

**Rochester Board of Education**  
**Finance Committee**  
**May 21, 2013**

**Attendance:** Commissioner Powell (Chair); Commissioners White (joined via videoconferencing), Cruz, and Adams. Parent Representative absent. District Staff: Bill Ansbro, Chief Financial Officer; Gary Smith, Purchasing Officer; Mike Schmidt, Chief of Operations. Board Staff: Debra Flanagan.

Commissioner Powell convened the meeting at 6:28PM.

**I. Review of Procurement Resolution**

**A. PROCUREMENT & SUPPLY**

- 1. Best Plumbing Specialties, Inc.; Buckpitt & Company Inc.; The K.L. Group (dba “Johnstone Supply of Rochester”); V.J. Stanley – contract extension for plumbing and HVAC equipment and supplies – Resolution No. 2012-13: 655**

Gary Smith explained that this resolution is to extend the contract for the fourth year with the above vendors for purchase of plumbing and HVAC equipment, for which the District expends \$104-163K annually. He noted that these costs have been discounted by 9-63%, depending on the specific item and the vendor. Mr. Smith reported that these contracts will be re-bid again next year because only four years of extensions are allowed under the existing contracts.

**Motion** by Commissioner White to approve above Procurement resolution. Seconded by Commissioner Cruz. **Adopted 3-0.**

**II. Questions & Answers Session**

Bill Ansbro handed out materials listing the organizations that have submitted a Letter of Intent to SUNY to open a charter school in the 2014-15 school year. He noted that eight new charter schools are planned within the Rochester City School District, and discussed the fiscal impact of having even half of these applicants approved.

Commissioner Powell pointed out that some of the applicants are former partners with the District, and that the proposals include a K-5 school of the arts and a Freedom School.

Commissioner White contended that the fact that some of these applicants are former partners indicates the District’s failure to listen to concerns and to collaborate in identifying and supporting innovative solutions. He expressed concern that the talented individuals applying to open new charter schools will draw involved parents and community members away from the District, significantly reducing opportunities for improvement. Commissioner White pointed out

that the District's failure to support replication of the School of the Arts or the Freedom School has led to the loss of parents and students in RCSD schools.

Mr. Ansbrow discussed the impact on RCSD from an increasing number of students attending charter schools. He reviewed student enrollment projections based on planned expansion of existing charter schools and on the assumption that half of the applications for new charter schools for 2014-15 will be approved.

Commissioner Powell noted that the Board of Regents and SUNY historically have approved more than half of the charter school applications, indicating that these projections are conservative.

Mr. Ansbrow reported that the State has not yet made a decision on award of the competitive preK grant, which presents difficulties in determining the specific model to implement in the upcoming school year.

Mr. Ansbrow stated that the District could possibly receive some additional revenue based on a review of NYS Aid provided to RCSD from 2004-08. He pointed out the long time lag for the State to compare Aid data with the amount actually received by school districts.

**III. Review and Approve Minutes of the April 16, 2013 Finance Committee Meeting of the Whole and of the April 18, 2013 Finance Committee Meeting**

**Motion** by Commissioner Cruz to approve the minutes of both of these meetings. Seconded by Commissioner White. **Adopted 3-0.**

**IV. Review and Approve April 2013 Financial Report**

**Motion** by Commissioner White to approve April 2013 Financial Report. Seconded by Commissioner Cruz. **Adopted 3-0.**

**V. Review and Approve Quarterly Student Activity Fund Report**

**Motion** by Commissioner Cruz to approve Quarterly Student Activity Fund Report. Seconded by Commissioner White. **Adopted 3-0.**

**VI. Review and Approve Resolutions in Preparation for May 23, 2013 Board Business Meeting**

**A. FACILITIES**

**Final Payments:**

- 1. Blackmon-Farrell Electric, Inc. – final payment for electrical work on District-wide security upgrades – Resolution No. 2012-13: 656**
- 2. Concord Electric Corp. – final payment for electrical work for renovations to Franklin High School – Resolution No. 2012-13: 657**

3. **Lloyd Mechanical Co., LLC – final payment for plumbing work for renovations to School No. 29 – Resolution No. 2012-13: 658**
4. **O’Connell Electric Company, Inc. – final payment for electrical work for renovations to Marshall High School – Resolution No. 2012-13: 659**
5. **Lloyd Mechanical Co., LLC – final payment for plumbing work for renovations to Dr. Freddie Thomas High School – Resolution No. 2012-13: 660**

**Motion** by Commissioner Cruz to address all above final payment resolutions as a group. Seconded by Commissioner White. **Adopted 3-0.**

**Motion** by Commissioner Cruz to approve all above final payment resolutions. Seconded by Commissioner White. **Adopted 3-0.**

6. **Kaplan-Schmidt Electric, Inc. – electrical work for renovations to Dr. Freddie Thomas High School – Resolution No. 2012-13: 661**

**Motion** by Commissioner Cruz to approve above contract resolution. Seconded by Commissioner White. **Adopted 3-0.**

7. **Pipitone Enterprises, LLC – final payment for mechanical work for renovations to Franklin High School – Resolution No. 2012-13: 662**
8. **Daniel J. D’Amico Plumbing and Heating Co. – final payment for plumbing work for renovations to School No. 36 – Resolution No. 2012-13: 663**
9. **Nairy Mechanical LLC – final payment for plumbing work for renovations to School No. 8 and School No. 45 – Resolution No. 2012-13: 664**

**Motion** by Commissioner Cruz to address above final payment resolutions (Resolution No. 2012-13: 662 through 664) as a group. Seconded by Commissioner White. **Adopted 3-0.**

**Motion** by Commissioner Cruz to approve above final payment resolutions (Resolution No. 2012-13: 662 through 664). Seconded by Commissioner White. **Adopted 3-0.**

**Other:**

10. **Approval of Closing Documents for Issuance of COMIDA School Facility Revenue Bonds – Resolution No. 2012-13: 665**

**Motion** by Commissioner White to approve above resolution. Seconded by Commissioner Cruz. **Adopted 3-0.**

**11. Amend Facilities Modernization Plan approved by the Board in March 2013 to include closure of School No. 44 by 2020-21 – Resolution No. 2012-13: 666**

Commissioner Powell reported that Superintendent Vargas held a public meeting with the school community to discuss the proposed closure of School No. 44. She pointed out that these discussions took place because of the Board's insistence that parents, students, staff, and community members have an opportunity for input into proposed school closures.

Commissioner White requested a summary of the discussions at this meeting, since he was unable to attend.

**Action Item: Mr. Ansbrow will provide a summary to the members of the Finance Committee of the discussion at the recent public meeting conducted by the Superintendent regarding the proposed closure of School No. 44.**

Commissioner Powell stated that RCSD has to close schools because of student enrollment issues and the expansion of charter schools. She noted that closure of School No. 44 will not take place for years.

Commissioner Adams contended that recent changes to the Facilities Modernization Plan (FMP) stipulate that School No. 44 will be closed no later than 2020-21, but this could take place much earlier. She emphasized the need to consider each proposed school closure carefully, and to examine the dynamics of the charter school movement and the experience of school districts that are farther along in this process. Commissioner Adams described the Chicago Public School District closing many schools in anticipation of large numbers of students going to charter schools, with the result that Chicago public schools are now overcrowded.

Mike Schmidt reported that the meeting with the School No. 44 community included school administrators, community organizations, and approximately 50-75 parents. He stated that the meeting involved discussion of budget issues, the charter school movement, and facilities considerations. Mr. Schmidt related that while those attending the meeting do not want their school to close, they had a clear understanding of the reasons for this decision.

Mr. Ansbrow pointed out that NYSED has offered to support legislation for Phase 2 of the FMP for RCSD if the District addresses closure of five schools.

Commissioner White expressed concern about compliance with Board policy ("Closure of School Buildings" policy – 7600), which was created because of past problems with school closings. He also objected to the fact that those urging RCSD to downsize are also advocating for expansion of charter schools. Commissioner

White asserted that there is an obvious connection between the District rejecting development of a second School of the Arts and a Freedom School, and advocates for these innovative school models now applying to open charter schools. He contended that the charter schools will operate in the same buildings that RCSD has been pressured to close. Commissioner White urged the District to be more proactive in adopting innovation and replicating effective models to prevent the loss of students to charter schools, emphasizing that this movement is not inevitable.

Commissioner Powell requested further detail of Commissioner White's concerns that the proposed closing of School No. 44 has not adhered to Board policy.

Commissioner White stated that the policy requires a number of organizations to be involved in the process of proposed school closure, including the district-wide Parent Advisory Council and Zone Improvement Teams. He noted that a sequence of steps is required to be followed in vetting these decisions, with a summary of the input from each of these organizations submitted to the Board. Commissioner White added that the Administration objects to the Board micromanaging District operations, but this is necessary if Board policy has not been followed.

Commissioner Cruz expressed concern about failure to adhere to the Board's policy, and asked about barriers to doing so.

Commissioner Powell pointed out that there is no legislation or primary sponsor for Phase 2 of the FMP, so there is ample time and opportunity for any proposed school closure to be addressed in compliance with Board policy.

Commissioner Adams stated that a resolution recently approved by the Board named four schools to be closed and provided for closure of a fifth school. She contended that approval of this resolution should be sufficient to indicate to NYSED the intent of the District with regard to school closures. Commissioner Adams emphasized the larger issues at stake in terms of a commitment to a democratic process involving parents and the community.

Commissioner Powell noted that those responsible for implementing this Board policy (e.g. Zone Improvement Team members) do not attend Finance Committee meetings to hear these concerns. She summarized the additional actions necessary under the policy:

- Present the school closure plan for School No. 44 to the district-wide Parent Advisory Council, the Zone Improvement Team, and the School-Based Planning Team
- Summarize the input received from each of these groups and submit the summary to the Board for consideration, along with the proposed school closure plan

Commissioner White discussed the effort involved in creating an effective district-wide Parent Advisory Council and in developing the Closure of School Buildings

policy. He noted that involving each of these groups legitimizes the actions taken by the District with regard to opening and closing schools. Commissioner White stated that failure to involve these groups not only undermines the policy, but also the efforts that have been made to foster public engagement.

Mr. Schmidt voiced concern about delays in the school closure process at this point because of the impact on FMP legislation and RCSD projects. He suggested advancing the resolution regarding closure of School No. 44, and adding a stipulation that the Closure of School Buildings policy will be followed in the future. Mr. Schmidt underscored the importance of addressing declining student enrollment in terms of facilities planning and future budget constraints.

Commissioner Cruz acknowledged that the Administration conducted a series of public meetings regarding the Facilities Master Plan, but an assumption was made that this public input was sufficient for planning to close a particular school and for adhering to the requirements of Board policy. He asked whether compliance with the policy for the proposed closure of School No. 44 is possible without compromising the ability to achieve District goals under the FMP. Mr. Schmidt replied that compliance with the policy in meeting with the specified groups and obtaining Board approval of the proposed school closure could not be accomplished within the next 5-6 weeks, when the legislature will recess. He stated that this would lead FMP legislation to be postponed until the fall, which will significantly delay RCSD projects.

Commissioner Adams emphasized the need to understand the rationale behind delays in the FMP legislation, particularly since the recently approved resolution reflects the District's commitment to close a fifth school. Mr. Schmidt reported that the Deputy Superintendent for Administration had informed him that Finance Committee approval of the resolution to close School No. 44 was necessary to move forward with the FMP process.

Commissioner Adams contended that it is inappropriate for NYSED to micromanage the District and exert pressure to name a fifth school for closure without time or opportunity to reach a decision through a democratic process.

Commissioner Powell pointed out that the pressure/urgency to name a fifth school for closure arises from a series of interpretations: the Deputy Superintendent of Administration interpreting NYSED's position, and interpretations about the legislative process for Phase 2 of the FMP.

Mr. Ansbrow stated that legislative leaders have informed the Administration that NYSED's approval of the District's facilities' capacity would be necessary to obtain support for Phase 2 FMP legislation. He noted that the District's General Counsel has drafted legislation for Phase 2 based on the template used for Phase 1.

Commissioner Powell responded that there are problems with the template used for Phase 1 legislation. For a bill to pass the legislature by June, she stated that the

current focus should be on the content of the legislation, the sponsor, and the concessions that the District can make in the process.

Commissioner Cruz inquired whether the Committee would deem it sufficient to advance the resolution naming School No. 44 for closure, with the understanding that all future proposed school closings will comply with the process specified in Board policy.

Commissioner White objected to advancing the resolution at this point, noting that there have already been exceptions made to following the Closure of School Buildings policy. He stated that he has raised these concerns since March, and there is no reason that the Administration cannot meet with the different parent and school community groups to adhere to the policy.

**Motion** by Commissioner Cruz to approve above resolution to close School No. 44 (Resolution No. 2012-13: 666). **Defeated 1-2, with Commissioners Powell and White dissenting.**

**Motion** by Commissioner White to amend the proposed resolution to state that in lieu of closing School No. 44, the Closure of School Buildings policy will be followed and a report given to the Board of the feedback received from the public meetings with each of the groups (i.e. Parent Advisory Council, Zone Improvement Team, and School-Based Planning Team). **Adopted 3-0.**

## **C. REVIEW OF ADDITIONAL RESOLUTIONS**

### **1. Proposed Resolution regarding District-Charter Compact**

Commissioner Powell asked about the timing of approving a resolution that would terminate the District's involvement in an agreement to share resources with charter schools. Mr. Ansbrow replied that the timing is awkward at this point because the District is waiting to hear about a grant award from the Gates Foundation, which is supportive of charter schools.

Commissioner Powell expressed concern about the Gates Foundation grant affecting the District's decision to continue an agreement with charter schools.

**Motion** by Commissioner Cruz to table proposed resolution to terminate RCSD involvement in the District-Charter Compact. Seconded by Commissioner White. **Adopted 3-0.**

### **2. Proposed Resolution regarding Center for Reinventing Public Education**

**Motion** by Commissioner Cruz to approve resolution to terminate RCSD affiliation with the Center for Reinventing Public Education. Seconded by Commissioner White. **Adopted 3-0.**

**Motion** by Commissioner Cruz to adjourn. Seconded by Commissioner White. **Adopted 3-0.**

Meeting adjourned at 8:29PM.