

BOARD OF EDUCATION

Portland Public Schools
STUDY SESSION
December 17, 2012

Board Auditorium

Blanchard Education Service Center
501 North Dixon Street
Portland, Oregon 97227

Note: Those wishing to speak before the School Board should sign the public comment sheet prior to the start of the Board meeting. No additional speakers will be accepted after the sign-in sheet is removed, but the public is welcome to sign up for the next meeting. While the School Board wants to hear from the public, comments must be limited to three minutes. All speakers must abide by the Board's Rules of Conduct for Board meetings.

Public comment related to an action item on the agenda will be heard immediately following staff presentation on that issue. Public comment on all other matters will be heard during the "Public Comment" time.

This meeting may be taped and televised by the media.

STUDY SESSION AGENDA

1. **ARTS AND EDUCATION ACCESS FUND
INTERGOVERNMENTAL AGREEMENT** (action item) 6:00 pm
2. **RECOGNITION OF MAYOR SAM ADAMS** 6:15 pm
3. **PUBLIC COMMENT** 6:30 pm
4. **SECOND READING: PURCHASING POLICY AMENDMENTS** 6:50 pm
(action item)
5. **AMALGAMATED TRANSIT UNION CONTRACT AGREEMENT** 7:00 pm
(action item)
6. **HIGH SCHOOL SYSTEM DESIGN UPDATE** 7:05 pm
7. **BUDGET DISCUSSION** 8:05 pm
8. **PORTLAND VILLAGE SCHOOL** (action item) 8:20 pm
9. **LEGISLATIVE AGENDA** (action item) 8:40 pm
10. **OREGON SCHOOL BOARD ASSOCIATION LEGISLATIVE
AGENDA** (action item) 9:00 pm
11. **BUSINESS AGENDA** 9:10 pm
12. **ADJOURN** 9:15 pm

The next meeting of the Board will be a Board Retreat held on **January 7, 2013**, at **6:00 pm** in the Mazama Conference Room at the Blanchard Education Service Center.

Portland Public Schools Nondiscrimination Statement

Portland Public Schools recognizes the diversity and worth of all individuals and groups and their roles in society. Portland Public Schools is committed to providing a safe and equitable learning environment for all students, staff, and community members. Portland Public Schools does not discriminate on the basis of race, ethnicity, gender, sexual orientation, or any other protected characteristics. Portland Public Schools is an equal opportunity institution.

Reviewed and Approved by Superintendent

RELATED POLICIES / BOARD GOALS AND PRIORITIES

The Board goals for 2012/13 (as adopted by resolution 4641 on August 20, 2012) include the following:

Portland Public Schools advocates effectively for stable and adequate funding. The Board adopts a budget aligned with the educational vision and prioritizes the allocation of resources to improve student achievement and provide a core curriculum to all students.

The Arts Education and Access Fund improves the stability and adequacy of funding for PPS because it increases funding and it is a steady source of funds for arts teachers that is not going to fluctuate from year-to-year. The funding of arts teachers is prioritized and will be the first use of the Arts Education and Access Fund before funds are allocated for any of the other purposes.

PPS' ability to provide a core curriculum to all students is improved to the extent that the Fund significantly supports PPS ability to offer arts education to all K-5 students.

PROCESS / COMMUNITY ENGAGEMENT

This IGA was discussed by the board at its work sessions on November 19 and December 3, 2012.

The Arts Education and Access Fund was approved by a vote of the people. Over the past several years there was significant community engagement by the City and the arts community in the development of the proposal.

PPS decisions over the exact use of the funds and the level of arts education staffing that can be supported in schools serving students in grades K-5 will be part of the annual budget process.

ALIGNMENT WITH EQUITY POLICY IMPLEMENTATION PLAN

Research shows that art and music are an essential part of a core curriculum for students, especially in the elementary school years. Studies link access to arts education to improved attendance, increased participation in math and science, higher test scores, increased graduation rates and college admittance. The impact is even greater among low-income students and students of color.

PPS has 58 such schools and our estimate is that the Arts Education and Access Fund will support 43 positions. In order to meet the aspirational goal of 1 FTE in each school we would have to fund 15 positions from our general fund.

For context, in the 2012/13 school year we have 32.5 arts FTE in these schools, of which 14.4 FTE are funded with one-time money as part of the deal among PPS, PAT and the City, and 18.1 FTE that were in the budget before the one-time funds were secured. The 13/14 FTE that PPS will be required to fund to meet the aspirational goal is approximately equal to the amount of FTE we had funded in the budget for the current school year before the one-time deal with the City and PAT.

Given the uncertainty surrounding funding for K-12 in Oregon and the budget for 2013/14 the IGA does not commit PPS to any more staffing than that which results from the 500:1 ratio.

NEXT STEPS / TIMELINE / COMMUNICATION PLAN

Staff will be meeting with the RACC staff, the Mayor's Office and other school districts to plan

INTERGOVERNMENTAL AGREEMENT
BETWEEN SCHOOL DISTRICT NO. 1J, MULTNOMAH COUNTY, OREGON,
AND THE CITY OF PORTLAND
FOR ONE-TIME FUNDS AND ONGOING PARTNERSHIPS

This Intergovernmental Agreement (“IGA”), authorized pursuant to ORS 190.110, is entered into between School District No. 1J, Multnomah County, Oregon (“Portland Public Schools” or “District”) and the City of Portland (“City”). District and City may be referred to individually as a “party” and collectively as “the parties.”

RECITALS

- A. Education is one of the top four overarching goals of the City’s Portland Plan.
- B. Arts and music are essential to high quality, well-rounded education.
- C. National research links access to arts and music education to improved test scores, graduation rates and college admittance, particularly for lower-income students and students at risk. And, as of 2010, 44% of Portland’s high school students did not graduate with their class.
- D. Budget cuts have resulted in a steep decline in arts and music education in Portland schools leaving over 11,500 students in 26 schools with no access to certified instruction in art, music, dance or drama as of 2012.

J. Cities with thriving arts and culture communities attract businesses, develop a creative workforce and create economic development opportunities across multiple sectors.

K. This IGA will assist in restoring arts and music education to our schools by providing stable, long-term funding for certified arts and music teachers – ensuring access to the arts for every Portland elementary school student.

L. The City's Revenue Bureau is authorized to receive gross revenues collected as a result of the Arts Education and Access Income Tax and distribute a portion of the Net Revenues to the District.

M. District has agreed to spend the money to ensure that funds are used to pay for the costs of providing certified arts teachers and music teachers to students in elementary schools within the District.

AGREEMENT

1. Recitals. The recitals above are hereby incorporated by reference.

2. Effective Date/Term. This IGA is effective from the date that all parties have executed this IGA. The term of this IGA is until June 30, 2014. It shall automatically renew each year for a period of three years thereafter as long as the Arts Education and Income Tax is in effect.

3. Definitions:

f. "Net Revenues" means the revenue remaining after collection, administrative and other costs and refunds are deducted from Gross Revenues.

g. "Schools" means those educational institutions defined as schools by the Oregon Department of Education, but do not include on-line schools.

4. Payment Calculation and Distribution of Funds: The City's Revenue Bureau will receive the money collected under the Arts Education and Access Income Tax and distribute a portion of Net Revenues to District as follows:

a. On or before October 15, 2013, District shall provide to the Bureau the number of K-5 students from schools within the District's Catchment and the current teacher salaries of certified K-5 teachers. In the case of charter schools, the number shall include only Portland K-5 students attending charter schools within District that have a Portland Catchment and no other charter school site. The number shall not include (i) students attending elementary schools within the School District that have no Portland K-5 students; and (ii) students attending elementary schools, including Portland K-5 students, if the school's catchment does not overlap with the City of Portland's geographical boundaries. In any event, distribution shall be made in conformance with City Code Section 5.73.030.

b. Based on the correct number provided District, the Bureau will calculate the amount of Net Revenues owed to District as follows:

$$\text{Average teacher salary} \times (\text{the correct number of students provided by the District}) \div 500 \text{ (hereafter "the Calculation.")}$$

c. Bureau shall then promptly pay 50% of the Net Revenues determined by the Calculation to District.

d. On or before January 31, 2014, the parties anticipate the Oregon Department of Education (ODE) will provide the Bureau with an updated and revised number of students, calculated in the same manner specified in paragraph (a) above (hereafter referenced as "the revised number").

e. Based on the revised number provided by ODE, the Bureau will recalculate the amount of Net Revenues owed to District (hereafter "the Revised Calculation").

f. On or about March 15, 2014, the Bureau shall subtract the money already paid to District from the Revised Calculation and pay District the remaining Net Revenues owed to District.

g. In the event ODE fails to provide a revised number in order for the Bureau to pay the District the remaining Net Revenues owed by March 15, 2014, the parties agree to mutually discuss an acceptable alternative method of determining the revised number.

5. Provision of Services. District shall provide access to arts and/or music education through certified arts and/or music teachers to all K-5 students.

6. Supplemental Funding. It is the intention of this IGA to add to the number of existing certified arts and music teachers without creating financial problems for District. Funds from the Arts Education and Access Fund will be used to meet the voter-approved teacher: student ratio of 1-500 for a certified arts or music teacher at each public school within the district that educates K-5 students and whose catchment area overlaps with the City of Portland's geographical boundaries. The District will aspire to provide one full time equivalent of certified arts and/or music instruction at each quality school considering the District's financial outlook, strategic plan and related policies.

7. Audit. District will provide its Comprehensive Annual Financial Report (CAFR) each year to the Bureau for the purpose of tracking compliance with this IGA. The CAFR shall specifically identify the funds received and expended pursuant to this program.

8. Sequential Course of Study. The District will work with the Regional Arts and Cultural Council (RACC) staff to align a course of study for students kindergarten through 12 grade. This course of study shall take into account the District's current courses, budgetary considerations and align with each school community's values. As funding for teachers from the Arts Education and Access Fund is restricted to schools serving students in grades K-5, the District will attempt to maintain the articulated course of study unless it compromises other academic priorities or budget considerations.

9. Minority Teacher Act. In accordance with Oregon Minority Teacher Act, the District will strive, within the bounds of the law, to ensure that hired teachers reflect the student population.

10. Coordination with RACC. District will coordinate with RACC to ensure that District is providing high-quality arts and music education based on the resources available including those provided by the Arts Education and Access Fund. In the event that RACC notifies the City that District is not meeting the expectations of this provision, the parties will consider this to be a "dispute" under this IGA and the City and District shall engage in dispute resolution as required by Paragraph 23.

11. Arts Education Coordination Meetings. The District agrees its superintendent shall attend an annual meeting convened by City Commissioner-in-Charge of arts and culture to discuss the state of arts education in Portland schools, the effects of Arts Education & Access Fund investments and any plans for continuous improvement. The meeting shall take place at minimum on an annual basis. District also agrees to provide high-level staff to attend quarterly meetings on arts education convened by RACC to monitor progress and plan for continuous improvement.

12. Use of Funds/Indemnification. District will use the Net Revenues it receives from the City in accordance with this IGA and shall not use the funds for any other purpose whatsoever. District shall hold harmless, indemnify and pay back the City for any expenditure of funds that is not in accordance with the requirements of this IGA.

13. Amendments. The terms of this IGA shall not be waived, altered, modified, supplemented, or amended, in any manner whatsoever except by written instrument signed by

both parties. The Mayor of the City of Portland, or designee, is authorized to amend this IGA provided it does not increase the cost to the City. This agreement regarding the use of the Arts Education & Access Fund has been developed collaboratively between the two signatories to this agreement. In that spirit of partnership, and to ensure flexibility to respond to an ever-changing fiscal environment and any unforeseeable hardships, both parties (City and District) agree to develop any amendment necessary to this agreement to preserve the ability of the District to deliver maximal arts education services to students without causing undue difficulties for either party. The current term of the IGA is one-year in order to formalize the goal of continuous improvement around the use of these funds and delivery of arts and music education in schools, and this provision is intended to further document that intent.

14. Captions. The captions or headings in this IGA are for convenience only and in no way define, limit or describe the scope or intent of any provisions of this IGA.

15. Law/Choice of Venue. Oregon law, without reference to its conflict of laws provisions, shall govern this IGA and all rights, obligations and disputes arising out of the IGA. Venue for all disputes and litigation shall be in Multnomah County, Oregon.

16. Severability/Survival. If any of the provisions contained in this IGA are held unconstitutional or unenforceable, the enforceability of the remaining provisions shall not be impaired. All provisions concerning the limitation of liability, indemnity and conflicts of interest shall survive the termination of this IGA for any cause.

17. No Third Party Beneficiary. City and District are the only parties to this IGA and as such, are the only parties entitled to enforce its terms. Nothing contained in this IGA gives or shall be construed to give or provide any benefit, direct, indirect, or otherwise to third parties unless third persons are expressly described as intended to be beneficiaries of its terms.

18. Merger Clause. This IGA constitutes the entire IGA between the parties. No waiver, consent, modification or change of terms of this IGA shall bind either party unless in writing and signed by both parties. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. There are no understandings, IGAs, or representations, oral or written, not specified herein regarding this IGA.

19. Counterparts/Electronic Signatures. This IGA may be executed in any number of counterparts, all of which when taken together shall constitute one IGA binding on all Parties, notwithstanding that all Parties are not signatories to the same counterpart. The Parties agree that they may conduct this transaction, including any amendments or extension, by electronic means including the use of electronic signatures.

20. Assignment. No Party shall assign or transfer any interest in this IGA, nor assign any claims for money due or to become due under this IGA, without the prior written approval of the other Parties. This IGA shall bind and be to the benefit of, and be enforceable by, the Parties hereto and their respective successors and permitted assigns.

21. Subsequent Years. After the school year 2013/14, the parties shall take the actions required above by the same dates in subsequent school years so long as the Arts Education and Access Income Tax remains in effect.

22. Termination. This IGA may be mutually terminated at any time by written consent of the parties. The City may unilaterally terminate this IGA if District fails to use the Net Revenues in accordance with this IGA. The District may unilaterally terminate this IGA if City fails to distribute the Net Revenues in accordance with this IGA.

23. Dispute Resolution. In the event a dispute arises regarding the use of the Net Revenues by District or any other matter covered by this IGA, the parties agree to have high level representatives of City and District engage in discussions before taking any legal action. If discussions fail to resolve the issue, the parties shall engage in mandatory mediation in an attempt to resolve the dispute. In the event of mediation, the pa

Reviewed and Approved by

Memorandum

To: Board of Education
From: Jeffrey G. Condit
Client: Portland Public Schools
Subject: 2012 Revisions to Public Contracting Rules – Executive Summary
Date: October 2, 2012

INTRODUCTION

In 2010, Portland Public Schools developed and adopted a substantial and comprehensive revision to its Public Contracting Rules. The purpose of the 2012 revisions is to update the District's Rules to reflect 2011 legislative changes to the state Public Contracting Code (ORS Chapter 279A, 279B, and 279C) and revisions to the Attorney General's Model Public Contracting Rules ("Model Rules") that became effective on January 1, 2012. The revised Rules are attached as Exhibit A to the Board resolution adopting the revisions.

LEGAL FRAMEWORK

The Board of Education serves as the Local Public Contract Review Board ("Board") for the District pursuant to ORS 279A.060. ORS 279A.065 empowers the Board to adopt local public contracting rules. This statute requires the Attorney General to update the Model Rules after each legislative session to reflect amendments to the Public Contracting Code. The statute also requires local contracting agencies such as the District to review the Attorney General's revisions to determine whether its own Rules need to be revised.

SUMMARY OF AMENDMENTS

Most of the 2012 revision to the District's Rules reflect changes to the Model Rules. The most significant changes are to the method of solicitation for construction-related professional services (architects, engineers, land surveyors, and other professional services). The 2011 Legislature amended ORS Chapter 279C to extend the requirement for qualifications-based selection ("QBS") of such services to local contracting agencies and made some significant substantive revisions to that

process. Prior to 2011, QBS was mandatory for state contracting agencies, but not for local contracting agencies (except in very limited circumstances). QBS requires consultant selection to be based entirely on qualifications without consideration of price or fees. Price/fees may only be considered and negotiated once a contractor has been tentatively selected pursuant to the QBS process. These statutory revisions also raise the contract amount triggering formal competitive procurement from \$150,000 to \$250,000 and for informal procurement from \$50,000 to \$100,000.

Staff recommends that the Board not incorporate a new provision that allows the District to provide for up to a 10% price preference for goods fabricated or processed, or services performed, within the State of Oregon. ORS 279A.128. This preference is optional under the statute, so the District is not required to adopt a local rule on the matter. Staff is concerned about the effect of the preference on District costs and about the potential for interstate commerce challenges, and so prefers to wait and see how the statute and rule work in practice before incorporating the preference into the District's Rules.

Finally, staff is proposing to adopt amendments to its class special procurements for goods and services and class exemptions from competitive bidding for public improvements. These amendments allow use of alternative procurement

EXHIBIT B

FINDINGS IN SUPPORT OF THE DESIGNATION OF CERTAIN CLASSES OF
CONTRACTS FOR GOODS AND SERVICES AS SPECIAL PROCUREMENTS UNDER
ORS 279B.085 AND TO EXEMPT CERTAIN CLASSES OF PUBLIC IMPROVEMENT

Previously all of the circumstances had to exist, which limited the District's flexibility to take advantage of discounted pricing.

b. Conclusions of Law: This class special procurement will not encourage favoritism or diminish competition because it takes advantage of a unique marketing process for certain goods and services. Further, Rule requires limited competitive review process to ensure that the "spot price" is in fact substantially less expensive than the competitive prices. This class special procurement amendment will result in substantial cost savings to the District because it will enable the District to better take advantage of special sales of products at lower-than-normal prices, and promotes the public interest because use of the standard process would cost the District the opportunity to take advantage of a special sale price.

2. Expedited Contracting Process in order to Access State, Federal, or Grant Funds (PPS 47-0288(27)).

a. Findings of Fact. In order to alleviate the recession, the state and federal governments adopted a number of programs to stimulate the economy, including, most notably, the American Recovery and Reinvestment Act of 2009 ("ARRA"). These programs provide federal and state funding to governmental agencies such as the District to acquire goods and services. Because the purpose of the Act was to stimulate the economy, however, these programs imposed very short timelines on public bodies to have projects ready to go in order to be eligible for funding. The state and federal governments and certain nonprofit and for-profit granting entities also have other grant/funding programs that may have deadlines or limit funding availability to a certain window of time. The purpose of this special procurement is to grant the authority to the Superintendent to modify the procurement process and approve and execute a contract in any dollar amount in cases where strict adherence to the standard process could jeopardize the District's eligibility for such funding by delaying a contract, project, or procurement. The Superintendent must document the reasons supporting the extent of the waiver in the procurement file, as well as provide for an alternative contracting process consistent with the time constraint.

b. Conclusions of Law. This special procurement will not encourage favoritism or substantially diminish competition for District contracts because it would apply to a very limited subset of contracts eligible for such specialized funding, and because the Superintendent is required to design an alternative competitive process based on the timeline for award of the funding. The use of this special procurement will result in substantial cost savings to the District by enabling it to better take advantage of state, federal, and other grant funding opportunities.

II. Exemptions from Competitive Bidding.

A. Applicable Criteria. ORS 279C.335(2) empowers the Board, acting as the local contract review board, to adopt rules exempting certain classes of public improvement contracts from competitive bidding upon approval of the following findings:

1. It is unlikely that such exemptions will encourage favoritism in the awarding of public improvement contracts or substantially diminish competition for public improvement contracts; and

2. The awarding of public improvement contracts pursuant to the exemption will result in substantial cost savings to the District. In making these findings, ORS 279C.315 requires consideration of information regarding (a) operational, budget, and financial data; (b) public benefits; (c) value engineering; (d) specialized expertise required; (e) public safety; (f) market conditions; (g) technical complexity; and (h) funding sources. In addition, the Board may consider the type, cost, and amount of the contract, the number of persons available to bid, and such other factors as the Board deems appropriate. The Board may not identify a class solely based on funding or procurement method.

B. Findings. The District's exemptions from competitive bidding for public improvement contracts are set forth in PPS-49-0146 (Exhibit A). The District is adopting one new class exemption from competitive bidding, as follows:

1. Expedited Contracting Process in order to Access State, Federal, or Grant Funds (PPS-49-0146(6)).

a. Findings of Fact. This exemption is the public improvement analog to the new goods and services procurement in PPS-47-0288(27) approved above. This exemption is proposed to address the same circumstance where deadlines are attached to state, federal, or grant funding such that conducting the standard procurement process could jeopardize the District's eligibility to obtain the funding by delaying execution of a contract, the start of a project, or the completion of a project. The purpose of this exemption is to grant the authority to the Superintendent to modify the procurement process and approve and execute a contract in any dollar amount in such circumstances. The Superintendent must document the reasons supporting and the extent of the waiver in the procurement file, as well provide for an alternative contracting process consistent with the time constraint.

b. Conclusions of Law. This exemption will not encourage favoritism or substantially diminish competition for District contracts because it would apply to a very limited subset of the contracts eligible for such specialized funding, and because the Superintendent is required to design an alternative competitive process based on the timeline for award of the funding. The use of this exemption will result in substantial cost savings to the District by enabling it to better take advantage of state, federal, and grant funding opportunities.

III. Existing Special Procurement and Exemptions Continued. No other amendments to existing special procurements or exemptions or special procurements or exemptions are being proposed as part of the 2012 Amendments to the District's Public Contracting Rules.



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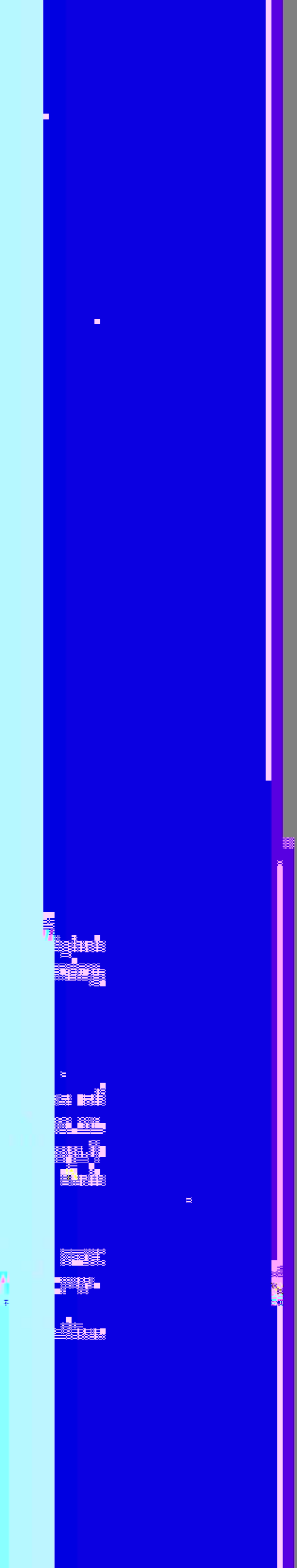
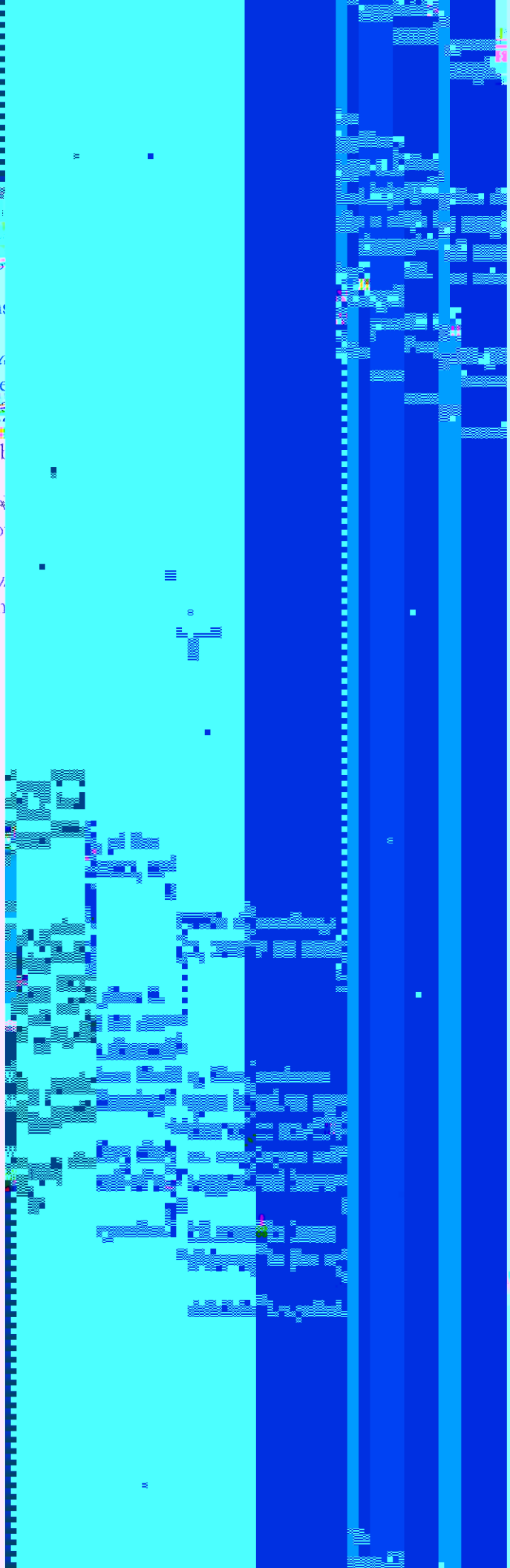
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Board of Education

Superintendent's Recommendation to the Board

Board Meeting Date : December 17, 2012

Reviewed and Approved by Superintendent

the school determine that a renewal process is not necessary, then the term of the contract shall be extended by one year. This process described above may repeat annually until the 10th year of the contract, when the renewal process will be required. However, at any point between the fifth and 10th year of the contract, either party (PVS or the District) may request that the renewal process be initiated.

On November 30, 2012, the District and the Board received additional information from PVS which further explained its request for an enrollment cap of 419 in the 2013-14 school year and a final cap of 444 in the 2014-15 school year. Since the November 19th work session, the Board has indicated that it is interested in granting PVS's request for this increased enrollment cap. The resolution in the Board book will reflect the Board's intention to grant the increased cap of 419/444.

