

BOARD OF EDUCATION

Portland Public Schools
REGULAR MEETING
 September 12, 2017

Madison High School

Cafeteria
 2735 NE 82nd Avenue
 Portland, Oregon 97220

Note: Those wishing to speak before the School Board should sign the public comment sheet prior to the start of the meeting. No additional speakers will be accepted after the sign-in sheet is removed, but testifiers are welcome to sign up for the next meeting. While the School Board wants to hear from the public, comments must be limited to three minutes. All those testifying must abide by the Board's Rules of Conduct for Board meetings.

Public comment related to an action item on the agenda will be heard immediately following staff presentation on that issue. Public comment on all other matters will be heard during the "Public Comment" time.

This meeting may be taped and televised by the media.

AGENDA

- | | | |
|-----|--|---------|
| 1. | <u>WELCOME BY PETRA CALLIN</u> | 6:30 pm |
| 2. | <u>RECOGNITION: NUTRITION SERVICES</u> | 6:35 pm |
| 3. | <u>COMMUNITY RESPONSE TO SCHOOL DISTRICTS IN NEED</u> | 6:40 pm |
| 4. | <u>UPDATE: FIRST DAY OF SCHOOL</u> | 6:50 pm |
| 5. | <u>RESOLUTION IN SUPPORT OF DACA'S "DREAMERS"-vote</u> | 7:00 pm |
| 6. | <u>PORTLAND ASSOCIATION OF TEACHERS COMMENTS</u> | 7:15 pm |
| 7. | <u>HEALTH AND SAFETY – KEEPING THE PROMISE</u> | 7:25 pm |
| 8. | <u>TUBMAN AND ROSEWAY HEIGHTS
MIDDLE SCHOOL IMPLEMENTATION PLAN</u> | 7:40 pm |
| 9. | <u>DISCUSSION: REVISED PUBLIC RECORDS POLICY</u> | 8:30 pm |
| 10. | <u>PUBLIC COMMENT</u> | 8:50 pm |
| 11. | <u>BOARD COMMITTEE AND CONFERENCE REPORTS</u> | 9:10 pm |
| 12. | <u>OTHER BUSINESS / COMMITTEE REFERRALS</u> | 9:20 pm |
| 13. | <u>BUSINESS AGENDA</u> - vote
(public comment accepted) | 9:30 pm |
| 14. | <u>ADJOURN</u> | 9:40 pm |

Portland Public Schools Nondiscrimination Statement

Portland Public Schools recognizes the diversity and worth of all individuals and groups and their roles in society. The District is committed to equal opportunity and nondiscrimination based on race; national or ethnic origin; color; sex; religion; age; sexual orientation; gender expression or identity; pregnancy; marital status; familial status; economic status or source of income; mental or physical disability or perceived disability; or military service.

Chinese, Russian, Somali, Spanish and Vietnamese Interpreters available at meeting.



Board of Education Informational Report

MEMORANDUM

Date: September 7, 2017
To: Board of Education
From: Anna Richter Taylor and Ryan Vandehey
Subject: Public Records Policy Update

As part of an overall assessment of PPS communications, the public records policy and internal operational process for responding to public records has been identified by staff and the Board of Directors as a priority to update and strengthen.

Below is an outline of work to date with a general proposal for next steps to keep this process advancing so that a new policy and practices are in place as soon as possible.

Progress to date includes:

- July 7th and 14th: Public Records Work Group convened to assess need for revision of policy and administrative directive, identify key areas to update, identify areas where board direction is needed.
- July 25th: Presentation to the full Board on the need to revise the public records and objectives of a new policy.
- August 9th: Meeting with the Finance, Audit and Operations Committee for initial direction from the Board on approach and guiding principles for public records disclosure.
- August 25, 2017: Presentation to the Board Policy and Governance Task Force of proposed revisions to the policy and administrative directive based on staff and outside legal counsel recommendations.
- September 1, 2017: Discussion with Board Policy and Governance Task Force of second round of revisions to policy based on feedback from task force members; at this meeting additional community input was discussed and considered for a third draft of the policy.
- September 7, 2017: Third draft of policy based on community and board feedback is attached and to be presented to the full Board on September 12, 2017 as a report and update.

Major issues addressed:

- Overall philosophy: Confirmation the district will begin with the assumption that all records are public unless specific conditions or exemptions exist - and even with such exemptions the goal will be maximum transparency and disclosure.
- Decision making: How the district will make decisions where there are exemptions that could be invoked but do not need to be under federal or state law.
- Fees: If, when and how to assess and charge fees.
- Processing: How the district will process and respond to requests (i.e. in order received, based on complexity, dynamic prioritization, etc.)
- Appeals: How the public can appeal a decision if documents are not provided, fees are charged, or a fee waiver is not granted.
- Role of the Board: When and how the Board should engage in decisions for public records release or protection.

