

**ROCHESTER BOARD OF EDUCATION**  
**Policy Committee Meeting**  
**December 8, 2011**  
**5:30PM**

Attending: Commissioner Cruz (Chair); Commissioners Powell (arrived at 5:34PM), Campos and Elliott. Parent Representative: Victoria Robertson. District staff: Charles Johnson, General Counsel; Cara Briggs, Associate Counsel; Shirley Green, Director of Special Education; Jerome Underwood, Senior Director of Operations. Board staff: Debra Flanagan.

Commissioner Cruz convened the meeting at 5:29PM.

**I. Review and Approve Minutes of November 10<sup>th</sup> Policy Committee Meeting and November 15<sup>th</sup> Policy Committee Meeting of the Whole**

**Motion** by Commissioner Campos to approve the minutes of the November 10th Policy Committee meeting and of the November 15<sup>th</sup> Policy Committee Meeting of the Whole.  
**Adopted 2-0, with concurrence of parent representative.**

**II. Review of Draft Policies to Address Special Education Mandates**

Commissioner Cruz noted that Cara Briggs presented an overview in the last Committee meeting of 22 different policies proposed to address mandates in Special Education, which are to be discussed this evening.

Ms. Briggs noted that a new draft regulation has been developed regarding independent educational evaluations, which is based on the Individuals with Disabilities Education Act (IDEA) and case law. She explained that the draft regulation establishes guidelines for reimbursing parents for the cost of independent educational evaluations, noting that only one independent evaluation may be provided at public expense when parents disagree with the District's evaluation.

Parent Representative Victoria Robertson stated that she thought that parents always had a right to a second opinion, and expressed concern that the regulation would limit this right only to those circumstances in which there is a disagreement with the District's evaluation findings. Ms. Briggs confirmed that parents always have the right to a second opinion, but the issue here involves payment for the cost of an independent evaluation. She clarified that the District may decide to conduct a hearing and if the District's evaluation is deemed appropriate, parents can still obtain an independent evaluation but not at public expense.

Commissioner Campos recommended that an overview or easy reference be provided to parents, particularly in light of 22 different policy provisions. She also pointed out the difficulty in operationalizing all of these policies at once. Ms. Briggs acknowledged that the 22 policy proposals may seem a bit overwhelming, but not a great number in light of the regulations in Special Education. She emphasized the importance of operationalizing the policies through

Superintendent regulations and written procedures to ensure that all involved have a common understanding and utilize a consistent approach throughout the District.

Ms. Robertson asserted that one of the problems is that not all of the staff or service providers attend Committee on Special Education (CSE) meetings, even though their input may be crucial for decision-making or implementation of the Individualized Education Plan (IEP). She stated that parents may not understand the implications of providing their consent to allow some of the CSE members to be absent.

Commissioner Elliott described attending a CSE meeting with a parent in which representation by staff and professionals was overwhelming, leading to the parent representative's reluctance to participate. She stated that the focus of the entire meeting was to override the parent's concerns and input in making decisions about their child. Commissioner Elliott emphasized the importance of addressing this issue in the proposed policies to ensure that parents' perspectives are respected and given primary consideration in decision-making about their child with disabilities. Ms. Briggs emphasized the importance of Parent Involvement policy for Parents of Children with Disabilities to provide awareness of parents' rights, particularly by staff and service providers. She offered to incorporate a provision in this policy to require that parents are given an explanation of the ramifications of giving consent to allow a staff member or professional to miss a CSE meeting.

Commissioner Cruz suggested that parents be given an orientation and/or explanation at the outset of CSE meetings with information regarding all of the meeting attendees, their roles, and expectations in terms of the outcome of the meeting. Ms. Briggs replied that this information should be included in written procedures to ensure that this practice is followed for all parents and all meetings.

In response to a question from Commissioner Powell, Ms. Briggs noted that several draft policies have been modified to clarify that parents of students with disabilities also have the right to school choice. Ms. Briggs stated that the draft Students with Disabilities, Preschool Special Education, and Least Restrictive Environment policies contain this provision.

Commissioner Elliott inquired about the financial implications of ensuring school choice and the availability of services to meet the needs of every student with a disability in every school.

Commissioner Powell responded that more commonly needed services are currently provided in every school, while those needed by a smaller group of students and which are more costly are provided in a more centralized location. She also noted that the potential cost of providing services in each zone must be balanced against the savings in transportation costs from reinforcing zone boundaries.

Commissioner Elliott expressed concern about stating this in policy without the ability to follow through with implementation. She asked whether the District currently has the infrastructure to support this amendment to the draft policies. Shirley Green replied that many of the services needed by students with disabilities are currently provided in each school (e.g. speech/language therapy), while less commonly needed services are offered more centrally and not necessarily in

each zone (e.g. services for children with autism). She stated that the District is able to support providing most of the services needed by students with disabilities in each zone.

**Motion** by Commissioner Powell to approve all Special Education policy proposals. Seconded by Commissioner Campos. **Adopted 4-0, with concurrence of parent representative.**

Commissioner Cruz requested that Ms. Briggs provide a simple matrix summarizing each of the Special Education policy proposals for review by the full Board in the December 15, 2011 Business meeting.

**Action Item: Ms. Briggs will prepare a simple matrix with an overview of each of the Special Education policy proposals for introduction in the December 15, 2011 Board Business meeting.**

### **III. Discuss Options for Expanding Transportation Services**

Jerome Underwood stated that he is filling in for Lori Baldwin, Director of Safety & Security, because she was unable to attend this evening's meeting due to her daughter having been in a car accident. He asked for the Committee's indulgence, since he has not had the opportunity to examine the crime statistics or to perform any analysis.

Commissioner Elliott questioned the data that was requested because the main concern regards any type of criminal activity to which children may be exposed in walking to school, not only the crimes in which children were the victim.

Commissioner Powell stated that the intent was to obtain data regarding crime occurring during the hours that children are walking to and from school. She explained that this was in an effort to demonstrate to the State that there is an obligation to reimburse for transportation costs even if the student lives within 1.5 miles of school because of threats to their safety. Commissioner Powell stated that NYS recognizes the implicit safety risk from students having to cross a highway to get to school, and criminal activity represents no less of a safety risk. She asserted that the Committee and the Board have to consider the level at which the safety risk threshold should be established to advocate for reimbursement for expanded transportation services.

**Action Item: Ms. Flanagan will examine NYS standards regarding student safety and criteria for obtaining State reimbursement of transportation costs.**

Commissioner Elliott declared that she will continue to advocate for providing additional transportation services regardless of whether the State will provide additional reimbursement. She stated that the crime data is confusing because it only includes incidents in which children were the victim, rather than all crime to which children may be exposed. She expressed concern that the Policy Committee and the Board will not be ready to make a decision by the end of this month to implement expanded transportation services for the 20112-13 school year.

Commissioner Cruz concurred that additional information is needed to make a decision about expanding transportation services, and this does not seem feasible by the end of this month.

Mr. Underwood asked whether the members of the Policy Committee would support approaching the NYS Education Department to ascertain their receptivity to providing additional transportation reimbursement on the basis of criminal activity presenting a threat to student safety. He suggested that the additional data, cost estimates, and plan could be developed over the next year.

Commissioner Cruz summed up the remaining work to be done on this issue: 1) approach NYS Education Department; 2) obtain more detailed data to identify specific locations of most criminal activity and the schools affected; 3) examine the costs associated with expanding transportation to specific schools and compare to savings from reducing cross-zone busing costs. He recommended that this issue be taken up again in January by the Policy Committee.

**Action Item: Ms. Flanagan will include continued discussion of transportation options on the agenda for the January 2012 Policy Committee meeting.**

#### **IV. Review of Proposed Employee Residency Policy**

Commissioner Elliott noted that her motivation for introducing this policy proposal was to ensure that employees make the interests of the District their first priority and to add to the local tax base.

Chuck Johnson pointed out that any requirement for employees to obtain residency in the District within a specified period of being hired would have to be negotiated with each of the collective bargaining units.

Commissioner Cruz instructed Mr. Johnson to discuss this policy proposal with representatives from the collective bargaining units, and to ask for their input and suggestions.

**Motion** by Commissioner Campos to adjourn. Seconded by Commissioner Powell.  
**Adopted 4-0, with concurrence of parent representative.**

Meeting adjourned at 6:30PM.

**Next Policy Committee Meeting: January 19, 2012, immediately following Finance Committee meeting**