

**BOARD OF EDUCATION**

Portland Public Schools  
**REGULAR MEETING**  
MaY 19, 2014

**Board Auditorium**

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

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

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

This meeting may be taped and televised by the media.

**AGENDA**

1. **VALEDICTORIAN RECOGNITION** 6:00 pm
2. **SUPERINTENDENT'S REPORT** 6:50 pm
3. **STUDENT TESTIMONY** 7:00 pm
4. **STUDENT REPRESENTATIVE REPORT** 7:15 pm
5. **PUBLIC COMMENT** 7:25 pm
6. **BOND ACCOUNTABILITY COMMITTEE QUARTERLY UPDATE** 7:45 pm
7. **SUPERINTENDENT EVALUATION AND CONTRACT** (action item) 8:05 pm
8. **INTERDISTRICT TRANSFERS** (action item) 8:20 pm
9. **ADDITIONAL CRITERIA FOR HIGH SCHOOL EDUCATION'**  
**SPECIFICATIONS** (action item) 8:35 pm
10. **APPROVAL OF 2014-2015 BUDGET** (action item) 8:50 pm
11. **BUSINESS AGENDA** 9:30 pm
12. **ADJOURN** 9:45 pm

**Portland Public Schools Nondiscrimination Statement**

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

## **MEMORANDUM**

**Date:** May 19, 2014

**To:** Members of the Board of Education

**From:** Bond Accountability Committee (BAC)

**Subject:** 5th BAC Report to the Board

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### **Background**

In the November 2012 election, voters approved a \$482M capital improvement bond for Portland Public Schools. The PPS Board appointed a Citizen Bond Accountability Committee to monitor the planning and progress of the bond program relative to voter-approved work scope, schedule and budget objectives.

### **Recent Activities**

The BAC met on April 23 at the Marshall Campus. As is the case with all meetings, it was publicly noticed and open to the public. PPS staff continues to be very helpful and supportive of the process, and demonstrates a consistent commitment to transparency and clarity in all dealings with the BAC.

We received reports on the design status on Roosevelt and Franklin High Schools, the schematic design process for the replacement of Faubion, upcoming bids for Summer 14 work (IP14), and the solicitation for design services for Summer 15 work (IP15).

The Faubion master plan has been approved by the Board, and that team has commenced schematic design while fundraising is ongoing. We have some concern over how to balance progress with the design process without funding in place from PPS's partner, Concordia University, but do not suggest any change of plan at this point. We do understand the unique and exciting partnership underway at Faubion, and will follow progress with great interest.

The IP 2014 work has been broken down into 6 packages, which will require more oversight but should also provide more opportunities to smaller firms. As you recall, the IP13 work was a great success, but IP14 is even more challenging because the summer schedule is reduced due to make-up snow days. Contractors will be permitted, even encouraged, to work 6-day weeks.

We heard that, as expected, the Workforce Training and Hiring Program will be in place for IP14 and all subsequent work. City of Portland staff will administer the

program and we applaud the District for adopting a program that is familiar to contractors. We will be interested to see how the District and the City will work together on this, but look forward to the seeing results and fully expect the goal of 20% apprenticeship participation to be achieved.

The BAC received an update on MWESB participation that, since only consultant work has occurred since our last meeting, is little changed (11.4%). We do not expect an uptick from the IP14 work because contractors are selected through a bid process, but we look forward to seeing the results. We remain confident that the District will experience superior results on the upcoming CM/GC projects that, of course, involve more significant dollars.

## **Current Issues**

*Student Involvement.* Both the Board and the BAC has previously expressed concern over a perceived failure to take advantage of this unique opportunity to engage students in the bond program. We had also asked staff to re-think the measure that had been established for this requirement (registration on BizConnect). We are happy to report that staff, consultants, and contractors have become regularly and actively engaged in this challenge.

We were delighted to hear that, through March 2014, over 6,000 PPS students have been involved in one way or another with the bond program. There have been 9 career-learning opportunities (job fairs, etc.) and 32 presentations by consultants/contractors. In addition, paid internships are planned both within PPS and with consultants. Going forward, the student involvement metrics will measure Group Activities, Short-Term Activities, and Long-Term Activities.

Staff and all involved are to be commended for their efforts. In particular, consultants Heery, DOWA, and Bassetti should be recognized for establishing internships independent of PPS funding.

*Budget.* Staff has continued to provide budget information to us in a transparent format.

During our last report, we noted that projections for Bond Oversight Costs showed a \$1 million overrun. Staff has since reduced that deficit significantly. However, an additional \$2.2 million was added to this line item for the new Owner Controlled Insurance Program (OCIP) for a total overrun of \$2.45 million. The OCIP is ultimately expected to be cost-neutral, but the full expense has been projected at this point. It is planned to offset this by transferring the savings from IP13 (\$1.13 million) as well as some of the COO Contingency.

We again note that the budget forecasts show significant savings in most line items. This is due to the fact that expenditure of contingencies, bond premium, etc. is not included in the forecasts. Staff has been transparent with this methodology and we take no issue with it so long as we all remain cognizant.

We advised the Board during our last appearance to expect that the initial CM/GC estimates at Franklin and Roosevelt High Schools would exceed budget. This in fact is the case and, in our experience, is not at all unusual. In fact, one of the reasons to use an alternative delivery method is to address exactly this situation at the earliest stage. We understand that the Franklin budget/scope reconciliation has subsequently occurred, while, due to ongoing uncertainties (see below), there remains a gap in the Roosevelt effort. We expect this to be resolved prior to final presentation of schematic design.

*Public Outreach.* Compared to our experience, the degree of public outreach (DAG meetings, open houses, workshops, etc.) during the master planning and schematic design processes at Franklin, Roosevelt, and Faubion has been extraordinary. Unfortunately, it may be that the appropriate “ground rules” for this outreach were either not fully laid out or were not completely understood.

Our expectation was that the District’s design/construction teams would be totally open to receiving input at every level, and our observation is that this has generally occurred. The expert teams hired by the District should give that input due consideration, and reconcile to budget, schedule, scope, and quality expectations; this is what the broader public rightly expects. We recommend that more clarity be brought to bear on when the “input” needs to cease as the implementation phases take over.

*Schedule.* Staff has continued to provide detail and transparency on each of the project schedules, and the format used has proved to be very helpful to us. Again, we appreciate staff’s responsiveness to our requests in this regard.

The Roosevelt and Franklin schematic designs are significantly behind the Baseline Schedule, as reflected by the “yellow” report in staff’s Balanced Scorecard. This delay is due to the recent change in school capacity requirements, the extensive public outreach and involvement processes, and the recent “additional criteria” (see below).

This does not mean that the completion dates will change, but time will have to be made up during the rest of the design process and/or construction period. We should stress that these delays are in comparison to the Baseline Schedule only, and we look forward to seeing more detailed design and construction schedules for these schools that will recover the lost time. Schedule impacts at this early stage of the projects can only increase risk to budget, quality, and scope.

*Additional Criteria for High Schools.* The BAC has concern that this further change in program supersedes previously adopted standards, particularly at this late stage. Already, the High Schools' programs do not conform to the Board-adopted Long Range Facilities Plan or the adopted EdSpecs, both of which provide for 1500 student capacity. The adopted Master Plans provided for increased capacity at additional cost, and these additional criteria will further alter these Plans.

We make no judgment on these criteria or the increased capacity, but would like to see consistency between all adopted Plans etc. Programmatic changes at the project level should not precede amendments to guiding programmatic documents. Changes in program this late in Schematic Design is not best practice and increases risk to schedule, budget, quality, and scope.

These criteria will add classrooms to the three High Schools. We have not been shown where the necessary funds will come from, but we know that additional scope of this magnitude can only be achieved by reducing scope on other projects within the bond program.

## **Summary**

Significant progress has been made in the last quarter on some areas (e.g. student participation) but the overriding concern at this point is over management of schedule, budget, scope and quality impacts from high school program changes. Assertive risk management strategies are needed to maintain control, and we will be looking to staff to report on these at our next meeting.

We continue to be impressed by the caliber and professionalism of OSM staff and the design and construction teams, and thank the Board for this opportunity to serve and play a part in what we still expect will be a very successful bond program.



## Board of Education

### Superintendent's Recommendation to the Board

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**Board Meeting Date:** February 24, 2014      **Executive Committee Lead:** Sue Ann Higgins

**Department:** Enrollment and Transfer      **Presenter/Staff Lead:** Judy Brennan

**Agenda Action:**    \_Resolution      \_Policy

**SUBJECT: Interdistrict transfer procedures for 2014-15 school year**

#### **BRIEF SUMMARY AND RECOMMENDATION**

Each year by March 1 school boards must decide whether to offer open enrollment transfer to students who live in other districts. The Superintendent recommends that PPS continue to opt out of open enrollment, as the current transfer system accommodates non-residents while limiting transfers between PPS schools. The state legislature has approved additional changes for interdistrict transfers that will take effect prior to the 2014-15 school year. In order to be compliant with new rules, non-resident students will request transfer through a separate interdistrict transfer lottery that will be held later in spring 2014.

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#### **BACKGROUND**

PPS has a long-standing tradition of accepting students from other districts. Currently nearly 900 students attend PPS neighborhood, focus option and alternative schools while residing in other districts. When compared with PPS as a whole, non-resident students are more likely to be children of color who qualify for free and reduced meals and speak a language other than English at home (See attachment 1).

#### **Open Enrollment**

The provision to allow school districts to accept non-resident students without seeking permission from resident districts was approved by the legislature in 2011 and is scheduled to sunset in 2017. PPS did not participate in open enrollment in the 2012 or 2013 transfer cycles. However, several nearby districts have accepted PPS resident students through open enrollment, increasing the overall numbers of students transferring out of PPS by a third between 2011 and 2012 (see attachment 2).

