

**Board of Education
Policy Committee Meeting
November 9, 2010
5:30PM**

MINUTES

Attendance: Commissioner Cruz (Chair); Commissioners Campos, Powell (arrived 5:37PM), and Williams (arrived 5:51PM). Parent Representative: Vicki Robertson absent. District Staff: Chuck Johnson, Gary Smith, and Shanai Lee. Board Staff: Debra Flanagan

Commissioner Cruz convened the meeting at 5:31 p.m.

I. Review and Approval of Minutes from October 21, 2010 Policy Committee Meeting

Motion by Commissioner Campos to approve the minutes of the October 21, 2010 Policy Committee Meeting. **Adopted 2-0.**

II. Report regarding the Learning for Life Program: Charlie Richardson and Marcy Martin

Mr. Richardson introduced Marcy Martin, Director of the Learning for Life program. Ms. Martin described the program as providing career counseling, training, mentoring, and job shadowing to assist students in making informed decisions regarding their future. She noted that participation by RCSD students has been declining in recent years.

Commissioner Cruz replied that these concerns would most properly be addressed to the Zone Chiefs and announced that a meeting would be arranged with them for Ms. Martin.

Action Item: Board staff will schedule a meeting between the Zone Chiefs and Ms. Martin to discuss ways to improve participation of RCSD students in the Learning for Life program.

III. Discussion of Code of Conduct and applicability to Employees

At the request of the Policy Committee in the October meeting, Chuck Johnson reviewed the provisions of the Code of Conduct (5300) which apply to RCSD employees. He also referenced other Board policies governing employees, such as Staff Substance Abuse (9610), Drug-Free Workplace (9320), and Harassment of Students and Employees (1510).

Commissioner Cruz stated that his main concern is to ensure that processes have been established to enable a child to report infractions by an adult without intimidation or fear of recrimination. He acknowledged that the information presented by Mr. Johnson has demonstrated that these processes are in effect, particularly in the Code of Conduct and the policy regarding Harassment of Students and Employees.

Commissioner Powell asked whether the Code of Conduct prohibits students from bringing cell phones to school. Mr. Johnson replied that the policy does not address students' use of cell phones, which is left to the discretion of each school principal. He stated that if cell phones are prohibited at school, they are confiscated from students at the beginning of the day and returned at the end of the school day.

Commissioner Powell expressed concern that this practice is not being applied equitably or consistently, so that students perceive it as arbitrary and lose respect for the rules. She suggested establishing a guideline for confiscating students' cell phones if interfering with their education.

Action Item: Mr. Johnson will consult with Beth Mascitti-Miller regarding schools prohibiting students from having cell phones, particularly if a student is found with a cell phone after getting through security.

Commissioner Campos raised the issue of students wearing uniforms and the fact that the District cannot enforce this requirement, so there is no consequence for violations.

Mr. Johnson replied that the student can be reprimanded and/or a meeting held with their parents, but disciplinary action cannot be taken for a student not wearing a uniform. He acknowledged that these types of requirements create dilemmas for principals.

IV. Proposed Professional Services Contracting policy

Mr. Johnson provided an overview of the law and professional services contracts, noting that there is no legal requirement for competitive bidding for these services. He stated that neither the City of Rochester nor Monroe County have a formal policy or procedure regarding professional services contracting. In response to concerns cited in the NYS Comptroller's audit, the Board responded that professional services contracting processes would be addressed in policy.

Mr. Johnson confirmed that all contracts will continue to be submitted to the Board for approval. He explained the criteria for competitive bidding contained in the proposed Professional Services Contracting policy:

- Contracts less than \$25K would not be required to be competitively bid;
- Contracts between \$25 – 100K will require a minimum of three informal Requests for Information (RFI); and
- Contracts in excess of \$100K will require a Request for Proposal (RFP).

Mr. Johnson pointed out that the proposed policy establishes specific minimum information to be obtained in an RFP (such as the expertise of the firm, credentials, experience with similar projects, and commitment to workplace diversity).

He noted that the proposed Professional Services Contracting policy attempts to balance concerns regarding the District selecting from a broader range of vendors while providing flexibility to respond to District needs.

Commissioner Powell inquired whether guidance had been sought from the New York State School Board Association (NYSSBA) in developing the proposed policy. Shanai Lee replied that she had obtained a template from NYSSBA which formed the basis for the proposed policy.

Commissioner Williams asked about the process for obtaining an “informal request” through an RFI. Mr. Johnson responded that this process is more streamlined than a formal RFP, and would allow review of prospective vendor information within one week. He noted that a contract for a larger amount would require an RFP, which involves a more formal and rigorous review process.

Commissioner Williams inquired whether the aggregate rule would apply to professional services contracts under this policy, so that the dollar thresholds would pertain to total expenses over the course of one year. Mr. Johnson replied that the proposed Professional Services Contracting policy is not based on aggregate costs, but on “reasonable anticipated costs” and the Board would still have to approve the contract.

Commissioner Williams pointed out that repeal of the aggregate rule has been proposed, which would have implications for the proposed policy. He asked about the number of professional services contracts awarded in excess of \$100K. Gary Smith reported that 95 out of 605 (~16%) contracts awarded in 2009-10 exceeded \$100K, but this is the total for all types of contracts and not only for professional services. He explained that one of the ramifications of the proposed policy would be to encourage use of expertise in local colleges and universities. Mr. Johnson emphasized that the proposed policy simply formalizes the current process of Board review and approval of all contracts over \$25K.

Commissioner Williams questioned the impact of the proposed policy on grant applications, since most applications require that the name of the vendor be included.

Commissioner Powell asked about the process for examining grant applications to ensure that the District will not be bound to a particular vendor or to other requirements that may not serve our needs.

Mr. Smith clarified that grants typically require a particular evaluator, but the vendor selection process is through competitive bidding. Commissioner Powell replied that these are protections established by the grant funder, and asked about internal protections within the District in the grant application process. Mr. Smith cited examples in Purchasing in which additional documentation is required and must be signed by the Superintendent and approved by the Board. He described increased internal controls through the procurement contracts modules and other modules in the upgraded PeopleSoft system.

Ms. Lee emphasized that the corrective action plan states that a policy will be in place by December 31, 2010 to address the professional services contract issues cited by the NYS Comptroller. For this reason, she stated that the proposed policy will be presented to the Board in the November 18, 2010 Business Meeting as an Information Item and Discussion Item.

Motion by Commissioner Powell to approve the proposed Professional Services Contracting policy. Seconded by Commissioner Campos. **Adopted 3-0.**

V. Discussion of Auditor General Findings and Recommendations

Debra Flanagan reported that staff in the Auditor General's Office found that there is no formal mechanism for the Board to be notified of new or amended Superintendent regulations. As a result, the Auditor General's staff recommended revising Board policy to address this concern.

Ms. Flanagan noted that a revision has been proposed to the Development of Regulations policy (3310).

Commissioner Cruz stated that Committee members had not had an opportunity to review the proposed policy revision.

Motion by Commissioner Powell to table discussion of the proposed revision to the Development of Regulations policy until the December 9, 2010 Policy Committee meeting. Seconded by Commissioner Campos. **Adopted 3-0.**

VI. Options for New Criteria for Board Approval of Small Contracts (i.e. under \$25K)

Mr. Johnson reported that 56 out of 305 (18.6%) small contracts awarded in 2009-10 eventually exceeded the \$25K threshold and required Board approval. He noted that almost half of these small contracts exceeded the threshold by less than \$10K. Consequently, Mr. Johnson proposed establishing an additional threshold of \$10K, so that a small contract would only require Board approval if the \$25K threshold were exceeded by more than \$10K in expenses over the year.

Commissioner Powell pointed out that the \$25K threshold was established in 1998 and should be raised in light of inflation over the last 12 years. She reported that NYS law just raised the thresholds for competitive bidding to accommodate inflation. Commissioner Powell asserted that these provisions and thresholds for contracts requiring Board review and approval should be established in Board policy rather than in a Superintendent regulation.

Action Item: Mr. Johnson will propose amending existing Board policy regarding contracts to incorporate a \$35K threshold for aggregate expenses over the fiscal year before requiring Board review and approval.

VII. Feedback and Suggestions for Revising Proposed Safety Policy (8100)

The proposed revision to the Safety Program policy (8100) was first presented to the Board in the October 28, 2010 Business Meeting. Since then, Mr. Johnson stated he has received feedback and suggestions for further modification. Specifically, he proposed amending the policy to remove references to specific position titles and simply state "Superintendent or designee". He explained that this amendment would prevent the policy from becoming outdated with changes in positions and titles.

Motion by Commissioner Powell to approve suggested amendment to proposed revision of Safety Program policy (8100). Seconded by Commissioner Campos. **Adopted 3-0.**

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

Meeting adjourned at 6:38PM.

Next Meeting: December 9th at 5:30PM