

Report Finds District Did Not Follow EPA Guidelines, Knowingly Exposing Children to Water With High Lead Levels

On June 2, the Portland Public Schools Board announced an investigation into the lead water testing program in the district. PPS hired the law firm Stoll Berne to conduct the investigation and to issue a report within 30 days.

The analysis reviewed the systems and procedures for water testing, evaluated the management of information and identified operational or personnel breakdowns. Here are some of the most important takeaways from that report:

- The report identified inconsistent policies and practices within every part of the lead testing program, from inconsistent testing itself to flawed internal information management to misleading communication with parents, teachers and media.
- Measures to restrict access to drinking water after high lead test levels were ineffective or inconsistent – knowingly exposing people to leaded water while waiting to make repairs.
- The lead testing activities were primarily reactive, instead of preventative, and did not follow EPA guidelines for re-testing.
- The entire responsibility for the district lead testing program fell to one individual within the system. Until 2014, that was Patrick Wolfe, who then retired and was replaced by Andy Fridley, who was given no training for lead testing.
- There were serious internal communication gaps between the lead testing program and PPS executives. Stoll Berne cited a lack of institutional knowledge on the part of executives and an absence of diligent inquiry by administrators.
- The only record that kept track of lead testing and remediation was a database that was inconsistently updated and never audited or verified.
- Stoll Berne described PPS communication as inaccurate and misleading. PPS website information was presented in a way that implied that after the 2001- 2002 testing that all drinking fountains were safe when they were not. The text also implied that retesting was unnecessary when that is an EPA best practice.
- In one case, the investigation cited PPS communication as inaccurate when the former Chief of Communications & Public Affairs Jon Isaacs knowingly provided incomplete excerpts of the water testing database to the Willamette Week.
- PPS set a policy that people should drink only from water fountains and not sink faucets. This was not well communicated. The information was found online, in an email newsletter and in a handbook, but the Wolfe and Chief Operating Officer Tony Magliano decided against district-wide labeling of sinks.
- The board and executive leadership cited budget concerns and said they had prioritizing education over infrastructure or repair issues. When they did address repair issues, PPS focused on the health and safety issues that are regulated by law.

—Arashi Young

Smith cont'd from pg 1

ture and undertaking appropriate health and safety efforts — as the primary reason the district's lead issues remained unaddressed for so many years.

Smith's letter acknowledged that the report was the catalyst for her decision to change the date of her retirement.

"Several weeks ago I affirmed for the board my intent to retire, and my willingness to honor the board's request to work through the end of my contract in June, 2017 to allow the board to conduct a superintendent search, support a smooth leadership transition, and continue our work on immediate health and safety issues," Smith wrote. "Having seen the district through the conclusion of the Stoll Berne investigation report and providing the board with a management response, I have reached the decision that I need to move up the date of my departure."

Smith said she will remain in her position for 90 days, and that she has accumulated extensive leave time which she will use during that time. She also encouraged the board to find an interim superintendent as soon as possible.

When Smith first announced her retirement, she said her decision was not related to the lead issues and that it followed discussions with the board about a succession plan. Board member Paul Anthony told *The Skanner News* in June that those discussions hadn't taken place, and that

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her announcement — released just prior to a school board meeting — was a surprise to the board. Anthony has also filed a federal complaint against the district alleging patterns of discrimination against African American, Latino and Native American students.

"This timing gives the Board the opportunity to bring in interim



Dragon Fest

A student from the Northwest Wushu school performs July 16 at Dragon Fest. The Northwest Wushu school was just one of the live performances at the 41st Annual Dragon Fest. The two-day festival included dragon dances, martial arts groups, and lots of activities for children and families like a dumpling eating contest for adults and an egg tart eating contest for kids.

leadership this summer before the beginning of school, as we continue a national search for a permanent Superintendent," said Portland Public Schools' Board

of Education chair Tom Koehler in a statement following Smith's announcement. "The Board will double down on its focus to lead the District and make decisions in the best interest of the 48,000 kids we serve and the taxpayers and voters to whom we are accountable."

"I believe it is in the best inter-

ests of the children and the District," said Anthony in an emailed statement to *The Skanner* in reference to Smith's retirement. "I wish Superintendent Smith good luck as she moves forward."

Four of the six people working for Portland Public Schools communication team have also jumped ship in recent months, and two employees, including chief operating officer Tony Magliano, have been placed on leave. Lead testing results released last week showed sources of more than 5,000 parts per billion — a level that classifies as hazardous waste according to the Environmental Protection Agency. Those schools were Jefferson High School, King Elementary School, Meek High School and Chapman Elementary School all classified with high levels.

Prisons cont'd from pg 1

This national movement has roots in Portland. The Enlace alliance started as a bi-national organization founded by low-wage workers in the United States and Mexico to promote racial and economic justice. The group works out of

Customs Enforcement are most often sent to the NW Detention Center in Tacoma, Wash., a GEO group facility. In 2014, more than 750 immigration detainees went on a hunger strike to protest poor quality food, negligent

“As part of rethinking our criminal justice system, ... the tax rules ... must be changed so we are not encouraging companies to unjustly profit from prison detention services

offices in New York, Los Angeles and Portland.

Amanda Aguilar Shank, the senior campaign organizer for Enlace, said that Oregonians are lucky because there are no for-profit prisons operating within the state, but the private prison industry deeply affects the immigrant communities here.

Shank said immigrants who have been picked up by Immigration and

healthcare and Patriot Act detention policies that allow holding non-citizens for indefinite periods of time.

"There's a lot of people walking around the streets here in Portland and a lot of people in our organizations that have been sent up there, both Latino and Black immigrants," Shank said.

Another way that the private prison industry affects Oregon is the lobbying for increased incarceration rates in all

states. The push for mandatory minimum sentences was heavily lobbied for by the industry, according to Shank.

"Their role in shaping overall incarceration policy in the last couple of decades has come home even if they are not actively incarcerating within the borders here in Oregon," Shank said.

Enlace started the campaign to revoke these tax breaks in 2015. The group has also been advocating for prison divestment both locally and nationally for the last five years.

Divestment would call on people, companies and governments to get rid of investments that are considered unethical.

Locally the group has been pushing for the City of Portland to divest investments in Wells Fargo and the Bank of New York Mellon, since both invest in the private prison industry. A 2012 report by the Public Accountability Initiative in partnership with the National People's Action group listed Wells Far-



The Portland Prison Divestment Coalition delivers more than 750 signatures to Senator Ron Wyden's Portland office in April. Wyden recently introduced legislation to revoke tax breaks from private prison companies.

go as a major lender to CCA and a major investor in GEO.

The Socially Responsible Investments Committee, which is tasked with recommending to the City of Portland ethical corporate securities investments, looked at both Wells Fargo and the Bank of New York Mellon.