

Minutes – Business Meeting – Board of Education – New Paltz Central High School – November 3, 2010 – 7:00 PM

CALL MEETING TO ORDER

CALL TO ORDER

Meeting was called to order at 6:02 PM by Don Kerr, Board President.

BOARD MEMBERS PRESENT:

QUORUM CHECK

- Kathleen Tobin Flusser
- Steven Greenfield
- Donald Kerr
- Patrick Rausch
- Robert Rich
- Edgar Rodriguez (arrived at 6:10 p.m.)
- Daniel Torres

ALSO PRESENT: Maria Rice, Superintendent of Schools

ROLL CALL

ROLL CALL

The roll was called as reflected above.

EXECUTIVE SESSION

EXECUTIVE SESSION

Motion made by Mr. Torres and seconded by Mr. Greenfield that the Board move into Executive Session at 6:02 PM for the purpose of discussing the employment history of particular individuals, discussing matters made exempt by FERPA, and discussing contract negotiations.

Motion carried 6 - 0 with 6 members voting. Dr. Rodriguez was not yet present.

Members moved out of Executive Session at 6:46 p.m. with a motion made by Mr. Torres and seconded by Ms. Tobin Flusser that the Board return to Public Session at 6:46 PM.

Motion carried 7 - 0 with 7 members voting.

CALL TO ORDER

CALL TO ORDER

The Public Meeting was called to order at 7:00 PM by Donald Kerr, Board President.

BOARD MEMBERS PRESENT:

QUORUM CHECK

- Kathleen Tobin Flusser
- Steven Greenfield
- Donald Kerr
- Patrick Rausch
- Robert Rich
- Edgar Rodriguez
- Daniel Torres

ALSO PRESENT: Maria Rice, Superintendent of Schools
Debora Banner, Assistant Superintendent
Richard Linden, Assistant Superintendent for Business
Connie Hayes, Assistant Superintendent for Pupil Personnel Services
Elena Maskell, District Clerk
Members of the Public and Press

ROLL CALL

ROLL CALL

The roll was called as reflected above.

PLEDGE TO THE FLAG

PLEDGE

AGENDA CHANGES

AGENDA CHANGES

Motion to accept the agenda changes made by Mr. Torres and seconded by Ms. Tobin Flusser.

A Motion to postpone resolution item 8.2 was made by Dr. Rodriguez and seconded by Mr. Rausch. The motion was to postpone the item until the 11/17/10 BOE meeting for voting. Discussion ensued. Two members were in favor of the motion (Dr. Rodriguez and Mr. Rausch) and five members were opposed (Mr. Kerr, Ms. Tobin Flusser, Mr. Torres, Mr. Greenfield, and Mr. Rich). Motion was not passed.

Regarding the motion already on the floor to accept the agenda changes, six members were in favor of the motion with one member (Dr. Rodriguez) opposed. Motion carried

PERSONNEL

ADD names to existing Item 7.2 the following:

7.2 Instructional Appointment - Substitutes

Recommendation that the New Paltz Central Schools Board of Education upon the recommendation of Maria C. Rice, Superintendent, does hereby appoint the following substitute teachers with remuneration as per rates established at the July 7, 2010 Organizational Meeting.

Name	Effective Date
Elizabeth Auger	11/01/10 – 6/30/11
Alison Ventriglia	11/01/10 – 6/30/11

ADD to existing Personnel Agenda Item 7.8:

7.8 Non-Instructional Appointments

Recommendation – that the New Paltz Central School Board of Education, upon the recommendation of Maria C. Rice, Superintendent of Schools, does hereby appoint the following:

Name	Title	Effective Date	Salary/Rate
Nick Chesia	Student Lighting and Sound Technician	11/04/10 – 6/30/11	\$15/hour

ADD to Personnel Agenda Item 7.9:

7.9 Instructional Leave Replacement

Recommendation - that the New Paltz Central Schools Board of Education upon the recommendation of Maria C. Rice, Superintendent, does hereby appoint the following instructional employee:

Name	Title	Effective Date	Step/Salary
Pamela LaLonde (Replacing Renee Salamone)	HS French	10/04/10 - 1/31/11	MA, Step 4 (\$68,630 pro-rated)

PUBLIC COMMENTS

PUBLIC COMMENT

Kevin Barry, New Paltz
 Jim O'Dowd, New Paltz
 David Dukler, Gardiner

Comments on Board of Education Members
 Healthy Foods Healthy Kids Comments
 Comments on Board of Education Members

BOARD COMMUNICATIONS

BOARD COMMUNICATION

ROLL-OVER BUDGET

Richard Linden, Assistant Superintendent for Business gave the Board of Education a presentation on the Roll-Over Budget

UPDATE ON COMPREHENSIVE PLANNING PROCESS

Maria C. Rice gave an update on the Comprehensive Planning Process

NYSSBA CONVENTION – Patrick Rausch

Mr. Rausch attended the NYSSBA Convention and gave the Board an update on his attendance. Dr. Rodriguez noted he went as well and attended some of the workshops offered.

Maria C. Rice stated she received a letter from a parent commending Coach Tegeler and the character of our football team and the leadership of the coaches. She publically thanked Coach Tegeler and the Athletic Department.

Superintendent Rice noted she gave out RTT information and accountability status. The Superintendent stated if anyone had any questions on the data she would answer them at the next meeting.

MINUTES OF MEETING

MINUTES

Motion made by Mr. Rausch and seconded by Mr. Rich that the Board of Education approve the following resolution: BE IT RESOLVED that the New Paltz Central Schools Board of Education accept the minutes of the October 20, 2010 Workshop Meeting.

Motion carried 5 - 1 with 6 members voting. Ms. Tobin Flusser was absent from voting. Dr. Rodriguez opposed the minutes.

PERSONNEL (CONSENT AGENDA)

PERSONNEL

Motion made by Ms. Tobin Flusser and seconded by Mr. Torres that the Board of Education approve the following personnel (consent agenda) items 7.1 to 7.8:

7.1 Instructional Probationary Appointment

Recommendation - that the New Paltz Central Schools Board of Education, upon the recommendation of Maria C. Rice, Superintendent of Schools, does hereby appoint the following instructional employee with remuneration as per NPUT contract.

Name	Title	Effective Date	Step/Salary
Brandi Keyser	Special Education	11/29/10-11/29/12	MA, Step 2 - \$65,310

7.2 Instructional Appointment - Substitutes

Recommendation that the New Paltz Central Schools Board of Education upon the recommendation of Maria C. Rice, Superintendent, does hereby appoint the following substitute teachers with remuneration as per rates established at the July 7, 2010 Organizational Meeting.

Name	Effective Date
Heather Barton	11/04/10 – 6/30/11
Thomas O’Dowd	11/04/10 – 6/30/11
Kirk VanTassell	11/04/10 – 6/30/11
Carly Tangney	11/04/10 – 6/30/11
Caitlin McCarron	11/04/10 – 6/30/11
Tom Miller	11/04/10 – 6/30/11
Cynthia Simpson	11/04/10 – 6/30/11
Elizabeth Auger	11/01/10 – 6/30/11
Alison Ventriglia	11/01/10 – 6/30/11

7.3 Advisorships

Recommendation - that the New Paltz Central Schools Board of Education upon the recommendation of Maria C. Rice, Superintendent of Schools, does hereby appoint the following instructional employees to the following advisorships for the 2010/2011 school year, with remuneration as per NPUT contract:

High School

Snow Club Todd Martin

Middle School

All County Band Charles Seymour
 All County Chorus John Anderson

7.4 Advisorship – Resignation

Recommendation - that the New Paltz Central Schools Board of Education, upon the recommendation of Maria C. Rice, Superintendent, does hereby accept the advisorship resignation for the 2010/2011 school year of the following:

Student Council Advisor Jessica S. Grey

7.5 Non-Instructional Appointments

Recommendation - that the New Paltz Central Schools Board of Education, upon the recommendation of Maria C. Rice, Superintendent of Schools, does hereby appoint the following:

Name	Title	Effective Date	Salary	Hours
Gina Marie Nittolo	Substitute Teacher Aide	10/12/10	\$10.50/hr	as needed
Gina Marie Nittolo	Substitute School Monitor	10/12/10	\$9.00/hr	as needed
Gina Marie Nittolo	Substitute Typist	10/12/10	\$12.00/hr	as needed

7.6 CSE Evaluations/Meetings Summer 2010 Rate of Pay

Recommendation – that the New Paltz Central Schools Board of Education, upon the recommendation of Maria C. Rice, Superintendent of Schools, does hereby approve the rate of pay for the following School Psychologist employee for the purposes of attending summer 2010 CSE Evaluations/Meetings:

Name	Title	Effective Date	Salary
Jennifer Walis	CSE Meetings/Psychologist	7/1/10 – 8/31/10	\$47.18/hour

7.7 Correcting Resolution: Coach Appointment

Recommendation – that the New Paltz Central Schools Board of Education, upon the recommendation of Maria C. Rice, Superintendent, does hereby approve a correcting resolution to amend the stipend of the following Football Coach: (Stipend was incorrectly approved on July 7, 2010 as \$5,144.)

Name	Position	Stipend
Thomas Tegeler	Football Coach	\$5,196

7.8 Non-Instructional Appointments

Recommendation - that the New Paltz Central Schools Board of Education, upon the recommendation of Maria C. Rice, Superintendent of Schools, does hereby appoint the following:

Name	Title	Effective Date	Salary/Rate
Benjamin Clay	Student Lighting and Sound Technician	11/4/10 – 6/30/11	\$15/hour
Connor Morbito	Student Lighting and Sound Technician	11/4/10 – 6/30/11	\$15/hour

Motion carried 7 - 0 with 7 members voting.

Motion made by Mr. Rich and seconded by Mr. Rausch to accept agenda item 7.9.

7.9 Instructional Leave Replacement

Recommendation - that the New Paltz Central Schools Board of Education upon the recommendation of Maria C. Rice, Superintendent, does hereby appoint the following instructional employee:

Name	Title	Effective Date	Step/Salary
Pamela LaLonde (Replacing Renee Salamone)	HS French	10/04/10 - 1/31/11	MA, Step 4 (\$68,630 pro-rated)

All in favor with none opposed. Motion carried 7-0.

OLD BUSINESS

OLD BUSINESS

Motion made by Mr. Torres and seconded by Mr. Rich to accept agenda item 8.1

8.1 Request for Approval of 2010-2011 Pre- K-12 Guidance Plan

Recommendation – that the following resolution be approved: BE IT RESOLVED that the Board of Education, upon the recommendation of Superintendent Maria C. Rice, does hereby approve the 2010-2011 Pre K-12 Guidance Plan as presented.

