

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

**McKenna Administration Bldg.  
Wednesday, June 2, 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**
- 6. BOARD OF EDUCATION'S REPORT TO THE COMMUNITY**
- 7. SUPERINTENDENT'S REPORT TO THE COMMUNITY**
- 8. INDIVIDUALS AND DELEGATIONS:**
- 9. TRUSTEE'S REQUEST**



**b. RECOMMENDATION – Board Policy # 8414.6 IDLING PROHIBITION FOR BUSES AND OTHER SCHOOL VEHICLES**

**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.

**8414.6**

**IDLING PROHIBITION FOR BUSES AND OTHER SCHOOL VEHICLES**

Allowing vehicles to idle (i.e., stopped with the engine running) produces unnecessary exhaust gas, which contains harmful chemicals and pollutants. In addition to negatively impacting the environment, these substances can cause cancer and other health problems, especially in children. Idling vehicles is not necessary to properly run or maintain vehicles, and in fact increases engine wear and wastes fuel.

Recognizing these factors, the Board of Education shall take steps to reduce the idling of school buses and other school vehicles. In compliance with Education Law §3637 and Commissioner's Regulations §156.3(h), this policy shall govern the idling of school buses and all other school vehicles, whether owned, leased, or contracted for by the district.

Anyone operating a school bus or other school vehicle must turn off the engine (no idling) in the following instances:

- while waiting for passengers to load and unload on school grounds;
- when the vehicle is parked or standing on school grounds, or in front of or adjacent to any school; or
- during sporting and other school events.

However, idling may be permitted under the following conditions:

- when necessary to maintain an appropriate temperature for passenger comfort (if auxiliary heaters are not available);
- when necessary for mechanical work, or to keep the windshield clear of ice; or
- when necessary during emergencies to operate a wheelchair lift.

The district shall provide notice of these requirements to all school personnel within 5 school days after the start of the school year, or within 5 school days of beginning employment in the district.



**c. RECOMMENDATION – Board Policy # 9240 RECRUITING AND HIRING**

**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.

**9240**

**RECRUITING AND HIRING**

The Board of Education believes that the quality of the district's employees in large part determines the quality of the education offered to the district's students. As the employer for the school district, the Board will provide and maintain qualified and certified instructional and support personnel to carry out the educational programs of the district.

The designee of the Superintendent shall implement and maintain a high-quality recruiting and hiring program to attract, secure and retain the best-qualified staff to meet the needs of students and the district.

*New or Revised Positions*

The designee of the Superintendent will develop recommended qualifications for all new positions in the district and review the qualifications for all existing positions as necessary. The designee of the Superintendent: The Superintendent must approve all recommended qualifications for all new and existing positions. The Board must approve the qualifications for all new positions in the district and revisions of the qualifications for existing positions.

The designee of the Superintendent shall refer all proposals for the creation or reclassification of all unclassified (non-instructional) positions and a statement of the duties for these positions to the Suffolk County Department of Civil Service for classification.

The designee of the Superintendent shall develop job descriptions that incorporate the qualifications and job duties for all positions in the school district. The designee of the Superintendent or the Superintendent must approve the job descriptions for all positions in the district.

*Recruiting*

The district will seek the most qualified candidates for vacant positions by recruiting from a variety of sources, including present staff. District employees may apply for all positions for which they meet the certification and other stated qualifications.

The Board and its employees will adhere to the practice of recruiting and hiring personnel without regard to age, color, creed, disability, marital status, national origin, race, religion, sex or any other status protected by federal or state law.



**d. RECOMMENDATION – Board Policy # 9520.2 FAMILY AND MEDICAL LEAVE****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.

**9520.2****FAMILY AND MEDICAL LEAVE**

Consistent with the federal Family and Medical Leave Act of 1993, the Board of Education recognizes the right of eligible employees to unpaid family and medical leave for up to twelve (12) weeks during any twelve (12) month period. The Board shall ensure that all eligible employees who use such leave

shall have their health benefits continued and shall be returned to an equivalent position according to established Board practices, policies and collective bargaining agreements.

To be eligible for family or medical leave an employee must have been employed for at least twelve months and have worked at least 1,250 hours during the prior twelve months.

Family leave shall be granted:

1. With the birth and care of a newborn child;
2. With the adoption or foster placement of a child;
3. To care for an employee's spouse, parent, or child with a serious health condition or next of kin of a covered servicemember requiring care;
4. Due to a serious health condition that makes the employee unable to perform the essential functions of the employee's job;.
5. Due to any qualifying exigency as defined in Department of Labor regulations, arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation.

