be considered a "Contracting Purchasing Group", and a Procurement must comply with the requirements for Joint

Cooperative Procurements.

3. **Flexible Services Contractor Pool (FSCP).** The District may establish A FSCP for a particular class of Public Improvements where the need for such work is ongoing in nature, where it is difficult to anticipate the Service need, time, amount, or availability of Contractors, or where Service needs arise so quickly that it is not practical or cost effective to conduct individual solicitations under these Rules. A FSCP shall comply with the following requirements:

a. Solicitation to Create an FSCP. A FSCP for Public Improvements shall be solicited based on the total cost of the work estimated to be awarded through the FSCP during its life. If the total amount of the work is estimated to be over \$100,000, the district shall use a formal RFQ process or an RFP process. If the total amount of the work is \$100,000 or less, the FSCP may be solicited pursuant to the Intermediate Procurement process.

(1) The district shall document the reasons for establishing A FSCP consistent with this Rule in the Procurement File.

(2) The solicitation shall describe the class of contracts that can be awarded to contractors in the FSCP. The district may not award contracts outside of the designated class of contracts to the FSCP.

(3) The solicitation shall set forth the number of contractors that will be appointed to the FSCP, the selection criteria, and the methodology for ranking the requests and selecting the contractors to be appointed to the pool.

(4) The solicitation may request a binding Price Quote or time and materials rate that will become part of a subsequent contract or may establish the pool based on qualification alone.

(5) The solicitation may set or limit the value of the work performed by the FSCP.

b. Contracting for Work from an FSCP. Once A FSCP has been established, the district may negotiate contracts directly with contractors in the pool to perform specific work within the established scope of the work. Upon creation of the FSCP, the district will generate a random list of names of the contractors appointed to the FSCP. Contracts for individual work will be offered, negotiated, and awarded sequentially to contractors on the FSCP list. Once the district has offered a contract to all the contractors in the FSCP (whether or not some or all of the contractors have accepted the offer), a new random FSCP list will be generated. The district may offer a contract to contractors out of sequence in the following circumstances:

(1) The contractor that is next on the list declines or is unavailable during the time period needed.

(2) Contract negotiations with the next-listed contractor are not successful.

(3) The project is for a Public Improvement that is a continuation of, an addition to, or connected with a public improvement previously constructed by a contractor on the list, and such prior experience means that it is in the best interest of the district to award the contract to the contractor that performed the prior work or provided the prior goods.

(4) The nature of the project is such that the district determines that an additional analysis of contractor capability or capacity is required. In order to make this determination, the district shall conduct an Intermediate Procurement limited to contractors in the FSCP.

If a Contractor is selected outside of the sequence, the reason shall be documented in Writing in the Procurement File.

- c. A FSCP established under this Section will expire after three years from the date of closing of the solicitation, unless reestablished as provided in this Rule.
 - d. Appointment to A FSCP does not guarantee that a contractor will receive a particular amount of work or orders or any work or orders at all.
 - e. The establishment of A FSCP does not preclude the district from procuring public improvements that would otherwise fall within the FSCP from other contractors through any other procurement method authorized under these Rules.
 - f. At any time during the term of an FSCP, the district may request confirmation from a contractor or contractors in the pool that the contractor continues to maintain the skills, personnel, inventory or other capability needed to perform the class of work or provide the required goods.
 - g. If A FSCP for public improvements is reasonably estimated to include Projects that will total over \$50,000 during the life of the FSCP, public improvement contracts awarded to contractors on A FSCP list shall require the payment of prevailing wages pursuant to ORS 279C.800 through 279C.870.
4. **Requirements Contracts (Blanket Purchase Orders, Price Agreements)**
- a. Requirements contracts may be established for the purposes of minimizing paperwork, achieving continuity of product, securing a source of supply, reducing inventory, combining district requirements for volume discounts, creating standardization among schools and departments, and reducing lead time for ordering. The district may enter into a requirements contract to purchase Public Improvements for an anticipated need at a predetermined price, but the contract must be solicited by a Competitive Procurement process pursuant to the requirements of these Rules based on the total Contract Price.
 - b. The district may purchase Public Improvements from a contractor awarded a requirements contract without first undertaking additional competitive solicitation up to the amount set forth in the contract.
 - c. The district may use the Price Agreement entered into by another Oregon Public Agency when the original contract was let pursuant to Public Contracting Code.
 - d. The term of the requirements contract, including renewals, may not exceed the term stated in the original solicitation.
 - e. If a requirements contract for Public Improvements will exceed \$50,000 over the term of the agreement, the contract shall require the payment of prevailing wages pursuant to ORS 279C.800 through 279C.870.
5. **Expedited Contracting Process in Order to Access State, Federal, or Grant Funding.** The district may waive any or all of the solicitation procedures in the following circumstances:
- a. The state or federal government or granting entity has adopted a funding program or made funding available to assist the district in constructing public improvements and has attached a time deadline to have a contract in place, a project underway, or a project completed in order for the district to access or be eligible for those funds. Such programs include, without limitation, the American Recovery and Reinvestment Act of 2009 (“ARRA”) and similar programs.
 - b. The district determines that compliance with the solicitation procedures in this rule could jeopardize the district’s ability to access or be eligible for such funding under the timeline established by the state or federal government or granting entity.

