

WEST BABYLON UNION FREE SCHOOL DISTRICT
WEST BABYLON, NEW YORK

REGULAR MEETING

BOARD OF EDUCATION
BOARD ROOM - ADMINISTRATION BUILDING

TUESDAY - SEPTEMBER 24, 2013

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

[7:00 P.M. - Meeting Convenes Followed by Student
Presentation(s) and/or Executive Session]

West Babylon Senior High School Presentation:

**Dr. Ellice Vassallo, Principal, Mr. Shawn Hanley, Assistant Principal, Mr. Stephen O'Leary Assistant
Principal and Mrs. Barbara Kelly, Art & Music 9-12 Chairperson**

All National Chorus
Abigail Carberry, 12th Grade

All State Treble Choir
Sarah Buturla, 12th Grade

All State Choir (Alternates)

Matthew DiGeloromo, 12th Grade, Samantha Kross, 12th Grade, and Alexa Lucchesse, 11th Grade

[8:00 P.M. - Public Session Resumes Beginning with Item #3]

3. Approval of minutes of previous meeting(s): Regular Meeting: September 12, 2013
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. **Method Test Prep**
Mr. Tom Ehlers, President
 - B. **Senior High School Academic Presentation**
Dr. Ellice Vassallo, Principal
Mr. Shawn Hanley, Assistant Principal
Mr. Stephen O'Leary, Assistant Principal

12. Business Agenda [****Consent Agenda Items**]
 - A. **BOARD OF EDUCATION**
 - ** (R) Proclamation of 2013-2014 Employees Recognition Weeks (Res. #BE-1)
 - ** (R) Proclamation of 2013-2014 School Board Recognition Week (Res. #BE-2)
 - ** (R) Proclamation of 2013-2014 Parent Teacher Associations Recognition Week (Res. #BE-3)
 - ** (R) Approval of Eastern Suffolk BOCES Multi-Year Service Agreement relating to the Administrative LAN/WAN Technology Project (Res. #BE-4)
 - ** (R) Waiver of Use of Facilities Fees (Res. #BE-5)
 - ** (R) APPR-Certification of Lead Evaluators (Res. #BE-6)
 - B. **PERSONNEL**
 - ** (R) 13-P-6 Professional Personnel
 - ** (R) 13-C-6 Civil Service Personnel (Res. #PE-1)
 - C. **FINANCE**
 - ** (R) Acceptance of Donation (Res. #FI-1)
 - ** (R) Special Aid Applications (Res. #FI-2 through Res. #FI-4)
 - ** (R) Award of Bids (Res. #FI-5 through Res. #FI-6)
13. Policy Review:
 - A. Board Review-News Media Relations (Review) (File:1130)
 - B. Board Review-Public Participation at Board Meetings (Review) (File:1230)
 - C. Board Review-Public Complaints (Review) (File:1400)
 - D. Board Review-Complaints about Curricula or Instructional Materials (Review) (File:1420)
 - E. Board Review-Complaints about Curricula or Instructional Materials-Regulation (Review) (File:1420-R)
 - F. Board Review-Home Schooled Students (Review) (File:1741)
 - G. Board Review-Comprehensive Tobacco Policy (First Time Reading) (File:1530)
 - H. Board Review-School Board Officer and Employee Code of Ethics (Second Time Discussion) (File:2160)
 - I. Board Review-Diploma Options for Students with Disabilities (Third Time Adoption) (File:4773)
 - J. Board Review-Staff Requests for Accommodations under the American with Disabilities Act As Amended (ADAAA) (Third Time Adoption) (File:9350)
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 11:00 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 12, 2013	-----	-----
August 27, 2013	-----	-----
August 13, 2013	-----	-----
July 23, 2013	-----	-----
July 9, 2013	-----	-----

WEST BABYLON UNION FREE SCHOOL DISTRICT
WEST BABYLON, NEW YORK
REGULAR MEETING
BOARD OF EDUCATION
BOARD ROOM - ADMINISTRATION BUILDING
TUESDAY - SEPTEMBER 24, 2013
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 14-18, 2013	School Lunch Personnel
November 18-22, 2013	Supervisors & Administrators
January 6-10, 2014	Paraprofessional Personnel
January 20-24, 2014	School Nurses
“	Occupational Therapists
“	Physical Therapists
“	Certified Occupational Therapy Assistants
January 27-31, 2014	Buildings & Grounds and Security Personnel
April 21-25, 2014	Administrative Professionals
May 5-9, 2014	Teachers and Teaching Assistants
May 12-16, 2014	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 28-November 1, 2013, 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, November 12, 2013.

