

WEST BABYLON UNION FREE SCHOOL DISTRICT
WEST BABYLON, NEW YORK
REGULAR MEETING
BOARD OF EDUCATION
BOARD ROOM - ADMINISTRATION BUILDING
MONDAY - SEPTEMBER 21, 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
[6:00 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: September 8, 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. **APPR 3012d Presentation**
Dr. Yiendhy Farrelly, Superintendent of Schools
Mr. Shawn Hanley, Executive Director for Human Resources

12. Business Agenda [****Consent Agenda Items**]

A. **BOARD OF EDUCATION**

- ** (R) Proclamation of 2015-2016 Employees Recognition Weeks (Res. #BE-1)
- ** (R) Proclamation of 2015-2016 School Board Recognition Week (Res. #BE-2)
- ** (R) Proclamation of 2015-2016 Parent Teacher Associations Recognition Week (Res. #BE-3)
- ** (R) Waiver of Use of Facilities Fees (Res. #BE-4)
- ** (R) Approval of the Special Education Services Agreement with Bayport-Blue Point School District (Res. #BE-5)
- ** (R) Approval of Developmental Disabilities Institute to provide Home and Community Services to West Babylon School District Resident Students, with Disabilities, for the 2015-2016 School Year (Res. #BE-6)

B. PERSONNEL

- ** (R) 15-P-5 Professional Personnel
- ** (R) 15-C-5 Civil Service Personnel (Res. #PE-1)

C. FINANCE

- ** (R) Adoption of the “Sandy Tax Relief“ Bill (Res. #FI-1)
- ** (R) Acknowledgement of Receipt of April, May and June 2015 Claims Auditor’s Reports and Recommendations (Res. #FI-2)
- ** (R) Approval of the August, 2015 Treasurer’s Report (Res. #FI-3)
- ** (R) Acceptance of Donation (Res. #FI-4)
- ** (R) Special Aid Applications (Res. #FI-5 through Res. #FI-7)

13. Policy Review:

- A. Board Review-Sexual Harassment (Third Time Adoption) (File:0110)
- B. Board Review-Community Relations Goals (Second Time Discussion) (File:1000)
- C. Board Review-Donations, Gifts and Grants to the District (Second Time Discussion) (File:1800)
- D. Board Review-Contracting for Professional Services (Third Time Adoption) (File:6741)
- E. Board Review-Disclosure of Wrongful Conduct (Third Time Adoption) (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
September 8, 2015	-----	-----
August 25, 2015	-----	-----
July 7, 2015	-----	-----
June 23, 2015	-----	-----

WEST BABYLON UNION FREE SCHOOL DISTRICT
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REGULAR MEETING
BOARD OF EDUCATION
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MONDAY - SEPTEMBER 21, 2015

RESOLUTIONS

BOARD OF EDUCATION

****#BE-1**

WHEREAS, the following employees have served the West Babylon School District admirably, and

WHEREAS, the following West Babylon School District employees are dedicated to the health and well-being of our District's children.

NOW, BE IT RESOLVED, that the Board of Education of the West Babylon Union Free School District does hereby proclaim recognition of its employees as follows:

October 12-16, 2015	School Lunch Personnel
November 9-13, 2015	School Psychologists
November 16-20, 2015	Supervisors & Administrators
January 4-8, 2016	Paraprofessional Personnel
January 18-22, 2016	School Nurses
“	Occupational Therapists
“	Physical Therapists
“	Certified Occupational Therapy Assistants
January 25-29, 2016	Buildings & Grounds and Security Personnel
March 7-11, 2016	Social Workers
April 18-22, 2016	Administrative Professionals
May 2-6, 2016	Teachers & Teaching Assistants
May 16-20, 2016	Transportation Personnel

****#BE-2**

RESOLVED: that in accordance with National School Board Recognition Week, the West Babylon Schools Board of Education declares the week of **October 26-October 30, 2015, School Board Recognition Week**, to celebrate the public service of school board trustees. Recognition will take place at the Board of Education meeting to be held on Tuesday, October 27, 2015.