- c. The district provides for an alternative contracting process.
 - d. The reasons for and extent of the waiver are documented in the Procurement File.
 - e. The district will report the nature and amount of the contract to the Board if the contract is over the superintendent's delegated authority as set forth in Board Policy.
6. **Product Prequalification.** For contracts for public improvements, when specific design or performance specifications must be met or such specifications are impractical to create or reproduce for a type of product to be purchased, the district may specify a list of approved or qualified products by reference to the prequalified product(s) of particular manufacturers or vendors in accordance with the following product prequalification procedure:
- a. The district will make reasonable efforts to notify all known manufacturers and vendors of competing products of the district's intent to compile a list of prequalified products. The notice will explain the opportunity manufacturers and vendors of competing products will have to apply to have their product(s) included on the district's list of prequalified products. At its discretion, the district may provide notice by advertisement in ORPIN or other appropriate trade publication; or instead of advertising, the district may provide written notice to those manufacturers and vendors appearing on the appropriate list maintained by the district; and
 - b. The district will accept manufacturer and vendor applications to include products in the district's list of prequalified products up to 15 calendar days prior to the initial advertisement for bids or proposals for the type of product to be purchased, unless otherwise specified in the advertisement or in the district's written notice.
 - c. If the district denies an application for including a product on a list of prequalified products, the district shall promptly provide the applicant with a written notice of the denial and include the reason for denial. The applicant may submit a written appeal within ten calendar days to the district business manager to request review and reconsideration of the denial.



ITEM FOR ACTION AT A FUTURE MEETING (First Read)

Date of Meeting

February 3, 2021

Title

Consider Adoption of and Revisions to Board Policies

CI	Emergency Superintendent Authority (<i>new adoption</i>)
IGBA	Students with Disabilities - Child Identification Procedures
IGBAH	Special Education - Evaluation Procedures
IGBAJ	Special Education - Free Appropriate Public Education (FAPE)
IGBBC	Talented and Gifted – Programs and Services
JGAB	Use of Restraint or Seclusion
JGD	Suspension

Presenters

Christine Nesbit, General Counsel

Background

The Board has committed to adopting new policies in response to identified need and to maintaining updated board policies that comply with law and are consistent with best practices. As explained below, the Superintendent is recommending revisions to the above-referenced policies.

1. CI – Emergency Superintendent Authority – *New Adoption*

Last spring it was brought to the board’s attention that it lacked a policy addressing the continuity of authority in the superintendent’s office in the event that the incumbent is unable to perform the duties due to unanticipated incapacitation, death, absence or other emergency circumstance. Proposed policy CI – Emergency Superintendent Authority would be a new policy adoption for the board, intended to meet that need.

There are a range of emergency or unforeseen circumstances in which an incumbent superintendent may be unable to perform the duties of the office. Some will result in a vacancy in the office and will trigger the process of declaring a vacancy and identifying and appointing an interim or permanent superintendent. Others may involve shorter term emergencies, incapacitation or absence of a short duration that will not result in the office being vacated, but nonetheless require coverage in the office of the superintendent.

Proposed policy CI would address these circumstances by defining and authorizing an emergency “acting superintendent.” An emergency “acting superintendent” is defined as a person authorized to exercise the powers and discharge the duties of the superintendency on an emergency or short-term basis, not to exceed 90 days without extension by the board, in the event that the incumbent is unable to perform the duties and functions of the office due to death, incapacitation, absence or emergency. The proposed policy provides that the superintendent will designate a qualified person authorized to serve as acting superintendent in case of an emergency, and will notify the board on an annual basis of that designation. The designation would be on file with the board secretary and board chair. If the incumbent superintendent is unable to perform the duties of the office due to incapacitation, death or other circumstance, the acting superintendent would exercise the duties under the direction of the board only until the incumbent superintendent is able to resume exercising the duties of the office or the board appoints an interim superintendent. The board may appoint a different acting superintendent than that designated by the superintendent.

The policy also provides that in circumstances where the superintendent anticipates being unavailable to manage the day-to-day operations of the district, the superintendent will assign duties to an acting superintendent and will communicate with the board chair about the same.

To avoid potential confusion with the term “interim superintendent,” the policy defines an interim superintendent as a person appointed by the board to the office of the superintendent on a temporary basis, pending a search for a permanent superintendent.

