

ROCHESTER BOARD OF EDUCATION
Regular Business Meeting
February 17, 2005
Minutes

Attendance:

Commissioners Bowers, Evans, Garcia, Porter, Powell and Thompson; Superintendent Dr. Rivera; Student Representative Samantha Sanchez.

Absent: Commissioner Brown

President convened the meeting at 6:48 p.m. following the Board's annual Black History Month Observance

Act of Reverence led by Ms. Sanchez

Acceptance of Minutes:

Motion by Commissioner Thompson to accept minutes of January 20, 2005, Seconded by Commissioner Evans. Adopted 6-0 with Student Representative advisory vote of yes and Commissioner Brown absent.

Speakers on an Agenda Item:

None

Superintendent's Report:

Dr. Rivera's report included: recommendations on school closings; (17 portables with 55 classrooms); need to be careful how assess capacity – instructional capacity with industry standard of 85-90%, consider 85% as reasonable standard as go forward; have to proceed carefully, with flexibility; don't close so many schools that create huge burden and find at 100% capacity; can be fiscally responsible and smart in making recommendation, not closing too many and finding District in overcrowded situation. Will not recommend closing high performing schools. State not closing two schools in the same zone was an issue of fairness and equity for him.

Recommends closing school 37 in June 2005; school 25 in June 2006; eliminate lease facility at school 22 in June 2005; eliminate 4 portables in 2005-06 and 2-3 in 2006-07; relocate school 54 in June 2006, must establish search committee to identify site for this school; and end Hart Street lease in 2007.

Commissioner Garcia asked about how school 25 would be relocated.

Dr. Rivera stated looking to relocate school in its entirety. Need time to work with other schools in NE to ensure space to accommodate school; will identify site and lay out transition plan. School 25 is school that has a valuable culture and a school whose performance is improving.

Commissioner Evans asked how this fits into ten year capital improvement plan.

Dr. Rivera stated this is just the beginning, one step that needed to take; what to get out of transportables; school 25 has limited parking and playground space. Will now work with SCAC to advance to FMB what would like schools of the future to be; architects have been assessing all RCSD facilities and their needs. Will be draft CIP this June; need to address some of the concerns to ensure financing; could receive NYS reimbursement up to 92 cents on the dollar.

Commissioner Bowers asked about school 25 – working to look at other locations within NE, are you basically talking about a school within a school? Have we noted the District has been investing in school 25? As relocate would we also be looking at the ability of school 25 to go in the direction they and their community envision? If be a school within school, maintain own administrative staff, who seems to be doing a phenomenal job?

Dr. Rivera stated that is currently the plan. In this recommendation, fourth graders be allowed to remain as fifth graders next year. School within a school treat with own administration and support, but smart about sharing overhead in other areas.

Commissioner Bowers noted that he would support recommendations as presented. While appreciate cautious approach taken, curious about a couple data points presented particularly around charter and parochial schools. Data appears to assume absorbing most or all students. Raise fact that new charter school approved for 2005-06 and parochial school students are likely to relocate in another parochial school. Couldn't we consider closing two schools this year and another one next year.

Dr. Rivera stated data does not assume return of any parochial students. If they come back will have space. Considered loss of 250 students to new charter school and closing of own schools in developing recommendation. Don't think prudent to recommend closing more at this point, particularly until go through modernization process and determine how we want to use our facilities.

Ms. Sanchez asked why we cannot renovate school 54.

Dr. Rivera stated that we do not own the school so unable to renovate.

Commissioner Thompson asked about the chart identifying seats near school 25. Will families have option to move their children together to another school versus moving with the entire school?

Dr. Rivera stated that they will have that option.

Commissioner Powell asked about keeping school 25 open for one more year, would we want to discourage kindergarten enrollment there knowing they will not continue in that building or notify them that the building would be relocating so they know what buying into upon enrollment?

Dr. Rivera stated at this time, intent is not to discourage people from enrolling or curtail enrollment, though both have been suggested. Once recommendations are approved, will need major implementation team to address some of the finer questions. Did learn some lessons last year with 36 from questions parents and staff had; did some early homework this time.

Commissioner Garcia asked when he will make further recommendations on school closings.

Dr. Rivera stated he does not intend to return to this Board with such recommendations. Will not come back in the next couple years with such recommendations.

Commissioner Evans asked if recommend going forward be very cautious about entering into any long term leases?

Dr. Rivera stated absolutely. He stated that Hart Street was a lease entered into many years back. He would be very hesitant to recommend any sort of lease.

Commissioner Thompson noted the Green Party proposal. What consideration has the Administration given that proposal?

Dr. Rivera stated they have not studied that proposal, but his recommendations are consistent with the ideas presented in that proposal. He would like to see student support service programs in our schools, so could be some community agency staff/case workers that operate out of some RCSD buildings. Would have to wrestle with question as to whether to charge them a nominal fee.

Commissioner Powell asked about any pending issue at the secondary level, particularly now that RCSD has commencement and foundation academies.

Dr. Rivera stated there will be an issue at the secondary level six to seven years down the road. Secondary facilities will be what we need over this time, but in out years there will be notable decline. Mr. Wheatcraft noted that this decline would give those buildings some breathing room, as many of them are operating at a high level of capacity.

Commissioner Bowers asked whether Superintendent and staff considered recommending closing two schools this year with the caveat that it would be dependent upon the closing of charter schools this year.

Dr. Rivera did consider advancing two schools right away, but information on charter schools that arrived a couple weeks ago, along with information and the public hearings, all influenced recommendation made tonight.

Dr. Rivera concluded his report by noting that he would be providing Board members with copies of Administrative Regulations developed to improve contract procedures. He is sharing this as a point of information; it is in Draft form, but near completion and represents their best thinking of tighter process in place for approving contracts.

Committee Reports:

Student Representative Report, Samantha Sanchez, written report submitted. She noted normal attendance is 15 to 20 people.

Motion to accept monthly financial reports by Commissioner Powell, Seconded by Commissioner Garcia. Adopted 6-0 Advisory yes by Student representative and Commissioner Brown absent.

Finance Committee, Commissioner Powell, written report submitted.

Policy Committee, Commissioner Brown, written report submitted by Commissioner Garcia on his behalf.

Quality Assurance Committee, Commissioner Thompson, written report submitted.

Community and Intergovernmental Relations Committee, Commissioner Evans, written report submitted. He also noted that he will be attending CGCS meeting and will have a report at the next meeting.

Commissioner Bowers asked for the committee's explanation for opposing BOE expansion for two Mayoral appointments.

Commissioner Evans stated ROE is an elected legislative body.

Commissioner Garcia stated that would create an imbalance in accountability; those members would not be accountable to the public, only to the person appointing them.

Motion to direct the Community and Intergovernmental Relations committee to craft language to support the position of the committee and the Board opposing the proposed changes in Board Governance structure proposed in the Governor's budget made by Commissioner Powell, seconded by Commissioner Garcia.

Commissioner Powell noted her observation was that the strongest opposition was a mixed board – some appointed and some elected; difficult to maintain any sense of balance.

Commissioner Thompson noted her agreement with the position and the lack of accountability. Commissioner Bowers noted that he does not find the proposed legislation overly objectionable. Structure of governance matters less; does not affect student achievement; what matters is some place for public accountability. Over the past three years, this Board has worked toward public accountability. A hybrid Board adds a new dimension; would hope that it would allow focus on the sustainability of the District and City. There is not loss of power or accountability. Commissioner Thompson believes that appointees would likely feel more responsible to the appointer. Does not represent just those that elected her. Commissioner Evans stated relationship between RCSD and City Hall has to be solid, but outside influence does not solve the problem. Issue of accountability and representing the people. He could support if Superintendent could appoint two members to City Council. Commissioner Bowers stated that while he will dissent on motion, he will not undermine the will of the body.

Roll Call Vote:

Commissioner Thompson – Yes

Commissioner Powell – Yes

Commissioner Garcia – Yes

Commissioner Evans – Yes

Commissioner Bowers – No

Commissioner Porter – Yes

Student Rep – Yes

Adopted 5-1 with Student Representative Advisory vote of Yes with Commissioner Brown absent.

