

**NEWBERG DUNDEE PUBLIC SCHOOLS**  
Board Regular/Executive Session Meeting, March 12, 2024  
In Person / Virtual via Zoom Session  
**APPROVED MINUTES**

**BOARD MEMBERS PRESENT**

Renee Powell  
Deb Bridges  
Nancy Woodward  
Sol Allen  
James Wolfer  
Jeremy Hayden  
Trevor DeHart

**BOARD MEMBERS ABSENT**

None

**STAFF PRESENT**

Dr. Stephen W. Phillips, Superintendent  
Tabitha Renne, Board Secretary  
Scott Marlin, Technology Supervisor  
Scott Linenberger, Deputy Superintendent  
Jillian Daley, Communications  
Heather Bixby, Director of Finance

**OTHERS PRESENT**

Student Representatives:  
Patricia Seto, Fred Sutherland, Esther Muthiah

**I. REGULAR SESSION CALL TO ORDER**

A duly called and noticed Regular Meeting of the Board of Directors of Newberg School District 29J was called to order by Chair Nancy Woodward at 5:00 pm on Tuesday, March 12, 2024. Board members and staff were present, public attended in person and via Zoom Session.

This video session was recorded and posted on the Newberg School District website. [Board Mtg. 3.12.24 - YouTube](#)

**II. FLAG SALUTE**

Trevor DeHart led the Board in the Pledge of Allegiance.

**III. RECESS TO EXECUTIVE SESSION as per:**

- 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.
- ORS 192.660 (2)(f) To consider records exempt by law from public inspection.
- ORS 192.660 (2)(h): To consult with legal counsel regarding the legal rights and duties of the public body with regard to current litigation or likely to be filed.

**RETURNED FROM EXECUTIVE SESSION 7:59 pm (Begins at approx. 3:05:11 on the YouTube Video link)**

**IV. REVIEW AGENDA**

Director Wolfer proposed moving the Parent Bill of Rights Discussion to the next board meeting due to the length of the Executive Session.

**Motion:** Move that the Newberg Dundee Board of Directors move the Parent Bill of Rights Discussion to April 9<sup>th</sup> board meeting.

Motion: Director Wolfer

2<sup>nd</sup>: Director DeHart

**Motion Passed: 7 Yes 0 No**

Director Hayden asked to have the order of presentations changed due to the length of executive session. The COA K-8 discussion was moved up on the agenda prior to Policy Updates.

**V. CONSENT AGENDA: Chair Woodward (Begins at approx. 2:25:55 on the YouTube Video link)**

New Hires & Resignations

Approval of Board Minutes – 2.13.24

Donation(s):

- Newberg Booster Club, \$15,000 to NHS for Football Uniforms

**Motion:** Move to approve the Consent Agenda, as presented.

Motion: Director Wolfer

2<sup>nd</sup>: Director Hayden

**Motion Passed: 7 Yes - 0 No**

**VI. PUBLIC COMMENTS (Begins at approx. 3:07:15 on the YouTube Video link)**

There were thirteen (13) Public Speakers that addressed the board, staff and community

- Lindsay Hayden, Rita Mitchell, Danielle Brikner, Rebecca Wallis, Christy Smith, Sonia, Eric Fuchs, Lynette Hammon, Brandon Casey, Elaine Koskela, Gregg Koskela, and Beth Keyser

We had an additional five (5) public comments sent in via email.

**VII. REPORTS, PRESENTATIONS AND DISCUSSION (Begins at approx. 3:49:10 on the YouTube Video link)**

- Verification and presentation of the 2022-23 financial audit report – Pauly Rogers & Co., David Bledsoe
- Principal Presentation –Joan Austin, Ashley Lee & Vanessa Sillar
- Principal Presentation – Catalyst, Chris Stevens
- COA K-8, Stephen Phillips
- Policy Update – First Reading, Scott Linenberger
  - BD BDA Board Meetings
  - GBM Staff Complaints
  - GBMA Whistleblower
  - IFD Course Approval
  - LBEA Resident Student Denial for Virtual Public Charter School Attendance
- February Expenditure/Revenue Reports – Heather Bixby
- Parent Bill of Rights Discussion – MOVED TO APRIL 9<sup>TH</sup>, 2024 Board Mtg.

**VIII. BOARD ACTION ITEM(S):**

- **STAFF RENEWALS (Begins at approx. 4:47:30 on the YouTube Video link)**

**Licensed Probationary Renewals**

**Motion:** Move that the Newberg Dundee Board of Directors approve teacher first, second and third year probationary contracts, as recommended.