This policy is not required by law, but would promote consistent, transparent and authorized leadership in the office of the superintendent in emergency circumstances. In developing this policy, staff researched multiple policy options including those from the City of Eugene, Bend La Pine and Salem Keizer school districts, and other school districts around the nation.

2. IGBA – Students with Disabilities - Child Identification Procedures - Revision

Policy IGBA – Students with Disabilities - Child Identification Procedures concerns the ongoing system to locate, identify and evaluate all children birth to age 21 residing within its jurisdiction who have disabilities and need early intervention, early childhood special education or special education services.

The proposed revisions are minor, but necessary to align policy with law. For example, existing policy IGBA contains an outdated statement that the district enrolls students who are five years of age by September 1, while the law provides that the district enrolls students who have reached age five on or before September 1; the proposed policy corrects that outdated language. Existing policy also includes outdated references to a “modified diploma,” and the proposed policy updates those references to “high school diploma,” consistent with state regulation.

3. IGBAH – Special Education - Evaluation Procedures - Revision

Policy IGBAH – Special Education - Evaluation Procedures concerns the obligation to conduct a full and individual evaluation of a student’s educational needs that meets the criteria established

in the OAR before determining eligibility and before the initial provision of special education services. As with proposed policy IGBA, above, the proposed revisions remove outdated references to “modified diploma” and the age of students whom the district enrolls and make updates congruent with the law.

4. IGBAJ – Special Education - Free Appropriate Public Education (FAPE) - Revision

Policy IGBAJ – Special Education - Free Appropriate Public Education (FAPE) concerns the provision of special education services to eligible students. The proposed revisions remove the now-outdated references to “modified diploma,” and permit eligible students who have graduated with a regular high school diploma to continue receiving special education services until the end of the school year in which they reach age 21.

5. IGBBC – Talented and Gifted – Programs and Services - Revision

Policy IGBBC – Talented and Gifted – Programs and Services addresses the removal of administrative barriers that may exist which restrict access to appropriate services in identified talented and gifted students and specifies a unique complaint procedure for a parent or guardian to utilize if they are dissatisfied with the programs and services recommended for their student.

To support students and families with district complaint procedures and to avoid ambiguity and confusion over applicable complaint procedures, the district has created a uniform complaint procedure (see KL-AR Uniform Complaint Procedure).

The proposed revision to the policy replaces the complaint procedure in administrative regulation IGBBA-AR - Appeal Procedure for Talented and Gifted Student Identification and Placement with KL-AR Uniform Complaint Procedure.

6. JGAB – Use of Restraint or Seclusion - Revision

Policy JGAB – Use of Restraint or Seclusion defines the circumstances that must exist and the requirements that must be met prior to, during, and after the use of restraint or seclusion as an intervention with district students. To promote student safety and reduce risk, the board’s policy in this area closely tracks detailed regulations concerning restraint and seclusion.

The proposed revisions to the policy update definitions and limitations on when restraint or seclusion may be used and describe a parent’s appeal rights to the Oregon Department of Education, in alignment with updates to Oregon Administrative Rules.

7. JGD – Suspension - Revision

Policy JGD – Suspension addresses the requirements and procedures for suspending students. The proposed change is necessary to correctly reflect the limited circumstances in which a student in grade five or below may be suspended. Specifically, the proposed change adds the word “direct” to clarify that for students in the fifth grade or below, conduct posing a threat to

the health or safety of others must be a *direct threat* to satisfy the limited circumstances under which out-of-school suspensions may be appropriate.

Options and Alternatives

The board may, as to any of the proposed policies: approve the policy revisions as proposed; direct staff to make changes in response to board, staff or public comment; not approve the policy revisions and require additional research or stakeholder engagement; or not approve the policy revisions.

Failing to bring certain policies up to date would mean they no longer reflect current law and could pose risk for the district.

Approving policy updates to reflect legal changes or best practices supports the district’s mission and reduces risk to the district.

Budget/Resource Implications:

None.

Recommendation

At a future meeting, the superintendent will recommend that the board approve adoption of or revisions to board policies:

CI	Emergency Superintendent Authority
IGBA	Students with Disabilities - Child Identification Procedures
IGBAH	Special Education - Evaluation Procedures
IGBAJ	Special Education - Free Appropriate Public Education (FAPE)
IGBBC	Talented and Gifted – Programs and Services
JGAB	Use of Restraint or Seclusion
JGD	Suspension

Eugene School District 4J

Code: CI
Adopted: 02/XX/2021

Emergency Superintendent Authority

To ensure consistency and continuity of district operations and authorized, effective leadership in the office of the superintendent, this policy provides for an emergency acting superintendent who can exercise the powers and discharge the duties of the office on an emergency or short-term basis in the event that the incumbent is unable to perform the duties and functions of the office due to death, incapacitation, absence or emergency.

