

Madrone Trail Public Charter School

Jackson County, Oregon

Special meeting of the Board of Directors

Wednesday, September 13, 2017 at 5:30 pm

Madrone Trail Public Charter School – 3070 Ross Lane, Medford, OR 97502

I. Call to order/ Roll call

Amy called to order the special meeting of the Madrone Trail Public Charter School Board at 5:30pm at Madrone Trail Public Charter School 3070 Ross Ln. Central Point, OR 97502

Sarah conducted a roll call. The following persons were present: Amy Gygax, Sarah Trujillo, Kellee O'Shea, Jane Higgins, Jodie Arellano, Brenda Stein

Karen Bailey (Administrator)

Absent: Leann Tourzan, Monica Rathjen

II. Opening verse

III. Public Comment

IV. Approval of Minutes and Agenda Adjustments

a.) Approval of August 2017 Board Meeting Minutes

Motion Approved

Kellee O'Shea I make a motion to approve the August Board Meeting Minutes

Jodie Arellano I second the motion.

Aye – 6 (Gygax, O'Shea, Trujillo, Stein, Arellano, Higgins)

No - 0

b.) Approval of August Special Meeting

Motion Approved

Sarah Trujillo I make a motion to approve the minutes of the September Special Meeting Minutes

Amy Gyax I second the motion

Aye – 6 (Gyax, O’Shea, Trujillo, Stein, Arellano, Higgins)

No - 0

V. Approval of Consent Agenda-tabled

VI. Discussion Items:

a.) Increased Liability Activities- Karen Bailey-I would like to introduce our guest tonight. This is Troy, he’s a risk manager from Pace insurance company. He’s going to speak to us about our areas of risk. I gave him five topics that have come up this year, and you all might have more. **Amy Gyax** I just want to get Troys input on what our liability is in different situations so that moving forward we can have conversations about how we want to approve or not approve certain activities within the school. **Troy** I would like to start by giving you a quick overview of who Pace is. Pace is a non-profit insurance risk pool. We look like an insurance company, but we don’t have to comply with the same rules. That gives us leeway to handle claims in ways that are better for or members, and better for the community. It also allows us to offer a lot of free services to our members, such as risk management tools, and legal advice that you can seek out on topics that we would have exposure to. I brought a service package to see all the services that are available to you. I’ll jump right in to the topics Karen gave me, one was children being unsupervised. The liability exposure to the school goes up dramatically when we have kids that are out of sight and sound of staff. It’s a little different when we have a single child leaving a classroom to walk to the office, because they have a direction they are going. If a teacher is leaving a classroom, or kids are left alone outside unsupervised, if that’s an area where you are seeing that occur on a regular basis. There are going to be times, and things will come up. There will be moments that are unavoidable, but they should be minimized. Putting a kid in charge of the classroom while a teacher steps out is just a bad idea. It’s not uncommon, you can have the same kind of injury happen in a supervised class as an unsupervised class, and the cost of the unsupervised one goes up dramatically. We have also dealt with student on student sex abuse cases as young as kindergarteners. We must be aware that stuff can occur and we need to be providing the supervision to make sure it doesn’t. Two of the topics that were brought to me go hand in hand, staff members bringing their kids on site during the school day, and even after hours, pets and animals on campus, and non-students on campus. I would encourage you to build up procedures or policies to minimize those occurrences, I think the example was that we had was a teacher that brought their infant to school occasionally when there were issues with child care. We are liable for that infant when they are on

