

**ROCHESTER BOARD OF EDUCATION**  
**Regular Business Meeting**  
**February 16, 2006**  
**Minutes**

**Attendance:**

Commissioners Brennan, Elliott, Evans, Garcia, Henley, and Powell; Superintendent Dr. Rivera  
Absent: Commissioner Thompson (out of town)

President convened the meeting at 7:14 p.m. following the Board's Black History Month Observance celebration.

Act of Reverence led by Commissioner Brennan

President Garcia thanked those that organized the observance.

President Garcia welcomed Commissioner Jeffrey Henley to the Board noting he was appointed the week of February 6<sup>th</sup>.

**Discussion:**

Motion by Commissioner Evans to accept minutes of January 19 and January 24, 2006, Seconded by Commissioner Powell. Adopted 6-0 with Commissioner Thompson absent

Commissioner Elliott noted that her vote was recorded incorrectly last month because the packet was revised following its original submission. She asked to make corrections.

516 no, 541 no, 543 no, 544 yes, 545 yes, 546 yes, 547 yes, 548 no, 549 yes, 551 no

**Speakers on an Agenda Item:**

See List

**Superintendent's Report:**

Dr. Rivera's report included remarks on School Choice. He noted the Board's adoption in October 2002 and adoption of two transitional amendments over the past two years. The reason was to be certain that we could accommodate students, where possible, who had an interest in attending the "home" school, so we went to 70/30 and evaluated the implementation of that at the end of the year. We need to look at all of our policies and the extent to which they are implemented on an annual basis. The second year amendment also yielded 100% of all students wanting to attend their home school being able to do so. Dr. Rivera shared information regarding the implementation. Recommendations will be advanced administratively to build-upon and improve on the policy while expanding choice. The PPC expressed concern around transportation, even suggested seeking state legislation to receive reimbursement for transportation of more than 1 mile rather than the current state limit of over 2 miles. We want to make sure that all families participating in the lottery process know of their assignment by June 1<sup>st</sup>. Dr. Rivera will be forwarding recommendations to the Board early next week. They will not require a policy change rather they will be certain administrative adjustments he would like the authority to make.

We have also been embarking upon a major facilities modernization project and are seeking to ensure participation by City vendors and residents along with our students through apprenticeship opportunities. We have begun discussions along those lines.

**Committee Reports:**

Student Representative Report – Ms. Simmonds - Written report submitted. She noted that on February 1<sup>st</sup> they met with the Quad A group at School #34 assisting with their after-school program. The number of SLC attendees has increased. They will discuss bullying at the next meeting on March 15<sup>th</sup>.

Quality Assurance Committee, Commissioner Thompson, written report submitted. Rendered by Commissioner Henley on behalf of Commissioner Thompson.

Finance Committee, Commissioner Powell, written report submitted. The committee recommends adoption of resolutions 601 to 603.

Motion to accept monthly financial reports by Commissioner Evans, Seconded by Commissioner Brennan. Adopted 6-0 with Commissioner Thompson absent. Student Rep casts an advisory vote of yes.

Motion to accept the Quarterly Student Activity Fund Report by Commissioner Henley, Seconded by Commissioner Brennan. Adopted 5-1 with Commissioner Elliott dissenting and Commissioner Thompson absent.

Community and Intergovernmental Relations Committee, Commissioner Evans, written report submitted.

Policy Committee, Commissioner Brennan, written report submitted.

Board Governance Committee, Commissioner Henley, written report submitted. He noted that the committee will meet monthly, the fourth Tuesday at 6:00 p.m. except for April, from now until the end of the School Year.

Board Audit Committee, President Garcia, written report submitted. The committee is advancing three recommendations and seeking support from the Board. They are:

- Change the name of the department to the “Office of the Auditor General” to elevate the importance of this function and its role in the organization.
- Create the position of “Auditor General” which would report directly to the Board, in compliance with state law.
- Approve proposed job description and recruitment through a local professional recruiting firm.

