

PROCEEDINGS OF THE BOARD OF EDUCATION

July 5, 2005

7:00 p.m.

Albany High School

PRESENT: Scott Wexler
Edward Brown
Susan Kushner
William Barnette
Patricia Fahy
Teneka Frost
Barbara Gaffuri

Dr. Eva Joseph
Jeffrey Honeywell
Terrance White
Linda Jackson-Chalmers

Absent: None

Call to Order:

Mr. Wexler called the meeting to order at 7:10 p.m. All present joined in the Pledge of Allegiance. Mr. Wexler welcomed the members of the audience and thanked them for taking the time to attend the meeting.

SUPERINTENDENT'S REPORT

Dr. Joseph advised the summer school session has started with a smooth opening. The leadership attended an extended cabinet meeting today to review goals for the summer, with a very ambitious agenda on every front, the District continues to maintain focus on achieving excellence. Dr. Joseph noted the APSAA administrators have scheduled a retreat this summer on August 21 – 23, 2005. The focus on this workshop will be achieving excellence through leadership.

Dr. Joseph highlighted the recognition of School 16 by the New York State Education Department as a higher performing, gap-closing school. School 16 is one of 361 elementary schools statewide that have received this recognition. The focus of the recognition is on schools that are exceeding state standards and making adequate yearly progress, while serving a diverse population. Dr. Joseph noted in order to be eligible for recognition at the elementary level a majority of students in the school have had to achieved proficiency in English and Math for all the segregated groups, socio economic status, ethnicity, limited English proficient. All of those groups for which the school is accountable and they needed to have done that for two consecutive years in English and Math. Dr. Joseph noted that is quite a distinction. Dr. Joseph offered congratulations to School 16.

Dr. Joseph noted this evening that the Board of Education would be appointing the Assistant Superintendent for Secondary Education, Mr. Joseph Dragone. Dr. Joseph introduced Mr. Dragone. Dr. Joseph noted this is the first time the position has existed in the District. Dr. Joseph thanked the Board recognizing the need and importance of leadership in order to strengthen programs for all students at the middle and high school level. Dr. Joseph welcomed Mr. Dragone as part of the administrative team.

Dr. Joseph noted the Board of Education would be accepting the resignation of Mr. Gaudette as principal at Hackett Middle School. Dr. Joseph noted Mr. Gaudette has been offered a position at another district. Dr. Joseph assured the Board and the school community that the administration would be moving aggressively forward with a shared decision making process to fill that position as expeditiously as possible, using the District's hiring guidelines.

Dr. Joseph made mention of an article in the *Times Union* relative to salaries in the Albany School District. Dr. Joseph advised she has had some conversation with the editor of the *Times Union* regarding concepts that were confused in that article. Dr. Joseph advised she would be preparing information to be presented to the editor to insure that there is clarification. Dr. Joseph added that this information would be posted on the website.

Dr. Joseph noted Board members would be participating in a workshop next week, July 13, 2005 regarding high school restructuring. Confirmation of the workshop time, location, etc. would be forwarded to Board members upon completion.

PUBLIC INFORMATION

1. Larry Frank addressed the Board relative to naming schools and charter schools.
2. Gulcan Yalniz addressed the Board relative to the Dual Language Program time change.
3. Lois Daly addressed the Board regarding programs and restructuring at Hackett Middle School.
4. John Amidon addressed the Board regarding American History.

Mr. Wexler asked for a motion to amend the agenda to include under Action Items, number iv. approval of a resolution authorizing the District to go forward with litigation. Mr. Brown made a motion to approve the addition to the agenda. Ms. Frost seconded the motion.

The Board voted unanimously to approve the motion.

ROUTINE CONSENT ITEMS

Mr. Wexler presented Routine Consent Items including Proceedings of Meetings for May 19, 2005, June 7, 2005 and June 16, 2005, Resignations, Change from Termination to Resignation, Terminations, Abolish/Create Positions, Resignation/Settlement, Leaves of Absence, Rescind Appointment, Transfers, Appointments (Appointment of Appointment of Interim Assistant Superintendent for Elementary Education, Appointment of Interim Assistant Superintendent for Business Affairs, Extension of Contract for Middle School Planner, Summer School Itinerant Substitute Teachers, Civil Service and Emergency Conditional Appointments), Attendance at Conferences, Treasurer's Report, Central Treasurer's Report for Extra Classroom Activity Fund, Bid Awards, 2004 Budget Transfers under \$10,000, 2004 Budget Transfers over \$10,000, 2005 Budget Transfers under \$10,000, 2005 Budget Transfers over \$10,000, 2005 Budget Adjustment #1, Budget Status Report, Real Property Tax Adjustments and Contracts for Grants and Special Projects (The Reading & Writing Project Network, LLC, Columbia University).

