

**BOARD OF EDUCATION**

Portland Public Schools  
**REGULAR MEETING**  
 September 26, 2017

**Board Auditorium**

Blanchard Education Service Center  
 501 N. Dixon Street  
 Portland, Oregon 97227

**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.  | <b><u>RECOGNITIONS</u></b>   | 6:00 pm |
| 2.  | <b><u>STUDENT AND PUBLIC COMMENT</u></b>   | 6:15 pm |
| 3.  | <b><u>RESOLUTION: DYSLEXIA AWARENESS MONTH</u></b> – vote<br><i>(public comment accepted)</i>        | 6:35 pm |
| 4.  | <b><u>RESOLUTION: BOND 2017 SEQUENCING WORK</u></b> – vote<br><i>(public comment accepted)</i>       | 6:50 pm |
| 5.  | <b><u>FIRST READING: PUBLIC RECORDS POLICY</u></b>   | 7:10 pm |
| 6.  | <b><u>UPDATE: HEALTH AND SAFETY</u></b>  | 7:20 pm |
| 7.  | <b><u>UPDATE; MIDDLE SCHOOL PLANNING</u></b>   | 7:35 pm |
| 8.  | <b><u>OREGON SCHOOL BOARD ASSOCIATION NOMINEE VOTE</u></b>   | 7:55 pm |
| 9.  | <b><u>BOARD COMMITTEE AND CONFERENCE REPORTS;</u></b><br><b><u>STUDENT REPRESENTATIVE REPORT</u></b> | 8:00 pm |
| 10. | <b><u>OTHER BUSINESS / COMMITTEE REFERRALS</u></b>   | 8:10 pm |
| 11. | <b><u>BUSINESS AGENDA</u></b> - vote<br><i>(public comment accepted)</i>                             | 8:20 pm |
| 12. | <b><u>ADJOURN</u></b>  | 8:30 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:** 9/26/2017  
**To:** Board of Education  
**From:** Jerry Vincent, Chief Operating Officer  
**Subject:** Health and Safety Bond Project Sequencing

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This memo is to inform the Board of Education for Portland Public Schools that sequencing for the 2017 Health and Safety Bond Projects was presented to the Finance, Audit and Operations Board Committee on September 12<sup>th</sup>, 2017 and was unanimously approved to proceed to the full Board for a vote.

# Portland Public School District 1<sup>st</sup> Reading

DATE: September 26, 2017

## Public Comment for: PUBLIC ACCESS TO DISTRICT RECORDS POLICY 2.50.010-P

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The Portland Public School District is providing Notice of Proposed New Policy and Public Comment to offer interested parties reasonable opportunity to submit data or comments on the proposed policies noted below.

Public comment may be submitted in writing directly to the district or through the district website noted below. Written comments must be submitted by 5:00pm on the Last Date for Comment listed below.

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**1<sup>st</sup> Reading by:** Julia Brim-Edwards, Chair, Portland Public School Board  
**Summary:** Revised Policy: Public Access to District Records

**Draft Policy Web Site:** <http://www.pps.net/Page/1807>  
(click on blue "draft policy" box)

**Recommended for 1st Reading by:** Board of Education

**Policy Contact:** Rosanne Powell, Board Office Manager

**Last Date for Comment:** October 17, 2017

**Address:** P.O. Box 3107, Portland, OR 97208-3107

**Telephone:** 503-916-3741

**E-mail:** [schoolboard@pps.net](mailto:schoolboard@pps.net)

**Last Date for Comment: October 17, 2017**



# Board of Education Informational Report

## MEMORANDUM

**Date:** September 21, 2017  
**To:** Board of Education  
**From:** Anna Richter Taylor and Ryan Vandehey  
**Subject:** Public Records Policy Update

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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 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
- 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.
- September 12, 2017: Task Force and Board Chair provided an update to the Board at the full Board meeting at Madison High School and announced the next step would be a first reading later this month with an open public comment period to follow.

### Major issues addressed in the policy:

- 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:

- September 26: 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. Comments may be submitted to [schoolboard@pps.net](mailto:schoolboard@pps.net).
- October 24: Second reading of the policy following 21-day public comment policy.
- 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.

*Proposed revisions as of 9/8/2017 8:33 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.

- (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

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

INDEX TO THE AGENDA

September 26, 2017

Board  
Action  
Number

Page

Personnel

5511	Dismissal .....	3
5512	Dismissal .....	3

Purchases, Bids, Contracts

5513	Revenue Contracts that Exceed \$150,000 Limit for Delegation of Authority.....	5
------	--	---

Other Matters Requiring Board Approval

5514	Resolution to Designate October 2017 as Dyslexia Awareness Month.....	7
5515	Authorization for OSM to Proceed with the 2017 Health and Safety Modernization Bond Sequencing Plan .....	8
5516	HOLD: Resolution to Amend Resolution 5467.....	9
5517	A Resolution Authorizing the Multnomah County School District #1J (the "School District") to enter into a Settlement Agreement with Brian Samore ("Samore") (together, theParties).....	10
5518	A Reslution authorizing the Multnomah County School District #1J (the "School District") to enter into a Settlement Agreement with Sarah Stevens, parent and guardian ad litem of a minor child ("Stevens").....	11

Personnel

The Interim Superintendent RECOMMENDS adoption of the following items:

Numbers 5511 and 5512

**RESOLUTION No. 5511**

Dismissal

**RESOLUTION**

1. On the advice of the Chief Human Resources Officer, the Superintendent recommends that the employee listed below be dismissed from employment.
2. The Board of Education accepts the Superintendent's recommendation and by this resolution discharges Shamara Barger, a probationary employee, under the provisions of ORS 342.835. The Human Resources Department is instructed to notify this individual of the discharge.

*K. Rogers*

**RESOLUTION No. 5512**

Dismissal

**RESOLUTION**

1. On the advice of the Chief Human Resources Officer, the Superintendent recommends that the employee listed below be dismissed from employment.
2. The Board of Education accepts the Superintendent's recommendation and by this resolution discharges Abigail Lenneberg, a probationary employee, under the provisions of ORS 342.835. The Human Resources Department is instructed to notify this individual of the discharge.

*K. Rogers*

Purchases, Bids, Contracts

The Interim Superintendent RECOMMENDS adoption of the following item:

Numbers 5513

**RESOLUTION No. 5513**

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”)**

<b>Contractor</b>	<b>Contract Term</b>	<b>Contract Type</b>	<b>Description of Services</b>	<b>Contract Amount</b>	<b>Responsible Administrator, Funding Source</b>
North Clackamas School District	7/1/17 through 6/30/18	Intergovernmental Agreement / Revenue IGA/R 65248	Columbia Regional will provide North Clackamas SD school age classroom services for one Deaf/Hard of Hearing regionally eligible student.	\$231,650	V. Truong Dept. 5422 Fund 299 Project/Grant S0031

**AMENDMENTS TO EXISTING REVENUE CONTRACTS**

No Amendments to Existing Revenue Contracts

Y. Awwad

Other Matters Requiring Board Approval

The Interim Superintendent RECOMMENDS adoption of the following items:

Numbers 5514 through 5518

**RESOLUTION No. 5514**

Resolution to Designate October 2017 as Dyslexia Awareness Month

**RECITALS**

- A. Dyslexia is defined as an unexpected difficulty in reading for an individual who is expected to be a better reader;
- B. Dyslexia is a difficulty in identifying or sequencing the individual sounds of spoken language, which affects the ability of an individual to speak, read, spell, and often learn a language;
- C. Dyslexia is the most common learning disability and affects 80 to 90 percent of all individuals with a learning disability;
- D. An individual with dyslexia may have weakness in decoding or reading fluency and may have strength in higher level cognitive functions, such as reasoning, critical thinking, concept formation, or problem solving;
- E. Great progress has been made in understanding dyslexia on a scientific level, including the epidemiology, cognitive and neurobiological bases of dyslexia;
- F. Effective reading instruction for all children and screening to identify students at risk for dyslexia, as well as supplemental reading support for students at risk, is critical to prevent reading problems;
- G. Early diagnosis of dyslexia is critical to ensure individuals with dyslexia receive focused, evidence based intervention. Correct identification and intervention provides students with dyslexia self-awareness and self-empowerment. Provision of necessary accommodations and instruction help to ensure school and life success.

**RESOLUTION**

The Portland Public Schools Board of Education recognizes that dyslexia has significant educational implications that must be addressed; and designates October 2017 as "Dyslexia Awareness Month".

**RESOLUTION No. 5515**

Authorization for OSM to proceed with the 2017 Health and Safety Modernization Bond Sequencing Plan.

