

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

**Middle School  
Tuesday, April 27, 2010  
7:00 P.M.**

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**SPECIAL MEETING  
AGENDA**

1. **OPENING OF MEETING: Call to Order, Pledge of Allegiance, Moment of Silence,  
Fire Code Announcement**
  
2. **EXECUTIVE SESSION:**
  
3. **APPROVAL OF MINUTES:**      **March 17, 2010**      **Special Meeting**  
   **March 17, 2010**      **Community Forum**
  
4. **BOARD OF EDUCATION'S REPORT TO THE COMMUNITY**
  
5. **INDIVIDUALS AND DELEGATIONS: (Agenda Items Only)**

**6. TRUSTEE'S REQUEST**

**a. Recommendation: WESTERN SUFFOLK BOCES – 2009-10 ADMINISTRATIVE BUDGET VOTE – Mr. Edward Murphy Jr.**

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

**RESOLVED** that the Board of Education of Education of the Lindenhurst School District does Hereby vote to approve the 2009-10 Western Suffolk VOCES Administrative Budget (set to the Board on March 19, 2010)

Vote on the motion:              Yes:  
  
    No:  
  
    Abstained:

Motion carried/defeated

**b. Recommendation: ANNUAL ELECTION OF MEMBERS OF BOARD OF WESTERN SUFFOLK BOCES - Mr. Edward J. Murphy Jr.**

**RESOLVED** that the Board of Education of the Lindenhurst School District cast one vote for \_\_\_\_\_, and one vote for \_\_\_\_\_ and one vote for \_\_\_\_\_ to fill the three (3) vacancies on the Western Suffolk Board of Cooperative Educational Services. All terms are for three (3) years and will expire on June 30, 2013.

Mrs. Mildred Browne                      Mrs. Ilene Herz                      Mrs. Maryann Zumpano

Note: See enclosed

Vote on the motion:              Yes:  
  
    No:  
  
    Abstained:

Motion carried/defeated

## 7. SUPERINTENDENT'S RECOMMENDATIONS

### a. RECOMMENDATION – BOARD POLICY #5020.3 Rights of Students with Disabilities Under Section 504

#### First Reading – No 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 first reading.

**5020.3**

### **RIGHTS OF STUDENTS WITH DISABILITIES UNDER SECTION 504**

The Board of Education shall ensure that no student is discriminated against in programs or activities receiving federal financial assistance. Individuals protected by Section 504 of the Rehabilitation Act of 1973 are those individuals who: have a physical or mental impairment which substantially limits one or more major life activities (e.g. caring for one's self, performing manual tasks, walking, standing, lifting, bending, seeing, hearing, speaking, breathing, learning, reading, concentrating, thinking, communicating and working); have a record of such impairment; or are regarded as having such an impairment. Students who qualify for protection under Section 504 are: of an age during which non-disabled children are provided preschool, elementary or secondary education services; of an age during which it is mandatory under state law to provide such educational services to disabled children; or to whom a state is required to provide a free appropriate public education (e.g. under IDEA).

The Board directs the administration to identify, evaluate, refer, place, provide adaptations for and review all eligible students with disabilities. A student whose disability is episodic or in remission is still eligible to be qualified under the Act. In addition, the determination that a student has an impairment that substantially limits a major life activity will be made without regard to whether mitigating measures (such as medication, devices, prosthetics, hearing aids, etc.) ameliorate the effects of the disability.

Students with disabilities pursuant to Section 504 shall be provided a free appropriate public education which may include, but is not limited to, providing a structured learning environment; repeating and simplifying instructions about in-class and homework assignments; supplementing verbal instructions with visual instructions; using behavioral management techniques; adjusting class schedules; modifying test delivery; using tape recorders, computer-aided instruction, and/or other audiovisual equipment; selecting modified textbooks or workbooks and tailoring homework assignments or modification of nonacademic times such as lunchroom, recess and physical education.

The Board directs the Superintendent to provide the staff appropriate training in this area of the law so as to ensure that the district is able to comply with the law in not discriminating against students with disabilities.

The Board shall adopt a grievance procedure to resolve Section 504 complaints and designate an individual to coordinate compliance with Section 504. The Board shall ensure that students with disabilities and their parents are notified annually of the Board's responsibilities under Section 504.

Cross-ref: 0100, Equal Opportunity  
4321, Programs for Students with Disabilities  
5030, Student Complaints and Grievances  
5420, Student Health Services

Ref: Americans with Disabilities Act Amendment Act of 2008, 42 USC §§12101 et seq,  
Rehabilitation Act of 1973, 29 USC §§705, 794 et seq. (Section 504)  
34 CFR Part 104  
Individuals with Disabilities Education Act, 20 USC §§1400 et seq.  
(IDEA)  
Education Law, §§4401 et seq. (Article 89)  
8 NYCRR Part 200

Adoption date: February 4, 2009

Revision date:

**b. RECOMMENDATION – BOARD POLICY # 5420 Student Health Services**

**First Reading – No 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 first reading.

**5420**

**STUDENT HEALTH SERVICES**

The Board of Education recognizes that good student health is vital to successful learning and acknowledges its responsibility, along with that of parent(s) or guardian(s), to protect and foster a safe and healthful environment for the students.

The school shall work closely with students' families to provide detection and preventive health services. In accordance with law, the school will provide vision, hearing, dental inspection and scoliosis screening. Problems shall be referred to the parent(s) or guardian(s) who shall be encouraged to have their family physician/dentist provide appropriate care.

