

BOARD OF EDUCATION

Portland Public Schools
STUDY SESSION
December 17, 2012

Board Auditorium

Blanchard Education Service Center
501 North 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 Board meeting. No additional speakers will be accepted after the sign-in sheet is removed, but the public is 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 speakers 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.

STUDY SESSION AGENDA

1. **ARTS AND EDUCATION ACCESS FUND
INTERGOVERNMENTAL AGREEMENT** (action item) 6:00 pm
2. **RECOGNITION OF MAYOR SAM ADAMS** 6:15 pm
3. **PUBLIC COMMENT** 6:30 pm
4. **SECOND READING: PURCHASING POLICY AMENDMENTS** 6:50 pm
(action item)
5. **AMALGAMATED TRANSIT UNION CONTRACT AGREEMENT** 7:00 pm
(action item)
6. **HIGH SCHOOL SYSTEM DESIGN UPDATE** 7:05 pm
7. **BUDGET DISCUSSION** 8:05 pm
8. **PORTLAND VILLAGE SCHOOL** (action item) 8:20 pm
9. **LEGISLATIVE AGENDA** (action item) 8:40 pm
10. **OREGON SCHOOL BOARD ASSOCIATION LEGISLATIVE
AGENDA** (action item) 9:00 pm
11. **BUSINESS AGENDA** 9:10 pm
12. **ADJOURN** 9:15 pm

The next meeting of the Board will be a Board Retreat held on **January 7, 2013**, at **6:00 pm** in the Mazama Conference Room at the Blanchard Education Service Center.

Portland Public Schools Nondiscrimination Statement

Portland Public Schools recognizes the diversity and worth of all individuals and groups and their roles in society. All individuals and groups shall be treated with fairness in all activities, programs and operations, without regard to age, color, creed, disability, marital status, national origin, race, religion, sex, or sexual orientation.



Board of Education

Superintendent's Recommendation to the Board

Board Meeting Date: December 17, 2012

Executive Committee Lead: Neil Sullivan

Department: Finance

Presenter/Staff Lead: David Wynde

Agenda Action: X Resolution ____ Policy

SUBJECT:

City of Portland Arts Education and Access Fund - Intergovernmental Agreement

BRIEF SUMMARY AND RECOMMENDATION

Staff recommends the authorizing resolution for PPS partnership with the City of Portland to implement the Arts Education and Access Fund, which will fund arts teaching positions in PPS schools serving students in kindergarten through fifth grade.

BACKGROUND

In the recent election, City of Portland voters approved Measure 26-146 which creates a \$35 limited income tax that will be used to increase arts education and access to the arts in the City, with almost 62% of the vote.

This City of Portland initiative creates an Arts Education and Access Fund to distribute the proceeds from the limited income tax. There are four primary uses to which the Fund will support.

1. The first is to pay for certified arts education teachers in the six school districts in the City with the goal that every student in grades K-5 has access to arts education in their school. [For the purposes of this agreement every reference to an arts teacher encompasses art, music, dance and drama.]
2. The second is to award grants to arts organizations and schools to provide access to high-quality arts experiences for students in grades K-12.
3. The third is to fund four positions at the Regional Arts and Culture Council (RACC) focused on multi-district arts education coordination. These coordinators' work will be similar to the work of our district teachers on special assignment (TOSA's).
4. The fourth is to fund grants to arts organizations to provide arts experiences to underserved communities and improve access to the arts for low-income families.

An Intergovernmental Agreement ("IGA") will be executed with each of the six school districts and will govern the administration of the fund for pass through funding of certified arts teachers for K-5 students.

Reviewed and Approved by Superintendent

Handwritten signature of Carole Smith in cursive script.

RELATED POLICIES / BOARD GOALS AND PRIORITIES

The Board goals for 2012/13 (as adopted by resolution 4641 on August 20, 2012) include the following:

*Portland Public Schools advocates effectively for stable and adequate funding.
The Board adopts a budget aligned with the educational vision and prioritizes the allocation of resources to improve student achievement and provide a core curriculum to all students.*

The Arts Education and Access Fund improves the stability and adequacy of funding for PPS because it increases funding and it is a steady source of funds for arts teachers that is not going to fluctuate from year-to-year. The funding of arts teachers is prioritized and will be the first use of the Arts Education and Access Fund before funds are allocated for any of the other purposes.

PPS' ability to provide a core curriculum to all students is improved to the extent that the Fund significantly supports PPS ability to offer arts education to all K-5 students.

PROCESS / COMMUNITY ENGAGEMENT

This IGA was discussed by the board at its work sessions on November 19 and December 3, 2012.

The Arts Education and Access Fund was approved by a vote of the people. Over the past several years there was significant community engagement by the City and the arts community in the development of the proposal.

PPS decisions over the exact use of the funds and the level of arts education staffing that can be supported in schools serving students in grades K-5 will be part of the annual budget process.

ALIGNMENT WITH EQUITY POLICY IMPLEMENTATION PLAN

Research shows that art and music are an essential part of a core curriculum for students, especially in the elementary school years. Studies link access to arts education to improved attendance, increased participation in math and science, higher test scores, increased graduation rates and college admittance. The impact is even greater among low-income students and students of color.

This Fund will increase the equitable provision of arts education in all schools and will help support access by all students to arts experiences in school and in the broader community.

BUDGET / RESOURCE IMPLICATIONS

The Arts Education and Access Fund will provide PPS with funds to pay the total compensation cost of one teacher for every 500 K-5 students. The IGA includes the aspirational goal of at least one FTE at each district school serving students in grades K-5.

PPS has 58 such schools and our estimate is that the Arts Education and Access Fund will support 43 positions. In order to meet the aspirational goal of 1 FTE in each school we would have to fund 15 positions from our general fund.

For context, in the 2012/13 school year we have 32.5 arts FTE in these schools, of which 14.4 FTE are funded with one-time money as part of the deal among PPS, PAT and the City, and 18.1 FTE that were in the budget before the one-time funds were secured. The 13/14 FTE that PPS will be required to fund to meet the aspirational goal is approximately equal to the amount of FTE we had funded in the budget for the current school year before the one-time deal with the City and PAT.

Given the uncertainty surrounding funding for K-12 in Oregon and the budget for 2013/14 the IGA does not commit PPS to any more staffing than that which results from the 500:1 ratio.

NEXT STEPS / TIMELINE / COMMUNICATION PLAN

Staff will be meeting with the RACC staff, the Mayor's Office and other school districts to plan the implementation of the Arts Education and Access Fund.

Funding and staffing for the K-5 arts teachers will be part of the annual staffing and budget processes.

ATTACHMENTS

1. Intergovernmental agreement between School District No. 1J, Multnomah County, Oregon and the City of Portland for One-time Funds and Ongoing Partnerships
2. Resolution authorizing the Superintendent to enter into an Intergovernmental Agreement with the City of Portland for the Arts Education and Access Fund

**INTERGOVERNMENTAL AGREEMENT
BETWEEN SCHOOL DISTRICT NO. 1J, MULTNOMAH COUNTY, OREGON,
AND THE CITY OF PORTLAND
FOR ONE-TIME FUNDS AND ONGOING PARTNERSHIPS**

This Intergovernmental Agreement (“IGA”), authorized pursuant to ORS 190.110, is entered into between School District No. 1J, Multnomah County, Oregon (“Portland Public Schools” or “District”) and the City of Portland (“City”). District and City may be referred to individually as a “party” and collectively as “the parties.”

RECITALS

- A. Education is one of the top four overarching goals of the City’s Portland Plan.
- B. Arts and music are essential to a high quality, well-rounded education.
- C. National research links access to arts and music education to improved test scores, graduation rates and college admittance, particularly for lower-income students and students at risk. And, as of 2010, 44% of Portland’s high school students did not graduate with their class.
- D. Budget cuts have resulted in a steep decline in arts and music education in Portland schools leaving over 11,500 students in 26 schools with no access to certified instruction in art, music, dance or drama as of 2012.
- E. Portland schools have fallen well behind the national average with only 18% of our elementary schools offering art instruction (compared to 83% nationally) and 58% of our elementary schools offering music (compared to 94% nationally).
- F. Certified in-school arts and music instruction is the cornerstone of a complete arts education, providing students with the opportunity to develop skills in creative and critical thinking, collaborating, and communicating.
- G. A complete arts and music education includes instruction by in-school teachers, arts experiences such as field trips and artist residencies, and arts integration in core subject areas that helps teachers utilize creativity to help children learn.
- H. Providing arts and music education for all students at the elementary school level ensures each student, regardless of means and background, is given equal opportunity to develop skills and grow, and that some students are not disadvantaged in this area as they enter middle school and high school.
- I. Elementary school is the most strategic point in the public education continuum to invest in arts education in order to ensure equal access and opportunity to develop skills and grow for all students from the beginning of student experience and prevent early disparities in access.

J. Cities with thriving arts and culture communities attract businesses, develop a creative workforce and create economic development opportunities across multiple sectors.

K. This IGA will assist in restoring arts and music education to our schools by providing stable, long-term funding for certified arts and music teachers – ensuring access to the arts for every Portland elementary school student.

L. The City’s Revenue Bureau is authorized to receive gross revenues collected as a result of the Arts Education and Access Income Tax and distribute a portion of the Net Revenues to the District.

M. District has agreed to spend the money to ensure that funds are used to pay for the costs of providing certified arts teachers and music teachers to students in elementary schools within the District.

AGREEMENT

1. Recitals. The recitals above are hereby incorporated by reference.

2. Effective Date/Term. This IGA is effective from the date that all parties have executed this IGA. The term of this IGA is until June 30, 2014. It shall automatically renew each year for a period of three years thereafter so long as the Arts Education and Income Tax is in effect.

3. Definitions:

a. “Average teacher salary” means the average of all certified K-5 teachers’ salaries within the District who are actually teaching school and not in full time administrative positions, calculated on the teachers’ base pay, including associated employer-paid payroll costs, such as taxes, insurance and PERS, but excluding premium or differential pay, or any other sums that may be paid for the performance of duties outside of teaching classes during regular school hours. “Average teacher salary” does not include income imputed to, but not actually received by, a teacher as a result of the receipt of a taxable benefit, such as domestic partner insurance or long term disability insurance provided by the employer.

b. “Bureau” means the Revenue Bureau of the City of Portland.

c. “Catchment” means the geographical area from which an elementary school within a District draws its students.

d. “Gross Revenues” means the total of all revenue received by the City of Portland from the Arts Education and Access Income Tax without regard to collection, administrative or other costs.

e. “K-5 students” means District students in grades Kindergarten through 5th. “Portland K-5” students means students that reside within the geographical boundary of the City of Portland.

f. "Net Revenues" means the revenue remaining after collection, administrative and other costs and refunds are deducted from Gross Revenues.

g. "Schools" means those educational institutions defined as schools by the Oregon Department of Education, but do not include on-line schools.

