

ROCHESTER BOARD OF EDUCATION
Policy Review and Development Committee Meeting

September 19, 2018

MINUTES

Attending:

Commissioners – Commissioner Melanie Funchess (Chair); Commissioners Powell, LeBron (left at 6:36PM), and Sheppard (arrived 6:12PM).

District Staff – Karl Kristoff, General Counsel; Superintendent Deane-Williams; Dr. Ray Giamartino, Chief of Accountability; Dr. Cecilia Golden, Deputy Superintendent of Teaching & Learning; Dr. Beth Mascitti-Miller, Deputy Superintendent for Administration

Board Staff – Debra Flanagan

Commissioner Funchess convened the Policy Committee meeting at 5:38PM.

I. Review Minutes of the August 21, 2018 Policy Committee Meeting

Motion by Commissioner Powell to approve the minutes of the August 21, 2018 Policy Committee meeting. Seconded by Commissioner LeBron. **Adopted 3-0.**

II. Follow-Up Items:

A. Data Elements/Metrics for Reporting Requirements in the Proposed *Alternative and Homebound Instruction Policy (4327)*

Ray Giamartino presented a preliminary analysis of the academic return on investment for four alternative instruction programs: All City High School, NorthSTAR program, Rochester International Academy, and Young Mothers & Interim Health Academy. He reviewed the following data for each program, with comparisons from 2015-16, 2016-17, and 2017-18:

- Total enrollment;
- Enrollment based on the percentage of English-language learners and students with disabilities;
- Average daily attendance rate;
- Percentage of students in grades 9-12 earning at least five credits per year;
- Percentage of students in grades 9-12 that graduated;
- Percentage of students that dropped out of school;
- Per pupil costs:
 - » By enrollment in the program
 - » For each student attending each program
 - » For each student earning at least five credits per year in each program

Commissioner LeBron requested disaggregated enrollment data for English-language learners, students with disabilities, and English-language learners who also have disabilities in each of the alternative instruction programs.

ACTION ITEM: Dr. Giamartino will provide data to the Board indicating the percentage of students who are English-language learners, who have disabilities, or are English-language learners with disabilities in each alternative instruction program.

Commissioner Funchess requested that the data for the Young Mothers program be presented separately from the data for the Interim Health Academy.

ACTION ITEM: Dr. Giamartino will disaggregate the data regarding the percentage of students who are English-language learners, who have disabilities, or are English-language learners with disabilities for the Young Mothers program and for Interim Health Academy.

Commissioner LeBron asked about provision of English-language learning services to students enrolled in the NorthSTAR program. Dr. Giamartino replied that these services are provided to students based on the initial English-language learner (ELL) assessment, with students being re-evaluated over time to determine progress toward proficiency.

Dr. Giamartino reported that average daily attendance rates were highest for the Rochester International Academy over the three-year period, and lowest for All City High School and the NorthSTAR program. He added that the high percentage of students with disabilities in the NorthSTAR program contributes to lower average daily attendance rates.

In considering the academic return on investment, one of the key indicators is the percentage of students in grades 9-12 who earned at least five credits per year while enrolled in the program. The data indicated that the Rochester International Academy had the highest percentage of 9-12th grade students obtaining at least five credits per year for each of the three years studied. The NorthSTAR program had the lowest percentage of students earning this minimum number of credits per year for each of the three years. Pointing out that percentages can be misleading when based on a small population of students, Dr. Giamartino noted that further detail will be provided in the future regarding credit attainment by grade level and cohort for each program.

Another crucial indicator used to evaluate academic return on investment was the percentage of students in grades 9-12 who graduated from the program.

Commissioner Funchess pointed out that the data do not indicate the number of students in each cohort in each program, so that it is difficult to assess the significance of the graduation rate data. If a program did not have students in 12th grade or students tended to return to their home school before the end of their senior year, it might appear as though there are no graduates from the program. She also requested data indicating the percentage of students considered “on track” academically, rather than only using graduation rates as an indicator.

ACTION ITEM: Dr. Giamartino will provide data for each alternative instruction program by cohort and indicate the percentage of students considered “on track” academically.

Commissioner LeBron expressed concern that there have not been any graduates from the NorthSTAR program over the last three years, and questioned whether there has *ever* been a graduate from this program. Dr. Giamartino stated that he will look into the graduation data further for students in the NorthSTAR program.

ACTION ITEM: Dr. Giamartino will examine graduation data for the NorthSTAR program to report on the number of graduates since the program’s inception.

Commissioner Funchess inquired about tracking and accounting for students who are enrolled in alternative instruction programs, since they may transition multiple times between these programs and their home school. She requested information about the methods and the timing of entering/updating the data regarding these students, either in the alternative program or the home school. Dr. Giamartino responded that he will investigate the specific data tracking mechanisms for these students to provide clarification.

ACTION ITEM: Dr. Giamartino will provide information regarding the specific data tracking mechanisms and timing for accounting for students who may transition frequently between alternative instruction programs and their home school.

Dr. Giamartino presented costs for each alternative instruction program for 2014-15, 2015-16, and 2016-17. He reported that the 2017-18 program costs are not yet available. The following program cost information was presented:

- » Per pupil cost for each student *enrolled* in the program;
- » Per pupil cost for each student *attending* the program; and
- » Per pupil cost for each student *earning at least five credits per year* while in the program.

Commissioner LeBron asked about the rationale for staffing programs based on enrollment, rather than the number of students actually attending. Dr. Mascitti-Miller explained that state law requires school district to base staffing on student enrollment, rather than student attendance. She noted that many alternative instruction programs involve providing specialized services, which lead to higher costs.

Commissioner Funchess expressed concern about “right-sizing” District programs and ensuring appropriate student placement in these programs.

Commissioner LeBron voiced concern about the District expending \$72.8K per pupil attending the NorthSTAR program, which does not appear to have any graduates. She contended that students who graduate from All City High School are included in the number of graduates from their home school. Commissioner LeBron also pointed out that funding allocations are split between All City High School and the student’s home school, even though All City High School is providing the instruction. She requested that District staff re-evaluate this practice because it

leads to under-funding All City High School. Dr. Giamartino offered to examine the average length of stay in each alternative instruction program to assess funding inequities.

Commissioner LeBron maintained that the average length of stay is almost one year for students in All City High School, yet the school is provided with only a fraction of the per pupil funding. She emphasized that per pupil funding allocations should follow the student and not be provided to the home school if that school is not providing the instruction.

ACTION ITEM: Data will be provided to the Board regarding per pupil funding for secondary schools compared to per pupil funding provided to All City High School.

Commissioner LeBron pointed out that a number of alternative instruction programs were not included in Dr. Giamartino's analysis: LynCx, Big Picture, Home Hospital Tutoring, New Beginnings, and Youth & Justice programs.

Commissioner Powell noted that schools are not funded strictly on a per pupil basis, but also according to the number of classrooms required.

Superintendent Deane-Williams recalled that the District attempted equitable student funding under former Superintendent Jean-Claude Brizard, which created a great deal of disruption. She announced that the District is currently working to develop a modified student funding formula to attain a better balance among RCSD schools and to account for the needs of English-language learners and students with disabilities.

ACTION ITEM: Dr. Giamartino will provide data regarding academic return on investment for all alternative instruction programs (i.e. LynCx, Big Picture, Home Hospital Tutoring, New Beginnings, and Youth & Justice programs). The data will also include the capacity of each alternative instruction program.

Commissioner LeBron emphasized the need for additional information about methods used to attain higher attendance rates in certain programs (e.g. Big Picture) and ways that these methods can be replicated in other programs. This information is also needed for any of the successful outcomes in the alternative instruction programs, such as high percentages of students earning at least five credits per year and of students graduating.

ACTION ITEM: Information will be provided to the Board of the methods used by each alternative instruction program demonstrating a successful outcome (e.g. attendance, credit attainment, graduation) and of ways in which these methods could be replicated in other programs.

B. Feedback from the Principals' Cabinet meeting about Proposed Changes to the *Visitors to Schools Policy* (1240)

Commissioner Funchess discussed attending the Principals' Cabinet meeting on September 10th, and reported that principals emphasized the importance of relationships between school staff and parents. She stated that principals recommended having an administrative escort for parents who would like to have an impromptu visit of their child's classroom, and 24-hour notice for meeting

with teachers. Commissioner Funchess explained that the 24-hour notice was requested by principals because a meeting would take the teacher's time away from the classroom and instruction. Nevertheless, the principals acknowledged that providing 24-hour notice is difficult for some parents, and encouraged parents in these situations to speak with the Parent Liaison or building administration. If a visit is warranted and appropriate, principals stated that there is no reason that it cannot take place.

Commissioner Funchess reported that principals recommended against allowing parents to enter their child's classroom without proper notification and a pre-discussion. She added that principals also expressed concern about angry parents disrupting the classroom during a visit.

Karl Kristoff reminded Policy Committee members that the policy must adhere to the current provisions in collective bargaining contracts.

Commissioner Funchess suggested that negotiations with the Rochester Teachers' Association (RTA) include discussion of the input obtained regarding the proposed changes to the *Visitors to Schools Policy*. This discussion would include the recommendation to have an administrative escort for parents when visiting their child's classroom and 24-hour notice when scheduling a meeting with a teacher.

The Superintendent proposed contacting the President of the Rochester Teachers' Association (RTA) about discussing the policy recommendations with teachers.

ACTION ITEM: Ms. Flanagan will collaborate with the Superintendent's Assistant to schedule a meeting between the Superintendent, Commissioner Funchess, and Dr. Adam Urbanski.

Mr. Kristoff maintained that the RTA will be reluctant to eliminate the authority of each school's Building Committee to establish rules for parent visits and meetings.

Commissioner Powell observed that the Board cannot approve a policy that conflicts with an existing collective bargaining agreement. She noted that if the school rulemaking authority is transferred from the Building Committee to the School-Based Planning Team, the Board can influence school rules and School-Based Planning Teams indirectly through changes to the *School-Based Planning Policy* (2265).

Mr. Kristoff pointed out that the RTA contract essentially substitutes the Board's authority with that of the School-Based Planning Team (SBPT) in terms of establishing the rules in each school..

Commissioner Funchess emphasized that her goal is to develop the final policy proposal in the October Policy Committee meeting, after obtaining feedback from teachers. She added that she would like to be able to advance the proposed policy to the Board in the October Business meeting.

C. Discuss Proposed *Alternative and Homebound Instruction Policy (4327)*

Superintendent Deane-Williams expressed concern about providing data regarding attendance rates, credit attainment, graduation, dropout rates, and per pupil costs for every removal of a student from a classroom, in-school suspension, and very short-term suspension (e.g. one day). She asked about the District's ability to gather, track and report this data. Dr. Mascitti-Miller reported that data is captured in the District's information system whenever a student has been removed from the classroom for at least two hours.

The Superintendent pointed out that the data requested by Committee members regarding alternative instruction could be very useful in reflecting the extent to which students are losing instructional time, the circumstances leading to this loss, and practices in different schools.

Superintendent Deane-Williams also questioned the requirement for staff to "make every effort to arrange alternative instruction for students **immediately** upon referral...." Mr. Kristoff stated that this requirement is based on a reasonableness standard, specifically in arranging for alternative instruction within a "reasonable" amount of time of the referral.

The Superintendent stated that she does not believe that alternative instruction is being provided consistently throughout the District. She expressed support for the proposed policy in reinforcing the need to provide these services for students and in holding staff accountable.

Commissioner Powell suggested that requiring staff to arrange for alternative instruction every time a student has been referred for classroom removal, in-school suspension, or suspension would encourage these methods to be used as a last resort for student discipline.

Commissioner Sheppard questioned whether the policy should include a definition for "immediate" provision of alternative instruction or specify a timeframe. Mr. Kristoff replied that this level of detail would most appropriately be included in the Superintendent regulation.

ACTION ITEM: Mr. Kristoff will prepare a Superintendent regulation to accompany the proposed *Alternative and Homebound Instruction Policy (4327)* for the October Policy Committee meeting. The regulation will include a timeframe for providing alternative instruction to minimize students' loss of instructional time when referred for homebound instruction, classroom removal, in-school suspension, short-term or long-term suspension.

D. Proposed *Student Harassment and Bullying Prevention and Intervention Policy (0115)*

Ms. Flanagan reported that the latest version of the proposed *Student Harassment and Bullying Prevention and Intervention Policy (0115)* incorporates the recommendations of the School Climate Advisory Committee, which were discussed in last month's Policy Committee meeting.

Motion by Commissioner Powell to approve the proposed *Student Harassment and Bullying Prevention and Intervention Policy*. **Adopted 2-0.**

E. Proposed *Teaching of Controversial Issues Policy (4360)* and Regulation

Mr. Kristoff recalled that Committee members requested guidelines for using resource/external speakers to teach students about controversial issues. He reported that he has checked policies in a number of school districts, but has not been able to find a policy regarding the use of resource/external speakers. For this reason, he recommended eliminating this provision from the proposed policy.

Commissioner Powell inquired whether the use of resource/external speakers would be addressed in the Superintendent regulation. Mr. Kristoff noted that the regulation has already been developed, and does not include guidelines about the use of resource/external speakers.

Commissioner Sheppard asked whether criteria could be established in the policy regarding resource/external speakers.

Commissioner Funchess expressed concern about creating criteria that could unduly restrict the range or type of speaker that could be used to discuss controversial issues.

Mr. Kristoff suggested the following language: “Use of resource speakers is permitted with approval of the immediate supervisor of the staff member arranging for the speaker.”

Motion by Commissioner Powell to approve the proposed *Teaching of Controversial Issues Policy (4360)*, as amended with the language suggested by Mr. Kristoff. **Adopted 2-0.**

F. Draft Threat Assessment Regulation (1400-R)

Ms. Flanagan pointed out that concerns were raised in last month’s Policy Committee meeting about having school principals assess the level of threat presented, and the point at which law enforcement should be contacted or involved.

Mr. Kristoff discussed the safeguards contained in the regulation, such as defining “imminent danger” and having a District social worker, psychologist or nurse complete the mental health emergency protocol if there is a concern about a student being homicidal or at risk for self-harm.

