

APPROVED BY BOARD

Rochester Board of Education Special Meeting February 18, 2009 Immediately Following the 5:30 Public Hearing

Attendance: Commissioner Evans (President), Commissioner Elliott, Commissioner Powell, and Commissioner Williams; District Staff: C. Johnson; Board Staff: H. Washington

Commissioner Evans convened the meeting at 5:41 p.m.

I. Discussion of Military Recruitment Policy

President Evans noted that Commissioner Elliott wanted to discuss military recruitment policy in the Board meeting, and he ceded the floor to her.

Commissioner Elliott introduced the District's General Counsel, Chuck Johnson, and invited him to explain the Superintendent's perspective and intent regarding this policy.

Mr. Johnson explained that federal law under the No Child Left Behind act requires directory information (student name, birthdate, and address) to be provided to the military for all school districts, unless parents specifically choose to "opt out" and decline to provide this information. Mr. Johnson stated that the Board policy since 2005 has been to send a letter to families and only provide information if parents consent; he pointed out that this is in conflict with federal law. Mr. Johnson reported that he has received calls from representatives in the military inquiring as to the rationale for the District to be out of compliance with the law in this respect. He explained that the Superintendent would like to change the Board policy to bring it into compliance.

In terms of the consequences for the District to fail to comply with this provision of federal law, Mr. Johnson explained that military authorities may conduct a personal visit if student information is not provided within 20 days of the stated deadline. After 120 days, the District may be contacted by a representative from the Department of Defense. If no information is provided within one year after the deadline for receipt, legal action may be taken against the District and federal funding may become jeopardized. Mr. Johnson reported that he is not aware of any contact from representatives at these higher levels since the Board policy was adopted in 2005.

Commissioner Elliott noted that the Policy Committee had declined to change the existing Board policy by a vote of 2 to 1, which would continue to keep the District out of compliance with federal law. Commissioner Elliott maintained that

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this is not a fight that the District should undertake at this time, particularly with so many other pressing concerns. She offered to yield the floor to Commissioner Powell to make a comment, since Commissioner Powell had made the motion in the Policy Committee to maintain the current policy.

Commissioner Powell urged Board members to view the Board meeting of August 5, 2008 in which this policy was discussed, as the rationale for maintaining the current policy was explicated at that meeting.

Commissioner Elliott noted that the current Board policy regarding military recruitment was adopted in 2005 and this is a new Board which needs to consider this issue. She stated that she wants to ensure compliance with federal law.

Commissioner Williams agreed with Commissioner Elliott, pointing out that the District will eventually have to comply and considerable embarrassment and legal fees could be avoided by ensuring compliance now.

Commissioner Powell stated that parents' failure to return forms by the stated deadline does not necessarily indicate their intent or choice with regard to providing student information to the military. She stated that the form letter that has been sent to parents until January 2009 had been deemed acceptable by the Navy Recruiting Office in Fairport when this policy was adopted in 2005.

President Evans requested that General Counsel provide clarification regarding current federal law and Board policy. Chuck Johnson explained that federal law specifically states that student information be provided to the military, unless parents specifically request in writing that this information be withheld.

President Evans stated that this issue should be discussed at a future Board meeting in which the Superintendent is present, so that his intent and perspective can be heard.

President Evans instructed Board members to submit any further questions regarding Board resolutions to the Board Clerk as soon as possible and asked for a motion to enter into executive session.

Motion made by Commissioner Elliott to move to Executive Session at 6:09 p.m. seconded by Commissioner Williams. **Defeated 3-1 with Commissioner Powell dissenting**

Meeting adjourned at 6:10 p.m.