4. Payment Calculation and Distribution of Funds: The City's Revenue Bureau will receive the money collected under the Arts Education and Access Income Tax and distribute a portion of Net Revenues to District as follows:

a. On or before October 15, 2013, District shall provide to the Bureau the number of K-5 students from schools within the District's Catchment and the current teacher salaries of certified K-5 teachers. In the case of charter schools, the number shall include only Portland K-5 students attending charter schools within District that have a Portland Catchment and no other charter school students. The number shall not include (i) students attending elementary schools within the School District that have no Portland K-5 students; and (ii) students attending elementary schools, including Portland K-5 students, if the school's catchment does not overlap with the City of Portland's geographical boundaries. In any event, distribution shall be made in conformance with City Code Section 5.73.030.

b. Based on the correct number provided by District, the Bureau will calculate the amount of Net Revenues owed to District as follows:

Average teacher salary X (the correct number of students provided by the District) ÷ 500 (hereafter "the Calculation.")

c. Bureau shall then promptly pay 50% of the Net Revenues determined by the Calculation to District.

d. On or before January 31, 2014, the parties anticipate the Oregon Department of Education (ODE) will provide the Bureau with an updated and revised number of students, calculated in the same manner as specified in paragraph (a) above (hereafter referenced as "the revised number").

e. Based on the revised number provided by ODE, the Bureau will recalculate the amount of Net Revenues owed to District (hereafter "the Revised Calculation").

f. On or about March 15, 2014, the Bureau shall subtract the money already paid to District from the Revised Calculation and pay District the remaining Net Revenues owed to District.

g. In the event ODE fails to provide a revised number in order for the Bureau to pay the District the remaining Net Revenues owed by March 15, 2014, the parties agree to mutually discuss an acceptable alternative method of determining the revised number.

5. Provision of Services. District shall provide access to arts and/or music education through certified arts and/or music teachers to all K-5 students.

6. Supplemental Funding. It is the intention of this IGA to add to the number of existing certified arts and music teachers without creating financial problems for District. Funds from the Arts Education and Access Fund will be used to meet the voter-approved teacher: student ratio of 1-500 for a certified arts or music teacher at each public school within the district that educates K-5 students and whose catchment overlaps with the City of Portland's geographical boundaries. The District will aspire to provide one full time equivalent of certified arts and/or music instruction at each qualifying school considering the District's financial outlook, strategic plan and related policies.

7. Audit. District will provide its Comprehensive Annual Financial Report (CAFR) each year to the Bureau for the purpose of tracking compliance with this IGA. The CAFR shall specifically identify the funds received and expended pursuant to this program.

8. Sequential Course of Study. The District will work with the Regional Arts and Cultural Council (RACC) staff to align a course of study for students Kindergarten through 12th grade. This course of study shall take into account the District's current courses, budgetary considerations and align with each school community's values. As funding for teachers from the Arts Education and Access Fund is restricted to schools serving students in grades K-5, the District will attempt to maintain the articulated course of study unless it compromises other academic priorities or budget considerations.

9. Minority Teacher Act. In accordance with Oregon's Minority Teacher Act, the District will strive, within the bounds of the law, to ensure that hired teachers reflect the student population.

10. Coordination with RACC. District will coordinate with RACC to ensure that District is providing high-quality arts and music education based on the resources available including those provided by the Arts Education and Access Fund. In the event that RACC notifies the City that District is not meeting the expectations of this provision, the parties will consider this to be a "dispute" under this IGA and the City and District shall engage in dispute resolution as required by Paragraph 23.

11. Arts Education Coordination Meetings. The District agrees its superintendent shall attend an annual meeting convened by City Commissioner-in-Charge of arts and culture to discuss the state of arts education in Portland schools, the effects of Arts Education & Access Fund investments and any plans for continuous improvement. The meeting shall take place at minimum on an annual basis. District also agrees to provide high-level staff to attend quarterly meetings on arts education convened by RACC to monitor progress and plan for continuous improvement.

12. Use of Funds/Indemnification. District will use the Net Revenues it receives from the City in accordance with this IGA and shall not use the funds for any other purpose whatsoever. District shall hold harmless, indemnify and pay back the City for any expenditure of funds that is not in accordance with the requirements of this IGA.

13. Amendments. The terms of this IGA shall not be waived, altered, modified, supplemented, or amended, in any manner whatsoever, except by written instrument signed by

both parties. The Mayor of the City of Portland, or designee, is authorized to amend this IGA provided it does not increase the cost to the City. This agreement regarding the use of the Arts Education & Access Fund has been developed collaboratively between the two signatories to this agreement. In that spirit of partnership, and to ensure flexibility to respond to an ever-changing fiscal environment and any unforeseeable hardships, both parties (City and District) agree to develop any amendment necessary to this agreement to preserve the ability of the District to deliver maximal arts education services to students without causing undue difficulties for either party. The current term of the IGA is one-year in order to formalize the goal of continuous improvement around the use of these funds and the delivery of arts and music education in schools, and this provision is intended to further document that intent.

14. Captions. The captions or headings in this IGA are for convenience only and in no way define, limit or describe the scope or intent of any provisions of this IGA.

15. Law/Choice of Venue. Oregon law, without reference to its conflict of laws provisions, shall govern this IGA and all rights, obligations and disputes arising out of the IGA. Venue for all disputes and Litigation shall be in Multnomah County, Oregon.

16. Severability/Survival. If any of the provisions contained in this IGA are held unconstitutional or unenforceable, the enforceability of the remaining provisions shall not be impaired. All provisions concerning the limitation of liability, indemnity and conflicts of interest shall survive the termination of this IGA for any cause.

17. No Third Party Beneficiary. City and District are the only parties to this IGA and as such, are the only parties entitled to enforce its terms. Nothing contained in this IGA gives or shall be construed to give or provide any benefit, direct, indirect, or otherwise to third parties unless third persons are expressly described as intended to be beneficiaries of its terms.

18. Merger Clause. This IGA constitutes the entire IGA between the parties. No waiver, consent, modification or change of terms of this IGA shall bind either party unless in writing and signed by both parties. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. There are no understandings, IGAs, or representations, oral or written, not specified herein regarding this IGA.

19. Counterparts/Electronic Signatures. This IGA may be executed in any number of counterparts, all of which when taken together shall constitute one IGA binding on all Parties, notwithstanding that all Parties are not signatories to the same counterpart. The Parties agree that they may conduct this transaction, including any amendments or extension, by electronic means including the use of electronic signatures.

20. Assignment. No Party shall assign or transfer any interest in this IGA, nor assign any claims for money due or to become due under this IGA, without the prior written approval of the other Parties. This IGA shall bind and inure to the benefit of, and be enforceable by, the Parties hereto and their respective successors and permitted assigns.

21. Subsequent Years. After the school year 2013/2014, the parties shall take the actions required above by the same dates in subsequent school years so long as the Arts Education and Access Income Tax remains in effect.

22. Termination. This IGA may be mutually terminated at any time by written consent of the parties. The City may unilaterally terminate this IGA if District fails to use the Net Revenues in accordance with this IGA. The District may unilaterally terminate this IGA if City fails to distribute the Net Revenues in accordance with this IGA.

23. Dispute Resolution. In the event a dispute arises regarding the use of the Net Revenues by District or any other matter covered by this IGA, the parties agree to have high level representatives of City and District engage in discussions before taking any legal action. If discussions fail to resolve the issue, the parties shall engage in mandatory mediation in an attempt to resolve the dispute. In the event of mediation, the parties shall each pay one-half of the mediator's bill. If mediation fails to resolve the matter, either party may take any legal action permitted to it under the law of the State of Oregon.

IN WITNESS WHEREOF, the duly authorized representatives of City and District have executed this Contract as of the date and year first above written.

DATED this _____ day of _____, 2012.

CITY

DISTRICT

City of Portland

**School District No. 1J,
Multnomah County, Oregon**

By: _____
Name: _____
Title: _____
Date: _____

By: _____
Name: Carole Smith
Title: Superintendent
Date: _____

By: _____
Name: Gregory C. MacCrone
Title: Deputy Clerk
Date: _____

APPROVED AS TO FORM:

APPROVED AS TO FORM:

Name: _____
Title: City Attorney
Date: _____

Name: Jollee F. Patterson
Title: General Counsel
Date: _____



Board of Education

Staff Report to the Board

Board Meeting Date: 11.26.2012

Executive Committee Lead: Neil Sullivan

Department: Purchasing & Contracting.

Presenter/Staff Lead: Elaine Holt

SUBJECT: 2012 Revisions to Public Contracting Rules
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BACKGROUND

As per the attached Executive Summary Memorandum, the District adopted revised Public Contracting Rules in 2010. These rules comprise the Purchasing Manual referenced in Policy 8.50.100-P and govern the District's purchasing and contracting activities.

The District is required to regularly update these rules to reflect legislative changes to state statute.

If adopted, these Rules will replace the 2010 version of the Portland Public Schools Purchasing and Contracting Rules.

RELATED POLICIES / BOARD GOALS AND PRIORITIES

Policy 8.50.100-P Contracting and Purchasing Rules.

PROCESS / COMMUNITY ENGAGEMENT

Purchasing & Contracting staff have been formulating this revision since February 2012. Several of these changes are mandatory per state statute. When making decisions regarding optional changes, we worked in conjunction with impacted departments, including Facilities and Asset Management and the Office of School Modernization. Our external legal counsel at Miller Nash advised us regarding these changes, drafted the revised rules, the findings, and the accompanying Executive Summary.

ALIGNMENT WITH EQUITY POLICY IMPLEMENTATION PLAN

This revision is in alignment with the PPS Racial Equity Plan, specifically item 18, "Establish and implement an Equity in Public Purchasing & Contracting (EPPC) Policy".

The option for direct appointment of construction-related professional services firms up to \$100,000, as well as the \$250,000 threshold for informal solicitation of these services, will allow us to provide greater contracting opportunities to minority-owned businesses, as well as women-owned businesses and emerging small businesses.

Reviewed and Approved by Executive Committee Lead
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Neil Sullivan, CFO

BUDGET / RESOURCE IMPLICATIONS

This policy revision is budget neutral.

