

**BOARD OF EDUCATION**

Portland Public Schools  
**REGULAR MEETING**  
October 21, 2013

**Board Auditorium**

Blanchard Education Service Center  
501 N. Dixon Street  
Portland, Oregon 97227

**Note:** Those wishing to speak before the School Board should sign the public comment sheet prior to the start of the meeting. No additional speakers will be accepted after the sign-in sheet is removed, but testifiers are welcome to sign up for the next meeting. While the School Board wants to hear from the public, comments must be limited to three minutes. All those testifying must abide by the Board's Rules of Conduct for Board meetings.

Public comment related to an action item on the agenda will be heard immediately following staff presentation on that issue. Public comment on all other matters will be heard during the "Public Comment" time.

This meeting may be taped and televised by the media.

**AGENDA**

1. **SUPERINTENDENT'S REPORT** 6:00 pm
2. **STUDENT TESTIMONY** 6:20 pm
3. **STUDENT REPRESENTATIVE REPORT** 6:35 pm
4. **PUBLIC COMMENT** 6:45 pm
5. **PRESENTATION: ALL HANDS RAISED** 7:15 pm
6. **2013-14 ACHEIVEMENT COMPACTS** - action item 7:30 pm
7. **SECOND READING: AMENDED CAFETERIA POLICY** – action item 7:50 pm
8. **BUSINESS AGENDA** 7:55 pm
9. **ADJOURN** 8:05 pm

**Portland Public Schools Nondiscrimination Statement**

Portland Public Schools recognizes the diversity and worth of all individuals and groups and their roles in society. The District is committed to equal opportunity and nondiscrimination based on race; national or ethnic origin; color; sex; religion; age; sexual orientation; gender expression or identity; pregnancy; marital status; familial status; economic status or source of income; mental or physical disability or perceived disability; or military service.



## Board of Education Informational Memo

### MEMORANDUM

**Date:** October 17, 2013  
**To:** Members of the Board of Education  
**From:** Amanda Whalen  
**Subject:** Achievement Compact

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Attached please find a number of documents related to this year's achievement compact as well as background information.

Attachment A: Report from the Achievement Compact Advisory Committee regarding our methodology and plan for the committee for the 2013-14 school year.

Attachment B: Recommended Methodology for the 2013-14 Achievement Compact.

Attachment C: Resolution for Achievement Compact

Attachment D: Achievement Compact for 2013-14

Attachment E: Resolution for appointment of Achievement Compact Advisory Committee 2013-14

Attachment F: Letter from Oregon Chief Education Officer, Nancy Golden re: Achievement Compacts

Attachment G: January 2013 Report from Achievement Compact Advisory Committee

Attachment H: June 2012 Report

TO: PORTLAND PUBLIC SCHOOLS BOARD OF EDUCATION  
FROM: ACHIEVEMENT COMPACT ADVISORY COMMITTEE  
SUBJECT: ACHIEVEMENT COMPACT TARGETS  
DATE: OCTOBER 17, 2013  
CC: CAROLE SMITH, SUPERINTENDENT, PORTLAND PUBLIC SCHOOLS  
GWEN SULLIVAN, PRESIDENT, PORTLAND ASSOCIATION OF TEACHERS

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Attached, please find a copy of the targets that the Achievement Compact Advisory Committee is recommending that the Board of Education adopt for the 2013-14 Achievement Compact with the Oregon Education Investment Board. We have also attached an updated methodology and our interim report from January 2013.

In brief, we feel a tremendous sense of urgency to see gains in student achievement for all of our students and a closing of the achievement/opportunity gap. In making recommendations for achievement compact targets, we strived to be aspirational in moving toward meeting Oregon's 40/40/20 goal. In particular, we are recommending that our targets reflect:

- 1) 100% of this year's 9<sup>th</sup> graders completing high school or the equivalent in 5 years
- 2) 100% of last year's Kindergartners (the class of 2025) are reading to learn by third grade

However, we cannot meet these aspirational goals without a significant investment in education. While all members of the committee are committed to setting aspirational targets, there is still concern that 100% may not be a realistic target. As the PPS achievement compact illustrates, we receive less than 74% of the state school funds that we should be allocated to provide the full Quality Education Model.

This year's budget made significant investment in our high schools by adding additional teachers and allowing students to take more classes. These resources should impact the targets of "on track for high school graduation" and attendance rates at 9<sup>th</sup> grade and ultimately the graduation and completion rates.

Unfortunately, the budget did not include the funding for the literacy adoption for grades K-3 which will affect our third grade reading target. However, the additional budget investments this fall into K-8s, including classified support at each school, will help to support students.

Sequestration also deeply affected many of our early learning opportunities through Head Start and cuts to Title IIA and Title I reduced wrap-around services at the K-8 level.

We are supportive of this year's budget targeting resources directly to our historically underserved populations as we must accelerate our gains most rapidly for these students. Moving forward, we must continue differentiate our resources to ensure that we can meet these aspirational goals.

As a committee, we have identified a desire to emphasize strategies within the system that support a love of learning and value our students' experiences. Through the district's equity work, we continue to emphasize the rigor, relevant, realness and relationships for our students in order for

them to become productive members of our society. We continue to wrestle with how to capture these values within the seemingly disconnected targets of the achievement compact.

We have appreciated the opportunity to do this meaningful and important work together. Our ex-officio members have been a tremendous addition to this dialogue. We have appreciated having the voices of our students, parents, and community and business partners at the table during these robust discussions. While the legislature chose not to expand the committee's membership this session, we hope they will reconsider in the future and that other districts will include additional voices in the development of their compact.

Timelines continue to be a challenging part of this process. We were not able to both identify targets and strategies to inform the budget in the timelines provided. We look forward to working together as a committee to better identify strategies and make recommendations to influence the 2014-15 budget.

Finally, while we have appreciated the opportunity to do this work together, we believe it is important to note the resources associated with this committee in terms of staff time, as well as principal and teacher release time. Since we have made our recommendations for the methodology the district should use to set targets, we plan to focus all of our work this year on recommending strategies. We are proposing the following timeline: the achievement compact advisory committee will meet 2x per month November through January in order to make recommendations for replication of high leverage strategies in time to influence the budget for the 2014-15 school year.

## Recommended Methodology for Setting Achievement Compact Targets:

### 1. College and Career Readiness Outcomes:

- a. 4-Year Cohort Graduation Rate
- b. 5-Year Completion Rate: This committee recommends a target of 100% of this year's 9<sup>th</sup> graders completing high school or the equivalent by 2017-18.
- c. Post-secondary enrollment
- d. Earning 9+ College Credits
- e. Methodology for 5 year completion rate: In order to meet our goal of 100% of this year's 9<sup>th</sup> graders completing high school or the equivalent in 5 years, we have back mapped from 100% of students completing in 2017-18 and determined the annual growth necessary.
- f. Methodology: Given the interrelated nature of the rest of these outcomes to the State's 40-40-20 goals, we recommend determining the annual growth rate necessary to reach 100% for each indicator by 2021 (to be college graduates in 2025) through a back mapping process. We also recommend applying this same process to the historically underserved groups.<sup>1</sup>

### 2. 3<sup>rd</sup> Grade Reading Proficiency: Our goal is to have 100% of all third graders reading to learn by 2015.

- a. Methodology for 3<sup>rd</sup> Grade Reading Proficiency: we recommend determining the annual growth rate necessary to reach 100% of 3<sup>rd</sup> graders reading to learn by 2015-16 through a back mapping process.

### 3. 5<sup>th</sup> Grade Math Proficiency and 8<sup>th</sup> Grade Math Proficiency: These are two new metrics that were added as part of the revised achievement compacts on January 8<sup>th</sup>.

- a. Methodology We recommend setting targets for a 10% decrease in students who are not proficient, including for historically underserved subgroup categories. We will utilize the following methodology to set targets:
  - identify the percentage of students (in 2011-12) who are not meeting the outcome (if 70% of students are meeting the outcome, then 30% are not meeting)
  - Take 10% of students not meeting the outcome (10% of 30% is 3%)
  - Apply that 10% to identify the target (70% + 3% is 73% as the target)
- b. This growth model sets targets that:

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<sup>1</sup> New England Comprehensive Center provides the following definition: underserved students are students who do not receive equitable resources in the same manner that other students do and as a consequence are less likely to achieve to high levels of academic performance. Another way of thinking of underserved students is to consider the quality and degree of access they have to programs, services, and resources that offer them the support to succeed in school. In other words, do they show an "achievement gap" as a result of "opportunity gaps" in their educational experience?

- Require greater gains the lower a district's starting percentage
  - Close of the achievement gaps with the subgroup targets
  - Are realistic for higher achieving districts
4. **6<sup>th</sup> Grade Chronic Absence and 9<sup>th</sup> Grade Chronic Absence:** These are also two new metrics that were added as part of the revised achievement compacts on January 8<sup>th</sup>. We have some serious concerns about the deficit language that appears to be used in these metrics.
- a. **Methodology:** We recommend setting targets for a 10% decrease in students who are not attending 90% of school days, including for historically underserved subgroup categories. We will utilize the following methodology to set targets:
- identify the percentage of students (in 2011-12) who are not meeting the outcome (if 70% of students are meeting the outcome, then 30% are not meeting)
  - Take 10% of students not meeting the outcome (10% of 30% is 3%)
  - Apply that 10% to identify the target (70% + 3% is 73% as the target)
5. **9<sup>th</sup> Grade on Track:** In line with the district's previous requests, the OEIB has now separated this metric into two: one around attendance and one around credits earned. "9<sup>th</sup> Grade on Track" measures the number of students entering 10<sup>th</sup> grade with 6 or more credits.
- a. **Methodology:** As this is aligned with our 10<sup>th</sup> Grade on Track milestone, we recommend setting a 5% point increase for all students and a 5% point closure of the achievement gap.
6. **Priority & Focus Schools:** Under the waiver definition, those schools that were in the lowest performing 15% in the state for 2010-11, were deemed either focus or priority schools. This definition also includes those schools that were identified for School Improvement Grants in previous years. According to the waiver, schools remain in these categories for at least 4 years regardless of improvements in student achievement. For this reason, our recommended target is to maintain the same number of priority and focus schools for at least the next three years.

## RESOLUTION No.

### Resolution to Approve 2013-14 Achievement Compact Targets

#### RECITALS

- A. In February 2012, the Legislature directed all K-12 districts to enter into annual achievement compacts with the Oregon Education Investment Board (OEIB) in order to focus funding and strategies at the state and local level on the achievement of the statewide education goals.
- B. As part of the achievement compacts, each district is required to set targets on a number of indicators every year.
- C. The Achievement Compact Advisory Committee, made up teachers, principals, community members, students, and central office staff, created a methodology for setting achievement compact targets.

#### RESOLUTION

1. The Board of Education adopts the attached achievement compact and its targets for the 2013-14 school year.
2. The Board requests that the OEIB review and implement the recommendations included in the attached Achievement Compact Advisory Committee Report.

A. *Whalen*



DR. NANCY GOLDEN  
Chief Education Officer

Date: October 7, 2013

To: All Superintendents & Board Chairs

From: Nancy Golden, Chief Education Officer of Oregon

Re: Achievement Compact

Dear Colleagues,

I know many of you are in the process of finalizing achievement compact submissions and have voiced questions about the process. I wanted to take this opportunity to talk about my vision for the compacts, how I hope they are being used by districts, and what I will be recommending to the Oregon Education Investment Board (OEIB) in terms of analyzing and using the important data they provide.

In 2012, after much public input and deliberation, the OEIB identified outcomes that are critical to achieving our state's 40-40-20 Goals: Kindergarteners coming to school ready, 3<sup>rd</sup> graders reading at grade level, 5<sup>th</sup> graders proficient in math, 6<sup>th</sup> graders maintaining good attendance, 9<sup>th</sup> graders earning enough credits to be on track for graduation, high school students earning college credits and successfully earning a degree. Those evidence-based outcomes – disaggregated to ensure we remain focused on equity – form the backbone of the achievement compacts.

The achievement compact offers district boards, ESD boards, and the State of Oregon an opportunity to work with superintendents, teachers, administrators and greater communities to set shared goals for the coming year and – importantly – to create strategies and budgets that ensure the goals can be achieved. Unlike our School and District Report Cards, which focus on reporting about past achievement, the achievement compacts ask us to look forward and commit to making progress toward 40-40-20. Achievement compacts should express a shared commitment – truly, a compact – between local boards and the State of Oregon to set and achieve high goals for student success. Because the achievement compacts are intended to clarify and make public our goals, all compacts will be publically reported and available on the OEIB website.

A number of individuals have asked me whether I intend to reject compacts, and how I see them being used. The compacts contain many optional elements and some required elements. The elements required by law, the goals for the 2013-14 year, have been clearly marked in the template. The law requires that these goals represent “progress toward” the 40-40-20 Goal, which has been interpreted to mean that setting a goal that is flat or represents a decline from the 2012-13 is not adequate.

*Oregon Education Investment Board*

775 Court Street NE, Salem, Oregon, 97301 • 503-373-0206

*Attachment I*



Like many things we do in education, the process is as, if not more, important than the document itself. For the state, I hope achievement compacts help us to refine our approach to planning and implementing the strategic investments that will be necessary in order to reach the goals that the compacts establish. For local districts, my hope is that the process used to set the goals led to collaboration with teachers and staff, new strategies and "outside the box" thinking, as well as encouraged critical conversations regarding any needed changes that prevent us from successfully serving each student who walks through our doors. Because of my strong belief in this process, I do not intend to "reject" any compacts that have met the required elements. That said, before signing off compacts on behalf of the state and OEIB, I will review them carefully to ensure that they reflect ambitious goals for improving student achievement. In instances where they do not, my office may be in touch to clarify and better understand the board's thought process in setting that particular goal.

Lastly, I want to provide an idea of what we intend to do with the achievement compact data. OEIB has just hired David Edwards, a long-time researcher and former state legislator, to serve as Director of Policy & Research. David is designing a framework for analyzing, using, supplementing and improving the data in the compacts. We hope that through his qualitative and quantitative analysis, the OEIB will answer the following questions:

- 1) What was the process by which achievement compact goals were set, and did that process lead to change in local priorities, budgets, structures or delivery?
- 2) To what extent were goals met? Do correlations exist between the goals and the actual performance? Over time, do these outcomes truly predict success at later stages on the continuum?
- 3) In aggregating the data from the compacts, what do we learn about where investments should be made, what best practices should be disseminated and scaled, and what barriers exist along the pathway?

I believe that the achievement compact represents shared accountability between the state and each of you – allowing the state to know what outcomes it can expect as the result of its investment, but also serving as an indicator of where state investment and policy need to change in order to truly achieve our shared goals. Thank you for all you do on behalf of Oregon's students. I look forward to continuing this journey with you!

Sincerely,



Nancy Golden



# Board of Education Informational Report

## MEMORANDUM

**Date:** 1/28/13  
**To:** Members of the Board of Education  
**From:** Achievement Compact Advisory Committee  
**Subject:** Preliminary Report

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As Portland Public Schools educators, students, parents and community supporters, we feel a tremendous sense of urgency to see rapid gains in achievement for all of our students. We believe strongly that all students can learn and succeed. In the last five years, Portland Public Schools has seen gains in graduation rates and at key milestones such as third grade reading:

- Our graduation rate has increased by 9 percentage points in 3 years (from 53% to 62%) and the largest gap between white students and students of color decreased by 11% points. See Attachment A
- Last year in reading, we increased from 71% to 77% of all third graders reading to learn and the gap decreased by 4% points. See Attachment B

Despite this upward trajectory, we are not where we want to be. Our graduation rates are too low and our current achievement/opportunity gap between white students and students of color is unacceptable and is evident in even our “highest performing” schools’ racial subgroup growth rates.

As a committee, we are charged with making recommendations to the Board of Education around achievement compact targets and strategies. For each of these goals, we fundamentally believe that we can get to 100% of students meeting each target. We want you, the Board, our staff, our students, our parents and our community members to know that.

How do we get there? At a minimum, the district needs to be funded at the level of the Quality Education Model. As the PPS achievement compact illustrates, we receive 74% of the state school funds that we should be allocated to provide a full and robust program for Portland’s students. These achievement compacts need to be a call to action for full QEM funding for districts across Oregon.

The State will have to step up to fund schools for ALL of the roles they now must play in the lives of our children or, instead better and more fully fund items like health care, social services,

transportation, housing, and paid family leave so that schools do not have to do and be all of that for our students. Businesses also need to play a role in partnering with schools to help define local education and talent pipeline needs.

PPS is not currently funded at the QEM level and we have fundamental concerns about how to set targets in this initial year of the achievement compact until it is clear what the repercussions will be when school districts that do not meet their goals. We want to be accountable to our students and their families for their academic success, but we should also be held accountable for providing sound guidance to the board that does not put our students or schools in jeopardy. With this tension in mind, our team is working hard to be both aspirational and realistic in the current resource reality.

As a state and a district we have put our stake in the ground around three key targets. This team proposes the following ambitious goals for these three key metrics:

- 1) PPS is fully committed to Oregon's goal that 100% of students have completed high school by 2025. This committee recommends that we accelerate that target and have 100% of this year's 8<sup>th</sup> graders completing high school or the equivalent in 5 years. The State's 40/40/20 goal is that:
  - 40% of adult Oregonians have earned a bachelor's degree or higher
  - 40% of adult Oregonians have earned an associate's degree or postsecondary credential as their highest level of educational attainment; and
  - 20 percent of all adult Oregonians have earned at least a high school diploma, an extended or modified high school diploma, or the equivalent of a high school diploma as their highest level of educational attainment.
- 2) 9<sup>th</sup> Grade Credits Earned: previously the PPS "10<sup>th</sup> Grade on Track to Graduate" milestone. As the Connected by 25 research demonstrated, students who were able to earn a quarter of their grades by the time they entered 10<sup>th</sup> grade were more likely to graduate. This important metric has been a key milestone focus for the last four years. This committee recommends that we continue emphasizing this important target with a 5% point increase and 5% point narrowing of the achievement/opportunity gap.
- 3) Third grade reading to learn. This committee recommends aligning with the current district goal of having 100% this year's Kindergartners (the class of 2025) reading to learn by third grade, the 2015-16 school year.

