

BOARD OF EDUCATION

Portland Public Schools
REGULAR MEETING
September 23, 2014

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. **PARTNERSHIP RECOGNITION** 6:00 pm
2. **SUPERINTENDENT'S REPORT** 6:20 pm
3. **STUDENT TESTIMONY** 6:40 pm
4. **PUBLIC COMMENT** 6:55 pm
5. **UPDATE: WORKLOAD COMMITTEE** 7:05 pm
6. **ENDING FUND BALANCE / BEGINNING FUND BALANCE,
AND BUDGET CALENDAR** – action item 7:20 pm
7. **FIRST READING: COMPLAINT POLICY** 8:20 pm
8. **BUSINESS AGENDA** 9:15 pm
9. **ADJOURN** 9:30 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.



PORTLAND PUBLIC SCHOOLS
501 North Dixon Street / Portland, OR 97227
Telephone: (503) 916-3200 / Fax: (503) 916-3110
Mailing Address: P. O. Box 3107/97208-3107
Carole Smith, Superintendent

OFFICE OF THE SUPERINTENDENT

September 17, 2014

Board of Education

Subject: **Portland Association of Teachers (PAT) Workload Committee Quarterly Update**

Dear Board Members and Superintendent Smith:

As previously discussed at the September 2, 2014 Board Retreat, the following is provided as a quarterly update of the PAT Workload Committee.

Background:

As part of the 2013-16 Collective Bargaining Agreement (Article 5, section 10) between the District and PAT, a workload committee has been established to consider options for eliminating aspects of the current workload for professional educators. The Workload Committee is comprised of PAT members and district administrators that plan to meet twice a month to review workload concerns with recommendations to the Assistant Superintendent of Schools for relief consideration.

Meetings:

The workload committee has met a total of four times so far (i.e., May 1st and 22nd, June 9th, and September 11th). There was a meeting scheduled for August 18th; however, due to required safety training for administrators that meeting was cancelled. Due to difficulties with matching the schedules of committee members, the parties did not meet over the summer.

Going forward, the committee has agreed to meet twice a month, generally the first Wednesday of each month from 8:00 – 11:00 AM and the third Thursday of each month from 4:00 – 7:00 PM. Due to scheduling conflicts, the October meeting will be held on October 23rd instead of the 16th. The next workload committee meeting is October 1st from 8:00 – 11:00 AM.

Update:

On September 11, 2014, the parties met and approved the use of a Professional Educator Workload Reporting Form for professional educators to submit requests for review of workload issues. Committee members are working with district's Information Technology (IT) department to convert the form to an online fillable form (or Google form) that can be submitted electronically. The committee also began to design the process for the review and implementation of requests submitted to the committee, which will depend on volume of submissions received. The committee has decided to practice and refine the process and protocols by reviewing a current issue around School Psychologist test kit data.

With the reorganization of the Office of Schools, the committee asked for the following clarification from District staff:

- What position replaced the Chief Academic Officer in the District's organizational structure?
- Number and building locations of professional educators added this school year.
- Changes in student enrollment data.

In preparation for future meetings, the committee may also request an update from the District Wide Boundary Review Committee.

Lastly, the committee discussed quarterly updates to the School Board regarding workload committee progress and types of workload issues presented. The committee also discussed the Board's suggestion to present any information in December from the committee that may impact the district's budget process. Although there was some concern voiced that the committee might not be at a point to do so in advance of this next budget season, the committee was open to the idea of a more formal presentation to the Board later in the year.

Respectfully,

A handwritten signature in black ink, appearing to read "S. L. Murray", written in a cursive style.

Sean L. Murray
Chief Human Resources Officer



Board of Education

Superintendent's Recommendation to the Board

Board Meeting Date: September 23, 2014

Executive Committee Lead: Ryan Dutcher
Interim Chief Financial Officer

Department: Finance

Presenter/Staff Lead: David Wynde
Deputy CFO & Budget Director

Agenda Action: Resolution Policy

SUBJECT: Ending /Beginning Fund Balance Update and Recommendations for Additional Investment in School Staffing and Support, Three Educational Priority Areas and Strategic One-time Investments.

BRIEF SUMMARY AND RECOMMENDATION

On September 16, 2014 staff reported to the board on the annual revised estimate of the ending fund balance for FY 2013/14 and provided an update on school staffing for FY 2014/15. All of the budgeted set aside for school staff for 2014/15 has been used as part of our balancing processes in April and July/August. Based upon higher than expected property tax receipts, a significant positive prior year state school fund adjustment for FY 2012/13, and lower than budgeted expenditures, primarily in healthcare and benefits, the revised beginning fund balance is \$16.8 million more than in the FY 2014/15 adopted budget.

Based upon discussion with the Board on September 16 staff has prepared a proposal that **\$3.8 million be used to bring reserves/uncommitted contingency up to 4.5%** in preparation for the FY 2015/16 budget development process.

This proposal also provides for:

\$3.5 million in additional school staffing and support to be implemented immediately,
\$4.0 million to provide additional resources for the three priority areas:

- 1) ensuring that all students are reading at benchmark by the end of third grade
- 2) improving high school graduation and completion rates
- 3) eliminating disproportionality in out of school discipline between white students and students of color and reducing out-of-school discipline for all students by 50 percent; and,

\$5.5 million in one-time investments that support the improvement of outcomes for PPS students and effective operations.

Reviewed and Approved by
Superintendent

BACKGROUND

FY 2014/15 Budget Development and Adoption:

On March 17, 2014 the Superintendent proposed school staffing for the 2014/15 school year that included the addition of 30 teaching positions because of forecasted increase in student enrollment and 150 new teaching positions as a result of an agreement with the Portland Association of Teachers. These 150 positions were allocated 70 to elementary schools (PK-8), 50 to high schools and 30 to special education. Each year a number of positions are held back as set aside for future allocation to schools to resolve issues such as challenges offering the core program, changes in student enrollment numbers, high school scheduling support, and other site-specific anomalies. This year there were 37 positions in this set aside in June.

On March 31, 2014 the Superintendent proposed a budget for FY 2014/15 for School District No. 1J, Multnomah County, Oregon ("District") based upon current estimates for beginning fund balance and revenues. The expenditures proposed included the additional teaching positions described above.

In April allocations were made to schools from the set aside positions to resolve identified issues at specific schools.

On May 19, 2014, by way of Resolution No. 4918, and under the provisions of Oregon Local Budget Law (ORS Ch. 294), the Budget Committee for the District approved the FY 2014/15 budget and imposed taxes.

On June 23, 2014, by way of Resolution No. 4934, the Board adopted the FY 2014/15 budget, appropriated funds and imposed taxes for FY 2014/15. The adopted budget included a beginning fund balance of \$34.9 million and uncommitted contingency of \$19.7 million (3.9% of total expenditures). Board policy requires uncommitted contingency of 3% and the Board has an aspirational goal of 5%.

Post-Budget Adoption Process:

Each year a number of positions are held back as set aside for future allocation to schools to resolve issues such as challenges offering the core program, changes in student enrollment numbers, high school scheduling support, and other site-specific anomalies. This year there were 37 positions in this set aside in June. In July and August of this year allocations were made to school staffing to resolve issues at specific schools and all of the positions set aside in June have been allocated to schools.

As staff completed the annual process of the accounting for FY 2013/14 (at the end of August 2014) a revised estimate of the ending fund balance for that year and, by extension, of the beginning fund balance for FY 2014/15 was made. This estimate is still subject to revisions as part of the independent financial audit of FY 2013/14 financial statements.

Reviewed and Approved by
Superintendent



Revised Fund Balances	
Revenues above budget	\$9,500,000
<i>Higher property tax collections (\$9,700,000)</i>	
Expenditures below budget	\$7,900,000
<i>Lower healthcare/benefits (\$6.2 million)</i>	
<i>Lower expenditures (<\$4 million, <1% of budget)</i>	\$1,000,000
Transfers lower than budget	\$18,400,000
Change in Ending Fund Balance	- \$1,600,000
Less Budgeted Difference	
Change in Beginning Fund Balance	\$16,800,000

Revenues were above budget by \$9.5 million – all of which is attributable to higher local property tax collections. About \$5 million of this was recognized as part of the budget development but was expected to be offset under the state school funding mechanism. The state school fund is made up of local property tax collections and the legislative appropriation for K-12 education. The amount to be allocated to each school district is determined under a complex formula-- the most significant element of which is weighted student numbers. It is expected that any increase in local property tax revenues received by PPS would be offset by a reduction in the amount of funds received by the state.

The calculation of state school fund allocations is estimated and revised throughout any fiscal year and a final adjustment is made by the end of the following fiscal year. Late in FY 2013/14 PPS received notice of the final adjustment for FY 2012/13. This was a \$3 million credit and essentially offset the anticipated offset.

About \$5 million of the higher local property tax receipts were not anticipated and reflect continuing strong collections and receipts throughout the year. The state school fund reconciliation process for FY 2013/14 will take this higher revenue into account and the final FY 2013/14 adjustment for PPS may result in a negative adjustment for PPS. Staff recommended that we retain this \$5 million that is in question in reserve until the FY 2013/14 final adjustment is determined.

Expenditures were \$7.9 million lower than budget. The most significant variance was in healthcare and benefits which was \$6.2 million below budget. \$2.1 million of this was a result of the contract settlement with PAT and the lower healthcare costs were offset by higher salary expenses. The remaining variance in healthcare and benefits is because of lower costs for unemployment insurance and retiree health benefits as well as the impact of vacancy savings on this category.

All other expenses were less than \$4 million under budget, which is less than 1% of the total 2013/14 budget. This is a reasonable operating margin given that the key requirement of the budget is to ensure that we have adequate funds appropriated to cover expenditures.

In the final budget amendment we added the authority for a transfer of \$1 million to cover a possible shortfall in capital bond taxes. This was not needed.

Reviewed and Approved by
Superintendent

Carole Smith

Overall this equates to the ending fund balance being \$18.4 million more than budgeted. We had already factored in a \$1.6 million difference for our FY 2014/15 beginning fund balance so the variance in that number is \$16.8 million.

Considerations Moving Forward:

<u>2015/16 Budget</u>	
Inflation Factor @ 3%	\$15 million
Full-day kindergarten to general fund	\$11 million
Cover spend-down of reserves	\$ 9 million
Total Additional Need	\$35 million

The budget, as adopted in June, already included expenditures that “spend down” the beginning fund balance by \$13.7 million, of which \$4.7 million are one-time commitments. The remaining \$9 million in ongoing costs will require additional funding to sustain these investments in FY 2015/16.

