

# ROCHESTER BOARD OF EDUCATION

## Community & Intergovernmental Relations Committee Meeting

June 10, 2014

### MINUTES

**Attending:** Board Vice President Cynthia Elliott (Chair); Commissioner Mary Adams; Commissioner Melisza Campos (arrived 6:17PM). Parent Representative: Felix Jacobs.

District Staff: Ed Lopez-Soto, General Counsel; Lori Baldwin, Director of Safety & Security.

Board Vice President Elliott convened the meeting at 6:01PM.

#### **I. Review and Approve Minutes of March 11, 2014 Community & Intergovernmental Relations Committee Meeting**

Commissioner Elliott pointed out a few corrections needed to the minutes of the March 11, 2014 Community & Intergovernmental Relations Committee meeting, namely regarding the title of Dr. Gaither, Teacher on Assignment with the LynCx Academy.

**Motion** by Commissioner Elliott to approve the minutes of the March 11, 2014 Community & Intergovernmental Relations Committee meeting, with the noted corrections. Seconded by Commissioner Adams. **Adopted 2-0, with concurrence of Parent Representative.**

#### **II. Consideration for Including an Additional Parent Representative to the Community & Intergovernmental Relations Committee for FY2014-15**

Commissioner Elliott informed Committee members that an RCSD parent selected the CIGR Committee as her first choice to serve as a Parent Representative for FY2014-15. Commissioner Elliott stated that review of her resume indicated that she seems to have a background that could be beneficial to the work of the Committee, and asked for feedback about having a 2<sup>nd</sup> Parent Representative (in addition to Mr. Jacobs).

Commissioner Adams expressed appreciation for adding another Parent Representative to the CIGR Committee, particularly since its work addresses issues and concerns of the larger community.

Mr. Felix Jacobs concurred, stating that an additional parent perspective would be welcome.

Commissioner Elliott suggested inviting this parent to the next CIGR Committee meeting, so that Committee members would have an opportunity to meet her and she would have an opportunity to observe the Committee's work in action.

**Action Item: The Board staff liaison to the Community & Intergovernmental Relations Committee (Debra Flanagan) will invite the parent who elected to serve as a Parent Representative to this Committee to the next meeting on July 17<sup>th</sup>.**

### **III. Discussion regarding the Timing of the Legislative Breakfast**

Commissioner Elliott recalled that in the last Legislative Breakfast on November 10, 2013, Assemblyman David Gantt had recommended conducting the Legislative Breakfast earlier in the year to align with the timing of development of the NYS budget. She stated that Assemblyman Gantt pointed out that when the Legislative Breakfast is held in November, the Governor's budget has already been crafted and there is no opportunity to have input in terms of funding legislative priorities.

Ed Lopez-Soto asserted that the Legislative Breakfast should be held before the close of the NYS legislative session in June, and suggested scheduling this for January to allow plenty of time to advocate for legislative agenda items. He noted that finalizing the Board's Legislative Agenda in January would enable legislators to be contacted not only for advocacy, but also for information as to the specific items more likely to be approved and the specific timeframe involved.

Commissioner Elliott suggested contacting staff in Assemblyman Gantt's office to obtain his recommendation regarding the most advantageous timing for the Legislative Breakfast.

**Action Item: Mr. Lopez-Soto will contact staff in Assemblyman Gantt's office to obtain his recommendation regarding the most advantageous timing for conducting the Legislative Breakfast.**

### **IV. Review of Legislative Updates**

Commissioner Elliott pointed out that she has asked the Board staff liaison to the CIGR Committee to include legislative updates on the agenda routinely to ensure that Committee members are apprised of legislation at all levels --- in the U.S. Congress and the NYS legislature. She noted that the volume of legislation introduced prohibits every bill from being included in these updates, so the legislative updates will address educational bills with a direct impact on the Rochester City School District.

Commissioner Elliott reviewed the list of pending or recently adopted legislation, pointing out a bill in the NYS Assembly which would enable boards of education to make staff layoff decisions based on performance rather than seniority. She noted that this bill does NOT apply to large city school districts (i.e. in cities with more than 125K residents). Commissioner Elliott reported that she has discussed this with Assemblyman Gantt, and requested his support in having the bill include large urban school districts in New York.

