

Corrected Minutes

Redmond School District School Board Meeting January 4, 2012

In Attendance: Chair Jim Erickson, Vice-Chair Cathy Miller, Directors Ric Little, AJ Losoya, Bob Perry, Superintendent Shay Mikalson, RSD Staff; Mike McIntosh, Trish Huspek, Gina Blanchette, Association Representatives – Josh Davis, REA and Dru Carpenter, OEA, Media – Leslie Pugmire-Hole (*Spokesman*), Ben Botkin (*Bend Bulletin*), Community Members - Jan and Dennis Dorgan, Rick Bailey, Boyd Martin

Board Vice-Chair Cathy Miller called the meeting to order with a quorum of five at 5:36 p.m.

Cathy Miller stated she would recommend adding two additions to the posted agenda for tonight's meeting; the first one is an action item on the settlement offer DOWA has proposed and the second item is the third reading of the Student Transfer Policy JCA. All Board members concurred with the additions.

Citizen Participation for Non-Agenda Items

Jan Dorgan – Mrs. Dorgan stated that she had some concerns regarding issues that had been brought up during previous board meetings that she felt were never fully addressed by the Board. She cited the following:

- The parent who had come to the Board with grievances on reported unprofessional behavior by the staff at Redmond High School. She reported the Board's response to his concerns was that it was an operational issue and that "it wasn't the Board's job to answer the questions." She stated the Board's response should have been that they would find out. Mrs. Dorgan stated that as an elected official, it is the Board's job to respond to patron concerns and the Board's lack of response was disrespectful to the parent.
- Mrs. Dorgan had asked in a previous meeting why association representatives are given priority seating over the community. She reported the answer that she received was, "That is the way it has always been done." She does not believe this is a sufficient answer to her question and believes the association member's opinions have an unfair influence on district decisions.
- During a meeting the question of who hired Brian Lemos to be the principal at Redmond High School was never answered. The only answer the public received was that the Board was unable to comment. She stated this information is public record and that the Board should have been able to answer the question.
- At the last Board meeting there was a question about the costs of the IB program and the number of students participating. She stated they were told those numbers were not readily available. Mrs. Dorgan stated the superintendent and district finance people should have been able to report that information.

Mrs. Dorgan stated the continued lack of information leads her to believe the costs of the IB program are a detriment to the community and that, "The needs of the minority are being served to the detriment of the majority." She continued by asking the Board, "How are you serving the community?"

Jim Erickson stated the concerns of the parent she mentioned are the types of items that don't necessarily come back to the board because they are operational issues.

He further stated that in retrospect the response to the parent should have been that the board clearly has a belief in professional responsibility and the issue should have been identified as an operational issue and referred to the superintendent for follow-up. Mr. Erickson further reported the work the Board engaged in earlier in the day was around the topic of how they, as a Board, can improve their processes and protocols. This work came out of reflection of the last few months and identifying areas that can be improved. The Board is making an effort to improve how they operate. In the work session today the Board spent a great deal of time establishing what their procedures will be in the future when someone comes to the Board with a concern; the Board will first determine if it is an operational or governance issue. If it is operational, the person will be advised of that and referred to the superintendent for follow-up. Mr. Erickson reported that school boards create policy and govern but once they have done that, it is the responsibility of Superintendent Mikalson and his leadership team to follow through with the operational issues of the district. He stated that he is confident that Superintendent Mikalson followed up on the area of concern voiced by the parent. Superintendent Mikalson confirmed that he had followed up with the parent.

Superintendent Mikalson stated that operational issues are followed up on but a report doesn't always come back to the Board if it doesn't rise to their level of concern.

Cathy Miller stated that she recognizes how the Board communicates and engages community members at meetings is important and acknowledged there is always room for improvement.

Jan Dorgan replied that, "Community members need to hear that concerns are being taken care of. Just letting people talk does not mean you're listening with an open mind. It seems to be a pattern in this district of not being forthcoming with information that concerns this community."

In response to Mrs. Dorgan question regarding "preferential seating of association members" Board Chair, Jim Erickson stated he doesn't believe they are given preferential seating because they are clearly a part of operational decisions that are happening in the district. "It is not that anyone is more important. It is the fact they are a part of the team who make up the district; they are the representatives of both classified and certified staff. Community members are also a part of the team and that is why they are always asked for their opinion."

Mrs. Dorgan stated that she feels it is a conflict of interest and they should be a part of the process, just like the community is, and should not be influencing the decision making process. Jim responded by saying the district believes in a collaborative decision making process and association members are a part of the process. "We need to hear from not only our administrators but from association representatives because they speak for many people. We want them here and that is why they are asked for their opinions. We believe in all of our stakeholders. There are many boards where you would not be invited to share your thoughts. Our commitment is to involve all of our stakeholders."

Jim Erickson stated the community has had more minutes of time before the Board than the association representatives have. "We value your input as well as theirs. When the rubber hits the road the Board must make a decision on what is best for the Redmond School District. We can't always please or respond to every voice that was heard. We don't make decisions until we have weighed all of the information we have received. We do not make decisions outside of a Board meeting. Do we make mistakes, of course; that is why we spent four hours today discussing these very issues."

Cathy Miller stated that we need to continue to discuss and debate. Having community members come to the Board meetings has been very healthy. All she asks that we keep the dialogue going.

Cathy Miller spoke to the process and considerations used when Brian Lemos was hired. She reported that the decision to hire was approved by five board members; not all of them are currently serving on the Board. Her specific decision making was based on the previous superintendent's recommendation and the information that was provided to her regarding his record and the steps he had taken to address those issues. In addition, the Board had been provided information that demonstrated a clean record for the last eight years and four years of strong performance in another school district. She stated, "We were looking at an individual who had made mistakes but

took corrective action and served out his probation. I weighed that information and came to the decision that it was worth the risk because there had not been any other issues.” In addition, the fact that he would be hired as a probationary administrator was also a consideration. “We gave this person a chance and when performance and misconduct issues were identified recently, Superintendent Mikalson took action. Because there is still litigation pending, that is the extent of what I can say.”

Dennis Dorgan – Asked the Board what changes are being made in policy and operations that will prevent this type of situation from happening again. “Why put our children in 1/10th of a risk, why aren’t people excluded from this job for those reasons?”

Jim Erickson stated that if it is determined that policies need to be reviewed to address hiring people with criminal records then a conversation will occur. “If it warrants policy changes, you will see it on a future agenda.” Also stated was the fact there are legal guidelines that will need to be followed.

Jan Dorgan – Asked the Board, “Why were you not forthcoming on the costs of the IB program?” Jim Erickson stated that he believes Mr. and Mrs. Dorgan left a previous meeting prior to the conversation that answered that question. The costs are approximately \$200,000. “We pursued it with staff and that information became a part of what the Board used when they decided to accept staff recommendation.”

Mrs. Dorgan further stated that, “The community is telling you what they want and you continued to follow the staff recommendation. How is that serving the community?”

Jim reported the board heard a great deal of information on both sides of the issue and then made a decision. He invited her to meet with Superintendent Mikalson to get any additional questions answered.

Dennis Dorgan – Came to express his disappointment of the Board and superintendent based on the last four or five meetings. He cited their failure to listen to the community as one reason for his disappointment. He reported that when the Board approved the boundaries they automatically approved the curriculum. “Many people presented why the Zinn book shouldn’t be used but there was never any apparent listening on that subject.” He believes that only two of the board members actually read the book and reiterated that he believes that book is terrible.

Mr. Dorgan cited an issue that happened two years ago when there was a spreadsheet error that resulted in a \$900,000 deficit in the district. Cathy Miller stated that information on that error can be made available to Mr. Dorgan.

Mr. Dorgan stated that he was encouraged to hear the Board had a conversation today because he believes they have lost the trust of the community. “You have to earn trust and maybe with improved communication you might get the trust back. I believe the Board needs to meet in executive session and change the chairman, you will have a better chance of getting that trust back.” He further stated that policy is over the operational issues of the district.

Cathy Miller stated that she had specifically asked Jim to become the chairman because, “I believe he has the most experience and understands the culture and where we are trying to go. The ownership of your disappointment is shared by all board members. Removing Jim as chair is not the issue, because he is our voice and it is owned by all of us. That is why we had the conversation today because we know we can be better. I want to say publically that I support Jim as the board chairman.”

Jim Erickson responded by saying, “Whoever sits in this chair will invite the community to understand the difference between policy and operational issues. It is our responsibility to help the community understand the difference. Sometimes it is gray, but in many case it is not. It is the chairman’s job to help us understand what boards do and what superintendents and staff do. As soon as we all understand that, it will be a good day.”

Mr. Dorgan stated, “When we first started coming to the meetings we were excited to be a part of the community. But now, we are discouraged.”

AJ Losoya reported that he too had supported Jim's selection of serving as board chairman because there were so many things going on at the time and he felt Jim's experience to be a benefit to the position. Mr. Losoya told Mr. Dorgan that he hated to see him lose his high expectations of the Board and district. "They are what we expect from our partnerships in the community. Are we there yet, no. But as far as collaboration goes, we need to continue to have those conversations."

Mr. Dorgan cited another example of why he feels the Board has not served the community well. "When the bond was put before the voters they were told that due to increased population there was a need for another high school." He commended the Board for meeting in the community to discuss the issue but, "When that money was not completely spent, it should have been put back on the ballot to have the citizens decide on what should have been done with the money. The Board made a \$15 million decision without voter approval. What you did with the money is not disreputable, it is doing good things, but the voters should have been asked. That is where the trust issue comes."

AJ Losoya reported that at the time a Bond Savings Taskforce was formed and team members represented a cross section of the population. There was a series of meetings to determine a recommendation to the Board.

Cathy Miller stated that as an evolution of the Board they have been reflecting on what they have done and what they can do better. "In light of that, we have committed ourselves to engage in a Board Self-Evaluation."

Jan Dorgan – "How do you reach a decision to spend \$200,000 on a curriculum that a lot of people in the community don't want?"

In response Jim Erickson stated, "When we made the choice of accepting the staff recommendation we reaffirmed there is value in both programs and value for students to have the opportunity to choose. People are diverse and it is impossible to make everyone happy." The Board's responsibility is to listen, with respect, to everyone.

Rick Bailey – Stated that the entire community is not against the IB program but is starting to think he is the only one supporting it. "The dollars aside, I firmly believe that this is the best possible program for students on that end of the spectrum. This is the best thing that has happened to my daughter." He commended the Board for keeping the program in the district.

Boyd Martin – Member of the Regional Council of Carpenters. He came to speak to the Board regarding a drywall sub-contractor who could potentially be hired to perform work on one of the district's remodel projects. He reported there continues to be unresolved labor dispute issues with the company and wanted the district to know they would be pursuing that.

Mike McIntosh reported that each of the Board members have received a copy of the letter sent to the district. That letter has been forwarded to the general contractor. The general contractor is reporting this specific company has not been hired to work on any of the remodels. Mr. Martin was assured of the fact that the district and their general contractor will follow the law.

PRESENTATIONS

Superintendent Update

Board Appreciation

January is the traditional School Board Recognition Month in Oregon and throughout the United States. Board members are elected officials who volunteer their time because they care about providing quality education in the community.

Superintendent Mikalson read the official proclamation from the Governor declaring January as School Appreciation Month. He stated that he is appreciative of being in a collaborative relationship with the Board.

“Over the last two years I have been very proud of the effort they have been putting forward. I know firsthand that every Board member is very sincere in wanting to hear from everyone. The hours they serve on behalf of our community and students, is nothing short of amazing. No one truly understands the amount of time they commit and I am thankful to be in partnership with them and truly amazed at their service. This acknowledgement not only comes from me but from everyone throughout the system - no one should doubt that the “servant heart” is what the Board is about.”

Association Report

Josh – REA

- Nothing to report

Dru Carpenter – OEA

- Held monthly chapter meeting
- They are developing a quarterly newsletter to improve communication to their group
- On behalf of association expressed appreciation to the Board

ACTION ITEMS

Resolution 12:048 – Transfer Appropriations in the Asset Replacement Fund

Mike McIntosh reported that because the district has been contracting services out for HVAC services at a cost that is more expensive than having an HVAC staff member, the district has added an employee to cover those responsibilities. Because of that addition in staff as well as needing to replace an aging vehicle that is becoming unreliable the Board is being asked to approve a resolution to transfer appropriations in the asset replacement fund to cover those vehicle costs.

These expenses were not foreseen or appropriated in the original Asset Replacement Funds budget for FY 2011-12. ORS 294.450(2) allows for transfer of contingency to an existing appropriation within a fund up to a limit of 15% of the total appropriation of the fund. The contingency transfer being requested does not exceed the 15 percent limit.

The Asset Replacement Fund includes purchasing replacement lawnmowers, weed whackers, etc., that are used by our maintenance department. Typically expenses from this account are for smaller pieces of equipment so when they adopted a GF fund they didn't appropriate the entire amount, only the amount they expected to use.

Cathy Miller asked for worst case scenario if this resolution isn't approved. Mike McIntosh reported the district is currently paying the employee to use his own vehicle. With that come issues of insurance, liability, and theft. In addition, it is important to have appropriate, reliable vehicles for our maintenance staff.

Ric Little moved and AJ Losoya seconded a motion to approve Resolution 12:048 to transfer appropriations from the contingency fund to the Asset Replacement Fund for FY 2011-12 in the amount of \$36,000. Motion carried 5-0.

Roll Call Votes: Cathy Miller – yes; AJ Losoya – yes; Bob Perry – yes, Ric Little – yes; Jim Erickson - yes

DOWA Settlement

Mike McIntosh reported the roof at Elton Gregory Middle School is defective and leaks. Based on the results of inspections performed by the school district's roofing expert, claims have been made against Robinson Construction which was the general contractor and Dull Olson Weekes Architects (DOWA) which was the architect. DOWA has offered to pay to the school district \$40,000 in exchange for a full release along with indemnity and hold harmless provisions.

Based on legal counsel advice, administration recommends acceptance of DOWA's settlement offer.

The money would be deposited back into the fund which is paying for legal counsel fees, as the district will continue to incur legal fees as arbitration proceeds.

Mr. McIntosh further reported there would be more than a \$40,000 liability to the district if we left DOWA in this arbitration process as their liability is minimal and if the district does not prevail in arbitration then DOWA could return to us and claim all of their legal fees incurred during the legal process.

Cathy Miller moved to authorize legal counsel to accept DOWA's \$40,000 and full cooperation settlement offer in exchange for a release of potential liability along with indemnity and hold harmless provisions relating to the defective roof issues t Elton Gregory Middle School. Ric Little seconded the motion. Motion carried 5-0.

Votes: Cathy Miller – yes; AJ Losoya – yes; Bob Perry – yes, Ric Little – yes; Jim Erickson - yes

JCA – Student Transfers

Jim Erickson reported this policy has been before the Board for review two times prior to this evening. This will be the third reading on the policy and the Board is comfortable moving forward.

Ric Little moved and Cathy Miller seconded a motion to adopt the Student Transfer Policy JCA as presented. Motion carried 5-0

Votes: Cathy Miller – yes; AJ Losoya – yes; Bob Perry – yes, Ric Little – yes; Jim Erickson - yes

Cathy Miller made a follow-up point that as we continue the evolution of this process, if we find we can improve the policy, we will do so because this is new ground for the district.

Consent Agenda

- Personnel Changes
- School Board Regular Minutes from December 7, 2011
- School Board Work Session Minutes from December 14, 2011
- Policy EBB – Integrated Pest Management
- Out of State Field Trip Request

Cathy Miller moved and AJ Losoya seconded a motion to approve the consent as presented. Motion carried 5-0.

Votes: Jim Erickson-yes; Ric Little-yes; AJ Losoya-yes; Bob Perry-yes; Cathy Miller-yes.

DISCUSSION ITEMS

Superintendent Report

- Reported the next session of the Oregon Legislature will be a short session and wants to make sure everyone is aware of the timelines involved. All bills needed to be submitted by December 5th. There were over 300 bills submitted and by statute only 259 can be brought into the session. By constitution the session can only last 35 days. For a bill to come out of the senate it will have a 10 day process to move out of the senate and 15 days to move out of the House. Then it needs to go out to the other chamber for a maximum of seven days. We have been dealing with shortfalls and out of the last session some of the largest scale of reform in education took place; laws were passed and now there is potential learning curve to take good law into good practice. Critical is Oregon's push to a general accountability system – this is large scale transformational change which is being done by four workgroups. Our state has applied for the NCLB waiver. If we get the waiver, we will need to identify what will take its place. Recommends everyone to get on the ODE website <http://www.ode.state.or.us/search/page/?id=3475> to provide feedback.
- On the financial front, unless the State takes action on the PERS system it is going to be extremely difficult to create budgets. Leadership at the state needs to talk about this as it is hamstringing districts across the state in developing budgets. Jason Conger has put forth School Savings Act which is a package of policy and education reforms, including PERS, which could save school districts as much as

\$200 million and would direct more money to Oregon classrooms. Superintendent Mikalson serves on the COSA Funding Coalition and they have put forth work this fall that will be lobbied. Chuck Bennett, lobbyist from COSA has indicated this could be opportunity for a conversation around this issue to occur. Boards around our region have supported aspects of the act. If PERS goes up over \$3 million over the next biennium, it is going to make it difficult to get as many of our resources to the classroom.

- We have many people in terms of shared leadership across the district who are participating in those reform conversations.
- Has attended parent meetings and has discussed the potential of the RPA moving into the Hartman facility. Work is still moving forward on that issue. Contract revisions with the RPA are in the process and he hopes to provide an update at the January 25th Board meeting.

The middle and high school program would consist of Grades 6-12. The number of in-district students in grades 6 through 8 would be capped at 150 students and their high school cap would be reduced from 400 to 375. In addition they would attempt to hire RSD teachers to fill teaching positions as well as covering all operating costs. The building will remain a RSD building. This would provide a sustainable plan for the use of the Hartman building and allows us to save approximately \$1 million in start-up funds for Ridgeview. Those savings are realized through personnel cost savings, computers, lab materials, library materials and furniture that can all be used elsewhere in the district. The proposal does not include charging a lease payment to the RPA. They will be taking on utility costs and contracting back for maintenance services.

These will be students within the RSD and believes the RPA is taking on additional expenses and he does not view it as a way to generate extra revenue. This arrangement will be for the remainder for the existing contract. At that time the Charter contract will come before the board again for approval.

Bob Perry stated that while a lease fee might not be appropriate for the first year, perhaps it could be considered for the following year.

Board Updates

Bob Perry – He stated that he hopes the School Savings Act passes. He reported that on Monday, January 9th at Highland Baptist Church, 6:30pm State Representative Gene Whisnant, State Senator Chris Telfer will be attending a community meeting. This would be a great opportunity for community members to provide them with their input.

Cathy Miller asked Superintendent Mikalson for an update on a possible OEBC opt out for the district. He reported that while there are people still working on that possibility, he doesn't believe it will happen in this session.

Requests for Agenda Items

- None

ADJOURN

*Ric Little moved and Bob Perry seconded the motion to adjourn at 7:16 p.m. Motion carried 5-0.
Votes: Jim Erickson-yes; Ric Little-yes; AJ Losoya-yes; Bob Perry-yes; Cathy Miller-yes.*

Note: The Board will return to the Work Session to continue their work on policies and procedures.

Jim Erickson, School Board Chair

Trish Huspek, Executive Assistant