The Achievement Compact Advisory Committee supports a continued focus on these three key areas in setting our metric targets.

In his letters to the Board Chair and Superintendent on December 17, 2012 and January 10, 2013, Dr. Rudy Crew stated achievement compact advisory committees would meet their statutory requirements if they provided preliminary recommendations to their board by February 1, 2013 and then continued to meet and provide additional guidance prior to the board's June adoption of the achievement compact.

Please find attached our preliminary recommendation for a methodology to employ when setting targets for the 2013-14 achievement compact. Additionally, we will continue to finalize a report for the board by June to be attached to the Portland Public Schools Achievement Compact.

Next Steps for the Achievement Compact Advisory Committee:

- 1) Identify and prioritize strategies and outcomes for the achievement compact metrics. As these recommendations are designed to inform the budget, we will return to present again in March.
- 2) Prepare a final report to the Board by June 2013.

We look forward to providing you with updates as we move through this process.

**Attachments:**

- A: District 4 Year Cohort Graduation Rate**
- B: District 3<sup>rd</sup> Grade Reading Percent Meeting/Exceeding Benchmark**
- C: Preliminary Recommendations for Setting Achievement Compact Targets**

## Recommendations for Setting Achievement Compact Targets

This is a pivotal moment for education in Oregon. For the first time in over a decade, state and federal leaders are overhauling the way Oregon schools are held accountable and supported. As Oregon seeks a waiver from the No Child Left Behind legislation, we are presented with the opportunity to set aside the misleading and counterproductive aspects of the federal law and replace them with better, more accurate tools to measure school and district success.

We want to build a system that will motivate educators and community members around a new way to support student achievement. This system should increase capacity across the schools and districts to share best practices, learn from each other, and ultimately ensure that our students are successful. Oregon's new accountability system needs to focus on this collaboration and continuous improvement in order to propel student achievement forward.

The achievement compacts are an opportunity for the state and districts to define ambitious, yet achievable goals for performance on such outcomes as third grade reading proficiency, high school graduation rates, and the closing of the achievement gap. The compacts will allow us to identify the schools that are "beating the odds" and those that are in need of additional supports. Without the punitive measures required under NCLB, there is the opportunity to raise achievement by providing individualized interventions for schools and districts tailored to meet their students' needs.

Through the achievement compacts and a complementary new state report card, we need to take a deeper look at how schools are doing in terms of proficiency, student growth, graduation, and college readiness when we are assessing whether we are meeting student needs. It is essential that we quickly define what measures are better suited going forward in the report card to ensure that the achievement compacts remain focused on identifying and aligning the resources necessary for improvement on a few key indicators.

We are pleased with the positive gains that many of our districts have continued to make even in these tough economic times, and are excited by the prospect of a strong vision for education in Oregon. Through the achievement compacts, districts will be able to focus on common goals, and leverage resources to have the greatest impact on student success as we move forward toward the destination of 100% of students graduating from high school or completing the equivalent of a diploma in 2025 (40/40/20).

Over successive years, our districts have faced a significant gap between our ability to maintain current service levels and our revenue. As a state, we have a moral obligation to expect better outcomes for our students and to prepare them to be college and career ready, but the reality of that expectation is called into question when K-12 education continues to receive a smaller portion of the state budget.

Our districts' targets must be focused on meeting the needs of our students to ensure they make continuous progress over time. However, we also must consider the dramatic impact that declining budgets are having on our ability to achieve these targets. There must be a greater investment in education in order to prepare our students well and enable them to be capable and competitive in an

ever more challenging economic future. Without adequate funding, districts will not be able to make the improvements necessary to continually raise achievement to reach that 40/40/20 goal.

We recommend that 2011-12 data be viewed as the baseline for going forward. Many of our districts had already developed their budgets for 2012-13 by the time the achievement compact metrics were finalized. We anticipate that in coming years, we will be able to better align resources to the indicators and create greater opportunities for our communities to participate in the consideration of targets and the alignment of budgets to achieve those targets.

Below is a recommended methodology that we have developed for setting the achievement compact targets for this first year. We have also included a number of questions and concerns that arose as we began to fill in the compact targets with district data.

#### **Recommended Methodology for Setting Achievement Compact Targets:**

1. **Timing:** We are currently setting targets for the 2012-13 school year with only the 2010-11 data. As we will not receive final data for this current year from the Oregon Department of Education until August, this will continue to be a concern every year if districts are expected to complete their achievement compacts as part of the budget process in the spring. Additionally, we will not receive 9<sup>th</sup> grade credit data (as it includes summer school) or graduation rate data until the fall or even later in the following year. Unless a different timeline is implemented for either the Achievement Compact targets or receiving data from the ODE, targets and data will always be based on at least one year-old data. We will be setting targets for two years ahead of our last data points and accountability for those targets will be delayed for two years. This timeline makes the Achievement Compact less useful for making program or budget adjustments. **Recommendation:** Districts will set their targets based on the data currently available and will review and potentially revise targets using the recommended methodology on the updated data when they are available.
  
2. **College and Career Readiness Outcomes:**
  - a. **5-Year Completion Rate:** We are pleased that the 5-year completion rate indicator is included on the Achievement Compacts. There are a number of students within our districts who receive GEDs and Extended and Modified Diplomas as appropriate completions for high school. We also appreciate that a 5-year cohort is included on the Achievement Compacts. Data across the districts demonstrate that a 5-Year graduation rate more fully captures the achievements of all of our students. **Methodology:** Looking at the 40/40/20 goal, districts will determine the annual growth rate necessary to reach 100% on the 5-year completion rate for 9<sup>th</sup> graders entering high school in 2016-17 through a back mapping process. We also recommend applying this same process (determining necessary growth rate to reach 100% by 2021 for 5-year completion) to the “disadvantaged group” and the subgroups. An Achievement Compact Target Calculator is available for this purpose.

- b. **Cohort Graduation rates, 9+ College credits, Post-secondary enrollment**: Given the interrelated nature of these outcomes to the 5-year completion rate outcome and the State's 40-40-20 goals, we recommend applying the same annual growth rates calculated for the 5-year completion outcome to the other college and career readiness outcomes and for the "disadvantaged" and subgroups.
3. **On Track Outcomes (3<sup>rd</sup> Grade Reading and Math Proficiency, 6<sup>th</sup> Grade on Track, 9<sup>th</sup> grade on Track)**: For each of these indicators, as well as those for the subgroups, we recommend setting targets for a 10% decrease in students who are not proficient. We will utilize the following methodology to set targets:
- identify the percentage of students (in 2010-11) who are not meeting the outcome (if 70% of students are meeting the outcome, then 30% are not meeting)
  - Take 10% of students not meeting the outcome (10% of 30% is 3%)
  - Apply that 10% to identify the target (70% + 3% is 73% as the target)

This growth model sets targets that:

- Require greater gains the lower a district's starting percentage
- Close of the achievement gaps with the subgroup targets
- Are realistic for higher achieving districts

An Achievement Compact Target Calculator is available to assist districts with the calculations.

4. **Priority & Focus Schools**: Because the state has yet to provide us with a list of current priority and focus schools, we are unable to recommend a 2012-13 goal. The number of priority and focus schools statewide in 2011-12 will be approximately the same as the number of schools that are identified for Title I school improvement in 2011-12. Our understanding is that this information will be made available to school districts in August.
5. **Considerations**:
- 6<sup>th</sup> Grade On-Track**: Attendance may be appropriate for an indication of health and stability and should be tracked. However, without substantial resources devoted to school health and attendance services, it will be challenging to move this measure forward. In addition, this indicator does not track academic progress. Depending on the baseline data, districts may wish to consider setting more conservative targets for this indicator. **Recommendation**: We recommend the inclusion of an academic measure for middle school rather than attendance for a 6<sup>th</sup> Grade On-Track indicator.
  - 9<sup>th</sup> Grade On-Track**: We are excited to see that the definition for the 9<sup>th</sup> grade on track indicator included an entire calendar year in which to earn credits as many of our students are able to enter 10<sup>th</sup> grade with 6 credits because of summer school

opportunities, however this does present timing challenges as these data will not be complete until September. Additionally, as mentioned above, attendance can be variable from year to year and difficult to improve. We believe that even in cases where we have increases in students entering 10<sup>th</sup> grade with 6 or more credits, we will see less growth in this data point because of the inclusion of attendance. **Recommendation:** We recommend that these two data points, attendance and credits, be separated.

- c. **Earning 9+ College Credits:** We have received guidance from ODE that districts will be responsible for collecting these data on their own. A number of districts do not have processes in place to collect these data and so for this year there will be disparate levels of reporting on this indicator. Statewide comparisons of districts would be inappropriate in this first year. Given that the data comes from multiple sources that are not centrally stored in most districts, the requirement for reporting baseline data and targets for this outcome poses a significant time commitment for districts. **Recommendation:** We recommend that:
- 1) districts make clear as a part of their achievement compact how they have defined and calculated this data point during this compressed timeline
  - 2) collective work must be done to put systems in place to collect and report the highest quality data possible in subsequent years.

Additionally, colleges and universities have different requirements for college credit attainment (e.g. some schools accept a 3 on the AP exam for college credit while others require a 4 or 5 and different schools may give 2 or 3 credits for the same score). Please see the attached tables for AP and IB test scores and college credits. We are proposing that this indicator be based on the Oregon University System. **Recommendation:** We would recommend that the OUS and Oregon Community Colleges and all postsecondary institutions in Oregon maintain consistent policy and practice in accepting and awarding college credit that was obtained by high school students during their high school years.

- d. **Disadvantaged Subgroup:** We are pleased to see that achievement compacts will disaggregate data for students. However, as a team, we are uncomfortable with the term “disadvantaged” to describe students of color, ESL and students with disabilities. Titles such as this continue to reinforce a deficit model. **Recommendations:**

- 1) We recommend using the term, “historically underserved”.<sup>1</sup>

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<sup>1</sup> New England Comprehensive Center provides the following definition: underserved students are students who do not receive equitable resources in the same manner that other students do and as a consequence are less likely to achieve to high levels of academic performance. Another way of thinking of underserved students is to consider the quality and degree of access they have to programs, services,



- 2) In keeping with the original intent of the achievement compacts to identify a few key indicators, we recommend that districts should identify a single aggregate subgroup or an individual subgroup measure, whichever has the most significant gap based on a sufficient number in the sample.
  - 3) There are other racial groups that must be included in the subgroup data. It is imperative that white student data are also included for reporting purposes (not as an indicator for setting targets). In order to truly be able to identify the opportunity and achievement gaps within our districts, we must have the data for the white students as a point of comparison.
  - 4) Multi-racial students should also be included for reporting purposes.
- e. **Student Numbers Per Cell Recommendation:** The permanent rule on Achievement Compacts should align the cell size that triggers the requirement for goal setting by districts with the cell size for ratings in other accountability reports (generally 30-40 student). Requiring a district to set achievement goals for student groups comprised of 6, 8, or 10 students undermines the face validity of the compacts and in some instances will violate ODE's rules about protecting student confidentiality.
- f. **Numerical Targets:** Under the temporary rule, 705-010-0035 Completion and Execution of Achievement Compacts, the OEIB "may waive the requirement to identify both a target number and percentage of students and require either a number or percentage for specific outcome measures, depending on the specifications of the compacts it approves." **Recommendation:** We recommend that districts not be required to set numeric targets for the indicators. Numeric targets can be established by applying the percentage target proposed in the Achievement Compact to the size of the group once that size has been identified. To establish numeric targets requires districts to predict group sizes from year to year. These numeric targets are meaningless as soon as the actual group size diverges from the predicted group size.
- g. **Ready for School Recommendation:** An academic measure should be identified for this indicator.
- h. **4-Year Goals and Local Priorities Recommendation:** At this point, we recommend delaying the establishment of 4-year goals and local priorities to provide districts time to reflect on the goal setting process and obtain an additional year of data on the measures, particularly for measures that are new to districts (e.g., graduates with 9+ college credits). With continued budget reductions this year, we believe it

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and resources that offer them the support to succeed in school. In other words, do they show an "achievement gap" as a result of "opportunity gaps" in their educational experience?

will be important to see how districts prioritize resources and develop strategies to meet the current indicator targets prior to expanding the scope. A number of districts already have established measures reflecting local priorities that are in support of the Achievement Compact and will continue to be reported to local boards and communities.



# Board of Education

## Staff Report to the Board

Board Meeting Date: September 9, 2013

Executive Committee Lead: Sean Murray

Department: Human Resources

Presenter/Staff Lead: Terri Burton

### SUBJECT:

Cafeteria Plan Board Policy 5.10.090-P - Third Amendment

#### BACKGROUND

The Cafeteria Plan Board Policy 5.10.090-P originated on May 1, 1994, it was amended and restated effective January 1, 2006 and was last amended effective October 1, 2011. The primary purposes of the amendment are to add a health savings account ("HSA") benefit, add a limited scope dental and vision care flexible spending arrangement ("FSA") and to align plan language with current administrative practice. These changes are necessary to ensure that PPS is compliant with all federal laws, rules and regulations with regards to the administration of these plans.

#### In Summary:

A HSA is replacing the HRA (Health Reimbursement Arrangement). For the last two years, the HRA was coupled with the OEBC (Oregon Educators Benefit Board) high deductible plan offered to Non-Represented and SEIU employees. The new HSA will also be coupled with the OEBC high deductible plan. The need for this change from an HRA to an HSA was due to OEBC changing the options for school districts, which disallows the HRA, but now requires the HSA to be coupled with the high deductible plan effective October 1, 2013.

Due to OEBC's requirement for the District to institute an HSA if offering the high deductible plan, those that elect this option are allowed to only participate in a limited scope FSA (dental and vision only). Therefore, a new limited scope FSA must be created.

The FSA plan has always been administered disallowing less than half-time employees and classified substitutes. This amendment ensures the policy language is in line with how the plan is currently being administered.

#### RELATED POLICIES / BOARD GOALS AND PRIORITIES

In July 17, 2013 through Board Resolution # 4779 the Board approved contract #PS59965 with U.S. Bank to create the Health Savings Account (HSA).

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## PROCESS / COMMUNITY ENGAGEMENT

The parties involved in these decisions were: Sean Murray-CHRO, Neil Sullivan-CFO, Mia Butzbaugh with Miller Nash, Michelle Riddell-Asst.CHRO, U.S. Bank, PacificSource Administrators, SEIU labor partners, Brock Logan-Director Employee and Labor Relations, OEGB, Le Huynh-Senior Benefits Analyst and Terri Burton-Benefits Director.

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## ALIGNMENT WITH EQUITY POLICY IMPLEMENTATION PLAN

These decisions provide more options for all employees covered under the OEGB plans, by providing a low cost plan option with claim impact being eased by the addition of an HSA. The high deductible plan with an HSA is also a great recruiting tool when trying to attract and retain a diverse workforce.

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## BUDGET / RESOURCE IMPLICATIONS

The HSA, coupled with a high deductible plan is a cost savings to the District due to the low premium for the plan and the pretax feature of the HSA, both employer and employee contributions, eliminating payroll tax liabilities.

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## NEXT STEPS / TIMELINE / COMMUNICATION PLAN

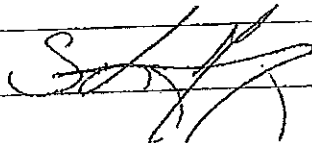
The District is currently running open enrollment for OEGB employees with the new plan effective dates being October 1, 2013. Employees have received information through packets from PPS and OEGB mailed to their homes, benefits/wellness fair, enrollment labs and periodic email announcements. The HSA payroll deduction and electronic feeds to U.S. Bank are currently being set up for operation with September 30, 2013 payroll by the PPS Benefits and Payroll departments. The new Limited Scope FSA will be set up with PacificSource, the current full-scope FSA vendor, and will be available to OEGB employees effective October 1, 2013.

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## ATTACHMENTS

Marked CC Board Policy/ Draft Resolution

Reviewed and Approved by  
Executive Committee Lead



**PORTLAND PUBLIC SCHOOLS  
CAFETERIA PLAN**

**THIRD AMENDMENT**

**P A R T I E S**

This Third Amendment is adopted, effective October 1, 2013, by the School District No. 1, Multnomah County, Oregon (“District”).

**R E C I T A L S**

The District established the Portland Public Schools Cafeteria Plan (the “Plan”) effective May 1, 1994.

The Plan was last amended and restated effective January 1, 2006, and was last amended effective October 1, 2011.

The District intends that this Plan continue to satisfy the requirements of Section 125 of the Internal Revenue Code of 1986, as amended.

The District wishes to amend the Plan in certain respects.

**A M E N D M E N T**

The PORTLAND PUBLIC SCHOOLS CAFETERIA PLAN is hereby amended, effective October 1, 2013, or as of such earlier or later dates as indicated below or as provided herein, as set forth on the pages attached hereto, which are incorporated herein by reference as follows:

1. TABLE OF CONTENTS at pages i, ii, and iii.
2. ARTICLE 2—DEFINITIONS
  - a. 2.5 is added at page 3, and prior 2.5, 2.6, 2.7, 2.8, 2.9, and 2.10, are now consecutively renumbered at pages 3 and 4.
  - b. 2.6 at page 3.
  - c. 2.7 at page 3.
  - d. 2.9 at page 4.
  - e. 2.11 at page 4.

f. 2.12 is added at page 4, and prior 2.11, 2.12, 2.13, 2.14, 2.15, and 2.16, are now consecutively renumbered at page 5.

g. 2.16 at page 5.

