



## BOARD OF EDUCATION

### Portland Public Schools Policy Committee Meeting September 14, 2020

## VIRTUAL MEETING

*In light of current public health concerns related to COVID-19, this meeting will take place virtually.\**

Under the provision of ORS 192.670, the meeting will be streamed live:  
<https://www.youtube.com/user/ppscmms/live>

To request to sign-up for public comment please send an email with your first and last name, and topic to [PublicComment@pps.net](mailto:PublicComment@pps.net), or call Kara Bradshaw at 503-916-3906. Requests for Public Comment will be processed in the order that they are received, and should be received by 12:00 pm on the day of the meeting. Once your spot is confirmed, instructions for addressing the board will be sent to you via email.

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

- I. Introductions
- II. Staff Update: Student Suicide Prevention Policy - 5 min.
- III. Staff Update: Student Conduct and Discipline Policy - 5 min.
- IV. Discussion: 8.70.040-P Preservation, Maintenance and Disposition of District Real Property - 20 min.
- V. Discussion: 4.50.032-P Formal Public Complaints - 20 min.
- VI. Discussion: 2020-2021 Policy Committee agenda and work plan - 60 min.
- VII. Public Comment - (5) two-minute slots - 10 Min.
- VIII. Adjourn

#### **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.*



# Preservation, Maintenance, and Disposition of District Real Property

The Portland Public Schools Board of Education has a fiduciary responsibility to preserve and maintain the District's real property assets to serve current students and to ensure the District can serve its students for decades to come. For that reason, transactions involving the District's real property shall preserve as much as possible the District's ability to use assets for its own students and educational services now and in the future and, only on rare occasions, will the District sell a property without replacing that property with an equivalent or better property.

### **Duty to Maintain and Preserve Real Property**

The Board of Education recognizes that the District's real property assets must be maintained in a sufficient physical condition to preserve their value and utility. The Board shall take necessary steps, taking into account budgetary constraints, to preserve and maintain the physical integrity of District real property.

### **Objectives in Real Property Transactions**

District properties that are not currently needed for District purposes will be managed to carry out the following objectives:

- Reflect the District's short-, intermediate-, and long-term educational and operational needs, considering long-term population and enrollment projections for the Portland area;
- Maintain flexibility in lease terms to allow for early termination to adjust to enrollment fluctuations or other District needs for the property; and
- Provide revenue and other support for District needs; in this case, the District must seek maximum long-term financial and other benefits. The District recognizes that conveyance of real property rights-of-way or easements may be imposed as a condition of approval of District development projects without compensation or may occur for other good or valuable consideration.

### **Sale of Real Property**

Under ORS 332.155, the District may lease, sell, and convey all property of the District



# Preservation, Maintenance, and Disposition of District Real Property

that will not be required for the District's educational purposes in the long term. In the unlikely event that District property does not support the District's mission now or in the future, the Superintendent shall recommend to the Board the disposal of such property, including a thorough analysis of the implications of any property sale on fulfillment of the District's educational mission over the long term. Selling a District property without replacing it with an equivalent or better property shall be a last resort.

The Board of Education directs the following:

1. Superintendent's Real Property Sale Recommendation: The Superintendent shall develop and adopt an administrative directive establishing a process for developing recommendations to the Board on the sale of any District property. The process shall include at a minimum the following components:
  - a. Notification of the Board of Education.
  - b. A summary of the factors considered in the development of the recommendation, including a market and needs analysis.
2. Sale of District Property Recommendation-Public Hearing: Any process to consider the sale of the property shall be a transparent and public process, and at least one public hearing shall be held by the Board prior to declaring any real property or portion thereof appropriate for sale. If the Board determines that a District property is appropriate for sale, it shall pass a resolution identifying the property, how relinquishing property promotes both the District's mission and the public interest, and the terms and conditions under which it may be sold.
3. Sale process: Once the property is declared appropriate for sale by the Board, the Superintendent, or such persons as may be designated by the Superintendent, shall establish and conduct a process for sale or other conveyance of the property. The Superintendent will market and negotiate a proposed sale or other conveyance of the property and bring a recommended agreement to the Board for the Board's review and approval.

