



Board of Education Informational Report

MEMORANDUM

Date: October 29, 2019 | **Updated and revised:** February 3, 2020 (see Attachment A)

To: Board of Education

From: Stephanie Soden, Executive Chief of Staff

Subject: Final Report: Implementation of Student Safety Recommendations

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

Since that time, a multi-disciplinary, cross-functional implementation team led by the Executive Chief of Staff met regularly to monitor and report progress and identify solutions. Over the course of this staff work, the Board received four quarterly reports on implementation progress. With most of the sixteen recommendations completed or well underway, this is the final formal report to the Board of Education. The work will continue across the organization and, led by the Director of Title IX Policy, Training and Compliance, Dr. Liane O'Banion, who joined PPS in July 2019. Attached to this report is a report to the Board from Dr. O'Banion that outlines some of her current work, including the creation of a multi-disciplinary Title IX Task Force.

Below is a complete list of the recommendations cited above and their status of their progress.

Finally, I'd like to thank the many district employees whose efforts contributed significantly to this work, including but not limited to: Robyn Faraone, Jonathan Garcia, Mary Kane, Alex Kahl, Liz Large, Brenda Martinek, Liane O'Banion, Sharon Reese, Lisa Rogers, Elisa Schorr and Courtney Westling.

Recommendation	Status Notes
<p>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</p>	<p>Completed Adult Sexual Misconduct Response (ASMR) and Sexual Incident Response Committee (SIRC) trainings were developed and presented to all school-based and central office employee groups in school year 2018-19. All PPS employees are mandated to complete online child sex abuse training in the fall of each school year.</p> <p>In school year 2019-20 and beyond, trainings will continue to be offered and developed/refined by the Director of Title IX Policy, Compliance and Training in consultation with HR and Legal.</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>Completed Comprehensive training of administrators and staff by Dr. Wilson Kenney and Joy Ellis. In July 2019, Dr. Liane O’Banion joined the district at Director of Title IX Policy, Training and Compliance and now provides consultation to HR staff during the course of all employee/student sexual conduct investigations.</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>Completed School Compliance Officers (SCO) have been designated in every building to review all student/student sexual misconduct cases and involve either “level one” or “level two” teams (counselors, SROs, SPED teams) in analysis and decision-making.</p> <p>For allegations of significant staff misconduct, HR, Legal and administrators meet regularly to discuss investigative findings and ensure appropriate disciplinary outcomes.</p>
<p>4. Implement a centralized tracking mechanism to document all sexual conduct complaints, including their outcome</p>	<p>Completed Origami Risk software, the vendor selected to track and document all employee incidents, including sexual conduct complaints, was implemented in June 2019.</p>
<p>5. Change the district’s union contract with PAT to ensure the protection of students</p>	<p>Completed Implementation of the new employee incident tracking will allow greater visibility to investigators for educators who have worked in multiple schools.</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 Recent negotiations with PFSP increased student safety by providing paraeducators and other classified staff access to information they need to respond to students’ unique needs. Specifically, classified staff will have access to the information that relates to their work with students in IEPs and 504 plans. The addition of the bilingual stipend also enhances students’ abilities to speak with adults in their first language.</p>

