

WEST BABYLON UNION FREE SCHOOL DISTRICT
WEST BABYLON, NEW YORK
REGULAR MEETING
BOARD OF EDUCATION
BOARD ROOM - ADMINISTRATION BUILDING
TUESDAY – SEPTEMBER 8, 2015
AGENDA

The order of business at all regular meetings shall be as follows:

- 1. Call to order by presiding officer
 - 2. Pledge of Allegiance to the Flag
- [5:00 P.M. - Meeting Convenes Followed by Student Presentation and/or Executive Session]

[7:00 P.M. - Public Session Resumes Beginning with Item #3]

- 3. Approval of minutes of previous meeting(s):
Regular Meeting: August 25, 2015
Special Meeting: August 31, 2015
- 4. Statement of the Board and/or Superintendent
- 5. Statement of West Babylon Teachers' Association Representatives
- 6. Statement of School Administrators' Association Representatives
- 7. Statement of C.S.E.A. Representatives
- 8. Statement of Student Association Representatives
- 9. Statement of PTA Council Representatives
- 10. Statement of Residents re: agenda items [15 minutes-limited to 3 minutes per speaker]*
- 11. Report of the Superintendent and/or Educational Presentation:
 - A. **Capital Project Update**
Mrs. Michele Psarakis, CPA, Executive Director for Finance & Operations
- 12. Business Agenda [****Consent Agenda Items**]
 - A. **BOARD OF EDUCATION**
 - ** (R) Approval of Lindenhurst Union Free School District to provide Special Education Services, to West Babylon School District Resident Students, for the 2015-2016 School Year (Res. #BE-1)
 - ** (R) Approval of the Service Agreement, with Mill Neck Manor School for the Deaf, for the 2015-2016 School Year (Res. #BE-2)

Continued

- ** (R) Authorization for the Board of Education President and the Superintendent of Schools to Sign an Employment Agreement with the Independent Lead Evaluator (Res. #BE-3)
- ** (R) Authorization for the Board of Education President to Sign the Amended Service Agreement with SCOPE for the purpose of operating a Pre-school Program, within the West Babylon Union Free School District, during the 2015-2016 School Year (Res. #BE-4)
- ** (R) Approval of Settlement Agreement and Release with a Tenured Teaching Employee (Res. #BE-5)
- ** (R) Approval of Settlement Agreement and Release with a Tenured Teaching Employee (Res. #BE-6)
- ** (R) Approval of Establishment of District Health & Safety Committee (Res. #BE-7)

B. PERSONNEL

- ** (R) 15-P-4 Professional Personnel
- ** (R) 15-C-4 Civil Service Personnel (Res. #PE-1)

C. FINANCE

- ** (R) 2015-2016 West Babylon Union Free School District Tax Levy (Res. #FI-1)
- ** (R) 2015-2016 West Babylon Public Library Tax Levy (Res. #FI-2)
- ** (R) Acknowledgement of the 2015-2016 Town of Babylon Assessed Valuation for Senior Citizen and Clergy Exemptions (Res. #FI-3)

D. FACILITIES

- ** (R) Acceptance of Donations (Res. #FA-1through Res. #FA-3)

13. Policy Review:

- A. Board Review-Sexual Harassment (Second Time Discussion) (File:0110)
- B. Board Review-Evaluation of Superintendent (Third Time Adoption) (File:0320)
- C. Board Review-Community Relations Goals (First Time Reading) (File:1000)
- D. Board Review-Donations, Gifts and Grants to the District (First Time Reading) (File:1800)
- E. Board Review-School Board Officer & Employee Code of Ethics (Board Review) (File:2160)
- F. Board Review-School Board Officer & Employee Code of Ethics (Exhibit) (File:2160-E.1)
- G. Board Review-School Board Officer & Employee Code of Ethics (Exhibit) (File:2160-E.2)
- H. Board Review-Admissions (First Time Reading) (File:5150)
- I. Board Review-Contracting for Professional Services (Second Time Discussion) (File:6741)
- J. Board Review-Disclosure of Wrongful Conduct (Second Time Discussion) (File:9645)

14. Board of Education Committee Reports

15. Old Business

16. New Business
17. Follow-Up to Residents' Statements
18. Statements of Residents re: other district items [15 minutes-limited to 3 minutes per speaker]*
19. Adjournment [This should take place by 10:00 P.M.]

*Per Board Policy 1230: The Board of Education encourages participation of residents at open Board meetings. The President of the Board shall ask for brief statements from residents and set a time limit (three minutes per resident) on such statements. To allow for public participation, a period not to exceed 15 minutes shall be set aside during the first and last part of each Board meeting. The President shall be responsible for the orderly conduct of the meeting and shall rule on such matters as the time to be allowed for public discussion and the appropriateness of the subject being presented. The President shall have the right to discontinue any presentation which violates this policy. Residents wishing to speak should identify themselves, their address, any organization they may be representing at the meeting, and the topic they wish to discuss. Statements during the first part of the meeting will relate to agenda items. Statements during the second part of the meeting will relate to other district matters.

