

Oakridge School District No. 76
Board of Directors
Board Work Session
January 25, 2021

The Work Session of the Board of Directors of Oakridge School District No. 76 was convened at 5:35 pm by virtual Zoom Webinar and called to order by Chair Weddle. In addition to the Chair, those present were Vice-Chair Susan Hardy, and Directors Tami Edmunds, Kevin Martin, Mikal McPherson. Also present were Superintendent Doland, Confidential Secretary Jayme Martin and OSBA Director of Policy Services, Spencer Lewis.

1. Policy BDDH – Public Comment at Board Meetings: Professional Development with OSBA

Spencer Lewis with OSBA asked the Board what changes they wanted to make or questions they had in regards to Policy BDDH. He asked if the Board wanted to rewrite the policy and what their hope is as to what the Public Comment Procedure will look like. Chair Weddle stated he liked the idea of having the public sign up for public comment, but he didn't want anyone to not be able to voice their opinions. He stated the comments are only three minutes in general so they are not typically long. He stated he wanted the public to feel comfortable with the fact that they are being heard by the board. Mr. Lewis asked if there were problems with the way the Board was doing the public comment portion or if it is something the Board wants to preserve the current practice by clarifying what was in the policy. Chair Weddle indicated he would like the policy to be easily understandable. Mr. Lewis stated that Policy BDDH which is based on OSBA's sample policy is not the most clear. There are aspects that are confusing at best. OSBA is working on a better draft for this policy.

Mr. Lewis explained that as far as public comment goes, the Board has a lot of discretion. The Board is not required to take public comment at the meetings. He believed it was best practice as there should be a way for the community to communicate to the Board. Public comment doesn't necessarily suit all the members of the community as some may not be able to or feel comfortable making public comment. Having an opportunity for written comment or otherwise recorded comment is an important thing and may not be in the form of traditional public comment. There are districts that have ran into issues by allowing public comment and not putting in a time constraint or at least not being consistent in the application. This could lead to long discussions on topics the Board will not be making a decision on. The goal is to create a balance to ensure the public has an opportunity to provide comment while making sure the Board is able to run the meetings in an efficient manner. Some districts separated public comment to items that are on the agenda and items that are not on the agenda. Another part that can be problematic for the Board, is responding to the public comment at the moment. Most of the times, the Board is not going to have the answers to the questions that the public is looking for. It is generally recommended for the Board to take those questions, and then get the information later from the Superintendent or from another District staff member that would know the answer.

Mr. Lewis asked any other board members if they have anything they wanted to include.

- Director Martin indicated he would like to see it clearly defined on how to handle when people are making complaints in public comment, and also when they are asked to stop speaking, and they don't stop. A problem recently, is a lot of complaints have been aired in public comment when it is not appropriate.
 - Mr. Lewis explained why a Board doesn't want to take a complaint during public comment. He gave the example of a teacher allegedly doing something and the complaint comes before the board in a public meeting. He said under statute the Board is allowed to use executive session to hear complaints about employees but the employee must be given 24 hours notice and give them the option of open or executive session. He stated if that complaint is heard in public comment, the employees rights have been violated, so it is very important to follow the procedures that are outlined. It is very important to have a clear response during public comment if any member is making a complaint against an employee. Something like, "we appreciate your comments. If this is a complaint against a staff member, we can direct you to the complaint procedure." That could be incorporated into the policy, but it also must be in practice and consistently enforced.

- Vice-Chair Hardy expressed community members are citing the Board doesn't follow their own policy, and one example they are giving is public comment was moved from the beginning of the meeting to the end and there used to be two different sections of public comment. She indicated that she felt it was the Boards' right to move public comment, but the community didn't understand they have that right. The community felt the Board was not giving them enough time or making it convenient for them to make public comment.
 - Mr. Lewis stated there was nothing specified in the policy as to when public comment needed to be. He said the Board was within their right to move public comment around. He stated public comment is there for the public to make comment and it is important the public be informed about how that was going to work. However, it is important to make the announcement known within the community. With a clear written policy that reflects the practice that the Board wants to do and follow, will help in communicating that out to the public.

