

Portland Public School District 1st Reading

DATE OF FIRST READING: November 02, 2021

PUBLIC COMMENT FOR Rescissions of the following policies:

- 3.40.091: Traffic Safety Patrols
- 4.50.010: Student Interviews And Errands
- 4.50.020: Health Services
- 4.50.023: Dental Health Services
- 5.20.100: Physical And Mental Health Of Staff Members
- 6.10.013: Career Education – Learning Opportunities

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.

Last Date for Comment: November 23, 2021

Summary:

Rescissions of the following policies:

- 3.40.091: Traffic Safety Patrols
- 4.50.010: Student Interviews And Errands
- 4.50.020: Health Services
- 4.50.023: Dental Health Services
- 5.20.100: Physical And Mental Health Of Staff Members
- 6.10.013: Career Education – Learning Opportunities

1st Reading by:

Julia Brim-Edwards
Portland Public School Board

Recommended for a 1st Reading by:

Portland Public Schools Board of Education
Policy Committee

Draft Policy Website: <https://www.pps.net/Page/11911>

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PORTLAND PUBLIC SCHOOLS
OFFICE OF LEGAL COUNSEL

501 North Dixon Street / Portland, OR 97227
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Date: November 2, 2021
To: School Board
From: Mary Kane, Senior Legal Counsel
Subject: Recommendations for policy rescissions

The Board Policy Committee met on October 19, 2021 to discuss resumption of review of policies to determine which needed updates and which should be rescinded. Six policies were put forward by staff with recommendations that they be rescinded. After discussion, the Policy Committee recommended that the following six policies be forwarded to the full Board with a recommendation for First Reading en route to rescission:

a. **3.40.091-P Traffic Safety Patrols**

This policy was adopted in 1971 and amended in 2002. The policy is outdated in both content and language that does not constitute a policy.

b. **4.50.010-P Student Interviews and Errands**

This policy was adopted in 1971 and amended in 2002. The policy has outdated language and the content is better reflected in the Student's Rights Regarding Searches and Professional Conduct policies.

c. **4.50.020-P Health Services**

This policy was adopted in 1971 and amended in 2002. The policy has outdated language and is a long-standing practice that is governed by statute, contracts and Board resolutions.

d. **4.50.023-P Dental Health Services**

This policy was adopted in 1971 and amended in 2002. The statutes upon which the policy was based have been repealed and the policy is out of date and not needed for dental clinics.

e. **5.20.100-P Physical and Mental Health of Staff Members**

This policy was adopted in 1971 and amended in 1995. The policy is outdated in both content and language. The District does not employ a medical advisor and there are current practices in place to reflect the intent of this policy.

f. **6.10.013 Career Education- Learning Opportunities**

This policy was adopted in 1971 and amended in 2002. The District has career education programs; however, this is not a policy.

3.40.091-P Traffic Safety Patrols

- (1) Schools should include in their safety education programs instruction on avoiding traffic, sidewalk and street hazards. In addition, because younger children may need special assistance in crossing streets while going to and from school, the office of superintendent shall make recommendations to the Traffic Safety Division or other appropriate agency in the formation and operation of student patrols. From time to time the superintendent may identify situations where such programs are insufficient and make recommendations to the appropriate governmental agency for the resolution of those problems.
- (2) Participation by students as safety patrol members must be by written consent of their parents, and special programs of training shall be provided to assure the effective performance of safety patrol duties.

Legal References: ORS 339.650 - 339.665; ORS 811.015

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



4.50.010-P Student Interviews And Errands

(1) Interviews.

- (a) Since the Board and its employees are responsible for the welfare of Portland students, ordinarily only employees of the district engaged in official business shall be permitted to interview a student. In unusual circumstances, when it is deemed in the best interest of the student and the school, another person may be authorized by the principal or his/her designated representative to contact a student. When an interview by another person is authorized, a staff member designated by the principal shall be present at the interview, except when such person is a parent or legal guardian. (Refer to special provisions on child abuse for law enforcement officers and Services to Children and Families caseworkers.)
- (b) An overriding issue in determining when a person who is not a parent is to be permitted to contact a student in school is whether or not such an interview is in the best interest of the student and the school. Principals are directed to exercise extreme care in granting such permission.
- (c) When parents are divorced, it may be necessary to obtain information about visitation rights of the respective parents before permitting contact with students while in school.

(2) Errands.

- (a) Students shall not be sent from the school premises by any member of the school staff to perform errands, except when necessary to the operation of the school, and then only with parental permission.

Legal References: ORS 329.150; ORS 332.107; ORS 419B.015

History: Adpt 6/71; Amd 11/82; Amd 9/9/02; BA 2420

Letter Opinion, Office of the Attorney General (August 18, 1986)

4.50.020-P Health Services

- (1) Although the primary responsibility of the district is for the education of children, the health and welfare of the students in the Portland schools is a matter of major concern to the Board. It is the intent of the Board that school programs in general be conducted in a manner which enhances student and personnel health and which is conducive to good health practices.
- (2) Physicians, licensed nurses and other personnel of the designated public health agency who may provide direct health services or consultation with school staff regarding student health problems are authorized to provide services in the schools to the extent that their services may be available and in accordance with resolution services and/or contractual agreements developed cooperatively with the district.
- (3) The superintendent shall direct the development of programs through which the intent of this policy shall be carried out and through which all members of the district staff are apprised of their responsibilities in this sphere.

Legal References: OAR 581-022-0705; OAR 581-022-1420; OAR 581-022-1440

History: Adpt 6/71; Amd 7/12/76; Amd 9/9/02; BA 2420

4.50.023-P Dental Health Services

- (1) In the interest of good dental health for all students, instruction of healthful dental care practices shall be a part of the instructional program in the schools of the district. Through such programs it is hoped that all students will develop sound oral health habits.
- (2) In order to meet the particular oral health needs of low-income students, the Portland schools, in conjunction with the Multnomah County Dental Society and the Assistance League of Portland, may operate a dental clinic. Such clinic or clinics shall provide for the dental care needs of low-income children in the elementary grades K-8. The office of the superintendent shall arrange with the Assistance League for the services of dentists and such other personnel and programs necessary to the operation of the dental clinic. The Assistance League shall schedule all patients, provide the volunteer dentists, provide the services of full-time dentists, maintain all records and underwrite all prosthetic appliances. The district shall provide building space, equipment and supplies as deemed appropriate.

Legal References: ORS 336.375 - 336.420

History: Adpt 6/71; Amd 9/9/02; BA 2420



5.20.100-P Physical And Mental Health Of Staff Members

The physical and mental health of persons who work in the education of young people is vital. Emotional stability, adequate physical vitality and general good health essential to the performance of duties must be assured for appointment to and continuance in the district.

- (1) **Appointment and Duties of Medical Advisor.** Accordingly, the Board shall select a duly qualified physician to serve at its pleasure as the medical advisor for the school district. He/she shall perform such medical examinations as may be required in accordance with Board policy and the procedures established by the office of the superintendent. He/she shall also act as the medical examiner for the teacher's retirement system.
 - (a) Compensation of the medical advisor shall be determined by the Board and shall be either on a retainer or fee basis or both.
 - (b) The medical advisor shall have authority to obtain the services of consultants and laboratories when he/she deems such service is necessary. The cost of these services shall be borne by the school district, provided that an examination costing in excess of \$100 shall not be conducted without prior authorization of the office of the superintendent.
- (2) **Superintendent's Responsibility.** The superintendent shall develop procedures which assure that a probationary and/or a permanent teacher shall be referred to the when his/her emotional stability, physical capacity or general health are such as to raise doubt about his/her ability to carry out of his/her assignment.

Legal References: ORS 332.107; ORS 342.513; ORS 342.545; Rehabilitation Act of 1973, 29 U.S.C.A. Sections 504, 791, 793 and 794 (West 1985); Americans with Disabilities Act of 1990, 42 U.S.C. Section 12101 et seq. 29 CFR Part 1630

History: Adpt. 6/71; Amd. 5/76; Amd. 7/12/76; Amd. 9/95

6.10.013-P Career Education – Learning Opportunities

The public schools are responsible for providing every young person with learning opportunities that will enable him/her to discover his/her individual interest and abilities. Those learning opportunities should help the student explore the many avenues of productive activity that might challenge and extend his/her talents of choice, self-direction, self-discipline and responsibility. Therefore, an orientation to the world of work and preparation for a career are necessary to each student's development. The Board gives priority to career education programs and will provide additional financial assistance to such programs as it becomes possible.

Legal References: ORS 366.035; OAR 581-022-0405

History: Adpt 6/71; Amd 9/9/02; BA 2421