Open enrollment is a limited transfer option during a specific lottery cycle, and does not affect students who move or seek transfer at other times. Since space is very limited in most PPS schools, the number of non-resident students approved during the annual lottery has dropped in the past four years (see attachment 3). While open enrollment would allow PPS to retain students for longer periods without seeking permission from their resident districts, it would not

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**Superintendent**

necessarily lead to more transfers since open enrollment rules require that resident students be placed before non-residents.

An analysis of students approved to other districts through open enrollment found that about half were former residents of other districts who are staying in schools they attended prior to moving in to the PPS boundary. The remaining group of students had not been attending a PPS school prior to applying for open enrollment transfer, including students in private schools and those paying tuition to attend other public schools. PS does not have demographic data on students who attend schools in other districts.

### **Recent Interdistrict Transfer Legislation**

The legislature approved HB 2747 in June 2013 and will take up HB 4007 in February 2014. The combined impact of these bills is significant changes to routine interdistrict transfers—those that occur outside of the open enrollment option. Beginning in the 2014-15 school year, school districts:

- Cannot use student demographic, academic or athletic information when considering a request to transfer in or out of the district
- Must allow students who move across district lines when school is in session the right to remain at the current school until the year ends
- May agree to accept non-resident students for multiple years
- May not limit the duration of transfers for students who are approved to other districts
- Must hold a lottery if there are more non-resident transfer requests than space

In order to become compliant with the new rules this year, non-resident students will enter a separate lottery that does not use weighting factors included in the standard PPS lottery. Additional changes, including the length of agreements for students, will be brought to the school board for decision in Spring 2014. Interdistrict transfer changes will be incorporated into the larger package of enrollment and transfer revisions currently under consideration by the Superintendent's Advisory Committee on Enrollment and Transfer.

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## **RELATED POLICIES / BOARD GOALS AND PRIORITIES**

Policy 4.10.040-P, Admission of Non-Resident Students

Policy 4.10-051-P, Student Enrollment and Transfers

Administrative Directive 4.10.054-AD, Student Transfers

Administrative Directive 4.10.090-AD, Interdistrict Agreements and Transfer of State School Funds

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## **PROCESS / COMMUNITY ENGAGEMENT**

Open enrollment is an annual school board decision and follows the standard process of board discussion at a public work session prior to a decision at a regular board meeting.

Community engagement for other interdistrict transfer changes has happened as part of the 2013 and 2014 legislative sessions.

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

While there are no specific equity implementation plan strategies that reference interdistrict students, it is notable that students from other districts who attend PPS schools are more likely to be students of color than are students who live within the PPS boundary.

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**Superintendent**



## **BUDGET / RESOURCE IMPLICATIONS**

State school funding follows students across district lines in most cases. PPS has long maintained a positive ratio of interdistrict student coming into PPS vs going out.

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

**At a minimum, the following actions will occur over the next several months:**

- Plan for and operate an interdistrict lottery this spring after resident lotteries are complete. Space will be available only at schools that did not fill through the resident lotteries. As part of lottery set-up, further recommendations will come to the board regarding the duration of future agreements and order of priority for lottery approvals.
  - Non-resident students already attending PPS schools will receive additional information and instructions for renewing interdistrict transfer agreements. Calls will be made in family's native language, in recognition of the high proportion of interdistrict transfer students who speak a language other than English at home.
  - Staff will collaborate with peers in other districts to streamline new procedures in order to ease the transition for families.
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## **ATTACHMENTS**

Attachment 1: Interdistrict enrollment and lottery data

Attachment 2: Four year lottery transfer rates

Attachment 3: Four year interdistrict transfer rates

**Reviewed and Approved by**

**Superintendent**





# Oregon Department of Education

John A. Kitzhaber, MD, Governor

## Office of the Deputy Superintendent

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## Interdistrict Transfer Frequently Asked Questions

Oregon currently has four methods of transfer: interdistrict transfer, open enrollment, tuition, and contract. This FAQ addresses interdistrict transfer as established by ORS 339.133(5)(a) and amended by HB 2747 (2013) and HB 4007 (2014).

**1. When do the amendments to interdistrict transfer take effect?**

The HB 2747 amendments and the HB 4077 amendments apply to students seeking transfer for the 2014-15 school year.

**2. Does HB 4007 affect the status of students who are already admitted through interdistrict transfer?**

HB 4007 provides that a school district that administers a lottery for the 2014-15 school year may give priority to nonresident students who had received consent for interdistrict transfer for the 2013-14 school year. If a district intends to administer a lottery and give priority to students who received an interdistrict transfer for the 2013-14 school year, the district may ask on the initial application form whether the student currently has a transfer into the district.

In addition, the student seeking renewal is not required to obtain consent from the resident district.

### RECEIVING DISTRICTS – DECIDING WHETHER TO ACCEPT TRANSFERS AND HOW MANY TO ACCEPT

**3. Who determines the number of students a district/school will accept through interdistrict transfer?**

The local school district by board action determines the number of students it can accept from outside the district using interdistrict transfer. Districts may decide to admit no students, admit any student who requests a transfer, or set a limit on the number of students that will be admitted. And districts may limit the number of transfers accepted by school or grade level. For example, any of the following would be appropriate:

- District A may decide not to accept any interdistrict transfer students;
- District B may decide to accept all students who apply for interdistrict transfer
- District C may decide to accept 20 interdistrict transfer students at Smith High School;
- District D may decide to accept 10 students in fourth grade, 10 students in fifth grade, and 10 students in sixth grade.

If a district chooses to limit the number of students accepted through interdistrict transfer, the district school board must make that determination by an annual date to be established by the district school board.

**4. Can districts revise the number of transfer students to be accepted?**

Yes. The district may revise that number of transfer students to be accepted either on the annual date established by the board (see question 3 above) or at any time during the year so long as there are no applications for transfer pending.

**5. How do districts determine the number of students they will accept?**

Districts should establish district process as to how the number of students will be determined. Districts might consider current enrollment, future enrollment projections, budget, staffing, district goals, and local district needs.

**6. May districts open one grade or one school?**

Yes. A district may decide to accept students in one grade or one school.

**7. May districts open one program?**

Yes. A district may decide to accept students in one program.

**8. How does the process work if the district has a separate enrollment process for magnet or focus schools?**

Once a student has been admitted through interdistrict transfer, the student would be eligible to apply for the focus or magnet program through the same process available for resident students.

**9. What is the timeline for processing transfer requests?**

Nothing in HB 2747 or the OAR governing Interdistrict transfer agreements specifies a timeline for processing transfer requests. Districts should establish their own timelines. Districts may choose to set a deadline for transfer requests and consider all requests at one time, or districts may choose to process requests on a rolling basis. If districts decide to process requests on a rolling basis and not hold a lottery, the preference for students who had been granted transfers in 2013-14 does not apply (see question 2 above).

**10. May a district refuse to accept transfer students?**

Yes, a district may decide not to accept any students through interdistrict transfer.

**11. May a district that has accepted transfers via interdistrict transfer for a particular school year change its policy in subsequent years?**

Yes, the district may revise the number of transfers to be granted in a given year either annually at the date established by the district school board or at any time during the year provided that there are no requests for transfer currently pending.

**12. What information may a district request of a student seeking transfer?**

A district may only request the student's name, contact information (email, phone number, and mailing address), date of birth, grade level, and information related to expulsions as outlined in ORS 339.115(8).

If the district intends to hold a lottery for a limited number of slots (see question 22 below), the district may request information about siblings who are currently enrolled in the receiving district.

If a district intends to hold a lottery and give priority to students who received an interdistrict transfer for the 2013-14 school year (see question 2 above), the district may ask on the initial application form whether the student currently has a transfer into the district.

HB 2747 does not allow districts to request information about siblings but does allow districts to give priority for siblings if the district holds a lottery. ODE acknowledges this creates a conflict for districts. Because the legislation intended to allow districts to give priority to siblings, ODE is interpreting the statute to allow districts to ask about siblings at the time of initial application. Districts may ask if the student has a sibling enrolled in the receiving district, the name of the sibling, and the school where the sibling is enrolled.

**13. Is there any information related to a student that a district is prohibited from requiring a student to provide prior to giving consent to the student to transfer to the district?**

A district may not request or require the following information:

- Information about the student's race, religion, sex, sexual orientation, ethnicity, national origin, disability, health, whether a student has an individualized education program, the terms of an individualized education program, income level, residence, proficiency in the English language or athletic ability; or
- Academic records, including behavioral records or eligibility for or participation in a talented and gifted program, or special education and related services.

- 14. Does this prohibition include the name of the school district in which the student resides?**  
Yes. The prohibition on requesting or requiring information about the residence of a student also includes information about the school district in which the student resides. However, after the district has given consent for the student to attend school in the district the district may request this information from the student.
- 15. When can a district request the student’s academic records, behavior records, and/or IEP?**  
A district may request a student’s academic records, behavior records, and/or IEP after the transfer request has been granted and the transfer agreement has been signed by the resident district, nonresident district, and parent/guardian.
- 16. Is there a sample Interdistrict Transfer Agreement?**  
Yes, the State Board has adopted a sample Interdistrict Transfer Agreement and it is available through ODE. Please contact Emily Nazarov (emily.nazarov@ode.state.or.us; 503-947-5637) or Andrea Morgan (andrea.morgan@ode.state.or.us; 503-947-5772) to obtain a copy.
- 17. May the district offer or require tours and interviews for students seeking transfer?**  
Districts may not require students seeking transfer to participate in facilities tours or interviews. Nothing prevents a district from granting a tour when requested by a student seeking transfer.
- 18. Can a district determine the length of time for which consent to transfer is given?**  
Yes, a receiving districts may determine the length of time for which a transfer is granted. However, the length of time must be applied consistently to all students who are granted transfers. The sending district does not determine the length of time for which consent is given.
- 19. Once a student receives an interdistrict transfer, must the district renew the transfer?**  
Receiving districts have discretion to set the length of time for which consent to transfer is given. The length of time must be applied consistently to all students who are granted transfers. A receiving district may choose to renew Interdistrict Transfer Agreements that are for a term that is less than the student’s entire school career. For renewal, the student needs to obtain consent from the receiving district only.
- 20. Does the resident district need to sign off on a renewal request?**  
No. The consent of the resident district is not required for renewal and nothing in the legislation requires that the resident district sign off on a renewal.

