

**ROCHESTER BOARD OF EDUCATION**  
**Policy Review and Development Committee Meeting**

**December 1, 2016**

**MINUTES**

**Attendance**

Commissioners – Commissioners Cruz, Adams, Hallmark, and White (joined at 5:58PM)

District Staff – Steve Carling, General Counsel; Maurice Snipe, HCI Director; Ann Brady, Senior Director of Recruitment & Staffing

Commissioner Cruz called the meeting to order at 5:36PM.

**I. Review Minutes of October 13, 2016 Policy Committee Meeting**

**Motion** by Commissioner Adams to approve the minutes of October 13, 2016 Policy Committee Meeting. Seconded by Commissioner Hallmark. **Adopted 3-0.**

**II. Review Draft Policy Revisions Recommended by General Counsel**

**A. Code of Ethics (2160)**

Steve Carling discussed several changes proposed to the Code of Ethics, including:

- Changes to the definition of “family”: the current policy refers to the Domestic Partner Benefits policy (9540), which defines “domestic partner” as anyone living with a person with whom they are unable to marry legally and who is not a family member. Since State law has since been changed to allow same-sex couples to marry, this definition is no longer applicable.

Mr. Carling explained that the District would like to be inclusive in ensuring that the Code of Ethics applies to all staff members, but would only want to extend benefits to married couples and not to individuals who choose to live together. He noted that the initial reason for the Domestic Partner Benefits policy was to offer benefits to same-sex couples because they were not allowed to marry in New York at the time, and this created inequities. However, this is no longer an issue since New York State has enacted the law permitting same-sex couples to marry.

Mr. Carling offered to amend the Domestic Partner Benefits policy to present in the next Policy Committee meeting.

**Action Item: The existing definition of “family” in the Code of Ethics will remain, and the issue of domestic partnership will be addressed in the**

**Domestic Partner Benefits policy (9540). Both policy proposals will be presented in the next Policy Committee meeting for consideration.**

- Regarding the prohibition of employees from having a romantic, sexual or other unprofessional relationship with a subordinate, clarify that this includes a building administrator having such a relationship with any teacher or staff member in the same building. Mr. Carling explained that situations have arisen in which school administrators have claimed that this prohibition does not apply because the staff member involved in the relationship was not under their direct supervision. He stated that all staff in the school are subject to the general supervision and oversight of building administrators, and the Code of Ethics must be made more explicit in terms of prohibiting these types of relationships.
- Similarly, a statement is to be added to stipulate that a staff member cannot supervise, evaluate, promote, review or discipline any employee with whom they are having a romantic or sexual relationship.

Commissioner Hallmark inquired about the specific position titles that would be included in the reference to “building administrators”. Mr. Carling replied that this would include school principals, assistant principals, and program directors/administrators, who evaluate staff performance. He stated that he will include this in the definition section of the policy proposal.

Commissioner Adams asked about the applicability of the proposed policy to the District’s permanent, ongoing partnerships, specifically with regard to an agency administrator with authority in the school. Mr. Carling clarified that an agency administrator is not an employee of the school district, and these situations would have to be handled by the partner agency.

- Mr. Carling stated that attorneys will be added to the list of employees required to provide annual financial disclosure because many are no longer included in the Superintendent’s Employee Group.
- The Conflict of Interest Review Committee currently consists of the General Counsel, Chief of Human Capital Initiatives, and Deputy Superintendent of Administration. Mr. Carling pointed out that the Deputy Superintendent of Administration position is currently unfilled, and may remain vacant in the near future. He recommended that the Auditor General sit on the Conflict of Interest Review Committee instead, as that staff member audits District processes and financial transactions and is directly accountable to the Board of Education.

**B. Board Bylaws (2300)**

Mr. Carling stated that the Board of Education is required to specify the reason for convening in Executive Session to comply with Open Meetings law, so this provision must be included in the Board Bylaws.

### **C. Videoconferencing policy (2350)**

Mr. Carling stated that the proposed policy has been revised to reflect the fact that a number of different platforms exist for videoconferencing – not just Skype.