All in favor with none opposed. Motion carried 7-0.

8.2 BOE Attention to Substance Abuse Concerns

Recommendation - that the New Paltz Central Schools Board of Education, accept the October 6, 2010 substance abuse report entitled, “Is There A Severe Drug Problem in the New Paltz Schools,” and acknowledge the myriad of substance

abuse prevention curriculum, intervention and prevention activities and programs currently in place in the New Paltz Central School District, and express its continued commitment and support of the district’s efforts on behalf of its students in regard to substance use/abuse intervention and prevention. A copy of the Substance Abuse report shall be incorporated by reference within the minutes of this meeting.

Maria C. Rice gave a power point presentation which had a history of notifications and actions the BOE has received on substance abuse prevention.

Dr. Rodriguez requested to invoke the second meeting rule on voting on item 8.2. Other Board members contended this does not fall under the second meeting rule because this was discussed at previous meetings. Discussion ensued.

A Motion was made by Mr. Rich and seconded by Mr. Greenfield to accept agenda item 8.2. Mr. Greenfield made a friendly amendment to take the word “of” out of the sentence, “and acknowledge the myriad of substance abuse prevention curriculum...”Five members were in favor of the motion (Mr. Rich, Mr. Greenfield, Mr. Kerr, Ms. Tobin Flusser, Mr. Torres) with two opposed (Dr. Rodriguez and Mr. Rausch). Motion carried 5-2.

NEW BUSINESS

NEW BUSINESS

A Motion was made by Mr. Torres and seconded by Ms. Tobin Flusser that the Board of Education approve the following resolution:

9.1 Request for Approval of Committee on Special Education Recommendations and Student Placements

Recommendation - that the following resolution be approved: BE IT RESOLVED, that the Board of Education of the New Paltz Central School District approve the Committee on Special Education (CSE) and Committee on Pre-School Special Education (CPSE) recommendations and student placements: 12381, 1805, 205, 9890, 9020, 12040, 8161, 9854, 10917, 11491, 11157, 12392, 11426, 10735, 10699, 11363, 12355, 11507, 10881, 12173, 10580, 12333, 10956, 10438, 12147.

All in favor with none opposed. Motion carried 7-0.

9.2 First Reading of Revisions to Policy 5572 Audit Committee

2009 **10** 5572
1 of 3
Non-Instructional/Business
Operations

SUBJECT: AUDIT COMMITTEE

The Board of Education establishes a standing Audit Committee as an advisory committee. The Audit Committee (AC) shall consist of three members of the Board of Education and two members of the community at-large. Members of the Board of Education serve one year terms and community members serve two year terms. Community members’ terms shall be staggered and appointments made by resolution of the Board of Education. Community members serving on the Audit committee are deemed to be School District Officers and shall take an oath of office. They must also maintain the confidentiality of any confidential information received by them as well as information discussed in an executive session of the Audit Committee.

All members serve without compensation, but shall be reimbursed for any actual and necessary expenditure incurred in relation to attendance at training events or mandatory conferences. Audit Committee members, other than Board Members, must be independent and may not be an employee of the District, an individual who provided within the last two years or currently provides good or services to the District, an individual who owns or has a direct and material interest in a company providing goods or services to the District, a close or immediate family member of an employee, officer or contractor providing services to the District.

The Audit Committee Chairperson is appointed by the President of the Board of Education. The Audit Committee Chair will have the authority to sign on the Board’s behalf the letter of engagement for the internal and external audits as long as the Board has appointed the internal and/or external auditors at the annual organizational meeting and the compensation for such services has been previously approved by the Board.

The role of the Audit Committee shall be advisory to the Board of Education.

The audit responsibilities of the Audit Committee include the following:

- a) Provide recommendations regarding the appointment of the External (Independent) Auditor for the District
- b) Meet with the External (Independent) Auditor prior to commencement of the audit to set audit and risk assessment parameters;
- c) Receive and review the draft annual audit report and accompanying draft management letter and, working directly with the External (Independent) Auditor, assist the Board of Education in interpreting such documents;
- d) Make recommendation to the Board on accepting the annual audit report;
- e) Review every corrective action plan developed by the School District and assist the Board in its implementation;
- f) Assist in the oversight of the Internal Audit function including, but not limited to providing recommendations regarding the appointment of the Internal Auditor, meeting regularly with the Internal Auditor, reviewing significant findings and recommendations of the Internal Auditor, monitoring the School District's implementation of such recommendations, and evaluating the performance of the internal audit function. After the Board of Education's appointment of the Internal Auditor, the Audit Committee Chairperson is delegated the authority to execute the Letter of Engagement and Agreed Upon Procedures with the Internal Auditor;
- g) Assist in the oversight of the Claims Audit function including, but not limited to, providing recommendations regarding the appointment of the Claims Auditor, meeting regularly with the Claims Auditor, reviewing significant findings and recommendations of the Claims Auditor, monitoring the School District's implementation of such recommendations, and evaluating the performance of the claims audit function; provided however, that the Claims Auditor shall report directly to the Board of Education and shall be under the supervision and direction of the Superintendent of Schools; for the purposes of time, attendance and location;
- h) Review annually Board policies on audit and finance and refer any proposed changes to the policy committee before Board review and action;
- i) Review annually this committee charter, for changes that may be necessary as a result of new laws, regulations or special circumstances. Refer any proposed changes to the Board of Education for review and action;
- j) Conduct executive sessions as allowed by Public Officers Law and section 170.12 of the Commissioner's Regulations.
- k) Conduct an annual self assessment of the Audit Committee; and
- l) Create an annual committee agenda for the ensuing year to assure completion of all responsibilities.

