

ROCHESTER BOARD OF EDUCATION
Community & Intergovernmental Relations Committee
Meeting of the Whole
February 10, 2015

MINUTES

Attending: Board Vice President Cynthia Elliott (Chair); Commissioners Adams, Evans, White, Campos, and Powell (arrived 6:45PM).

Parent Representatives: Felix Jacobs

District Staff: Ed Lopez-Soto, General Counsel; Mike Schmidt, Chief of School Operations; and Wayne Kittelberger, Assistant Transportation Director.

Community Participants: Rochester Police Chief Mike Ciminelli; Lieutenant Mike Perkowski, RPD Supervisor of Downtown Detail; and Sergeant Nelson Soto, RPD Supervisor of Youth Services

Board Staff: Debra Flanagan

Board Vice President Elliott called the meeting to order at 6:00PM.

I. Review of the Minutes of the January 13, 2015 CIGR Meeting

Motion by Commissioner Adams to approve the minutes of the January 13, 2015 CIGR meeting. **Adopted 3-0, with concurrence of Parent Representative.**

II. Review Updated Legislative Agenda

Motion by Commissioner Adams to approve the Updated Legislative Agenda. **Adopted 3-0, with concurrence of Parent Representative.**

III. Discussion of Options for Improving Safety Downtown

Commissioner Elliott discussed recent incidents at the downtown RTS bus terminal involving students, noting that City Hall and RTS have been working diligently to address these issues. She stated that this meeting is intended to identify ways in which the District can work collaboratively to mitigate these larger issues in the community.

Commissioner Elliott also pointed out that these incidents in the community have involved a small cadre of students and have taken place in various locations throughout the City, such as Charlotte Beach and the Lilac Festival. She stated that ongoing discussions will be held in the 3-on-3-on-3 Task Force meetings with representatives from the City Council,

Board of Education, and Monroe County legislature. Commissioner Elliott thanked Rochester Police Chief Mike Ciminelli and his team for attending this evening's meeting.

Rochester Police Chief Ciminelli expressed appreciation for the cooperation the Police Department has received from RTS and the Rochester City School District, stating that creative collaboration is the best approach to these community concerns. He introduced his colleagues: Lieutenant Mike Perkowski, Supervisor of Downtown Detail, and Sergeant Nelson Soto, Supervisor of the Youth Services Section.

Commissioner Elliott introduced District staff members Mike Schmidt, Chief of School Operations, and Wayne Kittelberger, Transportation Director.

RPD Chief Ciminelli explained that these types of problems have been arising over the last several years at various locations downtown, and are not the result of the new RTS Transit Center. He pointed out that before building the Transit Center, there had been problems with student misconduct at Liberty Pole and Mortimer Street downtown.

RPD Chief Ciminelli stated that he would focus his comments on the most recent incidents that occurred in the downtown Transit Center, since this was the specific request of the Committee. He explained that despite these incidents being an ongoing concern, the opening of the Transit Center has changed the dynamics by providing a place to escape the cold winter weather and thereby has created less of an incentive for students to go home directly after school. In addition, Chief Ciminelli noted that the situation is exacerbated with the concentration of RTS travelers in the Transit Center, rather than being spread out at a variety of bus stops downtown. He emphasized that the majority of students travelling through the Transit Center are simply trying to get to and from school.

RPD Chief Ciminelli reported that the Rochester Police Department engaged in constructive dialog with RTS and the Rochester City School District just prior to the opening of the Transit Center in November 2014. He stated that incidents began occurring not long after the Transit Center opened, and a meeting was held on December 23, 2014 with the Mayor, Board of Education President White, and RTS officials to discuss concerns. RPD Chief Ciminelli noted that Mayor Warren agreed to assign additional police officers to the Transit Center for two weeks to set the tone and promote positive expectations in terms of conduct and safety. He stated that this two-week period involved overtime and additional expense for the Rochester Police Department and for RTS security personnel.

