

Portland Public School District 1st Reading

DATE OF FIRST READING: May 23, 2023

PUBLIC COMMENT for the rescission of the following policies:

- **Policy 3.30.020-P: Limitations On Use Of Facilities and Grounds – All Groups or Individuals**
- **Policy 3.30.030-P: Limitation On Use Of Facilities And Grounds – (Non-students)**

The Portland Public School District is providing Notice of Proposed Revised Policy and Public Comment to offer interested parties reasonable opportunity to submit data or comments on the proposed policies noted below.

Public comment may be submitted in writing directly to the district or through the district website noted below. Written comments must be submitted by 5:00pm on the Last Date for Comment listed below.

**Open for Comment until at least:
May 23, 2023**

Summary:

- Policy 3.30.020-P: Limitations On Use Of Facilities and Grounds – All Groups or Individuals
- Policy 3.30.030-P: Limitation On Use Of Facilities And Grounds – (Non-students)

1st Reading by: Director Eilidh Lowery, Portland Public School Board, Policy Committee Chair

Recommended for a 1st Reading by: Portland Public Schools Board of Education Policy Committee

Draft Policy Web Site: <http://www.pps.net/draftpolicies>

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Draft Policy Comment Form: <https://forms.gle/VqYbmVA36qqADj6n6>

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PORTLAND PUBLIC SCHOOLS
OFFICE OF PLANNING AND REAL ESTATE

501 North Dixon Street / Portland, OR 97227
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Date: May 11, 2023
To: School Board
From: Mary Kane, Senior Legal Counsel
Subject : Policy Rescissions:

- 3.30.020-P Limitations On Use Of Facilities and Grounds - All Groups or Individuals
- 3.30.030-P Limitation On Use Of Facilities And Grounds - (Non-students)

BACKGROUND & ANALYSIS

Portland Public Schools (District) makes its facilities available for community use before and after school and on weekends through permits issued by its Civic Use of Buildings (CUB) office. This is an important service the District provides to the community, and the facilities and grounds are extensively used.

The Board is hearing the second reading of amendments to the 3.30.010-P Community Use of School Building and Facilities tonight. 3.30.020 Limitations On Use Of Facilities and Grounds-All Groups or Individuals Policy and 3.30.030 Limitations on Use of Facilities and Grounds-(Non-students) are related policies that set out protocols and limitations for use of District property.

Staff recommends incorporating the procedural language contained in these policies:

- 3.30.020-P Limitations On Use Of Facilities and Grounds - All Groups or Individuals
- 3.30.030-P Limitation On Use Of Facilities And Grounds - (Non-students)

into a new Administrative Directive, 3.30.013-AD, as authorized by the revised CUB Policy 3.30.010-P Community Use of School Buildings and Facilities. The specific content of those policies is better suited for an Administrative Directive that maintains fidelity to the overarching policy. If the Board votes to rescind these two policies, staff will present the amended AD to the Superintendent for approval.

RELATED POLICIES/BEST PRACTICES

- Board Policy 3.30.010-P Community Use of School Buildings and Facilities
- Board Policy 8.70.040-P Preservation, Maintenance, and Disposition of District Real Property

FISCAL IMPACT

None.

COMMUNITY ENGAGEMENT (IF APPLICABLE)

There was no community engagement as the purpose of the rescission is to change the form and not the substance of the practices from a policy to an administrative directive. There will be at least 21 days for public comment after the First Reading of these proposed changes.

TIMELINE FOR IMPLEMENTATION / EVALUATION

The rescissions would be implemented immediately. As noted above, staff has drafted a proposed Administrative Directive incorporating the substance of the rescinded policies and will present them to the Superintendent for signature once the Board votes on the rescissions.

STAFF RECOMMENDATION

Staff further recommends that the Board rescind policies 3.30.020-P and 3.30.030-P as they outline procedural requirements better served in an Administrative Directive.

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

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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.

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(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.

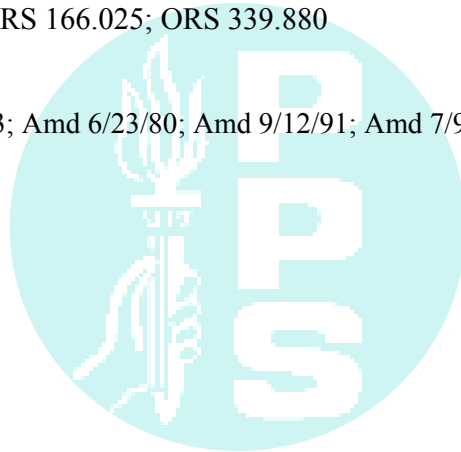
- (12) **Gang Activity.** Individuals shall not in school buildings or on school grounds wear, possess, use, distribute, display or sell any clothing, jewelry, emblem, badge, symbol, sign or other items which are evidence of membership or affiliation in any gang; use speech or commit any act or omission 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.

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- (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



3.30.030-P Limitation On Use Of Facilities And Grounds – (Non-students)

- (1) **Political Activities:** Invitations to Address Students Extended to Public Officials, Candidates for Public Office and to Opposing Sides of Ballot Measure.
 - (a) In furtherance of their education for citizenship, students should have the opportunity in school to hear from opposing sides with respect to ballot measures. The Board welcomes the expression of diverse viewpoints on political issues and ballot measures.
 - (b) If a teacher intends to extend an invitation to a public official, candidate for public office or proponent or opponent of a ballot measure to appear before a class, the teacher shall proceed in accordance with Board policies and Administrative Directives for inviting resource speakers to speak to class and shall, to the extent practicable, offer reasonably equivalent opportunities to opposing candidates and sides.
 - (c) With respect to other invitations from either a teacher or a student, the teacher or student shall make arrangements with the principal or an established assembly committee of the student body, prior to extending the invitation, as to the time and place of the appearance and shall offer reasonably equivalent opportunities to opposing candidates and sides. Such a meeting shall not interfere with the school program, and attendance at such meetings shall be voluntary. Should the principal conclude that in unusual circumstances the appearance of a particular speaker would endanger the safety of students, they shall deny the request and report this decision immediately to the superintendent, the assembly committee involved, and the individual making the request.
 - (d) If the principal or the assembly committee extends an invitation, reasonably equivalent opportunities shall be offered opposing candidates and sides.
 - (e) There shall be no soliciting of funds, distribution of literature or other activities for political purposes by employees of the district while on duty.
- (2) **Advertising Performances in Schools.** No material of any nature advertising the performance to be presented under the auspices of any person or organization shall be placed or distributed on school premises by persons not students, unless the proceeds of such performance are to be used for benefits of the schools of this district, except as provided below:

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- (a) The offices of the superintendent may grant to organizations desiring to advertise concerts and similar activities the privilege of placing folders in the teachers' mail boxes in the various schools;
- (b) In instances when the performance may be providing a significant educational experience for the students, the offices of the superintendent may grant permission to place announcements on hall bulletin boards designated by the principal of each school.

(3) **Cafeteria Service Facilities.**

- (a) Organizations may be permitted to use the cafeteria and kitchen facilities in keeping with Civic Use of Buildings policy and application procedures and the following provisions:
 - (A) Nonprofit organizations (fraternal, church, community) may use the kitchen facilities for serving or assembling of food prepared outside.
 - (B) All functions requiring the use of an elementary, middle or high school kitchen and/or equipment for the preparation of foods shall be supervised by Nutrition Services staff. Employee costs shall be paid by the organization;
 - (C) Use of the facilities will be limited to the warming of food prepared outside, under the supervision of cafeteria employees.
- (b) Elementary and middle school kitchen facilities may not be used for serving or assembling of food prepared outside the district without the supervision of Nutrition Services employees. Use of such facilities will be limited to warming of food prepared outside or foods determined by the Director of Nutrition Services which require minimal preparation such as making coffee or warming hot dogs. When major food preparation is required, such organizations will employ Nutrition Services staff to supervise the use of the facilities;
- (c) Equipment may be operated only by Nutrition Services employees;
- (d) All such applicants requesting use of cafeteria or kitchen facilities shall, following district facility approval, contact the Office of Nutrition Services to review use specifics, special needs and any additional requirements imposed by the district.

- (4) **The Use of School Equipment.** In order to assure that equipment provided in the schools for the education of young people shall be most beneficially used for that purpose, school equipment shall not be loaned or rented for use outside the building or off the grounds of the school to non-

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school organizations with the exception of audiovisual equipment used to provide information about the Community School Program.

Legal References: ORS 260.432; ORS 260.605; ORS 294.100; ORS 329.125; ORS 332.107; ORS 332.172

History: Adpt 1/15/96; Adpt 6/71; Amd 8/28/72; Amd 6/23/80; Amd 11/10/83; Amd 7/95; Amd 1/15/96; Amd 9/9/02; BA 2419

