

Resolution No. 2003-04:705

By Member of the Board Powell

WHEREAS, the unilateral decision was made by Monroe County to eliminate funding for school nurses from the 2004 County budget beyond April 1, 2004, thus ending the school health services which the County has provided to the District since the establishment of the Monroe County Health Department in 1958; and that decision has resulted in an imminent health services crisis for the students of the Rochester City School District; and

WHEREAS, school health services had, prior to 1958, been the duty of the former City of Rochester Health Department, and had devolved to the County as a part of the intermunicipal understandings under which the County Health Department was established, and under which the staff and assets of the City Health Department had been transferred to Monroe County; and

WHEREAS, neither efforts of the District to date, through both negotiation and litigation, nor the supportive efforts by some members of the Monroe County Legislature to date, have been successful in generating a solution to the crisis, although both negotiation efforts and litigation are continuing; and

WHEREAS, in a decision dated March 22, 2004 in Rochester City School District v. County of Monroe, et.al., Index No. 04/2464, New York State Supreme Court Justice Kenneth R. Fisher ignoring the funding specifications of the City Charter opined in language not necessary for the Court's ruling that the District had a legal duty under Education Law § 2576(6) to submit an emergency funding request to the City of Rochester for the school nurses; and under Education Law § 2576(6); and

WHEREAS, the Board of Education desires to explore and pursue all avenues of redress to obtain the benefits of a school health program for District students, within the limits of its legal authority under the Education Law, it is

RESOLVED, that in accordance with the provisions of the Education Law § 2576(6), the Board of Education of the Rochester City School District hereby informs the calls upon the Mayor and Council of the City of Rochester of a dire fiscal emergency and requests the enactment of emergency legislation appropriating additional funds for the use of the Rochester City School District, in an amount sufficient to provide school health services for the balance of the 2003-04 school year at a level commensurate to the service level provided to date by the Monroe County Health Department.

Seconded by Member of the Board Garcia

Adopted 4-0 with Commissioners Brown, Evans and Porter absent, and the following caveat: A transmittal letter from Commissioner Thompson will accompany this resolution expressing the interest of the Board in having the City work with it in pursuing avenues that would bring the RCSD to parity with suburban districts.

Resolution No. 2003-04: 706

By Member of the Board Bowers

WHEREAS, the decision was made by Monroe County to eliminate funding for school nurses from the 2004 County budget beyond April 1, 2004, thus ending the school health services which the County has provided to the District since the establishment of the Monroe County Health Department in 1958; and that decision has resulted in an imminent health services crisis for the over 35,000 students of the Rochester City School District and also for the children in the eighteen charter, private and parochial schools which have received County school health services to this point; and

WHEREAS, neither efforts of the District to date, through both negotiation and litigation, nor the supportive efforts by some members of the Monroe County Legislature have been successful, to date, in generating a solution to the crisis, although negotiation efforts are continuing, as is the appeal of the District's litigation in State court; and

WHEREAS, numerous corporate, business, nonprofit and individual citizens of this community have responded to the crisis by providing private funds to the Rochester Area Foundation to assist in meeting the health services crisis on a short term basis while a longer term solution is found, and the Monroe County Executive has advised that she would support the short term continuation of the school health services of the County Department of Public Health, provided that a funding source other than the County were provided to cover the net cost of such services, it is

RESOLVED, that the Superintendent of Schools be and hereby is authorized to enter such agreements as in his judgment be necessary, subject to such terms and conditions as are approved by the District's Chief Legal Counsel, with the Rochester Area Foundation, the County of Monroe or others, to assure the continuation of school health services by County Health Department personnel for the short term, through June 30, 2004, or such longer term as may be mutually agreeable and practicable, and to assure that the net costs of such school nursing services are paid by private funds contributed by corporate, business, nonprofit and individual donors to the short term fund for school health services, being administered in this emergency by the Rochester Education Foundation.

Seconded by Member of the Board Powell

Adopted 4-0 with Commissioners Brown, Evans and Porter absent