In order to enroll in school a student must submit a health certificate within 30 calendar days after entering school, and upon entering second, fourth, seventh and tenth grades. The examination, which must conform to state requirements, must have been conducted no more than 12 months before the first

day of the school year in question. If a student is unable to furnish the health certificate, the school will provide a physical examination by a licensed provider. A request for exemption from the physical examination, or the requirement to provide a health certificate, must be made in writing to the school principal or designee, who may require documents supporting the request. The only basis for exemption

is a claim that the physical examination is in conflict with the parent or guardian's genuine and sincere religious belief.

The Board recognizes that the State of New York may authorize and require the collection of data from health certificates in furtherance of tracking and understanding health care issues that affect children. The Board supports these efforts and expects administrators to cooperate and to observe the appropriate laws and regulations in carrying out those responsibilities, including those that relate to student privacy.

In addition, students will be asked to provide a dental health certificate when they enroll in school and in accordance with the same schedule as the health certificate.

A permanent student health record shall be part of a student's cumulative school record and should follow the student from grade to grade and school to school along with his/her academic record. This record folder shall be maintained by the school nurse.

Schools shall also provide emergency care for students in accidental or unexpected medical situations. Each school in the district will include in its emergency plan a protocol for responding to health care emergencies, including anaphylaxis.

#### Communicable Diseases

It is the responsibility of the Board to provide all students with a safe and healthy school environment. To meet this responsibility, it is sometimes necessary to exclude students with contagious and infectious diseases, as defined in the Public Health Law, from attendance in school. Students will be excluded during periods of contagion for time periods indicated on a chart developed by the school nurse.

It is the responsibility of the Superintendent of Schools, working through district health personnel, to enforce this policy and to contact the county or local health department when a reportable case of a communicable disease is identified in the student or staff population.

#### Administering Medication to Students

Neither the Board nor district staff members shall be responsible for the diagnosis or treatment of student illness. The administration of prescribed medication to a student during school hours shall be permitted only when failure to take such medicine would jeopardize the health of the student, or the student would not be able to attend school if the medicine were not made available to him/her during school hours, or where it is done pursuant to law requiring accommodation to a student's special medical needs (e.g., Section 504 of the Rehabilitation Act of 1973). "Medication" will include all medicines prescribed by a physician.

Before any medication may be administered to or by any student during school hours, the Board requires:

1. the written request of the parent(s) or guardian(s), which shall give permission for such administration and relieve the Board and its employees of liability for administration of medication; and
2. the written order of the prescribing physician, which will include the purpose of the medication, the dosage, the time at which or the special circumstances under which medication shall be administered, the period for which medication is prescribed, and the possible side effects of the medication.

Both documents shall be kept on file in the office of the school nurse.

In addition, in accordance with Education Law 919, the district shall make a nebulizer available on-site in school buildings where nursing services are provided. Students with a patient-specific order, who require inhaled medications, shall have access to the nebulizer. The district will ensure that it is maintained in working order.

### Life-Threatening Allergies and Anaphylaxis Management

The Board recognizes its role and responsibility in supporting a healthy learning environment for all students, including those who have, or develop, life-threatening allergies. The district will work cooperatively with the student, their parent/guardian and healthcare provider to allow the child to participate as fully and as safely as possible in school activities. When a student has a known life-threatening allergy reported on their health form or if the district has been informed by the parent of the presence of a life-threatening allergy, the district will assemble a team, which may include the parent, the school nurse, the child's teacher, the building principal and other appropriate personnel, which will be charged with developing an individual health care plan. The plan will be maintained by the school nurse. The plan will guide prevention and response. If the student is eligible for accommodations based upon the IDEA, Section 504 or the Americans with Disabilities Act, the appropriate procedures will be followed regarding identification, evaluation and implementation of accommodations.

### Regulations

The Superintendent shall develop comprehensive regulations governing student health services. Those regulations shall include the provision of all health services required by law, procedures for the maintenance of health records, and procedures for the administering of medication to students.

Cross-ref: 4321, Programs for Students with Disabilities  
5020.3, Students with Disabilities and Section 504  
5550, Student Privacy  
8130, School Safety Plans and Teams

Ref: Education Law §§310 (provisions for appeal of child denied school entrance for failure to comply with immunization requirements); 901 et seq. (medical, dental and health services, BMI reporting); 919 (provide and maintain nebulizers); 6909 (emergency treatment of anaphylaxis)  
Public Health Law §§613 (annual survey); 2164 (immunization requirements)  
8 NYCRR § 64.7 (administration of agents to treat anaphylaxis); Part 136 (school health services program)  
Administration of Medication in the School Setting Guidelines, State Education Department, revised April 2002  
Immunization Guidelines: Vaccine Preventable Communicable Disease Control, State Education Department, revised August 2000  
Making the Difference: Caring for Students with Life-Threatening Allergies, New York State Department of Health, New York State Education Department, New York Statewide School Health Service Center, June 2008

Adoption date: February 4, 2009

Revision date:

**c. RECOMMENDATION – BOARD POLICY # 5420-R Student Health Regulations**

**First Reading – No 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 first reading

**5420-R**

**STUDENT HEALTH SERVICES REGULATION**

**A. Immunization**

Children must receive immunizations for diphtheria, polio, measles, mumps, rubella, hepatitis B, Haemophilus Influenzae Type b (Hib), pertussis, tetanus, pneumococcal disease (for children born on or after January 2008) and varicella prior to entering or being admitted to school.

Parents must provide acceptable proof indicating required receipt of all vaccines in accordance with law and regulations. A child may be excluded from the immunization requirements based on a physician determined health reason or condition. This medical exemption must be signed by a physician licensed to practice in New York State. A child may also be excluded from the immunization requirements because the child's parent/guardian holds a genuine and sincere religious belief which is contrary to the practice of immunization.

A child will not be admitted to school or allowed to attend school for more than 14 days without an appropriate immunization certificate or acceptable evidence of immunization. This period may be extended to 30 days on a case-by-case basis by the Building Principal if the child is transferring from another state or country and can show a good faith effort to get the necessary certification or other evidence of immunization.