- Director McPherson mentioned she wanted to see a very clear policy on how the Board is going to communicate in a way that is clean, not harmful and works for everyone as the current policy is confusing.
 - Mr. Lewis explained that many districts are struggling with the additional written or recorded comments right now. He asked the Board what they wanted to do with the written comments. He stated some districts read each comment word for word, and if there are only one or two comments, that could work but other districts are getting hundreds of emails a week and there wouldn't be time in the meeting to do that. So it is important to have clear guidelines on how the Board wants to handle those types of comments. He stated it is important that there is a fairness to all. If someone wasn't able to come to the meeting to make comment, their written comments would still be heard.

- Vice Chair Hardy asked what the best way is to limit the comment when written, explaining it is easier to continue writing than it is speaking in a time limit.

- Mr. Lewis indicated it might be perfectly acceptable to read the written comments for three minutes if that is what works for our District. It would be effective. When written comments were sent in, it becomes public record so it would be available if anyone wanted to read it. Mr. Lewis stated there is nothing in the law requiring each member of the Board to read every sentence of the written comment. Depending on the amount of written comments, it may become over burdensome for every member to read through every comment. The written comments do not have to be, but can, become part of the meeting minutes. The minutes are meant to represent what happened at the meetings and if the Board doesn't read the written comments or references them in any way during the meeting, they do not have to become part of the minutes. Some districts choose to read who the comments are from to acknowledge they have received the comment, but it just depends on what works best for the Board.
- Director Edmunds indicated she agreed the policy needs to be more clear. She pointed out that if only one sentence is read, it explains it one way, but if the whole paragraph is read, it changes the meaning of that sentence. She explained this is part of the confusion from the community, citing they are only reading one sentence of the policy instead of the whole paragraph. Director Edmunds stated she doesn't mind how public comment was set up currently as long as the community takes the time to sign up for public comment. If they don't take the time to sign up then they are not doing their part. She specified she did not like public comment at the beginning of the meetings due to the fact the community did not have a chance to make a comment on any topics that were discussed during the meeting. She preferred the public comment being at the end of the meeting. With so many attendees in the meetings, there needs to be sign-ups and possibly a limit as well.
 - Mr. Lewis pointed out there is no perfect answer for where public comment should be in the meeting, it is district specific. He did not believe it needed to be set in policy as to where public comment would be on the agenda. In some situations, depending on who was making the comment, it may need to be moved around to make it more practical, such as a short presentation from a student. He stated the Board will want to be consistent on where public comment falls on the agenda, but it may be very appropriate to move it at times, and that just needs to be clearly communicated out to the public on when public comment will be on the agenda for the next meeting.
- Director Martin asked if other districts prioritize the order of groups of people that want to give public comment, explaining that staff who are union protected are making grievances about contract items and negotiations, which he feels is not appropriate due to having the union available to file grievances.
 - Mr. Lewis agreed that staff have another avenue through their unions and if there were a prioritization of the order of public comment, it probably would not be considered discrimination because it is not based on a protected class but he would be very hesitant in prioritizing others before staff members due to there being a labor and union impact.

- Director Martin asked about staff members making public comment regarding negotiations. He explained it could be perceived, if one board member makes some sort of facial expression, on whether that member was for, or against something, which is why he felt it would not be appropriate for that staff member to be making comment on it.
 - Mr. Lewis stated he would have to look into that piece as negotiations are not his area. He suggested limiting public comment to agenda items only.
- Director Edmunds liked the idea of the location of public comment being decided upon by the Superintendent and Board Chair depending on the situation as long as it was posted on the agenda.
 - Mr. Lewis pointed out that in a situation where an item came up that needed to be voted on by the board, public comment would have to be at the beginning of the agenda so they could hear the public's thoughts on that agenda item. In other situations where the Board has discussed an agenda item three times and the public has had a chance to comment on that item, it is appropriate to keep public comment at the end of the meeting.

Mr. Lewis expressed that what he was hearing from the Board is they would like a clear policy that outlines the procedure the Board is going to use for public comment. He announced he would write up a policy based on the current policy, making the procedure very clear. It will then be presented to the Board as a first draft and they can edit it to their liking.

