

ROCHESTER BOARD OF EDUCATION
Policy Review and Development Committee Meeting

December 10, 2015

MINUTES

Attending

Commissioners – Commissioner Willa Powell (Chair), Commissioner Mary Adams, Commissioner Jose Cruz, and Board President Van White

Parent Representative – Barb Van Kerkhove

Presenters – Spero Michailidis (Community Task Force – Code Workgroup), Dr. Donna Harris (Consultant Researcher for the Latino Affairs and Bilingual Education), Anne Brady (Director of Human Capital Initiatives), Maurice Snipe (Director of Human Capital Indicatives)

District Liaison – Edwin Lopez-Soto (General Counsel)

Board Staff – Mia Johnson and Shanai Lee (Board Clerk)

Commissioner Powell called the meeting to order at 7:13PM and made a motion to approve the agenda. The motion was approved by Board President White.

I. Review Minutes of November 5, 2015 Policy Committee Meeting

Motion by Board Present White to approve the minutes of November 5, 2015 of the Policy Committee Meeting. Seconded by Commissioner Cruz. Adopted 3-0 with concurrence from the Parent Representative.

II. Status Update: Code of Conduct – Spero Michailidis

Member of the Community Task Force’s Code Workgroup Spero Michailidis described the process and steps of the draft Code of Conduct: reviewed the current Code, examined suspension data across the District, reflected on the discipline inconsistencies throughout the District, provided The Advancement Project with guiding principles in which they created an initial draft Code of Conduct, reviewed other model codes from different districts, and gathered feedback.

Mr. Michailidis expressed that in August, the Code Workgroup hoped and assumed that the District would have taken leadership and ownership on completing the remaining sections, gaining input and buy-in from teachers and principals, and developing an implementation plan with the necessary supports. He described that in October there was a pause in the work for an engagement process to gain feedback.

He described the recent work of the Code Workgroup as the following: analyzed feedback from the Safety Team; changed the matrix; revised a guiding principle; responded in writing to the Safety Team regarding the changes; and emailed about 10 administrators requesting guidance on the matrix, due process, classroom removals, and the referral process. He stated that the

Community Task Force met with the Association of Supervisors & Administrators of Rochester (ASAR) and think that they may not support the adoption of the new Code of Conduct as of now based on concerns regarding supports. He expressed a need for a clear road map that includes ASAR's feedback and collaboration. He stated that he met with the Rochester Fire Chief about his concerns on fire starting and arson. He stated that the Code Workgroup has been trying to build bridges of understanding with various stakeholder groups.

He described that the Code Workgroup's next steps are to examine all the feedback that comes from the various groups and meetings involved in the engagement process and then to present the document to the Policy Committee and Legal Department for review by mid-January.

He stated that a document alone will not work, but an implementation plan and supports are needed. He expressed concern that the new Code of Conduct will be placed on teachers and principals without the necessary supports.

Commissioner Powell asked if the Code Workgroup has worked on a regulation document as well as a policy document. Mr. Michailidis responded that the document currently merges both policy and regulation.

Commissioner Powell stated that the Code of Conduct and the reduction of suspension are supported Deputy Superintendent of Teaching and Learning Dr. Christiana Otuwa and asked what would he like to see from the Board of Education and the Policy Committee. Mr. Michailidis responded that he would like the Board to engage the building level leaders and to listen intensely to what they need now and their concerns about implementing new policy. Commissioner Powell further asked if he envisioned Dr. Otuwa being the point person to engage building level leaders. Mr. Michailidis responded that Dr. Otuwa expressed a desire to take such role, but unclear how that could look with the changes in leadership within the District.

Board President White described attending the Rochester Teacher Association (RTA) engagement meeting and anticipated that the Board business meeting where the Code of Conduct will be voted may be a tough meeting.

Mr. Michailidis stated that a five year implementation plan to outline the supports needed to implement and to rebuild the trust. Commissioner Powell stated that there is a need for training in restorative practices.