The finance responsibilities of the Audit Committee include the following:

- a) Review, at least quarterly, the monthly financial statements prepared for the Board of Education and make any recommendations to the Board for consideration and/or action;
- b) Propose for Board consideration any variations in reporting format or methodology of regular finance reports.
- c) Review matters as referred by the Board of Education.

The Audit Committee shall make monthly reports to the full Board of Education.

Education Law Sections 2116-c, and 3811-3813
Public Officers Law Sections 105(b), 105(c)
and 105(d)
8 New York Code of Rules and Regulations (NYCRR) Section
170.12(d)

Adopted: 7/16/09
Revised: 12/2/09

9.3 First Reading of Revisions to Policy 6550 Family and Medical Leave Act

SUBJECT: FAMILY AND MEDICAL LEAVE ACT

The Board of Education, in accordance with the Family and Medical Leave Act of 1993 (as amended) (FMLA), gives "eligible" employees of the District the right to take unpaid leave for a period of up to twelve (12) workweeks in a twelve-month period as determined by the District. **The District designates a twelve (12) month period measured forward from the date of the employee's first FMLA leave usage as the applicable twelve-month period.**

~~*The School District must compute the time frame of the twelve (12) month period for which FMLA leave is being requested. The following four (4) choices are available:~~

- ~~a) The calendar year January through December; or~~
- ~~b) A fixed leave year based on the fiscal year, July 1 – June 30 (e.g., fiscal year); or~~
- ~~c) A twelve (12) month period measured forward from the date of the employee's first FMLA leave usage; or~~
- ~~d) A "rolling" twelve (12) month period measured backward from the date of any FMLA leave usage.~~

~~*The District uses (a, b, c, or d,) as its method for calculating the leave year period for the commencement of the FMLA leave period. In certain cases, FMLA leave may be taken on an intermittent basis rather than all at once, or the employee may work a part-time schedule.~~

Employees are "eligible" if they have been employed by the District for at least twelve (12) months and for at least 1,250 hours of service during the previous twelve-month period. Full-time teachers are deemed to meet the 1,250 hour test. However, a break in employment for military service (i.e., call to active duty) ~~should~~**will** not interrupt the twelve (12) month/1,250 hours of employment requirement and should be counted toward fulfilling this prerequisite. The law covers both full-time and part-time employees.

Qualified employees may be granted leave for one (1) or more of the following reasons:

- a) The birth of a child and care for the infant;
- b) Adoption of a child and care for the infant;
- c) The placement with the employee of a child in foster care;
- d) To care for a spouse, child or parent who has a "serious health condition" as defined by the FMLA; and/or

~~*District must customize by choosing a, b, c, or d for calculating the related twelve (12) month period.~~

- e) A "serious health condition" of the employee, as defined by the FMLA, that prevents the employee from performing his/her job. A "serious health condition" is defined as an illness, injury, impairment or physical or mental condition that involves inpatient care or continuing treatment by a health care provider that renders the employee incapacitated for more than three (3) consecutive calendar days and where the employee is required to see the health care provider at least twice. A "serious health condition" is also defined as any period of incapacity related to pregnancy or for prenatal care.

Medical Treatment for Serious Health Conditions

The first visit to a health care provider for an employee claiming a "serious health condition" under FMLA must occur within seven (7) days of the aforementioned incapacity with the second required visit occurring within thirty (30) of the incapacitating event.

If the employee claiming FMLA under the "serious health condition" rationale is sustaining continuous treatment, their first visit to a health care provider must take place within seven (7) days of the claimed incapacitating event.

Chronic "serious health conditions" require periodic visits; the employee must see a health care provider a minimum of two (2) times per year.

Implementation/Benefits/Medical Certification

At the District's or employee's option, certain types of paid leave may be substituted for unpaid leave.

An employee on FMLA leave is entitled to have health benefits maintained while on leave. If an employee was paying all or part of the premium payments prior to leave, the employee will continue to pay his/her share during the leave period.

In most instances, an employee has a right to return to the same position or an equivalent position with equivalent pay, benefits and working conditions at the conclusion of the leave.

The District has a right to thirty (30) days advance written notice of the FMLA leave from the employee where practicable. In addition, the District may require an employee to submit certification from a health care provider to substantiate that the leave is due to the "serious health condition" of the employee or the employee's immediate family member. Under no circumstance should the employee's direct supervisor or a human resource professional contact any health care provider regarding the employee's condition without the employee's written consent; all contact in this manner must be made by a health care provider (employed at the District such as the School Physician), or the designated leave administrator. If the medical certification requested by the employer is found to be deficient, the District must indicate where the errors are, in writing, and give the employee seven (7) days to provide corrected materials to cure any deficiency prior to any action being taken.

Military Family Leave Entitlements

A. Military Caregiver Leave

An eligible employee who is the spouse, son, daughter, parent, or next of kin (defined as the nearest blood relative of that individual) of a "covered service member" (the Armed Forces including a member of the National Guard or Reserves) who is recovering from a serious illness or injury sustained in the line of duty while on active duty is entitled to up to 26 weeks of leave in a single 12-month period to care for the service member. This military caregiver leave is available during a single 12-month period during which an eligible employee is entitled to a combined total of 26 weeks of all types of FMLA leave. Military Caregiver Leave may be combined with other forms of FMLA-related leave providing a combined total of twenty-six (26) weeks of possible leave for any single twelve (12) month period; however, the other form of FMLA leave when combined can-not exceed twelve (12) of the twenty-six (26) weeks of combined leave.

