



Committee Members

Julia Brim-Edwards, Chair

Mike Rosen

Rita Moore

Board Policy and Governance Special Committee

May 16, 2018

8:30 am

Mazama Conference Room

AGENDA

1. Conflict of Interest/Nepotism Policy
2. Public Records Policy-two minor amendments
3. Whitehurst Implementation Plan Elements
4. Revision to the Student Representative Duties, Policy
5. Other Business

Proposed Amendments to Policy 2.50.010-P

1) Proposed Amendment to 2.50.010-P(8) as follows:

(8) Requesters who believe the district has inappropriately withheld records or assessed fees may request an expedited review of such decisions by the Board, which will decide whether to hear the appeal and, if it does, issue a decision within 30 days. The Board's procedures will preserve the confidentiality of the records in question during such an appeal.

Requesters retain their statutory right to request such review from the Multnomah County District Attorney, and the availability of an appeal to the Board does not preclude a requester from appealing a denial directly to the District Attorney rather than to the Board.

2) Proposed Amendment to 2.50.010-P(3) as follows:

(3) The district recognizes that it is in possession of sensitive and confidential information about our students, staff, and families. Upon receiving a public records request seeking potentially sensitive, personal, or private information related to a staff member the district shall notify the staff member and the staff member's union (if represented) in writing of the existence and nature of the records request. In responding to public records requests, the district will follow state and federal law.



Staff and Volunteer - Student Relations**

For the purpose of this policy “staff” or “staff member” includes district employees as well as volunteers. Staff will maintain the highest professional, moral and ethical standards in their conduct with students. The interactions and relationships between staff and students should be based upon mutual respect and trust; an understanding of the appropriate boundaries between adults and students in an educational setting; and consistent with the educational mission of district schools. Although staff should have a sincere interest in helping students succeed, partiality and the appearance of impropriety must be avoided. Excessive informal and/or social involvement with individual students is prohibited. Such conduct is not compatible with professional ethics and will not be tolerated.

Guidelines for Staff Behavior

Staff are expected to use good judgment in their relationships with students both inside and outside of the school context. Staff shall refrain from certain behaviors recognized as “boundary invading” behaviors that could lead to inappropriate staff -student relationships. Staff should maintain an appropriate professional student-staff relationship by:

1. Not demonstrating or expressing professionally inappropriate interest in a student’s personal life;
2. Not accepting or giving or exchanging romantic or overly personal gifts or notes with a student;
3. Reporting to staff member’s supervisor if staff member has reason to believe a student is or may be becoming romantically attached to the staff member; and
4. Honoring appropriate adult boundaries with students in conduct and conversations at all times. Staff shall promote the equal treatment of all students and shall not have “special” relationships with a particular student.
 - a. For example, but not limited to, staff shall not:
 - (1) Favor students by giving them special privileges, exchanging gifts or other favors or having secrets with students;
 - (2) Take the student on unsupervised outings;
 - (3) Show pornography to the student;
 - (4) Discuss/write about sexual topics unrelated to curriculum with students, make sexual jokes and innuendos or engage in inappropriate banter with students;
 - (5) Invade the child’s privacy (e.g. walking in on him/her in the bathroom);
 - (6) Make inappropriate physical contact;
 - (7) Talk to students about problems that would normally be discussed with adults (e.g. marital problems);

- (8) Inviting individual students to the staff member's personal home without proper chaperones;
- (9) Going to the student's home without parent/guardian supervision;
- (10) Use e-mail, text-messaging, or instant messaging to discuss personal topics or interests with individual students;
- (11) Transport students in the staff member's personal vehicle;
- (12) Meet with individual students behind closed doors and out of "line of sight" supervision;
- (13) Date students.

Staff are expected to be sensitive to the appearance of impropriety in their conduct with students. Staff are encouraged to discuss issues with their building administrator or supervisor whenever they are unsure whether particular conduct may constitute a violation of this policy.

Responsibility to Report Possible Violations

Staff are required to promptly notify the appropriate building administrator or superintendent if they become aware of a situation that may constitute a violation of this policy.

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.

Any staff who has reasonable cause to believe that another staff member has engaged in sexual conduct with a student (Board policy JHFF - Reporting Requirements Regarding Sexual Conduct with a Student) must immediately notify his/her immediate supervisor or a human resource administrator. The immediate supervisor is required to report any notification by an employee to a human resources administrator.

Any staff member who has reasonable cause or reasonable suspicion to believe that any child with whom he/she has come in contact has suffered abuse or neglect, as defined in Board policy JHFE - Reporting of Suspected Abuse of a Child, or that any adult with whom he/she is in contact has abused a child, will immediately notify the Oregon Department of Human Services, Community Human Services, or the local law enforcement agency. The school employee shall also immediately inform his/her administrative supervisor, principal or superintendent.

Disciplinary Action

Staff violations of this policy shall result in disciplinary action up to and including dismissal.

END OF POLICY

Legal Reference(s):

ORS 332.107

	MAINTAINING PROFESSIONAL STAFF/STUDENT BOUNDARIES	Policy No. 5253 July 23, 2013 Page 1 of 3
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Purpose

The purpose of this policy is to provide all district staff, students and volunteers with information to increase their awareness of their role in protecting children from inappropriate conduct by adults and to ensure that contact and communication with students are conducted in a professional manner.

The School Board expects all staff and volunteers to maintain the highest professional, moral and ethical standards in their interaction with students. Staff and volunteers are required to maintain an atmosphere conducive to learning, through consistently and fairly applied discipline and established and maintained professional boundaries.

Interactions between Staff and Students

The interactions and relationships between staff and students should be based upon mutual respect and trust, an understanding of the appropriate boundaries between adults and students in and outside of the educational setting, and consistency with the educational mission of the schools.

Staff will not intrude on a student's physical and emotional boundaries unless the intrusion is necessary to serve an educational or physical, mental and/or emotional health purpose. An educational purpose is one that relates to the staff's duties in the district.

Staff shall use good judgment in their relationships with students beyond their work responsibilities and/or outside the school setting and shall avoid excessive informal and social involvements with individual students. Any appearance of impropriety should be avoided. Intimate relationships between school personnel, contracted service providers, volunteers and students are prohibited. In addition to regular classroom instruction and extracurricular activities, appropriate occasions when school personnel, contracted service providers, and volunteers may interact with students beyond the school day include before and after care, tutoring to improve students' academic skills, mentoring that provides students with positive role models, and hosting school-sanctioned or school-sponsored activities and events that reinforce positive behaviors.

One-to-one tutoring and mentoring offered during school or non-school hours must take place at the school or an off-site location approved by the principal or appropriate supervisor. When one-to-one tutoring and mentoring take place away from the school, written permission from the parent/guardian must be obtained. Volunteers on district property must be under the supervision of a district staff member.

Even during these and similar events during non-school hours, school personnel, contracted service providers and volunteers are acting in their professional capacity and must maintain the highest ethical standards.

Electronic Communication

The School Board supports the use of technology to communicate for educational purposes. However, district employees acting in their district capacity are prohibited from inappropriate online socializing, phone calls, texting, skyping, instant messaging, or use of any other telecommunications device, or from engaging in any conduct that violates the law, district policies or other generally recognized professional standards. Employees must conduct themselves in ways that do not distract from or disrupt the educational process. Nothing in this policy prohibits employees, faculty, staff or students from the use of approved educational websites if such sites are used solely for educational purposes.

Policy Violations

Staff shall discuss issues with their building administrator or supervisor whenever they suspect or are unsure whether their conduct, or the conduct of other staff, is inappropriate or constitutes a violation of this policy. If a person is dissatisfied with the response of the building administrator or supervisor, he/she may bring it to the attention of the Executive Director of Schools or follow the formal complaint process in Policy No. 4220. If the violation deals with harassment, intimidation, or bullying, the process in Policy Nos. 3207 and 3208 should be followed.

Employees whose conduct violates this policy may face discipline and/or termination, consistent with the district's policies, acceptable use agreement and collective bargaining agreements, as applicable.

The Superintendent or his or her designee is authorized to develop training and a procedure to accompany this policy.