When a student transfers out of the district, the parent/guardian will be provided with an immunization transfer record showing the student's current immunization status which will be signed by the school nursing personnel or the school physician. A transcript or photocopy of the immunization portion of the cumulative health record will be provided to the new educational institution upon request.

**B. Administering Medication to Students in School**

The administration of prescribed medication to a student during school hours is permitted only when the medication is necessary to allow the student to attend school or failure to administer the medication would seriously affect the student's health.

Parent(s) or guardian(s) must present the following information:

1. a note from the family doctor containing the following information: student's name, the date and name of the medicine, dosage and time to be administered, and list of possible side effects; and,
2. a note from the parent(s) or guardian(s) giving the school nurse, teacher, Principal or other school staff permission to administer the medication; or
3. a medication request form (which includes the family doctor and parent signatures) must be filed with the school nurse.

The school nurse shall develop procedures for the administration of medication, which require that:

1. all medications will be administered by a licensed person unless the child is self-directed;
2. medications shall be securely stored in the office and kept in their original labeled container, which specifies the type of medication, the amount to be given and the times of administration; the school nurse shall maintain a record of the name of the student to whom medication may be administered, the prescribing physician, the dosage and timing of medication, and a notation of each instance of administration; and
3. all medications shall be brought to school by the parent(s) or guardian(s) and shall be picked up by the parent(s) or guardian(s) at the end of the school year or the end of the period of medication, whichever is earlier. If not picked up within five days of the period of medication, the medication shall be discarded.

An adult must bring the medication to school in the original container. The administering staff member should clearly label the medication with the time to be given and dosage.

Administering medication on field trips and at after-school activities. Taking medication on field trips and at after-school activities is permitted if a student is self-directed in administering their own medication. On field trips or at other after-school activities, teachers or other school staff may carry the medication so that the self-directed student can take it at the proper time.

If a student is going on a field trip but is not self-directed (i.e., fully aware and capable of understanding the need and assuming responsibility for taking medicine), then the district may:

- permit the parent or guardian to attend the activity and administer the medication.
- permit the parent to personally request another adult who is not employed by the school to voluntarily administer the medication on the field trip or activity and inform the school district in writing of such request.
- allow the student's health care provider to be consulted and, if he/she permits, order the medication time to be adjusted or the dose eliminated.

If no other alternative can be found, a school nurse or licensed person must administer the medication.

Administering epi-pen in emergency situations. The administration of epinephrine by epi-pen has become an accepted and extremely beneficial practice in protecting individuals subject to serious allergic reactions (e.g., individual has an anaphylactic reaction to a wasp sting or the ingestion of peanut butter).

Pursuant to Commissioner's regulations, registered professional nurses may carry and administer agents used in non-patient specific emergency treatment of anaphylaxis.

In addition, pursuant to SED guidelines, school nurses may provide training to unlicensed school staff in administering epi-pens, prescribed by a licensed prescriber, to a child who has been diagnosed with the potential for a severe reaction, in the event of the onset of a serious allergic reaction when a nurse is not available.

#### C. Student Medical Exams

In accordance with Sections 903 and 904 of the state Education Law, each student shall have a physical exam given by the school doctor or family physician (including a physician, physician assistant or nurse practitioner) upon entrance to school and at grades pre-kindergarten or kindergarten, two, four, seven and ten. Findings are to be kept on record at the school on forms that can be obtained from the school nurse. In addition, the school will request a dental health certificate according to the same schedule.



A student may be excluded from the medical examination requirements because the child's parent/guardian holds a genuine and sincere religious belief which is contrary to medical examinations. The request for exemption must be in writing to the principal or his/her designee.

In the event that the student's medical history reveals that they have a known life-threatening allergy, the school nurse, in conjunction with the family, student, child's teacher, and other appropriate staff, will develop and implement an individual health care plan which will guide prevention and response.

The district will work with students in the self-management of their life-threatening allergy, or other chronic health conditions, by:

1. Adequately training staff involved in the care of the child.
2. Assuring the availability of the necessary equipment and/or medications.
3. Providing appropriately licensed and trained persons on school premises, as required by law.
4. Providing ongoing staff and student education.

**D. Illness in School**

If a student becomes ill in school:

1. The nurse will determine if the student should remain in the dispensary or return to class.
2. The nurse will call the parent, guardian or substitute parent if he/she feels the student should go home. In general, a parent or guardian will pick up the student from school.
3. The nurse will contact the Building Principal if he/she feels the child should be transported by bus to the home.
4. If there is to be a change in bus routing in order to carry the student to his/her home, that decision will be made by the administrator and the transportation supervisor.
5. If the route is to be changed, the transportation supervisor shall inform the bus driver.
6. If no parent, guardian or substitute parent picks up the student at school, or if no parent/guardian or substitute parent will be home, the student will remain in the nurse's office until such time as a parent, guardian or substitute parent becomes available to assume responsibility for the child.

**E. Medical Emergency Record**

All students shall have on file a medical emergency record which shall state the name and telephone numbers of the following:

1. the student's parent(s) or guardian(s) at home and work;
2. the student's next of kin;
3. a neighbor;
4. the family physician;
5. preferred hospital;
6. any allergies or serious health conditions.

Adoption date: February 4, 2009

Revision date:

**d. RECOMMENDATION – BOARD POLICY 5460 Child Abuse, Maltreatment or Neglect  
In a Domestic Setting**

**First Reading – No 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 first reading

**5460**

**CHILD ABUSE, MALTREATMENT OR NEGLECT  
IN A DOMESTIC SETTING**

The Board of Education recognizes that because of their sustained contact with school-aged children, employees are in an excellent position to identify abused, maltreated or neglected children and refer them for treatment and protection. The Board further recognizes the specific dictates of law which require school officials to report suspected instances of child abuse, maltreatment (which includes neglect) in a domestic setting.

