

Work Session with Vote on Consent  
Agenda  
Tuesday, January 10, 2023 6:00 PM

Dr. Matthew Prophet Education Center -  
Windows Cafeteria / Conference Room (Floor  
2)  
501 N. Dixon St.  
Portland, OR 97227

## **Agenda**

1. 6:00 pm - Consent Agenda - Resolutions 6629-6632
  - 1.(a) Resolution 6629 - Adoption of the Index to the Minutes
  - 1.(b) Resolution 6630 - Expenditure Contracts
  - 1.(c) Resolution 6631 - Revenue Contracts
  - 1.(d) Resolution 6632 - Harrison Park Contracting Exemption
2. 6:05 pm - Discussion: 2023-2024 School Year Calendar
3. 6:30 pm - Update: Discipline Data
4. 7:30 pm - Adjourn

**RESOLUTION No. 6629**

The Following Index to the Minutes are offered for Adoption

- 12/13/2022 – Regular Meeting



# Index to the Minutes

*(Draft for Approval)*

## Regular Meeting

December 13, 2022

*This document is a record of the actions taken by the Board of Education at the Regular Meeting held on December 13, 2022. In accordance with ORS 192.650, the District's official School Board Meeting Minutes are maintained via video recording and may be viewed at <https://www.youtube.com/watch?v=FOVu2TVUDOc&list=PL8CC942A46270A16E&index=4>*

### Board Member Attendance

Present: Chair Scott; Vice-Chair Hollands; Directors Brim-Edwards, DePass, Greene, Kohnstamm, and Lowery; Student Representative McMahon

Absent: None

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Statements for the Record .....	NA

### RESOLUTIONS

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## ACTIONS TAKEN

- **Consent Agenda – Resolutions 6620 through 6624**

Director Hollands moved and Director Greene seconded the motion to approve the Consent Agenda, as amended. The motion was put to a voice vote and pass (7 yes – 0 no).

Director Julia Brim-Edwards: Yes, Director Michelle DePass: Yes, Director Greene: Yes, Director Hollands: Yes, Director Amy Kohnstamm: Yes, Director Eilidh Lowery: Yes, Director Andrew Scott: Yes; Student Representative McMahon: Yes (Unofficial)

Subsidiary Actions:

Director Hollands pulled contract number 92416 from Resolution 6621 for individual consideration.

- **Approval of Contract Number 92416**

Director Brim-Edwards moved and Director Greene seconded the motion to move the approval of contract number 92416 to a vote.

Director Scott then moved and Director Brim-Edwards seconded the motion to postpone the vote on contract 92416 to the next regular meeting. The motion was put to a voice vote and passed (7 yes – 0 no) with Student Representative McMahon voting yes (unofficially)

- **Resolution 6625: Acceptance of the Annual Comprehensive Financial Report, Reports to Management and the Report on Requirements for Federal Awards**

Director Kohnstamm moved and Director Brim-Edwards seconded the motion to approve Resolution 6625. The motion was put to a voice vote and passed (7 yes – 0 no).

- **Resolution 6626: 2023 Portland Public Schools Legislative Agenda**

Resolution 6626 was introduced by Board Chair Andrew Scott. Approval of the Resolution as amended was put to a voice vote and passed (7 yes – 0 no).

Director Julia Brim-Edwards: Yes, Director Michelle DePass: Yes, Director Greene: Yes, Director Hollands: Yes, Director Amy Kohnstamm: Yes, Director Eilidh Lowery: Yes, Director Andrew Scott: Yes; Student Representative McMahon: Yes (Unofficial)

Subsidiary Actions:

Director Scott moved and Director Lowery seconded the motion to amend the 2023 Portland Public Schools Legislative Agenda to include a priority to request legislature to eliminate or increase the cap. The motion was put to a voice vote and passed (7 yes – 0 no)

Director Julia Brim-Edwards: Yes, Director Michelle DePass: Yes, Director Greene: Yes, Director Hollands: Yes, Director Amy Kohnstamm: Yes, Director Eilidh Lowery: Yes, Director Andrew Scott: Yes; Student Representative McMahon: Yes (Unofficial)

- **Resolution 6627: Resolution Authorizing Jefferson High School Modernization Comprehensive Plan**

Director Greene moved and Director Hollands seconded the motion to approve resolution 6627, as amended. The motion was put to a voice vote and passed (7 yes – 0 no).

Director Julia Brim-Edwards: Yes, Director Michelle DePass: Yes, Director Greene: Yes, Director Hollands: Yes, Director Amy Kohnstamm: Yes, Director Eilidh Lowery: Yes, Director Andrew Scott: Yes; Student Representative McMahon: Yes (Unofficial)

Subsidiary Actions:

Director Hollands moved and Director Greene seconded the motion to amend Resolution 6627 to direct the Superintendent to initiate a process to develop a plan to increase student enrollment at Jefferson High School. The motion was put to a voice vote and passed (7 yes – 0 no) with Student Representative McMahon voting yes (unofficial)

Director Julia Brim-Edwards: Yes, Director Michelle DePass: Yes, Director Greene: Yes, Director Hollands: Yes, Director Amy Kohnstamm: Yes, Director Eilidh Lowery: Yes, Director Andrew Scott: Yes; Student Representative McMahon: Yes (Unofficial)

Amendment Language Added as Approved:

By no later than the start of the 2026-2027 school year, the Superintendent will initiate a process to develop a plan to increase student enrollment at Jefferson High School. This plan should consider the impact on overall enrollment, and attempt to balance student numbers, across all comprehensive high school campuses, and assure comparable curriculum and programming. This process shall conclude no later than the end of the 2026-2027 school year with a recommendation submitted to the Board for its consideration no later than June 2027.

- **Oregon School Board Association (OSBA) Board of Directors, Position 17**

Director Scott called for a voice vote to nominate Katrina Daughtry for Position 17 on the OSBA Board of Directors. The vote passed (7 yes – 0 no).

**RESOLUTION No. 6620**

The Following Index to the Minutes are offered for Adoption

- 11/15/2022 – Regular Meeting

**RESOLUTION No. 6621****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 the following agreements.

**NEW CONTRACTS**

<b>Contractor</b>	<b>Contract Term</b>	<b>Contract Type</b>	<b>Description of Services</b>	<b>Contract Amount</b>	<b>Responsible Admin, Funding Source</b>	<b>Certified Business</b>
D & R Masonry Restoration, Inc.	12/14/22 through 12/13/25	Flexible Services Contractor Pool FSCP 92146	District-wide masonry services on an as-needed basis. Request for Proposals 2022-018	Not to exceed \$3,000,000	D. Jung Funding Source Varies	No
Innercept, LLC	12/14/22 through 6/30/23	Personal Services PS 92497	Educational and mental health services to PPS student per student’s IEP. Direct Negotiation – Therapeutic Placement -- PPS 46-0525(12)	\$213,675	C. Proctor Fund 101 Dept. 5414	No

\*A Certified Business is a for-profit business certified as a Minority-Owned Businesses (MBE), Women-Owned Businesses (WBE), Emerging Small Businesses (ESB), and/or Service-Disabled Veteran Businesses (SDV) by the State of Oregon Certification Office for Business Inclusion and Diversity.

**NEW COOPERATIVE PURCHASING AGREEMENTS****NO NEW COOPERATIVES****NEW INTERGOVERNMENTAL AGREEMENTS (“IGAs”)**

<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>
David Douglas School District	7/1/22 through 6/30/23	Intergovernmental Agreement IGA 92427	Regional services to individuals with Autism Spectrum Disorder.	\$180,400	C. Proctor Fund 205 Dept. 5433 Grant G2070
Reynolds School District	7/1/22 through 6/30/23	Intergovernmental Agreement IGA 92433	Regional services to individuals with Autism Spectrum Disorder.	\$249,700	C. Proctor Fund 205 Dept. 5433 Grant G2070
West Linn - Wilsonville School District	7/1/22 through 6/30/23	Intergovernmental Agreement IGA 92480	Regional services to individuals with Autism Spectrum Disorder.	\$178,200	C. Proctor Fund 205 Dept. 5433 Grant G2070

**AMENDMENTS TO EXISTING CONTRACTS**

<b>Contractor</b>	<b>Amendment Term</b>	<b>Contract Type</b>	<b>Description of Services</b>	<b>Amendment Amount, Contract Amount</b>	<b>Responsible Admin, Funding Source</b>	<b>Certified Business</b>
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Relay Resources	12/17/22 through 8/1/23	Services S 64948 Amendment 5	Weekly laundry services to Nutrition Services department. Qualified Rehabilitation Facility – PPS-45-0410	\$57,500 \$308,500	D. Jung Fund 202 Dept. 5570	No
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**RESOLUTION No. 6622****Revenue Contracts that Exceed \$150,000 Limit for Delegation of Authority****RECITAL**

Portland Public Schools (“District”) Public Contracting Rules PPS-45-0200 (“Authority to Approve District Contracts; Delegation of Authority to Superintendent”) requires the Board of Education (“Board”) to enter into and approve all contracts, except as otherwise expressly authorized. Contracts exceeding \$150,000 per contractor are listed below.

**RESOLUTION**

The Superintendent recommends that the Board approve these contracts. The Board accepts this recommendation and by this resolution authorizes the Deputy Clerk to enter into the following agreements.

**NEW REVENUE CONTRACTS**

No New Revenue Contracts

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

<b>Contractor</b>	<b>Contract Term</b>	<b>Contract Type</b>	<b>Description of Services</b>	<b>Contract Amount</b>	<b>Responsible Administrator, Funding Source</b>
University of Oregon	11/15/22 through 6/30/28	Intergovernmental Agreement / Revenue IGA/R 92445	Funding for Ballmer Institute/District liaison.	\$360,000	C. Proctor Fund 299 Dept. 5424 Grant S0487

**AMENDMENTS TO EXISTING REVENUE CONTRACTS**

<b>Contractor</b>	<b>Contract Term</b>	<b>Contract Type</b>	<b>Description of Services</b>	<b>Amendment Amount, Contract Amount</b>	<b>Responsible Administrator, Funding Source</b>
State of Oregon – Department of Education	10/1/22 through 6/30/23	Intergovernmental Agreement / Revenue IGA/R 90272 Amendment 3	Passthrough of SIA funds to The Ivy School, a state sponsored charter school.	\$190,175 \$462,317	C. Proctor Fund 251 Dept. 5486 Grant W0500
State of Oregon – Department of Education	10/1/22 through 6/30/23	Intergovernmental Agreement / Revenue IGA/R 90271 Amendment 3	Passthrough of SIA funds to Cottonwood School, a state sponsored charter school.	\$129,360 \$305,781	C. Proctor Fund 251 Dept. 5486 Grant W0500

**RESOLUTION No. 6623**

Authorization for Off-Campus Activities

**RECITAL**

Portland Public Schools (“District”) Policy 6.50.010-P (“Off-Campus Activities”) requires the Board of Education (“Board”) consent to student out-of-state travel.

**RESOLUTION**

The Board has reviewed the request for out-of-state travel. All required documents have been submitted to the Risk Management Department. The Superintendent recommends that the Board consent to the student out-of-state travel for the below request:

**AUTHORIZATION FOR OFF-CAMPUS ACTIVITIES**

<b>Date(s)</b>	<b>School, Course, and Number of Students</b>	<b>Purpose of Travel</b>	<b>Travel Destination</b>	<b>Estimated Cost</b>	<b>Equitable Field Trip Fund; %</b>
2/28-3/5/23	Jefferson HS Dancers, 18	Workshops, performances, auditions	Point Park University, Pittsburgh, PA	\$1200	N/A
12/16-12/21/22	Roosevelt HS M Basketball, 14	Basketball tournament, team bonding	Seattle, WA	\$400	Unknown
12/16-12/21/22	Benson HS M Basketball, 12	Basketball tournament	Seattle, WA	\$641.66	100%

**RESOLUTION No. 6624**

Resolution to Appoint Audit Committee Member

**RECITALS**

1. Pursuant to Board Policy, the Board Audit Committee shall be comprised of five members appointed by the school board. All appointees shall be independent of the district's management and administrative service. The Audit Committee will be comprised of three members of the school board and two ex-officio public members with a general knowledge of the district and the audit process. Committee members shall serve for two years, serving from July 1 to June 30, and may be re-appointed at the end of their term.
2. The Audit Committee Chair, after consultation with the Committee members, recommends the Board appoint Caroline Zavitkovski as a member for two years beginning immediately.

**RESOLUTION**

The Board appoints Caroline Zavitkovskias ex-officio member of the Board Audit Committee for a two-year term through June 30, 2024.

**RESOLUTION No. 6625**

Acceptance of the Annual Comprehensive Financial Report, Reports to Management and the Report on Requirements for Federal Awards

**RECITALS**

- A. The Board of Education is committed to accountability for how Portland Public Schools spends its tax dollars and other resources, and recognizes that transparency, accuracy, and timeliness in financial reporting are important components of financial accountability.
- B. The District Auditor, Talbot, Korvola & Warwick, LLP, has completed their independent audit of the financial reporting for the year ended June 30, 2022, and provides assurance that the District's accounting and reporting are in compliance with generally accepted accounting principles.

**RESOLUTION**

The Board of Education accepts the Annual Comprehensive Financial Report, Reports to Management, and Report on Requirements for Federal Awards of School District No. 1J, Multnomah County, Oregon for the fiscal year ended June 30, 2022, and authorizes the reports to be distributed to required state and federal agencies and filed for future reference.

**RESOLUTION No. 6626**

2023 Portland Public Schools Legislative Agenda

**RECITALS**

- A. In January, the Oregon Legislature will convene the 2023 Regular Legislative Session during which hundreds of bills affecting education will be introduced and debated.
- B. Additionally, the Legislature will approve a budget for the 2023-2025 biennium that will contain the State School Fund, the primary funding source for K-12 education in Oregon and for Portland Public Schools.
- C. The Portland Public Schools Board recognizes that legislative advocacy is essential for the District and for our ability to affect education public policy in Oregon.
- D. The Portland Public Schools Legislative Agenda is aligned with the Board of Education's 2022-2027 goals: Third grade reading, fifth grade mathematics, eighth grade readiness and high school graduation.
- E. Portland Public Schools' first and foremost priority for the 2023 Regular Legislative Session is for the legislature to provide robust funding to advance student achievement in every school district in Oregon.
- F. The district is also calling on the legislature to pass measures that provide robust academic and enrichment programming to address unfinished learning as a result of the COVID-19 pandemic.
- G. Portland Public Schools will advocate to build on the progress the legislature made when they passed the Student Success Act by continuing to support centering racial equity in school funding decisions.
- H. Portland Public Schools will advocate for increased investments in programs that support the social and emotional well-being of our students and their families.
- I. The district also strongly supports measures that enhance the ability of PPS to close the opportunity gap for historically underserved students and enhance racial equity in the district and statewide.
- J. The legislative agenda was developed through consultation with students, district staff, board members, and other state-wide associations and partners.

**RESOLUTION**

- 1. The Board adopts the 2023 Legislative Agenda as the formal position of the Board of Education for the 2023 Regular Legislative Session focusing on priority areas of education funding, student achievement and safety, expanded learning opportunities and workforce diversity and development.

**RESOLUTION No. 6627**

Resolution Authorizing Jefferson High School Modernization Comprehensive Plan

**RECITALS**

- A. The Board of Education adopted resolutions 6153 and 6161 authorizing submission to the voters of Portland Public Schools (PPS) a general obligation bond that included the full modernization of Jefferson High School.
- B. The election was duly and legally held on November 3, 2020 and the general obligation bonds were approved by a majority of the qualified voters of PPS voting at the election.

**RESOLUTION**

- 1. The Board of Education directs staff to utilize the Jefferson High School Comprehensive Planning Report (December 1, 2022) as a guide to construct the modernized Jefferson High School to an approximate size of 339,000 square feet.
- 2. The Office of School Modernization will return to the Board of Education with any major substantive changes to the Jefferson High School proposed space program.
- 3. By no later than the start of the 2026-2027 school year, the Superintendent will initiate a process to develop a plan to increase student enrollment at Jefferson High School. This plan should consider the impact on overall enrollment, and attempt to balance student numbers, across all comprehensive high school campuses, and assure comparable curriculum and programming. This process shall conclude no later than the end of the 2026-2027 school year with a recommendation submitted to the Board for its consideration no later than June 2027.

**RESOLUTION No. 6630**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 the following agreements.

**NEW CONTRACTS**

<b>Contractor</b>	<b>Contract Term</b>	<b>Contract Type</b>	<b>Description of Services</b>	<b>Contract Amount</b>	<b>Responsible Admin, Funding Source</b>	<b>Certified Business</b>
Mackenzie	1/11/23 through 12/12/25 Option to renew for up to two additional one-year terms through 12/12/27	Related Services RS 92472	Land use planning on an as-needed basis. Request for Proposals 2022-034	\$200,000	D. Jung Fund 101 Dept. 5594	No
The Bookin Group	1/11/23 through 12/12/25 Option to renew for up to two additional one-year terms through 12/12/27	Related Services RS 92460	Land use planning on an as-needed basis. Request for Proposals 2022-034	\$200,000	D. Jung Fund 101 Dept. 5594	WBE
Moore Iacofano Glotsman, Inc.	1/11/23 through 12/12/25 Option to renew for up to two additional one-year terms through 12/12/27	Related Services RS 92456	Land use planning on an as-needed basis. Request for Proposals 2022-034	\$200,000	D. Jung Fund 101 Dept. 5594	No
D&R Masonry Restoration, Inc.	1/11/23 through 12/13/25	Flexible Services Contractor Pool FSCP 92146	Flexible Services Contractor Pool – masonry services on an as-needed basis. Request for Proposals 2022-018	Not to exceed \$3,000,000	D. Jung Funding Source Varies	No
Lewis & Clark College	1/11/23 through 8/31/23	Personal Services PS 92517	Develop a leadership preparation program for the PPS Leadership Profile as named in the Wallace Foundation Grant / Equity Centered Pipeline Initiative. Direct Negotiation – Non-District Funding Source PPS-46-0525(6)	\$725,000	S. Reese Fund 299 Dept. 5449 Grant S0455	NA – Not for Profit

Relay Resources	1/11/23 through 11/30/27	Services S 92534	Rental and weekly laundering of dust mops for all District sites. Special Class Procurement – Qualified Rehabilitation Center PPS-45-0410(1)	\$579,985	D. Jung Fund 101 Dept. 5593	NA - Nonprofit
Serendipity Center, Inc.	1/11/23 through 6/30/24	Master Contract MSTR 92577	Provide educational services to District students whose IEPs require this placement. Direct Negotiation – Therapeutic Placement PPS-46-0525(12)	Not to exceed \$1,000,000	C. Proctor Fund 101 Dept. 5414	No
Pacific Office Automation	2/1/23 through 1/31/28  Option to renew for up to five additional one-year terms through 1/31/33	Personal Services PS 92597	Provide a complete hardware and software solution for District Publication Services to provide high volume printing, binding, web submission, billing, and account management. Request for Proposals 2022-031	\$2,173,123	D. Wolff Fund 101 Dept. 5471	No
Brown & Brown Northwest, Inc.	1/11/23 through 12/31/26	Personal Services PS 92612	Act as Insurance Broker of Record for District. Direct Negotiation – Ongoing, Long-Term Relationship PPS-46-0525(3)	\$617,161	L. Large  Fund 101 Dept. 5540	No

\*A Certified Business is a for-profit business certified as a Minority-Owned Businesses (MBE), Women-Owned Businesses (WBE), Emerging Small Businesses (ESB), and/or Service-Disabled Veteran Businesses (SDV) by the State of Oregon Certification Office for Business Inclusion and Diversity.

#### NEW COOPERATIVE PURCHASING AGREEMENTS

Contractor	Contract Term, Renewal Options	Administering Contracting Agency	Description of Goods or Services	Estimated Spend During Contract Term	Responsible Administrator, Funding Source	Certified Business
Rexel, Inc.	1/11/23 through 4/30/27	Multnomah County COA 92539	Purchase of electrical supplies for Maintenance Department on an as-needed basis.	\$500,000	D. Jung Fund 101 Dept. 5593	No

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

Contractor	Contract Term	Contract Type	Description of Services	Contract Amount	Responsible Administrator, Funding Source
Gresham-Barlow School District	7/1/22 through 6/30/23	Intergovernmental Agreement IGA 92511	Regional services to eligible individuals with Autism Spectrum Disorder.	\$271,700	C. Proctor Fund 205 Dept. 5433 Grant G2070
Oregon Teachers Standards and Practices Commission (TSPC)	9/1/22 through 8/31/23	Intergovernmental Agreement IGA 92514	Develop a leadership preparation program for the PPS Leadership Profile as named in the Wallace Foundation Grant / Equity Centered Pipeline Initiative	\$250,525	S. Reese Fund 299 Dept. 5449 Grant S0455

#### AMENDMENTS TO EXISTING CONTRACTS

Contractor	Contract Term	Contract Type	Description of Services	Contract Amount	Responsible Admin, Funding Source	Certified Business
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Organization for Educational Technology & Curriculum (OETC)	1/11/23 through 7/31/24	Cooperative Contract COA 90350	This amendment adds funding for purchase of CrowdStrike Falcon platform, software, and support.	\$2,800,00 0 \$5,586,37 0	D. Wolff Funding Source Varies	NA - Nonprofit
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**RESOLUTION No. 6631**

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

**RECITAL**

Portland Public Schools (“District”) Public Contracting Rules PPS-45-0200 (“Authority to Approve District Contracts; Delegation of Authority to Superintendent”) requires the Board of Education (“Board”) to enter into and approve all contracts, except as otherwise expressly authorized. Contracts exceeding \$150,000 per contractor are listed below.

**RESOLUTION**

The Superintendent recommends that the Board approve these contracts. The Board accepts this recommendation and by this resolution authorizes the Deputy Clerk to enter into the following agreements.

**NEW REVENUE CONTRACTS**

No New Revenue Contracts

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

<b>Contractor</b>	<b>Contract Term</b>	<b>Contract Type</b>	<b>Description of Services</b>	<b>Contract Amount</b>	<b>Responsible Administrator, Funding Source</b>
State of Oregon	7/1/22 through 9/30/23	Intergovernmental Agreement / Revenue IGA/R 92537	Oregon Department of Education grant for purchase of equipment for Special Education students.	\$544,028	C. Proctor Fund 205 Dept. 9999 Grant G2120

**AMENDMENTS TO EXISTING REVENUE CONTRACTS**

No Amendments to Existing Revenue Contracts

## **RESOLUTION No. 6632**

### Harrison Park School Conversion Project: Exemption from Competitive Bidding and Authorization for Use of a Request for Proposals Alternative Contracting Method

#### **RECITALS**

- A. The Board of Directors of Portland Public Schools ("District") is the Local Public Contract Review Board ("Board") pursuant to ORS 279A.060.
- B. ORS 279C.335(2) authorizes the Board to exempt certain public contracts or classes of contracts from the standard competitive bidding process otherwise required by the Public Contracting Code and Rules upon certain findings.
- C. In a duly and legally held election on November 3, 2020, general obligation bonds were approved by a majority of the qualified voters of Portland Public Schools voting at the election ("2020 Capital Improvement Bonds").
- D. The District intends to begin the Harrison Park School Conversion Public Improvement Project ("Harrison Park Project") as part of the 2020 Capital Improvement Bond work.
- E. Staff has determined that use of the Request for Proposals ("RFP") alternative contracting method is the preferred method of delivery for the complex Harrison Park Project. This determination is supported by draft Findings of Fact ("Draft Findings"), attached hereto as Exhibit A, and presented to the Board pursuant to ORS 279C.335.
- F. These Draft Findings specify the cost savings and design, scheduling, operational, safety, and logistical advantages gained through use of the Request for Proposals alternative contracting method.
- G. On December 16, 2022, the District issued a public notice in the Business Tribune announcing the District's intent to utilize the RFP alternative contracting method for the Harrison Park Project. The notice was issued in compliance with ORS 279C.335 and the PPS Public Contracting Rules. The Draft Findings were made available for public review and comment on the date of publication.
- H. The District held a public hearing on the Draft Findings on January 3, 2023.
- I. The Superintendent recommends approval of the exemption from Competitive Bidding and approval of the RFP alternative contracting method for solicitation of the Harrison Park Project.

#### **RESOLUTION**

- 1. The Board hereby adopts the Draft Findings in support of use of the RFP alternative contracting method for the Harrison Park Project ("Findings").
- 2. The Board hereby exempts the Harrison Park Project from competitive bidding requirements as provided in ORS 279C.335 and PPS Public Contracting Rules -49-0600 through PPS-49-0690. The exemption is based upon the Findings pursuant to ORS 279C.335(2).
- 3. Pursuant to these Findings and decision, the Superintendent or his designee is hereby authorized to conduct an RFP alternative contracting process for the Harrison Park Project.

## Exhibit A

### Draft Findings in Support of Alternative Contracting Method and Use of Request for Proposals Solicitation for Harrison Park Middle School Conversion Phase 2 Project

#### REQUEST

Staff requests that the Board of Education (“Board”), acting as the Local Contract Review Authority for the Portland Public School District (“District”), grant an exemption from the traditional Design-Bid-Build low-bid procurement process and approve the use of an Alternative Contracting Method for the construction of Harrison Park Middle School Conversion Phase 2 Project (the “Project”). Specifically, staff seeks to use a Request for Proposal (RFP) solicitation process. Staff will issue an RFP that will include both qualifications criteria and a lump sum cost proposal to select the contractor (“Proposer”) for the Project.

#### PROJECT DESCRIPTION

The 2020 School Improvement Bond includes funding to convert Harrison Park K-8 school to a middle school. The building requires significant improvements to meet the current Middle School Education Specifications and to optimize the school’s operational and learning environments. Conversion of Harrison Park to a middle school will include full replacement of the failing mechanical system; classroom, gym, restroom and locker room improvements; informational technology improvements; and site/landscaping improvements. Phase 1, which included improvements to the front entry, administrative office, cafeteria, and exterior spaces, was completed in 2022 as a low-bid procurement because the scope of work could be completed during summer recess. Phase 2 will be a substantially more complex, and invasive, phase of work that will require school year as well as summer work in order to complete the work as quickly as possible, and is still anticipated to take roughly two years. This work will include hazardous material abatement, mechanical/electrical/plumbing upgrades, information technology installations, new interior partitions, architectural finishes, and landscaping. The construction cost is expected to be in the \$20-\$25M range. Funding will come from the 2020 Bond funds set aside for Capacity, Mechanical, Security, ADA, and SPED (for specific scopes of work) and Program Contingency (for any remaining Capacity-related work that cannot be covered by currently available Capacity funds). The Project schedule has targeted June 2023 for start of Project-related construction.

The project will address many challenges and require careful planning and coordination during the design and construction phases to complete these scopes effectively and efficiently. Detailed budget and schedule controls are essential to the project’s success. It will be important to utilize a construction firm with the following specific traits:

- **Company and staff skills and experience with projects of this size, scope and complexity** – relevant project experience lowers the risk of cost and schedule overruns due to better understanding of project needs, availability of appropriate company resources for size and complexity;
- **Experience with phasing, staging, and construction means and methods that are sensitive to occupied facilities and surrounding residential neighborhoods** – construction work will be occurring within occupied facilities and tight urban constraints;
- **An exemplary history of on-time delivery with an aggressive timeline** – the facilities to be developed by the project must be delivered in a timely manner due to program and enrollment needs;
- **Ability and commitment to in-depth engagement of the local subcontracting community in support of the District’s Equity in Public Purchasing and Contracting programs;**
- **Flexibility and creativity in addressing unique opportunities and unforeseen conditions** – existing infrastructure often provides unexpected challenges with a short timeline for resolution; and
- **An understanding of the importance of a collaborative and tightly integrated project team.**

#### ALTERNATIVE CONTRACTING METHOD

The conventional design-bid-build contracting methodology (DBB) that is considered competitive bidding under Oregon Revised Statute (ORS) 379C, and therefore represents the basis of public improvement contracting in the State of Oregon, would expose the District to a significant amount of risk based on the parameters of this project. DBB, which only considers the lowest priced bid that conforms to the bidding requirements, does not allow the District to consider any of the above qualities when selecting the most

appropriate contractor. An alternative contracting process is authorized for procurement of construction services under ORS 279C.335, provided that the Board of Education, acting as the local contract review board, approves an exemption from competitive bidding. To appropriately manage the critical needs within this project, PPS staff recommend use of an open and competitive Request for Proposals methodology. Under this Request for Proposals contracting method:

- Contractors will be solicited with a competitive Request for Proposals (RFP) process that utilizes both qualitative and cost criteria for selecting a qualified contractor.
- Qualitative criteria may include prior successful experience with similar project issues; adequacy of equipment and labor; sources of supply; availability of key personnel; financial capacity; past performance; safety records; project understanding and approach; proposed methods of construction; proposed milestone dates; references; commitment to and successful history of engaging Certified Business subcontractors and a diverse workforce; and other matters that affect cost, quality, schedule or other District needs.
- Cost criteria will be addressed by submission of a lump sum cost proposal as part of the RFP response.
- The RFP process will be a publicly noticed, competitive process allowing all interested contractors to submit proposals. A contractor will be selected based on the scored evaluation of their qualifications and cost proposal.

The Request for Proposals utilizing both qualification criteria and a lump sum cost proposal has been successfully used by the District on prior large, complex projects, including the bond-funded Kellogg Middle School replacement project.

## FINDINGS

Following are the factors for consideration under ORS 279C.335 (2), in bold, followed by staff's findings.

“(a) The exemption is unlikely to encourage favoritism in awarding public improvement contracts or substantially diminish competition for public improvement contracts.”

The requested exemption will not encourage favoritism or substantially diminish competition. The District will utilize a competitive Request for Proposal (“RFP”) process. That procurement is formally advertised with public notice and disclosure of the planned Alternative Contracting Method. Full competition will be encouraged and this competitive process will include significant staff outreach to and solicitation of certified minority owned, women owned, service- disabled veteran owned, and emerging small business contractors (“Certified Businesses”) in accordance with the District’s values and policies. The general contracting market is familiar with the RFP process and accepts it as a standard, and often preferred, delivery method. The award will be based upon review and scoring of submitted proposals through identified selection criteria, by a diverse District review committee representing a broad range of experience and qualifications. The lump sum cost proposal component will encourage the same vigorous competition of a design-bid-build procurement methodology and provide opportunity for all interested contractors to participate in bidding for the project, while recognizing that quality is a critical component of cost.

“(b) Awarding a public improvement contract under the exemption will likely result in substantial cost savings and other substantial benefits to the contracting agency or the state agency that seeks the exemption or, if the contract is for a public improvement described in ORS 279A.050 (3)(b), to the contracting agency or the public.”

Through the use of the RFP process to ensure successful Proposers are experienced with the scope, scale and unique qualities of the Project, the District limits its risk of changes to the final contract amount due to incomplete or inaccurate bid estimates.

“In approving a finding under this paragraph, the Director of the Oregon Department of Administrative Services, the Director of Transportation or the local contract review board shall consider the type, cost and amount of the contract and, to the extent applicable to the particular public improvement contract or class of public improvement contracts, the following:”

“(A) How many persons are available to bid;”

Based on previous District RFP construction procurements, it is reasonable to anticipate between four to six firms will propose on the Harrison Park Middle School Conversion Project. PPS staff have been performing outreach for several months and several firms have expressed interest, particularly if the work is procured through an RFP process that recognizes qualitative criteria in addition to cost.

"(B) The construction budget and the projected operating costs for the completed public improvements;"

The estimated construction cost is set forth above in the project description. The District has not yet conducted a detailed analysis of the operating costs, but expects that the new mechanical system will provide energy efficiency improvements and reduce future operating costs. Given the invasive nature and unpredictability of the proposed large-scale infrastructure improvements, having an experienced contractor on the Project will help minimize unexpected increases in construction costs.

"(C) Public benefits that may result from granting the exemption;"

An RFP process allows the District to review the resumes and references of the Proposer's project team, ensuring the selected Proposers have the necessary experience, expertise, and stakeholder-centric approach to address the Project's unique needs. In a traditional design-bid-build procurement, the District awards to the lowest responsible bidder regardless of the above factors. This process would increase risk for the Project, the District, and the community by potentially awarding the bid to a contractor who does not have the qualifications, knowledge or experience to successfully complete the Project.

"(D) Whether value engineering techniques may decrease the cost of the public improvement;"

Value engineering is a routine practice in public improvement projects regardless of procurement method. The selection of an experienced contractor through the RFP process will provide additional opportunities to decrease costs with the contractor's knowledgeable implementation of material submittals, phasing plans, labor allocation and other means and methods.

"(E) The cost and availability of specialized expertise that is necessary for the public improvement;"

The RFP process allows for review of contractor expertise not afforded in traditional procurement. The Harrison Park Middle School Conversion Phase 2 project will require an extensive renovation and invasive infrastructure improvements on a tight schedule, including periods where the site is occupied. Through the RFP process, a contractor can be selected that demonstrates expertise in managing, scheduling and performing successfully in these types of conditions.

"(F) Any likely increases in public safety;"

The existing site is located in an established residential area and will be occupied for periods of the construction. The use of the RFP process allows the District to request a contractor's safety protocols and history as part of the selection criteria. Selection of a contractor with strong protocols and history for the Project will help improve public safety during demolition, hazardous material abatement, construction in occupied areas, and routing of pedestrian, bicycle, and vehicle traffic around construction site access.

"(G) Whether granting the exemption may reduce risks to the contracting agency, the state agency or the public that are related to the public improvement;"

The RFP process will reduce risks to the District and the public through selection of a qualified and experienced contractor. It will improve scheduling, planning and coordination of the Project, thereby reducing financial, schedule, and safety risks.

"(H) Whether granting the exemption will affect the sources of funding for the public improvement;"

There will be no impact on the funding of the Project if the exemption is granted.

"(I) Whether granting the exemption will better enable the contracting agency to control the impact that market conditions may have on the cost of and time necessary to complete the public improvement;"

The exemption will not change the District's ability to control cost and schedule impacts of current market conditions.

"(J) Whether granting the exemption will better enable the contracting agency to address the size and technical complexity of the public improvement;"

Granting the exemption will help deliver a successful Harrison Park Middle School Conversion Phase 2 project. Due to the technical complexity of the Project, careful coordination, staging and scheduling will be essential to project success. The RFP process will allow the District to choose a contractor who demonstrates successful performance history with these types of project challenges, and better enable the District to address the technical complexity.

"(K) Whether the public improvements involve new construction or renovate or remodel an existing structure;"

The Project will involve renovation of an existing structure. Procuring a contractor with experience in complex renovations of occupied structures involving facility infrastructure is critical.

"(L) Whether the public improvements will be occupied or unoccupied during construction;"

Staff anticipate that work will need to take place without pause across two years in order to maintain working systems for occupancy while minimizing the duration of a disruptive construction schedule. This means the site will be occupied for any portions of the renovation that occur during the school year.

"(M) Whether the public improvements will require a single phase of construction work or multiple phases of construction work to address specific project conditions;"

The Harrison Park Middle School Conversion Phase 2 project may include some limited phasing, where the contractor will be off-site, in order to minimize disruptions during the school year. However, this potential for phasing will depend on the selected contractor's proposed construction schedule. Phasing will primarily occur as sub-phasing within the scope of work, to implement scope to completion on specific areas of the building before moving on to the next areas. The exemption will allow the District to evaluate the contractor's qualifications in successfully delivering projects with complex schedules or multiple phases.

"(N) Whether the contracting agency or state agency has, or has retained under contract, and will use contracting agency or state agency personnel, consultants and legal counsel that have necessary expertise and substantial experience in alternative contracting methods to assist in developing the alternative contracting method that the contracting agency or state agency will use to award the public improvement contract and to help negotiate, administer and enforce the terms of the public improvement contract;"

The District's Office of School Modernization and Purchasing & Contracting department have department staff that have the necessary expertise with the proposed alternative contracting method to develop and effectively utilize the RFP method for the Harrison Park Middle School Conversion Phase 2 project.

## CONCLUSION

For the reasons stated above, the draft findings support an exemption from competitive bidding under ORS 279C.335 to utilize the proposed RFP contracting method for the Harrison Park Middle School Conversion Phase 2 project.



# Board of Education

## Staff Report to the Board

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**Board Meeting Date:** January 10, 2023

**Executive Committee Lead:**  
Nolberto Delgadillo, Chief Financial Officer

**Department:** Finance

**Staff Lead:**  
Emily Courtnage,  
Director, Purchasing & Contracting

**SUBJECT: Harrison Park School Conversion Project: Exemption from Competitive Bidding and Authorization for Use of Request for Proposals Contracting Method**

### BACKGROUND

ORS 279C.335(2) authorizes the Board to exempt certain public improvement contracts or classes of contracts from the traditional design/bid/build competitive bidding (i.e., low bid) procurement process. Staff requests that the Contract Review Board approve an exemption from low bid competitive bidding for the Harrison Park School Conversion Project (“Harrison Park Conversion Project”) and authorize staff to utilize a fully competitive Request for Proposals (“RFP”) process as an alternate procurement method. The RFP method was previously approved and utilized for the Phase IV of the Roosevelt Modernization Project.

Per Oregon law, an exemption request and approval to use an alternative contracting method must be supported by the following findings: (1) The exemption is unlikely to encourage favoritism in awarding public improvement contracts or substantially diminish competition for public improvement contracts, *and* (2) Awarding a public improvement contract under the exemption will likely result in substantial cost savings and other substantial benefits to the contracting agency or the public. See ORS 279C.335(2).

A detailed description of the Harrison Park Conversion Project and draft Findings of Fact (“Draft Findings”) supporting the exemption Resolution, as required by ORS 279C.335(2), are set forth in the attached Office of School Modernization staff memo.

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### RELATED POLICIES / BOARD GOALS AND PRIORITIES

District Policy 8.50.090-P designates the Board as the local government contract review board with authority to exempt certain public contracts or classes of contracts from the standard competitive bidding process otherwise required by the Public Contracting Rules, as per ORS 279C.335(2).

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### PROCESS / COMMUNITY ENGAGEMENT

Oregon law requires that the District conduct a public hearing, providing interested parties an opportunity to appear and present comment, prior to adoption of a Resolution exempting a

public improvement project from competitive bidding. See ORS 279C.335(5). Notification of the public hearing must be published in a trade newspaper of general statewide circulation at least 14 days before the hearing. At the time of the Notice, copies of the Draft Findings must be made available to the public.

Purchasing & Contracting published a Notice of Public Hearing concerning the Harrison Park Conversion Project exemption request on December 16, 2022 in the Business Tribune, the same Journal in which Purchasing & Contracting posts all required construction solicitation notices. Instructions for requesting copies of the Draft Findings were included in the Notice of Public Hearing.

A public hearing was held via teleconference on January 3, 2023. At that meeting, no attendees presented questions or comments.

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

The RFP alternative contracting method is in alignment with the District's Equity in Public Purchasing & Contracting Policy and implementation plan. A benefit of the RFP method, as opposed to the standard design/bid/build low-bid contracting method, is the District's ability to include evaluation criteria in the RFP to help ensure selection of a prime contractor with strong commitment to use and demonstrated success in using Certified minority owned, women owned, service-disabled veteran owned, and emerging small businesses ("Certified Businesses") subcontractors or partners. The District will award points for demonstration of a history of Certified Business utilization and a substantive plan of outreach to, partnership with, and/or inclusion of Certified subcontractors.

The Request for Proposals will be open and publicly advertised. Purchasing & Contracting and Office of School Modernization will notify minority contracting communities about the solicitation and encourage Certified Business participation. The selected contractor will be required to comply with the District's Workforce Equity and Career Learning requirements, as well as report on Certified Business subcontractor utilization, during the course of the contract.

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### **BUDGET / RESOURCE IMPLICATIONS**

The RFP method allows the District to carefully screen firms to assure that the contractor chosen to work on the project has the necessary experience and qualifications to successfully work on a project of this scope and size. Thus, the risk of changes to the final contract amount due to incomplete or inaccurate bid estimates is greatly diminished. Further, the ability to select a highly qualified and experienced contractor will improve scheduling, planning, and coordination of the Project, thereby reducing financial, schedule, and safety risks.

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

If this Resolution is adopted, staff in Purchasing & Contracting and the Office of School Modernization will prepare solicitation documents and issue a Request for Proposals for the Harrison Park Conversion Project.

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### **ATTACHMENTS**

- A. Resolution to Authorize Alternative Contracting Method**
- B. Office of School Modernization Staff Memo with Draft Findings**





## PORTLAND PUBLIC SCHOOLS OFFICE OF SCHOOL MODERNIZATION

501 North Dixon Street / Portland, OR 97227  
Telephone: (503) 916-2222/ Fax: (503) 916-3253  
Mailing Address: P. O. Box 3107 / 97208-3107

**Date:** December 16, 2022

**To:** Board of Education

**From:** Marina Cresswell  
Senior Director, Office of School Modernization

**Subject:** Draft Findings in Support of Alternative Contracting Method and Use of Request for Proposals Solicitation for Harrison Park Middle School Conversion Phase 2 Project

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**REQUEST:** Staff requests that the Board of Education (“Board”), acting as the Local Contract Review Authority for the Portland Public School District (“District”), grant an exemption from the traditional Design-Bid-Build low-bid procurement process and approve the use of an Alternative Contracting Method for the construction of Harrison Park Middle School Conversion Phase 2 Project (the “Project”). Specifically, staff seeks to use a Request for Proposal (RFP) solicitation process. Staff will issue an RFP that will include both qualifications criteria and a lump sum cost proposal to select the contractor (“Proposer”) for the Project.

**PROJECT DESCRIPTION:** The 2020 School Improvement Bond includes funding to convert Harrison Park K-8 school to a middle school. The building requires significant improvements to meet the current Middle School Education Specifications and to optimize the school’s operational and learning environments. Conversion of Harrison Park to a middle school will include full replacement of the failing mechanical system; classroom, gym, restroom and locker room improvements; informational technology improvements; and site/landscaping improvements. Phase 1, which included improvements to the front entry, administrative office, cafeteria, and exterior spaces, was completed in 2022 as a low-bid procurement because the scope of work could be completed during summer recess. Phase 2 will be a substantially more complex, and invasive, phase of work that will require school year as well as summer work in order to complete the work as quickly as possible, and is still anticipated to take roughly two years. This work will include hazardous material abatement, mechanical/electrical/plumbing upgrades, information technology installations, new interior partitions, architectural finishes, and landscaping. The construction cost is expected to be in the \$20-\$25M range. Funding will come from the 2020 Bond funds set aside for Capacity, Mechanical, Security, ADA, and SPED (for specific scopes of work) and Program Contingency (for any remaining Capacity-related work that cannot be covered by currently available Capacity funds). The Project schedule has targeted June 2023 for start of Project-related construction.

The project will address many challenges and require careful planning and coordination during the design and construction phases to complete these scopes effectively and efficiently. Detailed budget and schedule controls are essential to the project's success. It will be important to utilize a construction firm with the following specific traits:

- **Company and staff skills and experience with projects of this size, scope and complexity** – relevant project experience lowers the risk of cost and schedule overruns due to better understanding of project needs, availability of appropriate company resources for size and complexity;
- **Experience with phasing, staging, and construction means and methods that are sensitive to occupied facilities and surrounding residential neighborhoods** – construction work will be occurring within occupied facilities and tight urban constraints;
- **An exemplary history of on-time delivery with an aggressive timeline** – the facilities to be developed by the project must be delivered in a timely manner due to program and enrollment needs;
- **Ability and commitment to in-depth engagement of the local subcontracting community in support of the District's Equity in Public Purchasing and Contracting programs;**
- **Flexibility and creativity in addressing unique opportunities and unforeseen conditions** – existing infrastructure often provides unexpected challenges with a short timeline for resolution; and
- **An understanding of the importance of a collaborative and tightly integrated project team.**

**ALTERNATIVE CONTRACTING METHOD:** The conventional design-bid-build contracting methodology (DBB) that is considered competitive bidding under Oregon Revised Statute (ORS) 379C, and therefore represents the basis of public improvement contracting in the State of Oregon, would expose the District to a significant amount of risk based on the parameters of this project. DBB, which only considers the lowest priced bid that conforms to the bidding requirements, does not allow the District to consider any of the above qualities when selecting the most appropriate contractor. An alternative contracting process is authorized for procurement of construction services under ORS 279C.335, provided that the Board of Education, acting as the local contract review board, approves an exemption from competitive bidding. To appropriately manage the critical needs within this project, PPS staff recommend use of an open and competitive Request for Proposals methodology. Under this Request for Proposals contracting method:

- Contractors will be solicited with a competitive Request for Proposals (RFP) process that utilizes both qualitative and cost criteria for selecting a qualified contractor.
- Qualitative criteria may include prior successful experience with similar project issues; adequacy of equipment and labor; sources of supply; availability of key personnel; financial capacity; past performance; safety records; project understanding and approach; proposed methods of construction; proposed milestone dates; references; commitment to and successful history of engaging Certified Business subcontractors and a diverse workforce; and other matters that

affect cost, quality, schedule or other District needs.

- Cost criteria will be addressed by submission of a lump sum cost proposal as part of the RFP response.
- The RFP process will be a publicly noticed, competitive process allowing all interested contractors to submit proposals. A contractor will be selected based on the scored evaluation of their qualifications and cost proposal.

The Request for Proposals utilizing both qualification criteria and a lump sum cost proposal has been successfully used by the District on prior large, complex projects, including the bond-funded Kellogg Middle School replacement project.

**FINDINGS:** Following are the factors for consideration under ORS 279C.335 (2), in **bold**, followed by staff's findings.

**“(a) The exemption is unlikely to encourage favoritism in awarding public improvement contracts or substantially diminish competition for public improvement contracts.”**

The requested exemption will not encourage favoritism or substantially diminish competition. The District will utilize a competitive Request for Proposal (“RFP”) process. That procurement is formally advertised with public notice and disclosure of the planned Alternative Contracting Method. Full competition will be encouraged and this competitive process will include significant staff outreach to and solicitation of certified minority owned, women owned, service-disabled veteran owned, and emerging small business contractors (“Certified Businesses”) in accordance with the District’s values and policies. The general contracting market is familiar with the RFP process and accepts it as a standard, and often preferred, delivery method. The award will be based upon review and scoring of submitted proposals through identified selection criteria, by a diverse District review committee representing a broad range of experience and qualifications. The lump sum cost proposal component will encourage the same vigorous competition of a design-bid-build procurement methodology and provide opportunity for all interested contractors to participate in bidding for the project, while recognizing that quality is a critical component of cost.

**“(b) Awarding a public improvement contract under the exemption will likely result in substantial cost savings and other substantial benefits to the contracting agency or the state agency that seeks the exemption or, if the contract is for a public improvement described in ORS 279A.050 (3)(b), to the contracting agency or the public.”**

Through the use of the RFP process to ensure successful Proposers are experienced with the scope, scale and unique qualities of the Project, the District limits its risk of changes to the final contract amount due to incomplete or inaccurate bid estimates.

**“In approving a finding under this paragraph, the Director of the Oregon Department of Administrative Services, the Director of Transportation or the local contract review board shall consider the type, cost and amount of the contract and, to the extent applicable to the particular public improvement contract or class of public improvement contracts, the following:”**

**“(A) How many persons are available to bid;”**

Based on previous District RFP construction procurements, it is reasonable to anticipate between four to six firms will propose on the Harrison Park Middle School Conversion Project. PPS staff have been performing outreach for several months and several firms have expressed interest, particularly if the work is procured through an RFP process that recognizes qualitative criteria in addition to cost.

**“(B) The construction budget and the projected operating costs for the completed public improvements;”**

The estimated construction cost is set forth above in the project description. The District has not yet conducted a detailed analysis of the operating costs, but expects that the new mechanical system will provide energy efficiency improvements and reduce future operating costs. Given the invasive nature and unpredictability of the proposed large-scale infrastructure improvements, having an experienced contractor on the Project will help minimize unexpected increases in construction costs.

**“(C) Public benefits that may result from granting the exemption;”**

An RFP process allows the District to review the resumes and references of the Proposer’s project team, ensuring the selected Proposers have the necessary experience, expertise, and stakeholder-centric approach to address the Project’s unique needs. In a traditional design-bid-build procurement, the District awards to the lowest responsible bidder regardless of the above factors. This process would increase risk for the Project, the District, and the community by potentially awarding the bid to a contractor who does not have the qualifications, knowledge or experience to successfully complete the Project.

**“(D) Whether value engineering techniques may decrease the cost of the public improvement;”**

Value engineering is a routine practice in public improvement projects regardless of procurement method. The selection of an experienced contractor through the RFP process will provide additional opportunities to decrease costs with the contractor’s knowledgeable implementation of material submittals, phasing plans, labor allocation and other means and methods.

**"(E) The cost and availability of specialized expertise that is necessary for the public improvement;"**

The RFP process allows for review of contractor expertise not afforded in traditional procurement. The Harrison Park Middle School Conversion Phase 2 project will require an extensive renovation and invasive infrastructure improvements on a tight schedule, including periods where the site is occupied. Through the RFP process, a contractor can be selected that demonstrates expertise in managing, scheduling and performing successfully in these types of conditions.

**"(F) Any likely increases in public safety;"**

The existing site is located in an established residential area and will be occupied for periods of the construction. The use of the RFP process allows the District to request a contractor's safety protocols and history as part of the selection criteria. Selection of a contractor with strong protocols and history for the Project will help improve public safety during demolition, hazardous material abatement, construction in occupied areas, and routing of pedestrian, bicycle, and vehicle traffic around construction site access.

**"(G) Whether granting the exemption may reduce risks to the contracting agency, the state agency or the public that are related to the public improvement;"**

The RFP process will reduce risks to the District and the public through selection of a qualified and experienced contractor. It will improve scheduling, planning and coordination of the Project, thereby reducing financial, schedule, and safety risks.

**"(H) Whether granting the exemption will affect the sources of funding for the public improvement;"**

There will be no impact on the funding of the Project if the exemption is granted.

**"(I) Whether granting the exemption will better enable the contracting agency to control the impact that market conditions may have on the cost of and time necessary to complete the public improvement;"**

The exemption will not change the District's ability to control cost and schedule impacts of current market conditions.

**"(J) Whether granting the exemption will better enable the contracting agency to address the size and technical complexity of the public improvement;"**

Granting the exemption will help deliver a successful Harrison Park Middle School Conversion Phase 2 project. Due to the technical complexity of the Project, careful coordination, staging

and scheduling will be essential to project success. The RFP process will allow the District to choose a contractor who demonstrates successful performance history with these types of project challenges, and better enable the District to address the technical complexity.

**“(K) Whether the public improvements involve new construction or renovate or remodel an existing structure;”**

The Project will involve renovation of an existing structure. Procuring a contractor with experience in complex renovations of occupied structures involving facility infrastructure is critical.

**“(L) Whether the public improvements will be occupied or unoccupied during construction;”**

Staff anticipate that work will need to take place without pause across two years in order to maintain working systems for occupancy while minimizing the duration of a disruptive construction schedule. This means the site will be occupied for any portions of the renovation that occur during the school year.

**“(M) Whether the public improvements will require a single phase of construction work or multiple phases of construction work to address specific project conditions;”**

The Harrison Park Middle School Conversion Phase 2 project may include some limited phasing, where the contractor will be off-site, in order to minimize disruptions during the school year. However, this potential for phasing will depend on the selected contractor’s proposed construction schedule. Phasing will primarily occur as sub-phasing within the scope of work, to implement scope to completion on specific areas of the building before moving on to the next areas. The exemption will allow the District to evaluate the contractor’s qualifications in successfully delivering projects with complex schedules or multiple phases.

**“(N) Whether the contracting agency or state agency has, or has retained under contract, and will use contracting agency or state agency personnel, consultants and legal counsel that have necessary expertise and substantial experience in alternative contracting methods to assist in developing the alternative contracting method that the contracting agency or state agency will use to award the public improvement contract and to help negotiate, administer and enforce the terms of the public improvement contract;”**

The District’s Office of School Modernization and Purchasing & Contracting department have department staff that have the necessary expertise with the proposed alternative contracting method to develop and effectively utilize the RFP method for the Harrison Park Middle School Conversion Phase 2 project.

**CONCLUSION:** For the reasons stated above, the draft findings support an exemption from competitive bidding under ORS 279C.335 to utilize the proposed RFP contracting method for the Harrison Park Middle School Conversion Phase 2 project.



**PORTLAND PUBLIC SCHOOLS**  
**DIVISION OF INSTRUCTION & SCHOOL COMMUNITIES**

501 North Dixon Street / Portland, OR 97227

Telephone: (503) 916-3702

Website: <https://www.pps.net/>

**Date:** January 6, 2023  
**To:** School Board  
**From:** Dr. Cheryl Proctor, Deputy Superintendent  
Jonathan Garcia, Chief of Staff  
**Subject:** 2023-24 School District Calendar

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Staff is submitting the attached recommended 2023-24 School District Calendar for the Board to consider and vote on at the January 24, 2023 Board meeting.

The start date for this proposed calendar is August 29; the end date is June 11. This before Labor Day beginning to the school year is consistent with the past several years. The following grade levels have a staggered start:

- Start date for 7th, 8th, 10th, and 11th graders is August 30 to provide a jump start for 6th, 9th and 12th graders
- Start date for Kindergarten is September 5 to allow for a ramp up to welcome Kindergarten students and families

The District considered an after Labor Day start, however, decided against it. Postponing the start of the school year one week will likely not result in better health and safety outcomes. Starting in September after Labor Day means going later in June, which may create additional problems with the heat, which creates challenges for scheduling high school graduation, and which ends the school year on a Muslim holiday.

The calendar again this year has three professional development days (non-student days) added to the calendar to support professional learning for educators at schools designated for Targeted School Improvement (TSI) and Comprehensive School Improvement (CSI). These dates are: October 13, 2022, January 29, 2023, and April 8, 2023. These days are in addition to the 177 days counted toward Required Instructional Time. Professional learning is critical to the successful implementation of newly adopted curriculum and our Instructional Framework.

Staff has sought feedback from a broad array of stakeholders, including PAT, PFSP, principals, several district departments, representatives from school PTAs, RESJ Partners, Local School Foundations, and others. Their responses have been considered prior to this formal school calendar recommendation to the Board.

The recommended calendar for next year also includes many of the features and considerations that were factored into the school calendar the past several years:

- Attempt to create a more student-focused, family-friendly school calendar
- Attempt to preserve or maximize uninterrupted whole weeks for instruction; no scheduled classes are proposed during Thanksgiving week to support family childcare planning and permit parent-teacher conferences to take place

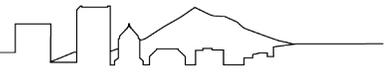
- Effort to keep teacher planning days on Mondays or Fridays to avoid student breaks in the middle of the week
- Goal of ensuring semesters and quarters have a balanced number of instructional days; attempt to balance length of quarters: Q1 = 46 days; Q2 = 44 days; Q3 = 42 days; Q4 = 45 days
- Ensure calendar follows all bargaining units' contracts, including agreed-upon provisions per the ratified PAT contract
- Coordination of spring break with local university calendars, to align with schedules of older siblings and university student interns who work in our classrooms; Oregon spring break is traditionally the last full 5-day work week in March
- Desire to maximize instructional days prior to Advanced Placement, International Baccalaureate, and other end-of-year summative assessments taking place
- Avoid conflicts with major religious and cultural holidays to the extent possible;
  - The District and schools work to the extent possible to avoid scheduling conflicts during school-wide events such as Back to School Nights, Assemblies, and other special events. Attached is a list of major religious and cultural events identified to avoid conflicts.
  - As part of our 2023-2024 school year preparations, we will inform, train and create reminders to educators, school leaders and central office staff about the importance of these in the development of major classroom, school or districtwide events.
- Ensure instructional hours for Seniors meet State requirements. The last day for Seniors will either be May 30th or 31st pending scheduling of graduations.
- A 4-day "Kindergarten Ramp Up" where all Kindergarten students will have 1-day in school over the course of the four days with smaller numbers of students to orient them to school. Historically, Kindergarten has started 3 days after grades 1-12. The three days were mostly used for 1:1 assessments with students. Adding an additional day will provide all students with a smaller group 1-day orientation, relationship building, and 1:1 family connections
- A 1-day Ramp Up for 6th, 9th, and 12th graders at comprehensive middle and high schools to support the transition for students to a new building for 6th and 9th graders and to kick off the final year for seniors

This recommended calendar is an important first step for the District, staff, students, and families to start planning for the 2023-24 school year.

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#### Attachments

1. Recommended 2023-24 School District Calendar
2. List of Major religious and Cultural Events



JULY 2023				
M	T	W	T	F
3	4	5	6	7
10	11	12	13	14
17	18	19	20	21
24	25	26	27	28
31				

AUGUST 2023				
M	T	W	T	F
	1	2	3	4
7	8	9	10	11
14	15	16	17	18
21	22	23	24	25
28	29	30	31	

SEPTEMBER 2023				
M	T	W	T	F
				1
4	5	6	7	8
11	12	13	14	15
18	19	20	21	22
25	26	27	28	29

OCTOBER 2023				
M	T	W	T	F
2	3	4	5	6
9	10	11	12	13
16	17	18	19	20
23	24	25	26	27
30	31			

NOVEMBER 2023				
M	T	W	T	F
		1	2	3
6	7	8	9	10
13	14	15	16	17
20	21	22	23	24
27	28	29	30	

Q 1 = 46

DECEMBER 2023				
M	T	W	T	F
				1
4	5	6	7	8
11	12	13	14	15
18	19	20	21	22
25	26	27	28	29

JANUARY 2024				
M	T	W	T	F
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Q 2 = 44

FEBRUARY 2024				
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MARCH 2024				
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APRIL 2024				
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Q 3 = 42

MAY 2024				
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JUNE 2024				
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Q 4 = 45

	Schools closed due to holiday or break period		Schools transitioning to new sites and new grade bands Professional Development Day
★	First/last day of school for students; 7th-8th, 10th-11th grade start on Aug. 30	◆	End of quarter
+	Day/evening conferences (no school for students)		Teacher Professional Development/planning day (no school for students); Planning days always occur after the end of a quarter
▲	Statewide inservice (no school for students)		Possible snow make-up day
♥ <sub>K</sub>	Kindergarten first day: Kindergarten Ramp Up Aug 29 - Sep 1; K Students attend 1 day between Aug. 29 - Sep. 1 in small groups	♥ PK	Pre-Kindergarten/Head Start first day
➡	Mid-Term Progress Reports	*	Staff Meetings
	New Educator Orientation		Additional Professional Development Day(s) for Designated CSI & TSI Schools will be on the following dates: 8/22, 10/13, 1/29, and/or 4/8; Teachers are compensated at their hourly rate for attending

Major Religious & Cultural Holidays are listed on the following page



### Major Religious Holidays and Cultural Events 2023-24

Please work to avoid scheduling special school events on major religious holidays and cultural events to be inclusive of all students. This includes the scheduling of field trips, back-to-school night, outdoor school, etc. This list of holidays/events does not include all students' traditions and there may be other dates to avoid scheduling conflicts for students.

Sep. 15-17 Rosh Hashanah*	Feb. 14 Ash Wednesday
Sep. 24-25 Yom Kippur*	Mar. 22 - Apr. 20 Ramadan*
Oct. 9 Indigenous Peoples' Day	Mar. 29 Good Friday
Nov. 12 Diwali	Apr. 21-22 Eid al-Fitr*
Nov. 24 Native American Heritage Day	April 22-30 Passover*
Dec. 7-15 Hanukkah*	June 19 Juneteenth
Dec. 25 Christmas	June 27-28 Day of Arafat*
Dec. 26. - Jan. 1 Kwanzaa	June 28-29 Eid al-Adha*
Feb. 10 Lunar New Year	

*\*Observance of Jewish and Muslim holidays begin at sundown on the first day listed and end at nightfall on the last date specified.*

## Major Religious Holidays and Cultural Events 2022-23

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Dec. 26. - Jan. 1	Kwanzaa
Jan. 22	Lunar New Year
Feb. 22	Ash Wednesday
Mar. 23 - Apr. 20	Ramadan*
April 6-13	Passover (First Day)*
Apr. 7	Good Friday
Apr. 22	Eid al-Fitr*
June 19	Juneteenth
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JULY 2023				
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JANUARY 2024				
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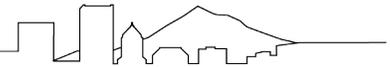
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June 29	Eid al-Adha*

\*Observance of Jewish and Muslim holidays start at sundown on the preceding day.



**FORWARD**  
**TOGETHER**

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**Increase PPS Students'  
Sense of Belonging and Safety**

**Discipline Data Review**

Dr. Renard Adams, Chief of Research, Assessment & Accountability

Jey Buno, Chief of Student Support Services

# Guiding Questions

What is the continuum of student behavioral support and progressive discipline in PPS?

What do our data reveal about the disproportionate impacts of student discipline?

What is the PPS response to our student discipline data?

# PPS Disciplinary Data Mirrors National Trends

We recognize that implicit bias influences everyone's decisions.

Across the US, Black, Native American and students of color and students with disabilities are disproportionately referred, suspended or expelled from public schools.

**Unfortunately, PPS is not an outlier.**

There is a strong correlation between school discipline and the likelihood of dropping out, arrests, and incarceration.

PPS' discipline data mirrors disproportionate impact on students of color being referred, suspended, and sent to disciplinary hearings at higher rates than their white counterparts:

- Black students: **x 3.5**
- Native American students: **x 2.5**
- Latinx students: **x 1.24**

In addition, students with disabilities are referred and suspended **2x** times the rate of their non-disabled peers

# Who We Strive to Be...

(As outlined in our community-created vision)

## CORE VALUES

### Students at the Center

We believe that all students have the ability to succeed and that positive impacts on students are at the center of each decision and action.

### Racial Equity and Social Justice

We believe in the fundamental right to human dignity and that generating an equitable world requires an educational system that intentionally disrupts—and builds leaders to disrupt—systems of oppression.

## EDUCATOR ESSENTIALS

Every day at PPS, we strive to become...

### Racial Equity and Social Justice Centered

Courageous change agents who actively promote and ensure racial equity and social justice.

### Inclusive and Responsive to Diverse Learners

Mindful of who our students are and are aware of students' unique needs as they design and conduct their daily work.

### Self-Aware and Reflective

Self-aware and knowledgeable as to their own strengths and biases, and they have a positive sense of their own identity.

### Caring, Empathetic and Relational

Adults with strengths-based view of every person at PPS and are particularly attentive to the needs of our most vulnerable students.

# Continuum of support (MTSS)- Transforming School Discipline

- Data Monitoring and Support
  - Targeted Support with Buildings
- Policy/Administrative Directive Guidance and Professional Learning
  - Restorative Practices
  - Trauma Informed
  - Racial Equity and Social Justice
- Social Emotional Learning/Restorative Justice
  - Community, Culture, Relationships
  - Transformative -Social Emotional Learning
- School Discipline Collaborative
  - Stakeholder Engagement (School Climate Team, Instructional Leadership Team, PLCs, Community Partnerships, Family Engagement)
  - Critical Consciousness for Schools on Racial Justice
  - Family Guides on Suspension and Expulsion (Student Conduct and Discipline Handbook)

# System of Supports -Behavior Practices & Teaming Structures

## TIER I Behavior

ALL SETTINGS & STUDENTS • PREVENTATIVE & PROACTIVE

School-wide climate plans, strategies and expectations  
Effective Classroom Practices Plan  
Feedback/acknowledgment systems  
Culturally responsive practices  
Community Building (TSEL/Restorative Justice)



Primary Teams:

- Climate Teams
- Instructional Leadership Teams (ILTs)
- Professional Learning Communities (PLCs)

## TIER II Behavior

FOR SOME STUDENTS

Decision rules  
Evidence-based interventions  
Data collection & progress monitoring



Primary Teams:

- Student Intervention Teams (SIT)

## TIER III Behavior

FOR INDIVIDUAL STUDENTS

Decision Rules  
FBA/BSP  
Evidence-based interventions  
Data collection & progress monitoring



Primary Teams:

- Individual Student Support Teams (ISSTs)
- Student Intervention Teams (SIT)
- Rapid Response Team (RRT)

# Disciplinary Data

# Referrals

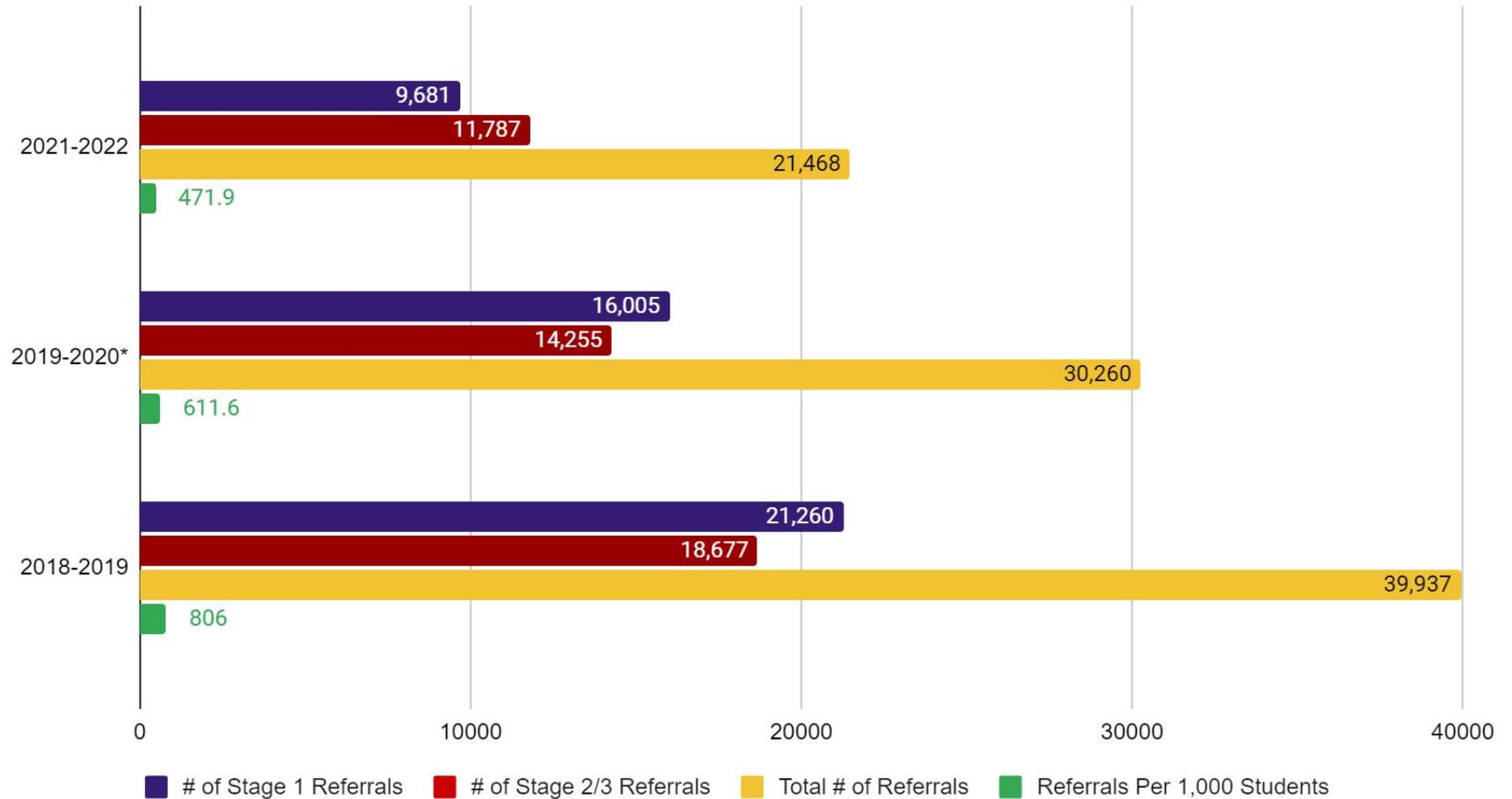
An office discipline referral (ODR) is made by a staff member to designate a student, for possible discipline, to the school administration. Referrals include stage 1 and stage 2/3 referrals.

Stage 1 referrals: Behaviors that often occur within the classroom and are redirected by staff and/or supervising staff.

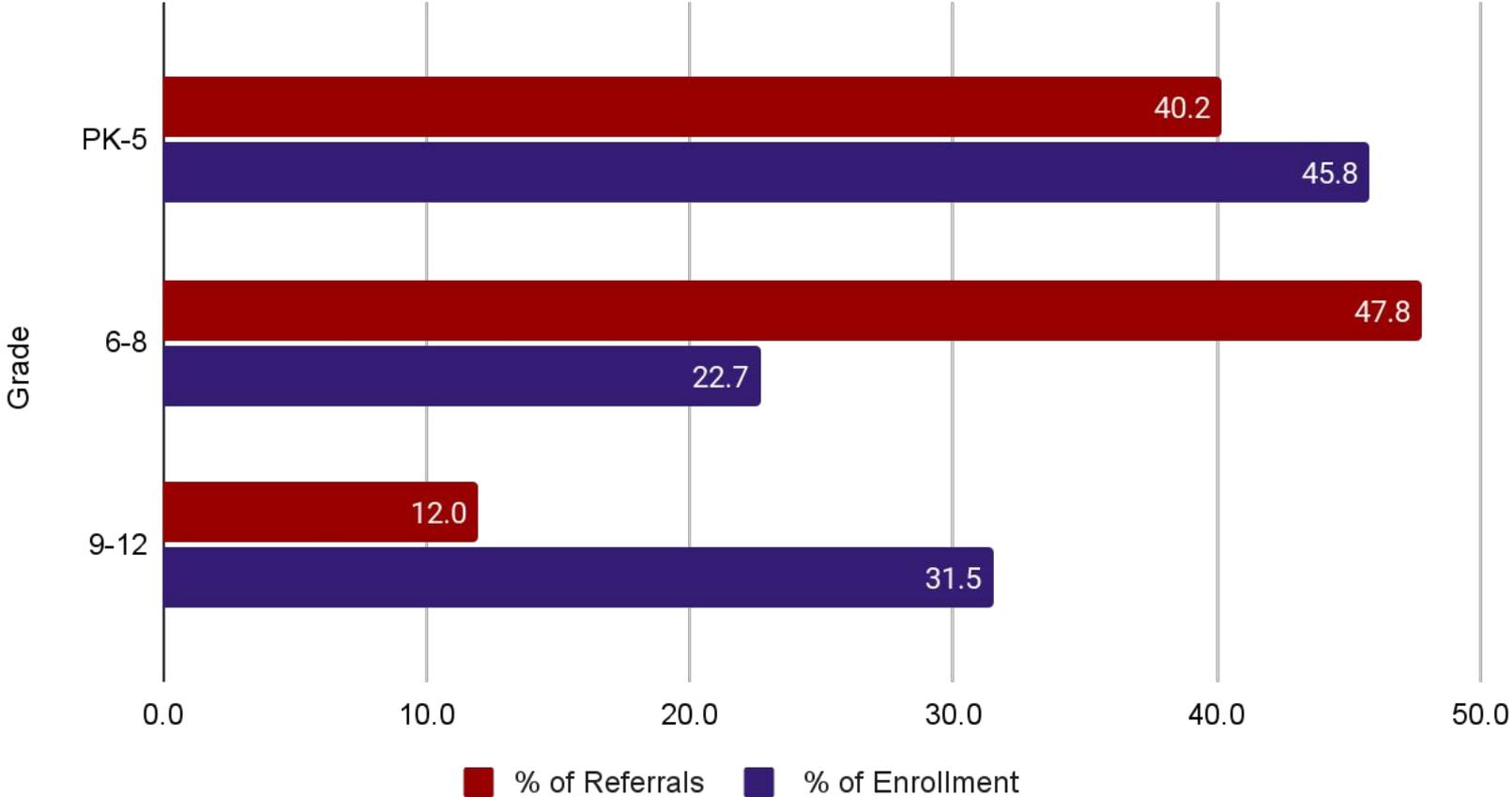
Stage 2/3 referrals: Behaviors that are chronic or persistent Stage 1 behaviors that don't respond to early intervention and/or staff redirection



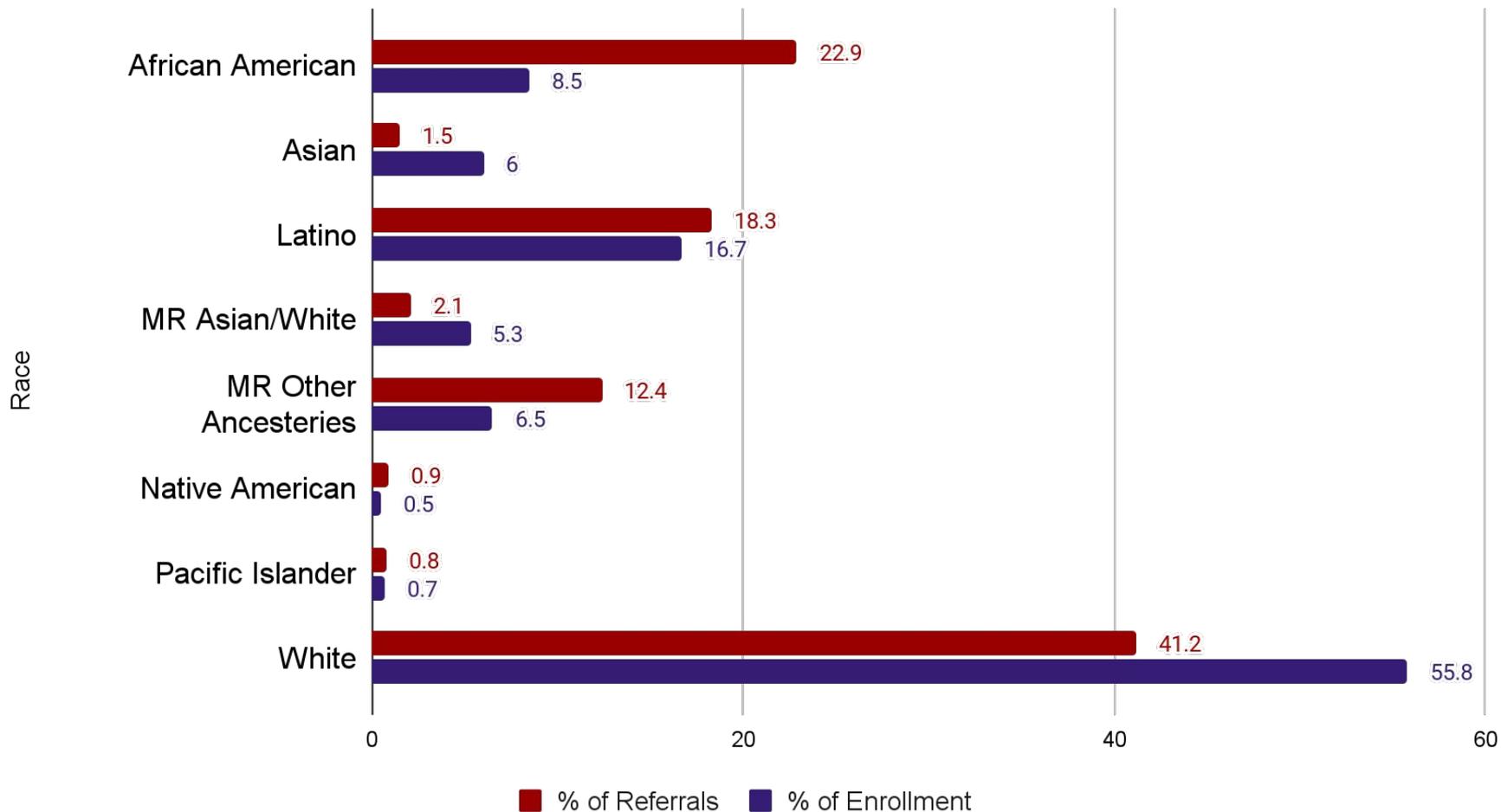
## Disciplinary Referrals -3 Year Comparison



# Percent of Referrals & Percent of Enrollment vs Grade Level 21-22



# Percent of Referrals & Percent of Enrollment vs Race 21-22



# Referrals - Special Education Eligible 3 Year Comparison

School Year	Discipline Referrals	Total # of Referrals	% of Referrals	% of Enrollment
2021-2022	6,588	21,468	30.7%	15.2%
2019-2020*	9,819	30,260	32.4%	14.9%
2018-2019	11,947	39,937	29.9%	14.7%

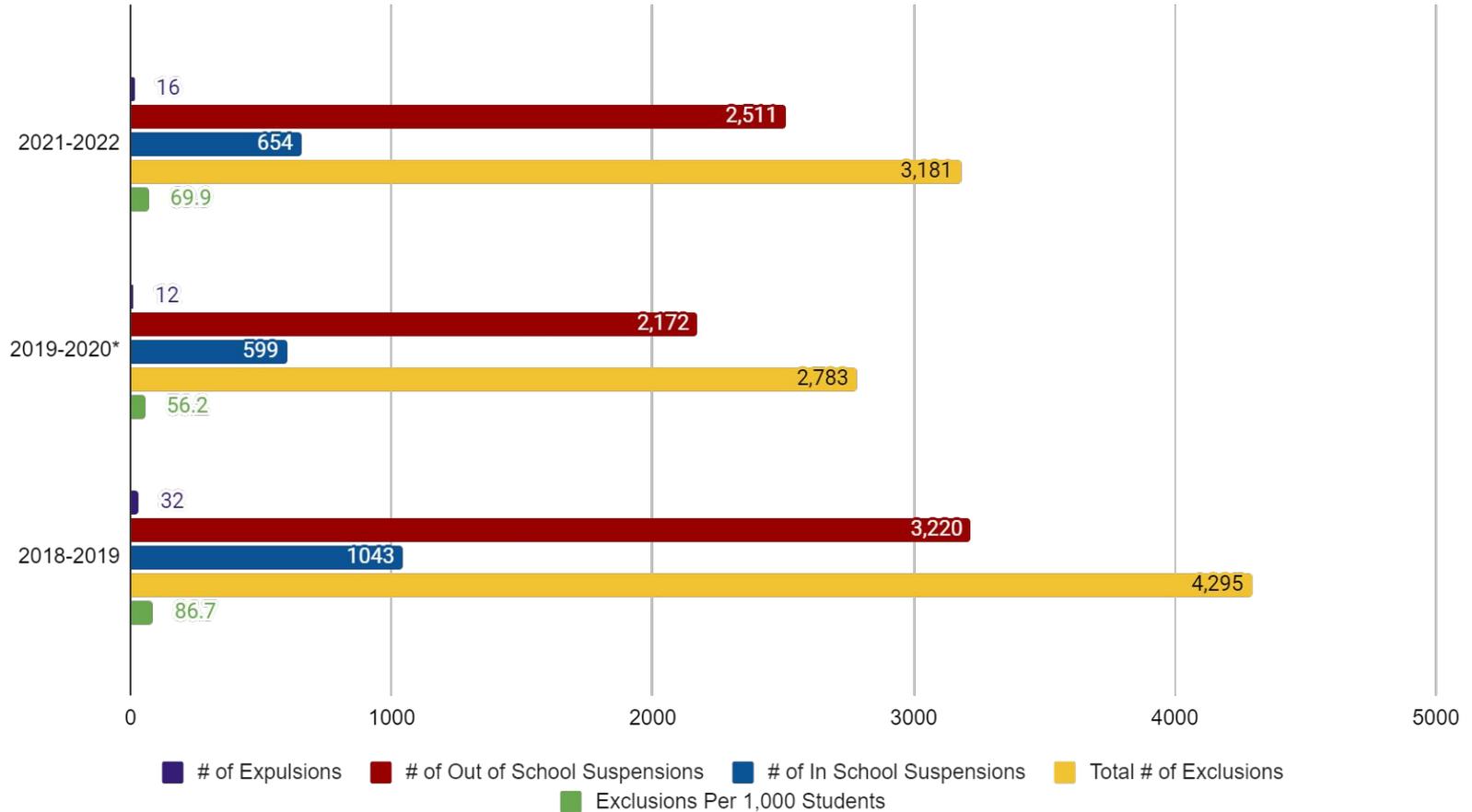
# Exclusions

Exclusion is when student removed from class for disciplinary action.

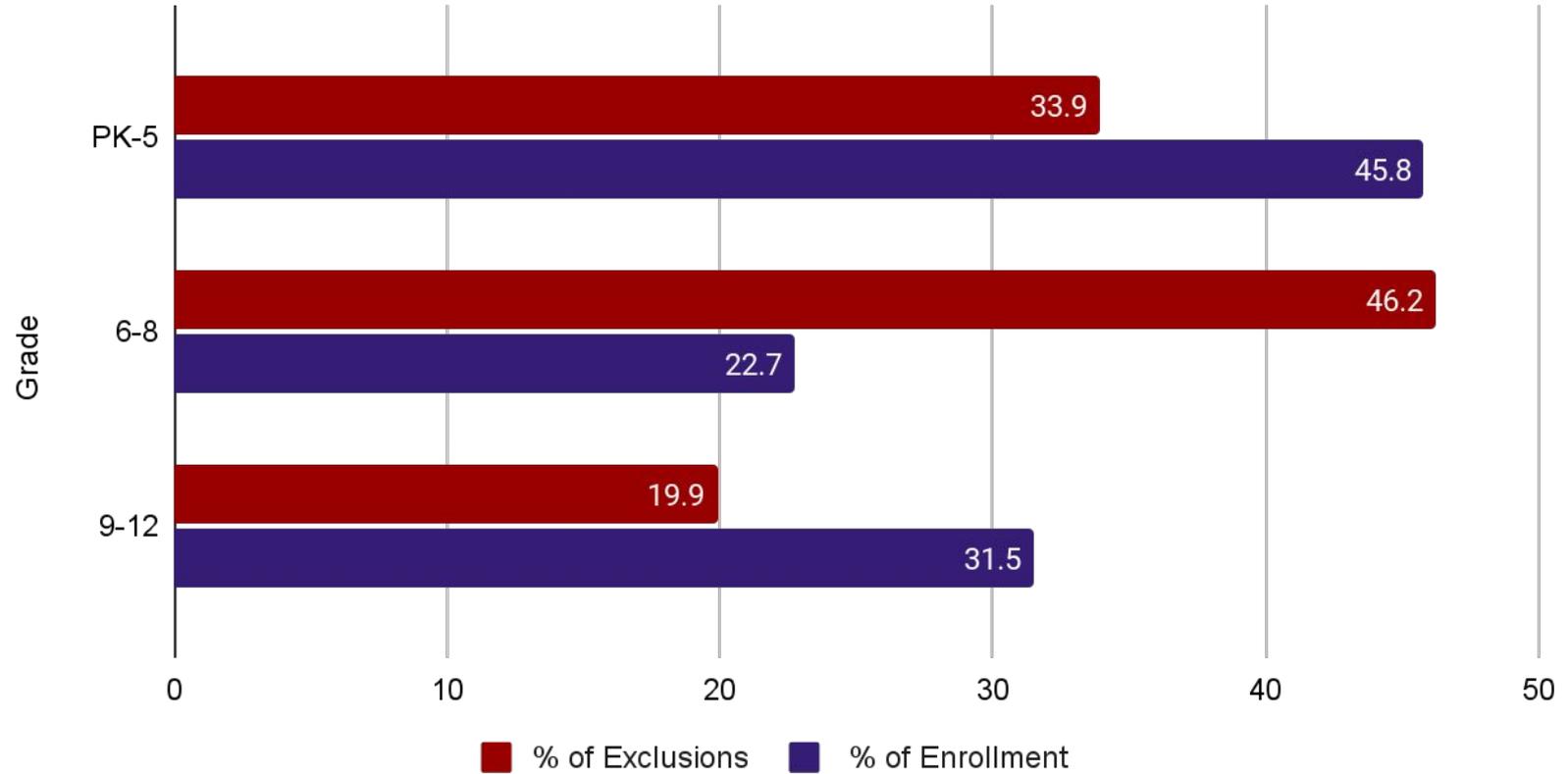
Exclusions include in-school suspensions, out-of-school suspensions, and expulsions.

*“Removing students from their classroom or school is sometimes necessary if they present an immediate threat to the safety of others. However, interventions that focus on establishing a welcoming school climate and teaching social-emotional skills (e.g., Positive Behavioral Interventions & Supports and restorative practices) are associated with lower rates of student behavior issues.” (Anyon et al., 2014; Gray et al., 2017)*

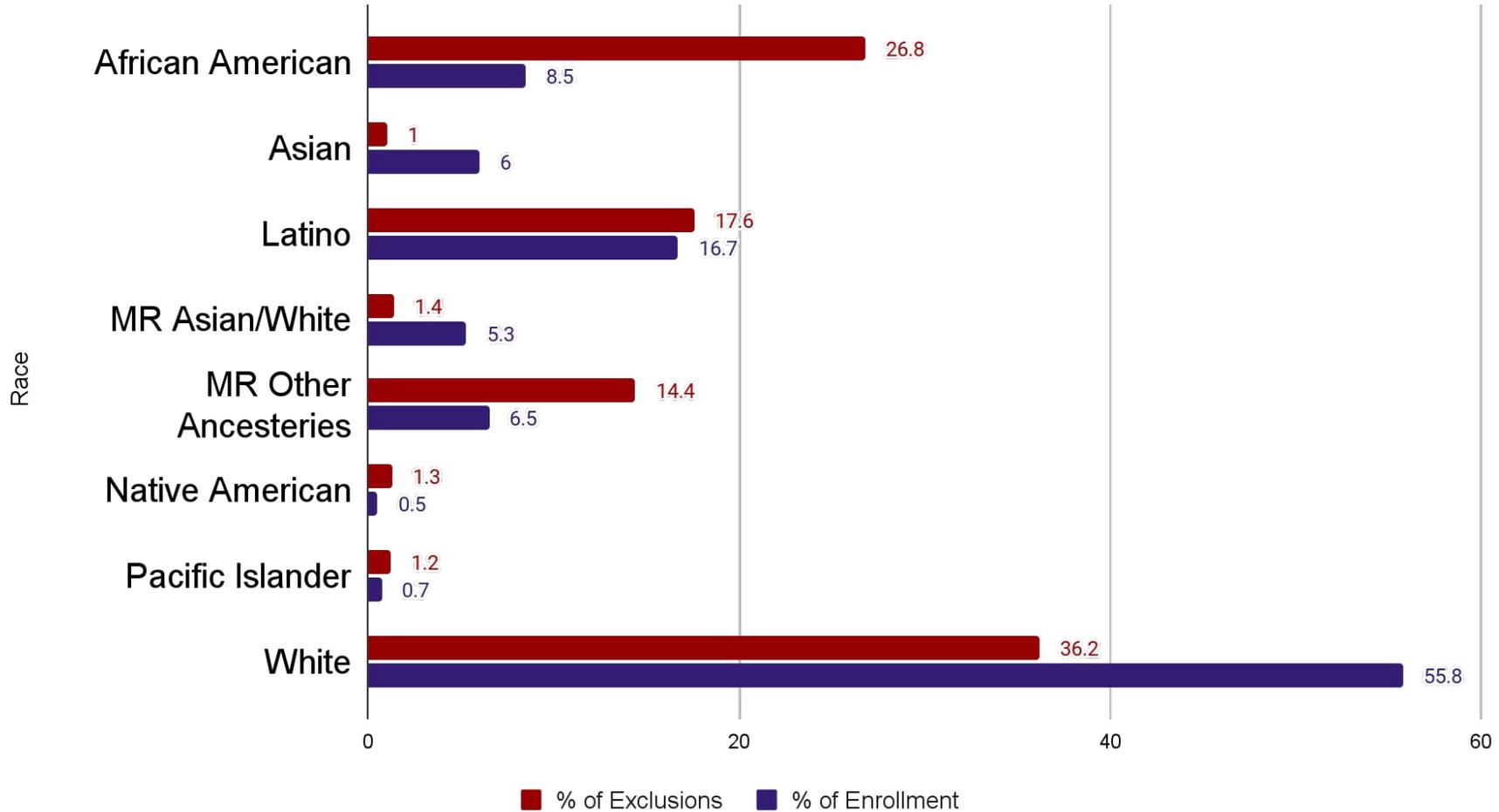
## Exclusions - 3 Year Comparison



# Percent of Exclusions & Percent of Enrollment vs Grade Level 21-22



# Percent of Exclusions & Percent of Enrollment vs Race 21-22



# Exclusions by Special Education Eligibility

## 3 Year Comparison

School Year	SpEd Exclusions	Total # of Exclusions	% of SpEd Exclusions	% of SpEd Enrollment
2021-2022	1,211	3,181	38.1%	15.2%
2019-2020*	1,247	2,783	44.8%	14.9%
2018-2019	1,644	4,295	38.3%	14.7%

# Disciplinary Hearings

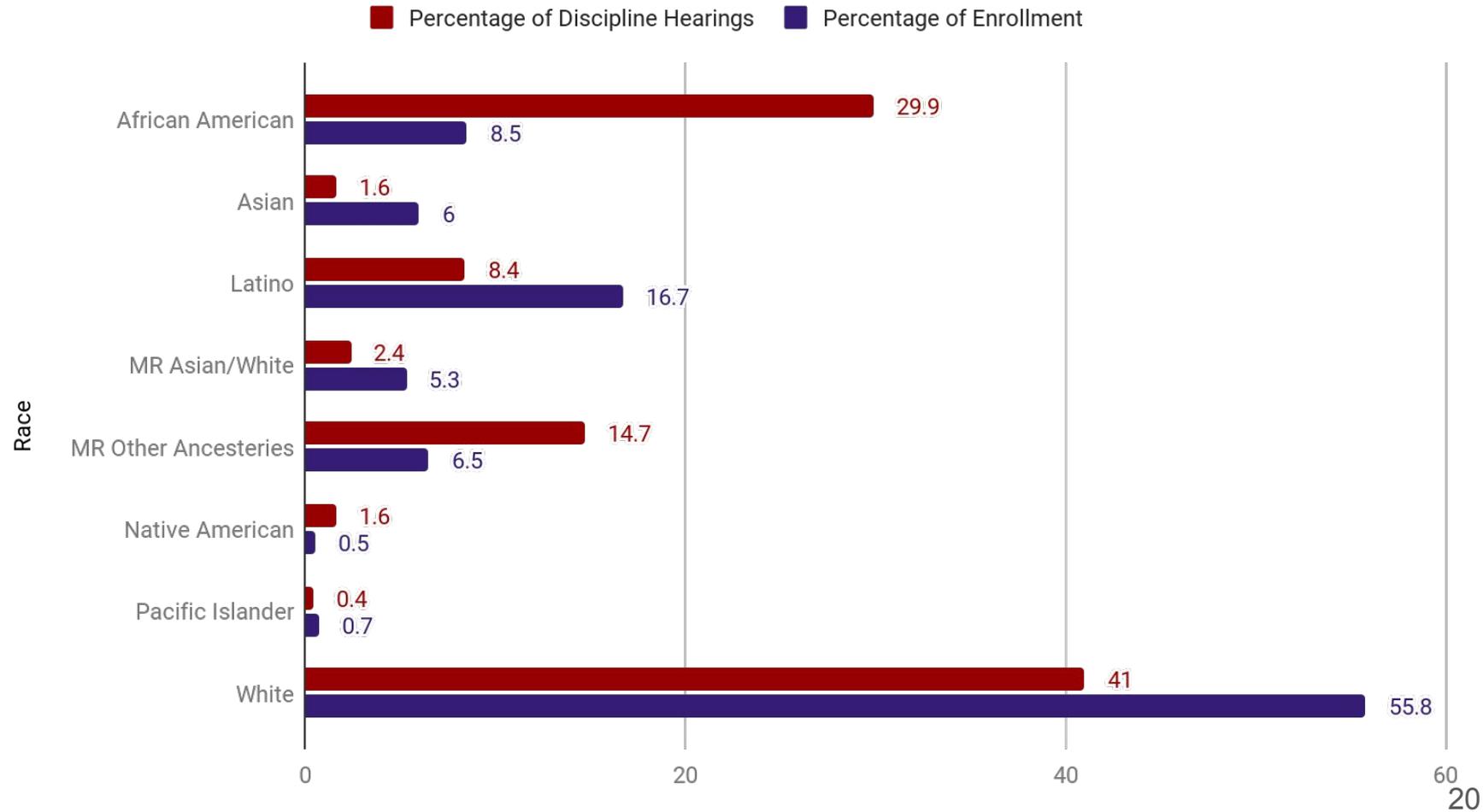
Disciplinary Hearings are held for severe incidents when expulsion is being considered, with parents/guardians, the student, and an independent hearing officer.

- During the 2021-2022 school year, there were 252 discipline hearings scheduled.
- 42% of hearings were related to either Repeated Alcohol/Drug Possession/Use and Physical attack/harm Of the 252 discipline hearings
  - 154 resulted in delayed expulsion.
  - 20 resulted in expulsion.
    - Of the 20 expulsions, 11 involved weapons (not including firearms).
    - 4 expulsions were appealed and overturned.
- Of the 252 discipline hearings, 100 included students with an IEP or 504.
  - Of the 100 hearings with an IEP or 504 -
    - 44 resulted in no expulsion.
      - 36 were positive manifestations.
    - 3 resulted in expulsion.

# Discipline Expulsion Hearings 3 Year Comparison

School Year	# of Discipline Hearings	Discipline Hearings per 1,000 Students
2021-2022	252	5.5
2019-2020*	220	4.4
2018-2019	242	4.9

# Percentage of Discipline Hearings & Percentage of Enrollment vs Race 21-22



# Moving Forward



- Students at the Center
  - Relationship/Community/Culture
  - Racial Equity and Social Justice
  - Social Emotional Learning
  - Engagement and Belonging
- Multi-Tiered Systems of Support
  - Universal Supports
  - Trauma Informed to a Healing Community
  - Resources for Social Emotional Supports, Mental Health Supports, and Restorative Justice Practices.
- Instructional Framework, Curriculum Adoptions, and Professional Learning

- Alignment of practice with Policy 4.30.010-P
  - Adoption of Student Conduct and Discipline Administrative Directive - 4.30.011-AD
  - Revised Student Conduct and Discipline Handbook
  - Trauma Informed
  - Restorative Justice
  
- Family Engagement

Questions-?