Adopted: October 2011

Revised: July 2013

Cross Reference: Policy Nos. 5006; 3207; 3207SP.A; 3207SP.B; 3208; 3208SP; 3240; 3200; 5251

Related Superintendent Procedure:

Previous Policies: N/A

Legal References: RCW 28A.400 Crimes against children; RCW 28A.405.470 Crimes against children – Mandatory termination of certificated employees - Appeal - Recovery of salary or compensation by district; RCW 28A.405.475 Termination of certificated employee based on guilty plea or conviction of certain felonies - Notice to superintendent of public instruction - Record of notices; RCW 28A.410.090 Revocation or suspension of certificate or permit to teach - Criminal basis - Complaints - Investigation – Process; RCW 28A.410.095 Violation or noncompliance – Investigatory powers of Superintendent of Public Instruction - Requirements for investigation of alleged sexual misconduct towards a child – Court orders - Contempt - Written findings required; RCW 28A.410.100 Revocation of authority to teach – Hearings; WAC 181-87 Professional Certification - Acts of Unprofessional Conduct; WAC 181-88 Sexual Misconduct, Verbal and Physical Abuse - Mandatory Disclosure - Prohibited Agreements

Management Resources:

1.20.012-P Student Representative Duties

It shall be the responsibility of the student representative to represent the student body of the district to the Board and district. Additionally, the student representative shall work to increase the engagement and involvement of the student body in educational affairs. The student representative shall also represent the district student body to the public at-large.

- (1) The student representative shall have a District Student Council (DCU) composed of one representative from each district high school. This council shall be invited to attend all public Board meetings and shall assist the student representative.
- (2) The student representative, as the representative of all the district's students, shall be elected by the student body of the district in the following manner:
 - (a) It shall be the responsibility of each district high school student government to provide for the election or appointment of a representative from that school to the Portland Public School's District Student Council at least two months prior to the end of the school year. In the event that the student government fails to promptly conduct such an election, the school administration shall ensure that the school student body has representation on the District Student Council. Any such student chosen by the administration shall not be a candidate for student representative, unless such a student shall have been elected by the student body.
 - (b) The District Student Council, a council of students from across the district, shall then be convened to elect the student representative to the Board from the school representatives. It shall be ensured that the district's entire high school student body is appropriately and equitably represented throughout this process and for the final vote.
 - (c) The power to elect the student representative shall be solely vested in the District Student Council; a plurality of votes cast is required to declare a student representative-elect. The council shall also have the sole authority to remove the student representative from office. Two-thirds (2/3) majority vote shall be required for impeachment and removal.
 - (d) The election of a student representative-elect shall occur at least two (2) months prior to the planned departure of the incumbent. This is in order to facilitate the transition of office and provide for continuous, effective student representation.

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1.20.012-P Student Representative Duties

- (e) Notwithstanding section (2)(d) of this policy, the Council shall expediently fill any vacancy with a temporary appointment to complete the remainder of the term. Such may be done by designating an alternate at the time of the designation of the student representative-elect.
- (f) The representatives from each high school to the Board shall serve as the District Student Council advisory committee to the student representative, provided for under section (1) of this policy.

(g) In the event that the District Student Council Superintendent's Student Advisory Council is unable to fulfill its obligations under this policy, either due to its termination or for any other reason, the council's duties shall be executed by an assembly of representatives of the students of the various schools of the district. Such an assembly shall be democratic and shall be composed in a manner, which ensures the adequate and equitable representation of the entire district high school student body. However, it shall be the responsibility of the superintendent to support the convening of a regularly meeting of the District Student Council Student Advisory Council.

(h) The Superintendent shall appoint an advisor for the District Student Council no later than September 1st of each year.

(3) Additional Responsibilities of the Student Representative

(a) The District Student Council shall be responsible for planning and hosting the annual Portland Public School's Student Leadership Summit. The purpose of the Summit shall be to foster collaboration between all district high schools student leadership (state purpose and that will drive what sort of support is needed) and shall be supported administratively by the Board office staff.

(b) The student representative will share policy and budget information with Council members so that the Council can provide feedback to the student representative, Board, and Superintendent.

(3)c) Delimiter and Definition

- a. Nothing in this policy shall be construed to conflict with legally given rights, responsibilities, duties, or privileges reserved for the publicly elected Board directors by state law. The term "high school" shall be construed in this policy to include all district-operated secondary academic institutions, including any special programs.

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1.20.012-P

Policy Implemented:

History: Apt 6/71; Amd 8/74; Amd 6/80; Amd 9/9/02; BA 2417