Commissioner Elliott directed Committee members to contact the Board staff liaison, Ms. Flanagan, for additional information about any of the bills in the legislative update. She asserted that having this information available on a regular basis will facilitate discussions with legislators.

Commissioner Adams requested information about legislation at the federal and state level to provide greater privacy protections for student data.

**Action Item: Ms. Flanagan will research pending legislation at the federal and state level regarding student data privacy protections, and provide this information to the members of the Community & Intergovernmental Relations Committee.**

Commissioner Elliott expressed interest in learning more about the Smart Schools Bond Act, which was adopted as part of the 2014-15 NYS budget. She specifically wondered about the potential impact on RCSD in light of the FMP, and whether any of the funds available through this Act could be used to support technological upgrades under the FMP.

Commissioner Adams stated that she has been following this legislation, and does not think that the Smart Schools funding could be used to supplant some of the funding for the FMP. She reported that the Smart Schools Bond Act targets school districts with less technological infrastructure than the Rochester City School District. Commissioner Adams explained that districts lacking in this infrastructure have been unable to meet mandates regarding digital testing and technology use, and this was the impetus underlying the legislation. She added that she is not stating that there are no funding opportunities for RCSD under the Smart Schools Bond Act, but that these opportunities may be limited because of the technological infrastructure already in place here. Commissioner Adams also pointed out that Phase I of the FMP involved a district-wide technology component, which makes the funding available under this Act less relevant for RCSD than for other districts.

Mr. Lopez-Soto concurred with Commissioner Adams' assessment, noting that one of the 26 projects planned for Phase 2 of the FMP is a district-wide technology project – and this is assuming that the legislation for Phase 2 is approved by the NYS legislature. He reported that \$20M has been budgeted for the technology project alone in Phase 2 because the electrical re-wiring work is extremely costly.

**Action Item: Mr. Lopez-Soto will investigate the implications of the Smart Schools Bond Act in terms of possible funding for technological upgrades under the FMP.**

Commissioner Elliott also discussed the importance of the STEM legislation, which would provide tuition for students to attend public colleges or universities in New York if they enter into a science, technology, engineering, or math field. She stated that she would like additional information about the current status of this legislation and the implications for RCSD students.

Mr. Lopez-Soto noted that RCSD students could definitely benefit from this legislation regarding STEM education, and that he has spoken with staff in several legislators' offices to express the District's interest in advancing this bill.

Commissioner Elliott inquired about the estimated timeframe for obtaining legislative approval of the STEM bill. Mr. Lopez-Soto replied that it will be addressed in the next legislative session.

## **V. Review of Updated Legislative Agenda**

Commissioner Elliott pointed out that the CIGR Committee has accomplished quite a few of the items on the Legislative Agenda, but to a lesser extent with those at the federal level. She requested that Committee members review the updated Legislative Agenda to prepare for discussion at an upcoming meeting, and to consider any other legislative items for inclusion.

## **VI. Review and Discuss Draft Resolution and Sample Memorandum of Understanding (MOU) regarding Police in Schools and Student Arrests**

Commissioner Adams noted that the Board has been concerned for some time about the climate of zero tolerance and excessive student suspensions in the District. She stated that since no significant positive changes have occurred over the last few years with regard to these concerns, Board members have continued efforts to develop effective initiatives.

Commissioner Adams described collaborating with Board Vice President Elliott to draft a resolution to limit student arrests by Rochester Police Department officers serving in schools (i.e. School Resource Officers – SROs) and minimize students’ entry into the criminal justice system.

Commissioner Adams reported that she and Vice President Elliott had been contacted by the same parent regarding a disciplinary incident involving their child, and this prompted them to take action by drafting the resolution. She stated that the incident involved a 16-year-old RCSD student with NO history of behavioral or disciplinary problems, who was arrested with a group of other students after a fight had broken out at school.

