

4/1/20 Akron Central School Board Meeting, via Zoom -transcription

Present - Patrick McCabe, Roxanne Rebmann, Cynthia Tretter, Debbie Forrestel, Erik Polkowski, Heather Cayea, Jim Grant, Jody Brege, Phil Kenline, Bob Masse, Doug Dailey

Jim - Call meeting to order at 7:00pm. Pledge to the Flag. We do have a presentation tonight. It's on Ed Law 2D with Doug Dailey, so Doug if you can give your presentation.

Doug - Alright, so yes, my name is Doug Dailey. I work in the technology department in Akron Central Schools. The first reading of the policy was last week during your Board of Education meeting, it is a bulky, lengthy policy. It is approximately 15 pages and it incorporates a tremendous amount of data protection across the District. The data protection focuses mostly on personally identifiable information of students, teachers, and principals that are evaluated by APPR regulations. It doesn't necessarily cover the rest of the non-instructional staff and other faculty members, but of course since we're protecting the students and these people, we might as well protect everybody all at once. A part of it has to do with- make sure our Bill of Rights regarding data protection is posted to our website, which it has been for years. The adoption of the data security policy, which you have heard a reading on last week, we are required to have all the security for the District is actually the responsibility of Erie 1 BOCES, Since Erie 1 BOCES is responsible for our network or wide area network and local area network. I'm buffering, ok. Am I doing any better now? Slow down, ok. So Erie 1 BOCES is responsible for our wide area network and our local area network and is also responsible for our firewall. The Erie 1 BOCES is responsible for that aspect of Education Law 2D part 121. The most challenging piece of Ed Law 2D is going to be with all of the vendors that the District uses software. So for example, Google and Schoology and Razz Kids and every piece of educational software that we use in the District we have to enter into a contractual agreement with that vendor that says that the vendor promises if it collects PII, personally identifiable information, it will not sell it or give it away to any 3rd parties. It also eliminates the possibility that teachers can enter into what we call click wrap agreement, and you guys have all done these, especially on your cell phones, your smart phones. When you download a new app to your smart phone there's a thing that comes up that says, once you've finished downloading it and installing it, it comes up and it says these are the terms of use, this is the end license user agreement, and at the very end of it it says, there's a button that says 'I accept'. Well that's called a click wrap agreement. You are clicking on a button that wraps up the fact that you agreed to all the terms and conditions. Those are now made, teachers cannot enter into those without the consent of the data protection officer, in our District is me. So we can't allow teachers to install software without checking to make sure that we enter into a contractual agreement with the vendor first. Education Law 2D also requires annual training a lot like our Dignity for All Students Act and our Child Abuse. It'll be part of our opening day, beginning of the year, annual training just like everything else. There also has to be a system put in place that if parents believe that a data breach has occurred with their student, son, daughter or the teacher believes that a data breach has occurred with their information, there has to be a process in place that these people can file a complaint. Once a complaint has been filed we have to follow up and investigate to see if a data breach has actually occurred and then we would have to report that to NYS Education. That's about the nuts and bolts of it. The hardest part is going to be collecting. We currently use hundreds of pieces of software in the District. Any software that we currently purchase through Erie 1 BOCES, Erie 1 BOCES is handling the contract negotiations between Erie 1 BOCES and that particular vendor and then the school district will have to sign off, they agree to that contract as well. What's going to be difficult is for all those pieces of software, and there's a lot of them, where we don't purchase that particular piece of software through Erie 1 BOCES, we purchase it directly through the vendor. In those cases, we have to negotiate between the District and the vendor to come up with a contractual document. That's

pretty much it in a nutshell. Does anybody have any questions? And you're all muted, just so you know. Yeah, Phil.

Phil - My question would be, when it comes to the contractual format, is there, do we know if BOCES can provide a skeleton or a recommended format for those contracts that cover all the bases that we need to make sure we negotiate so we don't forget something when we go out to this with the individual providers?

Doug - Yes, we did get a few templates. We got a template from Erie 2 BOCES. We got a template from another district and actually, the District's law office already had a template that they have used with other districts. That's probably the one that we're going to use, I'll let Pat speak to that.

Pat - Yeah, so as Doug described, we collected sample template agreements from a variety of sources. Our vetting goes through our legal counsel to make the determination what best protects the interest of the District and obviously covers the personally identifiable information. The reason why I wanted Doug to speak tonight is because of the ramifications of this policy are significant. Not only our operational side, it's not just instructional software, business software, maintenance software, you name it. The policy is required, but it also is going to require a lot of manpower and a lot of diligent and careful effort on behalf of the District to make sure. Now the good news is companies are getting on board with this and recognizing if you want to do business in NYS, you have to be Ed Law 2D compliant. But as we have obviously moved to a digital platform because of distance learning, it becomes even more important that we begin to enact the parameters of this policy now.

Doug - Alright, any other questions? I'm going to mute myself off

Jim - Thank you Doug. I realize there is an awful lot of work to be done on this. Item #3 is Committee Reports. Rather than reading each committee's name, if the committee chair could speak and then we will move on.

Debbie - Recreation Committee. We were supposed to have a meeting tomorrow, it's been cancelled now until June, so there's been no update, no meeting.

Jim - ECASB Delegate. Committee was supposed to meet tomorrow, that meeting has been cancelled.

Erik - ECASB Legislative Team has cancelled any previous meetings and has nothing scheduled as of yet.

Phil - ECASB Budget & Finance Committee has no additional meetings scheduled at this time.

Debbie - Native Meeting. We had our last meeting March 11th, and at that time Cuomo, Patrick, and then the school were really talking about COVID-19. It was just trying to do some planning at the early stages at that time and the concern is that 85% of the Natives do not have wifi. They were trying to figure out, like I said, at the early stages how they would get paperwork to these children and probably to the community buildings and it was such a hot topic that Patrick even had a meeting the next day to discuss even further and as you see we're already in the COVID-19 situation. They did bring up on the good side, they had the MBK NAP guide, I'll kind of show it here. It was a hit with 33 kids that were involved that went and they really liked Mr. Mt. Pleasant, so that was a success. Brother's Keeper was supposed to keep going till the end of the school year and they did the library review on books and that's still been a success. They've been working hard, but then this has all come up. That was in the early stages and don't know where we're at currently. Thank you.

Jim - Thank you everyone. Item #4 on our agenda is the Superintendent's Report. Mr. McCabe.

Pat - Sure. I just want to begin, if for any reason you can't hear me, use the chat feature. Send me a note, I will recognize that. Sometimes when you're speaking it's hard to tell whether you're clear or not on the other end. I just want to follow up to Deb's comment before I begin that we've been working very closely with Anto and Jodi and Christine in order to provide a quality educational program, meal service delivery to the Native American Reservation and those folks have been absolutely amazing. So while they do not have internet access, I can assure you they have full access to all the instructional resources that we're providing. I want to begin tonight by thanking Doug, really thanking our entire technology department. Throughout this crisis they have been incredible, and I don't know what we would do without them. Having said that, I can say the exact same thing about literally every person within our organization. The effort put forth by everyone has just been incredible. And finally, I just want to thank our students and families. This is a very challenging time and to have the fears that we all have relative to the virus and the concerns but also to try to find the time to balance personal lives and education. What we're hearing, what the building principals are reporting, is that the students are meaningfully engaged, they are doing assignments, they're keeping up. That's a credit to our families cause I know it's not easy. For the Board, I know that you often sometimes follow along on my superintendent notes that I provide you in advance, I will tell you tonight there's plenty of reason to go off script because I wrote those on Friday and every 12 hours something new happens. With that said, just an update on our COVID-19, as you're well aware, last Friday the Governor announced that we would be postponing board elections and the school district budget votes until at least June 1st and that too is subject to further directives as the timing and location and manner of voting. Obviously, we don't want to be bringing people in to vote and congregate in areas that would pose a health risk to them. So more information will be coming. I hope to provide the Board with a resolution at our next meeting just acknowledging that issue that the Board will obviously engage in that process as once we get more guidance. In terms of our 3 tier plan for childcare, meal distribution, continuity of instruction, I do want to spend a little bit of time on each. Childcare, I can simply say that we really haven't been inundated. In fact, we only had one person claim a need for childcare and made arrangements for that individual and I talked to Dan Kowalik about that this morning. The meal distribution is going exceedingly well. We will continue providing meals to school aged children throughout the spring recess and we are moving it to a 6 meal service a week instead of the 5. We'll still do the Monday, Wednesday, Friday rotation but we'll be providing a meal for Saturdays as well. Today's count, there were 1635 breakfasts and lunches served. That's about 9750 meals per week. The food service department is doing an incredible job. I left a little bit earlier today, it was probably around 3:30-3:40 pm when I pulled off campus and the cars were down Bloomingdale. Just an incredible need but a great service provided by the District. We're very proud to announce a collaboration with Feed More WNY. Feed More WNY is an alliance between the food pantry and WNY Meals on Wheels. We will have a mobile pantry distribution occurring at Akron beginning Friday, April 10th and that will occur on Mondays and Fridays from 3-6pm to coincide with our regular lunch and breakfast pick up. The families get essentially a kit and it should be plenty of food. We've ordered I think 240 for each pick up time. Ok. I want to spend obviously a lot of time on the instructional side. As I'm sure you are aware on Friday the Governor announced that schools remain closed until April 14th and he will reassess the situation and make a determination for further closings. The 180 day waiver remains in effect according to his Executive Order but was further refined and defined for us as school districts cannot lawfully recess for a religious holiday, such as Passover or Good Friday. So we are required to do our meal service, our continuing education, and our childcare through the religious holidays. Students and staff could obviously observe a religious holiday if they would like, depending on, our contracts vary in this area, but they may have to use personal time, depending on the nature of their contract. But nonetheless, we are required to provide continuing education, that also includes going through spring break. Building administrators and teachers are working diligently to prepare additional instructional resources and learning for students. We have a

