

ROCHESTER BOARD OF EDUCATION

Community & Intergovernmental Relations Committee Meeting

August 12, 2014

MINUTES

Attending: Board Vice President Cynthia Elliott (Chair); Board President Van White (arrived 6:46PM); and Commissioner Mary Adams. Commissioner Melisza Campos absent. Parent Representative: Eileen Graham-Reaves; Felix Jacobs absent due to being out of town.

District Staff: Ed Lopez-Soto, General Counsel

Board Staff: Debra Flanagan

Community Representative: Rosemary Rivera, Organizing Director for Citizen Action

Board Vice President Elliott convened the meeting at 6:02PM, requesting a moment of silence due to the recent fatal shooting of Michael Brown by police and the ensuing turmoil in Ferguson, MO.

I. Introduce new Parent Representative to the Community & Intergovernmental Relations Committee for FY2014-15: Eileen Graham-Reaves

Vice President Elliott welcomed Ms. Graham-Reaves as a new Parent Representative to the Community & Intergovernmental Relations Committee, noting that she will be serving along with the current Parent Representative, Mr. Felix Jacobs. Vice President Elliott emphasized the importance of including parents if they are interested in participating in the decision-making process.

Ms. Graham-Reaves introduced herself to the Committee members, describing herself as a native of Rochester and the mother of three children aged 24, 17, and 6. Her teenage son attends the School of the Arts as a dance major, and her young daughter attends School No. 58.

Ms. Graham-Reaves reported that her motivation for serving as a Parent Representative stemmed from concern for the situation at East High School. She stated that she received encouragement to participate in her own education from Mr. James Perkins and her former affiliation with The Black Seed.

Ms. Graham-Reaves stated that she thought that the Community & Intergovernmental Relations Committee would be a good fit for her from the description of the Committee's goals and functions. She is currently working on a Bible challenge entitled "Surrender" and focusing on building community around this concept, collaborating with the Magic Center at the Rochester Institute of Technology.

Ms. Graham-Reaves summed up her interest in the CIGR Committee by recalling the adage, “Be the change you want to see”. She stated that she is here to listen, learn, and participate in the decision-making and legislative advocacy process.

II. Review and Approve Minutes of June 10, 2014 Community & Intergovernmental Relations Committee Meeting

Vice President Elliott stated that she had a few questions about the minutes of the June 10, 2014 CIGR meeting, which she would address with Board staff at a later time.

Vice President Elliott explained to Ms. Graham-Reaves that Parent Representatives are asked to give an advisory vote on Committee matters, and review of the meeting minutes is important to ensure that questions, requests, and Action Items are followed up from the previous meeting.

Vice President Elliott recalled that one of the items in the last CIGR meeting involved following up on the contract with the Rochester Police Department and the District regarding the role of police in schools. She announced that the RPD Police Chief will attend the next CIGR meeting on September 16th, which will be helpful in developing this contract.

Motion by Commissioner Adams to approve the minutes of the June 10, 2014 Community & Intergovernmental Relations Committee. **Adopted 2-0, with concurrence of Parent Representative.**

III. Review and Discuss Updates to the Legislative Agenda

Vice President Elliott noted that the Legislative Agenda has been updated with more recent information, and advised circulating these updates to all Board members to obtain their input.

Action Item: Board staff (Debra Flanagan) will distribute the updated Legislative Agenda to all Board members, requesting their feedback and recommendations for further changes.

Vice President Elliott explained the purpose of the Legislative Agenda to Ms. Graham-Reaves, noting that it reflects specific items to be requested from federal, state, and local levels of government.

IV. Discussion regarding the Timing of the Legislative Breakfast

Vice President Elliott recalled that Ed Lopez-Soto had sent out an email regarding the Legislative Breakfast, and requested an update about the recommended timing for this event. She stated that one of the Action Items from the last CIGR meeting was to contact Assemblyman Gantt’s office to obtain his recommendation of the most advantageous time to conduct the Legislative Breakfast. Mr. Lopez-Soto replied that his calls to Assemblyman Gantt’s office had not been returned, so he contacted Assemblyman Morelle’s office. He

stated that the Assemblyman's staff suggested convening the Legislative Breakfast around November because this would allow time to initiate discussions with legislators, develop and submit a bill in time to be approved by the end of the legislative session the following June. Mr. Lopez-Soto stated that a November meeting would allow time to get suggestions for language in the legislation, so that a draft bill could be submitted by January. After being introduced, the bill would be referred to a legislative committee for review, then to the Budget Office and the Ways and Means Committee.

Mr. Lopez-Soto described his experience shepherding bills through the NYS legislature: submitting a draft to NYS Assemblyman Gantt in January; and meeting in March with the Assemblyman and each key Assembly member involved in determining how and whether the bill would be approved. He stated that a new draft bill was presented in April, when the NYS Assembly Ways and Means Committee became involved. Mr. Lopez-Soto noted that this Committee requested a great deal of information and his attendance at Committee meetings in Albany on a number of occasions.

Ms. Flanagan discussed examining the legislative calendar and budget cycles at the federal, state, county, and city level to identify the most advantageous time for conducting the Legislative Breakfast. She reported contacting Georgia Ascuitto of the Office of the Big Five Districts to obtain her recommendation, pointing out that this Office works very closely with the NYS legislature. Ms. Flanagan stated that the Office of the Big Five Districts advises representatives from school districts to meet with key officials in Albany regarding NYS Aid allocations between late September and early December. She expressed concern about the timing of the Legislative Breakfast this year because the entire NYS legislature is up for election in November. Ms. Flanagan noted that postponing this event until after the November elections would not allow much time to provide input into the school appropriations process.

Action Item: Ms. Flanagan will provide information regarding the legislative calendar and budget cycles at different levels of government to the members of the CIGR Committee.

Vice President Elliott sought clarification of Mr. Lopez-Soto's recommendation of the November timeframe in terms of enacting legislation. Mr. Lopez-Soto confirmed this timeframe, noting that this is a different process than the allocation of NYS Aid to school districts.

Vice President Elliott asked Ms. Flanagan whether her research indicates that it would be more helpful to have this event after November. Ms. Flanagan replied that it would be more advantageous to conduct the Legislative Breakfast earlier in the year, such as late September or early October. She stated that it may not make sense to have the Breakfast in October this year because of the gubernatorial and legislative elections.

Action Item: Vice President Elliott will contact Assemblyman Gantt's office to obtain his recommendation as to the timing for conducting the Legislative Breakfast.

Vice President Elliott noted that a transportation bill had been introduced to reduce distance limits to expand eligibility for bus service for RCSD students, and she requested an update regarding the status of this bill. Ms. Flanagan reported that this bill was approved by the NYS Senate and sent to the NYS Assembly in June, where it was referred to the Education Committee.

Vice President Elliott inquired about action needed at the Board level at this point to advance the bill in the NYS Assembly. Mr. Lopez-Soto replied that he has been working with Jennifer Pyle of the Office of the Big Five Districts and with NYS Senator DeFrancisco's office for the Education Committee. He reported that Assemblyman Gantt's office has informed him that the bill will pass by the end of the legislative session in June 2015, but the specific timing is uncertain.

Vice President Elliott pointed out that the NYS legislature was informed that this transportation bill would be cost-neutral, but the District has since discovered that it may lead to additional costs. Mr. Lopez-Soto stated that a commitment was made to the legislature that the District would absorb any additional costs if the bill was not cost-neutral. Ms. Flanagan noted that this provision is contained in the bill approved by the NYS Senate in June.

V. Discussion from Recent Meeting with City Council regarding the Role of Police in Schools

Vice President Elliott explained that she requested Commissioner Adams to present information regarding the role of police in schools in a recent joint meeting of the Board, City, and County legislators. She noted that these joint meetings originally consisted of members of the Board and of City Council, but have been expanded at the recommendation of the CIGR Committee to include representatives from the Monroe County legislature. Vice President Elliott noted that this was recommended in the last Legislative Breakfast, and County representation is important in light of public assistance and other benefits provided to many families in the District.

Commissioner Adams stated that she was pleased to participate in this joint meeting and grateful for the opportunity to share thoughts, concerns, and preliminary proposals for redefining the role of police in schools. She reported that the Board and the community have been concerned with the large numbers of student suspensions and arrests on school grounds, and with exclusionary discipline practices that cause students to lose instructional time, become disengaged from school, or enter into the criminal justice system.

Commissioner Adams asserted that one aspect of mitigating exclusionary discipline practices is to address the way in which the police interact with students. She cited a recent example of a student being arrested because he was present when other students were fighting. Commissioner Adams reported that he was arrested despite the fact that he was not involved in the fight, had no history of behavior problems and performed well academically. She contended that this example illustrates the real problem of law enforcement and involvement of police in schools.

Commissioner Adams emphasized the importance of establishing expectations, parameters and requirements to prevent these types of situations in which those responsible for supervising student discipline (i.e. school administrators, teachers, and counselors) are removed from any form of oversight or control as soon as the police are involved. She explained that once the police have been called, they are in charge of the situation and use their own approach and methods. Commissioner Adams questioned the ability of the District to promote restorative practices when these actions are being taken by the police.

Commissioner Adams explained that the City and the District historically have had an agreement describing the services of police officers working in the schools (i.e. School Resource Officers – SROs). She stated that there is a desire in the District to describe expectations and to place much stronger parameters around these relationships to begin to shift the role of the police in schools.

Commissioner Adams discussed a proposed resolution which minimized the role of police in schools, except to situations in which life or basic safety is threatened. However, this proposal was seen as untenable because of the expectation that once the police have been called, they are to take control of the situation as law enforcement officers.

Commissioner Adams pointed out that federal directives have recently been issued by the U.S. Department of Education and the U.S. Justice Department for school districts to address exclusionary discipline policies. She reported that the NYS Attorney General has also investigated the use of exclusionary student discipline in the Syracuse City School District, issuing a report with directives to minimize these practices.

Commissioner Adams stated that she is pleased that the District's current contract negotiations with RPD are considering the guidelines and recommendations in the NYS Attorney General's report. She asserted that this report has lent support to initiatives that had been considered untenable only a few months ago.

VI. Review and Discuss Proposed Contract with Rochester Police Department for School Resource Officers (SROs) in 2014-15

Mr. Lopez-Soto reported that the contract with the Rochester Police Department and the District has expired, and review of the former contract indicated need for major revision. He recommended creating a temporary contract until a more comprehensive agreement can be reached by the end of October. Mr. Lopez-Soto noted that a temporary agreement will allow time for negotiation with RPD and the City with respect to fees and parameters of service. He assured Committee members that he will work to ensure that many of the mandates proposed by the NYS Attorney General's office will be incorporated into the final agreement, so that the District can have a little more control over the way in which incidents are handled in the schools. Mr. Lopez-Soto cautioned that the final agreement will depend on the extent to which RPD and the City are willing to enter into a contract that restricts their role.

Vice President Elliott pointed out that RPD Police Chief Mike Ciminelli will attend the September CIGR meeting, and these concerns can be presented in that discussion.

Commissioner Adams reported receiving strong support from City Council members in their recent joint meeting.

Vice President Elliott suggested examining existing collective bargaining agreements with regard to implications for minimizing the use of exclusionary discipline practices. She asserted that negotiations may have to be conducted if the language in the contract conflicts with the adoption of more restorative approaches. Vice President Elliott recalled language in the RTA contract regarding assault, and emphasized the need to examine this carefully in terms of the implications for sending students into the criminal justice system.

Mr. Lopez-Soto reported that a teacher may personally choose to press charges if assaulted, and the District has no real option in these situations.

Vice President Elliott underscored the importance of understanding of the definition of assault and the specific behavior(s) that would constitute assault. Mr. Lopez-Soto replied that this is a legal definition. He demonstrated by approaching an individual in the audience, drawing his fist back as though to punch this individual in the face, and then smacking his fist against the palm of his other hand in front of their face. Mr. Lopez-Soto declared that this is an example of assault.

Commissioner Adams asked whether the legal definition of assault requires that the act result in injury. Mr. Lopez-Soto stated that assault does not have to cause injury under the legal definition.

Ms. Flanagan pointed out that Mr. Lopez-Soto did not even touch the individual in his demonstration, and asked whether physical contact is required to be legally considered assault. Mr. Lopez-Soto replied that the assailant does not even have to come into physical contact with the other person for their actions to be considered assault - just frightening or threatening them is sufficient to meet the legal definition.

Vice President Elliott emphasized the importance of discussing the specific definitions and behaviors that are legally considered an offense. She pointed out that many young people do not know these definitions, and are simply behaving as kids, and unaware that they could be subject to arrest.

Action Item: Mr. Lopez-Soto will prepare a one-page summary of the legal definitions of assault and battery, and the way in which these behaviors have been viewed by the courts.

Vice President Elliott asserted that some of the apparent issues stem from a lack of information, and progressive disciplinary practices should be included in contract negotiations. She noted that this country is at a point in history in which people of color in the community are fighting back. Vice President Elliott contended that if these problems can be prevented in the schools, crises in the larger community may be averted.

Mr. Lopez-Soto stated that he will examine the contracts with the District's collective bargaining units carefully. He reported meeting yesterday with members of the Advancement Project about initiating conversations and obtaining data so that a report can be prepared with recommendations to the community.

Vice President Elliott inquired about measures that can be taken now to mitigate these problems. Mr. Lopez-Soto replied that some principals and teachers have applied disciplinary measures in violation of the law (e.g. suspending students for not wearing a school uniform). He reported that he sends a memo to the schools each year, yet these practices continue.

Vice President Elliott asked about the consequences if principals or teachers are repeatedly found to be violating the law in their use of student discipline. Mr. Lopez-Soto responded that he has directed principals to correct the information sent to parents, and to explain that the previous information was incorrect. He reported that he has discussed this issue with the President of the ASAR, and has directed the School Chiefs to document these legal violations by principals.

Vice President Elliott asked about the possibility of amending the ASAR contract, the agreement with the collective bargaining unit that includes school principals. Mr. Lopez-Soto stated that the District is currently in negotiations with ASAR, and these concerns can be discussed in their next meeting in September.

Action Item: Mr. Lopez-Soto will discuss incorporating more progressive student discipline approaches in the ASAR contract in their next meeting in September.

Vice President Elliott enumerated actions that can be taken at this point to mitigate the use of exclusionary student discipline practices in the District:

- Inform students of the legal definitions and potential consequences of specific behaviors;
- Educate teachers and school administrators about student disciplinary approaches in violation of the law (e.g. suspending students for failing to wear a school uniform);
- Explore the possibility of amending the RTA collective bargaining agreement with regard to student discipline;
- Incorporate positive approaches to student discipline in the ASAR agreement, which is currently being negotiated.

Commissioner Adams noted that this is a multi-faceted issue that must be addressed from a variety of vantage points and at a number of different levels within the District. She pointed out that student discipline can become a contentious issue, but Board members must persist and continue to collaborate to realize results in the future.

Mr. Lopez-Soto introduced Rosemary Rivera, Organizing Director for Citizen Action, who has also been involved with the Advancement Project to promote progressive student discipline approaches. Ms. Rivera stated that she has been examining data to prepare a report for the community, with the intent of using the report as a catalyst for promoting restorative practices. She emphasized the importance of changing the language that is used with regard to student discipline because of the punitive connotations. Ms. Rivera reported that she has been working with the Buffalo City School District, in which two schools have implemented restorative practices.

Vice President Elliott inquired about sites in which the Advancement Project has been most successful. Ms. Rivera replied that Denver has demonstrated the greatest success from implementing restorative approaches. She noted the importance of educating teachers and administrators and providing clear guidelines about legal standards in terms of student behavior. Ms. Rivera reported that teachers and administrators are often confused and need information and consistency in terms of expectations and responsibilities. She discussed this as a necessary prerequisite to establishing clear expectations and consistency for students.

Ms. Rivera stated that a task force is planned to be convened to examine the RCSD Code of Conduct, emphasizing the need for a matrix to define different behaviors and constructive responses for teachers and school administrators.

VII. Review of Three-on-Three-on-Three Workplan

Vice President Elliott reviewed the Workplan illustrating the process by which the City, County, and District will collaborate to improve the quality of life for youth in Rochester. The Workplan includes three main strategic goals: 1) bring the County to the table; 2) formulate a Joint Powers Agreement for information sharing; 3) establish a Youth Information Portal. Vice President Elliott reported that the first goal has been accomplished by having County representation at these joint meetings. She noted that these meetings provide a forum for discussing issues of mutual concern, such as student disciplinary practices and youth arrests.

Commissioner Adams recalled that Judge Teske from Georgia will be conducting a juvenile justice summit in Albany in the near future, noting that this could be a valuable opportunity to learn more about effective approaches to implementing restorative practices in the District and the community.

Action Item: Ms. Flanagan will obtain information about the upcoming juvenile justice summit conducted by Judge Teske in Albany, and forward this information to the members of the Community & Intergovernmental Relations Committee.

VIII. Consider submitting a Letter of Support for Increased Education Funding from the State

Vice President Elliott reported that the State of New York has a \$3-6B budget surplus at this point, and suggested preparing a letter to obtain support for additional funding for the District.

Mr. Lopez-Soto stated that some local NYS legislators (e.g. Gantt, Morelle, Bronson) have been discussing the use of this surplus, and he offered to contact these legislators and draft a letter of support.

Action Item: Mr. Lopez-Soto will contact local NYS legislators and draft a letter of support to request use of a portion of the NYS budget surplus for additional funding to the District.

Vice President Elliott announced that she plans to make more visits to Albany in the future to meet with NYS legislators, and to discuss organizational culture, parent and community engagement as part of improving outcomes in the District.

IX. Legislative Updates

Vice President Elliott highlighted the legislative updates provided with this evening's meeting agenda. Ms. Flanagan offered to provide additional information about any legislation in which Committee members may be interested.

Motion by Commissioner Adams to adjourn. **Adopted 2-0, with concurrence of Parent Representative.**

Meeting adjourned at 6:56PM.

**Next Community & Intergovernmental Relations Committee Meeting:
September 16th at 6:00PM**