

ROCHESTER BOARD OF EDUCATION

Community & Intergovernmental Relations Committee Meeting

September 16, 2014

MINUTES

Attending: Board Vice President Cynthia Elliott (Chair); Board President Van White; Commissioner Mary Adams; and Commissioner Malik Evans (arrived at 7:29PM). Commissioner Melisza Campos absent. Parent Representative: Eileen Graham-Reaves; Felix Jacobs absent.

District Staff: Ed Lopez-Soto, General Counsel; Fatimat Reid, Attorney; Lori Baldwin, Director of Safety & Security; Amy Schiavi, School Chief.

Community Representative: Mike Ciminelli, Chief of the Rochester Police Department; Sergeant Soto, Rochester Police Supervisor of School Resource Officers.

Board Vice President Elliott called the meeting to order at 6:03PM, and expressed the deepest condolences of the Board of Education for the recent fatal shooting of Rochester Police Officer Darrel Pierson.

I. Review of the Minutes of the August 12, 2014 CIGR Meeting

Motion by Commissioner Adams to approve the minutes of the August 12, 2014 CIGR meeting. Seconded by Board President White. **Adopted 3-0, with concurrence of Parent Representative.**

II. Discuss the Role of the Police in Schools

Commissioner Elliott welcomed Rochester Police Chief Ciminelli, and described concerns regarding the school-to-prison pipeline and the work of the CIGR Committee to minimize students' involvement in the criminal justice system. She noted that the Committee has been discussing these issues extensively for quite a while and gathering input to ensure that effective policies and practices are developed in the District.

Commissioner White provided a historic context of the role of the police in the Rochester City School District, noting that there had been no written agreement with the Rochester Police Department regarding the services of the School Resource Officers (SROs) for many years. Several years ago, the members of the Board of Education advocated for a formal contract to be developed. He commended Commissioner Adams for her work in locating a sample Memorandum of Understanding (MOU) that reflects the direction of the Board at this point with regard to the role of police in schools.

Commissioner White emphasized that a real understanding is needed between the school system, police and the City to break this pipeline and address the larger issue of violence in the community.

Commissioner Adams discussed the substantial ongoing effort by the Board of Education to examine exclusionary discipline practices which result in students losing instructional time, while the District as a whole is attempting to increase instructional time through attendance initiatives and providing high quality teaching and learning. She noted that Rochester is clearly a community in crisis and living with a great deal of stress from the types of situations that RPD officers encounter. Commissioner Adams emphasized the need for the District to assume responsibility: from providing high-quality instruction that engages kids in school to consistent and even-handed approaches from principals, teachers and counselors regarding measured, rational responses to different behaviors.

Commissioner Elliott stated that she would like to hear from RPD Chief Ciminelli and Sergeant Soto about their perspective on ways the District can prevent the school-to-prison pipeline, their recommendations and concerns, and areas in which the District can improve in minimizing students' involvement with the criminal justice system.

RPD Chief Ciminelli stated that the police perspective recognizes that formal involvement with the criminal justice system is not always the most effective way to solve the problem. He described police officers conducting triage and taking action if there is an immediate safety issue.

RPD Chief Ciminelli recommended beginning education at an early age about accepting responsibility and understanding the consequences of our actions, stating that young people who become involved in the criminal justice system frequently do not connect their behaviors to consequences. He cited an example of arresting a youth for a serious crime (e.g. assault, robbery) and hearing that they did not understand the reason for the arrest (e.g. "They always let me go home before"). RPD Chief Ciminelli asserted that incarceration should be the last resort, particularly for young people, but there has to also be a sense of the consequences and responsibility for one's actions. He acknowledged the difficulty that schools have in instilling these concepts because this used to be addressed by the family.

RPD Chief Ciminelli stated that he does not know enough about the way in which RCSD is addressing behavioral issues in the school system, but the police recognize that the "one size fits all" approach clearly does not work. He emphasized the importance of evaluating each individual situation and assessing the causes and options for addressing them. RPD Chief Ciminelli stated that this is the approach and perspective the Police Department attempts to instill in all officers, emphasizing the importance of developing relationships with students and serving as role models. He added that School Resource Officers are encouraged to speak with students about the importance of completing their education, and also about the possibility of pursuing law enforcement careers. The RPD Chief stated that the intent is to give students an incentive to stay in school and to succeed.

Sergeant Soto described the arrest process, noting that there is very close communication and collaboration with the RCSD Department of Safety & Security. He noted that there is a

tendency to focus on the victim and there may not be an alternative to the criminal justice system if the victim is adamant about pressing charges. He stated that ideally he would like to be able to have a meeting with the parties concerned to reach a resolution other than jail or Family Court.

Sergeant Soto stated that monthly meetings are conducted with SROs to instill the perspective that their role is to teach students. He described several programs that have been in place to divert youth from the criminal justice system: the Juvenile Accountability Conferencing (JAC) program and the Crime Seminar. Sergeant Soto explained that the JAC program consisted of having a meeting between the individual committing the infraction and the individual who was harmed in an attempt to resolve the situation through mediation. He described a similar program operating currently in which FACET personnel go to schools and attempt to mediate conflicts in those settings. Sergeant Soto asserted that this program has been quite effective in enabling both parties to express and hear each other's perspectives, encourage understanding, and reach a resolution. He stated that the hope is that a bond has been formed which will also reduce the likelihood of future conflicts. Sergeant Soto declared that he would like to see this approach used in every incident occurring in the schools, but this is not possible when there are serious safety concerns.

Sergeant Soto noted that he became the supervisor of the SROs in the District approximately one year ago, and a great deal of effort has been expended on diversion and in encouraging parents and principals to discuss and resolve issues at the school level.

Sergeant Soto described the Crime Seminar, which is a program to which young people are referred based on the number of crimes committed. The Crime Seminar involves staff from the Probation Department, FACET, and a young person who has been through the criminal justice system. Sergeant Soto stated that the Seminar is to educate young people of the consequences if their current behavior continues. He reported that this program has been highly successful since its inception, approximately 15-20 years ago. Sergeant Soto stated that the majority of referrals are from the Probation Department and the schools.

Commissioner Adams inquired about the time period for the Crime Seminar and the number of young people involved. Sergeant Soto replied that 15-20 individuals attend the Crime Seminar from throughout the City, and the Seminar is conducted once per month for three hours at the Public Safety Building. He pointed out that referrals from outside of the City will be accepted, but the overwhelming majority are young people from the City.

Sergeant Soto discussed having School Resource Officers serve as role models and mentors for students, recalling that this is the approach he used as an SRO on the Franklin campus. He described teaching a class for a half hour per week, in which he discussed safety issues with students (e.g. DWI, safe driving) and expressed a desire to return to this model.

Sergeant Soto stated that SROs frequently report problems stemming from students roaming the hallways throughout the school day and from the use of cell phones and social media (e.g. Facebook). He pointed out that the use of this technology tends to escalate incidents, such as fighting among students.

The RPD Chief commented that there is often a perception that young people will not talk to the police, but this is not the case if the individual is asked about their situation in a genuine way.

Commissioner Elliott asked about the extent to which School Resource Officers are involved in mitigating incidents v. relying on a law enforcement approach with students. RPD Chief Ciminelli asserted that SROs are definitely mitigating incidents in schools, but not all officers are equally suited to serve in this capacity. Sergeant Soto stated that in every school with an SRO, there has been some success – in some schools more than others.

Ms. Graham-Reaves stated that she was shocked to learn that there are armed police officers in RCSD schools because she had thought that the District relied on unarmed Safety Officers. She acknowledged that law enforcement presence is necessary in schools. Ms. Graham-Reaves questioned the extent to which school staff and SROs consider the underlying origin of students' behaviors and the potential sources of information available to these staff members. She gave an example of a fight at school that becomes violent, asking if there is a debriefing process or discussion with parents to find out what is going on in the students' lives.

RPD Chief Ciminelli responded that SROs will take time to speak with the students involved in an incident and share information with the RCSD Department of Safety & Security. He contended that the SRO is in the best position to speak with students because they have had daily contact with them in school, whereas a police officer off of the street would not have any of this information or experience with the student. Chief Ciminelli stated that SROs attempt to resolve incidents within the school, based on speaking with the students and their knowledge of the kids at the school.

Sergeant Soto pointed out that most of the behavior affecting students is occurring outside of the school, and the majority of problems are initiated through Facebook or YouTube. He described taking time to speak with the child and school staff working to engage parents. Sergeant Soto reported that SROs will speak with parents to discuss the incident and the outcome for their child, with an explanation of the options considered.