There is also uncertainty about funding for FY 2015/16 because:

- a. it is the first year of the biennium and the appropriation for K-12 education has not been determined by the state legislature, and
- b. full-day kindergarten will be fully funded in the general fund for the first time. We estimate that this will add \$11 million in expenditures to the general fund for PPS and there is no assurance that the state will increase funding to fully cover this.

For these reasons staff recommended that \$5.9 million be allocated for the uncommitted contingency in the FY 2014/15 budget bringing reserves up 5% (\$25.6 million) and in line with the board policy’s goal. After deliberation the board asked the superintendent to prepare a proposal that increased the uncommitted contingency to 4.5%. **The attached resolution acknowledges an increase in uncommitted contingency to \$24.5 million (4.5% of total expenditures), which uses about \$3.8 million of the beginning fund variance.**

In addition, the higher beginning fund balance would allow for \$7.5 million of additional expenditures in FY 2014/15. Given that all of the set aside staffing has been allocated, a portion of these funds will be used to provide approximately 25 additional FTE for school staffing. Staff is working with school leaders to determine specific needs. In addition, \$1.0/\$1.5 million will be used to increase support for high schools. More specifically, there would be greater resources provided to schools based upon student enrollment to address needs outside of classroom-based FTE; for example, bookkeepers, counselors, librarians and technology support.

The superintendent recommends using this \$7.5 million to add additional staffing to schools to resolve staffing issues and increase support to high schools (\$3.5 million), and to increase investment in support of the three priorities to improve outcomes for PPS students (\$4.0 million).

As mentioned above, the final reconciliation of the FY 2013/14 state school fund will not happen until late in FY 2014/15. About \$5 million of the higher than expected property tax receipts

Reviewed and Approved by
Superintendent



received in FY 2011/15 contributed to the higher than forecast ending fund balance. These dollars might be lost under the prior year adjustment.

Staff recommended increasing the uncommitted contingency by an additional 1% (\$5 million) to 6% (\$30.6 million) to cover this risk. During the work session, board members acknowledged the uncertainty and asked the superintendent to prepare a proposal that included the use of these funds in the current school year. Per a board member's request, staff has also attached a spreadsheet that shows the beginning fund balance as a percentage of total expenditures for each of the last ten years.

Given the uncertainty over 2015/16 acknowledged above, and the added funding for school staffing and support and the commitment to the three educational priorities outlined above, which effectively increases the funding challenge for 2015/16 to as much as \$42.5 million, the superintendent is recommending that these funds be directed to one-time investments that do not increase the current service level for the district.

The attached resolution directs the superintendent to add up to \$5.5 million investment in one-time projects that support the improvement of outcomes for PPS students and effective operations.

RELATED POLICIES / BOARD GOALS AND PRIORITIES

Board policy (8.10.025-P Contingencies and Reserves) includes the provision that the board fund and maintain an operating contingency in the general fund at a minimum is 3% of annual expenditures. Further, it has been a stated aspirational goal to increase this uncommitted operating contingency to 5%.

PROCESS / COMMUNITY ENGAGEMENT

The 2014/15 budget was developed with extensive community engagement and public process (http://www.pps.k12.or.us/files/budget/2014_15_PPS_Adopted_Budget1.pdf p.31). These actions and recommendations are aligned with the strategies underlying the adopted budget and areas of focus identified in the Superintendent's evaluation in May 2014.

The Board considered this topic at its September 16, 2014 work session with a staff presentation, a written staff report and a draft resolution for consideration. Public comment was heard.

Staff has revised the recommendations to reflect the discussion at the board work session.

ALIGNMENT WITH EQUITY POLICY IMPLEMENTATION PLAN

Increasing investment in the three priority areas (i.e. third grade reading; high school graduation; reduction in disproportionate discipline) is strongly aligned with the racial education equity policy.

Reviewed and Approved by
Superintendent



BUDGET / RESOURCE IMPLICATIONS

Immediate actions and implications for FY 2014/15 are discussed above.

In addition, there are many other estimates in FY 2014/15 budget that will change (for example, local option taxes, actual teacher salaries, healthcare renewal).

At a November board meeting/work session staff will provide a FY 2014/15 budget update (including property taxes and student enrollment).

In January, after the completion of the financial audit for FY 2013/14 staff will be preparing an amendment to the FY 2014/15 budget.

The proposals outlined in this report and the resolution allow for immediate action to address continued school staffing and school support needs, to add resources in support of key initiatives to improve student outcomes, and to make one-time strategic investments. In addition to the immediate and direct benefit that these strategic investments will make to outcomes for students and district operations, it is likely that some of the investments will reduce future demands on the operating budget, thus providing the opportunity for greater direct investment in schools.

At the same time PPS is taking some steps to increase its level of reserves to address the challenges of the FY 2015/16 budget.

NEXT STEPS / TIMELINE / COMMUNICATION PLAN

If approved by the board, staff will add \$3.5 million of positions for school staffing and support as quickly as possible to resolve specific school staffing challenges related to student enrollment numbers, class size and high school student schedules, and to improve support at high schools.

Staff will also develop and implement specific plans for up to \$4.0 million of additional investment in the three priorities and for the \$5.5 million one-time investments.

Staff will report to the board at future board meetings and work sessions in October and November on proposals for the use of these funds – additional school staffing and support, the priority investment actions, and the strategic one-time investments.

All of these changes to the FY 2014/15 will be reflected in a budget amendment that, as part of our regular annual budget process, will be prepared and submitted after completion of the FY 2013/14 financial audit that will establish the exact amount of the FY 2013/14 ending fund balance and, by extension, the FY 2014/15 beginning fund balance. This timing will also allow for the exact allocation of these funds to the specific budgets.

ATTACHMENTS

1. 2015/16 Budget Development Calendar
2. Resolution on Additional Investment in Schools in the FY 2014/15 Budget for School District No. 1J, Multnomah County, Oregon
3. History of Beginning Fund Balance as a Percentage of Total Expenditures

Reviewed and Approved by
Superintendent



PPS Budget Update
Increase School Staffing and Support Strategic Investments

Scenarios based upon different levels of Reserves/Uncommitted Contingency

<u>Scenario</u>	<u>Reserves</u>	<u>Spending</u>	<u>Description</u>	
1 Original	6.0%	\$ 2,000,000	School Staffing	FTE for school staffing to address student enrollment, student schedules, and teacher student loads
		\$ 3,800,000	Three Priorities	Third grade reading; high school graduation/completion; eliminate disparities in disproportionate discipline; Synergy & data support
		\$ 5,800,000		
2	5.6%	\$ 3,500,000	School Staffing & Support	FTE for school staffing AND Add to high school support: counselor ratio to 300:1; add to discretionary allocation: e.g. used for bookkeeper or librarian or technical support
		\$ 4,000,000	Three Priorities	Third grade reading; high school graduation/completion; eliminate disparities in disproportionate discipline; Synergy & data support
		\$ 7,500,000		
3	5.0%	\$ 3,500,000	School Staffing & Support	FTE for school staffing AND Add to high school support: counselor ratio to 300:1; add to discretionary allocation: e.g. used for bookkeeper or librarian or technical support
		\$ 4,000,000	Three Priorities	Third grade reading; high school graduation/completion; eliminate disparities in disproportionate discipline; Synergy & data support
		\$ 3,000,000	One-Time	Add one-time strategic investments
		\$ 10,500,000		
4 Proposed	4.5%	\$ 3,500,000	School Staffing & Support	FTE for school staffing AND Add to high school support: counselor ratio to 300:1; add to discretionary allocation: e.g. used for bookkeeper or librarian or technical support
		\$ 4,000,000	Three Priorities	Third grade reading; high school graduation/completion; eliminate disparities in disproportionate discipline; Synergy & data support
		\$ 5,500,000	One-Time	Increase by \$2,500,000
		\$ 13,000,000		
5	4.0%	\$ 3,500,000	School Staffing & Support	FTE for school staffing AND Add to high school support: counselor ratio to 300:1; add to discretionary allocation: e.g. used for bookkeeper or librarian or technical support
		\$ 4,000,000	Three Priorities	Third grade reading; high school graduation/completion; eliminate disparities in disproportionate discipline; Synergy & data support
		\$ 8,000,000	One-Time	Increase by \$2,500,000
		\$ 15,500,000		

Possible One-time Investments (Amounts shown are preliminary estimates and subject to change)

\$ 3,500,000	PK-5 English Language Arts curriculum materials adoption and acquisition (6-12 English Language Arts and English Language Development are already funded in 2014/15 budget)
\$ 200,000	New teacher orientation
\$ 120,000	IT asset inventory
\$ 4,000,000	Progress on deferred maintenance backlog, with focus on life safety: e.g. lead paint and stage rigging
\$ 1,200,000	Additional space or building modifications to support number of classrooms needed in schools (based upon 3 @ \$400,000 per modular)
\$ 300,000	Extend tech bundles to additional school staff
\$ 1,000,000	Purchase of additional mobile computing labs to advance equitable capacity among schools (based upon 83 @ \$12,000 per cart with 30 Chromebooks & wireless access)
	Musical instruments

Account - Account Description	2004/05	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14
377000 - Fund Balance-Unres/Undes	13,190,953.80	31,836,516.95	43,235,343.11	41,223,601.56	54,504,622.00	24,209,964.22	28,022,202.04	31,541,463.56	30,924,694.02	37,457,015.36
Total General Fund Expenditures	365,961,131.13	364,892,715.47	379,064,706.40	425,948,662.79	412,127,894.95	413,128,066.30	425,351,211.19	432,795,866.72	420,744,561.39	455,958,759.34
BFB as % of GF Expenditures	3.60%	8.72%	11.41%	9.68%	13.23%	5.86%	6.59%	7.29%	7.35%	8.22%