3. \_\_\_\_\_

**Presumption of Market ~~Rate~~ Terms:**

[When selling, leasing, or otherwise entering into transactions involving real property,](#)



### Preservation, Maintenance, and Disposition of District Real Property

the District shall pursue maximum market value and other then-current market terms.  
~~Unless the Board makes an express finding that the disposition transaction involving of-District property for less than market terms rate confers significant benefit to the District and the communities it serves, the District shall pursue maximum market value for any sale, lease, or disposition under this policy.~~ Any express finding justifying less than market terms shall consider the following factors:

- a. General economic or other conditions such as recession or pandemic
- b. Specific circumstances particular to the other party
- c. Benefits to PPS of offering below-market terms
- d. The communities being served by the other party, including whether they include historically underserved students, students who qualify free or reduced lunch, or similar status
- e. Connection of the other party to the District or its students (e.g., PPS charter school, an organization providing direct services to PPS students) and
- 4.f. Application of the PPS Racial Equity & Social Justice lens

The Board may also apply these criteria more stringently in the case of sale or other permanent disposition of any real property.

If reasonable attempts to dispose of surplus real property fail to produce a sufficient monetary return to the District, the Board may dispose of such property in another manner.

Notwithstanding any other part of this policy, if District property in a contemplated real estate transaction was purchased with state, federal, or private grant funds, any transaction involving the property shall be made as required in the grant or by state or federal regulations.<sup>[EL1]</sup>



## Board Policy

8.70.040-P

### Preservation, Maintenance, and Disposition of District Real Property

The Board delegates authority to the Superintendent or his/her designee to approve and execute real estate transactions in which the total value of the transaction is at or below applicable delegation thresholds for District expenditure and revenue contracts, as set forth in PPS Public Contracting Rule 45-0200 (Authority to Approve and Execute District Contracts), in which conveyance of real property rights-of-way or easements is imposed as a condition of approval of District development and maintenance projects, and-or in which the transaction can be terminated by the District within ~~3~~90 days or less. All other real estate transactions shall require Board approval. The Superintendent will provide a quarterly report to the ~~b~~Board regarding leases signed below the delegation threshold.

Legal References: ORS 271.330 ORS 332.155

History: Adopted 6/71; Amended 12/13/76; Amd. 8/28/78; Amd. 10/13/83; Amd. 8/31/95; Amd. 10/28/02 BA2463; Amd. 1/12/09 BA 4019; Amd. 11/13/18; Amd. \_\_\_\_\_.

**DRAFT Formal Public Complaint Policy 4.50.032-P**  
**Community Engagement Plan**  
**September 10, 2020**

The PPS Board Policy and Governance Committee is considering revisions and updates to Formal Public Complaints Policy 4.50.032-P in order to provide clarity for complainants and staff who respond to complaints and for members of the Board when appeals to complaint responses are considered.

**Background**

The PPS formal complaints process is an important tool for students, parents/guardians and families to pursue when resolving issues and concerns at school however, in most cases, it is recommended that families work directly with school-based staff, teachers and administrators to address problems where relationships between staff, students and families are strongest. When informal efforts aren't successful, the formal complaints policy may be an effective method for families.

In 2017, the PPS Board of Education considered and approved substantial revisions to Formal Complaints Policy 4.50.032-P. Now that the revised policy has been implemented for more than two academic years, staff and Board members have identified additional minor revisions to be considered by the Policy and Governance Committee.

**Community engagement approach**

Staff recognizes that there are established stakeholders (past complainants) who should be contacted to seek input regarding proposed revisions to the policy and also to ascertain what works well and identify areas for improvement as users of the policy. The community engagement process will provide an opportunity to gather feedback from a broader, more diverse set of students and families within the PPS community. A review of the total number of formal complaints filed since 2014 reveals a pattern of only one demographic (White families) accessing the district's formal complaint process. While some racial diversity was observed among the complainants who accessed this service during the 2019-2020 school year, it is likely that barriers exist for historically underserved and non-White populations. It is our intent to reach out to a variety of student and family groups during the engagement process to ensure that all students and families have the access, information and tools needed to resolve school-based issues effectively.

**Stakeholders and audiences**

The following table outlines the revisions and associated stakeholders and audiences staff proposes to include in the community engagement plan. Timeline TBD based on Committee input.