- 21. Is there an exception to the interdistrict transfer rules for hardship cases?**  
Yes, but it is limited. A district may request or obtain additional information and give consent to transfer to a student without following the processes set forth in HB 2747 in the event of an emergency to protect the health, safety, or welfare of the student. Examples of an emergency would include sexual assault, threats against a student’s life, or threats of imminent harm.
- 22. Is there an exception for students who move during the school year?**  
If a student’s legal residence changes during the school year, and the student wishes to remain enrolled in the district for the remainder of the school year, the school board must give consent to allow the student to complete the school year.
- 23. Can a district offer transfers just to certain kinds of students?**  
No. Districts may not deny consent or establish any terms of consent based on a student’s race, religion, sex, sexual orientation, ethnicity, national origin, disability, health, whether a student has an individualized education program, the terms of an individualized education program, income level, residence, proficiency in the English language, athletic ability, or academic records.
- 24. May a district only accept students from a particular geographic area such as another school district?**  
No. Districts may not deny consent or establish any terms of consent based on a student’s race, religion, sex, sexual orientation, ethnicity, national origin, disability, health, whether a student has an individualized education program, the terms of an individualized education program, income level, residence, proficiency in the English language, athletic ability, or academic records.
- 25. What if a district has more applicants for interdistrict transfer than the number of students they’ve announced they will accept?**  
If a district receives more requests than the announced number of students that will be granted transfers, the district must conduct an equitable lottery to select the students that will be granted transfers. The process may give priority to students who have siblings currently enrolled in the school district. For the 2014-15 school year, districts may also give priority to nonresident students who had received consent for interdistrict transfer for the 2013-14 school year.
- 26. What does an “equitable lottery process” look like?**  
An “equitable lottery process” provides a single random selection process that provides all interested students with equal opportunity to attend the school. One possible method would be for a district to place all names of applicants into an opaque container and have an objective party (perhaps a community member) draw names one by one to fill open transfer positions.

**27. Can districts give priority to siblings?**

Prioritizing siblings for enrollment is a matter for local district policy. If a district receives more requests than the announced number of students that will be granted transfers, and the district holds a lottery process to determine which students will be granted transfers (see question 24 above), the process may give priority to students who have siblings currently enrolled in a school of the school district.

**28. How can you give priority to siblings given the limited amount of information the district is allowed to request from students?**

HB 2747 does not allow districts to request information about siblings but does allow districts to give priority for siblings. ODE acknowledges this creates a conflict for districts. Because the legislation intended to allow districts to give priority to siblings, ODE is interpreting the statute to allow districts to ask about siblings at the time of initial application. Districts may ask if the student has a sibling enrolled in the receiving district, the name of the sibling, and the school where sibling is enrolled.

**29. Can the district give priority to children of staff?**

No. Nothing in HB 2747 or HB 4007 allows districts to give priority to children of district staff.

**30. Can a district set up a behavior contract or attendance requirements with a student who transfers in through interdistrict transfer?**

Yes, so long as the contract or requirements are applied consistently to all similarly situated students who are granted transfers and do not have the effect of discriminating against a class of persons. For example, a behavior contract for a ninth grade student must be the same as the behavior contracts for other ninth grade students, but may be different from a behavior contract for an elementary student.

**31. Can a district impose academic conditions on a student who transfers in through interdistrict transfer?**

This may be possible so long as the conditions are applied consistently, except as allowed under federal or state law, to all students who are granted transfers and do not have the effect of discriminating against a class of persons. Districts should consult with legal counsel before imposing academic conditions.

**32. Is the receiving district required to provide transportation to interdistrict transfer students?**

The bill does not change current pupil transportation laws. The receiving district does not have responsibility to provide transportation beyond school district boundaries. If the district chooses to provide transportation beyond district boundaries, the district may apply for reimbursement from the state school fund transportation grant.

If a student chooses to transfer through interdistrict transfer, the resident district no longer has responsibility to provide transportation.

## **RESIDENT (RELEASING) DISTRICTS – DECIDING WHETHER TO RELEASE TRANSFERS AND HOW MANY TO RELEASE**

### **33. Can the resident district stop a student from transferring to a nonresident district?**

Yes. A resident district may prohibit a student from transferring to another district through interdistrict transfer. Both the sending and receiving districts must agree to the transfer.

Resident districts may release no students, release all students, or set a limit on the number of students who will be released. And districts may limit the number of students released by grade level or school. For example, any of the following would be appropriate:

- District A may decide not to release any interdistrict transfer students;
- District B may decide to release all students who apply for interdistrict transfer
- District C may decide to release 20 interdistrict transfer students from Smith High School;
- District D may decide to release 10 students in fourth grade, 10 students in fifth grade, and 10 students in sixth grade.

The decision to deny consent must be applied evenly and not on a case by case basis. Best practice would be to establish through board action whether all requests for consent are granted, no requests for consent are granted, or requests are granted when the requests meet an established set of parameters.

Resident districts may not deny transfer requests based on a student's race, religion, sex, sexual orientation, ethnicity, national origin, disability, health, whether a student has an individualized education program, the terms of an individualized education program, income level, residence, proficiency in the English language, athletic ability, or academic records.

A resident district may not stop a student from renewing an interdistrict transfer. For renewal, the student needs to obtain consent from the receiving district only.

### **34. Can the resident district determine the length of time for which consent to transfer is given?**

No, the resident/releasing district does not determine the length of time for which consent is given. Only the receiving district may determine the length of time for which a transfer is granted.

**35. Is a resident district required to have a policy governing its decision to approve or deny requests to transfer out of district?**

HB 2742 does not specifically require districts to establish a policy. However, best practice would be to establish a policy or take board action that outlines when a district will approve or deny a request to transfer out of district.

**36. Is there an exception to the interdistrict rules for hardship cases?**

Yes, but it is limited. A district may request or obtain additional information and give consent to transfer to a student without following the processes set forth in HB 2747 in the event of an emergency to protect the health, safety, or welfare of the student. Examples of an emergency would include sexual assault, threats against a student's life, or threats of imminent harm.

**37. Is there an exception for students who move during the school year?**

If a student's legal residence changes during the school year, and the student wished to remain enrolled in the district for the remainder of the school year, the school board must give consent to allow the student to complete the school year.

**38. What are the resident district's responsibilities to a student once the student has transferred out through interdistrict transfer?**

Once a student has enrolled in the receiving district, the resident district has no responsibility for that student. If the student decides to leave the receiving district and re-enroll in the resident district, the resident district then becomes responsible for providing a free and appropriate public education ("FAPE") for that student.

**SPECIAL EDUCATION**

**39. Which district is responsible for FAPE?**

Under current law, the resident district maintains responsibility for FAPE. However, the Oregon Department of Education has proposed an amendment to OAR 581-021-0019 that would make FAPE the responsibility of the nonresident district. The State Board of Education will vote on the proposed amendment in June 2014.

**40. Can the resident district be billed for special education services?**

Yes. Under current law, the resident district maintains responsibility for providing FAPE. If the receiving district provides special education services, the receiving district may bill the resident district for the cost of those services.

If the State Board adopts a rule amendment in June 2014, then the receiving district may no longer bill for special education services after the 2013-14 school year.

**41. What happens if a district accepts a student through interdistrict transfer and then learns that the student has special education needs that the district is not able to meet?**

Once a district has accepted a student through interdistrict transfer, the district must provide special education services to that student. The responsibility to provide services is no different than it would be for a resident student.

**42. Can a district apply to the high cost disabilities fund for reimbursement for costs associated with providing a student with special education and related services if the student is attending school in the district via interdistrict transfer?**

Yes. If the State Board adopts a rule amendments in June 2014, then the receiving district may apply to for reimbursement from the high cost disabilities fund with the same requirements and restrictions that apply to other resident students who receive special education and related services.

**43. For students who are receiving special education services, who is responsible for transportation?**

The bill does not change current special education law or pupil transportation laws. The initial decision to transfer to a different district is the parents', subject to district policies, and is not an IEP decision. The receiving district does not have responsibility to provide transportation beyond school district boundaries. Once inside the attending district, a student's IEP may require that a district provide additional transportation as a related service. It is best practice for a receiving district to review the IEPs of all incoming interdistrict transfer students to determine how the district will provide FAPE to the student.

If a student chooses to transfer through interdistrict transfer, the resident district no longer has responsibility to provide transportation.

## **ACTIVITIES**

**44. How do interdistrict transfers affect sports participation?**

Sports participation issues are the responsibility of Oregon School Activities Association (OSAA). OSAA has issued the following position statement regarding open enrollment: <http://www.osba.org/~media/Files/Resources/Board%20Operations/Policy%20hot%20topic%20materials/osaa%20memo%20hb3681.ashx>. Districts cannot accept or decline students for transfers on the basis of sports ability.

