



Staff Analysis and Report to the Board

Date: September 27, 2018

To: The Board of Education

From: Liz Large

Subject: Public Information Program Policy 7.30.010-P

BACKGROUND

The Board and Superintendent have recognized a need to review existing policies and administrative directives to update content and make relevant information more easily accessible to users. As part of that process, staff is in the process of identifying policies for amendment or rescission. This policy recommendation results from that work.

RELATED POLICIES/BEST PRACTICES

Staff has consulted with OSBA on its recommended approach to policy development and maintenance.

ANALYSIS OF SITUATION

The Public information Program policy, <https://www.pps.net/cms/lib/OR01913224/Centricity/Domain/4814/7.30.010-P.pdf>, was adopted in 1994 to create the Communications Department and has not been amended since that time. That Department still exists and has significant responsibilities to maintain communication among schools, families, and the community. Because the policy has been fully implemented it is no longer needed (and rescinding the policy will not eliminate the function). In addition, other critical functions of the District are not similarly contained in policy.

Keeping this policy does no harm, other than to create unnecessary bulk to the policy manual, making it harder to find other critical policies.

FISCAL IMPACT

None.

COMMUNITY ENGAGEMENT (IF APPLICABLE)

None.

TIMELINE FOR IMPLEMENTATION/EVALUATION

Nothing to implement if rescinded.

BOARD OPTIONS WITH ANALYSIS

See above.

STAFF RECOMMENDATION

Staff recommends rescinding the policy.

I have reviewed this staff report and concur with the recommendation to the Board.



Guadalupe Guerrero
Superintendent
Portland Public Schools

September 27, 2018
Date

Public Information Program Policy:

<https://www.pps.net/cms/lib/OR01913224/Centricity/Domain/4814/7.30.010-P.pdf>

7.30.010-P Public Information Program

The operation of a public school system is of public interest and concern. The Board believes that the greatest benefit to the students and to the total community can be achieved by supporting the public's right to be informed as fully and accurately as possible through the dissemination of information regarding the school system.

Therefore, the Board has established a Communications Department, which will establish and maintain a reciprocal process of communication among the school system, its personnel and the community.

The Communications Department shall work with the Board, superintendent, administrators, district staff, students and others to prepare and disseminate news releases and encourage external media to publicize noteworthy news about events and programs originating with district schools, students and school personnel.

Legal Reference: ORS 332.107

History: Amd 9/902; BA 2422

(New Board Policy proposed.)

7/13/94_GP





Staff Analysis and Report to the Board

Date: September 27, 2018

To: The Board of Education

From: Liz Large

Subject: Teacher Transfers Policy 5.20.060-P:

<https://www.pps.net/cms/lib/OR01913224/Centricity/Domain/4814/5.20.060-P.pdf>

BACKGROUND

The Board and Superintendent have recognized a need to review existing policies and administrative directives to update content and make relevant information more easily accessible to users. As part of that process, staff is in the process of identifying policies for amendment or rescission. This policy recommendation results from that work.

RELATED POLICIES/BEST PRACTICES

Staff has consulted with OSBA on its recommended approach to policy development and maintenance.

ANALYSIS OF SITUATION

The Teacher Transfers policy was adopted in 1971 and has not been amended since. It prescribes a very high-level process for making transfer requests in writing to the superintendent. Contrary to this policy, the teacher transfer process is principally governed by collective bargaining agreement, and transfer requests are not made to the superintendent. This policy is out of date and inconsistent with District practices.

FISCAL IMPACT

None.

COMMUNITY ENGAGEMENT (IF APPLICABLE)

PAT was notified of the recommended policy rescission.

TIMELINE FOR IMPLEMENTATION/EVALUATION

No change to District practices or collective bargaining agreement by rescinding of the policy.

BOARD OPTIONS WITH ANALYSIS

See above.

STAFF RECOMMENDATION

Staff recommends rescinding the policy.

I have reviewed this staff report and concur with the recommendation to the Board.



Guadalupe Guerrero
Superintendent
Portland Public Schools

September 27, 2018

Date

Teacher Transfer Policy:

<https://www.pps.net/cms/lib/OR01913224/Centricity/Domain/4814/5.20.060-P.pdf>

5.20.060-P Teacher Transfers

Any member of the district staff may request transfer for himself/herself or for any teacher for whom he/she has administrative responsibility. Requests shall be made to the office of the superintendent in writing, with an explanation of the reasons for such transfer.

