

ROCHESTER BOARD OF EDUCATION
Policy Committee Meeting
May 21, 2013

Attending: Commissioner Cruz (Chair) and Commissioner Powell; Commissioner Campos absent due to out of town meeting. Parent Representative: Ranika Brown absent. District staff: Ed Lopez-Soto, Chief Counsel; Bethany Centrone, Chief of Human Capital Initiatives. Board staff: Debra Flanagan.

Commissioner Cruz convened the meeting at 5:33PM.

I. Review and Approve Minutes of April 18, 2013 Policy Committee Meeting

Motion by Commissioner Powell to approve the minutes of the April 18, 2013 Policy Committee meeting. **Adopted 2-0.**

II. Review and Discuss Proposed Revision to Safe Schools Policy (8135) regarding Parental Notification

Ed Lopez-Soto declared that the proposed policy revision was informed by the views presented by parent and community groups and by law enforcement in previous Committee meetings. He reviewed the proposed revision of the Safe Schools policy regarding notifying parents when a District employee's conduct has imposed a risk to student safety:

- The Superintendent or his designated staff is required to notify parents, guardians or persons in a parental relation, in a timely manner, of situations that raise significant concerns for student safety, including but not limited to the arrest or conviction of staff members for legal offenses that represent a threat to children. The method, content and timing of notification should reflect cooperation with legal authorities, protection of employee rights, and demonstration of good communications practice.

Mr. Lopez-Soto noted that this provision balances concerns for student safety with preserving the integrity of the investigative process and the rights of the individual. He explained that many factors must be considered in each situation, so the policy cannot be too prescriptive in nature.

Commissioner Cruz asked whether the proposed policy includes information about removing an employee from contact with children after an allegation has been substantiated. Mr. Lopez-Soto replied that while a District employee would be placed in an alternate work location in this situation and closely supervised, each of the alternate work sites is located within a few blocks of areas in which children may be present (e.g. playgrounds, recreation centers, or other schools).

Commissioner Powell pointed out that the main consideration is that the employee will be supervised and monitored at all times while at the alternate work site.

Motion by Commissioner Powell to approve proposed revision to Safe Schools policy (8135) to include provision for parental notification when a District employee's conduct may have jeopardized student safety. **Adopted 2-0.**

III. Review Proposed Revision of Code of Conduct (5300) regarding Board Members

Mr. Lopez-Soto noted that the proposed revision to the Code of Conduct clarifies expectations of Board members and establishes a mechanism for accountability.

Commissioner Powell stated that Board members cannot be censured by their colleagues, except by filing a complaint to the NYS Education Commissioner or a majority vote to remove the individual from the Board. She questioned whether the revised policy should contain a clause regarding taking action against a Board member who violates the Code of Conduct.

Commissioner Cruz pointed out that the proposed revision incorporates the expectation that Board members will be held to at least the same standards as students and staff, and this clause provides some accountability.

Motion by Commissioner Powell to approve proposed revision to the Code of Conduct (5300). **Adopted 2-0.**

IV. Review Proposed Revision of Child Abuse and Maltreatment Policy (5460)

Mr. Lopez-Soto reported that this proposed revision is to remove the requirement for the Superintendent to report to the Board every two years regarding the efficacy of this policy, since numerous reporting requirements are already in place.

Motion by Commissioner Powell to approve proposed revision to Child Abuse and Maltreatment policy (5460). **Adopted 2-0.**

V. Proposed Credential Options for Students with Disabilities Policy (4222)

Mr. Lopez-Soto explained that the rules for earning a high school diploma were changed in 2011, so the policy contains a section for those students graduating under the previous rules and under the revised rules. He stated that the proposed policy basically reflects NYS law regarding compensatory options for students with disabilities to earn a high school diploma:

1. Students with disabilities who entered 9th grade prior to September 2011 may earn a local diploma by:
 - Obtaining a score of 55-64 on any Regents exam required for graduation; or
 - Passing the Regents Competency Test if they fail a required Regents exam
2. Students with disabilities who entered 9th grade after September 2011 can earn a local diploma by scoring 55-64 on at least one required Regents exam

3. In addition, students with disabilities can earn a compensatory local diploma by:
 - Scoring a minimum of 55 on the ELA and Math Regents exams; and
 - Scoring 45-55 on at least one other required Regents exam; and
 - Having a passing grade in the subject for which a 45-55 score was obtained on the Regents exam; and
 - A satisfactory attendance rate based on school standards; and

The compensatory option is not available if a student has passed at least one of the Regents Competency Tests toward earning a local diploma.

Commissioner Powell inquired whether a date can be identified by which all of the students with disabilities who entered 9th grade prior to September 2011 will have aged out or earned a diploma. She suggested that this section of the policy contain a provision indicating that it will become ineffective after this date, so that the entire policy does not have to be revised.

Motion by Commissioner Powell to approve proposed Credentialing Options for Students with Disabilities policy (4222), with addition of a sunset clause for those entering 9th grade prior to September 2011. **Adopted 2-0.**

VI. Review of Policies for Updating the Policy Manual (0320 through 2120.1)

Debra Flanagan reported that most of the proposed revisions to these policies are minor in nature, involving clarification of language and removal of obsolete references. She stated that she has reviewed these proposed changes with Mr. Lopez-Soto, who is in agreement with them.

1. Evaluation of Superintendent (0320): remove duplicate language in the title and in the first paragraph

Commissioner Powell suggested including the most recent evaluation form as an exhibit along with the policy.

