

ROCHESTER BOARD OF EDUCATION
Policy Review and Development Committee Meeting

June 29, 2017

MINUTES

Attendance

Commissioners – Commissioner Powell (Chair); Commissioners Hallmark, Adams, White, and Cruz.

District Staff – Karl Kristoff, General Counsel

Board Staff – Debra Flanagan

Commissioner Powell called the meeting to order at 6:03PM.

I. Review Minutes of the April 6, 2017 Policy Committee Meeting

Motion by Commissioner Cruz to approve the minutes of the April 6, 2017 Policy Committee meeting. Seconded by Commissioner White. **Adopted 3-0.**

II. Review of Draft Resolution, Policy and Regulation regarding Protections for Immigrant Students and Their Families

Commissioner Powell pointed out that adoption of policies does not usually involve extensive resolutions. Karl Kristoff replied that a more extensive resolution would be useful in addressing the concerns of the Board and the larger community. He explained that the draft policy and regulation are based on: guidelines issued by the NYS Attorney General and NYS Education Department; a sample resolution and policy from the National Education Association; and input from the local Legal Aid Office. Mr. Kristoff noted that he expanded the purview of the proposed policy by including law enforcement and immigration agents. He stated that the draft policy pertains to all law enforcement and their activities in schools.

Commissioner Adams expressed appreciation for the broader application of the proposed policy to include law enforcement.

Debra Flanagan clarified that the content in the proposed policy and regulation were taken from the National Education Association sample policy. She stated that the more detailed and procedural aspects of the sample policy have been included in the draft regulation.

Commissioner Powell requested additional information about the way in which the proposed policy would be applied in practice. She asked about situations in which staff have invited law enforcement into the school, and the way in which the guidelines would be applied. Mr. Kristoff pointed out that the draft policy only applies to situations in which staff are approached by law

enforcement or immigration agents and a request is made for access to the school, a student, or student information. He added that the proposed policy would not apply to situations in which law enforcement has been called in by staff.

Commissioner Adams stated that she would like to include an affirmative statement in the proposed regulation that the General Counsel will provide guidance in accordance with the law and/or guidelines of the NYS Attorney General. She discussed the importance of conveying that the proposed policy is intended to offer protection to students and families. Mr. Kristoff responded that he would like to state that legal guidance will be provided to staff consistent with Board policy, which is also consistent with the guidelines from the NYS Education Department and NYS Attorney General. He added that the NYS Attorney General's letter is to be attached to the regulation as an exhibit.

Commissioner White observed that the draft policy and regulation instruct staff to contact the Superintendent's Office, while the resolution refers staff to contact the Office of the General Counsel. Mr. Kristoff replied that he wants to ensure that the Superintendent is informed of these situations, but both offices should be contacted.

Commissioner Powell stated that the language used in the resolution, policy, and regulation must be consistent. She suggested another option of having the Superintendent designate the Office of the General Counsel as the primary contact in these situations. School staff would only have to contact the Office of the General Counsel, who would be responsible for providing legal guidance and notifying the Superintendent of these situations.

Action Item: The proposed resolution, policy, and regulation will be revised to state that staff should contact the Superintendent's Office and the Office of the General Counsel when law enforcement or immigration agents request access to a school, student, or student information.

Commissioner Adams questioned whether the requirement to disseminate and translate the resolution into "all languages spoken by students at home" is onerous. Mr. Kristoff responded that this requirement is essential to ensure that students and their families are aware of their rights.

Commissioner Adams discussed the importance of having an augmented emergency contact plan for families at risk of being separated. The plan could specify a trusted adult to be contacted if the parents are not available or have been detained. She explained that having this plan in place would prevent Child Protective Services (CPS) or foster care from becoming involved if a child's parents have been taken by law enforcement or immigration. Commissioner Adams noted that this has been a common occurrence in other cities.

Commissioner Hallmark questioned whether having such an emergency contact list/plan would risk identifying the families that the District is trying to protect.