2015/16 Budget Development Calendar

Date	Activity
July/August	Second update to 2014/15 Staffing Allocation to Schools
September	Revised pre-audit estimate FY 2013/14 ending fund balance
September 23	Board Meeting: Publish Budget Calendar. Update FY 2013/14 ending fund balance.
September/October	Board Meeting/Work Session: FY 2014/15 budget updates (priorities) Third update to Staffing Allocation to Schools
September - March	Board Work Sessions (include budget implications of programs and services)
September 9	Board Work Session: Dual Language Immersion
October	Board appoints Citizen's Budget Review Committee (CBRC) Members
November - May	CBRC - Discuss budget process, forecast, school staffing, Local Option Levy, and recommendations on Proposed Budget
November - February	District Staffing Team - School Staffing work sessions
November/December	Budget Prioritization Discussion/Exercise: Coalition of Communities of Color, Achievement Compact Advisory Committee, District Employee Leadership Stakeholder Team, Superintendent's Student Advisory Committee, PAPSA
November	Board Meeting/Work Session: 2014/15 budget update (including property taxes and student enrollment)
December 2	Board Work Session: Budget Prioritization Exercise
January 13	Board Work Session: 2014/15 Budget Amendment discussion & 2015/16 Forecast
January 27	Board Meeting: 2014/15 Budget Amendment approved
January - March	Budget Leadership Team work sessions
March 10	Superintendent presents school staffing plan and framework for budget proposal to board
March 11	Initial 2015/16 Staffing Allocations to Schools
March - April	Staffing Process - Submission, Review, and Approval
March 11 – March 30	Superintendent Listening Sessions (with Board members): PTA, CBRC, Coalition of Communities of Color, Achievement Compact Advisory Committee, District Employee Leadership Stakeholder Team, Superintendent's Student Advisory Committee, PPS staff,
March	Board Meeting/Work Session: FY 2014/15 budget update (including FY 2013/14 state school fund prior year adjustment)
March 23 - March 27	Spring Break
March 31	Superintendent Proposes Budget - Board Meeting (Budget Committee): Budget Committee receives the Proposed Budget and Budget Message from Superintendent.
April – May	Board as Budget Committee holds public hearings[TBD]. State law requires at least one. Board commitment to hold at least one in a language other than English.
April - May	Board Meetings/Work Sessions

2015/16 Budget Development Calendar

April	First update to 2015/16 Staffing Allocations to Schools
May 12	Board Work Session: CBRC Reports to Board
May 26	Approved Budget - Board Meeting (Budget Committee): Budget Committee discussion and vote to approve a budget
June 1	Submit Approved Budget to TSCC
June 23	Adopted Budget - TSCC Hearing; TSCC certifies the Approved Budget; Board Meeting: Discussion on Approved; Board votes to Adopt the FY 2015/16 budget Final amendment FY 2014/15 budget
July	Preliminary estimate FY 2014/15 ending fund balance.
July/August	Second update to 2015/16 Staffing Allocations to Schools
September	Revised pre-audit estimate FY 2014/15 ending fund balance
September/October	Third update to 2015/16 Staffing Allocations to Schools



Board of Education

Staff Report to the Board

Board Meeting Date: Sept. 23, 2014 **Executive Committee Lead:** Jollee Patterson

Department: General Counsel/Ombudsman

Presenter/Staff Lead: Jollee Patterson, Judi Martin

SUBJECT: Revision of Complaint Policy, 4.50.030-P; Revocation of Citizen Complaint Policy 7.20.030-P

BACKGROUND

The Student/Parent Complaint Policy has been in need of revision in order to make the process more accessible and clear to our diverse students, families and community members. As part of the Corrective Action Plan with the Oregon Department of Education, we agreed to update the policy to bring it into compliance with state law and regulations.

RELATED POLICIES / BOARD GOALS AND PRIORITIES

Staff is recommending that the Board revise the current Student/Parent Complaint Policy 4.50.030 and revoke the Citizen Complaint Policy 7.20.030 so there is one policy that students, families and members of the community can use. In addition, staff has drafted an administrative directive that contains the detailed guidance on how the policy will be implemented.

PROCESS / COMMUNITY ENGAGEMENT

The draft policy and AD have been provided to a diverse group of stakeholders. Staff received extensive public response to the drafts, and incorporated feedback from the public. A list of the stakeholders to whom the draft was sent is attached. In addition, the Board held a work session on the draft policy and AD, and engaged in extensive discussion at the session. Staff has incorporated the Board's feedback into this final version of the policy.

ALIGNMENT WITH EQUITY POLICY IMPLEMENTATION PLAN

The revised policy reflects the goal of the Board's Racial Education Equity Policy, 2.10.010, to "welcome and empower students and families, including underrepresented families of color (including those whose first language may not be English) as essential partners in their student's education, school planning and District decision-making." The policy provides that the Ombudsman will be available to assist families with the complaint process. Interpretation and translation services will be provided to any complainants requesting such assistance. In addition, once the Board approves the policy, materials will be developed that are user-friendly and accessible to the public.

**Reviewed and Approved by Jollee Patterson
Executive Committee Lead**

BUDGET / RESOURCE IMPLICATIONS

The District has hired an Ombudsman, Judi Martin, who will be available to assist students, families, community members and staff through the complaint process.

NEXT STEPS / TIMELINE / COMMUNICATION PLAN

The Board will have a first reading of the policy on September 23rd, with a second reading and adoption currently scheduled for November 4th. As indicated above, user-friendly materials are being developed to assist with the implementation of the complaint process. Following Board adoption, the policy will be submitted to ODE.

QUESTIONS FOR BOARD DISCUSSION

The Board provided detailed input at the work session, which was very helpful in the improvement of the draft policy and AD. Staff is happy to respond to any additional questions.

ATTACHMENTS

- A. Updated Complaint Policy 4.50.030
- B. Administrative Directive implementing Complaint Policy
- C. Redline showing changes following Board Work Session
- D. Former Student/Parent Complaint Policy 4.50.030
- E. Citizen Complaint Policy 7.20.030 (to be revoked)
- F. List of Stakeholders

Portland Public School District 1st Reading

DATE: September 23, 2014

Public Comment for: Revision of Policy 4.50.030-P (Complaint Policy) and Revoking Policy 7.20.030-P (Citizen Complaints)

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

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

1st Reading by: Pam Knowles, Co-Chair, Portland Public School Board
Summary: Proposed Revision of Policy 4.50.030-P (Complaint Policy) and revoking Policy 7.20.030-P (Citizen Complaints)

Draft Policy Web Site:

<http://www.pps.k12.or.us/departments/board/872.htm>

(click on draft policy link).

Recommended for 1st Reading by: Board of Education

Policy Contact: Jollee Patterson

Last Date for Comment: October 14, 2014

Address: P.O. Box 3107, Portland, OR 97208-3107

Telephone: 503-916-3570

E-mail: jpatters@pps.net

Last Date for Comment: October 14, 2014

PROPOSED
COMPLAINT POLICY 4.50.030-P
(Revised following Board Work Session)

Portland Public Schools recognizes students, parents/guardians and people who reside in the district as essential partners in the educational process. These important partners must have the opportunity to make their concerns known to the district. Maintaining strong relationships includes having a fair, accessible process in which complaints can be addressed in a timely manner.

Whenever possible, concerns should be resolved by communication with the school or department directly involved in the issue. If the concern is not resolved through communication with the parties directly involved, the District provides a complaint process. This process shall include the opportunity for students, parents/guardians and people who reside in the district to appeal up to the Superintendent, and if appropriate, the Board. In general, the Board is responsible for policy-level issues, while the Superintendent is charged with the management and operations of the District. The complaint resolution process must include the opportunity for the parties involved to explain their experience and viewpoint of the matter so that multiple perspectives are considered. It is the intent of the Board that complaints be resolved as expeditiously as possible.

The District serves a diverse community of students and parents/guardians. The Racial Educational Equity Policy 2.10.010-P provides: “The District shall welcome and empower students and families, including underrepresented families of color (including those whose first language may not be English) as essential partners in their student’s education, school planning and District decision-making. The District shall create welcoming environments that reflect and support the racial and ethnic diversity of the student population and community.” The complaint process must be implemented in a manner that is accessible to, and welcoming of, all of our students, parents/guardians and community members. All parties to the complaint process will be treated, and will treat others, with dignity and respect.

The district has an Ombudsman whose role is to assist in dispute resolution, and to help ensure that the complaint process is accessible to the public. The Ombudsman also makes recommendations directly with the Superintendent regarding areas of improvement for the district.

School board members who receive complaints shall direct the complainant to contact the appropriate school or department in order to address the complaint. Complainants can also be referred to the Ombudsman for assistance with the process. Complaints regarding specific employees will be referred to the Chief Human Resources Officer for resolution through the appropriate personnel process.

No District employee, student or Board member may engage in retaliation against any person who files a complaint or participates in the complaint process. Any employee or student who engages in any form of retaliation for filing a complaint, or for participation in an investigation, will be subject to disciplinary action up to and including dismissal.

As provided by state law, students, parents/guardians and people who reside within the district may appeal to the State Superintendent of Public Instruction under OAR 581-022-1940 relating to certain violations of Oregon Administrative Rule and Oregon law.

The Board directs the Superintendent to implement an administrative directive that sets forth the specific process and procedure for complaint resolution. The Board further directs the Superintendent to provide information regarding the complaint process to members of the school community in a manner that is accessible and user-friendly, and to provide training for school staff in the implementation of the policy and administrative directive.

Complaint Resolution Process – X.XXX.XXX – AD

In accordance with Board Policy 4.50.030-P, this administrative directive sets forth the specific procedure for resolution of complaints by students, parents/guardians and people who reside in the district (“complainant”). As directed by the Board of Education in that policy, the District is committed to resolving complaints in a fair and timely manner through a process in which all parties, including families of color and other underrepresented communities, will have an opportunity to present their perspective and be treated with respect and dignity.

The District is committed to making the complaint process accessible for our diverse population. Translation and interpretations services will be made available to complainants.

The District has an independent Ombudsman, whose job is to help families, community members, schools and the district resolve issues satisfactorily. The Ombudsman is available to assist all parties through the problem-solving process and the complaint resolution process.

The district encourages parties to meet to reach resolution at the school or department level whenever possible. The complaint process starts when the complaint is submitted in writing by letter, email, or by using the district complaint form.

SCHOOL/DEPARTMENT-BASED PROBLEM SOLVING

In classrooms, schools and departments, our staff, parents and students work together frequently to problem solve issues and improve our processes with the goal of creating the best possible educational experience for students. This type of collaboration is the best way to resolve concerns. While not part of the formal complaint process, the following procedure applies to this type of problem-solving work.

- A. If the concern is related to a classroom/school:
 1. The complainant is encouraged to first speak to the teacher or staff person involved.
 2. If the concern is not resolved through direct communication, the complainant is encouraged to speak with the principal of the school. Principals have 10 working days to respond to concerns, which may include an in-person conference if requested by any involved party. If the concern is not resolved to the complainant’s satisfaction, the principal shall inform the complainant of the complaint process.

- B. If the concern is related to a district department:
 - 1. The complainant is encouraged to first speak to the staff person involved.
 - 2. If the concern is not resolved through direct communication, the complainant is encouraged to speak with the staff person's supervisor. Supervisors have 10 working days to respond to concerns, which may include an in-person conference if requested by any involved party. If a complainant is not sure who the appropriate supervisor is, the complainant may contact the Ombudsman for assistance. If the concern is not resolved to the complainant's satisfaction, the supervisor shall inform the complainant of the complaint process.

