



Department of Community Justice

MULTNOMAH COUNTY OREGON

Administrative Services

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September 9, 2009

Bryan Lally
AFSCME Local 88
6025 E. Burnside Street
Portland, OR 97215

RE: Contracting In Proposal

Bryan:

Thank you for the proposal regarding retention of the Basic Skills Educator position that is being considered for contracting out to the Multnomah Educational Service District. While the proposal addresses how AFSCME Local 88 would have the Department of Community Justice provide the same level of staffing offered by the Multnomah Educational Service District, the majority of this proposal focuses on steps that the department would need to take in order to provide the same level of education service to youth in the program, including:

- The Department of Community Justice obtaining formal recognition from the Oregon Department of Education as an educational program.
- The Department of Community Justice securing an agreement with Portland Public Schools (PPS) and other school districts to allow Average Daily Membership funds to pass from the Oregon Department of Education to the Department of Community Justice.
- The Department of Community Justice exploring again the implementation of web based education software programs such as MAPS and PLATO.

Community Justice Manager Rob Halverson spoke with the Oregon Department of Education on September 8, 2009. Based on information from the Oregon Department of Education, it is not realistic for the Department of Community Justice to become an Oregon Department of Education recognized educational program. According to the Oregon Department of Education, the service planned in the Education Support Center falls under the rules for alternative education programs found in Oregon Administrative Rules 581-022-1350 and 581-021-0072. Several obstacles make it impractical for the Department of Community Justice to become an accredited alternative education program, most notably the lack of management

expertise and training to operate an educational program. We do not have a manager who is licensed to provide professional supervision of teachers and oversight of special education services. The Multnomah Educational Service District is already recognized by the Oregon Department of Education as an educational program. As such, they are able to provide educational services in compliance with applicable laws and rules.

Even if the Department of Community Justice could become an Oregon Department of Education recognized educational program, the department would then have to pursue agreements with Portland Public Schools and other Multnomah County school districts to allow Average Daily Membership funds to pass from the Oregon Department of Education to the Department of Community Justice. It is unknown if the department would be able to secure such agreements and how quickly. The Multnomah Educational Service District currently has such an agreement in place for youth in the Department of Community Justice's Residential Alcohol and Drug program. The Department of Community Justice has found support from the Multnomah Educational Service District and Portland Public Schools to create an agreement to allow Average Daily Membership funds to pass from the Oregon Department of Education to the Multnomah Educational Service District for the Education Support Center within a year. This will allow the education service in the program to become self-funding. Agreements with other Multnomah County school districts are also being pursued.

With regard to Ms. Maiterth maintaining her certification without formal supervision, the Oregon Department of Education said that this is incorrect and that for Ms. Maiterth to retain her teaching certification she must be under properly-licensed supervision. It is also contrary to our desire to provide high-quality, professionally-supervised education to our highest-risk youth. The Multnomah Educational Service District is currently set up and has the staff to provide formal supervision to licensed teachers.

You also propose that the Department of Community Justice should explore again the implementation of web based education software programs. As stated in the document provided to AFSCME Local 88, the chief barrier to this has been county network security. County Information Technology has stated that a solution may be possible, but no progress has been made after a year of trying. The Multnomah Educational Service District is willing to contract with the Department of Community Justice to provide network access and computers to deliver standard assessment and credit retrieval programming immediately. They already have the education software programs, including MAPS and PLATO, in place. This would be included in the agreement between the Department of Community Justice and the Multnomah Educational Service District. AFSCME Local 88's proposal does not address how the County's network security concerns can be addressed.

Finally, AFSCME Local 88 asserts that the ninety percent (90%) reconnection rate demonstrates the highly-successful nature of Ms. Maiterth's education program. While it is true that Ms. Maiterth helped contribute to the success of the former Day Reporting Center, it should be understood that the connection between the Education Support Center and school reconnection is new, and that the ninety percent (90%) reconnection rate was the result of the work and effectiveness of the School Reconnection Service, formerly called the Education Success Team. The

Education Support Center is envisioned as an enhancement to the School Reconnection Service, providing behavioral and education readiness training so youth reconnected with school will have a better chance of success.

Given the reasons described above, the Department of Community Justice does not consider AFSCME Local 88's proposal to be viable. The department does not believe that the proposal is able to provide the same level of education services and support for the cost being proposed by Multnomah Educational Service District.

Upon closer review of the proposed contracting out with Multnomah Educational Service District, it has been determined that the Multnomah Educational Service District is designated by the State of Oregon as a government agency. Per Article 19, Section II of the AFSCME Local 88 Collective Bargaining Agreement and Oregon Revised Statutes 236.610 through 236.650, the transfer of work between the Department of Community Justice and the Multnomah Educational Service District will require an intergovernmental agreement. The notice requirements for the contracting out of work and the transfer of work between government agencies via an intergovernmental agreement is the same. Therefore, the notice provided to AFSCME Local 88 on August 7, 2009 and revised on August 11, 2009, meets these requirements.

In accordance with the Oregon Revised Statutes, Ms. Maiterth will be offered an opportunity to transfer with the work to the part-time position at the Multnomah Educational Service District and the terms and conditions will be included in the intergovernmental agreement. If Ms. Maiterth declines to transfer, she will exercise her layoff and bumping rights as described in her letter dated August 25, 2008.

The budget modification transferring the work of the Basic Skills Educator to the Multnomah Educational Service District is to be considered by the Multnomah County Board of County Commissioners on **Thursday, September 10, 2009**. A copy of your proposal and this response will be provided to them prior to the board meeting.

If you have questions, please contact me at 503-988-4171.

Sincerely,

David Koch
Assistant Director
Department of Community Justice

Copy: Becky Steward, AFSCME Local 88 President
Lori Ubell, DCJ Chief Union Steward
Carol Brown, Deputy HR Director
Blaise Lamphier, Labor Relations Manager
Scott Taylor, Department Director
James Opoka, DCJ HR Manager