

Docket # _____

The **SPECIAL BUSINESS/POLICY MEETING** of the Board of Education West Hempstead Union Free School District was called to order in the High School Video Conference Room on October 6, 2015 at 7:40 p.m.

PRESENT: Ms. Brohm, who presided, and six other members of the Board: Ms. Close, Ms. Greaves, Ms. Lotito, Mr. Schindler, Ms. Shinsato and Mr. Trocchia. Also present were Mr. Hogan, Mr. Rehman, Mr. O’Keefe, Mr. Sheahan, Mr. Mestecky, Ms. Girolamo and members of the community.

Under **SPECIAL BUSINESS** action took place as follows:

Docket #5-98: Upon the motion of Mr. Trocchia, seconded by Mr. Schindler and carried by seven, Appointments, Resignations, etc. were made, accepted, granted and approved as follows:

Topic: Per Diem Substitute Appointments

<u>Name</u>	<u>Salary</u>	<u>Position</u>
Arellano, Alexander	\$90.00/day	Teacher
Bellsey, Jes	\$90.00/day	Teacher
Bettineschi, Kayla	\$90.00/day	Teacher
Buffolino, Nicole	\$90.00/day	Teacher
Carpio, Wendy	\$90.00/day	Teacher
Cavaliere, Zindy	\$90.00/day	Teacher
Covas, Joseph	\$90.00/day	Teacher
Inserrva, Cheryl	\$90.00/day	Teacher
Levine, Linda	\$10.11/hour	Monitor
MacCulloch, Marissa	\$90.00/day	Teacher
March, Omar	\$11.36/hour	Cleaner
Melfi, Andrew	\$90.00/day	Teacher
Peets, Lavonie	\$90.00/day	Teacher
Perfetti, Amanda	\$90.00/day	Teacher
Pirro, Peter	\$11.36/hour	Cleaner
Sorrentino, Carissa	\$90.00/day	Teacher
Swider, Jessica	\$90.00/day	Teacher
Toscano, Kimberly	\$90.00/day	Teacher

Topic: Annual Appointments

<u>Name</u>	<u>Position</u>	<u>Salary</u>	<u>Effective</u>
Siegelson, Matthew	Football Chain Holder	\$33.00 (per game – weekdays) \$40.00 (per Saturday game)	10/21/15 – 6/30/16

Docket #5-99: Upon the motion of Mr. Trocchia, seconded by Mr. Schindler and carried by seven, the Board approved the Submission of APPR Hardship Waiver Application to the State Education Department.

Docket #5-100: Upon the motion of Mr. Trocchia, seconded by Mr. Schindler and carried by seven, the Board approved the Contract for Special Education Services for Nursing Services for the 2015-16 school year with Health Source Group.

Docket #5-101: Upon the motion of Mr. Schindler, seconded by Ms. Lotito and carried by seven, the Board approved the Contract with Adelphi University for a Science and Technology Entry Program for the period July 2015 through June 2020.

Docket #5-102: Upon the motion of Mr. Schindler, seconded by Ms. Lotito and carried by seven, the Board approved the Transfer of Unexpended Funds regarding the 005-024 project that was funded by budget appropriations from the 2013-14 and 2014-15 school year budgets to transfer such funds as to the undesignated fund balance for the 2015-16 school year.

Docket #5-103: Upon the motion of Mr. Schindler, seconded by Ms. Lotito and carried by seven, the Board approved the Appropriation from Fund Balance for the Storage Garage at the Chestnut Street School parking lot.

Docket #5-104: Upon the motion of Mr. Schindler, seconded by Ms. Lotito and carried by seven, the Board accepted the Bullet Aid Grant from the New York State Education

Department and appropriates the total amount of \$75,000 to the 2015-16 General Fund, which is designated for the purchase of district-wide instructional technology equipment.

