

A REGULAR MEETING of the Board of Education of the West Babylon Union Free School District, of the Town of Babylon, Suffolk County, New York was held on TUESDAY, January 22, 2013, in the Board Room of the Administration Wing adjacent to the Senior High School.

Those present: Trustees James Bocca, Lucy Campasano, Wendy DeGaetano (arrived at 7:15), Cathy Gismervik, Diane Thiel and Jennifer Wandasiewicz  
Absent: Trustees Klein, Scarlatos and Villagran

Also present: Mr. Anthony Cacciola, Superintendent of Schools; Dr. Yiendhy Farrelly, Assistant Superintendent for Human Resources; Mrs. Christine Tona, Executive Director for Curriculum and Instruction; Mrs. Jennifer Buscemi, Executive Director for Finance & Operations; Mrs. Amy E. Jones, District Clerk; Mr. William C. Morrell, Attorney; and residents (audience of approx. 12).

The president opened the meeting at 7:00 p.m. and led those present in the salute to the flag.

Trustee Wandasiewicz seconded by Trustee Bocca made a motion to go into Executive Session at 7:02 pm. to discuss contract negotiations, personnel and legal matters.

The motion was **CARRIED** by all present.

The meeting reconvened at 8:12 p.m.

Trustee Campasano seconded by Trustee Bocca made a motion to approve the minutes of the Regular meeting of January 8, 2013

The motion was **CARRIED** by all present.

**Statement of the Superintendent and/or Board of Education:**

Mr. Cacciola said that last week was the appreciation week for Nurses, Occupational Therapists and Physical Therapists in the district. He thanked all of the employees in these fields for their work and dedication. He noted that the week of January 28, is Buildings & Grounds, and Security appreciation week. He said that each of the buildings recognizes their staff in their own way and thanked them for their work.

Mr. Cacciola said that he received a letter from NYSSBA along with certificates in Leadership Development for Lucy Campasano, Wendy DeGaetano, Diane Klein and Peter Scarlatos and a Level 2 Board Excellence Certificate for Diane Thiel for their staff development hours at the Annual NYSSBA Conference in October. He congratulated all of the trustees for their achievements. Board President Diane Thiel said that she has received a gift certificate from NYSSBA for a fee free "webinar". She encouraged the trustees to look on the NYSSBA website for a "webinar" that the trustees might like presented to the Board.

Mr. Cacciola said that although he did not have a chance to listen to the Governor's address, he did hear from Senator Boyle's office about the state aid run based on the Governor's proposal. The district did not fare as well as it should have fared. Mr. Cacciola said that he will share a more in depth analysis at the next Board meeting, February 12.

**Statement of West Babylon Teachers Association:**

WBTA President Patt Squicciarini wished all a good evening and noted that snow was in the forecast for Friday.

**Statement of West Babylon Administrators' Association:** None

**Statement of CSEA Representative:** None

**Statement of Student Association Representative:** None

**Statement of PTA Council Representative:** None

**Statement of Residents (Agenda Items):** None

**Superintendent's Report/Educational Presentation:** -

**Strategic Plan Update – Anthony Cacciola, Superintendent**

Mr. Cacciola noted that the Board received a number of documents in News & Notes with an update yesterday with a more user friendly revised format for the strategic plan. He said that 179 items were either deleted from the plan or, are already standard practice. Dr. Farrelly, Mrs. Tona and Mrs. Buscemi each reviewed a portion of the plan and the proposed changes. Mr. Cacciola added that he will provide the trustees with a reference

guide of the items.

**Athletic Uniform Inventory Management – Anthony Spinelli, Director of Athletics, Health and Phys. Ed.**

Mr. Spinelli explained the procedure for the management of uniforms and their return to the district. Steps include students signing for the uniforms at the beginning of the season with the signature of the coach on the form, too. At the end of the season students return the uniforms to their coach and again both sign a form indicating that all has been returned; the coach is then responsible to return the team uniforms to the equipment manager. The coach is responsible for sending follow-up letters to parents and students who have not returned their uniforms. There were discussions about the replacement costs of uniforms and the possibility of seniors being able to purchase their uniform. Other suggestions were; to provide the seniors with the name of the company and have them purchase their own if they want a memento; not allow athletes who have not returned their uniform to try out or participate in another sport until they have returned their uniform.

Mr. Spinelli said that he will provide the Board with a hard copy of the information from this evening. Mr. Cacciola said that he will send it to the Board in News & Notes.

Trustee Wandasiewicz seconded by Trustee Campasano made a motion to approve the **Consent Agenda and addendum #PE-2**

The motion was **CARRIED** by all present

**BOARD OF EDUCATION**

**#BE-1**

**RESOLVED:** that the West Babylon Board of Education approves the establishment of a Step Club at the Senior High School. Ms. Nicole DeLany will serve as an unpaid advisor.

**#BE-2**

**RESOLVED:** that the West Babylon Board of Education approves the following school district to provide health services to West Babylon School District resident students during the 2012-2013 school year:

Amityville Union Free School District

**#BE-3**

**RESOLVED:** that the West Babylon Board of Education waives fees and insurance for the West Babylon Main Street Organization's Drug Forum to be held in the Senior High School Performing Arts Center and Cafeteria A (date and time to be announced). The Main Street Organization is a not-for-profit community organization.

**PERSONNEL**

**#PE-1**

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

12-P-12 Professional Personnel

12-C-12 Civil Service Personnel

**SCHEDULE 12-P-12 Professional Personnel Schedule**

NAME	POSITION	SCHOOL/ AREA	STEP/ SALARY	BEG/END APPT.	COMMENTS
Kelly, Barbara	Music Tchr.	HS		12/12/12 -	Family Medical Leave

**SCHEDULE 12-P-12 Professional Personnel Schedule**

<b>NAME</b>	<b>POSITION</b>	<b>SCHOOL/ AREA</b>	<b>STEP/ SALARY</b>	<b>BEG/END APPT.</b>	<b>COMMENTS</b>
Varsalona, Carol	Director of Lang. Arts & Testing	HS		1/17/13 -	Family Medical Leave
<b>Second Semester, 2012-2013</b>					
Seibert, Kaitlyn	Regular Substitute/ Elementary Tchr.	JK	Step A-1-1/ \$48,036. (prorate)	1/28/13-6/30/13,	or earlier at district's discretion
Crapo, Kristin	Regular Substitute/ Music Tchr.	FA/SB	Step A-1-1/ \$48,036. (prorate)	1/28/13-6/30/13,	or earlier at district's discretion
Shah, Krista	Regular Substitute/ Reading Tchr.	SB	Step A-8-1/ \$65,330. (prorate)	1/28/13-6/30/13,	or earlier at district's discretion
DeRosa, Kelly	Regular Substitute/ Special Ed. Tchr.	JH/HS	Step A-5-1/ \$57,644. (prorate)	1/28/13-6/30/13,	or earlier at district's discretion
<b>Coaches:</b>				Spring, 2013	
Witkowski, Brooke	JV Assistant	Lacrosse(G)	\$4,108.		
LaRocco, Caitlin	JV Head	Tennis(B)	\$4,108.		[repl. A. DeRuvo]
DeLany, Nicole	Varsity Head	Lacrosse(G)	\$6,388. (prorate)	3/10/13 - 4/19/13	[repl. C. Kilgus]
<b>Student Teachers/Observers:</b>				Spring, 2013	
Campbell, Erin	Special Education	SB			
Craig, Catherine	Special Education	SB			
Fleming, Jared	Social Studies	JH/HS			
Huber, Alysson	Elementary	SA			
Lopez, Diana	Special Education	SB			
<b>Guidance Intern:</b>				Spring, 2013	
*Grace, Callie		HS			
<b>Per Diem Substitutes:</b>		DW	\$90./day	2012-2013	Certification [physical ed.] [childhood ed.1-6] [business & marketing]
Adamkiewicz, Felix					
Cervini, Megan					
Farrell, Gina					

\*Emergency Conditional Appointment

**SCHEDULE 12-C-12 Civil Service Personnel Schedule**

<b>NAME</b>	<b>POSITION</b>	<b>SCHOOL/ AREA</b>	<b>STEP/ SALARY</b>	<b>BEG/END APPT.</b>	<b>COMMENTS</b>
Brower, Kevin	Custodial Wrkr. I	FA		12/10/12 -	Family Medical Leave
Munch, Theresa	Paraprofessional (hall monitor)	HS		1/4/13 - 4/4/13	Leave of Absence
Caiati, Diane	Paraprofessional (hall monitor)	HS		1/23/13 - 4/23/13	Leave of Absence
Reese, Kelly	Paraprofessional (school monitor)	JK		1/14/13	Resignation
Sheehan, Karen	School Bus Driver	Trans.		1/19/13	Resignation to Retire
*Hyde, Angelique	Paraprofessional (school monitor)	JK	Step 1/ \$13.37/hr.	1/23/13	Probationary Appt.
<b><u>Per Diem Substitutes:</u></b> Germano, Lisa Reese, Kelly		DW	\$9./hr.	2012-2013	Clerical/Paraprofessional

<b><u>Per Diem Substitute:</u></b> *Bianco, Jonathan		DW	\$10./hr.	2012-2013	Custodian
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\*Emergency Conditional Appointment

**ADDENDUM:**

**SCHEDULE 12-P-12A Professional Personnel Schedule** **ADDENDUM (a)**

<b>NAME</b>	<b>POSITION</b>	<b>SCHOOL AREA</b>	<b>STEP/ SALARY</b>	<b>BEG/END APPT.</b>	<b>COMMENTS</b>
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The following professional personnel have submitted notification of their intent to retire in accordance with the retirement incentive identified in the Memorandum of Agreement dated April 3, 2012:

Dieterle, Susan	Elementary Tchr.	FA		6/30/13	Resignation to Retire
Garland, Elizabeth	Family/Consumer Science Tchr.	JH		6/30/13	Resignation to Retire
Haugen, Hans	English Tchr.	HS		6/30/13	Resignation to Retire

Manzi, Steven	School Social Worker	DW	6/30/13	Resignation to Retire
Neville, Robert	Science Tchr.	JH	6/30/13	Resignation to Retire
Petry, Thomas	Technology Tchr.	JH	6/30/13	Resignation to Retire
Phillips, Emily	Special Education Tchr.	SA	6/30/13	Resignation to Retire
Rieger, Vivian	Art Tchr.	JH	6/30/13	Resignation to Retire
Taylor, Jill	School Psychologist	SA	6/30/13	Resignation to Retire

**STUDENT SERVICES**

**#SS-1**

**RESOLVED:** that the Recommendations of the Committee on Special Education are approved.

Trustee Bocca seconded by Trustee Gismervik made a motion waive the standard meeting format and allow residents to speak prior on topics other than agenda items prior to continuing the business portion of the agenda.

The motion was **CARRIED** by all present

**Statement of Residents:**

Resident Maverick Sciarrino said that he is very concerned about security in the district; not the lack of security personnel, but the lack of actual security. He spoke about his concerns for the high school and junior high school. Mr. Cacciola reviewed the security measures shared at the last meeting that are already in place and the plans for additional security measures throughout the district for the near future. He explained that the Board has met with members of Intralogic and a vulnerability assessment is being conducted to assist in making further security decisions. In response to Mr. Sciarrino's question about security manpower, Mr. Cacciola said that additional security guards could offer a false sense of security. He said that he and other staff members will be attending a Suffolk County Community College "Active Shooter" seminar, tomorrow. Mr. Cacciola said that he will update the district's website to include information on security measures. It was also suggested to Mr. Sciarrino that the minutes of the Board meetings are available on the website for review by residents.

**POLICY REVIEW:**

**The following policies are on the agenda for Second Time Discussion**

- File: 5300.30 Prohibited Student Conduct
- File: 5300.70 Public Conduct on School Property
- File: 6700 Purchasing
- File: 7335 Capital Project Change Orders
- File: 8334 Use of Credit Cards

Trustee DeGaetano seconded by Trustee Wandasiewicz made a motion to move the policies to **third time adoption**

The motion was **CARRIED** by all present

### **Prohibited Student Conduct**

The Board of Education expects all students to conduct themselves in an appropriate and civil manner, with proper regard for the rights and welfare of other students, district personnel and other members of the school community, and for the care of school facilities and equipment. The best discipline is self-imposed, and students must learn to assume and accept responsibility for their own behavior, as well as the consequences of their misbehavior. District personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on educating students so that they may grow in self-discipline.

The Board recognizes the need to make its expectations for student conduct while on school property or engaged in a school function specific and clear. The rules of conduct listed below are intended to do that and focus on safety and respect for the rights and property of others. Students who will not accept responsibility for their own behavior and who violate these school rules will be required to accept the consequences for their conduct.

Students may be subject to disciplinary action, up to and including suspension from school, when they:

A. Engage in conduct that is disorderly. Examples of disorderly conduct include, but are not limited to:

1. Running in hallways.
2. Making unreasonable noise.
3. Using language or gestures that are profane, lewd, vulgar or abusive.
4. Obstructing vehicular or pedestrian traffic.
5. Engaging in any willful act which disrupts the normal operation of the school community.
6. Trespassing. Students are not permitted in any school building, other than the one they regularly attend, without permission from the administrator in charge of the building.
7. Computer/electronic communications misuse, including any unauthorized use of computers, software, or internet/intranet account; accessing inappropriate websites; or any other violation of the district's acceptable use policy.

B. Engage in conduct that is insubordinate. Examples of insubordinate conduct include, but are not limited to:

1. Failing to comply with the reasonable directions of teachers, school administrators or other school employees in charge of students or otherwise demonstrating disrespect.
2. Lateness for, missing or leaving school without permission.
3. Skipping detention.

C. Engage in conduct that is disruptive. Examples of disruptive conduct include, but are not limited to:

1. Failing to comply with the reasonable directions of teachers, school administrators or other school personnel in charge of students.
2. Inappropriate public sexual contact.
3. Display or use of personal electronic devices, such as, but not limited to, cell phones, I-pods, digital cameras, in a manner that is in violation of district policy.

D. Engage in conduct that is violent. Examples of violent conduct include, but are not limited to:

1. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon a teacher, administrator or other school employee or attempting to do so.
2. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon another student or any other person lawfully on school property or attempting to do so.
3. Possessing a weapon. Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on school property or at a school function.
4. Displaying what appears to be a weapon.
5. Threatening to use any weapon.
6. Intentionally damaging or destroying the personal property of a student, teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson.
7. Intentionally damaging or destroying school district property.

E. Engage in any conduct that endangers the safety, physical or mental health or welfare of others. Examples of such conduct include, but are not limited to:

1. Subjecting other students, school personnel or any other person lawfully on school property or attending a school function to danger by recklessly engaging in conduct which creates a substantial risk of physical injury.
  2. Stealing or attempting to steal the property of other students, school personnel or any other person lawfully on school property or attending a school function.
  3. Defamation, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them.
  4. Discrimination, which includes using race, color, creed, national origin, ethnic group, religion, religious practice, sex, gender (identity and expression), sexual orientation, weight or disability to deny rights, equitable treatment or access to facilities available to others.
  5. Harassment, which includes a sufficiently severe action or persistent pervasive pattern of actions or statements directed at an identifiable individual or group which are intended to be, or which a reasonable person would perceive as ridiculing or demeaning. Harassment is also the creation of a hostile environment. (See policy, 0115, Student Harassment and Bullying Prevention and Intervention for a more complete definition.)
  6. Intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm.
  7. Bullying, which may be a hostile activity which harms or induces fear through the threat of further aggression and/or creates terror. (See policy 0115 for a more complete definition.)
  8. Hazing, which includes an induction, initiation or membership process involving harassment (see policy 0115 for a more complete definition).
  9. Selling, using, distributing or possessing obscene material.
  10. Using vulgar or abusive language, cursing or swearing.
  11. Smoking a cigarette, cigar, pipe or using chewing or smokeless tobacco.
  12. Possessing, consuming, selling, *offering, manufacturing* distributing or exchanging alcoholic beverages or illegal substances, or being under the influence of either. "Illegal substances" include, but are not limited to, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, and any *synthetic version thereof, whether specifically illegal or not*, commonly referred to as "designer drugs" *which are substances designed and synthesized to mimic the intended effects and usages of, which are chemically substantially similar to, illegal drugs, which may or may not be labeled for human consumption.*
  13. Inappropriately using or sharing prescription and over-the-counter drugs.
  14. Gambling.
  15. Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.
  16. Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.
- F. Engage in misconduct while on a school bus. It is crucial for students to behave appropriately while riding on district buses, to ensure their safety and that of other passengers and to avoid distracting the bus driver. Students are required to conduct themselves on the bus in a manner consistent with established standards for classroom behavior. Excessive noise, pushing, shoving and fighting will not be tolerated.

G. Engage in any form of academic misconduct. Examples of academic misconduct include, but are not limited to:

1. Plagiarism.
2. Cheating.
3. Copying.
4. Altering records.
5. Assisting another student in any of the above actions.

H. Engage in off-campus misconduct that interferes with, or can reasonably be expected to substantially disrupt the educational process in the school or at a school function. Examples of such misconduct include, but are not limited to:

1. Cyber bullying (i.e., inflicting willful and repeated harm through the use of electronic text).
2. Threatening or harassing students or school personnel over the phone or other electronic medium.

Adoption date:

**Public Conduct on School Property**

The district is committed to providing an orderly, respectful environment that is conducive to learning. To create and maintain this kind of an environment, it is necessary to regulate public conduct on school property and at school functions. For purposes of this section of the code, "public" shall mean all persons when on school property or attending a school function including students, teachers and district personnel.

The restrictions on public conduct on school property and at school functions contained in this code are not intended to limit freedom of speech or peaceful assembly. The district recognizes that free inquiry and free expression are indispensable to the objectives of the district. The purpose of this code is to maintain public order and prevent abuse of the rights of others.

All persons on school property or attending a school function shall conduct themselves in a respectful and orderly manner. In addition, all persons on school property or attending a school function are expected to be properly attired for the purpose they are on school property.

#### **A. Prohibited Conduct**

No person, either alone or with others, shall:

1. Intentionally injure any person or threaten to do so.
2. Intentionally damage or destroy school district property or the personal property of a teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson.
3. Disrupt the orderly conduct of classes, school programs or other school activities.
4. Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program.
5. Intimidate, harass or discriminate against any person on the basis of actual or perceived race, creed, color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation, or gender (including gender identity and expression).
6. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
7. Obstruct the free movement of any person in any place to which this code applies.
8. Violate the traffic laws, parking regulations or other restrictions on vehicles.
9. Possess, consume, sell, *offer, manufacture:* distribute or exchange alcoholic beverages, controlled *or illegal* substances *or any synthetic versions (whether or not specifically illegal or labeled for human consumption)*, or be under the influence of either on school property or at a school function
10. Possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by the school district.
11. Loiter on or about school property.
12. Gamble on school property or at school functions.
13. Refuse to comply with any reasonable order of identifiable school district officials performing their duties.
14. Willfully incite others to commit any of the acts prohibited by this code.
15. Violate any federal or state statute, local ordinance or Board policy while on school property or while at a school function.

#### **B. Penalties**

Persons who violate this code shall be subject to the following penalties:

1. Visitors. Their authorization, if any, to remain on school grounds or at the school function shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to ejection.
2. Students. They shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements.
3. Tenured faculty members. They shall be subject to disciplinary action as the facts may warrant in accordance with Education Law § 3020-a or any other legal rights that they may have.
4. Staff members in the classified service of the civil service entitled to the protection of Civil Service Law § 75. They shall be subject to immediate ejection and to disciplinary action as the facts may warrant in accordance with Civil Service Law § 75 or any other legal rights that they may have.
5. Staff members other than those described in subdivisions 3 and 4. They shall be subject to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.

#### **C. Enforcement**

The Principal or his/her designee shall be responsible for enforcing the conduct required by this code. When the Principal or his or her designee sees an individual engaged in prohibited conduct, which in his or her judgment does not pose any immediate threat of injury to persons or property, the Principal or designee shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The Principal or designee shall also warn the individual of the consequences for failing to stop. If the person refuses to stop engaging in the prohibited conduct, or if the person's conduct poses an immediate threat of injury to persons or property, the Principal or designee shall have the individual removed immediately from school property or the school function. If necessary, local law enforcement authorities will be contacted to assist in removing the



person. The district shall initiate disciplinary action against any student or staff member, as appropriate, with the "Penalties" section above. In addition, the district reserves its right to pursue a civil or criminal legal action against any person violating the code.

Adoption date:

## **PURCHASING 6700**

The Board of Education views purchasing as serving the educational program by providing necessary supplies, equipment and related services. Purchasing will be centralized in the business office under the general supervision of the Purchasing Agent designated by the Board. It is the goal of the Board to purchase competitively, without prejudice or favoritism, and to seek the maximum educational value for every dollar expended. Competitive bids or quotations shall be solicited in connection with purchases pursuant to law. The General Municipal Law requires that purchase contracts for materials, equipment and supplies involving an estimated annual expenditure exceeding \$20,000 and public work contracts involving an expenditure of more than \$35,000 will be awarded only after responsible bids have been received in response to a public advertisement soliciting formal bids. Purchases of the same commodity cannot be artificially divided for the purpose of avoiding the threshold. Similar procurements to be made in a fiscal year will be grouped together for the purpose of determining whether a particular item must be bid.

The district's purchasing activity will strive to meet the following objectives:

1. to effectively supply all administrative units in the school system with needed materials, supplies, and contracted services;
2. to obtain materials, supplies and contracted services at the lowest prices possible consistent with the quality and standards needed as determined by the Purchasing Agent in conformance with state law and regulation and in cooperation with the requisitioning authority. The educational and physical welfare of the students is the foremost consideration in making any purchase;
3. to ensure that all purchases fall within the framework of budgetary limitations and that they are consistent with the educational goals and programs of the district;
4. to maintain an appropriate and comprehensive accounting and reporting system to record and document all purchasing transactions; and
5. to ensure, through the use of proper internal controls, that loss and/or diversion of district property is prevented.

Opportunities shall be provided to all responsible suppliers to do business with the school district. Suppliers whose place of business is situated within the district may be given preferential consideration only when bids or quotations on an item or service are identical as to price, quality and other factors. Purchases will be made through available cooperative BOCES bids, state contracts of the Office of General Services or county contracts whenever such purchases are in the best interests of the district. In addition, the district will make purchases from correctional institutions and severely disabled persons through charitable or non-pro fit-making agencies, as provided by law.

In accordance with law, the district shall give a preference in the purchase of instructional materials to vendors who agree to provide materials in alternative formats. The term "alternative format" shall mean any medium or format for the presentation of instructional materials, other than a traditional print textbook, that is needed as an accommodation for a disabled student enrolled in the district (or program of a BOCES), including but not limited to Braille, large print, open and closed captioned, audio, or an electronic file in a format compatible with alternative format conversion software that is appropriate to meet the needs of the individual student.

The Board is also aware of the need to reduce exposure of students and staff to potentially harmful chemicals and substances used in cleaning and maintenance. In accordance with law, regulation and guidelines set forth by the Office of General Services (OGS), the district will purchase and utilize environmentally sensitive cleaning and maintenance products in its facilities whenever feasible. Cleansers purchased must, first and foremost, be effective so that the district may continue to purchase non-green products as necessary.

Environmentally sensitive cleaning and maintenance products will be procured in accordance with standard purchasing procedures as outlined in this policy and regulation.

In order to ensure that the district avails itself of advantageous purchasing opportunities, the Board authorizes the Purchasing Agent to represent the district in applying for federal programs designed to discount prices for goods and services. Specifically, the Purchasing Agent will abide by the rules and regulations associated with applying for telecommunications service discounts through the Universal Service Fund (ERate), in addition to complying with the local purchasing policies set forth by the Board. As with all purchasing activity, appropriate documentation of the application and purchase through any federal program will be maintained by the business office.

### **Competitive Bidding**

*Purchase contracts and public works contracts subject to competitive bidding will be awarded to the lowest responsible bidder, however, the Board authorizes that purchase contracts may be awarded on the basis of best value, as defined in State Finance Law §163. The district shall comply with the requirements of General Municipal Law §103-g, which prohibits, with few exceptions, competitive bidding contracts with entities that invest significantly in the Iranian energy sector, as outlined in the accompanying regulation.*

Competitive bidding, even if the dollar value of the purchase meets the threshold established above, is not required in the following circumstances:

1. emergencies where time is a crucial factor;
2. procurements for which there is no possibility of competition (sole source items); or
3. professional services that require special skill or training (see policy 6741 for guidance on purchasing professional services).

#### Purchasing when Competitive Bidding Not Required

Goods and services which are not required by law to be procured by the district through competitive bidding will be procured in a manner so as to ensure the prudent and economical use of public monies, in the best interests of the taxpayers, to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances, and to guard against favoritism, improvidence, extravagance, fraud and corruption.

Alternative proposals or quotations will be secured by requests for proposals, written or verbal quotations or any other appropriate method of procurement, except *as permitted by state law* for procurements:

1. under a county contract;
2. under a state contract;
3. *under a federal contract;*
4. *under a contract of another political subdivision;*
5. of articles manufactured in state correctional institutions; or
6. from agencies for the blind and severely disabled.

The district will provide justification and documentation of any contract awarded to an offeror other than the lowest responsible dollar offeror, setting forth the reasons why such award is in the best interests of the district and otherwise furthers the purposes of section 104-b of the General Municipal Law.

#### *Exception to Competitive Bidding - Piggybacking (expires 8/1/2017 unless extended by legislation):*

*The district may purchase apparatus, materials, equipment and supplies, and contract for services related to the installation, maintenance or repair of those items, through the use of contracts let by the United States or any agency thereof, any state or any political subdivision or district therein, provided the contract was let in a manner that constitutes competitive bidding "consistent with state law, and is made available for use by other governmental entities.*

#### *Three Prerequisites:*

1. *The contract must have been let by the United States or any agency thereof, any state or any other political subdivision or district therein. This includes NYS political subdivisions.*
2. *The contract must have been made available for use by other governmental entities.*
3. *The contract must have been let in a manner that constitutes competitive bidding consistent with state law". (GML §103 and related case law).*

#### *Determining "Consistency with State Law"*

- a. *Bids must be publicly solicited.*
- b. *Bids must be submitted as sealed bids or secured bids.*
- c. *Bid specifications must provide a common standard for bidders to compete fairly.*
- d. *Bid Award must be to the lowest bidder who materially and substantially meets the bid specifications and is determined to be a responsible bidder.*

#### *Cost Savings Justification:*

*The district shall perform a cost-benefit analysis before utilizing this exception. The analysis should be used to demonstrate whether 'piggybacking' is cost effective and should consider all pertinent cost factors, including any potential savings on the administrative expense that would be incurred if the district initiated its own competitive bidding process.*

#### *Documentation:*

*The district shall maintain copies of the contract, analysis of the contract to ensure it meets the three prerequisites stated herein, and cost savings analysis including consideration of other procurement methods.*

#### General Purchasing Provisions

The Superintendent of Schools, with the assistance of the Purchasing Agent, shall be responsible for the establishment and implementation of the procedures and standard forms for use in all purchasing and related activities in the district. Such procedures shall comply with all applicable laws and regulations of the state and the Commissioner of Education.

No Board member, officer or employee of the school district shall have an interest in any contract entered into by the Board or the district, as provided in Article 18 of the General Municipal Law. Comments will be solicited from those administrators involved in the procurement process before enactment of the district's policies regarding purchasing and from time to time thereafter. The policies must then be adopted by Board resolution. All district policies regarding the procurement processes will be reviewed by the Board at least annually.

The unintentional failure to fully comply with the provisions of section 104-b of the General Municipal Law or the district's policies regarding procurement will not be grounds to void action taken nor give rise to a cause of action against the district or any officer or employee of the district.

Cross-ref: 6710, Purchasing Authority

6741, Contracting for Professional Services

Ref: *Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (Public Law 111-195)*

Education Law §§305(14); 409-i; 1604(29-a); 1709(4-a) (9) (14) (22); 2503(7-a); 2554(7-a)

General Municipal Law §§102; 103; 103-g; 104; 104-b; 109-a; 800 et seq.

State Finance Law §§97-g(3), (4), (5); 163; 163-b; 165-a

County Law §408-a(2)

Adoption date:

## **PURCHASING REGULATION**

**6700-R**

The following sets forth the procedures for the procurement of goods and services by the district:

### **I. Definitions**

*Best value: optimizing quality, cost and efficiency. The basis for best value shall reflect, whenever possible, objective and quantifiable analysis, and may also take into consideration small businesses or certified minority- or women-owned businesses as defined in State Finance Law §163.*

**Purchase Contract:** a contract involving the acquisition of commodities, materials, supplies or equipment

**Public Work Contract:** a contract involving services, labor or construction

### **II. General Municipal Law**

The General Municipal Law requires that purchase contracts for materials, equipment and supplies involving an estimated annual expenditure exceeding \$20,000 and public work contracts involving an expenditure of more than \$35,000 will be awarded only after responsible bids have been received in response to a public advertisement soliciting formal bids. Similar procurements to be made in a fiscal year will be grouped together for the purpose of determining whether a particular item must be bid.

### **III. Competitive Bidding Required**

#### **A. Method of Determining Whether Procurement is Subject to Competitive Bidding**

1. The district will first determine if the proposed procurement is a purchase contract or a contract for public work.

2. If the procurement is either a purchase contract or a contract for public work, the district will then determine whether the amount of the procurement is above the applicable monetary threshold as set forth above.

3. The district will also determine whether any exceptions to the competitive bidding requirements (as set forth below) exist.

4. *All advertised bids shall include the following statement required by General Municipal Law 103-g: "By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid each party thereto certifies as to its own organization, under penalty of perjury, that to the best of its knowledge and belief that each bidder is not on the list created pursuant to paragraph (b) of subdivision 3 of section 165-a of the state finance law. "*

#### **B. Contract Combining Professional Services and Purchase**

In the event that a contract combines the provision of professional services and a purchase, the district, in determining the appropriate monetary threshold criteria to apply to the contract, will determine whether the professional service or the purchase is the predominant part of the transaction.

#### **C. Opening and Recording Bids; Awarding Contracts**

The Executive Director for Finance and Operations will be authorized to open and record bids. Contracts will be awarded to the lowest responsible bidder *or a purchase contract bid of best value* (as recommended by the Executive Director for Finance and Operations), who has furnished the required security after responding to an advertisement for sealed bids. *In order to be considered a responsible bidder, entities must certify that they are not on the list created and maintained by the State Office of General Services cataloging significant investment in the Iranian energy sector. Such statement may be submitted electronically pursuant to General Municipal Law §103(J).*

*Entities that cannot make this certification may only be awarded the bid if:*

1. *The entity's investment activities in Iran were made before April 12, 2012; the investment activities in Iran have not been expanded or renewed after that date; and the entity has adopted, publicized, and is implementing a formal plan to cease the investment activities in Iran and to refrain from engaging in any new investments in Iran; or*

2. *The district makes a determination, in writing, that the goods or services are necessary for the district to perform its functions and that, absent such an exemption, the district would be unable to obtain the goods or services for which the contract is offered.*

#### **D. Documentation of Competitive Bids**

The district will maintain proper written documentation which will set forth the method in which it determined whether the procurement is a purchase or a public work contract.

**E. Purchase of Instructional Materials**

In accordance with Education Law the district shall give a preference in the purchase of instructional materials to vendors who agree to provide materials in alternative formats (i.e., any medium or format for the presentation of instructional materials, other than a traditional print textbook that is needed as a accommodation for a disabled student enrolled in the district, including but not limited to Braille, large print, open and closed captioned, audio or an electronic file in an approved format.)

The district will establish and follow a plan to ensure that every student with a disability who needs his or her instructional materials in an alternative format will receive those materials at the same time that they are available to non-disabled students.

**F. Leases of Personal Property**

In addition to the above-mentioned competitive bidding requirements, section 1725 of the Education Law requires that the district will be subject to competitive bidding requirements for purchase contracts when it enters into a lease of personal property.

Documentation: The district will maintain written documentation such as quotes, cost-benefit analysis of leasing versus purchasing, etc.

**G. Environmentally-Sensitive Cleaning and Maintenance Products**

The district will purchase and utilize environmentally sensitive cleaning and maintenance products whenever feasible. The Executive Director for Finance and Operations will consult with the Green Guidelines provided by the Office of General Services. Any legal issues regarding the applicability of competitive bidding requirements will be presented to the school attorney for review.

**H. Exceptions to Competitive Bidding Requirements**

The district will not be subject to competitive bidding requirements when the Board of Education, in its discretion, determines that one of the following situations exists:

1. Emergency situations where:

- a. the situation arises out of an accident or unforeseen occurrence or condition;
- b. a district building, property, or the life, health, or safety of an individual on district property is affected; or
- c. the situation requires immediate action which cannot await competitive bidding.

However, when the Board passes a resolution that an emergency situation exists, the district will make purchases at the lowest possible costs, seeking competition by informal solicitation of quotes or otherwise, to the extent practicable under the circumstances.

Documentation: The district will maintain records of verbal (or written) quotes, as appropriate;

2. When the district purchases surplus or second-hand supplies, materials or equipment from the federal or state governments or from any other political subdivision or public benefit corporation within the state.

Documentation: The district will maintain market price comparisons (verbal or written quotes) and the name of the government entity;

3. When the Board separately purchases eggs, livestock, fish and dairy products (other than milk), juice, grains and species of fresh fruits and vegetables directly from producers or growers. The amount expended in any fiscal year by the district may not exceed an amount equal to fifteen cents multiplied by the number of days in the school year multiplied by the total enrollment of the district.

Documentation: The district will maintain documentation consistent with sections 114.3 of the Regulations of the Commissioner of Education;

4. When the Board separately purchases milk directly from licensed milk processors employing less than forty (40) people. The amount expended in any fiscal year by the district may not exceed an amount equal to twenty-five cents multiplied by the number of days in the school year multiplied by the total enrollment of the district or exceed the current market price.

Documentation: The district will maintain documentation consistent with section 114.4 of the Regulations of the Commissioner of Education;

5. When the district purchases goods, supplies and services from municipal hospitals under joint contracts and arrangements entered into pursuant to section 2803-a of the Public Health Law.

Documentation: The district will maintain the legal authorization, Board authorization and market price comparisons; or

6. When there is only one possible source from which to procure goods or services required in the public interest.

Documentation: The district will maintain written documentation of the unique benefits of the item or service purchased as compared to other items or services available in the marketplace; that no other item or service provides substantially equivalent or similar benefits; and that, considering the benefits received the cost of the item or service is reasonable, when compared to conventional methods. In addition, the documentation will provide that there is no possibility of competition for the procurement of the goods.

7. When the district purchases professional services that require special skill or training, such as but not limited to, audit, medical, legal or insurance services, or property appraisals.

Documentation: The district will keep proper documentation in accordance with policy 6741.

8. Quotes When Competitive Bidding Not Required

Goods and services which are not required by law to be procured by the district through competitive bidding will be procured in a manner so as to ensure the prudent and economical use of public monies in the best interests of the taxpayers. Alternative proposals or quotations will be secured by requests for proposals, written or verbal quotations or any other appropriate method of procurement, as set forth below.

A. Methods of Documentation

- 1. Verbal Quotations: the telephone log or other record will set forth, at a minimum, the date, item or service desired, price quoted, name of vendor, name of vendor's representative;
- 2. Written Quotations: vendors will provide, at a minimum, the date, description of the item or details of service to be provided, price quoted, name of contact. For example, with regard to insurance, the district will maintain documentation that will include bid advertisements, specifications and the awarding resolution. Alternatively, written or verbal quotation forms will serve as documentation if formal bidding is not required.
- 3. Requests for Proposals: the district will utilize RFP's to engage professional services providers in accordance with policy 6741.

B. Purchases/Public Work: Methods of Competition to be Used for Non-Bid Procurements;

Documentation to be Maintained The district will require the following methods of competition be used and sources of documentation maintained when soliciting non-bid procurements in the most cost-effective manner possible:

- 1. Purchase Contracts up to \$20,000
  - a. Contracts from [\$100 to \$1,000] *\$2,501 to \$5,000:*  
*Three Verbal quotes or a written quote.*

Documentation will include notations of verbal quotes.

- b. Contracts in excess of [\$1,000] *\$5001 to \$20,000:*  
*Three Written quotes*

- 2. Public Work Contracts up to \$35,000
  - a. Contracts in excess of [\$10,000] *\$20,001 to \$35,000:*  
*Three Written quotes*

VI. Quotes Not Required When Competitive Bidding Not Required

The district will not be required to secure alternative proposals or quotations for those procurements *as permitted by state law:*

- 1. under a county contract;
- 2. under a state contract;
- 3. *under a federal contract;*
- 4. *under a contract of another political subdivision;*
- 5. of articles manufactured in state correctional institutions; or
- 6. from agencies for the blind and severely disabled.

VII. Procurements from Other than the "Lowest Responsible Dollar Offeror"

The district will provide justification and documentation of any contract awarded to an offeror other than the lowest responsible dollar offeror, setting forth the reasons why such award is in the best interests of the district and otherwise furthers the purposes of section 104-b of the General Municipal Law.

VIII. Internal Control

The Board authorizes the Superintendent of Schools, with the assistance of the Executive Director for Finance and Operations, to establish and maintain an internal control structure to ensure, to the best of their ability, that the district's assets will be safeguarded against loss from unauthorized use or disposition, that transactions will be executed in accordance with the law and district policies and regulations, and recorded properly in the financial records of the district. Comments will be solicited from those administrators involved in the procurement process before enactment of the district's regulations regarding purchasing and from time to time thereafter. The regulations must then be adopted by Board resolution. All district regulations regarding the procurement processes will be reviewed by the Board at least annually.

The unintentional failure to fully comply with the provisions of section 104-b of the General Municipal Law or the district's regulations regarding procurement will not be grounds to void action taken or give rise to a cause of action against the district or any officer or employee of the district. Promulgated:

January 22, 2013

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*The Board of Education wants to facilitate the timeliness of work associated with the capital construction projects authorized by the district's voters. As such, the Board recognizes the occasional need to approve changes in construction plans (change orders) as the work unfolds.*

*The Board authorizes the Superintendent of Schools and, in his/her absence, the Executive Director for Finance and Operations, to approve increases and decreases in the planned capital facilities project work (change orders) in an amount not to exceed \$50,000 per change. The Superintendent will present the change order to the Board as an information item at its next scheduled meeting. It is understood that change orders will be authorized by the administration only when necessary to maintain progress of the work and will not substantively change the scope of project plans. Change orders which exceed \$50,000 will require prior Board approval.*

*Adoption date:*

8334

## **USE OF CREDIT CARDS**

The Board of Education permits the issuance of a district credit card to the *District Clerk* [Superintendent] to pay for actual and necessary expenses incurred in the performance of work-related duties for the district. The credit card will be in the name of the *District Clerk* [Superintendent] and the school district. The Board shall ensure that the district preserves its right to refuse to pay any claim or portion thereof that is not expressly authorized, does not constitute a proper district charge, or supersedes any laws, rules, regulations, or policies otherwise applicable. In addition, the Board will ensure that no claim shall be paid unless an itemized voucher approved by the officer whose action gave rise or origin to the claim, shall have been presented to the Board and shall have been audited and allowed.

Credit cards may only be used for legitimate school district business expenditures. The use of credit cards is not intended to circumvent the district's policy on purchasing. *The District Clerk must have a typed purchase order from the requestor, prior to using the credit card.*

The User must take proper care of the credit card and take all reasonable precautions against damage, loss, or theft. Any damage, loss, or theft must be reported immediately to the Business Office and to the appropriate financial institution. Failure to take proper care of credit card or failure to report damage, loss or theft may subject the employee to financial liability.

Purchases that are unauthorized, illegal, represent a conflict of interest, are personal in nature or violate the intent of this policy may result in credit card revocation and discipline of the employee. The User must submit detailed documentation, including itemized receipts for commodities, services, travel and/or other actual and necessary expenses which have been incurred in connection with school-related business for which the credit card has been used.

The Executive Director for Finance and Operations shall establish regulations governing the issuance and use of the credit card. The cardholder shall be apprised of the procedures governing the use of the credit card and a copy of this policy and accompanying regulations shall be given to each cardholder.

The Executive Director for Finance and Operations shall periodically, but no less than twice a year, monitor the use of the credit card and report any serious problems and/or discrepancies directly to the Superintendent and the Board.

Cross-ref: 6700, Purchasing

6830, Expense Reimbursement

Ref: Education Law §§1724(1); 2524(1) (itemized, audited, and approved vouchers required)

Opns. St. Compt. No. 79-202 (use of multi-purpose credit cards by municipal employees)

Opns. St. Compt. No. 79-494, Opns. St. Compt. No. 78-897 (gas credit cards)

Adoption date: December 13, 2011

## **COMMITTEES:**

### **BOARD OF EDUCATION**

#### **OLD/NEW BUSINESS: - USE OF FACILITIES POLICY REVIEW – Ray Graziano and Anthony Spinelli**

Mr. Graziano and Mr. Spinelli reviewed the process for requesting use of the district's facilities i.e.; fields, gyms and the PAC. Mr. Graziano's office is responsible for the reserving of the PAC and any other request other than the gyms and fields. Mr. Spinelli's office is responsible for requests for the gyms and field requests. After some discussion Mr. Cacciola suggested that the Policy Committee could meet to review and clarify the process for the paperwork and the requirement for the make-up of the various organizations (most districts require 50-75% residency), with West Babylon

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organizations having priority. Whether the organization is a for profit or not for profit organization requesting use of the facilities should be easy to determine. Change wording in policy regarding the fee schedule to reflect "per 8 hour day" not "per event". Board President Diane Thiel said that Mrs. Jones will e-mail the policy committee with possible dates for the policy committee once Mr. Cacciola reviews his calendar.

Board President Diane Thiel said that The Main Street Organization will hold its big meeting on Saturday, February 2, 2013 at 9:00 a.m. at the West Babylon Public Library; all are welcome. She said they are in need of assistance for the Spring Clean- up.

Trustee Bocca seconded by Trustee Wandasiewicz made a motion to adjourn at 10:22 p.m.

The motion was **CARRIED** by all present

Attested to: \_\_\_\_\_

District Clerk