

**Portland Public School District 1J, Multnomah County, Oregon  
Board of Education's  
Policy and Governance Task Force**

**August 25, 2017  
Informal Minutes**

The meeting of the Board's Policy and Governance Task Force convened on the above date at 2:43pm at the call of Chair Julia Brim-Edwards, in the Wy'east Conference Room of the Blanchard Education Service Center, 501 N. Dixon St., Portland, Oregon, 97227.

There were present:

Board Committee Members

Julia Brim-Edwards, Chair  
Rita Moore  
Mike Rosen (via phone)

Staff

Paul Anthony, Board Member  
Jim Harris, General Counsel  
Stephanie Harper, Senior Legal Counsel  
Anna Richter Taylor, Communications Director (via phone)  
Sharon Resse, Interim Chief Human Resources Officer  
Harry Esteve, Strategic Communications Director  
Ryan Vandehey, Public Records Officer  
Rosanne Powell, Board Office Manager

**PUBLIC RECORDS PROCESS**

Ryan Vandehey, Records Manager, reviewed the District's current Public Records Policy and Administrative Directive (AD). The District's current policy was probably fine, but new state legislation has been passed regarding timelines for record request. Mr. Vandehey indicated that the District would like to lean more toward disclosure instead of exceptions, and staff would like the Board's feedback regarding fees for record requests. Jeff Condit of Miller Nash stated that the revised Records Policy complies with the recent state legislation. Director Moore commented that she was concerned about the "unless" clause and how big a loop hole that is. Mr. Condit responded that it was his suggestion to add that language as there were actually very few records that the District is not allowed to disclose, FERPA and HIPPA as examples, along with confidential legal advice. Director Moore felt that some adjectives were needed for that language, like "substantial" or "significant" as she thinks anything could be defined as a legal risk. Director Rosen concurred that the language needs to be modified. Chair Brim-Edwards asked who would decide any non-disclosure and whether something would do harm to the District. Mr. Vandehey responded that the AD would indicate who makes the decision. Mr. Condit mentioned that the Board would have to waive an exemption. Chair Brim-Edwards stated that sending someone to the District Attorney should be a very last resort. Mr. Vandehey asked if there should be an internal appeal process before a person needs to go to the District Attorney. Chair Brim-Edwards responded yes.

Chair Brim-Edwards commented that the District Policy should indicate that we will release a record unless we cannot by law. Director Moore mentioned that there should be some mechanism for the Board to receive reports on record requests. Ms. Brim-Edwards stated that the District would on a very rare occasion exercise an exemption, and that is what she would want to see in a report, not a list of all requests. The AD should list the process for an appeal of a denied request. Chair Brim-Edwards indicated that she would like to see a review of the Policy to reflect the Task Force discussion. Kim Sordyl stated that if you add an appeal process, it will turn into the complaint process which was just another delay tactic. Appealing to the District Attorney

is free. Chair Brim-Edwards mentioned that the internal appeal process should have a short timespan.

### **District Complaint Process**

Jim Harris, General Counsel, confirmed that the District's Complaint Policy is in compliance with state law, and that currently we only have one unresolved complaint. Mr. Harris added that a Division 22 complaint should be a formal complaint, and that you could split up a complaint and have them run parallel (e.g, HR complaint, formal complaint, alternative dispute resolution). The Ombudsman is independent, neutral, and confidential, and we should not have the Ombudsman get into the formal complaint process; a true ombudsman does not do that. Director Moore stated that she needs to be shown that, as currently our Ombudsman cannot resolve a complaint.

Chair Brim-Edwards requested clarification on current policy in terms of Human Resources. It seems like you would want to have one funnel in a simple resolution, or state that something is a Human Resources complaint and that's a different process. The community shouldn't have to figure out where to file a complaint.

Director Moore stated that the current Complaint Policy does not really say anything about what the policy is. The Policy should be rewritten and be specific. The Policy would be overarching and then the AD would define how the policy is implemented. Clearly stated guiding principles are needed in the policy. Chair Brim-Edwards asked Director Moore to develop some proposed guiding principle language; Ms. Reese and Mr. Harris offered to help. Chair Brim-Edwards noted that the 4<sup>th</sup> paragraph of the policy is when things get out of sequence, and she suggested that a review occur on an ombudsman vs. another approach for complaints. Director Moore commented that she would like to include language that refers to all relevant ORS and OARs. Chair Brim-Edwards thought that those references should be placed in the AD.

Director Rosen stated that he still felt the process was complicated and that we need to re-think the ombudsman position through the entire process. He would like to see their role more interactive with parents when it becomes a complaint. Chair Brim-Edwards thought the flowchart will be changed with any revisions that occur. Director Moore mentioned that she thought the entire process needs to be rethought.

Chair Brim-Edwards suggested that the tone of the Policy and AD be toned down and not be so technical. It must be accessible to the public. Director Moore requested additional information on the new state statute that requires a complaint process to be no more than 4 steps.

Director Moore and Ms. Reese will draft a new Complaint Policy and AD. Chair Brim-Edwards requested that a "holding paragraph" be added to the AD which states how complaints would be investigated. In addition, a Complaint Form should be developed.

### **ADJOURN**

Chair Brim-Edwards adjourned the meeting at 4:37pm.

Submitted by: