



## STAFF REPORT

**Date:** September 26, 2023  
**To:** School Board  
**From:** Mary Kane, Senior Legal Counsel  
**Subject:** Revision of Affirmative Action Policy 5.10.025-P

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### **BACKGROUND**

This policy was adopted in 2013, in response to the Oregon Legislature's passage of the Minority Teacher Act. In 2015, the Legislature changed the name to the Educators Equity Act and in 2021, promulgated additional provisions to the Act. The proposed revisions to the policy reflect these changes.

### **RELATED POLICIES/BEST PRACTICES**

In addition to several existing work streams, in March 2022, the District's Strategic Plan prioritized the development of a diverse, high-quality and thriving workforce.

More information is available [here](#).

### **FISCAL IMPACT**

There is no fiscal impact.

### **COMMUNITY ENGAGEMENT (IF APPLICABLE)**

Because these changes were made to comport with state law, there was no community engagement other than two public Policy Committee meetings.

### **TIMELINE FOR IMPLEMENTATION / EVALUATION**

The revised policy will be effective immediately.

### **STAFF RECOMMENDATION**

Staff recommends the Board adopt this amended policy.

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### **ATTACHMENTS**

- A. Redline copy of Affirmative Action Policy
- B. Clean copy of Diversity in Employment Policy



## **Board Policy**

**5.10.025-P**

### **Diversity in Employment Policy**

#### **Workforce Diversity to Serve Students**

We believe in the fundamental right to human dignity and that generating an equitable world requires an educational system that intentionally disrupts—and builds leaders to disrupt—systems of oppression. In pursuit of this goal, PPS must develop a workforce that reflects the diversity of students it serves. Students must see their diverse racial, cultural, and linguistic characteristics reflected in the school staff who are guiding them toward academic and other success. In conjunction with the Racial Educational Equity Policy, 2.10.010-P, the District shall recruit, employ, support and retain racially and linguistically diverse and culturally competent administrative, instructional, and support personnel and achieve the goals established by Oregon’s Educators Equity Act. The Superintendent’s budget shall incorporate funding for the diverse workforce goals provided in this policy. The Board expects to see measurable progress every year in the strategies employed and progress made toward reaching the goal established by the Oregon Educators Equity Act as evidenced by a workforce that more closely reflects our student population.

All District employees are responsible for providing equal employment opportunities and complying with this policy.

#### **Equal Employment Opportunity**

The District shall provide equal employment opportunity and treatment regardless of perceived or actual race, color, religion, sex, sexual orientation, gender expression or identity, national or ethnic origin, marital status, age, mental or physical disability, pregnancy, familial status, economic status, veterans’ status, familial status, or genetic information. The District shall provide equal employment opportunity for all applicants and staff in recruitment, hiring, assignment, training, retention, transfer and promotion. All employment actions also shall be in accordance with the Board Policy of Non-Discrimination, 1.80.020-P. The District shall comply with all federal, state and local laws relevant to equal employment and non-discrimination.

The District will not tolerate retaliation against any individual who reports discrimination or harassment; or testifies, assists or participates in any manner in an investigation, proceeding or hearing, regardless of the outcome of the complaint. Conduct that would likely deter an individual from reporting or supporting a claim may constitute retaliation. Retaliation can occur even if the underlying complaint of harassment or discrimination is



## Board Policy

**5.10.025-P**

## Diversity in Employment Policy

not substantiated.

### Reporting and Oversight

The Superintendent shall designate the person(s) to oversee and track compliance with the District's equitable and non-discrimination employment practices. The District shall provide an annual report to the Board that provides employee demographic data on hiring and retention and progress towards the goals articulated in this policy.

Adopted 6/17/13; Amd. \_\_\_/2023

OSBA: GBA

Legal References: Oregon Educators Equity Act, ORS 342.433 to 342.449; ORS 342.934; ORS 408.225 to 408.235; ORS 652.210-220; ORS 659.850; ORS 659A.003-ORS 659A.820; Federal and state laws prohibiting discrimination in employment, including, Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act, the Age Discrimination in Employment Act, and ORS Chapter 659A;



BOARD POLICY

5.10.025-P

**Affirmative Action Policy**

~~In order~~ Workforce Diversity to ~~close the racial achievement gap~~ Serve Students

We believe in the fundamental right to human dignity and better serve all students, Portland Public Schools staff that generating an equitable world requires an educational system that intentionally disrupts—and builds leaders to disrupt—systems of oppression. In pursuit of this goal, PPS must reflect develop a workforce that reflects the diversity of the students we serve. The Board of Education’s students it serves. Students must see their diverse racial, cultural, and linguistic characteristics reflected in the school staff who are guiding them toward academic and other success. In conjunction with the Racial Educational Equity Policy, 2.10.010-P, requires the school district to “District shall recruit, employ, support and retain racially and linguistically diverse and culturally competent administrative, instructional, and support personnel.” Oregon state law, as articulated in the Minority Teachers Act, states that “the number of minority teachers, including administrators, and achieve the goals established by Oregon’s Educators Equity Act. The Superintendent’s budget shall incorporate funding for the diverse workforce goals provided in this policy. The Board expects to see measurable progress every year in the strategies employed by school districts and education service districts shall be approximately proportionate to the number of minority children enrolled in the public schools of this state.” ORS § 342.437. This Affirmative Action Policy sets forth and progress made toward reaching the Portland Public School District’s prohibition against discrimination, directs the Superintendent to create and implement an Affirmative Action/Equal Employment Opportunity Plan (AA/EEO Plan), and establishes the goal that the District will come into compliance with goal established by the Oregon Minority Teachers Educators Equity Act as evidenced by a workforce that more closely reflects our student population.

All District employees are responsible for providing equal employment opportunities and complying with this policy.

**Equal Employment Opportunity**

The District shall provide equal employment opportunity and treatment regardless of perceived or actual race, color, religion, sex, sexual orientation, gender expression or identity, national or ethnic origin, marital status, age, mental or physical disability, pregnancy, familial status, economic status, veterans’ status, familial status, or genetic information. The District shall provide equal employment opportunity for all applicants and staff in recruitment, hiring, assignment, training, retention, transfer and promotion. All employment actions also shall be in accordance with the Board Policy of Non-Discrimination,

1.80.020-P. The District shall comply with all federal, state and local laws relevant to equal employment and non-discrimination.

The District will not tolerate retaliation against any individual who reports discrimination or harassment; or testifies, assists or participates in any manner in an investigation, proceeding or hearing, regardless of the outcome of the complaint. Conduct that would likely deter an individual from reporting or supporting a claim may constitute retaliation. Retaliation can occur even if the underlying complaint of harassment or



BOARD POLICY

5.10.025-P

**Affirmative Action Policy**

discrimination is not substantiated.

### Reporting and Oversight

The Superintendent shall designate the ~~Chief Human Resources Officer~~ person(s) to oversee and track compliance with ~~equal employment~~ the District's equitable and non-discrimination.



BOARD POLICY

5.10.025-P

**Affirmative Action Policy**

Affirmative Action — Employment

In order to comply with the Racial Educational Equity Policy and the Oregon Minority Teachers Act, the employment practices. The District will make meaningful efforts to recruit, employ, support and retain a qualified work force that reflects the diversity of our student body. The shall provide an annual report to the Board expects to see measurable that provides employee demographic data on hiring and retention and progress every year in reaching the goal established by the Oregon Minority Teachers Act. This goal will both help ensure a work and school environment free from discrimination, and will contribute to enhanced student performance and the elimination of the achievement gap. To this end, the Board directs the Superintendent to develop and implement an AA/EEO Plan. The Board further directs the Superintendent to designate an Affirmative Action Officer to oversee the implementation of, and compliance with, the AA/EEO Plan.

The Board expects the AA/EEO Plan to include affirmative measures designed to ensure equal employment opportunities. The AA/EEO Plan shall identify job groups that show the underutilization of staff based on race or gender within the District; set reasonable employment goals and timetables for increasing the diversity of our staff; and establish a plan of action to enable the District to reach these employment goals.

The towards the goals articulated in this policy and the AA/EEO Plan are not rigid, inflexible quotas that must be met, but rather targets reasonably attainable by implementing best practices and applying good faith efforts. Neither this policy, nor the AA/EEO Plan, permit discrimination against any individual or group of individuals with respect to any employment opportunity for which the individual is qualified. Nothing herein is intended to sanction the discriminatory treatment of any person based on their protected status.

The Board further directs that all District employment policies, practices, and procedures will be examined periodically to ensure they are nondiscriminatory. These policies, practices and procedures are to be implemented by all administrative personnel, directors, personnel officers and anyone else who has responsibility for personnel functions. Equal employment opportunity and affirmative action are the responsibility of the entire District's workforce.



## Board Policy

5.10.025-P

## Diversity in Employment Policy

~~The Board directs the Superintendent to report annually on the implementation of this policy and the progress of the AA/EEO Plan.~~

Adopted 6/17/13; Amd. /2023  
OSBA: GBA

Legal References: ~~Minority Teacher~~ Oregon Educators Equity Act, ORS 342.433 to 342.449; ORS 342.934; ORS 408.225 to 408.235; ORS 652.210-220; ORS 659.850; ORS 659A.003-ORS 659A.820; Federal and state laws prohibiting discrimination in employment, including, Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act, the Age Discrimination in Employment Act, and ORS Chapter 659A; ~~No Child Left Behind Act of 2001, Pub. Law. 107-110 (2002)~~

	<p>BOARD POLICY</p> <p><b>Affirmative Action Policy</b></p>	<p><b>5.10.025-P</b></p>
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In order to close the racial achievement gap and better serve all students, Portland Public Schools staff must reflect the diversity of the students we serve. The Board of Education’s Racial Educational Equity Policy, 2.10.010-P, requires the school district to “recruit, employ, support and retain racially and linguistically diverse and culturally competent administrative, instructional and support personnel.” Oregon state law, as articulated in the Minority Teachers Act, states that “the number of minority teachers, including administrators, employed by school districts and education service districts shall be approximately proportionate to the number of minority children enrolled in the public schools of this state.” ORS § 342.437. This Affirmative Action Policy sets forth the Portland Public School District’s prohibition against discrimination, directs the Superintendent to create and implement an Affirmative Action/Equal Employment Opportunity Plan (AA/EEO Plan), and establishes the goal that the District will come into compliance with goal established by the Oregon Minority Teachers Act.

Equal Employment Opportunity

The District shall provide equal employment opportunity for all applicants and staff in recruitment, hiring, assignment, training, retention, transfer and promotion. All employment actions shall be in accordance with the Board Policy of Non-Discrimination, 1.80.020. The District shall comply with all federal, state and local laws relevant to equal employment and non-discrimination.

The District will not tolerate retaliation against any individual who reports discrimination or harassment; or testifies, assists or participates in any manner in an investigation, proceeding or hearing, regardless of the outcome of the complaint. Conduct that would likely deter an individual from reporting or supporting a claim may constitute retaliation. Retaliation can occur even if the underlying complaint of harassment or discrimination is not substantiated.

The Superintendent shall designate the Chief Human Resources Officer to oversee compliance with equal employment and non-discrimination.





BOARD POLICY

**Affirmative Action Policy**

**5.10.025-P**

Affirmative Action – Employment

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The goals articulated in this policy and the AA/EEO Plan are not rigid, inflexible quotas that must be met, but rather targets reasonably attainable by implementing best practices and applying good faith efforts. Neither this policy, nor the AA/EEO Plan, permit discrimination against any individual or group of individuals with respect to any employment opportunity for which the individual is qualified. Nothing herein is intended to sanction the discriminatory treatment of any person based on their protected status.

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BOARD POLICY

**Affirmative Action Policy**

**5.10.025-P**

The Board directs the Superintendent to report annually on the implementation of this policy and the progress of the AA/EEO Plan.

Adopted 6/17/13.

Legal References: Minority Teacher Act, ORS 342.433 to 342.449; Federal and state laws prohibiting discrimination in employment, including, Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act, the Age Discrimination in Employment Act, and ORS Chapter 659A; No Child Left Behind Act of 2001, Pub. Law. 107-110 (2002)