COMPLAINT PROCESS

If complainants are not able to resolve the concern at the school or departmental level, they may file a formal written complaint. The receipt of the written complaint starts the 90 day completion timeline for the purposes of state law. The complaint process concludes with the issuance of a written decision by the Superintendent at Step 2. As further outlined below, the complainant at that point can either accept the Superintendent's decision, request an appeal to the Board or appeal to the Oregon Department of Education.

Step1:

- A. The written complaint must be filed with the Ombudsman or the Office of the Superintendent via letter, email or the written complaint form. The written complaint should include the name and contact information for the complainant, a description of the concern, and the student's name, if applicable. In order to facilitate the resolution process, it would be helpful if the written complaint also included the names of any other parties involved, including witnesses, a description of efforts to resolve the concern, and suggestions for resolution. The Ombudsman will ensure that resources are provided for complainants who request assistance in preparing a written complaint. The Ombudsman shall provide a written acknowledgement of receipt of the complaint within 5 days of receiving the written complaint.
- B. The goal at Step 1 is to reach a mutually-agreed upon resolution of the complaint. Upon receipt of the written complaint, the Ombudsman or

his/her designee shall review the written complaint and gather additional information from involved parties in order to understand multiple perspectives regarding the concern. After gathering information, the Ombudsman will share information with all involved parties to identify possible solutions. In certain situations, the Ombudsman may set up a meeting to discuss options and work toward an acceptable outcome for all parties. The Ombudsman makes recommendations but does not make final decisions regarding complaints.

- C. If the parties cannot reach a mutually acceptable resolution, the Senior Director of Schools for the involved school, or the appropriate department supervisor, will have the responsibility for issuing a decision at Step 1. This supervisor or designee will also be responsible for investigation of the concern and will be involved in the discussions regarding possible mutually acceptable solutions. The Superintendent may assign a different decision maker at Step 1 as appropriate.
- D. When applicable, the Ombudsman will consult with district legal counsel regarding pertinent district policy, and relevant state and federal laws.
- E. All formal complaints will receive a resolution in writing within 30 days of receipt of the complaint. The resolution will include information about the next steps in the complaint process.

Step 2:

If the issue is not resolved to the complainant's satisfaction, the complainant may request a review in writing by the Office of the Superintendent. The Step 2 review will include the written complaint from Step 1, the written resolution from Step 1, any available documentation from the Step 1 process, and the request for Level 2 review.

- A. The request for review shall be submitted in writing within 10 days of the complainant receiving notice of resolution from Step 1.
- B. The Superintendent or designee will review the record, and may choose to meet with involved parties.
- C. If significant new evidence is introduced at Step 2, the complainant will be referred back to Step 1 so as to ensure there is an opportunity for meaningful dispute resolution and investigation that includes the new evidence. "Significant, new evidence" is evidence that could have changed the outcome or investigation at Step 1.
- D. If a new, additional concern is raised at Step 2, the new concern will be referred back to Step 1. The concerns that were already addressed at Step 1 will continue to proceed through the appeal process.

- E. Following the review, the Superintendent shall decide that:
 - 1. No substantial evidence exists and no further action will be taken; or
 - 2. Specific remedial action will be taken.
- F. The Superintendent or designee shall provide copies of the written decision to the complainant. The written decision shall include findings of fact and explain the rationale of the decision. All complaints appealed to the Superintendent will receive a resolution in writing within 30 days of receipt of the request for review. The superintendent or designee will include information on the next steps in the complaint process.
- G. The decision of the Superintendent is the final decision. Upon receiving the Superintendent's decision, if the complainant wants to continue to appeal, the complainant may choose to either request an appeal to the Board or appeal directly to the Oregon Department of Education.

Step 3:

If the complainant is not satisfied with the final decision of the Superintendent, the complainant may request an appeal in writing to the Board of Education. The appeal will include the concerns and information included in the original written complaint. Any new concerns or substantive information not previously submitted will be referred back to Step 1.

- A. The request for a Board level appeal shall be submitted to the Board Office within 20 days of the Superintendent's decision. The Board will vote on whether to consider the appeal within 20 days following the receipt of the request for appeal. The Board will be provided with the written record of appeal, including documents submitted at Steps 1 and 2, and the decision of the Superintendent.
- B. The Ombudsman will inform the complainant within two days after the Board vote as to whether the Board decided to consider the appeal.
- C. If the Board votes to consider the appeal, the Board will vote on the substance of the appeal within 30 days of the Board's decision to consider the appeal. The Board will have the full written record of the appeal. The complainant may submit additional written information to the Board, and may provide testimony during public comment.
- D. If the Board does not consider the appeal, the complainant may still choose to appeal to the Oregon Department of Education. If the Board consider the appeal, but does not vote to overturn the Superintendent's decision, the complainant can appeal to the Oregon Department of Education.

Additional provisions:

- 1) Complainants may file formal complaints on their own behalf, or on behalf of their enrolled student, or about district policies or practices. Complainants cannot file complaints on behalf of another person or student. This does not restrict the ability of complainants to bring an advocate to any meeting or proceeding.
- 2) The goal of the complaint process is to bring timely resolution to issues of concern to complainants. Complaints become more difficult to investigate and resolve if they are not brought forward promptly. At the same time, the District recognizes that there can be legitimate reasons for delay in filing complaints. In order to both promote timely resolution of complaints and ensure the complaint process remains accessible, complaints must be brought within one year of the incident leading to the complaint, or within one year of the complainant learning of the incident leading to the complaint, whichever is later. This one-year limitation does not bar the consideration of relevant evidence that is older than one year.
- 3) In some cases, District policies or administrative directive provide a specific complaint resolution and/or appeal process. For instance, the Administrative Directive regarding Student Transfers 4.10.054-AD establishes the process by which student transfer decisions may be appealed. In such instances, the specific procedure shall apply rather than the general complaint procedure.
- 4) If, during the course of the complaint process, concerns are raised that a specific employee has engaged in misconduct, the Ombudsman will ensure that those complaints are referred to the Chief Human Resources Officer for resolution through the appropriate personnel process. These personnel processes will include provisions in collective bargaining agreements if applicable to the employee. Allegations of employee misconduct are taken seriously and will be investigated.
- 5) If a complainant does not feel safe addressing a concern directly with an employee, such in cases of harassment, the complainant may go directly to that employee's supervisor or contact the Chief Human Resources Officer. The Ombudsman is also available to assist.
- 6) No District employee, student or Board member may engage in retaliation against any person who files or participates in the complaint process. Any employee or student who engages in any form of retaliation against a person(s) for filing a complaint and/or for participation in an investigation or inquiry will be subject to disciplinary action. As defined in 4.30.061-AD Anti-Harassment, "retaliation" is generally understood to mean: "experiencing an adverse impact after making or supporting a claim of

- harassment if the impact would deter a reasonable person from making such a claim.”
- 7) The timelines set forth above may be extended by the mutual consent of the complainant and the district. In particular, if complainants seek to submit appeals after the time periods set forth in the process, the district may choose to accept those appeals if the complainants agrees to extend the overall time period for resolution for the same number of days as the extension granted to the complainant. In all cases, the district will seek to resolve complaints as expeditiously as possible.
 - 8) As used in this administrative directive, “days” will be counted as “calendar days.”
 - 9) The Ombudsman is available to answer questions and concerns about the process. The Ombudsman will be responsible for providing information and training to staff on the implementation of the complaint process.

Further appeal

Oregon state law (OAR 581-022-1940) allows complainants to appeal a final decision by a school district to the State Superintendent of Public Instruction if the complaint alleges (1) a violation of the standards of the Oregon Administrative Rules, chapter 581, Division 22, or (2) a violation of other statutory or administrative requirements for which the State Superintendent has appeal responsibilities. Complainants will receive written notice of this right when the decision of the school district is final.

Complaint Resolution Process – X.XXX.XXX – AD

In accordance with Board Policy 4.50.030-P, this administrative directive sets forth the specific procedure for resolution of complaints by students, parents/guardians and people who reside in the district (“complainant”). As directed by the Board of Education in that policy, the District is committed to resolving complaints in a fair and timely manner through a process in which all parties, including families of color and other underrepresented communities, will have an opportunity to present their perspective and be treated with respect and dignity.

The District is committed to making the complaint process accessible for our diverse population. Translation and interpretations services will be made available to complainants.

The District has an independent Ombudsman, whose job is to help families, community members, schools and the district resolve issues satisfactorily. The Ombudsman is available to assist all parties through the problem-solving process and the complaint resolution process.

The district encourages parties to meet to reach resolution at the school or department level whenever possible. The complaint process starts when the complaint is submitted in writing by letter, email, or by using the district complaint form.

SCHOOL/DEPARTMENT-BASED PROBLEM SOLVING

In classrooms, schools and departments, our staff, parents and students work together frequently to problem solve issues and improve our processes with the goal of creating the best possible educational experience for students. This type of collaboration is the best way to resolve concerns. While not part of the formal complaint process, the following procedure applies to this type of problem-solving work.

- A. If the concern is related to a classroom/school:
 1. The complainant is encouraged to first speak to the teacher or staff person involved.
 2. If the concern is not resolved through direct communication, the complainant is encouraged to speak with the principal of the school. Principals have 10 working days to respond to concerns, which may include an in-person conference if requested by any involved party. If the concern is not resolved to the complainant’s satisfaction, the principal shall inform the complainant of the complaint process.

- B. If the concern is related to a district department:
 - 1. The complainant is encouraged to first speak to the staff person involved.
 - 2. If the concern is not resolved through direct communication, the complainant is encouraged to speak with the staff person's supervisor. Supervisors have 10 working days to respond to concerns, which may include an in-person conference if requested by any involved party. If a complainant is not sure who the appropriate supervisor is, the complainant may contact the Ombudsman for assistance. If the concern is not resolved to the complainant's satisfaction, the supervisor shall inform the complainant of the complaint process.

COMPLAINT PROCESS

If complainants are not able to resolve the concern at the school or departmental level, they may file a formal written complaint. The receipt of the written complaint starts the 90 day completion timeline for the purposes of state law. The complaint process concludes with the issuance of a written decision by the Superintendent at Step 2. As further outlined below, the complainant at that point can either accept the Superintendent's decision, request an appeal to the Board or appeal to the Oregon Department of Education.

Step1:

- A. The written complaint must be filed with the Ombudsman or the Office of the Superintendent via letter, email or the written complaint form. The written complaint should include the name and contact information for the complainant, a description of the concern, and the student's name, if applicable. In order to facilitate the resolution process, it would be helpful if the written complaint also included the names of any other parties involved, including witnesses, a description of efforts to resolve the concern, and suggestions for resolution. The Ombudsman will ensure that resources are provided for complainants who request assistance in preparing a written complaint. The Ombudsman shall provide a written acknowledgement of receipt of the complaint within 5 days of receiving the written complaint.
- B. The goal at Step 1 is to reach a mutually-agreed upon resolution of the complaint. Upon receipt of the written complaint, the Ombudsman or his/her designee shall review the written complaint and gather additional information from involved parties in order to understand multiple perspectives regarding the concern. After gathering information, the Ombudsman will share information with all involved parties to identify possible solutions. In certain situations, the Ombudsman may set up a meeting to discuss options and work

- toward an acceptable outcome for all parties. The Ombudsman makes recommendations but does not make final decisions regarding complaints.
- C. If the parties cannot reach a mutually acceptable resolution, the Senior Director of Schools for the involved school, or the appropriate department supervisor, will have the responsibility for issuing a decision at Step 1. This supervisor or designee will also be responsible for investigation of the concern and will be involved in the discussions regarding possible mutually acceptable solutions. The Superintendent may assign a different decision maker at Step 1 as appropriate.
 - D. When applicable, the Ombudsman will consult with district legal counsel regarding pertinent district policy, and relevant state and federal laws.
 - E. All formal complaints will receive a resolution in writing within 30 days of receipt of the complaint. The resolution will include information about the next steps in the complaint process.

Step 2:

If the issue is not resolved to the complainant's satisfaction, the complainant may request a review in writing by the Office of the Superintendent. The Step 2 review will include the written complaint from Step 1, the written resolution from Step 1, any available documentation from the Step 1 process, and the request for Level 2 review.

- A. The request for review shall be submitted in writing within 10 days of the complainant receiving notice of resolution from Step 1.
- B. The Superintendent or designee will review the record, and may choose to meet with involved parties.
- C. If significant new evidence is introduced at Step 2, the complainant will be referred back to Step 1 so as to ensure there is an opportunity for meaningful dispute resolution and investigation that includes the new evidence. "Significant, new evidence" is evidence that could have changed the outcome or investigation at Step 1.
- D. If a new, additional concern is raised at Step 2, the new concern will be referred back to Step 1. The concerns that were already addressed at Step 1 will continue to proceed through the appeal process.
- E. Following the review, the Superintendent shall decide that:
 - 1. No substantial evidence exists and no further action will be taken; or
 - 2. Specific remedial action will be taken.
- F. The Superintendent or designee shall provide copies of the written decision to the complainant. The written decision shall include findings of fact and explain the rationale of the decision. All complaints appealed to the Superintendent will receive a resolution in writing within 30 days of receipt of the request for review. The

superintendent or designee will include information on the next steps in the complaint process.

- G. The decision of the Superintendent is the final decision. Upon receiving the Superintendent's decision, if the complainant wants to continue to appeal, the complainant may choose to either request an appeal to the Board or appeal directly to the Oregon Department of Education.

Step 3:

If the complainant is not satisfied with the final decision of the Superintendent, the complainant may request an appeal in writing to the Board of Education. The appeal will include the concerns and information included in the original written complaint. Any new concerns or substantive information not previously submitted will be referred back to Step 1.

- A. The request for a Board level appeal shall be submitted to the Board Office within 20 days of the Superintendent's decision. The Board will vote on whether to consider the appeal within 20 days following the receipt of the request for appeal. The Board will be provided with the written record of appeal, including documents submitted at Steps 1 and 2, and the decision of the Superintendent.
- B. The Ombudsman will inform the complainant within two days after the Board vote as to whether the Board decided to consider the appeal.
- C. If the Board votes to consider the appeal, the Board will vote on the substance of the appeal within 30 days of the Board's decision to consider the appeal. The Board will have the full written record of the appeal. The complainant may submit additional written information to the Board, and may provide testimony during public comment.
- D. If the Board does not consider the appeal, the complainant may still choose to appeal to the Oregon Department of Education. If the Board consider the appeal, but does not vote to overturn the Superintendent's decision, the complainant can appeal to the Oregon Department of Education.

Additional provisions:

- 1) Complainants may file formal complaints on their own behalf, or on behalf of their enrolled student, or about district policies or practices. Complainants cannot file complaints on behalf of another person or student. This does not restrict the ability of complainants to bring an advocate to any meeting or proceeding.
- 2) The goal of the complaint process is to bring timely resolution to issues of concern to complainants. Complaints become more difficult to investigate and resolve if they are not brought forward promptly. At the same time, the District recognizes that

there can be legitimate reasons for delay in filing complaints. In order to both promote timely resolution of complaints and ensure the complaint process remains accessible, complaints must be brought within one year of the incident leading to the complaint, or within one year of the complainant learning of the incident leading to the complaint, whichever is later. This one-year limitation does not bar the consideration of relevant evidence that is older than one year.

- 3) In some cases, District policies or administrative directive provide a specific complaint resolution and/or appeal process. For instance, the Administrative Directive regarding Student Transfers 4.10.054-AD establishes the process by which student transfer decisions may be appealed. In such instances, the specific procedure shall apply rather than the general complaint procedure.
- 4) If, during the course of the complaint process, concerns are raised that a specific employee has engaged in misconduct, the Ombudsman will ensure that those complaints are referred to the Chief Human Resources Officer for resolution through the appropriate personnel process. These personnel processes will include provisions in collective bargaining agreements if applicable to the employee. Allegations of employee misconduct are taken seriously and will be investigated.
- 5) If a complainant does not feel safe addressing a concern directly with an employee, such in cases of harassment, the complainant may go directly to that employee's supervisor or contact the Chief Human Resources Officer. The Ombudsman is also available to assist.
- 6) No District employee, student or Board member may engage in retaliation against any person who files or participates in the complaint process. Any employee or student who engages in any form of retaliation against a person(s) for filing a complaint and/or for participation in an investigation or inquiry will be subject to disciplinary action. As defined in 4.30.061-AD Anti-Harassment, "retaliation" is generally understood to mean: "experiencing an adverse impact after making or supporting a claim of harassment if the impact would deter a reasonable person from making such a claim."
- 7) The timelines set forth above may be extended by the mutual consent of the complainant and the district. In particular, if complainants seek to submit appeals after the time periods set forth in the process, the district may choose to accept those appeals if the complainants agrees to extend the overall time period for resolution for the same number of days as the extension granted to the complainant. In all cases, the district will seek to resolve complaints as expeditiously as possible.
- 8) As used in this administrative directive, "days" will be counted as "calendar days."
- 9) The Ombudsman is available to answer questions and concerns about the process. The Ombudsman will be responsible for providing information and training to staff on the implementation of the complaint process.

Further appeal

Oregon state law (OAR 581-022-1940) allows complainants to appeal a final decision by a school district to the State Superintendent of Public Instruction if the complaint alleges (1) a violation of the standards of the Oregon Administrative Rules, chapter 581, Division 22, or (2) a violation of other statutory or administrative requirements for which the State Superintendent has appeal responsibilities. Complainants will receive written notice of this right when the decision of the school district is final.

Redline following Board Work Session

COMPLAINT POLICY – 4.50.030-P

Portland Public Schools recognizes students, parents/guardians and people who reside in the district as essential partners in the educational process. These important partners must have the opportunity to make their concerns known to the district. Maintaining strong relationships includes having a fair, accessible process in which complaints can be addressed in a timely manner.

Whenever possible, concerns should be resolved by communication with the school or department directly involved in the issue. If the concern is not resolved through communication with the parties directly involved, the District provides a complaint process. This process shall include the opportunity for students, parents/guardians and people who reside in the district to appeal up to the Superintendent, and if appropriate, the Board. In general, the Board is responsible for policy-level issues, while the Superintendent is charged with the management and operations of the District. The complaint resolution process must include the opportunity for the parties involved to explain their experience and viewpoint of the matter so that multiple perspectives are considered. It is the intent of the Board that complaints be resolved as expeditiously as possible.

The District serves a diverse community of students and parents/guardians. The Racial Educational Equity Policy 2.10.010-P provides: “The District shall welcome and empower students and families, including underrepresented families of color (including those whose first language may not be English) as essential partners in their student’s education, school planning and District decision-making. The District shall create welcoming environments that reflect and support the racial and ethnic diversity of the student population and community.” The complaint process must be implemented in a manner that is accessible to, and welcoming of, all of our students, parents/guardians and community members. All parties to the complaint process will be treated, and will treat others, with dignity and respect.

[The district has an Ombudsman whose role is to assist in dispute resolution, and to help ensure that the complaint process is accessible to the public. The Ombudsman also makes recommendations directly with the Superintendent regarding areas of improvement for the district.](#)

School board members who receive complaints shall direct the complainant to contact the appropriate school or department in order to address the complaint. [Complainants can also be referred to the Ombudsman for assistance with the process.](#) Complaints regarding specific employees will be referred to the Chief Human Resources Officer for resolution through the appropriate personnel process.

No District employee, student or Board member may engage in retaliation against any person who files a complaint or participates in the complaint process. Any employee or student who engages in any form of retaliation for filing a complaint, or for participation in an investigation, will be subject to disciplinary action up to and including dismissal.

As provided by state law, students, parents/guardians and people who reside within the district may appeal to the State Superintendent of Public Instruction under OAR 581-022-1940 relating to certain violations of Oregon Administrative Rule and Oregon law.

The Board directs the Superintendent to implement an administrative directive that sets forth the specific process and procedure for complaint resolution. The Board further directs the Superintendent to provide information regarding the complaint process to members of the school community in a manner that is accessible and user-friendly, and to provide training for school staff in the implementation of the policy and administrative directive.

Complaint Resolution Process – X.XXX.XXX – AD

In accordance with Board Policy 4.50.030-P, this administrative directive sets forth the specific procedure for resolution of complaints by students, parents/guardians and people who reside in the district (“complainant”). As directed by the Board of Education in that policy, the District is committed to resolving complaints in a fair and timely manner through a process in which all parties, including families of color and other underrepresented communities, will have an opportunity to present their perspective and be treated with respect and dignity.

The District is committed to making the complaint process accessible for our diverse population. Translation and interpretations services will be made available to complainants.

The District has an independent Ombudsman, whose job is to help families, community members, schools and the district resolve issues satisfactorily. The Ombudsman is available to assist all parties through the problem-solving process and the complaint resolution process.

The district encourages parties to meet to reach resolution at the school or department level whenever possible. The complaint process starts when the complaint is submitted in writing by letter, email, or by using the district complaint form.

SCHOOL/DEPARTMENT-BASED PROBLEM SOLVING

In classrooms, schools and departments, our staff, parents and students work together frequently to problem solve issues and improve our processes with the goal of creating the best possible educational experience for students. This type of collaboration is the best way to resolve concerns. While not part of the formal complaint process, the following procedure applies to this type of problem-solving work.

- A. If the concern is related to a classroom/school:
 1. The complainant ~~is encouraged to should~~ first speak to the teacher or staff person involved.
 2. If the concern is not resolved through direct communication, the complainant ~~is encouraged to should~~ speak with the principal of the school. Principals have 10 working days to respond to concerns, which may include an in-person conference if requested by any involved party. If the concern is not resolved to the complainant’s

satisfaction, the principal shall inform the complainant of the complaint process.

B. If the concern is related to a district department:

1. The complainant ~~is encouraged to should~~ first speak to the staff person involved.
2. If the concern is not resolved through direct communication, the complainant ~~is encouraged to should~~ speak with the staff person's supervisor. Supervisors have 10 working days to respond to concerns, which may include an in-person conference if requested by any involved party. If a complainant is not sure who the appropriate supervisor is, the complainant may contact the Ombudsman for assistance. If the concern is not resolved to the complainant's satisfaction, the supervisor shall inform the complainant of the complaint process.

COMPLAINT PROCESS

If complainants are not able to resolve the concern at the school or departmental level, they may file a formal written complaint. The receipt of the written complaint starts the 90 day completion timeline for the purposes of state law. The complaint process concludes with the issuance of a written decision by the Superintendent at Step 2. As further outlined below, the complainant at that point can either accept the Superintendent's decision, request an appeal to the Board or appeal to the Oregon Department of Education.

Step1:

- A. The written complaint must be filed with the Ombudsman or the Office of the Superintendent via letter, email or the written complaint form. The ~~written~~ complaint ~~should include must include: a statement that the complainant is making a formal complaint;~~ the name and contact information for the complainant; a description of the concern, ~~including parties involved and witnesses;~~ and the student's name, if applicable. In order to facilitate the resolution process, it would be helpful if the written complaint also included the names of any other parties involved, including witnesses; a description of efforts to resolve the concern; and suggestions for resolution. The Ombudsman will ensure that resources are provided for complainants who request assistance in preparing a written complaint. The Ombudsman shall provide a written

acknowledgement of receipt of the complaint within 5 days of receiving the written complaint.

- B. The goal at Step 1 is to reach a mutually-agreed upon resolution of the complaint. Upon receipt of the written complaint, the Ombudsman or his/her designee shall review the written complaint and gather additional information from involved parties in order to understand multiple perspectives regarding the concern. After gathering information, the Ombudsman will share information with all involved parties to identify possible solutions. In certain situations, the Ombudsman may set up a meeting to discuss options and work toward an acceptable outcome for all parties. The Ombudsman makes recommendations but does not make final decisions regarding complaints.
- C. If the parties cannot reach a mutually acceptable resolution, the Senior Director of Schools for the involved school, or the appropriate department supervisor, will have the responsibility for issuing a decision at Step 1. This supervisor or designee will also be responsible for investigation of the concern and will be involved in the discussions regarding possible mutually acceptable solutions. The Superintendent may assign a different decision maker at Step 1 as appropriate.
- D. When applicable, the Ombudsman will consult with district legal counsel regarding pertinent district policy, and relevant state and federal laws.
- E. All formal complaints will receive a resolution in writing within 30 days of receipt of the complaint. The resolution will include information about the next steps in the complaint process.

Step 2:

If the issue is not resolved to the complainant's satisfaction, the complainant may request a review in writing by the Office of the Superintendent. The Step 2 review will include the written complaint from Step 1, the written resolution from Step 1, any available documentation from the Step 1 process, and the request for Level 2 review. ~~Any new concerns or additional substantive information not previously submitted will be referred back to Step 1.~~

- A. The request for review shall be submitted in writing within 10 days of the complainant receiving notice of resolution from Step 1.
- B. The Superintendent or designee will review the record, and may choose to meet with involved parties.
- C. If significant new evidence is introduced at Step 2, the complainant will be referred back to Step 1 so as to ensure there is an opportunity for meaningful dispute resolution and investigation that includes the new evidence.

“Significant, new evidence” is evidence that could have changed the outcome or investigation at Step 1.

B.D. If a new, additional concern is raised at Step 2, the new concern will be referred back to Step 1. The concerns that were already addressed at Step 1 will continue to proceed through the appeal process.

C.E. Following the review, the Superintendent shall decide that:

1. No substantial evidence exists and no further action will be taken; or
2. Specific remedial action will be taken.

D.F. The Superintendent or designee shall provide copies of the written ~~findings and of the~~ decision to the complainant. The written decision shall include findings of fact and explain the rationale of the decision. All complaints appealed to the Superintendent will receive a resolution in writing within 30 days of receipt of the request for review. The superintendent or designee will include information on the next steps in the complaint process.

E.G. The decision of the Superintendent is the final decision. Upon receiving the Superintendent’s decision, if the complainant wants to continue to appeal, the complainant may choose to either request an appeal to the Board or appeal directly to the Oregon Department of Education.

Formatted: Font: +Headings (Cambria)

Step 3:

If the complainant is not satisfied with the final decision of the Superintendent, the complainant may request an appeal in writing to the Board of Education. The appeal will include the concerns and information included in the original written complaint. Any new concerns or substantive information not previously submitted will be referred back to Step 1.

- A. The request for a Board level appeal shall be submitted to the Board Office within 20 days of the Superintendent’s decision. The Board will vote on whether to ~~consider~~accept the appeal ~~on or before the date of the second regularly scheduled Board meeting within 20 days~~ following the receipt of the request for appeal. The Board will be provided with the written record of appeal, including documents submitted at Steps 1 and 2, and the decision of the Superintendent. As indicated in the Board Policy on Complaints, 4.50.030-P, “the Board is responsible for policy-level issues, while the Superintendent is charged with the management and operations of the District.”
- B. The Ombudsman will inform the complainant within two days after the Board vote as to whether the Board decided to ~~accept the~~consider the appeal.

- C. If the Board votes to ~~consider~~accept the appeal, ~~the Board will consider the full record of the appeal, including documents submitted at Steps 1 and 2, and the decision of the Superintendent. The Board will vote on the appeal on or before the date of its second regularly scheduled Board meeting following~~the Board will vote on the substance of the appeal within 30 days ~~of the~~ Board's vote to consider acceptance of the appeal. The Board will have the full written record of the appeal. The complainant may submit additional written information to the Board, and may provide testimony during public comment.
- D. If the Board does not accept the appeal, the complainant may still choose to appeal to the Oregon Department of Education. If the Board accepts the appeal, but does not vote to overturn the Superintendent's decision, the complainant can appeal to the Oregon Department of Education.

Additional provisions:

- 1) Complainants may file formal complaints on their own behalf, or on behalf of their enrolled student, or about district policies or practices. Complainants cannot file complaints on behalf of another person or student. This does not restrict the ability of complainants to bring an advocate to any meeting or proceeding.
- 2) The goal of the complaint process is to bring timely resolution to issues of concern to complainants. Complaints become more difficult to investigate and resolve if they are not brought forward promptly. At the same time, the District recognizes that there can be legitimate reasons for delay in filing complaints. In order to both promote timely resolution of complaints and ensure the complaint process remains accessible, complaints must be brought within one year of the incident leading to the complaint, or within one year of the complainant learning of the incident leading to the complaint, whichever is later. This one-year limitation does not bar the consideration of relevant evidence that is older than one year.
- 3) In some cases, District policies or administrative directive provide a specific complaint resolution and/or appeal process. For instance, the Administrative Directive regarding Student Transfers 4.10.054-~~AD~~ establishesAD establishes the process by which student transfer decisions may be appealed. In such instances, the specific procedure shall apply rather than the general complaint procedure.
- ~~4)~~ If, during the course of the complaint process, concerns are raised that a specific employee has engaged in misconduct, the Ombudsman will ensure that those complaints are referred to the Chief Human Resources Officer for

resolution through the appropriate personnel process. [These personnel processes will include provisions in collective bargaining agreements if applicable to the employee.](#) Allegations of employee misconduct are taken seriously and will be investigated.

4)

5) If a complainant does not feel safe addressing a concern directly with an employee, such in cases of harassment, the complainant may go directly to that employee's supervisor or contact the Chief Human Resources Officer. The Ombudsman is also available to assist.

Formatted: Font: (Default) +Headings (Cambria)

5) No District employee, student or Board member may engage in retaliation against any person who files or participates in the complaint process. Any employee or student who engages in any form of retaliation against a person(s) for filing a complaint and/or for participation in an investigation or inquiry will be subject to disciplinary action. [As defined in 4.30.061-AD Anti-Harassment, "retaliation" is generally understood to mean: "experiencing an adverse impact after making or supporting a claim of harassment if the impact would deter a reasonable person from making such a claim."](#)

Formatted: Indent: Left: 0.5", No bullets or numbering

Formatted: Font: (Default) +Headings (Cambria)

Formatted: List Paragraph, Line spacing: Multiple 1.15 li, Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

Formatted: Font: +Headings (Cambria), 12 pt

Formatted: Font: +Headings (Cambria), 12 pt

6)

6) The timelines set forth above may be extended by the mutual consent of the complainant and the district. In particular, if complainants seek to submit appeals after the time periods set forth in the process, the district may choose to accept those appeals if the complainants agrees to extend the overall time period for resolution for the same number of days as the extension granted to the complainant. In all cases, the district will seek to resolve complaints as expeditiously as possible.

Formatted: Indent: Left: 0.5", No bullets or numbering

7) As used in this administrative directive, "days" will be counted as "calendar days."

8) The Ombudsman is available to answer questions and concerns about the process. The Ombudsman will be responsible for providing information and training to staff on the implementation of the complaint process.

Further appeal

Oregon state law (OAR 581-022-1940) allows complainants to appeal a final decision by a school district to the State Superintendent of Public Instruction if the complaint alleges (1) a violation of the standards of the Oregon Administrative Rules, chapter 581, Division 22, or (2) a violation of other statutory or administrative requirements for which the State Superintendent has appeal

responsibilities. Complainants will receive written notice of this right when the decision of the school district is final.

Outreach for Input Into Draft Complaint Policy

Community Organizations

Black Parent Initiative
Coalition of Communities of Color
Immigrant Refugee Community Organization
Kairos Charter School
Latino Network
Native American Youth and Family Center
Self Enhancement, Inc.

Parent Groups

Parents Coalition
Our Portland Our Schools
Portland Parents Union
Portland Council PTA
School Site Councils
Parent and Family Involvement Committee
Parents for Excellent Portland Principals
Individuals who filed formal complaints about PPS from Jan. 2013- July 2014

Internal

Direct Reports to the Superintendent
School Leadership Team
Administrators of Color
Office of Teaching and Learning

CURRENT POLICY

4.50.030-P

4.50.030-P Student/Parent Complaint Procedure

- (1) It is desirable that parents and students have an opportunity to make any concern known to the district and to afford the district an opportunity to review those concerns and respond to them. Parents and students are encouraged to discuss any concern informally with the principal of the school involved.
- (2) If a concern of a parent or a student falls within the definition of "complaint" given below and if there is no special hearing procedure for the concern provided by statute or Board policy, the grievance procedure hereinafter set out, except as provided in Section 3 below, shall be available.
 - (a) "Complaint" means a written allegation that the district or its personnel have violated, misinterpreted or erroneously applied:
 - (A) Written policies or regulations of the district, or district agreements with other governmental agencies;
 - (B) Section 901 or 902, Title IX, of the Education Amendments of 1972, as amended by Public Law 93-568 (20 U.S.C., Sections 1681 and 1682), or valid regulations of the U.S. Department of Education adopted to effectuate such laws relating to sex discrimination in any education program or activity;
 - (C) ORS 659.150 or valid rules of the Oregon Department of Education adopted to effectuate that law.
 - (b) "Complainant" means:
 - (A) A parent of a student of the district (which includes, for the purposes of this policy, the guardian of a student);
 - (B) A student who attends a high school of the district;
 - (C) A parent of a student of the district and the student, jointly, who files a complaint and pursues it under the grievance procedure established by this policy, provided the complainant or (in the case of joint complaint) the student is directly affected by the action complained of.
 - (c) "Principal" includes, in the high schools, any vice principal or administrative assistant designated by the principal.
 - (d) The conference, hearing and review procedures established in this policy are intended to provide an informational hearing on complaints.



CURRENT POLICY

4.50.030-P

4.50.030-P Student/Parent Complaint Procedure

- (e) Nothing in this policy shall limit the opportunity of a complainant to follow other remedies available to seek redress of a complaint, except:
- (A) If, at any Level, the complainant elects to follow the procedures provided under this policy, the complainant must exhaust the procedures at that Level before pursuing any other remedy available;
 - (B) If a complainant appeals to the State Superintendent of Public Instruction pursuant to rules of the Oregon Department of Education, the complainant shall first exhaust the procedures provided at all Levels under this policy;
 - (C) A parent and a student may not each file separate complaints in relation to the same action complained of, and the complaint filed first shall be the complaint processed under the grievance procedure established by this policy. If, however, both complaints are filed prior to the conference before the principal, they shall be treated as a complaint jointly filed by the parent and the student.
- (f) Nothing in this policy shall limit the time, manner or procedure, which the Board may choose to respond to complaints. However, the Board shall act as provided at Level 3 below.
- (g) A copy of any notice mailed to a complainant by the district under this policy shall be mailed to both the parent and the student. It is the intent of the Board that reasonable extensions of time should be granted to complainants when circumstances warrant it. Such extensions shall be in writing and granted at the Level at which the complaint is then pending. All hearing procedures and correspondence must make provision for communication in the home language of the student(s) and parent(s) whenever practical and possible.
- (h) Levels.
- (A) Level 1:
 - (i) A complainant may file a complaint with the principal of the school, which the student attends. The complaint shall state with specificity the concern of the complaint and request a conference with the principal to discuss it.
 - (ii) Upon receipt of the complaint, the principal shall arrange for a conference with the complainant to discuss the complaint. A conference shall be held as promptly as

! "
"
\$ "
% "
& "
" "
' "
"
("
) "
+ "
+ "

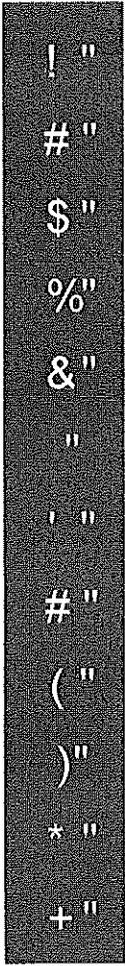
4.50.030-P Student/Parent Complaint Procedure

reasonably practicable, but in any event, if the complaint is filed during the regular school year, within seven working days of the filing of the complaint, unless the complainant agrees to a delay.

- (iii) The conference shall be conducted in an informal manner and shall be designed to provide an opportunity for the complainant to explain fully the nature of the complaint, the circumstances which give rise to it, and the redress sought, and to give the principal the opportunity fully to discover the facts which bear on the complaint. The principal may also ask questions of any other person involved.
- (iv) Within seven working days after the conclusion of the conference, the principal shall file a written report concerning the complaint, together with a copy of the complaint, with the Director of Student Achievement and shall send a copy of such report to the complainant. The report shall summarize the complaint and conference and state the principal's conclusions, the reasons supporting them, and the remedial action, if any, which the principal intends to take.

(B) Level 2:

- (i) If the complainant wishes the Director of Student Achievement to review the principal's report, the complainant may file a written request therefore with the Director of Student Achievement within 10 working days after a copy of the principal's report is mailed to the complainant stating with specificity the reasons why a review of the principal's report is sought and shall send a copy of the request to the principal.
- (ii) Upon receipt of such request, the Director of Student Achievement or his/her designee shall arrange for a conference with the complainant to discuss the matter. The Director of Student Achievement may appoint his/her designee to attend the conference in his/her place. The conference shall be held as promptly as reasonably practicable and in any event within seven working days of the filing of the request for review unless the complainant agrees to a delay. The principal and such other persons as the Director of Student Achievement or his/her designee choose may be present in addition to the parent



4.50.030-P Student/Parent Complaint Procedure

or student. The complainant may choose a third party, including legal counsel, to be present at and to participate in the conference. Students and parents/guardians who do not speak English may request an interpreter.

- (iii) The conference shall be conducted in an informal manner and shall be designed to provide an opportunity for the complainant to explain fully why the complainant wishes the Director of Student Achievement to review the principal's report and to give the Director of Student Achievement or his/her designee an opportunity to discover the facts, which bear on the matter. The Director of Student Achievement or his/her designee may ask questions of any other person involved.
- (iv) Within seven working days after the conclusion of the conference, the Director of Student Achievement shall file a written report concerning the conference, together with a copy of the complaint, and of the principal's report, with the superintendent. The Director of Student Achievement's report shall summarize the conference, state the Director of Student Achievement's conclusions, the reasons which support them, and the remedial action, if any, which the Director of Student Achievement intends to take. A copy of the Director of Student Achievement's report shall be sent to the principal and the complainant.

(C) Level 3:

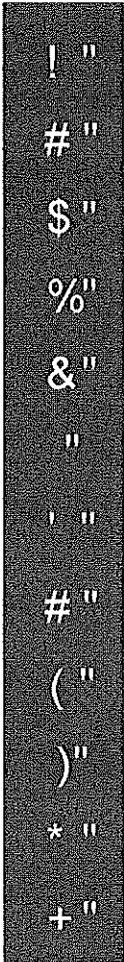
- (i) If the complainant wishes the superintendent and the Board to review the Director of Student Achievement's report, the complainant may file with the superintendent a written request therefore within 10 working days after the copy of the Director of Student Achievement's report is mailed to the complainant stating with specificity the reason why a review of the Director of Student Achievement's report is sought. A copy of the request shall be sent to the Director of Student Achievement.
- (ii) The superintendent shall review the matter and make a recommendation to the Board. The superintendent, if he/she desires, and before he/she submits his/her recommendation to the Board, may proceed as follows:
 - (I) He/She may invite the complainant and such other persons as the superintendent deems appropriate to attend a conference with him/her or his/her designee.



4.50.030-P Student/Parent Complaint Procedure

If a conference is held, it shall be held as promptly as reasonably practicable and in any event within seven working days of the filing of the request for review, unless the complainant agrees to a delay. The conference shall be conducted in an informal manner and in such a manner as the superintendent or his/her designee shall deem appropriate to permit the superintendent to make his/her recommendation with respect to the matter to the Board; or

- (II) He/She may elect to hold a more formal hearing in connection with such review presided over by him/her or his/her designee and shall promptly notify the parties involved of his/her desire to hold such a hearing and the time and place thereof. Such hearing shall be held as promptly as reasonably practicable and in any event within 10 working days after a copy of such notice is mailed to the complainant, unless the complainant agrees to a delay. At such hearing, the presiding officer shall gather the evidence, compile the record, and make any necessary rulings on procedure, including requiring the attendance of witnesses. If such conference or hearing is held, the complainant may choose a third party, including legal counsel, to be present at and to participate in the conference or hearing as the case may be. An interpreter may be requested by students and parents/guardians who do not speak English.
- (iii) The superintendent's recommended decision, including the reasons therefore, shall be made within seven working days of receipt of the report from the Director of Student Achievement, or within seven working days following the conclusion of the conference, or hearing, whichever is later, and shall be sent to the parties involved. The Superintendent shall include in the documents submitted to the Board, the complaint, the principal's report, the Director of Student Achievement's report, and the request for review submitted to the superintendent.
- (iv) The Board shall act on said recommendation on or before the date of its second regular meeting following receipt of the Superintendent's recommendation. Its decision shall be written and provided promptly to the parties. The Board may act on the basis of the superintendent's



7.20.030-P Citizen Complaints

- (1) In an enterprise involving so many students, parents, teachers and administrators, it is inevitable that conflicts will arise and misunderstandings will occur.
- (2) Patrons who do have concerns about the schools are asked to raise questions and explore concerns, which they may have with appropriate school personnel. Ordinarily, problems should be raised at the point, which they occur. However, if for some reason the patron prefers, he/she should consult with a member of the administrative staff of the school involved.
- (3) If, in an individual case, a resolution of the problem is not achieved at the school level, appeals may be made to the offices of the superintendent and subsequently, if necessary, to the superintendent. The superintendent or assistant superintendents may refer the individual to an Ombudsman for complaint resolution. Final appeal may be made to the Board.
- (4) Personnel problems may not be presented in open Board meetings and presentations by patrons must be in accordance with the guidelines in Board policy 1.70.092, Presentations by Citizens and/or Employees.
- (5) School principals shall handle all complaints which they receive affecting their schools, investigate the facts in given cases, refer to the offices of the superintendent cases which they cannot adjust satisfactorily and redress legitimate grievances where possible. Copies of all written communications from patrons, either approving or disapproving the work of the school or the school staff, will be kept on file in the school office.
- (6) Members of the Board who receive complaints from patrons will not conduct personal investigations of these, except by vote of the majority of the Board. Board members will refer complaints to the office of the superintendent for exploration by the appropriate members of the administrative staff and for later report to the Board on matters raised.
- (7) Citizens are reminded that Board members may not properly be expected to reach a judgment on a complaint until adequate investigation is conducted by the office of the superintendent.

