

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

**November 27, 2018**

**Attending:**

Commissioners – Commissioner Funchess (Chair); Commissioners Powell, LeBron (left at 6:51PM), and White (arrived 5:56PM)

District Staff – Karl Kristoff, General Counsel; Dr. Beth Mascitti-Miller, Deputy Superintendent for Administration

Board Staff – Debra Flanagan

Commissioner Funchess convened the Policy Committee meeting at 5:46PM.

**I. Review Minutes of the October 16, 2018 Policy Committee Meeting**

**Motion** by Commissioner Powell to approve the minutes of the October 16, 2018 Policy Committee meeting. Seconded by Commissioner LeBron. **Adopted 3-0.**

**II. Follow-Up Items:**

**A. Finalize Proposed Revision of *Visitors to Schools Policy* (1240)**

Commissioner Funchess noted that the proposed revisions to the *Visitors to Schools Policy* have been reviewed by various stakeholders, including: the RCSD Director of Safety & Security; parents and community members in a Community Forum conducted on June 20, 2018; and school principals in a Principals' Cabinet meeting on September 10, 2018. Although the Director of Safety & Security recommended including a requirement that parents provide at least 24-hour advance notice for scheduling classroom visits, the overwhelming feedback received from parents and school principals did not support this requirement.

However, some schools have established a requirement that parents provide advance notice prior to classroom visits.

General Counsel Karl Kristoff stated that current collective bargaining agreements confer authority to School-Based Planning Teams to establish the rules for their school. He explained that the Board cannot establish a policy that conflicts with these agreements or overrides the authority granted to School-Based Planning Teams.

Commissioner Funchess inquired about options for establishing consistency in school practices, such as removing advance notice requirements for parents to visit their child's classroom. She emphasized the need for uniformity in the District's approach with parents and families, and in the foundational aspects of curriculum and instruction. She asserted that the rules and the quality of education should not depend on the particular school a student attends.

Commissioner Funchess also pointed out that collective bargaining agreements will soon be under negotiation.

Mr. Kristoff replied that these concerns can be addressed in collective bargaining negotiations, and recommended against making changes to the existing policy regarding advance notice for classroom visits. He stated that a request can be presented to the unions to return authority to the Board of Education to establish rules/policies applicable to all District schools through a Memorandum of Agreement (MOA). Mr. Kristoff pointed out that the unions will want to know about potential benefits they will receive in return, which Board members need to consider in the negotiation process. He reported that proposals for the collective bargaining agreement are expected to be presented in January 2019, which will begin the negotiation process.

Commissioner Funchess suggested changing the proposed policy to remove references to parents providing advance notice of classroom visits, since this must be addressed through collective bargaining.

Commissioner LeBron pointed out that the autonomy of School-Based Planning Teams in establishing school rules remains an issue. She asserted that the focus of the *Visitors to Schools Policy* should be to engage parents and encourage their involvement in their child's education, rather than to facilitate the work of the RCSD Safety & Security Department.

Commissioner Funchess pointed out that maintaining the provisions of the existing policy regarding classroom visits is an interim measure to allow the Board the opportunity to advocate for changes in collective bargaining agreements regarding rulemaking authority in schools. She explained that the *Visitors to Schools Policy* can be revised to reflect the changes in the collective bargaining agreement. Commissioner Funchess emphasized the importance of ensuring that all RCSD schools allow parents to visit their children's classrooms without advance notice.

Debra Flanagan asserted that granting authority to School-Based Planning Teams to establish school-based rules undermines the authority of the Board of Education to create policies in the District. Mr. Kristoff concurred, noting that this is an issue with current collective bargaining agreements.

Commissioner Funchess recommended that the Policy Committee review all policies related to school-based planning and the scope and extent of the authority of School-Based Planning Teams. She noted that the purpose of this review is to provide open and engaging schools for all students and equity across the District.

**ACTION ITEM: The Policy Committee will review all policies related to school-based planning and the scope and extent of the authority of School-Based Planning Teams in an effort to establish consistency and equity in the District's approach with parents and families and in foundational aspects of curriculum and instruction.**

Mr. Kristoff advised that the ideal time to introduce changes in the collective bargaining agreement is when the entire draft proposal is presented to unions.