Motion to approve the recommendations by Commissioner Evans, Seconded by Commissioner Henley. Adopted 5-1 with Commissioner Elliott dissenting and Commissioner Thompson absent.

**Consideration of Resolutions:**

Commissioner Elliott made a motion to consider each resolution as a separate motion. Seconded by Commissioner Brennan.

She stated that the issue is that her vote was not recorded correctly last month and the resolutions were placed on the website for public review. This was due to a change in the resolution order.

Commissioner Evans stated he feels that it is appropriate when voting on a block to make a motion to separate out a resolution they wish to dissent on to ensure accurate recording of the vote.

Commissioner Elliott asked what the process is if you feel there is an error in a resolution.

President Garcia stated the reason this is done is due to time. He is willing to separate by area, even within Human Resources, in view of your concern, but not sufficient time to review one at a time.

Commissioner Elliott conceded to this point.

Commissioner Brennan stated that members have the opportunity to vote against resolutions and state why.

Commissioner Elliott stated that we should not be rushing through this. “We are here to do the people’s business.”

Commissioner Evans clarified that he is not suggesting we should “rush through” anything.

Roll Call Vote on motion to consider each resolution separately:

Commissioner Powell – no                      Commissioner Evans – no

Commissioner Henley – no                      Commissioner Elliott – yes

Commissioner Brennan – no                      Commissioner Garcia – no

Defeated 5-1 with Commissioner Elliott supporting and Commissioner Thompson absent

President Garcia asked for a motion to adopt Resolution No 2005-06: 566-567. Motion made by Commissioner Powell, Seconded by Commissioner Evans. Adopted 5-1 with Commissioner Elliott dissenting and Commissioner Thompson absent

Commissioner Evans made a point of order that there is no discussion on personnel resolutions, only questions.

President Garcia asked for a motion to adopt Resolution No 2005-06: 568-587. Motion made by Commissioner Powell, Seconded by Commissioner Brennan. Adopted 5-1 with Commissioner Elliott dissenting and Commissioner Thompson absent except 580 which is adopted 4-1 with Commissioner Garcia abstaining due to personal relationship

President Garcia asked for a motion to adopt Resolution No 2005-06: 588-599. Motion made by Commissioner Evans, Seconded by Commissioner Powell. Adopted 6-0 with Commissioner Thompson absent, except Resolutions 588 and 590 which are adopted 5-1 with Commissioner Elliott dissenting

President Garcia asked for a motion to adopt Resolution No 2005-06: 600. Motion made by Commissioner Powell, Seconded by Commissioner Henley. Adopted 5-1 with Commissioner Elliott dissenting and Commissioner Thompson absent

President Garcia asked for a motion to adopt Resolution No 2005-06: 601-603. Motion made by Commissioner Powell, Seconded by Commissioner Evans. Adopted 5-1 with Commissioner Elliott dissenting and Commissioner Thompson absent

President Garcia asked for a motion to adopt Resolution No 2005-06: 604-608. Motion made by Commissioner Powell, Seconded by Commissioner Henley. Adopted 5-1 with Commissioner Elliott dissenting and Commissioner Thompson absent

President Garcia asked for a motion to adopt Resolution No 2005-06: 609-617. Motion made by Commissioner Powell, Seconded by Commissioner Henley. Adopted 6-0 with Commissioner Thompson absent

President Garcia asked for a motion to adopt Resolution No 2005-06: 618-631. Motion made by Commissioner Evans, Seconded by Commissioner Powell. Adopted 6-0 with Commissioner Thompson absent except 618, 621,623, 624, 625, 626, 627, 628, 629, 630, 631 which are adopted 5-1 with Commissioner Elliott dissenting and Resolution 620 which is adopted 5-0 with Commissioner Elliott abstaining due to a professional relationship

Commissioner Elliott raised concerns about resolution 618

Commissioner Garcia asked why she did not address these questions to Ms. Dyce when she was contacted earlier this week. She added that the letter she received from Dr. Rivera did not address her question.

