

**Minutes – Business Meeting – Board of Education – New Paltz Central High School – November 17, 2010 – 7:00 PM**

**CALL MEETING TO ORDER**

**CALL TO ORDER**

Meeting was called to order at 6:07 PM by Don Kerr, Board President. Maria C. Rice was appointed as Clerk Pro Tempore for this portion of the meeting.

**BOARD MEMBERS PRESENT:** Kathleen Tobin Flusser  
Steven Greenfield (arrived at 6:12 p.m.)  
Donald Kerr  
Patrick Rausch (arrived at 6:32 p.m.)  
Robert Rich  
Edgar Rodriguez  
Daniel Torres

**QUORUM CHECK**

**ALSO PRESENT:** Maria Rice, Superintendent of Schools  
Richard Linden, Assistant Superintendent for Business

**ROLL CALL** The roll was called as reflected above.

**ROLL CALL**

**EXECUTIVE SESSION**

**EXECUTIVE SESSION**

Motion made by Mr. Rich and seconded by Ms. Tobin Flusser that the Board of Education move into Executive Session at 6:07 p.m. for the purpose of discussing the employment history of particular individuals, discussing the school history or particular students in accordance with their FERPA rights, discussing matters made exempt by FERPA, and discussing contract negotiations.

Motion carried 5 - 0 with 5 members voting. Mr. Greenfield and Mr. Rausch were not yet present during voting.

Out of Executive Session 6:57 p.m. Motion made by Mr. Kerr and seconded by Mr. Greenfield that the Board return to Public Session. Motion carried 7 - 0 with 7 members voting.

**CALL TO ORDER**

**CALL TO ORDER**

The Public Meeting was called to order at 7:02 PM by Donald Kerr, Board President.

**BOARD MEMBERS PRESENT:** Kathleen Tobin Flusser  
Steven Greenfield  
Donald Kerr  
Patrick Rausch  
Robert Rich  
Edgar Rodriguez  
Daniel Torres

**QUORUM CHECK**

**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  
Michelle Martoni, Principal, Lenape Elementary School  
Debra Hogencamp, Principal, Duzine Elementary School  
Stephen J. Callahan, Director of Facilities & Operations  
Elena Maskell, District Clerk  
Julie Apuzzo, Student Representative  
Members of the Public and Press

**ROLL CALL** The roll was called as reflected above.

**ROLL CALL**

**PLEDGE TO THE FLAG**

PLEDGE

**AGENDA CHANGES**

AGENDA CHANGES

President Kerr read an oral change to the agenda as reflected below.

PERSONNEL:

**Delete** existing Personnel item **12.5 Non-Instructional Termination** in its entirety from the Agenda.

**SPOTLIGHT ON PROGRAM: FIRST ANNUAL PUMPKIN FEST** – Lenape Elementary School.

Principal Michele Martoni was present to introduce her faculty and students for the presentation. Mr. Longbotham was thanked for all of his hard work along with other teachers and staff who assisted in the efforts. A Power Point presentation was given to the Board by the Lenape Students.

**RECOGNITION – NEW PALTZ ATHLETIC ASSOCIATION** – Ed Mannix, President

Mr. Kerr read a statement of thanks written by Toni Woody. Mr. Kerr, as Board President, also gave thanks and recognition to the New Paltz Athletic Association for their fundraising efforts and generosity. Ed Mannix was thanked and given a certificate by the Board of Education. Mr. Mannix spoke and thanked the Board, Toni Woody, and those involved in the New Paltz Athletic Association for their recognition. Maria C. Rice also stated that the donations from NPAA allowed athletics to keep all programs the same from last year despite budget cuts.

**PUBLIC COMMENTS**

PUBLIC COMMENT

Elise Gold	Gardiner	Comments on healthy school lunches for students.
Jim O'Dowd	New Paltz	Improving nutritional quality and food services in our schools.

**STUDENT REPRESENTATIVE REPORT**

STUDENT REP

Julie Apuzzo gave a report to the Board of Education. Ms. Apuzzo is a senior at New Paltz, and reported that the first quarter is already coming to a close. Ms. Apuzzo stated that fall sports just ended. Two girls from the tennis team made it to states for the first time, boys golf made it to state qualifications, and the swim team also performed well. Ms. Apuzzo stated they had several peer leadership events including a blood drive. Ms. Apuzzo stated the senior class is having a talent show next week, and many of the clubs are holding drives for the upcoming holiday season. Ms. Apuzzo noted there are new committees formed from the awareness committee, which focuses on nutrition awareness and autism awareness. Ms. Apuzzo stated the drama club is putting on a performance tomorrow. Antonio Stephens and Katelyn Welch were there to announce their play Moon over Buffalo, a comedy, which will be held Thursday, Friday, and Saturday at 7:30 p.m. All were encouraged all to attend.