RPD Chief Ciminelli explained that the two-week period of additional security at the Transit Center in December 2014 was used to examine processes and procedures for improving safety, including screening students to determine if they had the proper bus pass and were supposed to be travelling downtown. He reported that the number of incidents decreased during this period, and offered a number of recommendations to improve safety:

- Add School Safety Officers (SSOs) to work as a team with RPD and RTS security staff
- Require RCSD students to wear their bus pass so that it is visible, which will enable security staff to easily identify the individual students authorized to travel downtown

- Collaborate with RTS to develop a mutually acceptable Code of Conduct for student transportation – consider possible consequences for students who violate the Code, such as banning them from the downtown Transit Center or revoking their bus pass. The Rochester Police Department could support the Code of Conduct without resorting to arrest, which will not address the problem.
- Monitor processes at the school level for issuing 2+2 bus passes to improve control of individual students travelling downtown on RTS buses

RPD Chief Ciminelli explained that a student may report the loss of an RTS bus pass to school staff, who then issue a 2+2 pass. He stated that a total of 40 excess bus passes were confiscated from students during the two-week detail, and some students had as many as 7 passes.

RPD Sgt. Soto added that police officers were stationed at the entrances of the Transit Center during this two-week period, and students' ID cards and bus passes were randomly checked. He stated that some students had up to seven 2+2 bus passes, which were given to them by the Athletic Director at the school for extracurricular activities. Sgt. Soto reported that this concern was presented to District staff, who are currently addressing the problem. He emphasized the need to monitor issuance of these bus passes at the school level to reduce the number of students travelling through the Transit Center unnecessarily.

Sgt. Soto also pointed out that many of the students in the downtown Transit Center had orange bus passes, which are for express RTS service that is not routed downtown. He stated that these students should not have been downtown unless engaged in an after – school activity. Sgt. Soto noted that these students were at the Transit Center between 2-4PM, and clearly not using their 2+2 bus pass for afterschool activities.

RPD Chief Ciminelli stated that the Transit Center has numerous video cameras, but it is often difficult for police officers to identify the individual students involved in fights or incidents. For this reason, he recommended having School Safety Officers team with RPD downtown because they can readily identify students from their schools and their more personal relationship with students can also serve as a deterrent.

Commissioner Elliott asked Transportation Director Wayne Kittelberger to discuss the steps being taken in the District to mitigate incidents involving students.

Commissioner Evans commented that these types of issues occurred several years ago at the Liberty Pole downtown, and an effective plan was developed with the City and RTS. He stated that the District began issuing different bus passes to indicate the location(s) that students were authorized to travel. Commissioner Evans pointed out that the solution to these problems is known because it has been found and implemented effectively in the past. He suggested the possibility of modifying bus routes for specific students being disruptive and have SSOs collaborate with the Rochester Police Department, but essentially the plan that was crafted in the past to address these problems effectively simply needs to be re-activated.

Mike Schmidt commented that he was just about to make this same statement, noting that the main action taken in September 2013 was to move a significant number of students to an express pass to bypass the downtown corridor. He noted that this approach was quite successful, and is still in place. Mr. Schmidt reported that 70% of students taking RTS buses to and from school are on express routes. He explained that the students who are not using express bus services either:

1. reside in areas in which there aren't sufficient numbers of students to warrant express service; or
2. the location to which they are travelling does not have sufficient enrollment for express service; or
3. the student needs access to a variety of other resources or services in the community because of the program in which they are enrolled.

Mr. Schmidt stated that the most recent step taken is to mirror actions taken with other student transportation providers: if a student is involved in an incident on the bus, the Transportation Director will contact the school principal and the student's parents to hold the student accountable according to the RCSD Code of Conduct. He acknowledged that an issue has arisen with the opening of the Transit Center in identifying individual students involved in incidents. Mr. Schmidt stated that RTS will not release videos to RCSD, so RCSD staff have to go to the site (i.e. Transit Center) to review security videos to identify the student involved. He added that it is not feasible for administrators from 15-16 secondary schools to take time to go to the Transit Center to review video footage in case an incident happens to involve a student from their school. Mr. Schmidt reported that the Transportation Director has been going to the Transit Center on a regular basis to review videos and take screen shots to show to the school administrators to identify the individual students involved. He noted that this is a cumbersome and time-consuming process, particularly since the student may be found to be from a different school district or the youth is not a student at all.

Mr. Schmidt pledged to continue to work with RPD and RTS to rectify the situation, adding that increasing diversification of programming in the District will lead to smaller numbers of students travelling to a particular location and this will make monitoring more difficult. He noted that the District will need to be proactive in devising ways to transport students safely and efficiently with this change in programming.

Mr. Schmidt stated that the District has continued to follow the original plan that was put in place in September 2013 to prevent and mitigate incidents in the community involving students. He pointed out that there would have been a much more dramatic increase in disturbances downtown with the new Transit Center if these steps had not been taken.

Mr. Schmidt noted that RTS made a strategic decision in December 2014 to provide free access to everyone in the transit system for that month, which undermined the District's efforts to re-route students away from downtown for that period of time. He stated that the number of incidents at the Transit Center has diminished since January 1, 2015, and emphasized that the District is open to suggestions and collaboration with transportation partners.

Mr. Kittelberger asserted that most of the problems downtown at this point are due to the concentration of travelers in one location (i.e. the Transit Center). He explained that students from different schools had been spread out in different downtown locations prior to the opening of the Transit Center (e.g. students from Charlotte High School at the bus stop on State and Main Streets; Franklin campus students at the stop on Andrews Street).

Mr. Kittelberger confirmed meeting with RTS officials and reviewing video footage to identify individual students who were creating disturbances. He reported that the students involved in recent incidents are not those traveling through the Transit Center, but not attending school at all. Mr. Kittelberger stated that this was verified by the school principal in each case. He noted that these students have had their RTS bus passes de-activated and that the District will continue with this course of action in addition to collaborating with RPD and RTS. Mr. Kittelberger added that the students who have caused disruption and had their RTS bus passes de-activated will have to utilize other services outside of the Transit Center. He stated that most of the students causing problems had orange bus passes for express RTS service and should not have been downtown.

RPD Chief Ciminelli asserted that one of the most important deterrents is to puncture anonymity, and this is the reason for requesting SSO officers' presence downtown. He stated that students will recognize the SSO officer from their school and be much less likely to engage in disruptive activities. RPD Chief Ciminelli reported that this was the result of teaming SSOs with police officers downtown at the Liberty Pole, which was very effective as a preventive tactic in the past. He stated that this strategy was again shown to be effective when SSOs worked with RPD officers at the Transit Center for the two-week detail in December 2014. RPD Chief Ciminelli acknowledged that staffing and fiscal constraints may not enable the District to support overtime for SSOs to be stationed downtown with RPD on an ongoing basis. He emphasized that this could still be beneficial if done at particular times or for a particular period of time.

Commissioner Elliott stated that former County legislator Calvin Lee recognized quite a few problems on the west side of the City on Genesee Street. She stated that he had suggested using male volunteers on the street to deter incidents from occurring. Commissioner Elliott stated that the Mayor has clergy on patrol in certain areas of the City, and this may be an option for supplementing RPD's security efforts. She stated that she will discuss this idea with Mayor Warren, noting that youth are not willing to engage in disruptive behavior when adults are present.

Commissioner Elliott reported discussing this idea with an RCSD student, whose comments she would like to share. This student contended that disturbances in the community will not be stopped completely because the students causing them have problems and need some emotional release. The RCSD student surveyed also suggested having more positive outlets and opportunities for troubled youth to express themselves constructively. Finally, this student pointed out that the students causing disruptions in the community are probably also witnessing the same behavior at home.

RPD Chief Ciminelli responded that the student interviewed by Commissioner Elliott seems quite astute, and he concurred with the student's assessment.

Commissioner Campos inquired about the suggestion for having students wear their bus pass so that it is visible, noting that this would be useful in puncturing anonymity and in identifying locations that the student is authorized to be. RPD Chief Ciminelli advised the District to make this a requirement because it would address the concern about anonymity and obviate the need for police officers to approach and question students.

Mr. Schmidt explained that the District is currently working with RTS on the logistics of requiring students to display their bus pass visibly because the pass has to be removed and tapped on a sensor for activation. He stated that another factor is the fact that students have not been expected to wear their RTS bus passes since the beginning of the school year, although they have been directed to present their pass when requested by security or RTS personnel.

Commissioner Adams asked whether wearing a bus pass on a lanyard makes it more difficult to scan. Mr. Schmidt replied that he wanted to ensure that bus passes can be scanned easily when worn on a lanyard before establishing this as a requirement.