History: Adpt. 6/71





Staff Analysis and Report to the Board

Date: September 27, 2018

To: The Board of Education

From: Liz Large

Subject: Non-contractual Grievance Procedure 5.40.020-P:

<https://www.pps.net/cms/lib/OR01913224/Centricity/Domain/4814/5.40.020-P.pdf>

BACKGROUND

The Board and Superintendent have recognized a need to review existing policies and administrative directives to update content and make relevant information more easily accessible to users. As part of that process, staff is in the process of identifying policies for amendment or rescission. This policy recommendation results from that work.

RELATED POLICIES/BEST PRACTICES

Staff reviewed personnel policies at other urban school districts and found no commensurate policies.

ANALYSIS OF SITUATION

The Non-contractual Grievance Procedure Policy creates collective bargaining-like grievance procedure for administrators or for those who claim violations of civil rights laws or assurances given by the District to governmental agencies. By its terms, it does not apply to dismissal, nonrenewal, or termination of employees or most attempts to change policies. The policy was adopted in 1997 and has not been amended since. It is not a widely used policy and creates an unnecessary grievance procedure that is not required by law or contract that allows for appeals up to the Board. There are several other ways Administrators or other employees can raise concerns about the terms and conditions of their employment.

FISCAL IMPACT

Negligible.

COMMUNITY ENGAGEMENT (IF APPLICABLE)

PAPSA has been notified of the recommendation to rescind this policy.

TIMELINE FOR IMPLEMENTATION/EVALUATION

Nothing to implement if rescinded.

BOARD OPTIONS WITH ANALYSIS

If the policy is left in place, some concerns or allegations by certain employees can have additional formal process with multiple rights of appeal in addition to other means provided by collective bargaining agreement, BOLI, and/or PPS procedures.

STAFF RECOMMENDATION

Staff recommends rescinding the policy.

I have reviewed this staff report and concur with the recommendation to the Board.



Guadalupe Guerrero
Superintendent
Portland Public Schools

September 27, 2018

Date

Public Information Program Policy:

<https://www.pps.net/cms/lib/OR01913224/Centricity/Domain/4814/5.40.020-P.pdf>

5.40.020-P Non-contractual Grievance Procedure

The purpose of this procedure is to provide an orderly resolution of an alleged grievance of an employee or group of employees. However, informal adjustment of such grievance is encouraged.

(1) Coverage of This Grievance Procedure; Amendment.

- (a) Except as herein provided, this procedure shall be used for and only for those grievances, which are not covered or, if covered, not prosecuted under the grievance procedure of an applicable collective bargaining agreement. Specifically:
 - (A) It covers all administrators' grievances;
 - (B) It shall be the procedure followed with respect to claimed violations of state or federal civil rights laws or regulations or assurances given by the district to local, state, or federal governmental agencies;
 - (C) In certain situations it is considered more efficient to deal with employee contentions in conjunction with other procedures. Accordingly, this procedure does not apply to any of the following:
 - (i) To contest dismissal, non-renewal, or termination of, or failure to reemploy, the employee; or, if proceedings therefore have been instituted, to contest any action, evaluation, or recommendation affecting such proceedings;
 - (ii) To any event, factual circumstance or objection which is subject of a grievance prosecuted above the first level of a grievance procedure established by a collective bargaining agreement;
 - (iii) Except with respect to claimed violations of civil rights laws, to attempts to change existing policies or regulations.
- (b) This procedure may be amended or rescinded by the Board at any time in its sole discretion.

(2) Definitions.

- (a) An "aggrieved" is an employee or group of employees who initiate a complaint, provided that the employee or group must be directly affected by the conduct complained of in the grievance. Grievances must be filed on appropriate forms within 30 days of the first knowledge of the injured party.

5.40.020-P Non-contractual Grievance Procedure

- (b) A "grievance" shall mean any contention by an aggrieved that there has been any violation, misinterpretation, or erroneous application of school district policies or regulations, other than a complaint that the district has violated provisions of the Collective Bargaining Agreement.
- (c) "Policies" and "Regulations" shall include only written policies and bylaws (adopted by the Board) and Regulations (issued by the Superintendent). Thus, they correspond to the policies, bylaws and regulations as defined in the volume entitled "Policies and Regulations, Portland Public Schools, Portland, Oregon."
- (d) A complaint that the employee has otherwise been improperly injured by an administrative decision (i.e., by other than a violation of a policy or regulation) may also be made and processed under this procedure. However, in such cases the standard for decision at each Level will be that which is believed to be best for that particular case and shall not be construed as establishing any precedent or as creating any rights of making the same or similar decision in any other case.
- (e) "Day" is defined as a working school day. During the summer recesses, a "day" is defined as any calendar day except Saturdays, Sundays, and legal holidays.
- (f) Grievances that are reasonably related shall be joined and processed together.
- (3) **Levels and Steps.**
- (a) **Level I - Immediate Supervisor.**
- (A) **Step 1.** The aggrieved employee shall first discuss the grievance with the supervisor or administrator who is most directly concerned with the violation set forth in the grievance.
- (B) **Step 2.** In the event no settlement occurs at Step 1, either the employee or the employee's representative may file with the employee's supervisor a formal written appeal. The supervisor shall file a written response with the employee, which shall set forth the reasons for the decision.
- (C) **Step 3.** In the event no settlement occurs at Step 2, either the employee or the employee's representative may file with the area superintendent or administrator next in line a written appeal which shall specify the portions of the response which are in disagreement and the manner in which each portion is in