	<p>Recent negotiations with ATU created a full-time driver/trainer position ensuring new employees will have the tools they need to safely transport our students.</p> <p>The District is currently in negotiations with SEIU and DCU.</p> <p>None of these collective bargaining agreements contain language that automatically allows documents to be purged from the personnel file.</p>
<p>7. Improve the sexual conduct prevention and identification training provided to PPS employees</p>	<p>Completed As stated in #1, Adult Sexual Misconduct Response (ASMR) and Sexual Incident Response Committee (SIRC) trainings were developed and presented to all school-based and central office employee groups in school year 2018-19. All PPS employees are mandated to complete online child sex abuse training in the fall of each school year.</p> <p>In school year 2019-20 and beyond, trainings will continue to be offered and developed/refined by the Director of Title IX Policy, Compliance and Training.</p>
<p>8. Require sexual conduct prevention and identification training for PPS volunteers and contractors</p>	<p>Completed Child abuse and Adult Sexual Misconduct Response (ASMR) trainings were updated in fall 2018 and added to the PPS volunteer registration website. Volunteers must now confirm that they have completed these trainings when their background check is conducted. In addition, new volunteer tracking software, developed by Raptor Technologies, is being implemented in the fall of 2019 at all school sites to screen all volunteers working with students.</p> <p>All contracts with community partners who work with PPS students are required to complete the mandatory training modules required of district employees. Compliance is monitored through the district’s online training software.</p>
<p>9. Improve the sexual conduct prevention and identification training provided to PPS students</p>	<p>Completed New middle school health and sexual well-being curriculum was rolled out in 2018-19, accompanied by sexuality education basics and violence prevention professional development for educators. Health curriculum in development for K-5 includes safe body information.</p>
<p>10. Fix the materials relating to sexual conduct on the PPS website</p>	<p>Completed https://www.pps.net/titleix</p>

11. Exercise transparency and do not enter in resignation agreements that restrict disclosure of possible sexual conduct	Completed
12. Implement an adult/student boundaries policy	<p>Completed</p> <p>On October 15, 2019, a new Staff Professional Conduct Policy was approved by the Board. Administrator and principal training will occur in November.</p> <p>In addition, the PPS Field Trip policy was revised and approved by the Board on March 13, 2019.</p>
13. Lobby for changes outside the district that will make Oregon safer for students	<p>Completed</p> <p>In the 2019 legislative session, PPS led the effort to successfully pass Senate Bill 155, the comprehensive bill addressing educator sexual misconduct, including an update to the definition of sexual conduct, shorter investigatory timelines managed by the Teachers Standards and Practices Commission (TSPC), aligned statutory language with the Every Student Succeeds Act, and other important technical changes.</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>Completed</p> <p>The District has revised AD 5.10.063. As a result of successful Interest Based Bargaining with Portland Association of Teachers, a memorandum of understanding was co-developed which prescribes the process for PAT members to take their appeals of sexual conduct findings to arbitration. All other district employees will follow the appeal process outlined in AD 5.10.063.</p>
15. Require employees to check with the HR department before giving a reference to another employee or serving as a reference	<p>Partially Completed</p> <p>Under SB 155, beginning January 1, 2020, school employees will be prohibited from assisting other school employees, contractors, or agents in obtaining a new job if the school employee knows or has probable cause to believe the school employee, contractor, or agent engaged in abuse or sexual contact with students. Guidance for employees, which will require references to go through HR, is currently being developed.</p>
16. Designate a liaison between the PPB and the district to monitor cases involving allegations of sexual conduct by a PPS employee	<p>Completed</p> <p>The PPS Title IX Director is the designated liaison with PPB and other community partners regarding allegations of sexual conduct.</p>
17. Hire permanent Director of Title IX Policy, Training and Compliance	<p>Completed</p> <p>On July 8, 2019, Dr. Liane O’Banion started employment with PPS as the new Director of Title IX Policy, Training and Compliance.</p>

Attachment A

Board of Education supplemental questions and staff responses

February 3, 2020

Recommendation #1:

Question submitted on 10/28/19: It says that all school and office based staff receive ASMR and SIRC training in 2018-19. Did all new staff (central and school based) in 2019-20 also receive training and is this baked into our new hire training, especially for those who arrive at points other than the first of the school year?

Answer (Submitted 10/29/19): New and continuing PPS staff are required to complete the following as it relates to Adult Sexual Misconduct Response (ASMR) training:

- 1) Child Abuse Prevention and Reporting (includes identifying sexual abuse);
- 2) Discrimination, Harassment, Bullying and Retaliation (includes info about how to report and prohibited retaliation following report); and
- 3) Staff to Student: Sexual Conduct (from Safer Schools).

