

**Board of Education
Policy Committee Meeting
April 19, 2011
5:30PM**

MINUTES

Attendance: Commissioner Cruz (Chair); Commissioners Campos and Powell. Parent Representative: Vicki Robertson. District Staff: Chuck Johnson, Dorothy Evans-Flaherty and Gladys Pedraza Burgos. Board Staff: Debra Flanagan

Commissioner Cruz convened the meeting at 6:02 p.m.

I. Review and Approval of Minutes from March 17, 2011 Policy Committee Meeting

Motion by Commissioner Campos to approve the minutes of the March 17th Policy Committee meeting. Seconded by Commissioner Powell. **Adopted 3-0, with concurrence of parent representative.**

II. Proposed Revision to Wellness policy (5405)

Chuck Johnson explained that revisions suggested in the March Policy Committee meeting have been incorporated into the current version of the Wellness policy. Specifically, a pre-condition has been added for principals to confirm their compliance with NYS standards for physical education in order to be considered for a waiver for the recess requirement. Mr. Johnson stated that this provision is necessary to ensure that students' needs for physical activity and development are met. He reported that notice must be given to the Board and Wellness Task Force of all schools applying for waivers and those granted a waiver from the recess requirement for the school year. Mr. Johnson noted that the proposed policy also requires this information to be posted on the District website to notify parents.

Commissioner Cruz commended the work done to revise this policy to provide a fair basis for granting waivers to the recess requirement and for notifying the Board and community so that waivers can be monitored.

Commissioner Powell expressed concern that the proposed revision to the Wellness policy does not address health education and the rising incidence of HIV and STD infection among students.

Commissioner Campos responded that these issues are to be addressed in a separate policy and several pilot schools are ready to implement the guidelines contained in the proposed Wellness policy.

Mr. Johnson clarified that the accompanying Wellness regulation will also be implemented in the Central Office, as the Superintendent has given authorization to ensure that the same nutritional standards apply to adults as well as students.

Motion by Commissioner Campos to approve proposed revision to Wellness policy and advance to the Board in the April 28th meeting for adoption. Seconded by Commissioner Powell.
Adopted 3-0, with concurrence of parent representative.

III. Draft Student Records & Privacy Policy

Mr. Johnson explained that the draft Student Records & Privacy policy was developed to address legal mandates regarding conducting surveys of students. He stated that the proposed policy establishes the confidentiality of student records; clarifies that student directory information will be disclosed unless a parent denies permission; and defines restrictions in the use of student survey information. Under the Protection of Pupil Rights Amendment, Mr. Johnson stated that parents or emancipated minors must grant permission to be surveyed about political affiliation or beliefs, mental or psychological problems, sexual behavior or attitudes, illegal or self-incriminating behavior, critical appraisals of close family relationships, privileged relationships (e.g. doctor, lawyer, minister), religious practices or beliefs, and income (other than required by law to determine eligibility for financial assistance or participation in a program). He explained that this law only allows student survey information to be used for educational purposes.

Motion by Commissioner Campos to approve draft Student Records & Privacy policy. Seconded by Commissioner Powell. **Adopted 3-0, with concurrence of parent representative.**

IV. Draft Security Breach & Notification Policy

This policy was developed in response to legal mandates to establish guidelines for notifying students and employees when their personal information has inadvertently been disclosed, reported Mr. Johnson. He stated that the proposed policy clarifies notification responsibilities, methods, and summary reports to be provided to specific agencies (i.e. NYS Attorney General, NYS Consumer Protection Board, and NYS Office of Cyber Security and Critical Infrastructure).

Motion by Commissioner Powell to approve draft Security Breach & Notification policy. Seconded by Commissioner Campos. **Adopted 3-0, with concurrence of parent representative.**

V. Fingerprinting Regulation

While District practice exceeds legal requirements for fingerprinting prospective employees and contractors, Mr. Johnson stated that the practice has not been codified in Board policy or Superintendent regulation. He explained that the District has established the practice of fingerprinting all prospective employees and contractors, although the law only requires this if employment is to exceed five days. He stated that the regulation outlines the process for fingerprinting new hires and contractors, and defines acceptable identification documents. Mr. Johnson reported that a draft policy will be presented in the May Policy Committee meeting.

Action Item: Mr. Johnson will develop a draft policy to present in the May Policy Committee meeting regarding fingerprinting prospective employees and contractors.

Commissioner Cruz asked about fingerprinting prospective volunteers to obtain their criminal history record to ensure the safety of students. Lori Baldwin replied that the State will not accept fingerprints for volunteers to provide a criminal history check.

VI. Draft Acceptable Use of the District Network Policy

Mr. Johnson noted that the members of the Policy Committee reviewed these provisions in a draft regulation in the March 17th meeting. He stated that the draft policy was developed at the Committee's recommendation, and provides guidelines as to unacceptable uses of the District network and potential disciplinary consequences for violations. Mr. Johnson pointed out that the draft policy describes mechanisms used by the District to attempt to block access to websites with unacceptable content (e.g. obscenity, pornography, discriminatory) as required by law.

Commissioner Powell pointed out the importance of explicitly stating that this policy also applies to Board members. She emphasized the importance of having a common standard of conduct for all and providing a foundation for disciplinary action in the event of misconduct.

Commissioner Cruz pointed out that the policy objective does not clearly apply to Board members, and should be changed to refer to "users" of the District network. He noted that the policy does contain a definition of "users" of the District network which include Board members.

Action Item: Mr. Johnson will change the policy objective section to state that the policy applies to all "users" of the District network to ensure that Board members are held to the same standards as other District employees and students.

Motion by Commissioner Powell to approve draft Acceptable Use of the District Network policy with suggested amendments. Seconded by Commissioner Campos. **Adopted 3-0, with concurrence of parent representative.**

Mr. Johnson discussed the regulation accompanying the Acceptable Use of the District Network policy, stating that parents must notify the District if they do not want their child to have Internet access through the District.

Commissioner Powell pointed out that this is consistent with other policies (e.g. Recruiting in Schools - 1240.1) in requiring parents to "opt out" by denying permission for their child's participation. She emphasized the importance of consistency among policies to establish clear expectations of parents.

VII. Proposed Revision to Internet policy (4526)

Mr. Johnson reported that the proposed revision to this policy also addresses legal requirements to protect students from unacceptable material on the Internet.

Motion by Commissioner Powell to approve proposed revision to Internet policy (4526). Seconded by Commissioner Campos. **Adopted 3-0, with concurrence of parent representative.**

VIII. Proposed Revision to Parent & Family Engagement Policy (1900)

Mr. Johnson stated that this policy was reviewed in the March Policy Committee meeting, and suggested changes have been incorporated. Specifically, he noted that the Policy Committee recommended restoring the preamble to clarify that the policy applies primarily to staff.

Dorothy Evans-Flaherty stated that it is also important to notify parents that they have an important role in developing this policy. She discussed highlights of the proposed policy and of the regulation:

- Specific goals based on national standards to facilitate assessment of parent engagement efforts at the District and school level. An end of year assessment is to be performed by each school, with staff in the Office of Parent Engagement providing technical assistance with the evaluation and in establishing goals for the following year.
- Specific activities that schools are to offer to encourage parent involvement (e.g. training parents in the use of ParentCONNECT, developing Title I School Parent Engagement Plans with parents)
- Creating a clear process for parents to provide feedback and present grievances

Ms. Evans-Flaherty stated that the grievance process applies to all types of parent concerns, but could not be used for personnel issues. Mr. Johnson clarified that legal actions against a particular employee would have to be addressed by the Board in Executive Session and parents would not be allowed to attend. He pointed out that parents can certainly notify the Superintendent and Board of concerns regarding an employee.

Gladys Pedraza Burgos emphasized the importance of the regulation in clarifying the grievance process and creating a systematic method for gathering data to monitor parents' concerns and the District's responses.

Commissioner Campos inquired about the measures used to evaluate the extent to which each standard has been met, and whether this information will be provided to the Board. She also expressed concern about the length of time involved (60 days) for a parent to wait for a response before appealing to the Superintendent.

Commissioner Cruz pointed out that decisions can be made rather quickly when an issue is perceived as a high priority, and it is crucial to establish parents' concerns as a high priority within the District. He noted that expectations must be clearly established for all involved. He stated that a 60-day timeframe will not create any sense of urgency to respond in a timely manner.

Commissioner Cruz inquired as to the current status of this policy proposal. Mr. Johnson replied that the proposed policy can be advanced to the full Board as soon as the Policy Committee approves.

Parent Representative Vicki Robertson expressed concern about the schools conducting self-assessments to determine the degree to which each standard has been met. She stated that objective measures are needed, such as the number of parent complaints received by each school.

Commissioner Powell voiced concern about the lack of clarity in terms of the starting point for the grievance process and for the specified timeframes. She pointed out that the Customer Service department within the Office of Parent Engagement has experience and data as to the average length of time needed to respond to the majority of parent concerns. She emphasized the importance of data in establishing a benchmark, specifically by using the average length of time needed to resolve the majority of parent concerns.

Commissioner Cruz requested that Ms. Evans-Flaherty and Ms. Pedraza Burgos examine the data to provide a basis for the timeframes contained in the policy and regulation, and submit a revised policy proposal to the Policy Committee for review.

IX. Draft Videoconferencing Policy

Mr. Johnson discussed the staff time involved in training and setting up equipment in the Central Office to allow videoconferencing into meetings. He stated that a proposal for developing a policy regarding the use of videoconferencing was presented in the last Policy Committee meeting.

Mr. Johnson reviewed the restrictions included in the proposed Videoconferencing policy: only to be used by Board members; only used by one person per meeting; and only for meetings including the full Board (i.e. monthly Business meeting, Special Meeting, or Committee Meeting of the Whole). He proposed that the videoconferencing option be offered on a first-come, first-served basis. The Board President would be able to grant an exception to the limit of one Board member using videoconferencing in a meeting, but a minimum of 24-hour notice must be given to allow staff time to prepare.

Commissioner Powell expressed concern about the possibility of a Board member being chronically absent from meetings, and relying on videoconferencing instead. She stated that the proposed policy could allow a Board member to claim that they were unable to attend meetings or to participate via videoconferencing due to the restrictions. Commissioner Powell emphasized that these “loopholes” in the policy would eliminate grounds for taking disciplinary action against a Board member who is chronically absent from meetings and failing to perform their duties.

Commissioner Cruz echoed these concerns and pointed out that the policy has to define extenuating circumstances under which a Board member would not be able to attend a meeting in person and therefore have the option to request videoconferencing. He also noted that videoconferencing can be distracting during meetings, and loss of connection creates uncertainty regarding attendance, a quorum, and voting. Commissioner Cruz suggested continuing discussion of this policy proposal in the May Committee meeting.

X. Draft Internal Audit Reports Policy

Commissioner Cruz explained that recent issues related to the release of internal audit reports created the impetus for this policy. He emphasized the need for transparency and public access to information, while being aware of sensitive and potentially harmful issues that may result.

Mr. Johnson discussed NYS Public Officer Law, which generally requires public documents to be disclosed except for advice, opinion, or recommendations because this is not factual information. Under the Freedom of Information Law (FOIL), a request must be received for specific information to be provided. He explained that the draft Internal Audit Reports policy refers to information that the District is choosing to disclose and share with the public, beyond the legal requirements of FOIL and the NYS Public Officer Law. Mr. Johnson stated that the proposed policy would require the Executive Summary of all final internal audit reports to be posted on the District website. If an individual would like more detailed information, a FOIL request would have to be submitted. If there are any questions as to whether the information in the internal audit report is privileged, he stated that these issues would be addressed by the President of the Board of Education, Auditor General, and General Counsel.

Commissioner Powell contended that this issue is overblown and overstated because the Chair of the Audit Committee has had the opportunity to publicize the findings of internal audit reports in their monthly report to the Board at the business meeting.

Commissioner Campos expressed appreciation that the proposed policy creates a mechanism for providing transparency by posting the Executive Summary on the website and enabling individuals to request the entire report via FOIL. She acknowledged that a mechanism already exists through monthly Audit Committee reports in the Board Business meeting, but the proposed policy clarifies the process and makes information more accessible.

Parent Representative Ms. Robertson expressed concern that a formal FOIL request is required to obtain the complete information contained in the audit report. She stated that the FOIL process would also allow information to be redacted from the report, thereby impeding access and the transparency that the proposed policy is intended to address. Mr. Johnson replied that the proposed policy attempts to address concerns about limiting information disclosure by involving the Board President, General Counsel, and Auditor General in making these determinations.

Commissioner Cruz emphasized the importance of informing the public as to the types of audits performed and the way in which additional information can be obtained. He expressed appreciation for involving three different District authorities in making determinations about limiting information disclosure. Due to questions remaining regarding the proposed policy, Commissioner Cruz advised continuing this discussion in the May Committee meeting.

Motion by Commissioner Campos to adjourn. Seconded by Commissioner Powell. **Adopted 3-0, with concurrence of parent representative.**

Meeting adjourned at 7:19PM.

Next Policy Committee meeting: May 19, 2011 at 5:30PM