

To: Yvonne Curtis, PPS Deputy Superintendent

Cc: PPS School Board
Guadalupe Guerrero, PPS Superintendent
Luis Valentino, PPS Chief Academic Officer
Kehaulani Haupu, Interim Senior Director, Office of Teaching & Learning
Stephanie Cameron, PPS Director of Communications
Stephanie Sodon, PPS Chief of Staff for Superintendent
Judy Brennan, PPS, Director of Enrollment & Transfer
Karl Logan, PPS Jefferson/Grant Senior Director
Sarah M. Davis, Assistant Director of Instruction, Curriculum & Assessment - STEAM
Brenda Fox, PPS Interim Senior Director of Instruction, Curriculum and Assessment
Andrew Johnson, PPS Program Director of Talented & Gifted
Anh Nguyen-Johnson, PPS ACCESS Principal
Judi Martin, PPS Ombudsman Office

From: Megan Robertson
Natalie Hval

Date: April 26, 2018

Re: Complaint regarding ACCESS Academy Siting and Focus Option/DLI Lotteries

This document serves as a formal complaint against Portland Public Schools (PPS), positing that PPS is in violation of Oregon law due to procedures surrounding the siting of ACCESS Academy (a public program based upon need) and the prioritization of Focus Option and DLI school choice options (lottery placements based upon “want”). While each complainant’s primary complaint and desired outcome is that their child continue to be provided an appropriate public education at ACCESS, we agree that the issues covered in this complaint are bigger than our own circumstances.

At the PPS Board of Education meeting on April 24th, 2018, Judy Brennan (Director, PPS Office of Enrollment & Transfer) stated that lottery results offering 2018-19 admissions to PPS’ various school choice programs will be communicated to families beginning Friday, April 27th, 2018. Any student residing in the PPS district may apply for lottery admission to any choice program offered at their grade level.

From the district Enrollment & Transfer web pages (<https://www.pps.net/Page/1031>), Focus Options (otherwise known as “choice” programs) are defined as:

A school or program structured around a unique curriculum, such as a language immersion program. Focus options are also referred to as magnet, special focus and designated special programs.

In contrast, ACCESS Academy is a program designed to serve a subset of the district-wide population who test at or above the 99th percentile and demonstrate need for alternative educational placement. From the district web pages supporting this year’s application process to ACCESS (<https://www.pps.net/Page/9207>) specifically:

ACCESS Academy was established in 2002 as an Alternative Program. Therefore a student must also meet eligibility as directed by the state requirements for alternative education. A

“demonstrated need” requires the applicant’s family and current educators to provide a body of evidence that would suggest an alternative placement is necessary for the student.

The complainants assert the following:

By disseminating lottery results prior to public communication of a siting plan for the alternative program known as ACCESS Academy, Portland Public Schools is publicly and unlawfully prioritizing desired “choice” lottery placements above the needs of children who require alternative educational programming. They are thereby ranking the needs of enrolled ACCESS Academy students and applicants as secondary to the wants of Focus Option applicants.

According to Oregon law, an alternative education program is *“a school or separate class group designed to best serve students’ educational needs and interests and assist students in achieving the academic standards of the school district and the state.”* (ORS 336.615) Oregon law also states, *“(4) The instruction provided to identified students shall be designed to accommodate their assessed levels of learning and accelerated rates of learning.”* (OAR 581-022-2500)

An email sent this afternoon to enrolled ACCESS families from the Deputy Superintendent’s office stated, “We are touring schools this week. So far, the schools we are considering include Irvington, daVinci, Lane and Boise-Eliot.” This list provides a particularly salient example of Portland Public Schools prioritizing choice over need. daVinci is a choice school with apparent capacity at current enrollment; reducing the size of the 6th grade class by a third could potentially make enough rooms available to have daVinci as part of a plan to meet the Deputy Superintendent’s stated “goal for using two locations ...[that will] co-locate ACCESS middle school grades with another middle school and 1-5 with a K-5 school. We will do our best to have options in close proximity to one another, however we are not sure if this option exists.” Thus the size of the admitted 6th grade class from the 2018-19 lottery should be determined *after* ACCESS program and building needs are finalized to make certain that needs are prioritized over wants.

The complainants assert that Portland Public Schools has an obligation to ACCESS Academy alternative program students which supersedes new enrollment offers to any of its focus option or dual-language immersion programs.

Proposed mitigation measures:

- *Place need above want in consideration of final siting locations for the ACCESS Academy alternative program for the 2018-19 school year.*
- *Delay dissemination of results of the Focus Option and DLI lotteries for the 2018-19 school year dependent upon and in tandem with placement of the ACCESS Academy program for the 2018-19 school year.*