

BOARD OF EDUCATION

Portland Public Schools
REGULAR MEETING
 December 5, 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

- | | | |
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| 1. | <u>RECOGNITION: MARYSVILLE MINDFULNESS</u> | 6:00 pm |
| 2. | <u>STUDENT AND PUBLIC COMMENT</u> | 6:10 pm |
| 3. | <u>COMMENTS FROM PORTLAND ASSOCIATION OF TEACHERS</u> | 6:30 pm |
| 4. | <u>SUPERINTENDENT'S REPORT</u> | 6:40 pm |
| 5. | <u>MIDDLE SCHOOL OPENINGS:
COMMUNITY ENGAGEMENT PLAN</u> | 6:45 pm |
| 6. | <u>LEVEL 3 COMPLAINT CONSIDERATION</u> – vote
<i>(public comment accepted)</i> | 7:05 pm |
| 7. | <u>THIRD PARTY SALES: WAIVER OF BOARD POLICY 3.30.020-P</u>
– vote <i>(public comment accepted)</i> | 7:25 pm |
| 8. | <u>BOARD COMMITTEE AND CONFERENCE REPORTS:
STUDENT REPRESENTATIVE REPORT</u> | 7:40 pm |
| 9. | <u>OTHER BUSINESS / COMMITTEE REFERRALS</u> | 7:45 pm |
| 10. | <u>BUSINESS AGENDA</u> - vote
<i>(public comment accepted)</i> | 7:50 pm |
| 11. | <u>ADJOURN</u> | 8:00 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

Staff Report to the Board

Board Meeting: December 5, 2017

Executive Committee Lead: Jerry Vincent,
Chief Operating Officer

Department: Facilities and Asset
Management

Presenter/Staff Lead: Sara King, Director
of Facilities

SUBJECT: Allowing 3rd Party Fundraising Mattress Sales through February 1, 2018 and the Hillside Farmer's Market on PPS Property and directing staff to create a process for obtaining School Board approval as per Policy 3.30.020 –P(7) – Limitations on Use of Facilities and Grounds-All Groups.

The CUB Office has recently become aware that, per Policy 3.30.020-P (7) Limitations on Use of Facilities and Grounds – All Groups or Individuals, the sale of merchandise on PPS property by 3rd party vendors is not allowed without the consent of the School Board of Education (Board).

The Civic Use of Buildings (CUB) Office has historically issued permits for school-sponsored mattress sales by 3rd party vendors to fundraise for the benefit of various Portland Public Schools (PPS) youth groups. The Grant Band program (Program) has requested a permit for a mattress sale fundraiser at Beverly Cleary-Fernwood. Cleveland Band has also expressed interest in an upcoming mattress sale. The CUB Office has found no documentation confirming the approval of mattress sales by previous Boards.

In 2006, PPS entered into a lease with the Hillsdale Farmer's Market (Market) to operate its Sunday market on the Wilson HS/Rieke ES parking lot. That lease will expire on January 31, 2018 and the Market has requested that the District renew its lease for another five years.

Staff would like the opportunity to create a process for obtaining Board approval as per Policy 3.30.020-P (7) by February 1, 2018. Until this time, staff requests that the Board allow any mattress sales scheduled before this date and renew the Market for another five years.

Mattress Sales

The Grant Band Program has used this mattress sale to generate funds to support its students for the past two years. Money raised allows the program to purchase upgraded equipment, compete at festivals and competitions, travel, purchase band clothing, and more.

Custom Fundraising Solutions (<https://www.customfundraisingsolutions.com>) provides the new mattresses, and its employees manage the set-up, sales, delivery and collection of money. No students are involved with selling either door-to-door or at the event.

Grant students and their families help bring in patrons by spreading the word through social media or word of mouth. Most parents bring flyers to work so the students do not deliver door-to-door. No family is required to participate either, but most do volunteer.

Custom Fundraising Solutions performs these fundraisers with schools around the nation, and these fundraisers have occurred at numerous PPS schools in past years.

A mattress costs between \$300-1800 each. The Program receives a percentage of each sale based on the size of mattress (twin, full, queen, king) and the quantity sold. The more sold, the more incentives and the more money the Program receives. For example, if one mattress is sold, the Program receives base earnings of \$75, if two mattresses are sold, the Program receives base earnings + \$25, if three mattresses are sold, the Program receives base earnings plus \$75, and so on. Based on this incentive formula, the Program receives between \$50-\$500 for each mattress sold.