Commissioner Elliott inquired about the extent to which parents have been cooperative with SROs and in reaching a resolution to incidents affecting their child. Sergeant Soto replied that parents have been cooperative for the most part, and generally understand the reasons for the actions that have been taken. He noted that parents also receive information from the SROs that they would not otherwise obtain. The Sergeant also described involving school staff in discussions with parents and in determining the disciplinary outcome.

Commissioner Adams asked about incidents involving large numbers of students in which the police are called to intervene, specifically the extent to which the call to police is made without either the SRO's or the principal's knowledge. Chief Ciminelli replied that this typically occurs when the SRO calls for assistance on his radio, and situations in which school staff contact the police are less common.

Commissioner Adams noted that feedback regarding the factors that contribute to better school climate and control would be greatly appreciated. RPD Chief Ciminelli responded that the Rochester Police Department would be pleased to collaborate with RCSD staff to identify patterns or triggers, as well as data/information regarding significant factors benefitting or harming school climate and control.

Ms. Baldwin remarked that the leadership style in the school building affects how well District staff communication and collaborate with School Resource Officers, and the extent to which diversion v. a law enforcement approach is used.

Chief Ciminelli stated that the principal sets the tone and the range of approaches and philosophies used in managing incidents involving students. He reported that SROs attempt to conform to the approach/philosophy of the building principal, which can sometimes present difficulties.

Commissioner Adams contended that the Police Chief's feedback would be valuable in identifying effective leadership characteristics and establishing a framework within District policies regarding consistent expectations of school leaders.

Commissioner White commented on the unprecedented level of communication and collaboration between the District, the City, and the County regarding effective approaches with youth and ways to guide them to the appropriate services.

Commissioner Elliott thanked RPD Chief Ciminelli and Sergeant Soto for attending this evening's meeting, and stated that she will be in touch to follow up on the information that they offered to share.

Action Item: Additional information will be obtained from RPD Chief Ciminelli and Sergeant Soto regarding patterns/triggers of school incidents; data/information regarding specific factors that are to the benefit or detriment of school climate and control; and leadership qualities critical to establishing a positive school climate and a sense of safety and stability for students.

III. Review of Draft Agreement regarding Services of School Resource Officers

Ms. Reid reported that she is a new contract attorney with the RCSD Law Department, and one of her first tasks has been to revamp the agreement between the District and the Rochester Police Department. She pointed out that quite a few substantive changes were needed, which were based on information from discussions between the RCSD Director of Safety & Security and RPD and on memorializing District responsibilities and School Resource Officer responsibilities. Ms. Reid stated that this provided the framework for revising the agreement, and reviewed the major changes:

- In the "Witnesseth" section, memorializing the District's vision and emphasizing the purpose of the School Resource Officers in the schools, specifically in providing support to schools and protection for students and school staff;

- In the “Scope of Services” section, more detail has been added, such as the number of work hours for SROs and the process for filling an SRO position in the event of an injury or illness.

Commissioner Adams commented that some of the goals in the “Witnesseth” section seem a bit vague (i.e. “work cooperatively with District staff to address crime and **disorder** problems”) and could include situations that the District does not want SROs to address. Ms. Reid replied that this provision is to include the types of situations that Sergeant Soto alluded to earlier regarding students roaming the halls or using cell phones to call or text each other. She acknowledged that this provision is rather broad, but addresses the types of issues encountered in the schools as described by the RPD Chief and the Sergeant.

Commissioner Adams emphasized the need for the District to assume responsibility and to define the expectations of RCSD staff in these situations. Ms. Reid acknowledged that this concern has been noted and will be taken into consideration.

Commissioner Adams expressed concern also regarding the provision stating that School Resource Officers are “To assist District staff in training students in conflict resolution, restorative justice, and crime awareness”. She stated that RPD Chief Ciminelli described some efforts being made to use restorative practices, such as the Juvenile Accountability Conferencing (JAC) program. Commissioner Adams underscored the importance of being very clear about responsibilities for training and identifying the highly qualified leaders in restorative practices in school buildings. She agreed that SROs need to be trained and have restorative practices embedded in their training, but questioned whether SROs should be conducting the training. Commissioner Adams pointed out that the Board is in the midst of a major substantive revision of the Code of Conduct, so it is premature to incorporate a provision in the agreement with RPD to have SROs conduct training in restorative practices.

Ms. Reid responded that the proposed agreement states that SROs would assist the District with this training – not that they would conduct it.

Mr. Lopez-Soto added that this would be a collaborative effort because the District would want all parties involved in training regarding the approaches to use in responding to incidents affecting students.

Commissioner Elliott expressed concern that this provision will not be perceived as a goal, but as a requirement when the agreement is operationalized. She stated that the District is already “regulation-heavy” in that regulations are used to govern many different types of situations, regardless of whether appropriate. Commissioner Elliott noted that District staff tend to focus on regulations and requirements out of concern for their job and/or liability.

Commissioner White remarked that Committee members may be over-analyzing the proposed agreement, stating that he would want an SRO to intervene to address student behaviors before becoming problematic and without resort to punitive measures. He

pointed to the importance of enabling SROs to participate in the school community. Commissioner White stated that this provision does not appear to give SROs the right to conduct conflict resolution or restorative justice training, but it is critical to ensure that they receive this training.

Mr. Lopez-Soto elaborated that the reason for the provision regarding SROs assisting in conducting training is to ensure that they have the same instruction as school staff and utilize a consistent approach.

Commissioner White observed that the types of police officers best suited to serve as School Resource Officers are those that do not take a hard line with regard to law enforcement or adopt a punitive approach.

Ms. Baldwin commented that it is critical for all involved with students to have this training and understanding that this is the type of diversion that the District wants to use, if the transition to a restorative justice approach is to be successful.

Commissioner Adams agreed, and emphasized the importance of the proposed agreement being translated effectively into practice. She suggested delaying adoption of the proposed agreement if additional support and legitimacy is needed through corresponding Board policy. Commissioner Adams contended that if the proposed agreement is not linked to resources, staffing and responsibilities, then will be doing a disservice to the work by failing to establish the necessary conditions for putting the agreement into practice. She stated that the proposed agreement should either be delayed until corresponding policies have been finalized, or the proposed agreement must be much more detailed to enable it to be implemented with fidelity.

Mr. Lopez-Soto stated that the proposed agreement affords the flexibility to accommodate future policy changes. He noted that the Rochester Area Community Foundation (RACF) has convened a committee to provide recommendations for improving school climate, which will also have implications for the approaches used in the District regarding student discipline. Mr. Lopez-Soto estimated that this process will require 9-12 months, particularly in obtaining community input. He stated that the District needs to have an agreement in place in the meantime with regard to SRO services, and the proposed agreement is a significant improvement over the previous agreement.

Commissioner Adams recommended revising the proposed agreement to a one-year term rather than a five-year term for these reasons.

Mr. Lopez-Soto explained that a five-year agreement was drafted for financial reasons, and is subject to Board approval on an annual basis. He noted that the agreement can be adjusted and modified on an annual basis, but the five-year term guarantees SRO services at a specific cost.

Commissioner White pointed out that p. 6 of the proposed agreement states that it will automatically be renewed for successive one-year periods, unless either party requests termination or modification. He noted that this does not appear to require Board approval

on an annual basis. Commissioner White recommended revising the proposed agreement for a one-year term, until substantive changes can be adopted in policy.

Mr. Lopez-Soto replied that Board approval is required for every contract exceeding \$35K. He offered to revise the language in the proposed agreement to stipulate that annual contract renewal is subject to Board approval.

Ms. Reid noted that the fee may change significantly from year to year with this revision to the agreement.

Commissioner White inquired whether the fee for this contract with the Rochester Police Department for SRO services has changed significantly over the years. Ms. Baldwin responded that the fee was initially a flat rate of \$1.1M per year, and the District later negotiated a daily rate so that payment would not have to be made for days in which SROs are not in schools. She reported that the District has paid the same daily rate for the last three years.

Commissioner White asked whether the District could use the same daily rate for 2014-15. Ms. Baldwin replied that the former agreement was for three years and based on an average salary for officers three years ago. She stated that police officers' pay has since increased annually under their collective bargaining agreement, and the District wanted to "lock in" the contract fee for five years to prevent escalating costs.

Commissioner Elliott remarked that locking in the fee is in the best interest of the District, and noted that modifications can be made to the language in the contract as is done with other agreements in which the District enters into.

Commissioner Adams expressed appreciation for all of the work performed in developing the proposed agreement and incorporating definitions of the role of SROs in the schools, expectations, and use of restorative justice practices. She voiced concern about underpinning the agreement with the necessary resources, policies, and District responsibilities – noting that this has not yet been accomplished. Commissioner Adams stated that she would prefer to advance policy revisions rather than an agreement with references to policies that do not yet exist.

Commissioner White concurred, pointing out that pay for RPD officers will depend on the timing of re-negotiating their collective bargaining agreement. He stated that the need to "lock in" the fees for SRO services will be affected by the timing of these negotiations. Commissioner White contended that if the current RPD collective bargaining agreement is in effect until 2016 or 2017, then there should be no impact to the District from having a one-year agreement v. a five-year agreement at this point.

Mr. Lopez-Soto stated that RPD officers receive annual pay raises, but a five-year contract would "lock in" the District's payment at their current rate – regardless of annual pay raises. He contended that the proposed agreement with RPD does not reference District policies, but simply states the responsibilities of SROs and determines their obligations.

Commissioner Adams contended that the proposed agreement contains assumptions about student behaviors that are not the responsibility of SROs, including teaching and restorative practices. She emphasized that the Code of Conduct has not yet been revised and recommendations have not yet been implemented with regard to discipline, student support, or data collection. Commissioner Adams stated that the proposed agreement assumes a highly functional system of behavioral and student support, clearly defined procedures and policies, and a matrix with appropriate disciplinary measures and matched responses – none of which is in place yet. She stated that for SROs to function at this high level, a series of assumptions have to be made about the behavioral programs in the schools.

Commissioner Elliott asked for Commissioner Adams' recommendation in light of her concerns about existing policy not supporting the practices alluded to in the proposed agreement.

Commissioner Adams stated that she would support advancing some form of the proposed agreement soon, and re-writing it when corresponding policies have been completed.

Commissioner Elliott inquired about the impact of delaying approval of the proposed agreement. Mr. Lopez-Soto replied that the City would like to increase the price, while the District would like to "lock in" the price at this level to prevent additional costs in the future. He pointed out that the proposed agreement will be subject to annual renewal, and the work being performed to recommend policy changes will require approximately one year. Mr. Lopez-Soto suggested that the agreement could be reviewed after policy changes have been made to determine the need for modifications.

Commissioner Evans asked about the objections to the contract at this point, and the reasons for not locking in the price for five years if the contract is subject to annual renewal/modification.

Commissioner Adams noted that the proposed agreement is for a five-year period and can only be revised for financial reasons. She stated that these provisions do not offer the flexibility necessary to modify the terms each year according to policy changes or recommendations.

Ms. Graham-Reaves concurred with Commissioner Adams, noting that the proposed agreement does not seem clear about the roles and responsibilities of the SRO and of District staff. She cited an example of Sergeant Soto discussing students' use of cell phones as a significant factor in escalating incidents involving students, and asked who is responsible for responding and for determining the appropriate intervention or disciplinary approach in this situation. Ms. Graham-Reaves stated that she would like to see the responsibilities more clearly defined in the proposed agreement.

Ms. Reid pointed out that Section 2 defines District and school responsibilities, and Section 3 defines the responsibilities of School Resource Officers.

Commissioner White referred to p. 6 of the proposed agreement, which states that the terms are for five years with an option for either party to cancel with 60-days' notice for financial reasons. He pointed out that this does not provide the flexibility needed by the District because the contract is not subject to annual renewal and can only be re-negotiated for financial reasons. Commissioner White also noted that the language specifically refers to automatic annual renewal – and only after the initial five-year term. He stated that this would prevent the District from making any changes to the agreement to incorporate policy revisions or recommendations from the RACF School Climate Committee for five years.

Commissioner Elliott contended that if the contract is approved and the price is established, SROs will only perform the services as defined – regardless of the recommendations of the RACF Committee or the community. She emphasized the importance of considering the services that are being purchased under the proposed agreement, and ways in which this will limit the ability of the District to implement recommendations of community groups.

Mr. Lopez-Soto agreed that revisions are needed to the proposed agreement to ensure annual review and opportunity for modifying the terms. He cautioned that significant changes in the scope of services will lead to re-negotiating the contract fee.

Commissioner White contended that the scope of services would not necessarily change because the proposed agreement includes the provision that the District provide feedback to the Police Department each month on the performance of the SROs in schools. He stated that this performance review could be modified to reflect changes in the District's expectations for SRO services. Commissioner White noted that there should be a clause in the proposed agreement stating that it may be materially altered based on community recommendations.

Mr. Lopez-Soto replied that the proposed agreement includes the provision for the District to evaluate SRO performance on a regular basis to provide flexibility in terms of the expectations of School Resource Officers. He cautioned against providing too much specificity in the agreement, so that the community and the District can have the flexibility to re-define the basis for evaluating SRO performance in the future.

Commissioner Adams suggested eliminating the provision regarding the District sharing student directory information with School Resource Officers. Ms. Reid replied that this provision is required by law. Ms. Baldwin stated that SROs do not have access to the Student Management System, and can only obtain contact information to reach parents.

Mr. Lopez-Soto offered to revise the proposed agreement to state that information sharing will be limited to student directory information.

Commissioner White pointed out that SROs will need access to information to be able to contact parents if a student is involved in an incident or called in for questioning.

Commissioner Adams stated that she would like school staff to assume this responsibility.

Ms. Baldwin clarified that SROs would need a way to contact parents in situations in which an intervention is needed. She stated that SROs typically try to resolve problems at the school level and contact parents to keep them apprised. Ms. Baldwin pointed out that when an SRO stops a student in the community for truancy, they need to know the school that the student attends and to have access to this information. She noted that SROs typically use student directory information to contact and engage parents.

Commissioner Adams reiterated her concern that this should be the responsibility of school staff.

Commissioner Elliott commented that she can see the need for SROs to have this access, if it is limited to contact information. She pointed out that this would be necessary particularly in situations in which a timely response is needed.

Commissioner Adams expressed concern for protecting the rights of students and their families, cautioning that information access can be beneficial and can also be abused.

Commissioner White acknowledged these concerns, and underscored the provisions in the proposed agreement which would give the District authorization to:

- Evaluate SRO performance on a monthly basis;
- Participate in the SRO selection process;
- Participate with the City in determining school assignments for SROs, which must be mutually agreed upon; and
- Participate with the City in defining the responsibilities and expectations of SROs.

Commissioner White emphasized the importance of enabling SROs to become part of the school community.

Commissioner Adams maintained her concern about protecting the rights of students and their families. She suggested including a provision in the proposed agreement stating that data collected by SROs are to include a description of the incident.

Commissioner Adams objected to the language on p. 4 of the proposed agreement, which states that SROs are not to perform duties of other school employees. She stated that the agreement should clarify/specify the responsibilities of SROs rather than stating what they should not do.

Commissioner White asserted that the basic purpose for this provision is to stipulate that SROs will not perform work done by RCSD employees and that is governed by RCSD collective bargaining agreements.

Commissioner Adams inquired whether SROs interact with students in official ways besides arresting students, such as issuing appearance tickets or mandating participation in diversion programs. Ms. Baldwin replied that SROs are usually involved in diversion-

type activities, in which student participation is voluntary and parents are consulted to ensure agreement regarding the specific approach to the student's behavior. She stated that if the student does not participate in the diversion activity, then the approach may have to be re-visited and this is explained to students and their parents.

Commissioner Adams asked whether the overall approach used by SROs is in the context of school disciplinary policies that have been clearly defined and codified (e.g. long-term suspension). Ms. Baldwin explained that SRO involvement in diversion activities results from criminal investigation and is not related to the suspension process. She stated that an incident would be reported and investigated, noting that the student was referred for diversion. Ms. Baldwin stated that this would not be recorded in the official formal criminal justice system.

Commissioner Adams inquired about due process in situations in which a student is recommended for a diversion program, particularly since neither the courts nor a hearing officer would be involved.

Ms. Shiavi responded that it may be more helpful to discuss some of these issues in terms of specific examples because there are so many variables affecting the particular circumstances and the response. She gave an example of a student being scanned and found to have illegal paraphernalia in their possession, noting that this is a school issue involving potential long-term suspension and a community issue with potential criminal justice consequences. Ms. Shiavi explained that the school administrator and the SRO would work collaboratively to determine the course of action in this situation. The specific due process procedures depend on whether the student is subject to long-term suspension or to entry into the criminal justice system.

Commissioner Adams specified that her concern regards situations that are not in the context of the criminal justice system or of long-term suspension because due process is not defined under these circumstances. She stated that without due process in situations involving diversion programs, there is a real risk of a student's rights being violated.

Commissioner Elliott expressed concern about potential conflicts of interest for School Resource Officers. Using the example of a student found to be in possession of illegal paraphernalia, Commissioner Elliott stated that the District would not want to criminalize the student in this situation but as a police officer, the SRO may have difficulty in determining which set of rules and processes to follow.

Commissioner Adams reiterated her primary concern for protecting students' rights, particularly for students who are innocent of wrongdoing and may be subjected to participation in diversion programs because this is less heinous than involvement in the formal criminal justice system. She emphasized the importance of due process to ensure that students are treated fairly, regardless of the specific system in which they may become involved.

Commissioner White observed that there are many nuances and implications involved in incidents affecting students, which underscores the importance of having the opportunity to re-examine and modify the contract with RPD for SRO services on an annual basis.

Commissioner White noted that while the proposed agreement may need to be modified in the future, it is a substantial improvement over all previous agreements for SRO services – particularly with incorporating the suggested edits of allowing review and renewal on an annual basis.

Commissioner Adams referred to the provision on p. 5 of the proposed agreement:

“Police officials may enter school property or a school function to question or search a student or to conduct a criminal investigation involving students only if they have: (1) a search or an arrest warrant; or (2) probable cause to believe a crime has been committed on school property or at a school function; or (3) been invited by school officials.

For purposes of this agreement, Rochester Police Officers assigned to District schools as School Resource Officers shall be deemed to have been invited to the schools by the District, for all purposes within the scope of their assignment.”

Commissioner Adams requested eliminating the last paragraph stating that School Resource Officers shall be deemed to have been invited to the schools by the District. Ms. Reid replied that this is required by NYS Education law and by Board of Education policy. Mr. Lopez-Soto noted that this provision is contained in the District’s Code of Conduct.

Action Item: The attorneys in the Law Department will revise the proposed agreement with the Rochester Police Department for School Resource Officer services to incorporate the following changes:

- **Proposed agreement subject to review and renewal on an annual basis;**
- **Proposed agreement may be re-negotiated for a variety of reasons, other than for strictly financial considerations;**
- **Information sharing with School Resource Officers will be limited to student directory information; and**
- **Annual contract renewal subject to approval by the Board of Education of the Rochester City School District.**

The revisions to the proposed agreement will be sent to the members of the CIGR Committee for review.

IV. Proposed Development of a Community Action Plan to inform community members of ways to help RCSD students succeed

Commissioner Elliott proposed developing a strategy as Board members to community to the community about the elements of success for our students. She gave examples of going to churches and also of broadcasting public service announcements on the public access

channel (e.g. “Did you know that if you spend two hours a night studying, that will increase your grade by ???? points?”).

Commissioner Elliott emphasized the importance of publicizing and educating the community about the necessary elements for students to succeed, as well as current barriers and issues to address that are preventing students’ success.

Action Item: Ms. Flanagan will include development of a Community Action Plan in the agenda for the October 14th CIGR meeting.

V. Follow-Up on Action Items from August 12th CIGR Meeting

a. Assemblyman Gantt’s Recommendation regarding the Timing of the Legislative Breakfast

Commissioner Elliott reported speaking with NYS Assemblyman David Gantt, and that he recommended conducting the annual Legislative Breakfast at this time of year (i.e. early September). She stated that at this late date, the Legislative Breakfast will continue to be held in November for this year. Commissioner Elliott announced that the Legislative Breakfast will be held on Saturday, November 15th.

b. Assemblyman Gantt’s Recommendation regarding Advocacy for RCSD Transportation Bill

Commissioner Elliott noted that the RCSD Transportation bill has been passed by the NYS Senate and has been referred to the NYS Assembly Education Committee. In her conversation with NYS Assemblyman Gantt, she stated that he does not see this bill being advanced because of the funding involved. Commissioner Elliott surmised that State legislators did not know of the costs associated with this bill, and stated that this information should be provided to them.

Mr. Lopez-Soto stated that a lengthy memo and a Powerpoint presentation were given to members of the NYS Assembly, which pointed out that the RCSD Transportation bill would be cost-neutral. He noted that if any additional costs are incurred, the District will be required to cover them.

Action Item: Mr. Lopez-Soto will provide the Board President and Vice President a copy of the memo and Powerpoint presentation that was shared with members of the NYS Assembly about the RCSD Transportation bill.

c. Feedback from Board Members regarding the updated Legislative Agenda

Commissioner Elliott inquired whether a Legislative Breakfast should be conducted if there are no new changes to the Legislative Agenda this year.

Commissioner Evans commented that the updated Legislative Agenda is quite expansive and covers a lot of topics of concern that can still be addressed in the Legislative Breakfast.

Motion by Commissioner Evans to adjourn. Seconded by Commissioner Adams.

Meeting adjourned at 8:00PM.