

Gresham-Barlow



School District

BOARD OF EDUCATION

Regular Board Meeting / Work Session

AGENDA

January 19, 2017

BOARD OF EDUCATION
January 19, 2017

Board Meeting / Work Session – 6 p.m.

**Partnership Room
Center for Advanced Learning (CAL)
1484 NW Civic Drive, Gresham, OR**

I. CALL TO ORDER

II. ROLL CALL

| | | | |
|-------|--------------------------|-------|---|
| _____ | Carla Piluso, Chair | _____ | Kathy Ruthruff, Director |
| _____ | Kris Howatt, Vice-Chair | _____ | Kent Zook, Director |
| _____ | Sharon Garner, Director | | |
| _____ | John Hartsock, Director | _____ | Jim Schlachter, Superintendent |
| _____ | Matt O’Connell, Director | _____ | Mike Schofield, Chief Financial Officer |

III. ACTION ITEMS

First Reading

1. Policy Review Ketelsen

IV. INFORMATION ITEMS

2. Gresham-Barlow School District Communications System Vadnais

V. DISCUSSION ITEMS

3. Superintendent Search Process and Timeline Piluso

VI. ANNOUNCEMENTS

Feb. 2, 2017: Regular Board Work Session - 6 p.m.
Council Chambers Conference Room
Public Safety and Schools Building

Feb. 2, 2017: Regular Board Business Meeting - 7 p.m.
Council Chambers
Public Safety and Schools Building

VII. ADJOURN

GRESHAM-BARLOW SCHOOL DISTRICT
1331 NW Eastman Parkway
Gresham, OR 97030-3825

TO: Board of Directors

FROM: Jim Schlachter
Teresa Ketelsen

DATE: January 19, 2017

RE: No. 1 – Policy Review

EXPLANATION: At the work session this evening, board members will be asked to provide input regarding the recommended revisions from the Oregon School Board Association, district administration, and the Policy Review Committee for the following policies:

| Policy Code | Title |
|--------------------|---|
| BCB | Board Officers |
| BDDC | Board Meeting Agenda |
| BDDH | Public Participation in Board Meetings |
| EEBB | Use of Private Vehicles for District Business |
| GB | General Personnel Policies |
| GBA | Equal Employment Opportunity |
| IIAD | Special Interest Materials |
| KJA | Materials Distribution |

PRESENTER: Teresa Ketelsen

SUPPLEMENTARY MATERIALS: Revised policies (8) with recommended changes.

RECOMMENDATION: The administration recommends that the board review policy revisions, additions and/or deletions as presented for first reading.

REQUESTED ACTION: No formal action is required at the time. Adoption will be requested at a subsequent meeting.

TK:lc

Gresham-Barlow School District
Board Policies
First Reading
January 19, 2017

| Policy | Title |
|---------------|---|
| BCB | Board Officers |
| BDDC | Board Meeting Agenda |
| BDDH | Public Participation in Board Meetings |
| EEBB | Use of Private Vehicles for District Business |
| GB | General Personnel Policies |
| GBA | Equal Employment Opportunity |
| IIAD | Special Interest Materials |
| KJA | Materials Distribution |

Gresham-Barlow SD 10

Code: **BCB**
Adopted: 2/04/99
Readopted: 5/02/02; 3/07/13; 10/01/15

Board Officers

At its first scheduled meeting after July 1, the Board will elect one of its members to serve as chair and one to serve as vice chair. No member of the Board may serve as chair more than two years in succession.¹ If a Board member is unable to continue to serve as an officer, a replacement will be elected immediately. The replacement officer will serve the remainder of the officer's term until the following July.

The Board chair will:

1. Assist the superintendent in establishing the agenda for regular Board meetings;
2. Call special meetings when required;
3. Preside at all meetings of the Board and enforce the rules of order;
4. Sign the minutes and other official documents that require the signature of the chair;
5. Represent the district and the Board at official functions, unless this duty is delegated by the Board chair to another Board member;
6. Appoint all Board-committees and will be an ex-officio member of all such committees unless otherwise ordered by the Board;
7. Have the right to discuss issues and vote.

In the absence of the chair, the vice chair will perform the duties of chair and, when so acting, will have the chair's powers. The vice chair will perform other functions as designated by the Board.

The superintendent will designate a staff member to serve as Board secretary and will directly supervise and evaluate the secretary. In the absence of the designated secretary the board may name anyone present to serve as secretary for that meeting. The secretary to the Board will take notes at Board meetings, compile minutes and perform related work as assigned by the superintendent or requested by the Board chair. These duties will include, but not be limited to, the following:

1. Record the disposition of all matters on which the Board considered action;
2. Prepare and distribute minutes **of any meeting of the Board** in advance for approval at the next Board meeting. **This shall include posting of the minutes and any additional supporting materials, that are not confidential, provided at the meeting to the District web site;**

¹Past practice has limited a member to serve more than two years in succession as chair; ORS 332.040 allows up to four successive years.

3. Maintain properly authenticated official copies of the minutes;
4. Maintain the official record of Board policies;
5. Properly post all Board meetings.

Board or District Spokesperson

The Board may appoint one of its members, usually the chair, or another person to make authorized statements to the public or the media when the Board deems that, under the circumstances, the district's position should be articulated by a single voice. The spokesperson serves at the Board's direction and may be removed or replaced at any time by action of the entire Board.

