

Policy Committee Meeting
April 21, 2009
5:30 p.m.

MINUTES

Attendance: Commissioner Elliott (Chair); Commissioners Brennan, Powell, White, and Evans (joined meeting at 6:25PM); District Staff: Rashondra Jackson, Gladys Pedraza Burgos; Board Staff: Debra Flanagan

Commissioner Elliott convened the meeting at 5:32 p.m. and requested a motion to revise the agenda to allow presentation by military officers as the first item.

Motion made by Commissioner Powell to revise agenda to allow military presentation as first item, with the caveat that discussion regarding Board military recruitment policy follow immediately after the presentation. Seconded by Commissioner Brennan. **Adopted 3-0**

I. Presentation by USMC Recruiting Command

Captain Selvidge, Executive Officer, USMC, described legal concerns that current Board policy does not comply with the requirements of NCLB to disclose student directory information to military recruiters. Captain Selvidge cited a 2003 letter from the Department of Defense and the Secretary of Education, which apparently stated that disclosure of student directory information is not considered a violation of privacy under FERPA. He also stated that the provisions of NCLB require the Board to have an “opt-out” policy in place, in which student directory information is provided to the military unless a parent has explicitly declined consent for this information disclosure.

Captain Selvidge conducted a presentation of the values and benefits of military service as a career opportunity.

II. Update regarding Military Recruitment Policy

Commissioner Brennan clarified that his concern is not with regard to military service in general, but with the discriminatory nature of Title I requirements in targeting primarily low-income and minority students. He also expressed concern for protecting students’ privacy.

Commissioner Powell asserted that the current problem does not stem from Board policy, but from the failure of the Administration to notify parents as required under NCLB. She noted that there have been no problems since this policy was adopted in 2005, but became problematic in 2008 because of failure to adhere to the notification requirements.

Commissioner Powell pointed out that the specific provisions of current Board policy have prevented lawsuits regarding inadequate notification, citing the example of a suit against the Albuquerque school district.

Commissioner Powell also emphasized that the letter and directives cited by Capt. Selvidge are only binding for military personnel and not for civilians. She stated that the Captain's presentation of the legal requirements regarding disclosure of student information under NCLB are simply one interpretation of the law, as this has not yet been held to judicial scrutiny.

Commissioner White commended military personnel for their honorable service to this country, and pointed to the stated values of the military of fairness and equity. He underscored the unfair and inequitable aspects of the law because suburban districts can afford to ignore these mandates due to little reliance on Title I funds, whereas withdrawal of these funds represents a significant risk for urban districts.

Commissioner White also questioned the way in which the judiciary would interpret this provision of the law and the inequitable way in which it is applied. He noted that military personnel are willing to risk their lives to defend this country and the Constitution upon which it is founded, and suggested that the risk of legal action in this case may be warranted in an effort to uphold Constitutional provisions of fairness and equity under the law.

Motion made by Commissioner Powell to consider amendments to existing Board policy 1240.1 submitted to Committee members. Seconded by Commissioner Brennan.

Commissioner Powell reviewed the specific provisions of these proposed policy amendments:

- notification form will contain a series of choices for parents to indicate whether they want student information shared with each type of recruiter, emphasizing that the District may be required to share student information if the form is not completed and returned;
- principals of each high school will be responsible for distributing and explaining the notification form and emergency contact information form, as well as ensuring their completion and return;
- forms will be mailed to the student's home address with a postage paid envelope to maximize opportunity for parents to express their wishes with respect to disclosure of student information;
- the most recently completed notification form on file will be used if a response is not provided in subsequent years.

Commissioner Elliott requested that a representative from the Law Department describe their proposed policy with regard to disclosure of student directory information to military recruiters. Rashondra Jackson, Esq. explained that their proposal was to provide the notification form to students as well as parents in an effort to increase the response rate. She stated that the principal would be responsible for providing the notification form to students, explaining the ramifications, and obtaining the completed forms. Ms. Jackson stated that the main concern was to maximize the response rate by providing the notification form to students, rather than waiting for parents' response. She explained that this proposal does not link the notification process to that used for emergency contact forms.

Commissioner Powell voiced concern regarding establishing different standards for consent for emergency contact information and for release of student directory information to military recruiters, both of which have significant implications in students' lives.

Commissioner Elliott emphasized that an understanding regarding the potential ramifications of proposed policy changes is beginning to emerge through these discussions, cautioning against acting hastily in adopting any particular policy change.

Motion made by Commissioner Powell to advance her proposed amendments to Board policy 1240.1 to the full Board for review and discussion at their next meeting. Seconded by Commissioner Brennan, who noted that this issue has been discussed at length in previous meetings and is in no way being rushed to action. **Adopted 3-0**

III. Review and Approval of Minutes from December 11, 2008 and January 27, 2009

Motion made by Commissioner Powell to approve minutes of December 11, 2008 and January 27, 2009 Policy Committee meetings. Seconded by Commissioner Brennan. **Adopted 3-0**

IV. Parent Participation on Policy Committee

Commissioner Elliott requested that Commissioner Powell describe the process used by the Finance Committee to select a parent representative.

Commissioner Powell explained that the Director of Parent Engagement was notified that a parent representative was being sought to serve on the Finance Committee, with the stipulation that the representative be from a districtwide organization.

Commissioner Elliott suggested placing an advertisement on the RCSD website with a request for resumes.

Motion made by Commissioner Powell to advertise for a parent representative on the RCSD website with input from the Office of Parent Engagement to ensure that the representative is supported by parents rather than being directed by the Board. Seconded by Commissioner Brennan. **Adopted 3-0**

Commissioner White requested clarification regarding additional representation on a Board committee and whether full Board approval would be required.

Commissioner Powell replied that parent representatives have historically served on Board committees, which is authorized by the parent involvement section of Board policy. She explained that parent representatives serve on Board committees as non-voting members.

Commissioner White referred to his proposal to add representatives from city government to the Board Audit and Finance committees, noting that he had been informed that full Board approval would be required. He inquired whether this would be necessary if city government representatives were non-voting members of Board committees.

Gladys Pedraza Burgos suggested that the advertisement on the RCSD website contain a job description to ensure that a qualified individual is selected, and that information be provided as to the time commitment involved in serving as a parent representative on a Board committee.

V. Proposed Attendance Policy Change

Gladys Pedraza Burgos reviewed proposed changes to existing Board attendance policy 5100; she explained that the policy proposal would eliminate the existing timeframe for attaining specific attendance goals and that a 90% minimum attendance level would be established.

Commissioner Powell noted that the Board has requested the Superintendent to update regulations to standardize the process of contacting and notifying parents of student absences in order to encourage increased attendance. She explained that nothing has been done to date to update these regulations and that she was not prepared to make attendance policy more restrictive when the District is not able to enforce attendance levels adequately due to lack of regulations.

Ms. Pedraza Burgos described a process of surveying principals and counselors; conducting meetings on a regular basis with school level staff; obtaining weekly, biweekly and monthly reports to identify students with attendance problems. From this process, she explained that procedures and protocols have been developed to ensure greater standardization throughout the District in terms of notifying parents of student absences. She emphasized the importance of having all of these provisions in place: policy, regulations, and procedures and protocols.

Commissioner Powell replied that the Board currently has a policy in place, and that more data and discussion are needed regarding students who are receiving failing grades simply because of attendance issues. She questioned whether this is leading to students' failure, and underscored the importance of the Board considering and discussing these issues further. Commissioner Powell also contended that the issue of students failing purely due to attendance problems is more important than establishing a 90% minimum attendance level in policy.

Commissioner Elliott expressed concern regarding penalties imposed upon students by reducing their grade because of an absence; she noted that many students are absent due to issues at home. She contended that this practice is inherently unfair and must be addressed, rather than focusing time and attention on policy changes. Commissioner Elliott also stated that she would like further information as to the number of students that have dropped out of school as a result of these practices.

Ms. Pedraza Burgos stated that there are a myriad of reasons for attendance issues and that she is aware of the connection between attendance and student achievement. She provided an example of a historic lack of understanding and support for students with chronic illness whose needs were not met by the school system, but are now being addressed through a tutoring program. She explained that her concern is to have policies and regulations in place to enable the District to advance in terms of monitoring student attendance and notifying parents. She also offered to provide Committee members a draft of procedures and protocols recently developed.

Commissioner White asserted that this is part of a historic pattern in which the essential problem lies not with policy, but with its execution. He pointed out that despite established Board policy

regarding military recruitment, the Administration still failed to notify parents adequately. He emphasized the need for the Administration to follow through in implementing and enforcing Board policy.

Commissioner Elliott inquired as to the basis for establishing 90% as the minimum attendance level. Ms. Pedraza Burgos replied that the current policy is outdated in terms of the timeframes specified, and that attendance data indicates that 90% is a realistic and achievable goal.

Commissioner Evans pointed out that the NYS Commissioner of Education has stated that if attendance drops below 90%, the graduation rate also drops substantially. He commented that while he agrees that Superintendent regulations are important, existing Board attendance policy still needs to be updated.

Motion made by Commissioner Powell to table discussion and consideration of proposed attendance policy changes. Seconded by Commissioner Brennan. **Adopted 2-0**

VI. Miscellaneous

Action Items:

D. Flanagan will inform Committee members of the date of the next Policy Committee meeting.

D. Flanagan will ensure that the proposed policy change regarding disclosure of student directory information (1240.1) is included on the agenda for the next Board Business meeting.

D. Flanagan will draft an announcement to be posted on the RCSD website to recruit a parent representative to serve on the Policy Committee.

D. Flanagan will collaborate with the Office of Parent Engagement in the process of selecting a parent representative for the Policy Committee.

Ms. Pedraza Burgos will provide Committee members with a copy of the draft procedures and protocols for student attendance.

Motion to adjourn was made by Commissioner Powell. Seconded by Commissioner Brennan. **Adopted 3-0** at 6:36 p.m.

Next meeting date: May 19th at 6:30 p.m.