

Regular meeting of the Board of Education of Valley Stream Union Free School District Thirteen held in the Board Room at James A. Dever School on Tuesday, June 19, 2012.

BOARD MEMBERS PRESENT **BOARD MEMBERS ABSENT**

Trustee Chiachiere
Trustee DiSibio
Trustee Douglas
Trustee Evans
Trustee Gartner
Trustee Greco Jacobs
Trustee Stris

OTHERS PRESENT

Superintendent Robb-Fund
Asst. Supt. for Business Brosnan
Asst. Supt. for Curric. & Instr. Roth
Asst. Supt. for Special Services Sells-Asch
School District Attorneys *Frazer, Perna
Principal Capozzoli
Principal Gruen
Principal Huplosky
Principal Zerillo
Approximately 90 Visitors

Convening

The meeting was convened at 6:00 p.m. by President Chiachiere.

CONVENING

Quorum

Seven members being present, a quorum was determined.

QUORUM

Executive Session

An Executive Session was held immediately to discuss negotiations pursuant to Article 14 of the Civil Service Law and employment history of a particular person on a motion made by Trustee Stris, seconded by Trustee DiSibio and carried unanimously. The Superintendent, Assistant Superintendents, and attorneys were invited to attend. At 7:00 p.m. the Assistant Superintendents left the meeting.

EXECUTIVE SESSION

Reconvening

The meeting was reconvened at 8:05 p.m. by President Chiachiere.

RECONVENING

Pledge of Allegiance

Welcome

Quorum

Seven members being present, a quorum was determined.

QUORUM

Approval of the Minutes

To approve the Minutes of the May 22 and June 13, 2012 meetings.

MINUTES OF 5/22, 6/13/12
MEETINGS APPROVED

Moved by Trustee Stris, seconded by Trustee Greco Jacobs and carried unanimously.

Correspondence

Correspondence received from Frazer & Feldman:

- Invitation to Join Potential APPR Litigation
- New DASA (Dignity for All Students)
- APPR Litigation & SED Advisory Letter

CORRESPONDENCE

Report of the Superintendent of Schools

Dr. Adrienne Robb-Fund

Assistant Superintendent for Special Services, Lisa Sells-Asch, recognized the students who participated in the Nassau County Empire State Games for the Physically Challenged – Victory Challenge. Mrs. Sells-Asch thanked all the participants, their buddies, teachers and parents. President Chiachiere thanked everyone involved in this special event for their commitment to the students in our district. One of the students presented Mrs. Sells-Asch with flowers from the participants.

Vice President Gartner thanked President Chiachiere for holding the position of President of the Board of Education for the past two years. He was presented with a token of gratitude from the District.

Superintendent Robb-Fund recognized the following retirees:

- JAD: Carole Hawkins
- WAS: Hugh Butler
Corinne Lavin
Lois Waxman
Christine Zerillo, Ed.D.
- WRS: Richard Faso
Susan McKenna
- District: Joan Guarneri
Linda Roth

Tenure Recommendation – Classroom Teacher

After reviewing the recommendation of the Building Principal, and conducting classroom lesson observation and portfolio review, the Superintendent recommends Danielle Vitulli, Classroom Teacher assigned to Howell Road School, be granted tenure effective September 1, 2012.

D. VITULLI GRANTED TENURE

Moved by Trustee Douglas, seconded by Trustee Stris and carried unanimously.

Tenure Recommendation – Physical Education Teacher

After reviewing the recommendation of the Building Principal, and conducting classroom lesson observation and portfolio review, the Superintendent recommends Janet Miller, Physical Education Teacher assigned to Wheeler Avenue School, be granted tenure effective September 1, 2012.

J. MILLER GRANTED TENURE

Moved by Trustee Douglas, seconded by Trustee Stris and carried unanimously.

Tenure Recommendation – Classroom Teacher

After reviewing the recommendation of the Building Principal, and conducting classroom lesson observation and portfolio review, the Superintendent recommends Lauren Sposito, Classroom Teacher (Math AIS) assigned to Willow Road School, be granted tenure effective September 1, 2012.

L. SPOSITO GRANTED TENURE

Moved by Trustee Douglas, seconded by Trustee Stris and carried unanimously.

President Chiachiere announced that Trustee Stris was presented with the Silver Bullet Award at the Nassau Suffolk School Boards’ Annual meeting held in the Woodbury Country Club on May 30, 2012. Trustee Stris has been a member of the Valley Stream UFSD Thirteen Board of Education for 25 years.

President Chiachiere presented Trustee Stris with the Board Mastery Award presented by the New York State School Boards Association in recognition of his attendance at numerous conventions and workshops throughout his career as a Board Member. He thanked Trustee Stris for his dedication and service to the children and the community of District Thirteen.

At 9:20 p.m. President Chiachiere requested a 15 minute recess.

The Board reconvened at 9:35 p.m.

Resignation of a Noon Hour Aide

To accept the resignation of Mary Nicosia, Noon Hour Aide assigned to James A. Dever School, effective June 20, 2012.

M. NICOSIA RESIGNATION ACCEPTED

Moved by Trustee Gartner, seconded by Trustee Douglas and carried unanimously.

Resignation of the District Mail Courier

To accept the resignation of Christine Higgins, the District Mail Courier, effective June 22, 2012.

C. HIGGINS RESIGNATION ACCEPTED AS MAIL COURIER

Moved by Trustee Stris, seconded by Trustee Evans and carried unanimously.

District Mail Carrier

To appoint Tracy Williams to carry out the daily Intra-District Mail Delivery at \$15 per trip plus mileage reimbursement at the established district rate effective June 25, 2012.

T. WILLIAMS APPOINTED AS THE MAIL COURIER

Moved by Trustee Gartner, seconded by Trustee Stris and carried unanimously.

Committee Reports

EDUCATION [S. Douglas, J. Greco Jacobs]

Summer Employment Special Education Teacher

To change the number of hours for Lisa Gimbel, Summer School Special Education Teacher, to no more than 9 hours per week for the period July 2 through August 10, 2012, and rescind the resolution made at the May 22, 2012 Board of Education Meeting stating not to exceed 3 hours per week.

L. GIMBEL SUMMER HOURS CHANGED

Moved by Trustee Douglas, seconded by Trustee Evans and carried unanimously.

Rescind Resolution Appointing the Summer School Nurse

To rescind the resolution from the May 22, 2012 Board of Education Meeting appointing Carolann Jaffe as the 2012 Summer School Nurse.

RESCIND RESOLUTION APPOINTING C. JAFFE SUMMER SCHOOL NURSE

Moved by Trustee Douglas, seconded by Trustee Stris and carried unanimously.

Appointment of a Summer School Nurse

To appoint Meghan McGrath as the 2012 Summer School Nurse effective July 2 through August 10, 2012 on Step 1 (\$34.90/hr.) for the hours 8:30 a.m. – 1:30 p.m.

M. MCGRATH APPOINTED
SUMMER SCHOOL NURSE

Moved by Trustee Douglas, seconded by Trustee Stris and carried unanimously.

Resignation of a Reading Teacher

To accept the resignation of Jennifer Ferreiro as the Reading Teacher assigned to James A. Dever School effective June 30, 2012.

J. FERREIRO'S RESIGNATION
AS A READING TEACHER
ACCEPTED

Moved by Trustee Douglas, seconded by Trustee Evans and carried unanimously.

Appointment of a Classroom Teacher from the Preferred Eligibility List

To appoint Jennifer Ferreiro as the senior person on the Preferred Eligibility List for Elementary Classroom Education, assigned to Wheeler Avenue School on Step 5MA+45 effective September 1, 2012 on one-year probation.

J. FERREIRO REAPPOINTED AS
A CLASSROOM TEACHER

Moved by Trustee Douglas, seconded by Trustee Evans and carried unanimously.

Agreement Renewal with St. Joseph's College

To renew of the agreement for the 2012-2013 school year between St. Joseph's College and the Valley Stream UFSD Thirteen Board of Education to place registered nursing students in our schools.

ST. JOSEPH'S COLLEGE
CONTRACT RENEWAL
ACCEPTED

Moved by Trustee Douglas, seconded by Trustee Stris and carried unanimously.

Leave of Absence

To approve a one year leave of absence without pay for Jennifer Francis, Classroom Teacher assigned to Willow Road School, effective September 1, 2012 through June 30, 2013 in accordance with Section 5.13 of the VSTA/Board Contract.

J. FRANCIS' LOAWOP
APPROVED

Moved by Trustee Douglas, seconded by Trustee Evans and carried unanimously.

Agreement for Consulting Services

To accept the Agreement for Consulting Services between James Engeldrum, Educational Consultant, and the Valley Stream UFSD Thirteen Board of Education to provide professional development at \$750 per day, not to exceed three days. This is a shared contract between the three Valley Stream Elementary Districts with District Thirteen as the lead agency.

J. ENGELDRUM AGREEMENT
AS A CONSULTANT ACCEPTED

Moved by Trustee Douglas, seconded by Trustee Stris and carried unanimously.

Agreement for Consulting Services

To accept the Agreement for Consulting Services between Pedro Noguera, Educational Consultant, and the Valley Stream UFSD Thirteen Board of Education to provide professional development on August 21, 2012 for three hours at a fee of \$2,000.

P. NOGUERA AGREEMENT AS A
CONSULTANT ACCEPTED

Moved by Trustee Douglas, seconded by Trustee Stris and carried unanimously.

Substitute Teacher List

To approve the updated Substitute Teacher List for the 2011-2012 school year.

UPDATED SUBSTITUTE
TEACHER LIST APPROVED

Moved by Trustee Douglas, seconded by Trustee Gartner and carried unanimously.

Employment of a Librarian

To employ Lisa Santoiemma as a Librarian assigned to the Howell Road School, effective September 1, 2012 on Step 1MA (\$66,258), on three years probation, and unless sooner terminated, in accordance with the VSTA/Board Contract in effect on the date of employment.

L. SANTOIEEMMA EMPLOYED
AS A LIBRARIAN

Moved by Trustee Douglas, seconded by Trustee Stris and carried unanimously.

BUSINESS COMMITTEE (D. Evans, J. DiSibio)

Treasurer's Report

To accept the Treasurer's Report for the period ending May 31, 2012.

TREASURER'S REPORT
ACCEPTED

Moved by Trustee Evans, seconded by Trustee Stris and carried unanimously.

Section 71 Termination

BE IT HEREBY RESOLVED that upon the recommendation of the Superintendent of Schools, the services of Paul Corso, custodian, be terminated pursuant to Civil Service Law Section 71, effective June 18, 2012.

SECTION 71 TERMINATION

Moved by Trustee Evans, seconded by Trustee Stris and carried unanimously.

Employment of a Custodian

To employ Gustavo Arias as a Custodian assigned to Wheeler Avenue School on Step B (\$49,336) effective July 1, 2012 in accordance with the Agreement between the Valley Stream UFSD Thirteen Board of Education and Local 1000, Civil Service Employees Association (CSEA) in effect on the date of employment, and unless sooner terminated.

G. ARIAS EMPLOYED AS A CUSTODIAN

Moved by Trustee Evans, seconded by Trustee Greco Jacobs and carried unanimously.

Approval of Telephone System Installation Contract

BE IT RESOLVED that the Board of Education of the Valley Stream Union Free School District Thirteen hereby approves and authorizes the execution of the Telephone System Installation Contract between Switch Technologies, Inc. and the District for the purchase and installation of a District-wide VOIP telephone system; and

VOIP TELEPHONE SYSTEM CONTRACT APPROVED

BE IT FURTHER RESOLVED that the Board authorizes the Board President to execute said contract on behalf of the Board.

Moved by Trustee Evans, seconded by Trustee Stris and carried unanimously.

Approval of 403(b) Plan Administrator Service Agreement

BE IT RESOLVED that the Board of Education of the Valley Stream Union Free School District Thirteen hereby approves and authorizes the execution of the Services Agreement Reinstatement with the Omni Group for the continuation of services as third party plan administrator for the District's 403(b) plan under the Preferred Provider Program for the 2012-2013 school year; and

OMNI GROUP AGREEMENT APPROVED

BE IT FURTHER RESOLVED that the Board authorizes the Board President to execute said agreement on behalf of the Board.