campus, and it really shouldn't be. **Jane Higgins** What if a parent brings their little sibling? Would that be the same? **Troy** Yes, we have some exposure there, we don't have directional control, as a staff member, they are still the responsibility of their parent. If something happened we could, but the liability would not be as clear cut as when we are allowing a staff member who job is to supervise and teach the kids, if we are allowing them to bring their kids, the risk goes up more. **Jane Higgins** You are talking about during school hours? **Troy** After hours we would potentially have some exposure, but I think it's less, especially if it is non-contract hours, the risk goes down a little, but we do still have some potential risk. Pets was another one, or animals in general. I know there can be an educational benefit to having animals on campus, but if we don't control it, we are taking on risk. If we regularly allow staff to bring pets to school, that is, in my mind, an undue risk to the school. Different than having a procedural classroom pet, where you are checking in with allergies, and I think it is important when coming up with those procedural documents that you are saying what the handwashing protocol is, what the history of the animal is, and make sure they are safe for the classroom. It's okay and there are no exclusions to having animals on campus, but I would encourage you to have a system of checks and balances, not just willy-nilly. There needs to be an educational reason for having them. I understand you have some farm animals, and they have an educational value, that is part of the curriculum. We need to make sure that is part of the information that goes to the parents, so that there is informed consent. If a child is bitten by the sheep, at least the parents know. **Sarah Trujillo** What if, as a parent, I bring my little dog at pick up? **Troy** I think that is something you can control, and should control. You can have the nicest dog in the world, but if you get five kindergartens running around it, that could make the situation harder to control. You can bring any of your animals to pick up, but they need to be on leash, and they can't come in the school building, just as an example. You could also have one dog that is the nicest dog in the world, and another parent has a dog that isn't well trained, and it's causing problems, it makes it more difficult without clear rules. But as far as what we were talking about before, that dog will be under control of the owner, so our liability would not be as high in that situation. Obviously, we want to be sensitive to service animals, and we have resources if issues about that come up. The other part of this topic would be non-students coming, it's not uncommon for schools to allow visitors, but it is usually very limited on the reasons. I think the best reason for you, would be perspective students, that want to see the environment, currently it sounds like we have other children just showing up, and coming to school. I would strongly suggest a procedure where we have parental or guardian acknowledgment, the reason for them being here should be a valid one, and you should have emergency contract. **Kellee O'Shea** Would that be different than a parent volunteer bringing her toddler

with her? Because she wouldn't be able to volunteer otherwise? **Troy** It's somewhat the same. Once it is a staff member, or volunteer, they are an agent of the school and we have taken on more of a role as a school, so our exposure goes up. I am not here to tell you not to allow little kids that are not students, but your risk does go up, so it is good to know where to draw the line. If you don't draw that line, how are we going to handle it when issues arise? For one, it is the staff's job to educate and supervise, what happens when they have their own kid? When you are taking volunteers, and the person that has volunteers has to bring their child, you need to decide if that risk is worth it. Especially if those kids are not actively with the parent, for example the parent is working on a project and the child is sent off to play. That would concern me more. **Kellee O'Shea** Would it be the same for field trips? **Troy** Yes. Again, if they are volunteer or staff, they should be there to supervise the students, if they are distracted with their own kids, what is the benefit of having them there? Swimming was another topic that was brought up, if we are going to have water activities, I strongly encourage you to have more controlled environments, city pools, parks and rec pools, lifeguards on duty, supervision is inherently easier than large bodies of water. WE have dealt with fatalities on field trips, it does happen. I would strongly discourage rivers, lakes, where we are allowing kids to enter the water. If you are on a field trip and the kids are in a small creek, and the water is very shallow, obviously the risk is less. If you are swimming in the lake or river, I would advise against it. I am not sure of the educational benefit of, for instance white water rafting, when you can find other team building activities that are a lot safer. The last topic was out of state travel. In Oregon, we do have TORT reform that act limits liability damages to public entities. Currently your exposure under the TORT reform act is a little under \$700,000 per individual, and twice that about \$1.5 million per occurrence. A worst-case scenario, say you have a bus with sixty students, and there is a horrific crash, under that, our exposure should only be \$1.5 million. Even though in a law suit where the driver of the bus is found to be at fault, in California it would be a \$10-20 million-dollar lawsuit. So, we have benefit to staying in Oregon. I am not saying you can't, you still have coverage if you leave the state, but your exposure goes up dramatically. I would advise that, if you can, to stay in the state. If there is so special reason why the educational value is so great that it means leaving the state, then go ahead, just be aware of the risk. **Amy Gyax** What about out of country travel? **Troy** That gets a lot more difficult. Our coverage does extend out of the country, but only if the lawsuit is brought in the U.S. Most of our schools that are doing out of country travel are buying additional insurance. There are organizations that can help with setting that up. There are a lot of other risk conversations that come up with out of the country travel. Do you do that regularly? **Amy Gyax** We haven't, but it is a possibility. **Jane Higgins** Out of the country could be Canada which would be a