Sexual Incident Response Coordination (SIRC) trainings are required for School Compliance Officers who are administrators identified in each school building as responsible for responding to student-student incidents. SIRC is not an investigatory framework, rather, it is one component of a comprehensive Title IX response, and is focused on student safety. A comprehensive framework for response to incidents under Title IX is currently in development and led by the Title IX Director in consultation with the proposed Title IX Task Force. There will be a sub-committee of task force members focused on recommendations for districtwide rollout and implementation of new protocols for investigation. This work is led by the Title IX Director in partnership with the Multi-Tiered System of Support's (MTSS) Discipline and Student Conduct Coordinator in an effort to create an investigatory protocol for any student-student incident (including, but not limited to Title IX).

Recommendation #2:

Question submitted on 10/28/19: With the arrival of many new administrators this fall, are they aware of the requirement that a specialized trained investigator is required to investigate complaints?

Answer submitted on 10/29/19: The new Title IX Director is working to ensure compliance and consistency across school buildings beginning with updating SCOs in every building. Information was shared at the PPS Leadership Institute in August (for administrators), and a Title IX-specific investigation training is scheduled for the monthly admin meeting in January. Information and new resources available to assist in investigations went to all admin's in early-September (Admin Connect), which included links to resources and ways the Director can support school administrators by conducting investigations, providing support to families and students who are impacted or harmed by gender-based discrimination/harassment. The SIRC Coordinator is also available to partner with buildings admins when SIRC is needed for safety planning and regularly consults and conducts the SIRC protocol on-site.

Recommendation #3:

Question submitted on 10/28/19: Are School Compliance Officers (SCO) internal or external facing (to the school community) positions? If they are to be visible to the school community, how do students or parents know who they are?

Answer submitted on 10/29/19: Most SCOs are either principals or AP/VPs. Their role is an internally focused one, per the SIRC and ASMR protocols, however, in the capacity as building administrators, they are external facing to the school community. Title IX complaints which require investigation are conducted by the SCO or in partnership with the Title IX Director. Follow-up with families and/or with students harmed by such incidents is conducted in a multi-tiered and interdisciplinary approach dependent on severity, and the student/family's desire for advocacy, support and/or resource referral. Posters will be disseminated to each school building listing the SCO and alternate reporting options (DHS, Safe Oregon, 911) for child sexual abuse. The posters meet our SB 155 notification obligation, have been printed and are being distributed now. For student-student harassment, sexual and dating violence and/or bullying, poster creation is in-progress and will have both the SCO contact, Title IX Director, and a QR code for direct reporting to Title IX listed. These are scheduled to be printed this week.

Question submitted on 12/10/19: Can you send a copy of the poster and are they up in all the schools now? Are they in all school levels, or just schools with grades 6-12?

Answer (submitted on 02/03/20): Below is the poster that has been sent to all comprehensive high and middle schools with instructions on where to post and who to list in the School Compliance Officer (SCO) box. The next phase of poster delivery will focus on K-8 and elementary schools.



REPORT TO:
SCO
DHS
(855) 503.SAFE
911
SAFE OREGON



OREGON SENATE BILL 155
PROTECTS STUDENTS FROM
ADULT SEXUAL MISCONDUCT.
LEARN MORE AT:

WWW.PPS.NET/TITLEIX

Recommendation #4:

Question submitted on 10/28/19: Has Origami been populated with old cases so that we have an up-to-date database for all current employees? How many incidents have been logged for 2019-20?

Answer submitted on 10/29/19: No. Origami holds all incidents that were open as of July 1, 2019, as well as all new employee incidents since July 1. 176 employee incidents have been entered since Origami's implementation. (This number excludes legal matters and grievances.)

We will have a data conversion estimate for bringing ProLaw data into Origami by the end of December, and at this time are working under an assumed goal of conversion by the end of June. In the meantime, we continue to rely on and access ProLaw data for historical information. As older incidents related to new and current cases are encountered, they have been manually moved to Origami.

Question submitted on 12/10/19: What is the status of the data conversion?

Answer submitted on 02/03/20: Data conversion is still not complete due to the limitations of ProLaw (which requires significant manual effort), limited resources, and other systems implementation taking precedence. A budget request for the 2020-20 budget of \$200,000 to allocate resources to Legal and HR has been submitted to complete full conversion.