5.40.020-P Non-contractual Grievance Procedure

error. Alleged violations not raised in the written appeal are waived and shall not thereafter be raised or considered.

- (b) Level II - Area Superintendent. A group grievance effecting employees at more than one building within an area shall be initiated in an informal writing at this Level.
 - (A) Step 1. A hearing involving the participants shall be held at a mutually agreeable time and place.
 - (B) Step 2. The Area Superintendent or administrator next in line shall notify the employee or employees of the decision in writing and the reasons therefore.
 - (C) Step 3. In the event no settlement occurs at Step 2, the employee or the employee's representative may file with the Superintendent a written appeal which shall set forth the portions of the response which are in disagreement and the manner in which each portion is in error.
- (c) Level III - Superintendent and Board.
 - (A) Step 1. The superintendent or designee of the superintendent shall review the record as submitted. The superintendent or designee thereof may elect to hold an additional hearing. If such hearing is to be held, the parties shall mutually agree to the time and place (which may be in the Education Service Center) of the hearing. Such agreement shall be confirmed in writing. The superintendent shall recommend a decision and communicate in writing this recommendation, along with supporting reasons therefore, to the parties involved and to the Board. The grievant or his or her representative may attach a written response to the superintendent's recommendation to the Board but limited to argument from the record.
 - (B) Step 2. The Board's decision shall be written, shall be furnished to the parties forthwith, and shall be binding and final.
- (4) General Procedures.
 - (a) Parties Present; Representation. An employee may choose, but not be required, to be represented by a person of his/her designation. The form of complaint submitted by the grievant shall decide whether or not the grievant chooses to be represented by the collective bargaining unit. An employee who files a grievance must be present at Level 1, Step 1, and may be present at all subsequent

5.40.020-P Non-contractual Grievance Procedure

Steps and, if present at any Step, may require the presence of the administrator whose action is the subject of the grievance.

- (b) Time Lines. The time lines for written appeals, responses thereto, hearings, recommendations, and decisions shall be those at the comparable Levels and Steps in the grievance procedure established by the most recent collective bargaining agreement applicable to the bargaining unit which includes the aggrieved. For administrators and confidential employees, such time lines shall be those of the collective bargaining agreement applicable to teachers. Should the time line of such agreements change so as to impair the usefulness of the foregoing formula or application thereof be found otherwise uncertain, the superintendent shall issue a regulation establishing appropriate time lines for this procedure. The time limits may be extended by mutual consent of the parties involved. The district should be lenient in extending this privilege to the grievant in that it is the Board's intent to settle grievances under this policy on their merits and not on procedural technicalities. Likewise, any Step in the grievance procedure may be eliminated by written mutual consent.
- (c) Default. Failure at any step of this procedure to communicate the decision in writing on a grievance within the specified time limit shall permit the grievant to proceed to the next Step. Failure at any Step of this procedure to appeal the decision to the next Step within the specified time limit shall be deemed to be acceptance of the decision rendered at this Step.
- (d) Contents of Grievance. The written formal grievance filed at any Level shall contain a statement of facts of the violation and the facts giving rise to the violation and the relief sought.
- (e) Meetings and Cost. Meetings held under this procedure shall be conducted at a time and place, which will afford a fair and reasonable opportunity to attend for all persons properly present. When such meetings are held during school hours, all school persons who participate shall be excused without loss of pay for that purpose. Persons proper to be present for the purpose of this section are defined as aggrieved employee(s), his/her or their representative(s), if any, qualified witness (while testifying), administrators and recorders designated by the district, and any other person agreed to by both parties.
- (f) Information for Grievance. School administrators will cooperate with the grievant and in the investigation of any grievance and further will furnish the grievant or his/her representative with such necessary,

5.40.020-P Non-contractual Grievance Procedure

reasonable, and readily available information as is requested for the processing of any grievance. (The superintendent, as the Board's representative, shall define what is readily available.)

