

Portland Public Schools Board of Education



2010-2011

Agenda

Regular Meeting
September 27, 2010

BOARD OF EDUCATION

Portland Public Schools
Regular Meeting
September 27, 2010

Board Auditorium

Blanchard Education Service Center
501 North Dixon Street
Portland, Oregon 97227

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

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

This meeting may be taped and televised by the media.

AGENDA

1. **STUDENT TESTIMONY** 5:30 pm
2. **SUPERINTENDENT'S REPORT** 5:45 pm
3. **EXCELLENCE IN OPERATIONS AND SERVICES** 5:50 pm
 - Amendments to Procurement Policies – Second Reading (*action item*)
 - 2010-2011 Budget Amendments (*action item*)
4. **EXCELLENCE IN TEACHING AND LEARNING** 6:20 pm
 - Common Core State Standards (*action item*)
 - High School System Design Update (*information item*)
5. **BUSINESS AGENDA** 7:20 pm
6. **OTHER BUSINESS** 7:25 pm
7. **CITIZEN COMMENT** 7:30 pm
8. **ADJOURN** 8:00 pm

The next regular meeting of the Board will be held on **October 11, 2010** at 5:30 pm at the Blanchard Education Service Center.

NOTE: The Board's agendas are focused on the five strategic operatives of the District as found in the 2005-2010 Strategic Plan: *Excellence in Teaching and Learning; Excellence in Operations and Services; Strong Partnerships with Families and Community; Leadership for Results; and Continuous Learning Ethic.*

Portland Public Schools Nondiscrimination Statement

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

Board of Education Policy 1.80.020-P



PORTLAND PUBLIC SCHOOLS

Mailing Address: P.O. Box 3107 / Portland, Oregon 97208-3107
Telephone: (503) 916-3741 • FAX: (503) 916-2724

BOARD ITEM STAFF REPORT

TO: Carole Smith, Superintendent
FROM: Neil Sullivan, Chief Financial Officer
DATE: August 11, 2010
RE: Contracting Rule Rewrite – Proposed Existing Policy Revision/Recissions Recommendation

STAFF REPORT AND SUPERINTENDENT RECOMMENDATION TO THE BOARD

I. EXECUTIVE SUMMARY

The FAO at their meeting of July 22, 2010, forwarded version 15 of the Contracting Rules Rewrite to the Board with a "Do-Pass" recommendation.

As the new contracting rules are adopted by the Board, this staff report addresses recommended modifications of a portion of current Board policies for administrative consistency.

The approval of these proposed Board policy revisions/recissions is accomplished by the adoption of the accompanying resolution and modified Board policies.

Attachments to this report include:

1. Exhibit A: Proposed Contracting Rules – version 15
2. Exhibit B: 8.90.010-P, Contracts
3. Exhibit C: DRAFT Resolution Proposing Recission of Board Policy 8.90.010
4. Exhibit D: 8.90.015-P, Amendments & Change Orders
5. Exhibit E: DRAFT Resolution Proposing Recission of Board Policy 8.90.015
6. Exhibit F: 8.90.020-P, Personal Services Contracts
7. Exhibit G: DRAFT Resolution Proposing Recission of Board Policy 8.90.020
8. Exhibit H: 8.50.080-P, Ownership of Equipment with Revisions
9. Exhibit I: DRAFT Resolution Proposing Revisions to Board Policy 8.50.080-P
Ownership of Equipment
10. Exhibit J: Board Policy 8.50.090-P, Payment of Claims
10. Exhibit K: Board Policy 8.50.100-P, Contracting and Purchasing Rules
11. Exhibit L: Board Policy 8.50.090-P, Payment of Claims with Revisions
12. Exhibit M: DRAFT Resolution Proposing Recission of Board Policy 8.50.100 and
combine with Board Policy 8.50.090

II. BACKGROUND

With the approval by the Board of Exhibit A, administrative changes to align current Board policies are recommended in the Exhibit C, E, G, I, and L above.

Generally, the three resolutions recommending rescissions are due to adoption of the new policies and the resulting duplication of policies. The new contracting rules citations which duplicate each current Board policy are as follows:

- | | |
|--|--|
| • 8.90.010-P, Contracts (Exhibit C) | Recommend RECISSION and replace with proposed Contracting Rule PPS-46-0200 |
| • 8.90.015-P, Amendments & Change Orders (Exhibit E) | Recommend RECISSION and replace with proposed Contracting Rule PPS-45-0200 |
| • 8.90.020-P, Personal Services Contracts (Exhibit G) | Recommend RECISSION and replace with proposed Contracting Rule PPS-46-0500 |

The remaining two resolutions address administrative changes to the three indicated policies as follows:

- | | |
|---|--|
| • 8.50.080-P, Ownership of Equipment (Exhibit I) | Recommend REVISION |
| • 8.50.100-P, Contracting and Purchasing Rules (Exhibit M) | Recommend COMBINE with 8.50.090-P into new policy 8.50.090-P |

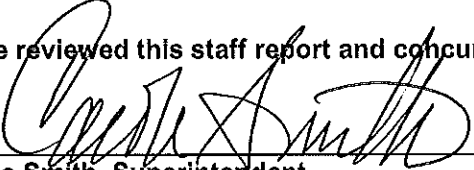
III. STAFF RECOMMENDATION

Staff recommends approval of the above resolutions and the adoption of the revised rules as presented.

IV. BOARD COMMITTEE REVIEW

The proposed contracting rule rewrite will be currently be considered by the full Board on August 23, 2010.

I have reviewed this staff report and concur with the recommendation to the Board.



