



Board of Education Informational Report

MEMORANDUM

Date: January 22, 2019
To: Board of Education
From: Stephanie Soden, Chief of Staff
Subject: Update on Implementation of Recommendations Related to Whitehurst Investigation

On May 10, 2018, the Board accepted a report and recommended action steps to be taken as a result of the external investigation into former PPS employee Mitch Whitehurst and related incidences of sexual misconduct. The report included sixteen concrete recommendations that would, in the investigatory team's expert opinion, reduce incidences of and ensure prompt response to reported incidences of sexual harassment and/or sexual misconduct in a school or district setting.

An implementation team led by the Chief of Staff meets regularly to monitor and report progress and identify solutions. Membership of the implementation team is listed below for your reference.

- Dr. Yvonne Curtis, Deputy Superintendent, Instruction and School Communities
- Mary Kane, Senior Attorney in the Office of General Counsel
- Liz Large, Interim General Counsel
- Brenda Martinek, Chief of Student Support Services
- Sharon Reese, Interim Chief Human Resources Officer
- Lisa Rogers, Senior Manager, Employee and Labor Relations
- Elisa Schorr, Interim Title IX Coordinator
- Stephanie Soden, Chief of Staff
- Courtney Westling, Government Relations Director

This is the third quarterly report on implementation progress. Below you will find a complete list of the recommendations and corresponding deadlines, as well as notes on progress and updates.

Recommendation	Deadline Notes
1. Train and require employees to document all sexual conduct allegations, concerns and complaints and report them to the Title IX coordinator or a similar designee	By 8/31/18 and ongoing Aug 8-10 Learning and Leading Together instructional leadership institute one-hour training for all building administrators.

	<p>Additional one-day trainings held on 10/1, 10/3 and 10/4 for administrators (school compliance officers).</p> <p>All nutrition services, facilities and maintenance, and transportation received training on 10/29/18.</p> <p>All PPS staff were required to complete new online 30-minute training by 10/31/18.</p> <p>Administrators received follow-up training on 12/13/18.</p> <p>Human Resources will be trained on 1/31/19</p> <p>Transportation employees received training on 1/11/19.</p> <p>Counselors and administrators are receiving training on 1/14, 1/31, 2/8, and 2/15/19.</p> <p>Campus Security staff are receiving training on 1/22/19.</p> <p>Facilities and Maintenance staff are receiving training on 1/24/19.</p> <p>All Superintendent Leadership Team (SLT) members and members of the Board of Education received training on 12/18/18.</p> <p>Additional training will be developed by the SIRC Facilitator and Director of Title IX Policy, Training and Compliance</p>
<p>2. Use a specialized, trained investigator who has expertise in employee/student sexual conduct and can investigate each complaint thoroughly and fairly</p>	<p>By 10/31/18 and ongoing</p> <p>Internal expertise currently being developed through staff trainings of Title IX, Sexual Incident Response Committee (SIRC) and adult sexual misconduct response protocols.</p> <p>At the December 13 Leadership training, Joy Ellis trained administrators on how to conduct a thorough investigation. She was joined by the HR investigation team to answer questions about specific PPS process that has been developed this year.</p>
<p>3. Have a core group of multidisciplinary administrators make credibility decisions and agree regarding what level of discipline to impose, if any</p>	<p>By 7/31/18 and ongoing</p> <p>Assigned School Compliance Officers (SCO) in every building to review all cases; training initiated</p>

	<p>and ongoing. Providing additional specialized training to team members (counselors, SROs, sped teams) in early 2019. We have trained all of the administrators in the District and are now revisiting with specific cohorts to review the investigatory process and experiences they've had in the last 6 months.</p> <p>For adult sexual misconduct allegations, HR, legal, and administrators meet regularly to discuss.</p>
<p>4. Implement a centralized tracking mechanism to document all sexual conduct complaints, including their outcome</p>	<p>By beginning of 2019-20 school year</p> <p>Potential software vendor identified and project manager identified to develop proposed plan for June 30, 2019, implementation.</p> <p>Our Title IX coordinator has been tracking all cases that have been referred to her. We have also developed an easy access portal for administrators to provide assessments and safety plans to the Title IX coordinator. We will be transitioning the SIRC coordinator and Title IX Director into the Student Success Health department this spring.</p>
<p>5. Change the district's union contract with PAT to ensure the protection of students</p>	<p>By 12/31/19</p> <p>PAT/PPS currently in negotiations</p>
<p>6. Review and change the district's other union contracts as appropriate to similarly ensure the protection of students</p>	<p>By 12/31/19</p> <p>Preparation and planning underway to include provisions in all contracts 2019-2022</p>
<p>7. Improve the sexual conduct prevention and identification training provided to PPS employees</p>	<p>By 10/31/18 and ongoing</p> <p>See comprehensive training list provided in #1.</p> <p>Additional training will be provided by the Director of Title IX Policy, Training and Compliance</p>
<p>8. Require sexual conduct prevention and identification training for PPS volunteers and contractors</p>	<p>By 12/31/18</p> <p>We have revised our trainings specifically for volunteers and put in the volunteer website and we have added language to the volunteer consent forms that they are required to review the online child abuse and ASMR trainings and confirm completion of the training when volunteers go through the background check. We are also identifying ways to ensure annual training for all volunteers.</p> <p>New training content and requirements are being added to volunteer registration in schools.</p> <p>Required contractor training is under</p>