The next step after completed ProLaw transition is review of hard files, many or most of which pre-date ProLaw. Employee incidents in these files are catalogued via Excel spreadsheets; however, a full review of these files is not in scope for 2019-2020. It will be part of the budget request for 2020-2021.

Question submitted on 12/10/19: What budget chart field/function budget will include the request?

Answer submitted on 02/03/20: This will show up in both HR and Legal budgets and will be noted as such for easy reference.

Recommendation #6:

Question submitted on 10/28/19: It says that none of our collective bargaining agreements contain language that allow for the automatic purging of documents. I thought the PAT-PPS agreement still has a six-year purge. Do you mean that for sexual misconduct incidents, specifically, there is no auto purge because they would be in Origami?

Answer submitted on 10/29/19: Yes. For reference, here is the relevant PAT CBA language: "A Letter of Expectation must conform to the template agreed upon by the parties (Appendix K). Letters of Expectation shall be placed in the official district personnel file. Letters of Expectation shall be removed from the official district personnel file after six (6) years."

Therefore, the current PAT CBA allows for purging of Letters of Expectation after 6 years from the personnel file. The documentation is not purged from District files, however, as any documents regarding an investigation, regardless of outcome, will be captured in Origami.

It is important to note that no other documents are ever purged from the personnel file.

Recommendation #8:

Question submitted on 10/28/19: What does Raptor Technologies Screen volunteers for? Sexual offender status and what else? When will this be in all schools and is it in our alternative programs?

Answer submitted on 10/29/19: Raptor Technologies is a new visitor and volunteer management system that improves our ability to track who is in our buildings by scanning their government issued IDs and keeping a database of all entries and exits. The system prints name badges with the person's photo, the date, and their destination within the building. Thus, everyone in the school will either have a staff, contractor or a Raptor badge. Visitors who enter the school for brief periods are scanned into the system and their name and date of birth is checked against the public sex offender registries (all states).

Any person who will be volunteering for PPS, and have the potential for unsupervised contact with students needs to follow the steps provided at www.pps.net/volunteer, which includes reviewing the Volunteer Code of Conduct and Volunteer Training (child abuse and adult sexual misconduct training). Then they complete the online volunteer application, which includes a signed acknowledgement (using their mouse to sign name) that they reviewed the Volunteer Code of Conduct and Volunteer Training and that they will abide by those guidelines. Once the volunteer application is submitted online, PPS Security Services runs a criminal background check on the individual and approves or declines their volunteer application, and it sends them an email notification. Then when the volunteer comes to the school, staff will scan their ID, which will save their scanned photo and match the person's name and date of birth from their ID with their volunteer application. It will also check the sex offender registry every time the person signs in.

Raptor will be installed in 96 PPS sites by 11/22/2019. The school sites include schools, administrative offices, special option programs and most alternative programs. (It was offered to DART and Columbia Regional but they declined.) A full list of sites and installation information is available [here](#).

Recommendation #9:

Question submitted on 10/28/19: When will training on the new Professional Conduct policy happen with all our employee groups, volunteers, contractors? Only admins and principals are mentioned. How is the information in the field trip policy conveyed to trip chaperones?

Answer submitted on 10/29/19: Senior leadership, building administrators and principals are receiving training in November. Other employee groups roll-out is still in the planning stages with a combination of in person and online training being developed.

Question submitted on 12/10/19: Did the November training occur? Plan for other employee groups?

Answer submitted on 02/03/20: Information relating to the new policy was sent to all employees on November 12, 2019. Training for senior leadership, building administrators and principals occurred at Administrative Leadership in the fall. In addition, all substitutes received training this fall. Going forward, the district's training plan and approach is being reassessed with the departure of Carol Hawkins, who previously led this responsibility.

The revised field trip policy was announced in March on the PPS website. School secretaries are responsible for ensuring field trip chaperones are approved as volunteers (see answer to recommendation #8 above regarding volunteer training and registration) and a link to the revised policy will be added to the volunteer web page to serve as an additional reference.

Question submitted on 12/10/19: Is there an affirmative action they need to take confirming they have read it?

Answer submitted on 02/03/20: Not at the district level; enforcement and follow up varies per school site.