Proposed next steps:

**note that these are proposed intended for discussion with the Task Force and/or full Board.*

- Date TBD: Review next draft of policy before the Board Policy Governance Task Force and make any additional revisions before first reading of the policy to the full board; present revised administrative directive to the Task Force based on next draft of policy.
- September 22: First reading of the policy to the full board and issue for broad public comment from community members and stakeholders including families, media and other entities with experience and expertise in public records policies.
- Mid-October: Present feedback from the community engagement process to the Task Force and make any additional revisions based on that feedback.
- End of October: Goal is to have new policy and administrative directive adopted by the end of October 2017 with full guidance to public employees and communications with the community about how to access public records at PPS.

2.50.010-P Public Access to District Records

It is the intent of the board that all district material is considered a public record unless exempt by ORS 192. Public records should be provided promptly and courteously for inspection upon request.

- (1) The superintendent shall develop administrative directives and procedures.
- (2) Appropriate fees for copies of Board and district records shall be charged pursuant to Administrative Directive 2.50.012-AD.
- (3) 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



Proposed revisions as of 9/8/2017 8:32 AM

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 the intent of the board that all district records should be disclosed upon request except in the following circumstances: The district is prohibited by law from disclosing the information; or a Public Records Law Exemption applies to the requested record and disclosure could create significant and likely legal, physical or business harm to the district, students, staff, third parties, or facilities. The district shall rely upon the definition of "Public Record" laid out in ORS 192.410(4)(a). Public records will 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. The Public Records Officer shall process all requests in a timely fashion, without regard to the nature of the records or identity of the requester.
- (2) It is the goal of the school district to provide the public with records at no or minimal cost whenever possible. The Superintendent shall develop clear guidelines regarding when it is appropriate to charge fees, and to provide clarity to requesters as to how fees are assessed.
- (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 ORS Chapter 192 and the Attorney General's Public Records Manual.
- (4) When public records are requested that could be considered exempt under one of the conditional exemptions laid out in ORS 192.501 and ORS 192.502, the district shall operate under the presumption that the records are public and should be disclosed unless there are clear legal or business reasons not to.
- (5) The Public Records Officer shall make determinations as to whether a legal exemption applies to a record in coordination with the General Counsel. The Superintendent will make the final decision in all cases where the Public Records Officer and/or General Counsel recommend withholding disclosure based on a legal exemption, and shall develop clear guidelines as to how the district will make such decisions.

Deleted: 9/6/2017 8:43 AM

Deleted: It

Commented [RV1]: Finessing language to clarify that we are not creating new exemptions and are actively working to disclose even where exemptions could be applied. The "significant ... harm" language will only apply to PPS decisions regarding exemptions where PPS has discretion.

Deleted: material is considered a public record unless exempt by ORS 192.

Deleted: should

Deleted: s

Commented [RV2]: Removed language implying requests would be queued

Commented [RV3]: Adding language to address difference between objective reasonableness of fees and perception of reasonableness of fees by requestors. This will flow to a more detailed section in the AD.

Deleted: Appropriate fees for copies of Board and district records shall be charged pursuant to Administrative Directive 2.50.012-AD.

(6) 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.

(7) If the district requires clarification from the requester, such clarification shall be requested in writing, and the requestor shall be informed that work on the request will stop until the clarification is received. If the original scope of a request is likely to necessitate high fees, the Public Records Officer will offer to work with requesters to negotiate or narrow the scope in order to reduce the costs.

(8) Requesters who believe the district has inappropriately withheld records or assessed fees may request a review of such decisions by the Board, who will issue an opinion within seven days. Requesters retain their statutory right to request such review from the Multnomah County District Attorney, and the availability of an appeal to the Board does not preclude a requester from appealing a denial directly to the District Attorney rather than to the Board.

(9) No District employee, student or Board member may engage in retaliation against any person who requests public records or requests review of a public records decision. Any employee or student who engages in any form of retaliation for requesting public records, or requesting review of public records decisions, will be subject to disciplinary action up to and including dismissal.

(10) To avoid possible conflicts of interest, employees who respond to public records requests shall decline to work on a given request if they are named in the request. Staff attorneys shall not be involved in the final decision on public records requests if they also provided legal advice related to the records being requested (e.g. a personnel investigation).

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

Commented [RV4]: Language added per board request

Commented [RV5]: Trying to finesse language to clarify that board review is not a final administrative remedy which would be prerequisite before DA review. Final decision comes from PRO or sup't, then requester can appeal to board OR to DA depending on preference. Should we specifically mention that this is being implemented in case requesters wish to avoid contact with the district attorney?