****#BE-3**

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

Continued

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 10-14, 2014 Parent Teacher Associations Recognition Week.**

****#BE-4**

WHEREAS, the District (District) and the Board of Cooperative Educational Services, First Supervisory District of Suffolk County (BOCES), desire, pursuant to § 109 and § 119 of the General Municipal Law, Section 1950(4)(aa) of the Education Law and Comptroller's Opinion #79-557, to undertake an Administrative LAN/WAN Technology Project consisting of the acquisition of electronic security equipment and installation services.

WHEREAS, the cost of the Project #WB-WBAB-68-082013-2013-2018 Electronic Security Project is \$208,554.50 for equipment and services, \$31,118.23 for project coordination fees, and an estimated \$11,234.12 in interest fees, for a total of \$250,906.85. Equipment and software costs are to be paid in equal installments over a five-year period.

NOW, THEREFORE, BE IT RESOVLED, by the Board of Education of the District as follows:

The President of the Board of Education and the Superintendent of Schools are hereby authorized, on behalf of the District, to execute and deliver the Eastern Suffolk BOCES Multi-Year Service Agreement; the execution thereof by the President of the Board of Education and Superintendent of Schools to constitute conclusive evidence of such approval.

The officers, employees and agents of the District are hereby authorized and directed, for and in the name and on behalf of the District, to do all acts and things required or provided for by the provisions on the Eastern Suffolk BOCES Multi-Year Service Agreement, including all acts and things necessary to ensure the payments due thereunder, and deliver all additional certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officers, employee or agent, acting desirable and proper to effect the purpose of the foregoing resolution and to cause compliance by the District with all of the terms, covenants and provisions of the Eastern Suffolk BOCES Multi-Year Service Agreement, binding upon the District.

****#BE-5**

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 2013-2014 school year

SAFE (School Afternoon Fun and Education Program)

Located at Santapogue Elementary School, after school hours, during the 2013-2014 school year

Suffolk's Edge Teacher's Center (BOCES)

Various educational events which take place during the 2013-2014 school year

Continued.....

Town of Babylon Handicap Services
Recreation for individuals with developmental disabilities

Long Island Blood Services
District-wide blood drives

West Babylon Alumni Foundation
2013-2014 monthly meetings

West Babylon Main Street Organization
2013-2014 meetings

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

****#BE-6**

WHEREAS, §30-2.9 of the Rules of the Board of Regents requires certification of lead evaluators for purposes of conducting evaluations of teachers and principals in accordance with the requirements under §3012-c of the Education Law, respecting Annual Professional Performance Reviews;

WHEREAS, the individuals named below have successfully completed a training course that meets the requirements prescribed in §30-2.9(b) of the Rules of the Board of Regents;

NOW, THEREFORE, BE IT RESOLVED, that the Superintendent of Schools certifies the following individuals as lead evaluators:

- Yiendhy Farrelly, Assistant Superintendent for Human Resources
- Christine Tona, Executive Director for Curriculum
- Eleanor Levy, Principal
- Gregg Cunningham, Principal
- JoAnn Scott, Principal
- Charles Germano, Principal
- Patricia Acocella, Principal
- Scott Payne, Principal
- Jen Carere, Assistant Principal
- Ellice Vassallo, Principal
- Shawn Hanley, Assistant Principal
- Steve O’Leary, Assistant Principal
- Michael Mack, Director of Student Services
- Stephanie Nocerino, Coordinator of K – 12 Data & Instructional Technology

PERSONNEL

**#PE-1

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

<u>13-P-6</u>	Professional Personnel
<u>13-C-6</u>	Civil Service Personnel

FINANCE

****#FI-1**

RESOLVED: that the West Babylon Board of Education gratefully accepts a donation, in the amount of \$421.54, from Target’s “Take Charge of Education” program. The donation will be deposited into the Junior High School’s Trust and Agency account.

