

ROCHESTER BOARD OF EDUCATION
Policy Committee Meeting
February 13, 2014

Attending: Commissioner Cruz (Chair); Commissioners Powell and Campos; Board President White. Parent Representative: Barbara Van Kerkhove. District staff: Ed Lopez-Soto, Chief Counsel; Jerome Underwood, Director of Youth & Family Services; Willie Robinson, Director of Parent Engagement. Community Member: Makita Saloane, President of the RCSD Parent Advisory Council.

Commissioner Cruz convened the meeting at 6:03PM.

I. Review and Approve Minutes of January 16, 2014 Policy Committee Meeting

Motion by Commissioner Powell to approve the minutes of the January 16, 2014 Policy Committee meeting. Seconded by Commissioner Campos. **Adopted 3-0, with concurrence of Parent Representative.**

II. Review Proposed Revision of Parent & Family Engagement Policy (1900)

Commissioner Cruz commended the members of the Parent Advisory Council for their efforts in revising the Parent & Family Engagement policy, emphasizing the importance of obtaining input from stakeholders to strengthen the policy and enhance its efficacy.

Makita Saloane noted that the proposed policy incorporates all of the suggested revisions of the Parent Advisory Council. She stated that the main concern of the Council has been with enforcing the policy, explaining that she had requested a copy of the annual evaluation report required under the policy and discovered that an evaluation has not been conducted.

Ms. Saloane emphasized the importance of auditing the District's parent engagement activities to enhance accountability, particularly since there has been a lack of compliance with regard to current policy requirements (i.e. annual evaluation). She reported that the Parent Advisory Council would prefer to require an internal audit of District parent involvement annually, but Commissioner Adams objected. Consequently, a compromise of auditing at least once every three years was made, but the Council feels that it should be done every year if parent involvement is a priority.

Commissioner Powell commented that the three-year timeframe probably reflects the capacity of the Audit Committee in terms of their workload. She pointed out that the proposed policy states, "the Auditor General will conduct an audit of parent engagement activities at least every three years", so this is a minimum requirement and an audit could be performed more frequently if problems are found and/or the District fails to provide an annual evaluation report. Ms. Saloane replied that the three-year timeframe for an internal audit could be acceptable as a minimum requirement, with the condition that more frequent audits will be conducted if problems are discovered or if the annual evaluation report is not provided to parents.

Parent Representative Barbara Van Kerkhove suggested that the Parent Advisory Council include the annual evaluation on their calendar/agenda for April or May to follow up with the Superintendent.

Commissioner Powell noted that the Parent Advisory Council has already realized success in raising awareness of the need for improvement in District parent involvement practices and in increasing parent representation on school-based planning teams. She stated that this same support can be mobilized to promote improvements with regard to other issues and concerns.

Ms. Saloane stated that she also presented the proposed Parent & Family Engagement policy to the members of the Parental Engagement Special Committee to obtain additional input from parents. She reported that the members of this Special Committee concurred with the proposed revisions.

Motion by Commissioner Powell to approve proposed revision of Parent & Family Engagement policy. Seconded by Commissioner Campos. **Adopted 3-0, with concurrence of Parent Representative.**

III. Review Proposed Revision of School-Based Planning Policy (2265)

Jerome Underwood reported that the proposed revisions of the School-Based Planning policy were crafted by a cross-functional team, including members of the Parent Advisory Council and representatives from the various unions. He commended Makita Saloane, President of the Parent Advisory Council, for her input with respect to the role of parents on school-based planning teams.

Mr. Underwood stated that the team found the existing policy to be acceptable overall, but in need of updating with regard to Common Core. He explained that Beverly Burrell-Moore, Deputy Superintendent for Teaching & Learning, assisted in delineating the Common Core knowledge that will be needed by school-based planning teams. Mr. Underwood noted that representatives from BENTE and RAP provided recommendations to make the proposed policy more inclusive of the staff they represent. He reported that RTA did not provide much feedback on the proposed policy.

Mr. Underwood stated that the cross-functional team met 5-6 times and meetings were well-attended, except for RTA representation. He explained that the team reviewed the policy in sections, discussing options and updates needed to develop the proposed amendments.

Commissioner Powell expressed concern about some of the language in the policy proposal, specifically the statement, "Focus of the team's work will be directed toward instruction, and ensuring the Common Core curriculum and support for students' learning rather than routine school operations is factored into the plan". She explained that the Common Core is not a curriculum, but a set of standards and the curriculum being imposed on the District is from EngageNY. Commissioner Powell suggested that the proposed policy use the phrase "ensuring mandated curriculum" or some alternate language that points to Common Core, but uses the term correctly.

Commissioner Cruz suggested replacing "Common Core curriculum" with "Common Core standards".

Commissioner Powell recognized that simply changing the order of the existing language would correct the problem, and suggested that the proposed policy state, “Focus of the team’s work will be directed toward instruction, and ensure that the curriculum supports the Common Core standards....”.

Mr. Underwood highlighted another significant change in the proposed policy, specifically to remove the provision referring to the \$1M classroom fund to provide incentives. He stated that this fund has not existed for years, so this specific reference was removed. However, the team felt that incentives are important and decided that the policy should state that this will be provided when available.

Ms. Van Kerkhove suggested an additional change to state “based on the most recent diagnostic review”, rather than specifying the 2012 diagnostic review so that the policy does not become outdated. Mr. Underwood replied that this change will be incorporated into the proposed policy.

Motion by Commissioner Powell to approve proposed revisions to School-Based Planning policy (2265), with the suggested edits. Seconded by Commissioner Campos. **Adopted 3-0, with concurrence of Parent Representative.**

IV. Review and Discuss Options for Overhauling the Major Achievement Program (MAP) policy (4350)

Commissioner Cruz observed that the District staff requested to provide recommendations for updating this policy are not in attendance. He directed that this item be included in the agenda for the March 20th Policy Committee meeting.

V. Acceptable Use of the District Network policy (1950)

Commissioner Cruz requested that Board President White provide additional information about the changes proposed to this policy, as this was discussed in an Executive Session of the Board last week.

Board President White stated that the Board wanted to establish a system of checks and balances with regard to allowing District counsel to inspect staff email messages in the course of an investigation of alleged misconduct. He clarified that the Board’s concern is that more than one person is involved in making these determinations.

Ed Lopez-Soto stated that he has not received a copy of the proposed policy changes, and therefore cannot comment.

Commissioners Cruz and Powell emphasized the need to expedite the revisions to this policy, and offered to send a copy to Mr. Lopez-Soto.

Mr. Lopez-Soto asked about the language proposing that an additional person is required to approve any review of District staff email messages in the course of his investigation of alleged

employee misconduct. He asked whether the proposed revision simply requires the Board President to authorize review of Board staff email messages, but not for all District staff.

Commissioner Powell pointed out that a supervisor of any staff member (Board or District employees) would have to be aware of the investigation and review of staff email messages. Mr. Lopez-Soto expressed concern about reporting this information to supervisors because it would undermine the employee's confidentiality and/or potentially compromise an ongoing investigation.

Commissioner Powell contended that a supervisor should be aware of any investigation of the staff they are supervising. Mr. Lopez-Soto requested to meet in Executive Session to discuss recent incidents in which informing the supervisor would have been a mistake, undermining an investigation.

Commissioner Powell responded that this suggests collusion by the supervisor, in which case they also need to be investigated. Mr. Lopez-Soto stated that there is no problem if the requirement for the Board President's approval only applies to Board staff and personnel. He expressed concern about requiring the Board President's approval for review of email messages of all staff in the District as part of an investigation.

Board President White inquired if the primary concern regards informing supervisors of investigations and/or email reviews of their staff.

Commissioner Powell suggested that this information be provided one level above the immediate supervisor.

Mr. Lopez-Soto stated that he has not seen the proposed policy before this meeting and has not had an opportunity for review, so he is very uncomfortable with accepting the proposed changes. He noted that suspected misconduct by District staff hypothetically would involve notifying the Superintendent, Chief of Staff, Deputy Superintendent for Administration, Chief of HCI, and General Counsel. Mr. Lopez-Soto emphasized that a staff member's email messages are only reviewed if this is necessary to an investigation of alleged misconduct. He explained that the Chief of HCI or Director of Safety and Security examine the staff person's email messages, and notify the General Counsel, Deputy Superintendent for Administration, Chief of Staff, and/or Superintendent if the email review provides sufficient evidence to substantiate allegations of misconduct.