meeting tomorrow as a team and among the topics that we'll be discussing are, we have some concerns with equity of the educational program. We recognize that students without internet access, that's more challenging in some cases. So we're going to talk about how we can overcome those barriers to the extent possible. We have sent out communications that if you're in our district parking lots you can get wifi, so we're hoping that families that need it would take advantage of that. We are in the process now where we need to start thinking about providing new curricular material for kids. A lot of it has been review and keeping their foundational skills concrete, but we need to continue the curriculum. There has been no decision yet on Regents' Exams, but the early indications from State Ed is they may be postponed indefinitely, just like the 3-8 exams. Our plan for our educational program was approved by State Ed. I anticipate that State Ed is gonna require us to update the plan, given the continued closing, so we're doing careful documentation of all of our instructional delivery, our evidence of student learning, and our teacher engagement. That's a critical piece in order to qualify for the 180 day waiver. A big part of our plan and our problem solving tomorrow is going to be centered around responding to nonparticipants. We do know that some kids may not be engaging in the work, we're doing phone calls, messaging parents, but we know that we would like to do more. The guidance we got from State Ed to the extent possible, and that was repeated several times. State Ed recognizes, when you think about school districts across NY State, there are varying degrees of barriers and issues. It's incumbent upon the District to do the best that they can to provide continuing education to the extent possible. There are some barriers, some personal and home situations for example, if a family member is sick or ill, it may be impossible for that child to engage. Serving our students with disabilities, again as long as they are provided the same access to instruction as their general education peers, the State has said that's ok, but we do know that we need to provide teletherapy for those children who get related services. That rolls into Medicaid reimbursement and all kinds of things. Again, careful documentation of what we're doing and trying to improve. Finally, I just want to briefly speak to the mental health needs that our counselors and social workers are working with kids throughout this period to provide them the resources that they need. In a nutshell, that's where we are. We know that we need to do additional communications with families, we know that there are questions. I have penned a draft letter, I'm just waiting until my meeting with the administrators tomorrow before I release, so hopefully that gets out before the end of the day tomorrow. Ok, any questions on that before I go on to the Capital Project?

Jim - Follow up question with the guidance being out to stay in place through April 30th, what has been the discussion about extending the school shutdown beyond 20th at this point?

