

DRAFT: NOT APPROVED BY COMMITTEE

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

February 8, 2018

MINUTES

Attendance

Commissioners – Commissioner Funchess (Chair); Commissioners Powell, Sheppard, LeBron, Hallmark, and White (left at 8:42PM).

District Staff – Karl Kristoff, General Counsel

Community Representatives – Rochester Police Department Commanders Morabito and Rivera; School Resource Officer Santana; Executive Director of Pathways to Peace program Ray Mayoliz

Board Staff – Debra Flanagan

Commissioner Funchess called the meeting to order at 7:08PM.

I. Review Minutes of the following Policy Committee Meetings: October 17, 2017; November 9, 2017; December 7, 2017

Motion by Commissioner Powell to approve the minutes of the above-listed Policy Committee meetings. Seconded by Commissioner White. **Adopted 3-0.**

II. Discuss Policies and Practices of Rochester Police Department in Student Disciplinary Incidents

Commissioner Funchess explained that the officers from the Rochester Police Department were invited to this evening's meeting to describe their approach in handling student disciplinary incidents in schools. Commander Morabito replied that he is supportive of the District's use of restorative practices, as he was involved in the task force that developed these revisions to the *Code of Conduct* (1400). He emphasized the importance of procedural justice and relying on school staff to manage student discipline to the maximum extent possible. Commander Morabito noted that officers are bound by law to intervene in situations that rise to the level of a criminal offense, but attempts are first made to mediate or divert students away from the criminal justice system.

School Resource Officer Santana pointed out that all of his fellow School Resource Officers have been trained in restorative practices, and he tries to obtain assistance for troubled students through community liaisons and resources. He acknowledged that adopting restorative practices can be difficult, particularly if the offending student does not want to assume responsibility for their actions. Officer Santana stated that safety is the paramount concern. When the offending student does not accept responsibility for their behavior, there is a risk that the student who was the target will be re-victimized.

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Commissioner Funchess inquired specifically about RPD policies and practices with regard to searching students. Commander Morabito replied that officers will only perform a search of a student if there is “reasonable suspicion” of criminal conduct, as specified in NYS law.

Commissioner Funchess asked about the way in which School Resource Officers work with school staff to ensure that students’ rights are protected in disciplinary situations. Officer Santana stated that he does not conduct searches of students and typically does not get involved in a law enforcement capacity, unless school staff request him to intervene. He described school staff contacting him, and calling the student’s parent before any action is taken.

Commissioner LeBron referred to her experience working in RCSD schools, pointing out that school staff would have to have probable cause to perform a search of a student. At that point, the school administrator and sentry would be contacted. She stated that she did not recall staff contacting parents regarding a search of a student.

Commissioner Funchess inquired about the point at which the police would intervene in a student disciplinary incident at a school. Commander Morabito emphasized that officers focus on safety and rely first on intervention by school staff, but would intervene if there is a threat of imminent danger.

Commissioner White reported hearing of School No. 58 considering installation of metal detectors because of an increase in the number of incidents at the school. Officer Santana replied that he has been at School No. 58 for two years and has not observed any increases in the number of incidents. He added that students come to school with a variety of issues, and emphasized the importance of developing relationships with students to promote understanding.

Commander Rivera noted that he reviews data regarding incidents in RCSD schools every week, and the data may be different from perceptions.

Commissioner Funchess asked about trends observed in disciplinary incidents in RCSD schools. Commander Morabito reported a marked decrease in the number of incidents over the last 6-7 years, and increased reliance on diversion programs and approaches. He discussed the importance of collaboration between School Resource Officers and school staff to address issues affecting students, and to promote early intervention.

Commissioner Sheppard inquired about situations in which an officer had to intervene and arrest a student, and the impact on their relationship when the student returned to the school. Officer Santana replied that there have only been two arrests during his two years at School No. 58, both of which were due to parents pressing charges against a student. He added that most students do not have an issue with the school, but more with grudges and conflicts with other students. Officer Santana described meeting with a student who has been arrested when they return to school to reassure them that past behavior will not be held against them.

Commissioner Hallmark asked about strategies that School Resource Officers use to develop relationships with students. Officer Santana described speaking with the entire student body at the beginning of the school year about their rights and responsibilities, and offering to meet privately with a student if they would like to talk about problems they are facing. He also described speaking about

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issues such as domestic violence in a health class and relating information on a personal level. Officer Santana emphasized the importance of presenting himself as a resource to students, rather than a law enforcement presence.

Commissioner Hallmark inquired whether School Resource Officers discuss career opportunities in law enforcement with students. Commander Rivera described the importance of officers being involved in the community and establishing relationships with students and families. He stated that RPD would like to create a feeder system for young people to enter a career in law or law enforcement.

Commissioner Hallmark asked about School Resource Officers participating in school staff meetings to ensure that all are kept informed about developments in the school and issues affecting students. Commander Morabito replied that School Resource Officers currently participate in meetings with school staff, noting the importance of these relationships in preventing and addressing problems.

Commissioner White recalled that staff from the City's Pathways to Peace are involved in some RCSD schools, and asked how these staff are deployed. Ray Mayoliz responded that the Pathways to Peace program is one of the diversion programs used by School Resource Officers and the Rochester Police Department. He reported that five Youth Intervention Aids are currently working at RCSD School Nos. 8, 19, 28 and on the Franklin, Edison, and Northeast/Northwest College Preparatory Academy campuses. Mr. Mayoliz explained that staff have been trained in restorative practices, and are deployed to schools with high rates of violence, long-term suspension, and attendance issues. He noted that this is the third year of the program's three-year contract with the District, and the program staff collaborate with School Resource Officers and the Rochester Police Department.

Commissioner Sheppard questioned the need for School Resource Officers with the significant decrease in incidents in RCSD schools over the last 6-7 years. Commander Morabito responded that the presence of School Resource Officers in schools builds consistency and relationships between the Rochester Police Department, school staff, and students to help prevent and mitigate problems. He stated that without a School Resource Officer, any police officer could be called to intervene in a situation at the school. The particular officer responding to the call may not necessarily know or understand students or the policies/practices of the school. Moreover, different officers would respond to calls at different times – increasing the variability/inconsistency of responses to incidents at the school. Commander Morabito explained that veteran police officers are typically selected to serve as School Resource Officers because of their experience and knowledge of a wide range of interventions and responses.

Commissioner Funchess inquired about the way in which School Resource Officers are selected within the Rochester Police Department. Commander Morabito replied that officers must submit applications to serve as a School Resource Officer, and specific selection criteria have been established:

- Interest
- Ability to work with children and establish a rapport/relationship with them
- Experience and knowledge of a variety of responses, particularly conflict resolution and mediation
- Completion of training regarding restorative practices, conflict resolution, and understanding the adolescent brain

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Commander Morabito also emphasized the importance of selecting officers who have been raised in neighborhoods and circumstances similar to the students in RCSD schools.

Commissioner LeBron asked about the consequences if a School Resource Officer fails to follow through in using restorative practices. Commander Morabito noted that all police officers are bound by the same disciplinary contract, and the supervisor of the School Resource Officer would address the issue with them. He added that these situations most often involve a misunderstanding, lack of communication and/or relationship between the School Resource Officer, students and/or school staff. Commander Morabito stated that the Rochester Police Department is currently providing training for all officers in restorative practices/procedural justice.

Commissioner LeBron asked about situations in which a disciplinary review indicates that the School Resource Officer acted properly, and the problem lies with the school administrator. Commander Morabito replied that the Rochester Police Department will first try to mediate between the School Resource Officer and school administrator/school staff. He stated that there have been a few occasions in which the problem was simply a personality conflict, and the School Resource Officer was moved to another school.

III. Feedback from School Climate Advisory Committee regarding proposed revision of the *Code of Conduct (1400)*, based on recommendations from the New York State School Boards Association

Debra Flanagan reported that her colleague, Kallia Wade, supports the School Climate Advisory Committee and presented the Advisory Committee's recommendations for additional modifications to the *Code of Conduct* in the December 2017 Policy Committee meeting. Ms. Flanagan explained that the meeting schedule of the Policy Committee and School Climate Advisory Committee do not coincide, but Ms. Wade and the Co-Chairs of the Advisory Committee have reviewed and approve of the additional revisions.

Ms. Flanagan reported that additional revisions to the *Code of Conduct* are expected, after the School Climate Advisory Committee has had an opportunity to examine District student discipline practices and present policy recommendations.

IV. Feedback from School Climate Advisory Committee regarding new Proposed *Student Harassment and Bullying Prevention and Intervention Policy (0115)*

Ms. Flanagan noted that her colleague, Ms. Wade, and the Co-Chairs of the School Climate Advisory Committee also reviewed the proposed *Student Harassment and Bullying Prevention and Intervention* policy (0115) to ensure that the Advisory Committee's recommendations were adequately incorporated. She stated that the revisions to the policy were approved, but had yet to be presented to the full Advisory Committee.

V. Review and Discuss Proposed *Equity and Educational Excellence Policy (0201)*

Commissioner Funchess pointed out that the proposed *Equity and Educational Excellence Policy (0201)* has significant implications in terms of school climate and therefore she would like to obtain input from

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the School Climate Advisory Committee. She stated that she would also like to hear from parents' perspective, and announced that she plans to submit the proposed policy to the members of the RCSD Parent Advisory Council for review and comment.

Commissioner Powell noted that the Superintendent wanted to expedite adoption of this policy to support her work on the Path Forward. She questioned the impact of delaying advancement of the proposed policy at this point.

Commissioner LeBron questioned the rationale for having a policy in place in order to perform this work. Karl Kristoff confirmed that adoption of the *Equity and Educational Excellence Policy* is critical to the Superintendent in supporting the Path Forward initiative, and in empowering her to address resistance that may be encountered in making systemic changes. He stated that having a policy in place essentially shows the Board's support for this work.

Commissioner Powell concurred, adding that the Superintendent can simply state that she is implementing Board policy and this enhances her ability to make necessary changes in the District through the Path Forward initiative and in the budget. She pointed out that the Parent Advisory Council and School Climate Advisory Committee should be given a deadline for providing feedback on the proposed policy.

Commissioner Hallmark asked about the possibility of implementing the *Equity and Educational Excellence Policy* in the 2018-19 school year if the policy is pushed through in the March Board Business meeting.

Commissioner LeBron expressed concern about approving policies without the resources, training or support necessary for implementation. She noted that the District has a history of: 1) adopting policies without thorough consideration of the implications, resulting in unintended detrimental consequences; and 2) failing to implement policies with fidelity.

Commissioner Powell voiced concern about the implications of delaying adoption of the policy in terms of disparities in the distribution of students with disabilities and of English language learners among schools in the District.

Commissioner Funchess noted that a policy development process is needed that will enable parents and community members to have input.

Action Item: Ms. Flanagan will draft a memo to the members of the RCSD Parent Advisory Council and to the School Climate Advisory Committee to request their review and comment regarding the proposed *Equity and Educational Excellence Policy* (0201) before the next Policy Committee meeting in March.

VI. Update regarding Current Status of Policies: New York State School Board Association Policy Updates and Policies in Process

Ms. Flanagan presented a spreadsheet listing policies in need of updating based on recommendations from the NYS School Boards Association. She explained the color-coding system used, and noted that there is currently a considerable backlog of policies in need of updating.

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VII. Discuss Policy Committee Meeting Schedule and Policy Development Process

In light of the current backlog and concern about policies being out of compliance with law and regulation, Commissioner Funchess stated that she would like the Policy Committee to meet on a monthly basis – at least until the backlog has been addressed.

After some consideration and discussion, the members of the Policy Committee decided to meet on the third Tuesday of every month. There was also understanding that meetings may have to be rescheduled at times, if pressing concerns or conflicts arise for Committee members.

Commissioner Funchess also proposed the following procedures for developing/revising policies to expedite the process:

Task	Timeline
1. Policy Committee is notified of the need for a new policy or policy revision in the Committee meeting	Monthly Policy Committee Meeting
2. Board staff member Debra Flanagan will meet with the District staff member directly involved in implementing the policy to prepare a draft.	No later than 2 weeks before next Monthly Policy Committee Meeting
3. Ms. Flanagan will submit the draft policy to General Counsel Karl Kristoff for review in terms of matters of the law. Mr. Kristoff will provide written feedback in the form of changes tracked to the initial draft policy, and submit the tracked changes version to Debra Flanagan to include in the packet of materials for the upcoming Policy Committee meeting.	No later than 1 week before next Monthly Policy Committee Meeting
4. The proposed policy will be presented to the Cabinet for information.	At the same time that proposed policy is prepared for review by the Policy Committee (i.e. no later than 1 week before next Monthly Policy Committee Meeting)
5. The proposed policy will be presented for consideration by the Policy Committee.	Next Monthly Policy Committee Meeting

Commissioner LeBron sought clarification about whether a member of the Policy Committee would be required to obtain the Chair’s permission to place a notice on the meeting agenda that a new policy or policy revision is needed.

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Commissioner Funchess emphasized that the first step in the process is simply to ensure that she is notified of requests to develop or change policies, and to manage the Committee's work flow. She explained that having Board staff member Debra Flanagan collaborate in drafting policies with the District staff involved in implementing them is to ensure that the implications of proposed policies are considered before being presented to the Policy Committee for consideration. Since the policy proposal will have been drafted in collaboration with District staff responsible for implementation of the policy, it can be presented to the Cabinet as a point of information.

Commissioner Funchess requested feedback from General Counsel Karl Kristoff regarding the proposed policy development process. Mr. Kristoff replied that the process that has been outlined corresponds with current practices.

Commissioner Funchess explained that the timeframes can be adjusted when there is an urgent need or if a complex or controversial policy is involved.

VIII. Discuss Proposed Revision of the *Student Records and Privacy Policy* (5500)

Commissioner Funchess observed that the proposed revisions to the *Student Records and Privacy* policy were prepared for review in June 2017, and inquired whether the Cabinet has yet reviewed the proposed policy. Mr. Kristoff replied that the Cabinet has reviewed and approved of the proposed policy changes.

Motion by Commissioner LeBron to approve the amendments proposed to the *Student Records and Privacy* policy. Seconded by Commissioner Powell. **Adopted 3-0.**

IX. Review and Discuss Possible New Policy regarding Sexual Harassment and Gender Equity

Mr. Kristoff presented a sample *Sexual Harassment* policy from the New York State School Boards Association, noting that he would like to expand on this policy to address gender discrimination and Title IX issues more generally. He explained that protections against gender discrimination are currently scattered among a variety of policies in the District, and the new policy would provide these protections all in one location.

Commissioner Powell asked about eliminating redundant language regarding gender discrimination from the *District Policy Prohibiting Harassment or Discrimination against Students and Employees* (0110) and from the *Code of Conduct* (1400). Mr. Kristoff replied that it is useful to have these provisions in these policies also, and did not recommend amending them to eliminate redundancies.

Meeting adjourned at 9:14PM.