NEXT STEPS / TIMELINE / COMMUNICATION PLAN

The revised rules are scheduled for a first reading at the November 26, 2012 Board Meeting. A second reading is schedule for the December 17, 2012 Board Meeting. If adopted, these revised rules will be posted on the District website, both on the Purchasing & Contracting site and the Board site.

These rules will be reviewed, and when warranted revised, on a regular basis going forward. Such review and revision will occur at minimum: 1) when there are changes to the Oregon Attorney General Model Rules; 2) when there are Oregon legislative changes to statutes impacting public contracting, and 3) when there are new PPS purchasing & contracting needs to be addressed in these rules.

QUESTIONS FOR BOARD DISCUSSION

ATTACHMENTS

1. Executive Summary
2. Resolution
3. 2012 Revised Purchasing and Contracting Rules
4. Findings

Memorandum

To: Board of Education
From: Jeffrey G. Condit
Client: Portland Public Schools
Subject: 2012 Revisions to Public Contracting Rules – Executive Summary
Date: October 2, 2012

INTRODUCTION

In 2010, Portland Public Schools developed and adopted a substantial and comprehensive revision to its Public Contracting Rules. The purpose of the 2012 revisions is to update the District's Rules to reflect 2011 legislative changes to the state Public Contracting Code (ORS Chapter 279A, 279B, and 279C) and revisions to the Attorney General's Model Public Contracting Rules ("Model Rules") that became effective on January 1, 2012. The revised Rules are attached as Exhibit A to the Board resolution adopting the revisions.

LEGAL FRAMEWORK

The Board of Education serves as the Local Public Contract Review Board ("Board") for the District pursuant to ORS 279A.060. ORS 279A.065 empowers the Board to adopt local public contracting rules. This statute requires the Attorney General to update the Model Rules after each legislative session to reflect amendments to the Public Contracting Code. The statute also requires local contracting agencies such as the District to review the Attorney General's revisions to determine whether its own Rules need to be revised.

SUMMARY OF AMENDMENTS

Most of the 2012 revision to the District's Rules reflect changes to the Model Rules. The most significant change is to the method of solicitation for construction-related professional services (architects, engineers, land surveyors, and other professional services). The 2011 Legislature amended ORS Chapter 279C to extend the requirement for qualifications-based selection ("QBS") of such services to local contracting agencies and made some significant substantive revisions to that

process. Prior to 2011, QBS was mandatory for state contracting agencies, but not for local contracting agencies (except in very limited circumstances). QBS requires consultant selection to be based entirely on qualifications without consideration of price or fees. Price/fees may only be considered and negotiated once a contractor has been tentatively selected pursuant to the QBS process. These statutory revisions also raise the contract amount triggering formal competitive procurement from \$150,000 to \$250,000 and for informal procurement from \$50,000 to \$100,000.

Staff recommends that the Board *not* incorporate a new provision that allows the District to provide for up to a 10% price preference for goods fabricated or processed, or services performed, within the State of Oregon. ORS 279A.128. This preference is optional under the statute, so the District is not required to adopt a local rule on the matter. Staff is concerned about the effect of the preference on District costs and about the potential for interstate commerce challenges, and so prefers to wait and see how the statute and rule work in practice before incorporating the preference into the District's Rules.

Finally, staff is proposing to adopt amendments to its class special procurements for goods and services and class exemptions from competitive bidding for public improvements. These amendments allow use of alternative procurement methods to make "spot buys" and to comply with timing requirements for access to state, federal, or grant funds.

The "spot buy" special procurement essentially allows the District to take advantage of short-term offers or sales on goods. Spot buy opportunities generally arise with regard to commodities such as foodstuffs and technology, and require the District to move quickly in order to take advantage of the deal. The District's 2010 Rules contained a spot buy special procurement; the amendments allow the District to take advantage of the exemption in more circumstances.

The funding deadline exception addresses the situation where a state, federal, or grant-funding opportunity requires the District to enter into a contract or to start or complete a purchase or a project within a deadline. The District has faced this situation in regard to state and federal stimulus funding. The exception, which is incorporated as both a new special procurement (for goods and services) and an exemption (for public improvements), allows the superintendent to expedite or modify the procurement process when necessary to meet such deadlines.

ORS 279B.085 (for special procurements) and ORS 279C.335 require the Board to make certain findings justifying these exceptions to the standard procurement requirements. Such findings are attached as Exhibit B to the resolution. These statutes also require the Board to open the meeting for public testimony and to hear any objections or questions prior to enacting the resolution.

The other modifications to the District's Rules are primarily clarifications, minor process modifications, and correction of typos, redundancies, or errors. If you have any further questions, please do not hesitate to ask.

EXHIBIT B

FINDINGS IN SUPPORT OF THE DESIGNATION OF CERTAIN CLASSES OF CONTRACTS FOR GOODS AND SERVICES AS SPECIAL PROCUREMENTS UNDER ORS 279B.085 AND TO EXEMPT CERTAIN CLASSES OF PUBLIC IMPROVEMENT CONTRACTS FROM COMPETITIVE BIDDING PURSUANT TO ORS 279C.335(2)

The Board of Directors of School District No. 1J, Multnomah County, Oregon, acting as the Local Public Contract Review Board (“Board”), makes the following findings in support of amendments and additions to its class special procurements for goods and services and class exemptions from competitive bidding for public improvement contracts made pursuant to the District's 2012 amendments to its Public Contracting Rules (“2012 Amendments”).

I. Class Special Procurements.

A. Applicable Criteria. ORS 279B.085(4) empowers the Board to designate classes of contracts for goods or services for special procurement outside of the competitive procurement processes otherwise required under ORS Chapter 279B and the District’s Public Contracting Rules. In order to approve a class special procurement, the Board must find that the designation of a class of contracts for special procurement:

1. Is unlikely to encourage favoritism in the award of public contracts or to substantially diminish competition for public contracts; and

2. Either:

a. Is reasonably expected to result in substantial cost savings to the contracting agency or to the public; or

b. Otherwise substantially promotes the public interest in a manner that could not practicably be realized by complying with the requirements that are otherwise applicable under ORS Chapter 279B or the District’s Rules adopted to implement those Rules.

B. Findings. The District’s class special procurements are set forth in District Public Contracting Rules at PPS-47-0288 (Exhibit A). The District's 2012 Amendments amends an existing class special procurement and adopts a new class special procurement as follows:

1. Spot Buys (PPS-47-0288(6)).

a. Findings of Fact: The District's current rules provide for this class special procurement, which permits the District to take advantage of “spot buys”—i.e., limited offers of certain products at lower-than-normal prices. Examples of goods that are frequently offered on a spot-buy basis include food stuffs, commodities, and technology. This class special procurement recognizes and takes advantage of the particular market conditions related to certain products, and has operational and budgetary benefits by empowering the District to quickly and cheaply acquire such products when such special sales are offered. The amendment clarifies that the District can purchase spot buys in any of the circumstances set forth in subsection (b).

Previously all of the circumstances had to exist, which limited the District's flexibility to take advantage of discounted pricing.

b. Conclusions of Law: This class special procurement will not encourage favoritism or diminish competition because it takes advantage of a unique marketing process for certain goods and services. Further, the Rule requires a limited competitive review process to ensure that the “spot price” is in fact substantially less expensive than the competitive prices. This class special procurement amendment will result in substantial cost savings to the District because it will enable the District to better take advantage of special sales of products at lower-than-normal prices, and promotes the public interest because use of the standard process would cost the District the opportunity to take advantage of a special sale price.

2. Expedited Contracting Process in order to Access State, Federal, or Grant Funds (PPS 47-0288(27)).

a. Findings of Fact. In order to alleviate the recession, the state and federal governments adopted a number of programs to stimulate the economy, including, most notably, the American Recovery and Reinvestment Act of 2009 (“ARRA”). These programs provide federal and state funding to governmental agencies such as the District to acquire goods and services. Because the purpose of the Act was to stimulate the economy, however, these programs imposed very short timelines on public bodies to have projects ready to go in order to be eligible for funding. The state and federal governments and certain nonprofit and for-profit granting entities also have other grant/funding programs that may have deadlines or limit funding availability to a certain window of time. The purpose of this special procurement is to grant the authority to the Superintendent to modify the procurement process and approve and execute a contract in any dollar amount in cases where strict adherence to the standard process could jeopardize the District’s eligibility for such funding by delaying a contract, project, or procurement. The Superintendent must document the reasons supporting and the extent of the waiver in the procurement file, as well as provide for an alternative contracting process consistent with the time constraint.

b. Conclusions of Law. This special procurement will not encourage favoritism or substantially diminish competition for District contracts because it would apply to a very limited subset of contracts eligible for such specialized funding, and because the Superintendent is required to design an alternative competitive process based on the timeline for award of the funding. The use of this special procurement will result in substantial cost savings to the District by enabling it to better take advantage of state, federal, and other grant funding opportunities.

II. Exemptions from Competitive Bidding.

A. Applicable Criteria. ORS 279C.335(2) empowers the Board, acting as the local contract review board, to adopt rules exempting certain classes of public improvement contracts from competitive bidding upon approval of the following findings:

1. It is unlikely that such exemptions will encourage favoritism in the awarding of public improvement contracts or substantially diminish competition for public improvement contracts; and

2. The awarding of public improvement contracts pursuant to the exemption will result in substantial cost savings to the District. In making these findings, ORS 279C.315 requires consideration of information regarding: (a) operational, budget, and financial data; (b) public benefits; (c) value engineering; (d) specialized expertise required; (e) public safety; (f) market conditions; (g) technical complexity; and (h) funding sources. In addition, the Board may consider the type, cost, and amount of the contract, the number of persons available to bid, and such other factors as the Board deems appropriate. The Board may not identify a class solely based on funding or procurement method.

B. Findings. The District's exemptions from competitive bidding for public improvement contracts are set forth in PPS-49-0146 (Exhibit A). The District is adopting one new class exemption from competitive bidding, as follows:

1. Expedited Contracting Process in order to Access State, Federal, or Grant Funds (PPS-49-0146(6)).

a. Findings of Fact. This exemption is the public improvement analog to the new goods and services special procurement in PPS-47-0288(27) approved above. This exemption is proposed to address the same circumstance where deadlines are attached to state, federal, or grant funding such that conducting the standard procurement process could jeopardize the District's eligibility to obtain the funding by delaying execution of a contract, the start of a project, or the completion of a project. The purpose of this exemption is to grant the authority to the Superintendent to modify the procurement process and approve and execute a contract in any dollar amount in such circumstances. The Superintendent must document the reasons supporting and the extent of the waiver in the procurement file, as well provide for an alternative contracting process consistent with the time constraint.

b. Conclusions of Law. This exemption will not encourage favoritism or substantially diminish competition for District contracts because it would apply to a very limited subset of the contracts eligible for such specialized funding, and because the Superintendent is required to design an alternative competitive process based on the timeline for award of the funding. The use of this exemption will result in substantial cost savings to the District by enabling it to better take advantage of state, federal, and grant funding opportunities.