Follow-Up to Residents' Unanswered Questions

Date	Residents' Questions	Responses
August 25, 2015	-----	-----
July 7, 2015	-----	-----
June 23, 2015	-----	-----

WEST BABYLON UNION FREE SCHOOL DISTRICT
WEST BABYLON, NEW YORK

REGULAR MEETING

BOARD OF EDUCATION

BOARD ROOM - ADMINISTRATION BUILDING

TUESDAY – SEPTEMBER 8, 2015

RESOLUTIONS

BOARD OF EDUCATION

****#BE-1**

RESOLVED: that the West Babylon Board of Education approves the special education services agreement, with Lindenhurst Union Free School District, for the 2015-2016 school year.

****#BE-2**

RESOLVED: that the West Babylon Board of Education approves the service agreement, with Mill Neck Manor School for the Deaf, for the 2015-2016 school year.

****#BE-3**

RESOLVED: that the West Babylon Board of Education authorizes the Board President and the Superintendent of Schools to sign an Employment Agreement with Mr. Thomas Colletti, Independent Lead Evaluator, for the period September 9, 2015 through June 30, 2016.

****#BE-4**

RESOLVED: that the West Babylon Board of Education authorizes the Board President to sign the Amended Licensing and Operating agreement, between the West Babylon Union Free School District and SCOPE, for the purpose of operating a Pre-School Program within the District. The agreement has been amended to specifically name the John F. Kennedy Elementary School and the Forest Avenue Elementary School as the locations for the program during the 2015-2016 school year.

****#BE-5**

RESOLVED: that the West Babylon Board of Education approves the Settlement Agreement and Release, with a tenured teaching employee, made known to the Board of Education in executive session, and identified in such Settlement Agreement and Release, dated July 28, 2015.

****#BE-6**

RESOLVED: that the West Babylon Board of Education approves the Settlement Agreement and Release, with a tenured teaching employee, made known to the Board of Education in executive session, and identified in such Settlement Agreement and Release, dated September 8, 2015.

****#BE-7**

RESOLVED: that the West Babylon Board of Education approves the establishment of the District Health & Safety Committee. The co-chairs are Dr. Yiendhy Farrelly, Superintendent of Schools, Mr. Raymond Graziano, Director of Facilities III, and Mr. Joseph Mineo, Senior Safety Officer, Eastern Suffolk BOCES. The committee members meet four times a year and are responsible for overseeing district-wide health and safety matters.

PERSONNEL

**#PE-1

RESOLVED: that the following schedules, as attached, are approved:

<u>15-P-4</u>	Professional Personnel
<u>15-C-4</u>	Civil Service Personnel

FINANCE

****#FI-1**

RESOLVED: that the amount to be raised by tax levy, for the West Babylon Union Free School District, be fixed at the sum of \$68,221,216, for the 2015-2016 school year.

****#FI-2**

RESOLVED: that the amount to be raised by tax levy, for the West Babylon Public Library, be fixed at the sum of \$3,524,340, for the 2015-2016 school year as presented by Ms. Gail Pepa, Director, West Babylon Public Library.

****#FI-3**

RESOLVED: that the West Babylon Board of Education acknowledges the 2015-2016 Assessed Valuation as received by the Town of Babylon, for the Senior Citizen Exemption as \$435,210 and the Clergy Exemption as \$8,180.

FACILITIES

****#FA-1**

RESOLVED: that the West Babylon Board of Education gratefully accepts the following donation, from Ms. Sharon Naviloff, a West Babylon resident:

One (1) EZ UP canopy tent with “West Babylon Track” imprinted on it

The value of the donation is \$300.

****#FA-2**

RESOLVED: that the West Babylon Board of Education gratefully accepts the following donation, from Dr. Vitagliano of West Islip:

Custom fit mouthpieces for all Varsity and Junior Varsity Football Players

The value of the donation is \$200 per mouthpiece.

****#FA-3**

RESOLVED: that the West Babylon Board of Education gratefully accepts the following donation, from Posillico Inc., with the contribution from Able Equipment:

Two (2) Light Towers

These light towers will be provided for a two week period during which the Senior High School Marching Band will hold night practices on the High School field while our Junior High School field is under construction. The practices are in preparation for the band’s performance at the 2015 *Newsday* Marching Band Festival and the district’s Homecoming field show.

WEST BABYLON UNION FREE SCHOOL DISTRICT

REGULAR MEETING - BOARD OF EDUCATION - TUESDAY - SEPTEMBER 8, 2015

PERSONNEL

(R) Schedules: 15-P-4 Professional Personnel
 15-C-4 Civil Service Personnel (**#PE-1)



PROFESSIONAL PERSONNEL SCHEDULE

I. Professional Personnel Schedule 15-P-4

- A. Probationary Appointment
- B. 2015-2016 Additional Section/JH
- C. 2015-2016 Elementary Clubs & Advisors
- D. 2015 Summer Work
- E. Fall, 2015 Coaching
- F. Fall, 2015 Student Teacher/Observer
- G. 2015-2016 Per Diem Substitutes

CIVIL SERVICE PERSONNEL SCHEDULE

II. Civil Service Personnel Schedule 15-C-4

- A. Family Medical Leave
- B. Leave of Absence Request
- C. Resignations/Retirement
- D. Prior Service Credit
- E. Probationary Appointments
- F. 2015-2016 Per Diem Substitutes

SCHEDULE 15-P-4 Professional Personnel Schedule

Date of Meeting: September 8, 2015

Page 1 of 4 pages.

NAME	POSITION	SCHOOL/ AREA	STEP/ SALARY	BEG/END APPT.	COMMENTS
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Pursuant to NYSED Regulations, Section 3012-c and/or 3012-d of the Education Law, all teaching and supervisory staff appointed on or after July 1, 2015 must receive three (3) annual APPR composite ratings of Effective or Highly Effective in at least three (3) of the preceding four (4) years and cannot have an APPR composite rating of Ineffective in the last year of his/her probationary appointment to be granted or considered for tenure. This applies to the following teacher:

Mattson, Alexandra	Mathematics Tchr.	HS	Step A-5-1/ \$58,511. (prorate)	10/9/15, or earlier	Probationary Appt. [cert: Math 7-12]
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Additional Section:

Cody, Nora	Science (.1)	JH	\$4,875.90	2015 - 2016	
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Elementary Clubs & Advisors:

Cicogna, Deborah	Chorus Advisor		\$1,857.	2015 - 2016	
Saraceno, Christine	Chorus Asst.		\$928.50		
Meadows, Dana	Band Asst.		\$928.50		[rep. C. Saraceno]
Kelly, Barbara	Orchestra Asst.		\$928.50		[rep. C. Saraceno]

Summer Work:

Augustine, Janine	Scheduling		\$99.15/hr.	Summer, 2015	[add'l 6 hrs.]
Benvenuto, Charles	"		\$88.68/hr.		[add'l 6 hrs.]

Coach:

Crespi, Clark	JHS Head	Tennis (G)	\$4,170.	Fall, 2015	
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SCHEDULE 15-P-4 Professional Personnel Schedule

Date of Meeting: September 8, 2015

Page 2 of 4 pages.

NAME	POSITION	SCHOOL/ AREA	STEP/ SALARY	BEG/END APPT.	COMMENTS
<u>Student Teacher/Observer:</u>					
Henriques, Maria	Elementary	TA		Fall, 2015	
<u>Per Diem Substitute:</u>					
Flaherty, Lauren	Speech	DW	\$279.77/day	2015 - 2016	[5+ consecutive days]
<u>Per Diem Substitute:</u>					
Cahill, Jessica		DW	\$90./day	2015 - 2016	

SCHEDULE 15-C-4 Civil Service Personnel Schedule

Date of Meeting: September 8, 2015

Page 3 of 4 pages.

NAME	POSITION	SCHOOL/ AREA	STEP/ SALARY	BEG/END APPT.	COMMENTS
Hopkins, Zachariah	Custodial Wrkr. I	JH		8/31/15 -	Family Medical Leave
Graziano, Mary	Paraprofessional (special ed. aide)	JH		9/1/15 - 6/30/16	Leave of Absence
Rizos, Leslie	School Bus Driver	Trans.		9/1/15	Resignation
Hader, Stanislaw	School Bus Driver	Trans.		9/1/15	Resignation
Irfan, Peggy	Paraprofessional (special ed. aide)	TA		9/3/15	Resignation
Cox, Richard	Custodial Wrkr. I	HS		11/28/15	Resignation to Retire
Mecalianos, Peter	Custodial Wrkr. I	HS		9/4/15	Resignation from LOA [to remain in prob. post]
Pastore, Terri	Clerk Typist	HS	Step 5/ \$35,424. (prorate)	4/20/15	Prior Service Credit [experience verified]

SCHEDULE 15-C-4 Civil Service Personnel Schedule

Date of Meeting: September 8, 2015

Page 4 of 4 pages.

NAME	POSITION	SCHOOL/ AREA	STEP/ SALARY	BEG/END APPT.	COMMENTS
Kilincarslan, Zuleyha	Food Service Wrkr. "B"	HS	Step 1/ \$11.72/hr.	9/9/15	Probationary Appt.
Zinser, Christine	Paraprofessional (special ed. aide)	TA	Step 1/ \$13.64/hr.	9/9/15	Probationary Appt.
Morales, Evelyn	Paraprofessional (special ed. aide)	TA	Step 1/ \$13.64/hr.	9/9/15	Probationary Appt.
*Sonnichsen, Michele	Paraprofessional (special ed. aide)	TA	Step 1/ \$13.64/hr.	9/9/15	Probationary Appt.
Bianco, Jennifer	Paraprofessional (special ed. aide)	TA	Step 1/ \$13.64/hr.	9/9/15	Probationary Appt.
<u>Per Diem Substitute:</u> *Meurlin, Thomas		DW	\$16.75/hr.	2015 - 2016	Guard
<u>Per Diem Substitute:</u> Pasciuta, Amedeo		DW	\$10./hr.	2015 - 2016	Custodian

*Emergency Conditional Appointment

WEST BABYLON UNION FREE SCHOOL DISTRICT

REGULAR MEETING - BOARD OF EDUCATION - TUESDAY - SEPTEMBER 8, 2015

POLICY

- A. Board Review-Sexual Harassment (Second Time Discussion) (File:0110)
- B. Board Review-Evaluation of Superintendent (Third Time Adoption) (File:0320)
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SEXUAL HARASSMENT

The Board of Education recognizes that harassment of students and staff on the basis of sex, gender and/or sexual orientation is abusive and illegal behavior that harms victims and negatively impacts the school culture by creating an environment of fear, distrust, intimidation and intolerance. The Board further recognizes that preventing and remedying such harassment in schools is essential to ensure a healthy, nondiscriminatory environment in which students can learn and employees can work productively.

The Board is committed to providing an educational and working environment that promotes respect, dignity and equality and that is free from all forms of sexual harassment. To this end, the Board condemns and strictly prohibits all forms of sexual harassment on school grounds, school buses and at all school-sponsored activities, programs and events including those that take place at locations outside the district.

Because sexual harassment can occur staff to student, staff to staff, student to student, male to female, female to male, male to male or female to female, it shall be a violation of this policy for any student, employee or third party (school visitor, vendor, etc.) to sexually harass any student or employee.

In order for the Board to effectively enforce this policy and to take prompt corrective measures, it is essential that all victims of sexual harassment and persons with knowledge of sexual harassment report the harassment immediately. The district will promptly investigate all complaints of sexual harassment, formal or informal, verbal or written. To the extent possible, all complaints will be treated in a confidential manner. Limited disclosure may be necessary to complete a thorough investigation.

If, after appropriate investigation, the district finds that a student, an employee or a third party has violated this policy, prompt corrective action will be taken in accordance with the applicable collective bargaining agreement, district policy and state law.

All complainants and those who participate in the investigation of a complaint of sexual harassment have the right to be free from retaliation of any kind.

The Superintendent of Schools is directed to develop and implement regulations for reporting, investigating and remedying allegations of sexual harassment. These regulations are to be attached to this policy. In addition, training programs shall be established for students and employees to raise awareness of the issues surrounding sexual harassment and to implement preventative measures to help reduce incidents of sexual harassment.

This policy shall be posted in a prominent place in each district facility and shall also be published in student registration materials, student, parent and employee handbooks, and other appropriate school publications.

The [Assistant Superintendent] *Executive Director* of Human Resources shall serve as the compliance officer vested with the authority and responsibility of processing all sexual harassment complaints in accordance with the procedure set in the policy regulations.

- Ref:** Education Amendments of 1972, Title IX, 20 U.S.C. §1681 et seq.
Title VII of Civil Rights Act (1964), 42 U.S.C. §2000-e; 34 CFR §100 et seq.
Davis v. Monroe County Board of Education, 526 U.S. 629, 652 (1999)
Gebser v. Lago Vista Independent School District, 524 U.S. 274 (1998)
Faragher v. City of Boca Raton, 524 U.S. 775 (1998)
Burlington Industries v. Ellerth, 524 U.S. 742 (1998)
Oncale v. Sundowner Offshore Services, Inc., 523 U.S. 75 (1998)
Franklin v. Gwinnett County Public Schools, 503 U.S. 60 (1992)
Meritor Savings Bank, FSB v. Vinson, 477 U.S. 57 (1986)

Adoption date: 12/08/2009

Reviewed: 9/12/13

Evaluation of the Superintendent

An effective working relationship between the Board and the Superintendent is essential to the successful operation of the school district. The development and maintenance of such a relationship may be greatly assisted by a periodic review of the Superintendent's diverse responsibilities accompanied by an evaluation of the Superintendent's performance. Therefore, the Board shall conduct such evaluation each school year, as per the timeline below.

The purpose of the evaluation shall be to:

1. Establish and maintain good working relationships between the Board and the Superintendent.
2. Improve performance by suggesting areas of responsibility and operating techniques that may be strengthened.
3. Give encouragement and commendation for work well done.
4. Record some evidence of performance and improvement.
5. Offer a guide for the Superintendent's self-appraisal of characteristics and
6. Provide an opportunity for the Board and the Superintendent to confer formally at periodic intervals about the Superintendent's performance.
7. Offer a procedure for comprehensive and dispassionate appraisal in a setting other than during times of crisis.
8. Establish reasonable standards for continued employment.
9. Provide assistance in the development of the Superintendent's objectives for the coming year.
10. Assist the Board in arranging for the Superintendent's salary and contract.

Timeline for Evaluation of the Superintendent

Month	Activity
July – August	Board and superintendent review evaluation process, performance, and standards. Board and superintendent agree upon board, superintendent and district goals.
September - December	Superintendent provides regular updates to the Board regarding superintendent goals, district goals and rubric rating categories.
January – February	<p>Superintendent and Board shall hold a meeting to review goal progress. Superintendent will provide reflection related to the superintendent goals, district goals and rubric rating categories.</p> <p>As outlined in the superintendent's contract, no later than the last public meeting of the Board in February in each year of the Superintendent's contract or any extension hereof, the Board shall meet in executive session to consider extending the term of the Superintendent's employment for an additional one (1) year period as outlined by contract. At such time, a motion to extend the term of the superintendent's agreement for an additional one (1) year period will be moved, seconded and voted upon by the Board. When circumstances warrant said date may be extended; any extension requires mutual agreement between the Superintendent and the Board pursuant to contract language. Upon the Board's failure or refusal to so move, second, consider and vote, after such notification, upon such an extension within the time provided herein, the then unexpired term of this Agreement shall be automatically be extended by an additional one (1) year period. Actions will be in accordance to the terms outlined in the superintendent's contract.</p>

March - April	Superintendent will provide regular updates to the Board regarding the Superintendent's goals, district goals and rubric rating categories.
May – June	<p>Superintendent submits written report to Board delineating progress made toward completion of goals.</p> <p>Superintendent provides the BOE a self – reflection document. BOE meet to review the document and complete the rubric.</p> <p>BOE president compiles the information provided by the trustees in the individual ratings sheets.</p> <p>Final evaluation is reviewed with the Superintendent and filed with the District Clerk.</p> <p>Set date for summer retreat or summer meeting</p>

Adopted 12/08/2009

Reviewed 9/10/13

COMMUNITY RELATIONS GOALS

The Board of Education strives to conduct district affairs by way of a continuing, open dialogue between the community and the schools. Given district residents' high level of interest in the education of children, the Board wishes to maintain its high level of sensitivity to the needs and desires of the community and to act expeditiously to meet changing needs and conditions.

To this end, the Board establishes the following goals for community involvement:

1. to provide a variety of means whereby residents of the school district may have the opportunity to contribute their best thinking to the orderly planning of education for children in the district;
2. to keep the community accurately informed about its schools;
3. to understand community attitudes and aspirations for the schools;
4. to encourage contributions from the parent-teacher associations of the district so that school personnel and parents cooperate to advance the educational welfare of the children;
5. to handle all complaints from the public by the administrative officer in charge of the unit of the school district organization closest to the complainant. However, such complaints may be carried to the Superintendent of Schools and/or the Board if the problem cannot be solved at that level;
6. to promote a spirit of cooperation among the Board, the schools, and the community;
7. to develop and maintain the confidence of the community in the Board and the school district staff;
8. to expand the public understanding of every aspect of the school system, and stimulate public interest in the school;
9. to facilitate dissemination of information to the community concerning issues and activities in the school;
10. to ascertain the community's opinions and desires with respect to the operations of the school system, and to incorporate that knowledge into its actions;
11. to develop arrangements among civic and community organizations for sharing of resources, especially in the creation of programs designed to benefit students; and
12. to develop and maintain an effective means of communication with the people of the district.

School-parent Relationships:

The Board encourages the schools to maintain the closest possible constructive relationship with the homes of students in order to foster better understanding of individual children and their needs and to secure maximum cooperation from parents.

Community participation in school activities

The community shall be encouraged to attend and take an active interest in interscholastic and extra-curricular activities, orientation programs, parental and student workshops, student recognition gatherings, academic fairs, drama productions, concerts, and graduation ceremonies.

In most cases, these events will appear on the district's *website* [calendar which is mailed to all residents in the district]. Announcements will also be made via district publications, local newspapers, and whenever possible, the outside message board.

Notwithstanding the above, the final decisions in these areas will rest with the Board.

Adoption date: 12/08/2009

DONATIONS, GIFTS, AND GRANTS TO THE DISTRICT

Unsolicited Gifts and Donations from the Public

The Board of Education welcomes and appreciates gifts and donations from the public. Gifts and donations of money, property, equipment and materials may be accepted by the Board, except that the Superintendent of Schools may accept any such gift on behalf of the Board.

The Board reserves the right to refuse to accept any gift which does not contribute towards the achievement of the district's goals, or the ownership of which would deplete the resources of the district. In accepting or rejecting gifts and donations, the Board will review the following factors:

1. *The terms of the gift must identify:*
 - a. *the subject of the gift;*
 - b. *the purpose of the gift;*
 - c. *the beneficiary or beneficiaries if any; and*
 - d. *all conditions or restrictions that may apply.*
2. *The gift must not benefit a particular or named individual or individuals.*
3. *If the purpose of the gift is an award to a single student, the determination of the recipient of such award shall be made on the basis that all students shall have an equal opportunity to qualify for it in conformance with federal and state law.*
4. *If the gift is in trust, the obligation of the investment and reinvestment of the principal shall be clearly specified and the application of the income or investment proceeds shall be clearly set forth.*
5. *No gift or trust will be accepted by the Board unless:*
 - a. *it is in support of and a benefit to all or to a particular public school in the district; or*
 - b. *it is for a purpose for which the school district could legally expend its own funds; or*
 - c. *it is for the purpose of awarding scholarships to students graduating from the district.*

Any gift rejected by the Board shall be returned to the donor or his/her estate within 60 days together with a statement indicating the reasons for the rejection of such gift.

The Board reserves the right to deny approval of solicitation of any funding or grant application which does not contribute towards the achievement of the district's goals, or which would deplete the resources of the district. The Board may approve seeking grants which require a match of district funds or resources when the initiative has been identified as a priority by the Board and when such funds are planned as part of the district budget process or can be accommodated by the current budget.

All solicited grants and donations must be formally accepted by the Board.

Ref: Education Law §1709(12)

Adoption date:

School Board Officer & Employee Code of Ethics

File: 2160

The Board of Education is committed to avoiding any situation in which the existence of conflicting interests of any Board member, officer or employee may call into question the integrity of the management or operation of the school district. Adherence to a code of ethics promotes public confidence in the schools and furthers the attainment of district goals.

The Board also recognizes its obligation to adopt a code of ethics setting forth the standards of conduct required of all Board members, district officers and employees under the provisions of the General Municipal Law. Therefore, every Board member, officer and employee of the district, whether paid or unpaid, shall adhere to the following code of conduct.

Statutory Conflicts of Interest

It is a conflict of interest for a Board member, officer or employee to benefit personally from contracts made in their official capacity.

- “Contract” is defined broadly to include any claim or demand against the district or account or agreement with the district, whether expressed or implied which exceeds the sum of \$750.00 in any fiscal year.
- An “interest” is defined as a direct or indirect benefit that runs to the employee as a result of a contract with the district.

No Board member, officer or employee shall have an “interest” (i.e. receive a direct or indirect benefit as the result of a contract with the district) in:

1. a firm, partnership or association in which he/she is a member or employee;
2. a corporation in which he/she is an officer, director or employee;
3. a corporation in which he/she, directly or indirectly, owns or controls 5% or more of the stock;
4. a contract between the district and his/her spouse, minor child or dependents, except for an employment contract between the school district, a spouse, minor child or dependent of a Board member authorized by §800(3) of the General Municipal Law or §3016 of the Education Law.

Disclosure Requirements

All Board members, officers and employees must publicly disclose the nature and extent of any non-exempted interest they or their spouse have, will have or later acquire in any actual or proposed contract, purchase agreement, lease agreement or other agreement involving the school district (including oral agreements), even if it is not a prohibited interest under applicable law as soon as he/she has knowledge of such prospective interest. Such disclosure must be in writing to his/her supervisor (if an employee) and the Board of Education and made part of the official record of the school district. Disclosure is not required in the case of an interest that is exempted under section 802 of the General Municipal Law (see 2160-E.1); however, Board members, officers and employees are encouraged to voluntarily make such disclosure.

Other Prohibited Activities

1. Gifts: A Board member, officer or employee shall not directly or indirectly solicit any gift or accept or receive any gift having a value of \$75.00 or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise, or any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him/her in the performance of his/her official duties or was intended as a reward for any official action on his/her part.

2. **Confidential Information:** A Board member, officer or employee shall not disclose confidential information acquired by him/her in the course of his/her official duties or use such information to further his/her personal interest either directly or indirectly.
3. **Representation before the Board or District:** A Board member, officer or employee shall not receive or enter into any agreement, expressed or implied, for compensation for services to be rendered in relation to any matter before the school district.
4. **Investments in conflict with official duties:** A Board member, officer or employee shall not invest or hold any investment directly in any financial, business, commercial or other private transaction that creates a conflict with his/her official duties. Exceptions to the conflict of interest law can be found in Section 802 of the General Municipal Law (see 2160-E.1).
5. **Private Employment:** A Board member, officer or employee shall not engage in, solicit, negotiate for or promise to accept private employment when that employment or service creates a conflict with or impairs the proper discharge of his/her official duties.
6. **Future Employment:** A Board member, officer or employee shall not, after the termination of service or employment with the district, appear before the Board in relation to any action, proceeding, or application in which he/she personally participated during the period of his/her service or employment or that was under his/her active consideration.

Distribution of Code of Ethics

The Superintendent of Schools shall cause a copy of this Code of Ethics to be distributed to every member of the Board, every officer and employee of the school district. Each Board member, officer and employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of his or her office or employment. In addition, the Superintendent shall ensure that a copy of Article 18 of the General Municipal Law shall be kept posted in each public building under the jurisdiction in a place conspicuous to the district's Board members, officers and employees.

Penalties

In addition to any penalty contained in any other provision of law, any person who shall knowingly and intentionally violate any of the provisions of the Board's code of ethics may be fined, suspended or removed from office or employment, as the case may be, in the manner provided by law.

Ref: General Municipal Law §§800; 801; 802; 805; 806-808
Education Law §§306; 1709; 2103; 2553; 2554; 2559; 3016
Local Finance Law §60.10
Public Officers Law §30(1)(h)
Appeal of Kelly, 45 EDR Dec. No.15253 (2005)
Application of Nett & Raby 45 EDR Dec. No. 14314 (2005)
Appeal of Taber, 42 EDR 251 (2003)
Appeal of Gill, 42 EDR 89 (2002)
Matter of Grinnell, 37 EDR 504 (1998)
Appeal of Vivlemoe, 33 EDR174 (1993)
Matter of Cox, 27 EDR 353 (1988)
Matter of Granirer, 26 EDR 393 (1987)
Op. Of Atty. Gen., (Inf.) 99-16
Op. State Comptroller, 91-26

Adopted: 12/08/2009

Revised: 10/8/13

Exceptions to Conflict of Interest**2160-E.1**

Board members, officers and employees will not be deemed to have a conflict of interest in any of the exceptions listed in §802 of the General Municipal Law, including:

1. Contracts with membership corporations or other voluntary not-for-profit corporations or associations (e.g. Taylor Law collectively negotiated agreements, contract with a not-for-profit health services organization). (§802(1)(f) GML) (Note: No Board member is prohibited from voting on collectively negotiated agreements which are applicable to his/her spouse or child);
2. Appointment of a teacher who is a relative or spouse of a Board member, is permitted upon a two-thirds supermajority vote without limiting any Board member's right to vote. (§3016 Education Law)
3. The employment of a Board member as school physician is permitted upon a two-thirds vote of the Board. (§802(1)(i) GML)
4. Contracts entered into by the district with a person who is subsequently elected or appointed to the Board, a school district office or employment remain valid, except the contract may not thereafter be renewed. (§802(1)(h) GML)
5. A contract with a corporation of which the interest of the Board member officer or employee is, by reason of stockholding, less than 5% of the outstanding shares. (§802(2)(a) GML)
6. Contracts between the district and a Board member, officer or employee in which the total amount does not exceed \$750 in any fiscal year. (§802(2)(e) GML)
7. Where application of the conflict of interest rules would necessitate the engagement of a bank or trust company outside of the municipality or school district, the Board may designate a bank or trust company in which the Board President, treasurer or deputy treasurer has an interest in such entity. The designation shall be as a depository, paying agent or registration agent for the investment of funds. (§802(1)(a) GML)
8. A contract with a person, firm, corporation or association in which a municipal officer or employee has an interest prohibited solely by reason of employment as an officer or employee of such other entity, if their compensation will not be directly affected as a result of the contract with the municipality or school district and duties do not directly involve the procurement, preparation or performance of any part of the contract. (Appeal of Vivlemoe, 33 EDR 174 (1993))
9. The designation of a newspaper, including the official newspaper, for the publication of notices, resolutions or other proceeding where publication is otherwise required or authorized by law. (§802(1)(c) GML)
10. The purchase of real property or any interest therein when approved upon a petition to the State Supreme Court by the Board of Education. (§802(1)(d) GML)
11. Acquisition of real property or an interest in real property through eminent domain proceedings. (§802(1)(f) GML)
12. Sale of bonds and notes pursuant to section 60.10 of the Local Finance Law. (§802(1)(g) GML)