Commissioner Campos inquired whether the District is planning to establish a requirement that students wear their RTS bus pass so that it is visible on a lanyard. Mr. Schmidt confirmed that the District is planning to establish this requirement, but did not have a precise timeframe or date by which this will be completed.

Commissioner Adams noted that some members of the community are advocating for all students to be removed from the Transit Center, but she disagrees with this stance because some students have legitimate reasons and needs for transferring downtown because of the programs they are attending. She pointed out that the problem largely seems to involve students who are not even authorized to travel downtown, which confirms the view that simply removing students from the Transit Center will not resolve the problem.

Mr. Schmidt reported that a small number of students have been involved in recent incidents at the Transit Center, which makes generalizations difficult. He agreed that simply removing all students from the Transit Center would not effectively address the problem. Mr. Schmidt noted that the District is enhancing programming to be tailored to the individual student, and prohibiting travel through downtown would undermine these efforts.

Commissioner Adams reported that concerns have been expressed about students avoiding the Transit Center out of fear of encountering violence or other disruptive circumstances. She stated that suggestions have been made to drop students off at an alternate location closer to their home, rather than having to go downtown. Mr. Schmidt replied that students can get off of the RTS bus anywhere they like, and noted that the District would appreciate greater flexibility on the part of transportation providers. He explained that the District does not determine the bus routes, but gives addresses to RTS of students' residences and the locations to which they are travelling.

RPD Chief Ciminelli inquired whether RCSD students that need to transfer buses downtown have to do so at the Transit Center. Mr. Kittelberger responded that students can transfer buses at various stops downtown, but most go to the Transit Center because that is where all of the buses go. Mr. Schmidt added that most students do have to transfer buses downtown to get home. He stated that if a student is fearful or concerned about their safety, the District has resources at the school level and the option of finding a different route home could also be explored.

Commissioner White recalled a court case in which there was a controversy about RTS transporting a student, and the court ruled that students have to be transported in the same way as the general public and therefore allowed to exit at any bus stop.

Commissioner White expressed appreciation for RPD Chief Ciminelli's plan for deploying additional officers at the Transit Center to investigate and obtain greater insight into the factors contributing to these problems. He stated that visibly displaying ID cards and bus passes and teaming with SSOs are effective strategies. Commissioner White added that it is not the role of the Board of Education to engage in specific staff deployment directives. He stated that he is pleased that there are cooperative efforts under way between RPD and the RCSD Chief of School Operations. Commissioner White asked for further detail about the way in which SSOs would be assigned to deter incidents downtown.

Mr. Schmidt stated that he is not in a position to speak specifically about deployment of SSOs, but stated that staff from the RCSD Transportation Department will be at the Transit Center on a regular basis to monitor the situation and collaborate with RTS and RPD.

RPD Chief Ciminelli reported that his staff have informed him that RCSD has declined to deploy SSOs at the Transit Center on a regular basis. He emphasized that he would welcome collaboration with the District on this issue, recalling that he had worked with RCSD staff in the past to define roles for SSOs. RPD Chief Ciminelli stated that he understands that there may be concerns to address within the District, but he would like to work in concert with RCSD and RTS to define roles and responsibilities.

Commissioner White requested that Ed Lopez-Soto, General Counsel, provide input on these suggestions and concerns.

Mr. Lopez-Soto relayed the Superintendent's concerns about SSOs being stationed downtown to interact with youth who may not be RCSD students because of potential liability issues. He stated that Superintendent Vargas has maintained that he has explained this to the Board of Education, Mayor Warren and to the press.

Commissioner Evans pointed out that the District stationed SSOs downtown in the past to address problems at the Liberty Pole and this approach was effective. He noted that the SSOs do not have to be stationed downtown as a constant presence, but at critical junctures (e.g. 80-90° F days in the summer). Commissioner Evans also stated that if RCSD students are required to visibly display their bus passes, SSOs will not be interacting with youth who are not District students. He emphasized the efficacy of the solution that has been utilized

in the past, and the need to simply re-activate it. Commissioner Evans added that the Superintendent is aware of the effectiveness of this approach because it is not new and it was originally his idea.