Pat - So we have heard nothing at this point. We have heard nothing about going beyond the 14th. Just to back up a little bit. Erie 1 and Erie 2 Superintendents, on the onset, closed school until the 20th. The Governor only closed school until the 1st. I did not retract that statement. Didn't want to send mixed messages to the community, so we've held firm that we're closed until the 20th. Then the Governor said we are closed until the 14th. Again, we didn't back off the 20th statement, but ultimately it is the Governor's decision. Given the models that the Governor described today it's likely, my personal opinion, that schools will be closed again after the 14th, but ultimately we follow the Governor's Executive Orders. That's the law and if he tells us to come back to school, then we come back to school. But there's been no guidance or no indication of how long closures will go, if that answers your question, Mr. Grant.

Jim - It does, thank you.

Pat - I want to give you an update to the best that I am able on our Capital Improvement Project. It was honestly amazing that the guidance that the Executive Order received on Friday was that all

construction stops. Then more guidance was derived from the Empire State Development Corp on Sunday, saying schools engaged in essential construction may continue, leading for some very confusing and mixed messages. So what I can tell you to this point is we're seeking information from Empire State Development Corp in order to determine if the District's capital project, which you all know is predominantly focused on health, safety, and critical operations, meets the criteria for essential construction. In consulting with our attorney, we have decided to request that opinion from ESD as to whether our project is essential or not. So that letter hopefully will go out tomorrow morning. We just want to make sure it's not going to whom it may concern, but actually getting in the right hands. It's imperative that we have that opinion from ESD and not try to make that determination on our own for numerous reasons. We're going to base our decision, and obviously I'll be in consultation with the Board on this, but we'll base our decision moving forward on the project in accordance with what's in the best interest of the District. Some factors that we'll be taking into consideration will be whether or not ESD designates the work as essential. The fact that our project hasn't actually started on a physical side is an indication that it may not be awarded to move forward. We're also looking for recommendations for our Campus, our construction management company. We're looking at our legal consultations as well, and then we also need to get verification from contractors that they're able to meet all their internal safety protocols and they're able to comply with all State issued orders. And then finally, we have to consider whether or not there's any risk to public health. So I'm throwing a lot out there to tell you that there are a lot of high hurdles that would need to be crossed for us to feel confident that moving forward with the project is in the best interest of the District. Questions on that one before we talk about budget or comments?

Erik - Just one recommendation. Check with the Town of Newstead code enforcement officer. My understanding from the construction side is that a lot of it has been driven down to the municipal level to have the code enforcement officer make a recommendation as to whether or not a project is supposed to be allowed and viable. So just check with them, they may have some direction to help you out.

Pat - That's great, Mr. Polkowski. Thank you. I will tell you that there is, and I don't really know how it works, but there definitely is a distinction between schools and private business construction, but I take your recommendation with a great deal of enthusiasm. I think the more information we have the better off we are, so I will keep you apprised to those developments. The last thing I have, obviously I've asked Cindy to join us this evening, is to give you an update on where we stand with the budget. It's important that we have this dialogue now that we have some additional time to analyze the budget, with the vote being pushed off at least till June 1st, I want to start the conversation or the information with you with kind of a wider perspective, then I'll ask Cindy to add to the conversation with more Akron specific. Based on the Governor's proposal today, the total statewide increase would be \$95 million or .35% of foundation aid. Foundation aid is frozen at last year's level. In addition to that, there's other aids that are computed according to the laws and formulas that produce the total statewide increase. In addition to that, each District has received a reduction in aid through what's called a Pandemic Adjustment, which would be offset by an allocation from the Federal Stabilization Fund with the federal stimulus bill that was enacted last week. Those of you who were on the Board years ago remember the Gap Elimination Adjustment when the budget was so off-whack that they started, to eliminate that gap, they started taking money away from schools. This feels a lot like that, but it's called the Pandemic Adjustment. We do know that as a result of that, state aid would be reduced by \$1.12 billion and ideally placed with federal money for each district. Akron got a Pandemic Adjustment of a little over \$262K and ideally, the federal money would come to substitute that. And you'll notice I said ideally. Nothing's definitive yet. As has been widely reported, the state aid drops in revenue are anywhere from \$10-\$15