possibility. **Sarah Trujillo** I believe one of the current 8th grade classes are considering going to Mexico for their 8th grade trip. **Troy** Can you tell me about what the 8th grade trip? Is that school sponsored? **Sarah Trujillo** The class does fundraising and parents do fund a portion, but the funds do go through the school. **Troy** So this is similar to senior or class trips? You have the choice, there is coverage there for you. A lot of schools choose that those kinds of trips are no longer school sanctioned, and the trip occurs after graduation, fundraising is done by a private group. You need to choose if you want to embrace it, or divorce from that kind of activity. Which would mean the funds don't come through the school, and the school is not involved in the planning, you could provide them space to meet, but otherwise they would have to be a separate group. In that case you would be avoiding the risk. The flipside of that, is that if you want to own it you will need to manage the risk, make sure you are in charge of it and making the arrangements for supervision, and the things that come with these kinds of trips. We can help to look at documents, and offer legal advice to make sure consent forms are up to par, that kind of thing. **Karen Bailey** Were you telling me yesterday that if we get all these things and we have our procedures and good process, and there is a lawsuit that we have better coverage? **Troy** Strictly related to employment practices. We have an employment practices tool kit to provide resources to our members to bolster up how we are handling employment matters. Employment claims are our number one driving cost, if we could do away with employment claims we probably could cut our liability premiums in half. If you take an adverse employment action, which most of the time means a termination and you have not sought our advice prior to that decision we have a mandatory \$25,000 deductible. That is only related to employment practices. (Troy left the meeting) **Amy Gyax** I think we need to look at all these things as a board as far as liability is concerned, and start coming up with policies. It could be a work session, or we could go through during board meetings. I think because of the liability they are board decisions. We want to make sure we are as safe as possible and really balancing the benefits vs. the risks. **Jodie Arellano** I would be interested in seeing how other schools handle this. What is the norm for 8th grade trips? **Amy Gyax** I am not sure that there is a norm, some schools view it more as a service project, we have used it as a celebration. It would be good to communicate to the current 8th grade teachers before committing to going any specific place, that it needs to come before the board. **Karen Bailey** We also need to make it clear if it is a field trip or not. If it is a field trip all children have to go, regardless of if they have helped with fundraising. **Amy Gyax** Also, there is a question of, if it is during school hours, they need to be meeting the minimum educational hours, there are a lot of things that need to be talked about. **Sarah Trujillo** As far as fundraising, it would be hard to separate for the school at this point, as most of the upper grade have already been fundraising within the

school for years. **Jane Higgins** I will remind the teachers of that, and I was wondering if we could make a space in October, for them to come and talk about out of state travel. **Amy Gygax** I would like to wait until we have been able to have a conversation about it as a board. **Jane Higgins** I think they have already started planning, and the sooner we can talk to them about this years class the better, I feel there should be some kind of grandfathering in for the current 8th grade classes. We won't be able to have a policy done by October or November, and they will need to be deciding. What do you want from those 8th grade teachers? **Amy Gygax** I don't know yet, without having a conversation, how comfortable I feel about approving trips. **Jane Higgins** If the board dicusses this, and we decide that we really can't afford this, are we just going to say no? **Amy Gygax** I don't know. **Jane Higgins** I worry that we won't be able to come to a conclusion on this issue before this class needs to start making plans. **Amy Gygax** I would like to have at least one conversation before we approve anything. **Brenda Stein** Could they bring it to the board in October, just to let us know what they are thinking? At least for this year we can fine tune it after. We need that information to make a decision. **Jane Higgins** DO you want them to bring those forms at our next meeting, I feel like there is a time crunch for them. **Karen Bailey** I do want to point out that last year's 8th grade class went back and forth, and didn't make a final decision until January, so they have time. We are not saying there won't be an 8th grade trip, we are saying we need to put policies in place that answers some of these questions about when an where. **Amy Gygax** I feel that those policies need to be in place in order for them to decide where those trips will be. **Jane Higgins** As a teacher, this would make me nervous, at this time next year, I would like to have all those plans in place. **Amy Gygax** This time next year, it should be really clear, it is unfortunate that we need to go through this, but we need to get something in place. In the past, it has not been brought before the board until the last minute, and moving forward, we need to get clear, so we can give those clear directions to the faculty and that will help with the decision making. **Jane Higgins** Separating the funding, or not doing the 8th grade trip during school hours would be challenging for this class. **Amy Gygax** Fundraising has already happened for these classes, and we wouldn't be able to change that for them. We just need to come up with the guidelines for in general what the board will feel comfortable approving, so that when it comes to the approval, if it fits those parameters it will be approved. **Brenda Stein** If those classes already have plans, I wonder if they shouldn't go ahead, and bring them, so that we can have an idea of what they are planning, and they will have an idea of if we are likely to approve. **Jane Higgins** I feel strongly that is unfair to the current 8th grade classes, last year, and the year before the risk was there, so why now to we going to bring it? **Amy Gygax** Last year, I was made aware that the board had not approved an out of state trip, and what the increased liability of an out of state trip

was. We, as a board, wouldn't have approved the out of state trip if I had not asked about it. We didn't have a chance to approve it ahead of time, because there was not a plan in place. Honestly, I didn't feel comfortable doing that, but all these people had already bought tickets, they were leaving in a week and we were in a difficult position. I don't want to be in that position again, I want to really look at this. I understand that people want to start planning their trips, that is why I want to talk about it at our next meeting and get it as clear as we can. Having the rest of the school year should be enough time to plan a trip. It has to happen at some point, and better now, then a month before they are leaving. I understand it will make things a little more difficult, but we will try and get it worked out in October, if they have ideas of where they would go that information would be helpful. For me, this conversation is not just about what we will approve for this year, but putting something in place that will make it clear for the future.

b.) Charter Renewal- Amy Gygax We had a work session in August, we discussed what we need to get done and how we will get to where we need to be. Kellee and I met with the faculty to discuss our need to have a standardized way to track student progress and success. We left that with the faculty to try and come up with something with a deadline of October to have a way to do that. **Jodie Arellano** Will we take that, and be able to check with MSD to see if that way of tracking will work for them? **Amy Gygax** We can talk with Michelle Zendell about that. I think they have the state tests and the iReady that are required of us. Beyond that they want something in place to track student progress and success and they are leaving that to us to come up with how to do that. **Jodie Arellano** Are there tests that are available that we can use to track? **Karen Bailey** We are talking about the assessment, not curriculum, teachers can draw from the curriculum that they find useful, but we can't replace the computer tests with non-computer tests. Do we want to add an additional written test to supplement that, or we can add the math iReady, that is optional, but we have purchased 48 licenses that Jessica, our interventionist will be using with the kids that are testing not at grade level in grades 3-6, and some of Janes students we know need it. If we can show student growth, and if we put the effort into using that information to show growth. **Amy Gygax** Some of the other things we need to work on as going through the charter and determining if we are complying, also going over the letter from last year's site visit, and making sure we are doing everything they suggested, and making a list of things we would like to ask for. We will need to send a letter to the district in December, so we need to have that worked out by then. We need to work on a list of the things we have done in the last year, get our ducks in a row, and be ready with that when we make our presentation to the district, and rallying parent support for that district meeting in January. We decided to form a Charter Renewal Committee with Jesse Gammon, and Gesine Abram, I spoke to Cliff Beneventi, and he said he cannot serve on a

committee at this time, but might be able to come and speak about his experience and email feedback for us. I think we have parents as board members, so I think we will be in a good position. **Karen Bailey** I would like to make sure that we focus on the November site visit, last year it took us by surprise. I want us to be on the same page, and we have a unified front. **Amy Gygax** Last year was intense, but I will be ready this year. **Jane Higgins** I think it is important to have strong teacher representation. **Karen Bailey** I would like to focus on the letter that they gave us, because there was a lot of positive stuff there too. Last year, also started with Michelle Zendell changing the agenda, and cutting the meeting short. Amy and I talked to her after that, to make sure that we are doing things right. **Amy Gygax** In the past, it was much more relaxed. **Karen Bailey** When I asked Michelle Zendell why it was different, she said it was because she was new, and the superintendent was new. **Amy Gygax** Knowing what to expect will make it easier, and as Jane said, make it as pleasant as possible. It might be intense, but we are here to answer their questions, welcome them to our school, and make it pleasant. **Jane Higgins** I think of it as in interview, they are asking questions, and we should have some questions too. **Amy Gygax** Let's schedule a meeting for the Charter Renewal Committee for Tuesday, September 19th at 3:15.

- c.) **Family Leave Policy Amy Gygax** – Monica let me know she contacted to Oregon State Bar Association, but couldn't find anyone that would look at it. She highly recommends that we do have a lawyer look at it. **Karen Bailey** we do have an OSBA lawyer that we can look at it. They can't represent us in court, but they can consult for us. **Amy Gygax** Monica also mentioned to me that we have the language in the policy that says we would guarantee the same job to staff that has taken leave, and she thinks from a legal standpoint that she is uncomfortable with that. Maybe after we get the feedback from the lawyer, and Monica can be here, we can have a conversation about that. **Karen Bailey** I am wondering how this will be rolled out to faculty. We have money in that fund now, and if someone needs it, it would be nice to let them know. **Amy Gygax** You can tell them where we are in the process, but isn't approved yet. As soon as we get feedback from an attorney, and make any changes we need to make we are ready to approve it.
- d.) **Back to School Night- Amy Gygax** It's next Thursday. I would like to know what I should write up, let's go through each thing at a time. Karen will introduce the staff, I will introduce the board. **Jane Higgins** Karen will talk about the state of the school charter renewal, Strategic Plan was going to be Monica. **Amy Gygax** I talked to Monica, and she will not be able to make it, so I will talk about that. So I will talk about how it came to be, what a Strategic Plan is, and what we can do to work on it. **Jane Higgins** Then Parent Council and talk about parent committees. **Amy Gygax** Jodie and Kellee will you still do the table with supplies to

demonstrate where the supply fee goes. **Jodie Arellano** Yes. We can also have some handwork and wood work samples. **Amy Gygax** The last thing is splitting and going to classrooms. I will also mention that this is our 10th anniversary as a school. It would be good for Karen to mention our fundraising needs, that we do not receive full funding from the district, we don't get our facility paid for, and we don't get anything from the local bond measures. We are basically operation on 50% of what other schools are. **Kellee O'Shea** We should mention the need for an Auction chair. **Karen Bailey** There was talk of moving the auction committee back under the fundraising committee, I don't want to do that, because it is so big. There is a possibility that we will not be able to do the auction, because nobody is stepping up. If it doesn't happen the fundraising committee will need to fill in the gap of that.

- e.) **Strategic Plan Committee Update-** **Amy Gygax** I don't know if we have an update, if they have met

- f.) **Board Member Resignation/Board Recruitment-** **Amy Gygax** Louise has resigned, I am assuming everyone saw her email. I did tell her I thought that was adequate. I will print that out, and we can put it with the minutes. In the future, we need to have resignations in print. We might be able to have a section in the binder for that. If it is done at the annual meeting it isn't necessary, but otherwise we need it in writing. **Jane Higgins** Can you remind me of the procedure if you are talking to someone about joining. **Amy Gygax** It is a little vague in the by-laws they are supposed to be sponsored, but what I have done, is meeting with them and having a conversation to see what they are like, and to communicate what it is like to serve on the board. You could do that, or they could refer them to me. Encourage people to come to a meeting to see what it is like, and then they can put in an application, and be interviewed. What we need now is a treasurer, and business minded people. **Jane Higgins** There is someone that I have been talking to that might be ready to apply soon. **Amy Gygax** I have talked to Gesine about rejoining the board, and she is open to it in the future, but is not ready to commit now. It is always good to be recruiting, so that as people leave, we have interested people in line.

g.) **Thank you's**

VII. Informational items

- a.) **Director's update-** With the first week of school being so smoky we did invest in some air purifiers and had to get a new air conditioner unit for Mr. Dusek's class. WE have been checking air quality by the hour, and posting, so teachers know. Sensitive kids can go in the gym when it is orange. Thank you all for coming the Rotary Salmon Bake. I did purchase a faculty Christmas party, it will be fun. My art

doll went for \$450. I would like for us to be thinking about something for the future. We currently give siblings priority, but we are so full that sometimes siblings can't get in. I would like you to consider accommodating siblings by increasing class sizes in those circumstances. I will be presenting that as a topic to the faculty.

b.) Faculty update- Jane Higgins We decided not to have staff meetings on nights when there is a board meeting, opening that up for parent nights and team meetings and other things. It has been a smooth start, it is great to have an interventionist, and this year feels really good. We have Jesse Gammon doing middle school support, and all the upper grade teachers for the first time, feel that we have something being taken off our plate instead if added. The board will be invited to celebrate Michaelmas, and I will send out an email when I know the details.

VIII. Closing Verse

IX. Meeting adjourned

Minutes submitted by: Sarah Trujillo

Minutes approved by: _____

Board President