

# Portland Public School District 1<sup>st</sup> Reading

**DATE OF FIRST READING: November 15, 2022**

## **PUBLIC COMMENT FOR Policy Rescissions:**

- **School Demonstrations 3.40.030-P**
- **Solicitations – Community Campaigns 3.30.037-P**

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The Portland Public School District is providing Notice of Proposed Revised Policy and Public Comment to offer interested parties reasonable opportunity to submit data or comments on the proposed policies noted below.

Public comment may be submitted in writing directly to the district or through the district website noted below. Written comments must be submitted by 5:00pm on the Last Date for Comment listed below.

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## **Last Date for Comment: December 06, 2022**

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**Summary:**                    **Rescission of the following policies:**

- **3.40.030-P School Demonstrations**
- **3.30.037-P Solicitations - Community Campaigns**

**1<sup>st</sup> Reading by:**        **Director Eilidh Lowery**  
Portland Public School Board, Policy Committee Chair

**Recommended for a 1st Reading by:**  
Portland Public Schools Board of Education  
Policy Committee

**Draft Policy Web Site:** <http://www.pps.net/draftpolicies>

**Contact:**                    **Rosanne Powell, Senior Board Manager**  
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**Draft Policy Comment Form:**    <https://forms.gle/VqYbmVA36qqADj6n6>

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**Office of the General Counsel  
PORTLAND PUBLIC SCHOOLS**

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**Date:** November 4, 2022  
**To:** School Board  
**From:** Mary Kane, Senior Legal Counsel  
**cc:** Guadalupe Guerrero, Superintendent  
Liz Large, Contracted General Counsel  
**Subject:** Recommended policy rescissions

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The Board Policy Committee met on October 26, 2022, and discussed continuing to review policies to determine which needed updates and which should be rescinded. Two policies were put forward by staff with recommendations that they be rescinded. After discussion, the Policy Committee recommended that the following policies, copies attached, be forwarded to the full Board with a recommendation for First Reading en route to rescission:

a. **3.40.030-P School Demonstrations**

This policy was adopted in 1971 and amended in 2002. The material does not constitute a policy and does not reflect the District's values or practice. A comprehensive guide ["Civic Engagement and Unrest- A Toolkit for Resilience and Empowerment"](#) is currently used in regular District practice.

b. **3.30.037-P Solicitations Community Campaigns**

This policy was adopted in 1971 and last amended in 2002. The material does not constitute a policy and is not current District practice.

## 3.30.037-P Solicitations – Community Campaigns

Campaigns among students and/or employees by community organizations for the purpose of raising funds may be conducted only upon authorization of the Board. Fund-raising campaigns shall be authorized only when sponsored by organizations, which contribute significantly to social service, conservation or cultural aspects of community life. Fund-raising campaigns selected shall have objectives, which are primarily educational and shall be designed to help students understand the role and importance of voluntary social service and cultural agencies in community life. Such campaigns shall stress, as well, the importance of voluntary contributions to humanitarian services and cultural resources. The district will permit three sanctioned fund drives each year, as follows:

- (1) **Fall** Combined Fund Drive.
  - (a) Participation. Schools and departments shall participate annually in the combined campaigns, which shall be coordinated by the Office of Public Information and Communication.
  - (b) Standards of Eligibility. An organization eligible for participation in the Portland School district combined community drive must be an organization which is either: (1) a joint fund-raising organization which is a federation of five or more constituent organizations providing or supporting health, education, conservation or human welfare services predominantly in Oregon and with significant services in Multnomah County; or (2) a fund-raising organization which is disbursing/granting funds to five or more constituent organizations providing or supporting health, education, conservation or human welfare services predominantly in Oregon and with significant services in Multnomah County; or (3) an organization providing health, education, conservation or human welfare services predominantly in Oregon with significant services in Multnomah County which is not receiving funds as a member of a joint fund-raising organization nor is a disbursee/grantee of a fund-raising organization; or (4) the Portland School District Foundation. The organization shall also in its own name regularly seek and receive significant support through a system of public requests. Not more than nine organizations meeting these criteria and which are selected by a committee chaired by the district's General Counsel shall be placed on the list of those organizations certified by the superintendent as being eligible to receive contributions from district employees via payroll deduction, provided the requirements set forth below have been satisfied. The selection committee shall consist of five persons and shall annually review proposals and select those organizations, which in its judgment will provide students the best

## 3.30.037-P Solicitations – Community Campaigns

examples to further the educational objectives stated in the first paragraph of this policy. Federations meeting the educational objectives shall be given priority consideration. Concerns regarding the selection may be addressed to the superintendent within 30 days of the selection committee decision. Each federation or united fund, hereafter referred to as "Charitable Organization," is responsible for ensuring that all of its member organizations meet the established criteria prior to filing for permission to participate in the combined campaign drive.

- (A) Federal Exemption. Each Charitable Organization must be exempt from tax under Section 501 (c)(3) of the Internal Revenue Code. Contributions to such Charitable Organization and each of the respective members and/or grantees of that Charitable Organization shall be deductible for federal income tax purposes under Section 170 of the Internal Revenue Code of 1954. An advance ruling on its exempt status shall meet this requirement.
- (B) Registration and Reporting. Each Charitable Organization must be in compliance with Oregon state laws governing nonprofit organizations and assure the district that each organization represented by it is also in compliance with the laws. Therefore, each Charitable Organization must be registered as a Charitable Organization with the Secretary of State and with the Attorney General as may be required, unless specifically exempt from registration by state law.
- (C) Nondiscrimination. Each Charitable Organization must have a policy and procedure of nondiscrimination in regard to age, color, creed, disability, marital status, national origin, race, religion, sex and sexual orientation applicable to the policies and actions of the constituents of the Charitable Organization and its members and/or grantees.
- (D) Organization Structure. Each Charitable Organization in the combined fund drive and each of its respective members/grantees shall be governed by a Board of Directors, which serves without compensation. Each Charitable Organization participating in the combined fund drive shall assure the district that it has the express permission of the Board of Directors of each member/grantee represented by the Charitable Organization for the use of its name and participation in the fund drive.

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- (E) Annual Report/Financial Statements. Each Charitable Organization and each of its respective members/grantees shall make available to the general public on request copies of its annual report including its most recent financial statement. Each Charitable Organization and each of its respective members/grantees shall make available to the general public upon request a report describing the program expenses and fund-raising expenses for its organization. By July 1 each year, each Charitable Organization must certify to the superintendent that its ratio of collection and administration costs when compared to the dollars distributed to its grantees is no greater than 20 to 80. The certification shall be accompanied by the most recent report it filed with the Oregon Attorney General.
- (F) Single Campaign. No Charitable Organization shall, in any calendar year, conduct more than one fund drive through the district payroll deduction system.
- (G) Integrity of Operations. Each Charitable Organization must have at least one-year history of service.
- (H) Definition. Each Charitable Organization must:
- (i) Be an incorporated institution;
  - (ii) Be organized as a nonprofit corporation;
  - (iii) Separately account for funds and donations committed to charitable use;
  - (iv) Not operate for the profit or private advantage of the organization's founders and officials;
  - (v) Have charity or community service as its primary, if not sole, object and must be performing in a manner that furthers that object;
  - (vi) Conduct its activity for the direct good or benefit of the public or community at large. Public benefits must be a primary purpose rather than a by-product;
  - (vii) Not be established primarily for the benefit of its members;
  - (viii) Have a strong element of gift and giving present in the organization's activities relating to those it serves. The element of gift and giving should be something of value to a recipient with no expectation of compensation or remuneration. Forgiveness of uncollectible accounts does not by itself constitute a gift of giving.

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- (c) If the activity of the institution relieves a government burden, it is an indicator that the institution may be charitable or providing a community service.
- (2) **Winter**. One community organization will be designated annually by the Board for the annual winter charitable campaign. Each year, the Board shall examine the requests of social service and cultural organizations to solicit funds in the schools. One organization meeting the criteria of significance in one of those areas may be authorized to conduct a fund-raising campaign in the schools, according to the rules below. It is the intent of the Board that an organization meeting these criteria will be eligible for selection in successive years so designated will be selected in subsequent years absent other campaign proposals with comparable educational or community impact.
- (3) **Spring — Young Audiences**. Schools shall participate annually in the campaign for funds by Young Audiences.
- (4) **Procedures for Fund Raising**.
- (a) **All Drives (fall, winter, spring)**.
- (A) Membership or other participation in activities either of individuals or classrooms shall not be limited to those contributing to fund raising.
- (B) Arrangements for and the method for collection of funds shall be developed in accordance with the nature of the fund drive in consultation with the office of the superintendent. Awards and/or recognition shall be based on participation and/or effort and not on monetary factors. Such temporary record keeping as required by the nature of the fund drive shall be permitted, but publication of comparative data is not permitted.
- (C) No definite amount shall be apportioned to be raised.
- (D) No contest shall be proposed which has for its object the comparison of amounts raised in the various schools, nor shall any incentive be used to encourage large donations.
- (E) The campaigns shall be under the supervision of the office of the superintendent. Each September, the superintendent shall assign a staff member a liaison to the Board in organizing, selecting and conducting the annual fund drives. The staff person designated shall select a liaison team to assist in the campaigns.

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- (F) Assigned staff and Board liaison members and organization liaison teams shall serve as a facilitating committee for the fund drives.
  - (G) Once an organization is selected and a fund drive authorized, it becomes an officially sanctioned effort of the district, and the cooperation and participation of all schools is requisite unless the liaison committee formally excuses a school.
- (b) Fall - Combined Fund Drive.
- (A) Portland School District Combined Fund Drive Committee shall be established to assist in the coordination of a single, annual, combined fund drive each fall during the month of October. The committee shall be composed of not more than 10 employees appointed by the superintendent for a term of two years. Terms shall be staggered.
  - (B) All costs such as printing of brochures, preparation of slide presentations and other promotional costs shall be the responsibility of those organizations designated to participate in the combined fund drive. In circumstances where costs cannot be associated with a particular Charitable Organization, the costs shall be shared in a percentage relating to the total funds distributed.
  - (C) Role of the Committee.
    - (i) The committee shall be a coordinating committee, which shall review and monitor the activities of the participating Charitable Organizations and report to the superintendent.
    - (ii) The committee shall annually print and distribute an application form, which Charitable Organizations must use to apply for participation in the fund drive.
    - (iii) The committee shall evaluate each application based on its criteria and determine which Charitable Organizations shall participate in the one, annual combined fund drive to secure funds from employees through payroll deduction or other payment method.
    - (iv) The committee shall establish implementation guidelines for combined fund drive
    - (v) Activities within the various schools and departments in the district.



### 3.30.037-P Solicitations – Community Campaigns

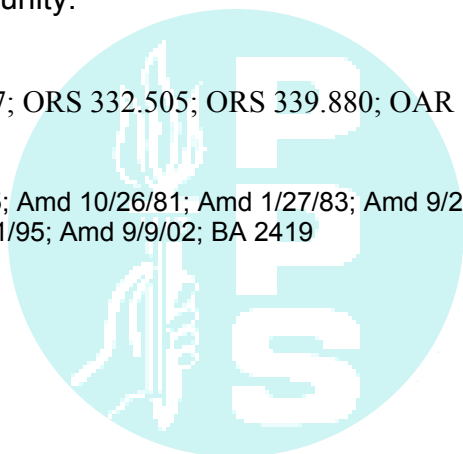
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(c) Winter Drive.

- (A) Each September, the Board chair shall designate one Board member to represent the Board and to work with the assigned staff member to determine if the incumbent campaign should continue as the Board's choice.
- (B) The organization to conduct the community fund drive will be notified not later than November 1 each year and the schools are to be notified of the campaign dates no later than the end of November each year.
- (C) Individual schools may additionally establish a winter campaign for the school. This campaign shall stress the educational objectives set out in this Board policy and be particularly relevant to the school's neighborhood and the student/parent community.

Legal References: ORS 332.107; ORS 332.505; ORS 339.880; OAR 137-025-0020 et seq.; OAR 581-022-1660 (2)

History: Adpt 6/71; Amd 10/27/75; Amd 10/26/81; Amd 1/27/83; Amd 9/26/85; Amd 7/14/88; Amd 12/10/92; Amd 2/25/93; Amd 8/31/95; Amd 9/9/02; BA 2419



## 3.40.030-P School Demonstrations

- (1) The Board of school district No. 1 recognizes the district's has as a paramount concern the safety and well being of the students, staff and other personnel in the schools. The Board further has responsibility for maintaining uninterrupted educational programs for all of its students. Students have a right to an education and the Board intends to protect that right in the event of a demonstration or other disorder disruptive to the school environment. The Board also is concerned for the protection of school property and facilities in such an event. Therefore, the Board of Education of school district No. 1 will take all lawful and the legal steps necessary to achieve these ends through the emergency procedures developed by the superintendent and implemented by building principals to assure that schools will respond effectively to all contingencies and that the preparedness of staff to cope with such disruptions and coordination of plans, as appropriate, with civil authorities will be prepared to cope with all emergencies of a disruptive nature that occur. Further, the Board asks that each student, each teacher, each administrator, and each parent assume personal responsibility to encourage the kind of sober civil relationships that are essential to an orderly society and an educational environment conducive to learning.
- (2) Operating Principles for Controlling School Disturbances Demonstrations.
- (a) Accountability. Disorder and disruption of the school process for any reason will not be tolerated, and persons attempting such actions shall be held accountable.
  - (b) Law Enforcement. In order to ensure safe and orderly school operations, the district fully intends to enforce all laws and to seek prosecution of those who violate them. Students involved in school disruptions, vandalism, violence or other illegal acts will be subject to suspension or expulsion from Portland schools.
  - (c) Personnel Responsibility. In both preventing and resolving student unrest and demonstrations, all district personnel must plan important and responsible roles.
    - (A) Teamwork is essential at all levels in handling student disorders. Only through teamwork on the part of the school building employees, central administrators, and the Board can disruptive actions be counteracted and the rights of all protected.
    - (B) Any school employee who promotes violation of Board policy, regulation, or school rule, or who promotes student unrest or disruptive behavior will be regarded as insubordinate, as

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having violated basic professional obligations, and will be subject to suspension from and/or termination of employment.

Legal References: ORS 332.072; ORS 332.107

History: Adpt 6/71; Amd 9/83; Amd 9/9/02; BA 2419