3. ARTICLE 3—ELIGIBILITY

3.4 is added at page 6.

4. ARTICLE 4—PARTICIPATION

a. 4.1 at pages 7 and 7a.

b. 4.3 at pages 8 and 8a.

c. 4.3(h) is added at page 14.

5. ARTICLE 5—CREDITS AND REIMBURSEMENT PROCEDURES

a. 5.1 at page 15.

b. 5.2 at page 16.

c. 5.3 at pages 16 and 16a.

d. 5.4 at page 16a.

e. 5.5 at pages 16a and 16b.

6. ARTICLE 6—CLAIMS PROCEDURE

6.1 at page 17.

7. ARTICLE 9—HEALTH CARE REIMBURSEMENT ACCOUNT PROGRAM

a. 9.2 at page 22.

b. 9.7(b)(1)(C) at page 26, effective September 23, 2013.

c. 9.8 at page 28.

d. 9.9 is added at page 28a.

8. ARTICLE 10—DENTAL AND VISION CARE REIMBURSEMENT ACCOUNT PROGRAM is added at page 28b.

9. ARTICLE 11—DEPENDENT CARE REIMBURSEMENT ACCOUNT PROGRAM is renumbered at pages 29 and 30.

10. ARTICLE 12—HEALTH SAVINGS ACCOUNT is added at pages 30a and 30b.
11. EXHIBIT A—Plan Years at page A-1.
12. EXHIBIT C—District Contribution at page C-1.

The District has caused this amendment to be executed by its duly authorized representative as of the date indicated below.

**SCHOOL DISTRICT NO. 1,  
MULTNOMAH COUNTY, OREGON**

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Date: \_\_\_\_\_



**BOARD POLICY**  
**CAFETERIA PLAN**

**5.10.090-P**

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**ARTICLE 2****DEFINITIONS**

Whenever used herein, unless the context clearly indicates otherwise, masculine, feminine, and neuter words may be used interchangeably, singular shall mean the plural and vice versa, and the following words and phrases shall have the following meanings when used with an initial capital letter:

**2.1** **“Account”** means the separate record or records maintained by the Plan Administrator in the name of a Participant in accordance with this Plan.

**2.2** **“Benefit Package Option”** means a qualified benefit under Code Section 125(f) that is offered under a cafeteria plan, or an option for coverage under an underlying accident or health plan (such as an indemnity option, an HMO option, or a PPO option under an accident or health plan).

**2.3** **“Code”** means the Internal Revenue Code of 1986, as amended, and successor Codes thereto.

**2.4** **“Compensation”** means an Eligible Employee’s wages or salary from the District during the Plan Year for personal services rendered, including bonuses, overtime, commissions, and other forms of remuneration includable in gross income.

**2.5** **“Dental and Vision Care Expense”** means an expense incurred by a Participant on behalf of the Participant or the Participant’s spouse, Dependent, or child (as defined in Code Section 152(f)(1)) who has not attained age 27 as of the end of the Participant’s taxable year, for dental or vision care as defined in Code Section 223(c) which is medical care as defined under Code Section 213(d), but only to the extent such expense is reimbursable under the separate dental and vision care reimbursement account program set forth in Article 10 and not used as a deduction on the Participant’s federal income tax return.

**2.6** **“Dependent Care Expenses”** means expenses described in 11.4 that are incurred by a Participant and are considered employment-related expenses as defined in Code Section 21(b)(2), but only to the extent that such amounts are reimbursable under the separate dependent care assistance program set forth in Article 11 and are not used by the Participant to obtain a credit against the Participant’s federal income tax for employment-related expenses under Code Section 21.

**2.7** **“Dependent”** means, for purposes of 2.10, 2.18, and 4.3, a person who is a Participant’s dependent as defined in Code Section 152, except that, for purposes of accident or health coverage, any child to whom Code Section 152(e) applies is treated as a dependent of both parents, and, for purposes of dependent care assistance provided through a cafeteria plan, a

dependent means a qualifying individual (as defined in Code Section 21(b)(1)) with respect to the Participant. For purposes of 2.5, 2.11, Article 9, and Article 10, a Dependent means a person who is a Participant's dependent as defined in Code Section 105(b).

**2.8** **“District”** means School District No. 1, Multnomah County, Oregon.

**2.9** **“Eligible Employee”** means any District employee, other than the following individuals:

(a) An employee who is a member of a collective bargaining unit that has bargained in good faith with the District over the benefits provided under this Plan and the bargaining agreement does not specifically require participation in this Plan;

(b) A student worker;

(c) An employee who is employed on an on-call basis, a limited-term employee, or an employee who does not have regularly scheduled hours of employment, including classified substitutes but excluding substitute teachers;

(d) A person who performs services for the District pursuant to an agreement between the District and an organization that leases employees (including a person who is not an employee, but who is treated as an employee, for purposes of Code Sections 106, 125, and 129, by reason of being a “leased employee” as defined in Code Section 414(n));

(e) A self-employed person as defined in Code Section 401(c);

(f) A person who performs services for the District but who is treated for payroll tax purposes as other than an employee of the District (and regardless whether the person may subsequently be determined by a governmental agency, by the conclusion or settlement of threatened or pending litigation, or otherwise to be or have been an employee of the District); and

(g) An employee who has regularly scheduled hours of employment but is less than half-time.

Notwithstanding the foregoing, substitute teachers are excluded from the definition of “Eligible Employee” for purposes of the Premium Payment Benefit described in 4.1(a) only.

**2.10** **“Family Member Plan”** means a cafeteria plan or Qualified Benefits Plan sponsored by the employer of the Participant's spouse or the Participant's Dependent.

**2.11** **“Health Care Expense”** means an expense incurred by a Participant on behalf of the Participant or the Participant's spouse, Dependent, or child (as defined in Code Section 152(f)(1)) who has not attained age 27 as of the end of the Participant's taxable year, for medical care as defined under Code Section 213(d), but only to the extent such expense is reimbursable under the separate health care reimbursement account program set forth in Article 9 and not used as a deduction on the Participant's federal income tax return.

**2.12** “**Health Savings Account**” means a health savings account (“HSA”) as defined by Code Section 223(d). An HSA is an individual trust or custodial account separately established and maintained outside the Plan by a Participant and a qualified trustee or custodian.

**2.13** “**Participant**” means an Eligible Employee who has commenced and continues participation in the Plan as provided in Article 3.

**2.14** “**Plan**” means this Portland Public Schools Cafeteria Plan, as amended from time to time.

**2.15** “**Plan Administrator**” means such person or persons appointed by the District to control and manage the operation and administration of the Plan. In the absence of such an appointment, the District shall be the Plan Administrator.

**2.16** “**Plan Year**” means, with respect to the health care reimbursement account program, dental and vision care reimbursement account program, and the dependent care reimbursement account program, the calendar year (January 1 through December 31). The initial Plan Year of the dental and vision care reimbursement account program shall be a short Plan Year of October 1, 2013, through December 31, 2013.

Notwithstanding the foregoing, with respect only to Eligible Employees whose Premium Payment Benefit’s Plan Year is October 1 through September 30, the Plan Year for the health care reimbursement account program and dental and vision care reimbursement account program that begins January 1, 2014, shall be a short Plan Year of January 1, 2014, through September 30, 2014, and, beginning October 1, 2014, the Plan Year shall be October 1 through September 30.

With respect to the Premium Payment Benefit described in 4.1(a), the Plan Year means the plan year of the underlying group health plans. To the extent that the underlying group health plans have differing plan years, there shall be a separate Premium Payment Benefit for each group of group health plans that have the same plan year. The Plan Years for the Premium Payment Benefits are described in Exhibit A, which is attached hereto and incorporated by this reference herein. Exhibit A may be revised from time to time by the Plan Administrator without a formal amendment of this Plan document.

**2.17** “**Qualified Benefits Plan**” means an employee benefit plan governing the provision of one or more benefits that are qualified benefits under Code Section 125(f). A plan does not fail to be a Qualified Benefits Plan merely because it includes a flexible spending arrangement (as defined in Code Section 106(c)(2)), provided that the flexible spending arrangement meets the requirements of Code Section 125 and the regulations thereunder.

**2.18** “**Similar Coverage**” means coverage for the same category of benefits for the same individuals (e.g., family to family or single to single). For example, two plans that provide major medical coverage provide Similar Coverage. A health flexible spending arrangement is not Similar Coverage with respect to an accident or health plan that is not a health flexible spending arrangement. Coverage provided by another employer, such as a spouse’s or Dependent’s employer, may be treated as providing Similar Coverage if it satisfies the requirements of this section.

## ARTICLE 3

## ELIGIBILITY

**3.1 Eligibility for Participation.** An Eligible Employee shall be eligible to participate in this Plan on the first day of the calendar month after he or she has completed one full calendar month of employment.

**3.2 Termination of Participation.** In the event a Participant transfers to an ineligible class of employees or terminates employment with the District, the Participant's participation in this Plan shall cease as of the date of such transfer or termination, except as specifically provided for in this Plan.

**3.3 Transfer from Ineligible to Eligible Class.** In the event an ineligible employee transfers to the eligible class, he or she shall be eligible to participate in the Plan on the first day of the calendar month following the transfer if he or she is a former Participant or has previously satisfied the requirements of 3.1 and would have previously been eligible to participate if he or she had been in the eligible class.

**3.4 Special Rules.** Notwithstanding the provisions of 3.1, the following special rules apply.

(a) **Eligibility for HSA.** To be eligible to elect the Health Savings Account Benefit described in 4.1(e), an Eligible Employee must elect coverage under a District-provided high deductible health plan ("HDHP") option that satisfies Code Section 223(c)(2). An employee is not eligible to elect the Health Savings Account Benefit if he or she elects coverage under the Health Care Expense Reimbursement Benefit described in 4.1(b) or is covered under a general purpose, nonsuspended health reimbursement arrangement provided by the District outside the Plan. An Eligible Employee must also meet additional requirements as described in Article 12 to elect the Health Savings Account Benefit.

(b) **Eligibility for Health Care Expense Reimbursement Benefit.** An employee is not eligible to elect coverage under the Health Care Expense Reimbursement Benefit described in 4.1(b) if he or she elects coverage under a District-provided HDHP option, the Health Savings Account Benefit described in 4.1(e) or the Dental and Vision Care Expense Reimbursement Benefit described in 4.1(c).

(c) **Eligibility for Dental and Vision Care Expense Reimbursement Benefit.** An employee is not eligible to elect coverage under the Dental and Vision Care Expense Reimbursement Benefit described in 4.1(c) he or she elects coverage under the Health Care Expense Reimbursement Benefit described in 4.1(b).

## ARTICLE 4

## PARTICIPATION

**4.1 Election to Participate.** The participation election form shall be signed by the Eligible Employee, shall designate the benefits in which the Eligible Employee elects to participate, and shall designate the Plan Year (or the remaining portion of the Plan Year) as the time period for which participation will be effective. The election form shall also specify the amounts by which the employee's Compensation shall be reduced or the amount of such reduction shall be determinable from that form. A Participant's Compensation reduction election must satisfy the minimum and maximum elective contribution requirements in 5.3.

An election form filed by a Participant is subject to acceptance, modification, or rejection by the Plan Administrator. The Plan Administrator may modify or reject an election in order to satisfy the terms of this Plan or applicable legal requirements.

Subject to 3.4, an Eligible Employee may elect to receive one or more of the following benefits, all of which (except the cash benefit) shall be paid or reimbursed under this Plan by a Compensation reduction agreement with the employee:

- (a) **Premium Payment Benefit.** This benefit consists of the Participant's share of the cost of the premiums under the District-provided group health plans to the extent that coverage under such plans is excludible from income under Code Section 106. The terms, conditions, and benefits of the various health plans are set forth in separate plan documents which are incorporated herein by this reference.
- (b) **Health Care Expense Reimbursement Benefit.** This benefit consists of Health Care Expenses incurred by the Participant that are reimbursable under the health care reimbursement account program set forth in Article 9.
- (c) **Dental and Vision Care Expense Reimbursement Benefit.** This benefit consists of Dental and Vision Care Expenses incurred by the Participant that are reimbursable under the dental and vision care reimbursement account program set forth in Article 10.
- (d) **Dependent Care Expense Reimbursement Benefit.** This benefit consists of Dependent Care Expenses incurred by the Participant that are reimbursable under the dependent care assistance program set forth in Article 11.
- (e) **Health Savings Account Benefit.** This benefit consists of pre-tax Compensation reduction contributions and District contributions as described in Article 12 to a qualifying HSA established and maintained outside the Plan.

(f) **Cash Benefit.** This benefit consists of taxable cash compensation payable in substantially equal amounts ratably over the Plan Year or over the portion of the Plan Year during which the Participant's Compensation is generally paid when the Participant has elected to be compensated on a school year basis. An eligible Participant may elect to receive a portion of the District contribution (other than the District contribution to an HSA) as taxable cash compensation instead of electing coverage under a District-provided group health plan. The eligibility and other requirements for cashing out the District contribution are set forth in Exhibit B, which is attached hereto and incorporated by reference herein. Exhibit B may be revised from time to time by the Plan Administrator without a formal amendment of this Plan document.

**4.2 Election Procedures.** The following rules shall govern an Eligible Employee's elections under this Plan:

(a) **Initial Participation.** Except as otherwise provided in 4.3, if the Eligible Employee does not make the participation election before the employee is to begin participation under 3.1, the employee's election may be made only



during the annual open enrollment period and will be effective as of the first day of the Plan Year to which the open enrollment period applies.

(b) **Continuation of Participation.** A Participant shall make a new election for each Plan Year to continue participation in the Plan. A Participant's election shall be made during the annual open enrollment period chosen by the Plan Administrator, prior to the beginning of the Plan Year to which the election applies. The first day of that Plan Year shall be the effective date of the Participant's participation for that Plan Year.

(c) **Eligible Expenses.** Expenses eligible for reimbursement under a reimbursement benefit elected by the Participant shall be only the eligible expenses incurred by the Participant after the effective date of the employee's participation and during the Plan Year for which the election is made. Expenses incurred before or after the applicable Plan Year or the period of coverage shall not be reimbursable from amounts contributed by the District on behalf of the Participant during the applicable Plan Year.

(d) **Additional Eligibility Requirements.** The program and plan documents incorporated by reference into this Plan may have their own eligibility requirements for participation. The eligibility rules of this Plan are in addition to and do not override the eligibility rules of the benefit programs or plans that have been incorporated by reference herein.

**4.3 Revocation and Changes.** Once made, a Participant's election shall be effective for the entire Plan Year for which made and shall not be revoked or changed except as provided in this section. The reasons for which revocations or changes in elections provided in this section are permitted may be restricted pursuant to nondiscriminatory rules adopted by the Plan Administrator that are consistently applied. Except as provided below, benefit election changes must be made within 31 days after the event that entitles the Participant to make the election change. With respect to a benefit election change made under 4.3(c) on account of losing coverage under Medicaid or a state child health plan ("CHIP") or becoming eligible for a premium assistance subsidy under Medicaid or CHIP, the election change must be made within 60 days after the loss of coverage or the determination of eligibility, as applicable.

Notwithstanding the foregoing, an election to contribute to an HSA can be changed or revoked as provided in 4.3(h).

If any election change is conditioned upon an individual obtaining (or ceasing) coverage under another plan, the Plan Administrator may rely on a Participant's certification that the individual has or will obtain (or does not have or will cease) coverage under the other plan (unless the Plan Administrator has reason to believe that the certification is incorrect).

(a) **Significant Cost or Coverage Changes.** This 4.3(a) sets forth rules for election changes as a result of changes in cost or coverage. This 4.3(a) does not allow election changes with respect to the Health Care Expense

Reimbursement Benefit described in 4.1(b) or the Dental and Vision Care Expense Reimbursement Benefit described in 4.1(c).

(1) **Cost Changes.**

(A) **Automatic Changes.** If the cost of a Qualified Benefits Plan increases or decreases during a Plan Year and, under the terms of the plan, Participants are required to make a corresponding change in their payments, the Plan Administrator may, on a reasonable and consistent basis, automatically make a

(g) **Cessation of Required Contributions.** Except as otherwise provided in 5.4 with respect to eligible Dependent Care Expenses, a benefit will cease to be provided to a Participant if the Participant fails to make the required premium payments with respect to the benefit (e.g., a Participant ceases to make premium payments for health care reimbursement account program coverage after a termination of employment). However, in such case, the former Participant may not again make a new benefit election for the remaining portion of the Plan Year.

(h) **HSA Election Changes.** A Participant's election to make pre-tax Compensation reduction contributions to an HSA can be prospectively changed on a monthly basis. Only one election change may be made per month. HSA contribution elections can be prospectively revoked if the Participant becomes ineligible to make HSA contributions. If HSA contributions are changed, the contribution amounts must continue to satisfy the HSA contribution limits described in Article 12. Election changes or revocations will be effective beginning with the payroll period during which the election change or revocation is received by the Plan Administrator (provided that the Compensation for that payroll period has not become currently available), unless the Participant elects a later effective date.

**ARTICLE 5****CREDITS AND REIMBURSEMENT PROCEDURES**

**5.1 Credits to Plan.** The following rules shall govern the Compensation reduction credits to this Plan during a Plan Year:

(a) **Establishment of Accounts.** For each Participant, the Plan Administrator shall establish a separate Account for each reimbursement benefit under 4.1 for the Plan Year.

(b) **Compensation Reduction Credits.** For each Participant, the amount by which the Participant elects to reduce his or her Compensation for a specific benefit shall be deducted from the Participant's Compensation during the Plan Year by payroll deduction and credited to the Participant's Account for such benefit, credited against the cost of that benefit as determined by the Plan Administrator, or, for HSA contributions, deposited with the HSA trustee/custodian maintaining the Participant's HSA.

(c) **District Contributions.** Prior to the beginning of each Plan Year, the District shall determine the amount to be credited to each Participant for the purchase of benefits described in 4.1. The amount so established for each Plan Year shall be set forth in Exhibit C, to be attached hereto and incorporated by reference herein. The Plan Administrator may change the District contribution amount set forth in Exhibit C without amending this Plan. District contributions or credits may be made in substantially ratable installments throughout the Plan Year.

(d) **Records of Contributions.** The Plan Administrator shall maintain appropriate records and shall record the amounts credited for a Participant for a specified benefit under (b) and (c) above in the Participant's Account established for such benefit.

(e) **Allocation of Expense.** An eligible Dependent Care Expense submitted for reimbursement by a Participant shall be paid only from the Account established for such Participant for such expense and only to the extent of the amount recorded in the Account (after deducting earlier reimbursements made during the Plan Year). The maximum amount of Health Care Expense reimbursement under Article 9 or Dental and Vision Care Expense reimbursement under Article 10 must be available at all times during the Plan Year (properly reduced as of any particular time for prior reimbursements for the same Plan Year). Thus, the maximum amount of Health Care Expense or Dental and Vision Care Expense reimbursements at any particular time during the Plan Year cannot be limited to the amount recorded in the applicable Account at that time. Reimbursement will be deemed to be available at all times if it is paid at least monthly or when the total amount of the claims to be submitted is at least a specified, reasonable minimum amount (e.g. \$50).

(f) **Unused Amounts.** An amount remaining in an Account after the Participant has submitted all reimbursable expenses for the Plan Year of the type for which the Account is established, shall not be carried over to a subsequent Plan Year, nor shall such amount be paid, directly or indirectly, to the Participant in cash or in the form of any other benefit.

**5.2 Reimbursement Payment Procedures.** The following rules shall govern the reimbursement of a Participant's eligible expenses under the Health Care Expense Reimbursement Benefit, the Dental and Vision Care Expense Reimbursement Benefit, and the Dependent Care Expense Reimbursement Benefit.

(a) **Reimbursement Request.** The Participant shall submit a written request for reimbursement on the form or forms provided by the Plan Administrator. Requests for reimbursement shall be made at such time or times as specified by the Plan Administrator; however, eligible expenses incurred during a Plan Year must be submitted for reimbursement not later than three months after the close of the Plan Year. Eligible expenses that are not submitted on a timely basis in accordance with this 5.2(a) shall not be reimbursed.

(b) **Documentation.** A Participant's written request for reimbursement shall establish that the expense was incurred during the applicable time period, and must state that the amount has not been reimbursed and is not reimbursable under any other health plan or dependent care plan, and that the amount will not be used in connection with a deduction or credit on the Participant's federal income tax return. No advance reimbursement may be made of future or projected expenses. The written request must be accompanied with a written statement from an independent third party stating that the expense has been incurred and the amount of such expense.

(c) **Payment.** A Participant's request for reimbursement, when approved by the Plan Administrator, shall be paid as soon as reasonably practicable following such approval. Payments shall only be made in reimbursement to a Participant and shall not be made directly to a service provider. Except as provided in 5.1(e), reimbursements to a Participant shall not exceed the amount available in the Participant's Account for the type of expense for which reimbursement is requested.

**5.3 Amount of Elective and Nonelective Contributions.** The maximum amount of nonelective contributions available to any Participant under this Plan for a Plan Year shall equal the District contributions under 5.1(c). The maximum amount of elective contributions available to any Participant under this Plan for a Plan Year shall equal the annual amount of the Participant's share of the cost of the District-provided group health plan premiums for the Premium Payment Benefit, plus \$20,000.

The minimum amount of elective contributions that may be elected by any Participant shall be \$20 per month. The maximum amount for credit to the Participant's HSA is as described in Article 12.

Notwithstanding the foregoing, the maximum amount of salary reduction contributions available to any Participant under this Plan for a Plan Year for the health care reimbursement account program or dental and vision care reimbursement account program shall equal \$2,500 (plus cost-of-living adjustments permitted under applicable law), prorated for any short Plan Year.

**5.4 Expense Reimbursement After Participation Terminates.** If, during a Plan Year, a Participant terminates employment, transfers to an ineligible class of employees, or ceases to make required contributions, he or she may nevertheless submit eligible Dependent Care Expenses incurred during the remainder of that Plan Year to the Plan Administrator for reimbursement under the dependent care reimbursement account program.

If a Participant terminates employment with the District or transfers to an ineligible class of employees and revokes his or her existing benefit elections, the Plan Administrator shall reimburse the Participant for any amount previously paid for coverage or benefits under the health care reimbursement account program or dental and vision care reimbursement account program relating to the period after the termination or transfer.

**5.5 Qualified Reservist Distributions.** Notwithstanding any other Plan provision to the contrary, a Participant may request a qualified reservist distribution from the Participant's health care reimbursement Account or dental and vision care reimbursement Account. The term "Account" as used in this 5.5, refers only to the foregoing two Accounts.

(a) **Definition of Qualified Reservist Distribution.** A qualified reservist distribution is a distribution to a Participant of all or a portion of the balance in the Participant's Account if: (1) the Participant is a qualified reservist as defined in (b) below, and (2) the request for a distribution is made during the period specified in (e) below.

(b) **Definition of Qualified Reservist.** A qualified reservist is a Participant who is, by reason of being a member of a reserve component (as defined in 37 U.S.C. § 101), ordered or called to active duty for a period of 180 days or more or for an indefinite period. The Plan Administrator may rely on the order or call to determine the period of active duty. If the order or call specifies that the period is for 180 days or more or is indefinite, the Participant is a qualified reservist, even if the actual period of active duty is less than 180 days or is otherwise changed. If the period of active duty specified in the order or call is less than 180 days, the Participant is not a qualified reservist unless subsequent calls or orders increase the total period of active duty to 180 days or more.

(c) **Amount Available.** The amount available as a qualified reservist distribution is the amount contributed to the Participant's Account as of the date of the request for distribution minus reimbursements received from the Account as of the date of the request.

(d) **Procedures.** A Participant must make a written request to the Plan Administrator to receive a qualified reservist distribution. The Plan Administrator must receive a copy of the order or call to active duty before a distribution can be made. Only one qualified reservist distribution is permitted with respect to a Participant during a Plan Year. A Participant may submit requests for reimbursement for medical expenses incurred before the date of the request for a qualified reservist distribution and such reimbursements will be paid in accordance with Article 5 (taking into account the amount of the qualified reservist distribution as a reimbursement). A Participant may not submit requests for reimbursement for medical expenses incurred on or after the date of the request for distribution.

(e) **Timing of Requests and Distributions.** A request for a qualified reservist distribution must be made on or after the date of the order or call to active duty and before the last day of the Plan Year during which the order or call to active duty occurred. The health care reimbursement account program or dental and vision care reimbursement account program, as applicable, shall pay the qualified reservist distribution to the Participant within a reasonable time, but not more than 60 days after the date of the request for a distribution. A qualified reservist distribution may not be made with respect to a Plan Year ending before the order or call to active duty.

**ARTICLE 6****CLAIMS PROCEDURE**

**6.1 Initial Claim.** Any person claiming a premium payment benefit under this Plan shall present the claim in writing to the Plan Administrator. Any person claiming a Dependent Care Expense Reimbursement Benefit, a Health Care Expense Reimbursement Benefit, or a Dental and Vision Care Expense Reimbursement Benefit under this Plan shall present the claim in writing to the entity that administers those benefits (“Claim Reviewer”). For purposes of this article, the person claiming a benefit (or his or her authorized representative) shall be referred to as the “Claimant.”

**6.2 Decision on Initial Claim.**

(a) **Time Period for Denial Notice.** A decision shall be made on the claim as soon as practicable and shall be communicated in writing by the Plan Administrator or Claim Reviewer to the Claimant within a reasonable period after receipt of the claim by the Plan Administrator or Claim Reviewer.

(b) **Contents of Notice.** If the claim is wholly or partially denied, the notice of denial shall indicate:

- (1) The specific reasons for the denial;
- (2) The specific references to pertinent Plan provisions on which the denial is based;
- (3) A description of additional material or information necessary for the Claimant to perfect the claim and an explanation of why such material or information is necessary; and
- (4) An explanation of the Plan’s claim review procedure.

**6.3 Review of Denied Claim.** If a Claimant receives a notice of denial, the Claimant may request a review of the claim. The request for review is made by personally delivering or mailing a written request for review, prepared by either the Claimant or his or her authorized representative, to the Plan Administrator. The Claimant’s request for review must be made within 60 days after receipt of the notice of denial. If the written request for review is not made on a timely basis, the Claimant shall be deemed to waive his or her right to review. The Claimant or his or her duly authorized representative may, at or after the time of making the request, review all pertinent documents and submit issues and comments in writing.

If a Claimant requests a review of a claim under the health care reimbursement account program, only the employee described in 9.7(b)(3) may review denied claims. Such employee shall act on behalf of the Plan Administrator in reviewing and deciding denied claims.

**6.4 Decision on Review.** A review shall be made by the Plan Administrator after receipt of a timely filed request for review. A decision on review shall be made and furnished in writing to the Claimant. The decision shall be made within a reasonable period of



**ARTICLE 9****HEALTH CARE REIMBURSEMENT ACCOUNT PROGRAM**

**9.1 General.** This article is intended to qualify as an accident and health plan within the meaning of Code Section 106. It is intended that reimbursements under this program be eligible for exclusion from the gross income of Participants under Code Section 105(b). Accordingly, this program shall be interpreted and construed in accordance with Code Sections 106 and 105(e) and any regulations or other interpretations thereunder. This program represents one benefit that may be elected by Participants under the Portland Public Schools Cafeteria Plan, and a Participant under that Plan who elects the Health Care Expense Reimbursement Benefit thereunder is deemed to be a Participant under this health care reimbursement account program.

**9.2 Amount of Coverage.** For each Plan Year, a Participant may elect any whole dollar amount of coverage under this health care reimbursement account program up to \$3,000.

Notwithstanding the foregoing, the maximum amount of coverage that may be elected as a salary reduction contribution under this health care reimbursement account program for a Plan Year is limited to \$2,500 (plus cost-of-living adjustments permitted under applicable law), prorated for any short Plan Year.

**9.3 Health Care Expenses.** Each Participant under this health care reimbursement account program will be entitled to receive for each Plan Year reimbursements of Health Care Expenses that are incurred during the Plan Year and that are not paid or reimbursed by insurance or otherwise, up to the dollar amount of coverage elected by the Participant for that Plan Year.

There will be no reimbursement for premiums paid by a Participant for health insurance. For example, there will not be any reimbursement for premiums paid for other health plan coverage, including premiums paid for health coverage under a plan maintained by the employer of the Participant's spouse or Dependent.

Health Care Expenses incurred after December 31, 2010, for medicines or drugs may be reimbursed under this health care reimbursement account program only if the medicine or drug (a) requires a prescription, (b) is available without a prescription (i.e., an over-the-counter medicine or drug) and the individual obtains a prescription, or (c) is insulin.

The coverage elected for a Plan Year is available only to reimburse expenses that are incurred during the Plan Year. An expense shall be treated as having been incurred when the medical, dental, or vision care that gives rise to the expense is provided or at the time the equipment, supplies, or drugs that give rise to the expense are purchased, and not when the Participant is formally billed, charged for, or pays for the expense.

(b) **Disclosure of Protected Health Information to the District.**

(1) **Permitted and Required Uses and Disclosures of Protected Health Information.**

(A) **Plan Administration Functions.** Subject to the conditions of disclosure described in 9.7(b)(2), (3), and (4), the health care reimbursement account program, or the program's business associate, may disclose PHI to the District for plan administration functions. Plan administration functions means administration functions performed by the District on behalf of the program, such as quality assurance, claims processing, auditing, and monitoring. Plan administration functions are limited to activities that would meet the definition of payment or health care operations, as defined in 45 CFR Section 164.501, but do not include functions to modify, amend, or terminate the program or solicit bids from prospective issuers. Plan administration functions do not include any employment-related functions or functions in connection with any other benefits or benefit plans. These permitted and required uses and disclosures may not be inconsistent with 45 CFR Part 164, Subparts C and E.

(B) **Enrollment and Disenrollment Information.** The program, or the program's business associate, may disclose to the District information on whether the individual is participating in the program. Such disclosure is not subject to 9.7(b)(2), (3), and (4).

(C) **Summary Health Information.** The program, or the program's business associate, may disclose summary health information, as defined in 45 CFR Section 164.504(a), to the District, provided the District requests the summary health information for the purpose of modifying, amending, or terminating the program and the disclosure does not violate 45 CFR Section 164.502(9)(5)(i). Such disclosure is not subject to 9.7(b)(2), (3), and (4).

(2) **Conditions of Disclosure for Plan Administration Functions.**

Disclosure of PHI to the District under 9.7(b)(1)(A) is permitted only upon receipt of a certification from the District that the Plan has been amended and the District has agreed to the following conditions regarding the use and disclosure of PHI. The District will:

(A) Not use or further disclose PHI other than as permitted or required by the program or as required by law;

(B) Ensure that any subcontractors or agents to whom the District provides PHI received from the program agree to the

Third Amendment  
October 1, 2013  
(9.7(b)(1)(C) eff  
September 23, 2013)

that no further non-compliance occurs. Such sanctions may include an oral warning, a written warning, time off without pay, or termination of employment. The District shall determine the appropriate sanction based on the severity of the violation.

**(4) Conditions of Disclosure of Electronic Protected Health Information.** The provisions of this 9.7(b)(4) shall be effective April 20, 2006. Disclosure of electronic PHI, as defined in 45 CFR Section 160.103, to the District under 9.7(b)(1)(A) is permitted if the following rules are satisfied. The District will reasonably and appropriately safeguard electronic PHI created, received, maintained, or transmitted to or by the District on behalf of the program. The District will:

(A) Implement administrative, physical, and technical safeguards that reasonably and appropriately protect the confidentiality, integrity, and availability of the electronic PHI that it creates, receives, maintains, or transmits on behalf of the program;

(B) Ensure that any agent, including a subcontractor, to whom it provides such electronic PHI agrees to implement reasonable and appropriate security measures to protect the information;

(C) Ensure that the adequate separation required by 45 CFR Section 164.504(f)(2)(iii) and 9.7(b)(3) is supported by reasonable and appropriate security measures; and

(D) Report to the program any security incident of which it becomes aware.

**9.8 Rescissions.** This health care reimbursement account program will not rescind an individual's coverage under the program unless the individual (or a person seeking coverage on his or her behalf) performs an act, practice, or omission that constitutes fraud or makes an intentional misrepresentation of material fact, both of which are prohibited by the program. A rescission is as defined in 45 CFR § 147.128 or subsequent guidance. To the extent consistent with such guidance, a rescission is a cancellation or discontinuance of coverage that has retroactive effect (other than one due to a failure to timely pay required contributions). The program must provide at least 30 days advance written notice to each affected individual before coverage may be rescinded.

A Participant is prohibited from submitting for reimbursement an expense incurred by an individual other than the individuals described in 2.11. By submitting an expense for reimbursement, the Participant is making a representation that the expense is a Health Care Expense under 2.11. Whether an expense was incurred by an individual described in 2.11 is a material fact. The coverage of an individual who is not described in 2.11 may be rescinded if the requirements of this section are satisfied.

**9.9 Mandatory Conversion of Account.** The health care reimbursement Account of an Eligible Employee who is a Participant in this health care reimbursement account program immediately prior to October 1, 2013, and elects the Health Savings Account Benefit under 4.1(e) effective October 1, 2013, shall be converted, on a mandatory basis, to a dental and vision care reimbursement Account for the period of October 1, 2013, through December 31, 2013.

**ARTICLE 10****DENTAL AND VISION CARE REIMBURSEMENT ACCOUNT PROGRAM**

**10.1 General.** This article is intended to qualify as an accident and health plan within the meaning of Code Section 106. It is intended that reimbursements under this program be eligible for exclusion from the gross income of Participants under Code Section 105(b). Reimbursements under this program are limited to expenses that qualify as dental or vision care under Code Section 223(c). Accordingly, this program shall be interpreted and construed in accordance with Code Sections 106, 105(e), and 223 and any regulations or other interpretations thereunder. This program represents one benefit that may be elected by Participants under the Portland Public Schools Cafeteria Plan, and a Participant under that Plan who elects the Dental and Vision Care Expense Reimbursement Benefit thereunder is deemed to be a Participant under this dental and vision care reimbursement account program.

**10.2 Limitations.** The maximum amount of coverage that may be elected as a salary reduction contribution under this dental and vision care reimbursement account program for a Plan Year shall equal \$2,500 (plus cost-of-living adjustments permitted under applicable law), prorated for any short Plan Year.

**10.3 Dental and Vision Care Expenses.** Each Participant under this dental and vision care reimbursement account program will be entitled to receive for each Plan Year reimbursements of Dental and Vision Care Expenses that are incurred during the Plan Year and that are not paid or reimbursed by insurance or otherwise, up to the dollar amount of coverage elected by the Participant for that Plan Year.

There will be no reimbursement for premiums paid by a Participant for any kind of health insurance. For example, there will not be any reimbursement for premiums paid for other dental plan coverage, including premiums paid for dental coverage under a plan maintained by the employer of the employee's spouse or Dependent.

Dental and Vision Care Expenses incurred for medicines or drugs may be reimbursed under this dental and vision care reimbursement account program only if the medicine or drug (a) requires a prescription, (b) is available without a prescription (i.e., an over-the-counter medicine or drug) and the individual obtains a prescription, or (c) is insulin.

The coverage elected for a Plan Year is available only to reimburse expenses that are incurred during the Plan Year. An expense shall be treated as having been incurred when the dental or vision care that gives rise to the expense is provided or at the time the equipment, supplies, or drugs that give rise to the expense are purchased, and not when the Participant is formally billed, charged for, or pays for the expense.

**10.4 Other Provisions.** The provisions contained in 9.4 through 9.7 apply to this dental and vision care reimbursement account program and are hereby incorporated by reference into this Article 10.

**ARTICLE 11****DEPENDENT CARE REIMBURSEMENT ACCOUNT PROGRAM**

**11.1 Separate Program.** This article is intended to qualify as a separate written dependent care assistance program within the meaning of Code Section 129. It is intended that reimbursements under this program be eligible for exclusion from the gross income of Participants under Code Section 129(a). Accordingly, this program shall be interpreted and construed in accordance with Code Section 129 and any regulations or other interpretations thereunder. To the extent that the requirements for such exclusion change under applicable federal law, the limitations and other rules set forth in this article shall automatically change to be consistent with such law.

This program represents one benefit that may be elected by Participants under the Portland Public Schools Cafeteria Plan, and a Participant under that Plan who elects the Dependent Care Reimbursement Benefit thereunder is deemed to be a Participant under this dependent care reimbursement account program, provided the Participant has one or more qualifying individuals at the time an election is permitted under the Portland Public Schools Cafeteria Plan. A “qualifying individual” means (a) a dependent of the Participant (as defined in Code Section 152(a)(1)) who is under age 13, or (b) a dependent (as defined in Code Section 21(b)(1)(B)) or the spouse of the Participant, if the dependent or spouse is physically or mentally incapable of self-care and has the same principal place of abode as the Participant for more than one-half of the taxable year. An individual shall not be treated as having the same principal place of abode as the Participant if at any time during the taxable year the relationship between the individual and the Participant is in violation of local law.

**11.2 Nondiscrimination Requirements.** The contributions and benefits provided under this program shall not discriminate in favor of highly compensated employees (as defined in Code Section 414(q)) or their dependents. The average benefits provided under all dependent care assistance programs of the District to nonhighly compensated employees must be at least 55 percent of the average benefits provided to highly compensated employees under all such programs.

**11.3 Limitations.** The amount of coverage that may be elected under this dependent care reimbursement account program for a Plan Year is limited to \$5,000 (the limit is \$2,500 for a married Participant who files a separate federal income tax return for the Plan Year); provided, however, that the coverage for an unmarried Participant shall not exceed the Participant’s earned income for the Plan Year, and the coverage for a married Participant shall not exceed the lesser of the Participant’s earned income or the spouse’s earned income for the Plan Year. “Earned income” means wages, salaries, tips, and other employee compensation, but only if such amounts are includible in gross income for the taxable year, plus the amount of net earnings from self-employment for the taxable year. Earned income shall be computed without regard to any community property laws. Amounts received from pensions and annuities are not included. Amounts to which Code Section 871(a) applies are not included. Earned income shall not include any amounts paid or incurred by any employer for the Participant under this or any other dependent care assistance program. The earned income of a Participant’s spouse for any

month during which the spouse is a full-time student at an educational institution described in Code Section 170(b)(1)(A)(ii) or is physically or mentally incapable of self-care shall be deemed to be not less than \$250 (if the Participant has one qualifying individual for the Plan Year), or \$500 (if the Participant has two or more qualifying individuals for the Plan Year). A full-time student is an individual who is enrolled at and attends the educational institution during each of five calendar months of the individual's taxable year for the number of course hours that is considered to be a full-time course of study. The enrollment for five calendar months need not be consecutive. School attendance exclusively at night does not constitute a full-time course of study. However, a full-time course of study may include some attendance at night.

**11.4 Dependent Care Expenses.** Dependent Care Expenses mean expenses for household services and expenses for the care of a qualifying individual, but only if the expenses are incurred to enable the Participant to be employed by the District for a period during which the Participant has a qualifying individual. Expenses for services outside the Participant's household will qualify only if the expenses are for the care of a dependent (as defined in Code Section 152(a)(1)) who is under age 13, or for the care of a qualifying individual who regularly spends at least eight hours each day in the Participant's household. If the outside services are provided by a dependent care center as defined in Code Section 21(b)(2)(D), the expense will qualify only if the dependent care center complies with all applicable laws and regulations of the applicable state or unit of local government. Dependent Care Expenses do not include expenses for services performed by an individual for whom a personal income tax exemption is allowable either to the Participant or the spouse, or expenses for services of a son, stepson, daughter, stepdaughter, or eligible foster child (as defined in Code Section 152(f)(1)(C)) of the Participant who has not attained age 19 at the close of the taxable year. For purposes of the preceding sentence, a Participant's child shall include a Participant's legally adopted child and a child placed with the Participant for adoption.

**11.5 Administration.** The plan administrator of this dependent care reimbursement account program shall be the same as for the Portland Public Schools Cafeteria Plan. The procedures for making and reviewing claims, plan administration, elections and revocation of elections, and reimbursement requests and payments shall be as set forth in the Portland Public Schools Cafeteria Plan.

**ARTICLE 12****HEALTH SAVINGS ACCOUNT**

**12.1 General.** An Eligible Employee may elect to make pre-tax Compensation reduction contributions to an HSA under 4.1(e) subject to the terms of Article 3 and this article. To make such contributions, the Eligible Employee must (a) be an “eligible individual” within the meaning of Code Section 223(c), (b) be covered by an HDHP coverage option provided by the District, and (c) have established an HSA account with an HSA trustee/custodian satisfactory to the Plan Administrator. If an Eligible Employee elects the Health Savings Account Benefit, the District will contribute to the Eligible Employee’s HSA, subject to the Eligible Employee’s continuing eligibility to contribute to an HSA, an amount as determined by the District and listed on Exhibit C. In no event will an Eligible Employee be allowed to receive such District contribution as a Cash Benefit.

**12.2 Maximum Amount of Contributions.** In no event shall the annual amount of the Participant’s pre-tax Compensation reduction contributions and the District Contributions to the Participant’s HSA exceed the annual limit described in Code Section 223(b). The limit is the annual statutory maximum under Code Section 223(b), as adjusted for cost-of-living increases (\$3,250 for single HDHP coverage and \$6,450 for family HDHP coverage in 2013), plus additional catch-up contribution amounts for Participants who are age 55 or older as described in Code Section 223(b)(3) (\$1,000 for 2013).

Subject to the following, if the Participant is not eligible to contribute to an HSA for the entire Plan Year under this Article 12, the maximum annual contribution will be prorated for the number of months in which the Participant is eligible to contribute to an HSA. If a Participant is eligible to make HSA contributions during the last month of a Plan Year, however, the Participant’s maximum annual HSA contribution for the Plan Year is the greater of the following:

- (a) The prorated amount described in the preceding sentence; or
- (b) The maximum annual HSA contribution under Code Section 223(b)(2)(A) or 223(b)(2)(B) based on the Participant’s HDHP coverage (self-only or family) December 1 of that Plan Year, plus catch-up contributions under Code Section 223(b)(3), if applicable.

**12.3 Forwarding of Contributions.** The District will forward contributions to the Participant’s HSA that the Participant has established with an HSA custodian or trustee. The Plan Administrator may limit the number of HSA providers to whom it will forward HSA contributions.

**12.4 Status of HSA.** The HSA Benefit under this Plan consists solely of the Participant’s ability to make pre-tax Compensation reduction contributions to the HSA and the District contributions that are made to the HSA. The terms and conditions of each Participant’s



HSA are described in the HSA trust or custodial agreement provided by the applicable trustee or custodian and are not a part of this Plan.

The HSA is not an employer-sponsored employee benefit plan. It is a savings account that is established and maintained by an HSA trustee or custodian outside this Plan to be used primarily for reimbursement of “qualified medical expenses” as set forth in Code Section 223(d)(2). The District has no authority or control over the Participant’s use of the amounts contributed to the HSA, the investment or distribution of such amounts, or any other aspect of the HSA’s administration. The District’s sole duty is to forward the District contributions and Compensation reduction amounts elected by the Participant to the HSA custodian or trustee. Even though this Plan allows pre-tax Compensation reduction contributions to an HSA, the HSA is not intended to be a benefit plan sponsored or maintained by the District.

**EXHIBIT A  
PORTLAND PUBLIC SCHOOLS  
CAFETERIA PLAN**

**Plan Years  
(Referent Section 2.16)**

The Plan Years of the separate premium payment benefits are as follows:

**FEBRUARY 1 – JANUARY 31 PLAN YEAR**

**ATU/DCU/PFTCE**

**Full-Time and Part-Time Option 1 Employees:**

- Kaiser
- Providence Personal Option Plan
- Providence Point of Service
- Trust Dental Plan
- Providence Vision
- Kaiser Vision
- VSP Vision
- Walgreens Prescription Mail Service
- Postal Prescriptions Mail Service
- Wellpartners Prescription Mail Service
- Providence Pharmacy Plan
- Kaiser Mail Service Pharmacy
- Caremark Mail Service Pharmacy
- Caremark Pharmacy Plan

**Part-Time Option 2 Employees:**

- Kaiser
- Providence Open Option Plan
- Providence Personal Option Plan
- Walgreens Prescription Mail Service
- Postal Prescriptions Mail Service
- Wellpartners Prescription Mail Service
- Providence Pharmacy Plan
- Kaiser Mail Service Pharmacy
- Caremark Mail Service Pharmacy
- Caremark Pharmacy Plan

**EXHIBIT C  
PORTLAND PUBLIC SCHOOLS  
CAFETERIA PLAN**

**District Contribution  
(Referent Section 5.1(c))**

The amount of the District monthly contribution for each Plan Year for each Participant shall be the District's share of the premium for coverage under the District-provided group health plans.

The District will contribute the following additional amount for each Eligible Employee who elects the Health Savings Account Benefit described in 4.1(e): (1) \$125 per month for an Eligible Employee enrolled in self-only coverage under a District-provided HDHP option, or (2) \$250 per month for an Eligible Employee enrolled in family coverage under a District-provided HDHP option.



# Board of Education

## Superintendent's Recommendation to the Board

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**Board Meeting Date:** October 21, 2013      **Executive Committee Lead:** Neil Sullivan, CFO

**Department:** Finance/Budget      **Presenter/Staff Lead:** David Wynde, Deputy CFO / Budget Director

**Agenda Action:**     Resolution     Policy

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<b>SUBJECT: Appointment of CBRC</b>
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### BRIEF SUMMARY AND RECOMMENDATION

Each year the Board of Education (Board) appoints citizens to membership on the Citizen Budget Review Committee (CBRC). A resolution that will officially appoint the CBRC members for the FY 2014-15 budget cycle has been prepared.

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### BACKGROUND

In May 2011, the voters of the Portland Public School (PPS) District passed a Local Option Levy, Measure 26-122 which mandates independent citizen oversight to ensure tax dollars are used for purposes approved by local voters.

The mission of the CBRC is to review, evaluate, and make recommendations to the Board regarding the Superintendent's Proposed Budget and other budgetary issues identified by the CBRC or the Board. Additionally, they are to serve as the citizen oversight for the Local Option Levy mentioned above.

The CBRC is composed of eight to twelve volunteer members. The Board appoints members to two-year terms with a student member appointed each year to a one-year term.

Two existing members will return to serve the second year of their two-year term.

The District received applications from five previous members (whose terms had just expired) indicating interest in serving an additional term, and four applications from citizens not currently engaged with the CBRC (one of whom is a former student member) and one application from a Portland Public School student.

District staff reviewed the applications with the co-chairs of last year's committee. The Superintendent's recommendations for membership are detailed in the attached Board resolution. The committee as proposed comprises an outstanding combination of important characteristics including prior experience with CBRC, prior engagement with PPS, professional background and expertise, geographic diversity within the District, and racial diversity.

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<b>Reviewed and Approved by Superintendent:</b>
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## **RELATED POLICIES / BOARD GOALS AND PRIORITIES**

The CBRC supports the Board's priority of providing sound fiscal oversight on District budget and assets. CBRC's work and report to the Board contributes to the following Board goals:

- The Board adopts a budget aligned with PPS' educational vision and prioritizes the allocation of resources to improve student achievement and provide a core curriculum to all students.
  - The Board, in accordance with the Equity Policy, ensures that resources are differentiated and prioritized to ensure the success of all students.
  - The Board supports the need to maintain and upgrade District assets.
- 

## **PROCESS / COMMUNITY ENGAGEMENT**

The District engaged in membership outreach through posting the availability of these volunteer positions on the District web site, and via publication of a public notice in "The Oregonian" newspaper. District staff worked with CBRC leadership to develop interested candidates and to determine if members whose terms had expired wished to serve again. As in the last two years, PPS also attempted to diversify the membership of the committee and to ensure broader representation by reaching out directly to organizations representing communities of color.

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## **ALIGNMENT WITH EQUITY POLICY IMPLEMENTATION PLAN**

There has been a conscious effort to ensure that committee membership is reflective of the students served by PPS. Five of the proposed members of CBRC for this coming year are people of color. The agenda for the committee is set by its members, but last year District staff previewed the Racial Educational Equity Policy with CBRC and the equity lens tool. As evident from the committee's report to the board last year, the CBRC reviewed the budget proposed by the superintendent and commented upon the alignment of the budget with the policy. It is reasonable to expect that this will be the case in the coming year.

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## **BUDGET / RESOURCE IMPLICATIONS**

There is no direct fiscal impact to the District from the Board policy to engage a Citizen Budget Review Committee. As an advisory committee to the Board, the CBRC may, through its deliberations and recommendations, affect District decisions regarding its finances and operations. Working with the committee involves significant staff time, which represents an indirect cost to PPS. This cost is reasonable in relation to the benefits in terms of accountability and transparency, improved fiscal decisions, community engagement, and equity that are derived through the work of the committee.

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## **NEXT STEPS / TIMELINE / COMMUNICATION PLAN**

The CBRC has tentatively scheduled its first meeting for October 31, 2013. If confirmed by the Board the committee will receive presentations on a number of topics to better understand the context for the budget the superintendent will propose next spring.

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## **ATTACHMENTS**

- RESOLUTION No. XXXX: Appointment of Citizen Budget Review Committee Members

**Raihana Ansary**

Ms. Ansary worked for Mayor Sam Adams providing policy support on economic development, planning and sustainability topics, and now works for the Portland Business Alliance. She is a graduate of PPS and this will be her first term on CBRC.

**Toya Fick**

Ms. Fick has worked as a middle school teacher and as a legislative aide on education issues for a U.S. Senator. She has been a member of CBRC for one term; this will be her second term serving as co-chair.

**Minna Jayaswal**

Ms. Jayaswal is a student at Lincoln High School.

**Roger Kirchner**

Mr. Kirchner is a retired state and federal employee. He has served two terms on CBRC. He has also served on PTA leadership and site councils at schools in the Franklin cluster, and is currently on the site council at Franklin HS.

**Scott McClain**

Mr. McClain has worked as a budget analyst and policy researcher in the public sector in Texas. He has served one term on CBRC and is on the site council at Metropolitan Learning Center. He is fluent in Spanish and was initially nominated to CBRC by the Latino Network.

**Inger McDowell**

Ms. McDowell works as the Collaboratives Coordinator for the Coalition of Communities of Color and Social Venture Partners. She was a student teacher at Woodlawn and Rosa Parks schools, and has served on the site council at Irvington School. This will be her first term on CBRC.

**Rita Moore**

Ms. Moore has worked as a teacher at universities, as a program evaluator and manager, and as a researcher and planner, and has served one term on CBRC. She is a member of the Superintendent's Advisory Committee on Enrollment & Transfer. She has served on the site council at Winterhaven and is Co-Chair of Our Portland, Our Schools.

**Harmony Quiroz**

Ms. Quiroz has worked as a teacher, in curriculum development, in publishing and now works as an assessment project manager for a not-for-profit organization. This will be her first service on CBRC.

**Betsy Salter**

Ms. Salter worked for many years for the EPA and more recently worked in schools in the Portland area for SMART. She is currently a stay-at-home mother, and has served one term on CBRC. Ms. Salter has served on PTA leadership and site councils at schools in the Franklin cluster. She is a founding member of Our Portland, Our Schools and Oregon Save Our Schools.

**Patrick Stupfel**

Mr. Stupfel is a student at Portland Community College, where he serves as student body president at the Southeast Center. He is a graduate of PPS, and was CBRC's student representative two years ago, during his senior year. He also served on several other district committees, and has worked as a legislative intern at the Oregon legislature.

BOARD OF EDUCATION  
SCHOOL DISTRICT NO. 1J, MULTNOMAH COUNTY, OREGON

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October 21, 2013

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Personnel

The Superintendent RECOMMENDS adoption of the following items:

Numbers 4813 through 4822

**RESOLUTION No. 4813**

Election of Probationary Administrators (Full-time)

**RECITAL**

On the advice of the Chief Human Resources Officer, the Superintendent recommends that the administrator(s) listed below be elected as (a) Probationary Administrator(s).

**RESOLUTION**

The Board of Education accepts the Superintendent's recommendation, and by this resolution hereby elects as Probationary Administrator(s) for the school year 2013-14 the following person(s), subject to the employment terms and conditions set out in the standard form contract approved by legal counsel for the District and to be placed on the applicable Salary Guide that now exists or is hereafter amended:

*Full-time*

<b>First</b>	<b>Last</b>	<b>ID</b>
Michael	Bacon	000978
Rene	Canler Acevedo	021777
Lorna	Fast Buffalo Horse	005354
Amber	Gerber	000946
Angela	Hubbs	021807
Dennis	Joule	011116
Benjamin	Keller	000916
Rui	Neves	021830
Susan	Payne	021905
Claudia	Ramos- Tetz	021956
Regina	Sackrider	010377
Gretchen	Schlag	021850
Jeffrey	Taylor	021771
Reiko	Williams	017220
Sarah	Zabel	021970

S. Murray

**RESOLUTION No. 4814**

Election of Temporary Administrators

**RECITAL**

The following person(s) have {has} served or will serve in administrative positions with the District, and the Superintendent recommends them to the Board of Education ("Board") for election as Temporary Administrators.

**RESOLUTION**

The Board accepts the Superintendent's recommendation and by this resolution hereby elects as Temporary Administrators for the school year 2013-14 the following person(s), according to the employment terms and conditions set out in the standard District contract, with all to be placed on the applicable Salary Guide that now exists or is hereafter amended:

First	Last	ID
Paula	McCullough	006057
Kara	Mortimer	000071
Jonathan	Steinhoff	004942

*S. Murray*

**RESOLUTION No. 4815**

Election of Contract Teachers

**RECITAL**

On the advice of the Chief Human Resources Officer, the Superintendent recommends that the teacher(s) listed below who has been employed by the District as (a) regularly appointed teacher(s) for three or more successive school years be elected as (a) Contract Teacher(s).

**RESOLUTION**

The Board of Education accepts the Superintendent's recommendation, and by this resolution hereby elects as (a) Contract Teachers for the school year 2013-14 the following person(s):

First	Last	ID
Leslie	Dorobek	018211
Kelly	Edwards	019978
Dipti	Muni	017023
Rebecca	Wagner	000291

*S.Murray*

**RESOLUTION No. 4816**

Election of Third-year Probationary Teachers (Full-time)

**RECITAL**

On the advice of the Chief Human Resources Officer, the Superintendent recommends that the teacher(s) listed below be elected as Third-year Probationary Teacher(s).

**RESOLUTION**

The Board of Education accepts the Superintendent's recommendation, and by this resolution hereby elects as Third-year Probationary Teacher(s) for the school year 2013-14 the following person(s), subject to the employment terms and conditions set out in the standard form contract approved by legal counsel for the District and with all to be placed on the applicable Salary Guide that now exists or is hereafter amended:

*Full-Time*

<b>First</b>	<b>Last</b>	<b>ID</b>
Gwen	Campbell	018480
Jill	Erickson	017075
Kyla	Walker	020459

S. Murray

**RESOLUTION No. 4817**

Election of Third-year Probationary Teacher (Part-time)

**RECITAL**

On the advice of the Chief Human Resources Officer, the Superintendent recommends that the teacher listed below be elected as Third-year Probationary Teacher.

**RESOLUTION**

The Board of Education accepts the Superintendent's recommendation, and by this resolution hereby elects as Third-year Probationary Teacher for the school year 2013-14 the following person, subject to the employment terms and conditions set out in the standard form contract approved by legal counsel for the District and with all to be placed on the applicable Salary Guide that now exists or is hereafter amended:

*Part-Time*

<b>First</b>	<b>Last</b>	<b>ID</b>
Kala	Goodman	019066

S. Murray

## RESOLUTION No. 4818

### Election of Second-year Probationary Teacher(s) (Full-time)

#### RECITAL

On the advice of the Chief Human Resources Officer, the Superintendent recommends that the teacher(s) listed below be elected as Second-year Probationary Teacher(s).

#### RESOLUTION

The Board of Education accepts the Superintendent's recommendation, and by this resolution hereby elects as Second-year Probationary Teacher(s) for the school year 2013-14 the following person(s), subject to the employment terms and conditions set out in the standard form contract approved by legal counsel for the District and with all to be placed on the applicable Salary Guide that now exists or is hereafter amended:

#### *Full-Time*

First	Last	ID
Brian	Beadle	019942
Dawn	Bolgioni	019956
Alicia	Brown	021180
Christopher	Buehler	020623
Matthew	Carlson	020603
Jonah	Carpenter	021332
Mishaun	Christian	020681
Chastity	Clegg	019252
Hannah	Delaney	021349
Christopher	Doherty	020551
Paula	Dougherty	000961
Heather	Elder	021315
Kelly	Fale	019999
Eva	Fraser	019323
Westin	Freeman	021303
Sarah	Gaynor	015028
Christopher	Gifford	021169
John	Gordon	019210
Amanda	Helmets	020669
Klarissa	Hightower	021359
Deidre	Iwersen	018957
Tara	Keeler	018125
Elizabeth	Markovich	017875
Nicholas	McCarthy	015509
Megan	McCracken	019569
James	McGlotten	020643
Ronald	Morgan	015966

Lauren	Mummert	015233
Sarah	Mussio	019096
Diane	Ness	018102
May	Ohara	021159
Olufunmilola	Ologuntoye	021357
Sarah	Parker-Guizar	016161
Francisco	Perez-Rodriguez	021243
Victoria	Rodgers	020960
Lori	Ryan	021160
Arelys	Thompson	020579
Katherine	Wich	021014
Kelsey	Williams	020462
Janie	Zimmerman	021446

*S. Murray*

**RESOLUTION No. 4819**

Election of Second-year Probationary Teacher(s) (Part-time)

**RECITAL**

On the advice of the Chief Human Resources Officer, the Superintendent recommends that the teacher(s) listed below be elected as Second-year Probationary Teacher(s).

**RESOLUTION**

The Board of Education accepts the Superintendent's recommendation, and by this resolution hereby elects as Second-year Probationary Teacher(s) for the school year 2013-14 the following person(s), subject to the employment terms and conditions set out in the standard form contract approved by legal counsel for the District and with all to be placed on the applicable Salary Guide that now exists or is hereafter amended:

*Part-Time*

<b>First</b>	<b>Last</b>	<b>ID</b>
Melynda	Brand	007335
Dempsey	Haupt	021355
Katherine	Kondylis	001827
Renee	Kruger	017464
Kellie	May	018052
Morgan	McFadden	019580
Virginia	Moayyad	020794
Carolyn	Myers	018966
Susan	Russell	017432
Jillian	Stone	014821
Keenan	Wells	021382
Elenoir	WilderTack	018959

S. Murray

## RESOLUTION No. 4820

### Election of First-year Probationary Teachers (Full-time)

#### RECITAL

On the advice of the Chief Human Resources Officer, the Superintendent recommends that the teacher(s) listed below be elected as a First-year Probationary Teacher(s).

#### RESOLUTION

The Board of Education accepts the Superintendent's recommendation, and by this resolution hereby elects as First-year Probationary Teacher(s) for the school year 2013-14 the following person(s), subject to the employment terms and conditions set out in the standard form contract approved by legal counsel for the District and to be placed on the applicable Salary Guide that now exists or is hereafter amended:

#### *Full-time*

First	Last	ID
Adrian	Ackerman-Harvie	021798
Gloria	Alonso	021772
Jeffrey	Anderson	021951
Emmanuel	Aquino	021811
Alexa	Arnold	021877
Tatiana	Baley	021773
Lisa	Barnett	020013
Remy	Bennett	021826
Rebecca	Berry	021890
Jacqueline	Bidney	009106
Maranda	Bish	018829
Ashley	Black	021878
Megan	Borgelt	021913
Srulle	Brachman	021846
Tara	Brown	021966
Ronette	Bryson	019447
Max	Cartagena	017052
Martin	Castillo	021440
Monty	Catabay	017685
Daniel	Clute	021927
Barry	Cochran	022036
William	Cohen	022014
Karen	Cowden	021942
Kevin	Cunningham	011418
Cheryl	DeGroot	021774
Anna	DeVille	021840
Pablo	Dipascuale	021879
Janet	Do	021815
Cecilia	Dove	019073



Christine	Dugan	021800
Elizabeth	Ellis	020915
Stacey	Elwood	021875
Jody	Falkenstern	021884
Matthew	Ferro	021801
Amy	Fifth-Lince	015673
Moises	Flores	021885
Travis	Flye	021455
Stacey	Freeman	016558
Barry	Frisby	021371
Alyssa	Fulks	021858
Chelsea	Fuller	021825
Jennifer	Gardner	022008
Caroline	Gereau	021803
Kirey	Gilson	003922
Cody	Glaze	020840
Amber	Green	021451
Elena	Gregerson	020083
Chadwick	Hamilton	015861
Yessica	Hardin Mercado	021847
Peter	Harley	022035
Andre	Hawkins	012846
Laureen	Held	021896
Nancy	Helmsworth	021793
Cesar	Hernandez	011864
Alison	Herron	021499
Jamie	Hillenberg	021820
Luke	Hotchkiss	022042
Pamela	Huaripata	016943
David	Huerta	021775
Katharine	Huizinga	021874
Kennedy	Hutsell	016820
James	Jeffrey-West	021945
Rachel	Johnson	016617
Scott	Johnson	021965
Amanda	Jordan	021836
Elizabeth	Juaniza	019696
Steven	Kapka	021889
Robert	Kelley	021439
Stephanie	Kelley	020228
Diana	Kincaid	021907
Melissa	Kirkpatrick	020568
Elizabeth	Kirsch	021943
Richard	Kirschmann Jr	008780

Corinne	Kugel	002435
Amy	Kyler	021832
Carlos	Laguardia	020595
Gail	LaMontagne	006011
Kevin	Lawhon	016327
Courtney	Maddy	014472
Nicole	Marsh	021972
Sam	Marvit	021776
Sara	Matano	021810
Brittney	McAlear	021997
Shannon	McClure	021794
Wakana	McCollister	021778
Jessica	McKie	021839
Jeffrey	McNeal	021797
Adam	McQueen	021928
Chris	Merideth	019882
Paige	Miller	021647
Madeline	Mininger	021930
Katherine	Moss	016704
Mercedes	Munoz	022007
Gillian	Murr	021894
Allison	Newton	021805
Donna	Nguyen	021860
Gina	Norton	018324
Alicia	O'Leary	021650
Janet	Olsson	021844
Trevor	Parker	021806
Celene	Perez Vargas	021799
Gabrielle	Peterson	021888
Leslie	Phillips	021707
David	Pierce	019939
Keri	Pilgrim	021866
Robin	Plies	021920
Laela	Rae	021827
Daniel	Ramirez	021784
Laura	Recker	021796
Tawnya	Redding	021985
Seth	Reedy	021949
Stephanie	Rege	021900
Koll	Reynolds	020646
Ordella	Reynolds	008389
Natalie	Riley	021981
Christopher	Riser	020309
JoAnna	Roddis	020218

Marcos	Rodriguez	021795
Kyra	Routon-Michelinie	021855
Meredith	Rumann	021906
Anne	Rybak	021950
Matthew	Sandmann	019247
Katie	Schneider	016101
Josephine	Scott	021872
Marie	Scull	019099
Yulia	Setiadi	020688
Sarah	Shelton	021964
Brenna	Sheridan	021802
Douglas	Siegel	021899
Daniel	Silvernail	021982
Matthew	Speer	021886
Amy	Steeves	021857
Kayla	Stolte	021713
Janine	Storm van Leeuwen	021990
Michelle	Strickler	021955
David	Stroup	021947
Anthony	Swerdlik	017808
Joshua	Tabshy	018796
Brieana	Thatcher	021891
Jennifer	Thomas	015657
Christian	Timmerman	021893
Heather	Torain	013804
Kayla	Tracy	021975
Sid	Tyler	016059
Gerardo	Vargas	021926
Mark	Warner	021833
Natalie	Webb	021804
Adam	Weiner	017113
Martha	Wenner	014014
Dorothy	Wierth	019859
Matthew	Wiles	021856
Kimberly	Wilson	021853
Tyler	York	021245
Lavonna	Zeller-Williams	021909

S. Murray

**RESOLUTION No. 4821**

Election of First-year Probationary Teachers (Part-time)

**RECITAL**

On the advice of the Chief Human Resources Officer, the Superintendent recommends that the teacher(s) listed below be elected as First-year Probationary Teacher(s).

**RESOLUTION**

The Board of Education accepts the Superintendent’s recommendation, and by this resolution hereby elects as First-year Probationary Teacher(s) for the school year 2013-14 the following person(s), subject to the employment terms and conditions set out in the standard form contract approved by legal counsel for the District and with all to be placed on the applicable Salary Guide that now exists or is hereafter amended:

*Part-Time*

<b>First</b>	<b>Last</b>	<b>ID</b>
Kimberly	Baker	019177
Joseph	Ball	010790
Sarah	Barten	021979
Adriane	Blackman	015371
Elizabeth	Bowe	021814
Kerensa	Brougham	021898
Christina	Brown	021895
Elizabeth	Bundy	019174
Michaela	Caldwell	021452
Matthew	Caniglia	021838
April Rose	Castillo	021902
Cara	Cocchiarella	021818
Debra	Crawford	021821
Moses	Davis	008268
Nine	Dejanvier	021461
Heather	Dickinson	022053
Corina	Donald	021936
Sarah	Dyste	021346
Jocelyn	Edelstein	018117
Leslie	Eisen	021231
Daniel	Foster	007799
Nicholas	Hartel	019350
Odie	Hollingshed	021435
Robin	Houdek	017309
Elizabeth	Israel-Davis	010932
Debra	Jetton	021978

Susan	Kaller	021699
Greg	Kirkelie	021230
Tim	Klee	007909
Andrea	Leech	021863
Emily	Lethlean	016962
Pamela	Lindsay	018595
Hong	Liu	015156
Doug	Mandell	021480
Heidi	Masunaga	005454
Elizabeth	McDowell	021911
Sharitha	McKenzie	021881
Danielle	McSherry	021236
Joseph	Minato	021939
Jessica	Murray	021864
Nicole	O'Brien	016931
Nicole	Penoncello	021824
Russell	Pickett	021361
Molly	Porterfield	018827
Evan	Price	021904
Caitlin	Quinn	018970
Sara	Raspone	021912
Gavin	Riedel	022059
Tracy	Rittenberry	022005
Cicely	Rodgers	021873
Jayson	Schmidt	014463
Lori	Shippy	021822
Zoya	Surits	021484
Britta	Walker	015623
Kathryn	Weber	021897
S	West	013820
Benjamin	Weston	021946
Casey	Whisler	018411
Meghan	Whitaker	021915
Susan	Wiencke	019329
Kendra	Yao	021869

S. Murray

**RESOLUTION No. 4822**

Appointment of Temporary Teachers and Notice of Non-renewal

**RESOLUTION**

The Board of Education accepts the recommendation to designate the following persons as temporary teachers for the term listed below. These temporary contracts will not be renewed beyond their respective termination dates because the assignments are temporary and District does not require the teachers' services beyond completion of their respective temporary assignments.

<b>First</b>	<b>Last</b>	<b>ID</b>	<b>Eff. Date</b>	<b>Term Date</b>
Timothy	Barnes	017069	8/16/2013	11/12/2013
Cory	Bettinger	020031	9/4/2013	1/5/2014
Jeffery	Boyd	020420	9/4/2013	6/14/2014
Patricia	Brent	015679	9/9/2013	6/14/2014
Daniel	Brixius	004461	9/5/2013	6/14/2014
Jeanne	Carlson	013602	9/5/2013	3/2/2014
Amanda	Carrigg	020678	8/28/2013	6/14/2014
Allanah	Carrillo	021892	8/16/2013	12/21/2013
Giles	Cattlin	020815	9/6/2013	1/4/2014
Ashley	Chang	021861	9/23/2013	6/14/2014
Ashley	Christophersen	021808	8/16/2013	6/14/2014
Allison	Cook	021882	8/16/2013	12/1/2013
Maurice	Cowley	015636	8/16/2013	6/14/2014
Laura	Curry	022034	9/13/2013	12/8/2013
Ingrid	Dahl	021901	8/16/2013	6/14/2014
Bernadette	Diepenbrock	020151	9/18/2013	6/14/2014
Mai	Duong	022071	9/23/2013	1/3/2014
Dawn	Dzubay	007780	8/16/2013	6/14/2014
Lauren	Epifano	021971	9/4/2013	6/14/2014
Catherine	Fergusson	015936	9/3/2013	11/9/2013
Aaron	Finley	016888	8/16/2013	11/2/2013
Kristina	Fosik	020346	8/16/2013	6/14/2014
Zalika	Gardner	021929	8/30/2013	6/14/2014
Sara	Garside	022048	9/19/2013	6/14/2014
Robert	Gruber	017865	9/26/2013	6/14/2014
Katharine	Grunseth	019932	8/16/2013	11/30/2013
Maria	Haddox	018816	8/28/2013	6/14/2014
Skye	Hanna	021870	8/16/2013	6/14/2014
Maria	Hernandez	015718	8/16/2013	6/14/2014
Shawnte	Hines	021783	7/30/2013	6/14/2014
Jacob	Hockett	021948	9/26/2013	6/14/2014
Alicia	Irwin	022089	10/1/2013	6/14/2014
Robert	Jamieson	021712	8/16/2013	6/14/2014
Shani	Johnson	021867	8/16/2013	6/14/2014
Carol	Kafton	007368	8/29/2013	12/1/2013

<b>First</b>	<b>Last</b>	<b>ID</b>	<b>Eff. Date</b>	<b>Term Date</b>
Phillip	Lancaster	021123	8/16/2013	6/14/2014
Karen	Lefere	021908	8/16/2013	6/14/2014
Joshua	Levine	019242	8/28/2013	6/14/2014
Melissa	Lum	021887	8/16/2013	2/1/2014
Bud	MacKay	007968	9/18/2013	6/14/2014
Heather	Mankowski	019165	8/16/2013	2/4/2014
Matthew	Manley	016224	8/28/2013	6/14/2014
Janice	Martin	001862	9/3/2013	10/26/2013
Marcia	McCubbin	015760	8/16/2013	12/18/2013
Nikolaus	Merrick	015538	9/24/2013	6/14/2014
Natalie	Mew	013643	8/16/2013	6/14/2014
Kathryn	Moore	000211	8/28/2013	6/14/2014
Jacqueline	Motzer	020246	8/16/2013	6/14/2014
Kathryn	Mouery	020810	9/4/2013	11/28/2013
Michele	Mulvihill	017940	8/16/2013	6/14/2014
Deborah	Munoz	019697	8/28/2013	6/14/2014
Thomas	Myers	021871	8/16/2013	6/14/2014
Jane	Nicholson	004677	9/12/2013	11/12/2013
Tom	Nims	021931	8/30/2013	6/14/2014
Irene	Petersen	015110	8/28/2013	11/20/2013
Ana	Ponz	022009	9/13/2013	6/14/2014
Roberta	Pressman-James	007015	9/10/2013	11/2/2013
Carmen	Rasmussen	014060	8/28/2013	11/16/2013
Patrick	Roth	005737	9/12/2013	11/9/2013
Marci	Sams	021578	8/16/2013	6/14/2014
Gina	Sonera	000293	9/23/2013	12/21/2013
Jaeger	Vega	021351	9/9/2013	6/14/2014
Cherrylene	Volley	021829	8/16/2013	6/14/2014
Marina	Volsky	021961	9/5/2013	6/14/2014
Linda	White	018479	8/16/2013	6/14/2014
Kasia	Wilhelmi	016715	9/6/2013	6/14/2014
Joan	Williams	011426	8/28/2013	11/1/2013
Rebecca	Wood	013991	8/16/2013	11/28/2013
Man	Xiang	022027	9/12/2013	6/14/2014

S. Murray

Purchases, Bids, Contracts

The Superintendent RECOMMENDS adoption of the following items:

Numbers 4823 and 4824



**RESOLUTION No. 4823**

Revenue Contracts that Exceed \$25,000 Limit for Delegation of Authority

**RECITAL**

Portland Public Schools (“District”) Public Contracting Rules PPS-45-0200 (“Authority to Approve District Contracts; Delegation of Authority to Superintendent”) requires the Board of Education (“Board”) to enter into and approve all contracts, except as otherwise expressly authorized. Contracts exceeding \$25,000 per contractor are listed below.

**RESOLUTION**

The Superintendent recommends that the Board approve these contracts. The Board accepts this recommendation and by this resolution authorizes the Deputy Clerk to enter into agreements in a form approved by General Counsel for the District.

**NEW CONTRACTS**

<b>Contractor</b>	<b>Contract Term</b>	<b>Contract Type</b>	<b>Description of Services</b>	<b>Contract Amount</b>	<b>Responsible Administrator, Funding Source</b>
Qatar Foundation International	10/15/2013 through 6/30/2014	Revenue R 60247	Lincoln: Funds to support the development of curriculum and materials for an in-depth robotics program which will be imbedded the STEAM-focused class “Project Based Technology” during the 2013-2014 school-year.	\$30,638	T. Goodall Fund 299 Dept. 9999 Grant S0274

**NEW INTERGOVERNMENTAL AGREEMENTS / REVENUE (“IGA/Rs”)**

<b>Contractor</b>	<b>Contract Term</b>	<b>Contract Type</b>	<b>Description of Services</b>	<b>Contract Amount</b>	<b>Responsible Administrator, Funding Source</b>
Gresham-Barlow School District	7/1/2013 through 6/30/2014	Intergovernmental Agreement – Revenue IGA/R 60230	Columbia Regional Programs provides school-age classroom services for regionally eligible deaf/hard of hearing students.	\$219,625	H. Adair Fund 299 Dept. 9999 Grant S0031
Reynolds School District	7/1/2013 through 6/30/2014	Intergovernmental Agreement – Revenue IGA/R 60231	Columbia Regional Programs provides school-age classroom services for regionally eligible deaf/hard of hearing students.	\$382,750	H. Adair Fund 299 Dept. 9999 Grant S0031
David Douglas School District	7/1/2013 through 6/30/2014	Intergovernmental Agreement – Revenue IGA/R 60251	Columbia Regional Programs provides pre-school classroom services for regionally eligible deaf/hard of hearing students ages 3-5 years.	\$165,500	H. Adair Fund 299 Dept. 9999 Grant S0163

**AMENDMENTS TO EXISTING CONTRACTS**

No Amendments to Existing Contracts

**LIMITED SCOPE REAL PROPERTY AGREEMENTS AND AMENDMENTS**

No Limited Scope Real Property Agreements or Amendments

*N. Sullivan*

**RESOLUTION No. 4824**

Expenditure Contracts that Exceed \$150,000 for Delegation of Authority

**RECITAL**

Portland Public Schools (“District”) Public Contracting Rules PPS-45-0200 (“Authority to Approve District Contracts; Delegation of Authority to Superintendent”) requires the Board of Education (“Board”) enter into contracts and approve payment for products, materials, supplies, capital outlay, equipment, and services whenever the total amount exceeds \$150,000 per contract, excepting settlement or real property agreements. Contracts meeting this criterion are listed below.

**RESOLUTION**

The Superintendent recommends that the Board approve these contracts. The Board accepts this recommendation and by this resolution authorizes the Deputy Clerk to enter into agreements in a form approved by General Counsel for the District.

**NEW CONTRACTS**

<b>Contractor</b>	<b>Contract Term</b>	<b>Contract Type</b>	<b>Description of Services</b>	<b>Contract Amount</b>	<b>Responsible Administrator, Funding Source</b>
Playworks	8/29/2013 through 6/30/2014	1. Personal Services 2. PS 60237	District-wide: Provide recess and after-school student management and behavior supports on school days between 7:00 AM and 6:00 PM.	\$327,000	W. Campbell Funds 101 and 205 Depts. 1140,41, 1150, 1180, 1255, 1262, 1264, 1268, 1276, 1282, 1294, & 1296 Grant s G1320, G1340, & G1349
Camp Fire Columbia Council	10/1/2013 through 9/30/2014	3. Personal Services 4. PS 60201	District-wide: Provide after school tutoring and mentorship at nine schools to at least 330 academic priority 6 <sup>th</sup> -8 <sup>th</sup> grade youth as part of the High School Graduation Initiative Project.	\$367,159	K. Wolfe Fund 205 Dept. 5485 Grant G1116

**NEW INTERGOVERNMENTAL AGREEMENTS (“IGAs”)**

No New IGAs

**AMENDMENTS TO EXISTING CONTRACTS**

No New Amendments to Existing Contracts

*N. Sullivan*

Other Matters Requiring Board Action

The Superintendent RECOMMENDS adoption of the following items:

Numbers 4825 through 4830

**RESOLUTION No. 4825**

Resolution to Approve 2013-14 Achievement Compact Targets

**RECITALS**

- A. In February 2012, the Legislature directed all K-12 districts to enter into annual achievement compacts with the Oregon Education Investment Board (OEIB) in order to focus funding and strategies at the state and local level on the achievement of the statewide education goals.
- B. As part of the achievement compacts, each district is required to set targets on a number of indicators every year.
- C. The Achievement Compact Advisory Committee, made up teachers, principals, community members, students, and central office staff, created a methodology for setting achievement compact targets.

**RESOLUTION**

- 1. The Board of Education adopts the attached achievement compact and its targets for the 2013-14 school year.
- 2. The Board requests that the OEIB review and implement the recommendations included in the attached Achievement Compact Advisory Committee Report.

*A.Whalen*

**RESERVED**

## RESOLUTION No. 4826

### Appointment of Achievement Compact Committee

#### RECITALS

- A. During the 2012 Legislative Session, Senate Bill 1581 created Achievement Compacts for K-12 districts, education services districts and Oregon's community colleges and universities.
- B. The charge of this achievement compact advisory committee is:
- To develop plans for achieving the district's outcomes, measures of progress, goals and targets expressed in an achievement compact, including methods of assessing and reporting progress toward the achievement of goals and targets; and
  - Recommend outcomes, measures of progress, goals and targets to be contained in the district's achievement compact for the next fiscal year.
- C. The achievement compact advisory committee is responsible for presenting a report of its recommendations to the Board of Education no later than February 1. The Board shall include this report with its achievement compact to the Oregon Education Investment Board.
- D. The Superintendent and the President of Portland Association of Teachers have recommended employees to serve on the achievement compact advisory committee.

#### RESOLUTION

1. The Board of Education appoints the following members to the achievement compact advisory committee:
  - Melissa Goff, Executive Director of Teaching and Learning
  - Van Truong, Director of ESL
  - Peyton Chapman, Principal Lincoln High School
  - Elizabeth Casson Taylor, Principal Beaumont Middle School
  - Molly Chun, Principal Chief Joseph/Ockley Green
  - Karl Logan, Regional Administrator
  - Michael Bauer, Roosevelt High School Teacher
  - Matthew Oleson, Lent K-8 Teacher
  - Terri Harrington, K-5 Teacher
2. In addition to the above mentioned members, the Board directs staff to continue to include ex-officio members from the following organizations:
  - SuperSAC: Superintendent's Committee
  - Coalition of Communities of Color
  - Parent Teacher Association
  - Portland Business Alliance

*A.Whalen*

## RESOLUTION No. 4827

### Adoption of Amended Board Policy on Cafeteria Plan, Policy 5.10.090-P, "Cafeteria Plan"

#### RECITALS

- A. Portland Public Schools ("District") established the Portland Public Schools Cafeteria Plan ("Plan") effective May 1, 1994.
- B. The Plan was last amended and restated effective January 1, 2006, and was last amended effective October 1, 2011.
- C. The District intends that this Plan continue to satisfy the requirements of Section 125 of the Internal Revenue Code of 1986, as amended.
- D. The District wishes to amend the Plan in certain respects.

#### RESOLUTION

The District's Board of Education ("Board") has reviewed recommendations to amend the policy. Per Board Policy 1.70.020-P, "Policies and Administrative Directives," the Board is required to place any new policy or policy updates on the District website for a 21-day public review. Having fulfilled this obligation and having received no public input on the proposed policy amendment, the Board supports the proposed policy language for adoption effective October 1, 2013.

#### SUMMARY OF PROPOSED POLICY AMENDMENTS:

**Dental and Vision Flexible Spending Arrangement (Articles 2.5, 2.7, 2.16, 3.4, 4.1, 4.3(a), 5.1(e), 5.2, 5.3, 5.4, 5.5, 6.1, 9.9, and 10).** A dental and vision flexible spending arrangement ("dental and vision FSA") benefit is added to the Plan. Dental and vision care expenses, as defined by Internal Revenue Code Section 223(c), are the only expenses reimbursable under this new benefit. To be eligible for reimbursement, those expenses must be incurred by the participant or his or her spouse, tax-dependent, or child who has not attained age 27 as of the end of the calendar year. The maximum a participant can elect to contribute to the dental and vision FSA for the initial short plan year of October 1 through December 31, 2013, is \$625 ( $\$2,500 \text{ annual limit} / 12 \times 3 \text{ months}$ ). An eligible employee who elects to participate in the Plan's general health flexible spending arrangement ("health FSA") cannot elect to participate in the dental and vision FSA.

**Eligible Employee (Article 2.9).** The definition of "eligible employee" is revised to exclude employees who have regularly scheduled hours of employment but are less than half-time and "classified substitutes" (substitutes who are not members of the substitute teachers' collective bargaining unit).

**Health Savings Account (Articles 2.12, 3.4, 4.1, 4.3, 5.1, 5.3, 9.8, and 12 and Exhibit C).** A health savings account ("HSA") benefit is added to the Plan. Participants who elect to be covered by the District's high-deductible health plan ("HDHP") may elect to make pre-tax contributions to an HSA. The District also will make contributions to the HSA in the amounts described in Exhibit C. HSA contributions can be made up to the statutory dollar maximum (adjusted for inflation). For 2013, the maximum HSA contribution that can be made by the participant and the District is \$3,250 for self-only

HDHP coverage and \$6,450 for family HDHP coverage. For 2014, the limit is \$3,300 and \$6,550, respectively. Eligible employees who are age 55 or older at the end of the year may contribute additional amounts to their HSAs (e.g., an additional \$1,000 in "catch-up" contributions may be contributed in 2013 and 2014). A participant may change his or her election to make HSA contributions once a month and may revoke that election if he or

she becomes HSA-ineligible. The change will be effective beginning with the payroll period during which the election is received, unless the participant elects a later effective date.

**Plan Year (Article 2.16).** The dental and vision FSA is a calendar-year plan with a short initial plan year of October 1 through December 31, 2013. Also, the health FSA and dental and vision FSA that cover employees whose underlying group health plans have an October 1 through September 30 plan year will have a short plan year that begins January 1, 2014, and ends September 30, 2014, and, thereafter, will have a plan year of October 1 through September 30.

**Contribution Limits (Articles 5.3, 9.2, and 10.2).** The maximum a participant can elect to contribute to the dental and vision FSA or the health FSA for the 2013 plan year is \$2,500 (indexed for inflation in subsequent plan years), prorated for any short plan year.

**Summary Health Information (Article 9.7(b)).** Any summary health information that the FSAs or their business associates disclose to the District must not include genetic information, effective September 23, 2013.

**Mandatory Conversion of Health FSA (Article 9.9).** The health FSA account of a participant who elects the HSA benefit beginning October 1, 2013, will be converted, on a mandatory basis, to a dental and vision FSA account for the period of October 1 through December 31, 2013. As a consequence of such conversion, HSA contributions may be made for and by these participants beginning October 1, 2013 (assuming they are otherwise HSA-eligible).

**District Contribution (Exhibit C, referent Article 5.1(c)).** The District will contribute the following amount for each eligible employee who elects the HSA benefit: (1) \$125 per month if enrolled in self-only coverage under a District-provided HDHP option, or (2) \$250 per month if enrolled in family coverage under a District-provided HDHP option. The District may change the District contribution amount set forth in Exhibit C without amending the Plan.

*S. Murray / T. Burton*



**RESOLUTION No. 4828**

Appointment of Citizen Budget Review Committee Members

**RECITALS**

- A. The mission of the Citizen Budget Review Committee (CBRC) is to review, evaluate, and make recommendations to the Board of Education (Board) regarding the Superintendent's Proposed Budget and other budgetary issues identified by the CBRC or the Board. The CBRC receives its charge from the Board.
- B. In May 2011, the voters of the Portland Public School (PPS) District passed a Local Option Levy, Measure 26-122 which mandates independent citizen oversight to ensure tax dollars are used for purposes approved by local voters.
- C. The CBRC is composed of eight to twelve volunteer members. The Board appoints members to two-year terms with a student member appointed to a one-year term.
- D. PPS wants to be intentional and conscientious about the role that stakeholders play in important district decisions. The CBRC is an important element in PPS' stakeholder engagement. The membership of the committee has been developed with the Racial Educational Equity Policy in mind so as to increase the representation of families of color as essential partners in District decision-making.
- E. The Board recognizes that District employees and community members bring specialized knowledge and expertise to the CBRC and budgetary review process. The Board instructs all CBRC members to employ discretion, avoid conflicts of interest or any appearance of impropriety, exercise care in performing their duties, and avoid making recommendations from which they may personally benefit.
- F. The District engaged in membership outreach through posting the availability of these volunteer positions on the District web site, via publication of a public notice in "The Oregonian" newspaper, as well as direct outreach to community organizations representing communities of color.
- G. The District received applications from five previous members indicating interest in serving an additional term, three applications from citizens who had not served previously, and one application from a former student representative; a current student representative was nominated by the Superintendent's Student Advisory Committee ("SuperSAC").
- H. Five existing members have applied to renew their membership, serving through June 30, 2015:

Toya Fick  
Roger Kirchner  
Scott McClain  
Rita Moore  
Betsy Salter

Four new members have applied to join the committee, serving through June 30, 2015:

Raihana Ansary  
Harmony Quiroz  
Inger McDowell  
Patrick Stupfel

SuperSAC nominated Minna Jayaswal to a one-year term, serving through June 30, 2014.

- I. Dick Cherry and Tom Fuller are continuing members of the Citizen Budget Review Committee serving a second-year of the term they were appointed to last year, through June 30, 2014.
- J. Applications have been reviewed and the Superintendent has submitted a recommendation to the Board.

#### **RESOLUTION**

- 1. Toya Fick, Roger Kirchner, Scott McClain, Rita Moore, Betsy Salter, Raihana Ansary, Harmony Quiroz, Inger McDowell, and Patrick Stupfel are hereby appointed as members of the CBRC for a two-year term through June 30, 2015.
- 2. Minna Jayaswal is hereby appointed as the student member of the Citizen Budget Review Committee serving through June 30, 2014.
- 3. The Board hereby identifies the CBRC as the independent citizen oversight body to ensure tax dollars are used for purposes approved by local voters when they passed a Local Option Levy, Measure 26-122, in May 2011, and requests the CBRC to provide a report in this regard in addition to its report on the superintendent's proposed budget for 2014/15.

*N. Sullivan / D. Wynde*

**RESOLUTION No. 4829**

Adopting the Portland Public Schools Board of Education's Priorities and Goals for 2013-2014

**RESOLUTION**

The Portland Public Schools Board of Education adopts the attached Priorities and Goals for the 2013-2014 school year.

# Board Priorities for 2013-14

**A. The Board champions a bold vision that supports student success, as evidenced through the Milestones, increasing graduation rates, and elimination of the achievement gap.**

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## **GOALS:**

- ◆ *Portland Public Schools has a clear vision that is supported by the genuine ownership of the Board, Superintendent, and community.*
- ◆ *Portland Public Schools advocates effectively for stable and adequate funding.*
- ◆ *Portland Public Schools has safe, up to date learning environments for all students.*

## **BOARD ROLE:**

Provide guidance, direction and approval of the District's educational vision.

- Objectives/Measures of Success:
  - a) By October 2013, the Board has adopted these Board Priorities that guide the District's work, including the measures of success for each Priority.
  - b) By June 2014, the Board, in collaboration with the Superintendent and the community, is engaged in strategic alignment and stakeholder visioning process and adopted a long-term educational strategic plan.
  - c) By September 2013, the Board has adopted the Educational Specifications standards that guide school construction to ensure our facilities are designed to support best practice teaching and learning.
  - d) The Board will adopt a revised enrollment and transfer policy that aligns with the Racial Educational Equity policy and supports strong neighborhood schools, district-wide programs and a strong capture rate. The Board will receive periodic updates on the work of the Superintendent's Advisory Committee on Enrollment and Transfer.
  - e) The Board will ratify a contract with the Portland Association of Teachers that promotes and supports the district's educational goals.
  - f) The Board will provide guidance on an implementation plan for PPS high schools to prepare every student for post-secondary success and meet Oregon's goal for 40/40/20, and receive regular updates on the work of the High School Action Team.
  - g) The Board will continue to monitor the implementation of the new teacher and principal evaluation tools so that all staff are evaluated and held accountable to high standards.
  - h) The Board will provide oversight on the development of a school climate survey tool that incorporates input from students, staff and families.

- i) By June 2014 the Board has developed a policy clearly defining its goals for student career exploration, education and training from grades 6 through 12.
  - j) By June 2014, the Board will support the success of emerging bilingual students through the expansion of dual language immersion and English language learner programs.
- 2. Provide information and advocacy in obtaining stable and adequate school funding.
  - o Objectives/Measures of Success:
    - a) Members of the Board, including the Student Representative, will appear at the Oregon Legislature and meet with the federal delegation to continue to advocate for additional school funding and to promote PPS's adopted legislative agenda during Legislative Sessions.
    - b) The Board will continue to partner with local, state and national leaders on legislative changes needed to support student success and stable and adequate funding, including tax reform.
    - c) The Board actively participates and supports national and statewide organizations that support PPS's interests.
- 3. Continually monitor the condition of the District's assets and act to maintain and improve those assets.
  - o Objectives/Measures of Success:
    - a) Throughout the 2013-14 school year, the Board will provide leadership and oversight of the Bond implementation. Specifically, the Board will receive consistent updates about the progress of the Capital Improvement Bond work, and the Board will work with the Superintendent to consider and implement any recommendations from the Bond Accountability Committee.
    - b) By June 2014, the Board will have worked with the Superintendent to create a vision for the next Bond issuance.

## **B. The Board leads on equity**

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### **GOALS:**

- ✦ *The equity focus is reflected in all aspects of the Board and District operations.*
- ✦ *All students have the opportunity to achieve the District's educational milestones and the District continues to close the achievement gap.*
- ✦ *The Board's use of an equity lens is highly visible to the public.*

### **BOARD ROLE:**

1. Exercise oversight to ensure that equity is reflected in all aspects of District operations, including policy development, budget and contract negotiations.

- Objectives/Measures of Success:
  - a) By June 2014, the Board has ensured that the 2014-15 budget continues to reflect the Equity Policy, including resource investment towards equity goals and differentiated resources for historically underserved students.
  - b) By September 2014, the Board has received two updates on the implementation of the Equity Policy to ensure accountability, visibility and progress.
  - c) The Board ratifies a contract with the Portland Association of Teachers that reflects the District educational goals and the goals of the Racial Educational Equity policy.
  - d) The Board adopts a revised enrollment and transfer policy that aligns with the Racial Educational Equity policy and supports strong schools in every neighborhood.
  - e) The Board has received annual updates on the implementation of the Affirmative Action Policy and the Equity in Public Contracting Policy to ensure that the District has an environment that continues to expand the diversity of its workforce and pool of contractors to reflect the community we serve.

Be intentional about developing equity leadership, both on an individual and collective basis.

- Objectives/Measures of Success:
  - a) The Board continues to participate in equity-related professional development and allocated sufficient retreat time to understand one another's perspective regarding equity.
  - b) The Board publicly discusses and promotes the District's equity work at local, state, and national events.
  - c) The Board continues to incorporate the use of an equity lens into Board meetings and decision-making, and communicates to the public about the need and importance of applying an equity lens.
  - d) Throughout the 2013-14 school year, the Board will continue to require the disaggregation of data in information presented to the Board and public.

### **C. The Board provides sound fiscal oversight on District budget and assets.**

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#### **GOALS:**

- ◆ *The Board adopts a budget aligned with the educational vision and prioritizes the allocation of resources to improve student achievement and provide a core curriculum to all students.*
- ◆ *The Board, in accordance with the Equity Policy, ensures that resources are differentiated and prioritized to ensure the success of all students.*
- ◆ *The Board ratifies a contract with the Portland Association of Teachers that supports our teachers within a sustainable and sound budget.*

✦ ***The Board supports the need to maintain and upgrade District assets.***

**BOARD ROLE:**

1. Review and adopt a budget that is aligned with the long term educational vision, building back programs and creating a vision for the future, and apply an equity lens to ensure all schools are capable of delivering a core curriculum.
  - Objectives/Measures of Success:
    - a) Before the 2014-15 budget cycle, the Board has identified priorities for funding to guide the Superintendent's budget in alignment with the Equity Policy.
    - b) By February 2014, the Board has reviewed the effectiveness of programs designed to improve student achievement for replication in future budgets.
    - c) By June 2014, the Board will adopt a budget that accounts for the change in federal funds, including School Improvement Grants, and allows for sustainability of programs that support student success.
    - d) The Board ratifies a contract with the Portland Association of Teachers that supports our teachers and students within a sustainable and sound budget.
    - e) By June 2014 the Board has developed a policy clearly defining its goals for student career exploration, education and training from grades 6 through 12 and developed a budget to implement the plan over the next three years.
    - f) The Board will review options that will enhance the transparency of the District budget.
    - g) The Board provides oversight of the development of a plan to renew the Local Option Levy.

The Board will play an active oversight role in the Capital Bond Improvement work.

- Objectives/Measures of Success:
  - a) Throughout the 2013-14 school year, the Board will provide leadership and oversight of the Bond implementation. Specifically, the Board will receive regular updates about the progress of the Capital Improvement Bond work, and the Board will work with the Superintendent to consider and implement recommendations from the Bond Accountability Committee.

## **D. The Board demonstrates leadership in authentically engaging the community.**

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### **GOAL:**

- ✦ *The Board plays an active role in engaging the community.*

### **BOARD ROLE:**

1. Build intentional relationships between Board members and the individuals, organizations, other governments, and communities PPS serves; to listen and learn from constituents throughout the district.
  - Objectives/Measures of Success:
    - a) By December 2013, the Board has developed a Board engagement plan that identifies key stakeholders including (but not limited to) students, schools, parents/guardians, staff, teachers, community leaders, communities of color, business leaders, public safety officials, and other local, state and national education and elected officials.
    - b) By December 2013, each Board member has developed individual goals for engaging in the community, with particular focus on issues around the Bond implementation, the 2014 Special Legislative Session, the enrollment and transfer policy process, the adoption of an educational vision and strategic plan, career technical education and contract negotiations.
    - c) The Board engages local, state, and federal governments and agencies around strategies and opportunities to support student success.
    - b) By June 2014, the Board has continued to actively seek and champion student voice through support for the student representative, SuperSAC, placing students on committees, and other District efforts to hear from students.
    - c) The Board is welcoming of people who testify before the Board during public comment, and there are clear procedures for follow-up with these individuals.

## **E. The Board increases effectiveness**

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### **GOALS:**

- ✦ *The Board and Superintendent clearly understand their roles and responsibilities to ensure that all are working together to achieve the vision and ensure accountability.*
- ✦ *The Board adopts clear expectations and protocols for Board members.*
- ✦ *The Board engages in annual self-evaluation and goal-setting to ensure Board effectiveness.*
- ✦ *The Board ensures effective leadership of the district through evaluation of the Superintendent.*



**BOARD ROLE:**

1. Create a Board work plan for the 2013-14 School Year.

- Objectives/Measures of Success:
  - a) By September 2013, the Board has adopted these Board Priorities that will guide the work of the Board and District for the coming year.
  - b) By September 2013, the Board has finalized an annual Board work plan for the 2013-14 School Year.

Develop mechanism for the Board to understand effectiveness of programs, policies and strategies.

- Objectives/Measures of Success:
  - a) By September 2013, the Board has established a list of issues about which it has provided substantive guidance, and will monitor the implementation during the 2013-14 school year.
  - b) Throughout the year, Board leadership has ensured that meeting agendas reflect the Board Priorities and Board work plan.
  - c) By October 2013, the Board has engaged a performance auditor and established audit topics for the 2013-14 school year that are aligned with Board priorities.
  - d) The Board conducts an annual evaluation of the Superintendent.
  - e) The Board will provide oversight on the development of a tracking tool for the Board's priorities.

Ensure annual Board goal-setting and self-evaluation.

- Objectives/Measures of Success:
    - a) By September of each year, the Board has an updated list of priorities to guide the District's work for the next school year.
    - b) By October 2013, the Board has revised and updated its self-evaluation tool.
    - c) By December 2013, the Board has completed its annual Board evaluation.
-

**RESOLUTION No. 4830**

Adopting Board Member Expectations and Operating Protocols

**RESOLUTION**

The Board of Directors of Portland Public Schools approves and adopts the attached *Board Member Expectations and Operating Protocols*.

## **Portland Public Schools Board Member Expectations and Operating Protocols**

As elected Board members of Portland Public Schools, our responsibilities are to:

1. Strive to provide the highest quality education for each PPS student.
2. Set explicit goals and priorities for the District, and provide financial oversight for the District. Working with the Superintendent, ensure that staff carry out and that students and the community are aware of the goals and priorities.
3. Focus on policy making, monitoring, and evaluation to further these goals and priorities.
4. Hire, set goals for, and evaluate the Superintendent.
5. Respect the role of the Superintendent to manage the District and to direct employees in District and school matters.
6. Make decisions as a whole Board only at public meetings. Recognize that individual members have no authority to take individual action in policy or in district and school administrative matters.
7. Encourage and model constructive public discourse in Board decision making. Respect the right of individual Board members to express opposing viewpoints and vote their convictions. Once a decision is made, support the full Board and Superintendent in carrying out decisions.
8. Honor the student voice. Ensure strong, effective staff support to encourage student voice.
9. Respect those who express their views on issues related to the District. Solicit input and listen to all perspectives.
10. Actively participate in community events, acting as ambassadors on behalf of the District, as well as in state and/or national events when possible.
11. Strive to cultivate and maintain productive relationships, and work as a team with one another and the Superintendent.

## **I. Priority Setting and Evaluation**

### **A. Priority Setting**

1. The Board will establish, at a public meeting, annual and long-term priorities in alignment with the District's strategic plan and Superintendent's goals. The Board will align their work with District goals and the budget process, and will convene regular retreats to discuss and evaluate the District progress in meeting these priorities.
2. Every six months, the Board will elect two Co-Chairs during one of their public meetings.
3. Board Co-Chairs will meet regularly with the Superintendent and key staff to evaluate past Board meetings and determine the agenda for upcoming Board meetings. The Board Co-Chairs will solicit input from Board members and will use the following criteria to consider items for placement on the Board meeting agendas:
  - a. Strategic relevance and consistency with the priorities of the Board and the District;
  - b. Comparative importance;
  - c. Immediacy;
  - d. Community interest; and
  - e. Readiness for Board consideration (staff research, preparation, analysis, etc.)

Issues directly related to the Board's priorities will receive priority placement on Board agendas.

4. The Board Co-Chairs will regularly check in with the full Board regarding the Board meeting structure, and progress on the Board priorities and work plan.

### **B. Board Professional Development and Evaluation**

1. The Board will self-assess its performance at least annually. The Board Co-Chairs will regularly evaluate Board meetings and work sessions. All Board members are encouraged to provide feedback to the Co-Chairs at any time to improve the Board's performance. The Board will also set explicit priorities as a Board for Board professional development. The Board Co-Chairs will annually review the Board Office budget to ensure there are sufficient funds to support the Board's professional development.

### **C. Superintendent's Evaluation**

The Board will establish regular goals for the Superintendent's performance and engage in a process that provides for thoughtful and deliberative assessment of the Superintendent's work.

## **II. Meetings**

- A. Board members agree to attend regularly scheduled Board meetings unless a situation occurs that makes attendance impossible. Board members will cooperate in scheduling special meetings and/or work sessions for planning and training purposes, and will advise staff if a Board member is unable to attend or arriving late.
- B. Board members agree to start and end meetings on time. Board Co-Chairs will solicit input from other Board members if a Board meeting likely to substantially exceed to the scheduled time as to whether the meeting should continue or certain agenda items be deferred to a later meeting.
- C. Board members will be prepared for each meeting by reviewing materials in advance.
- D. Board members agree to uphold the legal requirement for confidentiality on all matters arising from Board executive sessions and any other confidential communications.
- E. Board members agree to communicate with a focus on problem solving. Members will seek to clarify issues by soliciting each other's points of view.
- F. Board members agree to listen carefully and with courtesy when other people are speaking during Board meetings. Discussions between Board members will serve as a model for acceptable public dialogue.
- G. Board members should cast a vote on all matters except when a conflict of interest arises.
- H. Board members agree that when it is necessary to miss a meeting, that they will review the video of that meeting.
- I. Board members agree that if they must be absent from a meeting, that they will only request to phone into the meeting to cast a vote. Boardroom equipment limits the quality of the transmission for participation in a discussion.

### III. Communication

- A. Board members agree to communicate directly with the Superintendent and/or members of the Executive Committee when a question arises, or when a concern is voiced by a staff member, student, parent, or other community member with the understanding that the matter will be addressed in a timely manner. To ensure optimal communication, Board members should copy the Superintendent and her Advisor, along with the General Counsel and Board Office Manager on their emails to the Executive Committee, and staff will do the same in its replies. By adhering to this communication loop, it verifies that Board members are receiving timely responses to their communication and that there are not multiple staff members working on the same issue. (These steps do not pertain to inevitable confidential situations that arise).
- B. Board members are requested to NOT directly contact staff who report to Executive Committee members without clearing it through the appropriate Executive Committee member first, as other staff may not be as familiar with Board communication and protocols. There may be case-by-case exceptions to this (such as key Communications Department staff).
- C. Board members are requested to communicate directly with the Board Co-Chairs or the Superintendent, as appropriate, when concerns arise about other Board members or District staff. When disagreeing with other Board members, Board members should maintain a respectful dialogue. Board members should refrain from personally criticizing another Board member or District staff in public.
- D. Board members retain the right to express individual opinions, and when doing so, will clearly state that the opinion is his/hers and not that of the Board.
- E. On occasion, it is beneficial to the Board and the public to have a designated Board spokesperson on a particular issue. In such cases, the Board Co-Chairs may speak for the Board on specific issues, or may designate other Board members to act as a spokesperson. Having a designated spokesperson does not mean that other Board members cannot express their opinions or perspectives about the issue.
- F. Individual personnel issues will be processed consistent with District policy and will not be discussed publicly, rather only with the Superintendent or designee. Specific personnel complaints submitted to the Board or individual Board members should be referred to the Superintendent or designee.
- G. From time to time, the Board may be required to make findings of fact that can be appealed to another government agency (i.e., personnel matters or charter school application hearings). In these situations, no Board member will discuss the substance of the matter with any person(s) directly involved in the issue, other than PPS staff, outside the formal hearing and deliberation process.

#### **IV. Requests for Information**

##### **A. Information Requests of Staff**

1. When Board members have information requests of staff (but do not require any particular decision to be made), the Board member should feel free to communicate their request to any member of the Executive Committee or through the Board Office Manager. The Superintendent or her Advisor should be copied on any written requests to keep her apprised of issues of concern to the Board.
2. If the request for information is of such a nature that it will take significant time to compile a response (i.e., more than two hours), the Board member should communicate his/her request to the Superintendent or designee for further direction. The Superintendent can then work with the Board member to determine the most efficient way to provide the information requested.

##### **B. Requests Requiring Decision-Making or Resource Allocation**

When a Board member has a request that will require a decision to be made or resources to be allocated, the Board member should send that request to the Superintendent or designee for a response in a timely manner. The full Board should be copied on these requests.

##### **C. Responding to Concerns from the Public about District Staff**

When Board members are approached by members of the public expressing concerns about District staff and the person requests specific follow-up, the Board member should direct that person to address their concerns to the Superintendent. If a citizen voices a complaint about a particular employee at a public meeting, the Board Chair should direct that person to cease their comments and refer them to the Superintendent.

##### **D. Providing Documents to Board for Review in Advance of Meetings**

The Board Co-Chairs and Superintendent will establish the agenda for full Board meetings at least 10 days prior to the Board meeting. Staff and the Superintendent will have the Board book, and any supporting documentation, available at least four days prior to the Board meeting except under extenuating circumstances.