Last year approximately twenty-five mattresses were sold, and the Program received approximately \$2,500-\$3,000.

Hillsdale Farmer’s Market

The District has leased 68 parking stalls on the Wilson HS/Rieke ES parking lot to the Hillsdale Farmer’s Market (the Market) for a farmers’ market since 2006.

The Market operates year-round on Sundays, except in the winter months, when the Market operates twice a month. Between 35 - 50 vendors take part in the Market. It serves around 2,500 customers in a 4 hour period during the best months of the year (June-September), with traffic at 40% of that during the off-season. Many people use the market as a source for fresh, quality food.

The vendors area wide variety of food producers, ranging from farmers and ranchers, to makers of baked goods, salsas, jams, and prepared foods. All vendors are local within the states of Oregon and Washington, and every product sold is made by the person/business selling it. The Market has a loyal customer base.

The Market has recently requested that the District renew its lease. The current lease will expire on January 31, 2018. Current rent is \$6,000/year and has escalated around eight (8) percent annually. Staff can find no evidence of past Board approval for this lease.

Staff supports a renewal of the lease, and requests the consent of the board to allow Hillsdale Farmer’s Market to continue to operate the Sunday market for an addition five (5) years, through January 31, 2023.

BOARD COMMITTEE REVIEW (IF APPLICABLE)

Not Applicable

RELATED POLICIES / BOARD GOALS AND PRIORITIES

Policy 3.30.020-P (7) - Limitations on Use of Facilities and Grounds – All Groups or Individuals

PROCESS

Not applicable

ALIGNMENT WITH EQUITY POLICY IMPLEMENTATION PLAN

Not applicable

BUDGET / RESOURCE IMPLICATIONS

Mattress fundraisers are the main source of funding for several PPS youth groups. Loss of annual rent revenue of \$6,000 if Hillsdale Farmer's Market not approved.

NEXT STEPS / TIMELINE / COMMUNICATION PLAN

Following approval by the Board, the CUB Office would issue permits for mattress sales by 3rd party vendors on PPS property that occur through February 1, 2018 and negotiate a lease renewal with the Market for five additional years.

Staff would create a process for obtaining Board approval as per Policy 3.30.020-P (7) by February 1, 2018.

QUESTIONS FOR BOARD DISCUSSION

None

ATTACHMENTS:

Exhibit A – Resolution

3.30.020-P Limitations On Use Of Facilities and Grounds – All Groups or Individuals

The special requirements of the educational setting, school programs, and the welfare and safety of students and district personnel compel judicious utilization of school facilities and school grounds. Accordingly, all groups or individuals on district property shall be subject to the following requirements, in addition to other applicable Board policies, Administrative Directives and school rules designed to maintain public order in school buildings and on school grounds.

(1) Solicitation for Funds — Gifts.

(a) Gifts or Presentations. No person shall solicit, receive or permit to be solicited or received from students enrolled in public schools, or on any public school premises any subscription, donation of money or other things of value for presentation of testimonials to school officials or for any purpose except such as authorized by the Board. (ORS 339.880) All teachers and all other employees are expected to abide by both the letter and the spirit of state law. The only exceptions authorized by the Board must be those of educational value to the students, such as those stated below:

- (A) Educational values may be more fully realized in gifts to the school rather than in gifts to the individual;
- (B) Floral pieces for funerals;
- (C) Gifts in case of illness.

(b) Acceptance of gratuities of any kind by any district personnel shall be prohibited.

- (2) Illegal Activities. The use of buildings or properties of the district shall not be granted to any organization or individual if there is a prima facie showing that the organization or individual will use said facilities for or in the promotion of illegal activities.
- (3) Alcohol/Tobacco/Drugs. The use of alcoholic liquors, tobacco and illegal drugs in any form shall be prohibited in school buildings and on school grounds.
- (4) Gambling. Gambling of any sort including bingo, games of chance and raffles shall be prohibited in school buildings and on grounds at any time.
- (5) Motorized Equipment and Horses. Because of the risk of injury and related district liability and because of disturbances of neighbors to school property, the operation of helicopters, mini-bikes, motorized airplanes and

3.30.020-P Limitations On Use Of Facilities and Grounds – All Groups or Individuals

similar motorized recreational equipment, horseback riding and pony rides on school grounds or school parking lots is prohibited.

