

Finance, Audit and Operations Committee Meeting  
August 9, 2017  
1:30 pm-3:30 pm  
Wy'East Conference Room

1. Public Comment-5 minutes
2. Public Records Process-15 minutes
3. Community Eligibility Provisions-15 minutes
4. Transportation Update-15 minutes
5. Committee Charter-5 minutes
6. Committee Workplan-60 minutes
7. Next Steps-5 minutes



August 4<sup>th</sup>, 2017

Members of the Finance, Audit and Operations Committee:

As part of an internal review of the public records policy, administrative directive and internal operations, the public records work group has several questions that need to be addressed relating to the board's position and approach on public records management. Please see below for an outline of those issues that, with direction from the Finance, Audit and Operations Committee, will inform additional suggested amendments to the public records policy and administrative directive to come back to the committee for review.

In addition to the questions below, the current policy and administrative directive have been provided with some initial draft recommended changes tracked in the documents and some of the questions below referenced. These drafts are intended to give you a sense of where we are in the process of developing a full policy for your review that can be completed upon discussion of the questions below.

- 1) When reviewing records, there are occasions where a record can be appropriately/legally withheld according to a conditional exemption, but does not have to be. In those situations, should there be:
  - a. a presumption towards disclosure, or
  - b. a presumption towards withholding the record if we can?
- 2) When assessing whether or not to charge fees, the current AD authorizes the district to charge for any request that requires more than thirty minutes of staff time. The Public Records Officer is analyzing specific data to determine if a higher threshold of time is appropriate. In general, does the board support:
  - a. providing records at no charge whenever possible, or
  - b. charging fees and recouping costs for the majority of requests?
- 3) It has been the presumption of the Public Records Officer that his time is primarily dedicated to this function, so it is inappropriate to recoup costs for his time. Does the board support:
  - a. waiving any fees that would be charged for P.R.O. time, or
  - b. charging for P.R.O. time along with any other staff time?



**Public Records Work Group**

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- 4) Currently, the public records process only allows for requests in writing and in English, with provisions for ADA accommodations. Public records law only mandates that public bodies respond to written requests. We question whether this provides equitable access to district records. In addition to current procedures, does the board support any or all of:
  - a. allowing for verbal/in person/phone requests?
  - b. offering translation services to requestors in languages beyond English?
  - c. translating the public records webpage and associated forms into our five standard languages?
  
- 5) Currently, the Public Records Officer maintains an internal log of requests. Shall we:
  - a. make that log publicly available online?
  - b. make copies of the released records available online?

## POLICY

*Proposed revisions as of 8/4/2017*

### **2.50.010-P Public Access to District Records**

In order to promote transparency and provide an accurate accounting of how the district carries out the public's business it ~~is~~ is the intent of the board that all district material is considered a public record unless exempt by ORS 192, FERPA, or other laws. Public records will ~~should~~ be provided promptly and courteously for inspection upon request.

(1) The superintendent shall hire a Public Records Officer and develop administrative directives and procedures to provide clarity and consistency to the public about access to public records, laws regarding public records, and internal processes.

(2) It is the goal of the school district to provide the public with records at no cost whenever possible. The superintendent shall develop clear guidelines regarding when it is appropriate to charge fees. ~~Appropriate fees for copies of Board and district records shall be charged pursuant to Administrative Directive 2.50.012-AD.~~

(3) The district recognizes that it is in possession of sensitive and confidential information about our students, staff and families. In responding to public records requests, the district will weigh the need for transparency with the need to protect confidentiality. The district will balance these values in accordance with the provisions of the Public Records Law and the Attorney General's Manual, with a presumption towards disclosure.

(4) Such records shall be made available to persons with disabilities in an appropriate format on request in accordance with the requirements of the Americans with Disabilities Act. No fee to cover the costs of providing records in an alternative format shall be charged. All other actual costs may be recovered, consistent with Board policies, administrative directives and the public records law.

*Legal References: ORS 192; ADA, 1990, 42 U.S.C. Section 12101 et seq. 29 CFR Part 1630*

*History: Adpt 12/8/80; Amd 1/84; Amd 9/9/02; BA 2418*

Black = current text

Blue = proposed change/addition

~~Red~~ = proposed removal

## ADMINISTRATIVE DIRECTIVE

*Proposed Changes as of 8/4/2017*

2.50.012-AD

### Process for Responding to Requests for Public Records

I. Portland Public Schools recognizes and honors the importance of ensuring transparency of government records. Public access to government documents is a foundational value of our democracy and it is the intent of the school district to honor this value. This administrative directive sets forth the process by which members of the public can request records from the school district.