billion as a result of Coronavirus and school aid, as you know, is about ⅓ of the overall state budget. Given that, we would anticipate that there will be reductions. The Governor has indicated this earlier, but it came out again today, these quarterly reductions would be made during 4 specified periods: April 1st - April 30th, May 1st-June 30th, July 1st - Dec 31st, and January 1st- March 31st. Those are those quarterly reductions that we have been hearing about. The Governor's budget came out today. The legislature has 10 days to adopt or come up with an alternate plan. What I've heard from folks that talked to Shawn Ryan and Tim Kennedy, they're indicating that it's likely that the Governor's proposal will be the proposal moving forward, and we're not likely to see any adjustments but stay tuned. By recap before I turn it over to Cindy. The Governor's budget for Akron, the Foundation Aid was set to the 2019 level. We know that many of our expense-driven aid, such as transportation and special education, are in his proposal based on projected numbers, but we often know that those because they're expense driven are often set higher than the actual expenses. So we're likely not to see all of that money in his draft for us. I hope that I laid some of the background information. Mrs. Tretter, if you could unmute yourself, I'm wondering if you can add more specifics that the Board might like to know.

Cindy - So information was published late in the day. I was actually on a conference webinar with Forecast 5, our analytics company. So I'm taking some time to pull apart what was published. It's an awful lot of data. On the surface I agree 100% with Pat. It looks as if they continue to utilize inflated estimates for BOCES aid, transportation aid, and our 2 special ed aids. I think I had shared with you last week that we kind of take in the original proposal apart and gone through it to calculate and again, we as the District have the benefit of knowing actual information, whereas the Governor only has estimates or set percent increase from prior years. Tim and I went through the special education numbers. Mark and I went through the transportation numbers. I'm very well-versed in our BOCES contract and what aid that should generate. So in pulling apart that data, it looks as if at this point the amount that we've chosen to budget for next year is pretty close to what I think we're going to get. That also assumes that the Pandemic Adjustment will in fact be an adjustment. So I just ask for a little bit of time to continue to pull apart the numbers that they published today, to let the dust settle so that we know what is in fact what we're dealing with for projected state aid for next year. That's really all I can tell you on state aid, and I'll be sharing updated estimates with Pat as soon as I'm able to get through the formulas and the information that was published. I've already seen conflicting information, not in regard to the numbers, but with regard to several other components of the state budget. One of which is within the state budget, there is a provision that took away the local district's ability to opt out of the RPL Energy that we just opted out of. There's just a lot that's being published right now, so I just would like to be able to read through all of it before I really can give you a firm opinion, but I will give everything I come up with to Pat and he can share it with you guys. I also wanted to share, Pat with your permission. I spent 2 hours this morning on kind of a Zoom conference call with all of the other business officials in the Erie 1 region. I'm not sharing my opinion, I'm just sharing information that was provided. We are one of very few districts that at this point have not talked about establishing a tax levy that goes up to, or gets close to, the cap. Many other districts are choosing to maximize their levy this year knowing that there are going to be several economic factors that are going to impact future tax levies and knowing every year that you choose to go below your cap it's an exponential hit for future years. And we talk a lot about, as you know, the tax levy is when you calculate the cap, there's 8 factors that go into that, one of which is the growth factor that's tied to CPI. We don't expect that that factor's going to be very large but that will inhibit potential tax levies moving forward. They talk a lot about the other factors and the levy proposal. I am only sharing it with you, I am not endorsing that. I just wanted to make sure that this Board was aware that at whatever point we go out with our budget, you know I just wanted to make sure that you are aware that that is the approach that other districts are taking. They of course haven't

had a re-eval in their town and you know there are things that are inherently specific to Akron that you are all considering and I am considering and Pat is considering. So we have to weigh all the factors. I just wanted to again, just share that information, not asking you to do anything different. Not endorsing one way or the other, just saying I wanted to make sure that if we sort of appear like we're on an island, we are in fact on a little bit on an island. There are very few districts that aren't going up to the cap this year. Other than that, I'll be preparing some analysis and giving it to Pat in the next day or two that I'm sure he'll share with you. Any questions?

Jim - Cindy, compared to our district's tax cap of around 3.2%, are the other districts close to that?

