

ROCHESTER BOARD OF EDUCATION
Community & Intergovernmental Relations Committee Meeting
October 18, 2016

MINUTES

Attending:

Commissioners – Vice President Cynthia Elliott, Commissioners Adams, Hallmark, Powell and White.

District Staff – Fatimat Reid (Chief of Staff); Mike Schmidt (Chief of Operations)

Parent Representative – Yvonne Clinkscales

Board Staff – Debra Flanagan

Vice President Elliott called the meeting to order at 6:04PM.

I. Review of Minutes of September 13, 2016 CIGR Meetings

Motion by Commissioner Hallmark to approve the minutes of the September 13, 2016 Community & Intergovernmental Relations Committee meeting. Seconded by Commissioner White. **Adopted 5-0, with concurrence of Parent Representative.**

II. Review and Finalize Proposed 2017 Legislative Agenda

Commissioner Elliott clarified that Board staff provide legislative updates to keep Committee members apprised of changes at the state and federal level that may affect the District. She stated that these updates are also used to inform development of the annual Legislative Agenda for the Board, or to engage in other types of advocacy efforts (i.e. letter-writing campaigns, meetings with legislators).

Commissioner Elliott referred to the document containing the proposed 2017 Legislative Agenda, which was distributed to Board members last week for review. She asked Committee members for feedback about the proposed Legislative Agenda.

Commissioner Hallmark inquired about the way in which items proposed to be included in the Legislative Agenda are prioritized and operationalized.

Commissioner Elliott responded that the specific ways that Board members can advocate for each item can be determined in upcoming Committee meetings, after the proposed 2017 Legislative Agenda has been finalized and approved by the full Board. She explained that legislators need to know of the District's interest and support for particular bills. In terms of the process, Commissioner Elliott noted that a few items may

need to be addressed at a time to identify advocacy strategies and ways in which the full Board can lend support.

Commissioner Powell pointed out that the NYS School Boards Association (NYSSBA) conference will be held within the next couple of weeks, and it would be useful to identify the specific items on the Board's Legislative Agenda that are also supported by NYSSBA. She noted that a letter of support to NYSSBA in support of these particular items would assist with advocacy efforts, and lend the support of a larger state-wide organization.

Commissioner Powell expressed appreciation for including the item in the Legislative Agenda regarding transport of Bakken crude oil through Rochester. She recalled that the advocacy group Mothers Out Front noted that other types of hazardous materials are required to be re-routed away from high-density population areas, but this requirement does not apply to transport of crude oil. Commissioner Powell explained that the Bakken crude oil is much more flammable than regular crude oil, but is not currently required to be treated in the same way as other highly flammable hazardous materials. She stated that provisions have already been made for transporting other types of hazardous materials, and there is no reason that this could not also be done for the Bakken crude oil.

Commissioner Elliott stated that she was going to suggest that the Committee reconsider including this item on the Legislative Agenda because she does not have sufficient information or background on this issue.

Commissioner Adams recalled that a specific request was made for Board staff to contact the offices of both U.S. senators and Congresswoman Louise Slaughter to ask for a briefing on this issue. She pointed out that this is at least as much a regulatory issue with the Transportation Safety Administration (TSA) as a legislative issue. Commissioner Adams reported that the safety concerns are quite real, as there have actually been explosions and derailments in Canada and the U.S. involving mass fatalities. She pointed out that the oil companies are shifting all of the risk and consequences to communities. Commissioner Adams stated that she understands and appreciates the desire to be more informed on these issues, but this does not minimize the urgency.

Yvonne Clinkscales inquired about the District's power or authority to address the transport of Bakken crude oil, particularly since it is primarily a regulatory issue.

Commissioner Adams commented that RCSD schools and students are located within the potential blast zone of an explosion, and the District has a responsibility to advocate for their safety.

Commissioner Powell noted that despite the fact that this may be primarily a regulatory issue, the District simply needs to advocate for the Bakken crude oil to be handled in the same way as other hazardous, highly toxic and flammable materials. She emphasized that the mechanism already exists to enable transport of these types of materials around the City and away from the majority of residents. Commissioner Powell added that the

Bakken crude oil is highly flammable because it is extracted through hydro-fracking and has a high methane content.

Commissioner Hallmark concurred regarding the importance of this issue, particularly in light of the history of companies dumping hazardous chemicals in impoverished areas and residents not being informed of these actions or the implications. She stated that it is a matter of public awareness and pushing back against these powerful corporate interests.

Ms. Clinkscales commented that the Rochester region has high-level legislators in Congress, which presumably would have addressed this issue.

Commissioner Powell stated that parents and community members play an important role in raising awareness of these types of issues. She noted that federal regulators responsible for establishing the requirements probably do not have a forum for hearing from community members.