Military Caregiver Leave has a set "clock" for calculating the twelve (12) month period for when FMLA leave begins and tolling starts at the first day of leave taken.

~~The term "covered service member" means a member of the Armed Forces, including a member of the National Guard or Reserves.~~

B. "Qualifying Exigency" Leave/Call to Active Duty

An "eligible" employee is entitled to FMLA leave because of "a qualifying exigency" arising out of circumstances where the spouse, son, daughter, or parent of the employee is serving in either the National Guard or the Reserves and is on active duty during a war or national emergency called for by the President of the United States or Congress, or has been notified of an impending call to active duty status, in support of a contingency operation.

A "qualifying exigency" related to families of the Army National Guard of the United States, Army Reserve, Navy Reserve, Marine Corps Reserve, Air National Guard of the United States, Air Force Reserve and Coast Guard Reserve personnel on (or called to) active duty to take FMLA protected leave to manage their affairs is defined as any one of the following reasons:

- a) Short-notice deployment;
- b) Military events and related activities;
- c) Childcare and school activities;
- d) Financial and legal arrangements;
- e) Counseling;
- f) Rest and recuperation;
- g) Post-deployment activities; and
- h) Any additional activities where the employer and employee agree to the leave.

In any case in which the necessity for leave due to a qualifying exigency is foreseeable, the employee shall provide such notice to the employer as is reasonable and practicable. This military-related leave is for up to twelve (12) weeks during a single 12-month period.

Medical Treatment for Serious Health Conditions

The first visit to a health care provider for an employee claiming a "serious health condition" under FMLA must occur within seven (7) days of the aforementioned incapacity with the second required visit occurring within thirty (30) of the incapacitating event.

If the employee claiming FMLA under the "serious health condition" rationale is sustaining continuous treatment, their first visit to a health care provider must take place within seven (7) days of the claimed incapacitating event.

Chronic "serious health conditions" require periodic visits; the employee must see a health care provider a minimum of two (2) times per year.

Implementation/Benefits/Medical Certification

At the Board of Education's or employee's option, certain types of paid leave may be substituted for unpaid leave.

An employee on FMLA leave is also entitled to have health benefits maintained while on leave. If an employee was paying all or part of the premium payments prior to leave, the employee will continue to pay his/her share during the leave period.

In most instances, an employee has a right to return to the same position or an equivalent position with equivalent pay, benefits and working conditions at the conclusion of the leave.

The Board of Education has a right to thirty (30) days advance notice from the employee where practicable. In addition, the Board may require an employee to submit certification from a health care provider to substantiate that the leave is due to the "serious health condition" of the employee or the employee's immediate family member. Under no circumstance should the employee's direct supervisor contact any health care provider regarding the employee's condition; all contact in this manner must be made by a health care provider (employed at the employer), a human resource professional, a leave administrator or a management official. If the medical certification requested by the employer is found to be deficient, the employer must indicate where the errors are, in writing, and give the employee seven (7) days to provide corrected materials to cure any deficiency prior to any action being taken.

Special Provisions for School District Employees

An instructional employee is an employee whose principal function is to teach and instruct students in a class, a small group, or an individual setting (e.g., teachers, **certain teaching assistants, coaches, and driving instructors,** special education assistants ~~such as signers for the hearing impaired, etc.~~). ~~Teaching assistants and aides~~ **The following employees are not considered instructional employees: guidance counselors, school psychologists, social workers, curriculum specialists, non-instructional personnel and certain teaching assistants or aides, unless their principal job is actually teaching or instructing** ~~who do not have instruction as the principal function of their job are not considered an "instructional employee."~~

Periods of one or more weeks when school is closed and employees are not expected to report to work do not count toward FMLA leave. Examples include school recesses (e.g., winter recess, spring recess), summer vacation, or closings for maintenance and repairs. However, when a particular holiday falls during a week taken as FMLA leave, the entire week is counted as FMLA leave.

Intermittent Leave Taken By Instructional Employees

FMLA leave that is taken at the end of the school year and resumes at the beginning of the next school year is not regarded as intermittent leave but rather continuous leave. The period in the interim (i.e., summer vacation) is not counted ~~against an employee~~ **as part of FMLA leave** and the employee must continue to receive any benefits that are customarily given over the summer break.

Intermittent leave is defined as leave that is taken in separate blocks of time, rather than continuously, broken down to units upon the same basis as the breakdown employed for sick leave use (e.g., for medical appointments, chemotherapy, radiation, physical therapy for severe arthritis and dialysis). Intermittent leave ~~may be taken but~~ must meet certain criteria.

If the instructional employee requesting intermittent leave will be on that leave for more than twenty percent (20%) of the number of working days during the period for which the leave would extend, the following criteria may be required by the employer:

- a) Take leave for a period or periods of a particular duration, not greater than the duration of the planned treatment; or
- b) Transfer temporarily to an available alternative position for which the employee is qualified, which has equivalent pay and benefits and which better accommodates recurring periods of leave than does the employee's regular position.

