



# Board of Education Informational Report

## **MEMORANDUM**

**Date:** October 29, 2019

**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><b>Completed</b> 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><b>Completed</b> 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><b>Completed</b> 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><b>Completed</b> 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><b>Completed</b> 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><b>By 12/31/19</b> 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><b>Completed</b>  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><b>Completed</b>  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><b>Completed</b>  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><b>Completed</b>  <a href="https://www.pps.net/titleix">https://www.pps.net/titleix</a></p>

11. Exercise transparency and do not enter in resignation agreements that restrict disclosure of possible sexual conduct	<b>Completed</b>
12. Implement an adult/student boundaries policy	<p><b>Completed</b></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><b>Completed</b></p> <p>In the 2019 legislative session, PPS led the effort to successfully pass <a href="#">Senate Bill 155</a>, 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><b>Completed</b></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><b>Partially Completed</b></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><b>Completed</b></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><b>Completed</b></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>



## **Title IX Task Force Charter**

Submitted to the PPS Board of Education

October 29, 2019 by Title IX Director

### **CONTEXT/OBJECTIVE**

Title IX of the Education Amendment of 1972 is the federal civil rights law that protects students from discrimination based on sex in any education program that receives federal dollars. It states, "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance."

The Title IX Task Force, led by the district's new Title IX Director, will engage the PPS community in a collaborative, proactive approach to improving the district's response to incidents of discrimination and harassment within PPS schools. This multidisciplinary team of practitioners will engage in a comprehensive review of Title IX, SIRC (Sexual Incident Response) and adjacent policies and practices, make recommendations for change, and ensure accountability for district-wide comprehensive, proactive, and trauma-informed responses.

We are currently seeking nominations (or self-nominations) of PPS staff, administrators, students, parents, community organizations and others whose unique perspective, experience or expertise are crucial to the re-envisioning of Title IX policies and response and/or who are passionate about this topic.