- (6) **Rocket Propulsion Devices/Fireworks**. The use of rockets and similar jet propulsion devices, including the use of such devices for instructional projects, is prohibited on school premises by students or student groups. The use of fireworks on school grounds is prohibited.
- (7) **Advertising or Sale of Merchandise**. The advertising or sale of merchandise in the building or on the school grounds by non-students shall not be permitted except with the consent of the Board provided that this shall not apply to merchandise which is in whole or part the product of the student of any school and where such product is advertised and sold by students with the approval of the principal; provided further that the office of the superintendent may authorize the sale in school of certain articles deemed by him/her as essential to the successful operation of the educational program.
- (a) Recycling projects are permitted on school grounds on designated days under supervision of school-sponsored groups (PTA's/PTO's, Dad's Club, etc.) or community schools. Dump boxes may not be placed on school grounds. Collected material cannot remain on school grounds unless secured. Sales of used clothing are not permitted.
- (b) School (student) store are not to compete with existing businesses in the sale of merchandise other than that necessary to the successful operation of the schools.
- (8) **Acknowledgment of Contributions**. Appropriate acknowledgment of cash or in-kind contributions may be allowed at the administrative discretion of the superintendent.
- (9) **Discriminating Admissions**. Any activities to which admission may be prohibited on the basis of age, color, creed, disability, marital status, national origin, race, religion, sex or sexual orientation, shall not be conducted in the schools.
- (10) **Unauthorized Parking**. Unlawfully parked motor vehicles on parking lots of the district may, upon the request of the administrative officer in charge of the respective parking lot, be towed to storage by various towing companies pursuant to provisions of ORS 98.805 - 98.992. Written permission to private towing companies to enter lots on behalf of the district for the purpose of towing vehicles as specified above shall be granted by the office of the superintendent.

3.30.020-P Limitations On Use Of Facilities and Grounds – All Groups or Individuals

(11) **Religious Activities.**

- (a) A group may use a school building and facilities for a religious service (which includes a baccalaureate service) on the same basis school facilities and grounds are made available to other non-school groups and individuals if:
- (A) The service is held after regular school hours;
 - (B) Attendance is voluntary; and
 - (C) The rental and other charges paid are in accordance with the schedule of charges established by the.
- (b) These provisions shall not be interpreted to permit the use of school buildings or facilities for any other religious purpose after regular school hours or for any religious purpose as part of the public school program, and no religious service, exercise or program shall be conducted, sponsored or arranged by the school at any time. See also Administrative Regulation 4.40.061, Student Assembly.
- (c) The distribution in any manner of any book, testament, pamphlet, tract or other printed matter of any religious character whatsoever on the school premises during the school day by non-students shall not be permitted. This rule, however, does not apply to the use of Bibles and other religious documents in either the school libraries or classrooms for their appropriate use in an instructional program. See also Board policy 4.40.050 (1) (d), Student Clubs and Assembly.

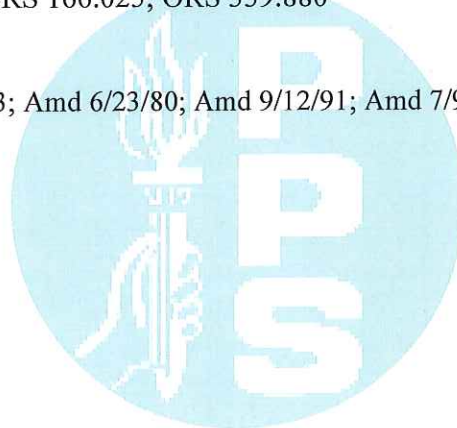
- (12) **Gang Activity.** Individuals shall not in school buildings or on school grounds wear, possess, use, distribute, display or sell any clothing, jewelry, emblem, badge, symbol, sign or other items which are evidence of membership or affiliation in any gang; use speech or commit any act or omission in furtherance of the interests of any gang or gang activity. A "gang" is defined as a group that identifies itself through the use of a name, unique appearance or language including hand signs, claiming of geographical territory or the espousing of a distinctive belief system that frequently results in criminal activity.
- (13) **Weapons.** Possession of an unauthorized loaded or unloaded firearm or any other instrument used as a dangerous or deadly weapon as defined in law and Board Policy, unless otherwise specifically accepted by law and Board Policy, is prohibited in school buildings and on school grounds.
- (14) **Disruptions.** Disrupting, impeding or otherwise interfering with the orderly conduct of district programs or any other authorized activity taking place in school buildings or on school grounds is prohibited.