**SUPERINTENDENT'S REPORTS & DISCUSSION ITEMS**

SUPT REPORT

**SUPERINTENDENT COMMENTS**

Maria C. Rice thanked the PTA and NPUT for sponsoring the Senior Citizen's Luncheon that was held today at Duzine and Lenape. The luncheon would not have happened if it were not for their sponsorship. Mrs. Rice stated the district will be visited by Dr. John B. King, Jr. who is the Senior Deputy Commissioner for P-12 Education at the New York State Education Department. Dr. King will be meeting with area superintendents tomorrow to discuss Race To The Top legislation. Superintendent Rice stated the district is being honored by this visit tomorrow.

**SUPERINTENDENT REPORTS**

**DIVERSITY COMMITTEE ACTION PLAN PRESENTATION**– DEBRA HOGENCAMP

Debra Hogencamp, the chairman of the Diversity Committee, and Dr. James Childs attended the meeting and gave a presentation to the Board regarding the Diversity Committee Action Plan.

**PREVENTION CONFERENCE OVERVIEW - PARTICIPANTS**

Maria C. Rice noted that Connie Hayes and Katherine Wanko attended the Ulster Prevention Conference along with Mr. Rausch, Dr. Rodriguez, and Mr. Greenfield. A brief overview followed.

**BOARD COMMUNICATIONS**

BOARD COMMUNICATION

**UPDATE ON EMERGENCY PROJECTS** – TOM RITZENTHALER, PAIGE LEWIS, CSARCH

Mr. Ritzenthaler and Ms. Lewis gave updates on the Middle School Emergency Roof Project, the Lenape Emergency Masonry Repair Project, and the Lenape Emergency Fuel Tank Project.

**BUILDING CONDITIONS REPORT AND DISCUSSION OF COMPREHENSIVE FACILITIES PLANNING PROCESS – TOM RITZENTHALER, PAIGE LEWIS, CSARCH**

Mr. Ritzenthaler noted that six Building Condition Surveys were given to the Board Members. The Building Condition Survey is a required survey by the NYSED. Mr. Ritzenthaler and Ms. Lewis also gave a presentation on the Comprehensive Facilities Plan.

Board members discussed touring the buildings on a Saturday morning or early afternoon. A start time of 10:00 a.m. was decided upon by the members. The tour will be of all four school buildings and the transportation center will take place. Members decided to take the tour after the holiday season in January or February.

**BUDGET PARAMETER DISCUSSION & AUDIT COMMITTEE REPORT**

Mr. Rausch stated the Audit Committee decided to start with a 3 – 3 ½ percentage increase range for the 2011-2012 budget. Mr. Rausch stated the buses have been put back into the overall budget. Mr. Linden had a Power Point presentation to give to the board regarding assumptions used for the 2011-2012 rollover budgets, and the tax levy and budget options for the 2011-2012 budget with a 3% and a 3.5% tax levy increase. Discussion ensued.

**MINUTES OF MEETING**

**MINUTES**

Motion made by Ms. Tobin Flusser and seconded by Mr. Torres 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 Business Meeting of November 3, 2010. Motion carried 7 - 0 with 7 members voting.

**COMMITTEE REPORTS**

**HEALTH ADVISORY COMMITTEE** Mr. Torres noted that the Health Advisory Committee met on November 11, 2010. They reviewed policies and made recommendations on over 25 policies. Mr. Torres reported on social norming that was discussed at the meeting. Mr. Torres stated the Wellness Committee would like an updated Action Plan. Mr. Torres stated the Middle School Garden Project has come to fruition. Mr. Torres stated the Code of Conduct committee has yet to meet, but they would like to discuss a zero tolerance policy, if this is a priority of the board. The Board stated they would like a zero tolerance policy by the end of this school year.

**PERSONNEL (CONSENT AGENDA)**

**PERSONNEL**

Motion made by Mr. Torres and seconded by Mr. Rich that the Board of Education approve the following personnel (consent agenda) items 12.1 though 12.7 omitting 12.5 which was previously stricken from the agenda.

**12.1 Correcting Resolution: Instructional Leave of Absence**

Recommendation - that the New Paltz Central Schools Board of Education, upon the recommendation of Maria C. Rice, Superintendent of Schools, does hereby approve a correcting resolution to amend the effective date of an unpaid leave of absence for the following employee: (Effective date was incorrectly approved on October 20, 2010 as 10/1/10 – 1/31/11).

<b>Name</b>	<b>Effective Date</b>
Renee Salamone	10/25/10 – 1/31/11

**12.2 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.

<b>Name</b>	<b>Effective Date</b>
Constance Fiedler	effective 11/18/10 – 6/30/11
Ryan Kiernan	effective 11/18/10 – 6/30/11
Matthew Meade	effective 11/18/10 – 6/30/11
Taloneith Rushie	effective 11/18/10 – 6/30/11
Anthony Smaldone	effective 11/18/10 – 6/30/11

**12.3 Home Tutors**

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, on an as-needed basis with remuneration as per NPUT contract effective for the 2010-2011 school year:

**Name**

Claudia Battaglia  
 Paul T. Ibsen  
 Dawn E. Sutton  
 Ryan John Kiernan  
 Loretta Acosta Russell  
 Cynthia Carol Simpson