However, an eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered servicemember is entitled to a total of 26 workweeks of leave per year to care for the servicemember. Leave under this paragraph is available only during a single year. During that year the employee is entitled to a combined total of 26 workweeks of leave under this policy

An employee may elect, or the district may require, an employee to use accrued paid vacation, personal or family leave for purposes of a family leave. An employee may elect, or the district may require, an employee to use accrued vacation, personal, or medical/sick leave for purposes of a medical leave.





### *Right to Benefits During Leave*

An eligible employee is entitled to a combined total of twelve weeks of unpaid family and medical leave. Any employee who uses the unpaid leave shall have his/her health benefits continued during the leave, shall not have any previously accrued benefits altered and shall be returned to an equivalent position according to established Board policies and collective bargaining agreements. The employee is not entitled to accrue seniority during the leave.

An employee may elect, or the district may require, an employee to use available paid leave time for purposes of a family or medical leave. However, an employee may only use accrued medical/sick leave in accordance with the collective bargaining agreement.

### *Family and Medical Leave*

Family leave is available when a child is born to the employee, adopted by an employee or one is placed with the employee for foster care. Medical leave is available in order for the employee to take care of a spouse, child, parent who has a serious health condition, when the employee has a serious health condition rendering him/her unable to perform the functions of the employee's job or the care of a next of kin of a covered service member who requires care.

A child shall include any individual whether biological, adopted, a foster child, a stepchild, a legal ward, or a child standing in loco parentis who is under eighteen years of age or, if over eighteen, is incapable of self-care due to a mental or physical disability. A parent shall include the biological parent of the employee or an individual who stood in loco parentis to the employee when he/she was a child. Furthermore, a serious health condition means an illness, injury, impairment, or physical or mental condition that involves inpatient care or continuing treatment by a health care provider.

Family leave must be taken within one year of the birth or placement of the employee's child. If both spouses are employed by the district, the combined amount of leave for family leave or medical leave to care for a sick parent may be limited to twelve weeks. This limitation does not include medical leave to care for a child or spouse or for an employee's personal medical/sick leave.

### *Notice to Take Leave*

The employee shall notify the district of his/her request for family or medical leave at least 30 days prior to the date when the leave is to begin, when such leave is foreseeable. If such leave is not foreseeable then notice shall be given as early as is practical. If the employee requests medical leave, reasonable attempts shall be made to schedule treatment so as not to disrupt the district's operations.

### *Intermittent Leave*

An employee who requests family leave, shall not be provided intermittent leave or a reduced leave schedule unless the employee and district mutually agree. Intermittent leave may be provided for medical leave, however, the district may transfer the employee to a comparable position if it will better accommodate such intermittent periods of leave. For instructional employees who request medical leave and it is foreseeable that the medical treatment shall cause the employee to be on leave for more than 20% of the total number of working days in the period of leave, the district may require the employee to take a block of time or to transfer to an equivalent position for which the employee is qualified, but which better accommodates intermittent periods of leave.

*Military Leave: Leave Related to Active Duty or a Call to Active Duty*

If the necessity for leave because of a qualifying exigency arising from the fact that a family member is on active duty or has been notified of an impending call to active duty is foreseeable, the employee shall give such notice to the district as soon as is reasonable and practicable.

The School Board may require that a request for leave because of a qualified exigency arising from the fact that the employee's spouse, son, daughter, or parent is on active duty or has been notified of an impending call to active duty be supported by a certification issued in accordance with regulations.

*Certification*

The district may require the employee requesting medical leave to present a certification from the health care provider of the person for whom the employee is taking the leave. Upon request by the district, the employee must provide the certification within 15 days. The certificate shall include:

1. the date on which the serious health condition commenced;
2. the probable duration of the condition;
3. the appropriate medical facts within the knowledge of the health care provider regarding the condition;
4. a statement that the employee is needed to care for the family member and an estimate of the amount of time that such employee shall be needed or a statement
5. that the employee is unable to perform the functions of the employee's position; and
6. the dates and duration of medical treatment if the request for intermittent leave is for a planned medical treatment.

If the district doubts the validity of the certification, then, at the district's expense, a second opinion may be required from a health care provider selected by the district. The school physician cannot give this opinion. If the two opinions conflict, a third health care provider, at the district's expense, may be chosen by the two parties to render a final opinion.

*Restoration*

An instructional employee who begins any type of leave at least five (5) weeks before the end of an academic term, may be required not to return until the new term begins if the leave is at least three (3) weeks long and the employee would return during the last three (3) weeks of the term.

An instructional employee who begins leave, for any purpose other than personal illness, less than three (3) weeks prior to the end of the term and the leave is longer than five (5) working days, may be required not to return until the new term begins.

*Failure to Return*

The district may recover the health care premiums paid during the leave if the employee fails to return from the leave. However, recovery cannot occur if the employee fails to return because of the continuation, recurrence, or onset of a serious health condition or due to circumstances beyond the control of the employee.

*Effect on Existing Laws or Agreements*

The Board shall ensure that family and medical leave, consistent with the Family and Medical Leave Act, is provided to all eligible employees, whether or not they are covered by a collective bargaining agreement. Any collective bargaining agreement which contains greater leave benefits than this policy shall remain in force.

*Notice of Policy*

The district shall post a notice prepared or approved by the Secretary of Labor stating the pertinent provisions of the Family and Medical Leave Act, including information concerning enforcement of the law.

Adoption date:

Vote on the motion:            Yes:  
    No:  
    Abstained:

Motion carried/defeated.

**f. RECOMMENDATION – Board Policy # 9520.5 LEAVES OF ABSENCE**

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.

**9520.5**

**LEAVES OF ABSENCE**

In general, leaves of absence shall be administered by the Superintendent of Schools or his or her designee. The Board of Education reserves the right to grant leaves of absence for purposes or under conditions not contemplated or considered in this policy statement. Under laws and rules governing such action, the Board may undertake appropriate disciplinary action where a leave of absence is falsely requested or improperly used. Except by permission of the Superintendent, as expressed in writing, the purpose or conditions of a leave of absence may not be altered.

Contractual leaves of absence shall be granted to employees who are members of a negotiating unit. In such cases, authorization to approve requests for leaves of absence submitted shall be pursuant to provisions of contracts in effect between the district and each bargaining unit.

- In the case of employees who are not members of a negotiating unit, authorization is granted to approve requests for leaves of absence submitted by such employees where the requests are consistent with provisions of contracts in effect between the district and the bargaining unit most compatible with the employment status of the employee.
- In the case of employees who are under contract to the district, authorization is granted to implement provisions for leaves of absence contained in each such contract.

Unpaid leaves of absence not covered above shall be subject to limitations enumerated in this policy statement. Such authorization is granted for the following unpaid leaves of absence:

- For a period of time not to exceed one school year for approved graduate study, such leave to include any required internship experience.
- At the expiration of a paid sick leave of absence, to extend such a leave of absence for a period of time not to exceed the end of the school year next succeeding the school year in which the paid leave of absence commenced.

Unpaid leaves of absence shall not be used to extend vacation periods, to take vacations, to engage in other occupations, or to provide additional personal leaves except that the Superintendent shall have discretion, where circumstances warrant, to approve leaves of absence for such purposes.

Unpaid leaves of absence shall not be granted unless the services of a substitute employee, satisfactory in the discretion of the Superintendent, are able to be secured.

Except where it interferes with an employee's legal or contractual rights, the timing of unpaid leaves of absence will be granted at the convenience of the district.

The district will notify employees of their right to leaves as indicated by federal law, state law or regulation.

### **Other Leaves:**

#### **Blood Donation**

In accordance with state law, employees desiring to make blood donations shall be granted three (3) hours of leave in any twelve (12) month period. The leave may not exceed three (3) hours unless agreed to by the Superintendent or his or her designee. Additional leaves for the purpose of blood donation under any other provision of law shall not be prevented.

Leave granted to employees for off premises blood donation is not required to be paid leave. Leave taken by employees for "donation leave alternatives" (which is what the law terms on-site blood donation) shall be paid leave given without requiring the employee to use accumulated vacation, personal, sick or other existing leave time.

Employees wishing to utilize the leave time for offsite blood donation shall give a minimum of three (3) working days notice to the Superintendent or his or her designee. Employees wishing to utilize the leave time for alternate donations shall give a minimum of two (2) working days notice.

The district will provide reasonable accommodations in emergency situations where an employee needs to donate blood for his own surgery or that of a family member.

**Breast and Prostate Cancer Screening:**

Employees shall be granted up to four (4) hours of leave on an annual basis to undertake a screening for breast cancer. Employees shall be granted up to four (4) hours of leave on an annual basis to undertake a screening for prostate cancer (i.e., male employees are entitled to a total of eight (8) hours for both screenings). This leave shall be paid leave and shall not be charged against any other leave to which the employee is entitled.

Certification of testing may be requested from the employee of the district. Verification shall be produced in a timely fashion.

Ref: Civil Service Law § 159-b  
Labor Law § 202-j  
*Matter of Cruz et al v Wappingers CSD*, slip opinion (Supreme Court, Dutchess County, July 14, 2008)  
*Matter of Fringuello v Wappingers CSD.*, slip opinion (Supreme Court, Dutchess County, July 15, 2008)

Adoption date:

Vote on the motion:           Yes:  
  No:  
  Abstained:

Motion carried/defeated.