Commissioner Sheppard emphasized the need to take all threats seriously and to contact the Rochester Police Department immediately for any type of threat, rather than going through the Threat Assessment Team to determine the degree of danger involved.

Commissioner Funchess inquired whether the process outlined in the draft regulation is similar to procedures used in other school districts. Mr. Kristoff replied that most other school districts do not have a comprehensive process in place regarding assessing or responding to threats.

Dr. Mascitti-Miller stressed the importance of relying on mental health professionals to make assessments of threats because law enforcement may not need to be involved. She pointed out that law enforcement involvement can have other unintended consequences, such as unnecessarily introducing students into the criminal justice system. Dr. Mascitti-Miller stated that she believes

the protocols outlined in the draft regulation have been reviewed with the Rochester Police Department, but she will check to confirm.

ACTION ITEM: Dr. Mascitti-Miller will check to confirm that the procedures outlined in the draft Threat Assessment regulation (1400-R) have been reviewed by the Rochester Police Department.

III. New Business:

A. Review and Discuss Revisions needed to the *Sexual Harassment Policy (0110)* based on Recent NYS Guidelines and Model Policy

Ms. Flanagan explained that revisions are needed to the *Sexual Harassment Policy* that was adopted in May 2018 because of guidelines recently issued by the state. She noted that most of the revisions are based on the state's model policy.

Specifically, the *Sexual Harassment Policy* must apply not only to RCSD students and employees, but also to applicants for employment, paid and unpaid interns, volunteers, contractors, subcontractors, and persons doing business with the District. The policy also covers school programs, services, school-sponsored activities and events, even if held at a location outside of the District.

Ms. Flanagan pointed out that the NYS guidelines require the policy to contain information about prevention of sexual harassment in the school district. She stated that a section regarding prevention has been added to the policy, focusing on provision of training and specifying the elements to be included in the training. Ms. Flanagan noted that another section, "Additional Legal Protections and Remedies" is included to ensure that individuals are aware of other avenues for recourse in addition to reporting sexual harassment in the District. This section includes information about filing reports with the NYS Division of Human Rights, U.S. Equal Employment Opportunity Commission, and law enforcement.

For reporting within the District, a paragraph was added to clarify that supervisors and managers will be disciplined for failing to report suspected sexual harassment or knowingly allowing it to continue. Another provision stipulates that disciplinary action will be taken in the event of retaliation against an individual who has reported an incident in good faith or aided in an investigation.

Motion by Commissioner Powell to approve the proposed revisions to the *Sexual Harassment Policy*. **Adopted 2-0.**

B. Review and Discuss School Climate Advisory Committee Recommendations regarding the Code of Conduct (1400)

Commissioner Funchess remarked that members of the Policy Committee have not had much time or opportunity to review the School Climate Advisory Committee recommendations.

Motion by Commissioner Powell to table review and discussion of the School Climate Advisory Committee recommendations regarding the *Code of Conduct*. **Motion approved, 2-0.**

Mr. Kristoff pointed out that these recommendations have not yet been reviewed by the Executive Cabinet, so there has been no opportunity for members of the Administration to provide input regarding the proposed policy changes.

Commissioner Funchess requested that Mr. Kristoff provide a status report in the October Policy Committee meeting regarding the Executive Cabinet's review of the policy recommendations.

IV. Current Status of Policies

Ms. Flanagan reported that the following policies have been drafted to incorporate updates from the NYS School Boards Association:

- *Student Harassment and Bullying Prevention and Intervention Policy* (0115): to be advanced to the Board as an Information Item in September 25th Business meeting
- *Parent & Family Engagement Policy* (1900): feedback to be obtained from parents in October 20th Community Forum; draft policy also incorporates changes recommended by the Administration
- *Alternative and Homebound Instruction Policy* (4327): awaiting development of Superintendent regulation
- Proposed revision of *Visitors to Schools Policy* (1240): feedback to be obtained from teachers before policy is finalized
- Revision of *Sexual Harassment Policy* (0110): to be advanced to the Board as an Information Item in the September 25th Business meeting

Ms. Flanagan also discussed the status of policies currently in process at the Board level:

Discussion Items:

- Proposed *High School to Higher Education Institutions Policy* (4095)
- Proposed Revision of *Board Bylaws* (2300)

Vote for Adoption:

- 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)

Commissioner Funchess stated that she would like the Policy Committee to review and finalize the following proposed policies in the October meeting:

- Proposed revision of *Visitors to Schools Policy* (1240)
- Proposed *Alternative and Homebound Instruction Policy* (4327)

Committee members will also review the School Climate Advisory Committee's recommendations for revising the *Code of Conduct* (1400) in the October meeting.

Meeting adjourned at 7:46PM.