Ms. Flanagan reported that Mia Johnson had informed her about the need to follow up with Congresswoman Louise Slaughter's office, but she was unaware of the request to also contact Senator Schumer and Senator Gillibrand to provide an update on this issue. She stated that she has contacted Louise Slaughter's office several times, but has not yet received a response – presumably because of the upcoming elections in the next few weeks.

Commissioner Elliott asked whether this issue should be included in the Legislative Agenda at this point, since it primarily pertains to regulations and legislators are currently preoccupied with the upcoming election.

Commissioner White responded that the potential consequences of failing to address this issue are severe in terms of the blast zone and the lives that could be lost. He added that the Board cannot avoid advocating for a change in regulations, particularly since information has been provided of the hazards posed by transport of Bakke crude oil in the community. He suggested inviting advocacy groups to an upcoming Committee meeting to provide further information.

Commissioner Elliott noted that the will of the Committee seems to be to proceed with a meeting in November to receive a presentation from an advocacy group (Mothers Out Front) to learn more about this issue. She decided to schedule the next Community & Intergovernmental Relations Committee meeting for Tuesday, November 15th, at 7:00PM, following the Audit Committee meeting that evening.

Commissioner Adams stated that she would like to prioritize the Safe Schools Act on the federal level, which would provide grants and support efforts to improve school climate.

Commissioner Elliott pointed to two items on the proposed 2017 Legislative Agenda:

10. Provide clear rules for boards of education as it relates to the Receivership law and its guidelines.
11. Provide a clear understanding of the actual impact of Receivership from NYS Legislators and Board of Regents.

Commissioner Elliott questioned retaining these two items on the Legislative Agenda, particularly since the intent is unclear.

Commissioner Adams recalled that there has been a lack of clarity regarding receivership law and regulations, particularly in terms of the expectations of boards of education.

Commissioner White reported that some of the ambiguity has been resolved due to the efforts of the Interim Superintendent in negotiating labor agreements for receivership schools. He stated that it would be helpful to have the new permanent Superintendent provide an update about the current status of receivership, since changes have been made since the law was initially enacted.

Action Item: Ms. Reid will follow up in obtaining information regarding the current guidelines regarding receivership, and provide this information to Board members.

Commissioner White recalled that one of the issues regarding receivership law has been the length of time that schools remain under receivership, and whether schools can be added to the eligibility list for receivership. He recommended that these two items be removed from the proposed Legislative Agenda, and that the Superintendent provide an update to the Board. He noted that these items can be re-incorporated into the 2017 Legislative Agenda, if issues remain.

Commissioner Powell maintained that receivership will become an issue during the budget cycle because Governor Cuomo perceives the actions of the NYS Education Commissioner and NYS Education Department to have been in conflict with the intent of the law. The Governor favored keeping “persistently struggling” and “struggling” schools in receivership for a longer period of time, and enabling additional schools to become eligible for receivership.

Committee members discussed the differences between charter schools, educational partnership organizations (EPO), and receivership.

Commissioner Hallmark asked about the way in which the Community & Intergovernmental Relations Committee acts on the items on the Legislative Agenda.

Commissioner Elliott explained that the members of the Committee will have to decide how to prioritize and address each item in terms of advocacy. She stated that the

Committee typically acts on legislative items by conducting the annual Legislative Breakfast with city, county, state and federal representatives; presentations from legislative representatives regarding specific issues; and conducting letter-writing campaigns. She pointed out that Board members can also obtain guidance regarding the best approaches for advocating for specific items through relationships with legislators at different levels of government.

Commissioner Hallmark inquired whether the Committee selects specific items to lobby for with the NYS legislature.

Commissioner Elliott discussed a number of ways in which state-level advocacy efforts are conducted: through Commissioner Powell's involvement with NYSSBA; and in meetings with legislators.

Commissioner Powell added that the Board has lobbied for specific items on the Legislative Agenda through NYSSBA, the Office of the Big Five Districts, and the Federal Relations Network.

Commissioner Hallmark suggested that it would be useful to have a Venn diagram to illustrate the items on the Legislative Agenda supported by the federal National School Boards Association, and those supported by the New York State School Boards Association or the Office of the Big Five.

Commissioner Elliott reviewed feedback provided from the Superintendent and Chief of Staff, specifically in requesting an additional item be included in the proposed 2017 Legislative Agenda:

Address the continually-growing digital divide that exists in the Rochester community. Although Rochester has the highest rate of extreme childhood poverty among like-sized metro cities in the United States, \$500M of New York State funding has been slated to address broadband needs of rural communities only. The number of students without broadband access in Rochester alone far exceeds the number of students who will be supported with current NYS broadband funding opportunities.

Ms. Reid reported that the District submitted a grant application through the Smart Schools Bond Act, but recently received notice that the application was denied. She clarified that this application was to establish broadband Internet access for every resident in the District. Ms. Reid discussed inequities due to the "digital divide" in this country and in the Rochester community. She stated that the District has planned to provide one-to-one smart devices for students, and need to ensure that students have Internet access at home.

