

LONG BEACH PUBLIC SCHOOLS
Long Beach, NY

December 13, 2018

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
LIDO ELEMENTARY SCHOOL MULTI-PURPOSE ROOM
DECEMBER 13, 2018 – 7:30 P.M.**

AGENDA

REGULAR MEETING

7:30 PM

- I. Pledge of Allegiance/Call to Order/Opening Remarks – Board President
- II. Report of the Superintendent of Schools
 - Presentation of Certificates
 - Eagle Court of Honor - Justin Cornell
 - Presentation – Report of the Health & Safety Committee on the Traffic Study of the Lido Complex and LBHS
- III. Board of Education Comments
- IV. Student Organization Announcements
- V. Questions and Comments from the Public on Tonight's Agenda Only
- VI. Presentation of Treasurer's Report for October 2018
- VII. Approval of Minutes for Executive Sessions and Regular Meeting of November 8, and December 3, 2018
- VIII. Presentations of the Superintendent:
 1. Personnel Matters: Certificated
 2. Personnel Matters: Non-Certificated
 3. First Reading of Revised Policy #6121 – Sexual Harassment in the Workplace
 4. First Reading of Revised Policy #7522 – Concussion Management
 5. Adoption of Policy #5660 Meal Charging and Prohibition Against Meal Shaming
 6. Adoption of the Code of Conduct
 7. Adoption and Waiver of Policy #7260 Designation of Person in Parental Relation
 8. Approval of Stipulation of Settlement
 9. Approval of Lease Purchasing Agreement
 10. Approval of Lead Evaluators
 11. Award of Bid – Transportation
 12. Acceptance of Donation
 13. Approval of Disposal of Equipment Through Auction
 14. Acceptance of Recommendations of CPSE/CSE
 15. Payment of Legal Bills: Legal Services
 16. Approval of Use of Schools 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) Resignations for the Purpose of Retirement

1. Name: Barbara Lewy
Assign./Loc: Elementary Teacher/East School
Effective Date: January 1, 2019
2. Name: Susan Epstein
Assign./Loc: Special Education Teacher/LBMS
Effective Date: January 26, 2019
3. Name: Darlene Glasser
Assign./Loc: Health Teacher/LBMS
Effective Date: March 4, 2019
4. Name: Michele LaBiento
Assign./Loc: Physical Education Teacher/LBMS
Effective Date: June 30, 2019
5. Name: Denise Kim Jones
Assign./Loc: Part Time Teacher Assistant/Lindell School
Effective Date: December 31, 2018

(b) Resignation

Name: Madison Geraghty
Assign./Loc: Part Time Teacher Assistant/Lindell School
Effective Date: January 1, 2019

(c) Leaves of Absence

1. Name: Vincent Russo
Assign./Loc: Coordinator of Special Education/LBMS
Effective Dates: October 2, 2018-January 3, 2019
Reason: FMLA
2. Name: Sophie Torres
Assign./Loc: Part Time Teacher Assistant/LBMS
Effective Dates: January 14, 2019-April 1, 2019
Reason: Educational
3. Name: Madison Dodd
Assign./Loc: Part Time Teacher Assistant/Lindell School
Effective Dates: January 2, 2019-May 6, 2019
Reason: Educational

1. CERTIFICATED PERSONNEL

(d) Amended Leaves of Absence

1. Name: Kathleen Coners
Assign./Loc: Elementary Teacher/LBMS
Effective Dates: September 1, 2018-June 30, 2019
Original Dates: September 1, 2018-January 25, 2019
Reason: Child Care

2. Name: Gizelle Conroy
Assign./Loc: School Psychologist/LBCRS
Effective Dates: September 1, 2018-April 26, 2019
Original Dates: September 1, 2018-January 25, 2019
Reason: Child Care

3. Name: Kaitlyn Moorhead
Assign./Loc: Special Education Teacher/LBHS
Effective Dates: May 29, 2018-April 10, 2019
Original Dates: May 29, 2018-January 25, 2019 (on or about)
Reason: Maternity

4. Name: Sharon DiGiorgio
Assign./Loc: Part Time Teacher Assistant/Lindell School
Effective Dates: September 1, 2018-January 14, 2019
Original Dates: September 1, 2018-January 2, 2019 (on or about)
Reason: Medical

(e) Appointment: Probationary Elementary Teacher

Name: Philip Cabasino*
Assign./Loc: Probationary Elementary Teacher/Lindell School
Certification: Initial Childhood Education 1-6
Professional Early Childhood Education B-2
Effective Date: January 2, 2019
End Date: August 31, 2022**
Tenure Date: September 1, 2022
Tenure Area: Elementary
Salary Classification: MA/Step 2 (\$70,932 per annum)
Reason: To replace Barbara Lewy

**credit for time served as a regular substitute

*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.

1. **CERTIFICATED PERSONNEL**

(f) **Appointment: Probationary Special Education Teachers**

1. Name: Stephanie Mena*
Assign./Loc: Probationary Special Education Teacher/LBMS
Certification: Professional Students with Disabilities 7-12
Professional Mathematics 7-12
Professional Mathematics 5-9
Effective Date: December 17, 2018
End Date: August 31, 2022**
Tenure Date: September 1, 2022
Tenure Area: Education of Children with Handicapping Conditions
General Special Education
Salary Classification: MA/Step 1 (\$68,336 per annum)
Reason: Replacement for Lauren Moriarty

**credit for time served as a regular substitute

*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.

2. Name: Jessica Hemmerdinger*
Assign./Loc: Probationary Special Education Teacher/LBMS
Certification: Permanent Special Education
Permanent Reading
Permanent Pre K-6
Effective Date: January 28, 2019
End Date: January 27, 2022
Tenure Date: January 28, 2022**
Tenure Area: Education of Children with Handicapping Conditions
General Special Education
Salary Classification: MA+40/Step 2 (\$76,245 per annum) prorated
Reason: Replacement for Susan Epstein

**Credit for tenure in another NYS school district

*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.

1. CERTIFICATED PERSONNEL

(g) Appointment: Regular Substitute Elementary Teacher

Name: Kaysi Ward
 Assign./Loc: Regular Substitute Elementary Teacher/LBMS
 Certification: Initial Mathematics 7-12
 Mathematics 5-6 Extension (in process)
 Effective Dates: January 28, 2019-June 30, 2019 (or earlier at the district's discretion)
 Tenure Area: Mathematics
 Salary Classification: BA/Step 2 (\$64,690 per annum) prorated
 Reason: Replacement for Kathleen Coners

(h) Appointment: Per Diem School Social Worker

Name: Rachel Lonergan
 Assign./Loc: Per Diem School Social Worker/West School
 Effective Dates: November 30, 2018-January 2, 2019 (subject to change at the district's discretion)
 Rate: \$341.68 per day
 Reason: To replace Stacy Durnan

(i) Appointment Part Time Teacher Assistant 17.5 hours per week

Name	Location	Grade 1A/Step	Hourly Rate	Reason	Start
Gloria Rivas	LBHS	Grade II/Step 1	17.64	ENL	12/14/18
Maryellen Toscano	Lindell	Grade II/Step 1	17.64	IEP	12/05/18

(j) Appointment: Approval as the Supervisor for the 2018/2019 Saturday Morning Creativity Camp, with a stipend of \$3,664 (subject to sufficient enrollment and satisfactory performance):
 Lauren Kaufman

(k) Appointment: Interscholastic Coaches for the 2018/19 School Year

Coach	Position	Stipend
Daniel Vaeth	MS Track 7/8	\$4,912 prorated
Kerri Puckhaber	Varsity Girls Lacrosse Assistant	\$6,575
Keri Rehnback	Varsity Softball Assistant	\$6,093
Frank Lettieri	JV Softball	\$7,089

***rescind Casey Fee**

1. CERTIFICATED PERSONNEL

- (l) **Appointment: Athletic Supervisor for the 2018-2019 School Year**
Rate of Pay: \$63.28 per afternoon-\$81.10 per evening-\$150.86 per overnight

Michael Alcivar

- (m) **The following Per Diem Substitute Teachers are recommended for approval for the 2018-2019 school year**

NAME	CERTIFICATION AREA
Abigail Ross	Initial Physical Education
Florentina Celis	Initial Childhood Education 1-6 (in process)
Georgia Cohen	Permanent Pre K-6
	Permanent Spanish 7-12
Darlene Impenna	Permanent N-6
	Permanent Reading
Helen Damashak Levine	Permanent English 7-12
Bess Zaffuto	Permanent Art

- (n) **Approval of Applications for Participation in Study Programs-Winter/Spring 2019-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. Michele Root	\$1,750	7. Mary Miller	\$ 763
2. Ann Marie Pulice	\$1,750	8. Cornelius	\$1,750
3. RoseAnn Malizia	\$1,620	9. Justin Sulsky	\$1,375
4. Shannon Ambury	\$1,180	10. Lauren Andersen	\$1,750
5. Danielle Lopez	\$ 150	11. Crysti Busching	\$ 945
6. Nilka McDonnell	\$ 300		

- (o) **BE IT RESOLVED**, the Board of Education approves the Memorandum of Agreement between the negotiating representatives of the Long Beach Public Schools and the Long Beach Classroom Teachers Association, dated December 7, 2018.
- (p) **BE IT RESOLVED**, the Board of Education approves the Memorandum of Agreement between the negotiating representatives of the Long Beach Public Schools and the Ester Pascal, dated December 10, 2018.

2. NON CERTIFICATED PERSONNEL

(a) Resignations for the Purpose of Retirement

Name: Jose Lopez
Assign./Loc: Cleaner/Lido/Middle School Complex
Effective Date: January 4, 2019 close of day

(b) Resignations

1. Name: Linda Aebly
Assign./Loc: Part Time Bus Matron/Transportation Department
Effective Date: November 23, 2018
2. Name: Jill Romano
Assign./Loc: Bus Driver/Transportation Department
Effective Date: November 13, 2018
3. Name: Elizabeth Ohl
Assign./Loc: Part Time Teacher Aide/LBMS
Effective Date: December 7, 2018 close of day
4. Name: Arturo Purizaca
Assign./Loc: Bus Driver/Transportation Department
Effective Date: December 11, 2018 close of day

(c) Leaves of Absence

1. Name: Gail Donenfeld
Assign./Loc: Secretary I/East School
Effective Dates: November 21, 2018-February 15, 2019 (or earlier at the district's discretion)
Reason: Catastrophic and FMLA
2. Name: Mary Elizabeth Stark
Assign./Loc: Data Administrator/Human Resources
Effective Dates: November 13, 2018-January 1, 2019
Reason: FMLA (Intermittent)
3. Name: Joanne Rea
Assign./Loc: Bus Driver/Transportation Department
Effective Dates: December 3, 2018-March 13, 2019 (on or about)
Reason: Family illness and FMLA

2. NON CERTIFICATED PERSONNEL

(d) Appointment: Full Time School Nurse

Name: Megan Alrwick
 Assign./Loc.: Full Time School Nurse/Long Beach Catholic Regional School
 Effective Date: November 30, 2018
 Probationary End Date: November 29, 2022
 Salary Classification: \$43,016 per annum
 Step: Step 1
 Reason: To replace Marilyn Pensabene

(e) Appointment: Part Time Food Service Worker (12.5 hours per week)

Name: Christina Ward
 Assign./Loc.: Part Time Food Service Worker/Lindell School
 Effective Date: December 13, 2018
 Salary Classification: \$12.50 per hour
 Grade/Step: Grade I/Step 1
 Reason: To replace Mary O'Farrell who has moved to LBHS

(f) Appointment Part Time Teacher Aides 17.5 hours per week start date through June 23, 2017 (or earlier at the district's discretion). Rate according to contract.

Name	Location	Grade 1A/Step	Hourly Rate	Reason	Start
1. Angela Bryant	Lido	Grade 1A/Step 3	17.91	IEP	11/28/18
2. Erin O'Reilly	West	Grade 1A/Step 1	16.50	IEP	11/26/18
3. Barbara Marlin	West	Grade 1A/Step 1	16.50	IEP	11/26/18
4. Somone Merchant	East	Grade 1A/Step 1	16.50	IEP	11/26/18
5. Jennifer Matteo	East	Grade 1A/Step 1	16.50	IEP	11/26/18
6. Erika Carroll	East	Grade 1A/Step 1	16.50	IEP	11/26/18
7. Jaylon Vega	LBHS	Grade 1A/Step 1	16.50	IEP	11/26/18
8. Devona Nellums	East	Grade 1A/Step 1	16.50	IEP	12/03/18
9. Desiree Reilly	West	Grade 1A/Step 1	16.50	504	12/10/18
10. Margaret Holland	West	Grade 1A/Step 1	16.50	IEP	01/02/19

(g) Recommended Action: Approval of the 2018/2019 Saturday Morning Creativity Camp as follows (subject to sufficient enrollment and satisfactory performance):

Instructor	Hours	Rate Per Hour	Maximum
1. Joyce Petrasino	18	40.00	720.00
2. Natasha Korzniewski	18	40.00	720.00
3. Nicole Rosenberg	18	40.00	720.00
4. Kelsey Dass	18	40.00	720.00
5. Cara Pues	18	40.00	720.00
6. Patricia Castellani	18	40.00	720.00
7. Catherine Dara	18	40.00	720.00

2. NON CERTIFICATED PERSONNEL

- (h) **The following person is recommended to be employed in the New York State Education Department's funded Adult Education Programs and TSAC Program dependent upon funding, funding requirements and satisfactory performance for 2018-2019.**
Support Staff

<u>Name</u>	<u>Pay Code</u>	<u>Rate per hour</u>	<u>Total Hours</u>	<u>Total</u>
Katherine Leggio	A-6	\$19.33	330	\$6,345.90

- (i) **The following Per Diem Substitute is recommended for approval for the 18/19 school year.**

<u>Name</u>	<u>Position</u>
Cassandra Stegman	Teacher Assistant

- (j) **BE IT RESOLVED** that the Board of Education authorizes the Superintendent of Schools to approve the substitute rate change as follows:

<u>Position</u>	<u>Current Rate</u>	<u>Proposed Rate</u>
Building Aide	\$11.00	\$12.00
Bus Aide	\$11.00	\$12.00
Food Service Worker	\$11.00	\$12.00
Lunch Aide	\$11.00	\$12.00
Teacher Assistant	\$11.00	\$12.00
Teacher Aide	\$11.00	\$12.00
Clerical	\$11.96	\$12.00

As per NYS Department of Labor Minimum Wage increase effective December 31, 2018

- (k) **Recommend** that the Board of Education of the Long Beach Public Schools hereby authorizes the Superintendent of Schools to amend the terms and conditions of employment for the following staff member.

Name
Mary Elizabeth Stark

- (l) **BE IT RESOLVED**, the Board of Education of the Long Beach Public Schools hereby approves an agreement reached by the School District and the Long Beach School Employees Association for an employee discussed in executive session dated November 19, 2018

- (m) **BE IT RESOLVED**, the Board of Education of the Long Beach Public Schools hereby approves an agreement reached by the School District and the Long Beach School Employees Association for an employee discussed in executive session dated November 15, 2018

3. **FIRST READING OF REVISED POLICY #6121 – SEXUAL HARASSMENT IN THE WORKPLACE**
4. **FIRST READING OF REVISED POLICY #7522 – CONCUSSION MANAGEMENT**
5. **ADOPTION OF REVISED POLICY #5660 MEAL CHARGING AND PROHIBITION AGAINST MEAL SHAMING**
6. **ADOPTION OF THE CODE OF CONDUCT**
7. **APPROVAL OF WAIVER AND ADOPTION OF POLICY #7260 DESIGNATION OF PERSON IN PARENTAL RELATION**

WHEREAS, it is the customary practice of the Board of Education to have three readings of a policy prior to its adoption; and

WHEREAS, the Board wishes to adopt required revisions to the Designation of Person in Parental Relations Policy on an expedited basis so that such policy will be effective immediately;

THEREFORE, BE IT RESOLVED that the Board of Education hereby waives the Board's customary practice of three readings prior to the adoption of the revised policy and adopts the Designation of Person in Parental Relations Policy, incorporated by reference in the minutes of this meeting, after discussion and reading at one Board meeting.

8. APPROVAL OF STIPULATION OF SETTLEMENT

BE IT RESOLVED, that the Board of Education of the Long Beach Public Schools hereby approves the terms and conditions of the Stipulation of Settlement resolving a certain matter between the District and the parents of a youngster classified by the District's CSE and identified by student number 880005; and

BE IT FURTHER RESOLVED, that the Board of Education authorizes the President of the Board to execute the Stipulation of Settlement as approved on the Board's behalf.

9. APPROVAL OF LEASE PURCHASE AGREEMENT FOR THE PURPOSE OF FINANCING CAPITAL IMPROVEMENTS IN CONNECTION WITH AN ENERGY PERFORMANCE CONTRACT

WHEREAS, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, have been performed; and

WHEREAS, the City School District of the City of Long Beach, Nassau County, New York (the "School District") has heretofore entered into an energy performance contract (the "EPC") with Honeywell International, Inc. ("Honeywell"), which EPC was not executory until approval by the State Commissioner of Education, which has since been granted, for the installation and upgrade of certain equipment, including lighting retrofit/replacement, lighting controls, solar photovoltaic systems installation, energy

management system upgrades, building envelope and roof replacement improvements, heating system improvements, and other energy efficiency improvements as further described in the Scope of Work attached to said EPC, including original equipment, machinery, apparatus, appurtenances and incidental improvements and expenses in connection therewith for a total maximum estimated cost, of not to exceed \$14,395,000 (the "Project"); and

WHEREAS, to finance the cost of the Project, the School District determined to seek proposals from parties interested in acting as lessor in a fifteen year energy performance contract lease purchase agreement as authorized and defined under Article 9 of the Energy Law, and Section 109-b of the General Municipal Law with lease payments to be made on a semi-annual basis; and

WHEREAS, the School District has solicited proposals by written request for the financing of the Project and, as a result thereof, has determined to select Signature Public Funding Corp. (the "Lessor") to undertake the financing of the Project; and

WHEREAS, the School District has received the requisite approvals of the State Department of Education for the Project; and

WHEREAS, it is now desired to approve the financing of this Project, at a maximum estimated cost of \$14,395,000 and to authorize execution of an equipment lease purchase agreement ("LPA") with the Lessor;

NOW, THEREFORE, BE IT RESOLVED, that upon the recommendation of the Superintendent of Schools, the Board of Education hereby accepts the following:

Section 1. The Board of Education hereby accepts the proposal of Signature Public Funding Corp. to serve as Lessor, and approves of said Lessor to serve as the provider of financing in the amount of \$14,395,000 (the "Principal Amount") at an interest rate of 3.37 per centum per annum for the aforescribed Project as Lessor of the LPA therefor, subject to counsel approval of all documentation in connection therewith.

Section 2. The School District hereby determines that it has critically evaluated the financing alternatives available to it pursuant to the requirements of Title 2 Part 39 of the New York Codes, Rules and Regulations ("NYCRR") Section 39.2 and that entering into the LPA and financing the Project thereby is in the best interests of the School District as the LPA results in a lower overall cost thereof to the School District.

Section 3. The aggregate original principal amount of the LPA shall not exceed the Principal Amount and shall bear interest as set forth in the LPA and the LPA shall contain such options to purchase the Project by the School District as set forth therein.

Section 4. In accordance with paragraph (f) of subdivision 2 of Section 109-b of the General Municipal Law, the School District's obligation under the LPA shall be subject to annual appropriation by the Board of Education of the School District as set forth in the LPA and the School District's obligation under the LPA shall not constitute a general obligation of the School District nor constitute indebtedness under the Constitution or laws of the State of New York.

Section 5. It is hereby determined that the Project is a class of objects or purposes described in subdivision 97 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said class of objects or purposes is thirty years. This determination shall be conclusive upon the effective date of the LPA. Pursuant to paragraph 1 of Section 9-103 of the Energy Law of the State of New York, the School District is authorized to enter into energy performance contracts of up to thirty-five years duration, limited by the reasonably expected useful life of the object or purpose subject to such energy performance contract, and pursuant to Title 8, Part 155 of NYCRR, Section 155.20, the School District is authorized to enter energy performance contracts of not to exceed the lesser of eighteen years or the useful life of the equipment being installed.

Section 6. It is therefore hereby further determined the term of the LPA authorized by this resolution will be less than eighteen years, which is less than the reasonably expected aggregate average useful life of the objects or purposes subject to the EPC and does not exceed the term of the EPC in accordance with the requirements of Education Law Section 3602(6)(i)(5)(i).

Section 7. The President of the Board of Education as chief fiscal officer of the School District, is hereby authorized, on behalf of the School District, to execute an LPA with the Lessor in a form reviewed and approved by counsel to the School District in order to finance the Project described in the preambles hereof substantially in the form attached hereto as Exhibit A and hereby made a part hereof. The President of the Board of Education is hereby further authorized to execute and deliver such additional documents, certificates, undertakings, agreements or other instruments as the President of the Board of Education, with advice of counsel, may deem necessary or appropriate in connection therewith and do and cause to be done any and all acts and things necessary or appropriate for carrying out the transaction contemplated hereby.

Section 8. The President of the Board of Education is hereby further authorized, with the advice of counsel, to execute and deliver such agreements with a bank or trust company located and authorized to do business in New York State and in a form reviewed and approved by counsel for the School District to serve as escrow agent for the proceeds of the LPA, including amendments thereto, as may be necessary, in order to effectuate the financing of the Project.

Section 9. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the Project described herein.

Section 10. This resolution shall take effect immediately.

10. 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 2018-2019 school year:

Jennifer Gallagher	Michele Natali	Jennifer Pullara	Andrew Smith
Ayesha McArthur	Deborah Lovrich	Karen Sauter	Jeffrey Myers
Kerry Fallon	Brenda Young	Cristine Zawatson	Julia Lang-Shapiro
Arnie Epstein	Sabrina Brancaccio	Paul Romanelli	Amy Dirolf
Francine Newman	Kathleen Connolly	Keith Biesma	Lorie Beard
Christopher Webel	Theresa Scudiero	Peter Russo	Patrick Kiley-Rendon
Lorraine Radice	Kimberley Liguori	Serena Whitfield	Maria Vasquez-Wright
Sharon Weiss	Sarah Kugelman	Evelyn Daza	Elizabeth Walsh-Bulger

11. AWARD OF BID – TRANSPORTATION

WHEREAS, the Board of Education of the Long Beach City School District solicited bids for additional transportation services and received the following bids in response thereto:

First Student-\$2,700 – Grace Christian Academy

We- \$7,299 – IVDU and \$4,488 – Solomon Schechter

Baumann - \$8,066 – BOCES – Seamen's Neck

Guardian, Independent, Suburban, Veterans, Acme and Dell-No Bids

WHEREAS, upon review and consideration of each of the foregoing bids, and based on the recommendation of the District's Assistant Superintendent for Finance and Operations, the Board has determined that First Student, We, and Baumann are the lowest responsible bidders meeting the bid specifications; now, therefore,

BE IT RESOLVED that the Board of Education hereby awards said contract to First Student, We, and Baumann, as the lowest responsible bidders meeting the bid specifications pursuant to Section 103 of the General Municipal Law, and hereby authorizes the Assistant Superintendent for Finance and Operations to execute said contract on behalf of the Board, in accordance with the bid specifications.

12. ACCEPTANCE OF DONATION

BE IT RESOLVED, that upon the recommendation of the Superintendent of Schools, the Board of Education accepts the donation of \$5,382 towards the funding of the Long Beach Middle School Frost Valley trip.

13. APPROVAL OF DISPOSAL OF OBSOLETE EQUIPMENT THROUGH AUCTION

BE IT RESOLVED, that upon the recommendation of the Superintendent of Schools, the Board of Education approves the disposal of an obsolete Haas TL2 Lathe Machine and an obsolete Haas TM2 Milling Machine, formerly used in the LBHS's metal and auto shops, through sale at auction with a potential income value of up to \$40,000.

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

15. APPROVAL OF PAYMENT OF LEGAL BILLS: LEGAL SERVICES

A) INGERMAN SMITH, LLP

BE IT RESOLVED, that upon the recommendation of the Superintendent of Schools, the Board of Education authorized expenditures in the amount of \$1,226.25 to Ingerman Smith, LLP for extraordinary legal services rendered during the period of October 1 through October 31, 2018.

B) FRAZER & FELDMAN

BE IT RESOLVED, that upon the recommendation of the Superintendent of Schools, the Board of Education authorized expenditures in the amount of \$27,569.17 for extraordinary legal services for the period of August 1 through August 31, 2018, and \$21,756.80 for the month of September, \$2,975 for the monthly retainer for December 2018 and \$257.18 for legal services for the Department of Justice response to Frazer & Feldman.

C) THOMAS VOLZ, LLC

BE IT RESOLVED, that upon the recommendation of the Superintendent of Schools, the Board of Education authorized expenditures in the amount of \$6,500 for the monthly retainers for September and October, \$2,823.50 for extraordinary legal services rendered during the period of September 1 through September 30, 2018 and \$922.50 for extraordinary legal services for the period of October 1 through October 31, 2018.

16. 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 schedules.

APPLICATIONS FOR USE OF SCHOOLS

<u>Organization</u>	<u>Purpose</u>	<u>Facility Requested</u>	<u>Date Requested</u>
Iconic Dance Studio	Dance Recital	LBHS Auditorium, 2 classrooms or dressing room	Saturday, June 22, 2019 9 AM -4:30 PM
Camp Invention	Camp	LBHS Rooms 360-365, 357, 346, 347, Cafeteria, Athletic Field 6	July 8 – July 19, 2019 Monday – Friday 8:30 AM – 4:00 PM
Long Beach/Lido Beach Little League	Baseball/softball practice	West School Gym	Feb 25 – June 22, 2019 Tuesdays & Thursdays 6:00 PM – 9:30 PM
LBFC, Inc.	Travel Soccer Program	East School Gym	Nov. 26, 2018 through March 31, 2019 Mondays 6:00 PM – 9:30 PM
		Lido School Gym	Jan 2 – March 13, 2019 Wednesdays 6:00 PM – 9:30 PM

Personnel

SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE

The District is committed to maintaining a discrimination-free work environment. Sexual harassment is one form of workplace discrimination. This policy addresses sexual harassment in the workplace and is one component of the District's commitment to a discrimination-free work environment. The District will provide this policy to all employees in writing. The District will post this policy on our website and available in each district building.

Sexual harassment is a form of employee misconduct, a violation of District policy, and unlawful. Employees of every level who engage in sexual harassment, including supervisory personnel who engage in sexual harassment, who knowingly allow such behavior to continue, or fail to report suspected sexual harassment will be subject to remedial and/or disciplinary action by the District. Harassers may also be individually subject to liability. Sexual harassment may also subject the District to liability for harm to targets of sexual harassment.

This policy applies to all instances of sexual harassment perpetrated against a "covered person," regardless of immigration status, by anyone in the workplace, including a co-worker, supervisor, or third-party such as a non-employee, paid or unpaid intern, vendor, building security, visitor, volunteer, parent, or student. For purposes of this policy, a "covered person" includes:

- a) Employees;
- b) Applicants for employment;
- c) Paid or unpaid interns; and
- d) Non-employees, which include anyone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or other person providing services pursuant to a contract in the workplace.

Sexual harassment in the workplace can occur between any individuals, regardless of their sex or gender. Unlawful sexual harassment is not limited to the physical workplace itself. Sexual harassment can occur on school grounds, school buses or District vehicles, and at school-sponsored events, programs, or activities, including those that take place at locations off school premises. It can also occur while employees are traveling for District business. Calls, texts, emails, and social media usage can constitute unlawful workplace harassment, even if they occur away from school grounds, on personal devices, or during non-work hours.

What Constitutes Sexual Harassment

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity, and the status of being transgender.

(Continued)

Personnel

SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex when:

- a) 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, even if the reporting individual is not the intended target of the sexual harassment;
- b) Such conduct is made either explicitly or implicitly a term or condition of employment; or
- c) Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.

A sexually harassing hostile work environment includes, but is not limited to, words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation or which interfere with the recipient's job performance.

Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called "quid pro quo" harassment.

Any covered person who feels harassed should report the conduct so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.

Examples of Sexual Harassment

The following describes some actions that may constitute unlawful sexual harassment and that are strictly prohibited:

- a) Physical acts of a sexual nature, such as:
 1. Touching, pinching, patting, kissing, hugging, grabbing, brushing against another person's body or poking another person's body; and
 2. Rape, sexual battery, molestation or attempts to commit these assaults.
- b) Unwanted sexual advances or propositions, such as:

(Continued)

Personnel

SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)

1. Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion or other job benefits or detriments; and
2. Subtle or obvious pressure for unwelcome sexual activities.
- c) Sexually oriented gestures, noises, remarks or jokes, or comments about a person's sexuality or sexual experience, which create a hostile work environment.
- d) Sex stereotyping, which occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.
- e) Sexual or discriminatory displays or publications anywhere in the workplace, such as pictures, posters, calendars, graffiti, objects, promotional material, reading materials, or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
- f) Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity, and the status of being transgender, such as:
 1. Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
 2. Sabotaging an individual's work; and
 3. Bullying, yelling, or name-calling.

Prohibition of Retaliatory Behavior (Whistle-Blower Protection)

Unlawful retaliation can be any action that could discourage a covered person from coming forward to make or support a sexual harassment claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence outside of work hours).

The District prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participate in the investigation of a complaint of sexual harassment. Such retaliation is unlawful under federal, state, and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in "protected activity." Protected activity occurs when a person has:

- a) Made a complaint of sexual harassment, either internally or with any anti-discrimination agency;

(Continued)

Personnel

SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)

- b) Testified or assisted in a proceeding involving sexual harassment under the Human Rights Law or other anti-discrimination law;
- c) Opposed sexual harassment by making a verbal or informal complaint of harassment to a supervisor, building principal, other administrator, or the Civil Rights Compliance Officer (Title IX Officer);
- d) Reported that another employee has been sexually harassed; or
- e) Encouraged a fellow employee to report harassment.

Even if the alleged harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful.

The retaliation provision is not intended to protect persons making intentionally false charges of harassment.

Reporting Sexual Harassment

Preventing sexual harassment is everyone's responsibility. The District cannot prevent or remedy sexual harassment unless it knows about it. Any covered person who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to a supervisor, building principal, other administrator, or the Title IX Officer. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior.

Reports of sexual harassment may be made verbally or in writing. A form for submission of a written complaint is posted on the District website, and all covered persons are encouraged to use this attached complaint form. Persons who are reporting sexual harassment on behalf of another person should use the complaint form and note that it is being submitted on another person's behalf.

Any person who believes they have been a target of sexual harassment may also seek assistance in other available forums, as explained below in the section on Legal Protections.

Supervisory Responsibilities

All supervisors, building principals, and other administrators who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior or for any reason suspect that sexual harassment is occurring, are required to report such suspected sexual harassment to the Title IX officer. In the event the Title IX officer is the alleged harasser, the report will be directed to another Title IX officer, if the District has designated another individual to serve in that capacity, or to the Superintendent.*

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Personnel

SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)

In addition to being subject to discipline if they engage in sexually harassing conduct themselves, supervisors, building principals, and other administrators will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.

Supervisors, building principals, and other administrators will also be subject to discipline for engaging in any retaliation.

Investigating Complaints

All complaints or information about sexual harassment will be investigated, whether that information was reported in verbal or written form. Investigations will be conducted in a timely manner, and will be confidential to the extent possible.

An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough, commenced immediately and completed as soon as possible. The investigation will be kept confidential to the extent possible. Disclosure may, however, be necessary to complete a thorough investigation of the charges and/or notify law enforcement officials. All persons involved, including complainants, witnesses, and alleged harassers will be accorded due process, as outlined below, and in accordance with any applicable collective bargaining agreements to protect their rights to a fair and impartial investigation.

The District will not tolerate retaliation against anyone who files complaints, supports another's complaint, or participates in an investigation regarding a violation of this policy.

While the process may vary from case to case, investigations should be done in accordance with the following steps:

- a) Upon receipt of a complaint, the Title IX Officer will conduct an immediate review of the allegations, and take any interim actions (e.g., instructing the respondent to refrain from communications with the complainant), as appropriate. In the event that the Title IX Officer is the alleged harasser, the complaint will be directed to another Title IX Officer or District designee for investigation.
- b) If a complaint is verbal, encourage the individual to complete the complaint form, which is available on the District website, in writing. If he or she refuses, prepare a complaint form based on the verbal reporting.
- c) If documents, emails, or phone records are relevant to the investigation, take steps to obtain and preserve them.
- d) Request and review all relevant documents, including all electronic communications.

(Continued)

Personnel

SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)

- e) Interview all parties involved, including any relevant witnesses. If a student is involved, the District will follow all applicable District policies and procedures regarding questioning students.
- f) Create written documentation of the investigation (such as a letter, memo or email), which contains the following:
 - 1. A list of all documents reviewed, along with a detailed summary of relevant documents;
 - 2. A list of names of those interviewed, along with a detailed summary of their statements;
 - 3. A timeline of events;
 - 4. A summary of prior relevant incidents, reported or unreported; and
 - 5. The basis for the decision and final resolution of the complaint, together with any corrective action(s).
- g) Keep the written documentation and associated documents in a secure and confidential location.
- h) Promptly notify the individual who reported and the individual(s) about whom the complaint was made of the final determination and implement any corrective actions identified in the written document.
- i) Inform the individual who reported of the right to file a complaint or charge externally as outlined in the next section.

If an investigation reveals that discrimination or harassment has occurred, the District will take immediate corrective action as warranted. This action will be taken in accordance with applicable laws and regulations, as well as any and all relevant codes of conduct, District policies and administrative regulations, collective bargaining agreements, and/or third-party contracts.

Annual Training

The District will provide a sexual harassment prevention training program to all employees on an annual basis. The training will be interactive and will include:

- a) An explanation of sexual harassment consistent with guidance issued by the Department of Labor in consultation with the Division of Human Rights;
- b) Examples of conduct that would constitute unlawful sexual harassment;

(Continued)

Personnel

SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)

- c) Information concerning the federal and state statutory provisions concerning sexual harassment and remedies available to victims of sexual harassment;
- d) Information concerning employees' rights of redress and all available forums for adjudicating complaints; and
- e) Information addressing conduct by supervisors and any additional responsibilities for such supervisors.

Legal Protections and External Remedies

Sexual harassment is not only prohibited by the District but is also prohibited by state, federal, and, where applicable, local law.

Aside from the District's internal process, individuals may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, an individual may seek the legal advice of an attorney.

In addition to those outlined below, individuals may have additional legal protections.

State Human Rights Law (HRL)

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to all employers in New York State with regard to sexual harassment, and protects covered persons, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court.

Complaints with DHR may be filed any time within one year of the harassment. If an individual did not file with DHR, they can sue directly in state court under the HRL, within three years of the alleged sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to the District does not extend your time to file with DHR or in court. The one year or three years is counted from the date of the most recent incident of harassment.

Individuals do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual harassment is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying of monetary damages, attorney's fees and civil fines.

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Personnel

SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. Individuals may call (718) 741-8400 or visit: www.dhr.ny.gov.

Contact DHR at (888) 392-3644 or visit dhr.ny.gov/complaint for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

Civil Rights Act of 1964

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 USC § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An individual alleging discrimination at work can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at www.eeoc.gov or via email at info@eeoc.gov.

If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

Title IX

Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex in any federally funded education program or activity. The U.S. Department of Education's Office for Civil Rights (OCR) enforces Title IX of the Education Amendments of 1972.

For more information about how to file a complaint, contact OCR at 800-421-3481 (TDD 800-877-8339) or visit: <https://www2.ed.gov/about/offices/list/ocr/docs/howto.html>. The website contains information about filing the complaint online, by mail, or by email.

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Personnel

SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)Local Protections

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists.

Local Police Department

If the harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Employees have the right to contact the local police department as well.

Title VII of the Civil Rights Act of 1964, 42 USC § 2000e et seq.

Title IX of the Education Amendments of 1972, 20 USC § 1681 et seq.

29 CFR § 1604.11(a)

34 CFR Subtitle B, Chapter I

Civil Service Law § 75-B

Executive Law Article 15

Labor Law § 201-g

NOTE: Refer also to Policies #3420 -- Non-Discrimination and Anti-Harassment in the District
#6122 -- Employee Grievances
#7551 -- Sexual Harassment of Students

First Reading of Revised Policy: December 13, 2018

SEXUAL COMPLAINT FORM

Long Beach School District

New York State Labor Law requires all employers to adopt a sexual harassment prevention policy that includes a complaint form for employees to report alleged incidents of sexual harassment.

If you believe that you have been subjected to sexual harassment, you are encouraged to complete this form and submit it to Title IX officers, Dr. Michele Natali or Mr. Michael DeVito via email, interoffice mail or in person. Once you submit this form, your employer must follow its sexual harassment prevention policy and investigate any claims.

If you are more comfortable reporting verbally or in another manner, your employer is still required to follow its sexual harassment prevention policy by investigating the claims as outlined at the end of this form.

For additional resources, visit: ny.gov/combating-sexual-harassment

COMPLAINANT INFORMATION

Name:

Home Address:

Work Address:

Home Phone:

Work Phone:

Job Title:

Email:

Select Preferred Communication Method:

(please select one)

SUPERVISORY INFORMATION

Immediate Supervisor's Name:

Title:

Work Phone:

Work Address:

COMPLAINT INFORMATION

1. Your complaint of Sexual Harassment is made against:

Name:

Title:

Work Address:

Work Phone:

Relationship to you: Supervisor Subordinate Co-Worker Other

2. Please describe the conduct or incident(s) that is the basis of this complaint and your reasons for concluding that the conduct is sexual harassment. Please use additional sheets of paper if necessary and attach any relevant documents or evidence.

3. Date(s) sexual harassment occurred:

Is the sexual harassment continuing? Yes No

4. Please list the name and contact information of any witnesses or individuals that may have information related to your complaint:

The last two questions are optional, but may help facilitate the investigation.

5. Have you previously complained or provided information (verbal or written) about sexual harassment at the Long Beach School District? If yes, when and to whom did you complain or provide information?

Employees that file complaints with their employer might have the ability to get help or file claims with other entities including federal, state or local government agencies or in certain courts.

6. Have you filed a claim regarding this complaint with a federal, state or local government agency?
Yes No

Have you instituted a legal suit or court action regarding this complaint?
Yes No

Have you hired an attorney with respect to this complaint?
Yes No

I request that Long Beach School District investigate this complaint of sexual harassment in a timely and confidential manner as outlined below, and advise me of the results of the investigation.

Signature:

Date:

Adoption of this form does not constitute a conclusive defense to charges of unlawful sexual harassment. Each claim of sexual harassment will be determined in accordance with existing legal standards, with due consideration of the particular facts and circumstances of the claim, including but not limited to the existence of an effective anti-harassment policy and procedure.

Non-Instructional/Operations

SUBJECT: CONCUSSION MANAGEMENT POLICY

~~— Pursuant to Section 305 of the education law and Section 206 of the public health law, the NYS Senate and Assembly passed the “Concussion Management and Awareness Act” [to amend the education law and the public health laws] directing the commissioners to establish rules and regulations for the treatment and monitoring of students of school districts who suffer mild traumatic brain injuries.~~

The Board of Education of the Long Beach Public School District recognizes that concussions and brain traumas injuries are commonly reported injuries in children and adolescents who participate in interscholastic sports, intramural sports and physical education classes. Therefore, the District adopts the following policy to support the proper evaluation and management of brain traumas injuries

Concussion is a mild traumatic brain injury. Concussion occurs when normal brain functioning is disrupted by a blow or jolt to the head. Recovery from concussion will vary. Avoiding re-injury and over-exertion until fully recovered are the cornerstones of proper concussion management.

1. The District will establish a concussion management team (CMT). The CMT will consist of the Athletic Director, a school nurse, the school physician, ~~a coach of an interscholastic team~~, an athletic trainer or such other appropriate personnel as designated by the Superintendent.
2. The District’s CMT will oversee the implementation of ~~the~~ Concussion Management and Awareness Act in the School District, including but not limited to, coordination of mandatory training for all coaches, physical education teachers, nurses and athletic trainers ~~that~~ who work with and provide instruction to students engaged in school sponsored athletic activities relating to mild traumatic brain injuries. Training will include: signs and symptoms of concussions, post concussion and second impact syndromes, return to activity, school protocols, and available area resources for concussion management and treatment. The CMT shall establish and implement a program which provides information on mild traumatic brain injuries to parents and guardians throughout each school year.

Non-Instructional Operations

SUBJECT: CONCUSSION MANAGEMENT POLICY (continued)

While district staff will exercise reasonable care to protect students, brain traumas injuries may still occur. Physical education teachers, coaches, athletic trainers, nurses and other appropriate staff will receive training to recognize the signs, symptoms and behaviors consistent with a concussion. Any student believed to have sustained a concussion or who is exhibiting those signs, symptoms, or behaviors while participating in a school sponsored class, extracurricular activity, or interscholastic athletic activity shall immediately be removed from the game or activity and be evaluated as soon as possible by an appropriate health care professional. The school nurse/ physical education teacher/coach will notify the student's parents or guardians and recommend appropriate monitoring to parents or guardians. The CMT will act as a liaison for any student returning to school and/or athletic activity following a concussion. If there is any doubt whether a student has sustained a brain trauma, the injury will be treated as a concussion, until proven otherwise.

3. If a student sustains a concussion at a time other than when engaged in a school-sponsored activity, the district expects the parent/legal guardian to report the condition to the nurse/coach/teacher so that the district can support the appropriate management of the condition.

4. No student shall return to physical activity while experiencing symptoms consistent with those of a brain trauma and shall not return to physical activity until evaluated and released by an appropriate health care professional. Regardless of such evaluation, the school's chief medical officer or other Long Beach School District doctors will make the final decision on return to physical activity including physical education class and interscholastic and intramural sports. Any student who continues to have signs or symptoms upon return to activity must immediately be removed from play and reevaluated by his/her health care provider. Once the student is symptom free for twenty-four (24) hours thereafter, the student will be required to present a physician's authorization stating that he/she has been cleared to resume physical activities. The District's chief medical officer or other Long Beach School District doctors shall review the new documentation provided by the student in order to determine if it is permissible for the student to return to his/her regular school activities.

SUBJECT: CONCUSSION MANAGEMENT POLICY (continued)

Depending on the severity of the brain ~~trauma~~ injury and the individual circumstances of the student, appropriate modifications may be made to the student's participation in school in an effort to reduce the risk of re-injury and promote recovery. Collaboration will help ensure the development of an appropriate concussion management plan for the student. Parents and/or students are expected to accurately and promptly report injuries so that the student's health can be protected.

The School District shall make information regarding concussions and the guidelines available on its website.

5. The Superintendent, in consultation with the CMT and appropriate district staff, including the chief medical officer or other Long Beach School District doctors will develop regulations and protocols to guide the return to activity in accordance with applicable law and this policy.

This policy will be both reviewed and updated periodically. The Superintendent, in consultation with the District's Medical Director and other appropriate staff, may develop regulations and protocols for strategies to prevent concussions, the identification of concussions, and procedures for removal from and return to activities or academics.

First Reading: February 14, 2012

Second Reading: March 13, 2012

Adoption: April 17, 2012

First Reading of Revised Policy: December 13, 2018

Non-Instructional/Business Operations

SUBJECT: MEAL CHARGING AND PROHIBITION AGAINST MEAL SHAMING

It is the District's goal to provide students with access to nutritious no- or low-cost meals each school day and to ensure that a student whose parent/guardian has unpaid meal charges is not shamed or treated differently than a student whose parent/guardian does not have unpaid meal charges.

Unpaid meal charges place a large financial burden on the District. The purpose of this policy is to ensure compliance with federal requirements for the USDA Child Nutrition Program and to provide oversight and accountability for the collection of outstanding student meal balances to ensure that the student is not stigmatized, distressed, or embarrassed.

The intent of this policy is to establish procedures to address unpaid meal charges throughout the District in a way that does not stigmatize, distress, or embarrass students. The provisions of this policy pertain to regular priced reimbursable school breakfast, lunch and snack meals only. Charging of items outside of the reimbursable meals (a la carte items, adult meals, etc.) is expressly prohibited.

Access to Meals

- a) Free meal benefit eligible students will be allowed to receive a free breakfast and lunch meal of their choice each day. A la carte items or other similar items must be paid/prepaid.
- b) Reduced meal benefit eligible students will be allowed to receive a breakfast of their choice for and lunch of their choice for each day. The charge meals offered to students will be reimbursable meals available to all students, unless the student's parent or guardian has specifically provided written permission to the District to withhold a meal. A la carte items or other similar items must be paid/prepaid.
- c) Full pay students will pay for meals at the District's published paid meal rate each day. The charge meals offered to students will be reimbursable meals available to all students, unless the student's parent or guardian has specifically provided written permission to the District to withhold a meal. A la carte items or other similar items must be paid/prepaid.

Ongoing Staff Training

- a) Staff will be trained annually and throughout the year as needed on the procedures for managing meal charges using the State Education Department (SED) Webinar or the District's training program.
- b) Staff training will include ongoing eligibility certification for free or reduced price meals.

Parent Notification

Parents/Guardians are responsible for meal payment to the food service program. Discreet notices of low or deficit balances will be sent to parents/guardians at regular intervals during the school year. Parents/guardians will be notified that a student's meal card or account balance is exhausted and has accrued unpaid meal charges.

Non-Instructional/Business Operations

SUBJECT: MEAL CHARGING AND PROHIBITION AGAINST MEAL SHAMING

Parent Outreach

- a) Staff will communicate with parents/guardians with five or more unpaid meal charges to determine eligibility for free or reduced price meals.
- b) Staff will make two documented attempts to reach out to parents/guardians to complete a meal application in addition to the application and instructions provided in the school enrollment packet.
- c) Staff will contact the parent/guardian to offer assistance with completion of meal application to determine if there are other issues within the household causing the student to have insufficient funds, offering any other assistance that is appropriate.

Minimizing Student Distress

- a) Staff will not publicly identify or stigmatize any student in line for a meal or discuss any outstanding meal debt in the presence of any other students.
- b) Students with unpaid meal charges will not be required to wear a wristband or handstamp, or to do chores or other work to pay for meals.
- c) Staff will not throw away a meal after it has been served because of the student's inability to pay for the meal or because of previous unpaid meal charges.
- d) Staff will not take any action directed at a student to collect unpaid meal charges.
- e) Staff will deal directly with parents/guardians regarding unpaid meal charges.

Ongoing Eligibility Certification

- a) Staff will conduct direct certification through the New York Student Identification System (NYSSIS) or using SED Roster Upload at least monthly to maximize free eligibility.
- b) Staff will provide parents/guardians with free and reduced price application and instructions at the beginning of each school year in the school enrollment packet.
- c) If the District uses an electronic meal application, it will provide an explanation of the process in the school enrollment packet and instructions on how to request a paper application at no cost.
- d) The District will provide at least two additional free and reduced price applications throughout the school year to families identified as owing meal charges.
- e) The District will use its administrative prerogative to complete an application on a student's behalf judiciously, and only after using exhaustive efforts to obtain a completed application from the student's parent/guardian. The District will complete the application using only available information on family size and income that falls within approvable guidelines.
- f) The District will coordinate with the foster, homeless, migrant, and runaway coordinators at least monthly to certify eligible students.

Non-Instructional/Business Operations

SUBJECT: MEAL CHARGING AND PROHIBITION AGAINST MEAL SHAMING

Prepaid Accounts

Students/Parents/Guardians may pay for meals in advance via the automated pre-pay system or with a check payable to the Long Beach City School District. Further details are available on the District's webpage at www.lbeach.org. Funds should be maintained in accounts to minimize the possibility that a student may be without meal money on any given day. Any remaining funds for a particular student may be carried over to the next school year.

To obtain a refund for a withdrawn or graduating student, a written or e-mailed request for a refund of any money remaining in the student's account must be submitted. Students who are graduating at the end of the year will be given the option to transfer any remaining money to a sibling's account through a written request.

Unclaimed funds must be requested within one school year. Unclaimed funds will then become the property of the District Food Service Program.

Balances Owed

Collection of owed balances will follow the policies and procedures set by the superintendent which may include legal action.

First Reading of Revised Policy: October 11, 2018

Second Reading: November 8, 2018

Adoption: December 13, 2018

Students

SUBJECT: DESIGNATION OF PERSON IN PARENTAL RELATION

A parent of a minor or incapacitated person may designate another person as a person in parental relation to that minor or incapacitated person for certain health care and educational decisions for a period not exceeding 12 months. However, this parental designation is conditioned upon there being no prior order of any court in any jurisdiction currently in effect that would prohibit the parent from exercising the same or similar authority; and provided further that, in the case where a court has ordered that both parents must agree on education or health decisions regarding the child, a designation in accordance with this law will not be valid unless both parents have given their consent.

The designation of a person in parental relation must be in writing in the form prescribed by law, and must include specified information as set forth in law for designations of 30 days or less, as well as additional information required for designations of more than 30 days. The designation of a person in parental relation may be presented to any school that requires the designation by either the parent or designee. The designation may specify a period of time less than 12 months for which the designation will be valid unless earlier revoked by the parent in accordance with law. However, a designation specifying a period of more than 30 days must be notarized.

If no time period is specified in the designation, it will be valid until the earlier of:

- a) Revocation; or
- b) The expiration of 30 days from the date of signature if the designation does not meet the requirements for designations of more than 30 days; or
- c) Twelve months from the date of commencement specified in the designation if the designation meets the requirements for designations of more than 30 days.

Scope of Designation

A designation made in accordance with this law may specify:

- a) The treatment, diagnosis, or activities for which consent is authorized;
- b) Any treatment, diagnosis, or activity for which consent is not authorized; or
- c) Any other limitation on the duties and responsibilities conveyed by the designation.

Form of Designation**Designations in General**

A designation of a person in parental relation in accordance with this law must be in writing and include:

- a) The name of the parent;
- b) The name of the designee;

(Continued)

SUBJECT: DESIGNATION OF PERSON IN PARENTAL RELATION (Cont'd.)

- c) The name of each minor or incapacitated person with respect to whom the designation is made;
- d) The parent's signature; and
- e) The date of the signature.

The designation may specify a period of time less than 12 months for which the designation will be valid unless earlier revoked by the parent in accordance with Section 5-1554 of General Obligations Law. However, any designation specifying a period of more than 30 days must also conform to the following provisions as set forth in law.

Designations for More Than 30 Days

A designation specifying a period of more than 30 days must also include:

- a) An address and telephone number where the parent can be reached;
- b) An address and telephone number where the designee can be reached;
- c) The date of birth of each minor or incapacitated person with respect to whom the designation is made;
- d) The date or contingent event on which the designation commences;
- e) The written consent of the designee to the designation; and
- f) A statement that there is no prior order of any court in any jurisdiction currently in effect prohibiting the parent from making the designation.

A designation specifying a period of more than 30 days must be notarized.

Revocation of Designation

A parent may revoke a designation by notifying, either orally or in writing, the designee or the school to which the designation has been presented, or by any other act evidencing a specific intent to revoke the designation. A designation will also be revoked upon the execution by the parent of a subsequent designation. Revocation by one parent authorized to execute a designation will be deemed effective and complete revocation of a designation in accordance with law.

A designee who receives notification from a parent of any revocation must immediately notify any school to which a designation has been presented. A parent may directly notify the school of the revocation. The failure of the designee to notify the school of the revocation will not make the revocation ineffective.

(Continued)

SUBJECT: DESIGNATION OF PERSON IN PARENTAL RELATION (Cont'd.)**Effect of Designation**

- a) A designee will possess all the powers and duties of a person in parental relation unless otherwise specified in the designation.
- b) A designation will not impose upon a designee a duty to support the child.
- c) A designation will not cause a change in the school district of residence of the child for purposes of the Education Law, and during the period of validity of the designation, the child will be presumed to be a resident of the school district in which the parent resided at the time the designation was made.
- d) A designation will terminate and be revoked upon the death or incapacity of the parent who signed the designation.
- e) The decision of a designee will be superseded by a contravening decision of a parent.

A person who acts based upon the consent of a designee reasonably, and in the good faith belief that the parent has authorized the designee to provide the consent, will not be deemed to have acted negligently, unreasonably, or improperly in accepting the designation and acting upon the consent. However, this person may be deemed to have acted negligently, unreasonably, or improperly if he or she has knowledge of facts indicating that the designation was never given, or did not extend to an act or acts in question, or was revoked.

No provision of General Obligations Law Title 15-A will be construed to require designation of a person in parental relation where the designation is not otherwise required by law, rule, or regulation.

Education Law §§ 2 and 3212
Family Court Act § 413
General Obligations Law Title 15-A
Public Health Law §§ 2164 and 2504

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