DRAFT

Board Review 9/8/15

CODE OF ETHICS ACKNOWLEDGEMENT

2160-E.2

I, _____, an officer/employee of the West Babylon Union Free School District, do hereby acknowledge receipt of a copy of the Code of Ethics of the West Babylon Union Free School District, this ____ day of _____ in the year 20 ____.

Signature of Officer/Employee

Printed Name of Officer/Employee

SCHOOL ADMISSIONS

RESIDENTS:

District residents over five and under twenty-one years of age and veterans, except those who received dishonorable discharges, shall be eligible to attend the public schools of West Babylon free of charge if they have not received a high school diploma.

Upon registration, all new students or their parents or guardians shall be required to present:

- > Proof of date of birth
- > Record of immunizations and a health certificate from a licensed physician
- > Proof of residency
- > Proof of guardianship

IN DISTRICT TRANSFERS:

Students in grades kindergarten through four whose parents or guardians move to the attendance zone of another elementary school within the West Babylon district after the start of the school year are eligible to finish the school year in their original school. Students must transfer to the new school for the start of the next school year (if space permits). Students who have completed fourth grade prior to moving to the attendance zone of another elementary school within the West Babylon School District may complete the fifth grade in their original school. Upon parental request, the student may transfer immediately if space permits in the receiving school.

NON RESIDENTS:

The Board of Education affirms that its primary responsibility is to provide the best possible educational opportunities for the children who are legal district residents and who are of legal age to attend school.

However, a non-resident student may be admitted to district schools upon payment to the district of the Board-adopted tuition charge, if and only if, in the judgment of the Superintendent of Schools:

1. there is sufficient space to accommodate the non-resident student;
2. no increase in the size of faculty or staff will be necessary to accommodate them;
3. the non-resident student meets the district's criteria for admission; and
4. the admission of such non-resident student is and continues during the enrollment period to be in the best interests of the district.

CHILDREN OF DISTRICT EMPLOYEES:

The Superintendent is authorized to accept the children of district employees who are not district residents for enrollment in the schools of the district. Tuition is to be charged at the rate set by the Board. Transportation to and from school is the responsibility of the staff member. Field trip transportation will be made available as it is to district residents.

CHILDREN OF NON-RESIDENTS WHO ARE NOT DISTRICT EMPLOYEES:

Children of nonresidents, other than district employees, may be accepted for enrollment in the West Babylon Schools only upon approval by the Board of Education. Tuition will be charged as established yearly. Tuition payments are to be made monthly unless otherwise arranged by the Superintendent or a designee. Transportation to and from school is the responsibility of the student's parent or guardian. Field trip transportation will be made available as it is to district residents.

FORMER RESIDENTS

Students who are in their senior year of schooling and whose parents or guardians move to another district during the course of the academic year, shall be allowed to finish the year in West Babylon in order to graduate with their classmates. Parents or guardians of these students are responsible for transporting the students to and from school.

Students in grades kindergarten through eleven (11) whose parents or guardians move to another district during the course of the academic year are eligible to finish the school year in West Babylon only if the move takes place during the final ten (10) weeks of the academic year. Parents or guardians of these are responsible for transporting the students to and from school.

Ref: Education Law §3202(2)

Replaces former policy JECB and JECBA

Adoption date: April 12, 2011

CONTRACTING FOR PROFESSIONAL SERVICES

The Board of Education will make certain that professional services are secured in a manner that protects the integrity of the process, ensures the prudent use of taxpayer dollars and provides a high quality standard of service, in accordance with law and regulation. Professional services are defined as services requiring special skill and/or training, such as legal services, medical services, auditing services, property appraisals or insurance.

Purchasing professional services does not require competitive bidding. The Board directs the Superintendent, Executive Director for Finance and Operations and administrative personnel who are responsible for securing professional services to take measures to ensure that a highly qualified professional is secured through the prudent and economical use of public money, which may include:

1. reviewing trade journals;
2. checking professional listings; and/or
3. inquiring of other districts or other appropriate sources.

Except for procurements made pursuant to General Municipal Law, section 103(3) (through certain county contracts), and section 104 (through certain State and Federal contracts), alternative proposals or quotations for goods and services shall be secured by use of either written requests for proposals, written quotations, verbal quotations or any other method of procurement that furthers the purposes of the General Municipal Law, section 104-b.

The designated district staff will prepare a comprehensive written request for proposals (RFP), which will contain critical details of the services sought. The RFP will specify that the proposal include the structure of the relationship between the district and the provider, including, if applicable, the terms of the retainer, the hourly fees and other associated costs.