Mike Schmidt described the need for connections to servers, WiFi, network with the City, devices, capability within buildings, security and cameras.

Commissioner Elliott stated that her impression was that the grant was not awarded to the District because a permanent superintendent had not yet been chosen, and there was concern about stable leadership.

Commissioner Adams requested that the following questions be submitted to the Administration, and included in the Board's Outstanding Questions Log:

- How much funding has been allocated to the Rochester City School District to date under the Smart Schools Bond Act?
- A breakdown of the expenditures to date by the District using these funds.
- Plans for any remaining unexpended funds.
- Rationale for submitting a separate grant application for \$500M for city-wide broadband access.
- How are the devices (e.g. Chromebooks) being used currently by students?

Mr. Schmidt reported that the Smart Schools Bond funding awarded to the District has not yet been expended because approvals must be obtained from the State for the RCSD Smart Schools Investment Plan. He noted that there is an addendum linked to Phase II of the Facilities Modernization Plan (FMP) that will be presented in this month's Finance Committee meeting. Mr. Schmidt explained that this addendum involves \$8.5M that has been earmarked for removal or conversion of transportable classrooms in three school buildings. He offered to provide the FMP plan and related documents to the Board to reflect the projects currently awaiting approval, expenditures to date, and eligibility for expenditures.

Commissioner Adams expressed concern about the District investing in digital devices for students, while the digital divide continues to exist in students' homes. She asserted that she would prefer to see the District focus on collaborating with the City to provide broadband Internet for all City residents before providing devices for students.

Action Item: Ms. Flanagan will submit the questions presented by Commissioner Adams to the Administration, and include these questions in the Board's Outstanding Questions Log.

Commissioner White pointed out that digital smart devices (e.g. Chromebooks) still have value because of their use in the classroom.

Ms. Clinkscales reported that from her experience in schools, Chromebooks and Smartbooks are contained in a cart that is wheeled into each classroom, and the supply is nowhere near adequate to accommodate all of the students in the class.

Commissioner Elliott discussed the importance of providing digital leadership by allowing students to use their smartphones in the classroom, utilizing devices with which they are already familiar and encouraging their use for educational purposes.

She added that this would obviate the District from having to purchase and provide electronic devices to students.

Mr. Schmidt reported that the District has submitted a \$47.5M grant application under the Smart Schools Bond Act, which is currently being reviewed at the state level. He stated that \$23.3M is allocated for specific technology and \$8.5M is for removal of transportable classrooms. Mr. Schmidt noted that none of the funding under the Smart Schools Bond Act has been expended by the District at this point because approval has not yet been obtained from the NYS Education Department.

Commissioner White referred to a policy proposal regarding the use of educational technology in the District, noting that existing policies adopt a negative and punitive stance toward the use of electronic devices in the classroom. He explained that the proposed policy was submitted to the research division of the Joan Gantz Cooney Center for review and comment, and focuses on the positive uses of digital technology in education. Commissioner White noted that this proposed policy will be submitted to the Board's Excellence in Student Achievement and Finance Committees for review.

Commissioner Elliott asked if there were any further questions, comments or suggestions regarding the proposed 2017 Legislative Agenda.

Motion by Commissioner Adams to approve the proposed 2017 Legislative Agenda, with the amendments agreed upon by the Committee:

- Remove the items pertaining to receivership law and regulations; and
- Add the item suggested by the Superintendent and Chief of Staff regarding the State ameliorating the digital divide between wealthy and impoverished school districts and communities in New York.

Seconded by Commissioner Hallmark. **Adopted 5-0, with concurrence of the Parent Representative.**

III. New Business

Commissioner Elliott reported attending a meeting regarding the Facilities Modernization Program (FMP) recently, and contacting the Superintendent and Mr. Schmidt about conducting a Work Session to discuss Phase II FMP projects (e.g. for School No. 16, School No. 7, Monroe High School, and East High School). She expressed concern about program requests and hidden costs for these projects, which are likely to lead to cost overruns. Commissioner Elliott discussed the issue of making programmatic decisions for each school in isolation and without consideration of the larger budget constraints or needs of all schools.

Mr. Schmidt highlighted the major issues involved in Phase II of the FMP:

- The age of the school buildings;

- Extent of infrastructure renovation/modernization required in these school buildings, particularly School No. 16, East High School, and Monroe High School;
- The need to upgrade and as much of facility as possible in Phase II in each school, including replicating the existing infrastructure (e.g. replace pool at Monroe High School, create a gym structure off the building for School No. 16 because existing space for physical education is inadequate – especially for a three-strand elementary school).

Mr. Schmidt reported advising the Executive Director and Program Manager in a meeting of the Rochester Joint Schools Construction Board last night to present a cost/benefit analysis for each Phase II project; explain the reasons for anticipated cost overruns; identify strategies/options within the building structure and outside of the existing structure. He emphasized the importance of presenting this information for discussion with the Board of Education, RCSD Superintendent, and Superintendent of East High School. Mr. Schmidt asserted that these discussions cannot be held in a vacuum in a meeting of the Rochester Joint Schools Construction Board, with individuals who are not invested in the program.

Mr. Schmidt reported that potential cost overruns for modernization of four school buildings in Phase II of the FMP projects amounts to an estimated \$11-13M, which is not as much of a challenge as projected in Phase I. He noted that the issue is having a fixed amount of \$435M allocated for all Phase II projects, and emphasized the importance of having a clearly articulated set of plans to address this challenge to articulate to governing bodies.

Commissioner Elliott stated that she chose to raise this issue in tonight's Committee meeting because of the community outcry for improvements to the School No. 16 school building. She noted that when the community influences the process, governing bodies such as the Board of Education have to find ways to keep within overall budget constraints. Commissioner Elliott asserted that the governing bodies have to push back and prioritize and/or deny some of the items included in each project at some point as part of assuming fiscal responsibility.

Mr. Schmidt observed that the District knew of the challenges involved in upgrading School No. 16 from the outset, but other older buildings are in need of substantial infrastructure upgrades (e.g. School No. 1, 10, 16, 7, 2 and 4). He reported that School No. 7 has the added complication of requiring asbestos removal from the core of the building, but the project is currently on budget. Mr. Schmidt stated that community advocacy and involvement on behalf of children is a positive factor, and noted that the Rochester Joint Schools Construction Board has to return to the community with clearly outlined plans for School Nos. 7, 16, East High School, and Monroe High School.

Mr. Schmidt announced that modernization of East High School will not be completed in Phase II, and approximately another \$25M will be required in subsequent phases. He explained that this is due to the building's antiquated infrastructure, size, and mechanical systems that have reached the end of their useful life. Mr. Schmidt reported that the final

cost for renovating East High School will be similar to the cost for Edison High School, Monroe High School, and Wilson Commencement Academy.

Commissioner Elliott voiced concern about exercising financial responsibility and ensuring that there is no increase in the local share of costs that the District has to bear in the future.

Ms. Clinkscales expressed concern about the amount of funding being allocated for East High School: \$45M in Phase I and \$55M in Phase II, for a total of \$100M. Mr. Schmidt clarified that the expenditures for improvements to East High School did not amount to \$45M in Phase I, and will amount to approximately \$43M out of a total of \$50M in construction costs in Phase II. He emphasized that the total amount of expenditures is nowhere near \$100M for East High School in Phases I and II of the FMP. He stated that over the course of three phases, the school will need upgrades to the gym, pool, arts wing, Career & Technical Education wing, and four other sections of the building.

Ms. Clinkscales contended that the District has other schools without gyms or pools that are falling apart, but funding continues to be allocated for East High School. She stated that there is a common perception among parents and community members that the University of Rochester runs East High School and has the power to get all the funding they want. Ms. Clinkscales observed that the District has been focusing efforts on improving East High School and other schools that are primarily located on the outskirts of the City, none of which are the worst in the District. She asserted that inner city schools have not been addressed, and the physical environment affects school climate and the extent to which students and families feel valued.

Commissioner White contended that East High School was the worst school in the District, which is why the Board of Education had to make a decision about placing the school in an educational partnership with the University of Rochester.

Mr. Schmidt pointed out that the Board chose to invest in School Nos. 2, 4, 6 (for School No. 22), and 25 in Phase II of the FMP because of the desire to focus on the crescent of the City.

Commissioner Elliott attributed this focus to the advocacy efforts of parents and community members, who effectively changed the plans for Phase II to include schools in the inner city.

Ms. Clinkscales inquired about the timeframe for renovating the schools on the Douglass campus. Commissioner Adams replied that work has been done on the Douglass campus, specifically to improve the entrance and install a new athletic field.

Ms. Clinkscales pointed out that the entry to the campus has been improved, but took four months to complete.

Mr. Schmidt suggested discussing these projects further outside of the Committee meeting to ensure that the proper context is provided. He noted that the new entrance to the Douglass campus provides enhanced security, and added that a new HVAC (heating, ventilation, and air conditioning) system will be installed in Phase II.

Ms. Clinkscales remarked that the plumbing in the buildings on the Douglass campus is so bad that children cannot even get a drink of water.

Commissioner Elliott commended Ms. Clinkscales' advocacy efforts, noting that School Nos. 2, 4, 6, and 25 have been included in modernization plans for Phase II because of parents' and community members' advocacy.

Meeting adjourned at 7:18PM.

Next Meeting: Tuesday, November 15th, at 7:00PM