Motion: Director Allen

2<sup>nd</sup>: Director Hayden

**Motion Passed: 7 Yes 0 No**

**Licensed Contract Renewals**

**Motion:** Move that the Newberg Dundee Board of Directors approve teacher initial two-year contracts and extension of two-year contracts as recommended, as recommended.

Motion: Director DeHart

2<sup>nd</sup>: Director Allen

**Motion Passed: 7 Yes 0 No**

**Administrator Renewals**

**Motion:** Move that the Newberg Dundee Board of Directors approve probationary contracts and extension of three year contracts, as recommended.

Motion: Director Allen  
2<sup>nd</sup>: Director Wolfer

**Motion Passed: 7 Yes 0 No**

- **STAFF NON-RENEWALS**

**Director Hayden recused himself from voting and/or discussion.**

**Motion:** Move that the Newberg Dundee Board of Directors approve the non-renewal of contracts for the 2024-2025 school year as presented, and for the reasons given by the Superintendent.

Motion: Director Bridges  
2<sup>nd</sup>: Director Wolfer

**Motion Passed: 4 Yes  
(Bridges, Wolfer, DeHart & Powell)  
2 No (Allen & Woodward),  
1 Recused (Hayden)**

- **MATH ADOPTION (Begins at approx. 4:52:30 on the YouTube Video link)**

**Motion:** Move that the Newberg Dundee Board of Directors approve the K-12 Math Adoption for the next 7 years which includes the following materials:

K-5: **iReady Classroom Mathematics**, Oregon Edition, copyright 2024, Curriculum Associates;

6-8: **Oregon EdGems Math I-III**, copyright 2023, EdGems;

AND

9-12: **Oregon Math Algebra 1, Geometry & Data Science, Algebra 2**, copyright 2021, Big Ideas Learning, as presented.

Motion: Director Allen

2<sup>nd</sup>: Director Wolfer

**Motion Passed: 7 Yes 0 No**

- **FORMAL COMPLAINTS (Begins at approx. 5:06:30 on the YouTube Video link)**

**1: Rebecca Wallis vs Nancy Woodward and Deb Bridges (2/21/24)**

"I am making the following complaints alleging [that the] public meetings law was violated in the following ways: The Chair and Vice Chair were not authorized to renegotiate the entire contract. They acted outside the scope of the authorization provided in the Jan 9<sup>th</sup>, 2024 vote that gave explicit instructions to negotiate the 2026-27 contract year."

**RECOMMENDATION ON COMPLAINT 1:**

The following resolution is recommended: That the board adopt the resolution on Complaint 1 as presented in the board packet:

**Resolution Concerning Complaint Against Board Members Woodward and Bridges Received on February 21, 2024**

**Whereas:**

1. On February 21, 2024 the district received a complaint against board members Woodward and Bridges alleging a public meetings violation;
2. After receiving direction by the board on January 9, 2024 to negotiate a proposed addendum to the superintendent contract with the board to be presented to the board for ratification and to be in a form approved by district legal counsel, board members Woodward and Bridges undertook that work;
3. The contract between the superintendent and the board contained a modification clause; allowing the parties to mutually agree to modify the contract at any time during its term;
4. The district school board received legal counsel concerning a necessary modification;
5. All proposed contract modifications were in writing, mutually agreeable to the superintendent, integrated into a proposed contract at the superintendent's request and voted on by the board of directors in an open public session on February 13, 2024; and
6. The complaint does not set forth facts and circumstances sufficient to establish that a public

meetings violation did occur.

**Therefore, so be it resolved that:**

1. The board has determined that grievance filed on February 21, 2024 alleging a violation of public meetings law by Nancy Woodward and Deb Bridges is unsubstantiated; and
2. The superintendent or designee will communicate the board's decision as required.

**Motion:** Move that the Newberg Dundee Board of Directors approve the recommendation regarding complaint 1 as outlined.

Motion: Director Wolfer

2<sup>nd</sup>: Director Hayden

**Motion Passed: 6 Yes  
(Bridges, Wolfer, Powell, Allen,  
Woodward & Hayden) 0 No, 1  
Abstain (DeHart)**

**2: Rebecca Wallis vs Nancy Woodward, James Wolfer, Sol Allen, and Jeremy Hayden Filed February 21, 2024**

"I am making the following complaints alleging public meeting law was violated in the following ways: .