****#FI-2**

RESOLVED: that the Assistant Superintendent and Executive Directors are authorized to file application under the Educational Consolidation and Improvement Act, Title I, Part A, in the approximate amount of \$222,614, for the 2013-2014 school year.

****#FI-3**

RESOLVED: that the Assistant Superintendent and 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 \$118,780, for the 2013-2014 school year.

****#FI-4**

RESOLVED: that the Assistant Superintendent and 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 \$23,139, for the 2013-2014 school year.

****#FI-5**

RESOLVED: that the Supplemental Physical Education Bid, as attached, be awarded to the following lowest responsible bidders, as recommended by Educational Data:

- Gopher Sports
 - Nasco
 - PC Richard & Sons
 - Passon/BSN Sport
 - S & S Worldwide
 - School Specialty
-

****#FI-6**

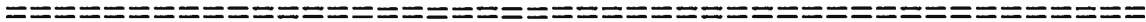
RESOLVED: that the Healthy Vending Machines Bid T-470, as attached, is awarded to Dover Gourmet Corporation, as the highest (revenue) bidder, as recommended by Jeannette Frabizio, School Lunch Manager.

WEST BABYLON UNION FREE SCHOOL DISTRICT

REGULAR MEETING - BOARD OF EDUCATION - TUESDAY - SEPTEMBER 24, 2013

PERSONNEL

(R) Schedules: 13-P-6 Professional Personnel
 13-C-6 Civil Service Personnel



PROFESSIONAL PERSONNEL SCHEDULE

I. Professional Personnel Schedule 13-P-6

- A. Integrated Algebra Regents Review Sessions
- B. 2013-2014 Student Teachers/Observers/Intern
- C. 2013-2014 Per Diem Substitutes

CIVIL SERVICE SCHEDULE

II. Civil Service Schedule 13-C-6

- A. Family Medical Leave
- B. Resignations
- C. Salary Adjustment
- D. 2013-2014 Per Diem Substitute

SCHEDULE 13-P-6 Professional Personnel Schedule

Date of Meeting: September 24, 2013

Page 1 of 2 pages.

NAME	POSITION	SCHOOL/ AREA	STEP/ SALARY	BEG/END APPT.	COMMENTS
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Integrated Algebra Regents Review Sessions:		JH	\$36.59/hr.		2 hrs/session
Cammarano, Bradley				6/5/13	1 session
Mandriota, Jennifer				6/3/13,6/5/13	2 sessions

Student Teachers/Observers:

Fall, 2013

Agnello, Carissa	Special Education	TA			
Carbonette, Christina	Elementary	SA			
D'Errico, Michelle	Art/Special Education	HS/JH			
Herbst, Gina	English	HS			
Johnson, Jaclyn	Elementary	TA			
Leonard, Matthew	Social Studies	JH/HS			
Mannino, Michele	Special Education	TA			
Mazzoli, Will	English	JH			
Ovadia, Megan	Special Education	FA			
Parrington, Sandra	ESL	JH			
Rivera, Kimberly	Mathematics	HS			
Vogelsang, Jordan	Social Studies	HS			

Psychology Intern:

2013-2014

Gorenstein, Jason	Psychology	TA			
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Per Diem Substitutes:

DW

\$90./day

2013-2014

Dewhirst, Andrew

Powers, Daniel	Per Diem Substitute(.8)	JH	\$72./day	9/1/13 – 6/30/14	[3 days/week]
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SCHEDULE 13-C-6 Civil Service Personnel Schedule

Date of Meeting: September 24, 2013

Page 2 of 2 pages.

NAME	POSITION	SCHOOL/ AREA	STEP/ SALARY	BEG/END APPT.	COMMENTS
Agostinho, Lisa	Sr. Clerk Typist	SB		9/12/13 -	Family Medical Leave
Esposito, Christine	Paraprofessional (clerk typist)	JH		8/30/13	Resignation
Giuliano, Graziella	Food Service Wrkr. 'B'	HS		9/9/13	Resignation
Salary Adjustment:					
Aprea, Kenneth	Custodial Wrkr. I	JH	Step 1/ \$38,891.00 (prorate)	8/14/13	[night custodian]
Per Diem Substitute:					
*Randazzo, Joseph		DW	\$16./hr.	2013-2014	Guard

*Emergency Conditional Appointment

WEST BABYLON UNION FREE SCHOOL DISTRICT

REGULAR MEETING - BOARD OF EDUCATION - TUESDAY - SEPTEMBER 24, 2013

FINANCE

- (R) Award of Bid: Supplemental Physical Education Bid (**#FI-5)
- (R) Award of Bid: Healthy Vending Machines (**#FI-6)

Bids were opened by Educational Data for Supplemental Physical Education on April 2, 2013.

