

Policy Committee Meeting
Wednesday, September 29, 2021 4:00 PM

Dr. Matthew Prophet Education Center -
Willamette Conference Room (Floor 2)
501 N. Dixon St.
Portland, OR 97227

Agenda

1. 4:00 pm - Introductions (5 minutes)
2. 4:05 pm - Staff Update (5 minutes); Student Conduct and Discipline
3. 4:10 pm - Liability of Employees of the District 5.5.020-P Amendments (20 minutes); Committee Discussion/Action
4. 4:30 pm - Policies and Administrative Directives 1.70.020-P (20 minutes); Committee discussion/action
5. 4:50 pm - Vacation Policy/Holidays revisions -- 3 policies and 1 current practice (25 minutes); Committee discussion/action
 - a. 5.60.031-P Vacation Eligibility and Scheduling
 - b. 5.70.052-P Work Year - Vacations
 - c. 5.50.064-P, Religious Holidays – Teachers
 - d. Current practice
6. 5:15 pm - Proposed Rescissions/Process for Committee Action (20 minutes); Committee discussion/action
 - a. 2.10.020-P Concept of Administration
 - b. 3.10.020-P Additional Building Administration Personnel
 - c. d. 3.30.050-P Visitors To Schools
 - d. 5.20.020-P Certification
 - e. 5.30.010-P Substitute Teachers
 - f. Public Comment on action items
7. 5:35 pm - Committee Discussion on Policy Revision Distribution (10 minutes)
8. 5:45 pm - Policies in Public Comment Period (3 minutes)
 - a. 5.70.060-P Personnel File
 - b. 5.70.054-P Compensation – Miscellaneous
 - c. 5.50.073-P Health and Welfare Trust Fund
 - d. 5.60.040-P Administrator Consultations
9. 5:48 pm - Public Comment (10 minutes) 5 *Two-Minute slots*
To sign-up for public comment
email PublicComment@pps.net or
call Kara Bradshaw at 503-916-3906.
10. 5:58 pm - Other Business (2 minutes)
11. 6:00 pm - Adjourn



PORTLAND PUBLIC SCHOOLS
OFFICE OF GENERAL COUNSEL

501 North Dixon Street / Portland, OR 97227
Telephone: (503) 916-3181

Date: September 24, 2021
To: Policy Committee
From: Liz Large, Contracted General Counsel
Subject: Proposed amendments to the Liability of Employees of the District Policy, 5.50.020-P

The proposed amendments to the Liability of Employees of the District Policy, 5.50.020-P, are in two general areas:

1. Nonsubstantive updates and clarifying language.
2. Adding a narrow additional District-provided representation for in-house attorneys (employees) who are facing regulatory proceedings (e.g., from the Oregon State Bar) if the in-house attorney was acting in the course of their role as an in-house attorney and did not engage in misconduct. There is an unfortunate record of filings with the Oregon State Bar or other regulatory complaints against PPS in-house attorneys for reasons perhaps related to the District's position on an issue and unrelated to actual misconduct. Those complaints are almost uniformly dismissed at the first stage, but the defense of that proceeding can cost up to \$10,000. These types of claims are not covered by the Oregon Tort Claims Act, so indemnification of employee attorneys under these circumstances is not authorized by the existing policy.

This draft policy amendment provides criteria and guardrails for the representation and it is not automatic coverage. The district has full discretion. If an in-house attorney were found to have engaged in misconduct, then PPS would not be required to pay the representation costs.



Liability of Employees of the District

DRAFT DATED 9/24/2021

- (1) Defense in Civil Actions. Because the nature of the services required of employees of the dDistrict may expose them to claims ~~based upon negligence or carelessness arising from~~ in the performance of their duties, the Ddistrict ~~shall~~ may provide liability insurance in amounts as may be determined from time to time for actions brought against its employees and/or the dDistrict, as described below.
- (2) ~~Conditions and Extent of Defense~~ Notice of Claims. Any current or former employee seeking assistance under this policy shall promptly notify the Office of the Superintendent and the General Counsel that a civil or regulatory action may be or has been brought against ~~him/her~~ them in ~~his/her~~ their official or individual capacity related to their work or any injury on or damage to District property:
 - ~~(a) Any claims related to action taken, work done, or omission in his/her/their official capacity, or in the course of his/her/their employment; or~~
 - ~~(b) Any claims related to injuries to persons or property resulting from an occurrence involving any dDistrict property.~~
- (3) The dDistrict shall provide ~~the employees~~ with the defense authorized by the Oregon Tort Claims Act.
- (4) This assistance in ~~legal~~ litigation shall apply in litigation arising out of performance of the employee's professional duties whether or not the employee has left the employment of the dDistrict at the time the action is brought.
- (5) Expenses Incurred by a District in-house attorney when Claim is by a Governmental Entity or Professional Licensing Authority.
 - (a) Expenses incurred by a District in-house attorney who is an employee of the District ("in-house attorney") in the defense of a Claim brought by a governmental entity or a professional licensing authority may be advanced or reimbursed by the dDistrict if the dDistrict, in its sole discretion, determines that the Claim arose out of the in-house attorney's



Liability of Employees of the District

performance of official duties. Any expenses advanced or reimbursed in excess of \$25,000 per ~~C~~claim must be approved by the Board of Education. Such advancement or reimbursement constitutes part of the in-house attorney's official compensation package for purposes of ORS Chapter 244. The ~~d~~District may decline to ~~pay~~reimburse an in-house attorney for any expenses incurred prior to the ~~d~~District's written commitment to provide such payment. The in-house attorney must promptly notify the Office of the Superintendent and the General Counsel that any such claims have been brought against them.~~give notice of any such claims against them~~

- (b) Expenses shall be paid by the ~~d~~District in advance of the final disposition of a Claim at the written request of the in-house attorney if:
 - (1) The ~~d~~District determines, in its sole discretion, that the conduct of such in-house attorney was in good faith and that the in-house attorney reasonably believed that such conduct was in the best interests of the District; and
 - (2) The in-house attorney enters into a written agreement ~~furnishes the with the ~~d~~District a written undertaking~~ to repay such advance to the extent it is ultimately determined by the ~~d~~District, in its sole -discretion, that such in-house attorney is not entitled to be indemnified by the ~~d~~District under this section or under any other indemnification rights granted by the ~~d~~District to such in-house attorney.

~~Such advances shall be made without regard to the in-house attorney's ability to repay such advances.~~

- (c) If the District pays expenses in defense of a claim, the General Counsel shall have the exclusive authority to select counsel and to defend against any Claim. The General Counsel will consult with the in-house attorney regarding any term of a settlement agreement that affects the legal rights or licensing status of the in-house attorney. Authority to settle claims against General Counsel ~~shall be is~~ delegated to the Superintendent or ~~his~~ the Superintendent's designee.
- (d) The ~~d~~District shall not pay for expenses under this section in the case of malfeasance in office or willful or misconduct or wanton gross negligence neglect of duty or any act or omission that may constitute criminal conduct, as determined by the District in its sole discretion.



Liability of Employees of the District

- (e) The ~~d~~District may choose to advance or reimburse expenses to an in-house attorney under a reservation of rights. An in-house attorney shall cooperate fully with the District. If the District determines, in its sole discretion, that the in-house attorney has not so cooperated or has otherwise acted to prejudice the defense of the Claim, the ~~d~~District may at any time terminate its obligation to advance or reimburse expenses or proceed under a reservation of rights.
- (f) The term "Claim" means any threatened, pending, or completed investigation, action, suit, or proceeding except one brought, made, or initiated by the ~~d~~District.
- (+) (g) This section shall not be deemed exclusive of any other rights to which an in-house attorney may be entitled under any statute, agreement, insurance policy, general or specific action of the ~~d~~District, or otherwise. Any repeal of this section shall be prospective only, and no repeal or modification shall adversely affect the rights under this section in effect at the time of the alleged occurrence of any action or omission to act that is the cause of any Claim.

Legal Reference: ORS 30.260 - 30.300 History: Adpt 6/71; Amd. 6/14/84; Amd.

1.70.020-P Policies and Administrative Directives

Staff proposed amendments 9/22 (and recommendation to delete existing AD)

I. Roles and Responsibilities

- (1) It is the responsibility of the Portland Public School Board of Education (Board) to develop, evaluate, and adopt policies for the governance of the District.
- (2) It is the responsibility of the superintendent to initiate and direct the development of administrative directives, which implement board-adopted policy.
- ~~(3) The superintendent shall develop and maintain administrative directives that ensure an open, participatory and consistent process for the adoption and use of policies and administrative directives.~~
- ~~(4)~~(3) Policies and administrative directives are intended both as tools for District management and as sources of information for students, parents/guardians, staff, and other community members about how the District operates and the district's values.
- ~~(5)~~(4) The superintendent shall ensure that policies and administrative directives are available on the Portland Public School website Web site and in manuals kept in each school, as soon as practicable following their adoption and share them with staff and community as they are relevant.
- ~~(6)~~(5) The superintendent shall use the district's public Web site to ensure draft and proposed policies are made available to the public for review and comment.

II. Purpose of Board Policies

A Board policy represents a formal, written statement that creates a framework for:

- (1) Regulating Board or District business;
- (2) Establishing educational, operational, and other expectations for the District's staff and students;
- (3) Guiding the actions of those to whom the Board delegates authority and responsibility; and
- (4) Ensuring compliance with state and federal law.

III. Definitions

As used in the District policies and administrative directives:

- (1) Administrative Directive or Directive means a statement of actions adopted by the superintendent that implements Board policy.
- (2) Policy means a statement of general governing principles adopted by the Board.

IV. Policy Development

- (1) A proposal for a new policy or a change in existing policy shall be made in the form of a policy proposal. A policy proposal may be made by:
 - (a) A Board member;
 - (b) Superintendent;
 - (c) A District employee;
 - (d) A parent or guardian of a student;
 - (e) A student;
 - (f) A District volunteer;
 - (g) A committee appointed by the Board or Superintendent; or
 - (h) A community member who is also a resident of the District.
- (2) When a policy proposal is received by the Board or ~~the appropriate Board committee~~ **committee(s) responsible for policy development**, the Board committee may take the following action(s) or may request that the superintendent:
 - (a) Collect additional information concerning the policy proposal, including a staff evaluation of options and recommended action;
 - (b) Appoint an advisory committee soliciting the views of persons representing the interests of those likely to be affected by the proposed policy or use other appropriate methods to obtain public views, **especially from families and community members who have historically been unrepresented in district policy-making**, to assist the Board in this policy development process;
 - (c) Seek appropriate legal and other advice as necessary to ensure that the policy proposal, if adopted, will be in compliance with applicable law; and/or,
 - (d) Take no further action on the policy proposal.

V. Policy Adoption

(1) When a Board committee recommends a policy for adoption by the Board, the Board may elect to schedule the policy for a first and second reading at a regularly scheduled Board meeting, except as otherwise provided in this policy.

(a) The first reading of a proposed policy shall include:

- (A) A summary of the content of the proposed policy or amendments;
- (B) Posting on the PPS website of the proposed language if new, or redlined version if a revision; and
- (C) A stated opportunity for the public to submit comments on the proposed policy, with a deadline date for submission of such comments.

(b) The second reading of a proposed policy shall not occur until there has been at least 21 (twenty-one) days allowed for public comment, following the first reading. ~~The second reading shall include discussion of the comments of staff and the public and any substantive changes made to the policy since the first reading.~~

~~(c)~~

~~(d)~~(c) If the language of the proposed policy has changed substantially, as determined by the Board, since the first reading, the revised proposed policy shall be set for an additional first reading to allow for public input on the changes.

~~(e)~~(d) At the time of the second reading the Board may take one of the following actions:

- (A) Approve the policy proposal as presented;
- (B) Modify the policy proposal and approve it as modified;
- (C) Schedule the policy proposal for an additional first reading;
- (D) Defer the policy proposal for further discussion or action; or
- (E) Reject the policy proposal.

(2) Exceptions

(f) (a) Corrections or revisions that do not substantially change a policy may be adopted without a recommendation of a board committee; but such changes shall have a First and Second Reading.

(g) (b) In the event of an emergency necessitating urgent action on a policy proposal, the Board may adopt the same at a lawfully called meeting of the Board. If the Board takes such action, the Board shall state and enter into the record the nature of the emergency and the basis for its determination that urgent action was necessary.

VI. Date Policies Become Effective

A new or revised policy shall become effective upon adoption of the Board, unless the Board otherwise specifies a different effective date in the policy.

~~VI.~~ VII. Review of Policies

- (1) The superintendent or designee shall advise the Board when they believe an any existing policy needs to be reviewed for potential repealed, revision ed, or replacementd. Such necessity may occur when:
 - (a) Practice is not in compliance with the pPolicy and the practice differs to such an extent that a review of existing policy is warranted;
 - (b) A policy proposal revision is received by the superintendent;
 - (c) State or federal law has changed in such a manner as to require review or modification of existing policy; or
 - (d) A policy is not aligned with professional practices, district values or is becomes-outdated or ineffective.
- (2) The Board shall strive to review ensure that all policies, including 1.70.020-P, are reviewed at least once every four (4) years, with at least one to two (2) sections reviewed annually, in order to ensure policies are current, relevant, in compliance with the law and are consistent with each other and the District-approved mission, vision, and goals and strategic plan. If needed, any discrepancies are discovered, appropriate policy proposal revisions shall be submitted for consideration.

VIII. Administrative Directives

- (1) Administrative Directives are issued or modified by the Superintendent and do not need to be approved by the Board prior to their issuance.
- (2) Administrative Directives shall be consistent with Board policies.
- (3) The superintendent or designee shall notify Board members upon issuance of an Administrative Directive that a new or revised Directive has been posted to the District's web site. New Administrative Directives that impact staff or community should be shared with impacted parties when they are issued.

IX. Administration in Absence of Policy or Administrative Directive

The Superintendent and other District staff members to whom administrative or supervisory authority has been delegated are authorized to use their professional judgment in the absence of a specific policy or administrative directive governing proper action to take, provided that such action shall not be in conflict with well recognized professional, educational, and ethical practices; the spirit and intent of existing District policy; the general values and objectives of the District; or any local, state, or national law.

Legal References: ORS 332.107 History:

ad 6/71; am 12/83; amended _____

5.70.052-P VACATIONS & DISTRICT HOLIDAYS (Non-represented Employees) ~~Work Year – Vacations~~

DRAFT 9/22/21

The Superintendent shall develop a vacation accrual schedule applicable to non-represented employees to be approved by the Board of Education in the form of a resolution. The vacation accrual schedule will include the annual limit on accrued vacation that can be carried forward (into a new fiscal year).

Once approved, the schedule will be posted on the District website. Modifications to the schedule will be approved by the Board.

The Board shall also approve by resolution the addition of any paid holidays for non-represented employees. Approved paid holidays shall be posted on the District website.

~~(1) Vacations — General~~

~~(a) Twelve-month employees not otherwise designated shall be entitled to receive vacations with pay on the following basis:~~

~~Monthly Accrual Factor (Hours)~~

- ~~1-5 years: 2 weeks vacation (6.7)~~
- ~~6 years: 2 weeks vacation plus 1 day (7.4)~~
- ~~7 years: 2 weeks vacation plus 2 days (8.0)~~
- ~~8 years: 2 weeks vacation plus 3 days (8.7)~~
- ~~9 years: 2 weeks vacation plus 4 days (9.4)~~
- ~~10 years: 3 weeks vacation (10.0)~~
- ~~11 years: 3 weeks vacation plus 1 day (10.7)~~
- ~~12 years: 3 weeks vacation plus 2 days (11.4)~~
- ~~13 years: 3 weeks vacation plus 3 days (12.0)~~
- ~~14 years: 3 weeks vacation plus 4 days (12.7)~~
- ~~15 years: 4 weeks vacation (maximum) (13.4)~~
- ~~Designated employees: 1 month (14.7)~~

~~(b) Employees who begin service with the district after July 1 of any year shall receive vacation according to the following formula: 5/6 workday for each whole month between the time of employment and the end of the fiscal year.~~

~~(c) Employees who occupy a 210 day work year position and transfer to a 12-month position may count the time employed in the 210-day position for vacation allowances. The basis for vacation credit will be the total number of days worked in the 210-day position divided by a 22-day calendar month. This will be accredited to the total accumulated vacation time, as outlined above.~~

~~(d) Vacations must be used during the fiscal year; i.e., July 1 to the following June 30. They do not accrue.~~

- ~~1. **No Vacations Allowed.** Unless otherwise provided in these rules and regulations or as may be specifically authorized by the Board, vacations with pay shall not be granted to employees whose employment is on less than a 12-month basis or to classified personnel (daily or hourly).~~

Legal References: ORS 332.107; ORS 332.505

History: Adpt. 6/71, [amd ___/21](#)

[Related policies: \[Insert Policy re Supt. contract; Terms of Admin Contracts\]](#)

5.60.031-P Vacation Eligibility and Scheduling

I. Vacation Eligibility and Accrual Rate

- (1) Administrative employees in grades 20-24, as designated by the district, shall receive an annual vacation with pay of 22 days accrued at a rate of 14.7 hours a month.
- (2) Administrative employees in grades 19 and below, as designated by the district, shall receive an annual vacation with pay as specified below:

<u>Completed Years of Employment</u>	<u>Days of vacation/rate of accrual</u>
1-4 years:	10 days / 6.7 hours per month
5 years:	11 days / 7.4 hours per month
6 years:	12 days / 8.0 hours per month
7 years:	13 days / 8.7 hours per month
8 years:	14 days / 9.4 hours per month
9 years:	15 days / 10.0 hours per month
10 years:	16 days / 10.7 hours per month
11 years:	17 days / 11.4 hours per month
12 years:	18 days / 12.0 hours per month
13 years:	19 days / 12.7 hours per month
14 years:	20 days / 13.4 hours per month
15 years:	21 days / 14.0 hours per month
16 years:	22 days (maximum) / 14.7 hours per month

II. Vacation Scheduling

- (1) It is recommended that a vacation plan for all 12-month administrative personnel be developed cooperatively with employees and their supervisors annually.
- (2) The number of days accumulated at the end of each calendar year shall be taken by December 31 of the following calendar year.

III. Exceptions

- (1) Exceptions to this policy may be made in individual circumstances and shall be approved by the employee's supervisor and the superintendent or designee.

Legal references: ORS 332.107; ORS 332.505

5.60.031-P Vacation Eligibility and Scheduling

History: Adpt. 6/71; Amd, 5/02; Rev. 6/24/02



5.70.052-P Work Year - Vacations

(1) Vacations — General.

- (a) Twelve-month employees not otherwise designated shall be entitled to receive vacations with pay on the following basis:

Monthly Accrual Factor (Hours)

1-5 years:	2 weeks vacation (6.7)
6 years:	2 weeks vacation plus 1 day (7.4)
7 years:	2 weeks vacation plus 2 days (8.0)
8 years:	2 weeks vacation plus 3 days (8.7)
9 years:	2 weeks vacation plus 4 days (9.4)
10 years:	3 weeks vacation (10.0)
11 years:	3 weeks vacation plus 1 day (10.7)
12 years:	3 weeks vacation plus 2 days (11.4)
13 years:	3 weeks vacation plus 3 days (12.0)
14 years:	3 weeks vacation plus 4 days (12.7)
15 years:	4 weeks vacation (maximum) (13.4)
Designated employees.	1 month (14.7)

- (b) Employees who begin service with the district after July 1 of any year shall receive vacation according to the following formula: 5/6 workday for each whole month between the time of employment and the end of the fiscal year.
- (c) Employees who occupy a 210 day work year position and transfer to a 12-month position may count the time employed in the 210-day position for vacation allowances. The basis for vacation credit will be the total number of days worked in the 210-day position divided by a 22-day calendar month. This will be accredited to the total accumulated vacation time, as outlined above.
- (d) Vacations must be used during the fiscal year; i.e., July 1 to the following June 30. They do not accrue.

5.70.052-P Work Year - Vacations

- (2) **No Vacations Allowed**. Unless otherwise provided in these rules and regulations or as may be specifically authorized by the Board, vacations with pay shall not be granted to employees whose employment is on less than a 12-month basis or to classified personnel (daily or hourly).

Legal References: ORS 332.107; ORS 332.505

History: Adpt. 6/71



CURRENT POLICY

The following is the current “policy” between HR and Payroll

1. Vacation Eligibility and Accrual Rate

- a. EXEMPT employees, as designated by their classification, shall receive annual vacation with pay of 22 days accrued at a rate of 14.7 hours a month.
- b. NON-EXEMPT employees, as designated by their classification, shall receive annual vacation with pay as specified below, which is based on years of service.

Non-Exempt Confidential Professionals and Management Employee Vacation Accrual Schedule		
Years of service completed	Days of Vacation	Rate of accrual per month
Less than 1 year	10 days	6.7 hours
1 year to less than 5 years	15 days	10 hours
5 years to less than 6 years	20 days	13.4 hours
6 years to less than 7 years	21 days	14 hours
7 years and greater	22 days	14.7 hours

2. Vacation Scheduling & Carryover

- a. It is recommended that a vacation plan for all 12-month staff be developed cooperatively with employees and their supervisors annually
- b. Effective June 30, 2016, the number of days carried over at the end of each fiscal year, June 30th, shall not exceed two years’ accrual allowance. Any vacation in excess of the maximum accrual will not carry over and will no longer be available for use.
- c. **Note:** the maximum accrual value is based on the highest monthly hours that can be earned each month of 14.7 hours with a maximum carryover balance each year of 352.80 hours (which is the 2 years accrual limit). While employees accrue vacation leave at different levels, programmatically there is only one maximum accrual value field so regardless of the accrual plan, the maximum number of vacation hours that can be carried over for any employee is 352.80 hours.

3. Exceptions

- a. There will be no exceptions.

5.50.064-P Religious Holidays – Teachers

Teachers who are members of a religious faith may be absent without loss of pay on days specified by that faith as religious holidays, which require participation during the school day in religious observances.

Legal References: ORS 332.107; ORS 659.020

History: Adpt. 6/71



Policies to Consider for Rescission- 9/29/21

<u>Policy Number</u>	Policy Name	<u>Year adopted or last amended</u>	<u>Rationale for rescission</u>
<u>2.10.020-P</u>	Concept of Administration	2002	The policy states delineation of authority that is in statute. Policy is unnecessary.
<u>3.10.020-P</u>	Additional Building Administration Personnel	<u>2002</u>	This issue is addressed in the annual staffing process which is then approved by the Board in its annual budget review. The policy is not necessary.
<u>3.30.050-P</u>	Visitors to Buildings	2002	The language encourages a practice; it is not a policy.
<u>5.20.020-P</u>	Certification	<u>2002</u>	Provisions are governed by the Collective Bargaining Agreement
<u>5.30.010-P</u>	Substitute Teachers	1995	Provisions are governed by Collective Bargaining Agreement

2.10.020-P Concept of Administration

- (1) The Board believes that all administrative offices and functions in the district must focus on facilitating and assuring quality instruction for all students. While the Board reserves for itself the responsibility for determining all policies which guide the decision-making process governing all activities of the schools, its aim is to make possible the full exercise of professional expertise, competence and judgment by the professional staff within the framework of those policies.
- (2) It is, accordingly, the intent and policy of the Board that the district shall be so organized and the number of administrators adequate to assure efficient and effective governance of the system.
- (3) All administrators shall derive their authority from and be assigned their duties by the superintendent. The authority relationships between the various administrators shall be clearly defined so that each will be accountable according to the definitions of his/her role.
- (4) It is expected that members of the administrative staff will perform all of their duties and responsibilities with highest levels of competence and dedication to quality education, to the children and to the parents and citizens of the district.

Legal References: ORS 332.505; Anderson v. Central Point School District No. 6, 554 F. Supp. 600 (D. Oregon 1982); aff'd in part, 746 F. 2d 505 (9th Cir. 1984); Connick v. Myers, 461 U.S. 138 (1983)

History: Adpt 6/71; Amd 9/9/02; BA 2418

3.10.020-P Additional Building Administration Personnel

- (1) Additional administrative assistants in elementary schools may be provided according to the size of the school and with reference to the special needs, problems or programs of the school, as authorized by the Board, upon recommendation of the superintendent. Ordinarily, only larger elementary schools will be allocated such assistants.
- (2) Middle and high schools shall assigned administrative support personnel according to the special needs or programs of the school, as authorized by the Board upon recommendation of the superintendent. Duties of administrators subordinate to the principal shall be established by the principal of the school to which the administrator is assigned, and a copy of such duties filed in the office of the designated supervisor.

Legal References: ORS 332.107; ORS 332.505; OAR 581-022-1720

History: Adpt 6/71; Amd 5/84; Amd 9/9/02; BA 2419



3.30.050-P Visitors To Schools

The Board believes that a better understanding of the district's educational program and improved relationships between the school and community can be developed through school and classroom visitations of parents and patrons. Such visitations should be encouraged, arranged and permitted within considerations for the requirements of the educational program, the orderly administration of the school and classroom, and the safety and welfare of students.

Legal References: ORS 164.245; ORS 164.255; ORS 166.025; ORS 166.155 - 166.165; ORS 332.107

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

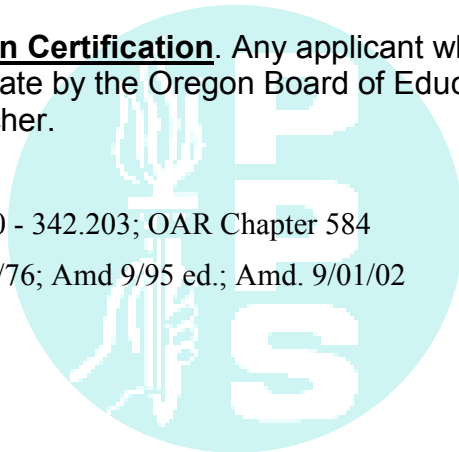


5.20.020-P Certification

- (1) **Certificate**. An applicant for a position in this school district shall be eligible for and obtain the necessary certificate of qualification required for the particular position for which he/she is applying. A teacher must have a copy of a valid certificate recorded in the Office of Personnel Services by a date specified by Oregon law.
- (2) **Eligibility**. Eligibility for positions in the district shall require compliance with all standards established for personnel in such positions by state law, state and local boards and the office of the superintendent.
- (3) **Counselor Certification**. All teachers who counsel one-half time or more will be required to hold the educational specialty certificate for counselors in addition to their regular teaching certificate, unless they have held continuous certification for teaching in the public schools under provisional and/or standard certificates obtained under regulations effective prior to 1965.
- (4) **Career Education Certification**. Any applicant who has been issued a vocational certificate by the Oregon Board of Education may be elected a probationary teacher.

Legal References: ORS 342.120 - 342.203; OAR Chapter 584

History: Adpt. 6/71; Amd. 6/28/76; Amd 9/95 ed.; Amd. 9/01/02



5.30.010-P Substitute Teachers

- (1) **Recruitment and Selection**. In order to assure productive, educational experiences for students in the absence of regularly employed teachers, the district shall maintain a systematic program for the recruitment, selection, and appointment of able substitute teachers.
- (2) **Qualifications**. Personnel employed as substitute teachers must hold a valid teachers' certificate and place on file in the office of the superintendent evidence of having passed a medical examination, as required by state law.
- (3) **Responsibilities**. Such teachers shall observe the regulations governing regular teachers and any additional guidelines, which are promulgated for them by the office of the superintendent and the respective building principals.
- (4) **Orientation**. An orientation program shall be established through which substitute teachers may be apprised of school programs, policies and practices, of the expectations related to their respective roles, and of the resources available for assistance in their work.

Legal References: ORS 332.507; ORS 342.420; ORS 342.610; ORS 342.815; OAR 581-005-0001; OAR 584-020-0000 to -0045

History: Adpt. 6/71; Amd. 9/95

Portland Public School District 1st Reading

DATE OF FIRST READING FOR RECISSION: SEPTEMBER 14, 2021

PUBLIC COMMENT FOR THE FOLLOWING POLICY RECISSIONS:

5.70.060-P Personnel File
5.70.054-P Compensation – Miscellaneous
5.50.073-P Health and Welfare Trust Fund
5.60.040-P Administrator Consultations

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: October 05, 2021

Summary: **5.70.060-P Personnel File**
 5.70.054-P Compensation – Miscellaneous
 5.50.073-P Health And Welfare Trust Fund
 5.60.040-P Administrator Consultations

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 Web Site: <https://www.pps.net/Page/11911>

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Date: September 10, 2021
To: School Board
From: Mary Kane, Senior Legal Counsel
Subject: Recommendations for policy rescissions

In 2018, the Human Resources Department conducted a review of all “Personnel” policies. It determined that many of the policies did not provide substantive information or were out of date and inconsistent with current and/or best practices. A number of policies were rescinded in 2018-2019, but the work was paused by the Policy Committee when the District began working with OSBA to conduct a review of all District policies. The current Board Policy Committee met on September 8 to discuss resumption of review of policies to determine which were in need of updates and which should be rescinded. Four personnel policies were put forward by staff with recommendations that they be rescinded. After discussion, the Policy Committee recommended that the following four policies be forwarded to the full Board with a recommendation for First Reading en route to rescission:

a. **5.50.073-P Health and Welfare Trust Fund**

The text of this policy states only “See provisions in Professional Agreement.” It is true that Health and Welfare Trust Fund provisions are contained in the District’s Collective Bargaining Agreements, but that does not constitute a policy.

b. **5.60.040-P Administrator Consultations**

This policy was adopted in 1971 to comply with ORS 342.460 which was repealed in 1973.

c. **5.70.054-P Compensation – Miscellaneous**

This policy was adopted in 1971 and amended in 1972; OSBA also recommends rescission of this policy. The policy is outdated in both content and language, and it is largely redundant of collective bargaining agreements and the compensation information that is approved annually by the Board.

d. **5.70.060-P Personnel File**

The text for this one simply states “See provisions in Professional Agreement,” which does not constitute a policy. There is a separate “Personnel File” policy that provides substantive policy statements [5.20.110-P Personnel Records].

5.50.073-P Health And Welfare Trust Fund

See Provisions in the Professional Agreement

History:



5.60.040-P Administrator Consultations

- (1) Unless determined otherwise in subsequent elections conducted according to Board adopted procedure, and ORS 342.460(4), the administrators of this district included in that statute shall be represented individually in conferring, consulting and discussing with the Board of Directors, or a committee thereof, matters of salary and related economic policies affecting their services.
- (2) Outside the scope of the statute, however, and in order to facilitate this arrangement, the Board or its representative(s) shall meet with a representative group of administrators for discussions on salaries and related economic benefits.

Legal References: ORS 332.107; ORS 332.505

History: Adpt. 6/71



5.70.054-P Compensation - Miscellaneous

- (1) All administrative-clerical and school-secretarial personnel on a monthly or annual salary shall, upon initial employment only, receive an increment if employed prior to March 1 of their established working year.
- (2) The annual salary increment for regularly employed classified personnel shall be granted on July 1 of each year.
- (3) Any employee who is at the maximum of his/her salary schedule, if his/her salary schedule is increased or if he/she is transferred to a higher salary schedule, shall receive his/her earned increment at the time the transfer to a higher schedule becomes effective following the date that normal increments are granted.
- (4) An employee must be regularly employed 50 percent of the established work year to be eligible for an increment the following year. Regularly granted sick leave shall be counted as days worked.

Legal References: ORS 332.107; ORS 332.505

History: Adpt. 6/71; Amd. 11/72



5.70.060-P Personnel File

See provisions in Negotiated Agreement.

History:

