

**Board of Education
Policy Committee Meeting
March 17, 2011
5:30PM**

MINUTES

Attendance: Commissioner Cruz (Chair); Commissioners Campos and Powell (arrived 5:38PM). Parent Representative: Vicki Robertson. District Staff: Chuck Johnson and Gladys Pedraza Burgos. Board Staff: Debra Flanagan

Commissioner Cruz convened the meeting at 5:34 p.m.

I. Review and Approval of Minutes from January 13, 2011 Policy Committee Meeting and February 3, 2011 Parent Forum

Motion by Commissioner Campos to approve the minutes of the January 13th Policy Committee meeting and of the February 3rd Parent Forum. **Adopted 2-0, with concurrence of parent representative.**

II. Proposed Revision to Authorization for Contracts policy

Chuck Johnson reported that this policy proposal was considered in the February 17th Board Business meeting, but referred back to the Policy Committee due to concerns that contracts could be issued under the \$10K threshold with the same vendor repeatedly without Board review or oversight. Mr. Johnson pointed out that even if the Board did not review the additional contracts in this situation, they would still receive a quarterly report of this information.

Mr. Johnson noted that Section B of the proposed Authorization for Contracts policy has been revised to address these concerns. Specifically, the proposed policy now allows the Superintendent to enter into one additional contract with the same professional services vendor in the same fiscal year if:

- Prior authorization was provided by the Board for the original contract with the vendor in the same fiscal year;
- The additional contract does not exceed \$10K in expenditures; and
- Written notice is given in advance to the Finance Committee.

Commissioner Cruz clarified that if a contract was awarded to a professional services firm for \$35K+ and the Superintendent wanted to retain them for additional services amounting to \$5K, the Board would not review or approve the additional contract. Mr. Johnson emphasized that this would only be allowed once during the fiscal year, so that any further contracts would require Board approval – regardless of the dollar amount. He asserted that this provision was added to prevent repeated contracts with the same vendor without Board oversight.

Commissioner Powell pointed out that the revision includes a notification requirement so that at least three Board members (members of the Finance Committee) would be alerted to monitor further through the quarterly report.

Mr. Johnson stated that the proposed revised policy could be brought to the March 24th Board meeting for discussion or for a vote. Commissioner Cruz suggested that the policy proposal be brought to the March 24th meeting for a vote, since the revisions are in response to Commissioners' concerns.

Motion by Commissioner Powell to approve revisions to Authorization for Contracts policy (6745). Seconded by Commissioner Campos. **Adopted 3-0, with concurrence of parent representative.**

III. Revision to Financial Reporting & Resolutions policy (6630)

Mr. Johnson explained that this policy revision simply reflects changes to the Authorization for Contracts policy in that quarterly reports are required to be provided to the Board of all contracts issued for less than \$35K.

Motion by Commissioner Powell to approve proposed revision to Financial Reporting & Resolutions policy (6630). Seconded by Commissioner Campos. **Adopted 3-0, with concurrence of parent representative.**

IV. Proposed Revisions to Wellness policy (5405)

Mr. Johnson highlighted the changes proposed to the Wellness policy, specifically in mandating a minimum of 20 minutes per day of recess for elementary school students. He noted that a principal may request a waiver of this requirement, if:

- The request is made within the first few weeks of school;
- The principal documents that students are already receiving the minimum amount of time for physical education mandated by the State (currently 120 minutes per week);
- The principal specifies the constraints preventing recess from being offered at the school (e.g. staffing or facilities limitations)

Mr. Johnson stated that the final decision as to whether to grant a waiver to the recess requirement for the school year would be made by the Zone Chiefs.

Commissioner Campos emphasized that these provisions create a balance between students' needs for physical activity and recognition of the real constraints of some schools. She noted that the revised policy allows principals flexibility in determining how best to meet the needs of their students.

Commissioner Campos inquired as to how the waiver process will be managed and monitored to ensure oversight and accountability, particularly during the first weeks of school. Mr. Johnson replied that the Wellness regulation will incorporate these procedures and require a report to the Board of all waiver requests, waivers granted, and documentation of compliance with NYS regulations regarding the minimum standards for physical education by schools granted a waiver.

Commissioner Campos suggested discussing this issue with the members of the Wellness Task Force to obtain their input and suggestions as to establishing procedures and guidelines.

Commissioner Powell pointed out that the current draft Wellness regulation does not seem to incorporate the recess requirements or establish very rigorous compliance measures, except with regard to vending machine sales. She emphasized the importance of establishing consequences for non-compliance in order to be effective.