Carole Smith, Superintendent
Portland Public Schools

August 11, 2010

Date



BOARD POLICY
CONTRACTS

8.90.010-P

- (1) The Board authorizes the superintendent or designee to enter into and approve payment on contracts under \$25,000 annually per contractor for products, materials, supplies, capital outlay, equipment and services that are within appropriations made by the Board pursuant to ORS 294.435 and consistent with established policies and administrative directives and rules adopted by the Board, acting as its own local contract review board, governing district purchases.
- (2) Board approval is required to enter into and approve payment on the following types of contracts:
 - (a) Collective bargaining agreements.
 - (b) Service contracts that include the provision of labor performed by district employees.
 - (c) Annual contracts for products, materials, supplies, capital outlay, equipment and services where the total amount reaches \$25,000 or more per contractor.
 - (d) Multi-year contracts for products, materials, supplies, capital outlay, equipment and services where the annual payment is less than \$25,000, but the total contract amount reaches \$25,000 or more per contractor.
- (3) All contracts within the delegation listed in section (1) that are \$2,000 or more shall be reported to the Board monthly, except for contracts for public improvements and public works projects which shall be reported quarterly. Reports shall include, at a minimum, the following information: contractor name, term, description of items purchased or services rendered, cost, and fund.
- (4) The superintendent or designee is authorized to establish rules and procedures as necessary to implement the delegation set forth in this policy.

Legal References: ORS 294.435

History: Adpt. 8/28/00, BA 1394 [rpl. 8.90.010-AD Personal Services Contracts]

To be RESCINDED



BOARD POLICY

8.90.015-P

CONTRACT AMENDMENTS AND CHANGE ORDERS

- (1) An amendment to a contract is a written agreement changing or extending the terms and/or conditions of an existing contract by introducing, canceling or changing details, but leaving the general purpose of the contract intact.
- (2) A change order is an amendment to a contract for design and construction of a public improvement or public works project.
- (3) The Board shall approve contract amendments and change orders in any one of the following circumstances:
 - (a) Where an increase in the contract price will exceed the authority delegated to the superintendent or designee in 8.90.010-P Contracts.
 - (b) Where an increase in the contract price will exceed the maximum project budget or maximum project contingency amount set forth in the resolution that awarded the contract.
 - (c) Where an increase in the contract price for a contract, which is not for a capital project and does not contain a contingency amount, exceeds 10% of the original contract price or \$10,000, whichever is less.
 - (d) Where an increase will exceed the contract price by an amount established in the Local Contract Review Board Rules.
 - (e) Where there is a material change in the work of a contract previously approved by the Board that will increase or decrease the project scope.

Legal References:

History: Adpt. 8/28/00, BA 1395

To be RESCINDED



BOARD POLICY
**PERSONAL SERVICES
CONTRACTS**

8.90.020-P

- (1) The district may enter into personal services contracts with qualified professionals as provided by ORS 279.051. Personal services contracts, as used in this policy, means contracts for specialized skills, knowledge and resources in the application of highly technical or scientific expertise or the exercise of professional, artistic or management discretion or judgment.
- (2) Selection of a personal services contractor will be based primarily on qualifications and performance history, expertise, knowledge and creativity and the ability to exercise sound professional judgment.
- (3) All personal services contracts shall be based on demonstrated qualifications and competence to perform the required services, encourage competition, discourage favoritism and obtain services at a fair and reasonable price.
- (4) Board approval is required to enter into and approve payment on the following types of personal services contracts:
 - (a) Annual contracts where the total amount reaches \$25,000 or more per contractor; and
 - (b) Multi-year contracts where the annual payment is less than \$25,000, but the total contract amount reaches \$25,000 or more per contractor.
- (5) If the scope of work performed by a contractor(s) or his/her employees(s) may result in direct, unsupervised contact with students, he/she will be required to submit to fingerprinting and criminal records checks as required by law.
- (6) The superintendent or designee is authorized to establish rules and procedures as necessary to implement this policy.

Legal References: ORS 279.051

History: Adpt. 8/28/00, BA 1396 [rpl. 8.90.020-AD Utilization of and Payments to Consultants]

To be RESCINDED



BOARD POLICY

8.50.080-P

OWNERSHIP OF EQUIPMENT

Ownership of Equipment.

All property ~~that~~ is procured by a school, student body organization, or donated by an individual or organization ~~to a school or the District~~ shall immediately become ~~District~~ property. ~~The school administrator is responsible for promptly notifying the Director of~~ Facilities and Asset Management of ~~the property~~ purchase or acquisition.

Legal References: ORS 332.075(1)(f); ORS 332.107

History: Adpt. 6/71; Amd. 10/13/83; Amd. 10/28/02, BA 2459; ~~Amd. TBD/TBD/10,~~
~~BA TBD~~

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BOARD POLICY
PAYMENT OF CLAIMS

8.50.090-P

I. Payment of Claims.

- (1) Payment will be made only on items procured as authorized in the Contracting and Purchasing Manual adopted by reference by 8.50.100-P. If a purchase commitment is made which is not authorized by these rules, the individual making such contract shall be personally liable.

Legal References: ORS 332.075

History: Adpt. 6/71; Amd. 8/28/78; Amd. 10/13/83; Amd. 9/95; Amd. 8/28/00, BA 1397; Amd. 10/28/02, BA 2460

**To be CONSOLIDATED into the new Board Policy 8.50.090-P,
Public Contracting Rules, Payment of Claims, and Personal Liability**



BOARD POLICY

CONTRACTING AND PURCHASING RULES

8.50.100-P

I. Contracting and Purchasing Rules.

The Portland Public School Board has designated itself as the local government contract review board pursuant to ORS 279.055(2).

- (1) The Board has the authority to:
 - (a) Adopt rules of procedure for public contracts and purchasing; and,
 - (b) Exempt certain public contracts or classes of contracts from the competitive bidding process otherwise required by the public contract rules.
- (2) The Superintendent shall develop a Contracting and Purchasing Manual containing the rules of procedure as adopted by the Board. The Manual shall be posted on the district website.
- (3) Revisions to the rules of procedure shall be approved by the Board by resolution.
- (4) The Contracting and Purchasing Manual is hereby adopted by reference and shall have the same authority as a board policy or administrative directive.