Mrs. Gaffuri made a motion to approve routine consent items. Ms. Frost seconded the motion. Ms. Fahy requested that Transfers and Summer School Appointments be set aside.

The Board voted unanimously to approve the motion absent the items to be set aside.

Mrs. Gaffuri made a motion to approve Transfers. Ms. Fahy seconded the motion. Following discussion Mr. Wexler called for a vote to approve Transfers.

The Board voted 6 ayes, 0 nays and 1 abstention. Mr. Brown abstained. Motion carried.

Mr. Barnette made a motion to approve Summer School Appointments. Ms. Fahy seconded the motion. Following discussion Mr. Wexler called for a vote to approve Summer School Appointments.

The Board voted unanimously to approve the motion.

FACILITIES PROJECT REPORT

Action Items Related to the Facilities Project

Approval of Change Orders

Mr. Wexler presented change orders for Philip Schuyler Achievement Academy, the Middle School at Kelton Court, Montessori Magnet Academy and Schools 20 & 27 for approval. Ms. Frost made a motion to approve change orders. Ms. Fahy seconded the motion.

The Board voted unanimously to approve the motion.

Tile Contract for Schuyler Achievement Academy

Mr. Wexler presented the following resolution for approval.

Board Resolution

Phillip Schuyler Achievement Academy Tile wainscot Bid and Award of Contract

WHEREAS, the City School District of Albany will seek bids on July 6, 2005 for the installation of tile wainscot for Philip Schuyler Achievement Academy (SED # 01-01-00-01-0-059-001) and bids are to be received on July 14, 2005; and,

WHEREAS, the Board of Education of the City School District of Albany will not meet until August 2, 2005; and,

WHEREAS, the Board of Education wishes to delegate the review, determination and award of the contract to the lowest responsible bidder in order to expedite performance for the work pursuant to this bid to Superintendent Joseph so long as such bid does not exceed \$65,000; and,

WHEREAS, the Board of Education shall confirm the award of such contract at its August 2, 2005 board meeting.

THEREFORE IT IS RESOLVED that the Board of Education of the City School District of Albany hereby delegates the determination of the lowest responsible bidder and award of contract to Superintendent Joseph, and authorizes Scott Wexler, Board President, to execute contract between the District and vendor for the installation of tile wainscot for Philip Schuyler Achievement Academy (SED # 01-01-00-01-0-059-001) on the recommendation of the Facilities Project Office.

BE IT FURTHER RESOLVED that the school district administration, architect, and legal counsel are directed to draft and execute necessary documents to commence the project. Mr. Brown made a motion to approve the resolution. Ms. Frost seconded the motion. Mr. Gifford advised one of the economies in the bidding process was the elimination of tile from the corridor. The District has now determined that the amount of damage inside the building without tile is considerable and therefore, would like to include the tile within the existing contract.

Mr. Gifford advised the reason for the special resolution is based on the need to re-bid because of issues with the project contractor. As such, the District preferred to have an independent contractor. Due to time issues, the Board is being asked to authorize the Superintendent to award the bid following the bidding process. The Board will confirm the contract award at the August meeting. Cost of this project will come from unspent monies within the project.

The Board voted unanimously to approve the motion.

Phases E & F of the Facilities Plan

Dr. Joseph gave a comprehensive presentation on the recommendations for Phases E – F of the Facilities Project that include a review of the original timeline, the work completed, additional items that have been explored, and a decision matrix. Dr. Joseph reviewed priority decision considerations including the fact that Arbor Hill Elementary School needs to be replaced due to deterioration of the building, which will require a separate referendum. Dr. Joseph noted School 19 is the next surge space dependent project and design must start immediately in order to stay on schedule and keep the project management team in place. Dr. Joseph noted another consideration is the uncertainty of charter school enrollment and its impact on the District in the next few years. TOAST and Giffen are in the best condition of all the existing schools. Both have the capacity and configuration to adjust to changing enrollment. Both also have critical roof/site repairs that must be made immediately.

Dr. Joseph reviewed the recommendations timeline with renovations at School 19 to start in January 2007 with completion in September 2008. Replace the roof at Giffen and explore the possibility of collaboration with the City and the Library to determine if the building could be used to possibly house a community center and library with a reconfiguration of grades. Drainage improvements and repairs at TOAST would begin in September 2008 and a referendum in May 2006 would go to the voters for approval to build a new school at Arbor Hill to be completed in September 2009. Dr. Joseph reviewed individual recommendations as follows:

School 19

- Start design immediately
- Bid I Fall 06
- Occupy September 08
- Median budget \$15.033 million

AHES

Due to the continued deterioration of the existing building after initial renovations:

- Replace with new school
- Go to referendum May 06

Giffen

- Replace roof Summer 06
- Median budget \$2.29 million

TOAST

- Site work to correct drainage problems
- Repair damage
- Median budget \$.35 million

Dr. Joseph reviewed advantages to the District in approving the recommended plan.

- Contains cost increases.
- Keep project management intact.
- Allows higher level of construction and renovation.
- Addresses School 19 overcrowding and deterioration
- Moves to replace Arbor Hill Elementary School
- Addresses immediate issues at Giffen and TOAST

Mr. Wexler called for a motion to endorse the plan as presented. Mrs. Gaffuri made a motion for approval. Ms. Fahy seconded the motion. Following a lengthy discussion Mr. Wexler called the vote.

The Board voted 5 ayes, 1 opposed and 1 abstention.
Mr. Barnette was opposed. Ms. Frost abstained.

ACTION ITEMS

Appointment of Assistant Superintendent for Secondary Education

Mr. Wexler presented a resolution as follows:

RESOLUTION

Appointment of Assistant Superintendent for Secondary Education

IT IS HEREBY RESOLVED that, upon the recommendation of the Superintendent of Schools, Joseph P. Dragone is appointed to the position of Assistant Superintendent for Secondary Education for the period of August 1, 2005 through June 30, 2008 and the President of the Board of Education is authorized to execute the appropriate employment agreement with Mr. Dragone. Mrs. Gaffuri made a motion to approve the resolution. Ms. Fahy seconded the motion.

The Board voted 6 ayes, 0 nays and 1 abstention. Mr. Brown abstained.

Textbook Adoption Plan for 2005-2006

Mr. Wexler called for a motion to approve the Textbook Adoption Plan for the 2005-2006 school year. Mr. Barnette made a motion to approve the plan. Ms. Frost seconded the motion.

The Board voted unanimously to approve the motion.

Naming of Schools

Mr. Barnette made a motion to approve the recommended names for schools as follow:

- For School 27 - Eagle Point Elementary School
- For School 20 - North Albany Academy

Ms. Kushner seconded the motion.

The Board voted unanimously to approve the motion.

Mr. Wexler called for a motion to amend the agenda to include a discussion of the naming of the middle school at Kelton Court. Seeing no objection, the motion was moved.

DISCUSSION

Naming of the Middle School at Kelton Court

Dr. Joseph advised she had information to present to the Board relative to the name for the middle school at Kelton Court, with the intent to have this item on the August agenda for action in order to have a name in place by September. Dr. Joseph advised the Naming Committee met many times and provided some recommendations. Dr. Joseph presented the Board a memorandum in the spirit of providing a starting point for a name to consider for the school.

Discussion followed relative to choosing a name reflecting the majority of the population in the District. The name of Henry Johnson Academy of Excellence was included in the discussion, along with a request to remove the name of Beverwyck Achievement Academy be removed from consideration based the background of this name. The Board also discussed the name of Stephen Myers, who became the publisher in the 1840's of the Northern Star and Freeman's Advocate.

Dr. Joseph noted this committee struggled more than others in terms of identifying names. Dr. Joseph noted one of the things that the cabinet talked about is that this is not an established school yet and the school hasn't established its "culture". Dr. Joseph noted she would take the suggestions discussed this evening back to the committee for continuing exploration. Dr. Joseph noted the goal is to have a name in place for the ribbon cutting ceremonies in September.

Mr. Wexler advised this item would be placed on the August agenda for action.

Resolution on Litigation Authorization

Mr. Wexler presented the following resolution for consideration and action by the Board.

LITIGATION AUTHORIZATION RESOLUTION

WHEREAS, the City School District of Albany (District") commenced an Additions and Alterations Capital Project in 1994 relating to the Albany School of Humanities (the "Project"); and,

WHEREAS, the District retained Einhorn, Yaffee Prescott Architecture & Engineering, P.C. ("EYP") as its design professional on the Project and retained York Hunter of New York, Inc. ("York Hunter") as its Construction Manager on the Project; and,

WHEREAS, the contract for general construction on the Project was awarded to R.W. Granger & Sons, Inc. ("Granger") and the contract for electrical contract on the Project was awarded to Clifford R. Gray, Inc. ("Gray") and each contractor subsequently submitted claims and commenced litigation seeking additional compensation from the District pursuant to such contacts; and,

WHEREAS, the District, EYP, and York Hunter entered into an Agreement concerning the defense of such claims which contains provisions for indemnification and/or contribution; and,

WHEREAS, Gray and Granger were each ultimately successful in obtaining judgments against the District in which they were awarded damages; and,

WHEREAS, the District believes it is entitled to indemnification and/or contribution from EYP and/or York Hunter for said damages.

IT IS HEREBY RESOLVED: that The Mills Law Firm (Gregory S. Mills, Esq.) as counsel retained by the District on this claims of Gray and Granger is authorized to commence any and all necessary legal actions against EYP and York Hunter and any other involved parties to protect the interests of the District concerning said matters including, but not limited to, seeking indemnification and contribution for said damages.

Mr. Barnette made a motion for approval. Mrs. Gaffuri seconded the motion. Mr. Honeywell advised after the renovation of Albany School of Humanities, Clifford R. Gray, the electrical contractor and Granger & Co., the general contractor, brought claims against the District. The District, its architect Einhorn, Yaffee, Prescott and its construction manager, York Hunter entered into a joint defense agreement to jointly defend against those claims, which was largely successful in the sense of the original claims that ultimately were upheld by the court were substantially reduced. However, they were unsuccessful in that ultimately the court did find and award damages against the School District for each of those two contractors. In those same

rulings, the court made certain findings that the responsibility of the design professional and construction manager played a large part in what exposure was ultimately upheld. This authorization authorizes Greg Mills on behalf of the District to file the necessary actions to recoup from them a share of the damages that were paid by the District some time ago.

The Board voted unanimously to approve the motion.

BOARD COMMITTEE REPORTS

Mr. Brown advised the Academic Committee met on June 20th. The group discussed retention and promotion, high school graduation rates, an overview of CDEP and the after school tutoring programs. The committee also discussed more meaningful report cards in the higher grades and a Tennessee Study, a comprehensive study on class size that shows the impact of small class sizes in the lower grades (K – 3) on graduation rates. Proposals will be submitted to the Board for consideration.

Ms. Fahy advised the Intergovernmental Committee met. Dr. Joseph noted the SUNY Trustees would be meeting to discuss the 8th charter school on July 15, 2005. A letter to legislators was sent at the request of the Board and a follow-up meeting with the Co-Presidents of the City Council PTA, along with the communication office staff to discuss follow-up strategies. Dr. Joseph advised she called Assemblyman Sanders Office to engage support for the formal request made to the Charter Schools Committee of the SUNY Board of Trustees and the best information at this point is that the Board is meeting on July 15th and that the committee will meet prior to that date. Dr. Joseph advised she received word from the Charter Schools Institute that both a speaking opportunity as well as the date and time of the meeting should be confirmed some time soon. Dr. Joseph noted she is calling daily in order to determine when that will occur.

Ms. Kushner advised the Audit Committee met with Mr. George prior to his departure. Ms. Kushner noted the committee discussed the school lunch billing and special education costs for charter schools, the efforts of the state aid consultant in seeking reimbursement for the District. Ms. Kushner noted the members of the committee felt that there are a number of good, positive issues happening in the District and that the District is in a much better place having had the experience of Mr. George, who started a number of initiatives that are up and running.

BOARD MEMBER ITEMS

Mr. Brown distributed a report on the NYSBA Conference on Urban Issues he recently attended in Boston. Mr. Brown also distributed a copy of the book used at the conference. Mr. Brown advised he would be making recommendations to the Board based on information he received at the conference. Mr. Brown thanked the Board for the opportunity to attend the conference.

Mr. Brown advised the application for the School Based Health Clinic needs to be filed by the end of July to apply for federal or state funds. Mr. Brown advised this applicant would seek funds for 2006. The opportunity to submit another application will not be available until 2011.

Mr. Brown advised Big Brothers Big Sisters is hosting a Wine Classic on Tuesday, July 12, 2005 at the Palace Theatre. Mr. Brown extended invitations to Board members for the event.

Mr. Brown advised the valedictorian at Harriett Gibbons, Jessica Johnson, was also a winner in the Black History Creative Expressions Contest.

Mr. Barnette advised bills have been passed both in the Assembly and the Senate that changes the Social Services Law that removes the barrier for local school districts to bring in on-site professional health care providers for the provision of health care, mental health and dental services without necessarily meeting the requirements of a School Based Health Center. Mr. Barnette advised the Governor has to sign the bill. Following that signature, the District will be able to provide external providers to children and then they would file their reimbursement without meeting the requirements of a formal School Based Health Center. Mr. Barnette advised he would be sending an email with this information to the attention of the superintendent.

Ms. Kushner noted in the very near future she would be seeking support from the Board to approve a resolution urging the Mayor and the Common Council to put fluoride in the City water supply. Ms. Kushner noted this is a critical piece of student's health and the health of all children in the City of Albany. Mrs. Gaffuri and Ms. Fahy noted their support in getting this item on a future agenda as a discussion item.

Ms. Fahy advised the National School Board Association newsletter includes an article on charter schools that might be useful in terms of addressing charter schools in the District. Ms. Fahy also noted an article about 'Early College High Schools'. Ms. Fahy asked that this be forwarded to Board members.

Adjournment

There being no further business, Mr. Barnette made a motion to adjourn the regular session and to convene an Executive Session for discussion of particular personnel. Mr. Brown seconded the motion. Meeting was adjourned at 9:50 p.m.

Catherine L. Cutting
Clerk of the Board