Upon the motion of Mr. Trocchia, seconded by Mr. Schindler and carried by seven, the following policies were discussed:

Docket #5-83 : **Policy 2200 – Sexual Harassment** – It was unanimously agreed that this Policy be placed on the October 20th Business Meeting for adoption by the Board with the following changes: Second paragraph, fourth line, after “of a sexual nature” add, “including sexual violence. Sexual violence includes, but is not limited to: rape, sexual assault, sexual battery and sexual coercion.” Fifth paragraph, fourth line, after “The District will promptly” add “thoroughly and equitably investigate....”. Fifth line to read, “To the extent possible, and in accordance with applicable laws, all complaints.....”.Sixth paragraph, last line, add “Code of Conduct.”

Docket #5-84: **Policy 3443 – Investments** – It was unanimously agreed that this Policy be placed on the October 20th Business Meeting for adoption by the Board with the following change: Paragraph One, line six to read “..invest and/or deposit all funds not required for immediate expenditure.”

Also add under Ref: General Municipal Law §§ 6-d, 6-j, 6-l, 6-m, 6-n, 6-p, 6-r, 11
 Local Finance Law § 24 and § 25

Docket #5-85: **Policy 3444 – Purchasing** – It was unanimously agreed that this Policy be placed on the October 20th Business Meeting for adoption by the Board with no changes.

Docket #5-86: **Policy 4100 – Code of Ethics** – It was unanimously agreed that this Policy be placed on the October 20th Business Meeting for adoption by the Board with no changes.

Docket #5-87: **Policy 4354 – Employee Protection (Whistle Blower)** – It was unanimously agreed that this Policy be placed on the October 20th Business Meeting for adoption by the Board with the following changes:

Page 1, second paragraph under Disclosure and Investigation to read: “Staff members who suspect that a violation of state testing procedures has occurred by a certified educator, or non-certified individual involved in the state testing program, must report their concerns to the State Education Department (SED) in the manner prescribed by the Commissioner of Education, and must also report concerns to the Superintendent or Board of Education. Any Building Principal receiving such a report shall relay this information to the Superintendent. The District shall not take adverse action against an employee who has reported misconduct when mandated to do so by law or regulation.”

Under Ref: Add - 8 NYCRR § 02.4 (testing misconduct)

Docket #5-88: **Policy 4360 – Family and Medical Leave Act** – It was unanimously agreed that this Policy be placed on the October 20th Business Meeting for adoption by the Board with the following changes: First paragraph, first line, “...Act of 1993, as amended, the West Hempstead.....” Second paragraph, change all family or medical to FMLA. Fourth line and beyond to read, “be provided to any eligible employee, regardless of gender, for the following reasons: 1) the birth and care of a newborn child of the employee; 2) placement of a child with the employee for adoption or foster care; 3) to care for a spouse, child or parent of the employee who has a “serious health condition”; 4) a “serious health condition” of the employee that prevents the employee from performing the functions of his/her job; 5) to care for a covered service member with a serious injury or illness if the employee is the spouse, son, daughter, parent or next of kin of the service member; 6) any qualifying exigency arising out of the fact that the employee’s spouse, son, daughter or parent is a covered military member on active duty (or has been notified of an impending call or order to active duty) in support of a contingency operation.

An eligible employee who is the spouse, son, daughter, parent or next of kin of a covered service member is entitled to a total of twenty-six (26) workweeks of unpaid, job protected leave in a single twelve (12)-month period to care for the service member who is seriously ill or injured in the line of duty.

The Board designates the “twelve”- (12) month period” in which the twelve (12) weeks of leave entitlement occurs as a rolling period measured backward from the date an employee uses leave under this policy.

