

ROCHESTER BOARD OF EDUCATION
Policy Committee Meeting
October 18, 2012

Attending: Commissioner Cruz (Chair) and Commissioner Powell. Commissioner Campos absent. Parent Representative: Ranika Brown (arrived at 6:00PM). John Berger, Lawley Consulting Group. District staff: Ed Lopez-Soto, Chief Counsel; Bethany Centrone, Chief of HCI. Board staff: Debra Flanagan.

Commissioner Cruz convened the meeting at 5:36PM.

I. Review and Approve Minutes of September 18, 2012 Policy Committee Meeting

Motion by Commissioner Powell to approve the minutes of the September 18, 2012 Policy Committee meeting. **Adopted 2-0.**

II. Discussion of District Self-Insurance for Health Care

John Berger of the Lawley Consulting Group provided a handout summarizing the options and costs for District health insurance. He explained that the District requested bids from health insurers three years ago, and Excellus was selected because of their competitive pricing and quality of service.

With the shift to an experience-rated health insurance program, the District was able to establish a record based on employees' utilization of health care services. Mr. Berger reported that recent analysis has shown that the District's health insurance premiums have grown faster than the rate of claims submitted by employees. Consequently, the District is in a position to benefit from self-insurance.

Mr. Berger presented data used to estimate costs for self-insurance, which were adjusted for active and retired employees. He noted that an added benefit to the District is that self-insurance will enable some cost avoidance under health care reforms that will place a 2% tax on employers.

III. Proposed Revision of Drug-Free Workplace Policy (9320)

Bethany Centrone explained that the Auditor General had conducted an audit of personnel practices and recommended requiring pre-employment drug testing for all prospective District employees. She stated that only employees with a commercial drivers' license are currently tested for drugs prior to being hired.

Ms. Centrone stated that the cost to the District is expected to be minimal, since it is approximately the same as for pre-employment physical exams currently performed for every employee. She asserted that the physical exams are largely a waste of time and resources because no follow-up has ever been done to ensure each employee's health or physical ability to

perform their job. Ms. Centrone recommended replacing the pre-employment physical exam with pre-employment drug testing.

Motion by Commissioner Powell to approve proposed revision to Drug-Free Workplace policy (9320) to require pre-employment drug testing for all RCSD employees. **Adopted 2-0.**

IV. Proposed Revision of School District Officer and Employee Ethics Policy (2160)

Ms. Centrone stated that the proposed revisions to this policy arose from several incidents that occurred over the last 6-8 months, in which RCSD employees contracted with the District as a provider. She stated that the intent of the proposed revisions is to reduce the appearance of impropriety and the potential for abuse. Ms. Centrone noted that current policy prohibits employees from contracting with the District as a private citizen if their position at RCSD enables them to approve contract awards or payment. She explained that the current concern involves employees who do not have the authority to approve contracts or payments, but who are in a position to influence the provision of services. She cited the example of an RCSD teacher contracting with the District as a Supplemental Academic Services (SAS) provider, which raises the possibility of a teacher influencing their students to obtain their tutoring services or of not performing adequately in order to obtain additional pay as a tutor (SAS provider).

Commissioner Powell stated that the other Big Five school districts have not seen a conflict of interest issue in these situations. She stated that a teacher may receive overtime or provide tutoring to students as an SAS provider, particularly in the context of extended day programs. Ms. Centrone replied that the proposed policy revision would not prevent a teacher from contracting with the District as an SAS provider, but would not allow the teacher to tutor the students in their own school. She pointed out that the principal has the authority to make decisions regarding granting overtime and determining which teachers provide services in the extended day program. In these situations, she stated that a teacher would be serving students within their role as a District employee and the decision would be made by the principal.

Commissioner Powell emphasized the need to provide clear guidelines in terms of what is allowed under an in-house program and as an external provider.

Commissioner Cruz expressed concern about Workers' Compensation and liability issues, particularly in determining whether an individual was working as a District employee or as a contractor at the time. Ms. Centrone stated that the key factor is whether an injury is due to the District's negligence, regardless of whether the individual was working as an employee or an external provider.