Commissioner Adams stated that during the five year implementation plan, the Policy Committee and the Board as a whole can define a set of agreed principles, specifying a concrete timeline for implementation, and tying specific supports for components to advance. Commissioner Adams stated that there has been high level commitment from people within the District. She further stated that as the Policy Committee considers the draft Code of Conduct, it can open up responsibilities and expectations for people in the Administration to assess what they may object to in terms of due process.

Mr. Michailidis stated that ASAR needs and desires to be a part of the process and to be heard in the development and implementation. Commissioner Adams responded that ASAR has been represented and not excluded from the process. Parent Representative Barb Van Kerkhove responded that the invitation was open and all did not participate. She also responded to the

mixture of policy and regulation in the document by saying that the templates used in New York City and Buffalo had great language and as a parent, she wanted to see the details included in the policy.

Commissioner Cruz expressed concern that in order for the Code of Conduct to be functional there has to be complete buy-in and the importance of finding a common platform, strategies, and basic principles. He further expressed that the Board will pass a resolution that will not be moved or accepted. He stated that there is a need for someone or the Policy Committee to take ownership and mediate the process and implementation.

Commissioner Adams responded that the RTA meeting was more positive than perceived, but there were challenges and frustrations. She described that the Community Task Force is conducting building level focus groups that have a more positive tone as well as engaging the union leaders, parent groups, and the safety team. She stated that she has a sense of hope.

Mr. Michailidis stated that there are a lot of misconceptions regarding the new Code of Conduct and restorative practices as well as struggling schools and teachers.

Commissioner Powell asked what does an implementation look like and what schools have already been trained in restorative practices. She suggested an interim policy could be in full effect for the schools that have been trained and the plan include a multi-year budgeting process that outlines the training, supports, and resources.

Mr. Michailidis responded that the work requires a clear mind shift and the importance of including building level administration. Ms. Van Kerkhove stated that during the meeting with ASAR, representatives expressed wanting a collaborative approach as oppose to a top-down approach for buy-in.

Board President White stated that before it goes to the Policy Committee, it is important to develop a mechanism to engage the representatives of ASAR so it is not viewed as a top-down approach. Mr. Michailidis responded that a high level administrator should lead such an effort. Ms. Van Kerkhove stated that the feedback collected from the engagement process will be analyzed by Jim Bearden of SUNY Geneseo, used to inform the draft Code of Conduct, and then shared with the groups. Commissioner Powell stated that the conversation will be summarized as a memo to the District administration as well as a request for an action plan.

III. Status Report: Consultant Research Analyst for Latino Affairs and Bilingual Education – Dr. Donna Harris

Dr. Harris started by describing her work in the Student Placement Department and assessing whether Spanish language dominate parents have enough resources to make decisions about student placement, addressing how staff can provide additional resources for bilingual parents, and will be meeting and working with Barbara Goldammer (Executive Director of Student Placement and Equity) and a representative in Auburn regarding the Commissioner's Regulation 154 requiring expanded orientation for newcomer students. She recommended developing a parent room with expanded resources and information about schools, a telephone for parents to call the schools for up-to-date information, and parents have an extensive parent orientation based on Commissioner's Regulation 154

Dr. Harris described bilingual education and the challenge of recruiting qualified and certified bilingual education. She recommended developing a pipeline through the paraprofessional and teacher assistant workforce and forming a partnership with local colleges in order to create a “grow your own” program; recruiting from Puerto Rico; Nazareth College has a program to pay for 10 teachers within the District to obtain their certification in bilingual or Teaching of English to Speakers of Other Languages (TESOL); and providing additional incentives.

Dr. Harris described bilingual programs, their access to secondary students, and her work with Mayra Ortiz (Director of Bilingual Education) and Brendan Gallivan (Executive Director of ELL and LOTE). Dr. Harris stated that Ms. Ortiz has put together alternatives including a designated bilingual newcomer program, a bilingual twilight program for bilingual students between the ages of 16-21, and bilingual vocational hybrid to give older students the opportunity to link with Career and Technical Education (CTE) options.

