TO:    Board of Directors
FROM:  George Russell
       Superintendent of Schools
RE:    Reports and Recommendations

5:30 p.m. EXECUTIVE SESSION: Under provisions of ORS 192.610 – 192.690, Open Meeting
Laws, the Board of Directors will conduct an Executive Session for the following
purpose:

To consider complaints or charges brought against a public officer, employee, staff
member or individual agent, pursuant to ORS 192.660 (2) (b).

7 p.m.   REGULAR BOARD MEETING

VII. ITEMS FOR INFORMATION

1. Acknowledge Technology Awards (Staff: Carl Hermanns)

Two district schools have recently been honored with national awards from Apple.

The Arts and Technology Academy (ATA) will be recognized for receiving the Apple
Exemplary Program Award for the 2009-10 school year. This is a new recognition
program from Apple and ATA will join 38 other schools nationwide who will receive this
honor this year. The Apple Exemplary Program designation is reserved for educational
programs that have demonstrated a strong integration of technology into the classroom
illustrating “best practice” qualities of a 21st century learning environment. Apple
representatives were especially impressed by the teachers’ extensive use of various
technologies to create a rich and rigorous curriculum.

Howard Elementary School’s status as an Apple Distinguished School has been
renewed for the 2009-10 school year. An Apple Distinguished School is reserved for
schools that have become centers of educational excellence and leadership,
consistently demonstrating “best practice” qualities of a 21st century learning
environment utilizing Apple technology. For the 2009-10 school year, 54 schools
across the country were selected as Apple Distinguished Schools. Howard is the only
Apple Distinguished School in the state of Oregon. Apple representatives were
especially impressed by the overall implementation of various methods and strategies
used by the Howard staff to infuse various technologies with Apple products being the
primary foundational piece to build around. The school's use of iPods and podcasting to
support struggling readers was particularly noted.
Steve Nelson, Apple representative, will present the Apple Exemplary Program Award to Jeff Johnson and the ATA staff and the Apple Distinguished School Award to Suzanne Price and the Howard staff.

2. **Receive Information Regarding the Demolition Permit Process and Related Timeline for Historic Structures (Civic Stadium)** (Staff: Jon Lauch and Larry Massey)

At the February 3, 2010 board meeting, board members requested more information regarding the process and timeline required for the potential removal of Civic Stadium. At that time, the district incorrectly believed that the process would require at least 16 months. Over the last week, district and city staff worked to clarify the process and now estimate the timeline for the permit approval process to be between 4 and 7 months. Staff will review the process and requirements. No action is requested at this time.

**Background:**
Civic Stadium was listed on the National Register of Historic Places in 2008. While the designation may create some obstacles to overcome for potential alternative uses and/or redevelopment of the property, the designation is also considered favorable for those wishing to preserve the stadium and its use because of the potential opportunities available to secure grant funding to support the preservation. The historic designation will “travel” with the property and is not affected by change in ownership.

The Federal Code of Regulations provides four potential grounds for removing properties from the National Register, none of which are currently applicable to Civic Stadium. The grounds for removal include the following: 1) The property has ceased to meet the criteria for listing; 2) additional information shows that the property does not meet the National Register criteria; 3) error in professional judgment as to whether the property meets the criteria; or 4) prejudicial procedural error in the nomination or listing process. With regard to item 1), a property would cease to meet the criteria for listing if qualities that caused it to originally be listed have been lost or destroyed – for example, significant damage or destruction from natural causes (fire, wind, collapse, etc.), or from demolition/removal of historic elements of the structure.

Listing in the National Register does not prevent demolition or removal of historic structures or prevent change in use of the property. However, the listing adds time for a prescribed process before such actions can commence. The added time can be potentially significant and is addressed below.

**Process and timeline required for removal of historic structures:**
The State Historic Preservation Office administers a federal program to certify local governments in an effort to promote historic preservation at the local level. The City of Eugene is a Certified Local Government under this program. Therefore, the process for the demolition or removal of historic structures is governed by the City of Eugene. City Code prescribes the process and related timeline as follows:

- Pre-development conference required before demo permit can be submitted – estimated time 15 days.
• Pre-application requirements (no time estimate). The property owner must establish that within the previous year, purchase offers have been solicited by giving notice as follows:
  o Listing the property for sale in both the Register Guard and the Oregonian at least six times and at regular intervals;
  o Posting and maintaining visible “For Sale” sign(s) on the property as specified by the planning director; and
  o Making a financial prospectus on the status of the property available to interested parties.
• Preparation of Application (estimated at 60 days). Permit application requirements include, but are not limited to the following elements:
  o Historic mitigation report.
  o Assessment of financial and physical feasibility of rehabilitation or moving.
  o Assessment of the marketability of the property and applicant’s interest in selling.
  o Details of site, building plans, and construction details.
  o Photo documentation of the structure(s).
• Completeness Review – 30 days (or less). If the application is deemed incomplete, the applicant has 180 days within which to complete the application, or the application expires.
• Planning Director Decision – 45 days. Once the application is deemed complete, public notice is issued and the matter goes to the planning director for decision. The planning director decision can be denial, approval, or approval with conditions. Obviously, a conditional approval could add significant time before demolition could proceed, depending upon the nature of those conditions. Criteria for the planning director decision includes the following:
  o State of repair of the historic property and the physical and financial feasibility of rehabilitation, moving, or leaving in current state.
  o Effect of moving (the structure) upon the use of the (historic) property.
  o Marketability of the property and the willingness of the property owner to sell.
• Potential for postponement – 60 days (maximum, from the time the application is deemed complete). Based upon the above criteria the planning director could condition approval of the application upon a postponement of demolition if it will likely result in preservation of the historic structure in its current location.
• Appeal period – 12 days. (appeal of the planning director decision).
• If no appeals, the planning director decision is final.
• If appealed, a public hearing is scheduled – within 45 days.
• Decision by Historic Review Board – 15 days from the close of public record. Public record can be held open after the public hearing to allow additional testimony and evidence (if requested, a minimum of 7 days must be granted and the extension could be longer).
• Decision by the Historic Review Board is final for the local process.
• Further appeals would need to be referred to the State Land Use Board of Appeals (LUBA).

Discussion:
In the analysis of the above process requirements, it is clear that the pre-application requirements cannot be met until after a 4J board decision to sell the property and following a reasonable amount of time to satisfy the advertising requirements. The minimum projected time for the planning director decision is estimated at 3 months (not including prep time), providing there are no issues with the application “completeness”.

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A more realistic projection would be 4 months. If appealed, the projected time from application submittal to final decision by the Historic Review Board is estimated to be between 5 months and 7 months.

3. **Receive a Report on the 2010 Legislative Special Session**  (Staff: Barb Bellamy)

The Oregon Legislature is meeting in special session. Staff will report on issues related to education.

VIII. **ITEMS FOR ACTION AT THIS MEETING**

1. **Initiate Land Use Decision Process for Sale of the Civic Stadium Property**  (Staff: Jon Lauch)

On February 3, 2010 you received a summary report from the district’s real estate consultants regarding the Civic Stadium property. The report included two recommendations: 1) That the district pursue a zone change for the property north of the 20th Avenue right of way (from R-1 to R-2) and to market the two lots for sale; and 2) that the district use a Request for Proposals (RFP) process to solicit proposals for disposition/acquisition of the larger, stadium parcel.

A neighborhood meeting is scheduled for February 25, 2010 in the South Eugene High School cafeteria at 7:00 pm. Staff will present information regarding the property and facility, surplus property disposition process, and the recommendations from the consultants’ report. An open forum discussion will be used to gather input from the neighborhood and to collect feedback in response to the consultants’ report and recommendations, and with regard to the proposed RFP process. You will receive a debrief of this meeting on March 3, 2010.

Board Policy FB prescribes a Land Use Decision Process for the sale of any district property. Based on the need to move forward in the disposition process following the departure of the Eugene Emeralds, the superintendent recommends initiation of the Land Use Decision Process for sale of the property.

Adjacent property owners and appropriate public agencies will be notified by mail of the process, the intended action, and the schedule for public hearing. The following timeline is recommended for the process:

- **February 17, 2010**  Initiate the Land Use Decision Process.
- **February 12-17, 2010**  Target for notification of neighbors, adjacent property owners, and public agencies.
- **February 25, 2010**  Neighborhood meeting at SEHS.
- **March 3, 2010**  Debrief neighborhood input at regular board meeting.
- **March 17, 2010**  Receive proposed findings of fact (Item for Future Action).
- **April 7, 2010**  Conduct a Public Hearing.
- **April 21, 2010**  Make a decision regarding the findings of fact and sale of the property.
The following criteria are recommended for evaluation in the decision making process for the Civic Stadium property:

1) District need for the property
2) Impact to the surrounding neighborhood
3) Conformity with applicable land use plans
4) Fiscal considerations
5) Alternative property uses considered

If the board decides to sell the property using an RFP process, the next step following the April 21 meeting would be to develop criteria for evaluating proposals and a timeline for the process.