III. Existing Special Procurement and Exemptions Continued. No other amendments to existing special procurements or exemptions or new special procurements or exemptions are being proposed as part of the 2012 Amendments to the District's Public Contracting Rules.



PORTLAND PUBLIC SCHOOLS

Human Resources

Brock A. Logan, Director of Labor Relations
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MEMORANDUM

TO: BOARD OF EDUCATION
FROM: BROCK A LOGAN, DIRECTOR OF LABOR RELATIONS
SUBJECT: TENTATIVE AGREEMENT
AMALGAMATED TRANSIT (ATU) UNION LOCAL 757
DATE: 12/13/2012

2012 – 2014 TENTATIVE AGREEMENT SUMMARY

Portland Public Schools (the District) and the Amalgamated Transit Union (ATU) Local 757 have reached tentative agreement on a contract for the 2012 - 2013 and 2013 - 2014 school years. The substantive terms of the Agreement, consistent with the authorization granted by the Board, are outlined below.

1. Wages

- 2012 - 2013, No increase to the salary schedule, step increase, new longevity step for employees with 25 years as a bus driver in the district.
- 2013 – 2014, Step increase, 2.5% increase to the salary schedule for steps 5 through 9.

The salary cost over the term of the Agreement is approximately \$180,000, 70% of which is reimbursed to the District.

2. Insurance (Article 17)

- 2012 – 2013, District contribution increase of \$50 to \$1026 per employee per month effective October 1, 2012.
- 2013 – 2014, District contribution increase of \$50 to \$1076 per employee per month effective October 1, 2013.

Article 17 may be reopened, at the ATU's discretion, if the District provides a higher premium contribution to SEIU, DCU, PFSP or non-represented employees during the life of this Agreement.

3. Other Provisions

Temporary Employees and Return from Leave, the contract clarifies that the definition of "temporary employee" includes an employee hired to replace a regular employee on an approved leave of absence or an absence due to an on-the-job injury, and extends from 6 to 12 months the period of time that an employee retains a right to return to their position, or comparable one, following an approved leave of absence.

Contract pay, Drivers who work less than 12 months have the option to be paid out over 10 or 12 months, providing a level of consistency in the employees' regular monthly pay.

Labor Management Committee, the parties established a joint labor management committee that will meet bi-monthly.



Board of Education

Superintendent's Recommendation to the Board

Board Meeting Date: December 17, 2012

Executive Committee Lead: Korinna Wolfe

Department: Charter Schools

Presenter/Staff Lead: Kristen Miles

Agenda Action: Resolution Policy

SUBJECT: Portland Village Public Charter School (PVS) and PPS have been unable to reach mutually-agreeable terms on a contract, which, according to statute, places them in nonrenewal. The only remaining contested item in the contract is the enrollment cap. This recommendation provides a growth model structure over the term of the new contract and beyond.

BRIEF SUMMARY AND RECOMMENDATION

As part of its charter renewal process, the Board of Education ("Board") approved an enrollment cap for Portland Village School ("PVS") of 400 students. Portland Village requested that its enrollment cap be increased from 400 to 419 in the 2013-14 school year, and 444 in the 2014-15 school year. Portland Village is building out to become a two-track K-8 school, but because it increased its class sizes beyond its projected growth model, it is currently two tracks through 6th grade and one track each in 7th and 8th grade, and is nearing its enrollment capacity.

If the Board denies the enrollment cap increase and the parties enter into a new charter agreement that contains a 400 student enrollment limit, PVS will either need to lottery students into its one 7th grade class from its two 6th grade classes, or eliminate its Kindergarten program entirely and use those slots to add second classes to 7th and 8th grade to remain within the current enrollment cap. This would inconvenience families and would potentially cause students to have to transfer to another school. However, PVS has provided no compelling academic, programmatic, financial, or other reason that the Board should permanently grant the requested increase. Therefore, the Superintendent recommends the following option:

Portland Village's charter renewal request should again be granted but Portland Village's request for a permanent enrollment cap increase should be denied. Instead, we recommend that Portland Village be allowed to exceed its current cap in order to build out through two tracks to the 8th grade at its current rate of 25 students per classroom, capping at 413 students in the 2013-14 school year and 432 students the following year. Portland Village will be expected to reduce its class size back to a maximum of 22 students per classroom beginning with entering kindergartners and first graders in the 2013-14 school year. Assuming full classes, this model would bring PVS to its Board-approved cap of 400 students -- while maintaining classes of 22 students -- by the 2020-21 school year. When the new PVS contract is executed, it will be for a flexible 5-year period, with renewal tentatively scheduled for June 2017, if deemed necessary at the time. As per the flexible 5-year renewal agreement, the District will determine whether a renewal process is deemed necessary during the fifth year of the contract. If the Board and/or

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the school determine that a renewal process is not necessary, then the term of the contract shall be extended by one year. This process described above may repeat annually until the 10th year of the contract, when the renewal process will be required. However, at any point between the fifth and 10th year of the contract, either party (PVS or the District) may request that the renewal process be initiated.

On November 30, 2012, the District and the Board received additional information from PVS which further explained its request for an enrollment cap of 419 in the 2013-14 school year and a final cap of 444 in the 2014-15 school year. Since the November 19th work session, the Board has indicated that it is interested in granting PVS's request for this increased enrollment cap. The resolution in the Board book will reflect the Board's intention to grant the increased cap of 419/444.

BACKGROUND

On January 2, 2012, PVS submitted a request for charter renewal, including a request that the District agree to increase PVS's enrollment capacity to 500 students.

On February 28, 2012, the Board held a public hearing in consideration of PVS's renewal request.

On March 21, 2012, the Board adopted Resolution No. 4570 approving PVS's request to renew its charter. Resolution No. 4570 also included a number of conditions to be included in the renewal charter agreement, including a condition that the enrollment at PVS not exceed 400 students. This was recommended by staff for several reasons:

- PVS's initial application was for a two-track K-8 and enrolling a maximum of 396 students.
- There is precedent for a 400 student cap, as the first renewal contract was also capped at 400 students.
- Not including the amount withheld by the district, the allocation to PVS next year would have resulted in a projected net increase of \$454,446.98.
- Because of the impact that this financial loss would have had on the district during a severe funding shortfall, the staff recommended that the Board approve the renewal of Portland Village, and include a continuing cap of 400 students. In the staff recommendation, PVS was also invited to return with its request during the term of its contract in a better budget situation.

Throughout the spring and summer, the District and PVS worked to negotiate the renewal charter, and extended the length of the current contract four times to accommodate these discussions. All issues were resolved with the exception of the enrollment cap.

At the time of PVS's initial request, the question that was presented was whether or not a district has a right to negotiate any enrollment cap into a charter contract, and PVS's request at this time was to remove the enrollment cap language from the contract in its entirety. Portland Village now acknowledges the enrollment cap language in the contract, but requests that it be increased.

Even though the District granted PVS's renewal request, OAR 581-020-0359(7)(b) provides that if a sponsor and a charter school fail to enter into a new charter agreement within the timeline agreed by the parties, the sponsor will be treated as having not renewed the charter and the sponsor must send the charter school a notice of nonrenewal. The District sent this required

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notice of nonrenewal on September 5, 2012. PVS submitted a revised renewal request on October 5, 2012, stating that its sole request was that the District agree to increase PVS's enrollment capacity to 492 students. It has since modified that request and asks that the Board consider a maximum enrollment of 444 students.

Following receipt of the revised renewal request, the District has 45 days to hold a public hearing regarding the revised renewal request, which it did on November 7, 2012. Within 10 days after the public hearing, the District must notify PVS of the District's intent to renew or not renew the charter and, within 20 days of the hearing, the District must either renew the charter or state in writing the reasons for denying the renewal of the charter. PVS agreed to join the District in a waiver request to ODE for extension of this timeline to accommodate already-scheduled Board meetings, and this waiver was granted.

PVS is currently open and operating under the Existing Charter and will remain open and operating under the Existing Charter during any appeal to the State Board of Education by PVS.

RELATED POLICIES / BOARD GOALS AND PRIORITIES

This process is aligned with Board Policy 6.70.010-P, and the Board priority of supporting student success.

PROCESS / COMMUNITY ENGAGEMENT

There have been opportunities for public comment at both the public hearing and the Board work session discussion. Public comment is also heard before the Board vote.

ALIGNMENT WITH EQUITY POLICY IMPLEMENTATION PLAN

The charter school renewal review process aligns specifically with the following District equity goals:

- A.) Achieve equitable student access to high quality, culturally relevant instruction and resources;
- B.) Create multiple pathways to success and expect high achievement for every student.

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BUDGET / RESOURCE IMPLICATIONS

The budget projection for this request is as follows:

Year	Total Students			ADM	ADMr	ESL	ADMw	SSF Alloc @	Alloc to School	Alloc to PPS	
	K	1-8	9-12								
2012-13	44	350	-	394	372.0	-	2	388.4	2,278,141	1,822,513	455,628
2013-14	44	369	-	413	391.0	-	2	408.1	2,394,198	1,915,358	478,840
2014-15	44	388		432	410.0	-	2	427.9	2,510,255	2,008,204	502,051
2015-16	44	382	-	426	404.0	-	2	421.7	2,473,605	1,978,884	494,721
2016-17	44	376		420	398.0		2	415.4	2,436,956	1,949,565	487,391
2017-18	44	370		414	392.0		2	409.2	2,400,306	1,920,245	480,061
2018-19	44	364		408	386.0		2	402.9	2,363,657	1,890,925	472,731
2019-20	44	358		402	380.0		2	396.7	2,327,007	1,861,606	465,401
2020-21	44	352		396	374.0		2	390.4	2,290,357	1,832,286	458,071

NEXT STEPS / TIMELINE / COMMUNICATION PLAN

If the Board grants the revised renewal request, the parties will have 90 days to execute a new charter agreement. If the parties fail to execute a new charter agreement within the 90-day period, the District will again be considered to have denied the charter renewal request.

If the District denies the revised renewal request (whether by Board vote or by failure to execute a new charter agreement within 90 days) PVS will have 30 days to appeal the decision to the State Board of Education. The State Board of Education will review the District's decision to deny PVS's renewal request to determine whether the District used the process required by ORS 338.065.

