

ROCHESTER BOARD OF EDUCATION
Policy Review and Development Committee Meeting

July 17, 2018

MINUTES

Attending:

Commissioners – Commissioners White, Powell, LeBron, Hallmark (arrived 5:43PM), and Sheppard (arrived 5:58PM).

District Staff – Karl Kristoff, General Counsel; Superintendent Deane-Williams

Board Staff – Debra Flanagan

Commissioner White convened the Policy Committee meeting at 5:35PM.

I. Review Minutes of the May 16, 2018 and June 20, 2018 Policy Committee Meetings

Motion by Commissioner Powell to approve the minutes of the May 16, 2018 and June 20, 2018 Policy Committee meetings. Seconded by Commissioner LeBron. **Adopted 3-0.**

II. Policy Proposals based on New York State School Boards Association (NYSSBA) Updates

A. Proposed *Student Health Services Policy* (5420)

Debra Flanagan presented a new proposed *Student Health Services Policy*, which substantially expands the existing *Students with Serious or Life-Threatening Medical Conditions Policy* (5420). The proposed policy incorporates the provisions of the narrower existing policy, and adds sections regarding health screenings required for school enrollment, communicable diseases, and administration of medication to students. The health screening section provides guidelines for staff and parents regarding physical examinations, immunization, and documentation required for school enrollment.

Ms. Flanagan reported that the proposed policy was reviewed by Ruth Turner, Executive Director of School Counseling and Social Work Services, and by Erin Graupman, Director of Student Health Services. Ms. Turner added the provision that schools will provide a physical examination of a student upon receipt of consent from their parent/guardian, if they have been unable to obtain a health certificate. Ms. Flanagan stated that Ms. Graupman reported that only 40-45% of students provide a health certificate to the District, although many more students are likely to have had the necessary physical examination.

Commissioner LeBron pointed out that families may struggle to obtain the necessary documentation because of the requirement to provide consent to share medical records with the District or to obtain a

copy of the health certificate after the physical examination. She suggested that the policy state that school staff will assist parents/guardians who are struggling to obtain a physical examination or any of the necessary documentation for enrolling their child in school.

Ms. Flanagan explained that the section regarding communicable diseases allows the District to exclude students from attending school if they have a contagious and infectious disease, have been exempted from immunization, or are in the process of obtaining immunization.

Ms. Flanagan reported that NYS law only authorizes school staff to administer medication to students if:

- The student's health would be jeopardized without the medication;
- The student would not be able to attend school without the medication;
- The medication is required to accommodate a student's special needs under the law (e.g., Section 504 of the Rehabilitation Act of 1973)

The proposed policy would only allow medication to be administered to or by a student with a written request by their parent/guardian and a written order from the prescribing physician.

The proposed policy also includes provisions for notifying parents/guardians in emergency and non-emergency medical situations, and directs the Superintendent to develop regulations governing student health services.

Commissioner LeBron emphasized the importance of the parent notification guidelines in the policy, citing a recent situation in which a student hit her head and was sent to the school nurse. After examining the student, the school nurse determined that the student was fine and sent her back to the classroom. The student's parents were not notified, and school staff pointed out that there are no parental notification guidelines in the current policy. The parents later took their child to the hospital, and she was found to have a concussion.

Action Item: Ms. Flanagan will review the current *Concussion Management Policy (5430)* to ensure that parental notification is included.

Mr. Kristoff reported that a protocol has been established for notifying school principals of policies and procedures at least once per quarter. He stated that he is routinely included in the agenda for principals' meetings, and this is one of the topics for discussion.

Motion by Commissioner Powell to approve the proposed *Student Health Services Policy (5420)* with the recommended change that school staff will offer assistance to parents/guardians in obtaining the physical examination and documentation needed for health screenings for enrollment. Seconded by Commissioner LeBron. **Adopted 4-0.**

B. Proposed New *Alternative Instruction Policy*

Ms. Flanagan recalled that Commissioner Powell had suggested in the May Policy Committee meeting that development of a policy regarding providing alternative instruction to students should be a priority because of recent situations cited by the Superintendent.

The new proposed policy acknowledges the importance of attending school in support of the *Student Attendance and Withdrawal* policy (5100), but notes that there are certain situations that may interfere with a student's attendance. The policy attempts to allow flexibility in providing alternative instruction to students whose attendance at school may be impeded by medical, emotional or disciplinary problems. Regardless of the nature or duration of the problem, the policy requires District staff to provide alternative instruction to prevent students in these situations from falling behind and/or jeopardizing their educational opportunities.

Ms. Flanagan explained that the proposed policy allows flexibility in the method of alternative instruction, which is to be based on the student's circumstances. School staff are to ensure that the student has course assignments for the entire duration of their absence from school, and that students are given credit for assignments completed satisfactorily.

The proposed policy also directs the Superintendent to develop regulations to establish procedures for providing alternative instruction to students.

Commissioner White pointed out that the Board may wish to request an annual report of the number of students receiving alternative instruction, the rationale/circumstances necessitating alternative instruction, type/nature of alternative instruction provided, duration, and the impact on graduation rates. Superintendent Deane-Williams pointed out that generating this data may require additional staff time at the school level, and she requested additional time to analyze staffing needs before advancing the proposed policy to the full Board.

Commissioner LeBron questioned the way in which the District currently tracks students receiving alternative instruction, noting that staff must currently monitor provision of these services.

Commissioner Hallmark inquired whether students receiving alternative instruction are considered absent or "in attendance".

The Superintendent emphasized the need to assess current practices and determine whether additional resources will be needed and available to put the requested reporting mechanism in place. She asserted that accountability cannot be provided without the necessary data and resources.

Superintendent Deane-Williams observed that Policy Committee meetings should include top level administrators from each of the functional areas addressed by the policy proposals (e.g. Deputy Superintendents, Chief of Accountability, School Chiefs) to respond to the questions that arise.

Action Item: The *Alternative Instruction Policy* will be discussed in the August 7, 2018 Policy Committee meeting, particularly regarding data and reporting requirements.

C. Proposed Revision of *Gifts to District Officers or Employees Policy (1810)*

Ms. Flanagan noted that the proposed revision of the *Gifts to District Officers or Employees* policy was presented in the May 2018 Policy Committee meeting, but concerns were raised about the proposed policy restricting the Board's ability to recognize students and to accept gifts. She explained that the proposed policy allows gifts/awards to be given to students if all students have an equal opportunity to qualify. Committee members expressed concern about situations in which students have been awarded for outstanding conduct, and all students were not given an equal opportunity to qualify. General Counsel Karl Kristoff clarified that the proposed policy would not prohibit the District from awarding students under these circumstances because it pertains to gifts/awards provided by outside entities.

Mr. Kristoff also explained that the Board is prohibited from accepting any gift or donation to circumvent the law and restrictions on the District's use of funds. This prohibition is in the law and reflected in the proposed policy.

Motion by Commissioner Powell to approve the proposed revision of *Gifts to District Officers or Employees Policy (1810)*. Seconded by Commissioner LeBron. **Adopted 4-0.**

III. Feedback received in Community Forum regarding Proposed Changes to *Visitors to Schools Policy (1240)*

Ms. Flanagan presented a summary of the comments and suggestions received in the June 20, 2018 Community Forum regarding proposed changes to the *Visitors to Schools Policy*:

- School staff need to get to know parents and develop relationships with them as part of building a school community and improving school climate.
 - » Have parents greeted at the school by the Parent Liaison, who will escort them to their child's classroom.
- Schools should have an "open door policy" to allow parents to observe their children in their natural environment, rather than under controlled and planned circumstances.
 - » Some parents are not able to provide 24-hour advance notice in scheduling classroom visits because of their work and personal schedule.
 - » There was **no** support for requiring 24-hour advance notice of parents' visits to their child's classroom.
 - » Distinguish between scheduled, planned meetings and classroom visits
 - » Schools should create certain times for parents to interact with teachers on a regular basis (e.g., break time, end of day).
- The preamble to the policy should be improved to explain the need and purpose of the policy.

- School staff should not require parents to present a photo ID *every* time they visit the school.
 - » One suggestion was to have the District issue parent badges/IDs:
 - Reinforce the fact that parents are members of the school community, rather than “visitors”; and
 - To keep the wrong people out of the school.
 - » Staff who are not attached to the school should also sign in
 - » Question was raised about undocumented aliens who do not have a photo ID

Commissioner Powell expressed concern about the attendees of the Community Forum understanding the need to balance school and classroom access with safety concerns, particularly in light of many incidents in recent years involving violence in schools. She commented on the overwhelming lack of awareness of potential safety issues affecting students, noting that any type of barrier to complete open classroom access was strongly opposed.

Mr. Kristoff pointed out that the Community Forum was the first step in obtaining feedback from stakeholders about the proposed changes to the *Visitors to Schools Policy* (1240). He stated that Commissioner Funchess plans to contact school principals to request their input about the proposed policy.

Mr. Kristoff also noted that provisions in the current agreement with the Rochester Teachers’ Association (RTA) stipulate that the Building Committee in each school is to develop procedures in collaboration with the school’s parent organization that would allow parents access to the classroom without interruptions to instruction. He stated that these contractual obligations need to be heeded when drafting the final policy.

Commissioner LeBron questioned when and how parents will be given the opportunity to be involved in developing these procedures. She also pointed out that she did not know of plans to solicit feedback from school principals about the proposed changes to the *Visitors to Schools Policy*.

Ms. Flanagan reported that Commissioner Funchess had directed her to prepare a memo to the School Chiefs to notify them of plans to contact school principals about the proposed policy. She stated that the School Chiefs were also asked for suggestions as to the best avenue for obtaining feedback from principals. Ms. Flanagan explained that the School Chiefs responded that a Principals’ Cabinet meeting would be the best avenue for discussing the policy proposal. She stated that she was informed that the Association of Supervisors and Administrators of Rochester (ASAR) was convening the Principals’ Cabinet meeting, and the next meeting is scheduled for August 6th from 5:00-7:00PM. Superintendent Deane-Williams pointed out that *she* convenes the Principals’ Cabinet meetings, and this is not a function performed by ASAR. She requested that Ms. Flanagan send her the email correspondence regarding obtaining principals’ input on the proposed policy.

Action Item: Ms. Flanagan will forward the email correspondence to the Superintendent and to Commissioner LeBron regarding contacting school principals to obtain their input regarding proposed changes to the *Visitors to Schools Policy (1240)*.

Commissioner Sheppard pointed out that Commissioner Funchess announced in the June 20, 2018 Community Forum that she intends to seek input from all stakeholders, including school principals.

Commissioner White stated that communications with any District staff members should be conducted through the Superintendent or Chief of Staff to ensure that all are apprised of plans and decisions.

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

Ms. Flanagan stated that the School Climate Advisory Committee has not yet had an opportunity to provide feedback on the cyberbullying provisions contained in the new proposed *Student Harassment and Bullying Prevention and Intervention Policy (0115)*. She noted that her colleague, Kallia Wade, indicated that the feedback will be provided in time for the August 2018 Policy Committee meeting.

V. Current Status of Policies

Ms. Flanagan reported that the following policies are in the process of being updated based on NYSSBA recommendations:

- *Code of Conduct (1400)* – awaiting further revisions based on recommendations from the School Climate Advisory Committee
- *Student Harassment and Bullying Prevention and Intervention Policy*– awaiting further revisions based on feedback from the School Climate Advisory Committee
- *Smoking on School Property (1530)*
- *School District Records (1120)*
- *Security Breach and Notification (1300)*
- *Alternative Instruction*
- *Gifts to District Officers or Employees (1810)*
- *Student Health Services*

In addition, the following policy updates have been completed and adopted by the Board:

- *Education of Homeless Students (5110)*
- *Student Records and Privacy (5500)*
- *Field Trips and Excursions (4400)*

VI. Follow-Up Items:

A. New Proposed *Wandering and Elopement Policy*

Ms. Flanagan noted that concerns were raised in the May 2018 Policy Committee meeting regarding the timing of training to be provided to school staff on the proposed *Wandering and Elopement Policy* and procedures. Specifically, Policy Committee members sought to ensure that all school staff received this training *before* the first day that students arrive at school each school year. She stated that a memo was sent to the School Chiefs about this concern, with a request for their input as to the best way to ensure that the training is provided before the start of each school year. Ms. Flanagan reported that the School Chiefs suggested including staff training on wandering and elopement procedures in the first Superintendent's Conference Day of the school year. She explained that the Superintendent's Executive Assistant reported that the Superintendent's Conference Day is always held before students arrive at school for the beginning of each school year.

Ms. Flanagan stated that the proposed *Wandering and Elopement Policy* has been revised to state that all school staff will be trained on the policy and procedures before students arrive at school for the start of each school year.

Superintendent Deane-Williams inquired about the response indicating that this training will be included in the first Superintendent's Conference Day of the school year, stating that she had no knowledge of this plan.

Action Item: Ms. Flanagan will send the Superintendent the email correspondence regarding providing school staff training on the *Wandering and Elopement Policy* and procedures in the first Superintendent's Conference Day of each school year.

Commissioner Sheppard noted that in light of existing plans and time constraints involving the first Superintendent's Conference Day, the training could be as simple as sending an email notification to school staff in the summer, with a request for verification that they have read the accompanying policy and procedures.

Motion by Commissioner Powell to approve the proposed *Wandering and Elopement Policy*. Seconded by Commissioner Hallmark. **Adopted 4-0.**

B. Updated *Sexual Harassment Regulation (0110-R)*

Ms. Flanagan recalled that the members of the Policy Committee requested inclusion of "gender identity and gender expression" as potential grounds for sexual harassment in the regulation, as reflected in the minutes of the May 2018 Policy Committee meeting. She presented the updated regulation containing this language.

C. New Proposed *Indemnification Policy* (6300)

Ms. Flanagan conveyed concerns raised in the May 2018 Policy Committee meeting about the application of the proposed *Indemnification Policy*, specifically in protecting District employees' misconduct and/or violations of policies and regulations. She explained that further clarification was sought from General Counsel, Karl Kristoff.

Mr. Kristoff noted that the key factor is whether the act of which an employee has been accused falls within the scope of their employment. He reported winning a case several years ago in which the court found that the school district did not have a duty to defend an employee engaged in illicit activity, despite the fact that the activity occurred during the work day. Mr. Kristoff maintained that the proposed policy will inure to the benefit of the entire District by protecting officers, employees and volunteers from personal liability in the responsible performance of their work duties.

Motion by Commissioner Powell to approve the proposed *Indemnification Policy*. Seconded by Commissioner Hallmark. **Adopted 4-0.**

Meeting adjourned at 6:43PM.