Legal References: ORS 279.055; ORS 332.107; BR 1655, 12/11/00

History: Adpt. 12/11/97; Amd. 2/98; Amd. 10/28/02, BA 2461

**To be CONSOLIDATED into the new Board Policy 8.50.090-P,
Public Contracting Rules, Payment of Claims, and Personal Liability**



BOARD POLICY

8.50.090-P

PUBLIC CONTRACTING RULES, PAYMENT OF CLAIMS, AND PERSONAL LIABILITY

I. Public Contracting Rules

- (1) Pursuant to ORS 279A.060, the Board is designated as the local government contract review board with authority to
 - (a) Adopt rules for public contracts and purchasing, and
 - (b) Exempt certain public contracts or classes of contracts from the competitive bidding process otherwise required by the public contract rules.
- (2) The Superintendent has developed Public Contracting Rules (“Rules”) governing District contracts and purchasing practices and shall post them on the District website. The Board adopts and amends these Rules by resolution.
- (3) The Superintendent may adopt administrative directives to implement the Rules.

II. Payment of Claims; Personal Liability

District Accounting Services will make payment only on items procured as authorized in the Rules adopted by reference in Section I of this policy. If a procurement is made that is not authorized by the Rules, then the person responsible for entering into the agreement resulting in the procurement shall be personally liable for payment on the procurement.

Legal References and History

Contracts:

ORS 279A.050-279A.075, 332.075

Adpt. 8/28/00, BA 1394 [rpl. 8.90.010-AD Personal Services Contracts]

Payment of Claims; Personal Liability:

ORS 332.075(2) and (3)

Adpt. 6/71 [full date?]; Amd. 8/28/78; Amd. 10/13/83; Amd. 9/95 [full date?]; Amd. 8/28/00, BA 1397; Amd. 10/28/02, BA 2460

Proposed COMBINED 8.50.090-P and 8.50.100-P Policy

[Highlighted sections to be filled in by Board Office]



PORTLAND PUBLIC SCHOOLS

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STAFF REPORT SUPERINTENDENT RECOMMENDATION TO FAO

To: Superintendent Smith

Thru: Neil Sullivan, CFO

From: Mark Murray, Budget Director

Date: September 21, 2010

Subject: Budget Amendment #1 to the FY 2010-11 Adopted Budget

Issue Statement

Amend the FY 2010-11 Adopted Budget incorporating direction from the Superintendent and Board that was given in response to the deteriorating State Revenue forecasts of June and September 2010.

Background

- On June 21, 2010, the Board voted to adopt an annual budget as required under Local Budget Law.
- That budget did not incorporate the loss of State School Fund revenues resulting from the June State Revenue Forecast.
- Subsequent to budget adoption the Superintendent, Finance, Audit and Operations (FAO) committee and the Board discussed how the General Fund budget should be re-balanced.
- The Board, through the Superintendent, provided staff direction on what how the budget would be re-balanced.
- Through mid-August staff incorporated Board direction as well as current information on year-end balances from the previous fiscal year, updates to the long-term forecast, and personnel reductions to construct an amended budget.
- In late August of 2010 the State released the September State Revenue forecast which further reduced funds available to the District.
- The Superintendent, after discussion with Board members, issued further direction to staff on how to again re-balance the General Fund budget.

Related Policies/Fiscal Impact

The proposed amendment results in a net reduction in the General Fund of \$18.7 million.

An amended budget is necessary to ensure effective financial management of the District's programs and priorities and to remain in compliance with State statute.

Board Options

This action requests that the Board amend the FY 2010-11 budget as directed by the Board and Superintendent.

The Board may choose not to amend the Budget. The District is still be required, under state statute, to limit spending to the amount of funds actually available. Under state statute no fund is allowed to end the year in a negative position.

The Board could chose not to amend the budget and simply provide general direction to the Superintendent and staff to ensure compliance with state law. Not amending the budget would make budget monitoring and compliance extremely challenging. For instance, department and program directors would struggle to be sure their spending remains within proper limits if they are not clear on their actual appropriations and spending authority.

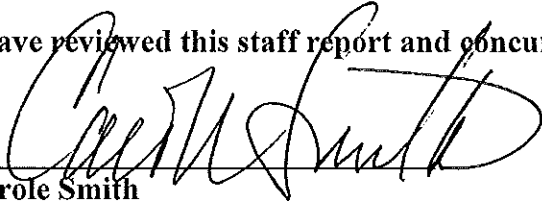
Staff Recommendation

Staff recommends the Board votes to amend the FY 2010-11 budget as summarized in the authorizing resolution.

Board Committee Review

This action is scheduled for discussion and deliberation by the FAO committee on September 21, 2010.

I have reviewed this staff report and concur with the recommendation to the Board.



Carole Smith
Superintendent
Portland Public Schools

9-17-10
Date

ATTACHMENTS

- A. Resolution – Intention to Amend the 2010/11 Budget for School District No. 1J, Multnomah County, Oregon



PORTLAND PUBLIC SCHOOLS

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STAFF REPORT SUPERINTENDENT RECOMMENDATION TO FAO

To: Superintendent Smith

Thru: C.J. Sylvester, Chief Operating Officer

From: Tony Magliano, Director – Facilities and Asset Management

Date: September 21, 2010

Subject: Washington High School (WHS) – Renewed Process for Potential Disposition

Issue Statement

This is an informational report to the FAO Committee regarding the disposition of the WHS building. It further explains the purpose of a draft resolution prepared for the Board of Education to determine developer interest and negotiate an acquisition agreement with a qualified developer or other qualified group.

Background

In 2003, the WHS site was declared surplus real property.

In 2004, PPS conducted a four-month community process that recommended to the Board of Education (Board) selling part of the site to the City of Portland for use as a community center and a recommended redeveloping the remaining two parcels as housing.

In 2004, PPS sold 4.5 acres of the 7 acre WHS site to the City of Portland for \$5.4 million.

In 2006, the Board authorized the sale of the remainder of the WHS site by means of a modified Request for Qualification and Request for Proposal process.

In 2007, the Board selected Beam Development, LLC and authorized the negotiation of a sales agreement.

In 2008, Beam withdrew from negotiations citing the serious economic downturn in the housing and financial markets.

In early 2010, Portland Parks and Recreation (PP&R) completed a master planning process that included the use of part of the WHS building as part of a proposed community center. More recently, PP&R indicated that they cannot make any future leasing commitment for the WHS building at this time.

In early 2010, PPS financial consultants reported that the community recommendation to PP&R had renewed interest by the development community in the acquisition of the WHS site and recommended that the District consider marketing the property and negotiating an acquisition agreement in a timely manner through a Request for Letters of Interest (RFI) process.

Related Policies/Fiscal Impact

District Policy mandates that once District property is declared surplus by the Board, the Superintendent shall establish and conduct a process for sale or other conveyance of property. Washington High School was declared surplus in 2003.

District Administrative Directives establish the processes for disposing of surplus real property. The options include “any action necessary to accomplish a timely sale benefiting the District.”

Consultation with the District’s outside counsel indicates that this particular sale process is up to the discretion of the superintendent (based on an earlier declaration of surplus, and the new policy.) Subject to final Board approval, the District can sell the property pursuant to any method that it thinks is in the best interests of the District, including direct negotiation.

1. **Board Policy 8.70.040-P** “Disposition of Surplus Real Property”
2. **Board Policy 8.70.042-P** “Dedicated Reserve For Income From Disposition of Surplus Real Properties”
3. **Administrative Directive 8.70.043-AD** “Process for Disposing of Surplus Real Property”
4. **Resolution No. 2558** “Surplus Property Recommendations” (February 10, 2003)
5. **Resolution No. 2735** “Designation of Real Property as Surplus at the Washington High School (Child Services Center) site at 531 SE 14th” (July 14, 2003)

Staff Recommendation

Staff recommends Board adoption of a resolution authorizing staff to initiate a property disposition process for Washington High School which includes the below described process for selecting a developer and negotiating an acquisition agreement:

1. Commission an updated property appraisal that will address sale and ground lease values.
2. Issue a “Request for Letters of Interest” (RFI) from prospective developers. The RFI would ask responders to provide information on their financial capacity to successfully complete an acquisition, their experience with similar redevelopment and adaptive re-use projects, their success in executing urban residential or residential-mixed use projects, their overall development record, their commitment to preserving the Washington High School building, and their experience in involving the surrounding community in the development process.

3. Evaluate submissions and review results of evaluation with the Portland Schools Real Estate Trust.
4. Select a qualified developer, and negotiate a preliminary acquisition agreement for review by the FAO and approval by the Board of Education
5. Provide periodic progress updates to the FAO Committee.

Board Committee Review

This item is scheduled to be reviewed by the FAO Committee on September 21, 2010

I have reviewed this staff report and concur with the recommendation to the Board.



Carole Smith
Superintendent
Portland Public Schools

9/21/10

Date

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

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REGULAR BUSINESS MEETING

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Personnel

The Superintendent RECOMMENDS adoption of the following items:

Number 4336

RESOLUTION No. 4336

Election of Contract Teachers

RESOLUTION

Based on the recommendation of the Executive Director of Human Resources and accepted by the Superintendent of Portland Public Schools, the following probationary teachers who have been employed by the District as regularly appointed teachers for three or more successive school years are elected as contract teachers of the District.

| Full Name |
|------------------|
| Dierker, Anne M. |

H. Harris

Purchases, Bids, Contracts

The Superintendent RECOMMENDS adoption of the following items:

Numbers 4337 and 4338

RESOLUTION No. 4337

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

RECITAL

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

RESOLUTION

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

NEW CONTRACTS

No new contracts

AMENDMENTS TO EXISTING CONTRACTS

No amendments to existing contracts

INTERGOVERNMENTAL AGREEMENTS / REVENUE (“IGA/Rs”)

| Contractor | Contract Term | Contract Type | Description of Services | Contract Amount | Responsible Administrator, Funding Source |
|--------------------------------------|---------------------------|----------------------|--|------------------------|---|
| David Douglas School District | 07/01/10 through 06/30/11 | IGA/R 57815 | Columbia Regional Program will provide deaf / hard of hearing classroom services for regionally eligible students residing in this District’s boundaries. | \$211,574 | C. Gilliam Fund 299 Dept. 5430 Grant S0031 |
| Multnomah Education Service District | 07/01/10 through 06/30/11 | IGA/R 57817 | Columbia Regional Program will provide feeding evaluation and consultation services for qualified students residing in Multnomah County. | \$35,000 | C. Gilliam Fund 299 Dept. 5430 Grant S0242 |
| Reynolds School District | 07/01/10 through 06/30/11 | IGA/R 57829 | Columbia Regional Program will provide deaf / hard of hearing classroom services for regionally eligible students residing in the Reynolds School District. | \$118,387 | C. Gilliam Fund 299 Dept. 5430 Grant S0031 |
| Oregon City School District | 07/01/10 through 06/30/11 | IGA/R 57828 | Columbia Regional Program will provide deaf / hard of hearing classroom services for regionally eligible students residing in the Oregon City School District. | \$112,600 | C. Gilliam Fund 299 Dept. 5430 Grant S0031 |

| | | | | | |
|------------------|---------------------------------|-------------|---|-----------|--|
| Multnomah County | 07/01/10 through 03/18/12 | IGA/R 57835 | District-wide: Multnomah County will provide funds to support evidence-based community approaches to chronic disease prevention and control as part of District's wellness policy; ARRA-funded to County. | \$350,000 | G. Grether-Sweeney Fund 202 Dept. 5570 |
|------------------|---------------------------------|-------------|---|-----------|--|

LIMITED SCOPE REAL PROPERTY AGREEMENTS

No limited scope real property agreements

C.Sylvester / N. Sullivan

RESOLUTION No. 4338

Personal / Professional Services, Goods, and Services Expenditure Contracts
Exceeding \$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 reaches \$150,000 or more per contract, excepting settlement or real property agreements. Contracts meeting this criterion are listed below.

RESOLUTION

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

NEW CONTRACTS

| Contractor | Contract Term | Contract Type | Description of Services | Contract Amount | Total Payments Made to Contractor* | Responsible Administrator, Funding Source |
|------------------------------------|---------------------------|--|--|------------------------|---|--|
| RE:Think | 09/07/10 through 08/31/11 | Personal / Professional Services PS 57820 | District-wide: Title I tutoring services. | \$257,397 | \$27,630 | S. Kosmala Fund 205 Dept. 5407 Grants G0987 and G1121 |
| Dull Olson Weekes Architects, Inc. | 10/04/10 through 10/31/11 | Personal / Professional Services PS 57845 | Grant HS: Architectural and design services for athletic field improvements; funded by District partner. | \$150,340 | \$1,500 | T. Magliano Fund 191 Dept. 5597 Project F0176 |

AMENDMENTS TO EXISTING CONTRACTS

No Amendments to Existing Contracts

INTERGOVERNMENTAL AGREEMENTS (“IGAS”)

No IGAs

* The total listed here represents the total amount actually paid to the vendor since July 1, 2010, and thus may be more or less than the “Contract / Amendment Amount” or “Contract Total.” Total Payments are not included for IGAs.

N. Sullivan

Other Matters Requiring Board Action

The Superintendent RECOMMENDS adoption of the following items:

Numbers 4339 through 4347

RESOLUTION No. 4339

Amending Board Policy: 8.50.080-P, "Ownership of Equipment"

RECITALS

- A. On August 23, 2010, by way of Resolution No. 4328, the Board of Education ("Board") adopted substantially revised and augmented Public Contracting Rules ("Rules") for Portland Public Schools ("District").
- B. As part of that revision, District staff undertook a comprehensive review of Board policies relating to these Rules.
- C. As directed by Board Policy 1.70.020-P, "Policies and Administrative Directives," the Board is required to place any new policy or updates to previous District policies on the District website. Having fulfilled this obligation and having received no public input on the proposed policy revisions, the Board adopts the language below as Board policy.

RESOLUTION

The Board of Education hereby amends Board Policy 8.50.080, "Ownership of Equipment" to read as follows:

Ownership of Equipment.

All property that is procured by a school, student body organization, or donated by an individual or organization to be placed in and used by the school shall immediately become District property. The school administrator is responsible for promptly notifying the Director of the Facilities and Asset Management Department of the property purchase or acquisition.

C. Sylvester / N. Sullivan / D. Fajer

RESOLUTION No. 4340

Combining Board Policies: 8.50.090-P, "Payment of Claims," and 8.50.100-P, "Contracting and Purchasing Rules"

RECITALS

- A. On August 23, 2010, by way of Resolution No. 4328, the Board of Education ("Board") adopted substantially revised and augmented Public Contracting Rules ("Rules") for Portland Public Schools ("District").
- B. As part of that revision, District staff undertook a comprehensive review of Board policies relating to these Rules.
- C. As directed by Board Policy 1.70.020-P, "Policies and Administrative Directives," the Board is required to place any new policy or updates to previous District policies on the District website. Having fulfilled this obligation and having received no public input on the proposed policy revisions, the Board adopts the language below as Board policy.

RESOLUTION

The Board of Education hereby combines 8.50.090-P, "Payment of Claims," and 8.50.100-P, "Contracting and Purchasing Rules" and adds certain language to create new Board Policy 8.50.090-P, "Public Contracting Rules, Payment of Claims, and Personal Liability":

I. Public Contracting Rules

- (1) Pursuant to ORS 279A.060, the Board is designated as the local government contract review board with authority to
 - (a) Adopt rules for public contracts and purchasing, and
 - (b) Exempt certain public contracts or classes of contracts from the competitive bidding process otherwise required by the public contract rules.
- (2) The Superintendent shall develop Public Contracting Rules ("Rules") governing District contracts and purchasing practices and shall post them on the District website. The Board shall approve by resolution these Rules.
 - (a) Any changes to the Rules shall be approved by Board resolution.
 - (b) The Board hereby adopts the Rules, which shall have the same authority as a Board policy.
- (3) The Superintendent may adopt administrative directives to implement the Rules.

II. Payment of Claims; Personal Liability

The District Accounting Department will make payment only on items procured as authorized in the Rules adopted by reference in Section I of this policy. If a procurement is made that is not authorized by the Rules, then the person responsible for entering into the agreement resulting in the procurement shall be personally liable for payment on the procurement.

C. Sylvester / N. Sullivan / D. Fajer

RESOLUTION No. 4341

Rescinding Board Policy: 8.90.010-P, "Contracts"

RECITALS

- A. On August 23, 2010, by way of Resolution No. 4328, the Board of Education ("Board") adopted substantially revised and augmented Public Contracting Rules ("Rules") for Portland Public Schools ("District").
- B. As part of that revision, District staff undertook a comprehensive review of Board policies relating to these Rules.
- C. As directed by Board Policy 1.70.020-P, "Policies and Administrative Directives," the Board is required to place any new policy or updates to previous District policies on the District website. The Board has fulfilled this obligation and has received no public input on the proposed policy revisions.

RESOLUTION

The Board of Education hereby rescinds Board Policy 8.90.010-P, "Contracts":

(1) The Board authorizes the superintendent or designee to enter into and approve payment on contracts under \$25,000 annually per contractor for products, materials, supplies, capital outlay, equipment and services that are within appropriations made by the Board pursuant to ORS 294.435 and consistent with established policies and administrative directives and rules adopted by the Board, acting as its own local contract review board, governing district purchases.

(2) Board approval is required to enter into and approve payment on the following types of contracts:

- (a) Collective bargaining agreements.
- (b) Service contracts that include the provision of labor performed by district employees.
- (c) Annual contracts for products, materials, supplies, capital outlay, equipment and services where the total amount reaches \$25,000 or more per contractor.
- (d) Multi-year contracts for products, materials, supplies, capital outlay, equipment and services where the annual payment is less than \$25,000, but the total contract amount reaches \$25,000 or more per contractor.

(3) All contracts within the delegation listed in section (1) that are \$2,000 or more shall be reported to the Board monthly, except for contracts for public improvements and public works projects which shall be reported quarterly. Reports shall include, at a minimum, the following information: contractor name, term, description of items purchased or services rendered, cost, and fund.

(4) The superintendent or designee is authorized to establish rules and procedures as necessary to implement the delegation set forth in this policy.

C. Sylvester / N. Sullivan / D. Fajer

RESOLUTION No. 4342

Rescinding Board Policy: 8.90.015-P, "Contract Amendments and Change Orders"

RECITALS

- A. On August 23, 2010, by way of Resolution No. 4328, the Board of Education ("Board") adopted substantially revised and augmented Public Contracting Rules ("Rules") for Portland Public Schools ("District").
- B. As part of that revision, District staff undertook a comprehensive review of Board policies relating to these Rules.
- C. As directed by Board Policy 1.70.020-P, "Policies and Administrative Directives," the Board is required to place any new policy or updates to previous District policies on the District website. The Board has fulfilled this obligation and has received no public input on the proposed policy revisions.

RESOLUTION

The Board of Education hereby rescinds Board Policy 8.90.015-P, "Contract Amendments and Change Orders":

- (1) An amendment to a contract is a written agreement changing or extending the terms and/or conditions of an existing contract by introducing, canceling or changing details, but leaving the general purpose of the contract intact.
- (2) A change order is an amendment to a contract for design and construction of a public improvement or public works project.
- (3) The Board shall approve contract amendments and change orders in any one of the following circumstances:
 - (a) Where an increase in the contract price will exceed the authority delegated to the superintendent or designee in 8.90.010-P Contracts.
 - (b) Where an increase in the contract price will exceed the maximum project budget or maximum project contingency amount set forth in the resolution that awarded the contract.
 - (c) Where an increase in the contract price for a contract, which is not for a capital project and does not contain a contingency amount, exceeds 10% of the original contract price or \$10,000, whichever is less.
 - (d) Where an increase will exceed the contract price by an amount established in the Local Contract Review Board Rules.
 - (e) Where there is a material change in the work of a contract previously approved by the Board that will increase or decrease the project scope.

C. Sylvester / N. Sullivan / D. Fajer

RESOLUTION No. 4343

Rescinding Board Policy: 8.90.020-P, "Personal Services Contracts"

RECITALS

- A. On August 23, 2010, by way of Resolution No. 4328, the Board of Education ("Board") adopted substantially revised and augmented Public Contracting Rules ("Rules") for Portland Public Schools ("District").
- B. As part of that revision, District staff undertook a comprehensive review of Board policies relating to these Rules.
- C. As directed by Board Policy 1.70.020-P, "Policies and Administrative Directives," the Board is required to place any new policy or updates to previous District policies on the District website. The Board has fulfilled this obligation and has received no public input on the proposed policy revisions.

RESOLUTION

The Board of Education hereby rescinds Board Policy 8.90.020-P, "Personal Service Contracts":

The district may enter into personal services contracts with qualified professionals as provided by ORS 279.051. Personal services contracts, as used in this policy, means contracts for specialized skills, knowledge and resources in the application of highly technical or scientific expertise or the exercise of professional, artistic or management discretion or judgment.

- (1) Selection of a personal services contractor will be based primarily on qualifications and performance history, expertise, knowledge and creativity and the ability to exercise sound professional judgment.
- (2) All personal services contracts shall be based on demonstrated qualifications and competence to perform the required services, encourage competition, discourage favoritism and obtain services at a fair and reasonable price.
- (3) Board approval is required to enter into and approve payment on the following types of personal services contracts:
 - (a) Annual contracts where the total amount reaches \$25,000 or more per contractor; and
 - (b) Multi-year contracts where the annual payment is less than \$25,000, but the total contract amount reaches \$25,000 or more per contractor.
- (4) If the scope of work performed by a contractor(s) or his/her employees(s) may result in direct, unsupervised contact with students, he/she will be required to submit to fingerprinting and criminal records checks as required by law.

The superintendent or designee is authorized to establish rules and procedures as necessary to implement this policy.

C. Sylvester / N. Sullivan / D. Fajer

RESOLUTION No. 4344

Amending the 2010-2011 Budget for School District No. 1J, Multnomah County, Oregon

RECITALS

- A. On May 24, 2010, by way of Resolution No. 4274, the Budget Committee for School District No. 1J, Multnomah County, Oregon (“District”), approved the FY 2010-11 budget and imposed taxes.
- B. On May 25, 2010, the State of Oregon released an updated biennium revenue forecast that resulted in a significant reduction in resources available to the District for the remaining 13 months of the biennium. The loss of revenue to the District was estimated at \$19.4 million.
- C. The Tax Supervising and Conservation Commission (“TSCC”) held a public hearing on the FY 2010-11 Approved Budget on June 21, 2010, and certified it with no objections.
- D. Board Policy 8.10.030-AD, “Budget Reallocations – Post Budget Adoption,” establishes the guidelines to ensure consistent and detailed communication on fiscal issues between the Superintendent and the Board of Education (“Board”). Communication is essential under circumstances that could result in significant reductions or reallocations of funding after the Board has adopted the budget.
- E. On June 21, 2010, the Board adopted a budget approved by the Finance, Audit and Operations (“FAO”) Committee on May 10, 2010.
- F. On June 23, 2010, the FAO Committee met to discuss options for re-balancing the FY 2010-11 budget.
- G. On June 29, 2010, and July 19, 2010, the Board met to discuss options for re-balancing the FY 2010-11 budget.
- H. On July 19, 2010, the Board directed the Superintendent and staff to re-balance the budget and bring a budget amendment resolution to the Board .
- I. On August 5, 2010 the U.S. Senate took action to approve legislation that contained \$10 billion in dedicated funding for local school districts or approximately \$9 million for Portland Public Schools. Senate approval came after significant support and leadership from Oregon Senators Ron Wyden and Jeff Merkley.
- J. The following week, in an unprecedented one day special session, the U.S. House of Representatives (already adjourned for the August Recess), gave its approval to the “EduJobs” package with support of Portland area Congressmen Earl Blumenauer, David Wu and Kurt Schrader. The package was signed into law by President Obama later the same day.
- K. On August 26, 2010, the State of Oregon released an updated biennium revenue forecast that in resulted in further reductions in resources available to the District for the remaining 10 months of the biennium. The loss of revenue to the District is estimated at an additional \$9.1 million.
- L. During late August 2010, the Superintendent discussed additional re-balancing actions with Board members and directed District staff to re-balance the budget and prepare a budget amendment resolution for Board consideration.

RESOLUTION

1. The Board hereby amends the FY 2010-11 Adopted Budget, as summarized in Attachment A.
2. The Board further directs District staff to prepare and distribute an updated budget document.

M. W. Murray / N. Sullivan

ATTACHMENT "A" TO RESOLUTION No. 4344

| Fund 101 - General Fund | Adopted Budget | This Amendment | Revised Budget #1 |
|--------------------------------|-----------------------|-----------------------|--------------------------|
| Resources | | | |
| Beginning Balance | 24,430,606 | 3,900,000 | 28,330,606 |
| Revenue from Taxes | 229,753,199 | 3,140,667 | 232,893,866 |
| Tuition | 350,000 | - | 350,000 |
| Earnings on Investment | 700,000 | - | 700,000 |
| Extra-curricular Activities | 1,119,000 | - | 1,119,000 |
| Other Local Sources | 9,859,000 | 7,999 | 9,866,999 |
| Intermediate Sources | 7,446,629 | - | 7,446,629 |
| State Sources | 176,650,492 | (36,096,574) | 140,553,918 |
| Federal Sources | 5,261,500 | 9,107,500 | 14,369,000 |
| Other Sources | 100,000 | 1,236,901 | 1,336,901 |
| Total Resources | 455,670,426 | (18,703,507) | 436,966,919 |
| Requirements | | | |
| Instruction | 265,225,322 | (11,653,870) | 253,571,452 |
| Support Services | 174,199,520 | (2,497,559) | 171,701,961 |
| Facilities Acq & Construction | 1,180,606 | 83,000 | 1,263,606 |
| Debt Service & Transfers Out | 7,857,978 | 2,071,922 | 9,929,900 |
| Contingency | 7,207,000 | (6,707,000) | 500,000 |
| Total Requirements | 455,670,426 | (18,703,507) | 436,966,919 |

| Fund 202 - Cafeteria Fund | Adopted Budget | This Amendment | Revised Budget #1 |
|----------------------------------|-----------------------|-----------------------|--------------------------|
| Resources | | | |
| Beginning Balance | 1,568,631 | - | 1,568,631 |
| Local Sources | 3,587,572 | 20,000 | 3,607,572 |
| State Sources | 64,453 | - | 64,453 |
| Federal Sources | 12,136,544 | 122,800 | 12,259,344 |
| Total Resources | 17,357,200 | 142,800 | 17,500,000 |
| Requirements | | | |
| Food Services | 16,040,741 | 139,082 | 16,179,823 |
| Ending Fund Balance | 1,316,459 | 3,718 | 1,320,177 |
| Total Requirements | 17,357,200 | 142,800 | 17,500,000 |

| Fund 405 - School Modernization Fund | Adopted Budget | This Amendment | Revised Budget #1 |
|---|-----------------------|-----------------------|--------------------------|
| Resources | | | |
| Beginning Balance | 7,874,056 | 1,249,377 | 9,123,433 |
| Total Resources | 7,874,056 | 1,249,377 | 9,123,433 |
| Requirements | | | |
| Service Area Direction | 629,144 | 63,174 | 692,318 |
| Facilities Acq & Construction | 7,244,912 | (50,698) | 7,194,214 |
| Transfers to Other Funds | - | 1,236,901 | 1,236,901 |
| Total Requirements | 7,874,056 | 1,249,377 | 9,123,433 |

RESOLUTION No. 4345

Support for State Adoption of the Common Core State Standards

RECITALS

- A. The Common Core State Standards represent a set of expectations for student knowledge and skills that high school graduates need to master to succeed in college and careers;
- B. The goal of the Common Core State Standards aligns with the goal of the Portland Public Schools to ensure that every student will complete their education fully prepared to make productive life decisions;
 - 1. Portland Public Schools has made equity and excellence a priority by focusing on effective instructional reforms, aggressive interventions in low-performing schools, and specific targeted interventions for struggling students;
 - 2. The district has worked hard to attract and retain qualified teachers, and provide better training and support for educators;
- C. Even the best efforts of school boards around the nation will not get all students to the levels of performance needed to compete in today's global economy until we repair the patchwork system of state education standards;
 - 1. In the absence of a clear and consistent set of common academic standards for what should be expected of all children, each state instead sets its own standards that vary in rigor and content;
 - 2. Low standards and inconsistencies between states serve to perpetuate the nation's educational inequities at a time when we should be working to overcome them;
 - 3. Although public education is supposed to promote a level playing field for our young people, the current system of varying state standards now in place do the opposite by institutionalizing uneven expectations and outcomes;
- D. The Common Core State Standards are a vital step in providing our young people with a high-quality education by making it clear to every student, parent, and teacher what the standards of success are in every school;
- E. The Common Core Standards are the product of an unprecedented collaborative effort:
 - 1. A wide range of representatives worked to develop the Common Core State standards, including educators, content experts, researchers, national organizations, and community groups;
 - 2. They reflect invaluable feedback from the general public, teachers, parents, business leaders, states, and content area experts, and are informed by the standards of other high performing nations;
- F. The standards will help ensure that high school graduates – in Portland, throughout Oregon, and across the country – are adequately prepared to compete in the global economy;
- G. These standards will give the nation a common definition of what academic proficiency means, help schools focus their efforts on a set of high standards.

RESOLUTION

1. Portland Public Schools Board of Education urges the Oregon State Board of Education to adopt the Common Core State Standards:
 - a. To ensure that students in Oregon make progress each year,
 - b. To ensure students graduate from school prepared to succeed in college,
 - c. To ensure students are prepared to succeed in a modern workforce,
 - d. And to ensure students compete in the national and global economy of the 21st century.

RESOLUTION No. 4346

Authorization to Initiate a Revised Property Disposition Process
for the former Washington High School Building and Site
at 531 SE 14th Avenue

RECITALS

- A. On July 14, 2003, by way of Resolution No. 2735, the Board of Education (“Board”) declared the Washington High School property (“Site”) as surplus and directed the Portland Public Schools (“District”) Real Estate Trust (“RET”) to market and negotiate sale agreements for the site subject to certain conditions.
- B. In 2004, the District conducted a four-month community process that included a stakeholder’s Advisory Group composed of local neighborhood organizations, business representatives, and local residents. From this process, the *“Final Report of the Washington-Monroe Project Advisory Committee”* was produced. This report recommended selling part of the Site to the City of Portland (“City”) and developing the two remaining parcels as housing.
- C. On December 13, 2004, by way of Resolution No. 3177, the Board approved the sale of 4.5 acres of the 7-acre Site to the City for \$5,390,908.
- D. In concert with the Advisory Group recommendations, District staff and members of the Board’s Finance, Audit and Operations (“FAO”) Committee held a series of meetings with representatives of the Buckman Neighborhood Association. These meetings were aimed at mutually developing steps for the sale of the two remaining parcels owned by the District. One of those parcels is located in the northeastern corner of the Site contains the former Washington High School building; the second parcel is located in the southeastern corner of the site and is largely vacant.
- E. On March 13, 2006, by way of Resolution Nos. 3465 and 3466, the Board authorized a sale process based on a modified Request for Qualifications (“RFQ”) and a Request For Proposals (“RFP”) for these two parcels and provided direction on a method for soliciting and selecting a qualified purchaser.
- F. On February 26, 2007, by way of Resolution No. 3658, the Board approved the selection of Beam Development, LLC (“Beam”), as the purchaser of the two parcels and authorized negotiation of a sale agreement. Notwithstanding the District’s best efforts to complete the sale agreement, Beam

withdrew from negotiations in 2008 citing the serious economic downturn in the housing and commercial financing market.

- G. In 2010, the City's Bureau of Parks and Recreation conducted a public input process on the development of a community center on the City-owned portion of the Site. This process resulted in recommendations that included using part of the District-owned building in conjunction with a proposed new community center building adjacent to that building. More recently, PP&R indicated that they cannot make any future leasing commitment for the Washington High School building at this time.
- H. Consultants retained by the District concur there is renewed interest from the development community in acquiring the Site. The consultants further recommend the District release Request for Letters of Interest ("RFI") to identify qualified parties and negotiate an acquisition agreement.
- I. It is in the public's interest to supersede the March 13, 2006, disposition process and implement a new process based on a RFI approach. This process allows for timely disposition of the Site and provides flexibility in addressing current market and financial constraints.
- J. To provide consistency with the 2006 process for Site disposition, the RFI will also include information on the recommendations from the community planning process and require that responders provide information on the following:
 - 1. Their financial capacity to successfully complete an acquisition;
 - 2. Their experience with similar redevelopment and adaptive re-use projects;
 - 3. Their success in executing urban residential or residential-mixed use projects;
 - 4. Their overall development record;
 - 5. Their commitment to preserving the Site building; and
 - 6. Their experience in involving the surrounding community in the development process.
- K. The FAO Committee considered this resolution at its September 21, 2010, and recommends approval by the Board.

RESOLUTION

- 1. The Board directs District staff to implement a revised disposition process for the District-owned northeastern parcel containing the Washington High School building, superseding the process described in Resolution Nos. 3465 and 3466
- 2. The Board authorizes District staff to commence an RFI process to identify qualified developers interested in acquiring and developing this parcel and to negotiate a sales agreement subject to review by General Counsel for the District and final Board approval.
- 3. RFI materials shall include information on the Advisory Group's recommendations to the District and from the City's community process for the development of a community center at the Site.
- 4. Responders to the RFI shall provide information on the following:
 - a. Their financial capacity to successfully complete an acquisition;
 - b. Their experience with similar redevelopment and adaptive re-use projects;

- c. Their success in executing urban residential or residential-mixed use projects;
 - d. Their overall development record;
 - e. Their commitment to preserving the Site building; and
 - f. Their experience in involving the surrounding community in the development process.
5. The Board directs District staff to provide the FAO Committee with periodic updates on the RFI process, its outcome, and preliminary negotiations. District staff shall make a recommendation on developer selection and an acquisition agreement to the FAO Committee for its review and recommendation to the Board.

C. Sylvester / T. Magliano

RESOLUTION No. 4347

Amending Resolution No. 3896 Supporting Community Athletic Facilities Partnership and Portland Public Schools Funding Commitment

RECITALS

- A. On April 28, 2008, by way of Resolution No. 3896, the Board of Education (“Board”) approved supporting a partnership with Community Athletic Facilities (“CAF”) Partnership and providing a Portland Public Schools (“District”) funding commitment for matching grants totaling up to \$2 million for restoration or replacement of athletic playing surfaces at the District’s 10 high schools’ tracks and fields.
- B. Resolution No. 3896 needs to be amended to remove the reference to the 2007-08 budget year because the high school Great Fields projects were not ready for funding during that time. Great Fields projects may only move forward as full project funding becomes available through community fundraising and corporate sponsorships.
- C. Resolution No. 3896 authorized the Superintendent or her designee to negotiate a memorandum of understanding (“MOU”) with CAF Partnership, outlining the District’s capital improvement priorities and defining the relative financial participation levels shared between CAF Partnership, the District, and other partners. The District’s relationship with CAF Partnership never evolved into an official partnership, and high school field projects to date have been accomplished solely as a result of community fundraising and corporate sponsorship.
- D. District staff have reported on the individual high school field projects to the Board’s Finance, Audit and Operations (“FAO”) Committee to ensure the Board and Superintendent are kept apprised of the status of each high school track and field upgrade and replacement planning.

RESOLUTION

- 1. The Board hereby amends Resolution No. 3896 to remove references to the “2007-08 fiscal year” from the language committing District financial resources as matching grants.
- 2. The Board further amends Resolution No. 3896 to remove language authorizing the Superintendent to negotiate a MOU with CAF Partnership.

3. The Board requires the Superintendent to develop a funding plan based on 2010 free and reduced lunch data to equitably disburse the Great Fields funding. Upon completion of the Superintendent's funding plan based on this formula, projects can begin.
4. The Board directs District staff to continue to report to the FAO Committee on all high school field and track projects as they prepare to use the Great Fields funding.

C. Sylvester / C. Vaughan-Tyler