2. **Approve Zone Change Request for North Lots at Civic Stadium Site** (Staff: Jon Lauch and Larry Massey)

On February 3, 2010 you received a summary report from the district’s real estate consultants regarding the Civic Stadium property. The report included the recommendation to request a zone change for the property north of the 20th Avenue right of way from Low Density Residential (R-1) to Medium Density Residential (R-2). R-2 is the appropriate zoning designation indicated in the Eugene-Springfield Metropolitan Area General Plan (Metro Plan). The proposed zone change would enhance the potential value, marketability and flexibility of use for future development.

Since the Land Use Decision Process is currently scheduled to conclude in late April, the board could decide to market the properties for sale soon thereafter. If initiated now, the zone change would be in place to coincide with the time that offers might first be received for the property. Board action to pursue the zone change, however, does not establish a timeline for sale of these lots.

The larger stadium parcel is currently zoned Public Land (PL). This zoning designation provides the greatest flexibility for current use and may be transferrable to a variety of potential future owners. Therefore, there is no zone change request proposed for the larger stadium parcel located to the south of the 20th Avenue right of way.

The superintendent recommends approval for a zone change request for the two north lots at the Civic Stadium site from Low Density Residential (R-1) to Medium Density Residential (R-2).

3. **Approve Revision to Board Policy IKFA - Standard Diploma, Certificate of Accomplishment, Alternative Education Diploma and Modified Diploma** (Staff: KC Clark)

Passage of House Bill 2507 requires districts to offer an Extended Diploma and the language for the Modified Diploma and the Extended Diploma should be consistent. A copy of the revised Policy IKFA is included in the board packet.

The superintendent recommends approval of the proposed board policy revision.
4. **Approve Revisions to Special Education Board Policies: Policy IGBAG – Procedural Safeguards; Policy IGBAH – Evaluation Procedures; and Policy IGBAJ – Free Appropriate Public Education (FAPE)** (Staff: KC Clark)

New Individuals with Disabilities Education Action (IDEA) regulations, effective December 31, 2008, give parents or students at the age of majority the right to unilaterally withdraw their consent to special education and related services and, if they do, the local education agency must cease providing special education services to the child. Special Education policies must be revised to reflect this change. Copies of the revised Policies IGBAG, IGBAH, and IGBAJ are included in the board packet.

The superintendent recommends approval of the proposed board policy revisions.

IX. **CONSENT GROUP – ITEMS FOR ACTION**

1. **Approve Expenditures for June, July, August, September, October, November, and December 2009** (Staff: John Ewing)

A summary of the district’s expenditures for June 2009, totaling $51,122,037.33; July 2009, totaling $16,985,002.51; August 2009, totaling $15,978,165.34; September 2009, totaling $16,266,357.84; October 2009, totaling $14,535,959.36; November 2009, totaling $17,303,981.63; and December 2009, totaling $15,177,368.36 are included in the board packet.

The superintendent recommends approval of the June, July, August, September, October, November, and December 2009 expenditures.

X. **ITEMS FOR ACTION AT A FUTURE MEETING**

1. **Approve New Board Policy JGAB – Use of Restraint and Seclusion** (Staff: KC Clark)

On December 8, 2006, the State Board of Education adopted new provisions on the use of physical restraint and seclusion in Oregon public schools. The revisions in OAR 581-021-0061 and OAR 581-021-0061 required a number of procedural changes. As of September 1, 2007, school district boards were to have established written policies and procedures addressing the use of restraint and seclusion. 4J developed procedures and protocols for the use of restraint and inclusion; board policy has yet to be adopted. A copy of the new Policy JGAB is included in the board packet.

The superintendent will recommend approval of the proposed new board policy.

XI. **Comments and Committee Reports by Individual Board Members**

XII. **Adjourn**

**CALENDAR FOR BOARD MEMBERS**

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<tr>
<th>Day</th>
<th>Event</th>
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<tr>
<td>Wednesday, February 17</td>
<td>Executive Session</td>
<td>5:30 pm</td>
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<td>Regular Board Meeting</td>
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<td>Monday, February 22</td>
<td>Budget Committee Meeting</td>
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