



**PROCEEDINGS OF THE BOARD OF EDUCATION**  
**February 17, 2011**  
**7:00 p.m.**  
**North Albany Academy**

**PRESENT:** Dan Egan, President  
Rose Brandon, Vice President  
Barbara Gaffuri, Secretary  
Felicia Green  
Edith Leet  
Melissa Mackey  
Alexandra Streznewski

Dr. Raymond Colucciello  
Bill Hogan  
Dr. Tresa Diggs  
Linda Rudnick  
Linda Jackson-Chalmers  
Ken Cioffi

**ABSENT:** None

**Call to Order:**

- Meeting was called to order at 7:05 p.m. All present joined in the Pledge of Allegiance.
- Members of the audience were welcomed and thanked for taking the time to attend the meeting.
- The Mission Statement was read.

Mr. Egan called for a motion to add two items to Routine Consent; a resolution to Accept a Hearing Determination and a resolution to on Charter School Tuition. Motion was made by Mrs. Gaffuri and second by Dr. Brandon.

The Board voted 6 ayes, 0 nays and 1 abstention. Mrs. Leet abstained.  
Motion passed.

**SUPERINTENDENT'S REPORT**

Dr. Colucciello noted the District has made changes to the traffic pattern at Thomas O'Brien Academy of Science & Technology. The street will be made a one-way street and student drop-off points will be changed. The change was made to insure the safety of students. Parents, Mr. Fowler, and members of the City staff worked together to make this change.

Dr. McCalla gave a review of the administrative procedures for hall sweeps at Albany High School to reduce the number of students who are late for class. Any student who is not in class when the bell rings will be subjected to warnings, calls to parents and possible suspensions. Dr. McCalla stated the primary concern is that students get to class on time. Procedures include involving parents in the process. The Joint Intervention Team report noted that the District consider this issue as it makes changes at the high school.

Mr. Lesko introduced Mike Lai and Kevin Allen, Co-Coaches of the Robotics Club at North Albany Academy. Members of the club are Dawn Dinh, Kiersten Gordon, Joshua Gordon, Joel Gordon, and Zeus Opalach. Kai Upchurch and Amena Clow serve as reporters for the club. Dr. Lester Rubenfeld and Melissa Hershey, two faculty members at RPI have also been involved in this endeavor. Robotics was introduced to students in 2005. The team has entered competition at RPI for the last six years, placing in the top three in at least one category five of the last six years. This year the team scored the highest combined total in all categories, winning the tournament. This qualifies the team to compete in the next level in Poughkeepsie this coming weekend. A video demonstrating the project that won the competition was shown to those present.

### **OPPORTUNITY FOR PUBLIC COMMENT**

There were no speakers present.

### **FACILITIES PROJECT**

#### **Action Item**

##### **Change Orders**

Change orders for Albany High School and Arbor Hill Elementary School were presented for approval. Ms. Streznewski made a motion for approval. Mrs. Gaffuri seconded the motion.

The Board voted unanimously (7-0) to approve the motion.

Motion passed

#### **Information Item**

##### **Facilities Referendum**

Mr. Richard Peckham from CSArch gave a comprehensive presentation on a proposed EXCEL Project. EXCEL Aid allows the project to be paid-in-full by regular Building and EXCEL Aid, which is at no cost to the taxpayers. The project includes work on adding a larger cafeteria at Giffen Memorial Elementary School to accommodate the breakfast program \$450,000; roof, windows, doors and boiler replacement at the Abrookin Vo-Tech Center (\$3,759,000) and additional classrooms at Albany High School to enhance the four new houses that are being developed (\$4.4 - \$7.6 million). Maximum project cost at zero local tax impact is \$10,500,000)

Mr. Peckham reviewed three options for classroom additions at the High School. The options call for construction in three different areas of the high school. Mr. Peckham provided the pros and cons of each option. Additional renovation that are included in the project include masonry restoration, sidewalks and exterior stairs, and interior stairs and landings, air handlers and ventilation improvements in the gymnasium, skylights and sloped glazing, and gymnasium bleachers. Mr. Peckham concluded with a timeline for presenting this referendum on the May ballot, with design June – December 2011; SED Review and Approval, Bidding and Award January – April 2012; Construction starts June 2012 and completion by August 2013. The Board will need to approve this referendum for the May vote at the March 17<sup>th</sup> meeting. These projects will be conducted at no cost to the taxpayers.

### **INFORMATION**

#### **Hackett Middle School Improvement Status**

Dr. Diggs advised that Hackett Middle School has been designated as a School in Need of Improvement. Hackett will participate in a Joint Intervention Team (JIT) review, March 28, 29 and 30<sup>th</sup>. Dr. Diggs noted that the State Education Department has approved Dr. Butterworth, Executive Director of the Capital Area School Development Association (CASDA), as the outside educator, to lead the review. Dr. Butterworth also led the JIT review at Albany High School. Dr. Diggs noted that the staff at Hackett has been working on school improvement efforts since last year. The presentation, which will begin with a video of daily activities in the school, will also include information on safety and security, benchmark assessments, student academic standings, and a listing of activities scheduled at Hackett. Mr. Paolino introduced members of his staff, noting their commitment and support.

The video demonstrated the change in atmosphere in the school in terms of safety and security. Mr. Paolino noted that often times the perception is very different from the reality of what goes on in the school on any day. Mr. Paolino reviewed a chart indicating the improvement in school violence index. Ms. DiGiulio reviewed assessment results, along with Diagnostic On-line Reading Assessments (DORA).

- Do we have data that shows improvement in ELA's?

The next ELA interval test is scheduled for March. Comparative data will be available following the results of these tests.

- The information provided indicates that incidents have decreased. What about suspensions?

There is a decrease in suspensions because of the efforts to keep students in school. The building is under 200 referrals per month.

- What is it that you feel you need to address student academic achievement?

Faculty and staff have met with supervisors and Ms. Getto and will continue to discuss strategies in reading and building transitional programs to develop student skill sets for middle school. Student needs will be identified, along with supports to address these needs.

- Are there particular courses that students are failing?

There is a breakdown indicating student failures. Students are not all failing core classes. There are students who fail PE because they don't want to put on a bathing suit. Students need to understand that electives are just as important as core subjects.

- Is interval assessments shared with parents?

Parents are being incorporated into the student's progress.

- Survey of students and/or faculty?

The survey is great idea that will be discussed in the building.

- Are student's strengths being shared with students?

Yes. Teachers are sharing this information.

- How did you address those students who were failing in three or more subjects?

Identify interventions addressing student needs. Students do not stay after school. The most valuable time is during the school day. The Lunch Advisory Team was established by committed teachers. Next year, after the first interim, students will be placed in the Lunch Advisory. There is also the Saturday morning Math group.

- Who is overseeing the effectiveness of AIS?

As students are identified, interventions are identified to help them be successful.

### **Budget Update**

Dr. Colucciello noted information will be provided as of this date. The central office has been working with building principals and the presentation this evening will include the series of cuts. This has been more painful this year because there are fewer options available. The District is looking at reserves to insure that the District is not at risk. The information provided is approximately one-third of the process of closing the \$10 million gap.

Mr. Hogan advised that the tax cap noted in the press will not take effect until the 2012 year. Mr. Hogan gave a presentation on current budget estimates, current drivers such as Triborough Amendment for Teachers and Support Staff, Health Insurance and Pension costs and Charter School Mandates totaling \$12 million and projected growth from the Federal Jobs Bill, Retirement Savings totaling \$7.3 million, along with State Aid reduction of \$4.3 million, and the CPI reduction of \$1.7 million, indicate a preliminary deficit as of this date of \$9.9 million.

Mr. Hogan reviewed potential savings totaling approximately \$3 million. Discussions with cabinet members included program review of Abrookin, Adult Programs, Pre-K Programs, Title I Programs, other Title Programs and Special Education Services. Mr. Hogan also noted that the Abrookin program is totally grant funded, except for the cost of the building. There is capacity to have additional students in that program with current staff. Adult Programs at ALC are also grant funded. The space required is less than the Schuyler building. Teachers in six (6) District based programs will be transitioned to elementary positions and outside agencies will oversee the Pre-K programs similar to other programs in the District. Title Program staff members will be reduced to align with grant funding. Teacher caseloads in the Special Education Program will be reviewed and staff reductions will take place to align expenditures with grant funding.

Moving forward, Dr. Colucciello quoted U.S. Secretary of Education, Arne Duncan, "Progress often requires tough-minded collaboration, rather than tough minded confrontation." Dr. Colucciello asked, the Board to approve a resolution at the next meeting, that asks for all employees to take a voluntary pay freeze for the 2011-2012 school year. This would save the District approximately \$2 million. Dr. Colucciello advised 46 staff members (Cabinet, Principals, Director, and Supervisors) voluntarily sacrificed their raises this year for the good of the District. Also approximately 300 APSUE members (non-instructional) did not receive raises this year due to an unsettled contract. Demands for higher achievement have never been greater, the financial resources never more scarce. The time is now to step forward and collaborate on behalf of our students and community. This proposed pay freeze would allow the District to continue offering vital services and course offerings to students and save 40 positions.

Dr. Colucciello advised that if this cannot be negotiated, other reductions to consider are art, music, languages, Career Explorations and Intramural Sports at the High School, foreign language offered at 6<sup>th</sup> grade, technology classes and modified athletic programs. At the elementary level there will be reductions in music, art and library. This is the fifth time in the past year that the District has been faced with reductions in staff and programs. Additional school aid is not expected from the legislature. The District will continue to work on improving efficiencies and increasing revenues. Dr. Colucciello stated that school districts throughout New York State are facing this same situation. A number of districts are closing schools. This District is not considering school closures. The District needs to consider future enrollment numbers.

Discussion followed regarding reductions in programs, closing of buildings, class sizes, teacher case load, home school coordinator positions, benefit costs, Title program funds allocation, a Pre-K Center, realigning elementary and middle schools, libraries, a tax increase, using reserves, charter tuition freeze, voluntary wage freeze, and special education costs and delivery. Mr. Hogan noted that any changes to the benefit package would have to be negotiated with each union independently.

### **ROUTINE CONSENT**

Routine Consent items were presented for approval as follow: Proceedings of Meetings January 20, 2011; Appointments (Teaching Assistants, Regular Substitutes, Civil Service, Miscellaneous, Itinerant Substitutes and Tenure Appointments); Transfers; Leaves of Absence; Resignations; Bid Awards (Control Network Communications); Health Services Contract (North Colonie Central School District; Authorization to Enter Into Contracts. Mr. Egan noted that included in Routine Consent is a Resolution to Accept a Hearing Determination and a Resolution on Charter School Tuition.

Ms. Streznewski made a motion to approve Routine Consent. Mrs. Gaffuri seconded the motion. Mrs. Gaffuri set aside the Resolution on Charter School Tuition. Ms. Mackey set aside proceedings from January 20, 2011.

The Board voted (6-0-1) to approve routine consent items, absent items set aside.

Mrs. Leet abstained.

Motion passed.

Mr. Egan presented the Resolution on Charter School Tuition as follows:

### **RESOLUTION**

#### **Charter School Tuition**

**WHEREAS**, the City School District of Albany (“School District”) is experiencing significant economic harm as a result of several determinations of the New York State Commissioner of Education (“Commissioner”) to improperly “certify” to the Comptroller of the State of New York (“Comptroller”) that certain payments should have been made by the School District to various charter schools enrolling students who reside in the City of Albany resulting in the Comptroller deducting such sums from state aid due and owing to the School District; and,

**WHEREAS**, the Comptroller, as a consequence of such assertions by the Commissioner, has commenced deducting such sums from state aid payments due and owing to the School District; and,

**WHEREAS**, the total impact of current and future purported certifications by the Commissioner will result in approximately Five Million Dollars of lost state aid to the School District and the students to whom it provides instruction which creates an irreparable injury to the School District and its students; and,

**WHEREAS**, the Board of Education of the School District believes that such “unpaid obligations” were improperly “certified” by the Commissioner and are being improperly withheld by the Comptroller; and,

**WHEREAS**, the Board has previously retained the law firm of Wilson, Elser, Moskowitz, Edelman & Dicker, LLP as a lobbyist in the issues of charter school funding and other issues; and,

**WHEREAS**, the firm of Wilson, Elser, Moskowitz, Edelman & Dicker, LLP has offered to represent the School District in litigation in the issue discussed above on a pro bono basis.

**IT IS HEREBY RESOLVED**, that the Superintendent of Schools and Wilson, Elser, Moskowitz, Edelman & Dicker, LLP, working in collaboration with Board Counsel Girvin & Ferlazzo, P.C., are authorized to commence and pursue the appropriate legal action or actions against the New York State Comptroller, New York State Commissioner of Education, and any other necessary and appropriate parties as determined by Counsel to seek the immediate cessation of any such certifications and withholdings and to direct such entities to properly comply with their obligations under the law and regulations as it relates to alleged “unpaid obligations” due from the School District to charter schools.

Mrs. Gaffuri made a motion for approval. Ms. Streznewski seconded the motion. Mr. Hogan advised the Article 78 litigation is an action the District is bringing forward to clarify the certification procedures that the State Education Department is using concerning Charter School payments. Board members noted their support and concern related to this resolution based on the issue that it adversely affects minority students. In the minority community it is tied to race. There needs to be more public discussion regarding the reimbursement of Charter Schools. As the District tries to recruit students back to public schools, the District needs to be mindful of the things that are said related to Charter Schools.

The Board voted 5 ayes, 1 nay (Ms. Green) and 1 abstention (Ms. Mackey)

Motion passed.

Ms. Mackey made a motion to accept the proceedings from the January 20, 2011. Mrs. Gaffuri seconded the motion. Ms. Mackey noted that Ms. Green was present, but is not listed as attending the meeting. Correction will be made to the proceedings.

The Board voted unanimously (7-0) to approve the motion.

Motion passed.

## **DISCUSSION**

### **Policies**

The following policies were presented for review:

- 4321.9 IEP Distribution and Implementation
- 4321.14 IEP Diploma
- 4321.19 Time Out Room
- 5210 Student Organizations
- 5220 School-Sponsored Student Publications

Ms. Jackson Chalmers advised the policies have been reviewed by the Policy Committee, along with counsel and Ms. Sharpe. There was concern related to the wording regarding age of students seeking IEP Diplomas. Clarification will be provided prior to approval. A suggestion was made to include accomplishments in the exit summary. The Time Out Room Policy relates specifically to a Time Out Room. There is one school that was built with a time out room. Most schools use space where students are able to de-escalate. The policy applies to the official Time Out Room. Policy will be presented for action at the next meeting.

### **2011-2012 School Calendar**

Ms. Jackson-Chalmers presented a draft 2011-2012 school calendar for review. Following approval of the BOCES calendar, the calendar is sent to the Superintendent. The Human Resource Department staff formulates a calendar including vacation and holidays. The draft is reviewed by the cabinet and a team of stakeholders. Recommendations and adjustments are sent back to the Superintendent and the final draft is presented to the Board for approval. Should a District exhaust snow days, days from recess days can be used to make up those days and the school year can extend the last day of school. Once approved, the calendar is distributed throughout District.

### **School Election**

Mr. Hogan noted that meetings with the Board of Elections indicate that the Board of Elections is not able to commit to the District using electronic machines. Given the timeline in getting a process ready prior to the April 1, 2011 date for approval of voting locations for the May vote, the District is recommending that the District continue to use the lever machines. The District will take possession of the machine at the time machines are delivered to voting locations in May. The District will store the machines until such time as a transition to electronic machines is in place. The lever machines will then be sold for scrap. Two voting locations will be changed for the vote this year. Arbor Hill Elementary will again be used as a voting site in place of the Capital Woods Apartments and with the closing of Philip Livingston, the Arbor Hill/West Hill Branch of the Albany Public Library. Approval of voting locations and other resolutions related to the school district vote will be presented at the next meeting for approval.

### **BOARD COMMITTEE REPORTS**

Audit Committee met and reviewed a number of policies that will be brought forward to the Board in the near future.

The Curriculum Meeting took place for the first time earlier this week. There are 23 members, 19 of which were present. Membership is composed of 6 administrators, 7 teachers, 4 parents and 1 community member. The group agreed to break up into four separate groups as they review Pre-K through 12, Pre-K-K, 1-5, 6-8 and 9-12 for the purpose of glean information to make informed decisions. Outside organizations will also be included in the discussion. The next meeting is March 15, 2011.

Alternative Education also met as a follow-up to go through the recommendations that were presented to the Board. Attendance was low. Discussion centered around revitalizing the members. The group discussed the possibility of bringing specific ideas and programs before the Board with specific ideas.

### **BOARD MEMBER ITEMS**

Ms. Green expressed her support of the AVID program following a demonstration that was provided for the cabinet members. Dr. Brandon noted her concern of redundancy of program services. Ms. Mackey noted that the provision of the AVID program during the day would be more advantageous to students who are not interested in Saturday sessions.

Mrs. Gaffuri mentioned the middle school enrollment issue. This needs to be a future conversation.

The high school lottery included in excess of 1,600 students. The remaining 500 students will be assigned based on availability based on the same criteria. Racial balance is stable.

Discussion followed regarding the trip to Yonkers to review how their restructuring efforts are proceeding and whether Yonkers is amenable to a visitation. The Superintendent will follow-up on this.

A request was made for clarification of statements to the press as Board members and individuals. As an individual and a taxpayer Board members are entitled to speak on certain issues. However, Board members have been advised that the President of the Board is the person who is authorized to speak on behalf of the Board, to speak on those issues discussed and voted on by the Board. Concern about statements made by Board members should be limited to those items discussed by the Board and are the will of the majority of the Board.

### **Adjournment**

There being no further business, Ms. Mackey made a motion to adjourn. Mrs. Gaffuri seconded the motion. Meeting adjourned at 11:45 p.m.

Respectfully submitted,

Catherine Cutting