

LONG BEACH PUBLIC SCHOOLS
Long Beach, NY

January 12, 2017

Ladies and Gentlemen:

The Long Beach Board of Education is the authorized state agency responsible for setting educational policy in the district. It consists of five trustees, each serving a three-year term. Board members pay school taxes at the regular rate and receive no salary or other financial compensation.

All meetings, except executive sessions, are held before the public. Members of the public may address the Board of Education on any specific agenda item during special time reserved for that purpose prior to Board discussion and action. The public may also address the Board of Education on any matter of concern at a second public session after the Board of Education completes agenda action items. Visitors should not address the Board in public relative to questions or comments regarding specific staff members or specific students. Such concerns should be brought to the attention of appropriate staff or to board members by telephone, in writing, or by scheduling a personal meeting, as appropriate to the circumstances.

Visitors' comments will be limited to three (3) minutes for each agenda item upon which comment is made. Visitors are precluded from speaking on any agenda item more than once during each meeting.

Sincerely,

Your Board of Education

**BOARD OF EDUCATION
LONG BEACH PUBLIC SCHOOLS
LONG BEACH MIDDLE SCHOOL AUDITORIUM
January 12, 2017 – 7:30 P.M.**

AGENDA

REGULAR BOARD MEETING

7:30 PM

- I. Pledge of Allegiance/Call to Order/Opening Remarks – Board President
- II. Report of Superintendent of Schools
 - *PRESENTATION OF CERTIFICATES – Dr. Jennifer Gallagher/Ms. Theresa Scudiero*

Fragments Magazine – Teacher: Rachell Koegel

National Scholastic Press Association- All American
American Scholastic Press Association – First Place with Merit
Columbia Scholastic Press Association – Gold – All Columbia Honors

Contributors:

Grade 12

Sophie Allen
Isabella Attrachji
Isabella DeFrancesco
Kristen Miciotta
Shaena Sennett
Alexandra Thursland
Noelani Tomicick
Iain Wall

Grade 11

Ava de Bruin
Jordan Landsman
Chrysalis Mandell
Lily Yeomans

Empire State School Press Individual Awards – Gold All New York

Sophie Allen – Gold Key; Silver Key (2)
Chrysalis Mangell – Honorable Mention (2)
Alexandra Thursland – Gold Key; Silver Key; Bronze Key
Jess Thursland – Honorable Mention
Iain Wall – Bronze Key

- *Presentation – Secondary Curriculum, Alternative Programs, Summer School and Associated Budget- Dr. Gallagher and Secondary Administrators*
- III. Board of Education Comments

- IV. Student Organization Announcements
- V. Questions and Comments from the Public on Tonight's Agenda Only
- VI. Presentation of the Treasurer's Report for November 2016
- VII. Approval of Minutes for Executive Sessions and Regular Meeting of December 6, December 8 and December 22, 2016
- VIII. Presentations of the Superintendent:
 - 1. Personnel Matters: Certificated
 - 2. Personnel Matters: Non-Certificated
 - 3. First Reading of Revised Policy #6551 Family & Medical Leave Act
 - 4. Approval of Amended Agreement – Harris Beach
 - 5. Approval of Agreement – Syntax Printing
 - 6. Approval of Certification of Lead Evaluators
 - 7. Approval of SEQRA Resolution
 - 8. Adoption of 2017-18 School Calendar
 - 9. Approval to Amend Pay Rate for Election Workers
 - 10. Adoption of School Election Calendar
 - 11. Acceptance of Donation
 - 12. Acceptance of Committee on Special Ed/Pre-School Special Ed
 - 13. Approval of Defense and Indemnification
 - 14. Payment of Legal Bills: Legal Services
 - 15. Approval of Use of School Applications
- IX. Board of Education – Additional New/Old Business if any
- X. Questions and Comments from the Public
- XI. Announcements:
 - 1. Long Beach Classroom Teachers' Association
 - 2. Administrative, Supervisory and PPS Group
 - 3. LBSEA -Long Beach Schools Employees' Association – Group C
 - 4. Parent/Teacher Association
- XII. Adjournment

RESOLUTIONS

BE IT RESOLVED THAT, upon the recommendation of the Superintendent of Schools, the Board of Education approves the following personnel actions.

1. CERTIFICATED PERSONNEL

(a) Resignation for the Purpose of Retirement

Name: Linda Fuller
Assign./Loc: Elementary Teacher/West School
Effective Date: January 5, 2017 close of day

(b) Resignations

1. Name: Amanda Crawford
Assign./Loc: Part Time Teacher Assistant/Lindell School
Effective Date: December 23, 2016 close of day

2. Name: Lisa Itts
Assign./Loc: Part Time Teacher Assistant/West School
Effective Date: January 6, 2017 close of day

3. Name: Bari Klirfeld
Assign./Loc: Part Time Teacher Assistant/LBHS
Effective Date: January 13, 2017 close of day

(c) Leaves of Absence

1. Name: Stephanie Esposito
Assign./Loc: Special Education Teacher/Lindell School
Effective Dates: April 25, 2017-June 23, 2017 (on or about/or earlier at the district's discretion)
Reason: Maternity

2. Name: Shannon Ambury
Assign./Loc: Special Education Teacher/Lindell School
Effective Dates: April 29, 2017-June 23, 2017 (on or about/or earlier at the district's discretion)
Reason: Maternity

3. Name: Lauren Fitzmartin
Assign./Loc: Part Time Teacher Assistant/West School
Effective Date: January 17, 2017-May 4, 2017
Reason: Educational

4. Name: Chelsea McLoughlin
Assign./Loc: Part Time Teacher Assistant/Lindell School
Effective Date: January 9, 2017-May 16, 2017
Reason: Educational

1. **CERTIFICATED PERSONNEL**

(c) **Leaves of Absence** **continued:**

5. Name: Anthony Seara
Assign./Loc: Part Time Teacher Assistant/Lindell School
Effective Dates: January 23, 2017-May 19, 2017
Reason: Educational

(d) **Amended Leaves of Absence**

Name: Amanda Kiefel
Assign./Loc: Speech and Hearing Handicapped Teacher/LBHS
Effective Dates: September 25, 2016-June 30, 2017
Original Dates: September 25, 2016-January 2, 2017
Reason: Maternity

(e) **Appointment: Probationary Remedial Reading Teacher**

Name: Mallory Notholt**
Assign./Loc: Probationary Remedial Reading Teacher/LBMS
Certification: Initial Literacy 5-12
Initial Literacy B-6
Initial Early Childhood Education B-2
Initial Childhood Education 1-6
Effective Date: January 30, 2017
Ending Date: August 31, 2019
Tenure Date: September 1, 2019
Tenure Area: Remedial Reading
Salary Classification: MA+20/Step 2 (\$72,315* per annum)
Reason: To replace Christina Stevens

*subject to negotiations

**This individual must receive three (3) annual APPR composite ratings of Effective or Highly Effective, in at least three (3) of the preceding four (4) years and cannot have an APPR composite rating of Ineffective in the last year of his or her probationary appointment to be granted or considered for tenure.

(f) **Appointment: Probationary Teacher Assistant**

Name: Marisol Burgos
Assign./Loc: Probationary Teacher Assistant/LBHS-Life Skills Program
Certification: Level III Teacher Assistant
Effective Date: January 3, 2017
Ending Date: January 2, 2021
Tenure Date: January 3, 2021
Tenure Area: Teacher Assistant
Salary Classification: Grade IV-Secondary/Step 8 (\$32,770 per annum)
Reason: To replace Marcus Quiroga

1. **CERTIFICATED PERSONNEL**

(g) **Appointment: Part Time Speech and Hearing Handicapped Teacher (.6)**

Name: Kristin Angst
 Assign./Loc: Part Time Speech and Hearing Handicapped Teacher (.6)/LBHS
 Certification: Initial Speech and Language Disabilities
 Effective Dates: January 24, 2017-June 30, 2017 (or earlier at the district's discretion)
 Salary Classification: .6 of MA/Step 1 (\$40,292* per annum) prorated
 Reason: To replace Amanda Kiefel
 *Subject to negotiations

(h) **Appointment Part Time Teacher Assistant 17.5 hours per week from 25 hours per week January 3, 2017 close of day through June 23. Change in work hours *Subject to negotiations**

Name	Location	Certification	Grade II/Step	Hourly Rate*
Nanci Yarwood	LBHS	Level III TA	Grade II/Step 2	17.96

(i) **Appointment Part Time Temporary Teacher Assistants 17.5 hours per week start date through June 24, 2016 (or earlier at the district's discretion) According to CSE recommendation or 504 plan. Rate according to contract. *Subject to negotiations**

Name	Location	Certification	Grade II/Step	Hourly Rate*	Start date
1. Poullette Molina	Lido	Level I TA	II/1	17.24	1/04/17
2. Kathleen Wims	East	Level I TA	II/1	17.24	1/13/17
3. Louie Ann Murphy	LBHS	Level I TA	II/1	17.24	1/12/17

(j) **Appointment: Interscholastic Spring Coach/2016-2017-*Subject to negotiations**

Sport	Coach	Stipend *
7 th Grade Girls Lacrosse	Hayley Kosiner <i>*rescind Jaclyn McMahon</i>	5129
JV Assistant Lacrosse Coach	Patricia Murphy <i>*rescind Ashley Monastero</i>	5604

(k) **Appointments: Coaches for Special Olympics/Unified Sports-Spring 2017-Rate of pay \$54.97* per hour-*subject to negotiations**

Name	Maximum Hours
1. Stacey Durnan-Track and Field	50
2. Sean Miller-Track and Filed	50
3. Lori DeVivio-Track and Field substitute	as needed
4. Lori DeVivio-Unified Basketball	50
5. Sean Miller-Unified Basketball substitute	as needed

1. CERTIFICATED PERSONNEL

(l) Appointment: Parent Training-as per IEP mandates for the 2016/2017 school year- Rate of Pay: \$69.71* per hour-not to exceed 200 hours-*Subject to negotiations

1. Mariana Rotenberg
2. Randi Simon
3. Nicole Scorcio

(m) Approval of Applications for Participation in Study Programs-Winter/Spring 2017-The following staff members have applied for funding for coursework as indicated under the appropriate provision of their contract. Recommend approval of the tuition/fees.

	Name	Allocation		Name	Allocation
1.	Justin Sulsky	\$1,142	8.	Kristine Farrell	\$1,000
2.	Chelsey DiRocco	\$1,142	9.	Elizabeth Altbacker	\$255
3.	Kerri Bolkcom	\$800	10.	Heather Fisher	\$1,142
4.	Maria Hartmann	\$1,509	11.	Christina Arvotti	\$1,264
5.	Coleen Vella	\$1,240	12.	Danielle Adams	\$800
6.	Nicole Scorcio	\$369	13.	Kristin Susko	\$1,142
7.	Walter Kramme	\$1,142	14.	David Prince	\$386

(n) Reclassifications:

	Name	Assignments	New Class	Effective Date
1.	Crysti Busching	Teacher/Elementary	MA+50	9/1/16
2.	Robert Gallopini	Teacher/Elementary	MA+40	2/1/17
3.	Tara Mele	Teacher/Math	MA+50	9/1/16
4.	Mallory Notholt	Teacher/Reading	MA+20	9/1/16
5.	Melissa Pecere	Teacher/Special Ed	MA+80	9/1/16
6.	Brian Pross	Teacher/Technology	MA+50	9/1/16
7.	Brian Pross	Teacher/Technology	MA+60	9/1/17
8.	Debra Rabiner	Teacher/Elementary	MA+50	2/1/17
9.	Coleen Vella	Teacher/Reading	MA+10	9/1/16

1. CERTIFICATED PERSONNEL

(o) MEMORANDUM OF AGREEMENT: LONG BEACH PUBLIC SCHOOLS AND THE ASPPG

BE IT RESOLVED, the Board of Education approves the Memorandum of Agreement between the negotiating representatives of the Long Beach Public Schools and the Administrative, Supervisory and Pupil Personnel Group, dated January 12, 2017 increasing Kimberley Liguori's salary by \$7,500.

(p) IT IS HEREBY RESOLVED, that the Board of Education authorizes commencement of an action and/or proceeding against a former Long Beach City School District employee in order to enforce the terms of the settlement agreement and release executed by said former employee on or about July 13, 2015 and by the School District on or about July 16, 2015.

2. NON CERTIFICATED PERSONNEL

(a) Resignation for the Purpose of Retirement

Name: Lionel Jimenez
Assign./Loc: Cleaner/LBHS
Effective Date: March 31, 2017 close of day

(b) Resignation

Name: Stephanie Overstreet
Assign./Loc: Part Time Teacher Aide/East School
Effective Date: December 23, 2016 close of day

(c) Amended Leave of Absence

Name: Thelma Morton
Assign./Loc: Bus Aide/Transportation
Effective Dates: September 7, 2016-January 30, 2017
Original Dates: September 7, 2016-November 31, 2016
Reason: Medical

(d) Appointment: Part Time Teacher Aide (17.5 hours per week)

Name: Chan Mi Lee
Assign./Loc.: Part Time Teacher Aide/Lido School
Effective Date: January 13, 2017-June 30, 2017
Salary Classification: \$14.23* per hour
Grade/Step: Grade I/Step 1
Reason: To meet a district need
*Subject to negotiations

(e) Recommended Action: Approval of the 2016/2017 Saturday Morning Creativity Camp as follows (subject to sufficient enrollment and satisfactory performance):

Instructor	Course	Hours	Rate Per Hour	Maximum
1. Liam Cragh	Marine Exploration	12	40.00	480.00
2. Irene Florio	Stepping Stones into Science	12	40.00	480.00
3. Jennifer Isik	Computer Fun and Games	12	40.00	480.00
4. Cabrina Tasevali	Art In Storybooks	12	40.00	480.00
5. Robyn Tomabene	Big Ideas for Young Mathematicians	12	40.00	480.00
6. Todd Wright	Animation Creation	12	40.00	480.00

2. NON CERTIFICATED PERSONNEL

(f) The following Per Diem Substitutes are recommended for approval for the 2016-2017 school year

	Name	Position
1.	Chan Mi Lee	Teacher Aide
2.	Keef DeStefano	Cleaner
3.	George Massey	Cleaner
4.	Karen Killian	Cleaner
5.	Shirley Lopez	Cleaner
6.	Melinda McLoughlin	Clerical
7.	Joan Taylor	Clerical
8.	Shantel Bond	Lunch Aide/Teacher Assistant

3. FIRST READING OF REVISED POLICY #6551 FAMILY AND MEDICAL LEAVE ACT

4. APPROVAL OF AMENDED AGREEMENT – HARRIS BEACH

WHEREAS, the Long Beach City School District ("District") entered into an Agreement with Harris Beach, PLLC to serve as the District's general legal counsel at a cost of \$30,000 as a retainer and \$215 per hour for additional services for the 2016-2017 school year;

BE IT RESOLVED, that upon the recommendation of the Superintendent of Schools, the Board of Education amends the agreement with Harris Beach, PLLC to include legal advice, consultation, negotiations, litigation and representation concerning any and all construction related matters at the same rate of \$215 per hour for the remainder of the 2016-2017 school year; and

BE IT FURTHER RESOLVED, that the Board authorizes the District Chief Operating Officer to execute said agreements.

5. APPROVAL OF COMMUNICATIONS PRINTING SERVICES AGREEMENT

WHEREAS, the Long Beach City School District ("District") desires to enter into an agreement with Syntax Communication ("Syntax") to provide communications printing services for the 2016-2017 school year;

BE IT RESOLVED, that upon the recommendation of the Superintendent of Schools, the Board of Education approves the agreement with Syntax in the amount of \$28,000 to provide communications printing services for the 2016-2017 school year;

BE IT FURTHER RESOLVED, that the Board of Education hereby authorizes the District Chief Operating Officer to execute the agreement with Syntax on its behalf.

6. APPROVAL OF CERTIFICATION OF LEAD EVALUATORS

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 training 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 Long Beach City School District certifies the following individuals as lead evaluators for the 2016-2017 school year:

David Weiss	Jennifer Gallagher	Michele Natali	Michael DeVito
Sean Murray	Deborah Lovrich	Karen Sauter	Andrew Smith
Kerry Fallon	Brenda Young	Cristine Zawatson	Claude Irwin
Arnie Epstein	Marcia Mulé	Sabrina Cantore	Julia Lang-Shapiro
Francine Newman	John Emmons	Keith Biesma	Paul Romanelli
Vincent Russo	Kimberley Liguori	Theresa Scudiero	Patrick McKinney
Kathleen Connolly	Jeffrey Myers	Peter Russo	

7. APPROVAL OF SEQRA RESOLUTION

WHEREAS, the Board of Education of the Long Beach Public Schools is the lead agency under the State Environmental Quality Review Process for the purpose of required determinations respecting the proposed Capital Improvement Projects as follows:

- HVAC Reconstruction at High School – SED #28-03-00-01-0-011-045

WHEREAS, in 1995 amendments were made to the SEQRA Regulation (Part 617) to classify projects, which will be excluded from the requirements for the preparation of an Environmental Impact Statement (Type II Actions). The project mentioned above is now classified as Type II Actions as determined by 6 NYCRR § 617.5 and

WHEREAS, the project falls under the following categories pursuant to 6 NYCRR § 617.5 (c) (1) & (2):

- A. Maintenance or repair involving no substantial changes in an existing structure of facility;
- B. Replacement, Rehabilitation or Reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building or fire codes, unless such action meets or exceeds any of the thresholds in Section 617.4 of this Part;

THEREFORE BE IT RESOLVED, that upon the recommendation of the Superintendent and the District's architect, the Board of Education, as the lead agency for the SEQRA determination, approves the above referenced "Determination of Non-Significance" which falls under Categories "A" or "B" above. The procedure for Type II Actions, with regard to the SEQRA process for Capital Projects noted above is "No Additional Required Action under 6 NYCRR § 617.5(a)."

8. ADOPTION OF 2016-2017 SCHOOL CALENDAR

BE IT RESOLVED, that upon the recommendation of the Superintendent of Schools, the Board of Education approves the 2017-2018 School Calendar.

9. APPROVAL TO AMEND PAY RATE FOR THOSE APPOINTED TO THE BOARD OF REGISTRATION, ELECTION INSPECTORS AND CHAIRPERSONS

BE IT RESOLVED, that upon the recommendation of the Superintendent of Schools the Board of Education approve the increase in pay rate for those appointed to the Board of Registration, Election Inspectors, and Chairpersons for the 2016-2017 school year as presented; and furthermore, the District Clerk is hereby authorized to appoint further staff as needed. Chairpeople and Nursing Home Visiting Inspectors will be paid at a rate of \$13.00 per hour and Election Inspectors will be paid at a rate of \$10.00 per hour as per the increase in the minimum wage for workers employed in Nassau County.

10. ADOPTION OF THE 2017 SCHOOL ELECTION CALENDAR

BE IT RESOLVED, that upon the recommendation of the Superintendent of Schools, the Board of Education approves the School Election Calendar for the School Board Election to be held on May 16, 2017 as it appears with the materials accompanying the agenda.

11. ACCEPTANCE OF DONATION

BE IT RESOLVED, that upon the recommendation of the Superintendent of Schools, the Board of Education approves the donation of \$1,000 from alumni Alec Stonitsch, Class of 2010, to the science research program at Long Beach High School.

12. ACCEPTANCE OF RECOMMENDATIONS OF THE COMMITTEE ON SPECIAL EDUCATION AND COMMITTEE ON PRE-SCHOOL SPECIAL EDUCATION

13. APPROVAL OF DEFENSE AND INDEMNIFICATION

WHEREAS, service was made on the District Clerk on January 10, 2017 in Gilmore, Garces, Sugrue and Muniz v. Long Beach City School District, *et alia*, Index No. 610293/16 and the action names several employees of the School District as defendants; and

WHEREAS, the action appears to have arisen within the context of the exercise of powers and/or performance of duties of the individually named defendants; and

WHEREAS, in accordance with Education Law §3811, some of the individually named defendants have submitted timely written requests for legal defense and indemnification in the matter,

NOW, THEREFORE, BE IT RESOLVED, that the Board of Education of the Long Beach School District hereby agrees to defend and indemnify those individually named defendants and hereby designates and appoints counsel as assigned by the District's insurance carrier to represent the School District and those individuals; and

BE IT FURTHER RESOLVED, that the Board of Education of the Long Beach School District hereby agrees to defend and indemnify any other named defendants in said action who timely submit written requests in accordance with the provisions of Education Law § 3811 or otherwise meet the statutory requirements for defense and indemnification and will designate and appoint counsel as assigned by the District's insurance carrier to represent those individuals.

14. APPROVAL OF PAYMENT OF LEGAL BILLS: LEGAL SERVICES

A) THOMAS M. VOLZ, PLLC

BE IT RESOLVED, that upon the recommendation of the Superintendent of Schools, the Board of Education authorizes expenditures in the amount of \$4,972.35 the Law Offices of Thomas M. Volz, PLLC for the monthly retainer and extraordinary legal services rendered during the period of November 1 through November 30, 2016.

B) HARRIS BEACH PLLC

BE IT RESOLVED, that upon the recommendation of the Superintendent of Schools, the Board of Education authorizes expenditures in the amount of \$9,243.72 to the firm of Harris Beach PLLC for the monthly retainer and extraordinary legal services rendered during the period of November 1 through November 30, 2016.

C) INGERMAN SMITH

BE IT RESOLVED, that upon the recommendation of the Superintendent of Schools, the Board of Education authorizes expenditures in the amount of \$25,922.16 for legal services rendered during the period of November 1 through November 30, 2016.

D) FRAZER & FELDMAN

BE IT RESOLVED, that upon the recommendation of the Superintendent of Schools, the Board of Education authorizes expenditures in the amount of \$488.92 for legal services rendered during the period of September 1 through December 30, 2016.

15. APPROVAL OF USE OF SCHOOLS APPLICATIONS

BE IT RESOLVED, that upon the recommendation of the Superintendent of Schools, the Board of Education approves the use of schools, as attached, not to conflict with District events. However, please note that events may have to be modified and/or rescheduled based on building construction schedules.

APPLICATIONS FOR USE OF SCHOOL FACILITIES

<u>Organization</u>	<u>Purpose</u>	<u>Facility Requested</u>	<u>Date Requested</u>
Long Beach FC Inc	Indoor Soccer Training	LBMS Gym	Dec 12, 2016 through February 28, 2017 7:00 PM – 9:30 PM
Long Beach FC Inc	Travel Soccer Club	LBMS Athletic Fields 11 & 12	March 2 – July 31, 2017 Saturdays & Sundays 8:00 AM – 9:00 PM
Long Beach FC Inc	Travel Soccer Club	LBHS Alumni Field	March 2 – July 31, 2017 Saturdays 1:00 PM – 8:00 PM
Long Beach FC Inc	Travel Soccer Club	LBHS Alumni Field	March 2 – July 31, 2017 Sundays 8:00 AM – 9:00 PM
Long Beach FC Inc	Travel Soccer Club	LBHS Alumni Field	March 2 – July 31, 2017 Monday - Fridays 6:30 PM – 9:30 PM
Long Beach/Lido Beach Little League	Baseball/Softball	West School Gym	Feb. 27 – June 26, 2017 Mondays 6:00 PM – 9:30 PM
Long Beach/Lido Beach Little League	Baseball/Softball	LBMS Athletic Fields 8, 9, and 10	Feb. 21 – June 25, 2017 Mon-Fri 5:30 – 8:00 PM Sat & Sun 8 AM – 8 PM
Long Beach Lacrosse Club	Youth Lacrosse	Lindell Athletic Field 2 LBMS Veterans Field	March 1 – July 31, 2017 M-F 6-9 PM Sat & Sun 9 AM – 6 PM
PAL Girls Lacrosse	Lacrosse	Lindell Field LBMS Athletic Fields 11, 12 and Veterans Field	March 1 – June 30, 2017 M-F 6 – 9 PM Sat & Sun 8 AM -4 PM
Long Beach/Lido Beach Little League	Baseball/Softball	Lindell Athletic Field 1	Feb. 20 – June 25, 2017 Mon – Fri – 5:30 – 8 PM Sat & Sun 8 AM – 8 PM
Center for Science Teaching & Learning	NC Science Competition	LBHS Auditorium, Cafeteria, Gym	Sunday, June 4, 2017 8 AM – 1 PM
Long Beach/Lido Beach Little League	Baseball/Softball	LBHS Athletic Field 3	Feb. 21 – June 25, 2017 Mon-Fri 5:30 – 8:00 PM Sat & Sun 8 AM – 8 PM
Long Beach/Lido Beach Little League	Baseball/Softball Picture Nights	LBHS Cafeteria	May 1 – May 5, 2017 M- F 5 PM – 9 PM

Human Resources

SUBJECT: FAMILY AND MEDICAL LEAVE ACT

The Board, in accordance with the Family and Medical Leave Act of 1993 (as amended) (FMLA), gives "eligible" employees of the District the right to take unpaid leave for a period of up to twelve (12) work weeks in a twelve (12)-month period as determined by the District.

The District uses a "rolling" twelve (12) month period measured backward from the date of any FMLA leave usage its method of calculating the leave year period for the commencement of the FMLA leave period. In certain cases, FMLA leave may be taken on an intermittent basis rather than all at once, or the employee may work a part-time schedule.

The entitlement to leave for the birth or placement of a child will expire at the end of the twelve (12)-month period beginning on the date of the birth or placement.

Employees are "eligible" if they have been employed by the District for at least twelve (12)-months and for at least 1,250 hours of service during the previous twelve (12)-month period. Full-time teachers are deemed to meet the 1,250-hour test. However, a break in employment for military service (i.e., call to active duty) should not interrupt the twelve (12)-month/1,250 hours of employment requirement and should be counted toward fulfilling this prerequisite. The law covers both full-time and part-time employees.

Qualified employees may be granted leave for one or more of the following reasons:

- a) The birth of a child and care for the child;
- b) Adoption of a child and care for the child;
- c) The placement of a child with the employee from foster care;
- d) To care for a spouse, minor child or parent who has a "serious health condition" as defined by the FMLA;
- e) To care for an adult child who is also incapable of self-care due to a disability (regardless of date of the onset of disability) and has a "serious health condition" as defined by the FMLA; and/or
- f) A "serious health condition" of the employee, as defined by the FMLA that prevents the employee from performing his or her job.

A "serious health condition" is defined as an illness, injury, impairment, or physical or mental condition that involves inpatient care or continuing treatment by a health care provider that renders the person incapacitated for more than three consecutive calendar days. Furthermore, the first visit to a health care provider for an employee claiming a "serious health condition" under FMLA must occur within seven days of the aforementioned incapacity with the second required visit occurring within 30 days of the incapacitating event. In order for an employee to claim the need for continuous treatment under FMLA for a chronic serious health condition, the condition must require a minimum of two visits per year to a healthcare provider, continue over an extended period of time, and may cause episodic rather than a continuing period of incapacity. A "serious health condition" is also defined as any period of incapacity related to pregnancy or for prenatal care.

(Continued)

Human Resources

SUBJECT: FAMILY AND MEDICAL LEAVE ACT (Cont'd.)

Military Family Leave Entitlements

Military Caregiver Leave

An eligible employee who is the spouse, son, daughter, parent, or next of kin (defined as the nearest blood relative) is entitled to up to twenty six (26) weeks of leave in a single twelve (12)-month period to care for a "military member" who is:

- a) Recovering from a service-connected serious illness or injury sustained while on active duty; or
- b) Recovering from a serious illness or injury that existed prior to the service member's active duty and was aggravated while on active duty; or
- c) A veteran who has a qualifying injury or illness from service within the last five years and aggravates that illness or injury.

This military caregiver leave is available during a single twelve (12)-month period during which an eligible employee is entitled to a combined total of twenty six (26) weeks of all types of FMLA leave. Military Caregiver Leave may be combined with other forms of FMLA-related leave providing a combined total of 26 weeks of possible leave for any single twelve (12)-month period; however, the other form of FMLA leave when combined cannot exceed twelve (12) of the twenty six (26) weeks of combined leave. Military Caregiver Leave has a set "clock" for calculating the twelve (12)-month period for when FMLA leave begins and tolling starts at the first day of leave taken.

The term "military member" means:

- a) A member of the Regular Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or
- b) A veteran (discharged or released under any condition other than dishonorable) who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of five years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

"Qualifying Exigency" Leave/Call to Active Duty

An "eligible" employee is entitled to FMLA leave because of "a qualifying exigency" arising out of circumstances where the spouse, son, daughter, or parent of the employee is serving in the regular Armed Forces or either the National Guard or the Reserves and is on active duty during a war or national emergency called for by the President of the United States or Congress, or has been notified of an impending call to active duty status, in support of a contingency operation. There is no "qualifying exigency" unless the military member is or is about to be deployed to a foreign country.

(Continued)

Human Resources

SUBJECT: FAMILY AND MEDICAL LEAVE ACT (Cont'd.)

A "qualifying exigency" related to families of the Army National Guard of the United States, Army Reserve, Navy Reserve, Marine Corps Reserve, Air National Guard of the United States, Air Force Reserve and Coast Guard Reserve personnel on (or called to) active duty to take FMLA protected leave to manage their affairs is defined as any one of the following reasons:

- a) Short-notice deployment;
- b) Military events and related activities;
- c) Childcare and school activities;
- d) Parental care leave;
- e) Financial and legal arrangements;
- f) Counseling;
- g) Rest and recuperation (for up to 15 calendar days);
- h) Post-deployment activities; and
- i) Any additional activities where the employer and employee agree to the leave.

In any case in which the necessity for leave due to a qualifying exigency is foreseeable, the employee will provide such notice to the employer as is reasonable and practicable. This military-related leave is for up to twelve (12) weeks during a single twelve (12)-month period. Leave may be taken intermittently or on a reduced leave schedule.

Concurrent (Substitute) Leave

Employees must use paid leave concurrently with periods of FMLA leave.

Implementation/Benefits/Medical Certification

At the Board's option, paid leave may be substituted for unpaid leave.

An employee on FMLA leave is also entitled to have health benefits maintained while on leave. If an employee was paying all or part of the premium payments prior to leave, the employee will continue to pay his or her share during the leave period.

In most instances, an employee has a right to return to the same position or an equivalent position with equivalent pay, benefits, and working conditions at the conclusion of the leave.

(Continued)

Human Resources

SUBJECT: FAMILY AND MEDICAL LEAVE ACT (Cont'd.)

The Board has a right to thirty (30) days' advance notice from the employee where practicable. In addition, the Board may require an employee to submit certification from a health care provider to substantiate that the leave is due to the "serious health condition" of the employee or the employee's immediate family member. Under no circumstance should the employee's direct supervisor contact any health care provider regarding the employee's condition; all contact in this manner must be made by a health care provider (employed by the employer), a human resource professional, a leave administrator or a management official. If the medical certification requested by the employer is found to be deficient, the employer must indicate where the errors are, in writing, and give the employee seven days to provide corrected materials to cure any deficiency prior to any action being taken.

Special Provisions for District Employees

An instructional employee is an employee whose principal function is to teach and instruct students in a class, a small group, or an individual setting (e.g., teachers, coaches, driving instructors, special education assistants, etc.). Teaching assistants and aides who do not have instruction as the principal function of their job are not considered an "instructional employee."

Intermittent Leave Taken by Instructional Employees

FMLA leave that is taken at the end of the school year and resumes at the beginning of the next school year is not regarded as intermittent leave but rather continuous leave. The period in the interim (i.e., summer vacation) is not counted against an employee and the employee must continue to receive any benefits that are customarily given over the summer break.

Intermittent leave may be taken but must meet certain criteria. If the instructional employee requesting intermittent leave or leave on a reduced schedule will be on that leave for more than 20% of the number of working days during the period for which the leave would extend, the following criteria may be required by the employer:

- a) Take leave for a period or periods of a particular duration, not greater than the duration of the planned treatment; or
- b) Transfer temporarily to an available alternative position for which the employee is qualified, which has equivalent pay and benefits and which better accommodates recurring periods of leave than does the employee's regular position.

Appropriate notice for foreseeable FMLA leave still applies and all employees must be returned to an equivalent position within the school district. Additional work-related certifications, requirements and/or training may not be required of the employee as a contingent of their return to work.

Leave Taken by Instructional Employees Near the End of the Instructional Year

There are also special requirements for instructional employees taking leave and the leave's relation to the end of the term. If the instructional employee is taking leave more than five (5) weeks prior to the end of the term, the District may require that the employee take the leave until the end of the term if the leave lasts more than three (3) weeks and the employee was scheduled to return prior to three (3) weeks before the end of the term.

(Continued)

Human Resources

SUBJECT: FAMILY AND MEDICAL LEAVE ACT (Cont'd.)

If the instructional employee is taking leave less than five (5) weeks prior to the end of the term for any of the previous FMLA-related reasons except qualifying exigency, the District may require that the employee remain out for the rest of the term if the leave lasts more than two (2) weeks and the employee would return to work during that two (2)-week period at the end of the instructional term.

If the instructional employee begins taking leave during the three (3) weeks prior to the end of the term for any reason except qualifying exigency, the District may require that the employee continue leave until the end of the term if the leave is scheduled to last more than five (5) working days.

Any additional time that is required by the District due to the timing of the end of the school year, will not be charged against the employee as FMLA leave because it was the District who requested that the leave extend until the end of the term.

FMLA Notice

A notice which explains the FMLA's provisions and provides information concerning the procedures for filing complaints of violations of the FMLA will be posted in each school building and a notice of an employee's FMLA rights and responsibilities will be either placed in the employee handbook of the employer or furnished to each new employee upon hire. The District has five (5) days to supply this notice from the date of hire.

~~Administration is directed to develop regulations to implement this policy, informing employees of their rights and responsibilities under the FMLA.~~

Family and Medical Leave Act of 1993 (as amended), Public Law 103-3
National Defense Authorization Act of 2008, Public Law 110-181
10 USC 101(a) (13)
29 USC 1630.1 and 2611-2654
29 CFR Part 825 and Part 1630
42 USC 12102
Health Insurance Portability and Accountability Act of 1996 (HIPAA), Public Law 104-191
45 CFR Parts 160 and 164

Adopted: 4/8/14
First Reading of Revised Policy: 1/12/17

LONG BEACH PUBLIC SCHOOLS DRAFT CALENDAR

School Calendar 2017/2018

September (16 + 1)

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

- 4-Labor Day
- 5- Supt. Conference Day
- 6-First Day of School
- 21 & 22- Rosh Hashanah

October (21)

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

- 9-Columbus Day

November (18 + 1)

S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

- 7-Supt. Conference Day
- 10- Veteran's Day
- 23 & 24 Thanksgiving

December (16)

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

- 25-29 Holiday Recess

January (21)

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

- 1-Holiday Recess
- 15-Martin Luther King Day

February (15)

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28			

- 19-23 Winter Recess

March (20)

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

- 29-30 Spring Recess

April (16)

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

- 2-6 Spring Recess

May (21)

S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

- 25 & 28 Memorial Day

June (16)

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

- 22-Last Day of School