Recommendation #15:

Question submitted on 10/28/19: When is the guidance on providing references for employees going to be developed and how will it be conveyed?

Answer submitted on 10/29/19: Guidance to employees for compliance with SB 155 is being developed, including information on connecting with HR when requests for references are received. This guidance is scheduled to be released in advance of the January 1, 2020, effective date.

PPS does not give employment references, only employment verifications. Beyond the requirements of SB 155, the efficacy of prohibiting individual employees from speaking to potential employers about colleagues when asked outside formal HR channels has challenges, and there are currently no additional policy changes contemplated beyond SB 155.

Question submitted on 12/10/19: Has the guidance been released?

Answer submitted on 02/03/20: SB 155 guidance has not yet been distributed but will be sent this month in the weekly Admin Connect newsletter.

Question submitted on 12/10/19: The answer related to employment references is a more nuanced answer than previously provided. Does PPS share its point of view about employees offering references for colleagues?

Answer submitted on 02/03/20: PPS does not have a policy requiring employee references to go through HR.

Recommendation #17:

Question submitted on 10/28/19: How will students and parents know we have a Title IX director? There are many innovative ways to share this information (school postings where students congregate) that universities currently use; I'll be interested to hear how we make this information accessible to students.

Answer submitted on 10/29/19: The new Title IX Director has done the following (to date) to increase visibility to the community:

1) PPS Pulse article in September to all students/parents highlighting her role and the #metooK12 movement and partnership with local organizations;

- 2) Conducted listening sessions with student clubs/org that advocate for change;
- 3) Posted new stickers in all high/middle school bathrooms with contact info (including cell #);
- 4) Simplified reporting by creating online form linked to PPS website;
- 5) Revamped the PPS Title IX website for students/parents adding clear, accessible language about how to make a complaint, what happens once a complaint is made, and what options are available for those experiencing harm, created comprehensive links to advocacy, community resources, etc.;
- 6) Created 16x20 poster for each building (all grades) to fulfill new Senate Bill 155 notice requirement on child sexual abuse reporting;
- 7) Partnered with non-profit, Stop Sexual Assault in Schools (SSAIS) to encourage activism with hashtag metooK12 and included SSAIS's highlighting new director and PPS resources across various social media platforms;
- 8) Increased visibility for PPS in interview for national magazine, Education Weekly;
- 9) Offered to middle/high school PTAs to present at parent or other info nights and or facilitated listening session opportunities);
- 10) PPS Pulse article submitted highlighting partnership w/confidential and healthy relationship advocates (scheduled for first week of Nov); and
- 11) Scheduled to conduct listening sessions with SAFER and other student clubs/orgs.

The director will soon complete the following efforts to increase visibility to the community. **completed?**

1. Embed the district Title IX webpage into each school's website menu (either under Sexual Violence/Response Resources, Bullying/Harassment or appropriate menu - each school a little different);

Question submitted 12/10/19: Has this been completed?

Answer submitted 02/03/20: Embedding the district's Title IX web page into individual school websites has proved difficult to accomplish because it requires links and information uploads to be done manually. There is confidence that the district's Title IX page is referenced and used regularly by building administrators. At January's Admin Leadership, a comprehensive Title IX training occurred, including promotion of the website and district resources.

2. Request opportunity to meet with all high/middle school GSA's or SAFER/consent Clubs to conduct listening session or advocacy planning (currently gathering info from each school site and coordinating with district LGBTQ+ liaison); and

Question submitted 12/10/19: Has this been completed?

Answer submitted 02/03/20: This work is currently underway. Strategies include direct communication and engagement with club faculty advisers by specific school site; the creation of a Title IX Instagram account that links to school-based SAFER and GSA clubs and invites students to join a student advisory group; and direct outreach to families and students through communication with PTAs. This work is ongoing and will evolve over time.

3. Co-sponsor "Consent Convergence" w/variety of community orgs which will host approximately 300 PPS students this spring.

Question submitted 12/10/19: Has this been completed?

Answer submitted on 02/03/20: The district is still sponsoring Consent Convergence; planning is currently underway.