Commissioner Adams explained that school administrators had contacted RPD when the fight began, but students were arrested after it had already stopped. She stated that school administrators protested against the police arresting this particular student, but RPD proceeded with the arrest. From Commissioner Adams’ account, students under the age of 16 were released into their parents’ custody, but those aged 16 or older were held until their parents could post bail. She stated that none of these students’ parents had been contacted up until this point by either RPD or by the school, so their first notice was from the police reporting that their child was in jail and would not be released until bail had been posted.

Commissioner Adams emphasized that this type of incident unfortunately has become more common in the District, and warned about complacency in viewing this as the norm or another set of statistics rather than having extremely severe consequences for students and their future opportunities. She pointed out the importance of ensuring responsibility and accountability for taking such serious disciplinary actions with students, noting that school staff tend to distance themselves when the police become involved because they lack authority or control in police matters. However, the result is that RCSD students

become caught in the formal criminal justice system and suffer the consequences of having this experience and record.

Commissioner Adams explained that she and Commissioner Elliott wanted to present the draft resolution regarding the role of police in schools to the Community & Intergovernmental Relations Committee to help identify ways that the City, RPD, and RCSD Safety & Security Office can collaborate. She noted that the draft resolution has been reviewed by General Counsel, Ed Lopez-Soto, who has enumerated some legal concerns.

Mr. Lopez-Soto added that RCSD has a special cooperative agreement with RPD, which involves contracting specifically for provision of police services. Since these are the terms of the agreement, Mr. Lopez-Soto stated that RPD is legally required to provide these services.

Commissioner Elliott questioned whether the agreement with RPD could be amended to allow for a less punitive approach with regard to the role of police officers in schools. Mr. Lopez-Soto replied that he has not been able to find any information that would legally enable the District to direct RPD not to act as police/law enforcement officers in RCSD schools.

Commissioner Elliott referred to the sample Memorandum of Understanding (MOU) presented by Commissioner Adams, inquiring about the possibility of using this as a basis for amending the existing agreement with RPD. Mr. Lopez-Soto responded that he has not been able to find any district in New York that uses this type of MOU with the local police department. He elaborated that he has reviewed the current contracts with police in the big five districts in New York because these large urban districts most commonly encounter these types of student discipline/arrest issues. He stated that he is still waiting to obtain information about the agreement with the police department in New York City. Mr. Lopez-Soto stated that the current agreement with RPD can certainly be amended, but would still have to meet legal standards.

Mr. Lopez-Soto described a recent visit to New York City to meet with school administrators and staff, who discussed undertaking an intensive process to establish restorative justice in their district. He pointed out that the staff in the NYC school district reported this initiative as being very costly, although facilitating removal of police officers from most of the schools. Mr. Lopez-Soto stated that he contacted Mary Doyle, a former RCSD administrator now employed by the New York City Department of Education, to obtain additional information about the efficacy of these initiatives.

Commissioner Adams asserted that the K Commission is the best source for research regarding student discipline approaches, initiatives, and data regarding efficacy. She explained that this is the most direct and wholly comprehensive source for this type of information.

Mr. Jacobs asked about simply approaching the Mayor to discuss these concerns to reach an understanding about the role of RPD in schools.

Commissioner Elliott read the section of the draft resolution regarding guidelines for the role of police in schools:

“Be it Resolved, Police involvement in school-based infractions shall be limited to incidents that post a serious and immediate threat of injury to an individual within the school community; and be it further

Resolved, Incidents that do not result in injury and that do not pose a serious and/or immediate threat of injury shall be considered school disciplinary incidents and shall be addressed by teachers, administrators, counselors, security guards and/or other school police officers using school-based interventions.”

She asked why this language can't be used to define the role of police in schools.

Mr. Lopez-Soto replied that the basic problem is that this would be asking police officers not to act like police officers.

Commissioner Adams added that a larger framework is needed regarding student discipline, development/nurturing positive behavior, building relationships, and fostering positive school climate which supports these actions. She noted that the agreement with local police and the Buffalo City School District is similar to the sample MOU presented in this meeting. Commissioner Adams added the caveat that legal issues have arisen in Buffalo which are similar to the concerns cited by Mr. Lopez-Soto, and stated that more information is needed as to the way in which these issues have been addressed by the Buffalo City School District.

Mr. Lopez-Soto reported visiting two schools in the Buffalo City School District that have an educational partnership organization agreement with Johns Hopkins University. He stated that the metal detectors had been removed, and there was no police presence at all in these schools. Mr. Lopez-Soto noted that some school administrator positions were added to help focus on students and changes in their lives that may affect behavior or discipline.

Commissioner Elliott suggested inviting the Chief of the Rochester Police Department to an upcoming Committee meeting to discuss concerns and the proposals that have been presented. She also expressed concern about continuing to have a police presence in schools, particularly in light of the alarming rise in school shootings throughout the country in recent years.

Commissioner Adams clarified that she is not proposing to eliminate all metal detectors or police from schools, although this is the ultimate vision. She contended that the role of the School Resource Officers (i.e. police officers in schools) should be prevention and education of students about safety and violence prevention.

Commissioner Elliott pointed out that she has been discussing these issues throughout her tenure on the Board, advocating for redefining the role of RCSD Safety & Security staff and enhancing the training they receive. She emphasized the importance of these staff members being trained to engage students and to use appropriate strategies to de-escalate

situations, particularly when students are having behavioral problems. Commissioner Elliott stated that School Safety Officers (members of RCSD Safety & Security Department) are at the forefront in these situations, so their training and ability to manage these situations is critical because the District cannot rely solely on the police department. She added that the police have many more demands and responsibilities in light of the incidents occurring in the larger community.

Mr. Jacobs observed a particular staff member in the RCSD Safety & Security Department in one of the schools, noting that this individual exemplified the qualities that should be emulated by all School Safety Officers (SSOs): good rapport with students, an understanding of students as individuals, and ability to prevent conflicts among students.

Ms. Baldwin clarified that this particular staff member is not an SSO, but a Road Patrol Officer who monitors school buildings and grounds for safety at the end of the school day. She described efforts to instill the importance of involvement in the school and student community with all RCSD Safety & Security staff, regardless of their specific position. Ms. Baldwin reported that all SSOs receive Therapeutic Crisis Intervention training, in which they learn ways to de-escalate different types of crisis situations. She stated that this is a 20-hour training for which all SSOs must re-certify on an annual basis. Ms. Baldwin offered to provide additional information to Committee members regarding other types of training offered to SSOs.

Commissioner Campos reported visiting a school recently in which she observed an SSO treating students harshly and in an extremely disrespectful manner. She emphasized the importance of providing training to SSOs on relationship-building skills and developing consistent, positive relationships with students to foster trust and credibility. Ms. Baldwin described ways in which she has impressed upon SSOs in training that they are students' first point of contact at the school at the beginning of the day, and set the tone for students' attitude and approach for the day. She stated that she actually carried this out with the SSOs in the training, greeting and welcoming each of them in a positive manner at the beginning of each day of the week-long training session so that they could experience the impact of this approach for themselves. Ms. Baldwin acknowledged that some staff members may not change their attitude or behavior despite the best training efforts, and she encourages staff throughout the District to report these instances to her so that she can engage these particular Safety & Security staff members in more intensive development and awareness of customer service expectations in the District.

Commissioner Elliott inquired about the extent to which the Safety & Security Office has the necessary resources to ensure that all SSOs possess the skill sets needed in the District in this capacity. Ms. Baldwin replied that the Safety & Security Office has good working relationships with schools, and serves as a resource to them. She noted that feedback is requested from school staff on a regular basis regarding the performance of Safety & Security staff, and the feedback has been positive and indicated improvements since the enhanced training efforts have been implemented.

Commissioner Elliott asked whether the Therapeutic Crisis Intervention training is offered every August. Ms. Baldwin responded that this training has been offered more frequently

throughout the year, depending on the terms of the contract with BENTE. She reported that this training has been conducted in the past two to three times per year (i.e. February and August; February, April and August). Ms. Baldwin pointed out that SSOs have a difficult job in addressing many different issues and difficult behaviors on a daily basis, and therefore need breaks to prevent burn-out. She stated that SSOs are only given a few days off from work during the school year, and having the training sessions during Winter and Spring break weeks does not allow them time to de-stress. For these reasons, Ms. Baldwin recommended keeping the training schedule to once per year in August.