Commented [RV6]: Do we need a clause about students in a public records policy? (this was copied from another policy)

Commented [RV7]: Adding nonretaliation clause, copied from complaint policy

Commented [RV8]: Adding conflict-of-interest clause per board request and Jeff Condit's input

Proposed revisions as of 9/8/2017 8:33 AM

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- (9) No District employee, student or Board member may engage in retaliation against any person who requests public records or requests review of a public records decision. Any employee or student who engages in any form of retaliation for requesting public records, or requesting review of public records decisions, will be subject to disciplinary action up to and including dismissal.
- (10) To avoid possible conflicts of interest, employees who respond to public records requests shall decline to work on a given request if they are named in the request. Staff attorneys shall not be involved in the final decision on public records requests if they also provided legal advice related to the records being requested (e.g. a personnel investigation).

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

BOARD OF EDUCATION
SCHOOL DISTRICT NO. 1J, MULTNOMAH COUNTY, OREGON

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September 12, 2017

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Purchases, Bids, Contracts

The Interim Superintendent RECOMMENDS adoption of the following items:

Numbers 5506 and 5507

RESOLUTION No. 5506

Revenue Contracts that Exceed \$150,000 Limit for Delegation of Authority

RECITAL

Portland Public Schools (“District”) Public Contracting Rules PPS-45-0200 (“Authority to Approve District Contracts; Delegation of Authority to Superintendent”) requires the Board of Education (“Board”) to enter into and approve all contracts, except as otherwise expressly authorized. Contracts exceeding \$150,000 per contractor are listed below.

RESOLUTION

The Superintendent recommends that the Board approve these contracts. The Board accepts this recommendation and by this resolution authorizes the Deputy Clerk to enter into the following agreements.

NEW REVENUE CONTRACTS

No New Revenue Contracts

NEW INTERGOVERNMENTAL AGREEMENTS / REVENUE (“IGA/Rs”)

Contractor	Contract Term	Contract Type	Description of Services	Contract Amount	Responsible Administrator, Funding Source
State of Oregon	7/1/17 through 6/30/18	Intergovernmental Agreement/Revenue IGA/R 65094	PPS Head Start will provide services to low income 3-5 year olds and the State will reimburse the District.	\$4,209,133	A. Lopez
State of Oregon – Department of Human Services	7/1/17 through 6/30/19	Intergovernmental Agreement/Revenue IGA/R 65156	Provides funding for District’s operation of a local Youth Transition Program to assist students with disabilities successfully transition from High School to employment.	\$442,331	V. Truong

AMENDMENTS TO EXISTING REVENUE CONTRACTS

No Amendments to Existing Revenue Contracts

Y. Awwad

RESOLUTION No. 5007

Expenditure Contracts that Exceed \$150,000 for Delegation of Authority

RECITAL

Portland Public Schools (“District”) Public Contracting Rules PPS-45-0200 (“Authority to Approve District Contracts; Delegation of Authority to Superintendent”) requires the Board of Education (“Board”) enter into contracts and approve payment for products, materials, supplies, capital outlay, equipment, and services whenever the total amount exceeds \$150,000 per contract, excepting settlement or real property agreements. Contracts meeting this criterion are listed below.

RESOLUTION

The Superintendent recommends that the Board approve these contracts. The Board accepts this recommendation and by this resolution authorizes the Deputy Clerk to enter into the following agreements.

NEW CONTRACTS

Contractor	Contract Term	Contract Type	Description of Services	Contract Amount	Responsible Administrator, Funding Source
Miller Nash Graham Dunn LLP	9/13/17 through 6/30/19	Legal Services LS 65104	Contractor will provide outside legal counsel under direction of District General Counsel. Direct Negotiation (PPS-46-0525)	\$4,032,000	J. Harris Fund 101 Dept. 5460

NEW INTERGOVERNMENTAL AGREEMENTS (“IGAs”)

No New IGAs

AMENDMENTS TO EXISTING CONTRACTS

No New Amendments

Y. Awwad

Other Matters Requiring Board Approval

The Interim Superintendent RECOMMENDS adoption of the following items:

Numbers 5508 and 5509

RESOLUTION No. 5508

Approval of Head Start Policy Council Recommendation

RECITALS

- A. Federal requirements call for the Governing Board of a Head Start program to approve recommendations for the program.
- B. The Board of Directors for Portland Public Schools serves as the Governing Board for the PPS Head Start Program.
- C. Portland Public Schools Policy Council recommends submitting the application for the Non-Competing Continuation grant for fiscal year 2018.

RESOLUTION

The Board of Directors for Portland Public Schools, School District No. 1J, Multnomah County, Oregon, approves the Head Start Policy Council recommendations as stated above.

RESOLUTION No. 5509

HOLD for Resolution in Support of DACA's "Dreamers"