

**LINDENHURST BOARD OF EDUCATION  
LINDENHURST, NEW YORK**

**McKenna Administration Bldg.  
Wednesday, March 3, 2010  
8:00 p.m.**

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**BUSINESS MEETING**

**AGENDA**

- 1. OPENING OF MEETING:**
- 2. EXECUTIVE SESSION:**
- 3. PUBLIC MEETING:** Call to Order, Pledge of Allegiance, Moment of Silent Meditation, Fire Code Announcement
- 4. PRESENTATION:**
- 5. APPROVAL OF MINUTES** February 3, 2010 – Business Meeting
- 6. BOARD OF EDUCATION'S REPORT TO THE COMMUNITY**
- 7. SUPERINTENDENT'S REPORT TO THE COMMUNITY**
- 8. INDIVIDUALS AND DELEGATIONS:**
- 9. TRUSTEE'S REQUEST**

**10. SUPERINTENDENT'S RECOMMENDATIONS**

**a. RECOMMENDATION – BOARD POLICY # 0100 – EQUAL OPPORTUNITY**

**Second Reading – Vote to be taken**

**A new board policy or revision of current board policy requires two readings.**

Recommended Action: Upon a motion made by \_\_\_\_\_, seconded by \_\_\_\_\_, the following proposed policy is offered for a second reading:

**0100**

**EQUAL OPPORTUNITY**

The Board of Education, its officers and employees, shall not discriminate against any student, employee or applicant on the basis of race, color, national origin, creed, religion, marital status, sex, age, sexual orientation, disability or predisposing genetic characteristic.

This policy of nondiscrimination includes access by students to educational programs, counseling services for students, course offerings, and student activities, as well as recruitment and appointment of employees and employment pay, benefits, advancement and/or terminations.

The Board authorizes the Superintendent of Schools to establish such rules, regulations and procedures necessary to implement and maintain this policy.

Cross-ref: 5030, Student Complaints and Grievances  
9140.1, Staff Complaints and Grievances

Ref: Americans with Disabilities Act, 42 U.S.C. §12101 *et seq.*  
Title VI, Civil Rights Act of 1964, 42 U.S.C. §2000d *et seq.*  
Title VII, Civil Rights Act of 1964, 42 U.S.C. §2000e *et seq.*  
Title IX, Education Amendments of 1972, 20 U.S.C. §1681 *et seq.*  
§504, Rehabilitation Act of 1973, 29 U.S.C. §794  
Individuals with Disabilities Education Law, 20 U.S.C §§1400 *et seq.*  
Executive Law §290 *et seq.* (New York State Human Rights Law)  
Education Law §§313(3), 3201, 3201-a

Adoption Date: February 4, 2009

Revised Date:

Vote on the motion: Yes:

No:

Abstained:

Motion carried/defeated

**b. RECOMMENDATION – BOARD POLICY # 1741 – HOME-SCHOOLED STUDENTS****Second Reading – Vote to be taken**

**A new board policy or revision of current board policy requires two readings.**

Recommended Action: Upon a motion made by \_\_\_\_\_, seconded by \_\_\_\_\_, the following proposed policy is offered for a second reading.

**1741****HOME-SCHOOLED STUDENTS**

The Board of Education shall ensure that children instructed at home are taught by a competent instructor and receive an education substantially equivalent to that offered in the district's schools in accordance with the guidelines and procedures set forth below.

Parents/Guardians who wish to educate their children at home must submit to the district an individual home instruction plan (IHIP), outlining the educational goals to be met and the course materials and syllabi to be used each year for the child's learning process. The district may accept or deny an IHIP. Parents/Guardians must submit quarterly reports which will provide the district with the necessary information to make determinations of substantial equivalency and competency of instruction on an ongoing basis.

Parents/Guardians may appeal to the Board a determination by the Superintendent of Schools or designee that an IHIP is not in compliance with the Regulations of the Commissioner of Education. Parents/Guardians shall have the right to appeal the final determination of the Board to the Commissioner of Education within 30 days of receipt of such determination.

Special Education

A student with an IHIP, who is a resident of the school district and has a disability, or is suspected of having a disability, is eligible to receive services from the school district, in accordance with law, regulation and district policy (4321 et. seq.). A parent/guardian must request special education services in writing to the Board by June 1<sup>st</sup>, unless the child is first identified or moves into the district after June 1<sup>st</sup>. In that case, the parent/guardian must request the services within 30 days of being identified or of moving into the district.

Special education services will be provided on an equitable basis compared to programs and services provided to other students with disabilities attending public or nonpublic schools within the district. The Board will determine the location where services will be available to home schooled students.

