

EASTPORT-SOUTH MANOR CENTRAL SCHOOL DISTRICT BOARD OF EDUCATION

Nicholas Vero, President • Cheryl Hack, Vice President
Marie Brown • Marion Diener • Jeffrey Goldhammer • Karen Kesnig • Danielle Warsaw

Sharon P. Murray, District Clerk

Patrick K. Brimstein, Ed.D., Superintendent of Schools

Stuart Berman, District Treasurer

Timothy Laube, Assistant Superintendent for Business & Operations
Linda A. Weiss, Assistant Superintendent for Personnel and Accountability

MEETING AGENDA

Board Room - Junior-Senior HS

January 9, 2019

7:00 P.M.

CALL TO ORDER

PLEDGE OF ALLEGIANCE – Tuttle Avenue Students

PRESENTATIONS

- A. Student Ambassador Hanna Engelhardt

ACCEPTANCE OF MINUTES

- A. December 12, 2018 Regular Meeting
- B. January 2, 2019 Special Meeting

REPORTS/ANNOUNCEMENTS – SUPERINTENDENT OF SCHOOLS

PUBLIC PARTICIPATION – 1ST INVITATION

Please Note: This is the opportunity for persons who wish to speak or who have written letters to the board regarding topics that are included on this agenda. Speakers are asked to keep their comments brief, and to speak for no longer than five minutes.

AREAS OF OPERATION

A. Business Report

1. BE IT HEREBY RESOLVED, upon the recommendation of the Superintendent that the Board approve a budget transfer for the 2018/19 school year in the amount of \$152,025.00.
2. Approval of Treasurer's Reports for October, 2018
3. WHEREAS, on January 1, 2019, the New York State Minimum Wage will increase from \$11 per hour to \$12 per hour,

NOW, THEREFORE BE IT RESOLVED, upon the recommendation of the Superintendent that the Board of Education approve any district employee being paid less than \$11 per hour, be increased to the new minimum wage rate of \$12 per hour, effective January 1, 2019.

4. BE IT HEREBY RESOLVED, upon the recommendation of the Superintendent that the Board approve Sterling National Bank as an official district depository.

B. Curriculum and Instruction Report

1. New STEM Courses – Dr. Grossane

C. Personnel Report

1. Resignations – 10
2. Leave of Absence – 9
3. Appointments
 - a. Teacher – 1
 - b. Teaching Assistant – 3
 - c. Permanent Substitute Teacher – 4
 - d. Per Diem Substitute – 1
 - e. Civil Service – 6
4. Extra Curricular Activities – 6
5. Interscholastic Appointments – 2
6. Supplemental Pay – 16
7. Student Teacher/Observer/Internship - 3
8. BE IT RESOLVED, upon the recommendation of the Superintendent that the Board of Education hereby recalls the employment of the following individual from the preferred eligibility list for the Elementary Teacher tenure area to fill the vacancy caused by a retirement, effective February 4, 2019:

<u>Name</u>	<u>Tenure Area</u>	<u>Position</u>
Charissa Voss	Elementary Teacher	1.0

OLD BUSINESS

- A. Overnight Field Trip – All-Eastern United States Honors Ensembles
- B. Review of Lockdown Drill

NEW BUSINESS

- A. BE IT HEREBY RESOLVED, upon the recommendation of the Superintendent that the Board of Education approve the Special Education Services Agreement with West Islip Union Free School District for the 2018/19 school year and authorizes the Board President or designee to sign on behalf of the District.
- B. BE IT HEREBY RESOLVED, upon the recommendation of the Superintendent that the Board of Education approve the continuation of the Senior Citizens and Person with Disabilities and Limited Income Exemptions, as per Chapters 186, 187 and 252 of the Laws of 2006:

MAXIMUM INCOME			
UNDER		\$29,000	50%
\$29,001	TO	\$29,999	45%
\$30,000	TO	\$30,999	40%
\$31,000	TO	\$31,999	35%
\$32,000	TO	\$32,899	30%
\$32,900	TO	\$33,799	25%
\$33,800	TO	\$34,699	20%
\$34,700	TO	\$35,599	15%
\$35,600	TO	\$36,499	10%
\$36,500	TO	\$37,399.99	5%

- C. BE IT HEREBY RESOLVED, upon the recommendation of the Superintendent that the Board of Education approve the continuation of the Volunteer Firefighters and surviving spouse and Ambulance Workers and surviving spouse Tax Exemption for the Towns of Brookhaven, Southampton and Riverhead, effective March 1, 2019.
- D. BE IT HEREBY RESOLVED, upon the recommendation of the Superintendent that the Board of Education approve the continuation of the Gold Star Parents Exemption pursuant to Real Property Tax Law 458-a, subdivision 7, paragraph (b), effective March 1, 2019.
- E. BE IT HEREBY RESOLVED, upon the recommendation of the Superintendent that the Board of Education approve the continuation of the Veterans Tax Exemption, pursuant to Real Property Tax Law 458-a, subdivision 2, paragraphs (a), (b), and (c), effective March 1, 2019.
- F. BE IT HEREBY RESOLVED, upon the recommendation of the Superintendent that the Board of Education approve the continuation of the Cold War Veterans Tax Exemption, pursuant to Real Property Tax Law 458-b, subdivision 2, effective March 1, 2019.
- G. BE IT HEREBY RESOLVED, upon the recommendation of the Superintendent that the Board accept the donation of \$217.41 from the South Manor PTA, to cover the cost of transportation for the “Stuff A School” field trip, and

FURTHER BE IT RESOLVED, that the Board approve a budget adjustment for the 2018/19 school year in the amount of \$217.41 to Code A5540.410-DA-0000.

- H. BE IT HEREBY RESOLVED, upon the recommendation of the Superintendent that the Board accept the donation of \$1,137.28 from the Eastport Tuttle PTO, to cover the costs of transportation and nursing for the EES 4th grade field trip to Theatre Three, Port Jefferson on December 11, 2018, and

FURTHER BE IT RESOLVED, that the Board approve the following budget adjustments for the 2018/19 school year: \$770.28 to Account Code A5540.410-EP-0000 and \$367.00 to Account Code A2815-140-00-0000.

- I. BE IT HEREBY RESOLVED, upon the recommendation of the Superintendent that the Board of Education declare the following special education department equipment as obsolete as they are outdated:

Two iPad Air (#89 & 92) – Asset Tag Nos. 20140516 & 20140519
Two iPad 2 (#42 & 43) – Asset Tag Nos. 20100713 & 20100712

- J. BE IT HEREBY RESOLVED, upon the recommendation of the Superintendent that the Board of Education declare one Ice Machine, Inventory No. 20070591, located in the athletic department, as obsolete as it is broken beyond repair.
- K. BE IT HEREBY RESOLVED, upon the recommendation of the Superintendent that the Board of Education approve the Junior-Senior High School Course Catalog for the 2019-2020 school year.