ATTACHMENTS

- Portland Village proposed growth model
- Portland Village memorandum from November 30

Reviewed and Approved by
Superintendent



PORTLAND
VILLAGE
SCHOOL
a public charter school

TO: Portland Public Schools Board of Education
FROM: Ethan Medley, Portland Village School Board Chair
RE: Statement in Advance of December 3, 2012 Vote on Enrollment Increase Request
DATE: November 30, 2012
CC: Kirsten Miles, Carole Smith, Korinna Wolf, Sharie Lewis

We understand you will vote on Monday on our revised enrollment increase request. Anticipating a staff recommendation for the modified enrollment cap option, we want to reiterate that we continue to believe that an increased cap, to 444 students by 2014-15, is absolutely necessary for the ongoing sustainability of the school. It's the right size – a must-have, not a “nice-to-have” – in our view, as the chartered stewards of the school.

The Modified Enrollment Cap Option Creates An Unsustainable Bubble

We appreciate the effort at compromise. (We view our request for a permanent cap increase to 444 by 2014-15 as a compromise as well, between the greater flexibility represented by our earlier requests and the minimum needed to sustain the school). The modified enrollment cap option does help in the short term, by enabling us to maintain the enrollment of our current students and families and complete the dual-track. But it presents us with an unsustainable bubble.

A Permanent Cap Increase of 444 is Necessary to Sustain a Successful School

As recognized in the District's policies, there is a minimum size necessary for K-8s to offer a robust program, permitting the spreading of fixed costs and effective teaming and sharing of academic resources. For the district, that target size is 500 students. For us, it's 444: a dual track with classes of 25 students in grades 1-8 and 22 in Kindergarten. Even with diversified revenue, this enrollment level is necessary to support sustainable operation of the school. During the period of this next contract, we face a number of unavoidable increased costs, all tied to our ability to deliver a quality academic program: making teacher salaries more competitive, rent, PERS, and health benefits. To have met our existing costs with average class sizes of 22 wasn't feasible; to do so in the future will be impossible. We have asked for future class sizes of 25 because that is what we think it will take to meet our future costs. Given this is a district norm and still leaves us smaller than the optimal K-8 size for PPS, we believe this is a responsible and reasonable request.

The Crux of our Storyline Has Been Consistent: Financial Stability Requires a Cap Increase

The prevailing narrative about our renewal request now seems to be that our story keeps changing. From our perspective, our story has been consistent since our first renewal cycle 3 years ago. We have consistently stated that classes of 22 are not sustainable. Specific numerical asks have changed during the process due to changes in our board and feedback from the District. We have always seen this contract not as a solution to an immediate crisis, but as key to our long-term health and stability. The contract is for five to ten years; we therefore have to look ahead that far in our negotiations.

While our finances appear admirably solid right now, this reflects current operations with class sizes of 25. We are proud that we never needed emergency help and that we have a balance in our accounts now. Our situation would have been very different if we had we kept class sizes at 22. Throughout our history we have maintained contingency funds of around 5% of our budget. We saved what we did not spend, although this meant keeping our teachers' salaries considerably below public school norms – a situation that is absolutely not sustainable. (Our savings were intended to buy a building. We ultimately had to make the very difficult choice of expending those savings to build out our rental site when we could find no suitable buildings within our budget. We have no option to buy this site, and in no way can we reclaim this investment.) While we are not in immediate jeopardy, we do not have readily spendable assets that can take us into the future; the only reason we have assets at all is because we have operated with class sizes of 25.

We never came to the table claiming imminent financial crisis. We are requesting what we believe is necessary to ensure and sustain the financial health – and academic success – of the unique education resource we are chartered to provide to PPS students. We are left to wonder whether we are being penalized for effective financial stewardship and a focus on sustainability. The message from the Board's study session seemed to be that if we were in imminent financial crisis we might get bailed out, but that our efforts to ensure the ongoing health of the school aren't compelling.

We Are Committed to School Improvement & a Strong Partnership with PPS

Regardless of how the Board votes on our request, we will work to the best of our ability to prepare the PPS students in our care for success in high school and beyond. We are committed to eliminating achievement gaps, and to sharing the benefits of a Waldorf-inspired curriculum with other educators and the broader community. However, operating at a sustainable enrollment level is absolutely fundamental to enabling us to develop and retain teachers who can erase achievement gaps – as Waldorf-inspired public charters have done in California. We look forward to opportunities to partner with the District in pursuit of these goals for PPS students. We ask that you grant our request for a cap of 444 by 2014-15 to give our school and their students who can benefit from a Waldorf-inspired program the best shot at success.

PVS growth model under modified enrollment cap option

	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
Kindergarten	44	44	44	44	44	44	44	44	44
1 st grade	50	44	44	44	44	44	44	44	44
2 nd grade	50	50	44	44	44	44	44	44	44
3 rd grade	50	50	50	44	44	44	44	44	44
4 th grade	50	50	50	50	44	44	44	44	44
5 th grade	50	50	50	50	50	44	44	44	44
6 th grade	50	50	50	50	50	50	44	44	44
7 th grade	25	50	50	50	50	50	50	44	44
8 th grade	25	25	50	50	50	50	50	50	44
TOTAL	394	413	432	426	420	414	408	402	396



Board of Education

Superintendent's Recommendation to the Board

Board Meeting Date: 12/17/12

Executive Committee Lead: Robb Cowie

Department: CIPA

Presenter/Staff Lead: David Williams

Agenda Action: Resolution Policy

SUBJECT: 2013 State Legislative Platform

BRIEF SUMMARY AND RECOMMENDATION

Staff recommends that the board formally adopt the attached 2013 Legislative Platform as the guiding principles for the district in advocating for education in the 2013 Regular Legislative Session.

BACKGROUND

Coming out of the 2011 Legislative Session, the board expressed interest in formally adopting a legislative platform for the 2013 Legislative Session. Throughout the summer and fall, we drafted, vetted and finalized a draft legislative platform that would express the overarching legislative positions of the board. This formal platform does not envision every single issue or policy that will come before the legislature, but will act as a set of guiding principles that district staff and advocates can use to gauge the position of the district on a given piece of legislation. A formal legislative platform will also serve as a stand-alone advocacy plan that can be used in advance of the legislative session or in broader advocacy settings to express the priorities of the district.

RELATED POLICIES / BOARD GOALS AND PRIORITIES

The Board Champions a Bold Vision that Supports Student Success
The Board Provides Sound Fiscal Oversight on District Budget and Assets
The Board Demonstrates Leadership to Authentically Engaging the Community

PROCESS / COMMUNITY ENGAGEMENT

The draft 2013 State Legislative Platform was initially drafted by the Director of Government Relations and was significantly refined by a staff legislative team composed of senior district staff, including department heads as well as building leadership, and by the board legislative liaisons.

Reviewed and Approved by Superintendent

A handwritten signature in cursive script, appearing to read 'Carol Smith', is written over a light gray rectangular background.

ALIGNMENT WITH EQUITY POLICY IMPLEMENTATION PLAN

The focus of the legislative framework and advocacy plan is to increase school funding in order to provide equitable access to rigorous and relevant programs for all students and advance overall student achievement while closing the achievement gap.

BUDGET / RESOURCE IMPLICATIONS

As the legislative platform states, "Portland Public Schools' first and foremost priority for the 2013 Regular Legislative Session is for the legislature to provide adequate and stable financial support for advancing student achievement in every school district in Oregon." While there are no direct budget/resource implications for the adoption of this platform and advocacy plan, advocating for adequate resources for the district is at the center of this work.

NEXT STEPS / TIMELINE / COMMUNICATION PLAN

The 2013 State Legislative Platform will be used to inform the district's advocacy work during the upcoming 2013 Regular Legislative Session, and will also be used by board members and others when advocating district priorities to state policymakers. Attached is a Board Legislative Advocacy Plan that will guide board advocacy during the coming session and will be used to enhance existing district advocacy activities.

ATTACHMENTS

2013 State Legislative Platform
2013 Board Legislative Advocacy Plan

Reviewed and Approved by Superintendent
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Portland Public Schools' first and foremost priority for the 2013 Regular Legislative Session is for the legislature to provide adequate and stable financial support for advancing student achievement in every school district in Oregon. The state legislature bears the primary responsibility for funding K-12 education and, given the direct correlation between funding for education and student achievement, should act immediately to reverse the decline of school funding and shift toward reinvesting in Oregon's future.

We recognize that the 2013 Legislature will be faced with very difficult choices in a constrained resource environment; however, there is no better long-term investment in the state than ensuring a high quality public education for every child. For every dollar we invest in public education we avoid greater long-term costs of incarceration and human services. Education must be prioritized.

Over the past five biennia, K-12's share of the state general fund has steadily declined from a 2003-05 high of 44.8% to a low in 2009-11 of 38.8%. While the 2011 Legislature reversed the trend and increased the share by .3 to 39.1%, this one set of data highlights that education funding has not only failed to keep pace with almost any measure of inflation, it has failed to even keep pace with the growth of the state budget. Portland Public Schools will work vigorously with our education coalition partners to ensure a greater emphasis is placed on education than has been in the past. The Quality Education Model (QEM) will continue to be the benchmark for determining adequate funding of education and the legislature must make significant progress toward achieving that goal.

Legislative Priorities

Student Achievement

- The primary focus of the school district has been and will always be the achievement of each individual student. PPS supports legislative efforts that provide districts with the supports necessary and the flexibility needed to address the greatest need (both increasing overall achievement and closing the achievement gap) for students.
- Specifically, PPS supports efforts that will maintain and restore local control of school districts by locally elected school boards. Further PPS supports alleviating state mandates that have been placed on school districts without regard to the funding required to implement them.
- PPS supports the efforts of the Governor and the new Chief Education Officer to restore the focus of state education policy on student achievement. We will actively work as a partner in these efforts to help shape education policy and reform so that it makes sense for education and is supportive of the work that is being done in PPS.

Education Funding

- PPS supports broad investment in public education through an increased State School Fund appropriation. If we are to meet the 100% graduation goals as outlined in the state's 40-40-20 plan a significantly greater investment in education is required. The state's Quality Education Commission (QEC) provides the benchmark for determining what level of investment is needed.
- PPS supports a phase-in approach such as is called for by the QEC. In their report detailing such an approach they point to a first biennium appropriation of \$6.895 billion. The 2013 legislature should adopt this approach or clearly establish a roadmap for reaching full funding in time to meet the year 2025 targets. The QEM calls for a funding level of \$8.755 billion in order to fully reach the state's goals. The district's achievement compact shows a PPS funding gap of \$117.7 million. Further, PPS supports an additional appropriation to account for the impending mandated increase from half-day to full-day kindergarten.

