

LANE ESD BOARD OF DIRECTORS' MEETING
Tuesday – April 28, 2009

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| 1. Regular Meeting
Call to Order | 1 | <p>Chairperson Joel Robe called the regular board meeting to order at 6:00 p.m. Tuesday, April 28, 2009, in accordance with the agenda and public notice of the meeting.</p> <p>Board Members present were: Tom Atkinson (arrived at 6:10), Joe Berney, Sherry Duerst-Higgins, Michelle Holman (arrived at 6:17), Carol Horne Dennis, Tom Lininger (arrived at 6:15, and Joel Robe. Administrative staff members present were Superintendent Debbie Egan, Carol Knobbe, Dave Standridge, Sue Mathisen, and Barbara McBurnett, recording secretary.</p> <p>Others attending were: Gary Ross, Don Kimball, and Sara Prechtel</p> |
| 2. Recognition and Introductions | 2 | <p>Don Kimball, candidate for board position number 3, was present.</p> |
| 3. Public Participation | 3 | <p>There was no public participation.</p> |
| 4. Agenda Review | 4 | <p>There were no changes to the agenda.</p> |
| 5. Action Items | 5A | <p>The following action items were included in the Consent Agenda approval:</p> <p>(1) Approve Board Minutes of March 17, 2009
BE IT RESOLVED that the Board of Directors of Lane ESD approves the minutes of its meeting March 17, 2009, as submitted.</p> <p>(2) Accept Monthly Human Resources Report and Approve Personnel Recommendations
BE IT RESOLVED that the Board of Directors of Lane ESD accepts the Monthly Human Resources Report dated April 23, 2009.</p> <p>(3) Adopt Policy Revision—AC, Nondiscrimination
(4) Adopt Policy Revision—ACA, Americans with Disabilities Act
(5) Adopt Policy Revision—GBA, Equal Employment Opportunity
These policies have been revised to reflect the ADA Amendments Act of 2008, which went into effect January 1, 2009.
BE IT RESOLVED that the Board of Directors of Lane ESD adopts policy revisions for Policy AC, Nondiscrimination; ACA, Americans with Disabilities Act; and GBA, Equal Employment Opportunity.</p> <p>(6) Adopt Deletion of Policy AE, District Goal Setting
(7) Adopt Deletion of Policy EA, Support Services Goals
The OAR's requiring these policies have been repealed and replaced with OAR 581-024-0208 which requires Policy DDA—Local Service Plan.
BE IT RESOLVED that the Board of Directors of Lane ESD adopts deletion of Policies AE, District Goal setting; and EA, Support Services Goals.</p> <p>(8) Adopt New Policy EDDA, Sustainability
BE IT RESOLVED that the Board of Directors of Lane ESD adopts new Policy EDDA, Sustainability.</p> <p>DIRECTOR DUERST-HIGGINS MOVED: BE IT RESOLVED that the Board of Directors of Lane ESD adopts the consent agenda group as presented. Director Horne Dennis seconded and the MOTION CARRIED WITH DIRECTORS BERNEY, DUERST-HIGGINS, HORNE DENNIS, and ROBE VOTING YES.
(ESD Resolution # 08-032)</p> |

- 5B Approve Westmoreland Roof and HVAC Replacement Bid
At the February meeting, Board members received information regarding the Westmoreland roof and HVAC replacement projects. Board member consensus was to move forward with the project.
- On April 8, 2009, Lane ESD staff, along with representatives of SOLARC Engineering, held a bid opening for the Westmoreland HVAC and roof replacement project. Five firms submitted bid documents prior to the 2:00 p.m. deadline. Representatives from all five firms were present at the bid opening.
- Base bids ranged from a low bid of \$681,737 submitted by Ordell Construction LLC to a high bid of \$749,000 submitted by Bineham Construction.
- All bids significantly exceeded our estimated project budget of \$540,000 established by our design firm SOLARC. At the conclusion of this meeting, I indicated to all bidders that the bids were outside of our budget amount and stated our intention to “value engineer” the project with the lowest “responsive and responsible” bidder in accordance with the provisions of ORS 279C.340.
- Value engineering is a multi-stepped process where the agency and the bidder work together to explore lower cost alternatives. In some cases this may be a product substitution and in others, eliminating some part of the project. The Lane ESD team decided to primarily focus on areas that house students and to defer work on areas that did not. Secondary criteria examined the ability of an area to be approached as a small project with minimal student disruption as resources allowed.
- Representatives of Ordell Construction and their primary sub-contractors met with SOLARC and ESD representatives on April 10th to initiate this process. Subsequent meetings between all parties resulted in a value engineered base bid of \$477,889. The team decided to include Alternate #3, which would re-roof four (4) more of the Lane School Classrooms at the bid price of 28,058 which increased the project cost to \$505,957. Inclusion of a 10% contingency brings the final total to \$556,553. In accordance with the provisions of ORS 279B.135, a notice of intent to award was sent to all bidders on April 20, 2009.
- The seven-day protest period ended at 5 p.m. on April 27, 2009. No protests were received. Approval of the bid is recommended.
- DIRECTOR DUERST-HIGGINS MOVED: BE IT RESOLVED** that the Board of Directors of Lane ESD approves the award of the Westmoreland School Improvements Project value engineered Base Bid plus alternate #3 to Ordell Construction LLC of Springfield Oregon, for an amount not to exceed \$556,553.00. Director Berney seconded and **the MOTION CARRIED WITH DIRECTORS ATKINSON, BERNEY, DUERST-HIGGINS, HOLMAN, HORNE DENNIS, LININGER and ROBE VOTING YES. (ESD Resolution # 08-033)**
- 5C Approve Legislative Policy Committee Nomination
Carol Horne Dennis and Joe Berney expressed interest in serving on the OSBA Legislative Policy Committee for Region 6. The term of the position is January 1, 2010 through December 31, 2011. Board action is required to nominate a candidate from the board. OSBA Election Guide was provided to board members.
- DIRECTOR HORNE DENNIS MOVED: BE IT RESOLVED** that the Board of Directors of Lane ESD approves nomination of Director Joe Berney to the Oregon School Boards Association Region 6 Legislative Policy Committee. Director Duerst-Higgins seconded and **the MOTION CARRIED WITH DIRECTORS ATKINSON, BERNEY, DUERST-HIGGINS, HOLMAN, HORNE DENNIS, LININGER and ROBE VOTING YES. (ESD Resolution # 08-034)**

6. Discussion/
Reports

- 6A Advisory Board Member Report
Board advisor Chuck Forster was not present on activities of Lane Workforce Partnership.
- 6B Equity and Diversity Board Plan
Discussion on funding and conversation about equity and diversity professional development continued. Board members asked Superintendent Egan to bring specific information regarding training options and costs to the next board meeting.
- 6C First Reading—Revision to Policy BBB, Board Elections
The State Board of Education eliminated language in the OAR specific to representation of employment and social service agencies. Language becomes discretionary as “may appoint nonvoting advisory members to the board as the board deems important.
- 6D First Reading—Revision to Policy GCBDA/GDBDA, Family Medical Leave
The U.S. Department of Labor issued final regulations for the Family Medical Leave Act (FMLA). The new rules went into effect January 16, 2009, and require updating of the policy. Changes expand ESD’s responsibility for medical re-certification and fitness-for-duty notice; list essential job functions; clarify what constitutes a serious health condition; and further define terminology in the Military Family Leave Act. The new regulations also emphasize the need for informing employees of their leave eligibility and rights.
- 6E First Reading—Revision to Policy IMA, Review of Component District Operations
The revisions to this policy identify new reporting timelines and define the components of the ESD’s annual report, as well as changing the title.
- 6F First Reading—Revision to Policy GBH/JECAC, Staff/Student/Parent Relations
- 6G First Reading—Revision to Policy JFCM, Threats of Violence
- 6H First Reading—Revision to Policy JOA, Directory Information
The US Department of Education amended the Family Educational Rights and Privacy Act (FERPA). The amendments that affect policy and administrative rules specifically exclude SSN or student ID from inclusion in directory information; expand the definition of school officials to include contractor, consultant, and volunteer “acting for” the school; require the ESD to use reasonable methods to identify and authenticate the identity of parent, school official or other party before releasing confidential education records; and, in the event of a health or safety emergency or threat, permit the ESD to make decisions regarding disclosure of confidential education records. This sentence will be added at the end of Policy JOA: “At no point will a student’s Social Security Number or student Identification number be considered directory information.”
- 6I First Reading—Revision to Policy JHFE, Reporting of Suspected Child Abuse
The State Board of Education adopted OAR-581-022-0711, which requires language in policy and written procedures for providing required annual training for ESD employees, parents and students.
- 6J First Reading—Revision to Policy GCPA, Layoff - Licensed Staff
Staff positions of Coordinator, Consultant and Specialist, who perform services for which a TSPC license is not required or for which a TSPC license could be required, in the discretion of the Board, shall be considered “Licensed Staff” for the purpose of this policy and any administrative regulation adopted to implement this policy.”
- 6K Deletion of Administrative Rules BBB-AR (1), Advisory Board Members-Employment Training; and BBB-AR (2), Advisory Board Members-Social Services
Deletion of these Administrative Rules coincides with the elimination of language specific to employment and social services and revision to Policy BBB, Board Elections.

7. Superintendent's Report

- 6L New Administrative Rule GBC-AR, Staff Ethics
This administrative rule provides more specific guidance to the ethics laws passed in the 2007 legislative session. It is derived from Oregon Government Ethics Commission advisory opinions.
- 6M GCBDA/GDBDA-AR(1), Federal Family and Medical Leave/State Family Medical Leave
GCBDA/GDBDA-AR(2), Request for Family and Medical Leave
GCBDA/GDBDA-AR(3)(A), Certification of Health Care Provider (Employee's Serious Health Condition)
GCBDA/GDBDA-AR(3)(B), Certification of Health Care Provider (Family Member's Serious Health Condition)
GCBDA/GDBDA-AR(3)(C), Military Family Leave (Certification of Qualifying Exigency for Military Family Leave)
GCBDA/GDBDA-AR(3)(D), Military Family Leave (Certification for Serious Injury or Illness of Covered Service Member for Military Family Leave)
GCBDA/GDBDA-AR(4), FMLA/OFLA Eligibility Notice to Employee
GCBDA/GDBDA-AR(5), Sample Designation Letter to Employee-FMLA/OFLA Leave
GCBDA/GDBDA-AR(6), Designation Notice-FMLA/OFLA
- In addition to updating the policy required by the Family Medical Leave Act, there are required changes to the FMLA administrative rules. In an attempt to clarify FMLA form use, forms have been recoded for administrative rules to correspond to the order in which they would be given to employees. Also added are new medical certifications forms that are specific to the type of FMLA leave requested.
- 6N Revised Administrative Rule JHFE-AR, Reporting of Suspected Child Abuse
These changes also reflect changes adopted by the State Board of Education for OAR-581-022-071 requiring annual training.
- 7A Financial Report
Director of business support services Dave Standridge review the financial report for March 2009. Lane ESD received a 2007-08 reconciliation payment of \$197,000.
- 7B Lane ESD Budget Planning
The Lane ESD Budget Committee meeting is Tuesday, May 5, at 6:00 p.m. Board members received the 2009-10 budget document. In planning for the 2009-10 budget, reductions were planned in "tiers". The proposed budget includes "tier 3" reductions. State budget information will be available May 15.
- 7C ESD Legislation Report
Senate Bill 574, regarding ESDs was discussed. As discussed at the April 15 LESD board work session, Lane County superintendents were asked to consider submitting a letter to Oregon legislators stating that ESD funding and governance should remain as is. Superintendents preferred to address only the funding issue, and a letter was sent to all Oregon legislators. Board members would like to have the change in ESD governance contained in the bill to be an agenda item at the OSBA Regional Meeting on May 5. Superintendent Egan was asked to send the governance information to LESD board members for them to develop a newspaper opinion editorial, which they would also send to legislators.
- 7D May 19 Election
Lane ESD has three board positions in the May 19 special election. Filings for these positions are:
- Position 1 (North Eugene) – Incumbent Joel Robe has filed
 - Position 3 (Springfield) – Don Kimball has filed
 - Position 6 (At-large) – Chuck Forster has filed

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| 8. Information from Administrative Staff | 8 | <p>Superintendent Debbie Egan, assistant superintendent Carol Knobbe and executive directors Dave Standridge, Sue Mathisen, and Michelle Mantel submitted reports to the board on activities in their service areas. (official attachment)</p> <p>Superintendent Egan informed the board that LCEA membership had voted to pass up to a 2-day reduction in this fiscal year if needed.</p> |
| 9. Board Member Presentations and Comments | 9 | <p>Director Horne Dennis thanked business director Dave Standridge for his efforts in developing a sound budget that meets districts' needs in the uncertain economy.</p> <p>Director Horne Dennis will be concluding the OSBA Leadership Oregon course with a project "How to Save Electives in Tight Budget Times". She would like to present the project a future Board meeting.</p> <p>Director Duerst-Higgins is the Lane ESD representative on the LCOG Board and commented on the funding difficulties facing senior and elder care programs.</p> <p>Director Holman stated that as a member of the Mapleton School Board, the district has cut six days from the 2009-10 calendar and will have a four-day week with longer hours each school day.</p> |
| 10. Announcement/ Correspondence | 10A | <p>OSBA Spring Regional Meeting
The OSBA Spring Regional Meeting for Lane County will be 6:00 p.m. Thursday, May 7, at Lane ESD. Dinner will be included.</p> |
| | 10B | <p>Culinary Competition
The Lane County high school Culinary Competition is Monday, May 11. The competition is 11:00 a.m. to 4:00 p.m. The awards dinner begins at 6:00 p.m.</p> |
| 11. Adjournment | 11 | <p>The meeting was adjourned at 7:45 p.m.</p> <p>The Lane ESD budget committee meeting is Tuesday, May 5, 2009.</p> <p>The next meeting of the Lane ESD Board of Directors will be on Tuesday, May 19, 2009, beginning at 6:00 p.m., at the ESD Center Building</p> |

Minutes approved:

(date) BJM

Attachments to official minutes:

1. Superintendent Report
2. Administrative Reports

Joel Robe, Chairperson

Debbie Egan, Superintendent-Clerk