

Policy Committee Meeting
January 27, 2009
6:30 p.m.

MINUTES

Attendance: Commissioner Elliott (Chair), Commissioner Brennan (departed at 7:56 p.m.), and Commissioner Powell (arrived 6:35 p.m.); C. Johnson, Board Staff: H. Washington

Commissioner Elliott convened the meeting at 6:32 p.m.

I. Approval of December 11th Minutes

Motion to table minutes for December 11th meeting was made by Commissioner Brennan. Seconded by Commissioner Powell. **Adopted 3-0**

Motion was made by Commissioner Brennan to approve January 6, 2009 Policy Committee meeting minutes with the following correction: Commissioner Powell nominated Commissioner Brennan to be chair of the Policy Committee; Commissioner Brennan declined.

II. Recruiting Policy Discussion

The Committee briefly discussed the recruiting policy, noting that 20 USC 7908 provides that military recruiters be supplied with contact information for secondary students. The current Board policy states that a letter will be sent to parents explaining the military recruitment efforts and that a response must be received by Oct. 15th in order to have the student's contact information provided to the military. As a result, the District has not been providing much student contact information to the military.

Commissioner Powell pointed out that the consequence of not revising the current Board policy is that the Department of Defense and congressional representatives may confront political pressure.

Chuck Johnson stated that the Board is not required to have a policy on this matter because the law already mandates that student contact information be provided to the military services. Commissioner Powell stated that she is not in favor of amending the existing policy, and Commissioner Brennan agreed. Commissioner Elliott would like to amend the policy to be in compliance with the law.

Motion not to take action on Board policy 1240.1 was made by Commissioner Powell. Seconded by Commissioner Brennan. **Adopted 2-1**, with Commissioner Elliott dissenting.

Commissioner Elliott would like to move the recruiting policy issue to the Policy Committee of the Whole.

Meeting was suspended for five minutes.

Commissioner Elliott requested a motion to add the update of the policy on Board staff to the agenda.

Motion was made by Commissioner Brennan. Seconded by Commissioner Powell.
Adopted 3-0

III. Opinion on Policy regarding Board Staff

Chuck Johnson was asked to review whether the Board can adopt a policy or create an employment agreement which would contain a covenant or a restrictive covenant, which would limit the ability of an employee of the Board to move to the Administration. He did not find any cases in which a public entity sought to impose these types of restrictions. Chuck Johnson noted that the courts are less likely to enforce restrictions in employment policies made by a governmental entity than those made by a private company. Courts require that work has to be in a specialized field, is unique or extraordinary.

Commissioner Brennan would not like to hamper the integrity of the Board's efforts by having staff leave to work for the Administration, suggesting a "revolving door clause or policy" in employment contracts with Board staff. Commissioner Powell would like these restrictions to be advanced in terms of an employment contract rather than as a policy to address this issue.

The matter will be given further thought. No immediate action is to be taken on the issue.

IV. Review Board Goals

Commissioner Elliott recommended that the Board Governance Committee review Board goals again, in addition to the Policy Committee review, to identify related areas for policy development.

Chuck Johnson explained that there has been a recent amendment to General Municipal Law in which the District can establish guidelines for bidding on contracts. He stated that these guidelines can be introduced in competitive bidding process to assist M/WBE goals. Commissioner Powell suggested that the language regarding guidelines for bidders be added to existing policy, such as responsible bidder contracts. Chuck Johnson recommended that the proposed guidelines be integrated into Board policy. Commissioner Elliott agreed.

V. 2009 Policy Goals

Commissioner Powell expressed concern regarding the current attendance policy, noting that the Superintendent's attendance regulations are counterintuitive to the policy and should be updated, particularly in reducing the length of time for parent notification. Commissioner Elliott would like to discuss how grades are dropped due to student absences.

VI. Review of the Policy Manual & Policy Manual Consultants

An update was provided regarding the BOCES Policy Manual by H. Washington. Commissioner Powell recommended that the Chief of Staff be added to the list to receive monthly sample policies. It was also noted that Policy Manual sections 5153 and 5100 need to be updated on the Board's website.

VII. Miscellaneous

Action Items:

H. Washington will provide Commissioner Powell with a copy of the survey for the Policy Manual update.

Chuck Johnson will provide a copy of the amended General Municipal Law section to members of the Policy Committee.

H. Washington will check with the Board President to determine whether each set of committee minutes from the meeting to establish committees should be reviewed separately by each committee.

H. Washington will schedule a Policy Committee meeting of the Whole.

H. Washington will provide Commissioner Elliott with a copy of an outline for crafting policy, and provide a copy to Gladys Pedraza-Burgos.

H. Washington will add a pdf under policy 2410 (should have a form –E attached) to the website.

H. Washington will add Board staff policy to the Policy Committee agenda for February.

Commissioner Brennan will submit a written statement as to the changes he would like to Board staff policy.

Chuck Johnson will craft language to the Board policy regarding providing student contact information to the military, and send this to Board members.

H. Washington will add approval of the December 11th minutes to the Policy Committee agenda for February.

H. Washington will update the policies 5153 and 5100 for the Board's website.

Motion to adjourn was made by Commissioner Powell. Seconded by Commissioner Elliott. **Adopted 2-0** at 8:23 p.m.

Next meeting date: February 17, 2009 at 6:30 p.m.