A. Public records requests will be reviewed, evaluated and responded to in accordance with the requirements of ORS Chapter 192. The school district will rely on the interpretations of the Public Records Law set forth in the Attorney General's Public Records and Meetings Manual, [Multnomah County District Attorney Public Records Orders](#), and [Oregon judicial decisions](#).

B. Members of the public can [request](#) ~~make~~ public records ~~requests~~ [through the Public Records Officer](#). ~~through the Office of Superintendent, the Office of the General Counsel or the Community Involvement and Public Affairs Department.~~ No specific form or format is required, but requests should minimally include the requestor's name and contact information and a clear description of the records requested.

C. It is the intent of the school district to provide records in a timely fashion, [in compliance with statutory guidelines](#). The time needed to respond will depend on the complexity of the request. [Requests will be acknowledged as soon as practicable, but no later than five \(5\) working days after receiving the request. If it is appropriate to charge fees, an estimate of those fees will be provided as soon as practicable. If it will take more than fifteen \(15\) ~~ten \(10\)~~ working days after receiving the request ~~from the time the request is received~~](#) to provide the requested information, the school district will communicate that to the requestor along with a projected date for response.

D. ~~While state law allows the district to charge for the time and costs cost in responding to public records request, it~~ It is the goal of the school district to provide the public with records at no cost whenever possible. ~~Providing records to the public is a core responsibility of the school district, and in most cases the school district has been able to meet this responsibility without charging requestors for the time involved in responding to the request.~~ However, if [responding to a specific request is going to take more than ninety \(90\) ~~thirty \(30\)~~ minutes of staff time minutes for staff to compile the requested information, or an individual requestor makes multiple requests within a school year, or generate more than one hundred dollars \(\\$100\) in costs](#), the school district reserves the right to charge for the time involved in responding to the request.

1. [Staff time will be billed as follows, according to the work performed: ~~Charges for responding to requests shall be as follows:~~](#)

a. For administrative specialist, the district will charge \$45/hour.

- b. For clerical staff, the district will charge \$30/hour.
- c. For in-house attorney review, the district will charge \$100/hour.

2. Fixed costs will be billed as follows:

- a. ~~d.~~ For hard copies in excess of twenty (20) pages, ~~If a request requires the production of documents in hard copy, charges will be made for any documents exceeding 20 pages. Charges will be~~ the district will charge \$.30/page. For unusually sized documents, or historical documents that are challenging to copy, the district reserves the right to charge an increased price. |

Comment [1]:

- b. [Need to address other specific charges such as for a flash drive, mailing costs, CD]

3. ~~e.~~ If it is necessary to charge for a request, payment must be made in advance. Payments may be made to the district's Accounts Receivable Office. If actual staff time is less than ~~the~~ estimated ~~cost~~, the requestor will be reimbursed the difference.

4. Requestors who wish to request a waiver or reduction of fees may do so in writing through the Public Records Officer. The district will determine if the waiver or reduction is in the public interest by considering any factors or guidance laid out in statutes, public records orders, court decisions, and the Attorney General's Manual. The final decision will be made by a panel composed of the General Counsel, the Chief of Staff, the Director of Media Relations, and the Public Records Officer.

E. While the ~~school~~ district honors the spirit of the public records law, the ~~school~~ district also recognizes that it is in possession of sensitive and confidential information about our students, staff and families. In responding to public records request, the school district must weigh the need for transparency with the need to protect confidentiality. The district will balance these values in accordance with the provisions of the Public Records Law and the Attorney General's Manual.

1. If the district determines that it is appropriate to redact or withhold requested records, the district shall provide a statement to the requestor citing the specific statutory exemption or other law that makes the information confidential.

2. If the application of an exemption to a specific record is unclear, the district shall decide whether to redact or withhold records by considering any factors or guidance laid out in statutes, public records orders, court decisions, and the Attorney General's Manual. The final decision will be made by a panel composed of the General Counsel, the Chief of Staff, the Director of Media Relations, and the Public Records Officer.

3. Requestors who wish to challenge a decision to redact or withhold records may do so in writing through the Public Records Officer, or by requesting that the Multnomah County District Attorney review the decision.

F. To further promote the district's goals of transparency and accountability, the Public Records Officer will:

1. Maintain and make public a log of all public records requests, to minimally include name of requestor, date of request, date of acknowledgement, date of final response, and a description of the requested records,
2. Compile data including complexity of requested records, staff time spent on response, time from receipt of request to response, fees assessed, fees waived, and exemptions applied,
3. Generate quarterly reports summarizing the collected data and analyzing trends, and
4. Make recommendations to the board at least annually to update the policy and administrative directive.

