

ROCHESTER BOARD OF EDUCATION
Regular Business Meeting
August 19, 2004

Minutes

Attendance:

Commissioners Bowers, Brown, Evans, Porter, Powell and Thompson; Superintendent Dr. Rivera;
Absent: Commissioner Garcia (out of town)

President convened the meeting at 6:04 p.m.
Act of Reverence led by Commissioner Evans.

Discussion:

Motion by Commissioner Porter to accept minutes of July 15, 2004. Seconded by Commissioner Evans. Adopted 6-0 with Commissioner Garcia absent.

Speakers on an Agenda Item:

See List

Superintendent's Report:

Dr. Rivera provided a written report to the Board and conducted power point presentation for the public. He noted that Rochester is ranked number one in NYS in terms of student need. He will provide detailed information to the Board.

Commissioner Bowers asked if additional funds were to come available, would it be Dr. Rivera's intent that first priority of restoration would be those programs that most directly impact classrooms? Dr. Rivera stated the objective was to have as little disruption to the classroom as possible. Commissioner Bowers noted that the situation is not due to District irresponsibility, but rather politics. He also asked about contractual deadlines. Dr. Rivera noted the issues of seniority and how that makes it important to make decisions prior to the school year, so the classroom instruction than isn't disrupted. Educators would tell you best if possible to avoid disruption in the classroom once school has started.

Commissioner Thompson asked if better to have staff remain in their positions until the beginning of June trusting the Board/District will find resources necessary to finish the school year. Would this be preferable? Dr. Rivera stated he would have liked to see \$43.9 million from state, rather than the \$32.9 million that was necessary to close District gap so that it could put in place known programs that work. It is important that he go forward with known revenues. Doesn't believe that approach is realistic and noted that it is out of compliance with NYS law, and important to maintain fiscal responsibility. Commissioner Thompson repeated the question of whether it is more disruptive to let staff go now or stay in place until funds run out? Dr. Rivera stated it would be wonderful to be in a position now to avoid this disruption. He would prefer to err on the side of being fiscally responsible now and in the appropriate sense restore things as we are able to.

Commissioner Brown commented on the civics of the state of NY. The legislature has officially gone home and do not usually return, particularly in an election year. Brief window, if Governor vetoes some of the items the legislature passed, they may decide to return and overrule the veto. He encouraged the public to write, send emails to all the local members of the Assembly. The government of the state of NY has precipitated a disaster, and did not bother to do what they were supposed to do on time.

Commissioner Powell asked if the size of the gap was roughly equivalent to two weeks of school? Mr. Marini noted that is correct in terms of salaries.

Dr. Rivera noted that per teacher contract there are 185 days, with students in school 183 days to allow for three snow days.

Commissioner Powell noted that given this information, the District is really only short one week of salaries, essentially there are funds for 175 days of instruction versus the state required 180 days.

Commissioner Porter noted that these are not cuts we want to make. If the spin up money had come through as promised, these cuts would not be made. People should be held accountable for their promises. We know half the items on the list will impact students and we are upset about that. If you have a problem with adults, you do not put the children in the middle of the firing range, you take the adult aside and hash it out. You cannot make anyone sit down and talk with you if they do not want to, has to be mutual agreement on both sides that you are willing to hear what is going on. Sought to put together four point plan so critics would see we are serious about this matter and talk with us, but that has not yet happened. By law have to balance the budget, amend it and send it across the street. Have to do what you have to do. Put the blame wherever you want. He noted that Syracuse, Buffalo, Yonkers and Utica all received spin ups without questions.

Commissioner Evans thanked Dr. Rivera for all his hard work on the budget. Since being on this body for about eight months, concerned about the community at large, caught up in a “boogie man” complex. Problem is that we will all be it one day if we do not find a way to ensure we have the resources our children need. Have the important job in having fiduciary responsibility and the Superintendent has the responsibility of making some difficult recommendations. What we have to do, we have to do in a fiscally responsible way. We need to make sure that tonight when we come to Resolution 2004-05: 198 that we act in a fiscally responsible way.

Committee Reports:

Finance Committee, Commissioner Bowers, written report submitted. He noted the 3-0 vote to send the Domestic Partner recommendations to the Board, and that Commissioner Brown as Chair of the Policy Committee to come straight to the Board. He requested a delay of the discussion until September and agree to discussion and vote at the September meeting.

Motion to move Domestic Partner discussion and vote be held in September by Commissioner Bowers. Seconded by Commissioner Porter.

Commissioner Powell asked if asking to waive the process in advance for adopting a new policy. Adopted 6-0 with Commissioner Garcia absent.

Commissioner Thompson noted her preference would be to vote in October but would go with the majority.

The committee is recommending resolutions 146 and 147 for Board approval this evening.

Motion by Commissioner Bowers to accept the 2003-04 Student Activity Fund Report. Seconded by Commissioner Brown. Adopted 6-0.

Policy Committee, Commissioner Brown, no report.

Commissioner Powell noted that her request for retirement from the US Army Reserves has been granted.

Board Governance Committee, Commissioner Evans, written report submitted.

The committee is recommending the Board Committee Roles/Responsibilities document for Board approval this evening.

Quality Assurance Committee, Commissioner Garcia, no report.

Community and Intergovernmental Relations Committee, Commissioner Porter, written report submitted. Commissioner Porter noted the committee was unable to receive an update from the District lobbyist today as it had anticipated, but look forward to receiving his report in the next couple weeks. He noted the efforts of himself, Commissioners Bowers and Garcia regarding the four point plan in an effort to garner the \$20 million the District had been promised a year ago.

Commissioner Porter also announced the passing of two District employees since the last Business Meeting.

President's report, Commissioner Thompson, no report.

Consideration of Resolutions:

President Thompson asked for a motion to adopt Resolution No 2004-05: 98-162, 164 to 171, 173 to 190 and 196 to 197. Motion made by Commissioner Powell, Seconded by Commissioner Brown. Adopted 6-0 with Commissioner Garcia absent.

Commissioner Powell motioned to separate Resolutions 2004-05: 163 and 198 for separate consideration and voting. Seconded by Commissioner Powell. Adopted 6-0.

Commissioner Porter motioned to sever and refer to the Quality Assurance committee Resolutions 2004-05: 191 to 195. Seconded by Commissioner Bowers.

Dr. Rivera noted that staff has been working on these plans and they are due to NYS by September 1, 2004. He requested approval of resolutions tonight followed by QA review or that the Board have a special meeting to vote.

Commissioner Evans asked for the rationale for the motion.

Commissioner Porter noted that it has not gone through committee.

Adopted 4-2 with Commissioners Brown and Evans dissenting and Commissioner Garcia absent.

Dr. Rivera requested the call of an emergency QA committee meeting prior to September 1, 2004.

Commissioner Thompson noted the request would be forwarded to Commissioner Garcia upon his return.

Commissioner Bowers asked for explanation regarding Resolutions 101 to 111 as it appears we are appointing multiple assistant principals to the schools.

Dr. Rivera noted that it is the same number of administrators at each school as last year.

Mr. Robinson noted formulas established for administrator allocation during the 2004-05 budget process. All schools allocated administrator positions according to that formula. One of the important components of small schools is shared responsibility of academics, supervision of teachers, and student behavior.

Commissioner Bowers questioned the budgetary impact of going from house administrators to assistant principals.

Mr. Robinson noted there is approximately a 5% promotional increase.

Commissioner Bowers asked if that is for additional responsibilities.

Mr. Robinson concurred and noted that adds 20 days of work for their year as well.

Motion to sever resolution 172 by Commissioner Brown, Seconded by Commissioner Bowers.

Commissioner Thompson asked for rationale.

Commissioner Brown noted that he believes it should be tabled pending further consideration.

Adopted 6-0 with Commissioner Garcia absent.

President Thompson asked for a motion to accept Resolution 2004-05: 163. Moved by Commissioner Porter.

Motion by Commissioner Powell to table Resolution 2004-05: 163, Seconded by Commissioner Bowers.

Commissioner Evans asked about the rationale

Commissioner Powell stated her concern is that we do not understand what is being asked of us with these UPK resolutions.

Parliamentarian noted there is no discussion on motion to table.

Motion defeated 3-3 with Commissioner Garcia absent.

President Thompson returned to seeking a second for the motion to adopt. Seconded by Commissioner Evans.

Commissioner Thompson noted that we should conduct an evaluation of all these types of contracts instead of one in particular.

Commissioner Evans stated that we should look into all of them if that is the rationale.

Commissioner Porter agreed. He would also agree that if going to zones now, the District needs to ensure facilities are in those zones, accessible to our students.

Dr. Rivera asked Ms. Jung about the type of fiscal management in place for these contracted services. She noted the management analyst in her office reviews monthly invoices, which are then reviewed in the budget office. Contractors are paid on a per child basis. They file plans and reports with the District.

Commissioner Powell asked which centers are new this year and noted she would have preferred to see all three resolutions pertaining to new centers be tabled.

Commissioner Evans stated he was not going to discuss contracts at the business meeting that have been recommended by the Superintendent as we are an advisory board.

Resolution 2004-05: 163 is Adopted 6-0.

Commissioner Bowers noted that we are not an advisory board.

Motion by Commissioner Porter to continue the meeting past 8:00 p.m. Seconded by Commissioner Bowers. Adopted 6-0 with Commissioner Garcia absent at 8:04 p.m.

Commissioner Brown noted his abstention from Resolutions 2004-05: 171, 173, 180 and 184 due to professional connections.