Any eligible employee taking leave under this policy shall be required to use accrued paid vacation, personal, medical or sick leave for purposes of medical leave. The accrual of seniority and the maintenance of any benefits shall remain in effect during the course of this medical or family leave, provided that this leave does not exceed twelve (12) weeks in a year, and provided that the employee returns from the leave, unless such failure to return is a result of the continuation, recurrence or onset of a serious health condition, or is due to circumstances beyond the control of the employee. Whether such circumstances are beyond the control of the employee shall be determined by the District in its sole discretion. *The District may seek to recoup the costs of health insurance premiums for the time of the leave from such an employee.*

After sixth paragraph, add: The Board shall ensure that FMLA is provided to all eligible employees, unless they are covered by a collective bargaining agreement, which provides greater leave benefits than this Act.

Eighth paragraph to read: When an employee returns following a leave, he or she shall be returned to either the same or an equivalent position. The determination of such an assignment will be made by the Superintendent of Schools or the Superintendent's designee in a manner consistent with established District policies, practices and applicable collective bargaining agreement.

Under Ref: Add: Ref: Family and Medical Leave Act of 1993, as amended, Public Law 103-3

29 Code of Federal Regulations (CFR) Part 825

Docket #5-89: **Policy 5140 – Change Name to Interscholastic Athletics** – It was unanimously agreed that this Policy be placed on the October 20th Business Meeting for adoption by the Board with the following changes: Add first paragraph to read: The philosophy of the Board of Education is to offer a developmentally appropriate and challenging level of play for all students in the interscholastic athletic program.

Student eligibility for participation on interscholastic teams shall include:

1. Authorization by the school physician;

2. Written parent or guardian consent (the written consent will contain information for parents on mild traumatic brain injury (TBI) and will provide a link to the State Education Department's web page on TBI); and
3. Endorsement by the Building Principal based on established rules and various league and State Education Department regulations.

Third paragraph, third line, to read: "...in accordance with the Advanced Placement Process established...."

Then add:

Advanced Placement Process

The intent of the Advanced Placement Process is to provide for students in grades 7 through 8 a mechanism allowing them to participate safely at an appropriate level of competition based upon readiness rather than age and grade. Students do not mature at the same rate and there can be a tremendous range of developmental differences between students of the same age. The Advanced Placement Process is not to be used to fill positions on teams at the high school level.

The Board of Education of the West Hempstead Union Free School District authorizes the Athletic Department to use the Advanced Placement Policy set forth by the New York State Department of Education and in accordance with the West Hempstead Athletic Department Policy.

Procedures for Advanced Placement Process

A student athlete will be considered for the Advanced Placement Process as a result of the following procedures:

- * The head coach of the varsity program, after discussion with the middle school coach, recommends that a student athlete may be considered for the Advanced Placement Process. Parents cannot recommend their child for the Advanced Placement Process.
- * The Athletic Director and middle school principal/high school principal will meet to determine whether or not to continue the process. The Athletic Director should confirm that the student is suitable for consideration, which includes the likelihood that the student would play in at least 50% of the games. Additionally, because of the increased time demands of participation at the high school level, the student's academic performance should be at or above grade level. The school administration

should assess the student's emotional readiness to socialize with high school students. If the student is not academically or socially ready, the student will not proceed with the Advanced Placement Process.

- * Should the recommendation be positive, the Athletic Director will contact the parent/guardian and receive written permission to proceed with the Advanced Placement Process.
- * The student athlete must have a physical from the District's Chief Medical Officer. The Chief Medical Officer will determine the student's physical maturity level and compare the physical size of the student in relation to that of students against whom the student wishes to compete. If the student is determined to have obtained the appropriate maturity level and comparable physical size for the desired sport and level, the student may proceed to the next step (Tanner Score). If the Chief Medical Officer determines the student has not attained an appropriate physical maturity level for the desired sport and level, then the process stops, but the student can obtain a Tanner Score from their own physician. The school Chief Medical Officer will then have a conversation with the student's private physician to determine if the process should continue.
- * The varsity coach will receive input from the middle school coach or rely on personal observations and may consider input from the student's former coach. If the varsity coach is unfamiliar with the student, the coach may wish to observe the student in his or her physical education classes.
- * Physical Fitness Testing - this must be done by a certified physical education teacher who is not a coach of the sport for which the student will be trying out. The President's Physical Fitness test has been selected as the test for this process and the student must meet the 85 percentile level for their age in four out of five test components. For students trying out for girls' varsity swimming an alternative fitness test to the one mile walk/run-students may choose to do either the one mile walk/run or the 500 yard swim, but the student still must meet the required times. There are no waivers as per the New York State Education Department.
- * Qualification Determination - only students who pass all parts of the Advanced Placement Process are permitted to tryout.

- * Tryouts - Once the student has met all of the above requirements, the student athlete is permitted to tryout in three out of the first five practice days. If a student attends practice on the fourth day of high school tryouts the student athlete will not be permitted to return to the middle school program for that particular sport. The West Hempstead Union Free School District Board of Education shall permit students to compete under the Advanced Placement Process in all sports limited as follows: 7th grade students are not eligible for the Advanced Placement Process with the exception of individualized non-contact sports such as bowling, cross country, tennis, track and swimming. Bowling - any 7th or 8th grade student may be given the opportunity to tryout for a junior varsity or varsity team. At the completion of the tryout sessions, which must include nine games bowled over a three-day period, if the individual's bowling average puts him/her in the top eight of your bowlers, he or she is eligible for the team. Cross Country - the student athlete must place in the top eight runners. Tennis - the student athlete needs to be in the top two singles players. Track (winter/spring) - the student athletes needs to be an exceptional skilled runner, jumper or thrower with the potential to score at a divisional level meet. Swimming - the student athlete's scores must place them in the top five swimmers.
- * Records - The Athletic Director must obtain all records of students who have successfully completed the Advanced Placement Process. Records include: parent/guardian permission slip, result letters, maturity evaluation and medical director form, physical fitness results and coach's sport skill evaluation.
- * Notifications - A notification list of scores of all athletes who have successfully completed the process and have been approved through the Advanced Placement Process after the tryout has been completed must be sent to the Athletic Director, Section VIII and the schools in the conference.

Docket #5-90: **Policy 5151B – Student Health Services** – It was unanimously agreed that this Policy be placed on the October 20th Business Meeting for adoption by the Board with the following changes:

Page two, paragraph 4, add last line: Parents/guardians will receive notification of non-emergent situations that have been reported to the nurse in a timely manner.

Page two, paragraph 5, add last line: Students will be excluded during periods of contagion for time periods indicated on a chart developed by the New York State Department of Health.

After paragraph 5, add this paragraph:

During an outbreak of these communicable diseases, if the Commissioner of Health or his/her designee so orders, the District will exclude students from school who have an exemption from immunization or who are in the process of obtaining immunization, in accordance with regulations of the Commissioner of Health, 10 NYCRR 66-1.10.

Page 3, top paragraph to read, “prescribed by an authorized medical provider.”

Page 3, Number 2, first line to read, “...order of the prescribing authorized medical provider,....”. Under (h) to read, “the prescribing medical provider’s name....”.

Add a Number 4 to read: That in order for a student to carry and use a rescue inhaler, an epinephrine auto-injector, insulin or glucagon and associated testing supplies, written permission must be provided both by the parent and the prescribing authorized medical provider in accordance with state law and regulation.

Under Number 5 Add: Students are allowed to carry and apply parentally provided sunscreen without a prescription from a medical provider, assuming that the sunscreen is FDA approved and that the sunscreen is not treating a medical condition. Parents need to provide the District with written permission for students to use sunscreen. In addition, parents are responsible for providing the sunscreen they would like their child to use at school.

Change all ECPs to EAP.

Page 5 , first bullet to read: Allow students to carry and self-administer their prescribed life saving medication upon receipt of prior written consent from the student’s parent or person in parental relation and written permission from a medical provider of the child in accordance with 8 NYCRR § 136.7;

Under “In addition, the District will:” second bullet to read: Request the School Medical Director to write, in accordance with 8 NYCRR § 64.7(b) a non-patient specific order and protocol, for anaphylaxis treatment agents for the school’s registered professional nurse to administer in the event of an emergency anaphylactic episode;

Under Use of Epi-Pens, fourth line, delete “prescriber” and add “medical provider.”