**12.4 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:

<b>Name</b>	<b>Title</b>	<b>Effective Date</b>	<b>Salary</b>	<b>Hours</b>
Amy Cecil	Substitute Teacher Aide	11/18/10	\$10.50/hr	as needed
Matthew Crane	Substitute Teacher Aide	11/18/10	\$10.50/hr	as needed
Michelle Sussman	Substitute Teacher Aide	11/18/10	\$10.50/hr	as needed
Marlea Liguori	Substitute Teacher Aide	11/18/10	\$10.50/hr	as needed
Jennifer Cone	Lighting and Sound Coordinator/Technician	11/18/10 – 6/30/11	\$25.00/hr	maximum of \$1000 for the 2010-2011 school year

**12.5 Deleted in its entirety from agenda.**

**12.6 Appointment of Chaperone**

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 personnel for fall/winter/spring sporting events:

<b>Name</b>	<b>Title</b>	<b>Salary</b>
Wayne Kreuzscher	Chaperone	\$30/per event

**12.7 Nurse Substitute Appointments - Certified**

Recommendation that the New Paltz Central Schools Board of Education upon the recommendation of Maria C. Rice, Superintendent, does hereby appoint the following certified substitute nurses at a per diem rate of \$100 for the 2010/2011 school year:

**Name**

Lindsay Ferrante

MOTION carried 7 - 0 with 7 members voting.

**OLD BUSINESS**

**OLD BUSINESS**

Motion made by Mr. Rich and seconded by Mr. Torres to accept Old Business consent agenda items 13.1 through 13.3.

**13.1 Second Reading and Request for Approval of Revisions to Policy 5572 Audit Committee (See page 4 of Agenda)**

2010 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 goods 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

**13.2 Second Reading and Request for Approval of Revisions to Policy 6550 Family and Medical Leave Act (See page 6 of Agenda)**

2010  
 6551  
 1 of 7

Personnel

**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.

- a) ~~The calendar year January through December; or~~
- e) ~~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) 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 cannot 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.

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.

**SUBJECT: FAMILY AND MEDICAL LEAVE ACT (Cont'd.)**

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.





## **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 special education assistants, etc.). 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

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 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 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 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 special requirements for instructional employees taking leave close to the end of a 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 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, such time 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 provided to employees with the required annual notices or furnished to each new employee within five days from the date of hire.

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

**13.3 Second Reading and Request for Approval of Revisions to Policy 5410 Purchasing (See page 10 of Agenda)**

2010 5410  
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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 bidding procedures are not required by law, the following regulations shall apply:

Dollar Limit

Materials, Equipment, Supplies Procedures

\$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.

Dollar Limit

Public Works Projects/Contracts/Procedures

\$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.

- 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.
- j) 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.

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

#### **SUBJECT: PURCHASING (Cont'd.)**

- 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

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

**NEW BUSINESS**

**NEW BUSINESS**

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

**14.1 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: 11288, 12389, 11256, 10644, 10370, 10927, 10932, 10949, 10850, 10081, 10964, 11495, 10519, 9903, 1718, 9565, 12381, 10977, 1325, 10938, 10804, 727.

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

Motion made by Mr. Rausch and seconded by Mr. Rich to approve the following:

**14.2 Request for Approval to Accept Donation**

Recommendation –that the Board of Education approve the following resolution: **BE IT RESOLVED** that the Board of Education , upon the recommendation of Maria C. Rice, Superintendent of Schools, does hereby accept a donation from the New Paltz Athletic Association in the amount of \$1,160 to be used for entry fees in two interscholastic wrestling tournaments and one invitational basketball tournament, and directs the District Clerk to send a letter of appreciation from the Board of Education to New Paltz Athletic Association for this donation.

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

**FINANCIAL REPORTS**

**FINANCIAL REPORTS**

Motion made by Mr. Rausch and seconded by Mr. Torres that the Treasurer’s Report for October 2010 and Budget Transfer Schedule #3 be approved.

Motion carried 7 – 0 with 7 members voting.

**OTHER DISCUSSION**

**OTHER DISCUSSION**

**PUBLIC COMMENTS** None

**PUBLIC COMMENT**

**EXECUTIVE SESSION**

**EXECUTIVE SESSION**

Motion made by Mr. Rausch and seconded by Mr. Rich to move into Executive Session at 10:17 PM to discuss contract negotiations. Motion carried 7 - 0 with 7 members voting. Members moved into Executive Session for the purpose of discussing contract negotiations.

**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

Out of Executive Session

**RETURN PUBLIC SESSION**

Motion made by Mr. Kerr and seconded by Mr. Rich that the Board return to Public Session at 10:23 PM.

Motion carried 7 - 0 with 7 members voting.

**ADJOURN**

ADJOURN

Motion made by Mr. Rausch and seconded by Mr. Kerr that the Board adjourn at 10:23 PM.

Motion carried 7 - 0 with 7 members voting.

Respectfully submitted,

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Elena Rae Maskell  
District Clerk