

WEST BABYLON UNION FREE SCHOOL DISTRICT
WEST BABYLON, NEW YORK
REGULAR MEETING
BOARD OF EDUCATION
BOARD ROOM - ADMINISTRATION BUILDING
WEDNESDAY - SEPTEMBER 28, 2016

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 13, 2016
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:

“Security Overview” Presentation
Dr. Yiendhy Farrelly, Superintendent of Schools
Mr. Shawn Hanley, Executive Director for Human Resources
Mr. Edwin Salas, Director of Security

12. Business Agenda [****Consent Agenda Items**]
 - A. **BOARD OF EDUCATION**
 - ** (R) Proclamation of 2016-2017 Employees Recognition Weeks (Res. #BE-1)
 - ** (R) Proclamation of 2016-2017 School Board Recognition Week (Res. #BE-2)
 - ** (R) Proclamation of 2016-2017 Parent Teacher Associations Recognition Week (Res. #BE-3)
 - ** (R) Approval of Mill Neck Manor School for the Deaf to provide Services to Hearing Impaired, West Babylon School District Resident Students, during the 2016-2017 School Year (Res. #BE-4)

Continued.....

- ** (R) Approval of Lindenhurst Union Free School District to provide Special Education Services to West Babylon School District Resident Students, during the 2016-2017 School Year (Res. #BE-5)
- ** (R) Approval of Tutoring for Life, LLC to provide Academic Tutoring Services to West Babylon School District Resident Students, with Disabilities, during the 2016-2017 School Year (Res. #BE-6)
- ** (R) Approval of Sail at Ferncliff Manor to provide Special Education and Residential Services to West Babylon School District Resident Students, during the 2016-2017 School Year (Res. #BE-7)
- ** (R) Approval of Seaford Union Free School District to provide Special Education Services to West Babylon School District Resident Students, during the 2016-2017 School Year (Res. #BE-8)
- ** (R) Waiver of Use of Facilities Fees (Res. #BE-9)

B. PERSONNEL

- ** (R) 16-P-6 Professional Personnel
- ** (R) 16-C-6 Civil Service Personnel (Res. #PE-1)

C. FINANCE

- ** (R) Approval of the Corrective Action Plan (“CAP”) in Response to the Findings Contained in the School Lunch Operations Report of Examination 2016M-243 (Res. #FI-1)
- ** (R) Approval of the Treasurer’s Report for the Month of August, 2016 (Res. #FI-2)

D. FACILITIES

- ** (R) Acceptance of Donation (Res. #FA-1)
- ** (R) Declaration of Obsolete Equipment (Res. #FA-2)

- 13. Policy Review:
 - A. Board Review: Annual District Election and Budget Vote (Second Time Discussion) (File:1050)
 - B. Board Review: Candidates and Campaigning (First Time Reading) (File:2120.1)
 - C. Board Review: Staff Substance Abuse (First Time Reading) (File:9610)
 - D. Board Review: Staff Substance Abuse-Regulations (Promulgation) (File:9610-R)
- 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 13, 2016	-----	-----
August 23, 2016	A Forest Avenue parent raised a question regarding the change to the walking procedures for students entering the back entrance of the school.	Dr. Farrelly looked into the matter. There will be no change to the walking procedures at Forest Avenue School.
August 2, 2016	-----	-----
July 5, 2016	-----	-----

WEST BABYLON UNION FREE SCHOOL DISTRICT
WEST BABYLON, NEW YORK

REGULAR MEETING
BOARD OF EDUCATION

BOARD ROOM - ADMINISTRATION BUILDING

WEDNESDAY - SEPTEMBER 28, 2016

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 10-14, 2016	School Lunch Personnel
November 7-11, 2016	School Psychologists
November 14-18, 2016	Supervisors & Administrators
January 2-6, 2017	Paraprofessional Personnel
January 16-20, 2017	School Nurses
“	Occupational Therapists
“	Physical Therapists
“	Certified Occupational Therapy Assistants
January 23-27, 2017	Buildings & Grounds and Security Personnel
March 6-10, 2017	Social Workers
April 24-28, 2017	Administrative Professionals
May 8-12, 2017	Teachers & Teaching Assistants
May 15-19, 2017	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 24-October 28, 2016, 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 25, 2016.