Add Cross References as follows:

Cross Ref: 5153, Immunizations of Students

6200, Programs for Students with Disabilities

5140, Interscholastic Athletics

5158, Student Privacy

Under Ref: Add the following: 916 (student self-administration of rescue inhalers); 916-a (student self-administration of epinephrine); 916-b (students with diabetes); 919 (provide and maintain nebulizers); 921 (epinephrine auto-injectors; training of unlicensed personnel); 10 NYCRR Part 66-1 (immunization requirements); *New Policy for Stocking Albuterol Metered Dose Inhalers (MDIs)*, State Education Department, August 2011,

www.p12.nysed.gov/sss/schoolhealth/schoolhealthservices/Albuterol2011memo.pdf

Docket #5-91: **Policy 9340 – Regular Meetings** – It was unanimously agreed that this Policy be placed on the October 20th Business Meeting for adoption by the Board with no changes.

Docket #5-92: **Policy 9341 – Order of Business at Regular and Adjourned Business Meetings** – It was unanimously agreed that this Policy be placed on the October 20th Business Meeting for adoption by the Board with the following changes: Under C. Add #4 – Claims Auditor’s Report. Under H. Delete Deputy Superintendent.

Docket #5-93: **Policy – Programs for English Language Learners with Administrative Regulations** – It was unanimously agreed that this Policy be placed on the October 20th Business Meeting for adoption by the Board as follows:

The Board of Education believes that students who, by reason of foreign birth or ancestry, have limited English proficiency (referred to here as “English Language Learners” or ELLs), will be more effective learners of both the language and the curriculum if they receive instruction in both their native language and English. The District will therefore take steps to identify ELL students and provide ELL students with an appropriate program of either Bilingual Education or English as a New Language.

Pursuant to this policy and the regulations of the Commissioner of Education, the Superintendent of Schools is directed to develop appropriate administrative regulations to ensure that students are:

1. screened to determine if the student is an ELL, in accordance with Parts 117 and 154 of the Commissioner's Regulations, a process that will include interviews and assessments and will assign each ELL student to the appropriate subpopulation (Newcomer, Developing, Long Term, Former English language learners, English language learners with disabilities or students with inconsistent/interrupted formal education);
2. identified, as appropriate, as an ELL student with a disability;
3. annually evaluated to determine continued ELL eligibility. Included in the evaluation shall be each student's performance in English language proficiency and academic progress in content areas;
4. assured of access to appropriate instructional and support services, including guidance programs within the timeframes provided by Commissioner's Regulations; and
5. assured of having equal opportunities to participate in all school programs and extracurricular activities as non-ELL students.

The Superintendent shall be responsible for ensuring that the Commissioner of Education is provided with a comprehensive plan that describes the District's ELL program and includes all information specified in the Commissioner's Regulations, before the start of each school year. The District will also provide assurances that the District is providing appropriate school-related information to the parents (or persons in parental relation) of ELL students in English and the language they best understand.

The District will provide an orientation program annually for parents of newly enrolled ELL students in a language or mode of communication that the parent best understands. The District will also meet individually with ELL parents at least once a year to discuss the goals of the ELL program, their child's language development progress; their child's English language proficiency assessment results and language development needs in all content areas (in both their native language and English), in addition to regular parent/teacher meetings.

In addition, the Superintendent shall ensure that all teachers employed in any Bilingual and/or English as a New Language program are properly certified in accordance with the Commissioner's Regulations, and that all staff receive appropriate professional development on ELL students.

Cross-ref: 6200, Programs for Students with Disabilities Under IDEA and
Article 89
Policy 6152 Limited English proficiency – Statement of Assurances

Ref: Education Law §3204
English Acquisition, Language Enhancement, and Academic Achievement Act, 20
USC §§6801 et seq
Equal Educational Opportunities Act of 1974, §§201 et seq.,
20 U.S.C. §§1701 et seq.
8 NYCRR §§80-2.9; 80-2.10; 117; Part 154
Lau v. Nichols, 414 U.S. 563 (1974)
Rios v. Read, 480 F. Supp. 14 (1978)
Cintron v. Brentwood UFSD, 455 F. Supp 57 (1978)
Aspira of New York v. Board of Educ. (City of New York), 394 F. Supp. 1161 (1975)

Docket #5-94: **Policy – Student Searches and Interrogations** – This policy was not discussed and has been removed.

Docket #5-95: **Policy – School Admissions** – It was unanimously agreed that this Policy be placed on the October 20th Business Meeting for adoption by the Board as follows: The District shall provide a public education to all persons residing in the District between the ages of five and twenty-one who have not received a high school diploma.

A veteran of any age who has not yet received his/her high school diploma and who has been discharged under conditions other than dishonorable is eligible to attend a District school.

A non-veteran under twenty-one years of age who has received a high school diploma shall be permitted to attend a District school or BOCES upon payment of tuition.

Upon registration, all new students shall be required to present proof of age, residency within the District and immunizations.

The District will enroll and register students in accordance with all applicable laws and regulations, including but not limited to, Commissioner’s Regulation 100.2(y), as amended. The District shall not inquire into immigration status at the time of or as a condition of enrollment, except for limited and targeted post-enrollment inquiries, such as

collecting necessary data for procuring funding under Title I of the Elementary and Secondary Education Act of 1965 (“ESEA”), Title III of ESEA, as amended by the No Child Left Behind Act of 2001, and N.Y. Education Law § 3218 and § 100.2(y) of the Commissioner’s Regulations.

In the event the District denies enrollment of a student, the District will do so in accordance with § 100.2(y) of the Commissioner’s Regulations, including the provision of written notice to the student or parent/guardian as set forth in that section.

If the parent/guardian of a student seeking to enroll is limited English proficient, the District will meaningfully communicate material information about enrollment as required by federal law. The District will provide parents/guardians of all newly enrolled students with appropriate information including student handbooks and information about access to special education services.

The hours of operation of the District’s Central Registration shall be Monday, Wednesday and Friday 8:30 a.m. to 11:30 a.m. and Tuesday and Thursday 12:00 p.m. to 3:00 p.m. Summer hours: Monday, Wednesday and Friday 8:30 a.m. to 12:00 p.m. and Tuesday and Thursday 11:00 a.m. to 2:30 p.m.

Regulations that accompany Policy 5151B, Student Health Services, provide additional guidance regarding immunization records.

Cross-ref: 6160, Homeless Students

5151B, Student Health Services

Ref: Education Law §§ 903; 904; 3202; 3208; 4402(8)

Public Health Law § 2164

Student Registration Guidance, New York State Department of Education, August 26, 2010, available at: www.emsc.nysed.gov/sss/pps/residency/studentregistrationguidance082610.pdf

Educational Services for Recently Arrived Unaccompanied Children, New York State Education Department, September 10, 2014

Information on the Rights of All Children to Enroll in School, U.S. Departments of Education and Justice, Revised May 8, 2014

Fact Sheet I and II: Information on the Rights of All Children to Enroll in School, U.S. Departments of Education and Justice, May 2014, available at: <http://www2.ed.gov/about/offices/list/ocr/docs/dcl-factsheet->

At 8:09 p.m. upon the motion of Mr. Trocchia, seconded by Mr. Schindler and carried by seven, the Policy Meeting was adjourned to Executive Session to discuss personnel and receive advice from counsel.

At 10:14 p.m. upon the motion of Ms. Lotito, seconded by Mr. Schindler and carried by seven, Executive Session was adjourned.

Kathryn Girolamo, District Clerk