Board Governance Committee, Commissioner Bowers, written report submitted.

Motion to have copies of all internal audits performed during the 2004-05 fiscal year and each subsequent fiscal year be filed with the Clerk of the Board made by Commissioner Bowers, seconded by Commissioner Thompson.

Adopted 6-0 with Commissioner Brown absent

Motion to change reporting structure for the Department of Internal Audit from the CEO of Business Services to the Superintendent made by Commissioner Bowers, seconded by Commissioner Thompson.

Commissioner Garcia stated that it was his position at one of the committee meetings that the Internal Audit department should be reporting to the Board, and if not at least to the Superintendent and the Board together because the Board has fiscal oversight responsibility. Asked if we would consider an amendment indicating that Internal Audit should report to the Superintendent and Internal Audit at the same time as a friendly amendment.

Commissioner Bowers asked a clarifying questions, assume supervisory responsibility would rest with the Superintendent.

Dr. Rivera stated the question of Internal Audit reporting relationship is one there have been numerous discussions on recently. He would ask that the Board not act on this tonight. One of my responsibilities is to come back to the Board regarding organizational structures. He notes again that he will be advancing organizational changes that would be effective July 2005 that would affect various offices; he would like to address this question in the larger context of recommendations he will be advancing to the Board. We have made major improvements in financial accountability; hiring of additional auditors in the past couple years has resulted in the savings of over \$3 million. He asked the Board allow him to take this as part of his deliberations.

Commissioner Bowers sought to amend his motion: move to recommend that the Superintendent consider a change in the reporting structure for the Department of Internal Audit from the CEO of Business Services to the Superintendent and the Board of Education.

Dr. Rivera stated he is hoping to be ready for the next Governance meeting on March 10th with some recommendations.

Commissioner Garcia stated that with all due respect to the Superintendent, Audit committees and departments report to the Board, we are asking that they also report to you so that together can resolve any issues that arise. Simply requesting that reporting process go where naturally should to the Board. Commissioner Powell motioned to table original motion as she believes it is sufficient that the Board know where the Board is, seconded by Commissioner Garcia.

Roll Call

Commissioner Thompson – No

Commissioner Powell – Yes

Commissioner Garcia – Yes

Commissioner Evans – No

Commissioner Bowers – No

Commissioner Porter – No

Motion is defeated 4-2

Dr. Rivera stated he would be happy to address this issue at the March Governance meeting, would like time to evaluate how it operates in other districts; though he may not be ready with a full organizational proposal at that time.

Commissioner Bowers motions that the Superintendent consider by March 10th Board Governance committee meeting a change in the reporting structure for the Department of Internal Audit; that he consider a move from CEO of Business Services to the Superintendent and Board of Education and be prepared to discuss. Seconded by Commissioner Powell.

Commissioner Garcia noted that not everyone is comfortable with this motion, including Dr. Rivera. Instead of pushing through something we are not all comfortable with, give ourselves the opportunity to discuss and bring back to Board at later time. He asked Dr. Bowers to reconsider whether ought to try to pass tonight.

Commissioner Bowers noted current motion is really more of a “will of the body”; does not consider it anything more than expressing interest in the Superintendent considering as he looks at organizational structure. This moves to the next step and ensures that we have the kind of dialogue confident the Superintendent wishes to engage in.

Commissioner Evans stated current motion gives Superintendent time, and asks him to do what he needs to come back and discuss.

Commissioner Powell stated this is disrespectful of the Superintendent as he is the one that drives this organization; exerting undue influence over the Superintendent.

Commissioner Porter stated that looking to have the Superintendent discuss the Internal Audit piece at the March 10th meeting. Providing thoughts at the meeting will not clear anything up.

Commissioner Bowers noted no undue influence particularly since no effort to surprise the Superintendent with this at the meeting. He did advise the Superintendent of the committee’s interests. While in many cases simply saying we would like you to do this is fine, but those things place great deal of value and importance on, a vote is formal recognition of a position. Not a question of disrespect of the Superintendent, but rather formally indicating the importance and value placed on that discussion.

Commissioner Garcia stated that motion does not do anything. When we make a recommendation, he usually takes it into consideration and comes back to us. I do not think we need to put this into a motion for him to take it into consideration. He will do that anyway. Believes motion is out of order.

Dr. Rivera stated that he is happy to begin to address this issue, discuss it and try to find a solution, regardless of Board passing a motion tonight. We have worked together to improve fiscal oversight. Commissioner Evans stated discussion is healthy, needed to have it, deferred to Commissioner Bowers.

Commissioner Bowers agrees with Commissioner Evans that at least have the discussion in the public record. Withdraws his motion.

Commissioner Thompson agreed to withdraw the second. She does not consider this to have been controversial discussion.

Vice President's report, Commissioner Garcia, no report.

President's report, Commissioner Porter, no report.

Motion to extend meeting time by Commissioner Evans, seconded by Commissioner Bowers.
Adopted 6-0 with Commissioner Brown absent.

Consideration of Resolutions:

President Porter asked for a motion to adopt Resolution No 2004-05: 551-587. Motion made by Commissioner Garcia, Seconded by Commissioner Thompson. Adopted 6-0 with Commissioner Brown absent.

President Porter asked for a motion to adopt Resolution No 2004-05: 588-604. Motion made by Commissioner Thompson, Seconded by Commissioner Evans.

Motion to table resolution 604 to the March 17th Business Meeting by Commissioner Bowers, no second.

Commissioner Powell asked that 603 be amended to read "jurisdictions similarly situated".

Commissioner Thompson asked that 597 be amended to read "current telephone system".

Commissioner Bowers noted that the contract in 604 is premature. The scope of the contract could be affected by what is presented in the report, which will not be rendered until March 11th to the Superintendent and subsequently to the appropriate committee. There are also serious questions about why District cannot do this project internally, though somewhat OK with response to that answer. Would like to wait until the report has been given to Superintendent and appropriate committee before consider.

Dr. Rivera stated this particular resolution is a month late. They completed initial report, under contract for less than \$25K. Provided report based on number of interviews conducted; asked them to reach out to more people, so extended the task with the hope they would bring back report in March. Regrettably did not submit to BOE in advance; this resolution should have been on in advance. This is to complete original contract.

Commissioner Bowers says he finds Dr. Rivera's explanation satisfactory.

Student Rep advisory vote of yes.

Adopted 6-0 with Commissioner Brown absent; except for resolution 597 adopted 5-1 with Commissioner Bowers dissenting and Commissioner Brown absent.

Unfinished Business:

None

New Business:

Discussion on two proposed policy amendments being advanced by the Policy Committee.

Commissioner Powell stated that these are routine in nature. Amendment 6110 would allow District to have program based budget move forward in orderly manner.

Mr. Looby noted that many were technical that updates the Code of Ethics.

Commissioner Bowers noted that in recognition of the time, he would not engage in a debate. We overlooked as a body and that is not reason to further delay.

Commissioner Thompson asked what was involved.

Commissioner Powell stated a set of computer codes needs to be developed to identify program, as we are in the budget process have run out of time to implement in this year.

Dr. Rivera stated there is intent to move in this direction, but question is whether can get systems in line to do in an efficient way. Discussion about how define a program. Hope to create a couple models can consider.

Commissioner Powell noted that is as necessary to deal with this as ½ mile radius in school choice policy. We cannot delay. Timeline is already included in the policy.

Commissioner Porter noted that the timeline was in the original policy and needs to be amended.

Commissioner Powell stipulated that there will be regular meetings to ensure the timeline does not slip again, review proposed models, etc. There is an expectation that Commissioner Powell, Henry and Vern sit together on proposed models.

Speakers on Other Than an Agenda Item:

See List.

Speaker needed to depart and submitted comments to Commissioner Evans.

Adjournment:

President Porter called for a motion to adjourn the regular business meeting. Motion made by Commissioner Evans, Seconded by Commissioner Bowers. Adopted 6-0 at 8:47 p.m. with Commissioner Brown absent.