In reviewing the RFPs, the district will consider, at a minimum, the following factors:

1. the suitability of the individual/firm for the district's needs;
2. the special knowledge or expertise of the individual/firm;
3. the credentials and applicable certifications of the individual/firm;
4. the quality of the service provided by the individual/firm;
5. cost;
6. the staffing available from the firm or the time available from the individual;

The district will periodically, but not less frequently than every five years, issue professional service RFPs and may conduct interviews as part of the RFP process. The written proposals submitted by applicants shall be maintained for at least six years.

The Superintendent, after a thorough review of the proposals, in consultation with the Executive Director for Finance and Operations and the [Assistant Superintendent] *Executive Director* for Human Resources will recommend the professional service provider best suited to the district to the Board of Education for its approval.

Regardless of when during the year the professional service provider was engaged by the Board, at the annual organizational meeting the Board will appoint the attorney, physician, external auditor, or other professional, as applicable. Professional service providers selected and appointed in this manner will not be considered employees of the district.

The Superintendent is charged with developing administrative procedures to implement this policy.

Cross-ref: 2210, Board Annual Organizational Meeting - 9500, Compensation and Benefits

Ref: General Municipal Law § 104-b - 2 NYCRR §§ 315.2, 315.3 *Trane Co. v Broome County*, 76 A.D.2d 1015
Appeal of Lombardo, 38 Educ. Dept. Rep. 730 - Opn. St. Comp. 92-33

Adoption date: November 7, 2011

*The Board of Education will review the proposals and select the professional service provider best suited to the district's needs.

DISCLOSURE OF WRONGFUL CONDUCT

The Board of Education expects officers and employees of the district to fulfill the public's trust and to conduct themselves in an honorable manner, abiding by all district policies and regulations and by all applicable state and federal laws and regulations.

However, when district officers or employees know or have reasonable cause to believe that serious instances of wrongful conduct have occurred, they should report such wrongful conduct to the Superintendent of Schools or the Board. For purposes of this policy, the term "wrongful conduct" shall be defined to include:

- theft of district money, property, or resources;
- misuse of authority for personal gain or other non-district purpose;
- fraud;
- violations of applicable federal and state laws and regulations; and/or
- serious violations of district policy, regulation, and/or procedure.

Disclosure and Investigation

Employees and officers who know or have reasonable cause to believe that wrongful conduct has occurred or is occurring shall report such mismanagement, fraud or abuse to the Superintendent or the Board, if the allegation involves the Superintendent. Upon receiving a report of alleged wrongful conduct, the district shall take prompt steps to conduct an investigation.

Staff members who suspect that a violation of state testing procedures has occurred by a certified educator, or non-certified individual involved in the State Education Department (SED) in the manner prescribed by the Commissioner of Education, must report concerns to the Superintendent or Board of Education. Any Building Principal receiving such report shall relay this information to the Superintendent.

The Superintendent or other designee (e.g., School Attorney, Independent Auditor, etc.) shall maintain a written record of the allegation, conduct an investigation to ensure that the appropriate unit (e.g., auditors, forensic auditors, police, etc.) investigates the disclosure, and notify the Board when appropriate to do so.

Except as otherwise provided in either state and/or federal law, the Board-designated officer shall make all reasonable attempts to protect the identity of the employee making the disclosure in a confidential manner, as long as doing so does not interfere with conducting an investigation of the specific allegations or taking corrective action.

The district shall not take adverse employment action against an employee who has notified the district of wrongdoing, allowing the district the opportunity to investigate and correct the misconduct. The district shall not take adverse action against an employee who has reported misconduct when mandated to do so by federal or state law or regulation.

"Whistleblower" Protections

Pursuant to section 75-b of the Civil Service Law, an employee or officer who provides disclosures of wrongful conduct that presents a substantial and specific danger to the public health or safety or which he or she reasonably believes to be true and improper on the part of the Board or the district shall have "whistleblower

protection" against retaliation in the nature of adverse action affecting compensation, appointment, promotion, transfer, assignment, reassignment or evaluation of performance.

Pursuant to section 3028-d of the Education Law, an employee who has reasonable cause to suspect that the fiscal practices or actions of an officer or employee of the district violates any local, state, or federal law, rule or regulation relating to the financial practices of the district, and who, in good faith, reports such information to a district official, Office of the State Comptroller,

Commissioner of Education or law enforcement authorities shall have immunity from any civil liability that may arise from the making of such report. Further, no district employee or officer may take, request, or cause a retaliatory action against any employee who makes such a report.

Any employee or officer who is concerned that retaliation for providing information regarding wrongful conduct has occurred or is occurring should report this to the Superintendent or the Board.

Dissemination and Review

This policy shall be published in employee handbooks, posted in employee lounges and given to all employees with fiscal accounting and/or money handling responsibilities on an annual basis. The Superintendent of Schools, the Auditor, the School Attorney and others involved in implementing this policy shall meet with the Board once a year to evaluate the effectiveness of this policy and to make appropriate adjustments, if any, to the policy.

Ref:

Civil Service Law §75-b

Education Law §3028-d

Labor Law §740

Garrity v. University at Albany, 301 A.D. 2d 1015 (3rd Dept. 2003)

Matter of Brey v. Bd. of Educ., 245 A.D. 2d (3rd Dept. 1997)

Adoption date: December 13, 2011