For purposes of this policy, “acting superintendent” refers to a person designated pursuant to this policy for temporary succession to the powers and duties of the superintendent on an emergency or short-term basis, not to exceed 90 days unless extended by the board, in the event that the superintendent is unavailable to exercise the powers and discharge the duties of the office. The term “interim superintendent” refers to a person appointed by the board to serve as superintendent on a temporary basis pending a search to permanently fill the position.

The superintendent will designate a qualified administrator authorized to serve as acting superintendent in case of emergency, and may designate one or more additional administrators authorized to serve in that capacity if the primary designee is not available. The superintendent will inform the board of the designations at least annually or upon a change in designation, and will file the designation with the board chair and board secretary.

When the incumbent superintendent is unable to perform the duties and functions of the office due to incapacitation, death or other circumstance, the individual designated as the emergency acting superintendent shall exercise the duties of the superintendent on an emergency basis under the direction of the board. The acting superintendent may exercise the duties only until the incumbent superintendent resumes the exercise of the powers and duties of the office, or an interim superintendent is appointed by the board. The board may at any time terminate the authority of the acting superintendent and appoint a different acting superintendent.

The board expects the superintendent to assign duties as necessary to an acting superintendent when the superintendent is unavailable and unable to manage the day-to-day operations of the district, The superintendent will notify the board chair in such circumstances.

END OF POLICY

Legal Reference(s):

[ORS 332.505](#)

Cross Reference(s):

CBB Recruitment and Appointment of Superintendent
CBG Superintendent’s Contract

Eugene School District 4J

Code: IGBA
Adopted: 4/02/08
Revised/Readopted: 11/07/18; 02/XX/21

Students with Disabilities - Child Identification Procedures

The district implements an ongoing system to locate, identify and evaluate all children birth to age 21 residing within its jurisdiction who have disabilities and need early intervention, early childhood special education (EI/ECSE) or special education services. For preschool children the district is responsible for the evaluation(s) used to determine eligibility; the designated referral and evaluation agency EC Cares is responsible for determining the eligibility of children for EI/ECSE services in accordance with Oregon Administrative Rule (OAR) 581-015-2100. The district identifies all children with disabilities, regardless of the severity of their disabilities, including those who are:

1. Highly mobile, such as migrant and homeless children;
2. Wards of the state;
3. Indian preschool children living on reservations;
4. Suspected of having a disability even though they are advancing from grade to grade;
5. Home schooled;
6. Resident and nonresident students, including residents of other states, attending a private school (religious or secular) located within the boundaries of the district;
7. Attending a public charter school located in the district;
8. Below the age of compulsory school attendance who are not enrolled in a public or private school program; ~~or~~ and
9. Above the age of compulsory school attendance who have not graduated from high school with a regular ~~or modified~~ high school diploma and have not completed the school year in which they reach their 21st birthday.

The district determines residency in accordance with Oregon Revised Statutes (ORS) Chapter 339 and, for the purposes of public charter school students with disabilities, in accordance with ORS Chapter 338 and ORS Chapter 339. The district enrolls all students who are five ~~by~~ on or before September 1 of the current school year. Students with disabilities are eligible to enroll in the district through the school year in which they reach the age of 21 if they have not graduated with a regular ~~or modified~~ high school diploma.

The district shall annually submit data to the Oregon Department of Education (ODE) regarding the number of resident students with disabilities who have been identified, located and evaluated and are receiving special education and related services. The district conducts an annual count of the total number of private school children attending private schools located within the boundaries of the district, and a

count of all children with disabilities attending private schools located within the boundaries of the district, in accordance with OAR 581-015-2465. The district reports any additional data to ODE as required by the ODE to meet the requirements of federal or state law and the applicable reporting dates.

END OF POLICY

Legal Reference(s):

- | | | |
|---------------------------------------|----------------------------------|----------------------------------|
| ORS 332.075 | ORS 343.517 | OAR 581-015-2190 |
| ORS 338.165 | ORS 343.533 | OAR 581-015-2195 |
| ORS 339.115 - 339.137 | | OAR 581-015-2315 |
| ORS 343.151 | OAR 581-015-2040 | OAR 581-015-2480 |
| ORS 343.157 | OAR 581-015-2045 | OAR 581-021-0029 |
| ORS 343.193 | OAR 581-015-2080 | OAR 581-022-2315 |
| ORS 343.221 | OAR 581-015-2085 | |

Individuals with Disabilities Education Act (IDEA), 20 U.S.C. § 1412(a)(3) (2012).

Early Intervention Program for Infants and Toddlers with Disabilities, 34 C.F.R. Part 303 (2017).