During the Feb. 13<sup>th</sup>, 2024 meeting, the Chair [Woodward], Vice Chair [Bridges], James Wolfer, Sol Allen and Jeremy Hayden voted to accept the addendum presented without regard to the scope of the original vote on Jan. 9<sup>th</sup>, 2024. The addendum presented renegotiated the entire Contract"

**RECOMMENDATION ON COMPLAINT 2:**

The following resolution is recommended: That the board adopt the resolution on Complaint 2 as presented in the board packet:

**Resolution Concerning Complaint Against Board Members Woodward, Bridges, Allen, Wolfer and Hayden Received on February 21, 2024**

**Whereas:**

1. On February 21, 2024 the district received a complaint against board members Woodward, Bridges, Wolfer, Allen and Hayden alleging a public meetings violation;
2. The superintendent and board designees were free to renegotiate proposed revisions to the superintendent contract provided they were agreeable to the superintendent and in a form approved by district legal counsel;
3. All proposed contact modifications were in writing, mutually agreeable to the superintendent, integrated into a proposed contract at the superintendent's request and voted on by the board of directors in an open public session on February 13, 2024;
4. The board was free to accept, reject or amend the proposed contract; and
5. The board has a free, unrestricted right to conduct its business in public board meetings, including approving proposed contracts;
6. The board's actions in approving the proposed contract with the superintendent on February 13, 2024 were not subject to any legal limitation;
7. The facts and circumstances alleged by the grievant do not state a public meetings violation;

**Therefore, so be it resolved that:**

1. The board has determined that grievance filed on February 21, 2024 alleging a violation of public meetings law by members Woodward, Bridges, Wolfer, Allen and Hayden is unfounded; and
2. The superintendent or designee will communicate the board's decision as required.

**Motion:** Move that the Newberg Dundee Board of Directors approve the recommendation regarding complaint 2 as outlined.

Motion: Director Wolfer

2<sup>nd</sup>: Director Hayden

**Motion Passed: 7 Yes 0 No**

**3: Rebecca Wallis vs James Wolfer and Jeremy Hayden, Received March 5, 2024**

"I am alleging that Jeremy Hayden and James Wolfer violated ORS 192.630. Violation of public meetings law in regards to a serial meeting".

**RECOMMENDATION ON COMPLAINT 3:** That the board adopt the following resolution:

**Resolution Concerning Complaint Against Board Members Wolfer and Hayden Received March 5, 2024.**

**Whereas:**

1. On March 5, 2024, the board received a public meetings law grievance alleging that Jeremy Hayden and James Wolfer held a serial meeting in violation of ORS 192.630.
2. ORS 192.630 provides,
  - (2) A quorum of a governing body may not meet in private for the purpose of deciding on or deliberating toward a decision on any matter except as otherwise provided by ORS 192.610 to 192.705.
3. In January, 2024, the school board directed the board chair and vice chair to negotiate with the superintendent a proposed addendum to his contract for 2026-27 to be presented to the board for ratification no later than February 13, but before February 15, 2024. The board also directed that the addendum to be negotiated "shall be mutually agreeable to [the superintendent] and shall be in a form approved by the district's general counsel."
4. In January and early February 2024, proposed amendments to the superintendent/board contract in anticipation of the February 13, 2024 board meeting, were developed, tentatively agreed to by the superintendent, and placed in a form meeting the approval of district counsel.. Woodward and Bridges did speak with each other about the proposed contract amendments in order to carry out the direction of the board to return to present a proposed amendment to the board by February 13, 2024.
5. The proposed contract amendment was finalized on approximately February 9, 2024 and the proposed contract amendment was submitted to the board secretary for publication in the board packet.
6. As evidenced in the complaint by the grievant, the following events did also occur:
  - a. On February 10, 2024 the board secretary sent an email blind copied to board members containing the proposed addendum to the employment contract and stating:

*"Please find the final addendum to the employment contract which will be added to the board packet and posted to the website."*
  - b. On February 12, 2024, at 2:56 PM, board member Hayden sent the following email to all board members and the board secretary:

*"Hello Fellow Board Members,  
I am sending this out so everyone has me to think about my concerns with the addendum that was communicated out to everyone earlier. I do appreciate Chair Woodward, Vice Chair Bridges and Dr. Phillips for the openness and willingness to look at the contract. I have attached a copy of the addendum with my comments and concerns about a few items. One of them is just a question that I would like an answer to."*
  - c. The email from board member Hayden attached the proposed contract including Hayden's comments and questions raised by Hayden in the comment field. These included statements such as "I don't agree with a percentage," "This wording does not make sense. We need to clean this up" and "What does this mean currently?" in reference to a certain clause.

- d. On February 13, 2024, at 11:25AM, board member Wolfer replied to Hayden in an email copied to the board and board secretary:

*Jeremy,*

*From my understanding, the language you asked questions on is regarding the previous contract for 24-25 and 25-26, which isn't changing as we only authorized negotiations for 26-27. The addendum keeps that language for the original contract and appears to clean it up for 26-27, which our motion asked for.*

*Respectfully,*

*James Wolfer*

*Newberg School Board Director, Zone 6*

7. On the evening of February 13, 2024, the board of directors held its regularly scheduled meeting. A meeting agenda was published more than 24 hours in advance of the meeting, and included as an agenda item for action the "Superintendent contract, including potential addendum." The board approved the board approved the proposed contract modification in open session.
8. No decision was made concerning whether to approve the contract amendment in a private session.