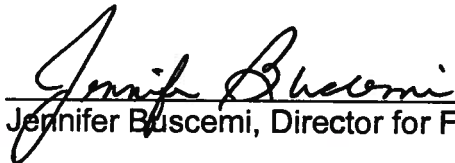
The following vendors were the lowest responsible bidders.

	Bid Number	Quantity	Cost
Gopher Sports	5578	224	\$50,560.82
Nasco	5578	765	\$16,614.08
PC Richard & Sons	5393	14	\$ 6,899.58
	5578	152	\$22,790.04
Passon/BSN Sport	5393	2,599	\$60,840.34
S&S Worldwide	5393	1,491	\$ 9,466.96
School Specialty	5578	561	\$ 9,853.41

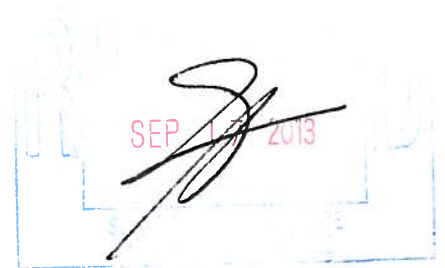
Total Items 108
Total Quantity 5,806

Total Bid \$177,025.23

Educational Data recommends that the above vendors be awarded the Supplemental Physical Education Bid.



Jennifer Buscemi, Director for Finance and Operations



Bids were opened in the Business Office on August 29, 2013 at 10:00 AM for T-470 Healthy Vending Machines.

The following vendors received information for Bid T-470

Deer Hills Vending Inc.
Michael Falzarano
351 Knickerbocker Ave.
Bohemia, NY 11762

HealthyVendingNY.com
Darin Shapiro
5 Murray Court
Rockville Centre, NY 15570

Consolidated Vending
Michael Maiale
71 Kean Street
West Babylon, NY 11704

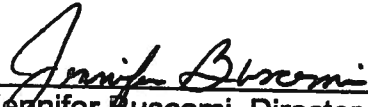
Dover Gourmet Corporation
Butch Yamali
27 St. Johns Place
Freeport, NY 11520

The following vendors submitted bids:

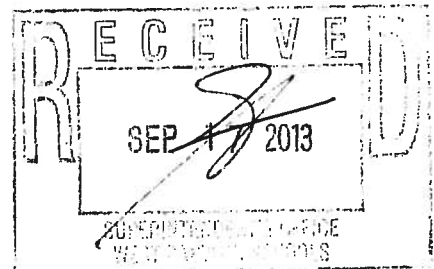
Dover Gourmet Corporation
HealthyVendingNY.com

25.0% of Revenue
Bid disqualified – Improper Forms

Jeanette Frabizio, School Lunch Manager, recommends that Dover Gourmet Corporation be awarded Bid T-470 as they are the highest responsible bidder.



Jennifer Buscemi, Director for Finance and Operations



WEST BABYLON UNION FREE SCHOOL DISTRICT

REGULAR MEETING - BOARD OF EDUCATION - TUESDAY - SEPTEMBER 24, 2013

POLICY

- A. Board Review-News Media Relations (Review) (File:1130)
- B. Board Review-Public Participation at Board Meetings (Review) (File:1230)
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- H. Board Review-School Board Officer and Employee Code of Ethics (Second Time Discussion)
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- I. Board Review-Diploma Options for Students with Disabilities (Third Time Adoption)
(File:4773)
- J. Board Review-Staff Requests for Accommodations under the American with Disabilities Act
As Amended (ADAAA) (Third Time Adoption) (File:9350)

NEWS MEDIA RELATIONS

The Board of Education invites and welcomes the active participation of all forms of mass media, print and electronic, in educating the public and improving education within the district and the wider community. The Board and Superintendent or his/her designee will make every reasonable effort to cooperate with the media by providing accurate information about district operations, to the extent permissible by statute and regulation.

