

BOARD OF EDUCATION

Portland Public Schools
STUDY SESSION
September 10, 2012

Board Auditorium

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

Note: Those wishing to speak before the School Board should sign the 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.

STUDY SESSION AGENDA

1. **CITIZEN COMMENT** 6:00 pm
2. **PORTLAND FEDERATION OF SCHOOL PROFESSIONALS** 6:20 pm
3. **CHARTER SCHOOL PROCESS UPDATE** 6:30 pm
4. **BOND READINESS** 6:45 pm
 - Citizen Accountability Committee and Charter
 - Timeline
5. **OSBA MULTNOMAH COUNTY ELECTIONS** – action item 7:15 pm
6. **BUSINESS AGENDA** 7:25 pm
7. **ADJOURN** 7:30 pm

The next meeting of the Board will be held on **September 24, 2012**, at **6:00 pm** in the Board Auditorium at the Blanchard Education Service Center.

Portland Public Schools Nondiscrimination Statement

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

Board of Education Policy 1.80.020-P

MEMORANDUM

TO: BOARD MEMBERS
FROM: KRISTEN MILES
SUBJECT: CHARTER SCHOOL PROCESSES AND ANNUAL PLANNING
DATE: 9/7/2012
CC: CAROLE SMITH, JOLLEE PATTERSON, SUE ANN HIGGENS, AMANDA WHALEN, KATHRYN SOFICH

CHARTER SCHOOL PROCESSES

Last school year, we saw a number of challenges in the mechanism for how we processed our charter school work through the Board. In a reflective attempt to improve this process and ensure a strong, transparent feedback loop, we will employ the following practices this year:

1. We will present a brief update at the September 10 Board meeting on the charter school process for this school year, the number of applicants, the number of renewals, and the approximate timelines for the associated processes.
2. A group of three Board members will form the charter hearing panel. As we have only two applicants this year, our hope is to have the same Board members present at both hearings. If this is not possible, there should be at least one Board liaison that attends both hearings.
3. After the hearings, Kristen will debrief with the panel (or liaison), and will then draft a memo to the full Board reflecting the substance of the hearings. The Board will receive this memo prior to discussing these applications at the study session, along with the updated staff review report on the applications.
4. At the study session, the applicants will be given a brief presentation time, Kristen will provide a process and timeline update, the designated Board liaison will report out about the substance of the hearings, and the Board will receive the Superintendent's recommendation.
5. The Board will vote on the applications at the next regular Board meeting.

THIS YEAR'S CHARTER SCHOOL EVENTS

1. We received three charter school applications this year. One was found to be incomplete, and will not complete the remainder of the application process. Two were found to be complete, and are currently being reviewed by a staff review team.

2. As per statute, we must have hearings completed by October 5. Once the Board hearing panel is determined, we will schedule these hearings, with the goal to hold them during the first week of October.
3. We plan to schedule the Board's discussion about these applications for the November 19th study session.
4. We plan to schedule the Board vote on these applications for the November 26 regular Board meeting.
5. We have no charter schools in renewal this year, so there will be no renewal hearings or Board votes on renewals.

We continue to develop and maintain strong relationships with our existing charter schools, with ODE charter school staff, and with other districts. As the district with the most charter schools in Oregon, we are frequently looked to for leadership, assistance, and advice, and are often asked by ODE, external district partners, and even national partners to present at conferences or otherwise provide perspective on charter authorizing. We look forward to expanding this important work in the coming year.

MEMORANDUM

TO: BOARD MEMBERS
FROM: KRISTEN MILES
SUBJECT: PORTLAND VILLAGE RENEWAL PROCESS
DATE: 9/7/2012
CC: CAROLE SMITH, JOLLEE PATTERSON, SUE ANN HIGGENS, AMANDA WHALEN, KATHRYN SOFICH

After the Board's approval of Portland Village's (PVS) renewal last year, we engaged in contract negotiations with them. After several months of negotiation, we have come to an agreement on all other terms except the enrollment cap. Portland Village asserts that we do not have the right to impose any enrollment cap on them in the contract; we feel strongly that the statute allows us to include this critical element as part of contract negotiations (and we know that even ODE has enrollment caps in its state-sponsored schools contracts).

We extended PVS's current contract by amendment 4 times to allow more time for negotiation in the hope that we could come to agreement on a contract. We felt it prudent, however, not to extend their contract into the new school year, so it expired as of yesterday, and PVS informed us that they do intend to appeal the enrollment cap provision.

Statute dictates that, when we come to an impasse in negotiations, this constitutes a nonrenewal. When this occurs, the charter school remains open under its old contract while it pursues a resolution. In this case, the following steps would apply:

1. PVS will appeal to us within 30 days of receiving the notice of nonrenewal (attached), which went to them today.
2. We then have 45 days in which to hold a Board hearing about their request to reconsider the enrollment cap.
3. Within 20 days of the hearing the Board would need to vote on the request.
4. If the Board denies the request, PVS then has 30 days to appeal to the state for a review of the decision.
5. The state would either uphold the Board's decision or remand it back for reconsideration.

I will be giving a brief update at the September 10 meeting on upcoming charter school processes this year, and I will include this in the update. Since it will be likely that they will have not submitted their appeal by that point yet, it would be helpful if any questions were about the process only, not about any substantive recommendations such as the enrollment cap that are still yet to be considered. That discussion would be held further along in the process, at a different meeting.

Please let me know in the meantime if you have any questions. Thanks much.



PORTLAND PUBLIC SCHOOLS

P.O. Box 3107 / Portland, Oregon 97208-3107

Telephone: (503) 916-3741 • FAX: (503) 916-2724

STAFF REPORT TO THE BOARD

DRAFT CAPITAL CONSTRUCTION BOND CITIZEN ACCOUNTABILITY COMMITTEE CHARTER

Board Meeting Date: September 10, 2012 **Executive Committee Lead:** C.J. Sylvester, COO

Department: Office of School Modernization **Staff Lead:** Jim Owens, Director Capital Operations

I. ISSUE STATEMENT

Board Resolution No. 4640 directed referral of a capital construction bond measure to the November 6th 2012 election. Chartering an accountability committee will assist the Board of Education in monitoring the planning and progress of the proposed bond program relative to voter-approved work scope, schedule, and budget objectives.

The attached draft Bond Accountability Committee Charter is provided for Board review and discussion.

II. BACKGROUND

The proposed ballot measure (Notice of Bond Election) and explanatory statement language was referred to the Multnomah Elections Division on August 21, 2012. The measure's summary statement identifies the requirement for PPS to provide citizen accountability and oversight and annual audits of bond projects and expenditures. Staff has developed a draft accountability committee charter to address this requirement. Membership of the committee is proposed to include six committee members and a chairperson comprising a mix of individuals with a good reputation in the community for fairness and transparency and people with a combination of experience in building design; construction; construction financing; public contracting, budgeting and/or auditing.

III. RELATED POLICIES/BEST PRACTICES

- Board Resolution No. 4640 (August 20, 2012) calling a Measure Election to Submit to the Electors of the District the Question of Authorizing \$482,000,000 of General Obligation Bonds and Providing for Related Matters.
- Long Range Facility Plan Guiding Principle C: Demonstrate Fiscal Responsibility identifies best fiscal practices as including credible forecasts, rigorous cost-benefit analysis, transparent budgets, responsible expenditures and audited financial statements.

IV. FISCAL IMPACT

None

V. BOARD OPTIONS

The Board can review and consider any public comment on the draft Charter and provide comments to staff as appropriate to finalize the document for Board action at the regular meeting on September 24, 2012.

VI. STAFF RECOMMENDATION

The purpose of this report is to inform and prepare the Board for action on the final version of the Charter and membership. No action is recommended at this time, but discussion is encouraged.

VIII. TIMELINE FOR IMPLEMENTATION/EVALUATION

Staff expects to present the final Charter and proposed membership at the September 24, 2012 Board meeting.

ATTACHMENT

Draft Portland Public Schools Capital Construction Bond Citizen Accountability Committee Charter



Portland Public Schools Capital Construction Bond Citizen Accountability Committee

Charter

Background:

Portland Public Schools (PPS) has referred a Capital Construction Bond Measure for voter approval on the November 6, 2012, ballot. The School Board desires to establish a citizen accountability committee to assist in monitoring the planning and progress of the bond program.

Committee Charge:

In response to the need for accountability regarding the District's effective use of capital construction bond funds, the PPS School Board will appoint a Citizen Accountability Committee ("Committee") whose charge will be to monitor the planning and progress of the bond program relative to voter-approved work scope, schedule and budget objectives. The Superintendent has overall responsibility for performance of staff engaged in the implementation of the bond program.

The Committee will actively review the bond program, and provide advice to the Board of Education on:

- Whether the school district bond revenues are expended only for the purposes for which the bond was approved, and that bond revenues are not used for any purpose prohibited by law;
- Alignment with the goals and principles of the Long Range Plan;
- Alignment with the goals of the Business Equity Policy;
- District standards and innovative practices for achieving lower maintenance and construction costs while improving operating efficiency and increasing building longevity;
- Historic preservation and school renovation opportunities compatible with the architecture of surrounding Portland neighborhoods;
- Potential capital partnerships for joint and shared use of PPS facilities;
- Implementation of appropriate ways to address seismic issues;
- Compliance with ADA; and
- Communicating key information related to the bond to the School Board, public groups, organizations and stakeholders.

The Committee will receive and review copies of annual performance audits and financial audits, and has the option to inspect school facilities and grounds to ensure Bond revenues are expended in compliance with state law and the ballot measure language.

The Committee will review quarterly reports produced by the District each year the bond proceeds are being spent in order to verify general compliance with the purposes set forth in the capital improvement program as approved by the voters.

The Committee will perform other reasonable duties requested by the School Board.

Committee Membership:

The Committee shall consist of seven members. The School Board will appoint six committee members and a chairperson.

The Committee shall be comprised of a mix of individuals with a good reputation in the community for fairness and transparency and a majority of the committee will be people with a combination of experience in building design; construction; construction financing; public contracting, budgeting, and/or auditing.

a) The Committee members shall receive no direct or indirect compensation from the District for their services as members of the Committee.

b) The Committee members may not have an active or pending contract with the District, nor enter into a contract during their term on the Committee.

c) The Committee may not include any employee or official of the District, or any vendor, contractor or consultant of the District.

d) A Committee member serves to advise the School Board. If a Committee member resigns, violates the Ethics Policy contained herein (see attachment), fails to attend two consecutive Committee meetings without reasonable excuse, or otherwise becomes unable to serve on the Committee, the Board may declare the position on the Committee to be vacant and appoint another qualified person to the Committee.

e) Members are appointed to staggered 2, 3 and 4-year terms and may reapply for consideration to serve additional terms. A member may not serve more than eight consecutive years.

Committee Operations:

The charge to the Committee does not include:

- a. Approval of construction contracts;

- b. Approval of construction change orders;
- c. Appropriation of construction funds;
- d. Handling of legal matters;
- e. Approval of construction plans and schedules;
- f. Approval of the sale of bonds;
- g. Priorities and order of construction for the bond projects;
- h. Selection of architects, engineers, construction managers, project managers, and such other professional service firms;
- i. The approval of the design for any project;
- j. The selection of independent audit firm(s), performance audit consultants and such other consultants as are necessary to support the performance of the Bond Program;
- k. Setting or approving schedules of design and construction activities; or
- l. Activities, roles or responsibilities that have been designated by the Superintendent or her designee to staff or consultants, or any policy-making responsibilities.

Committee Meetings:

- a) The Committee will meet quarterly or as requested by the Superintendent, District staff or the Committee chair.
- b) Committee meetings are advisory and not related to formal decision-making by the PPS School Board. Committee meetings shall include opportunity for public comments.
- c) The Chief Operating Officer, Chief Financial Officer, and Director of the Office of School Modernization will provide support and staffing to the Committee.
- d) PPS staff will provide necessary technical and administrative assistance as follows:
 - (1) A meeting room, including any necessary audio/visual equipment;

- (2) Preparation and copies of any documentary meeting materials, such as agendas and reports; and distribution of those materials to the committee in a timely manner.
- (3) Provision of reports covering the School Bond Program.
- (4) Preparation of Committee meeting minutes and posting for public viewing and use on the PPS web site.
- (5) PPS staff will attend Committee meetings in order to report on the status of capital improvement projects, to respond to questions, and to receive advice and counsel on the overall bond program or any of its component parts. PPS project consultants may attend Committee meetings at the discretion of PPS staff.

DRAFT

Attachment

Portland Public Schools Capital Construction Bond Citizen Accountability Committee: Ethics Considerations

An ethics policy provides general guidelines for Committee members to follow in carrying out their roles. Not all ethical issues that Committee members face are covered in this Policy. However, this Policy captures some of the critical areas that help define ethical and professional conduct for Committee members. Committee members are expected to strictly adhere to the provisions of this Ethics Policy.

Policy:

CONFLICT OF INTEREST. A Committee member shall not make or influence a District decision related to:

1. any contract funded by bond proceeds; or
2. any construction project which will benefit the Committee member's outside employment, business, or provide a financial benefit to a family member, such as a spouse, child, parent or sibling.

OUTSIDE EMPLOYMENT. A Committee member shall not use his or her authority over a particular matter to negotiate future employment with any person or organization that relates to:

1. any contract funded by bond proceeds; or
2. any construction project. A Committee member shall not make or influence a District decision related to any construction project involving the interest of a person with whom the member has an agreement concerning current or future employment, or remuneration of any kind.

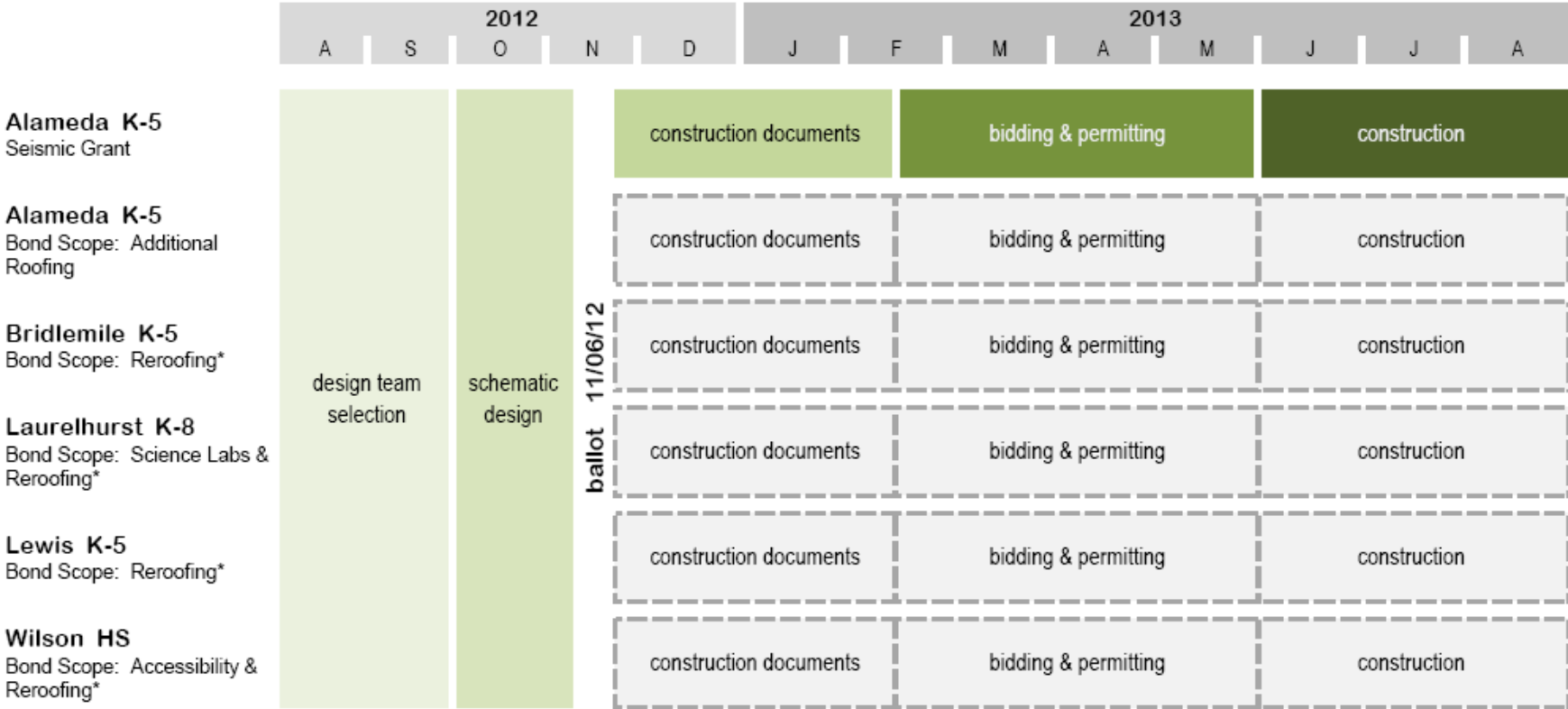
For a period of one (1) year after leaving the Committee, a former Committee member may not represent any person or organization for compensation in connection with any matter pending before the District that, as a Committee member, he or she participated in personally and substantially. Specifically, for a period of one (1) year after leaving the Committee, a former Committee member and the companies and businesses for which the member works shall be prohibited from contracting with the District with respect to:

1. bidding or proposing to provide services on projects funded by the bond proceeds; and/or
2. any construction project funded by the District.

COMMITMENT TO UPHOLD LAW. A Committee member shall uphold the federal and Oregon Constitutions, the laws and regulations of the United States and the State of Oregon, and the policies, procedures, rules and regulations of the Portland Public School District.

COMMITMENT TO THE PUBLIC. A Committee member shall place the interests of the public above any personal or business interest of the member.

Alameda K-5 Seismic Rehabilitation and Other District Facility Improvements Timeline



ballot 11/06/12

scope of work to be completed only upon bond approval

- 1 If bond measure fails, all bond scope design work will stop at completion of schematic design
- 2 Alameda seismic grant funding allows PPS to design and construct seismic improvements regardless of bond vote outcome
- * Roofing includes roof level seismic improvements if needed

NOMINATION FORM

OSBA BOARD OF DIRECTORS

REGIONAL MEMBER

Date _____

Terry Lenchitsky, OSBA President-Elect
Oregon School Boards Association
P.O. Box 1068
Salem, OR 97308
Fax: 503-588-2813
E-mail: OSBAelections@osba.org

Nominations are due by 5 p.m., September 28, 2012.

Return this form, all candidate information forms and your photo to the OSBA office.
Fax to 503-588-2813
E-mail to osbaelections@osba.org
Mail to Oregon School Boards Association, P.O. Box 1068, Salem, OR 97308.

Dear Terry Lenchitsky:

With this letter, our board nominates the candidate named below to the OSBA Board of Directors for region _____, position # _____.

CANDIDATE INFORMATION

Name: _____

District/ESD/Community College: _____

Address: _____

City: _____, Oregon ZIP _____

E-mail: _____ Phone: _____

This nomination was approved by an official action of our board of directors at a duly called meeting on _____.
(date)

Sincerely, _____

(Board chair)

Name: _____

District: _____

Address: _____

City: _____, OR ZIP _____

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

INDEX TO THE AGENDA
BUSINESS MEETING

September 10, 2012

Board Action Number	Page
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Purchases, Bids, Contracts

4645	Revenue Contracts that Exceed \$25,000 Limit for Delegation of Authority.....	3
4646	Personal/Professional Services, Goods, and Services Expenditure Contracts Exceeding \$150,000 for Delegation of Authority	4

Other Matters Requiring Board Action

4647	Recommended Grievance Decision Regarding Employee #017210.....	7
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Purchases, Bids, Contracts

The Superintendent RECOMMENDS adoption of the following items:

Numbers 4645 and 4646

RESOLUTION No. 4645

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

RECITAL

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

RESOLUTION

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

NEW CONTRACTS

No New Contracts

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

Contractor	Contract Term	Contract Type	Description of Services	Contract Amount	Responsible Administrator, Funding Source
David Douglas School District	07/01/12 through 06/30/13	IGA/R 59307	Columbia Regional Program will provide classroom services for regionally eligible deaf/hard of hearing students.	\$256,300	S. Higgins Fund 299 Dept. 9999 Grant S0031
Centennial School District	07/01/12 through 06/30/13	IGA/R 59321	Columbia Regional Program will provide classroom services for regionally eligible deaf/hard of hearing students.	\$101,250	S. Higgins Fund 299 Dept. 9999 Grant S0031
Oregon Trail School District	07/01/12 through 06/30/13	IGA/R 59322	Columbia Regional Program will provide classroom services for regionally eligible deaf/hard of hearing students.	\$47,200	S. Higgins Fund 299 Dept. 9999 Grant S0031
Multnomah Education Service District	07/01/12 through 06/30/13	IGA/R 59323	Columbia Regional Program will provide Feeding Consultation services by written request.	\$40,400	S. Higgins Fund 299 Dept. 9999 Grant S0242
State of Oregon Military Department, Office of Emergency Management	09/10/12 through 08/02/14	IGA/R 59334	Alameda PK-5: Planning, surveying, engineering, and construction services for seismic retro-fit work and related expenditures; funded by Seismic Rehabilitation Grant Program.	\$1,500,000	T. Magliano Fund 438 Dept. 5597 Project J0740

AMENDMENTS TO EXISTING CONTRACTS

No Amendments to Existing Contracts

LIMITED SCOPE REAL PROPERTY AGREEMENTS AND AMENDMENTS

No Limited Scope Real Property Agreements and Amendments

N. Sullivan

RESOLUTION No. 4646

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 exceeds \$150,000 per contract, excepting settlement or real property agreements. Contracts meeting this criterion are listed below.

RESOLUTION

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

NEW CONTRACTS

Contractor	Contract Term	Contract Type	Description of Services	Contract Amount	Responsible Administrator, Funding Source
Coastwide Laboratories	09/11/12 through 06/30/15	Cooperative Agreement COA 59282	District-wide: Custodial supplies, equipment, and cleaning chemicals, as needed; District will be using an existing Beaverton SD contract (start date: 07/01/05) on a cooperative basis as allowed in that contract’s terms.	Greater than \$250,000	T. Magliano Fund 101 Dept. 5593
Questica Inc.	09/11/12 through 09/10/17	Information Technology IT 59308	District-wide: Budget development and implementation SaaS.	\$189,805	D. Milberg Fund 101 Dept. 5521

NEW INTERGOVERNMENTAL AGREEMENTS (“IGAs”)

Contractor	Contract Term	Contract Type	Description of Services	Contract Amount	Responsible Administrator, Funding Source
Multnomah Education Service District	07/01/12 through 06/30/13	IGA 59294	Alpha, Donald E. Long & Helensview Sites: MESD will provide Reconnecting Youth Program services for eligible District students.	\$200,000	S. Higgins Fund 101 Dept. 5485
North Clackamas School District	07/01/12 through 06/30/13	IGA 59329	Columbia Regional Program: North Clackamas SD will provide autism services to regionally eligible students.	\$294,000	H. Adair Fund 205 Dept. 5433 Grant G1203

AMENDMENTS TO EXISTING CONTRACTS

Contractor	Contract Term	Contract Type	Description of Services	Amendment Amount, Contract Total	Responsible Administrator, Funding Source
Heartspring	07/01/12 through 06/30/13 Year 2 of Contract	Personal Services PS 58634 Amendment 1	Special Education: One-year extension of contract for specialized education and residential program consistent with a particular District student's IEP.	\$275,000 \$550,000	M. Pearson Fund 101 Dept. 5414

N. Sullivan

Other Matters Requiring Board Action

The Superintendent RECOMMENDS adoption of the following item:

Number 4647

RESOLUTION No. 4647

Recommended Grievance Decision Regarding Employee #017210

RECITALS

A Step 2 grievance hearing was held pursuant to the grievance provisions of the PPS/PFSP 2011-2013 Agreement and the hearing officer has issued a decision, and the Superintendent recommends adoption of that decision.

RESOLUTION

The decision dated August 7, 2012 in the PFSP Employee #017210 grievance is hereby adopted as the decision of the Board.

M. Riddell / B. Logan