- Director Martin stated he was not particular on the location of public comment on the agenda, but would like to only have one section of public comment and he would like to see the Board Chair, Board Vice Chair and Superintendent agree on that. He would like to see a time limit of 30 minutes total for public comment with each commenter allowed 3 minutes total for verbal comment. He would like the policy to specify the sign-up process. He would like everyone who wants to make public comment have the ability to be heard with time constraints. He would also like there to be wording for people to submit written comment that will be supplied to the board members prior to the meeting. Director Martin also wants anyone that has a project they want to share in the meeting to be an agenda item instead of in public comment. He also would like it to be very clear in the policy, that in public comment, complaints will not be heard, expressing it is not appropriate.
- Director McPherson stated the need for wording in the policy for written comment which will allow everyone to be heard.
 - Mr. Lewis asked if there was a preference as to how the board might acknowledge or read written comment in a meeting or if simply the comment needed to be submitted.
- Director Martin would like there to be a short acknowledgement in the meeting regarding who made a written comment.
- Director McPherson stated there is not necessarily a need to read the whole statement, but seeing it prior to the meeting would be preferred.

- Director Edmunds agreed, and stated she would like to be able to read the full comment, but maybe a brief summary be read in the meeting. She would like to see the wording on requesting an agenda item in public comment deleted, as well as accepting a petition from the old policy. Director Edmunds would like to see wording in the new policy regarding the fact that the Board will not respond back to public comments. She also would like the sign-up process prior to the meetings clearly worded in the policy.
 - Mr. Lewis stated it may be appropriate in certain circumstances to respond to public comment in the moment, but it is recommended not to respond.

- Vice Chair Hardy stated that it can be very frustrating to not receive a reply back from the Board in the moment for community members that don't know the Board should not reply. She stated it would be nice if there was some wording around logistical questions in public comments, that the Board could reply with simple guidance to. All other suggestions from other Board members she agreed with.

- Chair Weddle commented on virtual meetings and the fact that maybe the policy would need to change once in person meetings were happening again. He also said he does not like the fact that someone who comes to a meeting and wants to say something, doesn't have the ability to say it due to the procedure put in place for that meeting. He didn't like that people may be missing out on making comment if they wanted to.
 - Mr. Lewis indicated he didn't know of any district that had a clearly defined Zoom Meeting policy. He advised not having specific virtual meeting wording in the policy, but rather wording that would read, "If meetings are to be held virtually, the Board Chair and Superintendent will determine the appropriate procedure for public comment." Mr. Lewis stated it is difficult to find the balance in making sure that everyone who comes to the meeting has an opportunity to speak. He advised having a cutoff at some point, but making it understood the way to submit comment in writing if someone did not have an opportunity to speak in the meeting, making it clear that their comment will be reviewed by the Board.

- Director Martin asked about summarizing written comment, stating he feels that if it is summarized, the point of the comment might be missed or misinterpreted.
 - Mr. Lewis stated he would be very hesitant to summarize anyone's comments. He suggested it would be good to reference the general topic or simply state the name of the individual that submitted public comment.

- Director Martin asked Superintendent Doland if she could provide a list of like sized districts for their policy on public comment. Superintendent Doland stated she could get that out to all the board members.

- Superintendent Doland stated continuing the sign-up process as well as written public comment to the public comment email, which can then be submitted to the Board a few days ahead of time. Continuing these two practices, regardless of holding a virtual meeting or in-person meeting, is what she recommends.

- Mr. Lewis asked if the email for public comment needed to be added to the policy.
- Superintendent Doland stated it is a set email, but since the policy is keeping out specific details, it may not fit. The public comment email is added to the agenda every month.
- Mr. Lewis recommended also doing an agenda template that communicates clearly the comment procedures, how to submit something in writing, and look at who the agenda goes out to and possibly expanding to make sure everyone who would have an interest, receives the agenda.
- Superintendent Doland stated she would have Confidential Secretary, Jayme Martin send him copies of the agenda for any suggestions. She also stated that the agenda is posted on the website for every meeting. The Board thanked Mr. Lewis for his help.

2. Executive Session Pursuant to ORS 192.660 (2)(b) To consider the dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent who does not request an open hearing.

Executive Session Pursuant to ORS 192.660 (2)(h) To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.

Vice Chair Hardy called the meeting into Executive Session under ORS 192.660(2)(b) and ORS 192.660(2)(h) at 6:33pm.

Legal Counsel, Nancy Hungerford was present. The Board discussed complaints made and discussed responses.

Executive Session adjourned at 7:55.

3. Adjourn

Work Session adjourned at 8:04pm.

APPROVED:


JRM


Chairman


Superintendent