- (g) Minutes. Appropriate minutes shall be kept at district expense of proceedings at all Levels beyond Level 1, excluding hearings before the Board, which may or may not be kept at the discretion of the Board. Additional records or transcription of the proceedings may be made by the aggrieved or the district, the cost of which shall be paid equally by the aggrieved and the district if both request this service. If only the district requests such additional service, it shall bear the cost. If only the aggrieved requests such service, he/she shall pay the cost.
- (h) Files. All documents, communications, and records dealing with the processing of a grievance shall be filed in a separate grievance file which shall constitute a personnel file within the meaning of the confidentiality provisions of ORS 342.850 and shall not be opened for inspection by other than the staff of the Office of Personnel Services in the absence of the specific approval of the employee, the superintendent, the Board chairman, or the Board.
- (i) Privacy. Except as otherwise provided by law, meetings and hearings under this procedure shall not be conducted in public but may include the aggrieved, the involved administrators, the representatives of the aggrieved and such administrators, the witnesses while testifying, and any advisor to the presiding officer.
- (j) No employee or group of employees shall be disciplined or discriminated against in any way because of the employee's proper use of the grievance procedure.
- (k) Individual Adjustment. Any "aggrieved" may have the grievance adjusted (including the dismissal thereof) without the intervention of a collective bargaining representative if:
 - (A) The adjustment is not inconsistent with the terms of the collective bargaining agreement; and
 - (B) The collective bargaining representative, if any, has been given an opportunity to be present at the adjustment.
- (l) The decisions made under this grievance procedure shall be final and binding on all parties, except in those instances where not permitted by law.

5.40.020-P Non-contractual Grievance Procedure

- (m) Unless otherwise provided by law, employees shall utilize the grievance procedures herein described prior to seeking redress through channels provided by law.

* Except for those grievances concerning events prior to the approval of this document, in which case the 30 days shall begin the day following approval of this document. In any case, this document shall not be used for any grievance concerning events prior to June 1, 1979.

See also: Additional provisions in the Professional Agreement.

Legal References: ORS 332.107; ORS 342.850; ORS 652.750

History: Adpt. 12/10/97





Staff Analysis and Report to the Board

Date: September 27, 2018

To: The Board of Education

From: Liz Large

Subject: Administrative Recommendations on Employment of Relatives Policy 5.60.015-P: <https://www.pps.net/cms/lib/OR01913224/Centricity/Domain/4814/5.60.015-P.pdf>

BACKGROUND

The Board and Superintendent have recognized a need to review existing policies and administrative directives to update content and make relevant information more easily accessible to users. As part of that process, staff is in the process of identifying policies for amendment or rescission. This policy recommendation results from that work.

In addition, in 2018, the Board adopted the Conflict of Interest—Nepotism Policy, 5.10.065-P.

RELATED POLICIES/BEST PRACTICES

Staff has consulted with OSBA on its recommended approach to policy development and maintenance.

ANALYSIS OF SITUATION

The Administrative Recommendations on Employment of Relatives Policy is superseded by the Board's new policy, Conflict of Interest—Nepotism Policy. Maintaining the earlier policy potentially leads to confusion by those attempting to comply with District policy.

FISCAL IMPACT

None.

COMMUNITY ENGAGEMENT (IF APPLICABLE)

Public process with opportunities for input in adoption of Conflict of Interest—Nepotism policy.

TIMELINE FOR IMPLEMENTATION/EVALUATION

No implementation other than deleting policy from website (electronic manual).

BOARD OPTIONS WITH ANALYSIS

See above.

STAFF RECOMMENDATION

Staff recommends rescinding the policy.

I have reviewed this staff report and concur with the recommendation to the Board.



Guadalupe Guerrero
Superintendent
Portland Public Schools

September 27, 2018

Date

Administrative Recommendations on Employment of Relatives Policy:

<https://www.pps.net/cms/lib/OR01913224/Centricity/Domain/4814/5.60.015-P.pdf>

5.60.015-P Administrative Recommendations On Employment Of Relatives

- (1) The Board has determined that it is in the best interest of the district in its relations with staff and the public that there should be no colorable basis for any claim that when selecting, assigning or promoting employees there is preference given to relatives of administrators of the district.
- (2) Hence, formal or informal requests or recommendations for employment or promotion of a relative by supervisory personnel of the district shall not be made to the Personnel Office, administrator or the Board of Education.
- (3) In assigning employees, the superintendent shall not place relatives or supervisory employees in the same responsibility center if it would result in a relative exercising supervisory, appointment or grievance adjustment authority over a member of the individual's family or in a position of being subject to such authority which a member of the individual's family exercises or if it would conflict with a bona fide occupational requirement reasonably necessary to the normal operation of the responsibility center.

Legal Reference: ORS 659.340

History: Adpt. 11/8/76; Amd. 4/11/85

