

ROCHESTER BOARD OF EDUCATION
Policy Committee Meeting
April 18, 2013

Attending: Commissioner Cruz (Chair) and Commissioners Powell (arrived 5:35PM), Campos, and Adams (arrived 6:17PM). Parent Representative: Ranika Brown absent. District staff: Ed Lopez-Soto, Chief Counsel; Bethany Centrone, Chief of Human Capital Initiatives. Board staff: Debra Flanagan.

Community Members: Rochester Police Department Commander Tim List, Howard Eagle and other members of the Community Issues Consortium.

Commissioner Cruz convened the meeting at 5:37PM.

I. Review and Approve Minutes of February 7, 2013 Policy Committee Meeting

Motion by Commissioner Campos to approve the minutes of the February 7, 2013 Policy Committee meeting. **Adopted 2-0.**

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

Commissioner Cruz introduced RPD Commander Tim List, who was invited to this evening's meeting to address issues regarding notifying parents when a District employee has allegedly jeopardized student safety. Commissioner Cruz stated that discussions have been held with parent and community groups, and that a law enforcement perspective is also needed in crafting this policy revision because of the implications involved in terms of ongoing investigations.

Commander List reported that the Rochester Police Department becomes aware of an RCSD employee's alleged misconduct through a variety of methods: the Security Office at the school, the District Safety & Security Office, report by school staff, or a 911 call. He stated that an officer is then sent to obtain preliminary information about the reported incident, and other entities will be involved if the allegation is more serious (i.e. RCSD Safety & Security Office, District Attorney's office, and BIVONA Child Advocacy Center).

Commissioner Cruz inquired about the process involved when an investigation is initiated, as well as the best time to notify parents. Commander List replied that there is no easy answer to this question because the investigation will proceed according to factors that vary from case to case, such as the identity of the perpetrator, their relationship and interaction with the child, the specific allegations, and the age of the child. He noted that the allegations may warrant coordinating an interview between the parents, child, and BIVONA staff, which can take time.

Commissioner Campos requested an overall estimate of the timeframe involved in coordinating an interview with BIVONA staff. Commander List cited a recent example of an incident reported at the end of March in which the child was just interviewed at BIVONA on April 15th, requiring approximately three weeks. He stated that the timing depends on the availability and

schedule of the parents and child. Commander List emphasized the need to balance the need to protect children's safety with effective prosecution of perpetrators.

Commissioner Cruz asked about the timing of notifying parents of children attending the school in which the employee worked. Commander List stated that parents must be notified at the time that accusatory information is filed and the judicial process begins. He pointed out the need to also balance child safety with the rights of an accused individual, underscoring the importance of ensuring the accuracy and efficacy of investigations to ensure that offenders are prosecuted to prevent future harm to children. Commander List also agreed that notifying parents and community members is a critical aspect of the investigative process in encouraging other potential victims and witnesses to come forward.

Commissioner Cruz inquired about the risks of notifying parents within 48 hours of report of an incident. Commander List replied that there is a risk of wrongly accusing an individual if a sufficient investigation has not been conducted within this timeframe. He also noted that the credibility of information obtained through interviews with the accused, the child, and witnesses also becomes problematic if public notice has been provided in advance. Commander List stated that the timing of notifying parents is dependent upon the nature of the allegation, the interaction between the employee and student, and the potential risk to other students.

Commissioner Campos asked whether it would be advisable to notify parents after court proceedings have been initiated. Commander List responded that this would generally be advisable, but only in consultation with RPD and the District Attorney's Office to weigh the impact of notification on child safety and an ongoing investigation.

Commissioner Cruz questioned whether the RCSD Law Department becomes involved in these cases. Ed Lopez-Soto reported that he collaborates with RPD, particularly in their recommendations as to notifying parents in light of the risks to children's safety and the need to ensure effective prosecution. He stated that an RCSD employee is removed from their position and either sent home or assigned to an alternate work location (without contact with children) as soon as an incident has been reported.

Commissioner Cruz asked about supervision of the employee at the alternate work site to ensure that they have no contact with children. Mr. Lopez-Soto stated that a supervisor is assigned to monitor the employee at the alternate work location throughout the day.

Meeting adjourned 5:56PM to 6:17PM due to objections and the consternation of some of the community members in attendance.

III. Review Proposed Staff Evaluation Policy

Bethany Centrone presented a draft Staff Evaluation policy and regulation which incorporates the requirements of APPR, noting that currently there are no policies regarding evaluations of staff performance. She stated that the APPR requirements have been included in agreements

with each of the collective bargaining units. Ms. Centrone reported that the draft policy is similar to those in other districts.

Motion by Commissioner Powell to table review of proposed Staff Evaluation policy until the May Policy Committee meeting. Seconded by Commissioner Campos. **Adopted 3-0.**

Action Item: Debra Flanagan will include review of the proposed Staff Evaluation policy on the agenda for the May 16th Policy Committee meeting.

IV. Report on Status of Developing a Policy regarding Options for Students with Disabilities to Earn a High School Diploma

Mr. Lopez-Soto reported that he is collaborating with Linda Johnson, new Director of Special Education, and Cara Briggs, RCSD Attorney in the Law Department, who developed other policies regarding students with disabilities. He stated that he hopes to have this draft policy ready to present in the May Policy Committee meeting.

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

Mr. Lopez-Soto recommended removing the provision in the Child Abuse and Maltreatment policy (5460) requiring the Superintendent to report to the Board on this policy every two years. He stated that there are already many legal and reporting requirements to ensure that these incidents are reported, investigations initiated, and to protect children's safety in these cases.

VI. Possible Revision of Values Education Policy (2120.1)

Mr. Lopez-Soto stated that he received feedback from Cabinet members to the effect that the Values Education policy is integrated into every aspect of the District's instruction and operations. He reported that if the policy is to be revised, the Cabinet members suggested focusing on four or five core values to make the policy more effective.

Commissioner Cruz suggested convening a subgroup of community members to consider revisions needed to the Values Education policy. He described meeting with one of the members of the group that drafted the original policy (Bill Benet), recommending that Mr. Lopez-Soto discuss the background and origins of the policy with Mr. Benet.

Action Item: Mr. Lopez-Soto will contact Bill Benet to discuss the background and origins of the Values Education policy (2120.1), and obtain suggestions regarding the process of revising the existing policy.

Commissioner Adams commented that reinvigorating the process of community involvement in policy development is particularly important in light of the dissolution of many programs and initiatives affecting school culture and climate.

VII. Review of Proposed Revision of Remaining Policies for Update of Policy Manual (0320 to 2265)

Ms. Flanagan recalled that the Policy Committee had requested review of a portion of the policies remaining for updating the Policy Manual, specifically policies 0320 through 2265. She described reviewing these policies for clarity of language, accuracy of references, and current legal requirements. Ms. Flanagan reported meeting with Mr. Lopez-Soto to consult on proposed policy revisions and to discuss questions, stating that the policy revisions presented this evening are based on their collaboration and agreement. She pointed out that most of the suggested policy changes are quite minor in nature, with the exception of the School-Based Planning policy (2265). Ms. Flanagan expressed concern that revision of this policy is in accordance with Title I requirements, as well as those in NYS law and regulation.

Mr. Lopez-Soto stated that he has contacted the Director of Policy Services at the New York State School Boards Association to request recent examples of School-Based Planning policies, and he is currently collaborating with the Director of the Office of Parent Engagement and Jerome Underwood, Chief of Youth & Family Services, to recommend revisions to this policy.

Motion by Commissioner Campos to table review of the proposed revisions of policies 0320 to 2265 until the May 16th Policy Committee meeting. Seconded by Commissioner Powell.

Adopted 3-0.

Action Item: Ms. Flanagan will include review of proposed revisions to policies 0320 to 2265 in the agenda for the May 16th Policy Committee meeting.

VIII. Regulation regarding Management of District Equipment (8335-R)

Mr. Lopez-Soto discussed a new Superintendent regulation regarding management of District equipment to improve tracking, monitoring and inventory.

He also announced that he plans to present two new Superintendent regulations in the May 16th meeting: 1) guidelines for student awards; 2) revisions to the existing regulation regarding field trips.

Motion by Commissioner Powell to adjourn. Seconded by Commissioner Campos. **Adopted 3-0.**

Meeting adjourned at 6:35PM.