****#BE-3**

WHEREAS, the West Babylon Schools Parent Teacher Associations have served our District admirably, and

WHEREAS, the West Babylon Schools Parent Teacher Associations are dedicated to the health and well-being of our District’s children.

NOW, BE IT RESOLVED, that the Board of Education of the West Babylon Union Free School District does hereby proclaim the week of **February 8-12, 2016 Parent Teacher Associations Recognition Week.**

****#BE-4**

RESOLVED: that the West Babylon Board of Education hereby waives the facilities use fees and requirements for the following organizations:

SCOPE (Suffolk County Organization for the Promotion of Education)
Various educational events which take place during the 2015-2016 school year

SAFE (School Afternoon Fun and Education Program)
Located at Santapogue Elementary School, after school hours, during the 2015-2016 school year

Town of Babylon Handicap Services
Recreation for individuals with developmental disabilities

Long Island Blood Services
District-wide blood drives

West Babylon Alumni Foundation
2015-2016 monthly meetings

West Babylon Main Street Organization
2015-2016 meetings

West Babylon Teachers Basketball League
Weekly use of gym for basketball games – no spectators

****#BE-5**

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

****#BE-6**

RESOLVED: that the West Babylon Board of Education approves the following agency to provide home and community services, to West Babylon School District resident students, with disabilities, for the 2015-2016 school year:

Developmental Disabilities Institute

PERSONNEL

****#PE-1**

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

15-P-5

Professional Personnel

15-C-5

Civil Service Personnel

FINANCE

****#FI-1**

RESOLVED: that the West Babylon Board of Education adopts the Sandy Tax Relief bill, which creates a tax exemption over an eight (8) year period, for owner occupied residential property in municipalities, affected by Superstorm Sandy.

****#FI-2**

RESOLVED: that the West Babylon Board of Education acknowledges receipt of the April, May and June, 2015 claims auditor's reports and recommendations.

****#FI-3**

RESOLVED: that the West Babylon Board of Education approves the Treasurer's Report for the month of August, 2015.

****#FI-4**

RESOLVED: that the West Babylon Board of Education gratefully accepts a donation, in the amount of \$75.95, from Scoutit Inc. This donation is from the "Shoparoo" program and will be deposited into South Bay School's Trust and Agency account.

****#FI-5**

RESOLVED: that the Executive Directors are authorized to file application under the Educational Consolidation and Improvement Act, Title I, Part A, in the approximate amount of \$298,719, for the 2015-2016 school year.

****#FI-6**

RESOLVED: that the Executive Directors are authorized to file application under the No Child Left Behind Act for Title II, Part A, Teacher and Principal Training and Recruiting funds, in the approximate amount of \$118,456, for the 2015-2016 school year.

**#FI-7

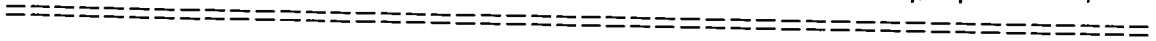
RESOLVED: that the Executive Directors are authorized to file application under the No Child Left Behind Act for Title III, Part A, LEP (Limited English Proficient), in the approximate amount of \$25,962, for the 2015-2016 school year.

WEST BABYLON UNION FREE SCHOOL DISTRICT

REGULAR MEETING - BOARD OF EDUCATION - MONDAY - SEPTEMBER 21, 2015

PERSONNEL

(R) Schedules: 15-P-5 Professional Personnel
 15-C-5 Civil Service Personnel (**#PE-1)



PROFESSIONAL PERSONNEL SCHEDULE

I. Professional Personnel Schedule 15-P-5

- A. Leave of Absence Request
- B. 2015-2016 Additional Section/Work/JH
- C. 2015-2016 AEHS Appointment
- D. 2015-2016 Clubs & Advisors
- E. 2015 Summer Work
- F. 2015-2016 Student Teachers/Observers/Interns
- G. 2015-2016 Per Diem Substitute

CIVIL SERVICE PERSONNEL SCHEDULE

II. Civil Service Personnel Schedule 15-C-5

- A. Leave of Absence Request
- B. Retirement
- C. Probationary Appointments
- D. 2015-2016 Student Printers
- E. 2015-2016 Per Diem Substitutes

SCHEDULE 15-P-5 Professional Personnel Schedule

Date of Meeting: September 21, 2015

Page 1 of 4 pages.