END OF POLICY

Legal Reference(s):

[ORS 255.335](#)
[ORS 332.040](#)
[ORS 332.045](#)
[ORS 332.057](#)

Cross Reference(s):

BC/BCA - Board Organization/Board Organizational Meeting

Gresham-Barlow SD 10

Code: **BDDC**
Adopted: 2/04/99
Readopted: 5/02/02; 6/06/13

Board Meeting Agenda

The Board chair with the assistance of the superintendent will prepare an agenda for all regular, **special, and emergency** meetings of the Board. Items of business may be suggested by any Board member, staff member, student or citizen of the district by notifying the superintendent at least 10 working days prior to the meeting.

~~A consent agenda may be used by the Board for noncontroversial business.~~ The consent agenda will consist of routine business that requires action but not necessarily discussion. These items may all be approved at the same time. ~~A Board member may ask that a~~ Any item **may** be removed from the consent agenda **upon request**. The removed item will then be placed on the regular agenda.

The agenda will follow a general order established by the Board. Opportunities for the audience to be heard may be included. The Board will follow the order of business set up by the agenda unless the order is altered by a consensus of the Board.

~~Items of business not on the agenda may be discussed and acted upon~~ **In accordance with Board operating agreements, items can be added to the agenda** if the majority of the Board agrees to consider them.

The agenda, together with supporting materials, will be distributed to Board members at least five calendar days prior to the meeting **and posted on the District web site**. The agenda will be available to the press and to interested patrons through the ~~superintendent's office~~ **District web site** at the same time it is available to the Board members. Copies of the agenda for the press and public will not contain any confidential information included in the Board members' packets.

~~A copy of the agenda will be posted in each district facility on the day of the meeting.~~ Members of the public may request a copy of the agenda at the superintendent's office.

In accordance with the Americans with Disabilities Act, the district will ensure equally effective communications are provided to qualified persons with disabilities, upon request.

Appropriate auxiliary aids and services may include large print, Braille, audio recordings and readers. Primary consideration will be given to the requests of the person with a disability in the selection of appropriate auxiliary aids and services.

Should the Board demonstrate such requests would result in a fundamental alteration in the service, program or activity or in undue financial and administrative burdens, alternate, equally effective communications will be used.

Auxiliary aids and services for persons with disabilities will be available at no charge to the individual.

END OF POLICY

Legal Reference(s):

[ORS 192.640](#)

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630 (2006); 28 C.F.R. Part 35 (2006).
Americans with Disabilities Act Amendments Act of 2008.

Cross Reference(s):

BDDH - Public Participation in Board Meetings

Public Participation in Board Meetings

All Board meetings, with the exception of executive sessions, will be open to the public. The Board invites district citizens to attend Board meetings to become acquainted with the program and operation of the schools. Members of the public also are encouraged to share their ideas and opinions with the Board when appropriate.

It is the intent of the Board to ensure communications with individuals with disabilities are as effective as communications with others. Individuals with hearing, vision or speech impairments will be given an equal opportunity to participate in Board meetings. Primary consideration will be given to requests of qualified individuals with disabilities in selecting appropriate auxiliary aids¹ and services.

Auxiliary aids and services for persons with disabilities will be available at no charge to the individual.

All auxiliary aids and/or service requests must be made with appropriate advance notice. Should the Board demonstrate such requests would result in a fundamental alteration in the service, program or activity or in undue financial and administrative burdens, alternative, equally effective means of communication will be used.

Audience

During an open session of a Board meeting, members of the public are specifically invited to present concerns during the designated portion of the agenda. At the discretion of the chair, further public participation may be allowed.

At the discretion of the Board chair, anyone wishing to speak before the Board, either as an individual or as a member of a group, on any agenda item or other topic, may do so by providing the Board secretary with a completed registration card prior to the agenda item in order to allow the chair to provide adequate time for each agenda item.

Request for an Item on the Agenda

A member of the public may request the superintendent place an item of concern on the agenda of a regular Board meeting. This request should be made in writing and presented to the superintendent for consideration at least 10 calendar days prior to the scheduled meeting.

Procedures for Public Participation in Meetings

The Board will establish procedures for public participation in open meetings of the Board. The purpose of these procedures will be to inform the public how to effectively participate in Board meetings for the

¹Auxiliary aids include, but are not limited to such services and devices as qualified interpreters, assistive listening systems, note takers, readers, taped texts, Brailled materials and large print.

best interests of the individual, the district and the patrons. The information will be easily accessible and available to all patrons attending a public Board meeting.

~~Discussion or presentation concerning a published agenda item is limited to its designated place on the agenda, unless otherwise authorized by the chair.~~

A visitor speaking during the meeting may introduce a topic not on the published agenda. The Board, at its discretion, may require that a proposal, inquiry or request be submitted in writing, and reserves the right to refer the matter to the administration for action or study.

Any person who is invited by the chair to speak to the Board during a meeting should state ~~his or her~~ **their** name and ~~residence~~ **whether they reside in the district** and, if speaking for an organization, the name and identity of the organization. A spokesperson should be designated to represent a group with a common purpose.

Statements by members of the public should be brief and concise. The chair may establish a time limit, normally three to five minutes, on discussion or oral presentation by visitors.