### **D. Policy Dissemination (2450)**

Mr. Carling recommended that this policy be changed to reflect the fact that Board policies are now posted on the District website, rather than in printed hardcopy. He noted that the policy includes a provision to allow the public to view a hardcopy of the Policy Manual during business hours at the Board of Education Office, so that those without access to the Internet can obtain information about Board policies.

Commissioner Hallmark stated that she would like to retain the provision of the policy requiring that a printed copy of the Policy Manual be provided to each new member of the Board of Education at the beginning of their term. Mr. Carling suggested that a printed copy be offered to new Board members upon request. Commissioner Hallmark reported that she has been developing an orientation packet for new Board members, and she would prefer that a hardcopy of the Policy Manual be given at the beginning of their term because new Board members often do not know of the resources available and would not even know to ask for them.

Commissioner Adams suggested including reference to Board policies in the Table of Contents of the orientation materials provided to new Board members, with a link and instructions as to how to access this section of the District website. She stated that she is more concerned about making an exception for parents and community members who do not have Internet access. Commissioner Adams suggested revising the policy to state that a hardcopy of the Policy Manual will be provided to new Board members upon request at the beginning of their term, and that information about accessing policies be included in the orientation materials for new Board members. Commissioner Hallmark agreed with this proposal.

Commissioner Hallmark referred to the provision requiring each senior administrator in the District to sign and return a form to acknowledge familiarity with Board policies. She asked how receipt and tracking of these forms will be managed. Mr. Carling stated that he will follow up on this issue with the Office of Human Capital Initiatives, but it is fundamentally a concern regarding implementation rather than the policy itself.

Commissioner Adams discussed annual mandatory training related to each employee's job classification at the University of Rochester, which uses an automated system to indicate each document/task to be completed, the amount of time taken to completion, and the date on which each task was completed. Mr. Carling responded that the District does not have this type of centralized, automated system for new employees.

Commissioner Cruz inquired about the way in which the District monitors staff completion of required training (e.g. child abuse, anti-discrimination/harassment). Mr. Carling replied that this is tracked by one of the attorneys in the Law Department, who conducts these trainings for new RCSD employees. Ann Brady reported that attendance is monitored at new hire orientation and an update of required training is provided each year, which was conducted during one of the Superintendent Conference days. She described the “Safe Schools” automated system, which captures individual’s viewing of online materials (e.g. training videos). Ms. Brady stated that she is uncertain of the extent to which the District utilizes this Safe Schools system. Mr. Carling noted that the annual updates are provided for training mandated by New York State, but not for internal policies or procedures. Ms. Brady clarified that information regarding Board policies is provided only in orientation for new employees.

Commissioner Adams stated that she is more concerned about building administrators being aware of policies because they are responsible for staff practices and accountability. Mr. Carling suggested that review/discussion of Board policies be included on the agenda for monthly school principal meetings.

Commissioner Hallmark asked about the specific topics covered in Orientation for new District employees. Ms. Brady replied that Orientation includes training mandated by New York State; employee benefits; navigating the District intranet; and future professional development opportunities (i.e. e-learning). She reported that each individual Board policy is not reviewed, but information is provided as to how to access the policies on the District website. Ms. Brady cited several policies that are specifically reviewed in the Orientation: Suspected Child Abuse and Maltreatment policy (5460) and the Code of Ethics (2160). She stated that additional training regarding Board policies could be given to school principals/administrators using the Safe Schools system because this system is designed to target specific types of positions. Mr. Carling noted that this system is currently used for safety training, such as ensuring that Food Services employees are knowledgeable of safe food handling procedures and Health Services staff are aware of blood-borne pathogens.

#### **E. Membership in School Boards Associations (2530)**

Mr. Carling recalled that Commissioner Powell had requested that a specific reference be included in this policy to membership in the Office of the Big Five and the Council of Great City Schools.

Commissioner Hallmark requested that a calendar be provided of the meeting and conference dates for each of the organizations to which the District maintains a membership, so that new Board members can make plans in advance. Mr. Carling replied that this information should be provided in the orientation materials for new Board members, rather than in the policy.

Commissioner Hallmark pointed out that the list of specific organizational memberships should also include the National School Boards Association and the Council of Urban Boards of Education.

Commissioner Adams questioned expanding the number of organizational memberships specified in the policy.

Commissioner White stated that he would support including the National School Boards Association and any other organizations that the Board deems fit.

Commissioner Adams requested information of the cost of each of these organizational memberships, and stated that she supports including membership in the Office of the Big Five School Districts because they lobby on behalf of the District. Commissioner Adams asked about membership in the Council of Great City Schools.

**Action Item: Information regarding the annual cost of membership for each of the organizations specified in the Membership in School Boards Associations policy (2350) will be provided to members of the Policy Committee.**

Commissioner White reported that the Council of Great City Schools is primarily a Superintendent's group, but past administrations have found value in this relationship. Mr. Carling added that this organization is a think tank and provides useful information on a broad range of topics (e.g. information management, school/district finance), particularly for administrators.

Commissioner Cruz suggested that the policy refer to membership in organizations such as the National School Boards Association, etc., rather than naming each individual organization. Mr. Carling concurred, adding that he is unclear as to why the Board would want to mandate membership in an organization because these organizational affiliations could not be changed without amending the policy. Debra Flanagan reported that Commissioner Powell made this suggestion in the October Policy Committee meeting as a deterrent from terminating membership in these specific organizations in the event of a major budget deficit. She stated that Commissioner Powell expressly stated that the intent was to include each specific organization in the policy, so that the policy would have to be modified before membership could be terminated.

Committee members ultimately decided that the National School Boards Association and Council of Urban Boards of Education should be added to the list of organizations with which the District will maintain membership.

**Action Item: The National School Boards Association and the Council of Urban Boards of Education will be added to the list of organizations specified in the Membership in School Boards Associations policy (2350).**

### III. Review and Discuss Evaluations of Policies

#### A. Day Care Policy (4324.1)

Commissioner Adams observed that the evaluation of the Day Care policy stated that additional data was needed to recommend policy changes (e.g. teen birth rate, available funding, and current accommodations).

Commissioner Cruz suggested revisiting this policy when the data is available and recommendations can be offered.

#### B. Parent Preference/Managed Choice policy (5153)

Commissioner Hallmark noted that the evaluation of the Parent Preference/Managed Choice policy did not take into account any of the work of the Managed Choice Task Force. She stated that she has been waiting to present this information to the Superintendent and Cabinet, so that their feedback can be incorporated into the policy before it is presented to the Policy Committee.

**Action Item: Board staff will schedule a meeting with the Superintendent and Cabinet to present the work and recommendations of the Managed Choice Task Force.**

#### C. Lead-Safe Schools (7010)

Mr. Carling explained that the threshold for the acceptable level of lead in drinking water was changed, and the District is currently in compliance with the new threshold.

Commissioner Hallmark inquired about communications to inform the public of the lead abatement work that has been done in schools, noting that rumors persist of lead in the drinking water. Mr. Carling replied that the Chief of Communications and the Chief of Operations sent out press releases and email messages to inform the public of the most recent testing and compliance with required thresholds for lead. He added that New York State regulations were revised to reduce the lead thresholds just prior to the start of the school year, and RCSD staff worked on testing and remediation over the summer for up to 18 hours per day. Mr. Carling noted that the children in the Rochester City School District face a compounded problem with lead in their home environment, which effectively doubled their risk. He stated that the problem has been remediated in RCSD schools.

Commissioner White asked whether the District continues to issue annual reports regarding lead levels detected in RCSD schools. He recalled the history in developing the Lead-Safe Schools policy, noting that reports had indicated the presence of lead paint chips in kindergarten classrooms. Commissioner White stated that the Environmental Health & Safety Coordinator reported at that time that lead paint concerns were addressed only when capital improvements were made to the building. Consequently, the Lead-Safe Schools policy included a requirement to

provide annual reports to ensure that these issues are addressed on a more frequent and routine basis. Mr. Carling replied that the Coordinator of Environmental Health & Safety in the Facilities Department has stated that these annual reports continue to be issued, although he personally has not seen them.

**Action Item: Verification that the District continues to issue annual reports of lead levels in RCSD schools will be obtained and provided to members of the Policy Committee.**

**D. Equal Opportunity policy (9110)**

Ann Brady reported that there has been a 1% increase in diversity among District staff each year for the last three years (e.g. from 36% in 2013-14 to 37% in 2014-15 to 38% in 2015-16). She discussed several initiatives through partnerships to enhance the diversity of the District's workforce: Uncommon Schools and Grow Your Own. Ms. Brady described the Grow Your Own program as an effort to develop and promote existing staff members to higher level positions through mentoring and coursework leading to a Masters' degree in Teaching from New York University to enhance diversity, particularly among RCSD teaching staff.

Commissioner Adams pointed out that the District has had programs in the past to assist Paraprofessionals and Teaching Assistants to obtain teaching degrees and certification. Ms. Brady responded that the Grow Your Own program is much more structured and has been used in a number of schools. She reported that she plans to visit New York City to learn more about the program and the results. Ms. Brady stated that RCSD staff participating in the program will have a local mentor and take online classes.

Commissioner Adams inquired about using local resources to develop staff members to become teachers, particularly in light of the many local colleges with teaching programs. Ms. Brady reported attending an event last night at Nazareth College to promote a similar program, and approximately 25 people attended. She stated that the program will enable participants to obtain their Bachelor's or Master's degree within two years, and classes are scheduled in the evening or on weekends to accommodate working people. Ms. Brady added that the advantage of the program with New York University is that the cost of up to 50% of instructors' salaries will be covered.

Commissioner Cruz recommended meeting with leaders in local colleges and universities to discuss ways in which a local program may be developed (e.g. Nazareth College, St. John Fisher College, University of Rochester, SUNY Geneseo).

Commissioner Adams pointed out that there would be greater coherence in implementing a program with a local partner.

Commissioner White observed that the equal opportunity data show disproportionately high percentages of staff terminations for employees of color, particularly African Americans. He contended that the apparent gains in diversity are

outweighed by the high level of terminations for these groups. Maurice Snipe noted that the data includes terminations of all RCSD employees, which disproportionately reflects BENTE and Food Services personnel.

Commissioner White asserted that further analysis is needed to identify the specific types of staff reflected in the data.

**Action Item: A breakdown of the equal opportunity data will be provided to the Policy Committee to indicate the demographic composition and union membership for new hires, currently active staff members, and terminations.**

Mr. Carling noted that termination of staff in the BENTE union is much easier than for other staff members because they are not tenured and can be terminated during their probationary period without a hearing.

Commissioner Hallmark asked about incorporating provisions into teachers' contracts to prohibit racism and discrimination, which would provide grounds for terminating an employee if these terms have been violated. Mr. Carling explained that New York State law established a specific process (3020a) for removing tenured teachers, which involves providing at least 6 months of pay during the investigation and a stringent hearing process with a hearing officer selected jointly by the District and the union. He emphasized that this is a lengthy, cumbersome, and costly process, which is why the District must be careful and selective in granting tenure. Mr. Carling stated that while the State streamlined the 3020a process recently, 150 days are allowed between the time of filing and issuing a disposition. He reported that the District often provides six-month's severance to these employees to resign, rather than go through the entire process. He stated that this process can only be changed by changing the law.

Mr. Snipe reported that the equal opportunity data reflect an increase in African American staff members from 1709 in 2014-15 to 1828 in 2015-16, and the number of Hispanic employees rose from 710 in 2014-15 to 758 in 2015-16. He acknowledged that the percentages are rather small, but the numbers of staff are not and the District has been making progress in terms of diversity. Mr. Snipe stated that 55% of newly hired employees in 2014-15 and 2015-16 were from diverse racial/ethnic backgrounds. He emphasized that the number of new hires in each racial/ethnic category has increased: from 163 in 2014-15 to 234 in 2015-16 for African Americans, and from 97 to 110 for Hispanics.

Commissioner Adams inquired about the practices and methods available to the Human Capital Initiatives Department to influence retention at the school level, particularly for new teachers of color. Ms. Brady discussed collaboration with the Careers in Teaching program to assist teachers who are struggling and occasionally reassigning a staff member to a position in a more supportive environment.

Commissioner Adams clarified that she is referring to more systemic, global practices to promote greater appreciation of diversity and the goals of the District. Mr. Snipe described building on the work of Dr. Joy DeGruy in considering ways to develop



support systems, build cultural competence, and enhance accountability in this respect.

Commissioner Hallmark discussed models from higher education in which students who are the first from their family to attend college begin early and comprise a continuing cohort that meets regularly. She stated that these types of affinity groups can be very effective in creating colleagues and lending support, particularly for teachers of color. Ms. Brady replied that this approach was used with Uncommon Schools this summer, and participants developed relationships with the school in which they were working. She stated that the idea of developing collegial circles for new teachers has been discussed, particularly for those coming from outside of the Rochester area. Ms. Brady noted that these ideas are under consideration and the process is just beginning.

Commissioner Cruz referred to past efforts to recruit and hire Latino teachers in the District, which led to 30-40 new hires. He stated that there were no supports in place and no efforts were made to establish personal connections among the new employees in the Rochester community. Commissioner Cruz reported that only 3-4 of these Latino teachers remained in the District at the end of one year.

Commissioner Adams pointed out that all 7<sup>th</sup> and 8<sup>th</sup> grade students should be informed of the District's Teaching & Learning Institute, which provides a way for students to pursue a career in teaching.

#### **E. Incidental Teaching policy (9460)**

Ms. Brady reported that incidental teaching in 2015-16 involved approximately 35 teachers and 15 schools, particularly in areas that are difficult to fill – such as math or science in Special Education. She stated that school principals do a great job of trying to match the talent in their building to fill needs. Ms. Brady pointed out that the list includes bilingual Spanish teachers, who are certified in elementary education but do not have the bilingual extension. She explained that this extension was offered at the State University of New York at Brockport at one time, and efforts are being made to reinstate this program.

Commissioner Hallmark noted that “incidental teaching” refers to a teacher teaching outside of their area of certification. Mr. Snipe confirmed that this is the definition of “incidental teaching”.

Commissioner Adams asked about the number of physics teachers in the District. Ms. Brady replied that the District currently has 1.2FTE for physics teachers, and there aren't enough students to fill the classes.

Commissioner Adams requested that the staff from the Human Capital Initiatives Department look into the situation at Monroe High School, as she has heard reports that there aren't enough physics classes to accommodate students. She asked about the number of RCSD schools that offer physics classes. Ms. Brady responded that physics is frequently combined with other sciences in the course. Mr. Carling noted

that the District allocates 0.2FTE for teaching one section/class of a course, so a full-time physics teacher would have to either share the load of the other science classes at the school or be an itinerant teacher.

Commissioner Adams asserted that if only 0.2FTE is needed to teach a physics class, then a substitute or unqualified teacher should not be teaching these classes. She stated that she has received reports that a series of substitutes have been teaching physics at Monroe High School.

**Action Item: Staff from the Human Capital Initiatives Department will look into the number of physics classes at Monroe High School to ensure adequacy in terms of accommodating the number of students who want to take a physics class and in the quality of the teacher(s) conducting these classes.**

#### **IV. Follow-Up regarding Updating Preschool Education Policy (4250.5)**

Ms. Flanagan stated that a concern was raised in the last Policy Committee meeting that changes had been made to the Preschool Education policy that were not reflected in the policy posted on the District website. She explained that further investigation revealed that revisions had been made to this policy that were approved by the Policy Committee and advanced to the full Board for consideration as a Discussion Item in the January 2014 Board meeting. Ms. Flanagan noted that no further action was taken to enable the Board to vote to adopt the revisions to the Preschool Education policy. She offered to bring the proposed policy revision back to the Policy Committee for consideration in an upcoming meeting.

Mr. Carling noted that the policy is probably in need of further revision at this point.

Commissioner Adams noted that the policy proposal should first be reviewed by General Counsel and by the Executive Director of Early Childhood Education before being presented to the members of the Policy Committee.

**Action Item: Board staff will submit the most recent policy proposal for the Preschool Education policy to General Counsel and the Executive Director of Early Childhood Education for review and comment before it is presented to the Policy Committee.**

#### **V. Selection of Parent Representative to Serve on Policy Committee**

Ms. Flanagan reported that Commissioner Powell requested that the members of the district-wide Parent Advisory Council review the applicants and provide a recommendation for the next Parent Representative to serve on the Policy Committee. She stated that she has corresponded with members of the Parent Advisory Council, who presumably will provide a recommendation after their next business meeting on December 12<sup>th</sup>.

Meeting adjourned at 7:13PM.