

**LONG BEACH PUBLIC SCHOOLS**  
**Long Beach, New York**

November 8, 2011

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 times 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 per agenda item to each individual speaker on items on the business meeting agenda and five (5) minutes to speak under new or old business. An individual may speak only once on a specific topic. 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  
Regular Board Meeting – November 8, 2011  
Long Beach Middle School**

**AGENDA**

**REGULAR MEETING                      7:30 P.M.**

- I. Pledge of Allegiance and Opening Remarks – Board President
- II. Report of Superintendent of Schools
- III. Board of Education Comments
- IV. Questions and Comments from the Public - Items on Tonight's Agenda Only
- V. Presentation of Treasurer's Report for September 2011
- VI. Approval of Minutes of Board of Education Regular Meeting, Worksession and Executive Sessions of October 11, October 25 and November 1, 2011
- VII. Presentations of the Superintendent:
  1. Personnel Matters: Certificated
  2. Personnel Matters: Non-Certificated
  3. Adoption of Revised Policy #6121: Sexual Harassment of District Personnel
  4. Adoption of Policy #7551: Sexual Harassment of Students
  5. Appointment of Insurance Broker of Record
  6. Approval of Special Education Agreements
  7. Approval of Budget Transfers
  8. Approval for Disposition of Obsolete Equipment
  9. Acceptance of Change Orders
  10. Payment of Legal Bills: Legal Services
  11. Acceptance of Recommendations of Committee for Special Education
  12. Use of Schools
- VIII. Questions and Comments from the Public

IX. Announcements:

1. Long Beach Classroom Teachers' Association
2. Administrative, Supervisory and PPS Group
3. Long Beach Schools Employees' Association
4. Parent/Teacher Association
5. Student Organization

X. Board of Education - Additional New/Old Business, if any

XI. Adjournment

MONTHLY BANK ACCOUNT BALANCE REPORT  
as of September 30, 2011

	GENERAL FUND TD BANK	GENERAL FUND JPMORGAN CHASE	WIRE TRANSFER JPMORGAN CHASE	INVESTMENT TD BANK	INVESTMENT JPMORGAN CHASE
Beginning Book Bal.	\$ 675,239.90	\$ 361,927.00	\$ 107.68	\$ 13,127,923.17	\$ 2,281,593.89
Deposits	\$ 9,993.86	\$ 9,392,660.76	\$ 705,897.92	\$ 128,945.51	\$ 16,833,095.99
Disbursements	\$ 3,200.00	\$ 9,337,127.02	\$ 566,124.00	\$ 13,203,259.24	\$ 1,140,000.02
End Book Balance	\$ 682,033.76	\$ 417,460.74	\$ 139,881.60	\$ 53,609.44	\$ 17,974,689.86
o/s Checks	\$ 27,146.36	\$ 2,529,138.23	\$ -	\$ -	\$ -
Bank Adjustments	\$ -	\$ -	\$ -	\$ -	\$ -
Deposit in Transit	\$ -	\$ -	\$ -	\$ -	\$ -
Bank Balance	\$ 709,180.12	\$ 2,946,598.97	\$ 139,881.60	\$ 53,609.44	\$ 17,974,689.86
	WORKMANS COMP JPMORGAN CHASE	FITZHARRIS DENTAL CAPITAL ONE	SCHOOL LUNCH 8/31/2011	FEDERAL FUND TD BANK	FEDERAL FUND JPMORGAN CHASE
Beginning Book Bal.	\$ (1,103.83)	\$ 50,030.37	\$ 250,942.44	\$ 23,213.96	\$ 485,339.38
Deposits	\$ 293,259.24	\$ 60,000.00	\$ 45,409.25	\$ 1,535.19	\$ 575,150.46
Disbursements	\$ 143,905.82	\$ 87,876.15	\$ 21,192.15	\$ -	\$ 283,254.87
End Book Balance	\$ 148,249.59	\$ 22,154.22	\$ 275,159.54	\$ 24,749.15	\$ 777,234.97
o/s Checks	\$ 52,620.26	\$ 28,891.78	\$ 6,336.09	\$ -	\$ 15,839.38
Bank Adjustments	\$ -	\$ -	\$ -	\$ -	\$ -
Deposit in Transit	\$ -	\$ -	\$ -	\$ -	\$ -
Bank Balance	\$ 200,869.85	\$ 51,046.00	\$ 281,495.63	\$ 24,749.15	\$ 793,074.35
	SCHOOL ACTIVITIES TD BANK	SCHOOL ACTIVITIES JPMORGAN CHASE	TRUST & AGENCY TD BANK	TRUST & AGENCY JPMORGAN CHASE	FLUSHING BANK BOND INVESTMENT
Beginning Book Bal.	\$ 114,691.77	\$ (883.50)	\$ 245,135.31	\$ 727.34	\$ -
Deposits	\$ 75.40	\$ 19,986.77	\$ 1,141,345.94	\$ 6,996,142.57	\$ 3,001,183.78
Disbursements	\$ 1,000.00	\$ 169.00	\$ 681,454.12	\$ 6,767,101.30	\$ -
End Book Balance	\$ 113,767.17	\$ 18,934.27	\$ 705,027.13	\$ 229,768.61	\$ 3,001,183.78
o/s Checks	\$ 87.00	\$ 169.00	\$ 10,604.79	\$ 65,919.04	\$ -
Bank Adjustments	\$ -	\$ -	\$ -	\$ -	\$ -
Deposit in Transit	\$ -	\$ -	\$ -	\$ -	\$ -
Bank Balance	\$ 113,854.17	\$ 19,103.27	\$ 715,631.92	\$ 295,687.65	\$ 3,001,183.78
	CAPITAL ACCT JPMORGAN CHASE	SPP BOND JPMORGAN CHASE	SCHOLARSHIP WELLS FARGO	PAYROLL TD BANK	PAYROLL JPMORGAN CHASE
Beginning Book Bal.	\$ (2,253,773.03)	\$ 57,715,138.81	\$ 258,978.88	\$ 77,365.67	\$ -
Deposits	\$ 7,000,136.86	\$ 17,774.59	\$ 221.00	\$ 463,884.94	\$ 3,930,994.57
Disbursements	\$ 4,707,900.55	\$ 21,829,710.61	\$ -	\$ -	\$ 3,957,240.20
End Book Balance	\$ 38,463.28	\$ 35,903,202.79	\$ 259,199.88	\$ 541,250.61	\$ (26,245.63)
o/s Checks	\$ 30,676.25	\$ -	\$ 1,225.00	\$ 14,777.33	\$ 150,103.13
Bank Adjustments	\$ -	\$ -	\$ -	\$ -	\$ -
Deposit in Transit	\$ -	\$ -	\$ -	\$ -	\$ -
Bank Balance	\$ 69,139.53	\$ 35,903,202.79	\$ 260,424.88	\$ 556,027.94	\$ 123,857.50

Joan Ramirez  
District Treasurer

**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**

Name: Matthew Bialick  
Assign./Loc: Part Time Teacher Assistant/high school  
Effective Date: November 4, 2011 close of day

**(b) Leaves of Absence: Pregnancy/Maternity**

1. Name: Joanna Clancy  
Assign./Loc: Elementary Teacher/Lindell School  
Effective Dates: January 7, 2012-April 1, 2012

2. Name: Janine Riomas  
Assign./Loc: Pre K Teacher/Blackheath  
Effective Dates: January 5, 2012-February 27, 2012

3. Name: Deborah Bernardino  
Assign./Loc: School Social Worker/West School  
Effective Dates: January 28, 2012-June 30, 2012

4. Name: Laura Rathburn  
Assign./Loc: Part Time Teacher Assistant/Lido School  
Effective Dates: October 31, 2011-January 27, 2012

**(c) Amended Leave of Absence: Pregnancy/Maternity**

Name: Liza Landa  
Assign./Loc: Science Teacher/high school  
Effective Dates: October 28, 2011-January 27, 2012  
Original Dates: October 31, 2011-January 27, 2012

**1. CERTIFICATED PERSONNEL**

**(d) Leaves of Absence: Personal**

1. Name: Ellen Murphy  
Assign./Loc: Part Time Teacher Assistant/Long Beach Catholic School  
Effective Dates: October 17, 2011-January 2, 2012  
Reason: Medical
  
2. Name: Margaret Laurino  
Assign./Loc: Part Time Teacher Assistant/West School  
Effective Dates: November 11, 2011-January 31, 2012  
Reason: Medical

**(e) Rescission**

Name: Ronald Paganini  
Assignment: Assistant Varsity Boys Track Coach

**(f) Appointment: Advisors for Middle School Co-Curricular Activities 2011-2012 School Year**

MS Club	Name	\$ Stipend
<b>Co-Curricular Activity (Misc.)</b>		
1. Odyssey of the Mind grade 6	Lorraine Radice	\$3,022
2. Odyssey of the Mind grade 7	Alyssa Mazurek	\$3,022
<b>Co-Curricular Club</b>		
3. Robotics & Engineering	Michael Glasstein	\$3,022

**(g) Appointment Part Time Temporary Teacher Assistants 17.5 hours per week  
\*Subject to negotiations**

Name	Location	Certification	Grade/Step	Hourly Rate	Effective Dates	Reason
1. Rachel McShane	Middle	Students with Disabilities 7-12-Initial Social Studies	Grade II/Step 1	\$16.90	11/9/11-6/22/12	CSE replacement for Knox
2. Jeaneffe Gallagher	Middle	Initial Childhood Ed 1-6	Grade II/Step 1	\$16.90	11/9/11-6/22/12	CSE replacement for Burkhart
3. Darlene Ventre	East	Level I	Grade II/Step 1	\$16.90	11/14/11-6/22/12	Temporary Kindergarten
4. Lindsey Pessa	East	Level I	Grade II/Step 1	\$16.90	11/14/11-6/22/12	CSE replacement for Rosenthal

**1. CERTIFICATED PERSONNEL**

**(h) Appointment: Part Time Teacher (.167)**

Name: Alison Rochford  
 Assign./Loc: Part Time Teacher (.167)/Lindell School Art/Library  
 Certification: Initial Visual Arts  
 Effective Dates: November 1, 2011 -June 30, 2012 (or earlier at the district's discretion)  
 Salary Classification: .167 of BA/Step 1 (\$10,060 per annum) prorated  
 Reason: Special area coverage to reduce class size

**(i) Appointment: Interscholastic Coaches for Winter II Season 2011-2012**

<b>Middle School Winter II</b>		
<b>Coach</b>	<b>Position</b>	<b>Stipend</b>
1. John Dunne	7 <sup>th</sup> Grade Girls Basketball	\$5,578
2. Tara Wesselhoft	8 <sup>th</sup> Grade Girls Basketball	\$5,578
3. Kerri Rehnback	7 <sup>th</sup> Grade Boys Volleyball	\$4,518
4. Eric Heck	8 <sup>th</sup> Grade Boys Volleyball	\$4,518
5. John Anfossi	7/8 Wrestling Coach	\$5,604
6. Miguel Rodriguez	7/8 Wrestling Coach	\$5,604
7. James Vasaturo	Volunteer Wrestling Coach	N/A

**(j) Appointment: Interscholastic High School Coach/Winter Season 2011-12**

Name: Ian Butler  
 Activity: Assistant Varsity Boys Track Coach  
 Stipend: \$5,712

**(k) Appointment: Supervisor for the 2011-2012 School Year  
 Rate of Pay: \$61.27 per afternoon-\$78.53 per evening-\$146.05 per overnight**

Rachel Ray

**(l) Appointment: Teachers for the Spanish is Fun Afterschool Club-2011-2012 School Year-Rate of Pay-\$54.98 per hour-grant funded**

<b>Name</b>	<b>Position</b>	<b>School</b>	<b>Hours</b>
1. Diana Armada	Coordinator/Teacher	Lido	62
2. Mayela Molina	Teacher	Lido	52
3. Doris Castro	Teacher	East	52
4. Soribeth Milito	Teacher	East	52
5. Lina Onufrock	Teacher	Lindell	52

**1. CERTIFICATED PERSONNEL**

**(m) Appointment: Teacher for Before and Afterschool ESL Content and Language Program-2011-2012 School Year-Rate of Pay-\$54.98 per hour-grant funded**

	<b>Name</b>	<b>Position</b>	<b>School</b>	<b>Hours</b>
1.	Cheryl Carroll	Teacher	Lido	30
2.	Kristi Simonetti	Teacher	Lido	30
3.	Lorraine Radice	Teacher	Middle	30
4.	Nirmala Ramsaran	Teacher	High	30

**(n) Approval of Applications for Participation in Study Programs-Fall-2011-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.**

	<b>Name</b>	<b>Allocation</b>
1.	Robert Maggio	\$1,190
2.	Angela Abate Madigan	\$725
3.	Stephanie Esposito	\$720
4.	Laura Fuller	\$360
5.	Jessica Bedard	\$901
6.	Jaclyn Eiger	\$455
7.	Heather Puckhaber	\$901
8.	Lauren Behan	\$901
9.	Nancy Connor	\$901
10.	Kenneth Graham	\$1,950
11.	Glenn Gartung	\$550

**(o) Appointment: Long Beach High School Academy for the 2011-2012 school year-Rate of Pay \$73.03 per hour**

Christopher Brown

**(p) The following Per Diem Substitute Teachers are recommended for approval for the 2011-2012 school year:**

	<b>NAME</b>	<b>CERTIFICATION AREA</b>
1.	Damien Walsh	Initial Childhood Education 1-6
2.	Thomas Burke	Initial Physical Education
3.	Kyle Ochwat	Initial Social Studies 7-12 (in process)



**I. CERTIFICATED PERSONNEL**

**(q) Reclassifications:**

	<b>Name</b>	<b>Assignments</b>	<b>New Class</b>	<b>Effective Date</b>
1.	Kimberly Bowie	Elementary	MA+10	9/1/11
2.	Christianne Donohue	Physical Education	MA	9/1/11
3.	Elena Frishman	English	MA+60	9/1/11
4.	Sharon Weiss	Teacher in Charge	MA+80	9/1/11
5.	Jason Zizza	Physical Education	MA+30	9/1/11

- (r) Recommend the Board** authorize the medical examination of a staff member pursuant to Section 913 of the Education Law, in accordance with information provided to the Board; School medical inspector Dr. Seth Miller.

**2. NON CERTIFICATED PERSONNEL**

**(a) Resignation for the Purpose of Retirement**

Name: Kevin Hannon  
Assign./Loc: School Nutrition Director/Districtwide  
Effective Date: November 11, 2011 (close of day)

**(b) Leave of Absence: Pregnancy/Maternity**

Name: Pamela Griffin  
Assign./Loc: School Nurse/Lindell School  
Effective Dates: November 14, 2011-January 8, 2012

**(c) Leave of Absence: Personal**

Name: Alfredo Gomez  
Assign./Loc: Custodian/Administration Building  
Effective Dates: November 7, 2011 p.m.-Date to be determined  
Reason: family medical illness

**(d) Appointment: Part Time Building Aide**

Name: Shakeina Green  
Assign./Loc: Part Time Building Aide (17.5 hrs per week)/middle school  
Effective Dates: November 14, 2011\*  
Salary Classification: \$15.82\*\* per hour  
Grade/Step: Grade 1A/Step 1  
Reason: To meet a district need  
\*Pending OSPERA clearance  
\*\*Subject to negotiations

**(e) Appointment: Per Diem Replacement Nurse**

Name: Susan Heaphy  
Assign./Loc: School Nurse/Lindell School  
Effective Date: November 14, 2011-January 8, 2012  
Salary Classification: \$225 per day  
Reason: To replace Pamela Griffin

**(f) Appointment: Secretary for the Spanish is Fun Afterschool Club-2011-2012 School Year-Rate of Pay according to contract-grant funded**

1. Gloria Tedesco-maximum 30 hours
2. Deborah O'Connell-Substitute

2. **NON CERTIFICATED PERSONNEL**

(g) **The following Per Diem personnel are recommended for approval for 2011-2012 school year:**

<b>NAME</b>	<b>POSITION</b>
1. Charlotte Hayes	Teacher Assistant
2. Kerri Bolkcom	Teacher Assistant
3. Ethel Yarwood *Pending OSPERA clearance	Food Service Worker*
4. Juan Umana	Bus Driver
5. Derek Zurita	Bus Driver

3. **ADOPTION OF REVISED POLICY #6121: SEXUAL HARASSMENT OF DISTRICT PERSONNEL**
4. **ADOPTION OF POLICY #7551: SEXUAL HARASSMENT OF STUDENTS**
5. **APPOINTMENT OF INSURANCE BROKER OF RECORD FOR WORKERS' COMPENSATION RE-INSURANCE AND STUDENT ACCIDENT INSURANCE FOR 2012-2013**

**WHEREAS**, the Long Beach City School District (the "District") used the services of Marshall & Sterling in order to secure Workers' Compensation Re-Insurance and Student Accident Insurance for the 2011-2012 school year;

**WHEREAS**, the District would like to use the services of Marshall & Sterling in order to secure Workers' Compensation Re-Insurance and Student Accident Insurance for the 2012-2013 school year;

**BE IT RESOLVED**, that Marshall & Sterling is the District's insurance broker of record for Workers' Compensation Re-Insurance and Student Accident Insurance.

6. **APPROVAL OF SPECIAL EDUCATION AGREEMENTS**

a) **APPROVAL OF AGREEMENT WITH MILL NECK MANOR SCHOOL FOR THE DEAF**

**WHEREAS**, the Long Beach City School District ("District") desires to enter into an agreement with the Mill Neck Manor School for the Deaf ("Mill Neck") for special education services for the period of September 1, 2011 through June 30, 2012;

**BE IT RESOLVED**, that upon the recommendation of the Superintendent of Schools, the Board of Education approves the agreement with Mill Neck for special education services for the period of September 1, 2011 through June 30, 2012; and

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

6. **APPROVAL OF SPECIAL EDUCATION AGREEMENTS (cont'd)**

b) **APPROVAL OF AGREEMENT WITH DEVELOPMENTAL  
DISABILITIES INSTITUTE**

**WHEREAS**, the Long Beach City School District ("District") desires to enter into an agreement with Developmental Disabilities Institute ("DDI") for special education services for the period of July 1, 2011 through June 30, 2012;

**BE IT RESOLVED**, that upon the recommendation of the Superintendent of Schools, the Board of Education approves the agreement with DDI for special education services for the period of July 1, 2011 through June 30, 2012; and

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

7. **APPROVAL OF BUDGET TRANSFERS**

**BE IT RESOLVED** that, upon the recommendation of the Superintendent of Schools, the Board of Education approves the requested budget transfers.

8. **APPROVAL OF DISPOSITION OF OBSOLETE EQUIPMENT**

**BE IT RESOLVED** that, upon the recommendation of the Superintendent of Schools, the Board of Education authorizes the disposition of a Long Beach Middle School music office piano, Everett #001609, as it is no longer usable and unable to be repaired.

9. **ACCEPTANCE OF CHANGE ORDERS**

a) **CHANGE ORDER #1 WITH COMMERCIAL CLEARWATER  
COMPANY, INC. (3-HSP-1)**

**WHEREAS**, the Long Beach City School District ("District") has engaged Commercial Clearwater Company, Inc. ("Commercial Clearwater ") for pool systems replacement at Long Beach High School pursuant to an award on February 8, 2011; and

**WHEREAS**, the District would like to receive a credit for the unused allowance portion of the general construction contract;

9. **ACCEPTANCE OF CHANGE ORDERS**

a) **CHANGE ORDER #1 WITH COMMERCIAL CLEARWATER COMPANY, INC. (3-HSP-1)**

**THEREFORE, BE IT RESOLVED**, that upon the recommendation of the Superintendent of Schools, the Board of Education hereby accepts Change Order No. 1 to the contract with Commercial Clearwater in the amount of \$11,500.00; and

**BE IT FURTHER RESOLVED**, that the Board of Education authorizes the Chief Operating Officer to execute Change Order No. 1 to the contract with Commercial Clearwater on its behalf.

b) **CHANGE ORDER #1 WITH STRUCTURAL PRESERVATION SYSTEMS, LLC. (1-LES-5)**

**WHEREAS**, the Long Beach City School District ("District") has engaged Structural Preservation Systems, LLC ("Structural Preservation") for masonry restoration and windows at Lindell Elementary School pursuant to an award on April 13, 2010; and

**WHEREAS**, the District's architect and construction manager recommend additional grout for anode installation and veneer anchor bonding and a credit for the unused allowance portion of the contract; and

**WHEREAS**, the District's architect and construction manager recommend moving forward with this work now considering the reasonable pricing the District received from Structural Preservation;

**THEREFORE, BE IT RESOLVED**, that upon the recommendation of the Superintendent of Schools, the Board of Education hereby accepts Change Order No. 1 to the contract with Structural Preservation in the amount of \$27,334.00; and

**BE IT FURTHER RESOLVED**, that the Board of Education authorizes the Chief Operating Officer to execute Change Order No. 1 to the contract with Structural Preservation on its behalf.

9. **ACCEPTANCE OF CHANGE ORDERS (cont'd)**

c) **CHANGE ORDER #8 WITH LIPSKY ENTERPRISES, INC.  
(1-LES-1)**

**WHEREAS**, the Long Beach City School District ("District") has engaged Lipsky Enterprises, Inc. ("Lipsky ") for general construction work at Lindell Elementary School pursuant to an award on June 9, 2009; and

**WHEREAS**, the District's architect and construction manager recommend roof framing at existing drain, repair of drywall, grout cast stone reveal at entry stairs, grout jams at the cafeteria for window installation, installation of aluminum scuppers, refinishing of metal grilles and railing and a credit for screens at egress windows; and

**WHEREAS**, the District's architect and construction manager recommend moving forward with this work now considering the reasonable pricing the District received from Lipsky;

**THEREFORE, BE IT RESOLVED**, that upon the recommendation of the Superintendent of Schools, the Board of Education hereby accepts Change Order No. 8 to the contract with Lipsky in the amount of \$32,562.99; and

**BE IT FURTHER RESOLVED**, that the Board of Education authorizes the Chief Operating Officer to execute Change Order No. 8 to the contract with Lipsky on its behalf

d) **CHANGE ORDER #9 WITH LIPSKY ENTERPRISES, INC.  
(1-LES-1)**

**WHEREAS**, the Long Beach City School District ("District") has engaged Lipsky Enterprises, Inc. ("Lipsky ") for general construction work at Lindell Elementary School pursuant to an award on June 9, 2009; and

**WHEREAS**, the District's architect and construction manager recommend reinstalling the existing flue and reconstructing masonry piers ; and

**WHEREAS**, the District's architect and construction manager recommend moving forward with this work now considering the reasonable pricing the District received from Lipsky;

**THEREFORE, BE IT RESOLVED**, that upon the recommendation of the Superintendent of Schools, the Board of Education hereby accepts Change Order No. 9 to the contract with Lipsky in the amount of \$15,678.68; and

9. **ACCEPTANCE OF CHANGE ORDERS (cont'd)**

d) **CHANGE ORDER #9 WITH LIPSKY ENTERPRISES, INC.  
(1-LES-1) (cont'd)**

**BE IT FURTHER RESOLVED**, that the Board of Education authorizes the Chief Operating Officer to execute Change Order No. 9 to the contract with Lipsky on its behalf

10. **PAYMENT OF LEGAL BILLS: LEGAL SERVICES**

**BE IT RESOLVED** that, upon the recommendation of the Superintendent of Schools, the Board of Education authorizes expenditures in the amount of \$14,592.71 to the firm of Ingerman, Smith, L.L.P. for the monthly retainer and extraordinary legal services rendered during the period of September 1, 2011 through September 30, 2011.

11. **ACCEPTANCE OF THE RECOMMENDATIONS OF THE COMMITTEE  
ON SPECIAL EDUCATION**

12. **USE OF SCHOOLS**

**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/rescheduled based on building construction schedules.



Personnel

**SUBJECT: SEXUAL HARASSMENT OF DISTRICT PERSONNEL**

The Board of Education affirms its commitment to non-discrimination and recognizes its responsibility to provide for all District employees an environment that is free of sexual harassment, including sexual violence. Sexual harassment including sexual violence is a violation of law and stands in direct opposition to District policy. Therefore, the Board prohibits and condemns all forms of sexual harassment by employees, school volunteers, students, and non-employees such as contractors and vendors which occur on school grounds and at all school-sponsored events, programs and activities including those that take place at locations off school premises and in another state. Since sexual violence is a form of sexual harassment, the term "sexual harassment" as used in this policy will implicitly include sexual violence even if it not explicitly stated.

Generally, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

- a) Submission of such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment;
- b) Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individuals; and
- c) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Sexual violence is defined as physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. Sexual violence as defined by New York Penal Law includes but is not limited to acts such as:

- a) Rape;
- b) Sexual assault;
- c) Sexual battery;
- d) Sexual coercion.

The Board acknowledges that in determining whether sexual harassment has occurred the totality of the circumstances should be evaluated. The Board recognizes that sexual harassment can originate from a person of either sex against a person of the opposite or same sex, and from co-workers as well as supervisors, and from a third party such as a school visitor, volunteer, or vendor, or any other individual associated with the School District. The District will designate, at a minimum, two (2) Compliance Officers, one (1) of each gender.

(Continued)

Personnel

**SUBJECT: SEXUAL HARASSMENT OF DISTRICT PERSONNEL (Cont'd.)**

In order for the Board to enforce this policy, and to take corrective measures as may be necessary, it is essential that any employee who believes he/she has been a victim of sexual harassment in the work environment, as well as any other person who is aware of and/or who has knowledge of or witnesses any possible occurrence of sexual harassment, immediately report such alleged harassment to the District's designated Compliance Officers through informal and/or formal complaint procedures as developed by the District. Such complaints are recommended to be in writing, although verbal complaints of alleged sexual harassment will also be promptly, thoroughly and equitably investigated in accordance with the terms of this policy. In the event that the Compliance Officer is the alleged offender, the employee should report his/her complaint to the next level of supervisory authority.

Upon receipt of an informal/formal complaint (even an anonymous complaint), the District will conduct a thorough, prompt and equitable investigation of the charges. However, even in the absence of a complaint, if the District has knowledge of or reasonably should know of or suspect any occurrence of sexual harassment, the District will investigate such conduct promptly, equitably, and thoroughly. All procedures developed by the District will provide for the prompt and equitable resolution of the sexual harassment.

To the extent possible, within legal constraints, all complaints will be treated as confidentially and privately as possible. However, disclosure may be necessary to complete a thorough investigation of the charges, and any disclosure will be provided on a "need to know" basis. The Superintendent will inform the Board of Education of investigations involving findings of harassment.

Based upon the results of the investigation, if the District determines that an employee has violated the terms of this policy and/or accompanying regulations, immediate corrective action will be taken, as warranted, up to and including termination of the offender's employment in accordance with legal guidelines, District policy and regulation, the District's Code of Conduct, and the applicable collective bargaining agreement(s). Third parties (such as school volunteers, vendors, etc.) who are found to have violated this policy and/or accompanying regulations will be subject to appropriate sanctions as warranted and in compliance with law.

**Prohibition of Retaliatory Behavior (Commonly Known as "Whistle-Blower" Protection)**

The Board prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participated in the investigation of a complaint of sexual harassment. Follow-up inquiries shall be made to ensure that sexual harassment has not resumed and that all those involved in the investigation of the sexual harassment complaint have not suffered retaliation.

**Finding That Harassment Did Not Occur**

At any level/stage of investigation of alleged harassment, if a determination is made that harassment did not occur, the Compliance Officer will so notify the complainant, the alleged offender

(Continued)

Personnel

**SUBJECT: SEXUAL HARASSMENT OF DISTRICT PERSONNEL (Cont'd.)**

and the Superintendent of this determination. Such a finding does not preclude the complainant from filing an appeal pursuant to District policy or regulation and/or pursuing other legal avenues of recourse.

However, even if a determination is made that harassment did not occur, the Superintendent/designee reserves the right to initiate staff awareness and training, as applicable, to help ensure that the school community is not conducive to fostering harassment in the workplace.

In all cases, the Superintendent will inform the Board of Education of the results of each investigation involving a finding that sexual harassment did not occur.

**Knowingly Makes False Accusations**

Employees and/or students who *knowingly* make false accusations against another individual as to allegations of harassment may also face appropriate disciplinary action.

**Privacy Rights**

As part of the investigation, the District has the right to search all school property and equipment including District computers. Although rooms, desks, cabinets, lockers, computers, etc. are provided by the District for the use of students and staff, the users do not have exclusive use of these locations or equipment and should not expect that materials stored therein will be private.

**Development and Dissemination of Administrative Regulations**

Regulations have been developed for reporting, investigating and remedying allegations of sexual harassment. An appeal procedure has also be provided to address any unresolved complaints and/or unsatisfactory prior determinations by the applicable Compliance Officer(s).

Such regulations were developed in accordance with federal and state law as well as any applicable collective bargaining agreement(s).

The Superintendent/designee(s) will affirmatively discuss the topic of sexual harassment with all employees, express the District's condemnation of such conduct, and explain the sanctions for harassment. Training programs are in place for employees to help ensure awareness of the issues pertaining to sexual harassment in the workplace, and to disseminate preventative measures to help reduce such incidents of prohibited conduct. Furthermore, special training will be provided for designated supervisors and managerial employees, as may be necessary, for training in the investigation of sexual harassment complaints.

(Continued)

Personnel

**SUBJECT: SEXUAL HARASSMENT OF DISTRICT PERSONNEL (Cont'd.)**

A copy of this policy and its accompanying regulations will be available upon request and may be posted at various locations in each school building. The District's policy and regulations on sexual harassment will be published in appropriate school publications such as teacher/employee handbooks and/or school calendars.

[Ref to R9100/6122 Complaints and Grievances by Employees]

Civil Rights Act of 1991, 42 United States Code (USC) Section 1981(a)

29 Code of Federal Regulations (CFR) Section 1604.11(a)

Civil Service Law Section 75-B

Education Law Section 2801(1)

Executive Law Sections 296 and 297

Title VII of the Civil Rights Act of 1964, 42 United States Code (USC) Section 2000e et seq.

Title IX of the Education Amendments of 1972, 20 United States Code (USC) Section 1681 et seq.

34 Code of Federal Regulations (CFR) Section 100 et seq.

Original Policy 9010.2 Adopted: February 11, 1992

First Reading of Revised Policy: September 13, 2011

Second Reading of Revised Policy: October 11, 2011

Adopted: November 8, 2011

Students

**SUBJECT: SEXUAL HARASSMENT OF STUDENTS**

The Board of Education affirms its commitment to non-discrimination and recognizes its responsibility to provide for all District students an environment that is free of sexual harassment, including sexual violence. Sexual harassment including sexual violence is a violation of law and stands in direct opposition to District policy. Therefore, the Board prohibits and condemns all forms of sexual harassment by employees, school volunteers, students, and non-employees such as contractors and vendors which occur on school grounds and at all school-sponsored events, programs and activities including those that take place on a school bus at locations off school premises or those that take place in another state. Since sexual violence is a form of sexual harassment, the term, "sexual harassment" in this policy will implicitly include sexual violence even if it is not explicitly stated.

**Sexual Harassment**

Generally, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct or communication of a sexual nature when:

- a) Submission to or rejection of such sexually harassing conduct and/or communication by a student affects decisions regarding any aspect of the student's education, including participation in school-sponsored activities;
- b) Conditions exist within the school environment that allow or foster obscene pictures, lewd jokes, sexual advances, requests for sexual favors or other harassing activities of a sexual nature; and
- c) Such conduct and/or communication has the purpose or effect of substantially or unreasonably interfering with a student's academic performance or participation in an educational or extracurricular activity, or creating an intimidating, hostile or offensive learning environment; and/or effectively bars the student's access to an educational opportunity or benefit.

**Sexual Violence**

Sexual violence is defined by New York Penal Law as physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. Sexual violence includes but is not limited to acts such as:

- a) Rape;
- b) Sexual assault;
- c) Sexual battery;
- d) Sexual coercion.

(Continued)

Students

**SUBJECT: SEXUAL HARASSMENT OF STUDENTS (Cont'd.)**

A person may be unable to consent to a sexual act due to his/her age, use of drugs or alcohol or due to intellectual or other disability. In order to encourage victims of sexual violence to come forward, a District must inform students that the District's primary concern is with their safety. The school should assure victims that any broken rules or violations made by them will be addressed separately from the sexual harassment allegation. For example, victims need to know that their use of alcohol or drugs never makes them at fault for sexual violence.

The Board acknowledges that in determining whether sexual harassment has occurred the totality of the circumstances, expectations, and relationships should be evaluated including, but not limited to, the ages of the offender and the victim; the number of individuals involved; and the type, frequency and duration of the conduct. A single incident of sexual harassment may be sufficiently severe to create a hostile environment in the school and a student may experience the continuing effects from off-campus sexual harassment when in the school setting. The Board recognizes that sexual harassment can originate from a person of either sex against a person of the opposite or same sex, and from a third party such as a school visitor, volunteer, or vendor, or any other individual associated with the School District. Sexual harassment may occur from student-to-student, from staff-to-student, from student-to-staff, as well as staff-to-staff. The District will designate, at a minimum, two (2) Compliance Officers, one (1) of each gender.

In order for the Board to enforce this policy, and to take corrective measures as may be necessary, it is essential that any student who believes he/she has been a victim of sexual harassment, as well as any other person who is aware of and/or who has knowledge of or witnesses any possible occurrence of sexual harassment, should immediately report such alleged harassment. Such report shall be directed to or forwarded to the District's designated Compliance Officers through informal and/or formal complaint procedures as developed by the District. Such complaints are recommended to be in writing, although verbal complaints of alleged sexual harassment will also be promptly investigated in accordance with the terms of this policy. In the event that the Compliance Officer is the alleged offender, the report will be directed to the next level of supervisory authority.

Upon receipt of an informal/formal complaint (even an anonymous complaint), the District will conduct a prompt, equitable, and thorough investigation of the charges. However, even in the absence of a complaint, if the District has knowledge of or has reason to know of or suspect any occurrence of sexual harassment, the District will investigate such conduct promptly, equitably, and thoroughly. To the extent possible, within legal constraints, all complaints will be treated as confidentially and privately as possible. However, disclosure may be necessary to complete a thorough investigation of the charges, and any disclosure will be provided on a "need to know" basis. The Superintendent will inform the Board of Education of investigations involving findings of harassment.

(Continued)

Students

**SUBJECT: SEXUAL HARASSMENT OF STUDENTS (Cont'd.)**

Based upon the results of the investigation, if the District determines that an employee and/or student has violated the terms of this policy and/or accompanying regulations, immediate corrective action will be taken as warranted. Should the offending individual be a student, appropriate disciplinary measures will be applied, up to and including suspension, in accordance with District policy and regulation, the Code of Conduct, and applicable laws and/or regulations. Should the offending individual be a school employee, appropriate disciplinary measures will be applied, up to and including termination of the offender's employment, in accordance with legal guidelines, District policy and regulation, the Code of Conduct and the applicable collective bargaining agreement(s). Third parties (such as school volunteers, vendors, etc.) who are found to have violated this policy and/or accompanying regulations will be subject to appropriate sanctions as warranted and in compliance with law.

**Prohibition of Retaliatory Behavior (Commonly Known as "Whistle-Blower" Protection)**

The Board prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participated in the investigation of a complaint of sexual harassment. Follow-up inquiries shall be made to ensure that sexual harassment has not resumed and that all those involved in the investigation of the sexual harassment complaint have not suffered retaliation.

**Finding That Sexual Harassment Did Not Occur**

At any level/stage of investigation of alleged harassment, if a determination is made that harassment did not occur, the Compliance Officer will so notify the complainant, the alleged offender and the Superintendent of this determination. Such a finding does not preclude the complainant from filing an appeal pursuant to District policy or regulation and/or pursuing other legal avenues of recourse.

However, even if a determination is made that harassment did not occur, the Superintendent/designee reserves the right to initiate staff awareness and training, as applicable, to help ensure that the school community is not conducive to fostering harassment in the workplace.

In all cases, the Superintendent will inform the Board of Education of the results of each investigation involving a finding that sexual harassment did not occur.

**Knowingly Makes False Accusations**

Employees and/or students who *knowingly* make false accusations against another individual as to allegations of harassment may also face appropriate disciplinary action.

(Continued)

Students

**SUBJECT: SEXUAL HARASSMENT OF STUDENTS (Cont'd.)**

**Privacy Rights**

As part of the investigation, the District has the right to search all school property and equipment including District computers. Although rooms, desks, cabinets, lockers, computers, etc. are provided by the District for the use of staff and students, the users do not have exclusive use of these locations or equipment and should not expect that materials stored therein will be private.

**Development and Dissemination of Administrative Regulations**

Regulations have been developed for reporting, investigating and remedying allegations of sexual harassment. An appeal procedure has also been provided to address any unresolved complaints and/or unsatisfactory prior determinations by the applicable Compliance Officer(s).

Such regulations were developed in accordance with federal and state law as well as any applicable collective bargaining agreement(s).

The Superintendent/designee(s) will affirmatively discuss the topic of sexual harassment with all employees and students, express the District's condemnation of such conduct, and explain the sanctions for such harassment. Appropriate training and/or "awareness" programs will be established for staff and students to help ensure knowledge of and familiarity with the issues pertaining to sexual harassment in the schools, and to disseminate preventative measures to help reduce such incidents of prohibited conduct. Furthermore, special training will be provided for designated supervisors and managerial employees, as may be necessary, for training in the investigation of sexual harassment complaints.

A copy of this policy and its accompanying regulations will be available upon request and may be posted at various locations in each school building. The District's policy and regulations on sexual harassment will be published in appropriate school publications such as teacher/employee handbooks, student handbooks, and/or school calendars.

[Ref to R5311.3/7550 Complaints and Grievances by Students]  
Civil Rights Act of 1991, 42 United States Code (USC) Section 1981(a)  
Title VII of the Civil Rights Act of 1964, 42 United States Code (USC) Section 2000e et seq.  
Title IX of the Education Amendments of 1972, 20 United States Code (USC) Section 1681 et seq.  
34 Code of Federal Regulations (CFR) Section 100 et seq.  
29 Code of Federal Regulations (CFR) Section 1604.11(a)  
Civil Service Law Section 75-B  
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