Commissioner White remarked that no one has recommended deploying SSOs throughout the downtown area, including the RPD Chief. He contended that objections in this vein and with respect to cost control are therefore inaccurate. Commissioner White pointed out that the proposal was for SSO engagement for a very limited period of time, and there has not been agreement to move forward yet. He concluded by stating that Board members need to discuss this further with the Superintendent, and that the RPD Chief's proposal is eminently fair and reasonable and may protect our children.

Commissioner Elliott inquired whether the assistance of the Mayor's clergy on patrol and/or other volunteers would be helpful in reaching a resolution. RPD Chief Ciminelli responded that this effort would be helpful, and this is the reason that the Police Department has a Neighborhood Watch program in which officers patrol the streets with residents who volunteer. He stated that the best situation is when there is involvement by parents and/or those with personal knowledge of students. RPD Chief Ciminelli stated that the manner of approach of clergy members could certainly help to defuse the situation, and also send a powerful and positive message.

Commissioner White requested that Mr. Lopez-Soto have his staff research the liability issues involved in teaming SSOs with police officers at the Transit Center.

Action Item: Mr. Lopez-Soto will research the potential liability issues involved in teaming School Safety Officers (SSOs) with police officers downtown at the Transit Center, and report the findings to the Board.

Mr. Lopez-Soto stated that the Superintendent also has concerns about the cost of this proposal because the District already pays twice as much under the RTS contract to transport students to bypass downtown. Given these considerable additional costs, he stated that Superintendent Vargas considers RTS to have responsibility in these situations.

Commissioner White noted that Commissioner Evans has pointed out that this solution was utilized in the past quite effectively and no concerns were expressed at that time about potential liability issues. He stated that research is needed to ensure that this will not be a problem at this point.

Commissioner White asserted that if the potential liability issues can be addressed readily, then attention can be given to cost considerations. He recalled a past effort spearheaded by Superintendent Vargas, Commissioner Evans, Adam McFadden, and Loretta Scott to have SSOs in red vans to monitor incidents around the City. Commissioner White emphasized that the current proposal is to have SSOs present for a few hours after school, which would not represent an exorbitant cost. Sgt. Soto added that SSOs were present at the Transit Center during the two-week detail in December 2014 from 3:00-6:00PM.

Commissioner Powell commented that concerns regarding potential liability issues from interacting with youth who are not RCSD students, can assume that they are parochial or charter school students residing in the City. She noted that RCSD provides transportation for these students and can simply revoke their bus pass. Commissioner Powell stated that other courses of action may also need to be considered because these students should not be treated any differently than those attending an RCSD school.

Commissioner Powell suggested involving the Placement Office to invite students who have created disturbances to accept placement at a school with express RTS service or a school within walking distance of their home. She noted that the District is not required to provide transportation to students, but does so to promote student attendance at school. She stated that the main options available to the District under these circumstances are to revoke transportation services and/or offer placement in a different school.

Commissioner Adams noted that RPD Chief Ciminelli discussed teaming police officers with SSOs intermittently, and inquired about the ideal and the minimum amount of time involved for improving safety.

RPD Chief Ciminelli clarified that there is no expectation for SSOs to interact with students when stationed downtown at the Transit Center. He stated that the role of the SSO would be to observe, identify students and share their knowledge of the student with the police.

RPD Chief Ciminelli commented that the details of an arrangement can be discussed, but he suggested having SSOs team with police officers on a random basis once or twice per month. He reported a decline in the number of incidents after the two-week detail in December 2014, but this began to increase again after students realized that this plan was no longer in effect. RPD Chief Ciminelli emphasized the importance of impressing upon students the idea that SSOs could be present at any time in order to create an effective deterrent. He stated that the proposed Memorandum of Understanding for School Resource Officers includes language about allowing them to partner with RPD downtown. RPD Chief Ciminelli acknowledged that this agreement has not yet been finalized, but this indicates a historic precedent for the SSO – RPD partnership.

Commissioner Evans remarked that this is probable one of the most soluble situations with which the Board has been confronted because past experience has demonstrated the strategies that are effective in resolving it. He stated that it is not the job of the Board of Education to manage these types of day-to-day situations, but Board members are here at this meeting to support efforts to reach a resolution. Commissioner Evans emphasized the importance of focusing on promoting student safety and avoid becoming distracted by turf issues.

Felix Jacobs stated that parents have not been invited to any of these meetings, discussions, or proposed solutions. He contended that any effective resolution to these problems will only come from parents, and stated that he will contact RPD to request a tour of downtown for the members of the district-wide Parent Advisory Council. Mr. Jacobs stated that parent involvement will facilitate identification of the particular students responsible for causing trouble, quite possibly without involving SSOs or outside parties. He emphasized that

parents have a vested interest in ensuring their child's safety in school and in the community.

Commissioner Elliott asked whether some of the members of the Parent Advisory Council (PAC) would be willing to volunteer to team with the police at the downtown Transit Center. Mr. Jacobs replied that this was the reason that he had sent an email to Commissioner Elliott last night about involving parents in the discussion of student safety. He contended that parents are typically involved after an incident has occurred, despite the fact that their involvement could have prevented the situation from getting to this point.

RPD Police Chief Ciminelli pointed out that police officers currently patrol with citizens in other parts of the City, and offered the same opportunity to PAC members and RCSD parents. He stated that parents could meet with RPD officers, develop a schedule, and attend a training session, and this could be initiated at any time. Mr. Jacobs replied that he will follow up on this offer after this week in which schools are on winter break.

Commissioner Adams stated that parents have been aware of recent events downtown and have been involved as best they can. She pointed out that parents can become involved at any time, and do not have to wait for a formal invitation.

Commissioner Elliott reviewed suggestions for the next steps to be taken:

- Offer the opportunity for parents and other volunteers to become involved by teaming with RPD downtown at the Transit Center;
- Following up on the recommendations presented by RPD Chief Ciminelli

Commissioner Elliott stated that the Chief of School Operations and the Transportation Director should be responsible for following up on the Police Chief's recommendations. Mr. Schmidt concurred, noting that a monthly operational meeting is held to discuss safety issues downtown and all key stakeholders are involved (i.e. RCSD, RTS, and RPD). He recalled that these meetings have been held on a regular basis since October 2013 and have been quite helpful in coordinating efforts. Mr. Schmidt reported that there is ongoing dialog between these three parties whenever there are concerns about student behavior and accountability. He noted that students and parents have been presented with the option of placement in a different school when the student has been causing disturbances in the community, and processes are being replicated with each of the District's contract transportation providers. Mr. Schmidt stated that the timeframe for completing implementation of students wearing their bus passes on lanyards will be determined after Winter Break.

Commissioner Powell commented that any legal brief regarding potential liability issues that does not address revocation of transportation services would be incomplete.

Mr. Lopez-Soto reported that the Superintendent will meet with the CEO of RTS and Mayor Warren next week.

Commissioner Elliott stated that she would like a 15-minute update on the status of downtown safety initiatives at the next CIGR meeting on March 17th, and at each monthly meeting until a system is in place that is workable for RCSD, RPD and RTS.

Action Item: Ms. Flanagan will include a 15-minute status update regarding downtown safety initiatives on the agenda for each monthly Community & Intergovernmental Relations Committee meeting until a system is in place that is workable for all key stakeholders (i.e. RCSD, RPD, and RTS).

RPD Chief Ciminelli expressed the hope that this meeting marks the beginning of even closer collaboration between the Rochester City School District and the Rochester Police Department. He stated that he will follow up with the Mayor regarding the suggestion to utilize clergy on patrol to improve safety at the Transit Center. RPD Chief Ciminelli expressed appreciation for members of the Parent Advisory Council and any interested RCSD parents volunteering to assist in this effort.

Commissioner Elliott stated that she personally would like to volunteer to work with police officers to promote safety downtown. RPD Chief Ciminelli thanked Commissioner Elliott for supporting these efforts personally and in her capacity as Board Vice President. He stated that he will follow up, and ensure that progress in improving downtown safety is reported to Board members.

Mr. Jacobs requested that Mr. Willie Robinson be introduced, as he will be responsible for informing parents of the actions being taken and of opportunities to volunteer.

Commissioner Elliott introduced Mr. Willie Robinson, Director of the Office of Parent Engagement, to the members of the Rochester Police Department.

Commissioner Elliott thanked all for attending, and stated that she looks forward to hearing about the work being done by each of the stakeholders for students and for the community.

Motion by Commissioner White to adjourn. Meeting adjourned at 7:08PM.