

8.70.041-P

8.70.041-P Real Estate Transaction Process

Portland Public Schools requires the ongoing ability to transact the purchase, lease, conveyance, permit, and dedication of real property or an interest in real property in a timely manner to adequately and efficiently support the changing enrollment and space requirements of the District.

The process articulated herein will be taken by the District in any transaction of real property or interest in real property by the District, ~~with the unless an exception applies under of the surplus and sale of District owned real property not needed for public use governed by Board Policy 8.60.040-P~~ (Disposition of District Real Property).

The District reserves the right to apply the policy and process set forth herein in a flexible, prudent, and strategic manner to best meet the needs and interests of the District

It is a goal of the District to achieve the maximum market rate value in the transaction of any real property the District owns, and to pay no more than market rate for property leased or acquired. The District recognizes that conveyance of real property, right-of-way or easements may be imposed as a condition of approval of District development projects without compensation or may occur for other good or valuable consideration.

The Board delegates authority to the Superintendent or his/her designee to approve and execute real estate transactions in which the total value of the transaction is at or below applicable delegation thresholds for District expenditure and revenue contracts, as set forth in PPS Public Contracting Rule 45-0200 (Authority to Approve and Execute District Contracts). All other real estate transactions shall be presented to the Board for approval.

Adopted 7/11/2017

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BOARD POLICY

8.70.040-P

PRESERVATION, MAINTENANCE, AND DISPOSITION OF SURPLUS- DISTRICT REAL PROPERTY

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8.70.040-P Preservation, Maintenance, and Disposition of Surplus-District Real Property

Under ORS 332.155, the Portland Public School District may lease, sell and convey all property of the District that is not, in the judgment of the School Board, required for school purposes.

The Portland Public Schools Board of Education has a fiduciary responsibility to preserve and maintain the District's real property assets to serve current students and to ensure the District can serve its students for decades to come. For that reason, transactions involving the District's real property shall preserve as much as possible the District's ability to use assets for its own students and educational services now and in the future and, only on rare occasions, will the District sell a property without replacing that property with an equivalent or better property.

Duty to Maintain and Preserve Real Property

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The Board of Education recognizes that the District's real property assets must be maintained in a sufficient physical condition to preserve their value and utility. The Board shall take necessary steps, taking into account budgetary constraints, to preserve and maintain the physical integrity of District real property.

Objectives in Real Property Transactions

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The Portland Public School Board affirmatively acknowledges its support for managing the District's real property consistent with the District's mission and the principle that public property is a legacy to be protected for the public interest and the public interest. District properties that are not currently needed for District purposes will be managed to carry out the following objectives:

- Reflect the District's short-, intermediate-, and long-term educational needs, considering long-term population and enrollment projections for the Portland area;
- Maintain flexibility in lease terms (e.g., for leases) to allow for early termination to adjust to enrollment fluctuations or other District needs for the property; permit ments; and
- Provide revenue and other support for District needs; in this case, the District will seek maximum financial and other benefits.

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Sale of Real Property

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~~Under ORS 332.155, the District may lease, sell, and convey all property of the District that is will not, in the judgment of the School Board, be required for the District's educational purposes in the long term. In the unlikely event that District property does not support the District's mission now or in the future, the Superintendent shall recommend to the Board the disposal of such property, including a thorough analysis of the implications of any property sale for on fulfillment of the dDistrict's educational mission over the long term. Selling a District property without replacing it with an equivalent or better property shall be a last resort. The Superintendent shall use an open and inclusive public input process in the development of any final recommendation to declare property surplus, and the findings from that process shall be provided to the Board prior to any Board decision. This public process will be in addition to the Board's public hearing to declare property surplus.~~

The School Board shall make a final determination as to which properties are surplus appropriate for sale in a transparent, public process that includes the results of the market and needs analysis, full disclosure of the terms of the sale/lease negotiated and recommended by the Superintendent, and a statement of how relinquishing property promotes the both the dDistrict's mission and the public interest.

~~In all cases of sale, is obligated In the unlikely event that District property does not support the District's mission now or in the future, Tthe Superintendent shall recommend to the Board the disposal of any such surplus property that is not essential to the District's mission now or in the future. An action declaring the property surplus must be based on a thorough analysis presented by the Superintendent to the School Board. The Board shall make the final determination as to which properties are surplus.~~

~~The Superintendent shall use an open and inclusive public input process in the development of any final recommendation to declare property surplus, and the findings from that process shall be provided to the Board prior to any Board decision. This public process will be in addition to the Board's public hearing to declare property surplus.~~

The Board of Education policy directs the following:

1. Superintendent's Surplus Real Property Recommendation: The Superintendent shall develop and adopt an administrative directives establishing a process for developing recommendations to the Board on surplus properties. The process shall include at a minimum the following components:
 - a) Notification of the ~~Portland Public School~~ Board of Education;
 - b) Notification to the City and County, and other public agencies as appropriate, providing an opportunity to purchase the property, ~~and notification~~ to the local neighborhood association; and to the public at large. ~~The District has no obligation to sell, lease, or convey District property to any of these or other public agencies. The District retains sole authority to determine the use and disposition of its properties.~~
 - c) A minimum of 60 days for public response or comment.
 - d) A summary of the factors considered in the development of the recommendation.
2. Surplus Property Recommendations-Public Hearing: At least one public hearing shall be held by the Board prior to declaring any real property or ~~pre~~portion thereof - surplus.
3. Sale process: Once the property is declared surplus by the Board, the Superintendent, or such persons as may be designated by the Superintendent, shall

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establish and conduct a process for sale or other conveyance of the property.
The ~~S~~uperintendent will market and negotiate a proposed sale or other conveyance of the property and bring a recommended agreement to the ~~B~~Board for the Board's review and approval.

4. Presumption of Market Rate: Unless the Board makes an express finding that the disposition of District property for less than market rate confers significant benefit to the District and the communities it serves, the District shall pursue maximum market value for any sale, lease, or disposition under this policy.

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Legal References: ORS 271.330 ORS 332.155

History: Adpt. 6/71; Amd. 12/13/76; Amd. 8/28/78; Amd. 10/13/83; Amd. 8/31/95; Amd. 10/28/02 BA2463; Amd. 1/12/09 BA 4019



~~BOARD POLICY~~

~~8.70.040-P~~

~~DISPOSITION OF SURPLUS REAL PROPERTY~~

- ~~4. Disposition of Surplus Property Suited For A Particular User Or Use: Whenever If the Board finds that a parcel of Surplus Property is especially suited for use by a particular user or use which would be beneficial to the community, the Board may declare the property surplus, identify the community benefit, and authorize the Superintendent to negotiate a sales agreement or other conveyance for this property subject to bBoard approval.~~

~~Legal References: ORS 271.330 ORS 332.155~~

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X.XX.XXX-P Professional Conduct between Staff and Students

PURPOSE

The Board recognizes the extraordinary dedication and care provided by staff in their daily work with students. A hallmark of this commitment is the development of strong relationships between staff and students. Unfortunately, these relationships can sometimes be misused.

The purpose of this policy is to provide all staff interacting with our students with information to increase their awareness of their role in protecting children from inappropriate conduct or boundary violations. It is also to establish clear expectations of staff in their interactions with students. This policy applies to all District employees, substitutes, contracted service providers with direct interactions with students, coaches, and volunteers in their interactions with students in District schools and programs.

GENERAL STANDARDS

The Board expects staff to maintain the highest professional, moral, and ethical standards when interacting with students. In a school-related setting, the interactions and relationships between staff and students must be based upon mutual respect and trust, as well as an understanding of the appropriate boundaries between staff and students in and outside the educational setting.

The Board also recognizes the unique role volunteers play in student's lives and that many have relationships outside the school setting. As such, volunteers are not subject to some of the provisions of this policy, however, the District still expects them to maintain appropriate conduct with students when they are engaged in District supervised activities.

GUIDELINES FOR INTERACTIONS BETWEEN STAFF AND STUDENTS

Staff is required to complete annual training provided by the District on sexual conduct prevention to establish appropriate professional boundaries for student-staff interactions.

Staff is expected to use good judgment in their relationships with students at all times. This includes when staff interact with students beyond the staff's work responsibilities and/or outside the school setting. Staff must avoid any appearance of impropriety, including excessive informal and social involvement with individual students.

Staff members are expected to recognize potential boundary violations and are encouraged to discuss issues with the Title IX Director or their school compliance officer whenever they are

unsure whether particular conduct may constitute a violation of this policy. Staff members are also expected to bring their concerns to their supervisor's attention when he/she has reason to believe a student is or may be becoming overly attached to or interested in them.

BOUNDARY VIOLATIONS

A boundary violation is behavior or interaction by a staff member with a student that has no legitimate educational purpose and has the potential to abuse or cause harm to the student. Staff is expected to refrain from boundary violations, a.k.a. "boundary invading" behavior.

ROMANTIC OR SEXUAL RELATIONSHIPS:

Staff is strictly prohibited from dating a student or entering or attempting to enter into a romantic or sexual relationship with a student, regardless of that student's age. The following conduct is prohibited at all times:

1. Having any sexual physical contact with a student;
2. Engaging in a romantic or sexual relationship with a student, even if the student is no longer a minor;
3. Discussing/writing/texting about sexual topics unrelated to curriculum with students, making sexual jokes and innuendos, or engaging in inappropriate banter with a student;
4. Flirting with or propositioning a student;
5. Displaying or transmitting sexual pornography, photos, objects, or depictions to a student; and
6. Any type of conduct that would be considered sexual harassment under the District's Non-Discrimination/Anti-Harassment Policy (1.80.020-P).

OTHER PROHIBITED SOCIAL INTERACTIONS:

The following interactions have serious potential to abuse the staff-student relationship and are prohibited at all times:

1. Inviting individual students to the staff's home without proper chaperones and parental notice;
2. Maintaining personal contact with a student outside of school in person or by phone, email, Instant Messenger, or Internet chat rooms, social networking web sites, or letters (beyond homework or other legitimate educational purpose) without notice and approval of District administrator/supervisor and parent/guardian;
3. Favoring a student or students by giving them special privileges, or exchanging gifts or other favors;
4. Socializing where students are consuming alcohol, drugs, or tobacco;
5. Sending or accompanying a student on personal errands or travel unrelated to any legitimate educational purpose;
6. Disclosing intimate, sexual, or other private matters to a student;

7. Sharing personal secrets with a student;
8. Addressing certain students or permitting certain students to address staff with personalized terms of endearment, pet names, or otherwise in an overly familiar manner.
9. Permitting students to engage in boundary-invading behaviors with staff, *e.g.*, students giving shoulder massages to staff, or letting students over the 2nd grade sit on an Staff's lap.

SOCIAL MEDIA INTERACTION:

As with all forms of communication, staff is expected to maintain professional boundaries with students when communicating via social media. All communication between staff and students must be for legitimate education-related purposes only and as transparent as possible. Staff shall not communicate with students, for any reason, through use of a medium that is designed to eliminate all traces or records of the communication (*e.g.*, Snapchat). Staff should have no expectation of privacy when communicating to students on a social media platform.

District staff must maintain separate accounts for professional and personal social media use and may follow or accept requests to connect from current students, or non-staff former students, only through their professional social media presence established consistent with the requirements set forth in the Social Media Administrative Directive (X.XX.XX).

All communications with students must be through a PPS-provided email address and on District-approved social media platforms, as described in the District's Acceptable Use Policy (8.60.40) and Social Media Administrative Directive (X.XX.XXX). District staff are prohibited from communicating with current students through social media directly or through private messaging tools without both District approval and parental notice. Likewise, when communicating for professional purposes with other staff or community members, District staff must use their PPS-provided email address and other communication systems and may not use private messaging.

The use of text messaging has become a convenient tool for coaches and other staff working with students to relay information. Staff shall use this method of communication only with both District approval and parental notice. Text messages shall contain only information with a legitimate educational purpose and shall be accessible to the District and to parents/guardians.

IN-PERSON INTERACTION:

- **One-on-one access to students:**

There may be times when staff members are alone with a student. Staff should avoid one-on-one meetings with students out of the view of others and take care to meet students in a public space, such as libraries or open classrooms, whenever possible. If this is not possible, staff members should meet in places observable by others, such as offices or classrooms with

windows and unlocked, ajar doors. To maintain transparency, it is also good practice to let others know when and where meetings with a students will occur, *e.g.*, giving notice of when students can come in for additional help.

- **Overly personal communication with students:**

While connecting with students and building a rapport is an important component to the staff-student relationship, staff should take care not to demonstrate or express professionally inappropriate interest in a student's personal life. Staff is expected to promote equitable treatment of all students. Staff should not pull students out of class without a legitimate educational purpose.

Unless in a counseling position or for a legitimate educational purpose, staff should not encourage students to disclose to them significant details about their personal or family problems or relationships. While we recognize that forming a relationship with students is an important aspect of teaching, staff should not engage in these discussions with students when its purpose is to meet the staff's personal needs rather than the student's needs.

- **Traveling with or transporting students:**

Coaches, chaperones, and other staff should take care when transporting students to athletic events and other extracurricular activities. Staff needs to notify the District and the student's parent/guardian of the travel itinerary and may not transport students in a personal vehicle in a non-emergency situation without advance authorization by the District. (If an emergency situation arises that requires a staff member to transport a student without prior approval, the staff member shall alert a direct supervisor and the parent of the situation as soon as practicable.)

When traveling out of town, staff must follow the procedure outlined in the Field Trips Administrative Directive (6.50.011-AD). Staff is prohibited from entering a student's hotel room without another staff member present absent an emergency.

- **Physical contact with students:**

Staff should not touch students or initiate any physical contact without a legitimate educational purpose. For example, staff should not initiate hugs, touch student's torso or hair, or pat buttocks. There are times when staff have a legitimate educational purpose to initiate physical contact with a student. For example, staff members may be required to assist an injured student or a student with special needs who requires physical assistance. Likewise, staff members may need to touch a student's arms or hands to redirect them in an activity. Coaches, music teachers, and other instructors may have a need for physical contact as a method of instruction. Staff needs to be aware of a student's physical boundaries and limit physical contact to only that which is necessary. Any physical redirection of students must be pursuant to the District's Physical Restraint and Seclusion procedures.

- **Respecting student privacy:**

Staff must honor a student's physical and emotional boundaries unless the intrusion is necessary to serve a legitimate educational purpose or an emergency. For example, staff members should not invade a student's privacy by entering a restroom unless it falls within a staff member's regular job duties under an established written protocol.

EXCEPTIONS

An emergency or a legitimate educational purpose may justify a deviation from the professional boundaries set out in this policy. Any staff who deviates from the policy should be prepared to articulate the reason for the deviation and must demonstrate that an appropriate relationship was maintained with the student at all times. Staff must ensure that any deviation is narrowly tailored to the circumstances and must report the deviation to their supervisor within 24 hours. For purposes of this policy, "legitimate educational purpose" includes matters or communications related to teaching, counseling, athletics, extracurricular activities, safety, treatment of a student's physical injury or other medical needs, or other purposes within the scope of the staff member's job or volunteer duties.

The District recognizes that a staff member may have a pre-existing personal relationship with a student's family that originated independently of the staff member's role at the District. This policy is not intended to interfere with or restrict the ability to maintain these healthy relationships; however, staff is strongly encouraged to maintain professional boundaries appropriate to the nature of the relationship.

DUTY TO REPORT POSSIBLE VIOLATIONS

Students and/or parents/guardians are strongly encouraged to notify the principal or other appropriate administrator if they believe a staff member may be engaging in conduct that violates this policy. Reports may be made anonymously.

Staff is required to promptly notify the School Compliance Officer, the Title IX Director, and Human Resources if they believe this policy has been violated.

Any staff member who has reasonable cause to believe that another staff member has engaged in grooming or sexual conduct with a student must immediately notify Human Resources and the Title IX Director. Additionally, any staff member who has reasonable cause to believe that another staff member has engaged in sexual abuse with a student must fulfill the mandatory reporting requirements to the Department of Human Services.

Staff who fail to report violations of this policy, or any other policies regarding grooming, sexual conduct, or sexual abuse of students, may be subject to discipline up to and including dismissal.

Violations of this policy may result in disciplinary action up to and including dismissal, consistent with the District's policies, acceptable use agreement, and collective bargaining

agreements, as applicable. Violations of this policy by volunteers or contracted service providers may result in a prohibition from working or serving in school programs, trespass, or contract cancellation. The District shall notify law enforcement of any potentially unlawful conduct, as appropriate.

CONFIDENTIALITY AND RETALIATION

Reporting staff members are specifically advised the following:

1. Reporting staff members are neither permitted nor responsible for investigating whether the conduct is inappropriate;
2. Reporting staff members are required to maintain confidentiality; and
3. Reporting staff members must directly notify a supervisor, not a peer, of the conduct.

Confidentiality protects both the student(s) and the staff member who is the subject of the report. Failure to maintain confidentiality may impede the investigation and foster untrue and potentially harmful rumors.

False reports are regarded as a serious offense and may result in disciplinary action or other appropriate sanctions.

The District prohibits retaliation against anyone who makes a good-faith report under this policy. Any staff who retaliates against any complainant, reporter, or other participant in an investigation may be subject to discipline, up to and including dismissal.

The Superintendent or his/her designee shall develop an annual training for all staff and ensure ongoing review of procedures to support this policy.