	development.
9. Improve the sexual conduct prevention and identification training provided to PPS students	<p>By 12/31/18</p> <p>New middle school health and sexual well-being curriculum rolling out for 2018-19. Health curriculum in development for K-5 which will include safe body information.</p> <p>Collecting student-led/staff-led best practices and inventory of resources to implement and advertise district-wide</p> <p>Contract under negotiation for student-student training in all schools throughout 2018-19 school year</p>
10. Fix the materials relating to sexual conduct on the PPS website	<p>By 9/30/18 and ongoing</p> <p>Title IX web page updated and enhanced: https://www.pps.net/titleix</p>
11. Exercise transparency and do not enter in resignation agreements that restrict disclosure of possible sexual conduct	Completed and ongoing
12. Implement an adult/student boundaries policy	<p>By 10/31/18</p> <p>Draft policy crafted by Board Policy and Governance Committee; first read by Board at 10/2/18 meeting. Public comment period still open and we are continuing to work with union partners on language.</p> <p>The PPS Field Trip policy is also currently being revised. It is anticipated to be considered by the Board in February 2019.</p>
13. Lobby for changes outside the district that will make Oregon safer for students	<p>By 7/31/19</p> <p>A handful of bills have been introduced in the Legislature, including PPS's bill; stakeholder engagement and legislator outreach currently underway.</p> <p>The Senate Education Committee has a bill devoted to making fixes/closing gaps in statutes related to educator sexual conduct. PPS also has a bill that has been introduced by the Senate Education Committee, now chaired by Sen. Rob Wagner. It looks as if there will be one bill that will include the following:</p> <p>Education Committee, now chaired by Sen. Rob</p>

	<p>Wagner. It looks as if there will be one bill that will include the following:</p> <ul style="list-style-type: none"> • Align definition of “sexual conduct” in ORS with TSPC’s broader definition in OAR; streamline TSPC investigation process. • Be clear in statute that law applies to all district employees (including contractors and classified staff) and all students (current statute only applies to K-12 and does not include early childhood programs and community transition students). • Require disclosure if a teacher has been or is currently under investigation (update Oregon’s disclosure form to replicate Washington’s) • Require districts to complete investigation even if staff person resigns. • Increase in investigators at TSPC • Requirement to centralize investigations of sexual misconduct in TSPC.
<p>14. Revise AD 5.10.063 – to clarify that there is sufficient cause for corrective action without all four elements of sexual conduct</p>	<p>By 8/31/19</p> <p>On hold until revisions to ORS are completed</p>
<p>15. Require employees to check with the HR department before giving a reference to another employee or serving as a reference</p>	<p>In process</p> <p>Implementation team assessing options for policy/protocol changes, enforcement and deadline for completion</p>
<p>16. Designate a liaison between the PPB and the district to monitor cases involving allegations of sexual conduct by a PPS employee</p>	<p>By 9/30/18 completed</p> <p>Mary Kane is PPS designee; regular and ongoing coordination with PPB Sex Crimes Unit</p>
<p>17. Hire permanent Director of Title IX Policy, Training and Compliance</p>	<p>Position still occupied by Interim Title IX Coordinator; professional recruitment contract launched 1/15/19 after multiple attempts at filling this position.</p> <p>New Sexual Incident Response Coordinator (SIRC) Facilitator position created to support Title IX reporting, investigations and response in fall 2018; position filled 1/10/19; new employee to begin by 2/19.</p>