*Policy References: 2.50.010-P*

*History: Adpt. 11/8/94; Amd. 10/17/95; Amd. 9/01/02; Amd. 4/15*

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## Board of Education Informational Report

### MEMORANDUM

**Date:** August 9, 2017

**To:** Finance, Audit and Operations Committee

**From:** Gitta Grether-Sweeney, Sr. Director, Nutrition Services

**Subject:** Timeline for Communication with Families at Schools Transitioning Off of CEP

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Below is the timeline for communicating with families at schools transitioning off of Community Eligibility Provision (CEP). The schools impacted are:

Jefferson, Madison, Roosevelt, Marysville, Faubion, Woodlawn, Vestal, Kelly, Lee, James John, Whitman and Lane

#### **Timeline:**

##### **What has been completed:**

- **March 2017**-Gitta Grether-Sweeney, Nutrition Services Senior Director, met with Yousef Awwad, Interim Superintendent, to recommend the schools that would have to be removed from CEP.
- **May 23** - Gitta met with Senior Directors to confirm the changes in CEP schools.
- **May 26** - Gitta met with Principals from the schools transitioning from CEP to non-CEP to notify them of the change.
- **May 30** - Gitta met with Senior Directors and CIPA to plan communications to families who would be impacted by the change in CEP status.
- **May 30** - Gitta met with the Board Business and Operations Committee (BOC) to review the CEP changes. BOC requested to hear scenarios and options for the 12 schools to remain on CEP.
- **May 31** - Gitta sent an email to the principals to notify them that the school board BOC was requesting options and scenarios be presented to them on June 12.
- **June 12** - Gitta met with the Board BOC to present options to keep CEP. It was decided that the cost was prohibitive and that 12 schools would need to be removed from CEP status.
- **June 13** - Gitta sent an email to the principals to notify them of the committee's decision. The email stated the following:
  - *As I mentioned at our meeting, I will work with Harry Esteve in Community Involvement and Public Affairs to develop announcements that we can use to notify parents. Throughout the summer we will use various methods to contact parents to notify them of this change.*



- *If you have onsite registration before school starts, I would like to offer to have Nutrition Services staff available to assist families in completing free/reduced meal applications. Let me know if you are interested in this support.*
- **June 13-15** - Nutrition Services managers were instructed to contact and/or meet with the principals at their schools that were transitioning off of CEP to plan next steps.
- **June 2017** - Principals asked for written communication that they could use to send to parents and the attached document was provided to them.
- **Over the summer** - Many of the principals have been in contact with Nutrition Services to have someone from NS attend registration, BBQ's, school events, etc., so that parents can apply for free/reduced meals at these events.
- **July 11** - Gitta and Whitney Ellersick, NS Assistant Director, met with Dunya Minoo, Equity and Partnerships Director, and Frances Hall, Hunger Relief & Youth Development Specialist. After the meeting, Frances sent an email to all affected SUN site coordinators regarding CEP changes and asking for their help to communicate with families about these changes. See attached.
- **July** - Gitta worked with CIPA to develop a phone message to parents as well as an email and post card.
- **July-27** - CIPA sent phone message and email to parents at impacted transitional CEP schools stating the change at their school, how it impacts them and what they need to do.

#### **On Going Plan:**

- **August 1, 2017-June 9, 2018** - NS will update direct certification (DC) data from the state as well as migrant, homeless and foster data on a weekly (or more frequent) basis.
- **August 7-11** - Send principals the communication used in the post card (see August 14) that they can post on their websites and NS will post on NS website.
- **August 14** - "Apply for Free/Meals" link is posted on PPS website as a banner. In the past it has also been on all non-CEP school websites; NS to work with CIPA to see if this can be done again.
- **August 14 - 18** - A post card will be mailed home to families informing them that they need to apply for free or reduced priced meals, how this can be done and/or how to pay for school meals.
- **August 15** - NS will provide training to secretaries about the NS department, specifically regarding methods for families to apply for free/reduced meals and make meal payments.
- **August 21** - All students/families will receive a flyer that will include the following information: the student's ID number, how to apply for free/reduced priced meals, how to pay for school meals and an infographic about the PPS school lunch program.
- **August 30-October 11** - NS Leads (kitchen staff) will work with school secretary, liaisons and administrators to call/contact families to remind them to complete a free/reduced meal application.
- **Mid-late September** - CIPA sends email (NS to draft) to families at transitional CEP schools to remind them to apply for free/reduced price lunch.
- **October 4-6** - CIPA sends email (NS to draft) to families reminding them of the October 11 deadline to submit free/reduced meal application.
- **October 16-17** - CIPA send email (NS to draft) to families to ask them to check their student's meal account to see if there are any charges. If they feel they should be free/reduced, they will be instructed to contact NS.