Assistance to States for the Education of Children with Disabilities, 34 C.F.R. § 300.111 (2017).

Eugene School District 4J

Code: IGBAH
Adopted: 11/07/18; 02/XX/21

Special Education - Evaluation Procedures**

Consistent with its child find and parent consent obligations, the district responds promptly to requests initiated by a parent or public agency for an initial evaluation to determine if a child is a child with a disability.

A full and individual evaluation of a student's educational needs that meets the criteria established in the Oregon Administrative Rules will be conducted before determining eligibility and before the initial provision of special education and related services to a student with a disability. The district implements an ongoing system to locate, identify and evaluate all children birth to 21 residing within its jurisdiction who have disabilities and need early intervention, early childhood special education or special education services.

The district identifies all children with disabilities, regardless of the severity of their disabilities, including children who are:

1. Highly mobile, such as migrant and homeless children;
2. Wards of the state;
3. Indian preschool children living on reservations;
4. Suspected of having a disability even though they are advancing from grade to grade;
5. Home schooled;
6. Resident and nonresident students, including residents of other states, attending private school (religious or secular) located within the boundaries of the district;
7. Attending a public charter school located in the district;
8. Below the age of compulsory school attendance who are not enrolled in a public or private school program; ~~or~~ and
9. Above the age of compulsory school attendance who have not graduated from high school with a regular ~~or modified~~ high school diploma and have not completed the school year in which they reach their 21st birthday.

The district is responsible for evaluating and determining eligibility for special education services for school-age children. The district is responsible for evaluating children who may be eligible for early intervention/early childhood special education (EI/ECSE) services. The district's designated referral and evaluation agency is responsible for determining eligibility.

Before conducting any evaluation or re-evaluation, the district:

1. Plans the evaluation with a group that includes the parent(s);
2. Provides prior written notice to the parent(s) that describes any proposed evaluation procedures the agency proposes to conduct as a result of the evaluation planning process; and
3. Obtains informed written consent for evaluation.

The district conducts a comprehensive evaluation or re-evaluation before:

1. Determining that a child has a disability;
2. Determining that a child continues to have a disability;
3. Changing the child's eligibility;
4. Providing special education and related services;
5. Terminating the child's eligibility for special education, unless the termination is due to graduation from high school with a regular ~~or modified~~ diploma or exceeding the age of eligibility for a free appropriate public education.

Upon completion of the evaluation, the district provides the parent or eligible child a copy of the evaluation report at no cost. The evaluation report describes and explains the results of the evaluation. Upon completion of the eligibility determination, the district provides the parent or eligible child documentation of eligibility determination at no cost.

The district ensures that assessments and other evaluation materials, including those tailored to assess specific areas of education need, used to assess a child are:

1. Selected and administered so as not to be racially or culturally discriminatory;
2. Provided and administered in the child's native language or other mode of communication and form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally unless it is clearly not feasible to do so;
3. Used for purposes for which assessments or measures are valid and reliable;
4. Administered by trained and knowledgeable personnel; and
5. Administered in accordance with any instructions provided by the producer of such assessments.

Materials and procedures used to assess a child with limited English proficiency are selected and administered to ensure that they measure the extent to which the child has a disability and needs special education, rather than measuring the child's English language skills.

A student must meet the eligibility criteria established in the Oregon Administrative Rules.

The district conducts re-evaluations:

1. When the educational or related services needs, including improved academic achievement and functional performance of the children warrant a re-evaluation;
2. When the child's parents or teacher requests a re-evaluation; and
3. At least every three years, unless that parent and the district agree that a re-evaluation is unnecessary.

The district does not conduct re-evaluation more than once a year, unless the parent and district agree otherwise.

If a parent has previously revoked consent for special education and related services and subsequently requests special education and related services, the district will conduct an initial evaluation of the student to determine eligibility for special education.

END OF POLICY

Legal Reference(s):

[ORS 343.155](#)
[ORS 343.157](#)

[ORS 343.164](#)
[OAR 581-015-2000](#)

[OAR 581-015-2095](#)
[OAR 581-015-2105 - 2190](#)

Assistance to States for the Education of Children with Disabilities, 34 C.F.R. §§ 300.300, 300.530-300.534, 300.540-300.543, 300.7 (2017).

Eugene School District 4J

Code: IGBAJ
Adopted: 11/07/18; 2/xx/21

Special Education - Free Appropriate Public Education (FAPE)**

1. The district admits all resident school-age children with disabilities and makes special education and related services available at no cost to those:
 - a. Who have reached five years of age but have not yet reached 21 years of age on or before September 1 of the current school year, even if they ~~have not failed or have not been retained in a course or grade or~~ are advancing from grade to grade;
 - b. Who have not graduated with a regular ~~or modified~~ high school diploma;
 - c. Who have been suspended or expelled in accordance with special education discipline provisions; or
 - d. Who reach age 21 before the end of the school year. These students remain eligible until the end of the school year in which they reach 21.
2. The district determines residency in accordance with Oregon law.
3. The district takes steps to ensure that its children with disabilities have available to them the variety of educational programs and services available to nondisabled children in the area served by the district and provides a continuum of services to meet the individual special education needs of all resident children with disabilities, and children with disabilities who are enrolled in public charter schools located in the district.
4. The district may, but is not required to, provide special education and related services to a student who has graduated with a regular ~~or modified~~ diploma.
5. State law prohibits the district from recommending to parents, or requiring a child to obtain, a prescription for medication to affect or alter thought processes, mood or behavior as a condition of attending school, receiving an evaluation to determine eligibility for early childhood special education or special education, or receiving special education services.
6. If the individualized education program (IEP) team determines that placement in a public or private residential program is necessary to provide FAPE, the program, including nonmedical care and room and board, must be at no cost to the parents of the child.
7. If a parent revokes consent for a student receiving special education and related services, the district will not be considered to be in violation of the requirement to make FAPE available to the student because of the failure to provide the student with further special education and related services.

END OF POLICY

Legal Reference(s):

[ORS 338.165](#)
[ORS 339.115](#)
[ORS 343.085](#)
[ORS 343.224](#)

[OAR 581-015-2020](#)
[OAR 581-015-2035](#)
[OAR 581-015-2040 - 2065](#)
[OAR 581-015-2050](#)
[OAR 581-015-2075](#)

[OAR 581-015-2530](#)
[OAR 581-015-2600](#)
[OAR 581-015-2605](#)
[OAR 581-021-0029](#)

Assistance to States for the Education of Children with Disabilities, 34 C.F.R. §§ 300.17, 300.101-110, 300.113, 300.300 (2017).

Eugene School District 4J

Code: IGBBC
Adopted: 11/07/18; 2/XX/21

Talented and Gifted – Programs and Services**

A district written plan will be developed for programs and services beyond those normally offered by the regular school program. All required written course statements shall identify the academic instructional programs and services to be provided which accommodate the assessed levels and accelerated rates of learning in identified talented and gifted students. The superintendent will remove any administrative barriers that may exist which restrict a student’s access to appropriate services and will develop program and service options.

The Board has established an appeal process for a parent or guardian to utilize if ~~he/she is~~they are dissatisfied with the programs and services recommended for their student that has been identified as talented and gifted, and wish to request reconsideration. The appeal process is identified in administrative regulation ~~IGBBA-AR – Appeal Procedure for Talented and Gifted Student Identification and Placement~~KL-AR Uniform Complaint Procedure.

The Board has established a complaint procedure to utilize if a person who resides in the district or a parent or guardian of a student attending school in the district has a complaint regarding the appropriateness of programs and services provided for a student identified as talented and gifted. This complaint procedure, ~~IGBBC-AR – Complaints Regarding the Talented and Gifted Program~~,KL-AR Uniform Complaint Procedure is available at the district’s administrative office and on the home page of the district’s website.

END OF POLICY

Legal Reference(s):

[OAR 581-022-2325](#)
[OAR 581-022-2330](#)

[OAR 581-022-2370](#)
[OAR 581-022-2500](#)

Cross Reference(s):

IGBBA - Identification – Talented and Gifted Students
[KL-AR – Uniform Complaint Procedure](#)

Eugene School District 4J

Code: **JGAB**
Adopted: 3/03/10
Revised/Readopted: 6/16/10; 6/05/13; 11/28/18;
10/16/19; 11/06/19; 02/XX/21
Orig. Code: JGAB

Use of Restraint or Seclusion**

The Board is dedicated to the development and application of best practices within the district's public educational/behavioral programs. The Board establishes this policy to define the circumstances that must exist and the requirements that must be met prior to, during, and after the use of restraint or seclusion as an intervention with district students.

Prohibited Restraint

The use of the following types of restraint on a student in the district is prohibited:

1. Chemical restraint.
2. Mechanical restraint.
3. Prone restraint.
4. Supine restraint.
5. Any restraint that involves the intentional and nonincidental use of a solid object¹, including a wall or the floor, to impede a student's movement, unless the restraint is necessary to prevent an imminent life-threatening injury or to gain control of a weapon.
6. Any restraint that places, or creates a risk of placing, pressure on a student's mouth, neck or throat.
7. Any restraint that places, or creates a risk of placing, pressure on a student's mouth, unless the restraint is necessary for the purpose of extracting a body part from a bite.
8. Any restraint that impedes, or creates a risk of impeding, breathing.
9. Any restraint that involves the intentional placement of the hands, feet, elbow, knee or any object on a student's neck, throat, genitals or other intimate parts.
10. Any restraint that causes pressure to be placed, or creates a risk of causing pressure to be placed, on the stomach or back by a knee, foot or elbow bone.
11. Any action designed for the primary purpose of inflicting pain.