NAME	POSITION	SCHOOL/ AREA	STEP/ SALARY	BEG/END APPT.	COMMENTS
MacKenzie, MaryEllen	Special Ed. Tchr.	JH		First Semester, 2015-2016	Leave of Absence [last ext.]
Bellino, Charles	Technology (.2)	JH	\$7,704.10	First Semester, 2015-2016	[add'l. section]
LaMantia, Joanne	Registered Nurse	JH	\$18.19/day	9/8/15 - 6/30/16	[add'l 30 min./day]
<u>Alternative Evening High School:</u>			\$34.85/hr.	2015 - 2016	
Dombo, Steven	Guidance				
<u>Club & Advisors Adjustment:</u>				2015 - 2016	
Korchma, Heather	Student Council	HS	\$3,699. (prorate)		[9/1/15 - return of M. Sparks]
Sparks, Meredith	Student Council	HS	\$3,699. (prorate)		
<u>Clubs & Advisors:</u>				2015 - 2016	
Cascio-Plezia, Deborah	Drama Club	JH	\$1,713.		
Pletto, Carol	Dramatics Asst.		\$1,161.		
Prendergast, Beverly	Music Director		\$1,306.		

SCHEDULE 15-P-5 Professional Personnel Schedule

Date of Meeting: September 21, 2015

Page 2 of 4 pages.

NAME	POSITION	SCHOOL/ AREA	STEP/ SALARY	BEG/END APPT.	COMMENTS
<u>Elementary Enrichment Advisors:</u>			\$1,000.	2015 - 2016	[weekly basis from Oct-May]
Craig, Amanda	FA				
Milligan, Joan	JK				
McHugh, Gwendalyn	SA				
Levy, Kara	SB				
Gottlieb, Susan	TA				
<u>Summer Work:</u>				Summer, 2015	
Gisonda, Bernadette	CSE Representative		\$99.15/hr.		
Romeo, Marta	Translation of District Documents		\$86.55/hr.	July - August, 2015	Title III Grant [add'l. 9 hrs.]
<u>Student Teachers/Observers:</u>				Fall, 2015	
Cavalone, Caroline	Elementary	JK			
Pidel, Andrew	Elementary	FA			
Poulos, Paul	Social Studies	HS			
Valensisi, Bryan	Social Studies	HS			
<u>Guidance Interns:</u>				2015 - 2016	
*Blom, Danielle	Guidance	HS			
*Faver, Erich	Guidance	JH			
<u>Psychology Intern:</u>				2015 - 2016	
*Barron, Guadalupe	Psychology	FA			
<u>Per Diem Substitute:</u>				2015 - 2016	
Milek, Michelle		DW	\$90./day		[cert: SWD 1-6]

*Emergency Conditional Appointment

SCHEDULE 15-C-5 Civil Service Personnel Schedule

Date of Meeting: September 21, 2015

Page 3 of 4 pages.