Appropriate notice **from the employee** for foreseeable FMLA leave (**30 days advance written notice**) still applies and all employees must be returned to an equivalent position within the school district. Additional work-related certifications, requirements and/or training may not be required of the employee as a **contingent condition** of their return to work.

There is no legal entitlement to intermittent leave for the purposes of child care, foster care and adoption.

Leave Taken by Instructional Employees Near the End of the Instructional Year

There are **also** special requirements for instructional employees taking leave **and the leave's relation** close to the end of **the** term.

- 1) If the instructional employee is taking leave more than five (5) weeks prior to the end of the term, the District may require that the employee take the leave until the end of the term if the leave lasts more than three (3) weeks and the employee was scheduled to return prior to three (3) weeks before the end of the term.
- 2) If the instructional employee is taking leave less than five (5) weeks prior to the end of the term for any of the **following** FMLA-related reasons except qualifying exigency, the District may require that the employee remain out for the rest of the term if the leave lasts more than two (2) weeks and the employee would return to work during **the** two (2) week period at the end of the instructional term.
- 3) If the instructional employee begins taking leave during the three (3) weeks prior to the end of the term for any reason except qualifying exigency, the District may require that the employee continue leave until the end of the term if the leave is scheduled to last more than five (5) working days.

If FMLA leave is extended at the employer's option, the extension is considered to be FMLA leave time as well, including health benefits and restoration rights; however, Any additional such time that is required by the employer due to the timing of the end of the school year, will not be charged against the employee as FMLA leave because it was the employer who requested that the leave extend until the end of the term.

FMLA Notice

A notice which explains the FMLA's provisions and provides information concerning the procedures for filing complaints of violations of the FMLA shall be posted in each school building and a notice of an employee's FMLA rights and responsibilities shall be **either placed in provided to the employees handbook of the employer with the required annual notices** or furnished to each new employee **within five days from the date of upon hire. The employer has five (5) days to supply such notice from the date of hire.**

Administration is directed to develop regulations to implement this policy, informing employees of their rights and responsibilities under the FMLA.

Family and Medical Leave Act of 1993 (as amended), Public Law 103-3
National Defense Authorization Act of 2008, Public Law 110-181
10 United States Code (USC) 101(a) (13)
29 Code of Federal Regulations (CFR) Part 825

NOTE: Refer also to Policy #6552 - Uniformed Services Employment and Reemployment Rights Act (USERRA)/Military Leaves of Absence

Adoption Date

Modified by Margo May 4/16/09

Minutes - Business Meeting
11/03/10

9.4 First Reading of Revisions to Policy 1512 Civility and Decorum

Mr. Rausch stated this policy is not able to be enforced and is recommending this policy be pulled and put under the operating guidelines for the Board of Education. The Policy Committee stated the review of this policy was already on the docket and was inherited from previous year’s work. The Policy Committee agreed to pull this policy and incorporate it under Board Operating Guidelines.

2010 1512

By-Laws

SUBJECT: CIVILITY AND DECORUM

Standards of Civility:

All schools should be places where mutual respect is practiced and reinforced. It is the policy of the New Paltz Central School District to promote an environment in which all members of the school community treat each other civilly, with courtesy and respect in all contacts, whether direct or indirect.

The District does not intend this policy do deprive any person of his/her First Amendment right to freedom of speech or expression. Rather, it seeks to maintain an environment in which people can feel safe, secure and mutually respected.

Expected Behavior:

The Board of Education expects a standard of civility in words and actions whereby all administrative, professional and classified staff, all students, parents, board members, visitors and other members of the school community interact in a courteous, respectful manner. The Board recognizes that disagreements may occur, and members of the school community remain free to express their views. Rather, this expectation related to the manner in which people communicate and interact with each other. Disrespectful, rude, abusive or intolerant behavior or language erodes education, is unacceptable and such behavior shall be addressed when it occurs.

Unacceptable Behavior:

Unacceptable behavior includes, but is not limited to, disruptive, demeaning or antagonistic behavior at school, at school-related meetings or at school-sponsored events and activities that interferes with such meetings or events or the participation at such meetings and events. The following are examples of such behavior:

- Using loud and/or offensive language, displays of temper, speaking in an insulting or demeaning manner, through personal actions, spoken words, graphic representations or in writing.
- Threatening or intimidating administrative, professional and classified staff, students, parents, Board members, visitors and other members of the school community.
- Behaving in a physically or verbally intimidating manner.
- Damaging or destroying school property.
- Sending abusive, threatening or obscene letters, emails or other electronic messages or voice messages.

9.5 First Reading of Revisions to Policy 1513 Board Member Use of the District Offices

Discussion ensued. The Policy Committee agreed to withdraw this policy for now and discuss it further at the Committee level.

2010 1513

By-Laws

SUBJECT: BOARD MEMBER USE OF THE DISTRICT OFFICES

Board of Education members have legitimate purposes for being present at the District Office during regular business hours. Board members may also use the space, equipment and resources of the District Office for school district purposes during regular business hours in accordance with the following:

- Board members do not have the right to remain in the District Office after regular business hours without purpose and prior authorization from the Board of Education and/or the Board officers;

- Board members shall vacate the District Office at least twenty (20) minutes prior the end of the regular business day so that staff may perform closing procedures in an orderly and efficient manner, without disruption and delay; and
- Board members may not take materials from workspaces such as the desks, file cabinets of District staff, storage areas nor read or peruse such materials without permission.

This policy does not prohibit Board committees and meetings of the Board to take place at the District Office after regular business hours.

Second Draft with more revisions by school counsel given to BOE at the meeting follows:

2010 1513

By-Laws

SUBJECT: BOARD MEMBER VISITS TO SCHOOL BUILDINGS

The Board of Education has the fiduciary responsibility to make policy for and oversee the District's educational and other programs. Individual Board members have legal authority for the conduct of the District only when acting as a body at a properly convened meeting. A Board member, as an individual, has no right to exercise the authority of the Board, unless he/she has been specifically delegated authority to act on behalf of the Board by law or action of the Board. On the other hand, a Board member does not relinquish his/her rights and privileges as a parent or citizen of the District. [kt1]

School Buildings

A Board member is entitled to access to school buildings and facilities to review the condition of facilities in accordance with law, and for other School District purposes upon authorization by the Board. Board members who are engaged by school personnel during their official visits to the schools may gather information that shall be shared with the entire Board of Education and the Superintendent, without expressing a commitment to any follow-up action based upon complaints or requests that may be presented to them. Those Board members who are also parents shall have all of the rights and privileges of other parents regarding communications with teachers, administrators and support staff in their roles as parents. Any Board member who interferes with or causes disruption in the schools or on school premises shall be subject to removal at the request of the Building Principal, head custodian or other person in charge of the facility at the time of the interference or disruptive act.

District Office

Board members have legitimate purposes for being present at the District Office during regular business hours. Board members may also use the space, equipment and resources of the District Office for school district purposes during regular business hours in accordance with the following:

- Board members do not have the right to remain in the District Office after regular business hours without purpose and prior authorization from the Board of Education and/or the Board officers;
- Board members shall vacate the District Office at least twenty (20) minutes prior the end of the regular business day so that staff may perform closing procedures in an orderly and efficient manner, without disruption and delay; and
- Board members may not take materials from workspaces such as the desks, file cabinets of District staff, storage areas nor read or peruse such materials without permission.

This policy does not prohibit Board committees and meetings of the Board to take place at the District Office after regular business hours.

9.6 First Reading of Revisions to Policy 5410 Purchasing

Mr. Torres pointed out a grammatical error which will be changed for second reading.

200810 5410

Non-Instructional/Business
Operations

SUBJECT: PURCHASING

The District's purchasing activities will be part of the responsibilities of the Business Office, under the general supervision of the Purchasing Agent designated by the Board of Education. The purchasing process should enhance school operations and educational programs through the procurement of goods and services deemed necessary to meet District needs.

Purchasing Guidelines

- a) The Purchasing Agent shall be responsible for developing and administering the purchasing program.
- b) The purchasing procedures employed shall comply with all applicable laws and regulations of the State.
- c) The Purchasing Agent shall procure supplies and equipment, as needed, at the best possible prices and maintain adequate records to show that this was done.
- d) Purchase contracts for materials, equipment and supplies involving an estimated annual expenditure of over ten thousand dollars (\$10,000) and public works contracts involving over twenty thousand dollars (\$20,000) shall be awarded only after public advertisement, soliciting formal bids (Section 103, General Municipal Law). The Purchasing Agent shall be authorized to open and record bids.
- e) Opportunity shall be provided to all responsible suppliers to do business with the District. To this end, the Purchasing Agent shall develop and maintain lists of potential bidders for the various types of materials, equipment and supplies. Such lists shall be used in the development of a mailing list for distribution of specifications and invitations to bid. Any supplier may be included on the list, upon request.
- f) When soliciting bids, a statement of "General Conditions" shall be included with all specifications submitted to suppliers. These general conditions shall be incorporated in all contracts awarded for the purchase of materials, equipment and supplies.
- g) All contracts which require public advertising and competitive bidding shall be awarded as provided by law and the rules and regulations of the Board. Recommendations for awarding contracts shall be submitted by the Purchasing Agent.
- h) When formal budding procedures are not required by law, the following regulations shall apply:

<u>Dollar Limit</u>	<u>Materials, Equipment, Supplies Procedures</u>
\$1 - \$3,000	At the discretion of the Purchasing Agent.
\$3,001 - \$5,000	Documented telephone quotes from at least three (3) separate vendors, if available
\$5,001 - \$9,999	Formal written quotes from at least three (3) separate vendors, if available.

Quotes will be awarded to the lowest responsible and responsive bidder (as determined by the Purchasing Agent.)

Proper written documentation, acceptable to the Purchasing Agent, must be given if the required number of quotes cannot be accommodated.

<u>Dollar Limit</u>	<u>Public Works Projects/Contracts/Procedures</u>
\$1 - \$7,000	At the discretion of the Purchasing Agent
\$7,001 - \$19,999	Formal written quotes from at least three (3) separate vendors, if available.

Whenever other than the lowest quote is awarded, there must be written documentation of the reason(s) for the award and why it is in the best interests of the District and otherwise furthers the purpose of Section 104-b, General Municipal Law.

Under no circumstances can a quote that exceeds the bid limit be awarded.

SUBJECT: PURCHASING (Cont'd.)

- i) It shall be the policy of the New Paltz Central School District that the following items, at the discretion of the Purchasing Agent, may be purchased or contracted without the need for RFP's, bids or quotes:
 - 1. Textbooks
 - 2. Library Books
 - 3. Reference Books
 - 4. Other educational materials where the item to be purchased is based on the curriculum rather than financial parameters
 - 5. Services required by an IEP or 504 Plan
 - 6. Educational Professional Development including Conferences
 - 7. Consultants used by the Board of Education. The Board of Education may use RFP's if warranted.
 - 8. Parts needed for a repair while the repair is in progress. This is limited to \$1,000 per repair.

- ij) Purchases should be made through available Cooperative BOCES bids, state contracts of the Office of General Services or under county contract pursuant to Section 409-a of the County Law, whenever such purchases are in the best interests of the School District.

- jk) The Purchasing Agent shall issue purchase orders after first determining that unencumbered balances of budgetary appropriations are adequate to cover such obligations.

- kl) No official or employee shall have an interest in any contract entered into by the School District, as provided in Article 18 of the General Municipal law.

- l-m) Emergencies - An exception to this policy will exist in cases of emergencies such as those recognized pursuant to Section 103(4) of the General Municipal Law. Where competitive bidding is otherwise required, the procedures of Section 103(5) of the General Municipal Law shall be applied. In all other emergency cases, the Purchasing Agent shall be required to exercise their best judgment to secure the materials and/or services which are necessary.

- m-n) Sweatshop-Free Purchasing: It is the goal of the Board of Education to avoid purchasing materials produced in sweatshops. When purchasing apparel, efforts shall be made to assure such apparel was manufactured or supplied by employers who comply with the basic legal requirements that govern the production of clothing as defined by the New York State Department of Labor, and the New York State Department of Labor garment industry Registration Database shall be consulted to determine whether the contractor is registered.

8 New York Code of Rules and Regulations
(NYCRR) Section 170.2

Request for Proposal Process for the Independent Auditor

In accordance with law, no audit engagement shall be for a term longer than five (5) consecutive years. The District may, however, permit an independent auditor engaged under an existing contract for such services to submit a proposal for such services in response to a request for competitive proposals or be awarded a contract to provide such services under a request for proposal process.

Procurement of Goods and Services

The Board of Education recognizes its responsibility to ensure the development of procedures for the procurement of goods and services not required by law to be made pursuant to competitive bidding requirements. These goods and services must be procured in a manner so as to:

- a) Assure the prudent and economical use of public moneys in the best interest of the taxpayer;
- b) Facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances; and
- c) Guard against favoritism, improvidence, extravagance, fraud and corruption.

These procedures shall contain, at a minimum, provisions which:

- a) Prescribe a process for determining whether a procurement of goods and services is subject to competitive bidding and if it is not, documenting the basis for such determination;
- b) With certain exceptions (purchases pursuant to General Municipal Law, Article 5-A; State Finance Law, Section 162; State Correction Law, Section 184; or those circumstances or types of procurements set forth in (f) of this section), provide that alternative proposals or quotations for goods and services shall be secured by use of written request for proposals, written quotations, verbal quotations or any other method of procurement which furthers the purposes of Section 104-b of General Municipal Law;
- c) Set forth when each method of procurement will be utilized;
- d) Require adequate documentation of actions taken with each method of procurement;
- e) Require justification and documentation of any contract awarded to other than the lowest responsible dollar offer, stating the reasons;
- f) Set forth any circumstances when, or the types of procurement for which, the solicitation of alternative proposals or quotations will not be in the best interest of the District; and
- g) Identify the individual or individuals responsible for purchasing and their respective titles. Such information shall be updated biennially.

Any unintentional failure to fully comply with these provisions shall not be grounds to void action taken or give rise to a cause of action against the District or any District employee.

The Board of Education shall solicit comments concerning the District's policies and procedures from those employees involved in the procurement process. All policies and procedures regarding the procurement of goods and services shall be reviewed annually by the Board.

Adopted: 7/16/08

FINANCIAL REPORTS

FINANCIAL REPORTS

None.

OTHER DISCUSSION

OTHER DISCUSSION

Dr. Rodriguez inquired about the building visits for board members. Mrs. Rice will schedule same for the Board members after the Board gets the building condition survey. The person who does the building conditions survey will go along with the Board so they can be available to answer questions.

Mr. Rausch asked Maria C. Rice or Rick Linden to contact the internal auditing firm as to why they have not responded to his requests for internal auditing. Mr. Linden said he will do this.

Mr. Torres stated at the last Health Advisory Committee he spoke with a student rep regarding paperless report cards. Her parents had signed up for paperless report cards, but they still received the hard copy. Mrs. Rice said she will look into this.

Ms. Tobin Flusser stated One Book One New Paltz will perform Zeitoun, a nonfiction book written by Dave Eggers this year. Ms. Tobin Flusser encouraged people to read the book and to attend the performance

Dr. Rodriguez commented about the African American Burial Ground Ceremony and how the district made contributions to it.

Dr. Rodriguez would like to know what resources he has available to him to get his work done and fulfill his duties as a Board Member.

PUBLIC COMMENTS

PUBLIC COMMENT

Maria C. Rice introduced Deborah Fox, the Superintendent of Livingston Manor Central School District, who received permission to interview some Board Members for her doctoral program at SAGE. Ms. Fox is doing a project on Board governance.

ADJOURN

ADJOURN

Motion made by Mr. Torres and seconded by Mr. Rich that the Board adjourn at 9:30 PM.

Motion carried 7 - 0 with 7 members voting. Meeting adjourned.

Respectfully submitted,

Elena Rae Maskell
District Clerk