The purpose of mandatory reporting is to identify suspected abused and maltreated children as soon as possible, so that such children determined to be abused or maltreated can be protected from further harm and, where appropriate, can be offered services to assist him or her and his or her family.

School officials, who have reasonable cause to know or suspect that a child has been subjected to abuse or maltreatment, must immediately report this to the New York State Central Register for Child Abuse and Maltreatment (Central Register), as required by law. No conditions may be imposed which limit their responsibility to report. A school official is defined as:

- Teacher
- Guidance counselor
- Psychologist
- Nurse
- Administrator
- Any school personnel required to hold a teaching or administrative license or certificate.

The school official will also report the matter to the Building Principal.

The report shall be made by telephone or by telephone facsimile machine on a form supplied by the Commissioner of Social Services. A written report shall be made within forty-eight hours to the appropriate local child protective service, and to the statewide Central Register.

School employees who are not school officials, as defined above, but who have reasonable cause to know or suspect that a child has been subjected to abuse or maltreatment are encouraged to report to the Central Register. However, the school employee must report the matter to the Building Principal. If the matter has not yet been reported to the Central Register, the Building Principal shall make the report, in accordance with state law. In being required to file such report, the Building Principal does not have discretion.

School employees or officials may not contact the child's family or any other person to determine the cause of the suspected abuse or maltreatment. It is not the responsibility of the school official or employee to prove that the child has been abused or maltreated.

Any school official or employee who has cause to suspect that the death of any child is a result of child abuse or maltreatment must report that fact to the appropriate medical examiner or coroner.

In accordance with the law, any school official who fails to report an instance of suspected child abuse or maltreatment may be guilty of a Class A misdemeanor and may be held liable for the damages caused by the failure to report. The law grants immunity to persons who, in good faith, report instances of child abuse from any liability.

School employees will not be subject to retaliatory action, as defined in state law, as a result of making a report when they reasonably suspect that a child has been abused or maltreated.

The Board recognizes that knowingly reporting a false claim of child abuse is a violation of state law and this policy acknowledges that it is a crime to do so. The district will make every reasonable effort to ensure the integrity of the district's child abuse reporting process and procedure.

#### School District Relationship with Local Social Service District

The school district will cooperate to the extent possible with authorized child protective services workers in investigations of alleged child abuse. The Superintendent, or his or her designee, will represent the district when collaborating with local social service agencies to address instances of abuse or maltreatment, and in the development of policy and procedures regarding abuse or maltreatment (including educational neglect). In addition, the Superintendent will share a copy of the district's attendance policy, 5100, with the local social service district.

The school district shall maintain an ongoing training program which will address the identification and reporting of child abuse and maltreatment, including the legal implications of reporting and not reporting. Attendance at sessions of this training program shall be required of all school officials. Attendance records shall be kept, and notations will be made in personnel files as to the dates of attendance.

The Superintendent shall develop, with input from appropriate personnel, a plan for implementation of such a training program, to be approved by the Board. In addition, the policy and regulations will be included in all employee handbooks and distributed annually to all school officials who are not covered under existing handbooks. The Superintendent will prepare and implement all regulations as are necessary to accomplish the intent of this policy

Cross-ref: Attendance, 5100

Ref: Child Protective Services Act of 1973, Social Services Law §§411 et seq.  
Social Services Law §34-a  
Family Court Act §1012  
Family Educational Rights and Privacy Act,  
20 U.S.C. §1232g, 45 CFR §99.36  
Education Law §3209-a  
Penal Law 240.50

Adoption date: February 4, 2009

Revision date:

e. **RECOMMENDATION – BOARD POLICY # 5460-R Child Abuse, Maltreatment or Neglect in a Domestic Setting - Regulation**

**First Reading – No 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 first reading

**5460-R**

**CHILD ABUSE, MALTREATMENT OR NEGLECT  
IN A DOMESTIC SETTING REGULATION**

New York State Law (Child Protective Service Act of 1973, as amended) provides for reporting of suspected cases of child abuse by school officials. These regulations are designed to implement this law within the district and to help protect students from the harmful effects of child abuse.

*Definitions*

The definition of child abuse and maltreatment is established by law.

Abused Child, according to Social Services Law and the Family Court Act, is a child less than 18 years of age whose parent or other person legally responsible for his or her care:

- a. inflicts or allows to be inflicted upon such child physical injury by other than accidental means which causes or creates a substantial risk of death, or serious or protracted disfigurement, or protracted impairment of physical or emotional health or protracted loss or impairment of the function of any bodily organ; or
- b. creates or allows to be created a substantial risk of physical injury to such a child by other than accidental means which would be likely to cause death or serious or protracted disfigurement, or protracted impairment of physical or emotional health, or protracted loss or impairment of the function of any bodily organ; or
- c. commits, or allows to be committed, a sex offense against such child, as defined in the penal law, provided, however, that the corroboration requirements contained therein shall not apply to proceedings under this article.

Neglected or maltreated child, according to the Family Court Act, is a child less than 18 years of age:

- a. whose physical, mental, or emotional condition has been impaired or is in danger of becoming impaired as a result of the failure of his or her parents or other person legally responsible for his care to exercise a minimum degree of care:
  - (1) in supplying the child with adequate food, clothing, shelter, or education in accordance with provisions of Part One, Article 65 of the Education Law, or medical, dental, optometrical or surgical care though financially able to do so or offered financial or other reasonable means to do so; or

In order for a report of educational neglect to be accepted, three elements need to be established:

a. Excessive absence from school by the child

b. Reasonable cause to suspect that the parent is aware or should have been aware of the excessive absenteeism and the parent has contributed to the problem or is failing to take steps to effectively address the problem, and;

c. Reasonable cause to suspect educational impairment or harm to the child or imminent danger of such impairment or harm.