Motion by Commissioner Powell to approve proposed revisions to School District Officer and Employee Ethics Policy (2160). **Adopted 2-0.**

V. Update on Cross-Zone Student Placement and Transportation

Commissioner Cruz stated that this will be discussed after the next summit meeting on November 5th.

VI. School Closure Policy

Ms. Centrone recalled a concern that was raised in the September Policy Committee meeting regarding undue restrictions on the Board's ability to exercise discretion in deciding whether to close a school. She stated that the initial policy proposal prohibited closing a school if: the principal has less than two years' tenure; students have been transferred from a school that was closed or consolidated; or no higher performing school is in close proximity. Ms. Centrone noted that the current policy proposal would not prohibit school closure under these conditions, but includes these factors in a number of considerations that must be addressed in the preliminary school closure plan.

Commissioner Powell expressed concern regarding the timing and sequence of steps to be followed in considering closure of a school, emphasizing the need to involve students, parents and staff early in the process. Ms. Centrone replied that proposed policy describes the steps in the order in which they are to be followed, but this is not explicitly stated. She reported that she would inform the Chief Counsel of the concerns of Committee members regarding the timing of gathering public input to ensure that stakeholders are involved in the process.

Commissioner Cruz voiced concern regarding the proposed policy offering flexibility in the event of an emergency situation.

V. Review Additional Policies Needed due to Recent Legislation

Debra Flanagan reported that the following new policies or policy revisions will be needed as a result of recent legislation:

1. New policy: Annual Professional Performance Reviews (APPR) – guidelines regarding the Statewide teacher and principal evaluation system, and public disclosure of final quality ratings and composite effectiveness scores.
2. Amend the policy: Student Individualized Education Program (IEP): Development and Provision (4209) – recent legislation allows districts greater flexibility by requiring an additional parent representative to attend a meeting of the Committee on Special Education only when requested in writing by the parent at least three days prior to the meeting.
3. Amend the Code of Conduct: incorporate the cyberbullying provisions in the new law.
4. New policy: Mandatory Kindergarten in the Rochester City School District
5. New policy: State Seal of Biliteracy – recent legislation establishes a State Seal of Biliteracy for students who have attained proficiency in one or more languages (excluding English) to be attached to the student's diploma.
6. New policy: Concussion Management Awareness Act – establishes specific requirements of school districts regarding preventing and addressing possible concussions (staff training, public information, parental consent in participating in school sports, guidelines for removal and for resumption of athletic activities)

Action Item: Ms. Flanagan will notify Chief Counsel (Ed Lopez-Soto) of these additional policies and policy revisions needed due to new legislation.

VI. Review Policies Requiring Deliverables (Priority #3 in Updating Policy Manual)

Ms. Flanagan referred to the list of policies requiring deliverables to the Board (i.e. Superintendent report and/or evaluation) and inquired whether these requirements are still relevant and effective in monitoring implementation of the corresponding policy.

Commissioner Powell suggested contacting Board members and relevant staff to request their input in terms of the criticality of obtaining Superintendent reports or evaluations.

Commissioner Cruz suggested incorporating all policies requiring a report from the Superintendent into one annual report to the Board.

Action Item: Ms. Flanagan will request feedback from Board members and members of the Administration regarding the efficacy of the particular report/evaluation in monitoring implementation of the corresponding policy.

VII. Discuss Options for Monitoring Implementation of Policies

Action Item: Ms. Flanagan will request that General Counsel (Ed Lopez-Soto) consider mechanisms for monitoring implementation of policies, and present recommendations in the November Policy Committee meeting.

Commissioner Powell pointed out that monitoring implementation of policies is part of the reason for requiring reports/evaluations from the Superintendent, but this has not been a very effective method because none of these reports/evaluations have been provided to date under any Administration in the District.

Motion by Commissioner Powell to adjourn. **Adopted 2-0, with concurrence of parent representative.**

Meeting adjourned at 6:38PM.