

Resolution No. 2009-10: 492

By Member of the Board Commissioner Powell

WHEREAS, the Office of the State Comptroller conducted an audit of the Rochester City School District;

WHEREAS, on November 24, 2009, the Comptroller submitted to members of the Board of Education preliminary draft findings, each page of which was marked, "DRAFT- NOT INTENDED FOR EXTERNAL DISTRIBUTION. CONTAINS NON-FINAL, INTRA-AGENCY AND/OR INTER-AGENCY MATERIALS THAT MAY BE EXEMPT FROM DISCLOSURE UNDER THE FREEDOM OF INFORMATION LAW; and

WHEREAS, the cover letter of the preliminary draft findings stated, "Because these findings are still subject to change, we ask that, to the maximum extent permitted by law, the information contained in this document be kept confidential until we formally release the report of examination from Albany"; and

WHEREAS, the *Democrat and Chronicle* obtained a copy of the preliminary draft findings and published articles pertaining to the preliminary draft findings on Tuesday, December 1, 2009; and

WHEREAS, the Office of the Comptroller scheduled an exit discussion for Wednesday, December 2, 2009, the stated purpose of which was to afford District Administration and the Board of Education an opportunity to identify factual inaccuracies and suggest substantive changes; and

WHEREAS, the majority of the Board of Education believe that the release of this confidential information, if released by a member of the Board of Education, constituted an act of official misconduct; therefore be it

RESOLVED, that the Board authorizes the appointment of special counsel to commence a full and complete investigation into the circumstances surrounding the public distribution of the preliminary draft findings, to report the findings to the Board in Executive Session, and to take any appropriate next steps as agreed by a majority of the Board in Executive Session.

**Seconded by Member of the Board Vice President White
Adopted 6-0 with Commissioner Brennan absent**