**RECITALS**

- A. On February 28, 2017, the Board of Portland Public Schools, Multnomah County, Oregon also known as Multnomah County School District 1J (“PPS” or the “District”) adopted a resolution authorizing submission to the voters of PPS on May 16, 2017, of a ballot measure authorizing PPS to issue general obligation bonds not exceeding \$790,000,000 to finance capital costs to improve health, safety, learning by modernizing, repairing schools, as described in the 2017 ballot measure. This resolution refers to costs that are eligible to be financed with bonds authorized by the 2017 ballot measure as “2017 Capital Costs.”
- B. The election was duly and legally held on May 16, 2017 (the “2017 Bond Election”) and the general obligation bonds were approved by a majority of the qualified voters of PPS voting at the election.
- C. On June 20, 2017 the Board of Portland Public Schools authorized a resolution accepting certification from Multnomah, Clackamas, and Washington Counties for May 16, 2017 voter approval of authorizing Portland Public Schools to issue up to \$790 million of General Obligation Bonds to improve learning by modernizing and repairing schools, including at least \$150 million to improve health, safety and accessibility.
- D. On June 13, 2017 the Board of Portland Public schools reviewed the proposed project sequencing plan for the Kellogg Middle School Replacement, Madison High School Modernization, Lincoln High School Replacement and Benson Polytechnic High School Modernization presented by the Office of School Modernization.
- E. On June 29, 2017 the Bond Accountability Committee reviewed the proposed project sequencing plan for the Kellogg Middle School Replacement, Madison High School Modernization, Lincoln High School Replacement and Benson Polytechnic High School Modernization presented by the Office of School Modernization.

**RESOLUTION**

- 1. The Board hereby directs OSM to proceed with the completion of the Kellogg Middle School Replacement, Madison High School Modernization, Lincoln High School Replacement and Benson Polytechnic High School Modernization as outlined in the provided presentation, concurrent with the ongoing health, safety and accessibility improvements.
- 2. The target date for students to occupy the new Kellogg Middle School is August 2021.
- 3. The target date for students to occupy the modernized Madison High School is August 2022.
- 4. The target date for students to occupy the new Lincoln High School is August 2023.
- 5. The target date for students to occupy Phase 1 of the modernized Benson Polytechnic High school is August 2022.

6. The target date for students to occupy Phase 2 of the modernized Benson Polytechnic High school is August 2023.
7. The target date for students to occupy Phase 3 of the modernized Benson Polytechnic High school is August 2024.

*J. Vincent*

**RESOLUTION No. 5516**

HOLD: Resolution to Amend Resolution 5467

**RESOLUTION No. 5517**

A Resolution Authorizing the Multnomah County School District #1J (the "School District") to enter into a Settlement Agreement with Brian Samore ("Samore") (together, the "Parties").

**RECITALS**

- A. Samore is a former employee of the School District;
- B. On April 7, 2017, Samore filed a lawsuit in the United States District Court for the District of Oregon, Portland Division, Case No. 3:17-cv-00554-MO (the "Action");
- C. On May 26, 2017, the School District filed an Answer denying all liability to Samore and asserting defenses;
- D. The School District continues to dispute Samore's claims and denies all liability to him, and Samore maintains that the School District is liable to him on his claims;
- E. Samore, through the Portland Association of Teachers ("PAT"), has presented various grievances against School District employees alleging violations of the collective bargaining agreement between the School District and PAT, and is part of a class grievance presented by PAT against the School District (together, the "Grievances") and the School District denies that the Grievances have merit; and
- F. The Parties have agreed to mutually resolve all disputes between them and are entering into a Settlement Agreement in order to avoid the uncertainties, expense, inconvenience, and burdens of further litigation in the Action and Grievances;

**RESOLUTION**

- 1. School District to pay Samore \$71,500 lump sum;
- 2. School District agrees to withdraw its appeal of Samore's unemployment benefits. Samore had previously been awarded unemployment benefits and the School District appealed. Samore stands to receive \$15,300 per year in benefits.
- 3. School District will provide a neutral reference (dates of service, pay, etc.).

BOARD OF DIRECTORS OF THE  
PORTLAND PUBLIC SCHOOLS  
MULTNOMAH DISTRICT 1J

By:

\_\_\_\_\_

Chair

\_\_\_\_\_

Date

Attest:

\_\_\_\_\_

Board Secretary

**RESOLUTION No. 5518**

A Resolution authorizing the Multnomah County School District #1J (the "School District") to enter into a Settlement Agreement with Sarah Stevens, parent and guardian ad litem of a minor child ("Stevens").

**RECITALS**

- A. Stevens asserted a claim for personal injuries and damages arising out of personal injuries to a minor child suffered on the playground at Woodstock Elementary School on or about April 8, 2015;
- B. The School District disputes Stevens' claims and denies all liability, and Stevens maintains that the School District is liable on the claims; and
- C. The Parties have agreed to mutually resolve all disputes between them and are entering into a Settlement Agreement in order to avoid the uncertainties, expense, inconvenience, and burdens of further litigation in the Action and Grievances.

**RESOLUTION**

- 1. School District to pay Stevens a \$50,000 lump sum.
- 2. In addition, School District will pay the Mediator's fee of \$2,000.

BOARD OF DIRECTORS OF THE  
PORTLAND PUBLIC SCHOOLS  
MULTNOMAH DISTRICT 1J

By:

\_\_\_\_\_

Chair

\_\_\_\_\_

Date

Attest:

\_\_\_\_\_

Board Secretary