Motion to table Resolution 2004-05: 172 by Commissioner Bowers, Seconded by Commissioner Porter. Adopted 5-1.

Motion to table Resolution 2004-05: 198 by Commissioner Powell, Seconded by Commissioner Thompson.

Point of order by Commissioner Bowers, under parliamentary procedure president cannot move or second a motion unless it is the custom of the board. However the custom of this board is for presidents not to make or second motions.

Commissioner Thompson is unable to second the motion, as such there is no second for the motion to table Resolution 2004-05: 198.

Point of privilege by Commissioner Powell and stated there is a high probability the District can get this money, possibly days away, and asked the Board to wait out the events that might unfold. She stated that it seems likely, should it be necessary, the Board could call a special meeting to provide authority to the superintendent and that the vote could be done four days hence as much as done today, but able to be done with more information at that time.

Motion to adopt Resolution 2004-05: 198 Commissioner Porter, Seconded by Commissioner Bowers.

Motion to amend Resolution 2004-05: 198 by Commissioner Powell so that the total dollar amount to be reduced is capped at \$6.6 million. She stated her rationale as that the District has 185 days of school planned, the gap represents 2 weeks of school. The District could conceivably meet its obligation by providing 180 days of school and cut the current gap in half.

With no second motion to amend fails.

Commissioner Evans called the question, Seconded by Commissioner Bowers.

Parliamentarian ruled mover out of order for lack of discussion.

Commissioner Bowers stated his support for the actions as they are necessary. He voted yes.

Commissioner Porter stated that he can understand people's frustration in having to do this at all but the budget must be balanced to send a revised budget across the street. In order to close the book you have to vote on the \$13.6 million.

Commissioner Powell noted it is not a resolution to amend the budget but rather to authorize the superintendent to eliminate or freeze expenditures as needed. By freezing and cutting, we could be creating as much harm as not, having the same distress in moving to restore. She stated that she does not want to make one more cut, and does not think we necessarily have to. There are means of doing this and staying within the letter of the law. Don't want to compromise at all, but this body has rejected the opportunity to compromise. Voted no. She noted that this body has never in its past been fiscally irresponsible, but we need to be a little braver about how we serve this community, step out and defy the status quo that allows our children to be the ones to suffer in this community.

President Thompson concurs with Powell on nearly every point made. Voted no but added that this does not mean she does not support the superintendent in his role. She respects and appreciates that he is doing his job, but as a member of this community one of my responsibilities is to remain consistently clear about the community's priorities and work to uphold those. It has been said that cuts proposed would be minimally disruptive, but minimally is a relative term. There has not been mention of the community's role, not all about money, this community needs to take a look at how it supports students and families; take an objective look at where we are.

If board members and Superintendent are willing to acknowledge that there have been problems and that we have been challenged on various fronts, why can't critics acknowledge the many good things that have happened in the past couple years. There is something very wrong. Denying \$7 million from the City of Rochester, bearing the cost of nursing services and not receiving the \$20 million lottery spin up runs counter to progress that has been made in this District. To permit additional cuts to

programs and services will undo gains made. When look at the Board's fiduciary responsibility and moral obligation, I have to err on the side of moral obligation. She asked the board to please reject this resolution.

Roll Call Vote:

Commissioner Bowers – yes

Commissioner Brown – yes

Commissioner Powell – no

Commissioner Evans – yes

Commissioner Porter – yes

Commissioner Thompson – no

Adopted 4-2 with Commissioner Garcia absent

Dr. Rivera stated he appreciates and respects the point of view of Commissioners Powell and Thompson. He noted that the spin-up is a one time funding source. He stated that Rochester and NYS need to provide sufficient resources to the District. He stated his appreciation for the authority and flexibility given to him by the Board to make these budget adjustments. He stated there is no question that we will need another board meeting before the start of schools to address personnel action he will ask the Board to take, to make appointments and reductions, which he would like resolved before the start of school. He stated that he will keep the Board informed of actions taken under this authority.

Commissioner Porter stated the Board will continue to fight for the \$20 million lottery spin-up. At this point, we are pushed up against the wall, no where else to go.

Unfinished Business:

Committee Roles and Responsibilities.

Commissioner Evans as Chair of the Board Governance Committee asked for vote on the proposed committee roles/responsibilities.

Motion to adopt by Commissioner Porter, Seconded by Commissioner Brown.

Adopted 6-0

New Business:

Domestic Partners Benefits Policy Proposal.

Moved to September.

Speakers on Other Than an Agenda Item:

None.

Adjournment:

President Thompson called for a motion to adjourn the regular business meeting. Motion made by Commissioner Porter, Seconded by Commissioner Evans. Adopted 6-0 with Commissioner Garcia absent at 8:39 p.m.