~~Questions asked by the public, when possible, will be answered immediately by the chair or referred to staff members for reply. Questions requiring investigation may, at the discretion of the chair, be referred to the superintendent for response at a later time.~~

Petitions

Petitions may be submitted at any Board meeting. No action will be taken in response to a petition before the next regular meeting. Petitions will be referred to the superintendent for consideration and recommendation.

Criticisms of Staff Members

Speakers may offer objective criticism of school operations and programs, but the Board will not hear personal complaints concerning school personnel or against any person connected with the school system. The chair will direct the visitor to the appropriate means for Board consideration and disposition of legitimate complaints involving individuals.

END OF POLICY

Legal Reference(s):

[ORS 165.535](#)
[ORS 165.540](#)

[ORS 192.610 - 192.690](#)
[ORS 332.057](#)

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630 (2006); 28 C.F.R. Part 35 (2006).
Americans with Disabilities Act Amendments Act of 2008.

Cross Reference(s):

BDDC - Board Meeting Agenda
KC - Community Involvement in Decision Making

Gresham-Barlow SD 10

Code: **EEBB**
Adopted: 5/02/02
Readopted: 5/01/14

Use of Private Vehicles for District Business

The Board discourages the use of private vehicles for district business, including the transportation of students. Staff will use district-owned vehicles whenever possible and should schedule activities and transportation far enough in advance to avoid any nonemergency use of private vehicles.

The superintendent will develop regulations for staff use of private vehicles that will safeguard the district, its employees and students in matters of safety, insurance and liability. ~~The Board will review such regulations at least annually.~~

No staff member will use a private vehicle for district business, including the transportation of students, without approval in accordance with established district procedures. Authorization to use a private vehicle must be obtained before actual use of the vehicle. Staff members who are authorized to use a private vehicle on district business will be reimbursed in an amount established by the Board.

A student will not be allowed to perform district business with his/her own vehicle or a staff member's vehicle.

END OF POLICY

Legal Reference(s):

[ORS 30.260 - 30.265](#)
[ORS 332.107](#)
[ORS 801.455](#)
[ORS 811.210](#)

[ORS 815.055](#)
[ORS 815.080](#)
[OAR 735-102-0010](#)

Gresham-Barlow SD 10

Code: **GB**
Adopted: 7/11/94
Readopted: 1/11/01; 5/02/02; 10/02/14
Orig. Code(s): GB

General Personnel Policies

The quality of the professional and support staff is of primary importance in achieving the district's educational goals. In filling any ~~licensed or classified~~ position, the district will seek out and appoint the best-qualified person available for the position **in accordance with the district's equity and equal opportunity policies.**

The employment **contracts** of candidates to fill **licensed and contracted** positions will be approved by the Board upon the superintendent's recommendation. The superintendent will employ all **classified and confidential employees**, substitutes and part-time personnel as needed. **The superintendent will report quarterly to the board the number of employees from each of these groups that have changed their positions.**

Notice of all regular job openings will be available to current staff members according to contract provisions. Staff are encouraged to apply for open positions. The district will give consideration to all staff applications. Vacant positions may also be advertised through professional and institutional placement agencies, appropriate employment agencies and general and specialized media.

Applications or inquiries concerning job openings will be directed to ~~the personnel office~~ **human resources** on standard district application forms. The selection process will be coordinated and supervised by the **executive** director of **human resources** ~~personnel~~, with the involvement of staff and community, as appropriate.

Each candidate selected for a position with the district must possess or demonstrate eligibility for any license or permit required to fill the position. In addition, the individual must be insurable by the district's insurance carrier for any position requiring liability insurance coverage or bonding.

In accordance with Oregon law, the district may require any candidate, as a condition of employment, to hold a current, recognized first-aid card. A current employee required to hold a card will obtain it within 90 days from the date the district gives notification.

Personnel selected for employment will be notified in writing. This notification will specify the assignment, the job classification, the salary or hourly rate, ~~the length of the work week~~ and the length of the assignment. Unsuccessful applicants who were interviewed will be notified.

Initial assignments will be made by the superintendent or designee.

The superintendent will establish regulations governing the recruitment, selection and employment of personnel in accordance with this policy.

END OF POLICY

Legal Reference(s):

[ORS 342.664](#)
[ORS 408.225](#)
[ORS 408.230](#)
[ORS 408.235](#)
[ORS 653.305 - 653.326](#)

[ORS 659A.309](#)
[OAR 581-022-0705\(4\)](#)
[OAR 839-006-0435](#)
[OAR 839-006-0440](#)
[OAR 839-006-0445](#)

[OAR 839-006-0450](#)
[OAR 839-006-0455](#)
[OAR 839-006-0460](#)
[OAR 839-006-0465](#)

Cross Reference(s):

EBBA - First Aid

Gresham-Barlow SD 10

Code: **GBA**
Adopted: 7/11/94
Readopted: 1/11/01; 5/02/02; 12/02/04;
2/07/08; 12/02/10; 10/02/14
Orig. Code(s): GBA

Equal Employment Opportunity

Equal employment opportunity and treatment shall be practiced by the district regardless of race, color, religion, sex, sexual orientation¹, national origin, marital status, age, veterans' status², genetic information and disability if the employee, with or without reasonable accommodation, is able to perform the essential functions of the position.