Students instructed at home by their parents are not entitled to participate in interscholastic sports. However, the Board shall permit such students to participate in intramural sports and other school-sponsored extracurricular activities. Specifically, the Board will permit home-schooled students to:

- participate in non-credit-bearing organized school activities such as clubs and sports (other than interscholastic sports);
- participate in band and/or receive music lessons only if these activities are considered to be extra-curricular (not credit-bearing or graded or required for class);

- use school facilities such as the library, career information center and gymnasium if there is mutual agreement on the part of all involved parties.

Instructional Materials

The Board authorizes the Superintendent to loan instructional materials, if available, to students receiving home instruction. The Superintendent or his/her designee shall determine the availability of resources and develop appropriate procedures.

Cross-ref: 4321, Programs for Students with Disabilities, *et.seq.*

Ref: Education Law §§ 3204(2); 3210(2)(d); 3602-c (2-c)  
 8 NYCRR §100.10  
*Appeal of Ponte*, 41 EDR 174 (2001)  
*Matter of Abookire*, 33 EDR 473 (1994)  
 State Education Department Memorandum, “New Requirements for the Provision of Special Education Services to Home-Instructioned (“Home-Schooled”) Students, July 2008

Adoption Date: February 4, 2010

Revised Date:

Vote on the motion: Yes:

No:

Abstained:

Motion carried/defeated

**c. RECOMMENDATION – BOARD POLICY # 2210 BOARD ORGANIZATIONAL MEETING**

**Second Reading – Vote to be taken**

**A new board policy or revision of current board policy requires two readings.**

Recommended Action: Upon a motion made by \_\_\_\_\_, seconded by \_\_\_\_\_, the following proposed policy is offered for a second reading.

**2210**

**BOARD ORGANIZATIONAL MEETING**

The Board of Education recognizes its obligation to hold an annual organizational meeting. The purpose of the organizational meeting is to elect officers of the Board and make the proper appointments and designations of other district employees for the proper management of the school district during the school year.

The Board will hold its annual organizational meeting on the first Tuesday in July. If that day is a legal holiday, the Board will hold the meeting on the first Wednesday in July. The Board may alternately hold the meeting on a date during the first 15 days in July that is not a legal holiday. The Board will choose this date by resolution at a Board meeting before July.

The District Clerk shall call the meeting to order, and shall preside until the election of a new president. The order of business to be conducted at the organizational meeting shall include items required or implied by state law and/or regulation. The Board may also conduct general district business, including properly entering into executive session, if necessary, at the end of the meeting before adjourning.

I. Oath of Office

The **District Clerk** shall administer and countersign the oath of office to newly-elected Board members. The oath shall conform to Article XIII-1 of the New York State Constitution, and Section 10 of the Public Officers Law. No new Board member shall be permitted to vote until he/she has taken the oath of office.

II. Election of Board Officers

The Board shall elect a president and vice-president for the ensuing year, and administer the oath of office to them. A majority of all members of the Board shall be necessary for a valid election.

III. Appointment of District Officers

The Board shall appoint and the Board President administer the oath of office to the following district officers:

District Treasurer	Deputy Treasurer
District Clerk	Tax Collector
Claims Auditor	

IV. Appointment of Other Positions

The Board shall appoint and establish the stipend (if any) for the following positions (*include only those that are appropriate for the district*):

School Physician	School Attorney
Census Enumerator	Special Counsels
Designated Education Official	Attendance Officer
School Dentist	Insurance Consultant
Internal Auditor	Records Access Officer
External Auditor	Records Management Officer
Audit Committee	Parent Surrogates
Title IX/Section 504 Hearing Officer(s)	Asbestos Designee
Treasurer(s) of Student Activity Account	Purchasing Agent
Election Clerks and Inspectors	Deputy Purchasing Agent

Committee on Special Education (CSE)      Other Consultants  
 Committee on Preschool Special Education (CPSE)  
 School Board Secretary

V. Bonding of Personnel

The Board may bond the following personnel handling district funds:

District Clerk	School Attorney
Tax Collector	Claims Auditor
District Treasurer	Deputy Treasurer
Treasurer of Student Activity Account	

The Board may, in each instance, specify the amount of the bond it intends to obtain. The Board may include any of the above officers in a blanket undertaking, pursuant to law and Commissioner's Regulations, rather than bond individuals.

VI. Designations

The Board shall designate/approve:

Official depositories for district funds  
 Official district newspapers  
 The Law Enforcement Unit  
 The day and time of regular meetings  
 The rate for mileage reimbursement  
 The calendar for the upcoming school year  
 The prices for school meals

The Board shall also adopt the rotational list of impartial hearing officers for the district as provided by the State Education Department.

VII. Authorizations:

- a. of person to certify payrolls;
- b. of contracts for student services (such as health, cafeteria), and tuition contracts, when necessary;
- c. of attendance at conferences, conventions, workshops, etc., with designated expenses;
- d. to establish petty cash funds (and to set amount of such funds);
- e. to designate authorized signatures on checks;
- f. of Board and district memberships in professional organizations;
- g. to offer school district employee and officer indemnification under Public Officer's Law §18;
- h. of positions entitled to use district-owned cell phones and credit cards;
- i. of Board representative(s) for appointing Impartial Hearing Officers; and
- j. of Superintendent of Schools to approve budget transfers, and the monetary limits of such transfers.

The Board shall review its policies on Investments (6240) and Purchasing (6700), and the Code of Conduct (5300), as required by law. The Board shall also review building-level student attendance data as required under Commissioner's Regulations section 104.1, and if the data shows a decline in attendance rates, shall review its policy on Attendance (5100).

Cross-ref: 2270, School Attorney  
2220, Board Officers  
2230, Appointed Board Officials  
2310, Regular Meetings  
5100, Attendance  
5252, Student Activities Funds Management  
5300, Code of Conduct  
6240, Investments  
6650, Claims Auditor  
6680, Internal Audit Function  
6690, Audit Committee  
6700, Purchasing  
6741, Contracting for Professional Services

Ref: New York State Constitution, Article XIII, §1  
General Municipal Law §103(2) (official newspapers)  
Public Officers Law §§10; 13; 30  
Education Law §§ 305(31) (designated educational official); 701 (meeting to elect president, may elect vice president); 1707 (date of meeting); 1904 (central high school districts in Nassau county); 2130 (appoint clerk, bonded treasurer and bonded tax collector); 2504 (small city meeting during the first week of July, day and time of regular meetings)  
8 NYCRR § 104.1 (requirement to review attendance data)

Adoption Date: February 4, 2009

Revised Date:

Vote on the motion: Yes:

No:

Abstained:

Motion carried/defeated

**d. RECOMMENDATION – BOARD POLICY # 2270 SCHOOL ATTORNEY****Second Reading – Vote to be taken****A new board policy or revision of current board policy requires two readings.**

Recommended Action: Upon a motion made by \_\_\_\_\_, seconded by \_\_\_\_\_, the following proposed policy is offered for a second reading.

**2270****SCHOOL ATTORNEY**

The Board of Education shall retain legal counsel, who shall be appointed at the Annual Organizational Meeting of the Board of Education. The President of the Board, or the Superintendent of Schools or his/her designee, may contact the counsel on legal matters affecting the operation of the school district.

The Attorney must be admitted to the bar of New York State. The Attorney will be the legal advisor to the Board. In that capacity, the Attorney's duties will be:

1. to advise the Board with respect to all legal matters relating to the district, including, but not limited to, interpretation of the Education Law of the State of New York, and all other statutes, rules or regulations affecting the district;
2. to be easily accessible to the Board and the Superintendent of Schools (and, at the discretion of the Superintendent, to his/her administrative staff), with respect to legal matters issuing out of the day-to-day administration of the district;
3. to review and to represent the district in the preparation of contracts, as requested by the district (other than the contract for school attorney services);
4. to advise and assist in matters of litigation pursuant to the retainer agreement;
5. to review at the Board's request the legality of policies or regulations to be adopted by the Board;
6. to review and advise with respect to any process served upon the district; and
7. to recommend the retainment of such special counsel as he or she may deem necessary in the circumstances, subject to the approval of the Board.

**Selection of a School Attorney**

The district, when seeking to retain a School Attorney, will first locate prospective qualified lawyers/law firms by:

1. advertising in trade journals;
2. checking listings of lawyers/law firms; or
3. making inquiries of other districts or other appropriate sources.

The district will then prepare a well-planned, written request for a proposal which will contain critical details of the services sought and submit this request to prospective applicants.

In selecting a School Attorney, the district will consider the cost of a retainer (or hourly fee), as well as such other factors as:

1. the special knowledge or expertise of the lawyer/law firm;
2. the quality of the service provided by the lawyer/law firm;
3. the staffing of the lawyer/law firm; and
4. the lawyer's/law firm's suitability for the district's needs.

The district will maintain documentation of the written proposals submitted by lawyer/law firm applicants for the position of School Attorney.

Cross-ref: 2210, Board Organizational Meeting  
6741, Contracting for Professional Services

Adoption Date: February 4, 2009  
Revised Date:

Vote on the motion: Yes:  
  
No:  
  
Abstained:

Motion carried/defeated

**e. Recommendation: OBSOLETE EQUIPMENT**

Recommended Action: Upon a motion made by \_\_\_\_\_,  
Seconded by \_\_\_\_\_, the following resolution is offered

RESOLVED that the Board of Education, upon the recommendation of the Superintendent, approves the disposal of the following obsolete equipment:

- BOWER -** 1 Filmstrip Projector Standard 500 RR-Z
- 1 Record Player Audiotronics 304A Lind # 1256711
- 1 Record Player Califone 1410K Lind # 1449-33061
- 1 VHS Camcorder JC Penney 686-5360 Lind # J8WA10040 Oct. 1988

**MIDDLE -** 2 Balance Beams

Note: See enclosed

Vote on the motion: Yes:  
  
No:  
  
Abstained:

Motion carried/defeated.

**f. Recommendation: PMA MANAGEMENT CORP.**

Recommended Action: Upon a motion made by \_\_\_\_\_,  
Seconded by \_\_\_\_\_, the following resolution is offered

RESOLVED that the Board of Education, upon the recommendation of the Superintendent, Enter into an agreement with PMA Management Corp. for Workers' Compensation for a period of three (3) years beginning July 1, 2009 and ending June 30, 2012, as per the attached agreement.

Note: See enclosed

Vote on the motion:           Yes:  
  No:  
  Abstained:

Motion carried/defeated.

**g. Recommendation: BUDGET TRANSFERS**

Recommended Action: Upon a motion made by \_\_\_\_\_,  
Seconded by \_\_\_\_\_, the following resolution is offered

RESOLVED that the Board of Education, upon the recommendation of the Superintendent, Approve the attached Budget Transfers totaling \$12,200.00.

Note: See enclosed

Vote on the motion:           Yes:  
  No:  
  Abstained:

Motion carried/defeated.

**h. Recommendation: XEROX LEASES**

Recommended Action: Upon a motion made by \_\_\_\_\_,  
Seconded by \_\_\_\_\_, the following resolution is offered

RESOLVED that the Board of Education, upon the recommendation of the Superintendent, authorizes the Board President to enter into a 5 year lease purchase contract with Xerox Corporation for ten (10) copy machines as per the attached agreements.

Note: See enclosed

Vote on the motion:           Yes:  
  No:  
  Abstained:

Motion carried/defeated.



**11. SCHEDULES**

Schedule	A-1	No. 9 – S	Athletic Supervision
Schedule	A-2	No. 12	Personnel, Instructions- Leave of Absence
Schedule	A-3	No. 49	Personnel, Instructional Appointments
Schedule	A-3	No. 50	Personnel, Instructional Appointments
Schedule	A-3	No. 51	Personnel, Instructional Appointments
Schedule	A-3	No. 52	Personnel, Instructional Appointments – Elementary
Schedule	AS-3	No. 15	Substitute Personnel Appointments
Schedule	B-3	No. 14	Non-Instructional Personnel – Appointments
Schedule	B-3	No. PT 14	Non-Instructional Appointments – Part Time
Schedule	B-3	No. S-13	Non-Instructional Appointments – Substitute Personnel
Schedule	B-3.1	No. 2	Non-Instructional Personnel – Permanent Appointments
Schedule	D	No. 23	Pupil Personnel Services
Schedule	OA/C	No. 18	Outside Agencies/Consultants
Schedule	OA/C	No. 19	Outside Agencies/Consultants
Schedule	V	No. 1	Volunteers

**12. UNFINISHED BUSINESS****13. NEW BUSINESS****14. SUPERINTENDENT'S REPORTS**

- a. Purchase Order Log F # 10  
Covering P.O. No. 103306 dated 1/22/10 thru P.O. 103490 dated 2/12/10
- b. Treasurer's Report No. 7 as of January 31, 2010
- c. Collateralization Report as of January 31, 2010
- d. Budget Transfers less than \$5,000.00 completed from January 25 through February 18, 2010.

**15. DATES TO REMEMBER**

<b>Thursday</b>	<b>March 4</b>	<b>7:00 p.m.</b>	<b>Budget Workshop @ McKenna Admin. Bldg. Budget Overview Bldgs. &amp; Grounds – Special Ed.</b>
<b>Wednesday</b>	<b>March 10</b>	<b>7:00 p.m.</b>	<b>Budget Workshop @ McKenna Admin. Bldg. – Personnel And Technology</b>
<b>Wednesday</b>	<b>March 17</b>	<b>7:00 p.m.</b>	<b>Board of Education Community Forum @ Wm. Rall</b>
<b>Thursday</b>	<b>March 18</b>	<b>7:00 p.m.</b>	<b>Budget Workshop @ McKenna Admin. Bldg. – Bldg. Budgets Transportation and Athletics</b>
<b>Tuesday</b>	<b>March 23</b>	<b>7:00 p.m.</b>	<b>Budget Workshop @ McKenna Admin. Bldg. – Budget Finalization</b>
<b>Wednesday</b>	<b>March 24</b>	<b>7:30 p.m.</b>	<b>PTA Council Mtg. Nominations &amp; Elections @ Wm. Rall</b>
<b>Mon.-Mon.</b>	<b>March 29 – April 2</b>		<b>Schools Closed for Spring Recess</b>

**16. Executive Session**