**Motion** by Commissioner Powell to approve the proposed revision of the *Visitors to Schools Policy* (1240), as amended. Seconded by Commissioner White. **Adopted 2-1, with Commissioner LeBron dissenting.**

**B. Discuss Proposed Revision of *Parent & Family Engagement Policy* (1900) and Feedback Received**

Commissioner Funchess noted that the proposed revision of the *Parent & Family Engagement Policy* has been vetted by the Director of the Office of Parent Engagement, Bilingual Council, and Parent Advisory Council. The policy proposal was been presented and discussed in a Community Forum on October 20, 2018.

Ms. Flanagan pointed out that additional changes have been made to the proposed policy due to concerns expressed by Commissioner LeBron about the district-wide Parent Advisory Council. The major additional changes are:

- To establish a requirement for all meetings of the Parent Advisory Council to be open to all District parents;
- To prohibit the Parent Advisory Council from denying entry to District parents or staff to their meetings;
- To require the Parent Advisory Council to notify all District parents of their schedule of meetings and of changes to the schedule;
- To require the Parent Advisory Council to notify all District parents of major developments in the District and opportunities to provide input into decision-making; and
- To require that the bylaws of the Parent Advisory Council comply with the *Parent & Family Engagement Policy* and that changes to the bylaws be ratified by the Board of Education.

Commissioner LeBron explained that the need for these policy changes arises from the exclusivity exercised by the current members of the RCSD Parent Advisory Council, which violates the intent and provisions of the *Parent & Family Engagement Policy*. To ensure compliance, a resolution was introduced and approved in the November 15, 2018 Board Business meeting to require that the Parent Advisory Council operate under the former bylaws in effect as of January 11, 2010, or be dissolved as a legitimate districtwide parent organization. The resolution also required that any changes to the bylaws of the Parent Advisory Council be ratified by the Board of Education to ensure compliance with Board policy. The additional changes proposed to the policy clarify the intent and guidelines, as well as reflect the mandates established through the approved resolution.

In addition, General Counsel Karl Kristoff proposed the following policy changes:

- Amending the provision regarding parents being full partners in their children's education and included in decision-making to stipulate that this is only to the extent permitted by law; and

- Amending the provision requiring each school or program to have parent-friendly literature available and adding the phrase “to the extent feasible”. This literature is to be available “to the extent feasible” in the language predominantly spoken by parents of the students enrolled in the school, rather than only in English and Spanish.

**Motion** by Commissioner Powell to approve the proposed revision of *Parent & Family Engagement Policy* with the additional suggested amendments. Seconded by Commissioner White. **Adopted 3-0.**

**C. Review Data Elements and Reporting Requirements for the *Alternative and Homebound Instruction Policy* (4327)**

Ms. Flanagan reported that the Policy Committee requested her to draft additional policy provisions regarding reporting requirements and the specific data elements to be included in reports to the Board. She stated that she included the following data elements in the reports required to be provided to the Board on a regular basis, based on discussions about the proposed policy in previous meetings:

- The number of students referred for alternative or homebound instruction;
- Disaggregated data of the reasons for referral for alternative instruction;
- Disaggregated data of the number of students placed in each alternative instruction program;
- Length of time between referral and placement in alternative instruction; and
- Student outcomes from alternative instruction.

Commissioner Funchess pointed out that she would also like the reports to include information about the length of time that students were placed in alternative instruction programs.

Commissioner Powell suggested adding a phrase to state that the reports provided to the Board will contain a minimum of the enumerated data elements, so that additional data can be requested as needed in the future.

**Motion** by Commissioner Powell to approve the proposed *Alternative and Homebound Instruction Policy* with the suggested amendments. Seconded by Commissioner LeBron. **Adopted 3-0.**

Commissioner Funchess expressed her desire to expedite adoption of the above three policy proposals, and inquired about methods for doing so.

Commissioner Powell stated that the policy proposals can be distributed to Board members and introduced as Information Items in writing, outside of a Board meeting. She explained that a motion can be requested from the dais in the December Board Business meeting to waive the requirement to present the proposed policies in a separate meeting for discussion. Commissioner Powell noted that the correspondence to Board members about the proposed policies should include a description of the steps that have been taken to obtain stakeholders’ input.