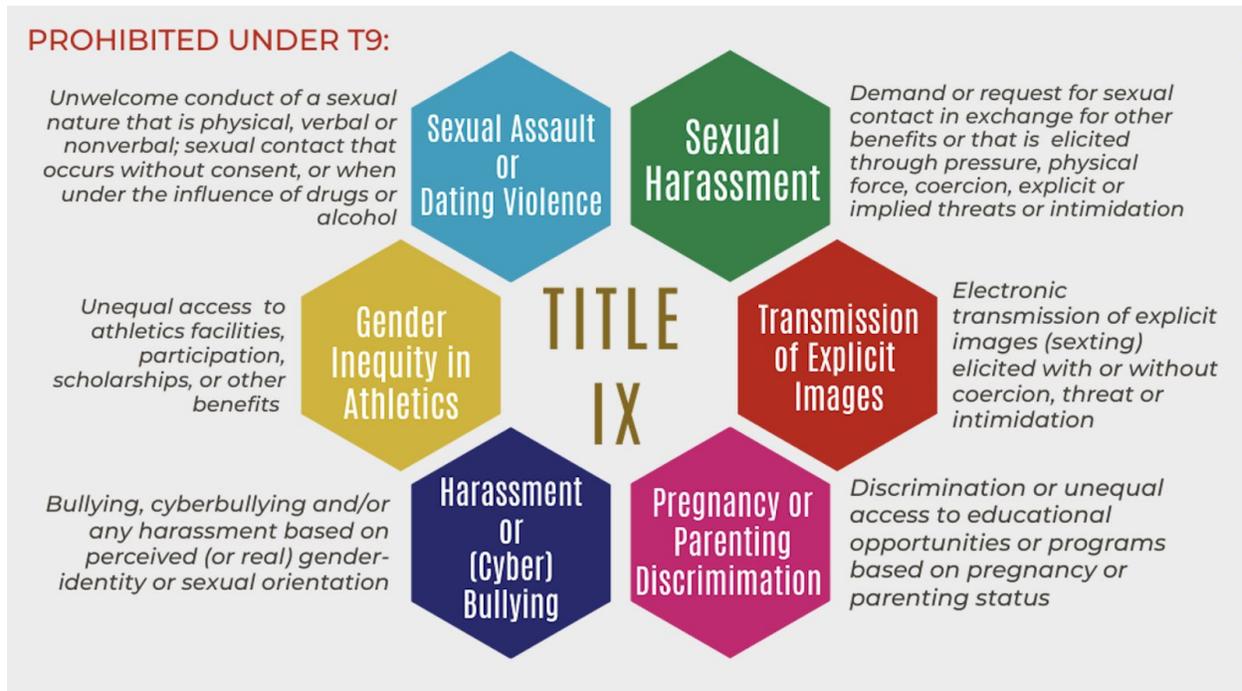
### **HISTORY**

The Task Force is informed by the *Whitehurst Implementation Team*, which disbanded September 2019, and will continue to build on its momentum. The task force will begin by examining student-student behaviors prohibited under T9 with the intention of incorporating adult-student matters in later iterations. In the interim, situations involving a PPS staff member or contractor will remain under the leadership of Employee & Labor Relations, a division of Human Resources.

### **SCOPE**

Title IX applies to any incident or behavior that interferes with a child's ability to safely access education in an environment free from discrimination. Initially, the task force will focus on student-student incidents but will address the application of Title IX to employees, volunteers and/or contractors at a later time.

The following illustrates behaviors covered by comprehensive Title IX protocol:



## PURPOSE

- To provide stakeholders an opportunity to offer institutional history, feedback and perspective across diverse constituencies district-wide;
- To include perspectives of multidisciplinary stakeholders from key community partners critical to the success of this work (ex: DHS, PPB/SRO's, Raphael House, etc.);
- To invite participation (as needed) from subject-matter experts in discussions of recommendations for improvement and/or change (ex: health educators, PE, coaches, counselors, etc.);
- To create opportunities for PPS students, parents, and community members to offer their unique perspectives in an action-oriented environment;
- To offer a forum for ongoing concerns relevant to T9/SIRC implementation;
- To assess consistency across schools/programs, and ensure fair, impartial and timely responses through centralized reporting and tracking of data to identify patterns of behavior;
- To evaluate the formal integration of T9 into existing disciplinary/hearing procedures and align with best/emerging practices;
- To evaluate current community partnerships and make recommendations for future collaborations;
- To assess district-wide SIRC training efficacy, ongoing curricular needs (ex: Erin's Law curriculum); and

- To make recommendations to the T9 Director for continuous improvement across all practices, procedures, policies, etc. and accountability

### **FEDERAL, STATE & LOCAL STATUTES**

Applicable PPS policies and administrative directives will be reviewed for consistency with federal and state statutes and other legal obligations. Special attention will be paid to ensuring alignment of PPS policy with Oregon House Bill 3077 (signed into law on July 2019) and anticipated U.S. Department of Education and Office of Civil Rights (OCR) regulations, currently working their way through the Notice of Proposed Rulemaking (NPRM) process, and expected in late 2019. Finally, integration of emerging, promising practices in K-12 literature will be considered for appropriateness and feasibility within Portland Public Schools.

### **COMMITTEE COMPOSITION**

*Chair:* Dr. Liane O'Banion, Title IX Director

*Membership (TBA) solicited through active recruitment and nomination:*

*Phase 1\*:* PPS stakeholders, community agency reps (ex: PPB/SRO's)

*Phase 2:* Invite parents, students and community members to engage in ongoing discussions about improved response to incidents of sexual misconduct in schools both as members of the task force and through opportunities for broader community involvement (surveys, focus groups, etc.).

*\*While the initial phase of the task force will begin with PPS and adjacent community partners; phase two will include PPS student and parent voice, a critical constituency in the advancement of best and emerging practice.*

### **TRANSPARENCY**

Timely updates regarding ongoing projects, changes to stated goals or charter, and timeline will be available to PPS employees via the T9 webpage ([www.pps.net/titleix](http://www.pps.net/titleix)) under the *Resources - PPS Staff* tab. Once Phase 2 begins, PPS students, parents and/or community members will have access to the Phase 2 updates and materials, also available via the T9 web page under *Resources - PPS Students/Parents*.

### **TIMELINE**

Anticipate identification of members between November-December 2019; first task force meeting to commence no later than late-December 2019. Initially, the full task force will convene until smaller, focused working groups are identified.

### **NOMINATIONS**

If you are interested in participating, please nominate yourself or consider nominating a colleague to join the Title IX Task Force. For more information on Title IX, please visit the newly revised Title IX website at [www.pps.net/titleix](http://www.pps.net/titleix)

[CLICK HERE TO NOMINATE YOURSELF OR A COLLEAGUE!](#) Link to nomination form also available on [www.pps.net/titleix](http://www.pps.net/titleix)