(2) in providing the child with proper supervision or guardianship, by unreasonably inflicting or allowing to be inflicted harm, or a substantial risk thereof, including the infliction of excessive corporal punishment; or by using a drug or drugs; or by using alcoholic beverages to the extent that he/she loses self-control of his/her actions; or by any other acts of a similarly serious nature requiring the aid of the court; or

b. who has been abandoned by his/her parent(s) or other person legally responsible for his/her care.

Person legally responsible includes the child's custodian, guardian, or any other person responsible for the child's care at the relevant time. Custodian may include any person continually or at regular intervals found in the same household as the child when the conduct of such person causes or contributes to the abuse or neglect of the child.

Impairment of emotional health and impairment of mental or emotional condition includes a state of substantially diminished psychological or intellectual functioning in relation to, but not limited to, such factors as failure to thrive, control of aggressive or self-destructive impulses, ability to think and reason, or acting out of misbehavior, including incorrigibility, ungovernability, or habitual truancy; provided, however, that such impairment must be clearly attributable to the unwillingness or inability of the parent, guardian, or custodian to exercise a minimum degree of care toward the child.

#### Reporting procedures and related information:

1. All school officials must, when they have reasonable cause to suspect that a child is abused or maltreated, report it to the New York State Central Register for Child Abuse and Maltreatment (800-342 3720). A school official, under state law, is defined as:

- Teacher
- Guidance counselor
- Psychologist
- Nurse
- Administrator
- Any school personnel required to hold a teaching or administrative license or certificate.

Personnel have the right to request that information which would identify the individual making the report be withheld if furnishing such data might prove detrimental to the safety or interest of that individual.

2. The school official must also report the matter to the Building Principal who will determine if any additional steps need to be taken by the school district (for instance, contacting the school physician, social worker or other support services).

3. In the event that a school employee, who is not required to report under the law (such as a bus driver, custodian, cafeteria monitor, etc.), has reasonable cause to suspect that a child is abused or neglected, he/she is encouraged to make a report to the Central Register. The employee must, by district policy, report the matter to the Building Principal.
4. If the Building Principal is informed of a case of suspected child abuse or maltreatment that has not yet been reported to the Central Register, the Building Principal is required to:
  - (a) phone the New York State Central Register for Child Abuse and Maltreatment (800-342 3720) and inform them verbally of the problem; or
  - (b) contact the above agency by telephone facsimile machine on a form supplied by the Commissioner of Social Services; and
  - (c) file a written report with the local child protective services agency and the Central Register within forty-eight hours after the above report; and,
  - (d) determine if additional steps need to be taken by the school district, as outlined in step 2 above.
5. The Building Principal may take photographs or cause photographs to be taken of the areas of visible trauma on the child, and/or, if medically indicated, cause an examination to be performed. Such actions may be performed at public expense if they will provide appropriate documentation when filing the report. A camera and film shall be kept at the school and be available for this purpose.
6. The written report that must be filed shall include all information which the Commissioner of Social Services may require.
7. If it should be necessary for Child Protective Services to interview a child at school to ascertain whether he/she has been abused or maltreated, or to obtain documentation of such acts, the interview should be conducted in the presence of a school official, unless circumstances require otherwise. The school official shall examine and verify the credentials of Child Protective Services worker(s) before allowing such worker(s) to either interview the child or to examine the child's records.

If sexual abuse is indicated, the presence of a same-sex staff member during the interview is appropriate.
8. The Building Principal shall request a summary report of the investigation of a case referred to Child Protective Services so the district can take appropriate next steps.
9. The district shall maintain an ongoing training program which will address identification and reporting of child abuse and maltreatment. Attendance at sessions of this training program shall be required of all school officials.
10. Employee handbooks shall include a copy of these regulations and the related Board policy concerning child abuse and reporting requirements.
11. Only one report of any suspected abuse is required.
12. School personnel who, in good faith, make a report or take photographs of injuries and bruises have immunity from any liability, civil or criminal. The good faith of any person required to report cases of child abuse or maltreatment is presumed.

- 13 School personnel who have reasonable cause to suspect that a child has died as a result of child abuse or maltreatment shall report that fact to the appropriate medical examiner or coroner.
- 14 Any person required to report suspected cases of child abuse or maltreatment and who fails to do so may be found guilty of a class A misdemeanor and may be held civilly liable for the damages caused by this failure.
15. Any school employee who fails to comply with this policy is subject to discipline in accordance with collective bargaining agreements and/or policy.
16. If a report of child abuse or maltreatment has been determined to be unfounded, all records in school files shall be expunged.

Adoption date: February 4, 2009

Revision date:

**f. RECOMMENDATION – BOARD POLICY # 6690 Audit Committee**

**First Reading – No 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 first reading

**6690**

**AUDIT COMMITTEE**

The Board of Education will designate and appoint an Audit Committee for purposes of overseeing and carrying out the Board's audit policies and the performance of related duties and responsibilities. The district's Audit Committee shall be comprised of at least three members. At least three members shall be appointed to serve on the committee on an annual basis. Employees of the school district are prohibited from serving on the committee.

The Audit Committee shall:

1. Recommend internal and external audit plans to the Board, specifying the areas of District operations to be reviewed for compliance with legal and regulatory requirements, operating efficiency and effectiveness;
2. Receive and review the resulting audit reports; and propose recommendations to the Board for action as may be necessary and appropriate;
3. Receive and review the report of the external auditor on any findings commented on during the annual audit report, and the management response thereto, and propose recommendations to the Board for action as may be necessary and appropriate;
4. Oversee the selection of the internal auditor and the external auditor, pursuant to the relevant Board policies, and make recommendations to the Board for appointment to said positions; and
5. Perform any other responsibilities outlined by the Board and/or as listed in the District's Audit Committee Charter (see attached exhibit, 6690-E).

The audit committee may conduct an executive session in accordance with law and Commissioner's regulation. Any member of the board of education who is not a member of the audit committee may be allowed to attend an executive session if authorized by a resolution of the board of education.

It is not the intent of the Board of Education that the Audit Committee participate in or be responsible for the day to day operations of the school district or in the decisions that are the responsibility of the Superintendent of Schools or Assistant Superintendent for Business, or the other district administrators.

Ref: Education Law §2116-c  
8 NYCRR §170.12 (d)

Adoption date: February 4, 2009  
Revision date:

**g. RECOMMENDATION – BOARD POLICY # 6690-E AUDIT COMMITTEE CHARTER**

**First Reading – No 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 first reading

**6690-E**

**AUDIT COMMITTEE CHARTER**

**Audit Committee Authority**

Pursuant to resolution number, dated February 4, 2009, the Board of Education of the Lindenhurst Union Free School District has established an audit committee to assist the Board of Education in the oversight of both the internal and external audit functions. The requirement to create an audit committee was established by Education Law §2116-c. According to §2116-c(4), the role of an audit committee shall be advisory and any recommendations it provides to the Board shall not be substituted for any required review and acceptance by the Board of Education.

**Mission**

The Board of Education has established an audit committee to provide independent assistance to the Board in the oversight of the following matters:

- Assist the Board in providing oversight of the internal and external audit functions, including the appointment of the internal and external auditors.
- Oversee the competitive Request for Proposal Process (RFP) used to solicit quotations for the District's annual external audit.
- Review the scope, plan and coordination of the external audit.
- Provide a communications link between the external and internal auditors and the Board.



## Composition and Requisite Skills

The District's Audit Committee is comprised of at least three members.

The Committee members collectively should possess the expertise and experience in accounting, auditing, financial reporting and school district finances needed to understand and evaluate the school district's financial statements, the external audit of those statements and the district's internal audit activities. Accordingly, the Audit Committee's members should:

- Possess the requisite skills and experience necessary to understand technical and complex financial reporting issues.
- Have the ability to communicate with, and offer advice and assistance to, public finance officers and auditors.
- Be knowledgeable about internal controls, financial statement audits and management/operational audits.

## Duties and Responsibilities

The duties and responsibilities of the District's Audit Committee include the following:

- **External Audit Focus**
  - *Provide recommendations regarding the selection of the external auditor to the Board of Education.*
  - *Meet with the external auditor prior to commencement of the audit to review the engagement letter.*
  - *Review and discuss with the external auditor any risk assessment of the district's fiscal operations developed as part of the auditor's responsibilities under governmental auditing standards for a financial statement audit and federal single audit standards, if applicable.*
  - *Review the external auditor's assessment of the district's system of internal controls.*
  - *Receive and review the draft annual audit report and accompanying draft management letter and, working directly with the external auditor, assist the Board of Education in interpreting such documents.*
  - *Make a recommendation to the Board of Education on accepting the annual audit report.*
  - *Review every corrective action plan developed by the school district and assist the Board of Education in the implementation of such plans.*
- **Internal Audit Focus**
  - *Make recommendations to the Board of Education regarding the appointment of the internal auditor.*
  - *Assist in the oversight of the internal audit function.*
  - *Review the annual internal audit plan to ensure that high risk areas and key control activities are periodically evaluated and tested.*
  - *Review the results of internal audit activities and significant recommendations and findings of the internal auditor.*
  - *Monitor implementation of the internal auditor's recommendations by management.*
  - *Provide input on the performance evaluation of the internal auditor.*

- **Administrative Matters**
  - o Hold regularly scheduled meetings.
  - o Administer other related duties as prescribed by the Board of Education.
  - o Review and revise the Audit Committee Charter.

## Membership

The membership duties of the Lindenhurst Union Free School District Audit Committee includes the following:

- **Good Faith** – Members of the Committee shall perform their duties in good faith, in a manner they reasonably believe to be in the best interests of the Committee and the District with such care as a generally prudent person in a similar position would use under similar circumstances.
- **Independence** – The following individuals are precluded from being an Audit Committee member:
  - o Someone currently employed by the District
  - o Someone currently or previously providing goods or services to the District during the past two years.
  - o Someone of the immediate family (spouse, spouse equivalent or dependent, whether or not related) or close family member (parent, sibling or nondependent child) of an individual who is an employee, officer or contractor providing goods or services to the district.
  - o Someone who is the owner of or has a direct and material interest in a company providing goods or services to the district.
- **Confidentiality** – During the exercise of duties and responsibilities, the Committee members may have access to confidential information. The Committee shall have an obligation to the district to maintain the confidentiality of such information.
- **Oath of Office** - All non-board members, who are members of the Audit Committee, should be administered the district's oath of office by the District Clerk.

## Meetings and Notification

The Lindenhurst Union Free School District Audit Committee shall meet a minimum of four (4) times each year. An agenda of each meeting should be clearly determined in advance and the Audit Committee should receive supporting documents in advance, for reasonable review and consideration. The audit committee may conduct an executive session in accordance with law and Commissioner's regulation. Any member of the board of education who is not a member of the audit committee may be allowed to attend an executive session if authorized by a resolution of the board of education.

The Audit Committee shall prepare minutes of each meeting. At a minimum, the minutes will include the following:

- Copies of the meeting agenda
- Date, attendance and location of the meeting
- As appropriate, brief summary of the topics discussed
- Except as otherwise provided by law in connection with executive session, copies of materials discussed or presented at the meeting
- A record of all actions or recommendations agreed to by the committee

### **Decision-Making Process**

A quorum constitutes a simple majority of the total membership and meetings will not be conducted unless a quorum is present. All decisions shall be reached by vote of a simple majority of the total membership.

### **Reporting Requirements**

The Lindenhurst Union Free School District Audit Committee has the duty and responsibility to report its activities to the Board of Education. Periodic written reports of Audit Committee activities are an important communication link between the Audit Committee and the Board on key decisions and responsibilities. The Audit Committee's reporting requirements are to:

- Report on the scope and breadth of committee activities so that the Board of Education is kept informed of its work.
- Provide minutes of meetings which clearly record the actions and recommendations of the Committee.
- Report on their review of the District's draft annual audit report and accompanying management letter and their review of significant findings and recommendations of the internal auditor.
- Report on suspected fraud or abuse or material defects in the internal control systems.
- Report on indication of material or significant non-compliances with laws or District policies and regulations.
- Report on any other matters that should be disclosed to the Board of Education.

### **Review of the Charter**

The Lindenhurst Union Free School District Audit Committee shall assess and report to the Board of Education on the adequacy of this Charter no less than an annual basis or as necessary. Charter modifications, as recommended by the Audit Committee, should be presented to the Board of Education in writing for their review and action.

Ref: 20 USC §1232h (No Child Left Behind Act)  
34 CFR Part 98  
Education Law §903

Adoption date:

**h. RECOMMENDATION – BOARD POLICY # 8410 STUDENT TRANSPORTATION****First Reading – No 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 first reading

**8410****STUDENT TRANSPORTATION**

The Board of Education affirms its goal of providing a safe and economical transportation system for district students. Transportation shall be provided at district expense to those students who are eligible as authorized by the Board.

Transportation will be provided on the basis of the individual grades in which students are enrolled and the distance they live from the school attended. For purposes of providing transportation as required by this policy and Education Law, mileage to determine eligibility for transportation will be measured along the centerline of the street perpendicular from the middle of the main entrance of the dwelling place to the curb of the nearest entrance to the school grounds. Eligibility will be determined based on the following schedule:

K through 5	$\frac{3}{4}$ mile or more
Grades 6-8	1 mile or more
Grades 9-12	1 1/2 miles or more

General private or parochial transportation needs per current state education regulations require the need to transport pupils up to a 15 mile radius from the pupil's home to the school location.

The major objectives in the management of the student transportation program shall include the following:

1. to provide efficient, effective and safe service;
2. to ensure that all students whose disability or distance from school requires them to receive necessary transportation do, in fact, receive it;
3. to adapt the system to the demands of the instructional program;
4. to review at least once a year school bus schedules and routing plans to ensure that maximum efficiency and safety are maintained; and
5. to review at least once a year the eligibility for transportation of students residing in the district, to ensure that all entitled to the services receive them.

The Superintendent of Schools shall be responsible for administering the transportation program. The program shall comply with all applicable laws, regulations and policies established by federal, state and local authorities.

**PROVISIONS FOR THE TRANSPORTION OF PUPILS**

1. Contracts for Transportations

It is the current policy of the Lindenhurst Board of Education to award a contract to the lowest responsible bidder for the general transportation needs of the district. Said contract shall not become valid and binding upon either party unit it has been approved by the superintendent of schools and the commissioner of education. Such contracts may be made for a period not exceeding five years if such terms are approved by the voters.

2. Transportation of Students with Disabilities

The Lindenhurst School District also provides transportation by contracted vehicles for pupils who are physically or mentally handicapped to schools within the district, or to special schools for severely handicapped children when such schools are within a fifty mile radius of the pupil's home.

Cross-ref: 5300, Code of Conduct

Ref: Education Law §§305(14); 1501-b; 1807; 3602(7); 3623; 3635 et seq.  
*Matter of Handicapped Child*, 24 EDR 41 (1984)  
*Matter of Zakrezewski*, 22 EDR 381 (1983)  
*Matter of Nowak*, 22 EDR 91 (1982)  
*Matter of Fox*, 19 EDR 439 (1980)

Adoption date: February 4, 2009

Revised: January 6, 2010

Revised:

**i. Recommendation: RETAINER AGREEMENT**

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 attached Retainer Agreement between the Lindenhurst Union Free District and Meyer, Suozzi, English & Klein, P.C., as special counsel and authorizes the Superintendent to sign the same.

Note: See enclosed

Vote on the motion: Yes:

No:

Abstained:

Motion carried/defeated

**j. Recommendation: WSBOCES JOINT MUNICIPAL COOPERATIVE BIDDING**

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

WHEREAS, various educational and municipal corporations located within the State of New York desire to bid jointly for OT/PT, Speech, Social worker, and other services; and

WHEREAS, the LINDENHURST UFSD, an educational/municipal corporation (hereinafter the "Participant") is desirous of selectively participating with other educational and/or municipal corporations in the State of New York in joint bidding in the areas mentioned above pursuant to General Municipal Law § 119-o and Education Law Section 1950; and

WHEREAS, the Participant is a municipality within the meaning of General Municipal Law § 119-n and is eligible to participate in the Board of Cooperative Educational Services, Second Supervisory District of Suffolk County (hereinafter Western Suffolk BOCES) Joint Municipal Cooperative Bidding Program (hereinafter the "Program") in the areas mentioned above; and

WHEREAS, with respect to all activities conducted by the Program, the Participant wishes to delegate to Western Suffolk BOCES the responsibility for drafting of specifications, advertising for bids/proposals, accepting and opening bids/proposals, tabulating bids/proposals, awarding the bids/proposals, and reporting the results to the Participant.

BE IT RESOLVED that the Participant hereby appoints Western Suffolk BOCES to represent it and to act as the lead agent in all matters related to the services as described above; and

BE IT FURTHER RESOLVED that the Participant hereby authorizes Western Suffolk BOCES to place all legal advertisements for any required cooperative bidding in Newsday, which is designated as the official newspaper for Western Suffolk BOCES; and

BE IT FURTHER RESOLVED that this Agreement with the Participant shall be for a term of one (1) year as authorized by General Municipal Law §119-o.2.j.

Note: See enclosed

Vote on the motion: Yes:

No:

Abstained:

Motion carried/defeated

**k. Recommendation: BUDGET/TRUSTEE VOTE INSPECTORS**

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 following list of inspectors who will be working May 18, 2010, at a rate of \$10.00 per hour along with five (5) Building Leaders on the Board of Registration:

**Albany**

Madeline Costello	Don Doyle	Barbara Miller
Frances Higgins	Ronald Higgins	

**Bower**

Jennie Amendola	Jane Carter	Louise Cordiero
Betty Dice	Babette Smith	

**Daniel**

Vincent Abrusci	Oksana Byron	Kathleen Herringer
Gertrude McKenna	Frances Poeggel	

**Middle School**

Christine Aprile	Evelyn Ellingsten	Todd Empringham
Yvonne Kelly	Kate O'Brien	Grace Zampella

**Rall**

Jack Hunsucker	Rosemarie Lind	Evelyn Miller
Lillian Pigott	Danielle Stango	

Note: See enclosed

Vote on the motion: Yes:

No:

Abstained:

Motion carried/defeated

**l. 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:

**MIDDLE SCHOOL -** 1 HP Printer #1200 Lind # 103286

**HIGH SCHOOL -** Various electronic equipment – See Attached

Note: See enclosed

Vote on the motion: Yes:

No:

Abstained:

Motion carried/defeated

**m. Recommendation: SEQRA-WEST GATES**

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

WHEREAS, the Board of Education of the **Lindenhurst UFSD** is the lead agency under the State Environmental Quality Review Process for the purpose of required determinations respecting the proposed Capital Improvement Projects as follows:

- a. West Gates Avenue Elementary School
  - 1. Sump Pump Installation
  - 2. Site Work Reconstruction

WHEREAS, IN 1995, amendments were made to the SEQRA Regulation (Part 617) to classify projects, which will be excluded from the requirements for the preparation of an Environmental Impact Statement (Type II Actions). The projects mentioned above are now classified as Type II Actions as determined by 6NYCRR§617.5 and

WHEREAS, these projects fall under the following categories:

A. Routine Maintenance and Repair 6NYCRR§617.5(c)(1): Maintenance or repair involving no substantial change in an existing facility.



- A. Replace or Rehabilitation 6NYCRR§617.5(c)(2): replacement or rehabilitation or reconstruction of a structure or facility, in kind, on the same site, unless the work exceeds a threshold for a Type I action in 6NYCRR§617.4.
- B. 6NYCRR§617.5(c)(8); Routine activities of educational institutions, including expansion of existing facilities by less than 10,000 square feet of gross floor area and school closings, but not changes in use related to such closings.

THEREFORE, as the lead agency for the SEQRA determination, all the above referenced projects fall under Categories “A” or “B” above. The procedure for Type II Actions, with regard to the SEQRA Process for Capital Projects noted above is “No Additional Required Action under 6NYCRR§617.5(a)”.

Note: See enclosed

Vote on the motion:     Yes:

                                  No:

                                  Abstained:

Motion carried/defeated

**8. SCHEDULES**

Schedule	A-1	No. 13 C	Coaching Assignment
Schedule	A-3	No. 60	Personnel, Instructional Appointments
Schedule	A-3	No. 60	Personnel, Instructional Appointments
Schedule	A-3	No. 61	Personnel, Instructional Appointments
Schedule	AS-1	No. 10	Substitute Personnel Instructional – Resignations & Terminations
Schedule	AS-3	No. 18	Substitute Personnel Appointments
Schedule	B-1	No. 8	Non-Instructional Personnel Resignations or Terminations
Schedule	B-2	No. PT 10	Non-Instructional Personnel – Leave of Absence
Schedule	B-3	No. 17	Non-Instructional Personnel Appointments
Schedule	B-3	No. S-16	Non-Instructional Appointments – Substitute Personnel
Schedule	D	No. 26	Pupil Personnel Services
Schedule	G	No. 12	Approval of Bids
Schedule	G	No. 13	Approval of RFP
Schedule	OA/C	No. 21	Outside Agencies/Consultants

**9. SUPERINTENDENT'S REPORTS**

- a. Treasurer's Report No. 9 as of March, 2010**
- b. Revenue Status Report ending March 31, 2010**
- c. Appropriation Status Reports ending April 15 and 27, 2010**
- d. Collateralization Report as of March 31, 2010**

**10. DATES TO REMEMBER**

<b>Wednesday</b>	<b>April 28</b>	<b>7:30 p.m.</b>	<b>PTA Council Meeting and Meet The Candidate Night @ Harding Avenue</b>
<b>Friday</b>	<b>April 30</b>		
<b>Saturday</b>	<b>May 1</b>	<b>8:00 p.m.</b>	<b>High School Spring Drama</b>
<b>Wednesday</b>	<b>May 5</b>	<b>7:00 p.m.</b>	<b>Board of Education Business Mtg. @ McKenna Admin. Bldg.</b>
<b>Tuesday</b>	<b>May 18</b>		<b>School Budget Vote and Trustee Election</b>
<b>Tuesday</b>	<b>May 18</b>	<b>7:00 p.m.</b>	<b>Board of Education Community Forum @ McKenna Admin. Bldg.</b>

**11. EXECUTIVE SESSION**