***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 13-17, 2017 Parent Teacher Associations Recognition Week.**

***BE-4

RESOLVED: that the West Babylon Board of Education approves the following school for the deaf to provide services for hearing impaired West Babylon School District resident students during the 2016-2017 school year:

Mill Neck Manor for the Deaf

***BE-5

RESOLVED: that the West Babylon Board of Education approves the following school district to provide special education services, to West Babylon School District resident students, during the 2016-2017 school year:

Lindenhurst Union Free School District

***BE-6

RESOLVED: that the West Babylon Board of Education approves the following agency to provide academic tutoring services, to West Babylon School District resident students, with disabilities during the 2016-2017 school year:

Tutoring for Life, LLC

***BE-7

RESOLVED: that the West Babylon Board of Education approves the following educational center to provide special education and residential services, to West Babylon School District resident students, during the 2016-2017 school year:

Sail at Ferncliff Manor

****#BE-8**

RESOLVED: that the West Babylon Board of Education approves the following school district to provide special education services, to West Babylon School District resident students, during the 2016-2017 school year:

Seaford Union Free School District

****#BE-9**

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 2016-2017 school year

SAFE (School Afternoon Fun and Education Program)

Located at Santapogue Elementary School, after school hours, during the 2016-2017 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

2016-2017 monthly meetings

West Babylon Main Street Organization

2016-2017 meetings

West Babylon Teachers Basketball League

Weekly use of gym for basketball games – no spectators

PERSONNEL

**#PE-1

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

<u>16-P-6</u>	Professional Personnel
<u>16-C-6</u>	Civil Service Personnel

FINANCE

****#FI-1**

RESOLVED: that the West Babylon Board of Education approves the corrective action plan (CAP) in response to the findings contained in the School Lunch Operations Report of Examination 2016M-243. The Executive Director for Finance & Operations will file a copy of the CAP with the State Education Department pursuant to NYCRR Section 170.12 (e)(4).

****#FI-2**

RESOLVED: that the West Babylon Board of Education approves the Treasurer’s Report for the month of August, 2016.

FACILITIES

****#FA-1**

RESOLVED: that the West Babylon Board of Education gratefully accepts the following donation from Intralogic Solutions, with no cost to the district:

SCOPE: ILS to install (1) Exterior Vandal Proof IP Dome Camera at a TBD location
2MP Exterior Vandal Proof Dome Camera
Outdoor Camera Wiring (CCOCW)
Extended Camera Wiring (CCEXT)
Outdoor Camera Mounting & Focusing (CCOCM)
Camera Configuration/Setup/Programming (CCCONFIG)
Security Systems Installation (SSLI)

****#FA-2**

RESOLVED: that the West Babylon Board of Education declares the following production machine, located in the Senior High School Copy Center, obsolete:

Xerox Copier Model 6115
Serial Number FLX-000553

Per Mrs. Stephanie Nocerino, Coordinator of K-12 Student Data and Instructional Technology, the copier is outdated and operations are unreliable.

WEST BABYLON UNION FREE SCHOOL DISTRICT

REGULAR MEETING - BOARD OF EDUCATION - WEDNESDAY - SEPTEMBER 28, 2016

PERSONNEL

(R) Schedules: 16-P-6 Professional Personnel
 16-C-6 Civil Service Personnel (**#PE-1)

PROFESSIONAL PERSONNEL SCHEDULE

- I. Professional Personnel Schedule 16-P-6**
 - A. Family Medical Leave
 - B. Probationary/Tenure Dates
 - C. Part-Time Appointment
 - D. Appointment Changes
 - E. Additional Sections/HS/JH
 - F. 2016-2017 AEHS Appointments
 - G. 2016-2017 Chairperson
 - H. 2016-2017 Clubs & Advisors
 - I. Fall, 2016-2017 Coaching
 - J. 2016-2017 Student Teachers/Observers/Interns
 - K. 2016-2017 Per Diem Substitutes

CIVIL SERVICE PERSONNEL SCHEDULE

- II. Civil Service Personnel Schedule 16-C-6**
 - A. Leave of Absence Requests
 - B. Resignations/Retirements
 - C. Probationary Appointments
 - D. 2016 Summer Work
 - E. 2016-2017 Student Printers
 - F. 2016-2017 Per Diem Substitutes

SCHEDULE 16-P-6 Professional Personnel Schedule

Date of Meeting: September 28, 2016

Page 1 of 6 pages.