Dr. Rivera stated that this contract is not for one person receiving nearly one-half million dollars. There are numerous graduate students and other adults hired through an appropriate screening process that provide direct services to our students. This is the second year we have contracted with her. It was piloted last year and we were very pleased with the results. It is provided throughout the school day. She is not in competition as she is not a supplemental education provider. This particular resolution extends for the SAT camp we want to run for our students this spring.

Commissioner Elliott stated there are many organizations that do this kind of work and she takes issue with so much going to one company.

Ms. Simmonds noted that she was one of the first participants in the SAT camps, with a cost of \$5, it was available to all students. She felt that the prep class was very helpful. She added that the company is focused more now on City students. Her services are good, but were previously too costly when Iglesia directed their programs to the suburban districts. Ms. Simmonds stated that Ms. Iglesia gets the results the District wants.

President Garcia asked for a motion to adopt Resolution No 2005-06: 632-634. Motion made by Commissioner Powell, Seconded by Commissioner Henley. Adopted 6-0 with Commissioner Thompson absent except 633 which is adopted 5-1 with Commissioner Elliott dissenting

Dr. Rivera acknowledged Administrative appointments.

### **Unfinished Business:**

None

### **New Business:**

Commissioner Elliott stated an interest in Policy 2111.

President Garcia stated that if you are seeking a change then it needs to be referred to the Policy committee. She stated that is not her issue.

Commissioner Elliott stated that she sent a letter to Dr. Rivera and that in the letter Dr. Rivera cited that this is not something that can be discussed individually, but would require the vote of four individuals.

President Garcia stated that is incorrect. He stated that you requested extensive information on contracts from several years ago. You were referred to the policy because if you make a request that necessitates more than five hours of work, you must have support from the Board. He stated that she was referred to the Board President because the Board has staff that is assigned to support the various Commissioners whom they are to contact when they have issues, questions, or requests for information.

Commissioner Elliott asked for interpretation of Policy 2111.

Mr. Looby stated that it refers to Board member authority. As individuals you do not have rights that exceed that of members of the public. You can make Freedom of Information Requests through the public records officer. Acting as a member of the Board with the authority of a committee or the support of the Board you can make requests without the same constraints and associated charges. It also speaks to public comment.

You have all the First Amendment rights when speaking as an individual, but you do not when you are acting as a representative of the Board. If speaking as a member of the Board, it has to align with the positions, policies, etc of the Board. He suggested that the sub-issue here is the effective way of getting information. You have staff dedicated to doing that and they work very hard to do so. If there are more substantive questions, then they are to have support of a Board committee or majority of the Board.

Commissioner Powell suggested that further discussion on this be addressed through the Board Governance committee.

Commissioner Elliott asked if we have to go into a committee to ask questions regarding dropout information which was recently reported in the paper.

President Garcia stated that these statistics are published and available. Your staff can acquire this information.

Commissioner Elliott asked if she is not able to ask questions of the Superintendent on this.

President Garcia stipulated if the Superintendent is giving a report including that information, you may ask questions at that time.

Dr. Rivera added that we have developed protocols around this over the past few years to aid in providing as much information as possible to members of the Board.

Commissioner Evans cited the established operating protocols and said maybe the committee wants to reexamine those. Maybe the committee was off-base. He added that Commissioner Henley mentioned a retreat as part of his committee report and said this is something that could be fleshed out further under those conditions.

Discussion of proposed amendments to Policies 4321 and 4321.2 to comply with new Federal Regulations.

Mr. Looby noted adjustments by Congress to IDEA. The policies we had were keyed to the old statute and the state requirements attached to that. The recommendations made here are to align with the new regulations. The state has not left us much discretion on this matter. These are in that sense technical changes.

No questions from members of the Board.

Commissioner Powell asked about Dr. Rivera's report and the concern that was raised about inclusion of apprenticeships in the facilities modernization project.