Cindy - They are. They are. Some are over that. Some are close to that. We're actually all populating a Google doc that will share where everyone's at and I'll share that document with Pat as well as soon as it's been populated by all the districts. It's interesting because we also have carryover money. As you know, we've typically, our approach has always been we only ask our community in terms of a tax levy for that which we really feel that we need. We don't maximize the levy every year. We understand the constraints in our community and we try to be really respectful and only ask for what we need. That approach I think is noble and I'm grateful to be working for a Board that feels that way. However, the result of that, in the calculation and formulas, that we usually leave on the table dollars that we could have levied but chose not to. So there is carryover money also available for Akron. We've never chosen to use that. We've always decided to set our levy at only what we need, which typically has been something around 1% and most of the time is less than 1%. So I offer that information as well and just something to think about. As Pat has stated, I think we have the benefit of some time. So I think take a breath, analyze what's been published today, we let the dust settle at the state level, we ready everything that they've provided to us, and then we can circle back and have this conversation again in case anything needs to change.

Pat - Anything else on the budget? I just have one final thing to share. We will continue to provide the Board as much information as we can as Mrs. Tretter said. Just to let the Board know that our current negotiations with the Akron Faculty Association through mutual agreement are postponed until student attendance resumes for the 2019-2020 school year. The parties won't meet so long as the schools are closed to students. There were some items on the table that we'll try to address remotely if possible, but I just wanted to let you know that both the District and the Association are in mutual agreement that that's in everyone's best interest at this time.

Erik - One other question, just in regards to budget. Was there anything that was discussed in regards to some of the proposals that were also associated with the budget, in regards to like removing expense driven aid or capital things? I know those things were all on the table and with this everything's been kind of thrown up in the air, but whether or not they made any sort of decisions? I mean if it is that they are going to push with the executive's budget basically as is, are those sorts of things still enclosed or not enclosed or are they just gonna kind of say forget about everything and move forward with just what we have right now?

Cindy - I would share with you that on the surface it does not look like they pushed forward with capping expense driven aids, but before I tell you that definitely, I just want to read through all of the publications. There just wasn't time before the meeting, so I apologize. It literally got published, I think I texted Pat at 3:30 to say I just saw numbers.

Pat - And Erik to your point I would agree with Cindy. We don't know yet but the early communication that we had heard was that they wouldn't be consolidating all expense driven aids into foundation aid, but that's just what was rumored. I have not read that definitely after the release today.

Jim - Thanks Pat, I appreciate the update. We are going to move on to Item #5 Personnel Instructional, and the recommendation is that the Akron Central School Board of Education, upon the recommendation of Patrick D. McCabe, Superintendent of Schools, does hereby approve the following instructional items, consent items 5A & 5B.

Phil - Moved.

Debbie - Second.

Jim - Are there any questions or comments on these items?

Roxanne - That carried.

Jim - Thank you Roxanne. Moving on to item #6 Personnel Non-instructional, and the recommendation is that the Akron Central School Board of Education, upon the recommendation of Patrick D. McCabe, Superintendent of Schools, does hereby approve the following non-instructional items, consent #6A & 6B.

Roxanne - Excuse me, there is also C. A, B, and C.

Bob - Moved.

Heather - Second.

Jim - Any questions or comments on that?

Roxanne - The motion carried.

Jim - Item 7 District Items. The recommendation is that the Akron Central School Board of Education, upon the recommendation of Patrick D. McCabe, Superintendent of Schools, does hereby approve the following district items, consent items 7A - 7C.

Jody - Moved.

Debbie - Second.

Jim - Any questions or comments?

Roxanne - Motion carried.

Jim - Item #8 Upcoming Dates. At this point April 21st is our regular business meeting at 7 o'clock. If school's in session, we will be meeting in the board room. If not, this will be a Zoom meeting. Item #9 Executive Session. We do not have a need to go to executive session. Item #10, may I have a motion to adjourn?

Phil - Moved.

Heather - Second.

Jim - Any questions, comments, objections to adjourning?

Roxanne - Motion carried.

Jim - We are adjourned at 7:46. Thank you everyone, stay safe.