NAME	POSITION	SCHOOL/ AREA	STEP/ SALARY	BEG/END APPT.	COMMENTS
Jabour, Lynette	English Tchr.	HS		9/19/16 -	Family Medical Leave
Taplin, Theresa	Mathematics Curriculum Specialist	JK/DW		10/5/16 10/5/20	[official start date] [expected date of tenure]
Karo, Sharon	PT/School Psychologist (.4)	JH/HS	Step A-5-1/ \$58,511. +1,924. (stipend) (prorate @ 40%)	10/7/16 - 6/30/17	[cert: School Psychologist]

Appointment Changes:

The following probationary teacher is being recalled from the Teaching Assistant Preferred Eligibility List:

Ritacco, Joseph	PT/Teaching Assistant (.8)	JH	TA-3-2/ \$33,643. (prorate @ 80%)	9/29/16 - 6/30/17	
Ritacco, Joseph	PT/Health Tchr. (.2)	JH	Step A-7-1/ \$63,631. (prorate @ 20%)	9/1/16 - 6/30/17	
Ritacco, Joseph	Per Diem Substitute		\$88./day	9/1/16 - 9/28/16	[2 days/week]
Saar, Wendy	PT/Speech Tchr. (.8)	JH/SB	Step A-9-1/ \$68,995. (prorate @ 80%)	9/19/16 - 6/30/17	[from (.7)]

SCHEDULE 16-P-6 Professional Personnel Schedule

Date of Meeting: September 28, 2016

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NAME	POSITION	SCHOOL/ AREA	STEP/ SALARY	BEG/END APPT.	COMMENTS
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Additional Sections:

Romeo, Marta	Spanish (.2)	HS	\$103.86/day	9/16/16 - 10/14/16	
Connors, Lucia	Spanish (.2)	HS	\$94.35/day	9/16/16 - 10/14/16	
Coleman, Therese	Spanish (.2)	HS	\$121.02/day	9/16/16 - 10/14/16	
Hirsch, Malcolm	Spanish (.4)	JH	\$227.99/day	9/14/16 - 10/14/16	
Craig, Karol	Algebra (.1)	JH	\$11,394.60	9/1/16 - 6/30/17	

Alternative Evening High School:

			\$34.85/hr.	2016 - 2017	
Klein, Brendan	Social Studies				[repl. P. Armato]
Ofsharick, Shannon	Special Education				
Shaffer, Donna	Special Education				
Armato, Philip	[substitute]				
Kohler, Amy	[substitute]				
Valdemira, Kimberly	[substitute]				

Chairperson:

Losito, Christopher	Social Studies 9-12		\$5,230. (prorate)	9/29/16-6/30/17	
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Elementary Clubs/Advisors:

				2016 - 2017	
Campbell, Sarah	Computer Club	JK	\$514.00		
Cascio Plezia, Deborah	Drama Club	JH	\$1,713.		
Prendergast, Beverly	Music Director	JH	\$1,306.		

Elementary Music Club/Advisor:

				2016 - 2017	
Autovino, Adrienne	Orchestra Asst.		\$928.50		

Coach:

				Fall, 2016-2017	
*Haigler, Shari	Varsity Asst.	Cheerleading	\$4,170.		

*Emergency Conditional Appointment

SCHEDULE 16-P-6 Professional Personnel Schedule

Date of Meeting: September 28, 2016

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NAME	POSITION	SCHOOL/ AREA	STEP/ SALARY	BEG/END APPT.	COMMENTS
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Student Teachers/Observers/Interns:

				2016-2017	
Ali, Mirza	Elementary	TA		Fall, 2016	
Cali, Anna Marie	Special Education	FA		Fall, 2016	
Campbell, Erin	Guidance	HS		Fall, Spring	
Grunert, Danielle	Elementary	JK		Fall, 2016	
Modafferi, Samantha	Mathematics	JH		Fall, 2016	
Perniciaro, Christopher	Soc. St./Special Ed.	HS		Fall, 2016	
Poulos, Paul	Social Studies	HS		Spring, 2016	
Soldano, Alyssa	Elementary	SA		Fall, 2016	

Per Diem Substitutes:

		DW	\$110./day	2016 - 2017	
Fiorelli Damm, Carly					[cert: ELA 7-12]
Jones, Panya					[cert: Ch. Ed. 1-6]
Milek, Michelle					