Dr. Harris questioned how receivership schools are impacted by placement of new students who may have education challenges and how does the process ensure equity for them. She described schools under receivership were getting new newcomer students – Monroe in particular who has a newcomer program.

Commissioner Powell stated that prior to the Parent Preference Managed Choice program, there was a placement center in each zone that offered parents one-on-one interaction/support and an individualized recommendation for placement. She stated that the Parent Preference Managed Choice program was driven by the No Child Left Behind Act. She further stated that Board members need to educate themselves on education reforms regarding what has and hasn’t changed from the No Child Left Behind Act.

Commissioner Cruz asked Dr. Harris what is the goal of her work. Dr. Harris responded that the goal is to develop a strategic plan, place Latino students’ needs and challenges at the forefront, and to tell the story about what has changed since 2009-10 when she was a member of a research team looking at the issues of Latino students. She further responded that she will need to figure out who will take responsibility and implement the strategic plan in order to address the issues on a long-term basis. She also stated a need for commitment from the District and utilizing the Bilingual Council and other community agencies for the parent resource room. Commissioner Powell encouraged Dr. Harris to get collaboration and buy-in from the School Chiefs.

IV. Presentation of Policy Report Deliverables/Responses: Policy 9110: Equal Employment Opportunity and Policy 3460: Incidental Teaching – Maurice Snipe and Anne Brady

Mr. Snipe read the Exhibit 2410-E Criteria for Policy Analysis for Policy 9110: Equal Employment Opportunity and Attachment A Policy 9110 – RCSD Employee Data found on Board Docs. Mr. Snipe expressed concern regarding an increase in the number of Blacks and Hispanics who voluntarily resigned and wanted to look at the data to see if retention issues exist. He also expressed concern regarding the high rate of employee termination among Black and Latino population and will work to get more data to explain and breakdown by union groups to report back to the Policy Committee.

President White stated that there needs for an immediate critical analysis of the data based on the disproportionate rates based on race and possibly union groups. Commissioner Adams stated that there needs to be a detailed analysis that looks at positions, supervisors, and trends. She further stated that certain job classifications are overwhelmingly populated by certain races which demonstrate structural racism and there must be a responsibility for such outcomes. Commissioner Adams expressed the need to support the Teaching and Learning Institute at East High School as a pipeline for people of color to enter into the teacher profession.

Ms. Brady defined incidental teaching as those teaching outside of their certification area. Mr. Snipe read the Exhibit 2410-E Criteria for Policy Analysis for Policy 9460: Incidental Teaching and Attachment A Policy 9460 – RCSD Employee Data found on Board Docs. Ms. Brady described the challenge of finding teachers who are certified in elementary education with the bilingual extension; however, HCI have been hiring those who are bilingual speakers and have one component of the certification. She also described challenges related to finding teachers in the following certification areas: technology, family consumer science, aerospace. She stated that a partnership with SUNY Oswego has been established and the District has hired approximately 99% of its technology teachers because this is the only institution in the state that graduates students with technology certifications. Ms. Brady described expanding the recruitment process to entice a more diverse population to become a part of this community

President White stated that some districts traveled to Puerto Rico and Historically Black Colleges and Universities to recruit. He described the challenges his son had finding a job as a teacher in the District. He stated that he has heard similar stories that the District does not do a good job in recruiting and retaining teachers of color. He stated that people of color have been in positions of power within the District and the current employee hiring data remains. Commissioner Cruz responded that people of color are now in the position to ask questions and obtain the information, and the next question is what is done.

V. Presentation of the Board of Education By-Laws – Board Clerk Shanai Lee

Board Clerk Lee described that the Board By-Laws need an overhaul because there is constant conversation regarding what should be a part of the Board By-Laws and in 2009 there was a study by Erie I BOCES who provided a comprehensive review of the Board By-Laws with recommendations. She defined by-laws as the rules that govern the Board and duties and responsibilities of the Board. She stated that the existing by-laws were last changed in 2011. The Board Governance reviewed this document at the February 2015 meeting and recently advanced to the Policy Committee, but it has not been vetted by the Legal Department.