Dr. Rivera noted a Board resolution adopted in June 2005 stipulated certain requirements for contracts approved in excess of \$200,000. These contractors would be required to have approved apprenticeship programs. He stated that this actually works against the Board agenda of including minority contractors and City residents/vendors. He has no intention of violating this resolution, but noted that we are at the point at which we need to issue RFPs for contracts and if we do so in accordance with this requirement, it will constrain our ability to contract with minority vendors in the City. Dr. Rivera stated that he is seeking temporary suspension of this policy. We think some of these requirements would be problematic for our minority vendors to fulfill.

President Garcia clarified that you are seeking suspension of implementation.

Dr. Rivera added that he would like to refer it back to the Policy Committee to consider an amendment.

Motion by Commissioner Powell, Seconded by Commissioner Evans.

Commissioner Elliott stated she doesn't have a history to be able to cast a vote.

Commissioner Henley asked what the timeline for the delay would be.

Dr. Rivera stated that he believes it could be taken up at the next Policy committee meeting.

Ms. Cottrell added that the implementation was for contracts that go to RFP as of January 2006. We are seeking to have further deliberation with this in the Policy committee, providing further review before implementation.

Commissioner Powell amended and clarified her motion to suspend the implementation for six months to allow for any proposed amendment to work through the appropriate policy development process, thereby making the implementation date June 2006 and that proposed amendment be submitted to the Policy committee.

Dr. Rivera stated we annually provide major construction contracts, yet never had strict requirements to provide apprenticeships for students, yet we wanted that so that is how it emerged.

Commissioner Elliott stated that one of the issues in participating in apprenticeship programs was transportation to the job.

Motion to continue past 8:30 p.m. for one-half hour made by Commissioner Brennan, Seconded by Commissioner Elliott. Adopted 6-0 with Commissioner Thompson absent.

Commissioner Evans accepted the friendly amendment made by Commissioner Powell to her original motion.

Commissioner Brennan stated that we need to reconsider the meeting time limit. It seems artificial. President Garcia stated that we have bylaws and if anyone doesn't like it they should raise it in a committee.

Commissioner Powell added to the earlier discussion that we have two policies in conflict with one another. They both are good ideas and we need to reexamine them. It wasn't anyone's intention to shut out small business or minority vendors in the process of promoting apprenticeships.

Roll Call Vote:

Commissioner Powell – yes	Commissioner Evans – yes
Commissioner Henley - yes	Commissioner Elliott - yes
Commissioner Brennan – yes	Commissioner Garcia – yes

Adopted 6-0 with Commissioner Thompson absent.

### **Speakers on Other Than an Agenda Item:**

See list

Dr. Rivera stated he is happy to report back to the Board on the issues around school based planning and parent involvement. He invited parents who spoke tonight, particularly those who still have students in the District, to meet with him and the Executive Steering committee. He added that this is a set of concerns he has been hearing more and more about over the past year.

He made a commitment to the Board to address this issue.

Commissioner Powell stated that this Board has been and will continue to be supportive of Parent Involvement. She added that she put in many hours in developing this policy and is disheartened by what she is hearing. She thanked Dr. Rivera for stepping forward to address this issue.

Commissioner Evans stated that he wanted to hear from the PPC about what they are doing to make sure we do not continue to hear similar complaints as we have tonight.

Commissioner Brennan stated that he looks forward to additional discussion on SBPT.

Commissioner Elliott stated that we need to change our paradigm of how we view parents of urban students. They know their children and have something valuable to add. We need to make sure we are considering parents as an equal partner in this relationship to educate their child. She stated that she hears these concerns a lot in the District from both middle class parents and parents of poor students.

Commissioner Brennan thanked those that brought this to the Board's attention. He stated that condescension and a certain amount of "classism" has no place in education. He feels that such a situation is worse in larger organizations, and noted that it is true in suburban districts as well.

### **Adjournment:**

Motion to adjourn by Commissioner Evans, Seconded by Commissioner Powell. Adopted 6-0 at 9:07 p.m. with Commissioner Thompson absent.