Commissioner Adams responded that she is requesting her colleagues to consider ways to protect students from CPS/foster care involvement, while also avoiding identifying families who may be subject to immigration detention/deportation. She suggested that the District educate families

regarding the option to supplement the emergency contact form that is retained by the school. Commissioner Adams stated that the form could contain a symbol/code to indicate that the family has additional emergency contact information on file, and this option could be available to all families in the District. Mr. Kristoff noted that an understanding of current District practices is needed before drafting changes in policy or regulation. He stated that there may be an extant procedure that could be modified slightly to accomplish these goals.

Commissioner Adams suggested that the Superintendent send a letter to parents about emergency contacts and protection of this information before disseminating the resolution to families in the District in all of the language translations.

Commissioner Cruz asked about plans to inform local law enforcement agencies about the proposed policy. Mr. Kristoff replied that law enforcement agencies should already be familiar with these legal guidelines. He pointed out that the guidelines have been in place long before issuance of the NYS Attorney General's letter or the NYS Education Commissioner's regulations.

Commissioner Powell suggested providing a courtesy copy of the proposed policy to local law enforcement agencies at the highest levels. Mr. Kristoff pointed out that the policy pertains to law enforcement and immigration officials at all levels of government, not only to local law enforcement agents.

Commissioner Adams noted that the District can simply state that its practices, policy, and regulation are in compliance with the law, in the event that resistance is encountered in implementing the policy.

Motion by Commissioner Cruz to approve the proposed resolution, policy and regulation, with the recommended amendments. Seconded by Commissioner Adams. **Adopted 3-0.**

Commissioner Cruz suggested sending a letter with a copy of the policy to partners who assisted with the guidelines (e.g. NYS Education Department, Attorney General, and Legal Aid).

Commissioner White emphasized the importance of staff professional development efforts to incorporate the guidelines in the policy and regulation, so that staff members will not become intimidated when law enforcement or immigration agents appear. Mr. Kristoff replied that the Superintendent is aware of these concerns and has issued a letter to staff district-wide about protecting children and families in these situations.

Commissioner White emphasized that written communication to staff is insufficient to implement the policy and regulation in practice.

Commissioner Adams concurred, pointing out that professional development regarding protection of immigrant students and families should include Parent Liaisons because of their role as a link between the school and home. She reported that she has recently learned that the "default" response at the school level is to contact CPS if a child's parents have been detained, which has been the practice even after the release of the Superintendent's letter about these concerns.

Commissioner Cruz pointed out that Legal Aid has discussed providing in-service staff training on these issues with the Superintendent. He reported that several RCSD schools have contacted the local Legal Aid Office to request guidance on these issues. Mr. Kristoff stated that he would prefer members of the Law Department to provide in-service training to ensure consistency with District policies and with NYS Education Law.

Commissioner Cruz noted that District staff need to be aware not only of students' rights, but also of the impact of family circumstances. He suggested that Legal Aid staff provide training regarding these general issues, while the RCSD Law Department offer more specific guidance regarding policy and regulation.

Commissioner Adams observed that the Law Department does not have the resources to assist families in developing emergency plans or documentation, but Legal Aid may have this capacity.

Commissioner Hallmark suggested disseminating the policy to local agencies that work with refugees, such as the Catholic Family Refugee Resettlement Center.

Commissioner Powell asserted that the staff members of these agencies are ideally suited to inform families of their rights and offer assistance in exercising them, since the agencies have the first contact with incoming families and have translators available.

Commissioner Powell stated that the first step in adopting a policy is to introduce it to all Board members as an Information Item. She suggested that the proposed policy be introduced in writing, with a memo to her colleagues. Commissioner Powell advised that the proposed policy be presented in the July 27, 2017 Business Meeting as a Discussion Item, and considered for adoption in the August 24, 2017 Business Meeting. She noted that this timeline would allow the policy to be established before the start of the next school year.

Action Item: Board staff member Debra Flanagan will prepare a cover memo and distribute the proposed *Access to Education, Student Privacy, and Law and Immigration Enforcement* policy to all Board members as an Information Item before the July 27, 2017 Business Meeting.

III. Update on the Status of Revising the Wellness Policy (5405)

Mr. Kristoff recalled from the last Policy Committee meeting that a point person had to be identified at the Cabinet level to review changes to the Wellness policy recommended by the Wellness Task Force. He stated that a draft Family Life/Sexual Health policy was also presented in the last meeting, which is to be integrated into the Wellness policy.

Mr. Kristoff announced that Dr. Kendra March, Deputy Superintendent for Teaching & Learning, and Carlos Cotto, Executive Director of Athletics, Physical Education, and Health Education, will review the recommended policy changes and prepare a draft for consideration by the Policy Committee.

Commissioner Powell inquired whether the draft Family Life/Sexual Health policy was created by the members of the Wellness Task Force.

Commissioner Adams explained that Audrey Korokeyi, Health Education Coordinator, prepared the Family Life/Sexual Health policy because she is a subject matter expert in this area. Ms. Korokeyi collaborated with staff from BOCES to compose the draft policy. Commissioner Adams pointed out that some of the language in the Reproductive Health Education section of the existing Wellness policy is archaic and the draft Family Life/Sexual Health policy essentially updates this section.

Mr. Kristoff stated that the recommendations for revising the Wellness policy will be drafted and presented in the August Policy Committee meeting.

Commissioner Powell expressed reluctance to wait another two months until the next meeting for a draft Wellness policy to be presented, particularly since the updated Family Life/Sexual Health section has been available for some time.

Commissioner Adams noted that the Wellness Task Force had other recommendations for revising the policy, such as food and nutritional standards. She reported that quite a few changes have taken place since the Family Life/Sexual Health draft was composed approximately one year ago. Commissioner Adams stated that there has been a strong consensus among the members of the Wellness Task Force to maintain stricter food and nutrition standards than established under the Trump administration. She urged updated regulations to be developed, particularly in light of a lack of compliance at the school level. Commissioner Adams reported that very few schools in the District are in compliance with the current Wellness policy, and requirements regarding recess, nutrition standards, elementary health education curriculum, and food sold in vending machines are not being met. Mr. Kristoff suggested that the regulations be updated after the policy changes have been adopted.

Commissioner Powell observed that the regulations have not been updated since 2012, and requested that Dr. March and Mr. Cotto provide recommendations regarding the updates that are needed. Mr. Kristoff replied that Dr. March and Mr. Cotto could submit a report to the Policy Committee regarding recommended updates to regulations after the policy changes have been adopted.

Action Item: In the August 10th Policy Committee meeting, Mr. Kristoff will present proposed amendments to the Wellness policy (5405) that incorporate the recommendations of the Wellness Task Force and the draft *Family Life/Sexual Health* policy.

IV. Changes in Policies based on the New York State School Boards Association (NYSSBA) Policy Update Service

Ms. Flanagan referred to the spreadsheet summarizing the policies in need of revision, based on recommendations from the NYSSBA Policy Update Service. The spreadsheet contains a list of all policies to be updated from the time the District began subscribing to the Policy Update Service in September 2011 to the present. Ms. Flanagan explained that the policies highlighted in yellow or blue were deemed a priority by the General Counsel. Those highlighted in blue

have been drafted, and are being presented in this evening's meeting for review. The policies highlighted in yellow have not yet been drafted. Ms. Flanagan noted that several NYSSBA updates have been issued in some cases, each of which has to be incorporated into existing District policy.

Commissioner Adams inquired about the basis for prioritizing the policies to be updated. Mr. Kristoff replied that priorities were assigned for various reasons, and cited the example of the Code of Conduct. He noted that this policy was just updated in 2016, and the most recent NYSSBA update was issued in 2012. Mr. Kristoff noted that some of the policies have not been reviewed or updated since 1998. He added that he has reviewed and edited the draft policies prepared by Ms. Flanagan.

Commissioner Powell pointed out that although the language of the Compensatory Education policy (4325) has not been changed, the Policy Committee has received annual reports about implementation of the policy. She noted that there has not been a reason to modify the policy because the impact depends on implementation, which is the domain of the Superintendent.

A. Education of Homeless Students policy (5110)

Ms. Flanagan explained that the proposed changes in the Education of Homeless Students policy reflect changes in federal law under the *Every Student Succeeds Act* and the recently enacted NYS 2017-18 budget bill. She referred to the changes in the federal law, which were much more specific than the revisions in the NYSSBA sample policy. She explained that this is one of the reasons for the difference between the sample policy and the draft proposed policy, which also includes several new sections for clarity: definitions, rights of homeless children, school selection and placement for homeless children, and procedures to expedite admission to school and to coordinate services.

Commissioner Powell questioned the inclusion of trailer parks in the definition of "temporary" housing, since some families may live in a mobile home as their permanent residence. She asked whether this definition applies specifically to situations in which the family owns the trailer, but not the property on which it is located.

Commissioner Cruz pointed out that substandard housing is a major issue in the City. Commissioner Powell added that substandard housing can lead to homelessness.

Mr. Kristoff clarified that the primary consideration is whether the housing is "fixed, adequate, and regular" and intended for use as a residence. He stated that each of these factors require further inquiry into the family's circumstances, which is why liaisons for homeless children are needed.

Commissioner Adams asked about the way in which substandard housing would be linked to benefits for homeless children and families under the law. Mr. Kristoff responded that if the substandard housing is temporary, then the family would be considered homeless under the legal definition. Conversely, if the housing is

substandard and intended to serve as a permanent residence, the family would not be considered homeless.

Ms. Flanagan explained that even if permanent housing is obtained for a homeless child, they have the right to remain in the same school until the end of the school year. If the following school year will be their final grade at the school, the child has the right to continue attending the school for another year. This is in an effort to provide educational stability for these children. She noted that school districts must also provide transportation to these students for this period of time, and pending all appeals of disputes.

Commissioner White suggested sending a copy of the finalized *Education of Homeless Students* policy to NYSSBA to use as an example.

Commissioner Cruz inquired about plans to communicate these requirements to key District staff and departments (e.g. Placement Office, Transportation Department). Mr. Kristoff replied that the requirements and expectations would be contained in an administrative regulation and addressed by the Administration.

Commissioner Powell observed that staff governed by the federal McKinney-Vento Act generally are quite aware of legal and regulatory changes. She noted that there are also advocates for the homeless in the community and internally in the District.

Ms. Flanagan stated that federal law also requires that information about a homeless child's living situation be considered part of the student record, requiring confidentiality under the *Family Educational Rights and Privacy Act* (FERPA).

Commissioner White pointed out that accompanying regulations are needed for this policy to ensure that District staff are aware of the rights of homeless children, the school selection and placement process, and legal mandates. He emphasized the importance of integrating the policy and regulation into staff professional development and to conduct ongoing monitoring to ensure compliance.

Commissioner Adams noted that past practice has been to assign a Cabinet member responsible for developing clear regulations to accompany each policy, ensure that policy and regulatory guidelines are integrated in staff training, and conduct ongoing monitoring of implementation. She expressed concern that the District has relaxed these practices, and underscored the importance of establishing standard procedures and consistency in decision-making.

Commissioner Powell suggested developing webinars for staff training regarding policy and regulatory guidelines, since this modality can be offered as needed. She stated that staff members' attendance can also be tracked as part of implementation and compliance monitoring.

Commissioner Adams noted that this staff development approach is used at the University of Rochester and failure to attend mandated professional development sessions results in disciplinary action.

Commissioner Cruz proposed that the Superintendent's letter to all RCSD principals contain a link to the webinars. He also discussed the importance of having a systematic process for adopting policies, developing regulations and procedures, and incorporating this into staff training.

Commissioner Powell asked how staff members know when a policy has been updated, or the specific content that has been changed.

Commissioner Cruz commented that staff are supposed to be notified and given guidance through administrative regulations, but the regulations are not following the policies.

Commissioner Adams stated that these concerns reflect the need to have Cabinet members assume responsibility for monitoring specific policies: to ensure that accompanying regulations are developed; policies and regulations are reflected in staff training; and that policies and regulations are implemented with fidelity.

Ms. Flanagan asked whether a member of the Cabinet has been assigned to coordinate development of regulations and implementation of the *Education of Homeless Students* policy. Mr. Kristoff replied that this has not yet been done.

Commissioner Adams contended that developing regulations, staff training, and monitoring implementation of specific policies should be clear to department directors and administrators as a natural and obvious part of their work responsibilities. As an example, she stated that it should not have to be pointed out to the Director of Student Placement that they are responsible for developing regulations to accompany the Placement policy or for training staff regarding the policy and regulation.

Commissioner Adams maintained that there must be a return to the practice of connecting the work performed in the District to policies/regulations, with monitoring at the Cabinet level. She noted that regulations, policies, and procedures/protocol are essential to a complex organization to enable staff members to perform their work correctly and consistently. Commissioner Adams pointed out that these practices have been noticeably lacking in the District.

Mr. Kristoff remarked that the Superintendent is acutely aware that many of these practices and guidelines are missing in the District, even such simple items as staff manuals/handbooks. He assured that a major emphasis will be made to rectify this situation and put guidelines in place.

Commissioner Adams pointed out that addressing the need for standardized practices and guidelines seemed to be more of a focus at the beginning of the Superintendent's

tenure than it is now. Mr. Kristoff replied that he has observed a great deal of effort expended in trying to address daily issues that arise because of a lack of guidelines/protocols.

Commissioner Adams emphasized that this is exactly the point she is making.

Commissioner Powell commented that high-level staff make spontaneous decisions based on needs and demands at the moment, and no information is recorded regarding the situation, options considered, the final decision rendered, or the rationale for the final decision. This pattern leads to a lack of consistency or ability to improve practices. She stated that each Cabinet member should develop standard operating procedures for the staff in their jurisdiction, and Cabinet members should compare procedures after one year to identify areas of duplication or inconsistency.

Mr. Kristoff responded that this work is currently under way, noting that the Cabinet expends a great deal of time trying to understand the ways in which each decision affects different departments/operations in the District. He asserted that there will be much greater cohesion in addressing these processes in the future because of personnel changes that have been made. Mr. Kristoff explained that each major decision must be approved by the Superintendent, and a record is maintained regarding the rationale and options considered. He acknowledged that professional development is another significant effort needed throughout the organization because staff training has either been inadequate or unfocused. He emphasized that the Superintendent is working to change these aspects of the organization.

Commissioner White observed that the Superintendent has tried to clear her calendar to minimize the extent to which she has to respond to daily demands/requests, so that she can focus on larger systems issues and options for putting these structures in place. He asserted that Superintendent Deane-Williams is in the best position to implement necessary systemic changes of any recent superintendent the District has had.

Commissioner Powell asserted that this discussion will enable Mr. Kristoff to present the perspective of the majority of Board members to the Administration regarding policies, regulations, and implementation. Mr. Kristoff noted that a Cabinet member will be designated responsible for each policy as the Policy Committee proceeds with updating the Policy Manual. He stated that the Cabinet member will be responsible for developing and updating the accompanying regulations and monitoring implementation, but this process will take time.

Regarding the five policy drafts presented in this evening's meeting, Mr. Kristoff announced that the intent is simply to inform Committee members of the work in process, since none of the proposed policies have been reviewed by the Cabinet. He suggested that discussion of the merits of each proposed policy be suspended until the Cabinet has had an opportunity to provide input.

Commissioner Powell stated that if members of the Cabinet do not suggest any major changes to the draft policies, Committee members should be prepared to cast their vote on each policy proposal in the August meeting. She asked her colleagues to submit any questions or concerns about the proposed policies to Mr. Kristoff and Ms. Flanagan.

Ms. Flanagan continued reviewing the changes proposed to the *Education of Homeless Students* policy. She reviewed the definition of “school of origin”, which includes:

- The public school the homeless child attended before becoming homeless; or
- The public school in which the child was last enrolled; or
- The public school in which the child was eligible to enroll before becoming homeless (including PreK and Kindergarten); or
- The designated receiving school for any feeder school in which the child completed the final grade.

Ms. Flanagan explained that homeless children have the right to attend either their school of origin, or a school in the area in which they are currently living. She pointed out that federal law requires school districts to determine school selection and placement based on the child’s best interests, although there is a presumption that the school of origin should be the first choice. Ms. Flanagan discussed situations in which there is a dispute between the school district’s determination regarding school placement and the parents’ or unaccompanied minor’s choice of schools. She stated that federal law requires that the child be placed in the school chosen by their parents or by the unaccompanied minor until the dispute has been resolved, which includes all appeals.

Commissioner Powell expressed concern about this requirement, noting that it has to be subject to capacity and availability of seats at the school. She stated that the school should also be in the zone in which the child currently resides. Mr. Kristoff maintained that there is flexibility in the law, and a lack of capacity would be considered a “hold harmless” condition in which the District is unable to fulfill the preferences of the parents or unaccompanied minor.

Action Item: Mr. Kristoff will present the proposed changes to *Education of Homeless Students* policy (5110) to the Cabinet, and identify a Cabinet member assigned to developing, implementing, and monitoring the accompanying regulations.

B. Student Records and Privacy (5500)

Ms. Flanagan stated that the changes to the *Student Records and Privacy* policy (5500) essentially reflect the requirement that information regarding a homeless student’s living situation be treated as part of their record, requiring a high level of confidentiality. This information is not considered student directory information,

which can be shared with external third parties (e.g. colleges, prospective employers, military recruiters).

Motion by Commissioner Cruz to approve proposed amendment of *Student Records and Privacy* policy. Seconded by Commissioner Adams. **Adopted 3-0.**

C. Student Harassment and Bullying Prevention and Intervention (0115)

Commissioner Powell pointed out that the NYSSBA sample policy identifies a number of areas for the Board of Education to tailor the provisions according to their needs, circumstances, and priorities, such as the information to be included in reports about bullying. Although school districts are mandated to include bullying in the Violent and Disruptive Incident Report (VADIR) that is submitted to the State, Commissioner Powell acknowledged that she does not know the specific data captured in the RCSD information system. She stated that she does not want to create burdensome reporting requirements, but the underlying issues cannot be addressed without knowing why and where bullying is occurring.

Commissioner Adams stated that information is needed to track the extent to which bullying is occurring throughout the District or concentrated in particular schools. She noted that this data can also indicate patterns in the types of students who are being targeted by bullying, such as transgender students.

Commissioner Powell commented that data reporting requirements cannot be established in policy without knowing the specific data currently captured in the information system. She requested her colleagues to consider the specific data needed to be able to address underlying factors contributing to student bullying, and suggested inviting the IT Director to an upcoming Committee meeting.

Commissioner Adams pointed out that one of the requirements in the Code of Conduct is to develop a tracking system for each disciplinary referral that results in a student losing instructional time. She suggested that this system could possibly be modified to include tracking of student bullying situations.

Commissioner Adams noted that bullying is quite pervasive, but should not be minimized because of the potential severity in terms of children's mental health. She added that continuous, unresolved bullying among students has led to many subsequent disciplinary incidents in the District.

Commissioner Powell suggested presenting the proposed policy to the Cabinet for review, and returning it to the Policy Committee for the August 10th meeting for consideration. She stated that the specific data reporting elements can be discussed after upgrades to the District's IT system have been completed (i.e. January 2018).

Action Item: Mr. Kristoff will present the proposed *Student Harassment and Bullying Prevention and Intervention* policy to members of the Cabinet for their review and input, and report back in the August 10th Policy Committee meeting.

D. District Policy Prohibiting Harassment or Discrimination of Students or Employees (0100)

Mr. Kristoff stated that the draft changes to this policy are designed to address the differences between developing federal law and existing NYS law. He noted that State law contains higher standards, which are reflected in the proposed policy.

Commissioner Hallmark referred to the definition and overview of harassment in this policy, particularly the section stating that it includes “conduct [that] has the purpose or effect of unreasonably interfering with the harassed individual’s educational or work performance, or creating an intimidating, hostile or offensive learning or working environment.” She asked whether this provision applies to all District employees, including Board members. Mr. Kristoff confirmed that the policy covers all RCSD employees, including Board members.

Commissioner Hallmark inquired whether disciplinary action could be taken against an employee or a Board member for violating this policy. Mr. Kristoff confirmed that disciplinary action could be taken in these instances because violation of the policy would be considered official misconduct. He added that a Board member could be removed from office for misconduct, thereby enabling the Board of Education to hold its members accountable.

Action Item: Mr. Kristoff will present the proposed changes to the *District Policy Prohibiting Harassment and Discrimination of Students or Employees* policy to members of the Cabinet. He will present their comments and suggestions in the August 10th Policy Committee meeting.

E. Employee Obligations Surrounding Reporting of Suspected Child Abuse and Neglect (5460)

Mr. Kristoff reported that this policy has been updated to include incidents in an educational setting.

Ms. Flanagan pointed out that a technical change has been proposed to this policy because NYS regulations now prohibit school districts from requiring Child Protective Service (CPS) employees to verify their identity by providing their drivers’ license. Apparently, there have been instances in which CPS workers’ drivers’ licenses have been copied, thereby compromising their privacy and safety. To verify CPS employees’ identity, only photo identification issued by their employer may be requested.

Despite the fact that a technical amendment is proposed to the policy, Mr. Kristoff stated that he would like to submit the proposal to the Cabinet before submission to the full Board for consideration.

Action Item: Mr. Kristoff will present the proposed changes regarding *Employee Obligations Surrounding Reporting of Suspected Child Abuse and Neglect* policy (5460) to the Cabinet, and report their comments to Committee members in the August 10th meeting.

V. Discuss Proposed New Policy regarding De-Escalation of Crisis Situations

Mr. Kristoff noted that the proposed new policy regarding De-Escalation of Crisis Situations has been reviewed by the Cabinet and by staff members from the Empire Justice Center. He stated that this policy was developed in response to concerns raised by members of the Empire Justice Center regarding Special Education practices in the District.

Since all present expressed support for the proposed policy, Commissioner Powell suggested that it be introduced in writing to the full Board as an Information Item. She stated that the proposal can be addressed as a Discussion Item in the July 27th Business Meeting, and considered for adoption in the August 24th meeting.

Motion by Commissioner Adams to approve the proposed *De-Escalation of Crisis Situations* policy. Seconded by Commissioner Cruz. **Adopted 3-0.**

Action Item: Ms. Flanagan will prepare a cover memo and distribute the proposed *De-Escalation of Crisis Situations* policy to all Board members as an Information Item before the July 27, 2017 Business Meeting.

VI. Discuss Development of a Policy regarding Field Trips and International Travel

Mr. Kristoff noted that the existing administrative regulation governing field trips and travel has some gaps, and there is no corresponding Board policy. He added that the NYSSBA sample policy is presented as a useful starting point.

Action Item: Mr. Kristoff will present a draft policy regarding Field Trips and International Travel in the August 10th Policy Committee Meeting.

VII. Consider Request for an Exception to the Parent Preference/Managed Choice policy (5153)

Mr. Kristoff presented a request for an exception to the Parent Preference/Managed Choice policy to allow a child to attend a school outside of their current zone of residence to be with their older sibling. He noted that this request has been reviewed and approved by the Cabinet.

Mr. Kristoff reported that the older child in the family has been attending School No. 23 and the family has requested sibling preference to enable their younger child to attend this school, which is currently outside of the zone in which they reside. From the family's report, they had been promised by a former superintendent that the younger sibling would be able to go to School No. 23.

Commissioner Powell pointed out that when the family moved out of the South Zone (where School No. 23 is located), they relinquished the right to claim sibling preference for attending a school in this zone. She emphasized that the intent of the policy was to have students transfer schools when their family moves outside of the zone in which the school is located, but this has not been done in practice. Commissioner Powell added that this case is also based on the presumption that the older child has the right to continue attending a school outside of their zone, which is contrary to the policy.

Commissioner Adams contended that the Parent Preference/Managed Choice policy allows students to remain in the same school when the family moves outside of the zone in order to promote educational stability for District children.

Commissioner Powell pointed out that this has been the practice in the District, but it contradicts the policy. She stated that the policy requires students to transfer schools when their family moves to a different zone. Commissioner Powell asserted that the District's practice of routinely allowing students to remain in the same school when their family moves outside of the zone has caused substantial inefficiencies in bus service and exorbitant transportation costs. She stated that large numbers of students now attend school outside of their zone, and it is out of control.

Commissioner Adams stated that these practices seemed to be in the interest of supporting the student's educational stability. She suggested that the family requesting the policy exception at least be offered an opportunity to have the older child transfer into a school in their new neighborhood.

Commissioner Powell explained that conversations held over the years with administrators in the Placement Office have assured the Board that staff are working to strengthen zone boundaries. She stated that proper implementation of the Parent Preference/Managed Choice policy would require all of the children to move to a school in their new zone when the family moves. Commissioner Powell objected to the request for an exception being based on the older child attending a school outside of their zone to also justify placing the younger child outside of their zone. She contended that a policy violation is essentially being used to justify a further exception to the policy. She noted that allowing the younger child to attend school outside of their zone will lead the District to incur further increased transportation costs for another 8 years (K-6). Commissioner Powell stated that it is very disconcerting that a policy exception is being requested on the basis of a false premise.

Commissioner White expressed concern about the promise that was made by a former superintendent, noting that this is a matter of justice in following through with promises that have been made to the family. He stated that the family relied on this promise to make their plans and decisions.

Commissioner Hallmark questioned whether such a promise was actually made to the family, and whether this could be verified.

Commissioner White concurred that better information and verification are needed to ensure the factual basis for the request. He added that if a promise was actually made to the family that

their younger child could attend School No. 23 with their older sibling, the District should honor this promise.

Commissioner Cruz agreed, pointing out that this is an issue of fairness to the family.

Mr. Kristoff asked the members of the Committee whether they would be prepared to grant the request for a policy exception, if the information has been verified as accurate. He noted that if Committee members would be prepared to grant an exception, then the facts need to be verified. But if a policy exception would not be considered even with this verification, there is no point pursuing this request.

Commissioner Cruz responded that if the factual basis for the request has been verified, he would approve the request for a policy exception. He stated that if a promise was made that the family relied upon in making their decisions, the request must be honored.

Commissioner Adams agreed.

Commissioner Powell questioned the value of having zones or the Parent Preference/Managed Choice policy if it is not going to be followed.

Commissioner Adams maintained that this is a systemic issue that reflects the arguments she made earlier about the importance of protocol/procedures and consistency in the District.

Commissioner Powell declared that exceptions cannot continue to be granted, and stated that she would not support the request even if the facts have been verified.

Commissioner White stated that he would grant the request for a policy exception because verification would indicate that a promise had been made to the family.

Commissioner Hallmark replied that she would also approve the policy exception if verification is provided because of the promise that had been made to the family. She added that she would also want to caution the Superintendent about making these types of promises.

Commissioner Powell added that a resolution will be needed for the full Board to vote on the request for the policy exception.

Motion by Commissioner Cruz to adjourn. Seconded by Commissioner Hallmark. **Adopted 3-0.**

Meeting adjourned at 8:32PM.