¹ The use of a solid object, including furniture, a wall, or the floor, by district staff performing a restraint is not prohibited if the object is used for the staff's own stability or support while performing the restraint and not as a mechanism to apply pressure directly to the student's body.

Use of Restraint or Seclusion

Restraint or seclusion may not be used for discipline, punishment, retaliation or convenience of staff, contractors or volunteers of the district.

Restraint may be used on a student in the district only under the following circumstances:

1. The student's behavior imposes a reasonable risk of imminent and substantial physical or bodily injury to the student or others; and
2. Less restrictive interventions would not be effective.

Seclusion may be used on a student in the district only under the following circumstances:

1. The student's behavior imposes a reasonable risk of imminent and serious bodily injury to the student or others; and
2. Less restrictive interventions would not be effective.

If restraint or seclusion is used on a student, by trained staff or other staff available in the case of an emergency when trained staff are not immediately available due to the unforeseeable nature of the emergency, it will be used only for as long as the student's behavior poses a reasonable risk of imminent and substantial physical or bodily injury to the student or others and less restrictive interventions would not be effective. Students will be continuously monitored by staff for the duration of the restraint or seclusion.

Definitions

1. "Restraint" means the restriction of a student's actions or movements by holding the student or using pressure or other means. "Restraint" does not include:
 - a. Holding a student's hand or arm to escort the student safely and without the use of force from one area to another;
 - b. Assisting a student to complete a task if the student does not resist the physical contact; or
 - c. Providing reasonable intervention with the minimal exertion of force necessary if the intervention does not include a restraint prohibited under Oregon Revised Statute (ORS) 339.288 and the intervention is necessary to:
 - (1) Break up a physical fight;
 - (2) Interrupt a student's impulsive behavior that threatens the student's immediate safety, including running in front of a vehicle or climbing on unsafe structures or objects; or
 - (3) Effectively protect oneself or another from an assault, injury or sexual contact with the minimum physical contact necessary for protection.
2. "Seclusion" means the involuntary confinement of a student alone in a room from which the student is physically prevented from leaving. Seclusion includes, but is not limited to, the involuntary confinement of a student alone in a room with a closed door, whether the door is locked or unlocked.

"Seclusion" does not include the removal of a student for a short period of time to provide the student with an opportunity to regain self-control if the student is in a setting from which the student is not physically prevented from leaving, or a student being left alone in a room with a closed door for a brief period of time if the student is left alone for a purpose that is unrelated to the student's behavior.
3. "Serious bodily injury" means any significant impairment of the physical condition of a person, as determined by qualified medical personnel, whether self-inflicted or inflicted by someone else.

4. “Substantial physical or bodily injury” means any impairment of the physical condition of a person that requires some form of medical treatment.
5. “Mechanical restraint” means a device used to restrict the movement of a student or the movement or normal function of a portion of the body of a student. “Mechanical restraint” does not include:
 - a. A protective or stabilizing device ordered by a licensed physician; or
 - b. A vehicle safety restraint when used as intended during the transport of a student in a moving vehicle.
6. “Chemical restraint” means a drug or medication that is used on a student to control behavior or restrict freedom of movement that is not prescribed by a licensed physician or other qualified health professional acting under the professional’s scope of practice for the standard treatment of the student’s medical or psychiatric condition; and administered as prescribed by a licensed physician or other qualified health professional acting under the professional’s scope of practice.
7. “Prone restraint” means a restraint in which a student is held face down on the floor.
8. “Supine restraint” means a restraint in which a student is held face up on the floor.

Any student being restrained or secluded within the district, whether in an emergency or as a part of a plan, shall be constantly monitored by staff for the duration of the intervention. Any room used for seclusion of a student must meet the standards of OAR 581-021-0568.

Miscellaneous

The district shall utilize the Mandt System training program of restraints or seclusion for use in the district. As required by state regulation, the selected program shall be one approved by the Oregon Department of Education (ODE) and include, without limitation: positive behavior support, conflict prevention, de-escalation and crisis response techniques. Any program selected by the district must be in compliance with state and federal law with respect to the use of restraint and/or seclusion.

An annual review of the use of restraint and seclusion during the preceding school year shall be completed and submitted to ODE to ensure compliance with district policies and procedures.