**Therefore, so be it resolved that:**

1. The board has determined that, more likely than not, a quorum of the board met in private for the purpose of deciding on or deliberating toward a decision on the proposed contract amendment and as such did violate ORS 192.630(2).
  - a. For a quorum "to meet" in private for the purpose of deliberating whether to approve the proposed contract amendment, four board members must have joined in conversation or discussion about the proposed contract in a private setting. The conversation need not be synchronous and may occur by email or other electronic means.
  - b. In this situation, the board chair and vice chair – of necessity given the board's direction – did confer with each other about the contract that was presented to the board for a vote. This consultation did not, standing alone, constitute a violation.
  - c. On February 12, board member Hayden emailed the board as a whole to alert them to a question and some concerns. In reply, board member Wolfer responded to Hayden to provide clarification about the contract from his perspective.
2. The board regrets the error, appreciates this opportunity to improve its practice, and commits to steps to prevent a recurrence.
3. To cure the violation:
  - a. The board commits to additional public meetings law training to be held no later than June 2024;
  - b. The board chair will send reminders to board members to not provide substantive responses via email that could be deemed as deliberating toward a decision in violation of public meetings law. The superintendent or designee are asked to do the same.
4. The board finds that its decision to approve the proposed superintendent contract was not compromised by the communications that did occur, and further that no quorum made any decision about the proposed amendment outside the context of a public meeting. As such, and as the superintendent and board have mutually agreed to the proposed amendment and have acted in reliance on the board's decision, and as there is no desire by either party to revisit the decision, there is good cause to not rescind the decision made on March 12, 2024.
5. Communication will be sent to the grievant and Oregon Government Ethics Commission informing her of this decision.

**Motion:** Move that the Newberg Dundee Board of Directors approve the recommendation regarding complaint 3 as outlined.

Motion: Director Bridges

2<sup>nd</sup>: Director Allen

**Motion Passed: 7 Yes 0 No**

- **RENNE FIELD – CPRD AGREEMENT** (Begins at approx. 5:19:10 on the YouTube Video link)

**Motion:** Move that the Newberg Dundee Board of Directors approve the IGA between CPRD and NDPS, as presented.

Motion: Director DeHart

2<sup>nd</sup>: Director Hayden

**Motion Passed: 7 Yes 0 No**

- **SMALL CONSTRUCTION PROJECT – CATALYST HS PARAPET REPAIRS: BROCKAMP & JAEGER** (Begins at approx. 5:21:15 on the YouTube Video link)

**Motion:** Move that the Newberg Dundee Board of Directors approve the Small Construction Project contract for the Catalyst HS Parapet Repairs with contractor Brockamp & Jaeger, as presented.

Motion: Director Bridges

2<sup>nd</sup>: Director Wolfer

**Motion Passed: 7 Yes 0 No**

- **SMALL CONSTRUCTION PROJECT – MABEL RUSH ES GENERATOR PROJECT – FIVE STAR ELECTRIC INC.** (Begins at approx. 5:22:45 on the YouTube Video link)

**Motion:** Move that the Newberg Dundee Board of Directors approve the Small Construction Project contract for the Mabel Rush ES Generator project with contractor Five Star Electric, as presented.

Motion: Director Bridges

2<sup>nd</sup>: Director Wolfer

**Motion Passed: 6 Yes (Wolfer, Bridges, Allen, Woodward, Dehart & Powell) 1 No (Hayden)**

**IX. Board, Student Representatives & Superintendent Comments** (Begins at approx. 5:25:30 on the YouTube Video link)

**XII. FUTURE AGENDA ITEMS**

- Principal Presentations – April 9<sup>th</sup> 2024 (Andy DeBois & Tami Erion)
- Calendars 25/26 – April 9<sup>th</sup>, 2024
- Principal Presentations – May 14<sup>th</sup>, 2024 (Scott Henderson & Tim Wright)

**XIII. FUTURE BOARD MEETING:**

- Executive & Regular Session: April 9<sup>th</sup>, 2024 (5:00pm)
- Regular Session: May 14<sup>th</sup>, 2024

**Adjourn Meeting**

Meeting adjourned at 10:28 pm

Recorded by: Tabitha Renne, Board Secretary  
Approved by Board of Directors on 4/9.24

Nancy Woodward  
Chair Nancy Woodward