SCHEDULE 16-C-6 Civil Service Personnel Schedule

Date of Meeting: September 28, 2016

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NAME	POSITION	SCHOOL/ AREA	STEP/ SALARY	BEG/END APPT.	COMMENTS
Morales, Evelyn	Paraprofessional (special ed. aide)	TA		9/1/16 - 12/1/16	Leave of Absence
Battista, Sylvia	Paraprofessional (school monitor)	JK		9/23/16 - 3/23/17	Leave of Absence
Palazzo, Dolores	Paraprofessional (school monitor)	JH		9/27/16 - 6/30/17	Leave of Absence
Palmer, Debra	Paraprofessional (special ed. aide)	TA		9/9/16	Resignation
Grippio, Marilyn	Paraprofessional (school monitor)	SA		9/20/16	Resignation
Jones, Amy	Senior Clerk Typist/ School District Clerk	Admin.		12/30/16	Resignation to Retire [eff. 12/31/16]
Scelfo, Kathleen	Account Clerk Typist	B.O.		12/30/16	Resignation to Retire [eff. 12/31/16]
Woolsey, Patricia	Account Clerk Typist	B.O.		12/30/16	Resignation to Retire [eff. 12/31/16]

SCHEDULE 16-C-6 Civil Service Personnel Schedule

Date of Meeting: September 28, 2016

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NAME	POSITION	SCHOOL/ AREA	STEP/ SALARY	BEG/END APPT.	COMMENTS
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The following position is established effective 9/29/16:

(1)Part-Time/Driver Messenger	12 month	DW	\$15./hr.		
*Vogel, Charles	PT/Driver Messenger	DW	\$15./hr.	9/29/16	Probationary Appt.
*Horan, Amanda	Clerk Typist	JK	Step 1/ \$30,839. (prorate)	9/29/16	Probationary Appt. [C.S. List of Eligibles #16SR319]
Wilson, Robert	School Bus Driver	Trans.	Step 1/ \$20.33/hr.	9/29/16	Probationary Appt.
Pletto, Carol	Paraprofessional (special ed. aide)	JH	Step 1/ \$13.78/hr.	9/29/16	Probationary Appt.
Cuiffo, Doreen	Paraprofessional (special ed. aide)	JH	Step 1/ \$13.78/hr.	9/29/16	Probationary Appt.
*Pritchard, Melissa	Paraprofessional (special ed. aide)	JH	Step 1/ \$13.78/hr.	9/29/16	Probationary Appt.

*Emergency Conditional Appointment

SCHEDULE 16-C-6 Civil Service Personnel Schedule

Date of Meeting: September 28, 2016

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NAME	POSITION	SCHOOL/ AREA	STEP/ SALARY	BEG/END APPT.	COMMENTS
Summer Work:					
Peterson, Frances	Clerk Typist	HS	\$17.41/hr.	Summer, 2016	[additional 10 hrs.]
Student Printers:					
Coolbaugh, Leanne		HS	\$9./hr.	2016 - 2017	
Merolla, Olivia					
Scarangella, Gregory					
Per Diem Substitute:					
Reina-Pizzurro, Lynn		DW	\$9./hr.	2016 - 2017	Food Service Worker
Guards:					
Mendes, David	HS		\$16.75/hr.	2016 - 2017	[from substitute]
Peacock, Brian	DW				[from substitute]
*Herrera, Daniel	DW				[substitute]
Martin, Gregory	DW				[substitute]
Munn, Andrew	DW				[substitute-pending guard license]

*Emergency Conditional Appointment

WEST BABYLON UNION FREE SCHOOL DISTRICT

REGULAR MEETING - BOARD OF EDUCATION - WEDNESDAY - SEPTEMBER 28, 2016

POLICY

- A.** Board Review-Annual District Election and Budget Vote (Second Time Discussion)
(File:1050)
- B.** Board Review-Candidates and Campaigning (Review) (File:2120.1)
- C.** Board Review-Staff Substance Abuse(First Time Reading) (File:9610)
- D.** Board Review-Staff Substance Abuse – Regulations (Promulgation) (File:9610-R)

ANNUAL DISTRICT ELECTION AND BUDGET VOTE

The district shall hold an annual meeting and election at which the district's authorized voters will elect members of the Board of Education and vote on the district budget for the coming school year. The annual district meeting and election will be held on the third Tuesday in May, unless due to a conflict with religious observance, the Board requests that the Commissioner approve changing the election date to the second Tuesday in May. The request is due to the Commissioner by March 1st. The school district shall be divided into two election districts with voting machines to be used in each district. The vote on the budget or any other proposition shall take place in accordance with law.