NAME	POSITION	SCHOOL/ AREA	STEP/ SALARY	BEG/END APPT.	COMMENTS
Familia, Eileen	Paraprofessional (school monitor)	FA		9/1/15 - 3/2/16	Leave of Absence
Alini, Amelia	School Bus Monitor	Trans.		10/31/15	Resignation to Retire
Glennon, Josephine	Paraprofessional (school teacher aide)	SA	Step 1/ \$13.64/hr.	9/22/15	Probationary Appt.
Marsden, Melissa	Paraprofessional (special ed. aide)	TA	Step 1/ \$13.64/hr.	9/22/15	Probationary Appt.
*Goss, Kristie	Paraprofessional (special ed. aide)	TA	Step 1/ \$13.64/hr.	9/22/15	Probationary Appt.
*Kane, Miluska	Paraprofessional (special ed. aide)	TA	Step 1/ \$13.64/hr.	9/22/15	Probationary Appt.
*Carr, Veronica	Paraprofessional (special ed. aide)	SA	Step 1/ \$13.64/hr.	9/22/15	Probationary Appt.
*Thompson, Tricia	Paraprofessional (special ed. aide)	SA	Step 1/ \$13.64/hr.	9/22/15	Probationary Appt.

*Emergency Conditional Appointment

SCHEDULE 15-C-5 Civil Service Personnel Schedule

Date of Meeting: September 21, 2015

Page 4 of 4 pages.

NAME	POSITION	SCHOOL/ AREA	STEP/ SALARY	BEG/END APPT.	COMMENTS
<u>Student Printers:</u>			\$8.75/hr.	2015 - 2016	
Bianco, Luke					
Coolbaugh, Leanne					
Scarangella, Gregory					
<u>Per Diem Substitutes:</u>			\$9./hr.	2015 - 2016	
Diamant, Lorraine					Paraprofessional
*Scarlatos, Dawn					Clerical/Paraprofessional

*Emergency Conditional Appointment

WEST BABYLON UNION FREE SCHOOL DISTRICT

REGULAR MEETING - BOARD OF EDUCATION - MONDAY - SEPTEMBER 21, 2015

POLICY

- A. Board Review-Sexual Harassment (Third Time Adoption) (File:0110)
- B. Board Review-Community Relations Goals (Second Time Discussion) (File:1000)
- C. Board Review-Donations, Gifts and Grants to the District (Second Time Discussion)
(File:1800)
- D. Board Review-Contracting for Professional Services (Third Time Adoption) (File:6741)
- E. Board Review-Disclosure of Wrongful Conduct (Third Time Adoption) (File:9645)

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 from 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 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)

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:

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 the 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 of 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;
- Actions that compromise the security and integrity of the district's or state's testing program;
- 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 of Schools, or the Board if the allegation includes 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, and must also 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 notifies 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.

Complaints of Reprisal

An employee who has been subject to an adverse employment action based on his or her prior disclosure of alleged or actual wrongful conduct may contest the action by filing a written complaint of reprisal with the Board President. The Board President, or his/her designee, will review the complaint expeditiously to determine:

- Whether the complainant made a disclosure of alleged wrongful conduct before an adverse employment action was taken;
- Whether the responding party could reasonably have been construed to have had knowledge of the disclosure and the identity of the disclosing employee;
- Whether the complainant has in fact suffered an adverse employment action after having made the disclosure; and
- Whether the complainant alleges that adverse employment action occurred as a result of the disclosure.

If the designee determines that all of the above elements are present, he or she shall appoint a review officer or panel to investigate the claim and make a recommendation to the Board. At the time of appointment, the designee shall inform the complainant and the respondent, in writing, of:

- The intent to proceed with an investigation;
- The specific allegations to be investigated;
- The appointment of the review officer or panel; and
- The opportunity of each party to support or respond, in writing, to the allegation.

Once the review officer or panel has conducted a review and considers the investigation to be complete, the officer or panel will notify the designee of its completion. From the date of that notice, the review officer has 30 days to report his/her findings and make any recommendations he/she deems appropriate to the designee. The designee, in conferral with the appropriate administrator shall issue a letter of findings to both the complainant and the respondent.

The decision of the review officer or panel is binding. Nothing in this policy is intended to interfere with legitimate employment decisions.

The Superintendent shall establish regulations necessary to implement this policy.

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 @ Albany, 301 A.D. 2d 1015 (3rd Dept. 2003)

Matter of Brey v. Bd. Of Educ., 245

A.d.2d (3rd Dept. 1997)

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