Mr. Jacobs pointed out that the contract with RPD will be up for renewal soon, and asked whether District staff have initiated discussions with the City about these concerns and the terms of the contract renewal. Mr. Lopez-Soto confirmed that these discussions have commenced, and highlighted some of the issues at this time:

- District staff thought that an agreement was in place regarding transporting RCSD students to minimize the risk of incidents occurring downtown. However, information was received that indicated the Mayor was not in favor of using express buses to avoid transporting students downtown because this would not allow them access to City recreation centers.

Consequently, District staff discussed this concern with transportation vendors. In the meantime, the Mayor spoke with the Rochester Police Department and learned of a number of incidents that occurred downtown last year.

In a meeting with the Mayor, concern was expressed about these past incidents and support was given for transporting RCSD students so that they would bypass downtown.

For these reasons, the transportation agreement was kept within the same guidelines as last year. However, RCSD students cannot access the recreation centers because their bus passes cannot be used for this purpose.

Commissioner Elliott pointed out that recreation centers are located in neighborhoods throughout the City, which students should be able to access. She noted that her primary concern is with regard to safety. Mr. Lopez-Soto clarified that the issue is that there was an understanding between the District and the City, which was scaled back after the police became involved in the discussion.

Commissioner Adams noted that these issues have to be addressed in the political arena (e.g. through the 3-on-3 meetings between Board members and City Council) to be reflected in changes in the terms of the RPD contract renewal. She asserted that there is a larger context than transportation, which reflects the role of SROs in schools and with students. Commissioner Adams suggested the following next steps:

- Using the sample MOU as a starting point in contract negotiations with RPD
- Obtaining additional information about the ways in which the role of police in schools has been redefined in the Buffalo City School District

Commissioner Adams acknowledged that significant changes regarding the role of police officers in schools and overall approaches to student discipline will require a great deal of effort, and she emphasized the necessity of doing so for the benefit of students in the long term.

Commissioner Adams inquired whether East High School has any SROs for the remainder of the school year. Ms. Baldwin replied that an incident prompted the school principal to request removal of all SROs for the remainder of the school year, unless specifically requested to return out of necessity by the principal.

Commissioner Adams stated that while she is clearly not advocating enhanced police presence in schools, she is concerned about not having any police officers on site at the largest school in one of the highest risk years. Ms. Baldwin replied that she is not at liberty to discuss the matter any further because it involves a personnel issue.

Commissioner Elliott focused on the importance of minimizing the number of student suspensions, noting that there were over 600 suspensions in one K-8 school this year. She reported plans to discuss options for minimizing the use of student suspension with the Superintendent, pointing out the irony in the Superintendent spearheading the Truancy Initiative to maximize attendance while students are suspended for relatively minor infractions. Ms. Baldwin pointed out that a great deal of attention has been given to the new Pupil Personnel Services Department, which will be operational in the 2014-15 school year and involve improving school climate.

Mr. Jacobs reported that parents would like more information about the functions and responsibilities of the new Pupil Personnel Services Department, particularly with regard to promoting/implementing alternatives to suspension. Ms. Baldwin stated that Deputy Superintendent Beverly Burrell-Moore would be able to provide information about this new department, which will be under her purview.

## **VII. Miscellaneous**

Mr. Lopez-Soto reported that in a recent court case, the California Supreme Court ruled the state laws regarding teacher tenure to be unconstitutional.

Mr. Jacobs announced that the Rochester Teachers' Association (RTA) recently filed a grievance against the way in which standardized testing is being implemented, and called for an immediate moratorium on testing.

Commissioner Elliott recalled that RTA had also filed a grievance against the use of standardized testing for Annual Professional Performance Reviews (APPR), but was unsuccessful. She stated that General Counsel Lopez-Soto had indicated that the current grievance filed by RTA against standardized testing would not be successful either, particularly since the RTA helped to negotiate the APPR process.

**Motion** by Commissioner Elliott to adjourn. Seconded by Commissioner Adams. **Adopted 3-0, with concurrence of Parent Representative.**

Meeting adjourned at 6:56PM.

**Next Community & Intergovernmental Relations Committee Meeting:  
Tuesday, July 15<sup>th</sup>, at 6:00PM**