

ROCHESTER BOARD OF EDUCATION
Policy Review and Development Committee Meeting

August 21, 2018

MINUTES

Attending:

Commissioners – Commissioner Melanie Funchess (Chair); Commissioners Powell, Sheppard, and LeBron (arrived 5:36PM).

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

Board Staff – Debra Flanagan

Commissioner Funchess convened the Policy Committee meeting at 5:34PM.

I. Review Minutes of the July 17, 2018 Policy Committee Meeting

Motion by Commissioner Powell to approve the minutes of the July 17, 2018 Policy Committee meeting. **Adopted 2-0.**

II. New Business

A. Proposed *High School to Higher Education Institutions Policy (4095)*

Commissioner Sheppard presented the proposed *High School to Higher Education Institutions Policy (4095)*, which is intended to ensure that each high school student has a clear and comprehensive college and career plan by the end of 9th grade. She discussed the importance of having a plan in place that delineates the specific steps necessary to attain college and career goals, leading to increased student motivation and engagement.

Commissioner Sheppard described obtaining feedback from Board members, presenting the policy proposal in Excellence in Student Achievement Committee meetings, seeking input from the Superintendent and her team and from community partners.

Commissioner Powell referred to the existing *School to Work Transition Initiative Policy (4314.2)*, and asked about the rationale for creating a similar separate policy.

Commissioner Sheppard noted that this was discussed in a recent Excellence in Student Achievement Committee meeting, and it was determined that the *School to Work Transition Initiative Policy* contains specific tasks and requirements related to preparing to enter the workforce. She stated that these tasks

and requirements would not pertain to the proposed *High School to Higher Education Institutions Policy*, and therefore it would not be feasible to combine the two policies.

Commissioner LeBron inquired about the fiscal impact of the proposed policy, particularly in necessitating an increase in staffing for school counselors.

Commissioner Sheppard pointed out that the District is already partnering with local colleges and universities, and many school counselors are already assuming the responsibilities described in the proposed policy. She acknowledged that another purpose for the proposed policy is to advocate for additional funding at the state level to increase staffing levels for school counselors in the District. Commissioner Sheppard explained that school counselors currently have caseloads of 250 students or more, which exceeds the national average.

Commissioner Funchess noted that Rochester students need greater support in preparing for college and career because of the conditions and circumstances in which they have been raised.

Commissioner Sheppard suggested that advocacy efforts may be enhanced by pointing out the unique needs of students in urban districts. She added that school counselors should help families navigate the various systems involved in preparing students to attend college (e.g. testing, admissions, financial aid).

Motion by Commissioner LeBron to approve the proposed *High School to Higher Education Institutions Policy*. Seconded by Commissioner Powell. **Adopted 3-0.**

B. Proposed Revision to *Board Bylaws* (2300)

Commissioner Funchess announced that a revision has been proposed to the *Board Bylaws* (2300) to reinstate the standing Human Resources Committee, per Commissioner Elliott's request.

Commissioner Powell reported that the Board Governance Committee has been working on substantial revisions to the *Board Bylaws* for over a year. She suggested addressing all of the proposed changes to the policy at one time, rather than following a piecemeal approach.

Karl Kristoff concurred, pointing out that changes to the policy have been considered prior to the tenure of the new Board members in January 2018. He stated that the Policy Committee may not be the proper forum for considering changes to the *Board Bylaws* because of the impact on all Board members.

Commissioner LeBron noted that neither she nor Commissioner Sheppard have been presented with the other changes considered to the *Board Bylaws*, despite the fact that they both serve on the Board Governance Committee. She suggested addressing the proposed revisions to the policy in a Board Governance Committee Meeting of the Whole to ensure that all Board members are notified and have an opportunity to provide input.

Observing that a number of items need to be addressed in the *Board Bylaws*, Commissioner Funchess recommended that the amendment to reinstate the Human Resources Committee be considered at this

point. She noted that the remaining policy changes can be addressed in a Board Governance Committee Meeting of the Whole, which will be held in September.

Motion by Commissioner LeBron to amend the *Board Bylaws* to reinstate the standing Human Resources Committee. Seconded by Commissioner Funchess. **Adopted 3-0.**

Mr. Kristoff recommended examining the charge to the Human Resources Committee, since the Board had at one point determined that this committee was no longer needed.

III. Discuss Plans for Obtaining School Principals' Feedback regarding Proposed Revision of the *Visitors to Schools Policy* (1240)

Commissioner LeBron observed that the policy still contains a requirement for parents to provide at least 24 hours' notice and coordinate classroom visits with school staff. She pointed out that this requirement was met with strenuous objections by parents in the Community Forum held on June 20, 2018.

Commissioner Funchess explained that the policy proposal has not been changed because all stakeholders have not yet had an opportunity to provide input. She stated that the proposed policy also affects school staff, and Committee members need to hear from school principals. Commissioner Funchess discussed plans for reviewing all of the feedback that has been obtained from stakeholders, and using this information to develop the final revisions to the policy.

Commissioner Powell expressed concern about the possibility of the proposed policy conflicting with requirements contained in the Rochester Teachers' Association (RTA) contract. Debra Flanagan recalled that this issue was discussed in the July Policy Committee meeting, in which Mr. Kristoff noted that the current agreement with RTA stipulates that the Building Committee in each school is required to develop procedures in collaboration with the school's parent organization to allow parents access to the classroom without interruptions to instruction. Mr. Kristoff pointed out that the final policy must align with the RTA contractual obligations.

Commissioner Powell observed that the contract language does not refer to timeframes for parents to notify school staff or arrange classroom visits, so this does not have to be included in the policy. She noted that this would allow flexibility for each school to determine the rules regarding classroom visits that do not interrupt instruction.

Commissioner LeBron asked the School Chiefs if any District schools currently require 24-hour advance notice for parents to visit their child's classroom. Shirley Green replied that some schools may have established this type of requirement.

Commissioner Funchess emphasized that she would like to avoid imposing a 24-hour wait period on parents to visit their child's classroom, and requested suggestions as to how this may be accomplished. Mr. Kristoff pointed out that parents will have to influence the Building Committee or School-Based Planning Team (SBPT) in their child's school to have the rules changed. He noted that the rules

established by the SBPT are recognized under the RTA contract, and the Board cannot unilaterally change them.

Commissioner Powell suggested addressing this issue in the next round of RTA contract negotiations to ensure that SBPT are not abusing the freedom or authority to establish rules for each school. Mr. Kristoff pointed out that concern about potential abuse of authority in setting school rules is essentially an implementation issue, and should not be included in collective bargaining agreement negotiations. He stated that the RTA contract would be involved only if the Board intended to eliminate the ability of each SBPT to establish the rules in the school.

Commissioner Powell discussed the option of applying pressure to a School-Based Planning Team to change restrictive school rules in terms of allowing parents access to their child's classroom. She stated that Board members can support changes to the rules in their role as liaison to the school, or by encouraging parents in the PTO/PTA to influence the School-Based Planning Team. Commissioner Powell observed that the School-Based Planning Teams are supposed to make decisions on the basis of consensus, so objection by an organized parent group would prevent a rule from being established.

Commissioner Funchess noted that this approach assumes that each school has a fully functioning School-Based Planning Team and PTA/PTO.

Commissioner LeBron pointed out that parents on School-Based Planning Teams often feel outnumbered by school staff and therefore are reluctant to express their views. She emphasized the need for parent engagement in the District, noting that establishing a 24-hour notice requirement will only serve to create another barrier for parents.

School Chief Carmine Peluso announced that the next Principals' Cabinet meeting will be held on Monday, September 10th, at 5:00PM in the Superintendent's Conference Room.

ACTION ITEM: Commissioner Funchess will attend the September 10th Principals' Cabinet meeting to obtain input regarding proposed revisions to the *Visitors to Schools Policy* (1240).

IV. Discuss Changes Needed to the *Responsible Bidder Policy* (6725)

Commissioner Sheppard explained that she requested this item to be added to the agenda for this evening's meeting because of recent issues that have surfaced. Mr. Kristoff asserted that the current *Responsible Bidder Policy* does not need to be revised because it conforms to NYS General Municipal Law, but the policy does need to be enforced.

Mr. Kristoff noted that issues related to the *Responsible Bidder Policy* were raised by the Special Counsel to the Rochester Joint Schools Construction Board. He reported that he plans to discuss these issues with Board members as soon as a meeting can be scheduled by the Board Clerk.

Commissioner LeBron requested that a case study regarding summer school also be addressed in this meeting.

ACTION ITEM: Ms. Flanagan will notify the Board Clerk of the need to schedule a Board meeting to address issues related to the *Responsible Bidder Policy* raised by the Special Counsel of the Rochester Joint Schools Construction Board, and to include a case study of summer school in the agenda for this meeting.

V. Discuss the Proposed *Alternative and Homebound Instruction Policy (4327)* and Annual Reporting Requirements

Ms. Flanagan noted that the proposed *Alternative and Homebound Instruction Policy* was reviewed in the last Policy Committee meeting, and a number of questions were raised about establishing an annual reporting requirement and the specific data elements that could be included in the report. She stated that Commissioner White had advised Committee members to consider the reporting requirements, and discuss them in the next meeting.

Commissioner Powell expressed concern about imposing a reporting requirement in the policy, particularly in situations in which students are given alternative instruction for a short period of time (e.g. in-school suspension, short-term suspension). She pointed out that an annual report would not be timely enough to ensure that students are provided alternative instruction in these situations, and doubted that the reporting requirement would be effective in changing behavior or school culture.

Commissioner Sheppard disagreed, stating that changes in school culture can be fostered by requiring a report of specific data elements because school staff will be aware that the Board is examining issues related to failure to provide instruction to students in these situations.

Commissioner Funchess concurred, asserting that behavior does change in response to a requirement to report on an issue. She acknowledged that the annual report may not change provision of alternative instruction for the students involved, but will have an impact in terms of providing this instruction in the future. Commissioner Funchess also pointed out that the data collection and reporting will involve various levels of administration, raising awareness and influencing behavior.

Committee members identified the following data elements that should be included in an annual report:

- The number of students receiving alternative instruction;
- The reasons that alternative instruction was recommended for students (e.g. medical, disciplinary, social/emotional)
- The specific program or placement
- Academic progress of students receiving alternative instruction
- Student outcomes

Commissioner LeBron pointed out that the proposed policy significantly expands the provision of alternative instruction beyond situations in which students are suspended or homebound for medical reasons. She emphasized the need to track and monitor student outcomes to ensure that the additional staffing and expense of the instruction provided is actually benefiting students.

Commissioner Powell added that tracking provision of alternative instruction should also provide information regarding the adequacy of funding for these programs (e.g. refusal to provide alternative instruction to a student and the rationale). She cited cases in which a student had an attendance issue and could have progressed academically if offered the opportunity to take an online course. Commissioner Powell stated that this level of detail may only be available through analysis of the counseling record to identify the interventions and supports offered to a student that were not actually provided and the reason(s) for failing to provide this instruction.

Commissioner Funchess suggested including information in the annual report of the length of time before alternative instruction was provided to students.

Commissioner LeBron recalled that the Superintendent had expressed concern about providing an annual report to the Board regarding provision of alternative instruction because of the impact on staffing. She stated that the Superintendent was asked to identify the metrics that could be included in an annual report with current staffing levels.

ACTION ITEM: Ms. Flanagan will prepare a memo to Superintendent Deane-Williams from Commissioner Funchess to request the data elements that can be included in an annual report to the Board regarding alternative instruction, without increasing staffing levels.

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

After reviewing the School Climate Advisory Committee recommendations for additional revisions to the *Student Harassment and Bullying Prevention and Intervention Policy*, members of the Policy Committee agreed to modify the definition of cyberbullying to include “any form of electronic communication, device or interface” and to include text messages in the example of electronic communications.

The Advisory Committee also suggested that the proposed policy describe the information that will be released or provided as a result of investigation and resolution of an incident of bullying or harassment. Mr. Kristoff advised against adopting this suggestion in the policy because the information that can be released will vary according to the circumstances and the specific provisions in the regulation or collective bargaining agreement that may apply. He stated that it is not possible to account for the information that would be considered pertinent in each and every case.

Commissioner Sheppard concurred, pointing out that the proposed policy states that the findings of the investigation and resolution will be reported to the students involved.

Commissioner Funchess speculated that the School Climate Advisory Committee may be requesting that the policy delineate the information that is to be included in an investigation report. Mr. Kristoff replied that each investigation contains information elements that can and cannot be reported, and it is not possible to account for every circumstance.

Commissioner Sheppard observed that the Advisory Committee referred to the collective bargaining agreement, and may want information about the provisions of the agreement that pertain to investigation, resolution and reporting incidents of harassment or bullying. Mr. Kristoff pointed out that the District has a variety of collective bargaining agreements and different provisions within each agreement may apply to each case. He asserted that the policy should simply require District staff to investigate and report their findings, and further detail pertains to policy implementation.

The final recommendation of the School Climate Advisory Committee is to provide a link in the policy to the NYS *Dignity for All Students Act*, its purpose, and how this law is to be applied. The Policy Committee agreed that this information should be included in the proposed policy.

ACTION ITEM: Ms. Flanagan will revise the proposed *Student Harassment and Bullying Prevention and Intervention Policy* as directed by the members of the Policy Committee, and include the revised proposal on the agenda for the September Policy Committee meeting.

VII. Review Feedback received regarding Proposed Revision of *Parent & Family Engagement Policy (1900)*

Ms. Flanagan presented proposed revisions to the *Parent & Family Engagement Policy* based on updates received from the NYS School Boards' Association (NYSSBA) and her own efforts to simplify the organization and language of the policy. She reported that the proposed policy was distributed to the Bilingual Council, Parent Advisory Council, and Executive Director of the Office of Parent Engagement for review and comment. Ms. Flanagan stated that comments were received from the Parent Advisory Council and Executive Director of the Office of Parent Engagement.

Ms. Flanagan reported that the feedback from the Executive Director of the Office of Parent Engagement was positive overall, and her comments involved corrections to position titles.

Ms. Flanagan referred to the Accountability section of the proposed policy, explaining that she added question marks and highlights regarding the Superintendent establishing an accountability system and benchmarks for District parents. She stated that it is not appropriate for the Superintendent to establish these types of performance measures for parents.

Commissioner Sheppard noted that parents in leadership positions in the District should be held accountable, such as those serving on the Bilingual Council or Parent Advisory Council.

Commissioner Funchess concurred, observing that serving in a leadership capacity with these organizations comes with certain responsibilities and expectations, such as a minimum level of attendance at meetings.

Members of the Policy Committee decided that the policy should allow the Superintendent to set accountability standards and benchmarks only for parents serving in leadership positions in the District.

The Parent Advisory Council also suggested changes/clarification of responsibilities in monitoring parent engagement practices in the District and reviewing the Title I Parent Engagement Plan for each

school and for the District. In addition, the Parent Advisory Council recommended adding a provision stating that District communications with parents will be through electronic and non-electronic means. Members of the Policy Committee agreed to incorporate all of these suggestions into the proposed policy.

The current and proposed policy require members of the district-wide Parent Advisory Council to be a parent or legal guardian, or to have custody of a student currently enrolled in the Rochester City School District. Employees are deemed ineligible to serve on the Council.

Ms. Flanagan reported that the Parent Advisory Council suggested eliminating the requirement that members of the Council have a child currently enrolled in an RCSD school. In addition, the Parent Advisory Council recommended removing the section of the policy that prohibits RCSD employees from serving on the Council. Instead, eligibility to serve on the Parent Advisory Council would be determined by their bylaws.

Members of the Policy Committee expressed concern about these recommendations for a number of reasons:

- 1) The need to ensure that the members of the Parent Advisory Council are actually parents of students in the Rochester City School District. In the past, the Parent Advisory Council was influenced by individuals who were neither parents, legal guardians, nor custodians of students in the District.
- 2) The need to ensure that those serving on the Parent Advisory Council actually represent the interests and perspective of District parents, which led to excluding RCSD employees because of potential conflicts of interest.
- 3) By adopting the *Parent & Family Engagement Policy*, the Board of Education authorized the creation of the Parent Advisory Council. Questions were raised about the ability of the Council to supersede this policy with its own bylaws. In addition, Policy Committee members noted that there is no mechanism for informing the Board of the current Parent Advisory Council bylaws or of changes that may be made in the future.

Commissioner Funchess stated that she would like to meet with members of the Parent Advisory Council to discuss these issues and explain the rationale for not incorporating this recommendation into the proposed policy.

Ms. Flanagan inquired about plans to obtain input from District parents about the proposed changes to the *Parent & Family Engagement Policy*.

Commissioner Funchess stated that she would like to finalize this policy proposal in the October 2018 Policy Committee meeting, and suggested several avenues for seeking parent input:

- Requesting Commissioner Elliott to include discussion of the proposed policy changes in the Community Forum scheduled for October

- Inquiring whether the Parent Advisory Council has any events planned in the near future for District parents

ACTION ITEM: Ms. Flanagan will contact Commissioner Elliott about the possibility of including a discussion of the proposed revisions to the *Parent & Family Engagement Policy* in the Community Forum scheduled for October 2018. Ms. Flanagan will also contact the members of the Parent Advisory Council about any upcoming events planned for District parents to inquire about the possibility of including discussion of the proposed policy at one of these events.

VIII. Current Status of Policies

Ms. Flanagan reported that the following policies were adopted by the Board in July:

- Revision of *School District Records Policy* (1120)
- Revision of *Security Breach and Notification Policy* (1300)
- Revision of *Smoking on School Premises Policy* (1530)

The following policies will be presented in the August Board Business meeting as Discussion Items, and will be considered for adoption in September:

- Proposed *Student Health Services Policy* (5420)
- Proposed Revision of *Gifts to District Officers and Employees Policy* (1810)
- Proposed *Indemnification Policy* (6300)
- Proposed *Wandering and Elopement Policy* (4240)

Ms. Flanagan explained that an additional spreadsheet has been created to track policy changes recommended by the Administration in their annual review (i.e. policy deliverables). She noted that some of the policies in this list are also due for review and possible revision based on NYSSBA policy updates.

In terms of the policies in need of updating, Ms. Flanagan requested assistance from members of the Policy Committee in establishing priorities. She explained that she does not want to draft changes to any of the policies related to students with disabilities because of the need to receive the recommendations of the Special Education Advisory Committee. Ms. Flanagan also expressed concern about revising the *Parent Preference/Managed Choice Policy* (5153) because of the potential impact of the work being performed by the Administration on the Path Forward initiative.

Commissioner Funchess recommended discussing potential changes to the *Parent Preference/Managed Choice Policy* (5153) in the November Policy Committee meeting.

ACTION ITEM: Ms. Flanagan will include discussion of revisions to the *Parent Preference/Managed Choice Policy* in the agenda for the November Policy Committee meeting.

IX. Follow-Up Items:

A. NYSSBA Sample Policies regarding Non-Resident and Foreign Students

Ms. Flanagan reported that Commissioner Powell requested sample policies from the NYS School Boards' Association (NYSSBA) regarding non-resident and foreign students. Several sample policies were provided:

- Admission of Non-Resident Students (5152)
- Admission of Foreign Students (5152.1)
- Payment of Non-Resident Tuition (6254)

Commissioner Powell explained that foreign exchange students have been enrolled in District schools, but tuition payment has not been collected from them. She stated that school principals have chosen to waive tuition payment in these situations, despite the fact that they have no authority for doing so. Commissioner Powell pointed out that a policy is needed to provide guidance and clarify that waiving tuition for foreign exchange students is not an option.

Mr. Kristoff stated that the sample NYSSBA policies provide a good foundation for developing a policy in the District, particularly since the *Admission of Foreign Students Policy* distinguishes between students with a J-1 visa and those with an F-1 visa. He explained that those with a J-1 visa are participants in a formal foreign exchange student program.

In reviewing the sample *Admission of Non-Resident Students Policy*, Commissioner Sheppard suggested allowing students to continue attending the same school for the remainder of the school year if their parents have moved out of the District.

Ms. Flanagan asked about allowing students in this situation to continue attending the same school through the terminal grade.

Commissioner Powell pointed out that the terminal grade in schools in other districts may be different from the grade levels in the Rochester City School District (e.g. K-6 and K-8 v. middle schools in other districts). She added that requiring students to move to a different school after their family has moved to another location emphasizes the importance of families considering the impact of relocating on their child's education. Commissioner Powell noted that these same arguments have been presented in discussing the need to strengthen the zone boundaries within the District.

Commissioner Funchess observed that basing relocation decisions primarily on the choice of the child's school is a middle class value and privilege that the families in the District do not share. She expressed concern about the consequences of requiring students to change schools when their families may not have much choice about relocating.

Commissioner Powell pointed out that most of the families in the District only move within ten blocks of their current residence. She asked Mr. Kristoff to draft a policy based on the sample policies provided by NYSSBA.

ACTION ITEM: Mr. Kristoff will draft a policy regarding non-resident students' payment of tuition to the District, based on the sample policies provided by the NYS School Boards Association.

B. New Proposed *Teaching of Controversial Issues Policy and Regulation*

Mr. Kristoff presented a new policy proposal, *Teaching of Controversial Issues*, explaining that guidance is provided to ensure that issues are discussed in an impartial objective way and include all perspectives.

Commissioner Sheppard expressed concern about who determines whether an issue is controversial, pointing out that this could lead to discussions or presentation of material that is offensive. Mr. Kristoff replied that students need to be aware of controversial issues as they learn to be effective citizens. Rather than avoiding discussion of these issues, they should be examined in a factual and impartial way, including all different perspectives. Mr. Kristoff asserted that presenting issues this way and from a variety of viewpoints will enable students to make their own informed decisions and enable them to support their own perspective effectively.

Commissioner Sheppard questioned having school principals approve teaching of controversial issues, and suggested obtaining approval from the Deputy Superintendent of Teaching and Learning. Mr. Kristoff stated that it is not feasible to require the Deputy Superintendent to approve every controversial issue that arises in every school.

Commissioner Funchess suggested that the proposed policy stipulate that the Deputy Superintendent of Teaching and Learning will provide instructional guidance when a major issue or controversy arises. She pointed out that school principals may be talented administrators, but are not necessarily instructional leaders.

Mr. Kristoff offered to modify the proposed policy to state that the Teaching and Learning Department will provide instructional guidance regarding controversial issues/topics on a case by case basis, rather than making this solely the responsibility of the Deputy Superintendent. He added that teachers should be given some freedom as professionals to exercise their judgment in these situations.

Ms. Flanagan observed that the following section of the proposed policy is incomplete: "The use of resource speakers in teaching controversial issues is permitted in accordance with _____". Mr. Kristoff replied that he was uncertain whether a policy is currently in effect regarding the use of external speakers in the District.

ACTION ITEM: Mr. Kristoff and Ms. Flanagan will explore policies in other school districts related to the use of resource speakers or a Speakers Bureau.

C. New Threat Assessment Regulation (1400-R)

Mr. Kristoff presented a new regulation to accompany the *Code of Conduct* in addressing threats to school and student safety. The regulation distinguishes between a threat, terroristic threat, and imminent danger. In cases of imminent danger (i.e. a real and immediate threat to a person's safety that justifies the use of force in self-defense), the principal, program director or administrator is required to contact the police department and the RCSD Director of Security.

In situations that do not involve imminent danger, the principal, program director or administrator will respond to the threat by contacting the School Chief and convening the school's Threat Assessment Team. The Threat Assessment Team consists of at least the building administrator, social worker or psychologist, security officer, and an attorney.

Mr. Kristoff pointed out that the Threat Assessment regulation is accompanied by a detailed and comprehensive Threat Assessment form to guide staff through the assessment process.

Commissioner Sheppard expressed concern about assessment of the level or severity of a threat being left to the judgment of school principals. Mr. Kristoff replied that there is no other choice because an expeditious judgment has to be made as to how to respond to the threat. He added that the Threat Assessment form is designed to assist principals think through the situation in a systematic way.

Commissioner Sheppard stated that every threat should be taken seriously and law enforcement should be contacted.

Commissioner Powell pointed out that there have been concerns about involving law enforcement in school situations and whether they would respond appropriately. She stated that these concerns have been raised in the context of the District substantially modifying approaches to student discipline.

Commissioner Funchess recommended that the Threat Assessment regulation be discussed further in the September Policy Committee meeting.

ACTION ITEM: Ms. Flanagan will include discussion of the Threat Assessment regulation on the agenda for the September 2018 Policy Committee meeting.

Meeting adjourned at 8:31PM.