Commissioner Powell asserted that the primary concern of the Board is to ensure that there is documentation of the actions taken and of the underlying rationale. She stated that this would involve identifying the two parties that reviewed the email messages and then indicate whether the suspected misconduct is founded or not. Commissioner Powell expressed concern that currently there is no documentation to show who has been investigated or whose email messages have been reviewed. Mr. Lopez-Soto responded that the reason that this is not documented is to protect the privacy/confidentiality of staff members for whom the review of email messages and investigation prove to be unfounded.

DRAFT: NOT APPROVED BY COMMITTEE

Commissioner Powell contended that documentation indicating that suspected misconduct was unfounded also protects the staff member. Mr. Lopez-Soto replied that documenting suspected misconduct and performance of an investigation casts doubt and aspersions on the staff person's character and conduct, even if the allegations are shown to be unfounded.

Commissioner Powell stated that this would not be a problem if the individual staff person does not know about the allegations or investigation. She asserted that if the HCI Chief determines that there is sufficient reason to review a staff person's email to pursue an investigation of alleged misconduct, then there should be documentation of who conducted the review and the outcome. Commissioner Powell stated that the Board wants to protect staff members by ensuring that there are sufficient grounds to review their email messages and conduct investigations, rather than having these actions taken without documentation or accountability.

Commissioner Campos suggested that review of staff email messages be approved by General Counsel and the Auditor General.

Board President White emphasized the importance of requiring the approval of the Board President, since the Board of Education has ultimate oversight over the District.

Mr. Lopez-Soto clarified that access to staff email messages is ONLY granted to the Director of Safety & Security, who makes a determination as to whether further investigation is warranted.

Board President White contended that a more neutral party approve requests to review a staff person's email messages, such as the Board President. He emphasized the need to ensure that these requests are not abusive or unnecessarily obtrusive.

Mr. Lopez-Soto expressed concern about potential pressure that may be placed on a politically elected official such as the Board President in determining whether to approve review of a staff person's email messages, particularly if the staff person happens to be a friend.

Commissioner Campos stated that this is the reason for her suggestion that the General Counsel and the Auditor General be responsible for approving these requests.

Board President White declared that the Board makes personnel decisions all the time, and objected to the suggestion that the Board President cannot be impartial in terms of approving an investigation or review of a staff person's email messages. He noted that Board members recuse themselves from decision-making in situations in which they have political influence. He asserted that the Board is entrusted to make personnel decisions, and the Board President should be entrusted in representing the Board in making these decisions.

Mr. Lopez-Soto reported that there have been a number of issues over the last year in which the Superintendent attempted to terminate employees because of misconduct and the Board voted against it. He stated that the authority for making personnel decisions resides with the Superintendent, as this is essential to management of the District.

Commissioner Campos contended that the Auditor General is in a position of objectivity and has a more detailed understanding of District practices, and therefore should approve requests in conjunction with the General Counsel to review a staff person's email as needed to pursue an investigation of alleged misconduct. She stated that the issue is not the objectivity of the Board President, but that the Auditor General is farther removed from political pressures.

Motion by Commissioner Powell to approve proposed revision of the Acceptable Use of the District Network policy (1950), with the modification of having the Auditor General and the General Counsel approve all requests to review a staff member's email messages as needed for an investigation of alleged misconduct.

Ms. Van Kerkhove expressed concern that Superintendent was hired to manage the District, and therefore should be making decisions regarding investigation of alleged misconduct and employee discipline. She inquired about alternate methods available to ensure accountability in deciding whether to investigate and to review staff email. Mr. Lopez-Soto offered to provide a report to the Board of the requests received to date to review a staff member's email messages, noting that the number of requests is miniscule. He stated that this issue has arisen at this time because of specific recent incidents.

Seconded by Commissioner Campos. **Adopted 3-0, with concurrence of Parent Representative.**

Motion to adjourn by Commissioner Powell. Seconded by Commissioner Campos.

Meeting adjourned at 7:07PM.