Commissioner Cruz cautioned against incorporating too much detail in Board policy or Superintendent regulation because this can create additional problems in terms of micro-management. He asserted that the policy is clear in terms of expectations and guidelines, and the monitoring is based on the regulation and must be conducted by the Administration.

Vicki Robertson expressed concern that adding a waiver to the recess requirement will render it meaningless and it will not be implemented unless supported by the principal. In these cases, parents will have no input or recourse except to attend Board meetings and ask for another change in the policy.

Commissioner Cruz suggested including a reporting requirement to the Board after the final waiver determinations have been made, so that this process can be monitored. In this way, the Board can discern the extent and basis upon which waivers are granted, as well as the possible need to change the policy in the future to remove the waiver provision. He emphasized the importance of the Zone Chief's investment in student wellness and policy to ensure that waivers to the recess requirement are actually justified.

Mr. Johnson noted that neither the policy nor the regulation stipulate the way in which recess or the 120-minute/week of physical education is to be provided to students. He asserted that this allows principals and school staff the flexibility to make these decisions.

Ms. Robertson asked about the possibility of notifying parents that their child's school has been granted a waiver.

Commissioner Powell pointed out that this would enable parents to make an informed and voluntary choice, from transferring their child to a school that does provide recess to organizing to evaluate options for the school, or advocate for a change in practices. She noted that parents are the primary stakeholders and should be notified.

Commissioner Campos inquired whether Mr. Johnson had discussed with the Superintendent the suggestion to apply the requirements in the Wellness regulation to the Central Office. Mr. Johnson replied that the Superintendent has agreed that these requirements should apply to Central Office staff.

Action Item: Mr. Johnson will revise the Wellness policy to incorporate a requirement to notify the Board and parents of schools granted a waiver from the recess requirement for the school year. These revisions will be presented in the April Policy Committee meeting.

V. Legal Mandates regarding Information Access & Privacy Protections:

- a. Information Security Breach and Notification:
 - Notifying student or employee if security has been breached;
 - Regulations for implementing access and privacy protection of these records
- b. Employee Personal Identifying Information:
 - School District Records policy (1120) does not include the same information as required by law.
- c. Safety of Students:
 - Requirement to fingerprint prospective employees to obtain a criminal history record to determine eligibility for employment prior to being hired.
- d. Parent Access to Information and Administration of Physical Exams:
 - Current policy (1120) does not contain guidelines for parents to access student information, or for administering physical exams to minors.
- e. Children's Internet Protection Act:
 - Current Internet policy (4526) does not address the legal requirements to protect minors against accessing material that is "obscene; child pornography; or harmful to minors" or to establish a mechanism to enforce this protection.

Mr. Johnson reported that all of the policy provisions to address these legal mandates have either been drafted or are in process.

- a) With regard to notifying students or employees when their information has been disclosed due to a breach in security, Mr. Johnson stated that a draft policy will be presented in the April Policy Committee meeting.
- b) In terms of protecting employee personal identifying information, Mr. Johnson noted that a proposed revision has been made to the School District Records policy (1120) to refer to NYS Labor Law 203-d which governs disclosure of this information.

Commissioner Powell asked whether employee information would have to be disclosed in response to a Freedom of Information Law (FOIL) request as to the number of employees who reside within and outside of the City. Mr. Johnson replied that FOIL only requires disclosure of existing information, and does not require additional analysis or creation of data in order to respond to a request for information. Consequently, the District would be required to provide information as to the number of employees residing in the City **only** if this aggregate information was already available. He clarified that an individual employee's home address, telephone number, personal email address, Internet user ID and password, and Social Security number are all considered "personal identifying information" under the law and therefore cannot be disclosed.

Motion by Commissioner Powell to approve proposed revisions to School District Records policy (1120). Seconded by Commissioner Campos. **Adopted 3-0, with concurrence of parent representative.**

- c) With regard to the legal mandate for fingerprinting to perform a criminal history check, Mr. Johnson stated that the District has exceeded the legal requirement by fingerprinting all employees and contractors, rather than only those working for more than five days. He explained that the length of time that a temporary employee will be needed is often uncertain, and there is no guarantee that they will not come into contact with students. For these reasons, all prospective employees are fingerprinted to ensure students' safety. Mr. Johnson stated that a draft policy and regulation have been developed, but he has not yet had an opportunity to review these provisions with the Director of Safety and Security. For this reason, he will present the draft policy and regulation in the April Policy Committee meeting.

Commissioner Cruz expressed concern about the length of time required to obtain fingerprint results. Mr. Johnson replied that an electronic system is now used to provide results quickly, although it is rather expensive. He noted that some employees have these costs covered by their bargaining unit, while others have to pay for the fingerprinting cost themselves.

Commissioner Powell asked about fingerprinting volunteers. Mr. Johnson stated that this is not required by law, but does apply to contractors because they are paid by the District.

- d) Parent Access to Information and Administration of Physical Exams to Minors

Mr. Johnson presented a draft Student Records and Privacy policy which establishes the confidentiality of student records, and clarifies that student directory information may be disclosed to certain external organizations (e.g. colleges, military recruiters) unless the parent objects. He stated that this draft policy also addresses surveys of students, which requires the permission of the parent and student and may only be used for educational purposes.

Commissioner Powell requested that the draft Student Records & Privacy policy be discussed further in the April Policy Committee meeting because of its implications regarding military recruitment.

- e) Children's Internet Protection Act

Mr. Johnson reported that the legal requirements contained in this Act are addressed in two overlapping regulations: Acceptable Use of the District Network, and a draft currently being developed. He explained that these regulations clarify that the requirements apply to all employees, contractors, students, and any other individuals with access to the District network. He stated that the regulations establish guidelines for appropriate use of the network and disciplinary consequences for violations.

Mr. Johnson acknowledged that the Acceptable Use of the District Network regulation does not address the legal requirements of the Children's Internet Protection Act because it was intended to provide guidance regarding standard practices. He elaborated that the Children's Internet Protection Act requires the District to protect children from certain information (e.g. obscenity, pornography), and RCSD must describe the measures used to safeguard students from this information. Mr. Johnson asserted that the District is currently protecting students through the use of filters and blocking access to websites containing this type of information, but it may be useful to clarify this in policy or regulation.

Action Item: Mr. Johnson will prepare a draft policy or regulation to address the requirements of the Children's Internet Protection Act to present in the April Policy Committee meeting.

Commissioner Campos noted that the Board is planning to increase use of electronic technology, and inquired whether the Acceptable Use of the District Network regulation would apply to the Board members themselves. Mr. Johnson replied that a Superintendent regulation would not pertain to Board members because the Superintendent does not have authority over the Board. Nevertheless, he stated that the conduct of Board members is guided by the Code of Ethics (2160) and Code of Conduct (5300) policies.

Commissioner Powell emphasized the importance of having the same standards of conduct apply to all, including Board members. She pointed out that a strong policy foundation is critical as the primary mechanism for censuring Board members for misconduct. Mr. Johnson responded that the regulation will need to be changed to a Board policy to ensure that standards apply to the Commissioners themselves.

Commissioner Powell suggested revising the Code of Ethics to clarify that it pertains to all employees, including Board members. She asserted that this would be a more general standard than a policy pertaining specifically to the use of technology.

Commissioner Campos argued that with increasing reliance on technology, it is important to address standards governing its use and to ensure applicability to all.

Commissioner Cruz recommended that applicability of standards be addressed in both the Code of Ethics and the Acceptable Use of the District Network to ensure that all employees (including Board members) are held to same expectations. He recommended that the Acceptable Use regulation be changed to a Board policy to apply to all employees, including the Commissioners.

Action Item: Mr. Johnson will change the Acceptable Use of the District Network regulation to a Board policy, and add a provision to the Code of Ethics to clarify that Board policies apply to Board members themselves.

Action Item: Debra Flanagan will notify the Board that one of the goals of the Policy Committee for FY 2011-12 is to review all Board policies to ensure their applicability to Board members themselves.

VI. Parent Forum and Parent Involvement Policy (1900)

Mr. Johnson reported that a Parent Forum was held on February 3rd to gather input regarding the Parent Involvement policy (1900). He stated that the current proposal to revise the Parent Involvement policy incorporates many of the concerns expressed in the Forum:

- In meetings between the Superintendent, Board, and Parent Advisory Council, that there be reciprocal communication and sharing of information to notify parents of important changes in the District.
- Removing the reference to parents or guardians with “legal custody” in recognition of individuals raising children voluntarily without the sanction of the courts, and to permit these individuals to serve in parent organizations.
- Reinstate the requirement that the District collaborate with parents in all identified Areas of Cooperation, rather than allowing this collaboration to be optional.
- Reinstate in the accompanying regulation the requirement that parents be involved in problem identification, analysis, proposing alternatives, and evaluating the success of the chosen approach.
- Reinstate the provision to survey parents regarding collective bargaining contracts under review.
- Add provision directing the Superintendent to include in the regulation standards for evaluating the efficacy of the District’s parent involvement practices.
- Add provision to provide Spanish translation of the Parent and Family Engagement policy (1900) and of the accompanying regulation.
- Add a provision to require an annual report to the Board which summarizes parent complaints received and the actions taken to address them.
- Stipulate that the Superintendent is required to evaluate the efficacy of the District’s parent involvement efforts and report this information to the Board by the end of the school year.

Commissioner Powell pointed out that the original Parent Involvement policy contained a preamble to clarify that it primarily applies to District staff in the way they approach and treat parents. She emphasized the importance of providing this clarification in the preamble because the policy is essentially a parents’ Bill of Rights and this must be apparent to staff at all levels in the District. For this reason, she urged reinstating the preamble to the policy.

Commissioner Cruz concurred with reinstating the preamble because it prepares the reader at the outset of the intent and focus of the policy.

Action Item: Mr. Johnson will revise the proposed Parent & Family Engagement policy (1900) to reinstate the preamble that was contained in the original policy.

Action Item: Ms. Flanagan will notify the Board that another goal for the Policy Committee for FY 2011-12 is to include a preamble to each Board policy, where needed, to prepare the reader as to the intent and focus of the policy.

Commissioner Powell expressed concern about reinstating the provision that parents be surveyed regarding collective bargaining contracts under review, cautioning that the District must be prepared to follow through on this requirement or it should be removed from the policy to prevent establishing misleading expectations. She also noted that the proposed revision which changed “Other Parent Organizations” to “Bilingual Education Council” is too restrictive, as parent organizations may develop in the future which should be included in the policy.

Ms. Robertson expressed concern that the Policy Implementation and Evaluation section refers to the District generally, but the key interface for parent involvement is in the schools. She urged that parent involvement practices be evaluated at the school level.

Commissioner Campos pointed out that concerns were raised at the Parent Forum regarding sharing power on the School-Based Planning Teams, but this is not addressed in the proposed policy. Ms. Pedraza Burgos replied that the policy regarding School-Based Planning Teams addresses this in much greater detail, including representation on the Teams. Mr. Johnson stated that parent representation on School-Based Planning Teams is also covered in the collective bargaining agreement with the Rochester Teachers’ Association, and the Superintendent has been advocating for a stronger role for parents.

Commissioner Campos voiced concern that the proposed policy does not contain a provision to provide translation services to parents to ensure their ability to participate in meetings. She emphasized that this is critical in addressing the needs of a growing immigrant population in Rochester, particularly since the proposed policy serves as a parents’ Bill of Rights. Mr. Johnson offered to include this provision in the accompanying regulation.

Action Item: Mr. Johnson will revise the proposed Parent & Family Engagement policy (1900) to reinstate “Other Parent Organizations” to allow for participation by parent organizations that may be created in the future. He will also include a provision to evaluate District parent involvement practices at the school level.

Mr. Johnson will add a provision to the accompanying regulation to enable parents to request translation services for meetings in the District, including Board meetings.

VII. Use of Skype at Board Meetings

Mr. Johnson requested input from the members of the Policy Committee regarding developing a policy to govern the use of skype in Board meetings. He explained that a great deal of staff time is needed to arrange cables and equipment in the Central Office and in individual Board member’s homes, and to train individuals in the use of the technology. For these reasons, he suggested establishing certain constraints, such as allowing skyping only into Board meetings and not into Committee meetings; and a limit on the number of individuals skyping into a meeting.

Action Item: Mr. Johnson will develop a policy to address the use of skype in Board meetings. The proposed policy will be presented in the April Policy Committee meeting.

VIII. Amending Board ByLaws

Commissioner Powell noted that the Policy Committee had considered amending the Board Bylaws a few months ago, and requested that this be included in the agenda for an upcoming Policy Committee meeting.

Action Item: Ms. Flanagan will include proposed amendments to Board Bylaws on the agenda for the May Policy Committee meeting.

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

Meeting adjourned at 6:46PM.

Next Meeting: April 19, 2011 at 5:30PM (Rescheduled from April 21st to allow for an additional budget deliberation meeting)