

Greater Albany Public School District 8J
718 Seventh Avenue SW
Albany, Oregon 97321-2399



REGULAR BOARD MEETING
August 10, 2015 7:00 p.m.

Minutes

Jim Golden, Superintendent

CALL TO ORDER

Board Member Jerry Boehme called the regular meeting of the School Board to order at 7:00 p.m.

Sandi Gordon	Gave advance notice of her absence
Micah Smith	Gave advance notice of his absence
Frank Bricker	Director
Jerry Boehme	Director
Lyle Utt	Director
Stephanie Dilbone	Student Board Member
Jim Golden	Superintendent
Tonja Everest	Assistant Superintendent
Randy Lary	Human Resources Director
Russell Allen	Business and Operations Director

A list of others present at the meeting is filed with the original minutes. It was noted that a quorum of the Board was present.

PLEDGE OF ALLEGIANCE

Director Boehme led participants in the Pledge of Allegiance.

CORE PURPOSE/GOALS

Director Utt began the meeting with a review of the district's Core Purpose and Strategic Goals:

Core Purpose: Educate and inspire all students to reach their full potential, equipped to be positive, contributing members of society.

Strategic Goals:

- We provide every student with challenging and motivating learning experiences that lead to continuous growth.
- We instill in every student the character traits that enable them to understand and interact in the world, appreciating and valuing differences.
- Our students thrive because every community member is a stakeholder and takes responsibility for the success of every student.

SUPERINTENDENT COMMENTS AND INTRODUCTIONS

TITLE III LOCAL PLAN

Superintendent Jim Golden reported that the district's Title III ELL Local Plan was recently reviewed by the Oregon Department of Education and the plan received *Full Approval*.

SUPERINTENDENT'S SCHOOL DISTRICT PATHWAY

Because two of the Board Members were absent, Superintendent Jim Golden postponed his planned slide show indicating his structure for the future of the district.

Mr. Golden stated that "Summer Work Update" would be an additional report and the South Albany High School Foundation Contract award was moved to the end of the New Business Agenda.

COMMENTS FROM THE PUBLIC

None.

CONSENT AGENDA

- 1) Minutes from July 20, 2015 Regular Board Meeting
- 2) Personnel

Director Boehme stated that if there were no objections the Board would approve the Consent Agenda. There were no objections. Director Boehme DECLARED THE ACTION DECIDED by UNANIMOUS CONSENT.

BOARD REPORTS

LEGISLATIVE LIAISON REPORT

None.

DISTRICT FACILITIES ADVISORY COMMITTEE

None.

BOARD MEMBER REPORTS

None.

STUDENT REPORTS

South Albany High School Student Board Member Stephanie Dilbone said that fall sports were already practicing for the coming season. She said that she visited the campus and was pleased to see that work had started on rebuilding the school cafeteria. Director Bricker thanked her for coming to Board meetings during the summer.

DISTRICT ACCOUNTABILITY PLAN

None.

REPORTS

SUNRISE SCHOOL WELLNESS TEAM

OSU Linn County Extension Office Nutrition Educator Iris Carrasco introduced several student

members of the Sunrise Elementary School Wellness Team and said that they would present their ideas for healthy snacking. She said that the school received a grant which permitted the school to open the only youth-led wellness committee in the district. She said that students worked on social marketing messages to peers and distributed posters that they made. She said that the youth also set priorities which included increasing physical activities, healthy snacking guidelines and addressed using food as a reward. She said that the children also engaged community and school partners by interviewing potential stakeholders including Superintendent Golden, school principal Jodi Smith, the Nutrition Services Department, SamFit and the City fire department.

A student said that the new snack list provided information about healthy snack products for students and parents to eat at classroom parties or even at home. Another student said that one of the things she liked about the Wellness Team was that members had the opportunity to invite other people to help the children get healthier.

Another student said that the team was trying to help other children make healthy decisions.

Ms. Carrasco said that as she toured school buildings she saw that there were no guidelines for healthy snacks. She said that the team was trying to be clear about what sort of snacks were appropriate for in-school. She said that she wanted to use the same information for a framework for parties. She said that her students were also distributing ideas for healthy sack lunches. She suggested that the snack list provided in the packet could be distributed district-wide.

Assistant Superintendent Tonja Everest asked the students if they had talked to other children. The students replied that most of their conversations were with teachers.

Superintendent Golden said that he invited the students and their parents to join him for a picnic lunch on August 12.

PERSONNALLY IDENTIFIABLE INFORMATION

Superintendent Golden said that at the previous Board meeting, a Director requested an administrative regulation to accompany Board Policy *JOB, Personally Identifiable Information*. Superintendent Golden stated that the Oregon School Boards Association did not have recommended language for an administrative regulation. Mr. Golden said that the wording in the current Board Policy was consistent with the language of neighboring districts. He said that he thought that the language was appropriate. He said that staff did not follow that policy on one occasion, but they needed to do so in the future.

Director Bricker said that he was still concerned that the district did not have an administrative regulation to explain under which circumstances information would be released. Mr. Golden referred to the exemptions identified on the second page of the policy. He said that he did not know how often the district provided information under those circumstances.

Director Bricker asked, if he went to a district school and asked for the names of every student, would that be acceptable? Mr. Golden replied that under Board Policy *JOA, Directory*

Information, it would be acceptable unless the parent opted out of participation. He said that policy was explained every year in the parent-student handbook.

Director Bricker said that at present, there is no document to state who could ask for student information and for what purpose would the district provide that information. He noted that while other districts may permit the release of student names, the Tigard-Tualatin district does not.

Mr. Golden said that he would attend a conference the following week and he would consult with other superintendents.

SUMMER WORK UPDATE

Business and Operations Director Russ Allen said that he thought it appropriate to provide the Board with an update on the work being conducted Fir Grove Elementary, North Albany Elementary and Clover Ridge Schools. He said that Facilities Supervisor Doug Pigman was present to address the Board.

Mr. Pigman said that Fir Grove School classrooms would be turned over to teachers on August 12. He spoke of the security fencing and said that as of that afternoon the poles were in and ready for the fencing material. He said that he was waiting on delivery of drinking fountains. He said that all of the sinks were removed and refinished, and new faucets and bubblers were put in. He said that all of the drinking water samples were provided to the State and all had passed the preliminary tests.

He said that new heating and ventilation equipment was installed throughout the building and the new roof was 80 percent complete. He said that the entire floor of the gymnasium was replaced and he noted that the work was done in-house. He said that the striping of the flooring was contracted out. He summarized that the work at Fir Grove School was on schedule.

Mr. Pigman said that modular classrooms for North Albany Elementary and Clover Ridge Schools were a challenge. He detailed the timeline, dating back to February 20, of working with the manufacturer and obtaining city permission to install the structures. He said that excavation work and the installation of natural gas, electricity, intercom lines, phone lines, and fiber optic cabling began that day.

He spoke of the very tight timeline. He said that the modular classrooms would be delivered to North Albany Elementary no later than August 24 and to Clover Ridge School no later than August 26. He said that he was still trying to get the company to honor the original delivery request which was the second week in August. He stated that the timeline slipped at the factory, not at the district.

Mr. Pigman predicted that he could have most, if not all of the North Albany Elementary modular in place in time for school to start. He said that the timeline slipped due to an unrealistic bid for excavation work. He said that the delay in getting a better bid, however, resulted in a savings of \$367,000.

Mr. Allen asked about the installation of the modular classrooms at Clover Ridge School. Mr. Pigman replied that he had discussed the situation with the principal and she would be able to make other arrangements that would not be too much of an imposition at the beginning of school.

Director Boehme recalled that Director Smith was concerned about having the classrooms ready for teachers. Mr. Pigman replied that he was equally displeased with the situation. He said that with the delay in the delivery, his department had to completely rearrange its schedule. He said that he would give the teachers all the help that they needed

Director Boehme asked why the expensive excavation bid was known so late. Mr. Pigman said that he repeatedly pushed the companies to obtain the bids. He said that when the bids were received, they were turned around in just seven days. He said that he was equally displeased but his department was trying to make the best of a bad situation.

Director Boehme asked if the district had worked with the modular company before. Mr. Pigman said that the company built the modular classrooms installed at Oak Grove School and was a reputable firm.

OLD BUSINESS

EMILY MEDONICH APPEAL

Director Boehme said that parent Emily Medonich was seeking to enroll her daughter in the first grade. The child completed a year of kindergarten in a private school but would not be six years old by September 1 of this school year. He said that she was seeking a waiver of Board Policy *JEBA, Early Entrance*, which requires a student enrolling in the first grade to be six years of age or to have completed a year of public school kindergarten.

Superintendent Golden recommended that the student be enrolled in kindergarten. He stated that the child could be evaluated during the first weeks of school and if the child's parents, teachers and principal thought that the student was ready for first grade, the child could be advanced to that grade. Board Members nodded in agreement.

Director Bricker said that the district has long had the practice of not permitting children turning five years of age after September 1 to enter kindergarten or turning six years of age after September 1 to enter first grade. He said that the district needed to continue that policy. He said that there would always be a student born after the identified deadline.

He recalled previous discussions with former assistant superintendent Steve Kunke about public vs. private kindergarten. He was concerned that children whose parents could afford private school might be able to attain early admission for their children but families who could not afford private school would be unable to enroll their children early. He noted that the district provided the option of advancing kindergarten students to first grade if it was appropriate. He said that although he served on the Board for 21 years, he was not qualified to determine the grade a child should attend. He said that he would leave it to the educational experts in the district to make those decisions.

Director Boehme said that he agreed with the comments of Director Bricker. He noted that children have been advanced before and within a short period of time, parents, teachers and principals got it right. He said that the district policy should remain as it is. Director Utt did not comment.

NEW BUSINESS

CITY OF ALBANY POOL LEASE

Business and Operations Director Russ Allen said that the district leases to the City of Albany the swimming pool located on the campus of South Albany High School. He explained that the City operates the pool for community recreation purposes, and by agreement, provides 800 hours of use per year to the district for educational purposes. He said that the previous agreement expired in 2011. Mr. Allen stated that the term of this proposed agreement would retroactively begin on July 1, 2011 and continue through January 2019. He noted that the only substantive change to the agreement was a clarification of City liability during a large pool sponsored activity. He emphasized that the City's liability would extend to all areas around the pool when they had an event

Director Boehme directed that the agreement be returned to the Board at the Consent Agenda of the August 24, 2015 meeting,

BOARD POLICY, ADMINISTRATIVE REGULATION, STUDENTS

Secondary Curriculum Director Jason Hay said that revisions to Board Policy *JFG, Student Searches* and Administrative Regulation *JFG-AR, Student Searches* were recommended by the Oregon School Boards Association as the result of newer court cases involving student searches.

Director Bricker noted that the recommended revisions to Board Policy *JFG, Student Searches*, deleted "evidence of a violation of law, Board policy, administrative regulation or school rule is present in a particular place." Mr. Hay replied that strikeout was the result of language received from the Oregon School Boards Association as the result of case law. He noted that the revisions made things more onerous for school districts. He said that the rulings mean that the schools must have a much higher level of certainty, but not to the level that law enforcement might have. He said that principals can still operate under reasonable suspicion but there would be some challenges.

Mr. Hay referred to Paragraph E on page 3-7 of Administrative Regulation *JFG-AR, Student Searches*. He said that he spoke to the OSBA attorney about "outer clothing." He said that OSBA struck the definition of outer wear. Mr. Hay said that would make it difficult to say to a student, "Pull out your pockets." Superintendent Golden said that administrators wanted more ability to conduct a search.

Director Bricker said that he was concerned that the language would stop almost any search. Mr. Golden agreed. Director Bricker said that the language indicated that the only time an administrator could conduct a search was if there was "an immediate risk of serious harm to a student." Mr. Hay agreed and noted that the most challenging part of the policy document was the voluntary consent discussed in Section III of the administrative regulation. He said that the

administrator would ordinarily ask for the student's voluntary consent or ask for the parent's permission. He said that in his experience as an administrator, if the student refused the search, the parent would almost always back the student.

Director Bricker asked if the strikeout of "evidence of a violation of law, Board policy, administrative regulation or school rule" was mandated by State legislation. Mr. Golden referred to a Supreme Court case involving a school in Bend, Oregon. He said that the ruling required administrators to attempt to call parents before law enforcement or children's services come to do any searching of children or reporting on children. He said that the court decision made it more onerous for administrators to go about their business than when he was a high school principal. He said that court decision was a milestone case against school districts. He estimated that the revisions were the result of that court case.

Director Bricker asked if the Supreme Court case dealt with school administrators. Mr. Golden said that schools have to try to contact parents before doing a search. He said that it was not a requirement in law, but in general, best practice would be to contact the parents. He said that the tables have turned.

Assistant Superintendent Tonja Everest said that a search would be permissible if the student gave consent. Mr. Golden agreed that a high school student could give consent, but he wondered if a young child could give consent. He said that he would ask other superintendents how they were handling the matter.

Mr. Hay said that he consulted with the OSBA attorney and asked whether Greater Albany could leave some of the delated language in. He said that he was told that while there was not any statute that would prohibit that, the district would take on some liability that would probably not have support in case law. He said that staff decided to leave in the definition of outerwear, but left other strikeouts in place.

Director Bricker said that he was still concerned that the policy would prohibit searches for drugs or weapons. Mr. Hay said that administrators could still search if there is an immediate risk of serious harm to the student. Mr. Golden added that if he thought a student had drugs on him/her, he thought that he could make a credible case that if a seventeen year old had drugs or alcohol on him/her, that would be an immediate danger. Director Bricker disagreed.

Mr. Golden said that it was his opinion that administrators still have a lower bar than law enforcement officers for reasonable suspicion.

Director Bricker wanted language to give principals more direction.

Mr. Golden said that he would consult attorney Nancy Hungerford.

Director Boehme asked that staff do more homework and return the documents to a future meeting.

Director Bricker referred to the wording “The unique features of the official’s responsibilities,” on the first page of the administrative regulation. He said that the district had to remember when it was writing policy, the language had to be understandable by parents.

Director Bricker also requested that both documents contain language prohibiting strip searches.

Director Bricker referred to paragraph VI, E of the administrative regulation. He said that the second sentence read, “If a student refuses breathalyzer testing, he/she will be detained and the parents will be contacted to come and take the student home.” He asked whether the district could legally detain a student if they did nothing wrong other than to refuse to take a breathalyzer. He suggested that there could be considerable delay in contacting the parents.

Mr. Hay suggested that an administrator might detain a student so that they do not get in a car and cause an accident that could have been prevented. Ms. Everest said that schools were under “loco parentis” concerning the student. She said that legally, staff would have to act as if they were the parent.

Mr. Hay said that on August 17 and 18, most secondary administrators would receive two days of training with the Albany Police Department. He said that with that training, administrators would be much more able to determine whether someone was under the influence. He estimated that if an administrator had a reasonable suspicion, he/she would be well within their rights to tell a student that they could not get back in their car and that the police would be notified.

Director Boehme said that it would be difficult to physically detain a student. Mr. Golden said that at his previous district, administrators would call the police if they thought a student was under the influence.

Director Bricker was concerned that the language of the administrative regulation would permit administrators to administer a breathalyzer to every student and if the student refused, the administrator could detain the student. He said that he did not have a problem with a breathalyzer if there was reasonable suspicion.

Mr. Hay said that he did not intend to use the document that way. He said that it would be utilized because there was reasonable suspicion. He said that the language could be adjusted.

Mr. Golden said that he would contact attorney Nancy Hungerford and ask for the best language that would protect the district from liability and be safe for students.

Director Boehme said that he wanted clear direction for staff.

BOARD POLICY, PERSONNEL

Executive Assistant Jim Haggart said that House Bill 2412 included a change that repealed Oregon Revised Statutes 342.232 which means, a school district, education service district, private school or public charter school may not start the employment of a potential employee or contractor prior to the receipt and disposition of the criminal records check and/or fingerprinting.

He said that the proposed revisions to Board Policy *GCDA/GDDA, Criminal Records Checks/Fingerprinting* clarify in writing what the district was already doing in practice.

Director Boehme directed that the policy be returned to the Board at the Consent Agenda of the August 24 Board meeting.

BOARD POLICIES SMOKING AND VAPORIZING

Executive Assistant Jim Haggart said that House Bill 2546 added and defined “inhalant delivery system.” He said that the bill amended laws concerning the sale of tobacco products to minors, and use, distribution or possession of tobacco products by minors, so those laws equally applied to inhalant delivery systems. He said that the Bill continued the requirement that schools and working environments be free of tobacco products and now inhalant delivery systems, and continued to prohibit smoking and now aerosolizing and vaporizing on any school property, including parking lot, by any student, staff member or visiting public.

Director Boehme directed that the policies be returned to the Board at the Consent Agenda of the August 24 Board meeting.

BOARD POLICY, NONDISCRIMINATION

Human Resources Director Randy Lary said that previous language in Board Policy *AC, Nondiscrimination* promoted non-discrimination and an environment free of harassment based upon an individual’s race, color, etc. He said that the new, more stringent language prohibited discrimination based upon an individual’s perceived or actual race, color, etc. He said that additional language prohibited retaliation and discrimination against any individual who has opposed any discrimination act or practice.

Director Bricker said that he had a concern with the readability of the first paragraph. He suggested that the first sentence would be easier to read if the protected categories were arranged vertically instead of being in a long sentence. He also suggested that those categories need not be repeated when discussing “any other person with whom the individual associates.”

Mr. Haggart said that he would make those revisions.

Director Boehme directed that the policy be returned to the Board at the Old Business Agenda of the August 24 Board meeting.

BOARD POLICIES, ADMINISTRATIVE REGULATION SUSPENSION AND EXPULSION

Executive Assistant Jim Haggart said that Senate Bill 553 sought to minimize the development of students onto a conduct-discipline track that caused them to drop out of school. He said that the bill added a grade restriction as to when a district could impose an out-of-school suspension and required that the school “take steps to prevent the recurrence of the behavior that led to the out-of-school suspension.” Mr. Haggart said that the thought was that there should be some kind of corrective action along with the punishment. He said that Senate Bill 5567 stated that truancy may not be used as a reason to impose expulsion. He said that House Bill 2597 required that notices required for noncompulsory attendance must include a notice that the parent may request

an evaluation of the student's current IEP or an evaluation to determine if the student needed an IEP. He recommended revisions to Board Policies *JED, Student Absences and Excuses; JEDA, Truancy; JG, Student Discipline; JGD, Suspension; JGE, Expulsion; and Administrative Regulation JE/JEA-AR(1) Compulsory Attendance.*

Director Bricker noted that the fourth paragraph of Board Policy *JGD, Suspension* used the wording "damages or injuries" district property. He asked how property could be injured.

Mr. Haggart and that he would adjust that sentence.

He also referred to the addendum at Board member places. He said that in Board Policy *JGD, Suspension*, page 2, paragraph 4, the words, "Suspensions may be appealed to the Board" were to be deleted. He noted that Board Policy *KL, Public Complaints* already identifies appeal procedures. Mr. Golden agreed.

Director Boehme directed that the policies be returned to the Board at the Consent Agenda of the August 24 Board meeting.

SOUTH ALBANY HIGH SCHOOL FOUNDATION CONTRACT AWARD

Business and Operations Director Russ Allen Board said that Board Members had at their places two documents. He said that he said that the larger document contained information for a contract that he would ask for approval at the next meeting. He said that the smaller document concerned a contract for the cafeteria foundation at South Albany High School. He said that he would seek approval of that agreement that evening. He invited project manager David McKay to address the Board.

Mr. McKay said that he would begin with the larger agreement. He said that the document was the structure that all of the agreements, GMT Amendments, fit into. He said that the agreement identified all of the terms and conditions, insurance requirements, and all of the statutory requirements that would be in a public contract. He said it was the structure that would build the relationship between Greater Albany Public Schools and Gerding Construction.

He explained that the Guaranteed Maximum Price (GMP) Amendments would fit into the larger agreement. He said that those amendments would be specific to the cost of construction. He said that the first GMP Amendment would be for the footings and foundation of the cafeteria building. He said that the recommendation was to award the project to Gerding Builders.

Mr. McKay said that he received only one responsive bid. He said that the second bid was received after the deadline so it had to be declared non-responsive. He said that, fortunately, the bid was for \$30,000 more than the Gerding bid.

He detailed the procedures and safeguards that would be put into effect if Gerding Builders wished to bid on its own project.

Mr. McKay requested approval of a contract for \$291,000 with Gerding Builders for the construction of the foundation of the South Albany High School cafeteria building.

Director Boehme asked about the fees identified in the contract. Mr. McKay said that the \$85,000 was for pre-construction services. He said that the cost of the foundation work would be \$291,000.

Director Utt asked if the payments to Gerding Builders would continue to go up. Mr. Allen said that payments would go up if Gerding won future bids.

Mr. Allen asked when the Change Order #2 for the Shell package would be ready. Mr. McKay said that he would bring that contract to the Board at their August 24 meeting.

Director Utt asked if the district could end up spending less than the amount of the Guaranteed Maximum Price. Mr. McKay said that it could. He explained open-book pricing with all savings recurring to the owner.

Action: Director Utt moved to approve the foundation package to Gerding Builders in the amount of \$291,000. Motion APPROVED UNANIMOUSLY.

OTHER BUSINESS

None.

ADJOURNMENT

Director Boehme said that the next Regular Board meeting would be August 24, 2015. He said that the New Teacher Academy would be August 27 at the District Office and the Back to School Rally would be 8:00 a.m. on September 1 at South Albany High School.

Mr. Golden invited the Board members to attend the Back to School Rally. He said that the event would include breakfast.

Director Boehme adjourned the Board meeting at 8:24 p.m.

Jerry Boehme, Board Member

Jim Golden
Superintendent

(Recorded by Jim Haggart)
Business and Report Items - Document Reference (filed with original minutes)