The superintendent will appoint an employee to serve as the officer in charge of compliance with the Americans with Disabilities Act of 1990, the Americans with Disabilities Act Amendments Act of 2008 (ADA), and Section 504 of the Rehabilitation Act of 1973, ~~Title IV, Title VII, Title IX and other civil rights or discrimination issues~~. The superintendent will also designate a Title IX coordinator to comply with the requirements of Title IX of the Education Amendments of 1972. The Title IX coordinator will investigate complaints communicated to the district alleging noncompliance with Title IX. The name, address and telephone number of the Title IX coordinator will be provided to all students and employees.

The superintendent will develop other specific recruiting, interviewing and evaluation procedures as are necessary to implement this policy.

END OF POLICY

¹“Sexual orientation” means an individual’s actual or perceived heterosexuality, homosexuality, bisexuality or gender identity, regardless of whether the individual’s gender identity, appearance, expression or behavior differs from that traditionally associated within the individual’s sex at birth.

²The district grants a preference in hiring and promotion to veterans and disabled veterans. A veteran is eligible to use the preference any time when applying for a position at any time after discharge or release from service in the Armed Forces of the United States.

Legal Reference(s):

| | | |
|---|------------------------------|----------------------------------|
| ORS 174.100 | ORS 659A.009 | ORS 659A.805 |
| ORS 192.630 | ORS 659A.029 | OAR 581-021-0045 |
| ORS 243.672 | ORS 659A.030 | OAR 581-022-1720 |
| ORS 326.051 | ORS 659A.109 | OAR 839-003-0000 |
| ORS 332.505 | ORS 659A.142 | OAR 839-006-0435 |
| ORS 342.934 | ORS 659A.145 | OAR 839-006-0440 |
| ORS 408.225 to -408.238 | ORS 659A.233 | OAR 839-006-0445 |
| ORS 659.850 | ORS 659A.236 | OAR 839-006-0450 |
| ORS 659.870 | ORS 659A.309 | OAR 839-006-0455 |
| ORS 659A.003 | ORS 659A.321 | OAR 839-006-0460 |
| ORS 659A.006 | ORS 659A.409 | OAR 839-006-0465 |

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2006).
Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, et. seq. (2012).
Age Discrimination in Employment Act of 1967, 29 U.S.C. §§ 621-634 (2006); 29 C.F.R Part 1626 (2006).
Age Discrimination Act of 1975, 42 U.S.C. §§ 6101-6107 (2006).
Equal Pay Act of 1963, 29 U.S.C. § 206(d) (2006).
Rehabilitation Act of 1973, 29 U.S.C. §§ 503, 791, 793-794 (2006).
Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683 (2006); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2006).
Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630 (2006); 28 C.F.R. Part 35 (2006).
Wygant v. Jackson Bd. of Educ., 476 U.S. 267 (1989).
Americans with Disabilities Act Amendments Act of 2008.
The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. § 4212.
Title II of the Genetic Information Nondiscrimination Act of 2008.

Cross Reference(s):

AC - Nondiscrimination
ACA - Americans with Disabilities Act

Gresham-Barlow SD 10

Code: **IIAD**
Adopted: 5/02/02
Readopted: 11/06/14

Special Interest Materials

In general, supplementary printed materials from nonschool sources ~~should~~ **shall** have the approval of the superintendent or designee before being used in the schools. This approval may be given to materials that are of obvious educational quality, supplement and enrich text and reference book materials for definite school courses, and are timely.

Printed materials from nonschool sources should not be displayed or distributed in the schools or on the school grounds without approval of the superintendent or designee. Students may not be used as agents for distributing nonschool materials to the homes without the superintendent's **or designee's** approval.

Teachers may use special aids such as models, films, slides, pictures, charts and exhibits for educational purposes with the express approval of the superintendent/principal even though these materials may bear the name of a commercial business firm that provided the aid.

Educational films and all video rentals secured from or through commercial sources will be approved by the principal prior to their use in the schools.

All copyright laws regulating the use of such material will be strictly followed.

END OF POLICY

Legal Reference(s):

[ORS 332.072](#)

[ORS 337.120](#)

[ORS 339.880](#)

[OAR 581-022-1520](#)

[OAR 581-022-1640](#)

Copyrights, 17 U.S.C. §§ 101- 1332; 19 C.F.R. Part 133 (2006).

Cross Reference(s):

EGAAA - Reproduction of All Copyrighted Materials

IIABB - Use of Feature Films/Videos

KJA - Materials Distribution

Gresham-Barlow SD 10

Code: **KJA**
Adopted: 7/11/94
Readopted: 5/02/02; 12/04/14
Orig. Code(s): KJA

Materials Distribution

Requests by individuals or groups to distribute pamphlets, booklets, flyers, brochures and other similar materials to students for classroom use or to take home shall first be submitted to the school ~~administration~~ **principal**. Materials themselves as well as the proposed method of distribution shall be subject to review.

Materials shall be reviewed based on legitimate educational concerns. Such concerns include: the material is or may be defamatory; the material is inappropriate based on the age, grade level and/or maturity of the reading audience; the material is poorly written, inadequately researched, biased or prejudiced; the material contains information that is not factual; the material is not free of racial, ethnic, religious or sexual bias or the material contains advertising that violates public school laws, rules and/or policy, is deemed inappropriate for students or that the public might reasonably perceive to bear the sanction or approval of the district.

The ~~administration~~ **principal** shall determine distribution procedures. Such procedures may include:

1. Distribution to each student before or after class if materials are not directly related to the instructional goals;
2. Notification to students or parents of the availability of the materials in a specified location if this procedure is deemed less disruptive to the educational process;
3. Inclusion of materials in a direct mailing; ~~or~~
4. Solicitation of school-related groups such as parent organizations, to disseminate materials; ~~or~~
5. **Posting in an electronic format.**

The practice of distributing pamphlets, booklets, flyers, brochures and other similar materials shall be periodically reviewed to ensure that the mere volume of requests has not become an interruption to the educational process.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

46 OR. ATTY. GEN. OP. 239 (1989)

Cross Reference(s):

GBI - Gifts and Solicitations
IIAD - Special Interest Materials
KI - Public Solicitation in District Facilities
KJ - Advertising in District Facilities

Handout at 01-19-17 Board Work Session
Re: Discussion of Policy GB, General Personnel:lyn

THE
HUNGERFORD LAW FIRM
ATTORNEYS AT LAW

TO: Randy Bryant
FROM: Brian Hungerford
DATE: September 20, 2016
RE: Contract Requirements for District Employees

Randy:

This memorandum is in response to our recent conversation regarding the Board's obligation to approve employment contracts for District employees. As I understand the situation, there is a question as to whether the District is required to enter into individual contracts with its employees and, if so, whether the Board is required by law to approve those contracts. There appears to also be a question about how the presence of a collective bargaining agreement for the District's represented groups impacts this analysis.

As an initial matter, I would note that there is a distinction between a collective bargaining agreement which covers all members of a particular bargaining unit and an individual employment contract. While it is true that an individual contract may not provide for different terms than the collective bargaining agreement, assuming the contract was entered into with a member of the bargaining unit, the terms "contract" and "collective bargaining agreement" are not used interchangeably in the law and should not be thought of as one and the same. That is, if there is a legal obligation for the District to consummate a contract with an employee or a particular group of employees, that obligation is not satisfied by the mere fact that the District is party to a collective bargaining agreement covering the employee(s) in question. Where the law intends to provide for collective bargaining, or a collective bargaining agreement, it does so specifically, leading to the conclusion that when the word "contract" is used it means something different than a collective bargaining agreement.

It is also useful to distinguish between any legal requirement on the part of the Board to approve a contract and the act of actually engaging in the hiring process for employees. Those are two separate and distinct actions that certainly could be done by the same entity but don't necessarily have to be. The obligation to approve contracts can be present under the law even where there is no hire taking place, as will be pointed out below. In short, one person or group may have authority to make hiring decisions while another entity could have the sole power to enter into contracts with those that are ultimately hired.

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Handout at 01-19-17 Board Work Session
Re: Discussion of Policy GB, General Personnel:lyn

With that in mind, it is first useful to determine where the law requires a school district to enter into employment contracts. There are two groups of employees that must have contracts pursuant to the law – teachers and administrators. Both groups are generally referenced in ORS 342.513 which provides, in relevant part, as follows:

Each district school board shall give written notice of the renewal or nonrenewal of the contract for the following school year by March 15 of each year to all teachers and administrators in its employ who are not contract teachers as defined in ORS 342.815.

This statute, then, clearly contemplates the presence of a contract with each of the covered individuals, many of whom will also be members of the licensed collective bargaining unit. This is obviously not referring to the Board's obligation to ratify a collective bargaining agreement, as that phrase is not used and in any event there is no requirement that collective bargaining agreements be of a duration of one year. Without stating so in as clear a fashion as would be desirable the legislature has created a process by which certain employees have contracts and those contracts are reviewed by the Board every March 15th. Who does this statutory language cover? One has to look elsewhere for a definition of both "teacher" and "administrator," in the former case in ORS 342.815(9) and in the latter case ORS 342.120(1).¹ The definition of teacher is as would traditionally be expected, while the definition of administrator is, "all superintendents, assistant superintendents, principals and academic program directors in the public schools or education service districts who have direct responsibility for supervision or evaluation of licensed teachers and who are compensated for their services from public funds." So far, then, there is a statutory expectation that there will be employment contracts entered into and renewed or nonrenewed by March 15th for non-contract teachers, superintendents, assistant superintendents, academic program directors, and principals.

Administrators are more specifically addressed in ORS 342.549. According to that statute, a school district shall:

Enter into an employment contract, with each administrator, that has provisions that cover the duration of the contract, conditions for contract termination and extension and conditions for employee resignation.

Just to confuse the matter, this statute provides for its own definition of "administrator": "a person who is employed as an administrator or is performing administrative duties, regardless of whether the person is required to have a license, and includes but is not limited to superintendents, assistant superintendents and business managers." This definition largely mirrors that of ORS 342.120(1) except that it expands it by specifically

¹ An alternate definition of "administrator" is also found in ORS 342.815(1), but that definition is expressly reserved only for use in ORS 342.815 *et. seq.* The definition in ORS 342.120(1) is to be used in the remainder of Chapter 342 except where expressly provided otherwise.

Handout at 01-19-17 Board Work Session
Re: Discussion of Policy GB, General Personnel:lyn

including business managers and referencing those individuals who are performing administrative duties. This would include such positions as human resources director, directors of departments such as food service or transportation, and a wide range of other administrative positions utilized by the District. According to this statute, the District must have an employment contract for all of these employees.

Finally, administrators are addressed in ORS 342.845(5)(a). According to that statute, “an administrator shall be employed by a school district pursuant to a three-year employment contract.” In this case, yet another definition of administrator applies, this time limited to those employees licensed by TSPC and performing as a supervisor, principal, vice principal or director of a department, but not a superintendent or deputy superintendent.²

As mentioned, contracts for teachers are contemplated by ORS 342.513. That statute, however, applies only to non-contract teachers. The requirement to have employment contracts for contract teachers is found in ORS 342.895.³ According to that statute, “Contract teachers shall be employed by a school district pursuant to two-year employment contracts.” That statute further specifies how those contracts will be extended or non-extended each March 15th. Again, these contracts are different from the overall collective bargaining agreement that dictates the majority of the terms and conditions of their employment as bargaining unit members. The statute refers to individual contracts as opposed to a singular collective contract, and spells out how each of those individual contracts must be dealt with each year. That is an entirely different process from the District’s bargaining of, and the Board’s ratification of, the CBA.

To summarize, the following District employees must be employed pursuant to individual employment contracts: Superintendent, Assistant Superintendent, Business Manager, principals, vice principals, directors who are TSPC licensed, non-licensed administrative employees such as department directors or supervisors, and licensed teachers. I read no specific requirement in the law that classified or confidential employees be employed pursuant to an individual contract. Where there is an applicable collective bargaining agreement, the terms of the individual’s employment contract cannot conflict.

Having identified which employees must have employment contracts, the next question is who approves those contracts. Once again, this is different from the question of who selects employees to be hired. Obviously the two acts are closely related; if a district can only employ one of the covered individuals if there is a contract, then the act of hiring the individual would be meaningless without the issuance and approval of a contract. That being said, any statutory requirement for the approval of a contract should not be read as a statutory requirement that the approving entity actually participate in the hiring process.

² ORS 342.815(1)

³ It is worth noting that “contract” status as applied to teachers is different from being a party to an employment contract. Contract status is not a document but rather the attainment of certain rights under the Fair Dismissal Law.

Handout at 01-19-17 Board Work Session
Re: Discussion of Policy GB, General Personnel:lyn

My interpretation of Oregon law is that all of the above mentioned employment contracts must be approved by the school district's board of directors. It is not a clear-cut determination, however. The statute in question appears in another chapter of the Oregon Revised Statutes, and is written in a confusing manner that, at first glance, applies primarily to the authority to expend district funds. A specific portion of that statute does, however, appear to reserve to the school board the power to enter into the contracts referenced above.

I reach that conclusion primarily as a result of ORS 332.075(2) and (3). According to the former, "All contracts of the school district must be approved by the district school board before an order can be drawn for payment." Again, at first glance this sounds like a provision governing the purchase of goods and services by a school district. The interaction of sub-section three, however, changes that conclusion. That sub-section reads, in its entirety:

Notwithstanding subsection (2) of this section, a district school board may, by resolution or policy, authorize its superintendent or the superintendent's designee to enter into and approve payment on contracts for products, materials, supplies, capital outlay, equipment and services that are within appropriations made by the district school board pursuant to ORS 294.435. A district school board may not authorize its superintendent or the superintendent's designee under this subsection to enter into and approve payment on contracts that are collective bargaining agreements or service contracts that include the provision of labor performed by employees of the school district.

It is the second sentence, and in fact the second portion of that second sentence, that results in my conclusion. Under that language, the Board may not delegate its authority to enter into "service contracts that include the provision of labor performed by employees of the school district." Without any alternative definition provided in the statute of "service contracts," I cannot conclude that the employment contracts referenced in the earlier portion of this memo fall outside of the scope of this reservation of authority. All of those employment contracts would necessarily involve "the provision of labor performed by employees of the school district." While one could argue whether these were "service contracts," as that term is not used in any of the statutes that describe the obligation to enter into individual employment contracts, I believe that the only prudent course of action is to act as though all employment contracts are covered by this statute.

I realize that this sets up a difficult scenario. It would be impossible for the Board to make the hiring decisions for all of the employees who are issued employment contracts, nor could the Board make an informed inquiry into whether those employees already under contract deserved to have those contracts extended each year. Yet the Board is put in a position of having to act on the employment contracts that are brought before them.

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Handout at 01-19-17 Board Work Session
Re: Discussion of Policy GB, General Personnel:lyn

In essence, the Board is putting its faith in its administrative employees, including the Superintendent, to make well informed hiring decisions and to seek approval only for those individuals who deserve to be hired or have their employment continued. This act of faith is not created by or sought out by the administrators, but instead is caused by the conflict between the statute and reality. The Board has neither the time nor the expertise to determine who should be hired and retained, but it alone can enter into the contracts that support those employment decisions. In reality, the Board only makes a detailed inquiry into the merits of an employee under contract in rare situations, primarily where it is asked to approve a recommendation for the dismissal of a licensed employee or where a classified employee seeks the post-termination review of the Board. There are certainly better systems that could be utilized, but in this case the District is bound by the statutory requirements.

My recommendation would be to review your policy and to make sure that you are not providing any employee or category of employees greater protection than is required by law, and that the Board is not being asked to perform any additional acts not required by law. Thus, the policy should not require the Board to approve the hire of classified employees (or termination for that matter) as there is no such statutory requirement. The policy also should not afford multi-year contracts to any employees or groups of employees who are not granted such multi-year contracts by law (contract administrators and contract teachers). If you would like me to review the District's current policy regarding the approval of contracts let me know and I'd be happy to do so. I would also be happy to review the wording of the actual contracts being entered into by the various employee groups, as I find that these contract are often incorrect or contain language or protections that are not necessary.

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GRESHAM-BARLOW SCHOOL DISTRICT
1331 NW Eastman Parkway
Gresham, OR 97030-3825

TO: Board of Directors

FROM: Jim Schlachter
Athena Vadnais

DATE: January 19, 2017

RE: No. 2 – Gresham-Barlow School District Communications System

EXPLANATION: The Gresham-Barlow School District employs a variety of communication strategies and tools to communicate with internal and external stakeholders.

At the January 19 board work session, an overview of the district's communications system will be presented. The overview will feature a review of communications systems at the district level, to include emergency communications, and a look at school-to-home communications at the school level.

PRESENTER: Athena Vadnais

SUPPLEMENTARY
MATERIALS: None

RECOMMENDATION: This report is being provided as information only.

REQUESTED ACTION: No formal action is required.

AV:lc



*Handout at 01-19-17 Board Work Session
From Athena Vadnais Re. Communications Program:lyn*

Gresham-Barlow School District Communications Program Summary

Internal Communications Vehicles:

- Staff Meetings
- Employee Newsletter
- Staff orientation and professional development
- Special Events (Convocation, Retirement Reception)
- District Website
- Visits to schools by district level administrators
- District Emails
- Meetings with employee groups
- Key Communicators Network

External Communications Vehicles:

- Key Communicators (KC) Network (Meetings and Email Updates)
- Principal for a Day Program
- District staff involvement in Rotary and Chamber of Commerce
- District Website
- District Facebook Page
- District Twitter Feed
- News Releases
- Parent Email Updates
- Mobile App
- Community Newsletter
- Thoughtexchange
- Online Surveys
- District Advisory Council
- Superintendent's Student Advisory Council

Emergency Communications:

- Flash Alert
- Website Post
- Twitter
- KC Email
- Autodialer System
- Facebook Page
- Mobile App Push Notification
- All Staff Email

Communications Plans are created (as needed) for major district initiatives such as:

- Bond Elections
- Budget Planning
- Strategic Planning

An intense, multi-year focus on school bond communications:

Note: Because of the critical need to obtain funding for school district capital construction and renovations, in 2015-16 and 2016-17 the district's communications effort focused on the school bond.

A look ahead

Now that the school bond has passed, communication plans will be created and implemented for:

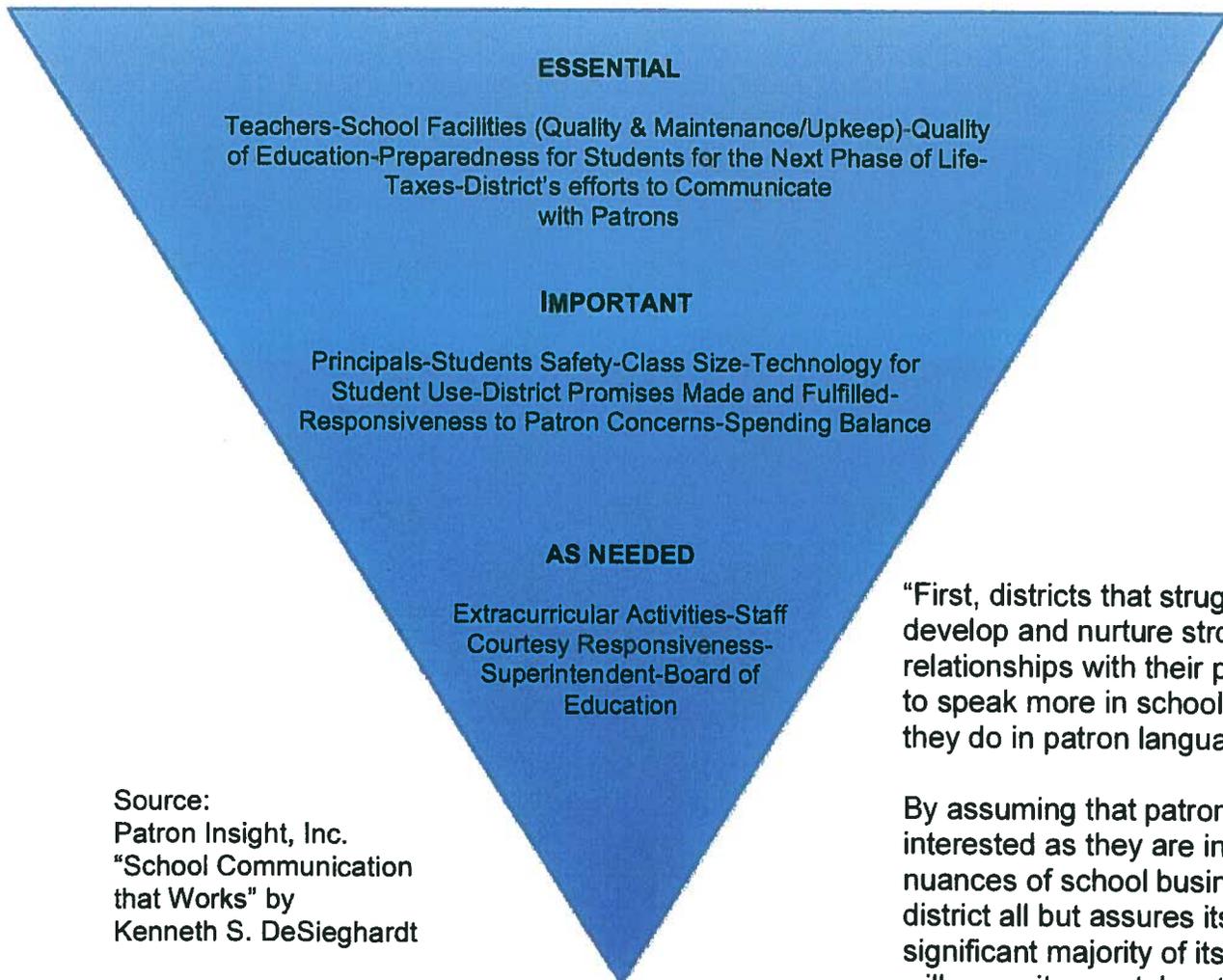
- School Bond Implementation
- Overall District Communication Plan

Key Messages/Content Creation:

Key messages and content for communication plans is based on research.

Primary Research: Community Surveys, Focus Groups, Online Surveys, Online Discussions (Thoughtexchange), Secondary Research: Research collected by others such as Patron Insight, Inc. (See Patron Information Pyramid)

Patron Information Pyramid



“First, districts that struggle to develop and nurture strong relationships with their patrons tend to speak more in school jargon than they do in patron language.

Source:
Patron Insight, Inc.
“School Communication that Works” by
Kenneth S. DeSieghardt

By assuming that patrons are as interested as they are in the precise nuances of school business, a district all but assures itself that a significant majority of its community will press its mental mute button whenever someone from the district starts talking.” -Ken DeSieghardt

School-To-Home Communications By Level Summary

Elementary Level

Most used communications vehicles:

- Reader Boards
- Website/Mobile App
- Newsletter
- Email

- A majority of elementary schools use Facebook to share information via Facebook pages run by their Parent Teacher Organizations
- Limited use of autodialer for announcements, reminders

Middle School Level

Most used communications vehicles:

- Reader Boards
- Website/Mobile App
- Email
- Autodialer
- Newsletter

High School Level

Most used communications vehicles:

- Website/Mobile App
- Email
- Autodialer
- Newsletter

Note:

When Autodialer is listed, it means the schools are using the autodialer for announcements and reminders in addition to attendance calls.

In addition to the communication tools listed above, teachers are using newsletters, websites, emails, etc. to communicate with parents.

West Orient Middle School School to Home Communication

| Tool | Purpose | Frequency |
|-------------------------------------|--|---------------------------------|
| Reader Board | Announcements, School Events, Important Dates | Changed roughly every 2-3 weeks |
| Website/Mobile App | Announcements, Events, Calendar, Weekly Newsletter, Photos, Links (counseling, athletics, immunizations, supply lists, etc.) | Weekly |
| Email Broadcasts (School Messenger) | Weekly newsletter (Tuesday News), Special Events, | Updated weekly |
| Weekly Newsletter | Announcements, School Events, Upcoming Dates | Weekly via Website and Email |
| Auto Dialer (Phone mess) | Attendance | Daily |
| Social Media (Facebook) | Orient PTC | Weekly |
| Digital Signage in School | Upcoming Events, Calendar, School Expectations, etc. | 1-2x per month |
| Parent Vue | Academics | Weekly |
| Regular Mail | Trimester Report Cards, Testing Correspondence, Discipline | As needed |
| Paper Hard Copy | Midterm Grades, Conference letters, Urgent and/or Timely Information | As needed |
| PTC Meetings | School Events, SIP, Calendar | 1x per month |
| Parent (PTC) Meeting | Current Events Planning, SIP | Weekly |
| Parent Surveys | Gather input for SIP planning | 1-2x per year |

GRESHAM-BARLOW SCHOOL DISTRICT
1331 NW Eastman Parkway
Gresham, OR 97030-3825

TO: Board of Directors
FROM: Carla Piluso
DATE: January 19, 2017
RE: No. 3 – Superintendent Search

EXPLANATION: Time has been reserved on this evening's agenda to continue the discussion regarding a superintendent search process and timeline.

As the board is aware, Superintendent Schlachter has announced his plans to retire from the Gresham-Barlow School District at the conclusion of this school year, effective June 30, 2017. Subsequently, the board identified a board advisory committee to draft a proposed process and timeline for filling the vacancy. The advisory committee held its first meeting on Monday, January 9, 2017, at the district office.

PRESENTER: Carla Piluso

SUPPLEMENTARY
MATERIALS: None

RECOMMENDATION: Board discussion regarding a superintendent search process and timeline is recommended.

REQUESTED ACTION: No formal action is required at this time.

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