STUDENT SERVICES

- A. Acknowledge receipt and review of recommendations from the Committees on Special Education.

POLICY

- A. Second Reading – Policy No. 8505, “Charging” School Meals and Prohibition against Shaming
- B. First Reading – Policy No. 1500, Community Use of School Facilities
- C. First Reading - Policy No. 9645, Disclosure of Wrongful Conduct

BOARD COMMITTEE REPORTS

- Budget Advisory Committee
- Health & Safety Committee
- Facilities Committee
- Legislative Committee

- Policy Review Committee
- Security Committee

COMMUNICATIONS ACKNOWLEDGEMENT

- Claims Audit Report for November from Nawrocki Smith
- Warrants including Revenue Budget Status and Appropriation Status Reports as of 12/27/18
- ES BOCES Executive Briefing
- NYSPHSAA Community Service Challenge Champions

GENERAL DISCUSSION

ESM PRIDE

PUBLIC PARTICIPATION – SECOND INVITATION

DATES TO REMEMBER

January 16 th	Special Board Meeting – 5:30 PM at the District Office
January 21 st	SCHOOLS & OFFICES CLOSED – Martin Luther King, Jr. Day
January 23 rd	Board of Education Meeting – 7:00 PM
	<i>Executive Session anticipated to begin at 5:30 PM</i>

ADJOURNMENT

Regular Board of Education Meeting December 12, 2018

A regular meeting of the Board of Education of the Eastport-South Manor Central School District, Suffolk County, New York, was held in the Board Meeting Room, Eastport-South Manor Jr. Sr. High School, Manorville, New York on **December 12, 2018**.

Board of Education Members present: Mrs. Marie Brown, Mrs. Marion Diener, Mr. Jeffrey Goldhammer, Mrs. Karen Kesnig, Mr. Nicholas Vero, Mrs. Danielle Warsaw.

Member absent: Mrs. Cheryl Hack.

Also Present: Patrick Brimstein, Superintendent of Schools, Timothy Laube, Assistant Superintendent for Business and Operations; Linda Weiss, Assistant Superintendent for Personnel and Accountability; Sharon Murray, District Clerk

The meeting was called to order.

EXECUTIVE SESSION

MOTION made by Marion Diener, seconded by Jeffrey Goldhammer for the Board to enter into executive session at 6:00 p.m. for the purpose of discussing a specific personnel matter.

Vote: Yes – 6, No – 0, Absent - 1.

MOTION made by Karen Kesnig, seconded by Marie Brown for the Board to reconvene to public session at 7:00 p.m.

Vote: Yes – 6, No – 0, Absent - 1.

The Pledge was led by Eastport Elementary sixth grade chorus students Grace Archbold, Sarah Bielski, Lily Connor, Anabelle Curcio, Lauren D'Angelo, Casey DaSilva, Nicolas DeCastro, Grace DeMeo, Katarina Dieta, Olivia Dragonette, Gianna Fazzolari, Carter Fiori, Eden Fuata, Victoria Gambino, Kayleigh Grabowski, Kathleen Greenrose, Ellee Herr, Joseph Impastato, Katie Kenavan, Andrew Kluse, Zachary Lukas, Olivia Maler, Alyssa Masino, Morgan Peters, Liliana Recine, Andrea Sammarco, Jasmine Taylor, Dylan Wayrich. Under the direction of Mr. Frederick, the students sang the National Anthem and two holiday songs. Great job!

PRESENTATION

Student Ambassador Sabrina Schumacher reported on the JSHS events and accomplishments for the past month and the upcoming events for December.

Mr. Steimel and Dr. Christie presented the schedules of the music staff of DAS and EES.

MINUTES

The minutes of the November 14, 2018 regular meeting and the November 26, 2018 special meeting were accepted.

REPORTS/ANNOUNCEMENTS

- There will be no changes to the scheduling model next year at the JSHS. The administration will be researching some future changes such as an advisement period.
- Safety is a top priority for the Board and Administration. We have been having conversations with other schools and law enforcement. Dr. Brimstein and administrators from the JSHS attended a very informative conference at Hofstra which was presented by the US Secret Service. It is agreed by all stakeholders that early proactive intervention practices prevents violence.
- Wednesday, there was a meeting with the Smart Bond consultants and the building principals to review the placement of security cameras both inside and outside the buildings and to make sure that any blind spots are addressed.
- There were a few instances at the high school this week. The first being the water leak which was quickly brought under control. It was discovered that a pipe did not burst but a fitting clamp deteriorated. Thank you to the faculty and staff for securing the safety of the students. There was also a prank with a water bottle in the cafeteria which was quickly and fully investigated and the student involved was held accountable for his actions. Unfortunately, social media posted both instances with incorrect information which may have caused anxiety to some. Please know that our administration is aware of situations that occur and will release information once the fact finding is complete.
- DAS had their Sweethearts & Heroes Assembly and their winter concert.
- TAS hosted author Rachel Burlew who read “The Night the Elves Took Back Christmas” to the students.
- SSS Kindergarten went to see Rainbow Fish at the Westhampton Beach Theatre. Thank you to the PTA for providing this trip to our students.
- If you want to get in the holiday spirit, just attend one of our holiday concerts.

PUBLIC PARTICIPATION

None.

AREAS OF OPERATION

BUSINESS REPORT

Mr. Laube reported that the meeting with the Smart Bond consultant and principals was very productive. The new security cameras will be able to provide better viewing access.

Consent Agenda

MOTION made by Marie Brown, seconded by Jeffrey Goldhammer for the Board to approve a consent agenda for the following business office matters:

Vote: Yes – 6, No – 0, Absent – 1.

2019/2019 Budget Calendar

BE IT HEREBY RESOLVED, upon the recommendation of the Superintendent that the Board of Education approve the 2019/2020 budget calendar.

Budget Adjustments

BE IT HEREBY RESOLVED, upon the recommendation of the Superintendent that the Board of Education approve the budget adjustments to the following codes for the donations that were approved at a prior board meeting:

To Account Code	Description	Amount
A5540.410-HS-0000	Transportation	\$ 7,459.95
A5540.410-TA-0000	Transportation	\$ 1,027.04
A9020.800-00-0000	TRS	\$ 225.25
A9030.800-00-0000	SS/MEDI	\$ 228.94
A2815.140-00-0000	Sub Nurse	\$ 367.00
A2850.150-00-CHAP	Chaperone	\$ 276.02
A2850.150-00-0000	Chaperone/Teacher Cost	\$ 1,845.00
A2110.140-00-0000	Sub Teacher Cost	\$ 524.67
A2110.400-HS-OTHT	Contractual Fee	\$ 710.00
	TOTAL	\$ 12,663.87

CURRICULUM AND INSTRUCTION

Mr. Frankel presented the Elementary School Performance Data.

HUMAN RESOURCES

MOTION made by Karen Kesnig, seconded by Marie Brown for the Board to approve a consent agenda for the following personnel matters:

Vote: Yes – 6, No – 0, Absent – 1.

Resignations

NAME	AREA	REASON	EFFECTIVE
Channing, Marguerite	Senior Office Assistant (EES)	Retirement	7/1/19
Denninger, Ashlee	Teacher Assistant (TAS)	Personal	12/15/18
Falcon, Jennifer	Teacher Aide (TAS)	Personal	11/14/18 *Resigned before starting
Heller, Matthew	Permanent Substitute (JH./HS)	Personal	11/21/18
Juliano, Keri-Ann	Teacher Aide (DAS)	Personal	11/10/18
Knotoff, Karenann	Teacher Aide (JH/HS)	Personal	11/17/18
Kubinski, Diane	Permanent Substitute (TAS)	Personal	12/15/18
Mondi, Roseann	Teacher Aide (TAS)	Personal	12/8/18
SanFilippo, Nicole	Library Media Specialist (DAS/EES)	Personal	12/8/18

Leave of Absence

NAME	AREA	REASON	EFFECTIVE
Employee #1295	Math Teacher (JH/HS)	FMLA	11/12/18-12/2/18 *Revised ending date
Lange, Jenna	Permanent Substitute (DAS)	Personal	12/5/18-3/22/19
Malsky, Keith	Teacher Assistant (JH/HS)	Personal	Rescind 12/20/18
McGuire, Darlene	Teacher Assistant (EES)	Personal *See Section 3D	9/4/18-12/12/18 *Revised Ending Date
Employee #391	Special Education Teacher (DAS/SSS)	Intermittent FMLA	12/3/18-6/30/19
Employee #2440	Teacher Aide (EES)	FMLA	11/26/18-12/5/18
Employee #3277	School Media Specialist (EES/DAS)	FMLA	11/14/18-1/18/19 *Date Correction
Employee #1569	Teacher Aide (DAS)	Intermittent FMLA	10/13/18-1/13/19
Employee #616	Custodial Worker I (JH/HS)	FMLA	11/26/18-12/7/18

Appointments

The following appointments are conditional, subject to clearance approval by the State Education Department fingerprinting check:

PERMANENT SUBSTITUTES

NAME	BUILDING	SALARY	EFFECTIVE
Bacchi, John	Jr/Sr High School	\$135.00/day	12/13/18-6/25/19
Sulzer, Kristin	Jr/Sr High School	\$135.00/day	12/13/18-6/25/19

PER DIEM SUBSTITUTES

NAME	AREA	SALARY	EFFECTIVE
Bernath, Matthew	Custodian	\$15.00/hr	12/13/18-6/30/18
Cahill-Pacella, Cathleen	Registered Nurse	\$140.00/day	12/13/18-6/30/19
Caperna, Mark	Teacher	\$100.00/day	12/13/18
Carson, Edward	Custodian	\$15.00/hr	12/13/18-6/30/18
Cuervo, Angel	Custodian	\$15.00/hr	12/13/18-6/30/18
Gionta, Kristen	Clerical Sub	\$11.00/hr days 1 – 90 \$15.00/hr after day 90 retro to 1 st day of assignment	11/13/18-12/17/18
McGuire, Darlene	Teacher Aide	\$11.00/hr	11/15/18-12/13/18

CIVIL SERVICE

NAME	AREA	SALARY	EFFECTIVE
Gilbert, Monique	Teacher Aide	\$12.76/hr	11/15/18
Johnson, Dawn	Teacher Aide	\$12.97/hr	12/10/18
Macomber, Melanie	Custodial Worker I (TAS) *Permanent Appointment	\$39,092 Prorated	1/6/19
Young, Suzanne	Teacher Aide – 6.5 hrs/day	\$11.00/hr	12/13/18

Extra Curricular Activities

NAME	AREA	SALARY
Borkowski, Toni	HS Spring Musical 2018-2019 Director	\$6,318
Graf, Daniel	HS Spring Musical 2018-2019 Musical Director	\$4,106
Hogan, Brendan	HS Spring Musical 2018-2019 Pit Conductor	\$3,793
McNeill, Carol	HS Spring Musical 2018-2019 Producer	\$2,529
Raynor, Clinton	HS Spring Musical 2018-2019 Tech Director & Designer	\$4,424
Vertichio, Stephanie	HS Spring Musical 2018-2019 Choreographer	\$3,793
TBD	HS Spring Musical 2018-2019 Master Carpenter	\$3,162
TBD	HS Spring Musical 2018-2019 Scenic Artist/Prop Person	\$2,529
TBD	HS Spring Musical 2018-2019 Lighting Designer	\$2,529
TBD	HS Spring Musical 2018-2019 Sound Designer	\$2,529
TBD	HS Spring Musical 2018-2019 Costume Designer	\$2,529

Interscholastic Appointment**WINTER COACHES (2018/2019)**

NAME	AREA	SALARY
Muro, Bruce	Varsity Track (Asst) (2 of 2 coaching positions)	\$5,762

Supplemental Pay

NAME	AREA	SALARY
Baris, Jason	AIS 2018-2019	\$51.00/hr
Coursey, Amanda	ABA Provider 2018-2019	\$57.00/hr
DeNaro, Patricia	Substitute 1:1 Garden Club Chaperone 2018-2019	\$13.31/hr
Duffy, Christine	Junior Parent Night 11/27/18	\$87.24/hr – not to exceed 3 hours

Eaton, Laura	ABA Provider 2018-2019	\$57.00/hr
Greco, Lisa	Substitute 1:1 Garden Club Chaperone 2018-2019	\$12.82/hr
Jordan, Melissa	ABA Provider 2018-2019	\$57.00/hr
Landy, Michelle	1:1 Garden Club Chaperone 2018-2019	\$11.92/hr
McDermott, Michael	ABA Provider 2018-2019	\$57.00/hr
Pallotta, Courtney	ABA Provider 2018-2019	\$57.00/hr
Patrick, Andrea	ABA Provider 2018-2019	\$57.00/hr
Polistina, Samantha	ABA Provider 2018-2019	\$57.00/hr

Student Teacher/Observer/Internship

NAME	AREA	SCHOOL	Effective
Sullivan, Brenna	School Counselor	Capella University	1/7/19-6/14/19

Benefits Agreements

BE IT HEREBY RESOLVED, upon the recommendation of the Superintendent that the Board of Education approve the Benefits Agreements for the 2018/2019 school year with the following school administrators:

- Tim Laube, Assistant Superintendent for Business and Operations
- Linda A. Weiss, Assistant Superintendent for Personnel and Accountability

Employment Recall – Civil Service

BE IT HEREBY RESOLVED, upon the recommendation of the Superintendent that the Board of Education hereby recalls the employment of the following individual from the preferred eligibility list for Clerk Typist, effective January 3, 2019.

- Sheree Ugenti-Jones

OLD BUSINESS

- Junior-Senior High School Extra Curricular Clubs that are currently running.

NEW BUSINESS

Consent Agenda

MOTION made by Marion Diener, seconded by Karen Kesnig for the Board to approve a consent agenda for the following resolutions:

Vote: Yes – 6, No – 0, Absent – 1.

Board of Education Goals 2018/2019

BE IT HEREBY RESOLVED, the Board of Education hereby adopts the following Board of Education Goals for the 2018/2019 school year:

Learning Culture

The Board of Education acknowledges the need to improve the environment where all children learn while continuing to address their social, emotional, physical, and intellectual development.

Fiscal Sustainability

The Board of Education working with administration will cultivate an environment of fiscal responsibility working within our district as well as reaching out to our local and state representatives.

Community Connection

The Board of Education recognizes the need to involve our community in the culture of our schools. It will hold open meetings which will provide pertinent information to the community.

Section 72 Medical Examination

RESOLVED, that pursuant to Section 72 of the Civil Service Law, the employee named in executive session and referred to as Employee "A" is hereby directed to appear for a medical examination in the office of Christina Conciatori-Vaglica, MD at the date and time scheduled by the Superintendent of Schools, or designee, and it is

FURTHER RESOLVED, that Mark Arland of The IMA Group is hereby appointed as medical inspector selected through the Suffolk County Civil Service Commission pursuant to Section 72 of the Civil Service Law in order to evaluate said employee's ability to perform her clerical duties.

CPR Instructor

BE IT HEREBY RESOLVED, upon the recommendation of the Superintendent that the Board of Education approve Debbie Martino as a CPR Instructor for the 2018/2019 school year at a rate of \$40.00 per hour, not to exceed twenty (20) hours.

Health & Welfare Contracts

BE IT HEREBY RESOLVED, upon the recommendation of the Superintendent that the Board of education approve the Health & Welfare Services Contract for the 2018/2019 school year with West Islip School District for students attending private and/or parochial school in their district and authorizes the Board President or designee to sign on behalf of the District.

Donation – Kiwanis Club

BE IT HEREBY RESOLVED, upon the recommendation of the Superintendent that the Board of Education hereby accepts the donation of \$325.00 from the Kiwanis Club of Greater Westhampton NY, Inc., with said funds to be allocated to the ESM JSHS Student Council Activity Account.

Donation – Eastport Tuttle PTO

BE IT HEREBY RESOLVED, upon the recommendation of the Superintendent that the Board of Education accept the donation of \$2,096.98 from the Eastport Tuttle PTO which covers the costs of the TAS second grade field trip to the Smithtown Historical Society, and

BE IT FURTHER RESOLVED, the donation be allocated as a budget adjustment as follows:

To Account Code	Description	Amount
A5540.410-TA-0000	Transportation	\$ 995.98
A2815-140-00-0000	Sub Nurse	\$ 1,101.00
	TOTAL	\$ 2,096.98

Donation – South Manor PTA

BE IT HEREBY RESOLVED, upon the recommendation of the Superintendent that the Board of Education accept the donation of \$880.52 from the South Manor PTA which covers the costs of the SSS kindergarten class field trip to the Westhampton Beach Theatre, and

BE IT FURTHER RESOLVED, the donation be allocated as a budget adjustment as follows:

To Account Code	Description	Amount
A5540.410-SS-0000	Transportation	\$ 513.52
A2815-140-00-0000	Sub Nurse	\$ 367.00
	TOTAL	\$ 880.52

Overnight Field Trip – Wind Ensemble & Concert Choir

BE IT HEREBY RESOLVED, upon the recommendation of the Superintendent that the Board of Education approve the overnight field trip for the Wind Ensemble and Concert Choir Spring Competition in Boston, MA, from April 25 to April 28, 2019, with said costs to be paid by booster club donations.

Overnight Field Trip – Varsity Wrestling Team

BE IT HEREBY RESOLVED, upon the recommendation of the Superintendent that the Board of Education approve the overnight field trip for the Varsity Wrestling Team to compete in the 2019 Eastern States Wrestling Classic in Loch Sheldrake, NY from January 10 to January 12, 2019, at no cost to the district, and

FURTHER BE IT RESOLVED, that the Board of Education acknowledges that the ESM Wrestling Booster Club paid the \$500.00 participation fee for students to participate.

Obsolete Equipment

BE IT HEREBY RESOLVED, upon the recommendation of the Superintendent that the Board of Education declare the following materials and/or equipment as obsolete:

Special Education Department
One box of testing materials – Test of Written Language – Second Edition
WJ III Compuscore Profiles Program CD-ROM'S

South Street Cafeteria Office
One HP Laserjet Pro Printer – Tag #20081542

Overnight Field Trip

MOTION made by Karen Kesnig, seconded by Marie Brown for the Board to adopt the following resolution:

MOTION made by Karen Kesnig, seconded by Nicholas Vero for the Board amend the motion to approve only the participation fees for the students and to table any other expenses until the January board meeting.

Vote: Yes – 6, No – 0, Absent – 1.

BE IT HEREBY RESOLVED, upon the recommendation of the Superintendent that the Board of Education approve the participation fees for three students for the overnight field trip to compete at the All Eastern United States Honors Ensembles in Pittsburgh, PA, from April 4 to April 7, 2019.

STUDENT SERVICES

Acknowledged receipt and review of recommendations from the Committees on Special Education.

POLICY

First Reading – Policy No. 8505, “Charging” School Meals and Prohibition Against Shaming

Adoption – Policy No. 0110, Sexual Harassment

MOTION made by Karen Kesnig, seconded by Nicholas Vero for the Board to waive the second reading and adopt Policy No. 0110, Sexual Harassment.

Vote: Yes – 6, No – 0, Absent – 1.

COMMITTEE REPORTS

Health & Safety Committee

- The committee will be focusing more on the health aspect as the safety issues are being addressed by the Security Committee.
- Mr. Madsen reported to the committee about the vaping challenges and student access to bathrooms.
- AEDs and the maintenance of their enclosures.
- Stop the Bleed will be discussed at the next meeting.

Legislative Committee

- Met with Dan Panico regarding the north Sunrise Service Road and the new development going in. William Floyd School District is agreeable to join in this effort as it impacts their school also.

Policy Review Committee

- The next meeting is January 17th.