Current Policy Revision and Issue for Discussion	Suggested Language and/or Approach	Recommended Engagement for Students Most Impacted by Decision	Suggested Revisions to another policy (i.e. Administrative Directive)
<p>I. Page 4 section D #2: clarify the definition of “assistance” the district may provide a complainant when preparing a written complaint.</p> <p>II. Clarify that to be eligible, complainants must reside within the PPS boundary.</p> <p>III. State explicitly that once an issue has been considered at all levels, the same issue cannot be resubmitted for consideration by the same complainant.</p>	<p>I. Add to that section the following sentence: “A list of resources can be found <u>here</u> (with a hyperlink to a list of examples/types of resources offered).</p> <p>II. Add the following sentence to the policy: “The formal complaint policy and associated process applies to residents living within the PPS boundary.</p> <p>III. Add the following sentence to the policy: “Complaints that have been previously filed, investigated and responded to on behalf of the District and/or Board cannot be refiled per Oregon Administrative Rule.”</p>	<p>The following activities are recommended to solicit general feedback and for engagement regarding specific policy revisions:</p> <ul style="list-style-type: none"> <li>● Contact previous student complainants</li> <li>● Contact previous BIPOC complainants</li> <li>● Present and discuss policy and revisions with student affinity groups (TBD)</li> <li>● Conduct a BIPOC family focus group (via CBOs Latino Network, IRCO, others)</li> <li>● Survey all previous complainants</li> <li>● Interview conflict resolution experts (PSU, City of Portland Ombudsman)</li> </ul>	



## Complaint Policy

4.50.032-P

Portland Public Schools recognizes students, parents/guardians, and the broader PPS community as essential partners in the educational process. These important partners must have the opportunity to make their concerns known to the District. Maintaining strong relationships includes having a fair, accessible process in which complaints can be addressed in a timely manner. Portland Public Schools welcomes expressions of concern as opportunities to learn, clarify our intentions, and engage in continuous improvement to benefit all students.

Whenever possible, concerns should be resolved informally through direct communication with the school or department directly involved in the issue. If this approach does not resolve the concerns, the District provides a formal complaint process. The Board intends that complaints be resolved as expeditiously quickly as possible and in compliance with state law.

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

- I. ~~Administrative Directive creation and review~~; Annual reports; Transparency and accessibility
  - A. ~~The Board of Education directs the Superintendent to implement an administrative directive that sets forth the specific process and procedure for complaint resolution. The administrative directive and any changes that are subsequently made will be submitted to the Board for review.~~ The Board further directs the Superintendent to make information regarding the complaint process to members of the school community in a manner that is accessible and user-friendly, and to provide training for building administration and designated district staff in the implementation of the policy and administrative directive. ~~Since~~ Because complaints can be an important indicator of the health of an organization, the Superintendent will provide to the Board at least annually a document that provides data on trends and emerging issues, as well as the functioning of the process.



A full explanation of the complaint procedure, including all forms, shall be available at the dDistrict's administrative office and on ~~the home page of~~ the dDistrict's website.

### **1. Types of complaints**

This policy provides a process for resolving complaints as required by Oregon Administrative Rule [581-022-2370](#), including, but not limited to complaints related to:

- a) Instructional standards and practices
  - (1) Curriculum
  - (2) Teaching strategies
  - (3) Testing
  - (4) Counseling
  - (5) Class size
  - (6) Alternative education programs
  - (7) Instructional materials
  - (8) Compliance with state standards
- b) Special education
- c) Health and safety
- d) Equitable education opportunities
- e) Sports safety
- f) Restraint and/or seclusion
- g) Discrimination in education
- h) Retaliation against a student or parent/guardian

## **II. TIMELINES**

- A.** In order to investigate a complaint while memories are recent and witnesses and documents are likely more available, a complaint may be filed within the following time limits established by state law:
  - 1. Within two years after the alleged violation or unlawful incident occurred or the complainant discovered the alleged violation or unlawful incident. For incidents that are continuing in nature, the time limitation runs from the date of the most recent incident; OR
  - 2. Within one year after the affected student has graduated from, moved away from, or otherwise left the dDistrict, whichever is later.
- B.** The time limitations for bringing formal complaints may be extended by the District for complaints concerning significant student safety issues, including those arising out of employee misconduct, sexual abuse or conduct, or other allegations of harm to students.
- C.** The receipt of a written complaint starts the 90-day timeline for resolution of complaints under this policy.

### III. FILING A COMPLAINT

#### A. STEP 1:

1. The written complaint must be filed with the District's complaint coordinator via letter, email, or the [written complaint form](#). The written complaint should include the name and contact information for the complainant, a description of the concern, and the student's name, if applicable. It is helpful if the written complaint also includes the names of any other parties involved, including witnesses, a description of efforts to resolve the concern, and suggestions for resolution. The complainant shall receive a written acknowledgement of receipt of the complaint within 5 days of submitting the written complaint.
2. In most situations, a District leader for the involved school, or the appropriate departmental supervisor, will be responsible for investigating and responding to the complaint at Step 1. The Superintendent may assign a different decision maker at Step 1 as appropriate.
3. All formal complaints will receive a decision in writing that addresses each concern raised and contains reasons for the District's decision within 30 days of receipt of the complaint, unless the parties agree to extend the deadline. The resolution will include information about the next steps in the complaint process

### IV. FILING AN APPEAL

#### A. STEP 2: APPEAL TO THE SUPERINTENDENT

If the issue is not resolved to the complainant's satisfaction, the complainant may request a review by the Superintendent. The request for review shall be submitted in writing within 10 days of the complainant receiving ~~notice of resolution from the~~ **decision in** Step 1.

1. After reviewing materials previously submitted or gathered and after conducting additional review, if deemed necessary, the Superintendent or designee shall issue a written decision addressing each concern raised and the reason for the decision and provide the decision to the complainant, pursuant to OAR 581-022-2370. All complaints appealed to the Superintendent will receive a decision in writing within 30 days of receipt of the request for review. The ~~Superintendent or designee~~ **decision** will include information on the steps for further appeal under this policy.
2. Upon receiving the Superintendent's decision, if the complainant wants to continue to appeal, the complainant may appeal to the Board.

## B. STEP 3: APPEAL TO THE PPS SCHOOL BOARD

The Board will vote on ~~the substance of~~ the appeal within 30 days of the written request to appeal the Superintendent's decision. The Board will have the full written record of the decisions at Step 1 and Step 2. The complainant may submit additional written information to the Board and may provide testimony ~~during public comment~~ **when the complaint is heard**. The Board shall decide that the Superintendent's final decision is:

1. Affirmed and no further action will be taken; or
2. Reversed and may direct the Superintendent to take alternative steps or other course of action. To the extent the Board modifies the Superintendent's decision, it will issue a final decision that addresses each concern raised in the complaint and contains reasons for the District's decision.

If the complainant is not satisfied with the decision of the Board, the complainant can file an appeal with the Oregon Department of Education (ODE) as permitted by OAR 581-022-2370(4)(b) and OAR 581-002-00**0540**.

## C. Anonymous Complaints

PPS accepts confidential anonymous complaints by email at [anonymouscomplaints@pps.net](mailto:anonymouscomplaints@pps.net) and phone at 503-916-3462. Those making complaints anonymously should provide as much information as possible when making the complaint. PPS will investigate any complaint, including anonymous complaints, as fully as it can.

## D. Other provisions

1. [Translation and interpretation services](#) are available to complainants.
2. The District will provide resources for complainants who request assistance in preparing a written complaint. ~~REQUEST ASSISTANCE~~ **A list of resources can be found HERE**
3. The Superintendent shall avoid any conflicts of interest, or the appearance of conflicts of interest, in assigning the district representative to investigate and respond to a complaint.
4. Complainants may bring an advocate or support person to any meeting or proceeding.
5. Retaliation against any person who files or participates in the complaint

process is strictly prohibited. Retaliation is any **intentional** action that would deter a reasonable person from participating in the process. Anyone who believes they have suffered retaliation should immediately report it to the Superintendent or PPS Board of Directors.

6. The District will share with complainants as much information as possible about the findings of the investigation and will, in all cases, share the outcome of its investigation of complaints. However, PPS is often prohibited from disclosing specific information about disciplinary action taken against an employee involved in the complaint. The Board will not hear complaints against employees in a session open to the public unless an employee requests an open session.
7. If the **d**District fails to meet the timelines set forth in this process, the complainant may appeal to the PPS School Board or to the Oregon Department of Education. The timelines may be extended by the mutual consent of the complainant and the District. For example, this may be needed if there are many witnesses to interview, key witnesses are unavailable because of holidays, medical leave, etc., or if a particular Board meeting does not work for the complainant.
8. As used in this policy, “days” will be counted as “calendar days.” Any period for response under this policy that falls on a weekend or legal holiday shall be extended to the next business day.
9. The **d**District may not be able to assure confidentiality of the names of persons who file complaints under this policy.
10. If a complaint alleges employee misconduct that is outside the scope of this policy, the complaint coordinator will notify the Superintendent in writing of that filing, and the District will endeavor to respond in a timely manner to the complaint.
11. Current and former employees may not bring a complaint under this policy regarding the terms, conditions, or status of their employment.
12. **Complaints that have been previously filed, investigated, and responded to and for which appeals have been exhausted or the time for appeal has expired on behalf of the District and/or Board cannot be refilled. per OAR-XXXX.**

#### **E. Complaints against the Superintendent or members of the Board of Education**

Any complaint about the Superintendent shall be reviewed by the Board of Education.

Board members are volunteers serving in an elected capacity and are accountable to

the citizens in the Portland Public Schools district for their actions and policy positions. Complaints alleging ethics violations or violations of the law against an individual Board member should be made to the Board chair who will refer these issues to appropriate governmental jurisdictions or a third party if a majority of the Board approves of the referral. Complaints related to ethics violations or violations of the law against the Board Chair should be made to the Board Vice-Chair(s) who will refer these issues to appropriate governmental jurisdictions or a third party if a majority of the Board approves of the referral. If a third party investigates a complaint, after receiving the results of the investigation, the Board shall decide, within 30 days, in open session what action, if any, is warranted.

#### **F. Complaints submitted to school board members**

School board members who receive formal complaints from constituents or staff shall forward complaints to the District's complaint coordinator. Board members shall forward informal complaints to the appropriate school or department in order to address the concern.

### **V. FURTHER APPEAL RIGHTS**

If any complaint alleges a violation of Oregon Administrative Rule (OAR) Chapter 581, Division 22 (Standards), Oregon Revised Statute (ORS) 339.285 to 339.383 or OAR 581-021-0550 to 581-021-0570 (Restraint and Seclusion), or ORS 659.852 (Retaliation), and the complaint is not resolved through the complaint process, the complainant, who is a student, a parent or guardian of a student attending a school in the district or a person who resides in the district, may appeal a final decision by the district to the Deputy Superintendent of Public Instruction as outlined in Oregon Administrative Rule (OAR) 581-002-000540.

If the complaint alleges discrimination pursuant to ORS 659.850 (Discrimination in Education) a complainant may appeal a final decision by the District to the Oregon Department of Education or may file a complaint directly with the U.S. Department of Education without having to exhaust district procedures under this policy.

In addition to using the District complaint procedure, Special Education complaints may be made directly to the Oregon Department of Education. The complainant must send a copy of the complaint to the District simultaneous to filing it with the Department of Education.

Adopted 11/2014; Amended 6/12/18, \_\_\_\_/2020

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#### **Legal Reference(s):**

[ORS 192.610 to 192.690](#)

[ORS 332.107](#)

[ORS 339.285 to 339.383](#)

[ORS 659.852](#)

[OAR 581-022-2370](#)

## DRAFT

### Board Policy Committee Work Plan Discussion September 14, 2020

The Policy Committee will discuss priorities for a 2020-2021 agenda and work plan for policy revisions and development. Current items for consideration include, but are not limited to the following:

#### **Policies undergoing review/engagement**

OSBA Section DB (Considering changes recommended by OSBA)  
Student Suicide Prevention Policy (implementing new legislation; pending further student and community engagement)  
Student Conduct and Discipline (pending PAT bargaining)  
Formal Public Complaints (consider amendments for family experience and clarity)  
Real Estate policy (technical amendments, criteria for below-market terms)

#### **Content for future meetings**

Title IX-related policies (compliance with new laws and distinguishing among state and federal requirements)  
Code of Ethics--including conflict of interest (new--best practice)  
Indemnification (new)  
Foundation (reviewing structure and operations)  
Enrollment-related policies  
Climate Crisis Response Policy (JBE/Mike Rosen)  
Student Representative Duties (student recommended amendments)  
Committee Charter  
OSBA policy revision and rescissions (ongoing)  
Comprehensive Sexuality Education Policy (to clarify opt-out provisions based on ODE guidance)