The [District Clerk] *School Attorney* shall publish a notice of the time and place of the annual meeting and election at least four times within the seven weeks prior to the meeting, in two newspapers having general circulation within the district. The first publication of the notice shall be at least 45 days prior to the meeting. The notice shall also contain notice of any other matter required by law.

Copies of the budget to be voted upon at the annual meeting election will be available in each district school building for district residents upon request at the time of the annual meeting and election and 14 days (other than Saturday, Sunday and holidays) as well as on the school district's website www.wbschools.org prior to the meeting.

The Board shall appoint assistant clerks and election inspectors necessary for the annual meeting and election at a Board meeting held before the annual meeting and election.

Propositions

The Board has the authority, under the Education Law, to adopt reasonable rules and regulations concerning the submission of petitions to the Board to place propositions on the ballot which may amend the budget. Pursuant to those provisions, the Board establishes the following guidelines:

1. Unless otherwise provided by the Education Law, petitions for the submission of a proposition must contain a minimum 25 signatures of qualified voters of the district or 2 percent of the eligible voters who voted in the previous annual election of the members of the Board of Education, whichever is greater.
2. Petitions must be filed with the District Clerk at least 30 days prior to the annual meeting, except for petitions relating to a proposition which must be included in the notice of the annual meeting (e.g., changing the number of board members). Such petitions must be submitted 60 days in advance of the annual meeting to facilitate the preparation and printing of the ballots.
3. Propositions must include the specific appropriations necessary for the purposes listed.
4. Wording of a petition must comply with legal requirements. If the wording does not comply, it may be changed or altered by the Board, or the Board may reject a petition for failure to comply.

Propositions received in accordance with these specifications will be placed on the ballot as amendments and will be voted upon by the voters in the same manner as the proposed budget, except that the Board shall not be required to place any proposition on the ballot which is within the exclusive province of the Board, or otherwise forbidden by law. No proposition involving the budget may be submitted to the voters more than twice.

The Board may also, on its own motion, submit propositions.

Ref: Education Law §§416(3); 1608(2); 1716(2) 1804(4); 1906(1); 2002(1); 2003(1)(2); 2004(1)-(7); 2009; 2021;2022(1), (4)-(5); 2035(2); 2601-a(2)
 General Construction Law §60
 Matter of Hebel, 34 EDR 319 (1994)
 Matter of Martin, 32 EDR 567 (1993)
 Matter of Como, 30 EDR 214 (1990)

Adoption date: 12/08/2009

Revised: 7/10/12

CANDIDATES AND CAMPAIGNING

Nomination

Three Board members' terms of office expire each year. In accordance with section 2019(b) of the Education Law, the electors of the district adopted a proposition providing that in all elections, vacancies upon the Board shall not be considered separate, specific offices and that the nominating petitions shall not describe any specific vacancy upon the Board for which the candidate is nominated.

Candidates for the office of member of the Board of Education shall be nominated by petition. Such petition shall be directed to the District Clerk, and shall contain the signatures and addresses of at least 25 qualified voters of the district or two (2) percent of the number of voters who voted in the previous annual election of the members of the board, whichever is greater. Such petition must state the name and residence of the candidate. Each petition shall be filed with the District Clerk not later than thirty (30) days preceding the annual or special district meeting at which the school board election will occur, between 9:00 a.m. and 5:00 p.m. If the deadline for filing nominating petitions falls on "a Saturday, Sunday or public holiday, the filing may be performed on the next succeeding business day".

The order of names on the ballot will be determined the day after the petitions are due and the order will be determined by a drawing to be held at 9:00 am in the Administration Building. The Board may reject nominations if the candidate is ineligible or has declared an unwillingness to serve. Candidates for the Board of Education run at large, not for a particular seat.

Electioneering

Electioneering during the hours of any vote is prohibited within the polling place or within 100 feet of any such polling place. [Displays or handout items of any political nature, except those provided by law, shall be prohibited by any individual, group or organization in any school building on those days when the polls are open for voting on school district matters, including, but not limited to, the annual school budget, candidates for the Board of Education, special propositions, etc.] *Electioneering includes the display or distribution of any banner, poster, placard, button, or flyer, on behalf of or in opposition to any candidate or issue to be voted upon.*

Campaign Expenditure Statements

If a school board candidate's campaign expenditures exceed five hundred dollars (\$500), the candidate must file a sworn statement with both the District Clerk and the Commissioner of Education itemizing their expenditures and contributions received.

A candidate who spends five hundred dollars (\$500) or less is only required to file a sworn statement with the District Clerk indicating this to be the case. No other campaign expenditure statement is required. An initial statement must be filed at least 30 days before the election, a second statement must be filed on or before the fifth day preceding the election and a final statement must be filed within 20 days after the election.

Ref: Education Law §§1528-1531; 2018(a); 2019(b); 2608(a); 2013-a;
2609 (4-a)
General Construction Law §25-a(1)
Appeal of Williams, 36 EDR 270 (1996)
Appeal of Johnson, 45 EDR 320 (2005)

Adoption date: 12/08/2009

STAFF SUBSTANCE ABUSE

The Board of Education, recognizing that students are often influenced by teachers and other members of a school's staff, impresses upon staff members the importance of maintaining a high level of professionalism appropriate to their position, which, in turn, shall set a positive example for students.

Since substance abuse has become a national problem, particularly among children and teenagers, the Board believes that school employees must exemplify the positive benefits of a drug-free lifestyle. The Board therefore will not permit the illegal use, including possession, sale and/or manufacture, of alcohol or controlled substances by staff members either in the workplace, or at any time when the effects of such substance(s) may impair the performance of their duties.

The district shall maintain an employee awareness program, including information regarding substance abuse rehabilitation programs provided by local agencies.

If an employee is found to have violated the terms of this policy, he or she may be required to participate in a substance abuse rehabilitation program and/or be subject to a range of penalties up to and including dismissal.

Employee Assistance Program

In general, the Board will not intervene unless the employee's personal problems adversely affect his or her job performance. However, drivers subject to the Omnibus Transportation Employee Testing Act of 1991 must be referred to a substance abuse counselor for evaluation and treatment if the employee has tested positive for controlled substances, received an alcohol concentration of 0.04 or greater, or refused to take a test.

Alcohol and Controlled Substance Testing of Employees

No employee except drivers pursuant to policy 8414.5 shall be subjected to urinalysis or other form of alcohol or controlled substance testing without reasonable individualized suspicion that the employee has consumed alcohol or a controlled substance. The school attorney shall be consulted before any implementation of such testing. Failure to submit to required alcohol or controlled substance testing based upon reasonable individualized suspicion that the employee has violated district policy on alcohol and controlled substance use is grounds for disciplinary action up to and including dismissal.

In its effort to maintain a drug-free environment, the district shall cooperate to the fullest extent possible with local, state and/or federal law enforcement agencies.

Ref: *Drug-Free Schools and Communities Act (20 U.S.C. §§3171 et seq.)
Omnibus Transportation Employee Testing Act of 1991
Civil Service Law §75
Education Law §§3012; 3020-a
Patchogue-Medford Congress of Teachers v. Board of Education,
70 NY2d 57 (1987)
Appeal of Board of Education of Community School District 19, 32 EDR
354 (1992)*

Adopted:

STAFF SUBSTANCE ABUSE REGULATION

In the event that district supervisory personnel determine that a staff member has a potential problem related to alcohol or other substance use/abuse which adversely affects his/her job performance:

1. *the supervisory personnel will attempt to compile information and/or document actions that have resulted in an unsatisfactory job performance, that may be related to the employee's alcohol or other substance use/abuse, including any observable signs of alcohol or substance use/abuse;*
2. *if the problem may adversely affect the employee's position, the district supervisory personnel will schedule a meeting with the employee to discuss possible employment concerns. Written notification regarding reasons for the meeting will be given to the employee. The employee will be entitled to have representatives of their association present;*
3. *the district supervisory personnel will then review the information with the employee. The employee may be subjected to urinalysis or other form of drug testing if there exists reasonable individualized suspicion that the employee has been using an illegal drug(s);*
4. *the employee may be asked to cooperate with an Employee Assistance Program representative; and*
5. *after exhausting the avenue of treatment and prevention, and if the problem still exists, the following steps may be taken:*
 - a. *verbal reprimand;*
 - b. *written reprimand; and/or*
 - c. *commence legal action.*

The procedures set forth in this regulation will be subject to state law, civil service law and regulations, as well as terms of negotiated agreements.

Promulgated: