

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

INDEX TO THE MINUTES

April 10, 2018

Board  
Action  
Number

Page

Purchases, Bids, Contracts

5622	Revenue Contracts that Exceed \$150,000 for Delegation of Authority .....
5623	Expenditure Contracts that Exceed \$150,000 for Delegation of Authority .....

Other Matters Requiring Board Approval

5624	Resolution to Adopt the Revised 1.80.020-P Non-Discrimination/Anti-Harassment Policy .....
5625	Resolution to Adopt the Teen Dating Violence/Domestic Violence Policy.....
5626	Resolution to Adopt the Revised 2.20.010-P Naming School District Property Policy .....
5627	Appointment of Custodian Civil Service Board Member .....
5628	Settlement Agreement .....
5629	Minutes .....
5630	Resolution in Response to Step 3 Complaint .....
5631	Resolution in Response to Step 3 Complaint .....
5632	Resolution to Fund Capital Improvement Costs for Middle School Implementation.....
5633	Appealing a Recommendation for Dismissal of a Contract Teacher .....
5634	Expenditure Contract that Exceeds \$150,000 for Delegation of Authority .....

April 10, 2018

Purchases, Bids, Contracts

The Superintendent RECOMMENDED adoption of the following items:

Numbers 5622 and 5623

Director Rosen moved and Director Anthony seconded the motion to adopt the above numbered items. The motion was put to a voice vote and passed unanimously (7-yes, 0-no), with Student Representative Tran voting yes, unofficial.

April 10, 2018

**RESOLUTION No. 5622**

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

**RECITAL**

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

**RESOLUTION**

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

**NEW REVENUE CONTRACTS**

No New Revenue Contracts

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

<b>Contractor</b>	<b>Contract Term</b>	<b>Contract Type</b>	<b>Description of Services</b>	<b>Contract Amount</b>	<b>Responsible Administrator, Funding Source</b>
Oregon Department of Education	9/1/16 through 6/30/19	Intergovernmental Agreement / Revenue IGA/R 66073	House Bill 3499 directs the Oregon Department of Education to develop and implement a statewide education plan for English Language Learners.	\$180,000	L. Valentino Fund 205 Dept. 9999 Grant G1702

**AMENDMENTS TO EXISTING REVENUE CONTRACTS**

No Amendments to Existing Revenue Contracts

April 10, 2018

**RESOLUTION No. 5623**

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

**RECITAL**

Portland Public Schools (“District”) Public Contracting Rules PPS-45-0200 (“Authority to Approve District Contracts; Delegation of Authority to Superintendent”) requires the Board of Education (“Board”) enter into contracts and approve payment for products, materials, supplies, capital outlay, equipment, and services whenever the total amount exceeds \$150,000 per contract, excepting settlement or real property agreements. Contracts meeting this criterion are listed below.

**RESOLUTION**

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

**NEW CONTRACTS**

<b>Contractor</b>	<b>Contract Term</b>	<b>Contract Type</b>	<b>Description of Services</b>	<b>Contract Amount</b>	<b>Responsible Administrator, Funding Source</b>
Tyler Technologies, Inc.	5/31/18 through 5/30/19  Options to renew for up to four additional one-year terms through 5/30/23	Software SW 66091	Transportation Routing software. RFP 2017-2300	Original Term: \$257,407 Total Term: \$459,189	J. Vincent Fund 101 Dept. 5560

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

No New IGAs

**AMENDMENTS TO EXISTING CONTRACTS**

<b>Contractor</b>	<b>Contract Amendment Term</b>	<b>Contract Type</b>	<b>Description of Services</b>	<b>Amendment Amount, Contract Total</b>	<b>Responsible Administrator, Funding Source</b>
Mortensen Construction	4/11/18 through 12/31/18	Design/Build DB 66083 Amendment 1*	Adding funds for additional scope. Design-Build services for Middle School Conversion Project – Tubman.  Exemption from Competitive Bidding (Board Reso. 5543)	\$6,400,000 Not to Exceed \$15,600,000	J. Vincent Fund 404 Dept. 5597 Project X0149

\* Amendments are in negotiation and not finalized at this time. Staff seeks advanced authorization for these amendments pursuant to the Purchasing & Contracting Delegation of Authority Administrative Directive, 8.50.105-AD, Section X(4): “The District may seek an ‘advanced authorization’ from the PPS Board of Education for any contract upon the approval of the Director of Purchasing & Contracting. The cost of the contract shall be a ‘Not to Exceed’ amount. Once the Board has approved it, no further authorization for the contract is required, providing the contract value remains at or below the ‘Not to Exceed’ amount.”

April 10, 2018

Other Matters Requiring Board Approval

The Superintendent RECOMMENDED adoption of the following items:

Numbers 5624 through 5634

During the Committee of the Whole, Director Kohnstamm moved and Director Anthony seconded the motion to adopt Resolution 5624. The motion was put to a voice vote and passed unanimously (7-yes, 0-no), with Student Representative Tran voting yes, unofficial.

During the Committee of the Whole, Director Kohnstamm moved and Director Anthony seconded the motion to adopt amended Resolution 5625. The motion was put to a voice vote and passed unanimously (7-yes, 0-no), with Student Representative Tran voting yes, unofficial.

Director Anthony proposed an amendment to Resolution 5625, to add the following language under Section II, A. 1. Definitions ..... to control another person who is, **or has been in**, a dating relationship.....Director Esparza Brown moved and Director Moore seconded the motion to add the additional language. The motion was put to a voice vote and passed unanimously (7-yes, 0-no), with Student Representative Tran voting yes, unofficial.

During the Committee of the Whole, Director Rosen moved and Director Bailey seconded the motion to adopt Resolution 5626. The motion was put to a voice vote and passed unanimously (7-yes, 0-no), with Student Representative Tran voting yes, unofficial.

Director Rosen moved and Director Anthony seconded the motion to adopt Resolutions 5627 through 5629. The motion was put to a voice vote and passed unanimously (7-yes, 0-no), with Student Representative Tran voting yes, unofficial.

During the Committee of the Whole, Director Esparza Brown moved and Director Kohnstamm seconded the motion to adopt Resolution 5630. The motion was put to a voice vote and passed by a vote of 6-1 (6-yes, 1-no [Anthony]).

During the Committee of the Whole, Director Esparza Brown moved and Director Anthony seconded the motion to adopt Resolution 5631. The motion was put to a voice vote and passed unanimously (7-yes, 0-no).

During the Committee of the Whole, Director Bailey moved and Director Rosen seconded the motion to adopt Resolution 5632. The motion was put to a voice vote and passed by a vote of 6-1 (6-yes, 1-no [Anthony]), with Student Representative Tran voting yes, unofficial.

During the Committee of the Whole, Director Moore moved and Director Esparza Brown seconded the motion to adopt Resolution 5633. The motion was put to a voice vote and passed unanimously (7-yes, 0-no), with Student Representative Tran voting yes, unofficial.

Director Bailey moved and Director Esparza Brown seconded the motion to add the word "affirms" to the Resolution section of Resolution 5633. The motion was put to a voice vote and passed unanimously (7-yes, 0-no), with Student Representative Tran voting yes, unofficial.

April 10, 2018

During the Committee of the Whole, Director Bailey moved and Director Esparza Brown seconded the motion to adopt Resolution 5634. The motion was put to a voice vote and passed unanimously (7-yes, 0-no), with Student Representative Tran voting yes, unofficial.

Director Moore moved and Director Anthony seconded the motion to waive the noticing requirements on Resolution 5634 due to the scope of work that the contract cannot do until the resolution is approved. The motion as put to a voice vote and passed unanimously (7-yes, 0-no), with Student Representative Tran voting yes, unofficial.

April 10, 2018

**RESOLUTION No. 5624**

Resolution to Adopt the Revised 1.80/020-P Non-Discrimination/Anti-Harassment Policy

**RECITALS**

- A. Portland Public Schools recognizes the diversity and worth of all individuals and groups and their roles in society.
- B. In its desire to reflect more clearly our commitment to non-discrimination in the district, the policy has been amended to define more broadly the protected classes.
- C. The policy also includes information about how to contact the Title IX coordinator for assistance and the availability of filing complaints at the District level and with the state.

**RESOLUTION**

The Board of Education hereby adopts Policy 1.80.020-P, Non-Discrimination/Anti-Harassment.

**RESOLUTION No. 5625**

Resolution to Adopt the Teen Dating Violence/Domestic Violence Policy

**RECITALS**

- A. Healthy Teen Relationships Act (HTRA) requires all Oregon school districts to adopt a policy that:
  - 1) States teen dating violence is unacceptable and is prohibited and that each student has the right to a safe learning environment;
  - 2) Incorporates age-appropriate education about teen dating violence into new or existing training programs for students in grades 7-12, and school employees as recommended by school officials;
  - 3) Identifies by job title the school officials who are responsible for receiving reports related to teen dating violence, which shall be the same school officials identified in the policy adopted by the school district under [the Safe Schools and Equality Act of 2009, which prohibits bullying, cyberbullying and harassment];
  - 4) Establishes procedures for the manner in which employees of a school are to respond to incidents of teen dating violence that take place at the school, on school grounds at school-sponsored activities or in vehicles used for school-provided transportation;
  - 5) Notifies students and parents of the teen dating violence policy adopted by the board.
- B. On March 6, 2018, staff presented the first reading to the Board of Education the Teen Dating Violence/Domestic Violence Policy.
- C. Per District policy, the public comment period was open for 21 days. There were no comments from the public.

**RESOLUTION**

The Board of Education hereby adopts the Teen Dating Violence/Domestic Violence Policy.

April 10, 2018

**RESOLUTION No. 5626**

Resolution to Adopt the Revised 2.20.010-P Naming School District Property Policy

**RECITALS**

- A. On December 19, 2017, the Superintendent referred a policy proposal to the Board of Education's Policy and Governance Special committee to review naming policies for District property.
- B. On January 5, 2018, the Policy and Governance Special Committee met to discuss the current policy on Naming School District Property and proposed changes that would provide clear guidance on naming of District property.
- C. On February 6, 2018, the Policy and Governance Special Committee met to review proposed revisions and recommended to move forward the proposed policy to the full Board for approval.
- D. On February 27, 2018, staff presented the first reading of Policy 2.20.010-P Naming School District Property.
- E. On March 20, 2018, staff presented two proposed policies for a second first reading of Policy 2.20.010-P Naming School District Property. The Board adopted both proposals.
- F. Per District policy, the public comment period was open for 21 days. Comments were shared with staff and with the Board of Education.

**RESOLUTION**

The Board of Education hereby adopts Policy 2.20.010-P Naming School District Property as presented at the March 20, 2018 First Reading.



April 10, 2018

**RESOLUTION No. 5627**

Appointment of Custodian Civil Service Board Member

**RECITALS**

- A. There is a vacancy on the Custodian Civil Service Board.
- B. Siobhan Murphy has been nominated to serve on the Custodial Civil Service Board for a term of two years. Ms. Murphy is a Human Resources Professional, specializing in labor and employee relations. She has nearly a decade of public sector experience, including working in the judicial system, education and regional government. Ms. Murphy holds a J.D. from Lewis and Clark Law School and a B.A. in Economics from the University of California, Santa Cruz.

**RESOLUTION**

Siobhan Murphy is appointed to the Custodian Civil Service Board with a term that expires on June 30, 2020.

**RESOLUTION No. 5628**

Settlement Agreement

The authority to pay a total of \$200,000 is granted to settle claims in the lawsuit brought by Kathryn Rosson. The settlement agreement will be in a form approved by the Interim General Counsel.

*E. Large*

**RESOLUTION No. 5629**

Minutes

The following minutes are offered for adoption:

March 20 and 23, 2018

April 10, 2018

**RESOLUTION No. 5630**

Resolution in Response to Step 3 Complaint

**RECITALS**

- A. The Board of Education has reviewed the Step 3 Complaint.
- B. The complainants seek to have the District rescind the guidance it issued for the 2017-18 school year that prevents them from using private, medical Applied Behavior Analysis (ABA) therapist to provide therapy to their children during the school day.

**RESOLUTION**

The Board of Education affirms the Superintendent's Level 2 decision to no longer allow private ABA therapy during the school day and directs the District to implement a plan to increase the District's capabilities to enhance the use of ABA-based strategies for the 2018-19 school year and beyond.

April 10, 2018

**. RESOLUTION No. 5631**

Resolution in Response to Step 3 Complaint

**RECITALS**

- A. The Board of Education has reviewed the Step 3 Complaint.
- B. The complainant requested a resolution that the proposal to split and relocate the Pioneer Program be halted and that the Superintendent commence a public decision making process related to the relocation of the Pioneer Program.
- C. On March 23, 2018, Portland Public Schools announced the Pioneer Program is not scheduled to be moved and will remain at the Holladay-Youngson facility for the 2018-19 school year.
- D. Portland Public Schools has no current plans contemplating the relocation of the Pioneer Program.
- E. PPS staff and Board members will work with the Pioneer staff and parent community to fully understand the needs of the students and families in the Pioneer program.
- F. PPS remains committed to ensuring that all students receive a high quality educational experience in a positive and supportive learning environment.

**RESOLUTION**

The Board of Education affirms the Superintendent's Level 2 decision as the Pioneer Program is not moving from the Holladay-Youngson facility for the 2018-19 school year and Portland Public Schools has no current plans contemplating the relocation of the Pioneer Program.

April 10, 2018

**RESOLUTION No. 5632**

Resolution to Fund Capital Improvement Costs for Middle School Implementation

**RECITALS**

- A. Board Resolution No. 5451 directed the Superintendent to further develop a Middle School Implementation plan to open Roseway Heights and Harriet Tubman Middle Schools for the 2018-19 school year.
- B. Board Resolution 5542 authorized the use of up to \$12.59 million from the Construction Excise Tax Fund for capital improvement costs to open Roseway Heights and Harriet Tubman as Middle Schools for the 2018-19 school year. In addition, Bond compensable capital costs of \$5.45 million were authorized to be funded from the 2017 Capital Bond.
- C. Staff estimates it will require an additional \$13.3 million over the originally budgeted amounts to complete the Middle School Implementation.

**RESOLUTION**

Portland Public Schools Board of Education authorizes the Superintendent or his designee to use up to \$13.3 million from the proceeds of the 2017 Capital Bond to the extent they are legally fundable from Bond proceeds for the completion of the Middle School Implementation plan.

**RESOLUTION No. 5633**

Appealing a Recommendation for Dismissal of a Contract Teacher

**RECITALS**

- A. In accordance with 5.20.132-P, a contract teacher may appeal the Superintendent's recommendation to terminate the teacher's employment.
- B. A hearing on the matter was held on February 27, 2018, and the hearings officer issued a report to the Board .
- C. The Board has received access to the evidence submitted by the parties and to the recording of the hearing along with the hearings officer report. These documents are confidential and will be kept in the employee's personnel file.
- D. The Board heard summative comments by the employee's counsel and and the District's counsel in Executive Session

**RESOLUTION**

The Board of Education affirms the Superintendent's recommendation.

April 10, 2018

**RESOLUTION No. 5634**

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

**RECITAL**

Portland Public Schools (“District”) Public Contracting Rules PPS-45-0200 (“Authority to Approve District Contracts; Delegation of Authority to Superintendent”) requires the Board of Education (“Board”) enter into contracts and approve payment for products, materials, supplies, capital outlay, equipment, and services whenever the total amount exceeds \$150,000 per contract, excepting settlement or real property agreements. Contracts meeting this criterion are listed below.

**RESOLUTION**

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

**AMENDMENTS TO EXISTING CONTRACTS**

Fortis Construction, Inc.	4/11/18 through 12/31/18	Design/Build DB 65943 Amendment 1*	Adding funds for additional scope. Design-Build services for Middle School Conversion Project – other sites.  Exemption from Competitive Bidding (Board Reso. 5543)	\$6,000,000 Not to Exceed \$9,200,000	J. Vincent Fund 404 Dept. 5597 Project X0149
---------------------------	--------------------------	--	---	---	---

\* Amendments are in negotiation and not finalized at this time. Staff seeks advanced authorization for these amendments pursuant to the Purchasing & Contracting Delegation of Authority Administrative Directive, 8.50.105-AD, Section X(4): “The District may seek an ‘advanced authorization’ from the PPS Board of Education for any contract upon the approval of the Director of Purchasing & Contracting. The cost of the contract shall be a ‘Not to Exceed’ amount. Once the Board has approved it, no further authorization for the contract is required, providing the contract value remains at or below the ‘Not to Exceed’ amount.”