**ACTION ITEM: Ms. Flanagan will draft a memo on behalf of Commissioner Funchess to explain that the proposed *Visitors to Schools Policy*, *Parent & Family Engagement Policy*, and**

***Alternative and Homebound Instruction Policy* are being distributed to the Board for presentation as Information Items. The memo will also note the intent to waive consideration of these policy proposals in a separate Board meeting as Discussion Items, and describe the efforts that have been made to obtain stakeholders' input.**

### **III. Discuss Revisions needed to the *Parent Preference/Managed Choice Policy* (5153)**

Ms. Flanagan explained that she included discussion of the *Parent Preference/Managed Choice Policy* on the agenda this evening because of the need for Policy Committee input in drafting changes to the policy, policy updates recommended by the New York State School Boards Association (NYSSBA), and the Board's request for an action plan regarding the Administration's Path Forward initiative.

Noting that she had to leave to attend another meeting, Commissioner LeBron stated that she supports a hybrid of school choice and neighborhood schools. She objected to the District's use of a three-zone structure because the City of Rochester and other local entities organize services around quadrants, and this difference unnecessarily complicates service coordination and delivery.

Commissioner Powell explained that the three-zone model was grounded in the Neighbors Building Neighborhoods teams established in the City under former Mayor Bill Johnson. She stated that the zones were based on student residential patterns, the distribution of high- and low-performing schools, the socioeconomic distribution of students, seat capacity, and access to schools to attain parity at that time.

Dr. Mascitti-Miller reported that efforts are being made to examine options for changing the structure of transportation services in the District, particularly in light of the financial impact of providing bus service to 88% of students. She discussed problems arising from families' safety concerns for their children and parents' transportation needs in determining their choice of schools.

Commissioner Funchess contended that providing transportation services to all RCSD students would increase the number of families that choose their neighborhood school over time, leading to greater efficiency in transportation.

Commissioner Powell recalled that this issue was discussed some years ago, when Jerome Underwood was the Director of School Operations. Mr. Underwood analyzed the short-term efficiency gains and cost savings associated with transporting students residing at different distance limits from the school (e.g. ½ mile, ¾ mile, and 1 ½ miles).

Dr. Mascitti-Miller responded that this analysis can be included in an upcoming report regarding the District's budget deficit, noting that approximately \$73M is expended for transportation services. The District only bears a portion of these costs because the state reimburses 90% of transportation expenditures.

### **IV. Status of Policy Proposals**

Ms. Flanagan reported that the Board adopted the following proposed policies in the November 15, 2018 Business meeting:

- *Student Harassment and Bullying Prevention and Intervention Policy* (0115)

- Revisions to *Sexual Harassment Policy* (0110)
- *Teaching of Controversial Issues Policy* (4360)

The following policy proposals were presented for Discussion in the November Business meeting:

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

In the December 20, 2018 Board Business meeting, the policies presented as Discussion Items in November will be considered for adoption. In addition, the following proposed policies will be presented to the Board:

- Proposed revision of *Visitors to Schools Policy* (1240)
- Proposed revision of *Parent & Family Engagement Policy* (1900)
- New proposed *Alternative and Homebound Instruction Policy* (4327)

By the end of December 2018, sixteen of the seventeen policy proposals in process are expected to have been adopted by the Board.

**V. Legal Concerns regarding the School Climate Advisory Committee’s Recommendations for Revising the *Code of Conduct* (1400): Karl Kristoff**

At 7:05PM, members of the Policy Committee recessed in Executive Session to learn of General Counsel Karl Kristoff’s legal concerns regarding the School Climate Advisory Committee’s recommendations for revising the *Code of Conduct*.

The Policy Committee meeting resumed at 7:16PM.

**ACTION ITEM: Ms. Flanagan will work with the Board Clerk to schedule a meeting with the full Board and representatives from the School Climate Advisory Committee to discuss legal concerns regarding recommended revisions to the *Code of Conduct*. This meeting is to be scheduled after the Administration has responded to all of the School Climate Advisory Committee’s recommendations.**

Meeting adjourned at 7:17PM.