3.30.020-P Limitations On Use Of Facilities and Grounds – All Groups or Individuals

- (15) **Miscellaneous Activities.** For reasons of health, safety and appropriate use of school buildings, the following activities are prohibited: funerals, weddings; games of chance; dances by non-school groups; public dances, unless for senior citizens and sponsored by Community Schools; animal shows or obedience classes; barbecue classes. Memorials; wedding receptions; PTA/PTO and other school related group-sponsored barbecues and dances sponsored by such groups for district students may be permitted.
- (16) **Attendance Limits.** The maximum number of people permitted in auditoriums in the various buildings shall be restricted to their seating capacity as specified by the Portland Fire Bureau.

Legal References: ORS 161.015; ORS 166.155 -166.165; ORS 164.245; ORS 166.210 -166.370; ORS 164.255; ORS 332.107; ORS 166.025; ORS 339.880

History: Adpt 6/71; Amd 9/24/73; Amd 6/23/80; Amd 9/12/91; Amd 7/95; Amd5/30/96; Amd 9/9/02; BA 2419



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

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Other Matters Requiring Board Approval

The Superintendent RECOMMENDS adoption of the following items:

Numbers 5545 through 5547

RESOLUTION No. 5545

Step 3 Complaint Consideration

RESOLUTION

The Portland Public Schools Board of Education votes to consider the Step 3 complaint appeal presented on December 5, 2017.

RESOLUTION No. 5546

Authorizing 3rd Party Mattress Sales on PPS Property for Fundraisers Benefitting PPS Youth scheduled on or before February 1, 2018 and the Hillsdale Farmer's Market lease renewal per Policy 3.30.020-P (7)

RECITALS

- A. Policy 3.30.020-P (7) (Limitations on the Use of Facilities and Grounds – All Groups or Individuals) requires the consent of the Board to advertise or sell merchandise on PPS property unless the merchandise is produced by PPS students.
- B. Historically, the Civic Use of Buildings (CUB) Office has issued permits for school sponsored sales of new mattresses by 3rd party vendors to fundraise for the benefit of various PPS youth groups.
- C. The District has leased parking stalls at the Wilson HS/Rieke ES parking lot to the Hillsdale Farmer's Market for its year-round Sunday farmers' market since 2006. The Market has 35 - 50 Oregon and Washington vendors.
- D. The Market has recently requested that the District renew its lease for five years. The current lease will expire on January 31, 2018.
- E. Staff supports a renewal of the lease, and requests the consent of the Board to allow the Hillsdale Farmers Market to advertise and sell merchandise on the Wilson HS/Rieke ES parking lot.
- F. Staff requests the Board authorize the CUB Office to issue permits to PPS school groups to allow 3rd party mattress vendors to conduct mattress sales on PPS property for the direct benefit of PPS youth scheduled on or before February 1, 2018 and renew the Hillsdale Farmer's Market lease through January 31, 2023.
- G. In order to be responsive to school communities and fundraising groups, staff will develop a request for approval process, to bring requests to the Board for approval in the Board's business agenda.

RESOLUTION

- 1. The Board hereby authorizes the CUB Office to issue permits to PPS groups for the purpose of conducting sales of new mattresses by 3rd party vendors as fundraisers for the direct benefit of PPS youth scheduled on or before February 1, 2018.
- 2. The Board hereby consent to allow the Hillsdale Farmers Market to advertise and sell merchandise on the Wilson High School and Rieke Elementary School parking lot through January 31, 2023.

J. Vincent / S. King

RESOLUTION No. 5547

Minutes

The following minutes are offered for adoption:

November 14 and 28, 2017