

**Policy Committee Meeting
June 16, 2009
6:30 p.m.**

MINUTES

Attendance: Commissioner Elliott (Chair); Commissioners Powell, Brennan (joined meeting at 6:52PM), and White (joined meeting via telephone at 6:42PM); District Staff: Chuck Johnson; Jim Sheppard; Community Representatives: RPD Commander Sam Farina; Board Staff: Debra Flanagan

Commissioner Elliott convened the meeting at 6:33 p.m.

I. Review and Approval of May 19, 2009 Minutes

Motion by Commissioner Powell to approve the minutes of the May 19, 2009 Policy Committee meeting. **Adopted 2-0**

II. Presentation by Erie 1 BOCES regarding Process for Updating Policy Manual

Karen Marcucci, Esq. of Erie 1 BOCES provided two handouts: a flowchart, and a description of the process involved in updating the existing Policy Manual. She indicated that a letter will accompany each draft of the Manual and provide greater detail regarding the review process at that point. Ms. Marcucci commented that she believes there have been more changes to education law in the last two years than in the previous eighteen years, which has created difficulty for school boards in ensuring that their policy manuals are current.

Ms. Marcucci stated that the next step will be provision of the first draft to the Policy Committee for review. She suggested that the Policy Committee be expanded to include staff with expertise in specific areas to provide input in the review process: Business/Finance, Personnel/Human Resources, Pupil Personnel, Special Education, and Curriculum/Instruction. After the draft has been revised to the expanded Committee's satisfaction, the final version will be submitted to the Board for approval and adoption. The final Policy Manual will be provided in hardcopy and CD.

Ms. Marcucci apologized for the delay in developing the first draft, but cautioned that all timeframes are fluid because the process depends on the number of revisions needed and the availability of staff with specific areas of expertise to perform the review.

Commissioner Elliott inquired whether the current contract with Erie 1 BOCES includes updates after completion of the Policy Manual. Ms. Marcucci replied that updates are covered for the two-year period of the contract; if two years are required to complete the Manual, then any additional updates would require another contract.

Commissioner Powell requested that Ms. Marcucci provide a list of policies identified as obsolete as soon as possible, so that the Board can begin to act to remove these policies and thereby expedite the process. Ms. Marcucci replied that she will be identifying obsolete policies (to be denoted as "NI", or not included in the new Manual) as she prepares the first draft. She

stated that she would be able to provide the Board with this list along with the first draft of the Policy Manual.

Commissioner Elliott asked when this process will begin. Ms. Marcucci stated that she would be able to provide this list of obsolete policies in 3-4 weeks.

Action Item: Ms. Marcucci, Esq. of Erie 1 BOCES will provide the Board with a list of obsolete policies with the first draft of the new Policy Manual, in the next 3-4 weeks.

III. Student Arrest Policy

Commissioner Elliott offered an opportunity for public comment regarding student arrests, but no one came forward. She announced that there will be a public hearing regarding this serious issue to allow opportunity for public input.

Jim Sheppard provided a handout with student arrest data for each month in the 2006, 2007, and 2008 (through March 2009) school years for each secondary school. The data indicated the number of arrests, the ratio of arrests to the student population for 2008, and the reason for the arrests. Mr. Sheppard noted that there is typically a spike in arrests at the outset of the school year (September through November) as students are adjusting to the school environment, and again in the spring (March and/or April) after break and as the weather becomes warmer. The most common overall cause for student arrests was identified as violations of public order, which includes disorderly conduct, harassment, criminal nuisance, or any type of significant inconvenience in which school activity is disrupted. Mr. Sheppard also noted that these are the types of situations in which the District has disciplinary discretion; in all other cases, arrest is mandatory because a crime has been committed.

Commissioner Elliott questioned which individuals at the school level have the authority to call for a student arrest. Mr. Sheppard replied that this discretion lies with the School Resource Officer, a student who is victimized, and collaboration between the District and RPD in cases in which public order is violated.

Commissioner Elliott requested additional data regarding the specific individual in each school that determined that a student should be arrested for all of the student arrests in the 2008-09 school year.

Action Item: Jim Sheppard will provide data to the Policy Committee regarding the number and/or percentage of arrests called for by particular individuals (i.e. SRO, student, etc.) for each school.

Mr. Sheppard stated that RPD began providing the District with daily school reports in April 2009 to identify the student, type of offense, and cause for arrest. He noted that the District had not been monitoring this data until the problem was raised by the DA and RPD.

Commissioner Powell pointed out an example cited in the handout of a student arrested for trespassing on school grounds, inquiring whether the arrest was based on the student being enrolled in a different school. Mr. Sheppard replied that this student was supposed to attend the I'm Ready program, but was found on the grounds of Charlotte High School in which he was

enrolled. Commissioner Powell stated that she did not understand the need for an arrest in this situation. Mr. Sheppard concurred, expressing concern about unwarranted arrests being made and stating that this was his reason for providing this example to the Committee.

Commissioner Elliott noted reports of certain reasons for out-of-school suspension. Mr. Sheppard responded that there are not supposed to be any suspensions out of school.

Commissioner Powell inquired about situations in which a weapon is involved. Mr. Sheppard stated that these circumstances would lead to the student attending the I'm Ready program while awaiting court hearing and adjudication.

Commissioner Powell questioned the recourse available in situations in which arrests have been determined to be wrongful. RPD Commander Farina stated that the courts would determine whether the arrest was warranted and decide whether to expunge the student's record. Commissioner Powell asked about options available to the District to rectify the situation before reaching the courts. Mr. Sheppard replied that the District can work with RPD to intervene to drop the charges.

Commissioner White expressed great concern over the lack of public knowledge and understanding of the consequences of unwarranted arrests. He explained that as soon as charges are filed, it becomes a public offense and at the discretion of the District Attorney to address the charges; RCSD has no input or involvement at this point. Charges eventually become sealed in the juvenile's record. If the charges are sealed too early, any further problems with the law become included in their official record. For these reasons, he expressed a great deal of concern regarding complacency in addressing youth arrests, as the consequences are potentially severe and life-altering.

Commissioner Powell stated that she shares these concerns and that this example suggests blatant instances of children being wrongfully arrested. She also noted that substantial increases in student arrests occurred in most of the schools in the District last year. Rather than being an isolated problem, this indicates a widespread issue in school leadership.

Commissioner Elliott also expressed concern, underscoring the importance of establishing mechanisms to prevent these situations from occurring. Mr. Sheppard replied that the Superintendent and Chiefs have been instituting accountability systems, as a critical aspect of the Administration's initiative, particularly at the school level.

Commissioner Powell pointed out that students have not suddenly become more violent or inclined to commit offenses in the last year, but the data indicates that principals and school administrators have become more reactive to students' behavior and increasingly willing to resort to arrest.

Commissioner Elliott commented that the increased arrest rate seems to stem more from the Administration's initiatives than the discretion of the schools.

Mr. Sheppard stated that after the data became available in November and the Administration became aware of the alarming increase in the arrest rate, action was taken to warn school

administrators that this response is unacceptable and would not be tolerated. The student arrest rate began to decline as a result of these actions.

Commissioner Powell noted two exceptions to the escalation in student arrests in the last year: Monroe High School and Wilson Academy. She noted that Monroe High School had no increase in arrests last year, and that Wilson Academy has significantly reduced the student arrest rate since 2006. She suggested that these schools be studied to determine the approaches being used, since these methods are effective in addressing student discipline. Mr. Sheppard emphasized the importance of the tone and culture of the school in influencing the student arrest rate and overall student discipline.

Mr. Sheppard reported a substantial increase in mental hygiene arrests in the last year, from 7 in 2007-08 to 26 in 2008-09. He stated that the District is collaborating with the Monroe County Department of Mental Health to have a mobile team intervene in these situations rather than making an arrest. Mr. Sheppard also reported that the Monroe County Department of Mental Health is providing training to school administrators so that they will be able to recognize students at-risk for mental health problems and be aware of strategies for addressing problematic situations with these students.

Commissioner Elliott inquired as to the role of psychologists and social workers in these situations. Mr. Sheppard stated that these professionals typically become involved after these incidents to address underlying or precipitating factors.

Commissioner Powell asked whether the increase in mental hygiene arrests were throughout the District, or due to the actions of a few schools. Mr. Sheppard replied that two schools (#6 and #8) accounted for most of the increase in mental hygiene arrests in the last year, with eight of these types of arrests for each school. He stated that these two schools have been targeted for training.

Commissioner Powell questioned whether the data reflects multiple mental hygiene arrests for one child, or an increase in the number of children being arrested. She explained that she is trying to ascertain the extent to which this is a school leadership issue or a uniquely troubled student population, or both.

Commissioner Elliott asked whether it would be possible to obtain this data.

Action Item: Jim Sheppard will provide data to the Policy Committee regarding the extent to which mental hygiene arrests represent individual children or multiple arrests for the same child.

Commissioner White inquired as to actions being taken with principals to rectify these problems of resorting to student arrest, noting that their actions reflect a fundamental ignorance of the consequences and/or hostility toward students and this is not liable to be remediated simply through training and education. He asked specifically whether there is a plan to include this in principals' evaluations. Mr. Sheppard stated that the Administration began addressing this issue in November 2008 and every principal was required to develop a plan for reducing student arrests by April 2009.

Commissioner Elliott emphasized that it is imperative to examine the student arrest issue in its totality to ensure that the Committee and Board are doing their due diligence on behalf of students, staff, and the community. She pointed out that this is just the beginning of the process and there will be many more opportunities to examine this issue and its implications.

Commissioner Powell underscored the importance of a personnel response in these situations, noting that there was a new principal in one of the two schools with substantially increased mental hygiene arrests. She acknowledged that this new principal may not have known how to respond in these situations, but questioned why they would not have asked for assistance after the first couple of incidents. Commissioner Powell stated that this is also a concern and pointed out that lack of written documentation in their personnel file could lead to tenure.

Mr. Sheppard stated that it is not his role to take personnel actions as a consequence of a principal resorting to student arrest. He encouraged Committee members to follow Commissioner White's suggestion to speak with the Superintendent about the personnel actions taken in these instances.

Commissioner Elliott requested a 5-minute recess. The Policy Committee recessed from 7:53PM to 7:57PM.

IV. Military Recruitment Policy

Charles Johnson, General Counsel, provided an overview of the provisions of NCLB pertaining to disclosure of student directory information to military recruiters. He noted that the law requires military recruiters to have the same access to students as that of any other prospective employer or college recruiter. He stated that the current policy is not compliant with NCLB because student directory information is only provided when a parent/guardian has affirmatively agreed to provide the information, while the law requires that this information be provided unless a parent/guardian has explicitly denied consent. Mr. Johnson noted that the Superintendent has received a number of calls from the military, including a letter from Colonel Gawkins stating that RCSD is currently out of compliance with the law. He acknowledged that NCLB does not clearly articulate the consequences of non-compliance, but refers to a political process for notification which eventually reaches the U.S. House of Representatives and contains the implicit threat of withholding federal funding.

Mr. Johnson presented the Administration's policy proposal, noting that it is based on the San Francisco model in attempting to maximize the response rate to ensure that the district is following students' and parents' wishes. The notification form would be distributed to both students and parents, and would include options for granting or declining permission to share information with each organization (e.g. colleges/universities, employers, military recruiters, etc.). He stated that the 30-day advance notice for military recruiters to contact high schools has been eliminated in the Administration's policy proposal because this requirement did not apply to any other recruiting organizations.

Commissioner Elliott inquired in which school year students are to be given these forms. Mr. Johnson replied that NCLB refers to “secondary school students”, but seems to focus on juniors and seniors.

Commissioner Powell provided an overview of her policy proposal regarding military recruitment, explaining that she had checked with staff in the Law Department regarding students deciding whether to share their information with military recruiters. Commissioner Powell reported that only students of the majority age are allowed to sign and authorize their choices under FERPA, so the proposal was modified to indicate that the notification form would have to be signed by a parent/guardian or a student aged 18 or older. She also stated that the form would indicate options available for sharing student directory information to each type of organization. Commissioner Powell emphasized the importance of linking this notification form to the Emergency Contact form to maximize the response rate from parents. She explained that this is done in the Santa Cruz model and is taken so seriously that students are not allowed to sit in class until the forms have been completed and returned to the school.

Motion by Commissioner Brennan to adjourn.

Adjourned at 8:23PM.

Next Meeting: **July 21, 2009 at 6:30PM**