**g. Recommendation: LINDENHURST MEMORIAL LIBRARY**

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, Accepts the Library's Cash Flow Schedule for the 2010-2011 school year as follows:

July 1, 2010	\$330,717	December, 2010	\$330,717
August, 2010	\$330,717	January, 2011	\$330,717
September, 2010	\$330,717	February, 2011	\$330,717
October, 2010	\$330,717	March, 2011	\$330,717
November, 2010	\$330,717	April, 2011	\$992,144
		<b>Total</b>	<b>\$3,968,597</b>

Note: See enclosed

Vote on the motion:           Yes:  
  No:  
  Abstained:

Motion carried/defeated.

**h. Recommendation: SASBO Donation for Scholarship**

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, accept a donation of \$1,000.00 from the Suffolk Association of School Business Officials to be awarded as a scholarship.

Note: See enclosed

Vote on the motion:           Yes:  
  No:  
  Abstained:

Motion carried/defeated.

**i. 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, approve the disposal of the following obsolete equipment:

**ADMIN. -**    10 Optiplex CPUs – See attached

**MIDDLE -**   1 Weight Room Stepper

**SHED -**       1 Tanaka Weed Whacker # T059519  
                  1 Tanaka Weed Whacker No #  
                  1 Echo Weed Whacker No #  
                  1 Toro Lawnmower # 001923  
                  1 Toro 824 XL Snowblower # 210000345  
                  1 Tanaka Weed Whacker # T659642

**W. GATES -** 1 Tanaka Blower # 000359

Note: See enclosed

Vote on the motion:           Yes:  
  No:  
  Abstained:

Motion carried/defeated.

**j. 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 \$52,030.45.

Note: See enclosed

Vote on the motion:           Yes:  
  No:  
  Abstained:

Motion carried/defeated.

**k. Recommendation: MSG VARSITY**

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 Extension of School Registration and Participation Agreement with MSG Varsity Network, LLC and authorizes the Superintendent to sign same.

Note: See enclosed

Vote on the motion:           Yes:  
  No:  
  Abstained:

Motion carried/defeated.

**l. Recommendation: DRIVERS' EDUCATION**

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 Drivers' Education Program covering the 2010-2011 school year and the summer of 2011.

Note: See enclosed

Vote on the motion:           Yes:  
  No:  
  Abstained:

Motion carried/defeated.

**11. SCHEDULES**

Schedule	A-1 No. 16	Personnel, Instructional Resignations & Terminations
Schedule	A-1 No. 14 C	Coaching Assignments
Schedule	A-1 No. 11 S	Athletic Supervision
Schedule	A-2 No. 14	Personnel Instructional – Leave of Absence
Schedule	A-3 No. 67	Personnel, Instructional Appointments
Schedule	A-3 No. 68	Personnel, Instructional Appointments
Schedule	A-5 No. 4	Personnel, Instructional – Tenure
Schedule	AS-1 No. 13	Substitute Personnel Instructional – Resignations & Terminations
Schedule	AS-3 No. 21	Substitute Personnel Appointments
Schedule	B-1 No. PT 12	Non-Instructional Personnel Resignations & Terminations
Schedule	B-3 No. PT 17	Non-Instructional Appointments – Part Time
Schedule	D No. 29	Pupil Personnel Services



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

- a. Purchase Order Log F # 13  
Covering P.O. No. 103983 dated 4/26//10 thru P.O. 104209 dated 5/19/10
- b. Treasurer's Report, Revenue Status and Appropriation Status No. 10 as of April, 2010
- c. Collateralization Report as of April 30, 2010
- d. Budget Transfers less than \$5,000.00 completed from April 29, through May 21, 2010.

**15. DATES TO REMEMBER**

<b>Wednesday</b>	<b>June 9</b>	<b>7:30 a.m.</b>	<b>PTA Council Meeting @ Albany Scholarships and Installations</b>
<b>Wednesday</b>	<b>June 16</b>	<b>7:00 p.m.</b>	<b>Board of Education Community Forum @ High School</b>
<b>Wednesday</b>	<b>June 30</b>	<b>7:00 p.m.</b>	<b>Board of Education End-of-Year Meeting @ McKenna Admin. Bldg.</b>
<b>Fri., &amp; Mon.</b>	<b>July 2, 5</b>		<b>Schools Closed in Observance of July 4<sup>th</sup></b>
<b>Tuesday</b>	<b>July 6</b>	<b>7:00 p.m.</b>	<b>Board of Education Organizational Meeting @ McKenna Admin. Bldg.</b>

**16. Executive Session**