Legal References: ORS 192.610 - 192.690; ORS 332.107; OAR 581-022-1940

History: Adpt 6/71; Amd 10/83; Amd 9/9/02; BA 2422

Anderson v. Central Point School District No. 6, 554 F. Supp. 600 (D. Oregon 1982); aff'd in part, 746 F.2d 505 (9th Cir. 1984).

Connick v. Myers, 461 U.S. 138 (1983).

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

INDEX TO THE AGENDA

September 23, 2014

Board
Action
Number

Page

Purchases, Bids, Contracts

4959	Revenue Contracts that Exceed \$25,000 in Delegation of Authority	3
4960	Expenditure Contracts that Exceed \$150,000 for Delegation of Authority	4

Other Items Requiring Board Action

4961	Additional Investment in Schools in the FY 2014-15 Budget for School District No. 1J, Multnomah County, Oregon	6
4962	RESERVED for Achievement Compact Committee Members.....	9
4963	Minutes	9

Purchases, Bids, Contracts

The Superintendent RECOMMENDS adoption of the following items:

Numbers 4959 and 4960

RESOLUTION No. 4959

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 REVENUE CONTRACTS

Contractor	Contract Term	Contract Type	Description of Services	Contract Amount	Responsible Administrator, Funding Source
Metro	7/1/2014 through 6/30/2016	Revenue R 61150	Roosevelt: Develop and support the Extended Learning Academy.	\$50,000	C. Williams Fund 205 Dept. 9999 Grant G1463

NEW INTERGOVERNMENTAL AGREEMENTS / REVENUE ("IGA/Rs")

Contractor	Contract Term	Contract Type	Description of Services	Contract Amount	Responsible Administrator, Funding Source
Oregon City School District	7/1/2014 through 6/30/2015	Intergovernmental Agreement/Revenue IGA/R 61092	Columbia Regional Program will provide regionally eligible school-age children with deaf and hard of hearing classroom services.	\$52,052	L. McConachie Fund 299 Dept. 5422 Grant S0031
David Douglas School District	7/1/2014 through 6/30/2015	Intergovernmental Agreement/Revenue IGA/R 61142	Columbia Regional Program will provide regionally eligible school-age children with deaf and hard of hearing classroom services.	\$357,100	L. McConachie Fund 299 Dept. 5422 Grant S0031

AMENDMENTS TO EXISTING REVENUE CONTRACTS

Contractor	Contract Amendment Term	Contract Type	Description of Services	Amendment Amount, Contract Total	Responsible Administrator, Funding Source
Rand Corporation	7/1/2014 through 6/30/2015	Revenue R 59352 Amendment 2	District-wide: Research services on the effect of dual-language immersion on student achievement. Year 3 of 3.	\$40,000 \$120,000	M. Goff Fund 205 Dept. 9999 Grant G1281

R. Dutcher

RESOLUTION No. 4960

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

Contractor	Contract Term	Contract Type	Description of Services	Contract Amount	Responsible Administrator, Funding Source
Oregon Museum of Science and Industry	9/1/2014 through 8/31/2015	Master MSTR 61114	District-wide: Provide science programming to all schools from a catalog of available services as requested.	\$350,000	M. Goff Various
Open Meadow Alternative Schools	8/1/2014 through 6/30/2015	Personal Services PS 6XXXX	Various: Provide Step Up services designed to help students successfully transition from middle to high school, to Academic Priority students at Franklin, Madison & Roosevelt.	\$865,000	L. Poe Fund 101 Dept. 5431
First Response, Inc.	10/1/2014 through 9/30/2015	Personal Services PS 6XXXX	District-wide: Provide nightly patrols of designated District buildings and armed alarm response to all District buildings. RFP 2014-1816	\$150,000	G. Weatheroy Fund 101 Dept. 5530
Open Meadow Alternative Schools	10/1/2014 through 9/30/2015	Personal Services PS 6XXXX	Various: Provide Step Up services for the High School Graduation Grant to 201 Academic Priority students at Franklin and Roosevelt.	\$290,811	K. Wolfe Fund 205 Dept. 5485 Grant G1116
Camp Fire Columbia Council	10/1/2014 through 9/30/2015	Personal Services PS 61149	Various: Provide after school tutoring and mentorship to at least 250 6 th -8 th grade Academic Priority students.	\$365,821	K. Wolfe Fund 205 Dept. 5485 Grant G1116

NEW INTERGOVERNMENTAL AGREEMENTS ("IGAs")

No New IGAs

AMENDMENTS TO EXISTING CONTRACTS

No New Amendments

R. Dutcher

Other Items Requiring Board Action

The Superintendent RECOMMENDS adoption of the following items:

Number 4961 through 4963

RESOLUTION No. 4961

Additional Investment in Schools in the FY 2014/15 Budget for School District No. 1J, Multnomah County, Oregon

RECITALS

- A. On March 17, 2014 the Superintendent proposed school staffing for the 2014/15 school year that included the addition of 30 teaching positions because of forecasted increase in student enrollment and 150 new teaching positions as a result of an agreement with the Portland Association of Teachers. These 150 positions were allocated 70 to elementary schools (PK-8), 50 to high schools and 30 to special education. Each year a number of positions are held back as set aside for future allocation to schools to resolve issues such as challenges offering the core program, changes in student enrollment numbers, high school scheduling support, and other site-specific anomalies. This year there were 37 positions in this set aside in June.
- B. On March 31, 2014 the Superintendent proposed a budget for FY 2014/15 for School District No. 1J, Multnomah County, Oregon ("District") based upon current estimates for beginning fund balance and revenues. The expenditures proposed included the additional teaching positions described above.
- C. In April additional allocations were made to schools from the set aside positions to resolve identified issues at specific schools.
- D. On May 19, 2014, by way of Resolution No. 4918, and under the provisions of Oregon Local Budget Law (ORS Ch. 294), the Budget Committee for the District approved the FY 2014/15 budget and imposed taxes.
- E. On June 23, 2014, by way of Resolution No. 4934 the Board of Education ("Board") adopted the 2014/15 budget, appropriated funds and imposed taxes for FY 2014/15. The adopted budget included a beginning fund balance of \$34.9 million and uncommitted contingency of \$19.7 million (3.9% of total expenditures). Board policy requires uncommitted contingency of 3% and the Board has an aspirational goal of 5%.
- F. In July and August of this year additional allocations were made to school staffing to resolve issues at specific schools and all of the positions set aside in June have been allocated to schools.
- G. As staff completed the annual process of accounting for FY 2013/14 (at the end of August 2014) a revised estimate of the ending fund balance for that year and, by extension, of the beginning fund balance for FY 2014/15 was made. This estimate is still subject to revisions as part of the independent financial audit of FY 2013/14 financial statements. Based upon higher than expected property tax receipts, a significant positive prior year state school fund adjustment for FY 2012/13, and lower than budgeted expenditures, especially for healthcare and benefits, the revised beginning fund balance is \$51.7 million, which is \$16.8 million more than in the FY 2014/15 adopted budget.
- H. The budget, as adopted, already includes expenditures that "spend down" this beginning fund balance by \$13.7 million. There is also uncertainty about funding for FY 2015/16 because it is the first year of the biennium and the appropriation for K-12 education has not been determined by the state legislature, and full-day kindergarten will be fully funded in the general fund for the first time. Acknowledging these concerns and after discussion with the Board on September 16, staff has prepared proposals based upon an increase in the uncommitted contingency in the FY 2014/15 budget to 4.5% (\$23.5 million).
- I. After this adjustment to uncommitted contingency the higher beginning fund balance would allow for \$7.5 million of additional expenditures in FY 2014/15. The superintendent recommends using

these funds to add additional staffing to schools right away to continue to have positions available to allocate to schools to resolve staffing issues, to add support for high schools, and to increase resources in support of the district's three highest educational priorities to improve outcomes for PPS students.

- J. The final reconciliation of the FY 2013/14 state school fund will not happen until late in FY 2014/15. About \$5 million of the higher than expected property tax receipts received in FY 2014/15 and that contributed to the higher than forecast ending fund balance, might be lost under this prior year adjustment. Given the uncertainty surrounding these funds, and after discussion with the Board on September 16, staff has prepared proposals for the use of these funds for one-time investments.

RESOLUTION

1. The Board directs the Superintendent to increase school staffing and support by \$3.5 million immediately.
2. The Board directs the Superintendent to add up to \$4.0 million investment in the three priorities:
 - a. ensuring that all students are reading at benchmark by the end of third grade
 - b. improving high school graduation and completion rates
 - c. eliminating disproportionality in out of school discipline between white students and students of color and reducing out-of-school discipline for all students by 50 percent.
3. The Board directs the superintendent to add up to \$5.5 million in one-time investments that support the improvement of outcomes for PPS students and the effective operations.
4. The Board directs the superintendent to provide updates on proposals for the investment in the three priorities and the one-time investments at future board meetings, including a more detailed accounting of how the funds are to be used.
5. The Board acknowledges that these increased investments will be funded by a beginning fund balance that is higher than that in the budget adopted on June 23, 2014, and that uncommitted contingency is expected to be 4.5% of total expenditures after these increases.
6. The Board directs the Superintendent to include the full details of these changes in the first budget amendment to the 2014/15 budget, which is likely to be presented to the Board for approval in January 2015 after the completion of the audit of the FY 2013/14 financial statements of the District.

R.Dutcher/D.Wynde

Account - Account Description	2004/05	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14
377000 - Fund Balance-Unres/Undes	13,190,953.80	31,836,516.95	43,235,343.11	41,223,601.56	54,504,622.00	24,209,964.22	28,022,202.04	31,541,463.56	30,924,694.02	37,457,015.36
Total General Fund Expenditures	365,961,131.13	364,892,715.47	379,064,706.40	425,948,662.79	412,127,894.95	413,128,066.30	425,351,211.19	432,795,866.72	420,744,561.39	455,958,759.34
BFB as % of GF Expenditures	3.60%	8.72%	11.41%	9.68%	13.23%	5.86%	6.59%	7.29%	7.35%	8.22%

RESOLUTION No. 4962

RESERVED FOR ACHIEVEMENT COMPACT COMMITTEE

RESOLUTION No. 4963

Minutes

The following minutes are offered for adoption:

July 22, August 4, August 12, August 19, and September 9, 2014