The Board President is designated as the spokesperson for the Board when the Board is making a statement on an issue. No other member of the Board individually will speak for, or in the name of, the Board unless by explicit direction of the Board. Board members should emphasize to the media when asked to speak as a Board member that they can only speak as private citizens unless they have been empowered by the Board to speak for it.

The Superintendent of Schools or his/her designee is designated as the spokesperson for the district.

All staff intending to release information to the media should first notify the Superintendent. The Superintendent of Schools shall establish all necessary procedures to govern day-to-day interactions between the schools and the news media.

Ref: Arts and Cultural Affairs Law §61.09

Adoption date: 12/08/2009

PUBLIC PARTICIPATION AT BOARD MEETINGS

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.

The Board will not permit in public session discussion involving individual district personnel or students. Persons wishing to discuss matters involving individual district personnel or students should present their comments and/or concerns to the Superintendent or his/her designee during regular business hours.

All speakers are to conduct themselves in a civil manner. Obscene language, libelous statements, threats of violence, statements advocating racial, religious, or other forms of prejudice will not be tolerated.

Persons making presentations at a Board meeting will address remarks to the President and may direct questions or comments to Board members or other district officials only upon the approval of the President. Board members and the Superintendent or his/her designee shall have the privilege of asking questions of any person who addresses the Board.

Questions and comments from the public concerning matters which are not on the agenda will be taken under consideration and referred to the Superintendent for appropriate action, if deemed necessary by the Board of Education and/or the Superintendent. Residents who do not abide by the rules set out in this policy will not be permitted to speak.

Ref: Matter of Martin, 32 EDR 381 (1992)
Appeal of Wittenben, 31 EDR 375 (1992)
Matter of Kramer, 72 EDR 114 (1951)
NYS Department of State, Committee on Open Government,
OML-AO-#2696 (Jan. 8, 1997) and OML-AO-#2717 (Feb. 27, 1997)

Adoption date: 12/08/ 2009

DRAFT

1400

PUBLIC COMPLAINTS

The Board of Education recognizes the right of community members to register individual or group concerns regarding instruction, district programs, materials, operations, and/or staff members. The main goal of the district is to resolve such concerns specifically with the parties involved, whenever possible.

Complaints and grievances are often best handled and resolved as close to their origin as possible, and the professional staff should be given every opportunity to consider the issues and attempt to resolve a problem prior to involvement by the Board. Often, Board members receive the initial contact from a parent or community member about an issue dealing with a specific school, administrator, or teacher. As noted in the next paragraph, individual Board members should not attempt to address the concern, but direct the individual to the proper administrator or teacher in an attempt to resolve the problem at the lowest level possible. Exceptions may be made when the complaints concern Board actions and Board operations only; in this case the Board of Education as a whole should address the complaint.

Public complaints about the school district will be directed to the proper administrative personnel. Complaints about specific classroom practices shall be directed to the teacher concerned. If the matter is not settled satisfactorily, the complainant shall then contact the Building Principal; if there is no resolution on this level, the Superintendent of Schools or his/her designee shall be contacted. The Superintendent shall refer the issue to the Board for final resolution, if necessary.

All matters referred to the Superintendent and/or the Board shall be in writing. Concerns registered directly to the Board as a whole or to an individual Board member shall be referred as soon as is reasonably possible to the Superintendent for investigation, report, and/or resolution.

Adoption date: 12/08/2009

DRAFT

1420

**COMPLAINTS ABOUT CURRICULA OR
INSTRUCTIONAL MATERIALS**

The Board of Education recognizes its responsibility for the selection of instructional materials. The Board expects district teachers and administrators to recommend books and other materials in accord with sound educational principles and practices, and to use them effectively in the classrooms. However, the Board also recognizes the right of community members to voice concerns and/or complaints regarding the implementation of a particular curriculum and/or instructional material.

Any criticism of instructional materials that are in the schools that cannot be resolved informally shall be submitted in writing to the Superintendent of Schools. An Instructional Material Review Committee will be designated by the Superintendent to investigate and judge the challenged material.

The committee shall make recommendations to the Superintendent concerning the disposition of the complaint, and the Superintendent will issue a decision. This decision may be appealed to the Board, and the decision of the Board shall be final.