BACKGROUND

On January 2, 2012, PVS submitted a request for charter renewal, including a request that the District agree to increase PVS's enrollment capacity to 500 students.

On February 28, 2012, the Board held a public hearing in consideration of PVS's renewal request.

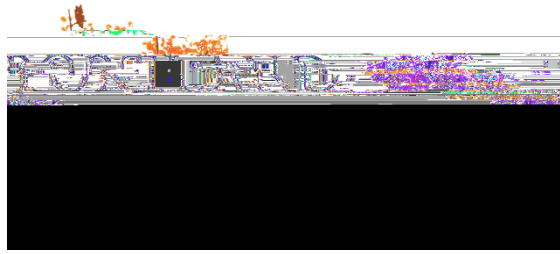
On March 21, 2012, the Board adopted Resolution No. 4570 approving PVS's request to renew its charter. Resolution No. 4570 also included a number of conditions to be included in the renewal charter agreement, including a condition that the enrollment at PVS not exceed 400 students. This was recommended by staff for several reasons:

- o PVS's initial application was for a two-track K-8 and enrolling a maximum of 396 students.
- o There is precedent for a 400 student cap, as the first renewal contract was also capped at 400 students.
- o Not including the amount withheld by the district, the allocation to PVS next year would have resulted in a projected net increase of \$454,446.98.
- o Because of the impact that this financial loss would have had on the district during a severe funding shortfall, the staff recommended that the Board approve the renewal of Portland Village, and include a continuing cap of 400 students. In the staff recommendation, PVS was also invited to return with its request during the term of its contract in a better budget situation.

Throughout the spring and summer, the District and PVS worked to negotiate the renewal charter, and extended the length of the current contract four times to accommodate these discussions. All issues were resolved with the exception of the enrollment cap.

At the time of PVS's initial request, the question that was presented was whether or not a district has a right to negotiate any enrollment cap into a charter contract, and PVS's request at this time was to remove the enrollment cap language from the contract in its entirety. Portland Village5.7Tther or not a dii

iewed and Approved by Superintendent



TO:

While our finances appear admirably solid right now, this reflects current operations with class sizes of 25. We are proud that we never needed emergency help and that we have a balance in our accounts now. Our situation would have been very different if we had we kept class at 22. Throughout our history we have maintained contingency funds of around 5% of our budget. We saved what we did not •% v U o š Z } μ P Z š Z] • u v š l %] v P } μ Œ š Z Œ • [• o Œ] t a } v •] Œ c situation that is absolutely not sustainable (Our savings were intended to buy a building. We ultimately had to make the very difficult choice of expending those savings to build out our rental site when we could find no suitable buildings within our budget. We have no option to buy this site, and in no way can we reclaim this investment.) While we are not in immediate jeopardy, we do not have readily spendable assets that can take us into the future;

Board of Education

Superintendent's Recommendation to the Board

Board Meeting Date : 12/17/12

Executive Committee Lead : Robb Cowie

Department : CIPA

Presenter/Staff Lead : David Williams

Agenda Action : Resolution Policy

Reviewed and Approved by Superintendent



PORTLAND PUBLIC SCHOOLS

Government Relations

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Portland Public Schools is an equal opportunity educator and employer

Proposed Legislative Policies

Section 1: Finance

1.1 Investing in Oregon's Public Schools to Ensure Adequate, Competitive Funding

During the 2003-2005 biennium, almost 45% of Oregon's General Fund and Lottery resources went to fund K-12 public education. Today the State School Fund receives about 39% of these funds. OSBA supports increasing K-12's share of state resources so that Oregon's schools are competitive nationally and globally and each school district and ESD has the funds necessary to support their operational, instructional and student achievement goals. OSBA supports the role of locally elected school boards to set spending priorities and opposes using the State School Fund distribution formula to mandate specific expenditures; OSBA supports school funding equalization. OSBA supports continued funding of local option equalization grants; local option property tax revenues should not be included in the State School Fund. OSBA supports increased funding for all levels of the K-20 education enterprise to support increased achievement for every child and student. OSBA supports the Quality of Education Commission's (QEC) effort to promote best practices to improve student outcomes and encourages the Commission to work with the OEIB to identify funding necessary to achieve 40-40-20.

1.2 Reforming Tax Policy

OSBA supports efforts to provide U'm

OSBA supports funding for Oregon Department of Education programs and state level initiatives that provide quality technical and programmatic assistance and supports to school districts and ESDs which are targeted at improving student achievement.

1.5 Financial and Program Accountability

OSBA supports a strong system of meaningful school district and ESD financial and program

OSBA supports providing a well rounded curriculum for all students, including opportunities for music, art, PE, world languages and co-curricular activities. OSBA supports curriculum related decisions made at the school or

3.3 Teacher and Administrator Licensing

OSBA supports licensing requirements that assure a level of preparation necessary to teach to rigorous academic standards, recognize licenses from other states and understand the challenges districts face attracting and retaining qualified personnel. OSBA supports working collaboratively with the Teacher Standard

4.4 School Safety and Student Wellness

OSBA supports local measures that pr

REPORT – December 17, 2012

Expenditure Contracts Exceeding \$25,000 and through \$150,000

Portland Public Schools (“District”) Public Contracting Rules PPS-45-0200(6) (Authority to Approve District Contracts; Delegation of Authority to Superintendent) requires the Superintendent to submit to the Board of Education (“Board”) at the “Board’s monthly business meeting a list of all contracts in amounts exceeding \$25,000 and through \$150,000 approved by the Superintendent or designees within the preceding 30-day period under the Superintendent’s delegated authority.” Contracts meeting this criterion are listed below.

NEW CONTRACTS

Contractor	Contract Term	Contract Type	Description of Services	Contract Amount	Responsible Administrator, Funding Source
Apple Inc.	12/14/12 through 12/13/13	Personal / Professional Services PS 59563	District-wide: Software imaging and deployment services of Apple computers and related products.	\$100,000	J. Keuter Various funding sources

NEW INTERGOVERNMENTAL AGREEMENTS (“IGAs”)

Contractor	Contract Term	Contract Type	Description of Services	Contract Amount	Responsible Administrator, Funding Source
Multnomah Education Service District	08/15/12 through 08/14/13	IGA 59559	Special Education: MESD will provide 1.0 FTE licensed practical nursing services for 183 days during SY 2012-13 to a particular District student.	\$54,153	M. Pearson Fund 101 Dept. 5414
Multnomah Education Service District	08/15/12 through 08/14/13	IGA 59560	Special Education: MESD will provide 1.0 FTE licensed practical nursing services for 183 days during SY 2012-13 to a particular District student.	\$54,153	M. Pearson Fund 101 Dept. 5414

AMENDMENTS TO EXISTING CONTRACTS

Contractor	Contract Term	Contract Type	Description of Services	Amendment Amount, Contract Total	Responsible Administrator, Funding Source
Ameresco Quantum, Inc.	10/30/12 through 12/31/16 Year 2 of Contract	Energy Savings Performance Contract EC 57743 Amendment 4	District-wide: Additional design and construction services for energy efficiency measures at Benson PHS; part of 2010 Recovery Zone Project.	\$36,104 \$2,966,255	T. Magliano Fund 421 Dept. 5597 Project E0107
Cole Industrial, Inc.	09/08/12 through 03/31/13 Year 1 of Contract	Material Requirements MR 59081 Amendment 1	District-wide: Staff training, boiler tuning, and efficiency reporting services for 66 newly installed gas burner assemblies at 33 sites; part of the Boiler Upgrade Project.	\$25,642 \$962,526	T. Magliano Fund 438 Dept. 5597 Project J0101

N. Sullivan

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

INDEX TO THE AGENDA
STUDY SESSION

December 17, 2012

Personnel

The Superintendent RECOMMENDS adoption of the following items:

Numbers 4691 through 4694

RESOLUTION No. 4693

Appointment of Temporary Teachers and Notice of Non-renewal

RESOLUTION

The Board of Education accepts the recommendation to designate the following persons as temporary teachers for the term listed below. These temporary contracts will not be renewed beyond their respective termination dates because the assignments are temporary and District does not require the teachers' services beyond completion of their respective temporary assignments.

First	Last	ID	Eff. Date	Term Date
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Purchases, Bids, Contracts

The Superintendent RECOMMENDS adoption of the following items:

Numbers 4695 and 4696

RESOLUTION No. 4695

Revenue Contracts that Exceed \$25,000 Limit for Delegation of Authority

RECITAL

Other Matters Requiring Board Action

The Superintendent RECOMMENDS adoption of the following items:

Numbers 4697 through 4702

RESOLUTION No. 4697

Authorizing the Superintendent to enter into an Intergovernmental Agreement with
the City of Portland for the Arts Education and Access Fund

RECITALS

- A. Arts and music are essential to a high quality, well-rounded education.
- B. National research links access to arts and music education to improved test scores, graduation rates and college admittance, particularly for lower-income students and students at risk.
- C. Budget cuts have resulted in a steep decline in arts and music education in Portland schools leaving hundreds of students with no access to certified instruction in art, music, dance or drama in the 2012/13 school year.
- D. Portland schools have fallen well behind the national average in terms of schools offering art instruction and offering music.
- E. Certified in-school arts and music instruction is the cornerstone of a complete arts education, providing students with the opportunity to develop skills in creative and critical thinking, collaborating, and communicating.
- F. Elementary school is the most strategic point in the public education continuum to invest in arts education in order to ensure equal access and opportunity to develop skills and grow for all students from the beginning of student experience and prevent early disparities in access.
- G. Recognizing these factors, the City of Portland placed Measure 26-146 on the ballot this November and voters approved a \$35 income tax to provide funding for more arts education and improved access to the arts for underserved communities.
- H. Portland Public Schools staff has been engaged with the City to develop an intergovernmental agreement to codify the implementation and operation of some of the provisions of the Arts Education and Access Fund that was created by the passage of Measure 26-146.

RESOLUTION

- 1. The Board of Education records its appreciation to Mayor Adams for his advocacy for the arts in Portland and for funding for Portland's schools, The Board of Education also records its appreciation to the City Council for giving Portland voters the opportunity to demonstrate their support for arts education in the city's elementary schools and for improving access for underserved communities within the City.
- 2. The Board of Education expresses its gratitude to the voters

RESOLUTION No. 4698

A Resolution of the Board of Directors of School District No. 1J, Multnomah County, Oregon, acting as the Local Public Contract Review Board, Amending the District's Public Contracting Rules to Address Statutory and Administrative Rule Changes and Amending or Enacting New Class Special Procurements and Exemptions

RECITALS

- A. The Board of Directors of School District No. 1, Multnomah County, Oregon ("District") acts as the Local Public Contract Review Board ("Board") pursuant to ORS 279A.060.
- B. ORS 279A.065 empowers public contracting agencies to adopt rules of procedure for public contracts, and the District has adopted such rules ("2010 Rules").
- C. ORS 279A.065(5)(b) requires a local contracting agency to review its rules for revision each time the Attorney General modifies the Model Rules for Public Contracts. The Attorney General has updated the model rules for 2012 in light of amendments to the Public Contracting Code in the 2011 legislature.
- D. ORS 279B.085 authorizes the Board to declare certain public contracts or classes of contracts for goods and services as special procurement

and PVS's request at that time was to remove the enrollment cap language from the contract in its entirety. Portland Village now acknowledges the enrollment cap language in the contract, but requests that it be increased.

- F. Even though the District granted PVS's renewal request, OAR 581-020-0359(7)(b) provides that if a sponsor and a charter school fail to enter into a new charter agreement within the timeline agreed by the parties, the sponsor will be treated as having not renewed the charter and the sponsor must send the charter school a notice of nonrenewal. The District sent this required notice of nonrenewal on September 5, 2012. PVS submitted a revised renewal request on October 5, 2012, stating that its sole request was that the District agree to increase PVS's enrollment capacity to 492 students.
- G. Portland Village then modified the enrollment cap request and asks that the Board consider a maximum enrollment of 444 students (419 students in 2013-14 and 444 students in 2014-15).
- H. Following receipt of the revised renewal request, the District has 45 days to hold a public hearing regarding the revised renewal request, which it did on November 7, 2012. Within 10 days after the public hearing, the District must notify PVS of the District's intent to renew or not renew the charter and, within 20 days of the hearing, the District must either renew the charter or state in writing the reasons for denying the renewal of the charter. PVS agreed to join the District in a waiver request to the Oregon Department of Education ("ODE") for an extension of this timeline to accommodate already-scheduled Board meetings. This waiver was granted by ODE on November 16, 2012.
- I. Portland Village is currently open and operating under the existing charter and will remain open and operating under the existing charter during any appeal to the State Board of Education by PVS.
- J. The Superintendent's recommendation is to allow Portland Village to exceed its current enrollment cap of 400 while its larger classes of 25 students move through the grades and transition out of the school, while limiting its incoming enrollment to 22 students per class. This would bring Portland Village back to 400 students by the 2020-21 school year. However, due to the receipt of additional information from Portland Village and an interest in granting PVS's request, the following resolutions are adopted:

RESOLUTION

- 1. Portland Village's charter renewal request is again granted, and its request to raise its enrollment cap to 419 students in 2013-14 and 444 students in 2014-15 is approved.
- 2. When the new PVS contract is executed, it will be for a flexible 5-year period, as described and approved in Board Resolution 4570 on March 21, 2012, with renewal tentatively scheduled for June 2017, if deemed necessary at the time.
- 3. The Board of Education for Portland Public Schools directs staff to negotiate a charter agreement between the District and PVS that is consistent with ORS Chapter 338 and with District policies, is in a form approved by the District's General Counsel, and that includes the enrollment growth model as described above. All other terms and conditions of Resolution 4570 remain the same.

K. Wolfe / K. Miles

RESOLUTION No. 4701

2013 State Legislative Platform

RECITALS

- A. In February the Oregon Legislature will convene the 2013 Regular Legislative Session during which hundreds of bills affecting education will be introduced and debated.
- B. Additionally, the Legislature will approve a budget for the 2013-2015 biennium that will contain the State School Fund, the primary funding source for public education in Oregon and for Portland Public Schools.
- C. The PPS Board recognizes that legislative advocacy is essential for the District and for our ability to affect education public policy in Oregon.
- D. Portland Public Schools' first and foremost priority for the 2013 Regular Legislative Session is for the legislature to provide adequate and stable financial support for advancing student achievement in every school district in Oregon. The district is calling on the legislature to reconnect to adequate funding for education as outlined by the Quality Education Commission.
- E. Portland Public Schools' will actively seek ways to enhance state and local revenue collections as a way to bring about additional funding for education, including reforms to the state's property tax system.
- F. The district will also strongly support measures that enhance the ability of PPS to advance student achievement, close the achievement gap and enhance equity in the district and statewide.
- G. The legislative platform was developed through consultation with a district staff advisory team, board legislative liaisons, and other state-wide associations and partners.

Board of Education Informational Report

Firms responding to RFP solicitation	Ranking
x Cornerstone Management Group, Inc.	#6
x Day CPM Services	#4
x Heery International, Inc.	#1
x Hill International, Inc.	#5
x Inici Group, Inc.	#7
x J.J. Henri Co.	#3
x Jacobs Project Management Co.	#2

Budgeted amount for this item:

\$6,300,000 for Program Management and Construction Management Services over the 8-year program. The budget for the initial 4-year base period is \$4,200,000.

Recommendation:

Award contract to Heery International, Inc. for \$4,222,000. See purchasing & contracting consent agenda item for further details. The contract before the board recommends executing a 4-year contract with the option for two additional 2-year contract extensions. The amount of the contract extensions are estimated based upon current preliminary project schedules. Contract extensions (if appropriate) will be negotiated to conform to current scopes, schedules and budgets prior to execution.