Legislative Priorities (cont.)

- PPS supports measures that would increase the revenues available to the state to increase the investment in education. PPS also supports measures that will enhance existing or create new local alternatives to state funding. By giving school districts tools, in the form of additional local option levy authority, broader taxing authority, etc., districts can make additional local investments that ensure higher graduation rates and better outcomes for students.

School District Operations

- In addition to greater investment, PPS supports efforts to bring greater control to mandated expenditures and unsustainable cost drivers thus allowing a more efficient leveraging of current base investment.
- With the costs of non-salary compensation now exceeding 50% of salary, PPS supports legislative efforts to rein in costs while still providing good health insurance and a reasonable pension for employees, including actively seeking health insurance alternatives to the Oregon Educators Benefit Board (OEBB) mandated plans.
- PPS supports the creation of new tools and increased flexibility to evaluate and enhance the effectiveness of teachers and administrators. PPS supports statewide efforts to encourage local collaboration and development of metrics for including student growth and achievement in evaluations.
- PPS supports amending collective bargaining statutes to allow districts to more effectively manage district personnel, including renewal dates, retention, and layoff and recall.

Other Notable Areas of Legislative Interest

- PPS supports targeted efforts that would benefit PPS and other similarly situated school districts. These include specific areas of interest such as the cost of educating high-needs students, appropriate blended learning tools, greater investment in school nutrition and farm-to-school programs and investment and incentives for sustainability in school operations.
- PPS supports direct state investment in school district capital needs as a way of tackling the problems facing an aging education infrastructure. The district supports efforts to re-create the School Facilities Task Force and to utilize the constitutional bonding authority of Article XI-P to directly invest in local facilities.
- PPS supports amending Oregon's charter school statutes to give school districts greater authority to focus on a district's greatest academic needs and would allow school districts to place a greater emphasis in evaluating a charter school renewal request on actual student outcomes in addressing these needs.
- PPS supports the efforts of our statewide partners in advancing the cause of public education in Oregon and will work in coalition specifically where the interests of such organizations and the interests of PPS align. PPS supports the priorities of the Oregon School Boards Association and the Confederation of Oregon School Administrators and will work together to advance common goals and priorities.
- PPS supports the efforts of our local government partners and allies where their interests align with the interests of PPS in advancing public education. Further PPS supports the efforts of the City of Portland, Multnomah County and Metro as well as neighboring school districts, cities and counties in making Portland and the tri-county area a vibrant livable community for everyone.



Resolution to Adopt the Proposed 2013 OSBA Legislative Policies and Priorities

We, as OSBA members, do accept and resolve to support and participate in the 2013 OSBA Legislative Policies and Priorities proposed and recommended by the OSBA Board of Directors as follows:

Proposed Legislative Priorities

Provides Adequate Funding

OSBA will actively support legislation that increases K-12's share of state resources and provides each school district and Education Service District (ESD) the funds necessary to provide a quality public education for every student. OSBA believes a balanced approach is necessary to grow state and local revenue, including promoting job growth, focusing on economic development and restructuring Oregon's revenue system.

Supports Student Achievement

OSBA will actively promote legislation that prioritizes support for increased student achievement to ensure that every student is college or career ready upon completion of their academic program. OSBA supports efforts to close academic achievement gaps and provide services to all students who need extra supports.

Empowers Local Boards and Highlights Shared Accountability

OSBA will actively support legislation that gives locally elected boards the ability to make decisions in the best interests of their students and communities, including mandate relief and tools which give districts relief from cost drivers within the educational enterprise. OSBA will highlight the need for shared accountability to improve student achievement between state and federal policy makers, the business community, locally elected board members and the voters of Oregon.

Proposed Legislative Policies

Section 1: Finance

1.1 Investing in Oregon's Public Schools to Ensure Adequate, Competitive Funding

During the 2003-2005 biennium, almost 45% of Oregon's General Fund and Lottery resources went to fund K-12 public education. Today the State School Fund receives about 39% of these funds. OSBA supports increasing K-12's share of state resources so that Oregon's schools are competitive nationally and globally and each school district and ESD has the funds necessary to support their operational, instructional and student achievement goals. OSBA supports the role of locally elected school boards to set spending priorities and opposes using the State School Fund distribution formula to mandate specific expenditures; OSBA supports school funding equalization. OSBA supports continued funding of local option equalization grants; local option property tax revenue should not be included in the State School Fund. OSBA supports increased funding for all levels of the 0-20 education enterprise to support increased achievement for every child and student. OSBA supports the Quality of Education Commission's (QEC) effort to promote best practices to improve student outcomes and encourages the Commission to work with the OEIB to identify funding necessary to achieve 40-40-20.

1.2 Reforming Tax Policy

OSBA supports efforts to provide the revenue necessary to attain the educational goals of the K-12 and post-secondary systems in Oregon and restructure Oregon's tax policy to reduce the volatility of Oregon's current system. OSBA supports modification of the state's personal and corporate income tax kicker law to allow "kicker" funds to be deposited into a "rainy day" account and used in times of economic distress. OSBA supports the authority of local districts to seek voter approval for supplemental operating revenue from a variety of additional sources, including local option levies.

1.3 Mandate Relief, Paperwork Reduction and Public Funds for Public Schools

OSBA will advocate for mandate relief and paperwork reductions for school districts and ESDs as a means to streamline bureaucracy, remove duplicative or unnecessary reporting and get more resources into the classroom. OSBA opposes any mechanism that diverts public funds, including tax credits and vouchers, to private or religious schools or erodes financial support of the public school system.

1.4 State Department of Education Supporting Districts

OSBA supports funding for Oregon Department of Education programs and state level initiatives that provide quality technical and programmatic assistance and supports to school districts and ESDs which are targeted at improving student achievement.

1.5 Financial and Program Accountability

OSBA supports a strong system of meaningful school district and ESD financial accountability for the expenditure of public funds and program accountability for student achievement and outcomes.

1.6 State Bonding for District Capital and Infrastructure Needs

OSBA supports use of state resources and the issuance of state general obligation bonds to assist school districts and ESDs in providing modern, well equipped schools and classrooms and buildings that provide safe, structurally sound and healthy learning environments to promote student achievement.

Section 2: Programs

2.1 School Improvement

OSBA supports state-level school improvement efforts provided they are implemented in ways that grant local school officials maximum flexibility to incorporate community needs and priorities.

2.2 Special Education

OSBA supports increased categorical funding and enhanced levels of state and federal aid for the costs associated with special education programs. OSBA supports fully funded placements for students with the most severe low-incidence, high-cost disabilities, including those served in out-of-district or out-of-state placements.

2.3 Education Service Districts

OSBA supports the role of education service districts (ESDs) to assist school districts in achieving Oregon's educational goals by providing equitable, high-quality, cost-effective, locally-responsive educational services on a regional basis.

2.4 Curriculum, Technology and Online Education

OSBA supports providing a well rounded curriculum for all students, including opportunities for music, art, PE, world languages and co-curricular activities. OSBA supports curriculum related decisions made at the district level and opposes instructional mandates. OSBA supports the use of English Language Learner and language immersion programs as a viable way to provide needed support while integrating non-native English speakers into the standard district curriculum. OSBA supports increasing access to technology to enhance and support curriculum delivery and promote greater student achievement. OSBA supports removing online education programs from the charter school statute. OSBA supports state level funding to support and improve the technology infrastructure available to school districts and ESDs.

2.5 Public Charter Schools

OSBA supports public, district sponsored charter schools as an additional tool to provide educational options to students. OSBA opposes changes to the charter school law that would channel public funds to private and religious schools, allow entities other than school district boards to authorize charter schools within their boundaries, mandate direct access to the State School Fund by charter schools or decrease school district funding and oversight of charter schools.

2.6 Career and Technical Education (CTE)

OSBA supports new and continued partnerships with community colleges, higher education, apprenticeship programs and the business community to increase educational and career opportunities for students.

Section 3: Personnel

3.1 Collective Bargaining and Management Rights

OSBA supports local control of collective bargaining and opposes statewide bargaining and the creation of a statewide salary schedule. OSBA supports changing the collective bargaining structure to eliminate “status quo” bargaining and establish shorter bargaining time lines. OSBA supports the right of districts to look for ways to contain costs by contracting with outside providers for services.

3.2 Employee Rights and Benefits

OSBA supports determination and definition of school employee rights and benefits through the collective bargaining process at the local level. OSBA supports an actuarially-sound statewide retirement program for school employees that balances benefit adequacy for employees against costs for employers. OSBA supports local boards working with employee groups to provide the most cost effective health insurance plans, including OEBC opt out.

3.3 Teacher and Administrator Licensing

OSBA supports licensing requirements that assure a level of preparation necessary to teach to rigorous academic standards, recognize licenses from other states and understand the challenges districts face attracting and retaining qualified personnel. OSBA supports working collaboratively with the Teacher Standards and Practices Commission (TSPC) and the teacher preparation programs within higher education to prepare educators to increase student achievement and address the needs of all students in Oregon.

3.4 Teacher and Administrator Quality

OSBA recognizes that teacher and administrator quality is one of the most important factors in improving student achievement. OSBA supports local and state programs to provide professional development and training for teachers and administrators that is rigorous and leads to a system of continuous improvement and growth in student achievement. OSBA supports rigorous, quality, ongoing evaluations of teachers and administrators, which include consideration of student achievement and growth.

Section 4: Governance and Operations

4.1 Oregon Education Investment Board (OEIB)

OSBA will work to support the efforts of the OEIB to create a seamless system of education in Oregon from pre-kindergarten through post-secondary that improves student outcomes at all levels. OSBA strongly supports the appointment of current public school board members to serve on the OEIB. OSBA believes increased state and federal expectations for student outcomes must be accompanied by increased state and federal investments necessary to achieve the goals.

4.2 State Board of Education

OSBA supports a state Board of Education as the appropriate state-level policy-making body for elementary and secondary schools and community colleges.

4.3 Local Governance

OSBA members believe that locally elected school district and ESD boards are best equipped to make decisions in the best interests of their students and communities and will strongly advocate for Oregon's tradition of democratically elected, local governance of schools. OSBA opposes measures that would place additional restrictions on local voters' ability to govern their school districts.

4.4 School Safety and Student Wellness

OSBA supports local measures that promote safety and wellness in the school environment for students, staff, parents, patrons and the community as a whole.

Submitted by: OSBA Board of Directors

REPORT – December 17, 2012

Expenditure Contracts Exceeding \$25,000 and through \$150,000

Portland Public Schools (“District”) Public Contracting Rules PPS-45-0200(6) (Authority to Approve District Contracts; Delegation of Authority to Superintendent) requires the Superintendent to submit to the Board of Education (“Board”) at the “Board’s monthly business meeting a list of all contracts in amounts exceeding \$25,000 and through \$150,000 approved by the Superintendent or designees within the preceding 30-day period under the Superintendent’s delegated authority.” Contracts meeting this criterion are listed below.

NEW CONTRACTS

Contractor	Contract Term	Contract Type	Description of Services	Contract Amount	Responsible Administrator, Funding Source
Apple Inc.	12/14/12 through 12/13/13	Personal / Professional Services PS 59563	District-wide: Software imaging and deployment services of Apple computers and related products.	\$100,000	J. Keuter Various funding sources

NEW INTERGOVERNMENTAL AGREEMENTS (“IGAs”)

Contractor	Contract Term	Contract Type	Description of Services	Contract Amount	Responsible Administrator, Funding Source
Multnomah Education Service District	08/15/12 through 08/14/13	IGA 59559	Special Education: MESD will provide 1.0 FTE licensed practical nursing services for 183 days during SY 2012-13 to a particular District student.	\$54,153	M. Pearson Fund 101 Dept. 5414
Multnomah Education Service District	08/15/12 through 08/14/13	IGA 59560	Special Education: MESD will provide 1.0 FTE licensed practical nursing services for 183 days during SY 2012-13 to a particular District student.	\$54,153	M. Pearson Fund 101 Dept. 5414

AMENDMENTS TO EXISTING CONTRACTS

Contractor	Contract Term	Contract Type	Description of Services	Amendment Amount, Contract Total	Responsible Administrator, Funding Source
Ameresco Quantum, Inc.	10/30/12 through 12/31/16 Year 2 of Contract	Energy Savings Performance Contract EC 57743 Amendment 4	District-wide: Additional design and construction services for energy efficiency measures at Benson PHS; part of 2010 Recovery Zone Project.	\$36,104 \$2,966,255	T. Magliano Fund 421 Dept. 5597 Project E0107
Cole Industrial, Inc.	09/08/12 through 03/31/13 Year 1 of Contract	Material Requirements MR 59081 Amendment 1	District-wide: Staff training, boiler tuning, and efficiency reporting services for 66 newly installed gas burner assemblies at 33 sites; part of the Boiler Upgrade Project.	\$25,642 \$962,526	T. Magliano Fund 438 Dept. 5597 Project J0101

N. Sullivan

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

INDEX TO THE AGENDA
STUDY SESSION

December 17, 2012

Board Action Number	Page
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Personnel

4691	Election of Temporary Administrators.....	3
4692	Election of Contract Teachers.....	3
4693	Appointment of Temporary Teachers and Notice of Non-renewal.....	4
4694	Recommended Decision to Rescind Election of First-Year Probationary Teachers (Full-time) of Employees Nos. 021214 and 021162.....	4

Purchases, Bids, Contracts

4695	Revenue Contracts that Exceed \$25,000 Limit for Delegation of Authority.....	6
4696	Expenditure Contracts that Exceed \$150,000 Limit for Delegation of Authority.....	7

Other Matters Requiring Board Action

4697	Authorizing the Superintendent to enter into an Intergovernmental Agreement with the City of Portland for the Arts Education and Access Fund	9
4698	A Resolution of the Board of Directors of School District No. 1J, Multnomah County, Oregon, acting as the Local Public Contract Review Board, Amending the District's Public Contracting Rules to Address Statutory and Administrative Rule Changes and Amending or Enacting New Class Special Procurements and Exemptions.....	10
4699	2012-2014 Agreement between Amalgamated Transit Union and School District No. 1J, Multnomah County, Oregon	11
4700	Resolution Authorizing Renewal and Enrollment Cap Request for Portland Village Public Charter School.....	11
4701	2013 State Legislative Platform	13
4702	Minutes.....	13

Personnel

The Superintendent RECOMMENDS adoption of the following items:

Numbers 4691 through 4694

RESOLUTION No. 4691

Election of Temporary Administrators

RECITAL

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

RESOLUTION

The Board accepts the Superintendent's recommendation and by this resolution hereby elects as Temporary Administrators for the school year 2012-13 the following persons, according to the employment terms and conditions set out in the standard District contract, with all to be placed on the applicable Salary Guide that now exists or is hereafter amended:

First	Last	ID
Jill	Vogt	019296

S. Murray

RESOLUTION No. 4692

Election of Contract Teachers

RECITAL

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

RESOLUTION

The Board of Education accepts the Superintendent's recommendation, and by this resolution hereby elects as a Contract Teachers for the school year 2012-13 the following persons:

First	Last	ID
Michal	Barasch	018887

S. Murray

RESOLUTION No. 4693

Appointment of Temporary Teachers and Notice of Non-renewal

RESOLUTION

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

First	Last	ID	Eff. Date	Term Date
Lauren	Mummert	015233	11/20/2012	2/22/2013
Carolyn	Myers	018966	8/29/2012	6/19/2013
Lora	Schachtli	015566	11/26/2012	6/19/2013

S. Murray

RESOLUTION No. 4694

Recommended Decision to Rescind Election of First-Year
Probationary Teachers (Full-time) of Employees Nos. 021214 & 021162

On October 29, 2012, by Resolution 4663, the Board of Education approved the Election of First-Year Probationary Teachers (Full-time) of Employee Nos. 021214 and 021162. Because these employees are not TSPC-Licensed employees, Employee Nos. 021214 and 021162 are removed from the Election of First-year Probationary Teachers (Full-time) list.

S. Murray

Purchases, Bids, Contracts

The Superintendent RECOMMENDS adoption of the following items:

Numbers 4695 and 4696

RESOLUTION No. 4695

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

RECITAL

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

RESOLUTION

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

NEW CONTRACTS

No New Contracts

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

Contractor	Contract Term	Contract Type	Description of Services	Contract Amount	Responsible Administrator, Funding Source
University of Oregon	06/01/12 through 05/31/13	IGA/R 59539	District-wide: Funds to be used for a three-year continuation of the K-12 Oregon Chinese Flagship project, focusing on Chinese literacy, secondary immersion, and intentional program replication.	\$450,000	G. Garcia Fund 205 Dept. 9999 Grant G1273

AMENDMENTS TO EXISTING CONTRACTS

No Amendments to Existing Contracts

LIMITED SCOPE REAL PROPERTY AGREEMENTS AND AMENDMENTS

No Limited Scope Real Property Agreements and Amendments

N. Sullivan

RESOLUTION No. 4696

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
Heery International, Inc.	12/18/12 through 12/31/16	Engineering and Related Services ENG 59xxx	District-wide: Bond program management and related construction management services; part of the 2012 Capital Construction Bond Program.	\$4,222,000	J. Owens Fund 405 Dept. 5511

NEW INTERGOVERNMENTAL AGREEMENTS (“IGAs”)

No New IGAs

AMENDMENTS TO EXISTING CONTRACTS

Contractor	Contract Term	Contract Type	Description of Services	Amendment Amount, Contract Total	Responsible Administrator, Funding Source
NCM Contracting Group, LP	11/20/12 through 05/19/13 Year 6 of Contract	Service Requirements SR 55620 Amendment 6	District-wide: Six-month extension of contract for hazmat abatement services.	\$65,000 \$165,000	T. Magliano Fund 191 Dept. 5597 Project F1006
Albina Head Start, Inc.	09/01/12 through 08/31/13 Year 2 of Contract	Personal Services PS 58563 Amendment 1	Madison and Roosevelt HS: One-year extension of contract for Early Head Start services for 28 children.	\$200,000 \$400,000	S. Higgins Fund 101 Dept. 4306
Pinnacle Risk Management Services, Inc.	01/20/13 through 01/19/15 Years 3 & 4 of Contract	Personal Services PS 58131 Amendment 2	District-wide: Two-year extension of contract for third party administration of workers' compensation claims; RFP #05-10-089.	\$375,000 \$800,000	B. Meyers Fund 601 Dept. 5540

N. Sullivan

Other Matters Requiring Board Action

The Superintendent RECOMMENDS adoption of the following items:

Numbers 4697 through 4702

RESOLUTION No. 4697

Authorizing the Superintendent to enter into an Intergovernmental Agreement with the City of Portland for the Arts Education and Access Fund

RECITALS

- A. Arts and music are essential to a high quality, well-rounded education.
- B. National research links access to arts and music education to improved test scores, graduation rates and college admittance, particularly for lower-income students and students at risk.
- C. Budget cuts have resulted in a steep decline in arts and music education in Portland schools leaving hundreds of students with no access to certified instruction in art, music, dance or drama in the 2012/13 school year.
- D. Portland schools have fallen well behind the national average in terms of schools offering art instruction and offering music.
- E. Certified in-school arts and music instruction is the cornerstone of a complete arts education, providing students with the opportunity to develop skills in creative and critical thinking, collaborating, and communicating.
- F. Elementary school is the most strategic point in the public education continuum to invest in arts education in order to ensure equal access and opportunity to develop skills and grow for all students from the beginning of student experience and prevent early disparities in access.
- G. Recognizing these factors, the City of Portland placed Measure 26-146 on the ballot this November and voters approved a \$35 income tax to provide funding for more arts education and improved access to the arts for underserved communities.
- H. Portland Public Schools staff has been engaged with the City to develop an intergovernmental agreement to codify the implementation and operation of some of the provisions of the Arts Education and Access Fund that was created by the passage of Measure 26-146.

RESOLUTION

- 1. The Board of Education records its appreciation to Mayor Adams for his advocacy for the arts in Portland and for funding for Portland's schools, The Board of Education also records its appreciation to the City Council for giving Portland voters the opportunity to demonstrate their support for arts education in the city's elementary schools and for improving access for underserved communities within the City.
- 2. The Board of Education expresses its gratitude to the voters of the City of Portland who approved this measure and have demonstrated their consistent support for public education in Portland.
- 3. The Board of Education hereby authorizes the Superintendent, or her designee, to execute the intergovernmental agreement between Portland Public Schools and the City of Portland that will guide and govern the operation of the Arts Education and Access Fund as it pertains to school district activity and obligations.