Security Committee

- Holding off until January for future meetings.
- Dr. Brimstein discussed the conference he attended at Hofstra.
- Discussed hiring armed security guards through a security company vs district hiring.
- Mr. Laube, instead of committee members, will be reaching out to neighboring school districts to inquire about their policies and procedures for armed guards.
- Spoke about whether guards would be outside or inside the building. With the new technology being installed, there is a possibility that the armed guard would have access via a mobile device.
- Mrs. Diener wanted to stress that the Board did not agree to armed guards inside the building.
- Mr. Vero wanted to clarify that the Board did not agree to armed guards outside the building, but agreed to look into the feasibility of having them at the buildings.

COMMUNICATIONS ACKNOWLEDGEMENT

Claims Audit Report for October from Nawrocki Smith; Warrants including Revenue Budget Status & Appropriation Status Reports as of 12/6/2018; SCOPE Fall 2018 Forum Newsletter; NSSBA Conference – LI Public Schools Meet the Challenges of Shifting Political and Educational Landscapes; Longwood Regional Legislative Breakfast; NYSSBA Advocacy Update; Section XI correspondence – Emergency Event Management Course; ES BOCES Highlights; ESM Junior Parent Night.

GENERAL DISCUSSION

Approval – Book Lending Library

MOTION made by Marie Brown, seconded by Danielle Warsaw for the Board to approve the service learning project proposal submitted by Eastport Girl Scout Troop 3200 for the Book Lending Library to be placed at both the TAS playground and the EES playground.

Vote: Yes – 6, No – 0, Absent – 1.

ESM PRIDE

- Congratulations to board member Cheryl Hack for receiving the Marilyn Cross Golden Whistle Award. Mrs. Hack was recognized at the Suffolk County Field Hockey Coaches Association 2018 Awards Ceremony. This recognition is given by the coaches to the top official of the season.
- Congratulations to Dr. Theresa Grossane who successfully defended her dissertation.
- The junior high school play. The students did an outstanding job.
- The Blackbox student performance.

PUBLIC PARTICIPATION

None.

ADJOURNMENT

MOTION made by Karen Kesnig, seconded by Marie Brown for the Board to adjourn the meeting at 9:20 p.m.

Vote: Yes – 6, No – 0, Absent - 1.

Respectfully submitted,

Sharon P. Murray
District Clerk

Special Board of Education Meeting January 2, 2019

A special meeting of the Board of Education of the Eastport-South Manor Central School District, Suffolk County, New York, was held in the Conference Room, Eastport-South Manor Central Administration Office, Manorville, New York on **January 2, 2019**.

Board of Education Members present: Mrs. Marie Brown, Mrs. Marion Diener, Mr. Jeffrey Goldhammer, Mrs. Cheryl Hack, Mrs. Karen Kesnig, Mr. Nicholas Vero, Mrs. Danielle Warsaw.

The meeting was called to order with the Pledge of Allegiance.

EXECUTIVE SESSION

MOTION made by Jeffrey Goldhammer, seconded by Marion Diener for the Board to enter into executive session at 5:45 p.m. for the purpose of discussing a specific personnel matter.

Vote: Yes – 7, No – 0.

MOTION made by Marion Diener, seconded by Jeffrey Goldhammer for the Board to reconvene the meeting at 8:00 p.m.

Vote: Yes – 7, No – 0.

ADJOURNMENT

MOTION made by Jeffrey Goldhammer, seconded by Marion Diener for the Board to adjourn the meeting at 8:00 p.m.

Vote: Yes – 7, No – 0.

Respectfully submitted,

Sharon P. Murray
District Clerk

Required
 Local
 Notice

“CHARGING” SCHOOL MEALS AND PROHIBITION AGAINST SHAMING

***NOTE:** As part of the 2018-19 NY state budget, Education Law §908 requires certain* school districts that participate in the National School Lunch Program or School Breakfast Program to take actions to prevent student “meal shaming.” This includes providing a student who has insufficient funds with the reimbursable meal of the student’s choice (i.e., alternate meals are no longer permitted), unless the parent/guardian has provided written permission to withhold meals. Districts also may not utilize debt collectors (i.e., third parties or collection agencies), nor may they charge interest or fees in connection with unpaid meals.*

Education Law §908 requires that districts must provide students with the reimbursable meal of the student’s choice (of that day’s choices) when they have unpaid meal fees, and can “charge” parents for those meals. However, the law also says that it is not intended to allow for the unlimited accrual of debt. The law does not set a limit on how many charges can be accrued, or what school districts should do once a student has accrued a “high” amount of debt.

The law only requires districts to provide students with access to reimbursable meals. In addition, the USDA does not allow districts to permit students to charge anything else, such as à la carte items, snacks, extra meals, or adult meals. Your district may find it difficult to discreetly enforce this provision. If a student wished to purchase just part of a reimbursable meal (e.g., a side dish or entrée), but had insufficient funds, the student would not be permitted to charge just that item (at a lower cost than the full meal), and would be forced to take, and be charged for, the full meal cost. Likewise, if a student wished to purchase a snack, or extra side dish with a meal, but had insufficient funds or a negative balance, that snack or side dish would have to be refused or taken away. This may be embarrassing to the student, but is not prohibited by law.

Some solutions are: have all snack items sold in a separate area, not sell any à la carte items, restrict such items to middle and upper grades, require such items be purchased with cash only, have the point of sale be at the beginning of the line, help students determine which items they can have prior to purchase, or allow students to check their balances prior to purchase.

** This policy is not required if all schools in the district participate in either “Community Eligibility” where all students receive free meals because at least 40% of students are eligible for other assistance programs, or “Provision 2” where the district receives reimbursement for a fixed proportion of free, reduced price, and paid meals, provides all students receive free meals, and makes up the difference, for a four-year period. Under these scenarios (or if the district has approved the local tax levy to provide all meals free), no student pays for a meal, thus none would need to charge a meal.*

NYSSBA Sample Policy 8505

The Board of Education recognizes that on occasion, students may not have enough funds for a meal. To ensure that students do not go hungry, the Board will allow students who do not have enough funds to “charge” the cost of meals to be paid back at a later date subject to the terms in this policy.

To comply with State guidelines and maintain a system for accounting for charged meals, regarding both full and reduced-price meals, the Board shall:

1. allow only regular reimbursable meals to be charged, excluding extras, à la carte items, side dishes, additional meals, and snacks (“competitive foods”); and
2. use a computer-generated point of sale system, which identifies and records all meals as well as collects repayments.

Charged meals must be counted and claimed for reimbursement on the day that the student charged (received) the meal, not the day the charge is paid back. When charges are paid, these monies are not to be considered “à la carte” transactions, as a section on the daily cash report or deposit summary reads “charges paid.”

Students shall not be denied a reimbursable meal, even if they have accrued a negative balance from other cafeteria purchases, unless the parent/guardian has provided written permission to the school to withhold a meal. No student with unpaid charges will be prohibited from purchasing food if they have money that day.

If school food authorities (SFAs) suspect that a student may be abusing this policy, written notice will be provided to the parent/guardian.

***NOTE:** The following paragraph reflects the requirements of Education Law §908, except the last sentence, which we believe is not prohibited by law. We believe students should understand why they are not allowed to charge a la carte items, as long as it is done discreetly.*

Students who cannot pay for a meal or who have unpaid meal debt shall not be publicly identified or stigmatized (including wristbands or hand stamps), required to do chores or work to pay for meals, or have meals thrown away after they have been served. District staff shall not discuss a student’s unpaid meal debt in front of other students. The district shall not take any action directed at a student to collect unpaid school meal fees. However, the district may discreetly notify students of their account balances, and why certain items (e.g., à la carte, etc.) could not be provided with charged meals.

Student Account Balance Notification

***NOTE:** Districts using automated systems for payment or collections should address automatic low balance notifications and automatic replenishment options.*

NYSSBA Sample Policy 8505

[*Optional sentence:*] The district's payment system allows for automatic replenishment when a balance reaches a certain amount set by the parent/guardian. The district shall encourage parents/guardians to utilize this option.

NOTE: The law requires schools to notify parents/guardians when an account is at \$0 and unpaid meal charges are due. We believe notifying parents/guardians when an account balance nears zero is beneficial, rather than waiting until it is at zero.

Parents/guardians shall be discreetly notified of student account balances regularly. When a student's account balance falls to \$ _____ (*insert dollar amount above \$0.00, e.g., \$10.00*) and whenever a meal is charged, the district will discreetly notify the parent/guardian of the balance, and the process to refill the account. This notification will continue regularly until the account is replenished. Parents/guardians must repay all unpaid charges remaining at the end of the year or before their child leaves the district, whichever occurs first.

NOTE: It is beneficial to both parents/guardians and the district if all children who are eligible for free or reduced price meals actually receive free or reduced price meals. If a child eligible for free or reduced price meal eats at the full rate, but leaves charges unpaid, the charges accrued are higher than they need to be. Additionally, the district receives less federal and state reimbursement for the full price meal, and would have to make up a higher amount.

Schools must also contact parents/guardians when a student owes money for five or more meals in order to assist the parent/guardian with applying for free or reduced price meals, as well as determine if the student is eligible for direct certification or if there are other household issues.

The district shall discreetly notify parents/guardians of students with negative balances of at least five meals, determine if the student is directly certified to be eligible for free meals, and attempt to reach the parent/guardian to assist them in the application process for free and/or reduced price meals, and determine if there are other issues within the household causing the insufficient funds and offer appropriate assistance. If a parent/guardian regularly fails to provide meal money and does not qualify for free or reduced price meals, the district may take other actions as appropriate, including notifying the local department of social services if neglect is suspected.

The school district shall notify all parents/guardians in writing on an annual basis at the start of the school year and to families transferring during the year, outlining the requirements of this policy. The policy shall also be published in appropriate school and district publications. All staff involved in implementing and enforcing this policy shall also be notified of these requirements and their responsibilities. The district's enrollment process shall include the application process for free and reduced price meals. If the district becomes aware that a student is so eligible, it shall file an application for the student. Staff responsible for assisting foster, homeless and migrant students shall coordinate with the food services staff to ensure such students receive free school meals.

Unpaid Meal Charges and Debt Collection

NOTE: Federal regulations permit the cost of collection activities to be charged to the federal school food program, not to exceed the actual amount owed. However, students with unpaid meal charges at the start of the school year must still be allowed to charge reimbursable meals, and the district may not engage outside collection agencies.

Unpaid meal charges are a financial burden to the district and taxpayers and can negatively affect the school program. Unpaid meal charges shall be considered “delinquent” as per the district’s accounting practices. The district shall attempt to recover unpaid meal charges before the end of the school year, but may continue efforts into the next school year. The district shall notify parents/guardians of unpaid meal charges at regular intervals, and may engage in collection activities by district staff, which do not involve debt collectors as defined in federal law (15 USC §1692a), and may not charge fees or interest. The district shall offer repayment plans, and may take other actions that do not result in harm or shame to the child, until unpaid charges are paid.

NOTE: Any delinquent debt remaining for a student, which the district determines is no longer collectible, becomes “bad debt” and must be made up for with non-federal funding sources. We have not included a specific timeframe or method of determining when delinquent debt becomes bad debt. That can be done according to the district’s specific accounting practices. We believe it is not prudent to publicize a time after which debt will no longer be collected. Note also that under federal regulations, repayment of bad debt from unpaid meal charges are not an allowable expense for federal funds. Such alternate funding could come from donations, fundraisers, or other sources. If additional guidance is released, this policy may need further revision.

Remaining Account Balances

NOTE: Federal regulations require that children eligible for reduced price meals pay a certain maximum amount per meal; retaining unused funds would result in the per meal price exceeding this amount. Therefore, all excess funds remaining for these children must be refunded.

Remaining funds may be carried over to the next school year. When students leave the district or graduate, the district will attempt to contact the parent/guardian to return remaining funds. Parents/guardians may request that funds be transferred to other students (e.g., siblings, unpaid accounts). All transfer requests must be in writing. Unclaimed funds remaining after [*insert amount of time, such as: three months*] shall be absorbed by the school meal account.

Staff

NOTE: Because subsidized food programs are meant to benefit students and not adults, and because unpaid balances are burdensome to the district, SED advises that staff members should

NYSSBA Sample Policy 8505

not be allowed to buy food that is not paid for at that time. The second paragraph reflects a requirement under Education Law §908.

Staff members are allowed to purchase food from the district's food services. However, all purchases must be paid for at the point of sale (*insert as applicable:*) cash, payment account, credit/debit card). Staff members are not allowed to charge meals to be repaid later.

Building Principals, working with the head of food services, shall ensure that all district and food service staff with responsibilities under this policy will be trained on the provisions of this policy and the requirements of Education Law section 908.

Cross-ref: 8520, Free and Reduced Price Meal Services

Ref: 42 USC §1779 (Child Nutrition Act of 1966)
42 USC §§1758(f)(1); 1766(a) (National School Lunch Act)
2 CFR §200.426 (accounting for debt in federal programs)
7 CFR §§210.9 210.12; 210.19; 220.13; 245.5 (accounting in federal school meal programs)
Healthy, Hunger-Free Kids Act (Public Law 111-296), §143
15 USC §1692a (debt collector defined)
Education Law §908
USDA Report to Congress, *Review of Local Policies on Meal Charges and Provision of Alternate Meals*, June 2016, www.fns.usda.gov/sites/default/files/cn/unpaidmealcharges-report.pdf
Unpaid Meal Charges: Local Meal Charge Policies, USDA FNS Memo SP 46-2016 (07/08/16), www.fns.usda.gov/unpaid-meal-charges-local-meal-charge-policies
Unpaid Meal Charges: Guidance and Q&A, USDA FNS Memo SP 57-2016 (09/16/16), <https://fns-prod.azureedge.net/sites/default/files/cn/SP57-2016os.pdf>
Unpaid Meal Charges: Guidance and Q&A, USDA FNS Memo SP 23-2017 (03/23/17), <https://fns-prod.azureedge.net/sites/default/files/cn/SP23-2017os.pdf>
Unpaid Meal Charges: Clarification on Collection of Delinquent Meal Payments, USDA FNS Memo SP 47-2016 (07/08/16), www.fns.usda.gov/sites/default/files/cn/SP47-2016os.pdf
Overcoming the Unpaid Meal Challenge - Proven Strategies from Our Nation's Schools, USDA FNS Guidance Document (May 2017), <https://fns-prod.azureedge.net/sites/default/files/cn/SP29-2017a1.pdf>
New York State Legislation - Prohibition Against Meal Shaming, NYSED Memo (5/1/18), <http://www.cn.nysed.gov/content/prohibition-against-meal-shaming>
Meal Charge Plan Template, NYSED (5/1/18), <http://www.cn.nysed.gov/content/meal-charge-and-prohibition-against-meal-shaming-policy-template>

Adoption date:

COMMUNITY USE OF SCHOOL FACILITIES

School buildings and grounds and all property belonging to the District are under the control and supervision of the District. The school buildings, grounds and property are maintained for the education and recreational purposes of the school children of the District. As a service to the community and in accordance with the law, the Board of Education may authorize the use of school facilities by properly organized groups. No such use shall be made of the buildings, grounds or property that interfere or disrupt their most effective use for the benefit of our school children. The Board of Education has no authority to grant use of school district facilities or property for any purposes other than those set forth by law.

Eligibility

1. An organization requesting use of school facilities must draw a majority of its membership from residents of the Eastport South Manor Central School District.
2. Organization may be required to submit its Constitution and By-Laws, names of its officers, as well as names and addresses of its membership.
3. The use of facilities must be for purposes permitted by this policy and the laws of the State of New York.
4. The use of District facilities and property for private commercial purposes is expressly prohibited by Article 8, Section 1 of the New York State Constitution. The District will not permit the use of school facilities, equipment and personnel for the conduct of private commercial businesses.

Facility Use Regulations

The Superintendent shall develop administrative regulations to implement this policy. These regulations shall be in accordance with state law and must:

1. Provide for the health and safety of all participants involved in the activity;
2. Assure the protection of district property;
3. Establish guidelines for when facility use fees shall be charged;
4. Establish a facility use fee schedule to be approved by the Board of Education at the annual reorganization meeting;
5. Require payment for any damage, loss or misuse of district facilities and property, whether or not a facility use fee has been assessed;
6. Establish a facility use application that shall include the following information:
 - a. Applicant's organizational status
 - b. Applicant's district residency disclosures
 - c. Nature of the applicant's activities
 - d. Fees assessed to participants

All information disclosed on the facility use application is subject to the verification and audit of the District.

1. Establish guidelines for issuing facility use permits;
2. Establish guidelines for implementing priority use of facilities

The District reserves the right to deny or revoke any permit for any reason. The District also reserves the right to waive facility use fees when it is in the best interests of the District.

Supervisor of Operations

The Superintendent shall designate a Supervisor of Operations who shall:

1. Receive and review applications for the use of District facilities
2. Schedule the use of facilities to ensure that efficient use is made of the time and space available
3. Issue permits
4. **Verify minimum insurance requirements:**

Minimum insurance requirements require the group to submit a “certificate of insurance.” The certificate of insurance must name **“Eastport South Manor Central School District, 149 Dayton Avenue, Manorville, NY 11949”** as the certificate holder. The certificate of liability must include the following statement in the description of operations/locations/vehicles box:

“The certificate holders named as additional insured on a primary non-contributory basis when required under written Contract or Agreement: Eastport South Manor Central School District, it’s Board, employees and volunteers. Form CG2020 is attached.”

***The form CG2020 is obtainable through your insurance agent and must be included.**

Minimum insurance limits under the policy must be as follows:

- Each occurrence \$2,000,000
- Damage to rented premises (each occurrence) \$100,000
- Medical expenses (any one person) \$5,000
- Personal and ADV injury \$2,000,000
- General aggregate \$3,000,000
- Combined single limit (each accident) \$5,000,000

5. Verify residency, organization status and other information on the facility use application as needed

The Supervisor of Operations shall maintain an “Approved Users of District Facilities” list. Upon receipt of a first request for use of District facilities, the Supervisor of Operations shall determine

if the request meets the District's requirements for use of District facilities. If so, he/she shall recommend to the Superintendent, or designee, that the applicant be approved and added to the "Approved Users of District Facilities" list. Once on this list, the Supervisor of Operations may approve these applicants and issue permits without further approval so long as all subsequent facility use applications are consistent with this policy.

Scheduling Use of Facilities

The scheduling of the use of District facilities shall be in accordance with the following guidelines:

1. Priority access to District facilities shall be given in the following order:
 - a. school and school related organizational activities
 - b. youth groups
 - c. adult groups
 - d. A more detailed priority list within the three groups listed above is as follows:
 - school purposes
 - school sponsored or related activities, including recreational
 - PTA groups
 - College extension programs and similar groups which serve district residents

- Recreational programs other than those sponsored by the District
- Community youth groups such as boy and girl scouts

To further assist in the determination of priority status, the District will consider the following:

- Resident groups will have priority over non-resident groups
 - Large groups will have priority over small groups
 - District-wide participation will have priority of smaller and more limited participation
 - Governmental organization will have priority over non-governmental organizations
 - Volunteer groups will have priority over non-volunteer groups.
1. No field or gymnasium may be utilized in a way that creates an unreasonable restriction of use by other groups
 2. Changes in facility use assignments may be made at the sole discretion of the District
 3. Use of school facilities shall be made in a manner that does not conflict with District activities and maintenance schedules
 4. The District reserves the right to set aside or restrict use of a field if conditions warrant
 5. When assigning fields to community groups, the District reserves the right to assign a field that is appropriate for the sport and the season of the field
 6. The District reserves the right to deny the use of any facility or property to any group that has previously misused, abused or misplaced District property
 7. The District reserves the right to deny the use of any facility or property to any group that has previously failed to pay fees for previous facility use or the abuse, misuse or misplacement of District property

Responsibilities of Approved Facility Use Applicants

1. An organization using school facilities shall be responsible for providing adult supervision to ensure the safety of all persons in attendance
2. An organization using school facilities shall be responsible for enforcing all District rules governing the conduct of persons on District property
3. An organization using school facilities shall be responsible for any damage incurred during such use, as reported by the building Principal, Supervisor of Operations or other staff member and may be held financially responsible for required repairs and/or replacements
4. An organization using school facilities shall be responsible for restricting its participants or persons attending the function to using only those facilities designated on the application at the time and date specified

5. An organization using school facilities for activities where admission or other fees are charged may be required to submit to the District a detailed financial statement showing the total receipts and expenses associated with the facility use
6. An organization using school facilities may not sell or serve refreshments without the prior consent of the Supervisor of Operations

Rules for Use

The determination as to whether to issue a permit, revoke a permit, assign specific rooms or fields, etc., shall be at the sole discretion of the District. Organizational use may be cancelled with or without notice on a single or multi-use basis if it will interfere with a designated school group or for any other reason determined to be in the best interests of the District. In addition:

1. The District reserves the right to transfer with or without notice, any activity from one space to another, from one building to another, or cancel the activity completely, for any reason.
2. Outdoor sports, including soccer, lacrosse, softball and baseball cannot practice indoors unless the Director of Athletic deems the activity and equipment being used, safe for District property.
3. Whether or not admission fees are charged, no contribution may be solicited on District grounds unless permission is granted on the permit.
4. The permit is only valid for the time and dates specified on the permit and the purposes specified on the facility use application.
5. Permits are not transferrable.
6. There shall be no gambling, possession, sale or distribution of alcohol or controlled substances at any time in the school buildings or District property.
7. There shall be no smoking on school grounds.
8. There shall be no firearms or weapons on school grounds.
9. No exhibits, posters or other materials shall be displayed on District property without the prior approval of the Supervisor of Operations or building principal.
10. Any facility use fees assessed by the District are due to the District within 30 days of the invoice date.
11. Modifications may not be made to District property or equipment
12. Screws, nails, bolts and other highly adhesive products may not be used on school property.

Schedules and Emergency Closings

Facilities will generally not be available for use during scheduled school holidays and vacations as indicated on the school calendar. In addition, if the schools are closed due to inclement weather or other emergencies, after-school and community activities will automatically be cancelled unless special express approval is obtained from the District.

Appeals

Denials for use of school facilities may be appealed to the Superintendent within five (5) school days of the receipt of the denial. The Superintendent shall have five (5) school days to respond to the appeal. Applicants who have appealed to the Superintendent and are not satisfied with the action taken may appeal to the Board of Education within ten (10) school days of receiving a response from the Superintendent.

Ref: Education Law § 414

Adoption date: April 7, 2010

DISCLOSURE OF WRONGFUL CONDUCT

The Board of Education expects officers, **employees, vendors and members of the community** of the district to fulfill the public's trust and to conduct themselves in an ethical manner, abiding by all district policies and regulations and by all applicable state and federal laws and regulations.

However, when district officers, **employees vendors and members of the community** of the district know or have reasonable cause to believe that instances of wrongful conduct have occurred, they should report such wrongful conduct to the Superintendent of Schools or the Board. For purposes of this policy, examples of "wrongful conduct" include:

- theft of district money, property, or resources;
- misuse of authority for personal gain or other non-district purpose;
- fraud, corruption, conflicts of interest or abuse by another relating to his office or employment
- violations of applicable federal and state laws and regulations; and/or
- serious violations of district policy, regulation, and/or procedure.

Disclosure and Investigation

Employees and officers, **vendors and members of the community** of the district who know or have reasonable cause to believe that wrongful conduct has occurred or is occurring shall report such wrongful conduct to the Superintendent or the Board, if the allegation involves the Superintendent. Upon receiving a report of alleged wrongful conduct, the district shall take prompt steps to conduct an investigation.

The Superintendent or his/her designee or, if the allegation involves a Superintendent, the Board or its designee shall cause a written record to be made of the allegation and an investigation conducted. The Board shall approve the engagement of special counsel, independent auditors or other outside contractors deemed appropriate to assist in the investigation. A report shall be made to the criminal authorities if it is suspected that a crime has been committed.

"Whistleblower" Protections

Employees who have a reasonable belief that the conduct about which he or she complains constitutes a violation of law, rule or regulation by the school district are protected by Section 75-b of the New York State Civil Service Law. Accordingly, the District shall take no action to terminate, otherwise discipline or take any other adverse personnel action against an employee because he or she disclosed information to a governmental body regarding a violation of a law, rule or regulation where the violation:

- 1) creates and presents a substantial and specific danger to the public health or safety; or
- 2) creates and presents a substantial and specific danger to the public health or safety; or

- 3) is one which the employee reasonably believes to be true and reasonably believes constitutes an improper school district action.

Before reporting any such information to another governmental agency, and in order to obtain the protections of Section 75-b of the Civil Service law, an employee must make a good faith effort to provide the Superintendent, or where the allegations involve the Superintendent, the Board of Education, with the information to be disclosed, unless there is imminent and serious danger to public health and safety. This “Whistleblower Protection” shall extend to retaliation consisting of dismissal, other disciplinary action or other adverse personnel action affecting an employee’s compensation, appointment, promotion, transfer, assignment, reassignment or evaluation of performance.

Further protection of a school employee who reports information regarding illegal or inappropriate financial practices shall be accorded the employee pursuant to Section 3028-d of the New York State Education Law. Any employee of the school district, having reasonable cause to suspect that the fiscal practices or actions of an employee or officer of the school district violate any local, state or federal law or rule and regulation, relating to the financial practices of the district and who in good faith reports such information to an official of the school district or the Office of the State Comptroller, the Commissioner of Education or to law enforcement authorities, shall have immunity from any civil liability that may arise from the making of such report. Neither the school district nor its employees or officers shall take request or cause a retaliatory action against any such employee who makes such a report.

Any employee or officer who is concerned that retaliation for providing information regarding wrongful conduct has occurred or is occurring should report this to the Superintendent or the Board.

Dissemination and Review

This policy shall be published in employee handbooks, posted in employee lounges and given to all employees with fiscal accounting and/or money handling responsibilities on an annual basis.

The Superintendent of Schools, the Auditor, the School Attorney and others involved in implementing this policy shall meet with the Board once a year to evaluate the effectiveness of this policy and to make appropriate adjustments, if any, to the policy.

Ref: Civil Service Law §75-b
Education Law §3028-d
Labor Law §740
Garrity v. University at Albany, 301 A.D. 2d 1015 (3rd Dept. 2003)
Matter of Brey v. Bd. of Educ., 245 A.D. 2d (3rd Dept. 1997)

Adoption date: December 9, 2009