Motion by Commissioner Powell to approve proposed revision of Evaluation of Superintendent policy (0320). **Adopted 2-0.**

2. Constitutionally Protected Prayer in Schools (1150): remove last sentence in section 1150.11, which refers to the Superintendent's interim regulations dated April 29, 2003. These regulations are no longer in effect.

Motion by Commissioner Powell to approve proposed revision of Constitutionally Protected Prayer in Schools policy (1150). **Adopted 2-0.**

3. Public Use of School Facilities policy (1500): remove duplicate language in title, and clarify that public use of school buildings during school hours is to be determined by the Superintendent or their designee – rather than by the Board of Education.

Motion by Commissioner Powell to approve proposed revision of Public Use of School Facilities policy (1500). **Adopted 2-0.**

4. District Policy Against Harassment of Students or Employees (1510): remove reference to specific position titles and add that concerns regarding possible harassment should be brought to

the attention of the school administrator (or their designee) or to the Superintendent (or their designee).

Motion by Commissioner Powell to approve proposed revision of District Policy Against Harassment of Students or Employees (1510). **Adopted 2-0.**

5. Gifts to School Personnel (1810): revise title to reflect the fact that this policy is to apply to all District staff, and add current dollar amount for limits on the value of gifts (i.e. \$75 or more). Remove reference to another policy which simply references the law.

Commissioner Cruz pointed out that Board members are also subject to restrictions in receiving gifts, and suggested changing the title of the policy to “Gifts to District Officers or Employees”.

Motion by Commissioner Powell to approve proposed revision with Commissioner Cruz’s suggestions. **Adopted 2-0.**

6. Interpreters for Hearing-Impaired Parents (1925): add provision to state that an interpreter may be provided for any meeting or activity conducted by the District, as well as by the Board of Education.

Motion by Commissioner Powell to approve proposed revision of Interpreters for Hearing-Impaired Parents policy (1925). **Adopted 2-0.**

7. Electioneering in Schools (2120.1): with regard to use of school buildings after hours by candidates or those campaigning on their behalf, remove the phrase “under established procedures” and add “under the guidelines contained in the Public Use of School Facilities policy (1500)”.

Commissioner Powell noted that a cross-reference should be added for the Public Use of School Facilities policy (1500).

Motion by Commissioner Powell to approve proposed revision of Electioneering in Schools policy (2120.1). **Adopted 2-0.**

VII. Status Report regarding Revision of Values Education Policy (4311.2)

Mr. Lopez-Soto stated that he will meet with Bill Benet tomorrow to discuss the background of developing the Values Education policy and ideas for its revision. He offered to present more specific proposals for policy revision after this meeting.

Commissioner Powell indicated that the policy was developed with a large committee and a large number of values were included to avoid offending anyone.

VIII. Proposed Staff Evaluation Policy

Bethany Centrone recalled that this policy proposal was presented in the April Policy Committee meeting, and asked whether the Committee members prefer a more elaborate version. She cautioned that a more elaborate version of the policy could pose problems with regard to APPR because these requirements are quite fluid and subject to change.

Commissioner Powell inquired about previous policies regarding evaluation of teachers, evaluation of support staff, and evaluation of administrators. Ms. Flanagan reported that she had asked General Counsel about these policies several years ago because they were included in the Table of Contents for Board policies, but were not posted online. She stated that General Counsel had informed her at that time (2009) that these policies were no longer in effect.

Commissioner Powell stated that the Board did not rescind these policies, so they do continue to be in effect at this point. She requested Ms. Flanagan to send a copy of these staff evaluation policies to Ms. Centrone for reference.

Action Item: Ms. Flanagan will send a copy of the policies regarding staff evaluation to Ms. Centrone for reference.

Ms. Centrone reported that NYS requirements and guidelines are quite specific regarding staff evaluation, so a more elaborate policy would be redundant.

Commissioner Powell concurred with the idea of keeping policies simple to avoid repeated updates, and suggested that all of the staff evaluation policies must be examined together to determine the overall impact.

IX. Review Proposed Revision of Student Individual Education Plan (IEP): Development and Provision Policy (4209)

Mr. Lopez-Soto explained that NYS law allows school districts to provide electronic access or a hardcopy of a student's IEP to their parents. He stated that RCSD is already providing electronic access to these parents, and the proposed revision of the policy simply reflects current law and practice.

Motion by Commissioner Powell to approve proposed revision to Student Individual Education Plan (IEP): Development and Provision policy (4209). **Adopted 2-0.**

X. Review Proposed Revision of Appointment and Training of Members of Committee on Special Education (CSE) policy (4207)

Mr. Lopez-Soto reported that legislative changes effective August 1, 2012 no longer require a parent representative to attend CSE meetings unless specifically requested by the parent of the student with disabilities at least 72 hours in advance of the meeting. He stated that the proposed policy revision reflects these changes.

Commissioner Powell noted that the requirement for the parent representative to attend each CSE meeting has created obstacles and delayed meetings in the past.

Mr. Lopez-Soto stated that if a parent of a student with disabilities requests that a parent representative be present at a CSE meeting in less than 72 hours, the meeting will be rescheduled to accommodate the parent's request.

Motion by Commissioner Powell to approve proposed revision of Appointment and Training of Members of Committee on Special Education (CSE) policy (4207). **Adopted 2-0.**

Motion by Commissioner Powell to adjourn.

Meeting adjourned at 6:26PM.