N. Sullivan

RESOLUTION No. 4698

A Resolution of the Board of Directors of School District No. 1J, Multnomah County, Oregon, acting as the Local Public Contract Review Board, Amending the District's Public Contracting Rules to Address Statutory and Administrative Rule Changes and Amending or Enacting New Class Special Procurements and Exemptions

RECITALS

- A. The Board of Directors of School District No. 1, Multnomah County, Oregon ("District") acts as the Local Public Contract Review Board ("Board") pursuant to ORS 279A.060.
- B. ORS 279A.065 empowers public contracting agencies to adopt rules of procedure for public contracts, and the District has adopted such rules ("2010 Rules").
- C. ORS 279A.065(5)(b) requires a local contracting agency to review its rules for revision each time the Attorney General modifies the Model Rules for Public Contracts. The Attorney General has updated the model rules for 2012 in light of amendments to the Public Contracting Code in the 2011 legislature.
- D. ORS 279B.085 authorizes the Board to declare certain public contracts or classes of contracts for goods and services as special procurements exempt from the competitive procurement process otherwise required by ORS Chapter 279B, upon certain findings.
- E. ORS 279C.355(2) authorizes the Board to exempt certain contracts or classes of contracts for public improvements from competitive bidding under ORS Chapter 279C, upon certain findings.
- F. The Board deems it necessary and advisable to adopt updated Rules ("2012 Rules") to address these statutory and rule changes, to improve the format and usability of the District's Rules, and to provide for greater public transparency in regard to the District's procurement procedures.

RESOLUTION

- 1. The Board hereby adopts the 2012 Rules attached as Exhibit A as the District's Public Contracting Rules.
- 2. The Board adopts the class special procurements and class exemptions from competitive bidding enacted in the 2012 Rules set forth in Exhibit A based on the findings in attached Exhibit B.
- 3. The District's 2012 Rules supersede and replace the District's 2010 Rules for procurements advertised or first solicited on or after the effective date of this Resolution. Procurements advertised or first solicited prior to the effective date of this Resolution shall continue to be processed under the 2010 Rules.

N, Sullivan / E. Holt

RESOLUTION No. 4699

2012-2014 Agreement between Amalgamated Transit Union
and School District No. 1J, Multnomah County, Oregon

RESOLUTION

The Chairperson of the Board of Education and the Chief Human Resources Officer are authorized and directed to execute the 2012-2014 Agreement between the Amalgamated Transit Union Local 757, representing Bus Drivers, and School District No. 1J, Multnomah County, Oregon, on the terms presented to the Board and filed in the record of this meeting.

S. Murray / B. Logan

RESOLUTION No. 4700

Resolution Approving Renewal and Enrollment Cap Request
for Portland Village Public Charter School

RECITALS

- A. January 2, 2012, Portland Village Public Charter School (“Portland Village” or “PVS”) submitted a request for charter renewal, including a request that the District agree to increase PVS’s enrollment capacity to 500 students.
- B. On February 28, 2012, the Portland Public Schools Board of Education (“Board”) held a public hearing in consideration of PVS’s renewal request.
- C. On March 21, 2012, the Board adopted Resolution No. 4570 approving PVS’s request to renew its charter. Resolution No. 4570 also included a number of conditions to be included in the renewal charter agreement, including a condition that the enrollment of PVS not exceed 400 students. This was recommended by staff for several reasons:
 - i. PVS’s initial application was for a two-track K-8 and enrolling a maximum of 396 students.
 - ii. There is precedent for a 400 student cap, as the first renewal contract was also capped at 400 students.
 - iii. Not including the amount withheld by the district, the allocation to PVS next year would have resulted in a projected net increase of \$454,446.98.
 - iv. Because of the impact that this financial loss would have had on the district during a severe funding shortfall, the staff recommended that the Board approve the renewal of Portland Village, and include a continuing cap of 400 students. In the staff recommendation, PVS was also invited to return with its request during the term of its contract in a better budget situation.
- D. Throughout the spring and summer, the District and PVS worked to negotiate the renewal charter, and extended the length of the current contract four times to accommodate these discussions. All issues were resolved with the exception of the enrollment cap. Portland Village is building out to become a two-track K-8 school, but because it increased its class sizes beyond its projected growth model, it is currently two tracks through 6th grade and one track each in 7th and 8th grade, and is nearing its enrollment capacity.
- E. At the time that PVS contested the proposed enrollment cap, the question that was presented was whether or not a district has a right to negotiate any enrollment cap into a charter contract,

and PVS's request at that time was to remove the enrollment cap language from the contract in its entirety. Portland Village now acknowledges the enrollment cap language in the contract, but requests that it be increased.

- F. Even though the District granted PVS's renewal request, OAR 581-020-0359(7)(b) provides that if a sponsor and a charter school fail to enter into a new charter agreement within the timeline agreed by the parties, the sponsor will be treated as having not renewed the charter and the sponsor must send the charter school a notice of nonrenewal. The District sent this required notice of nonrenewal on September 5, 2012. PVS submitted a revised renewal request on October 5, 2012, stating that its sole request was that the District agree to increase PVS's enrollment capacity to 492 students.
- G. Portland Village then modified the enrollment cap request and asks that the Board consider a maximum enrollment of 444 students (419 students in 2013-14 and 444 students in 2014-15).
- H. Following receipt of the revised renewal request, the District has 45 days to hold a public hearing regarding the revised renewal request, which it did on November 7, 2012. Within 10 days after the public hearing, the District must notify PVS of the District's intent to renew or not renew the charter and, within 20 days of the hearing, the District must either renew the charter or state in writing the reasons for denying the renewal of the charter. PVS agreed to join the District in a waiver request to the Oregon Department of Education ("ODE") for an extension of this timeline to accommodate already-scheduled Board meetings. This waiver was granted by ODE on November 16, 2012.
- I. Portland Village is currently open and operating under the existing charter and will remain open and operating under the existing charter during any appeal to the State Board of Education by PVS.
- J. The Superintendent's recommendation is to allow Portland Village to exceed its current enrollment cap of 400 while its larger classes of 25 students move through the grades and transition out of the school, while limiting its incoming enrollment to 22 students per class. This would bring Portland Village back to 400 students by the 2020-21 school year. However, due to the receipt of additional information from Portland Village and an interest in granting PVS's request, the following resolutions are adopted:

RESOLUTION

- 1. Portland Village's charter renewal request is again granted, and its request to raise its enrollment cap to 419 students in 2013-14 and 444 students in 2014-15 is approved.
- 2. When the new PVS contract is executed, it will be for a flexible 5-year period, as described and approved in Board Resolution 4570 on March 21, 2012, with renewal tentatively scheduled for June 2017, if deemed necessary at the time.
- 3. The Board of Education for Portland Public Schools directs staff to negotiate a charter agreement between the District and PVS that is consistent with ORS Chapter 338 and with District policies, is in a form approved by the District's General Counsel, and that includes the enrollment growth model as described above. All other terms and conditions of Resolution 4570 remain the same.

K. Wolfe / K. Miles

RESOLUTION No. 4701

2013 State Legislative Platform

RECITALS

- A. In February the Oregon Legislature will convene the 2013 Regular Legislative Session during which hundreds of bills affecting education will be introduced and debated.
- B. Additionally, the Legislature will approve a budget for the 2013-2015 biennium that will contain the State School Fund, the primary funding source for public education in Oregon and for Portland Public Schools.
- C. The PPS Board recognizes that legislative advocacy is essential for the District and for our ability to affect education public policy in Oregon.
- D. Portland Public Schools' first and foremost priority for the 2013 Regular Legislative Session is for the legislature to provide adequate and stable financial support for advancing student achievement in every school district in Oregon. The district is calling on the legislature to reconnect to adequate funding for education as outlined by the Quality Education Commission.
- E. Portland Public Schools' will actively seek ways to enhance state and local revenue collections as a way to bring about additional funding for education, including reforms to the state's property tax system.
- F. The district will also strongly support measures that enhance the ability of PPS to advance student achievement, close the achievement gap and enhance equity in the district and statewide.
- G. The legislative platform was developed through consultation with a district staff advisory team, board legislative liaisons, and other state-wide associations and partners.

RESOLUTION

The Board adopts the 2013 State Legislative Platform as the formal position of the Board of Education for the 2013 Regular Legislative Session focusing on priority areas of Student Achievement, Education Funding and School District Operations.

R. Cowie / D. Williams

RESOLUTION No. 4702

Minutes

The following minutes are offered for adoption:
November 26 and December 3, 2012



Board of Education Informational Report

MEMORANDUM

Date: December 17, 2012

To: Members of the Board of Education

From: Jim Owens, Director Capital Operations, Office of School Modernization

Thru: Tony Magliano, Interim Deputy Chief Operating Officer

Subject: Architect, Engineer, Land Surveyor or Related Service Contract Award Recommendation – Program Management and Construction Management Consultant Services in Support of the 2012 Capital Construction Bond Program

Description of procurement:

Staff developed a Request for Proposal (RFP) solicitation in October 2012 to seek written proposals from qualified consultants able to provide comprehensive, professional program and construction management services.

Seven firms responded to the RFP in November 2012 and their qualifications were evaluated by an independent selection committee of six individuals representing experience in finance, capital planning, design and construction. A formal source selection method was used. The selection committee scored the written proposals, ranked them from one to seven, and then conducted interviews with the three top ranked firms. Based on the evaluation of the proposals and interviews, Heery International was selected as the top ranked and most qualified firm.

Solicitation:

a. Date of DJC publication - October 31, 2012

b. Selection committee

- CJ Sylvester; COO
- Jim Owens; Director Capital Operations, OSM
- Randy Miller; Director Project Management, FAM
- Sharie Lewis; Director Accounting & Payroll Services
- Dan Jung; Operations Manager, OSM
- Tom Peterson; Chief Engineer, Port of Portland

Firms responding to RFP solicitation	Ranking
• Cornerstone Management Group, Inc.	#6
• Day CPM Services	#4
• Heery International, Inc.	#1
• Hill International, Inc.	#5
• Inici Group, Inc.	#7
• J.J. Henri Co.	#3
• Jacobs Project Management Co.	#2

Budgeted amount for this item:

\$6,300,000 for Program Management and Construction Management Services over the 8-year program. The budget for the initial 4-year base period is \$4,200,000.

Recommendation:

Award contract to Heery International, Inc. for \$4,222,000. See purchasing & contracting consent agenda item for further details. The contract before the board recommends executing a 4-year contract with the option for two additional 2-year contract extensions. The amount of the contract extensions are estimated based upon current preliminary project schedules. Contract extensions (if appropriate) will be negotiated to conform to current scopes, schedules and budgets prior to execution.