The results of the review and annual report shall be documented and shall include at a minimum:

1. The total number of incidents involving restraint;
2. The total number of incidents involving seclusion;
3. The total number of seclusions in a locked room;
4. The total number of students placed in restraint;
5. The total number of students placed in seclusion;
6. The total number of incidents that resulted in injuries or death to students or staff as a result of the use of restraint or seclusion;
7. The total number of students placed in restraint or seclusion more than 10 times in a school year and an explanation of what steps have been taken by the district to decrease the use of restraint and seclusion for each student;
8. The total number of restraint or seclusion incidents carried out by untrained individuals;

9. The demographic characteristics of all students upon whom restraint or seclusion was imposed;
10. The total number of rooms available for use by the district for seclusion of a student and a description of the dimensions and design of the rooms.

This annual report shall be provided to the Board and made available to the public on the district’s website and at the district’s main office. At least once each school year parents and guardians of students of the district shall be notified about how to access the report.

The district shall investigate all complaints regarding the use of restraint and/or seclusion practices according to the procedures outlined in Board Policy KL - Public Complaints and Administrative Regulation KL-AR – Uniform Complaint Procedure. The complaint procedure is available on the home page of the district’s website and at the district’s administrative office.

The complainant, ~~if a student, a parent or guardian of a student attending school in the district or a person who resides in the district~~ whether an individual or an organization, may appeal the district’s final decision to ~~the Deputy Superintendent of Public Instruction~~ the Oregon Department of Education pursuant to OAR ~~581-022-2370~~ 581-002-0001 - 581-002-0023.

The superintendent shall develop administrative regulations to carry out the requirements set forth in this policy and to meet any additional requirements established by law related to the use, reporting, and written documentation of the use of restraint or seclusion by district staff.

END OF POLICY

Legal Reference(s):

ORS 161.205	ORS 339.300	OAR 581-021-0563
ORS 339.250	ORS 339.303	OAR 581-021-0566
ORS 339.285		OAR 581-021-0568
ORS 339.288	OAR 581-021-0061	OAR 581-021-0569
ORS 339.291	OAR 581-021-0550	OAR 581-021-0570
ORS 339.294	OAR 581-021-0553	OAR 581-022-2267
ORS 339.297	OAR 581-021-0556	OAR 581-022-2370

Cross Reference(s):

JGA - Corporal Punishment
 JGDA - Discipline of Students with Disabilities

Eugene School District 4J

Code: JGD
Adopted: 5/07/14
Revised/Readopted: 11/28/18; 02/XX/21
Orig. Code: JGD

Suspension **

Suspension temporarily removes from a student the privilege of attending school and all school activities until reinstatement has been accomplished or some other form of action is taken.

The Board authorizes student suspension for one or more of the following reasons:

1. Willful violation of Board policies, administrative regulations or school rules;
2. Willful conduct which materially and substantially disrupts the rights of others to an education;
3. Willful conduct which endangers the student, other students or staff members;
4. Willful conduct which damages or injures district property.

Students and parents are given notice of possible discipline actions resulting from student misconduct that may result in suspension in the *Student Rights and Responsibilities Handbook* made available by the district.

A student whose conduct or condition is seriously detrimental to the school's best interests may be suspended. The district shall consider the age of the student and the student's past pattern of behavior prior to imposing the suspension. The district will ensure careful consideration of the rights and needs of the individual concerned, as well as the best interests of other students and the school program as a whole.

The use of out-of-school suspension for discipline of a student in the fifth grade or below, is limited to:

1. Nonaccidental conduct causing serious physical harm to a student or employee;
2. When a school administrator determines, based on the administrator's observation or upon a report from an employee, the student's conduct poses a direct threat to the health or safety of students or employees; or
3. When the suspension or expulsion is required by law.

When an out-of-school suspension is imposed on a student in the fifth grade or lower, the district shall take steps to prevent the recurrence of the behavior that led to the out-of-school suspension, and return the student to a classroom setting to minimize the disruption of the student's academic instruction.

Each suspension will include a statement of the reasons for suspension, the length of the suspension, a plan for readmission and may include a plan for the student to make up school work. No suspension shall extend beyond 10 school days.

The district may require a student to attend school during nonschool hours as an alternative to suspension. Every reasonable and prompt effort must be made to notify the parents of suspended students.

In emergency situations that are a result of risk to health and safety, the district may postpone the suspension notice process above until the emergency condition has passed.

Students who are suspended may not attend after-school activities and athletic events, be present on district property without a parent or participate in activities directed or sponsored by the district.

END OF POLICY

Legal Reference(s):

[ORS 339.240](#)

[ORS 339.250](#)

[OAR 581-021-0050](#)

[OAR 581-021-0055](#)

[OAR 581-021-0060](#)

[OAR 581-021-0065](#)

[OAR 581-021-0071](#)

[OAR 581-021-0075](#)

Cross Reference(s):

JFC - Student Conduct JG - Student Discipline**

[JGDA - Discipline of Students with Disabilities](#)