Board Clerk Lee read section one and two of the proposed by-laws found on Board Docs. Board Clerk Lee described how the resignation of school board officials should be handled and the vacancies are filled by the Board's majority political party designation in the proposed by-laws. Commissioner Powell stated that she believes that the appointment of a vacancy should be done by the resigned commissioner's political party. It was recommended that the Legal Department review that section.

Board Clerk Lee read that the proposed by-laws state that the Commissioner of Education has the authority to dismiss a member of the Board. Commissioner Powell responded that the Commissioner's Regulations allow the Board by vote to dismiss one of its members for cause and

such member can appeal to the Commissioner. Board Clerk Lee asked if this applied to only large school district and Commissioner Powell suggested referring to the Stated Education Department regulations.

Board Clerk Lee continued to read the proposed by-laws regarding the powers and duties and the designated positions. She stated that the Board does not currently designate all the positions highlighted in the proposed by-laws, but designate the Board Clerk, Purchasing Agent, Claims Auditor, Authorizer of Certified Payroll, Treasurer of Extra Curricular Activities Funds, and recently a Records Management Officer. She stated that there needs to be more clarification around the Record Management Officer and its roles and responsibilities; that the position of Liaison of Homeless Children and Students has been appointed, but not officially designated. Commissioner Powell questioned if the duties of the District Treasurer should be in the Board By-Laws since it is an administrative duty. Board Clerk Lee responded that the proposed by-laws are a recommendation and the school districts in Buffalo and Syracuse have the same language.

Board Clerk Lee stated that the Board requested the removal of sentence: “The ruling of the parliamentary shall be final.” Commissioner Cruz stated that the two-third vote of Board makes a decision. Board Clerk Lee commented that another change to the by-laws is the total time for all speakers in any business meeting shall not exceed 60 minutes. Commissioner Powell stated that consolidating all speakers should be included in the proposed by-laws. Board Clerk Lee stated that the proposed by-laws outline that the Board President should meet with the committee chairs and consultation with the Superintendent of Schools to develop a work plan for each committee. Commissioner Powell that the New York School Board Association (NYSBA) President establishes the charge and goals of each committee and in the RCSD, committee chairs set their own course. Board Clerk Lee recommended changing it to highlight that each chair reports to the Board President and all those present at the monthly business meetings. Board Clerk Lee described the next proposed change to the duties of the Vice President include automatically being named chair of the Board Governance Committee.

Board President White stated that there is a current provision stating that the Board can decide who chairs any meeting. Commissioner Powell stated a re-call provision can be written to elect a new Board President.

Parent Representative Van Kerkhove suggested that Parent Representatives be a part of the by-laws under the Board Committee section.

Commissioner Powell expressed wanting to see a paragraph that includes ethical breeches of a Board member.

Board Clerk Lee stated that at the Board Governance committee meeting there were discussions about the addition of Board professional development to the by-laws. She requested that the Board holds off addressing it in the by-laws until the Board can understand the costs and implications. Commissioner Powell responded that free professional development can be done through NYSBA. Parent Representative Van Kerkhove stated that she would like to see the Board trained in restorative practices.

Board Clerk Lee suggested that the Legal Department review the proposed by-laws especially as it pertains to the resignation of Board members, language around appointing the Vice President as

Board Governance Chair, and the dismissal of Board members. Commissioner Powell advanced the proposed by-laws to the Legal Department for review.

VI. Follow-up Items

Commissioner Powell will meet with Board Staff Johnson regarding the re-adoption Policy Manual.

New Policy to Consider: Students with Serious or Life Threatening Conditions

Consensus to adjourn by Commissioner Powell to adjourn. Adopted 3-0.

Meeting adjourned at 9:20PM.