

ROCHESTER BOARD OF EDUCATION
Policy Review and Development Committee Meeting

August 15, 2017

MINUTES

Attendance

Commissioners – Commissioner Powell (Chair); Commissioners Adams and White (arrived 6:09PM).

District Staff – Steve Carling, Deputy General Counsel

Board Staff – Debra Flanagan

Commissioner Powell called the meeting to order at 6:01PM.

I. Review Minutes of the June 29, 2017 Policy Committee Meeting

Motion by Commissioner Adams to approve the minutes of the June 29, 2017 Policy Committee meeting. **Adopted 2-0.**

II. Discuss Proposed Revision of the Wellness Policy (5405)

Steve Carling reported that the Wellness policy proposal has been reviewed and approved by the Executive Cabinet, which also recommended adding a provision regarding staff being mindful of food labels and the type of food consumed when children are present.

Commissioner Adams suggested that the proposed policy revisions be reviewed by the district-wide Wellness Task Force for accuracy and comprehensiveness, particularly since their recommendations were made some time ago and laws and regulations may have changed since that time. She also recommended submitting the proposed policy to community partners who have been instrumental in developing and promoting implementation of the policy (e.g. Healthi Kids, Alliance for a Healthier Generation, Greater Rochester Health Foundation).

Commissioner Adams explained that leadership of the Wellness Task Force has been transferred to the Administration, since the current focus is on policy implementation. She stated that NYS guidelines require a district-level wellness committee that has the authority for direct implementation of initiatives. Commissioner Adams noted that the transfer in the Task Force leadership was based on these guidelines.

Action Item: The proposed revisions to the Wellness policy (5405) will be circulated to the members of the district-wide Wellness Task Force and to community partners for review to ensure that the policy proposal is accurate and reflects all changes in law and regulation to date.

Commissioner Powell stated that feedback from the Wellness Task Force and community partners will be requested well in advance of the October 26th Business Meeting, in which Board members will consider adopting the proposed amendments to the Wellness policy.

Motion by Commissioner Adams to approve the proposed revision of the Wellness policy. Seconded by Commissioner White. **Adopted 3-0.**

III. Discuss Proposed Amendment of the *District Policy Prohibiting Harassment or Discrimination of Students and Employees (0100)*

Commissioner Powell recalled that the proposed changes to this policy were discussed in the June 29th Policy Committee meeting, but the policy proposal was not advanced because General Counsel wanted to obtain feedback from the Cabinet. She asked about the Cabinet's perspective on the proposed revisions to the *District Policy Prohibiting Harassment or Discrimination of Students and Employees (0100)*. Mr. Carling reported that the proposed policy changes have been reviewed and approved by the Executive Cabinet.

Debra Flanagan noted that the substantive changes to the policy were made to comply with the NYS *Dignity for All Students Act*, and the remainder of the revisions were for the sake of clarity.

Commissioner Powell commented on the civil rights protections in the policy that are based on military or veteran status, since it has been some time since veterans have been harassed or discriminated against in the United States. Mr. Carling explained that reservists have had difficulty obtaining or retaining employment because of the possibility of being called into military service at any time and for multiple deployments.

Commissioner Powell questioned the reference to "military work or status" in one section of the policy, but only to "military status" in another section. Mr. Carling clarified that "military status" refers to an individual's status as a member of the military, whereas "military work" refers to employment for the military and includes protections for civilian contractors and based on the type of work performed. He stated that these protections are also covered under federal and state law.

Motion by Commissioner White to approve amendments to the *District Policy Prohibiting Harassment or Discrimination of Students and Employees (0100)*. Seconded by Commissioner Adams. **Adopted 3-0.**

IV. Review New Proposed *Student Harassment and Bullying Prevention and Intervention Policy (0115)*

Ms. Flanagan explained that this new proposed policy is based on an example provided by the New York State School Boards Association (NYSSBA).

Mr. Carling clarified that the proposed policy is needed to comply with the *Dignity for All Students Act*, whereas the *District Policy Prohibiting Harassment or Discrimination of Students and Employees (0100)* provides protections covered by federal and state law. He stated that the proposed *Student Harassment and Bullying Prevention and Intervention* policy is much broader in scope than the *District*

Policy Prohibiting Harassment or Discrimination of Students and Employees (0100) because the latter policy only applies to individuals in specific protected classes.

Commissioner White asserted that the District should have a similar anti-bullying policy for employees. Mr. Carling replied that there is no similar state or federal law regarding protection of adults.

Commissioner Adams questioned whether employees would be protected under the *Code of Ethics* (2160). Mr. Carling reported that the District has attempted to address situations of harassment/bullying of employees under the *Code of Conduct* (1400), but a more specific policy applicable to these situations is needed. He stated that action can only be taken currently if it can be shown that the harassment/bullying is based on an employee's protected status (e.g. race, religion, gender, etc.). Mr. Carling pointed out that a policy addressing employee harassment/bullying would be useful if the Board's intent is to improve workplace conditions. He added that such a policy would also create a cause of action against the District that does not currently exist, but that would be the tradeoff.

Action Item: Mr. Carling will discuss with General Counsel the possibility of creating a policy to address harassment/bullying of District employees.

Commissioner White expressed concern about implementation of the proposed Student Harassment and Bullying Prevention and Intervention policy, particularly in terms of accountability, data and reporting.

Commissioner Powell inquired whether Cabinet members had any recommendations regarding the type of data to include in reports monitoring student bullying. Mr. Carling replied that Karl Kristoff, General Counsel, had not provided him with this level of detail.

Commissioner Powell pointed out that the proposed policy needs to address data and reporting requirements, specifically regarding the type and level of detail to be provided to enable the Board to monitor student bullying. She questioned whether existing Violent and Disruptive Incident Reports (VADIR) would be adequate for this purpose. Mr. Carling noted that VADIR is required to track and report student bullying as a separate category of incidents.

Commissioner White read the following provision in the proposed policy: "As part of the annual review of the *Code of Conduct*, this policy will be reviewed to assess its effectiveness and compliance with state and federal law. If changes are needed, revisions will be recommended to the Board of Education for consideration." He noted that this provision ensures regular annual review and opportunity to change reporting requirements, if necessary. Mr. Carling stated that the proposed policy also requires the VADIR report to be provided to the Board for each school and for the entire District. He explained that VADIR reflects current monitoring and reporting, but is only provided on an annual basis.

Ms. Flanagan recalled the discussion in the last Policy Committee meeting regarding monitoring/reporting of student bullying. She pointed out that Committee members had suggested that reports include data regarding the number of bullying incidents over a period of time for the entire District and for each school, with detail regarding the types of students who have been targeted (e.g. race, ethnicity, religion, disability status, gender/gender identity/gender expression, sexual orientation, etc.).

Ms. Flanagan reported that Committee members had expressed concern about including these data elements in reporting requirements because of a lack of knowledge about the current capability of the system to capture this specific information, and in light of system upgrades that are planned for the end of this year. With respect to this discussion, Ms. Flanagan stated that Committee members had planned to revisit this aspect of the policy in January 2018 and invite the Director of Information Management & Technology to discuss the data and reporting capabilities of the upgraded system in an upcoming Policy Committee meeting. Mr. Carling added that the District is performing a major upgrade to PowerSchool in January 2018.

Commissioner Powell asked about the timing of providing the VADIR report to the Board. She pointed out that the Board currently receives student suspension reports much more frequently than once a year, and questioned the rationale for not being able to provide the VADIR report more frequently. Mr. Carling replied that the annual VADIR report is due for submission to the NYS Education Department in July every year.

Commissioner Adams observed that a great deal of bullying occurs that does not reach the level of VADIR reporting, and inquired how the District is tracking these incidents. She expressed concern about the District's current ability to track student bullying adequately. Mr. Carling responded that if student bullying is reported, it should be included in VADIR.

Commissioner Powell stated that the Director of Information Management & Technology has reported that the system upgrade will include better tracking of student bullying in VADIR beginning in January 2018.

Commissioner Adams clarified that she is referring to incidents of student bullying that do not reach the level of VADIR.

Commissioner Powell responded that if staff are not reporting student bullying incidents, there is not much that the Board can do to rectify it.

Mr. Carling contended that adopting the proposed policy may result in a greater number of incidents being recognized as bullying and a greater tendency to report them due to greater staff awareness of these issues.

Commissioner Adams referred to a clause in the proposed policy regarding providing individual tutoring or independent study to students who feel unsafe, pointing out that the District currently is unable to provide these services to students with medical needs or who have been suspended. She contended that this provision should not be included in the policy if the District is not able to implement it. Commissioner Adams also pointed to the need to define/identify when a case has been resolved to determine the length of time for providing accommodations for the targeted student.

Commissioner Powell expressed concern about potential liability issues involved in offering services that are not actually being provided.

Commissioner Adams commented on the importance of establishing a Board-level appeal process in the regulation accompanying this policy, thereby enabling students to appeal the outcome of District investigations of bullying.

Commissioner Powell remarked that the 15-day timeframe for rendering a decision on an appeal is problematic, as evidenced by the difficulties currently experienced in meeting the deadlines for long-term suspension appeals. She noted that it has been difficult to obtain feedback from Board members or to find a time to meet when a quorum is available within the requisite timeframe.

Commissioner White recommended that Board staff member Kallia Wade assume responsibility for appeals of student harassment/bullying investigations, commending her ability in managing long-term suspension appeals. He asserted that the number of bullying/harassment appeals should become more manageable after the initial wave of requests. Mr. Carling added that he does not think that there will be a large number of cases requesting Board review because children are reluctant to report bullying.

Commissioner Powell discussed children's reluctance to report bullying out of embarrassment or fear of retaliation. She expressed the hope that the District's use of restorative practices will foster a school climate conducive to reporting bullying incidents and supportive of students who have been the target of bullying.

Commissioner Adams agreed that restorative practices have the potential to shift school climate, but contended that there will always be some outliers who do not embrace these practices and have to be disciplined in other ways. She discussed the complexity involved in encouraging students to report incidents, while also promoting the value of relationships and a real sense of community within the school.

Commissioner Adams suggested linking the proposed policy with the *Code of Conduct*, and coordinating publishing of both policies simultaneously. She recommended including this as a requirement in the "Dissemination, Monitoring, Review, and Reporting" section of the proposed *Student Harassment and Bullying Prevention and Intervention* policy. Mr. Carling suggested including a link to the Bullying Complaint Form in the proposed policy and in the *Code of Conduct*. Ms. Flanagan offered to include a link to the proposed policy beside the *Code of Conduct* in the Table of Contents of the Policy Manual.

Action Item: Mr. Carling will discuss with Karl Kristoff, General Counsel, the Policy Committee's request for more frequent reporting of student bullying than the annual VADIR report. He will discuss the possibility of providing a student bullying report on a monthly basis, as is done currently with student suspensions.

Commissioner Adams asserted that she does not want student bullying to be tied to the VADIR report because this report does not adequately capture all of the instances of bullying.

Commissioner Powell stated that data may be entered into the system in real time, although the VADIR report is only generated on an annual basis. She contended that the District should be able to provide a student bullying report to the Board in conjunction with the monthly student suspension report. Mr. Carling inquired whether the student suspension report includes incidents that have been averted

because of the use of restorative practices. He explained that student bullying could be included in these reports because these incidents are treated in the same way as any other type of disciplinary incident. Mr. Carling added that a student would be suspended for bullying if the incident rose to a level that warranted suspension, just as with other disciplinary incidents.

Commissioner White asked about the timing of entering information into the VADIR system regarding student disciplinary incidents. Mr. Carling replied that the information is entered into the system throughout the year, and aggregated at the end of the school year to generate the report that is submitted to the State Education Department.

Commissioner White explained that reporting on student bullying only once a year impedes meaningful action because the information is no longer relevant or timely.

Commissioner Powell observed that student suspension data is currently provided to the Board on a monthly basis, with a breakdown for each school. She asked whether this data is generated monthly. Ms. Flanagan pointed out that student suspension data is contained in the District's SPA Data Warehouse, which contains data for each school, an unduplicated count of the number of students suspended, and various categories of incidents. She explained that the Data Warehouse has been the source she has used for reports and presentations regarding student suspension.

Commissioner Powell questioned the necessity for the proposed policy to specify information and reporting requirements, if the data can be extracted from the Data Warehouse as needed.

Commissioner White contended that a data and reporting requirement is necessary to include in the policy because it serves to notify the Administration of these expectations. He added that this requirement is also important in the event that Board staff members have problems accessing the data.

Commissioner Powell asked about the extent to which Board staff are able to obtain the needed data without having to rely on District staff. Ms. Flanagan replied that she has access to the Data Warehouse and therefore can extract the data whenever necessary.

Mr. Carling noted that the information in the Data Warehouse is updated as District staff enter data into the system. He asked whether non-suspension disciplinary referrals are included in this data. Ms. Flanagan clarified that the information in the Data Warehouse only reflects incidents that have resulted in student suspension. Mr. Carling pointed out that the true incidence of student bullying will not be reflected in this data because it only includes incidents that result in suspension.

Commissioner Powell asserted that the systems update planned for January 2018 will correct this problem by including all disciplinary referrals – not only those that result in suspension.

Commissioner Adams discussed the importance of ensuring that staff are following procedures and reporting incidents consistently.

Commissioner Powell noted that staff cannot currently report on incidents that do not result in suspension because the database does not contain the fields for entering this data, and this will have to

be changed. Mr. Carling pointed out that every school probably has dozens of referrals every day for incidents that do not result in suspension.

Commissioner Adams suggested endorsing the highlighted statements in the proposed *Student Harassment and Bullying Prevention and Intervention Policy* (0115) that stipulate: “More detailed reporting regarding bullying in the District is under consideration by the Executive Cabinet.” She stated that Cabinet members can provide information about specific data elements that can be captured and reported, particularly with the planned system upgrades. Commissioner Adams discussed the need to have information about students who have been targeted by bullying, and who are in need of counseling or move to a different school. She asserted that these are some of the most relevant measures in examining the impact of student bullying in the District.

Commissioner Powell expressed concern about leaving a statement in the proposed policy that does not define expectations and leaves the data, monitoring and reporting “to be determined”.

Action Item: The proposed *Student Harassment and Bullying Prevention and Intervention Policy* (0115) will be reviewed by the Cabinet for input regarding the specific data elements currently captured in the system and available through planned upgrades in January 2018.

Ms. Flanagan projected the VADIR data from the SPA Data Warehouse onto the screen to give Committee members information about the data currently available and the way in which it is presented. She showed student bullying in the list of various categories of incidents. Mr. Carling pointed out that incidents are categorized based on the specific code entered by staff.

Commissioner Adams asked about the way in which this process is operationalized, and the criteria used by staff to distinguish one type of incident from another.

Commissioner White questioned whether this level of detail should be included in the policy, suggesting that it seemed more appropriate to include in the regulation. Mr. Carling concurred that policies should not include this level of detail. He stated that the policy can direct the Administration to provide more frequent reports or specify the additional detail to be included in reports about student bullying.

Commissioner Powell observed that the figures in VADIR for “Other Disruptive Incidents” are too high. Ms. Flanagan stated that the “Other Disruptive Incidents” category is used as a catch-all, allows considerable staff discretion in reporting disciplinary incidents, and accounts for approximately 35% of all reported incidents. She stated that this categorization does not provide any information about the nature of the incident or indicate whether suspension was actually warranted.

Commissioner Adams recalled that Commissioner White has discussed developing a policy to address this issue. She suggested that the timing is advantageous for advocating for such a policy, particularly in establishing a requirement for staff to explain and provide additional detail when reporting “Other Disruptive Incidents”.

Commissioner White pointed out that many other school districts are eliminating the “Other Disruptive Incidents” category entirely.

Mr. Carling noted that some of the other incident categories (e.g. “IHMB without physical contact”) could include bullying.

Commissioner White stated that Superintendent Deane-Williams has reported that the number of incidents and student suspensions have not been declining. He asked whether this reflects reporting issues, or the actual number of incidents. Mr. Carling noted that the total number of incidents for 2016-17 appears to be much lower than for previous years, which may be due to preventive efforts and/or early intervention reducing the number of incidents rising to the level of suspension referrals.

Commissioner Adams reported that the suspension data up to 2013-14 is not valid. Mr. Carling noted that there is little difference in the data reported for 2013-14, 2014-15, and 2015-16. Ms. Flanagan stated that there have been problems in the past with student suspension data because schools used a multitude of methods to track and report suspensions, from entering into the Data Warehouse to recording on a separate Excel spreadsheet. She added that she does not know the extent to which this continues to be a problem.

Commissioner White suggested addressing the accuracy and validity of student suspension data with the Administration in an upcoming Leadership Meeting.

Action Item: Ms. Flanagan will ask the Board Clerk to include discussion of the accuracy and validity of student suspension data in an upcoming Leadership Meeting.

Mr. Carling acknowledged that the data for 2014-15 and 2015-16 is artificially low because schools did not include incidents in which students were sent to “buddy schools” or sent home for being disruptive.

Commissioner Adams explained that many K-6 schools did not have enough staff to provide In-School Suspension (ISS), so these schools would send students to K-8 schools that did have ISS (i.e. “buddy schools”). Mr. Carling pointed out that this was one of the reasons that the Superintendent ensured that each school had In-School Suspension at the beginning of the school year.

V. Discuss Proposed Revision of *Employee Obligations Surrounding Reporting of Suspected Child Abuse and Neglect* policy (5460)

Mr. Carling reported that the Cabinet reviewed and approved the proposed changes to the *Employee Obligations Surrounding Reporting of Suspected Child Abuse and Neglect* policy.

Commissioner Adams inquired about provisions in the proposed policy to prevent a child’s absenteeism from school from prompting a referral to Child Protective Services (CPS). Ms. Flanagan replied that this is not addressed in the policy proposal, as the amendments are based on changes in the law. Mr. Carling noted that the only reference to CPS regards workers not having to use their drivers’ license as a form of identification, which reflects a change in NYS law. He stated that CPS workers are only required to show their government-issued identification to verify their identity to District staff.

Ms. Flanagan added that the only other legal requirement is to publicize the toll-free telephone number and website for reporting suspected child abuse or neglect, which has been included in the policy itself.

Commissioner Adams asked whether a regulation is associated with the policy. Ms. Flanagan located the corresponding administrative regulation (5460-R), and projected it onto the screen.

Commissioner Powell noted that the regulation was approved under the previous administration, and suggested that it be reviewed by the current superintendent. She pointed out that absenteeism/truancy is addressed in this regulation under “Impairment of emotional health”. Mr. Carling observed that this section of the regulation does not require a CPS referral for truancy.

Commissioner Adams reported that a letter was sent to a District parent regarding their child’s absenteeism, which stated that CPS would be contacted.

Commissioner Powell asserted that the school should discuss the child’s absenteeism with parents in an effort to understand the situation before threatening to contact CPS.

Motion by Commissioner Adams to approve the amendments to the *Employee Obligations Surrounding Reporting of Suspected Child Abuse and Neglect* policy. Seconded by Commissioner White. **Adopted 3-0.**

VI. Education of Homeless Students policy (5110)

As a follow-up to the last Policy Committee meeting on June 29th, Mr. Carling reported that the Chief of Accountability, Ray Giamartino, will be responsible for reviewing the proposed revision of the *Education of Homeless Students* policy and for developing accompanying regulations.

Ms. Flanagan explained that the amendments to the *Education of Homeless Students* policy (5110) are based on changes required under the federal *Every Student Succeeds Act* (ESSA).

VII. Review and Discuss Proposed New Educational Technology Policy

Mr. Carling noted that the Executive Cabinet reviewed the proposed *Educational Technology* policy, recommending that the policy be evaluated every five years to correspond with the term for Smart Schools funding. He explained that this is a change from the original requirement for policy evaluation to be done every two years.

Commissioner White expressed concern that conducting an evaluation once every five years would not provide sufficient monitoring of policy implementation or efficacy, and would not keep pace with rapid technological development to adequately assess or respond to student needs.

Commissioner Powell observed the similarity between monitoring and evaluation of the proposed policy and of the District’s Capital Improvement Plan, both of which are based on five-year funding cycles. She pointed out that an annual update of the Capital Improvement Plan is developed and provided to the Board, regardless of the five-year funding cycle. Commissioner Powell suggested that the same could be done for evaluation of the proposed *Educational Technology* policy.

Commissioner Adams discussed concerns about student privacy with the use of electronic devices, citing a case in which a student took a device home and the webcam on the device was used to view the student in the privacy of their room. She emphasized the need to protect students – particularly in the

privacy of their own home. Mr. Carling stated that the District has become quite aware of these concerns, particularly as RCSD students begin receiving Chromebooks to take home. He stated that approximately 200 District students will attend Monroe Community College and will be outside of the District network and filters. Since federal law requires school districts to protect students from being exposed to obscene or offensive material, the District will have to download Lightspeed monitoring onto these devices to restrict the websites to which students have access.

Commissioner Adams stated that she has corresponded with a staff member from the American Civil Liberties Union (ACLU) about digital technology and student privacy concerns, and suggested extending an invitation to an upcoming Policy Committee meeting.

Action Item: Ms. Flanagan will contact the ACLU staff member who has corresponded with Commissioner Adams to invite them to the October Policy Committee meeting to discuss digital technology and student privacy protections.

Mr. Carling stated that he will inform Karl Kristoff, General Counsel, of the Policy Committee's desire for more frequent evaluation of the proposed policy than every five years. He added that he will also incorporate *Internet Safety* (4325) and other related policies into the cross references.

Commissioner White explained that the intent in developing the proposed *Educational Technology Policy* was to promote the use of technology in a positive way for educational purposes. He discussed the necessity for a policy to instruct the District to utilize next-generation technology to enable students to be college- and career-ready. He acknowledged that the proposed policy must also address unintended consequences from advancing the use of sophisticated technology.

VIII. Updated Policy Deliverables Matrix

Mr. Carling reported that the Administration would like to propose that all policy deliverables (reports/evaluations) be due in the same month, rather than staggered throughout the year.

Ms. Flanagan recalled that the Administration's initial objection to the Policy Deliverables Matrix was that the deadlines for many of the reports/evaluations fell at the same time of year, which was creating an undue burden for staff.

Mr. Carling stated that the information he has received simply states that this item is pending with the Administration.

Commissioner White remarked that this issue has been pending with the Administration for a long time, and he recommended addressing it in an upcoming Leadership Meeting.

Action Item: Ms. Flanagan will notify the Board Clerk to include update of the Policy Deliverables Matrix on the agenda for an upcoming Leadership Meeting.

IX. Outstanding Items

1. Survey of Young Mothers

Ms. Flanagan stated that the survey data analysis is currently being conducted, but the sample is so small that individuals can be personally identified. For this reason, the discussion of the survey findings will have to be limited to generalities and aggregate data.

Ms. Flanagan stated that Dr. Robin Hooper and Andy MacGowan plan to attend the October 2017 Policy Committee meeting to report the survey findings. Mr. MacGowan also plans to invite a young mother who is an alumnus of the District to attend the meeting because of her insight and eloquence on this topic.

2. Title I Complaint Process and Possible Amendment of *Parent & Family Engagement Policy (1900)*

Ms. Flanagan reported that this item was discussed in the April 6, 2017 Policy Committee meeting, but General Counsel Karl Kristoff requested that it be put on hold at this point.

3. Proposed Revision of *Preschool Education Programs Policy (4320.5)*

Ms. Flanagan noted that proposed amendments to this policy were discussed in the April 6, 2017 Policy Committee meeting, but a Cabinet member was to be identified to review the policy proposal. Dr. March was designated as the Cabinet member responsible for reviewing the proposed policy changes, and her input has not yet been received.

X. Scheduling October 2017 Policy Committee Meeting

Ms. Flanagan announced that the *Code of Conduct (1400)* will be due for annual review in October. She reported that she has been incorporating required updates based on changes in law and regulation.

Commissioner Adams pointed out that Board staff member Kallia Wade should be consulted as part of the process of updating the *Code of Conduct*. She added that the Board will need to conduct a public hearing before making any policy changes.

Commissioner Powell noted that the Policy Committee is next scheduled to meet on October 12th, but this date conflicts with the fall New York State School Boards Association conference in Lake Placid. Committee members decided to reschedule the next Policy Committee meeting for Tuesday, October 17th.

Motion by Commissioner Adams to adjourn. Seconded by Commissioner White. **Adopted 3-0.**

Meeting adjourned at 7:33PM.