Ref: Education Law §§1709(15); 1711(2)(f)
Board of Educ., Island Trees UFSD v. Pico, 457 US 853 (1982)

Adoption date: 12/08/2009

**COMPLAINTS ABOUT CURRICULA OR
INSTRUCTIONAL MATERIALS REGULATION**

The following procedures shall apply to the handling of complaints concerning any textbook, library book or material and any other instructional material used in district schools.

1. When a person has a complaint concerning a textbook, library book or other instructional material and protests its use in class or its availability in a school library, the Building Principal shall hold an informal meeting with the complainant and the teacher, librarian, or other staff member who is using or providing the book or material. At this meeting, the complainant will be asked to make clear his or her objection to the material; the teacher or librarian will be asked to explain the educational value of the material.
2. If the complaint is not resolved informally, the complainant may file a formal written complaint with the Superintendent of Schools on a form provided for this purpose.
3. Upon receiving a formal written complaint, the Superintendent shall designate an Instructional Review Committee to investigate and judge the challenged material.
4. The committee shall:
 - a. read and examine the challenged materials;
 - b. consider the specific objections to the material voiced by the complainant;
 - c. weigh the values and faults of the material as a whole;
 - d. consider oral presentations made to the committee, if any;
 - e. where appropriate, solicit advice or opinion from other district faculty and/or relevant professional organizations such as the American Library Association, the National Council of Teachers of English, National Council of Social Studies Teachers; and
 - f. issue a report to the Superintendent containing its recommendations concerning any complaint.
5. The Superintendent shall review the report of the committee, make a decision and notify the complainant and appropriate staff.
6. If the complainant is not satisfied with the Superintendent's decision he/she may refer the complaint to the Board. The Superintendent will deliver a copy of his/her decision and the committee's report to the Board for its consideration. The final decision shall be made by the Board.

Promulgated: 12/08/2009

HOME SCHOOLED STUDENTS

The Board of Education shall ensure that children instructed at home are taught by a competent instructor and receive an education substantially equivalent to that offered in the district's schools.

Parents/Guardians who wish to educate their children at home must submit to the district an individual home instruction plan (IHIP), outlining the educational goals to be met and the course materials and syllabi to be used each year for the child's learning process. The district may accept or deny an IHIP. Parents/Guardians must submit quarterly reports which will provide the district with the necessary information to make determinations of substantial equivalency and competency of instruction on an ongoing basis.

Parents/Guardians may appeal to the Board a determination by the Superintendent of Schools or designee that an IHIP is not in compliance with the Regulations of the Commissioner of Education. Parents/Guardians shall have the right to appeal the final determination of the Board to the Commissioner of Education within 30 days of receipt of such determination.

Participation in Extracurricular Activities

Students instructed at home by their parents are not entitled to participate in extracurricular activities.

Ref: Education Law §§ 3204(2); 3210(2)(d)
8 NYCRR §100.10
Appeal of Ponte, 41 EDR 174 (2001)
Matter of Abookire, 33 EDR 473 (1994)

Adoption date: 12/08/2009

Replaces in whole or in part former policy IGBGA

COMPREHENSIVE TOBACCO POLICY

1530

Tobacco related illness and addiction are preventable. The West Babylon Board of Education and its staff recognize the need to educate our students about the dangers associated with the use of tobacco in any form. The Board of Education further recognizes the importance of prohibiting the use of all forms of tobacco on school property. This policy was developed in support of the district's commitment to the prevention of tobacco use.

Philosophy:

The West Babylon School District will use the following principles as guides for the development of its tobacco prevention efforts and for any disciplinary measures related to tobacco use:

- regular use of tobacco is ultimately harmful to every user's health, directly causing cancer, respiratory and cardiovascular diseases, adverse pregnancy outcomes, and premature death
- second-hand smoke is a threat to the personal health of everyone;
- nicotine is a powerfully addictive substance;
- tobacco use most often begins during childhood or adolescence;
- use of tobacco interferes with students' attendance;
- effective tobacco prevention education works;
- on school property, adults, including Trustees, administrators and all school staff, will model the behavior asked of students;
- the District along with all parents, students, staff and the community as a whole will assume a leadership role in tobacco education and prevention;
- promoting a tobacco free school will create a healthier generation

To achieve these ends, the District shall implement a comprehensive plan to prevent tobacco use consistent with No Child Left Behind and the Principles of Effectiveness. This includes:

- establishment of an environment free of tobacco use;
- tobacco use prevention education;
- support of tobacco use cessation;
- positive alternatives to tobacco use such as recreational and extra-curricular activities and sports;
- cooperation with community-wide efforts to prevent tobacco use; and as a basis for providing a consistent message to district youth

Education:

The District will maintain a sequential K-12 educational program designed to promote student adoption of healthy behaviors and prevention of tobacco. The educational program will help students develop a positive self-concept and appropriate life skills to resist the use of tobacco and to promote healthy lifestyles. Students will be provided with information about the relationship of tobacco use to other health compromising behaviors such as eating disorders.

Definitions:

The following definitions are adopted for the purpose of implementing this policy:

Tobacco:

Any cigarette (*including e-cigarettes*), cigar, pipe, bidi, clove cigarette, or any other smoking product; as well as spit tobacco, also known as smokeless, dip, chew, and snuff, or any other spit tobacco product in any form.

School Property:

Any building structure or vehicle owned, leased, or contracted by the West Babylon School District as well as athletic grounds, parking lots, or any other outdoor property owned, leased, or contracted by the West Babylon School District.

In an effort to maintain a tobacco use free environment the District prohibits:

Tobacco Use:

No person is permitted to use tobacco in any manner, at any time, including non-school hours, on school property or at any school-sponsored event or activity off campus. No student is permitted to possess tobacco on school property, grounds, or at school-sponsored event or activity off campus.

Tobacco Distribution:

Distribution or sale of tobacco, including any smoking device is prohibited on school property, and at any school-sponsored event or activity off campus.

Tobacco Promotion:

Tobacco advertising is prohibited on school property, at any school-sponsored event or activity off campus, and in all school-sponsored publications. The school will request tobacco-free editions of all publications in school libraries. Students are prohibited from wearing or having in their possession tobacco promotional items, including clothing, bags, lighters, and other personal articles on school property, grounds, or at any school-sponsored event or activity off campus. School acceptance of gifts, funding, or parent/classroom educational materials from the tobacco industry are prohibited (prevention/anti-tobacco materials may be exempted at the discretion of the Superintendent).

Tobacco Cessation:

Referrals and access to community resources and programs to help students and staff overcome tobacco addiction shall be provided. School counselors, health services, or community agencies are encouraged to establish voluntary tobacco-use cessation programs at school.

Notice

Signs communicating this policy shall be prominently posted and properly maintained where tobacco use and smoking are regulated by this policy, including all building entrances, grounds, and vehicles, buses and security cars. Signs shall include "No Smoking" or the international "No Smoking" symbol, which consists of a pictorial representation of a burning cigarette enclosed in a circle with a bar across it.

The West Babylon School District shall also notify students, parents/guardians, staff, contractors and other school visitors annually of the tobacco-free policy in written materials, which may include handbooks, manuals, contracts, newspapers, and newsletters.

Enforcement

Enforcement of this policy shall be equitable and consistent, in accordance with the Tobacco-Free School Policy Enforcement Procedures, student code of conduct, and employee personnel policies.

Student violations of this policy will lead to disciplinary action up to and including suspension from school. Discipline for all students will be consistent with the West Babylon Code of Conduct. Additionally, students will be referred to a guidance counselor, healthcare provider, substance abuse counselor or cessation programs. Student participation in a tobacco cessation program and/or tobacco education class may be allowed as an

alternative to discipline. Parents will be notified of violations involving their child and subsequent action taken by the school. The Suffolk County health department may be notified of tobacco use infractions.

Employee violations of this policy will lead to disciplinary action in accordance with personnel policies and may include verbal warning and/or written reprimand.

Violations by others will result in appropriate sanctions as determined and imposed by the Superintendent or Board.

Any person suspected of selling, distributing or in any way dispensing tobacco products to students shall be referred to a law enforcement agency.

Administrative Rules:

The superintendent may develop administrative regulations as necessary to implement this policy, including provisions for notification of the school's policy; disciplinary consequences; and procedures for filing and handling complaints about violations of the school's policy.

The superintendent shall ensure that the school's tobacco-use prevention program; policies, curricula, training and cessation programs are evaluated at regular intervals. The input of students, staff, parents and others from the community will be encouraged.

Legal References:

NYS Education Law, Article 9, Section 409. School building regulations in relation to health and safety.

NYS Education Law, Article 17, Section 804. Health education regarding alcohol, drugs, tobacco abuse and the prevention and detection of certain cancers.

NYS Department of Education, Commissioner's Regulations, Subchapter G, Part 135. Health, Physical Education and Recreation

NYS Public Health Law, Article 13-E, Section 1399. Regulation of smoking in certain public areas (Clean Indoor Air Act)

U.S. Department of Education –No Child Left Behind, Title IV C, Sections 4301-4303, Part A. Safe and Drug-Free Schools and Communities

Adopted: 12/08/2009

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 ~~[\$25.00]~~ 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

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

Second Time Discussion 9/24/13

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

DIPLOMA OPTIONS FOR STUDENTS WITH DISABILITIES

The Board of Education is committed to supporting all students so they are college- and career-ready upon graduation. The Committee on Special Education (CSE), which includes parents/guardians, will work with students with disabilities to attain the appropriate diploma based on their Individualized Education Plan (IEP).

Regents Diploma or Regents Diploma with Advanced Designation

Students with disabilities are encouraged to work toward the completion of requirements for a Regents diploma or Regents diploma with an advanced designation, as established by New York State and the Board.

Local Diploma

Students with disabilities may work toward completion of the requirements of a local diploma. The local diploma may be earned by meeting the standards set forth in state regulations.

IEP Diploma

Students with disabilities may work toward completion of an Individualized Education Plan (IEP) diploma in accordance with the requirements as set forth in their IEP.

Each IEP diploma shall indicate on its face that it is awarded on the basis of the student's successful achievement of the educational goals specified in the student's current IEP as recommended by the CSE.

Skills and Achievement Commencement Credential

A student who meets the state definition of a student with severe disabilities, who has taken the State assessment for students with severe disabilities, may be issued a skills and achievement commencement credential pursuant to the requirements of Commissioner's Regulations 8 NYCRR §100.6.

Continued Right to Educational Services

If a student receiving an IEP diploma or a Skills and Achievement Commencement Credential is less than twenty-one years of age, the diploma or credential shall be accompanied by a written assurance of the student's continued right to attend public school until the end of the school year in which the student reaches the age of twenty-one or until the student has earned a high school diploma, whichever is earlier.

Cross-ref: 4321, Programs for Students with Disabilities
4770, Graduation Requirements

Ref: 8 NYCRR §§100.1; 100.5; 100.6; 100.9
Adoption date:

**STAFF REQUESTS FOR ACCOMMODATIONS
UNDER THE AMERICAN WITH DISABILITIES ACT AS AMENDED (ADAAA)**

The Board of Education is committed to equal opportunity and nondiscrimination (0100, Equal Opportunity and Nondiscrimination) for staff and students. The Superintendent or his/her designee (Assistant Superintendent for Human Resources) is authorized to provide reasonable accommodations for qualified employees who require such in order to perform the essential functions of their job under the provisions of federal and state law.

Under the law, employees are responsible for notifying the district that an accommodation is needed.

In order to expedite the process, requests for such accommodations should be made in writing to the Assistant Superintendent for Human Resources and include the following:

- reasonable documentation showing that the employee has a disability as defined by the ADAAA,
- a statement describing how this disability impacts job performance ability,
- a statement of the accommodation the employee is seeking and explanation of how the accommodation will impact or benefit the disability and,
- consent for the district's physician to contact the employee's physician.

It should be noted that while efforts will be made to comply with specific accommodation requests, some requests may impose an undue hardship on the district. The district will collaborate with the employee to attempt to find a suitable accommodation. The district will respond to requests for accommodation in a timely manner.

If an employee is dissatisfied with the district's response, complaints or grievances related to this matter shall be pursued in accordance with policy 0100, Equal Opportunity and Nondiscrimination.

Cross-ref: 0100, Equal Opportunity and Nondiscrimination

Ref: Americans with Disabilities Act, 42 U.S.C. §12101 et seq.
Rehabilitation Act of 1973, 29 USC §§705, 794 et seq. (Section 504)
Executive Law §290 et seq. (New York State Human Rights Law)

Adoption date: