

**School District No. 1J, Multnomah County, Oregon  
Board Special Meeting of May 10, 2018**

**INFORMAL MINUTES**

A Special Meeting of the Board of Directors came to order at 4:05pm at the call of Chair Julia Brim-Edwards in the Board Auditorium at the Blanchard Education Service Center, 501 N. Dixon Street, Portland, Oregon, 97227.

There were present:

Board of Directors:

Julia Brim-Edwards, Chair  
Rita Moore, Vice-Chair  
Julie Esparza Brown, Vice-Chair  
Am Kohnstamm  
Paul Anthony  
Scott Bailey  
Mike Rosen

Staff:

Guadalupe Guerrero, Superintendent  
Liz Large, Interim General Counsel

Chair Brim-Edwards indicated that the purpose of the Special Meeting was to receive the *Report to the Portland Public Schools Board of Education: Findings and Recommendations of the Whitehurst Investigation Team*. The Board received background information and were introduced to the Whitehurst Investigation Team (Team). The Team provided highlights of the Report, including the findings and recommendations.

Ms. Large stated that the Report would have some redactions, mostly to protect the privacy of the former students who shared their stories with the Team. Some students gave permission for their stories to be told. The independent investigative team was free to ask the questions they needed to and they were not the ones who made the redactions.

Bob Weaver, head of the Team, reviewed thousands of documents from PPS, Miller Nash, TSPC, the Portland Police Bureau, and community members. In addition, they searched emails from 2011 to the present. There was no way to access earlier emails. Older documents were stored in a manner that they could not be found is one issue PPS has. In 2001, the Portland Police Bureau took over policing of the schools, and the records of those independent officers with PPS had been archived but were not to be found. Another challenge, some documents that the Team believed were important per purged or destroyed due the Portland Association of Teachers contract. PPS lacks an effective document management systems and that was a systemic failure which contributed to the district not being able to connect the dots with Mr. Whitehurst and the many schools he worked at. The Team interviewed over 100 witnesses and nearly all witnesses were credible. On very few occasions over the last 32 years, Mr. Whitehurst was spoken to regarding his sexual intentions. The Team found many witnesses who testified to his sexual harassment. By asking students to meet him in his hotel room to have sex was illegal conduct. But his conduct went largely undetected by supervisors. Follow-up with him was not documented, not maintained in his personnel file, and not passed on to the next principal he worked for. Nothing ever arose to discipline status. District investigations of students were inadequate and incomplete. There is a lack of documentation regarding his sexual conduct. What documentation there is was transient and not well tracked. PPS lacks a viable records management system; building files were

purged when administrators or Mr. Whitehurst moved from schools. No one saw the whole picture; each department kept their own files and there was no coordination. Important evidence was lost along the way. Administrators under-reported Whitehurst's sexual conduct or did not proceed with appropriate discipline for it. Administrators told the Team that they had limited resources and that it was time consuming for discipline. They did not feel Human Resources or the Board had their back. All did their job and stopped and expected others to pick it up and do their part. This fragmented system resulted in a failure to do what was necessary to get the job done and keep students from harm. The Team found failure by PPS employees at all levels. If a thorough investigation by the Human Resources department had occurred both in 2001 and 2008, they would have marked removal of Mr. Whitehurst from PPS. In 2016, inadequate investigations were performed by building administrators and the General Counsel. All were satisfied that it was just rumors. There is no documentation on how this decision was reached.

The investigation discovered two incidences where some of Mr. Whitehurst's conduct came to the attention of local law enforcement, first in 2001 and secondly in 2013. In both instances, there were failures either by individuals or the system that led to those not being resolved as they should have. It was recommended that PPS, the Portland Police Bureau and the District Attorneys Office form a group and that they share all information about a PPS employee who is referred for criminal conduct.

The Team recommended the following:

- Improve training on how to prevent, identify, and report sexual misconduct in four ways. Require the same training for PPS volunteers and independent contractors.
- Improve the training provided to PPS students. Materials on the website need to be corrected, including outdated information.
- How to respond to a report of sexual misconduct: introduce new procedures, training all administrators and Human Resources staff who receive a complaint to document it and report all to a central employee.
- Centralized documentation is needed.
- PPS needs an investigator or Title 9 Coordinator and take it out of the hands of the building administrator. A core group of administrators, including all mentioned above, should make a decision in investigating and discipline.
- Implement a centralized tracking mechanism.
- Address certain decisions with PAT to keep students safe. This should not be controversial. It appears that in the PAT contract, the protection of students is taking a backseat to the protection of a teacher.
- Do not purge notes in a building file. The Team advises against the building administrator conducting the investigation, as is stated in the PAT contract.
- Exercise transparency with employee separation. PPS allows an employee to resign instead of being fired.
- Cease resignation agreements with sexual misconduct employees. They should not be allowed to continue in their career with students.
- District adopt a student/adult contact policy. Make it clear. Many school districts have this policy. Require PPS employees to check with the Human Resources department before providing a reference for a former employee.
- Lobby for changes at the state level to revise sexual conduct by school employees.

The Team stated that their report was evidence-based - based upon what they read and heard – not on supposition or innuendo or guesses.

Vice-Chair Moore stated that it was a very thorough report and painful to read.

Chair Brim-Edwards asked how PPS could have three decades of most people doing their jobs, what was the specific item of accountability for people doing more than just their job. The Team responded that they did not see it as an employee not doing everything they could; that is not a failure. Mr. Whitehurst should have been tagged by his repetitive behavior. It was a system failure. All reports need to be placed in one database. There was no department or position that said "I own this".

Vice-Chair Esparza Brown indicated that PPS has some Pre-K classrooms and asked if the law pertains to those classrooms also. The Team responded that PPS has an obligations to report. For the District, you would always report the educator for inappropriate behavior. At a previous Board meeting, the Board asked then Interim Superintendent Bob McKean what needed to change in the district. He and former Human Resources Chief Sean Murray reviewed the Human Resources policies and put training in place. McKean thought the training was adequate. He did not report bac to the Board and the Board never asked him to report back.

Vice-Chair Esparza Browns stated that children should not need to survive school. Many courageous young women came forward and reported the abuse but no one took them seriously enough to investigate. This is a wake-up call for all of us. We have to believe what we are hearing from students.

Vice-Chair Moore commented that the report was painful to read and it was infuriating. It documents an appalling and persistent breach of trust on the part of PPS. For 32 years, a child predator exploited young women and PPS allowed it to happen. Student complaints were routinely dismissed, even with reports of gross misconduct. And as a result, students were harmed immensely. We owe those students and their families not only an apology, but a commitment to action so that this never happens again. A dysfunctional system hindered individuals to stop the abuse.

Director Anthony mentioned that the District system did not happen by accident. It was the product of decisions by Superintendents Vicki Phillips and Carole Smith, along with previous Boards and District leadership. The District system was constructed to hide problems; students were placed second. The report cannot do anything to change the behavior of the District. Director Anthony noted that on pages 110-115 of the report, building administrators admit to not having a good working knowledge of Board Policies and Administrative Directives.

Director Kohnstamm stated that at every level, the District failed our biggest responsibility – to hold the child at the center of every decision. We saw failures in all levels. There is a historic lack of accountability at the District and we need a reformed organization.

Director Bailey invited the public to hold the Board accountable with the recommendations, along with the broad cultural changes needed.

Director Rosen stated that what he read was shocking and disturbing and that the District was broken. However, he is confident that if the Board fully commits to the recommendations of the report, this will never happen again.

Superintendent Guerrero added that he was appalled and upset by the findings of the report. There were failures at all levels of the District and children were harmed. That is unacceptable. His thoughts are with those students who were hurt. PPS will move forward and do what is right.

Chair Brim-Edwards commented that everyone had work to do; everyone has a role to play to make sure this does not happen again.

Chair Brim-Edwards adjourned the Special Meeting at 5:58pm.

Submitted by:

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Caren Huson-Quiniones, Board Clerk  
PPS Board of Education