### **ODE Contacts:**

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Government and Legal Affairs  
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503-947-5637

Andrea Morgan, Education Specialist  
Office of Learning  
andrea.morgan@ode.state.or.us  
503-947-5772



# 2013-14 Students Outside of PPS District by Program Attendance

### Legend

**Programs Attended**

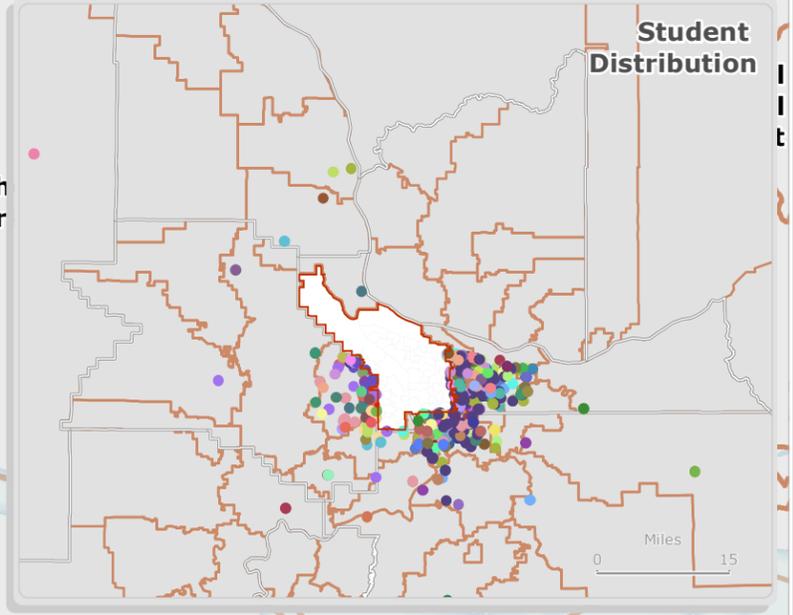
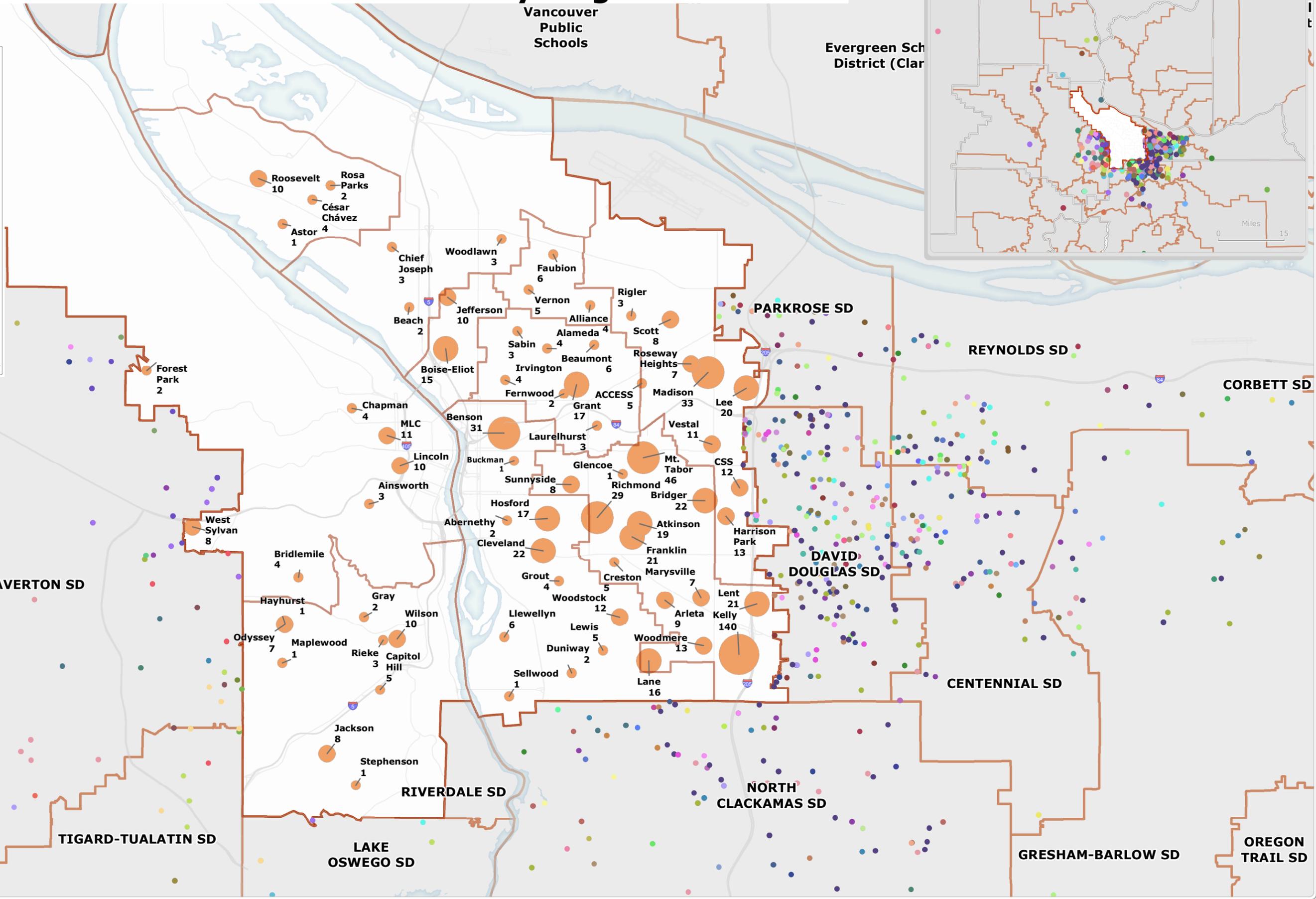
**Student Count**

- 1 - 6
- 7 - 13
- 14 - 22
- 23 - 46
- 47 - 140

Students Location

Date: 5/12/2014

Path: M:\PROJECTS\Projects\_2013-14\Map\_requests\Port of District Students\Students\_NotPPS11X17.mxd





# Board of Education

## Staff Report to the Board

**Board Meeting Date:**  
May 12, 2014

**Executive Committee Lead:**  
C.J. Sylvester, Chief of School Modernization

**Department:**  
Office of School Modernization

**Presenter/Staff Lead:**  
C.J. Sylvester, Chief of School Modernization

**SUBJECT:** Staff Recommendation for Additional Criteria for Franklin, Grant and Roosevelt High Schools' Schematic Designs and Related Fiscal Impacts.

### BACKGROUND

On November 18<sup>th</sup> 2013, the board approved Resolution No. 4840 "Authorizing Franklin, Grant, and Roosevelt Full Modernization Building Capacities as part of the 2012 Bond Program and Acknowledging Related Impact on the Program Reserve." This Resolution increased high school student design capacities as follows:

- Franklin High School: Common Areas for 1,700 students, Classrooms for 1,700 students.
- Grant High School: Common Areas for 1,700 students, Classrooms for 1,700 students.
- Roosevelt High School: Common Areas for 1,700 students, Classrooms for 1,350 students.

The Resolution further directed staff to master plan Roosevelt High School to include a subsequent phase to add future classrooms to bring total classroom capacity to the common area capacity.

As part of Resolution No. 4840, the Board of Education acknowledged the larger program area for these three high schools would be designed and constructed for not to exceed \$257 million prior to escalation, utilizing \$10 million from the capital bond program reserve to pay for this added project scope to accommodate increased student capacities.

On February 3, 2014, the Board approved Resolution No. 4871 "Adopting District Education Specifications for Comprehensive High Schools."

Since that time, extensive internal (Office of Schools, school leadership and teachers) and external (Design Advisory Groups and public workshops) stakeholder engagement (see Attachments A and B to this staff report) has resulted in additional student-driven values that can be expressed as metrics for determining additional classroom requirements than were previously identified and adopted for our comprehensive high schools.

These considerations include:

- students take an average of 7.6 credits /year (or 30.4 credits over high school career)
- assuming increased teacher workforce resulting in reduced student:teacher ratio, and

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

- to the maximum extent feasible:
  - teachers work in no more than two classrooms
  - related subjects share classrooms
  - appropriate teacher planning periods are linked
  - additional variables for scheduling include unique equipment requirements (e.g. science and art), full-time instructors, and part-time instructors.

These additional criteria supplement the classroom *utilization* metric of 100% that continues to be applied as identified in the adopted education specification.

These additional criteria require the provision of a substantial number of additional classrooms. Additional classrooms further require additional, supplementary extended learning and teacher collaboration spaces. The impact over and above the previously adopted Master Plan classroom counts (for Franklin and Roosevelt High Schools) is as follows:

1. Franklin High School: Plus 12 classrooms and related supplementary spaces
2. Roosevelt High School: plus 3 classrooms and related supplementary spaces
3. Future Grant High School Full Modernization: Plus 12 classrooms and related supplementary spaces (Comprehensive High School Education Specification will be modified prior to start of Grant HS design to reflect this improved standard)

There have further been intensive value-engineering processes with the design teams and contractors as part of the schematic design phase that reflect current construction values. Program elements described in the comprehensive high school EdSpec remain intact. These analyses concluded with changes to materials, fit & finish as well as the requirement for additional funds.

With Board of Education concurrence, staff shall:

1. proceed with modified schematic designs for Franklin and Roosevelt High Schools, to include the increased scope noted above along with related budget increases for Franklin and Roosevelt High Schools,
  2. proceed with scope and budget increases for Grant High School that duplicate Franklin's, and
  3. develop and bring forward for Board adoption (late summer/fall) amendments to the Long Range Facility Plan student capacity model and Comprehensive High School Education Specification to include the identified additional criteria.
- 

#### **RELATED POLICIES / BOARD GOALS AND PRIORITIES**

1. 8.80.010-P –High Performance Facility Design
2. Resolution No. 4608 (May 29, 2012) Resolution to Adopt the Superintendent's Recommended Update of the PPS Long Range Facilities Plan.
3. Board Resolution No. 4624 (July 9, 2012) Development of a General Obligation Bond Ballot Measure and Explanatory Statement for the November 6, 2012 Election

4. Resolution No. 4800 (September 9, 2013) Resolution to Adopt the Educational Facility Vision as part of the District-wide Educational Specifications.
  5. Resolution No. 4840 (November 18, 2013) Resolution authorizing Franklin, Grant and Roosevelt High School Full Modernization Building Capacities as Part of the 2012 Capital Bond Program and Acknowledging Related Impact on the Bond Program Reserve.
  6. Resolution No. 4852 (December 16, 2013) Resolution Authorizing Roosevelt High School Full Modernization Master Plan as Part of the 2012 Capital Bond Program
  7. Resolution No. 4853 (December 16, 2013) Resolution Authorizing Franklin High School Full Modernization Master Plan as Part of the 2012 Capital Bond Program
  8. Resolution No. 4871 (February 3) Resolution to Adopt District Education Specifications for Comprehensive High Schools
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### **PROCESS / COMMUNITY ENGAGEMENT**

In December 2011 the Superintendent convened a 36 member Long-Range Facility Plan Advisory Committee to recommend a 10-year Long-Range Facility Plan (Plan). The committee represented a broad cross-section of the community including representatives of parents, students, PAT, PTA, unions, business interests, design and construction professionals, and neighborhood associations. The Committee held a total of 9 meetings as a whole and 5 subcommittee meetings. The Board ultimately adopted the Plan on May 29, 2012.

Further, PPS staff provided a series of opportunities for community members to engage between January and March of 2012 in Buildings & Learning 101 sessions held across the district. There were also topic specific, expert panel discussions on seismic, universal access and historic issues.

The Superintendent convened a Bond Development Committee (BDC) of about 24 people in May 2012. This group again represented a broad cross-section of the community and included a number of plan Committee members who were committed to pursuing implementation of Plan capital recommendations. Ultimately, four (4) potential ballot measure options were presented for discussion purposes at three district-wide public workshops in May 2012.

The Board of Education then reviewed the community developed options and held public hearings in June and July of 2012 finalizing the capital bond ballot measure and explanatory statement in August 2012.

PPS voters supported the capital bond ballot measure with 66% majority in November 2012.

The Education Specification process began with the assistance of a 32 member Executive Advisory Committee that helped develop a community engagement process for the entire project. The project team engaged 16 groups and organizations in the spring of 2013. Key themes from these conversations were developed for the Facilities Vision Summit on May 28, 2013 and presented to attendees representing participants in the community conversations. The Board of Education adopted the Education Facilities Vision on September 9, 2013.

The extensive stakeholder engagement and public interaction processes for the Franklin and Roosevelt High Schools' designs are provided as Attachments A and B to this Staff Report.

**ALIGNMENT WITH EQUITY POLICY IMPLEMENTATION PLAN**

Policy Goal A: "The District shall provide every student with equitable access to high quality and culturally relevant...facilities even when this means differentiating resources to accomplish this goal.'

Policy Goal F: "The District shall create welcoming environments that reflect and support the racial and ethnic diversity of the student population and community. In addition, the District will include other partners who have demonstrated culturally specific expertise—including governmental agencies, non-profit organizations, businesses, and the community in general—in meeting our educational outcomes."

One criteria for identifying 2012 high school bond projects included the use of free and reduced lunch percentages. Franklin = 55% Roosevelt = 75%

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**BUDGET / RESOURCE IMPLICATIONS**

In November, 2013 the Board revised the conceptual cost estimates for Franklin, Grant and Roosevelt High Schools from \$247M to \$257M to accommodate required, additional capacity.

At this time staff is proposing use of bond assets in the following way:

1. Revise the cost estimates for Franklin, Grant and Roosevelt High Schools from \$257M to \$294M, prior to escalation. This is necessary in order to:
  - a. further support students taking more courses,
  - b. improve the student:teacher ratio,
  - c. reduce the number and types of potential conflicts associated with teachers sharing classrooms, and
  - d. supplement high school construction budgets as required based on schematic design value engineering processes.
2. In 2016, staff will revisit with the Board bond dollars available through bond sale premium(s) and remaining bond reserves to schedule the summer improvement work from 2017-2020
3. Charts below specify the use of bond program budget for modernization of the three high schools as well as program source of funds. Project-level contingencies remain intact.

<b>Combined RHS/FHS/GHS Budget Uses (in Millions)</b>	
Original Project Scope	\$230
Program Management	\$17
FHS Track	\$1
Increase HS Capacity (1700)	\$10
Value Engineering	\$18
Additional Criteria	\$18
	<b>\$294</b>

<b>HS Budget Sources (in Millions)</b>	
Original Bond Allocation	\$230
Program Management	\$17
COO Contingency	\$1
BOE Reserve	\$10
IP Projects	\$22
Escalation *	\$14
	<b>\$294</b>

\* Using escalation dollars for scope change as opposed to inflation

Moving forward in this manner carries some risk. These risks include:

- Use of program escalation dollars to fund increases in high school project scopes. This reduces the overall program's buying power in future years. The Bond Accountability Committee and Performance Auditors will find us in non-compliance with our own Program Management Plan for use of escalation dollars to fund scope increases.
- Use of future summer improvement project dollars to fund increases in high school project scopes. If bond reserves and bond sale premium(s) do not stay intact, the scopes of work for IP 2016-2020 will be negatively impacted.
- Additional requirements this late in schematic design may impact Franklin and Roosevelt high school completion schedules.
- Changes in the contracting environment. FHS and RHS projects won't set their construction guaranteed maximum price (GMP) objectives until Fall 2014 and Grant not until late 2016. If the majority of program reserves, escalation and other bond project funds have already been allocated, the District incurs risk of not having enough in program fund reserve to solve future unknowns.

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

Franklin High School schematic design will be presented to the Board in May for review and June for approval, followed by presentation in June of Roosevelt High School schematic design for review and approval.

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#### **ATTACHMENTS**

- A. Franklin High Schools' Stakeholder Engagements
- B. Roosevelt High Schools' Stakeholder Engagements
- C. Resolution



# Board of Education Informational Report

## MEMORANDUM

**Date:** May 16, 2014  
**To:** Members of the Board of Education  
**From:** David Wynde, Budget Director (via Carole Smith, Superintendent)  
**Subject:** 2014-15 Budget

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This Memorandum provides an update on Portland Public Schools' 2014-15 Budget.

On May 19, 2014 the Board (acting as the Budget Committee) is scheduled to vote to approve a budget for PPS for 2014-15.

You have received a published version of the approved budget and a draft resolution.

This memorandum is to confirm the changes from proposed budget to approved budget that are reflected in the approved budget document.

In the general fund there are technical adjustments as staff completed checking calculations and allocations:

- 1) We are applying the extended school year (two additional days) for employees who work 200 days. As an oversight, in the proposed budget the extended school year was only applied to 190-day employees. (\$120,000)
- 2) Athletics has an additional \$100,000 increase. This amount reflects the commitment the board made in the fall to have full-year implementation of the safety and supports that were initiated in the current school year, including third tier coaches, trainers and transportation.

The Superintendent is also adjusting her proposed budget to provide additional support in two board-identified key areas:

- 1) To provide support, mentoring, coaching and supervision of principals, an additional regional administrator position. (\$195,000)
- 2) An additional position in Human Resources to further support new hires and training district-wide. (\$160,000)

As a result of these changes, total expenditures in the general fund to \$506,197,417, an increase of \$604,000. The additional expenditures are funded by a reduction in operating contingency. The uncommitted contingency in the approved budget is now \$19.6 million which is slightly less than 4.0% in the proposed budget (approximately 3.9%).



## Board of Education

### Superintendent's Recommendation to the Board

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**Board Meeting Date:** May 19, 2014

**Executive Committee Lead:** Neil Sullivan

**Department:** Finance Administration

**Presenter/Staff Lead:** Neil Sullivan

**Agenda Action:**  Resolution  Policy

**SUBJECT: Authorization for Short-term General Fund Inter-fund Loan to the Debt Service General Obligation (GO) Bonds Fund**

#### **BRIEF SUMMARY AND RECOMMENDATION**

We propose to lend up to \$2 million from the general fund to the GO bond debt service fund for a period of no more than 90 days to ensure that we have adequate funds on hand to make the June bond payment.

#### **BACKGROUND**

On June 17, 2013 the Board adopted the 2013-14 Budget and imposed property taxes. Included in the imposition of property taxes was \$46,007,694 for the first year's principal and interest payments for the Bonded Debt Levy. This figure was developed by working with the Tax Supervising & Conservation Commission and our financial advisor, the Seattle Northwest Division of Piper Jaffray & Co.

Taken into consideration were factors such as the estimated annual collection rate of 94%, the estimated amount of the taxable assessed value (TAV) as well as making every effort to ensure that the rate of the imposed taxes was under the \$1.10 per \$1,000 of TAV as promised to our community. The county imposed \$45,668,082 (with the balance imposed by Washington and Clackamas counties). This resulted in the tax rate per \$1,000 TAV of \$1.0898 in Multnomah County.

The due date for the first payment of interest is December 15<sup>th</sup> and the second due date of interest and principal is June 15<sup>th</sup>. The district opted to purchase the State of Oregon Guarantee Program for our payments. The Oregon Guarantee program requires the district to deposit those payments with a local trustee on December 1<sup>st</sup> and June 1<sup>st</sup>, respectively. The trustee holds those funds until the actual payment dates are due to the registered bond holders on the dates reflected above.

Some taxpayers elect to pay their taxes on a quarterly basis and some of the payments are made late over the course of the year. The last quarter's payments arrive at the district on or about the 12<sup>th</sup> of each month. However, due to the June 1<sup>st</sup> payment to the bond trustee, this last quarter's funds are not yet available to the District. This is a timing issue. We expect to receive the full amount from 2013-14 property taxes, but not by June 1<sup>st</sup>.

**Reviewed and Approved by**

**Superintendent**

A conservative estimate of the amount needed to borrow make the June 1<sup>st</sup> payment is an amount not greater than \$2 million. The actual amount borrowed will be only for the actual amount needed to make a full payment due to the Bond Trustee on June 1<sup>st</sup>. The repayment(s) of that amount borrowed will occur as soon as we receive the June tax collections from the counties and possibly subsequent tax collections from the July and August tax proceeds as well. The latter two months is a worst-case scenario.

Staff recommends that this inter-fund loan be interest free as the estimated interest expense is approximately \$200, an immaterial amount. The interest-free basis would avoid the necessity of processing an additional 2013-14 budget amendment.

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#### **RELATED POLICIES / BOARD GOALS AND PRIORITIES**

Board Priorities, Goal C: The Board provides sound fiscal oversight on District budget and assets.

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#### **PROCESS / COMMUNITY ENGAGEMENT**

There was no community engagement in developing this proposed loan.

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

The District needs to maintain timely and adequate bond repayments in accordance with the bond repayment schedule. This will demonstrate to our PPS community and the municipal financial investors our ability to ensure future bond proposals are appropriate and attractive to the municipal bond markets.

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#### **BUDGET / RESOURCE IMPLICATIONS**

This is a short-term transaction that will be budget-neutral.

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

If approved by the Board, this loan will be put in place in time for the June 1<sup>st</sup> bond payment. Upon receipt of subsequent tax collections and the repayment of the loan, staff will report the payoff of the loan to the Board.

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#### **ATTACHMENTS**

1. Draft resolution for an interest-free inter-fund loan from the General Fund to Fund 350, the GO Bonds Debt Service Fund.

Reviewed and Approved by

Superintendent





# Board of Education Informational Report

## MEMORANDUM

**Date:** May 19, 2014

**To:** Members of the Board of Education

**From:** Michelle Chariton, Sr. Project Manager

**Via:** Randy Miller - Director, Project Management FAM  
James Owens - Executive Director OSM  
C.J. Sylvester - Chief Operating Officer  
Emily Courtnage – Interim Director, Purchasing & Contracting

**Subject:** Public Improvement contract award recommendation – Improvement Project 2014 – Hosford, James John Schools >\$1M

1. Description of procurement: Base Bid for Hosford and James John School Improvement Projects. The scope of work at Hosford includes a full reroof, seismic strengthening, science classroom upgrades, and ADA improvements including a new elevator. The scope of work at James John includes a full reroof, seismic strengthening and ADA improvements including a new elevator. Alternate 1 to add painting of the entire exterior of the 1953 Annex. Alternate 2 to add ceiling mounted electrical raceway, power and cord reels to the classroom 103.
2. Source selection method: Invitation to Bid (ITB)
3. Bids Received and Opened: May 7, 2014
4. Received offers from;

	<u>Base Bid</u>	<u>Alternate 1</u>	<u>Alternate 2</u>
P&C Construction	\$6,225,000.00	\$43,000.00	\$36,000.00
Skyward Construction	\$6,356,169.00	\$16,914.00	\$16,228.00
Woodburn Construction	\$7,490,000.00	\$20,000.00	\$8,800.00
Integrity Structures	Non Responsible		
District/Engineer Estimate	\$4,500,000.00		

5. Bid concerns: none
6. Budget amount for this item \$4,846,173.00
7. Recommendation from Project Manager: Award contract to P&C Construction for Base Bid for a total amount of \$6,225,000.00 with no alternates. See purchasing & contracting consent agenda item.
8. Remarks: None



# Board of Education Informational Report

## MEMORANDUM

**Date:** May 19, 2014

**To:** Members of the Board of Education

**From:** Michelle Chariton, Sr. Project Manager

**Via:** Randy Miller - Director, Project Management FAM  
James Owens - Executive Director OSM  
C.J. Sylvester - Chief Operating Officer  
Emily Courtnage – Interim Director, Purchasing & Contracting

**Subject:** Public Improvement contract award recommendation – Improvement Project 2014 – Grout, Lane Schools >\$1M

1. Description of procurement: Base Bid for Grout and Lane Improvement Projects. The scope of work at Grout includes seismic strengthening. The scope of work at Lane includes seismic strengthening and science classroom upgrades. Alternate 3.2 includes painting and repair of exterior finishes at Grout. Alternate 3.2A includes painting metal roof copings and roof flashings at Grout. Alternate 4.2 includes painting and repair of exterior finishes at Lane. Alternate 4.2A includes painting corrugated metal siding, roof copings, and roof flashings.
2. Source selection method: Invitation to Bid (ITB)
3. Bids Received and Opened: May 13, 2014
4. Received offers from;

	<u>Base Bid</u>	<u>Alt 3.2</u>	<u>Alt 3.2A</u>	<u>Alt 4.2</u>	<u>Alt 4.2A</u>
Baldwin General Contracting	\$818,265.00	\$55,760.00	\$25,588.00	\$47,158.00	\$11,432.00
Todd Hess Building Company	\$854,654.00	\$51,210.00	\$4,800.00	\$43,310.00	\$10,500.00
Payne Construction, Inc.	\$927,471.00	\$16,132.00	\$2,943.00	\$41,093.00	\$4,578.00
Cedar Mill Construction	\$1,108,000.00	\$63,000.00	\$25,000.00	\$58,000.00	\$33,000.00
District/Engineer Est	\$800,000.00				

5. Bid concerns: none

6. Budget amount for this item \$862,533.00
7. Recommendation from Project Manager: Award contract to Baldwin General Contracting for Base total amount of \$818,265.00. See purchasing & contracting consent agenda item.
8. Remarks: None



# Board of Education Informational Report

## MEMORANDUM

**Date:** May 19, 2014

**To:** Members of the Board of Education

**From:** Michelle Chariton, Sr. Project Manager

**Via:** Randy Miller - Director, Project Management FAM  
James Owens - Executive Director OSM  
C.J. Sylvester - Chief Operating Officer  
Emily Courtnage – Interim Director, Purchasing & Contracting

**Subject:** Public Improvement contract award recommendation – Improvement Project 2014 – Arleta, Creston Schools >\$1M

1. Description of procurement: Base Bid for Arleta and Creston School Improvement Projects. The scope of work at Arleta includes a full reroof, seismic strengthening and science classroom upgrades. The scope of work at Creston includes a partial reroof, seismic strengthening, and science classroom improvements. Alternate 1.1 includes painting and repair of exterior finishes at Arleta. Alternate 1.2 includes repair of broken window glazing and replacement of window film at Arleta. Alternate 2.2 includes painting and repair of exterior finishes at Creston. Alternate 2.5 includes chimney removal and installation of boiler flue exhaust fan at Creston.

2. Source selection method: Invitation to Bid (ITB)

3. Bids Received and Opened: May 13, 2014

4. Received offers from;

	Base Bid	Alt 1.1	Alt 1.2	Alt 2.2	Alt 2.5
Payne Construction, Inc.	\$3,286,203.00	\$26,051.00	\$5448.00	\$48,700.00	\$53,255.00
Woodburn Construction Co.	\$4,314,000.00	\$75,000.00	\$9000.00	\$125,000.00	\$80,000.00
District/Engineer Estimate	\$2,708,157.00				

5. Bid concerns: none

6. Budget amount for this item \$2,878,907.00
7. Recommendation from Project Manager: Award contract to Payne Construction, Inc. for Base total amount of \$3,286,203.00. See purchasing & contracting consent agenda item.
8. Remarks: None

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

INDEX TO THE AGENDA

May 19, 2014

Board Action Number	Page
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Personnel

4912	Appointment of Temporary Teachers and Notice of Non-renewal.....	3
------	--	---

Purchases, Bids, Contracts

4913	Expenditure Contracts that Exceed \$150,000 Limit for Delegation of Authority .....	5
------	---	---

Other Items Requiring Board Action

4914	Superintendent's Performance Appraisal 2014.....	8
4915	Extension of Employment Contract with Carole Smith, Superintendent of Portland Public Schools .....	8
4916	2014-15 inter-District Student Transfers .....	9
4917	Directing Amendments to the Long Range Facility Plan Student Capacity Model And Related Comprehensive High School Education Specifications to Include Additional Criteria .....	11
4918	Budget Committee Approval of the FY 2014-15 Budget and Imposition of Property Taxes....	12
4919	Resolution to Authorize Short-term Inter-fund Loan.....	16

Personnel

The Superintendent RECOMMENDS adoption of the following item:

Number 4912

**RESOLUTION No. 4912**

Appointment of Temporary Teachers and Notice of Non-renewal

**RESOLUTION**

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

<b>First</b>	<b>Last</b>	<b>ID</b>	<b>Eff. Date</b>	<b>Term Date</b>
Heidi	Barz	015739	1/30/2014	6/13/2014
Jamey	Billig	018219	3/17/2014	6/13/2014
Amber	Brown	018158	3/31/2014	6/1/2014
Deborah	Crews	019499	1/29/2014	6/13/2014
Christopher	Extine	016131	4/15/2014	6/13/2014
Bryнна	Hurwitz	022829	4/18/2014	6/13/2014
Jennifer	Jangula-McNabb	016130	2/5/2014	6/13/2014
Christine	Knab	007868	4/14/2014	6/13/2014
Bradley	Langton	021441	4/8/2014	6/13/2014

*Sean L. Murray*

Purchases, Bids, Contracts

The Superintendent RECOMMENDS adoption of the following item:

Number 4913

**RESOLUTION No. 4913**

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

**RECITAL**

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

**RESOLUTION**

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

**NEW CONTRACTS**

<b>Contractor</b>	<b>Contract Term</b>	<b>Contract Type</b>	<b>Description of Services</b>	<b>Contract Amount</b>	<b>Responsible Administrator, Funding Source</b>
Dell	5/15/2014	Purchase Order PO 119213	District-wide: 750 Chromebook computers.	\$228,625	J. Klein Fund 101 Dept. 5581
Emerick Construction Co.	05/20/14 through 12/31/14	Construction Services C xxxxx	Jefferson HS – Turf Field and Track Improvement project. As part of the Great Fields project.  ITB 2014-1760	\$1,247,000	T. Magliano Fund 404 & 438 Dept. 5597 Project X0503 & J0172 & J0723
ABC Roofing Company, Inc.	05/20/2014 through 12/31/2014	Construction Services C xxxxx	Clarendon - Roof Replacement Services.  ITB 2014-1815	\$1,012,614	T. Magliano Fund 438 & 404 Dept. 5597 Projects J0141 & X0108
P&C Construction	5/20/2014 through 12/31/2015	Construction C xxxxx	Improvement Projects 2014:  James John : Reroof, seismic upgrades, ADA, elevator.  Hosford: Reroof, seismic upgrades, ADA, elevator, science classroom remodels.  ITB-C 2014-1721	\$6,225,000	Jim Owens Fund 451 Dept. 5591 Projects DC206, DC306, DC406, DB106
Payne Construction	5/20/2014 through 12/31/2014	Construction C xxxxx	Improvement Projects 2014  Arleta: Reroof, seismic upgrades  Creston: Reroof, seismic upgrades, science classroom remodels  ITB-C 2014-1795	\$3,386,203	Jim Owens Fund 451 Dept. 5591 Projects DB106, DB206, DB306
Baldwin General Contracting	5/20/2014 through 12/31/2014	Construction C xxxxx	Improvement Projects 2014  Lane: Seismic upgrades, science classroom remodels  Grout: Seismic upgrades  ITB-C 2014-1793	\$818,265	Jim Owens Fund 451 Dept. 5591 Projects DB106, DC306

TBD – Responses received on 5/15/2014; vendor selection under evaluation. *	5/20/2014 through 12/31/2015	Construction C xxxxx	Improvement Projects 2014 Beach: Seismic upgrades, ADA, elevator, science classroom remodels  Woodlawn: Seismic upgrades, science classroom remodels  ITB-C 2014-1796	Maximum Not to Exceed: \$2,500,000	Jim Owens Fund 451 Dept. 5591 Projects DB106, DC306, DC406
TBD – Responses due on 5/21/2014. *	5/22/2014 through 12/31/2014	Construction C xxxxx	Improvement Projects 2014 Boise-Eliot/Humboldt: Reroof, seismic upgrades, science classroom remodels  Chief Joseph: Seismic upgrades with partial roof replacement.  ITB-C 2014-1794	Maximum Not to Exceed: \$2,500,000	Jim Owens Fund 451 Dept. 5591 Projects DB106, DC206, DC306

\*At the time of printing, bids for these projects had not yet closed and/or successful bidders were not yet identified. In order to ensure that these projects can begin immediately upon contract award and thus be fully completed before the start of the 2014-15 school year, the Superintendent recommends that the Board give advance authorization for these contracts, as permitted by PPS-45-0200(4)(b)(C). The Superintendent or her designee will award the final contracts for these projects within the Maximum Not to Exceed limits noted above.

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

No New IGAs

**AMENDMENTS TO EXISTING CONTRACTS**

No New Amendments to Existing Contracts

*N. Sullivan*

Other Items Requiring Board Action

The Superintendent RECOMMENDS adoption of the following items:

Numbers 4914 through 4919

**RESOLUTION No. 4914**

Superintendent's Performance Appraisal 2014

**RECITALS**

- A. In May 2008, by way of Resolution No. 3909, the Board of Education ("Board") adopted the superintendent performance appraisal that included specific areas of focus.
- B. The Board used these areas of focus for Superintendent Smith's current performance appraisal for the period of October 2012-April 2014. In addition, the Board evaluated the Superintendent's performance in relation to the school district's strategic priorities.
- C. The Board has reviewed the Superintendent's performance in light of the performance standards and the progress of the District, and has reviewed this appraisal with the Superintendent.

**RESOLUTION**

The Board hereby adopts the 2014 Superintendent performance appraisal, a copy of which is on file in the District office.

*J. Patterson*

**RESOLUTION No. 4915**

Extension of Employment Contract with Carole Smith, Superintendent of Portland Public Schools

**RECITALS**

- A. In light of her strong performance, the Board of Education ("Board") wishes to extend for three years Superintendent Smith's employment agreement. The term of Superintendent Smith's new contract will run from July 1, 2014, through June 30, 2017 .
- B. The Board greatly appreciates Superintendent Smith's service and dedication to Portland Public Schools ("District").

**RESOLUTION**

The Board hereby extends the employment agreement for Superintendent Smith through June 30, 2017. A copy of the employment agreement is on file in the District offices.

*J. Patterson*

## RESOLUTION No. 4916

### 2014-15 Inter-District Student Transfers

#### RECITALS

- A. Each year, PPS responds to more than 1,000 requests for interdistrict transfers, both for students who live within the PPS boundary to attend schools in other districts and for students from other districts to attend schools here. During the 2014-15 school year, more than 800 non-resident students attended PPS schools with the approval of their resident district through the standard interdistrict transfer process.
- B. In the past twelve months the Oregon Legislature approved House Bill 2747 and House Bill 4007, bringing significant changes to the standard interdistrict transfer process. Under the new laws:
- Students who move out of district during the school year do not have to obtain consent from either district to remain at their current school through the end of that school year.
  - By a date determined by the district, a school board must declare the amount of spaces, if any, available for non-resident students to transfer into a school district and for resident students to transfer out for the following school year.
  - If there are more applicants than space, a district must use a fair and equitable lottery to decide which students will be accepted. Priority may be given to current students and their siblings.
  - In making an interdistrict transfer decision, a district may not consider a student's race, religion, sex, sexual orientation, ethnicity, national origin, disability, health, whether a student has an individualized education program, the terms of the individualized education program, income level, residence, proficiency in the English language, athletic ability or academic records, including eligibility for or participation in a talented and gifted program, special education or related services.
  - While former transfer agreements stood for one year only, the new laws allow receiving districts to decide the duration of future interdistrict transfer agreements.
  - Districts that release students to other districts may not impose any limits on the length of time for which consent is given.
- C. Superintendent Smith recommends PPS set an initial level of 800 interdistrict transfer slots for students returning to or newly enrolling in the district. In accordance with state law, that number may be revised at a later time so long as there are no pending applications.
- D. The superintendent is committed to operating a simple and family-friendly application process, and to provide results to families by the end of June, 2014. The process will include:
- Automatic applications entered for all current non-resident students to return to their current school
  - An online form available in multiple languages for new applicants
  - Outreach in supported languages for emerging bilingual families
  - Lottery priority for students currently enrolled at a school and for students with an older brother or sister who will attend that school next year. Random lottery numbers will be used as tie-breakers as needed.
  - Options to transfer to other schools with remaining slots for any students who are approved to the district, but who are not placed at their requested school due to lack of space.
- E. Superintendent Smith recommends that interdistrict lottery approvals into PPS remain in effect through the highest grade of the approved school. Once a student reaches the highest grade, he/she will have to apply to attend a different PPS school the following year, if desired.
- F. Additionally, the superintendent recommends that PPS allow up to 30 resident students to attend schools in other districts beginning in the 2014-15 school year. This number does not include approximately 120 students released in 2013-14 who, under the new laws, now have the right to

remain at their current non-resident district, or approximately 325 students approved through open enrollment (HB 3681) since 2012.

### **RESOLUTION**

1. The Board of Directors for Portland Public Schools accepts the Superintendent's recommendation to open 800 slots for non-resident students to transfer into PPS and for 30 students to transfer out to other districts for the 2014-15 school year.
2. The Board directs the superintendent and her delegates to allocate slots by school and grade level, and to follow these priorities in the event of more applicants than space:
  - Prioritize students currently enrolled in a school over new students
  - Prioritize new students with co-enrolled siblings attending a school over new students without co-enrolled siblings
3. The Board accepts the Superintendent's recommendation that interdistrict transfer agreements into PPS will remain in effect through the highest grade of the approved school.
4. The Board directs the Superintendent and staff to draft policy changes for school board approval, adjust administrative directives and procedures in compliance with HB 2747 and 4007 and report back to the board on the results of the 2014-15 transfer process prior to the 2015-16 transfer cycle.

*S, Higgens*

## RESOLUTION No. 4917

### Directing Amendments to the Long Range Facility Plan Student Capacity Model and Related Comprehensive High School Education Specifications to Include Additional Criteria

#### RECITALS

- A. On November 18<sup>th</sup> 2013 the Board approved Resolution No. 4840 “Authorizing Franklin, Grant and Roosevelt Full Modernization Building Capacities as part of the 2012 Bond Program and Acknowledging Related Impact on the Program Reserve”:
- B. The Resolution increased high school student design capacities for Franklin, Grant, and Roosevelt high schools.
- C. The Resolution further directed staff to master plan Roosevelt High School to include a subsequent phase to add future classrooms to bring total classroom capacity to the common area capacity
- D. On February 3, 2014, the Board approved Resolution No. 4871 “Adopting District Education Specifications for Comprehensive High Schools.”
- E. Extensive internal and external stakeholder engagement has resulted in additional student-driven values that can be expressed as metrics for determining additional classroom requirements than were previously identified and adopted for our comprehensive high schools.
- F. These additional criteria include increasing the number of credit options available to students, decreasing the student:teacher ratio, and improving scheduling options to reduce impact on teachers.
- G. These additional criteria supplement the classroom *utilization* metric of 100% that continues to be applied as identified in the adopted education specification.
- H. These additional criteria require the provision of a substantial number of additional classrooms.
- I. Additional classrooms further require additional supplementary extended learning and teacher collaboration spaces.

#### RESOLUTION

- 1. The Board directs staff to develop and bring forward for Board adoption amendments to the Long Range Facility Plan student capacity model and related Comprehensive High School Education Specifications to include the identified additional criteria.

C. Sylvester

## RESOLUTION No. 4918

### Budget Committee Approval of the FY 2014/15 Budget and Imposition of Property Taxes

#### RECITALS

- A. Oregon Local Budget Law, Oregon Revised Statute (ORS) 294.426, requires the Budget Committee of Portland Public Schools (District) to hold one or more meetings to receive the budget message and the budget document; and to provide members of the public with an opportunity to ask questions about and comment upon the budget document.
- B. On March 31, 2014, the Budget Committee received the Superintendent's budget message and Proposed Budget document for fiscal year 2014/15.
- C. On April 21 and April 28, 2014, the Budget Committee held advertised public hearings to discuss and receive public comment on the Proposed Budget.
- D. Oregon Local Budget Law, ORS 294.431, requires submission of the budget document to the Tax Supervising Conservation Commission (TSCC) by May 15 of each year. ORS 294.431 allows taxing jurisdictions to request an extension of the submission date.
- E. The District requested, and the TSCC authorized, extending the submission date to no later than May 23, 2014.
- F. The Board of Education (Board) appointed a Citizen Budget Review Committee (CBRC) to review the Proposed Budget and current year expenditures of the existing Local Option Levy. The CBRC acts in an advisory capacity to the Board.
- G. On May 12, 2014, the Budget Committee received testimony and a report on the current year Local Option Levy expenditures and testimony and budget recommendations from the CBRC.
- H. Oregon Local Budget Law, ORS 294.428 requires that each legal jurisdiction's Budget Committee approve a budget and specify the *ad valorem* property tax amount or rate for all funds.
- I. It is noted that \$0.5038 per \$1,000 of assessed value of the Permanent Rate Tax Levy, (commonly known as the "Gap Tax") and the entirety of the Local Option Tax Rate Levy are excluded from State School Fund calculations.
- J. ORS 457.010(4)(a)(D) provides the opportunity for a school district to be excluded from urban renewal division of tax calculations with a statutory rate limit on July 1, 2003, that is greater than \$4.50 per \$1,000 of assessed value. To the extent that the rate limit was increased under section 11 (5)(d), Article XI of the Oregon Constitution, property tax revenue from said increase is excluded from local revenues. The District will notify the county assessors of the rate to be excluded for the current fiscal year not later than July 15.
- K. Portland Public Schools has a statutory rate limit that is in excess of the \$4.50 limitation that includes an increase under section 11 (5)(d), Article XI of the Oregon Constitution.

#### RESOLUTION

- 1. The Budget Committee commends the superintendent for developing a budget that is responsive to the priorities and program improvements affirmed by the board during the following discussions:

- September 16, 2013 on expansion of dual language immersion
  - December 2, 2013 on budget priorities
  - January 21, 2014 on amendment to the 2013-14 budget and how those changes might be sustained in the year to come; also the discussion of the 2014-15 forecast on that date
  - February 12, 2014 on college and career readiness
  - March 3, 2014 on school staffing
  - March 10, 2014 on early learning and athletics
2. The Budget Committee acknowledges the increase in funding available to PPS for 2014-15 as a result of increased appropriation by the state legislature and continued increases in the local revenues from PPS local option levy. The Committee appreciates that this allows PPS to start to rebuild the programs its students need and deserve and notes that funding is still far from adequate. The Committee notes, for example, that the state is still more than 20% from meeting the required funding level defined by its Quality Education Commission.
  3. The Budget Committee commends the superintendent for proposing a budget that allocates the majority of the increased funding to teachers and instructional time for students. The Committee supports the fact that this reflects the recently agreed memorandum of understanding with the Portland Association of Teachers and includes a significant increase in the number of teachers in PPS schools and an increase in instructional time through extended the school year by two days for all students.
  4. The Budget Committee acknowledges the work of the high school action team, the diploma and college/career taskforce, the pathway advisory committees and industry partners and thanks them for their work. The Committee commends the superintendent for proposing a budget that builds upon the work of these teams and that:
    - Funds the development of an early response system
    - Reflects the board's priority of increasing career technical education through expansion of learning opportunities at high schools, increasing resources to support new and existing classes, and a modest increase in central staffing support for programs
    - Sustains and expands support for acceleration strategies like the advanced scholars program at Franklin high school.
  5. The Budget Committee supports the use of one-time funds to make strategic investment in needed resources such as technology for students, curriculum materials, and capital improvements for an early learners center at Clarendon.
  6. The Budget Committee approves the budget as summarized in Attachment "A".
  7. The Budget Committee approves the budget for the fiscal year 2014/15 in the total amount of \$878,792,431
  8. The Budget Committee resolves that the District imposes the taxes provided for in the approved budget:
    - a. At the rate of \$5.2781 per \$1,000 of assessed value for operations;
    - b. At the rate of \$1.9900 per \$1,000 of assessed value for local option tax for operations;
    - c. In the amount of \$47,906,755 for exempt bonds.

And that these taxes are hereby imposed and categorized for tax year 2014/15 upon the assessed value of all taxable property within the district.

Taxes are hereby imposed and categorized as for tax year 2014/15 upon the taxable assessed value of all taxable property in the District, as follows:

	Education Limitation	Excluded from Limitation
Permanent Rate Tax Levy	\$5.2781/\$1,000 of assessed valuation	
Local Option Rate Tax Levy	\$1.9900/\$1,000 of assessed valuation	
Bonded Debt Levy		\$47,906,755

- 9. The Budget Committee further resolves that \$0.5038 per \$1,000 of taxable assessed value is excluded from division of tax calculations, as the Permanent Rate Tax Levy attributable to the increase provided in section 11 (5)(d), Article XI of the Oregon Constitution (such increase is a result of the expiring Gap Tax Levy).

*N. Sullivan / D. Wynde*

**ATTACHMENT "A" TO RESOLUTION No. 4918**  
**2014/15 Approved Budget**

Schedule of Appropriations and Other Balances

Fund	Instruction	Support Services	Enterprise & Community Services	Facilities Acquisition & Construction	Debt Service	Transfers Out	Contingency	Ending Fund Balance	Fund Total
Fund 101	304,324,430	200,107,818	1,765,169	-	-	6,924,043	21,123,059	-	534,244,519
Fund 201	8,818,532	-	-	-	-	-	-	3,260,830	12,079,362
Fund 202	-	-	18,424,839	-	-	-	-	2,803,327	21,228,166
Fund 205	42,041,859	22,091,665	2,221,246	-	-	-	-	-	66,354,770
Fund 225	-	-	-	-	-	-	-	15,882,500	15,882,500
Fund 299	14,858,085	1,755,958	64,102	173,624	-	-	-	-	16,851,769
Fund 307	-	-	-	-	2,871,199	-	-	-	2,871,199
Fund 308	-	-	-	-	39,799,326	-	-	-	39,799,326
Fund 309	-	-	-	-	76,285	-	-	-	76,285
Fund 320	-	-	-	-	1,303,621	-	-	-	1,303,621
Fund 350	-	-	-	-	45,033,350	-	-	-	45,033,350
Fund 404	-	-	-	13,743,029	-	-	-	-	13,743,029
Fund 407	-	3,460,657	-	-	-	-	180,814	-	3,641,471
Fund 420	-	-	-	200,000	-	-	-	-	200,000
Fund 435	-	-	-	1,598,553	-	-	-	-	1,598,553
Fund 438	-	4,400	-	4,488,020	-	-	-	-	4,492,420
Fund 445	-	-	-	2,477,582	-	-	-	-	2,477,582
Fund 450	-	435,600	-	59,187,841	-	-	31,570,869	-	91,194,310
Fund 601	-	3,420,199	-	-	-	-	2,300,000	-	5,720,199
<b>Total</b>	<b>\$ 370,042,906</b>	<b>\$ 231,276,297</b>	<b>\$ 22,475,356</b>	<b>\$ 81,868,649</b>	<b>\$ 89,083,781</b>	<b>\$ 6,924,043</b>	<b>\$ 55,174,742</b>	<b>\$ 21,946,657</b>	<b>\$ 878,792,431</b>

## RESOLUTION No. 4919

### Resolution to Authorize Short-term Inter-fund Loan

#### RECITALS

- A. On June 17, 2013 the Board of Education adopted the 2013-14 Budget for Portland Public Schools (District) and imposed property taxes. Included in the imposition of property taxes was \$46,007,694 for the first year's principal and interest payments for the Bonded Debt Levy.
- B. The due date for the first payment of interest is December 15th and the second due date of interest and principal is June 15th. The district opted to purchase the State of Oregon Guarantee Program for its payments. The Oregon Guarantee program requires the district to deposit those payments with a local trustee on December 1st and June 1st, respectively. The trustee holds those funds until the actual payment dates are due to the registered bond holders on the dates reflected above.
- C. The District's expectation was that the tax imposed was sufficient to make all payments on time. The tax collections rate was estimated to be at 94% for this fiscal year. Tax collections are received from the counties on or about the 12<sup>th</sup> of each month.
- D. Some taxpayers elect to pay their taxes on a quarterly basis and some of the payments are made late over the course of the year on a month-by-month basis. The next quarterly payment is due to be received by the District on or about the 12th of June. However, due to the June 1st payment to the bond trustee, this latest quarterly payment is not yet available to the District. This is a timing issue. The District is expected to receive the full amount from the 2013-14 property taxes, but not by June 1<sup>st</sup>. To date, the District has received more than \$41 million of the \$43,262,232 needed for debt service this year.
- E. To resolve this cash flow situation, the District will need to execute an inter-fund loan from the General Fund to the GO Bond Debt Service Fund to meet the cash payment to the trustee as required on June 1, 2014.
- F. Current estimates of cash flows from the GO Bond tax collections indicate a worst case scenario of at most a \$2 million inter-fund loan necessary for no more than 90 days.
- G. Staff recommends that this inter-fund loan be interest free as the estimated interest expense is approximately \$200, an immaterial amount. The interest free basis would avoid the necessity of processing an additional 2013-14 budget amendment.
- H. The superintendent recommends approval of this resolution in order that the District make timely and adequate payments upon its debt.

#### RESOLUTION

- 1. The Board hereby authorizes an interest free inter-fund loan of up to \$2 million from the General Fund to the GO Bond Debt Service Fund in order to ensure the full cash amount necessary for to the Bond Trustee on June 1, 2014.
- 2. District staff are directed to immediately re-pay the General Fund as each of the tax collections of the GO Bond Debt Service are received subsequent to June 1, 2014.

*N. Sullivan / D. Wynde*