Moved by Trustee Evans, seconded by Trustee Gartner and carried unanimously.

Budget Transfer

To approve the following transfers effective June 20, 2012:

BUDGET TRANSFERS APPROVED

From:

A1310.402.01 Business Admin-TAN Expenses	\$ 5,000
A1910.401.01 Comp Gen Liab & Auto Insurance	\$45,000
A1910.404.01 Other Insurance	\$24,000

To:

A2250.470.01 Special Ed-Tuition	\$74,000
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Moved by Trustee Evans, seconded by Trustee Stris and carried unanimously.

Capital Project Bid Recommendation

To award the following capital projects to the lowest responsible bidder from the sealed bids held on June 12, 2012.

CAPITAL PROJECT BID AWARDED – WRS ROOF

Roof Replacement at Willow Road School
SED # 280213-02-0-004-013

Contractor: AMB Construction, Brooklyn, NY
Amount: \$ 193,000

Moved by Trustee Evans, seconded by Trustee Gartner and carried unanimously.

Employment of Summer Custodians

To employ the following as Summer Custodians at an hourly rate of \$8.25 effective June 25 through August 24, 2012:

SUMMER CUSTODIANS EMPLOYED

Alexander Arata Steven Aleksis Jeffrey Williams

Moved by Trustee Evans, seconded by Trustee Stris and carried unanimously.

Summer Employment: Recreation Program

To employ the following for the Summer Recreation Program effective June 29, 2012 through August 3, 2012:

SUMMER RECREATION EMPLOYMENTS

Junior Counselor (JC1) - \$635

Kimberly Larco Raishme Singh

Junior Counselor (JC2) - \$695

Cassandra Long Lauren Asselta Melanie Evangelista

Junior Counselor (JC3) - \$755

Samual Catalano Caroline Barilla Nicholas Logreira
Gabriella Terzulli Nissah Vilceus Thomas DeMartini

Junior Counselor (JC4) - \$755

Andrew Arata

Junior Counselor (JC5) - \$855

Matthew DeMartini

Counselor (NC1) - \$785

Michael Trager
Alexa Pattek

Vincent DiSibio

Shawn Williams

Counselor (NC4) - \$905

Kerri Collura
Christopher Snagg

Chelsea Halpern

Jacob Halpern

Counselor (NC5+) - \$1005

Maribeth Cacchioli
Heather Duke

Ryan Boyle
Patricia Medard

Evan Duke

Certified Counselor (CC1) - \$1010

Heather Fischetti

Mia Milano

Diana Paternostro

Certified Counselor (CC5+) - \$1260

Johanna DeJose
Geri Streigold

Danielle Paladino

Elizabeth Kowalski-Cali

Cluster Counselor (CL1) - \$2000

Kathleen Carey-Nuzzi
Melissa Levison

April Hobart

Alessandra Long

Building Director (BD5+) - \$3780

Marc Gold
Anthony Turco

Secretary - \$1950

Joseph Consolazio

Moved by Trustee Evans, seconded by Trustee Stris. Trustee DiSibio abstained from the vote and the District Clerk polled the board as follows:

Trustee Stris	Yes	Trustee Gartner	Yes
Trustee Greco Jacobs	Yes	Trustee Douglas	Yes
Trustee Evans	Yes	Trustee Chiachiere	Yes
Trustee DiSibio	Abstained		

The vote is 6 yes, 1 abstained and the motion carried.

Health & Welfare Contracts 2011-2012

To approve the following Health & Welfare Contracts for the 2011-2012 school year from the following school districts:

East Rockaway UFSD	\$5,135.55
Rockville Centre UFSD	\$4,174.72

HEALTH & WELFARE
CONTRACTS APPROVED

Moved by Trustee Evans, seconded by Trustee Stris and carried unanimously.

POLICY COMMITTEE [W. Stris, J. Gartner]

Policy for 1st Reading – Informational

#0115 – Student Harassment and Bullying Prevention and Intervention
(Dignity for All Students Act -DASA)

POLICY FOR 1ST READING
#0115 - DASA

COMMITTEE OF THE WHOLE [Vice President J. Gartner]

Committee on Special Education Reviews

To ratify and adopt the Committee on Special Education Reviews dated 5/3, 5/7Wh, 5/7RVC, 5/8,5/10, 5/21, 5/22, 5/24D, 5/24Wi, 5/29, 5/30, 5/31, 6/4, 6/7, 6/8, and 6/11/12.

CSE REVIEWS ADOPTED

Moved by Trustee Gartner, seconded by Trustee Stris and carried unanimously.

Committee on Pre-school Special Education Reviews

To ratify and adopt the Committee on Pre-school Education Reviews dated 4/24, 5/2Wi, 5/2PreS, 5/2PreS, 5/9, 5/16, 5/22, 5/23, and 6/6/12.

CPSE REVIEWS ADOPTED

Moved by Trustee Gartner, seconded by Trustee Douglas and carried unanimously.

Donation of a Gift

To accept a donation of \$1,000 from the Wheeler Avenue School PTA to purchase physical education equipment for Grades 1 through 6 at Wheeler Avenue School.

GIFT ACCEPTED FROM WAS PTA

Moved by Trustee Gartner, seconded by Trustee Stris with thanks, and carried unanimously.

Donation of a Gift

To accept a donation from the Wheeler Avenue PTA of \$686.80 received from Box Tops for Education for use at the Wheeler Avenue School.

GIFT ACCEPTED FROM WAS PTA

Moved by Trustee Gartner, seconded by Trustee Douglas with thanks, and carried unanimously.

Donation of a Gift

To accept the donation of a framed print from the 2012 Howell Road 6th Grade graduating class with a value of \$265.

GIFT ACCEPTED FROM HRS PTA

Moved by Trustee Gartner, seconded by Trustee Douglas with thanks, and carried unanimously.

Approval of the Valley Stream Union Free School District Thirteen Board of Education Goals

VSUFSD BOARD OF EDUCATIONAL GOALS

To approve the Valley Stream Union Free School District Thirteen Board of Education Goals for the period 2012-2017:

- Goal #1: To increase the extent to which the faculty and staff of the school district are ethnically, linguistically and, in gender, more representative of the student population with whom they work;
- Goal #2: To develop a Three-Year Fiscal Plan for the district, updated annually, which identifies anticipated revenues and planned expenditures for staff, facility upkeep, and curricular material purchases;
- Goal #3: To enhance staff and public understanding of, and support for, the goals and work of the school district;
- Goal #4: To bifurcate the annual development of a Five-Year Facility Plan to bring greater focus to the day-to-day needed maintenance of the facilities, as contrasted with the longer-term, higher cost major maintenance work;
- Goal #5: To enhance the effectiveness with which instructional and administrative technology is used within the District;
- Goal #6: To ensure that the goals of the instructional program of District #13 not only meet but exceed the standards of the developing Common Core Curriculum of New York State.

Moved by Trustee Gartner, seconded by Trustee Stris and carried unanimously.

Visitors

Mr. Toma requested that the Board of Education consider adding Goal #7 that would include additional programs in the District.

VISITOR

Resolution to Provide Costs, Expenses and Damages Pursuant to Education Law Section 3811

COST FOR DEFENSE - E. LISON FOR LITIGATION

BE IT HEREBY RESOLVED that, pursuant to Education Law Section 3811, the Board of Education of the Valley Stream UFSD #13 authorizes the defense of former Superintendent, Dr. Elizabeth Lison in a civil action brought in U.S. District Court by Lynn Bohnet (CV-12 1989), and further authorizes as a charge upon the District all costs and reasonable expenses related to such defense, as well as any costs and damages adjudged against them in such action.

Moved by Trustee Gartner, seconded by Trustee Stris and carried unanimously.

Tutoring Services

To approve tutorial Services for a 3rd Grade Student at Willow Road School, tutoring provided by Four Winds Hospital at \$45/hour, for five hours of instruction per week effective May 15, 2012 through June 1, 2012

TUTORING SERVICE CONTRACT W/FOUR WINDS HOSPITAL

Moved by Trustee Gartner, seconded by Trustee Stris and carried unanimously.

Impartial Hearing Officer List

To add Marion Walsh to the Impartial Hearing Officer Rotational List.

M. WALSH ADDED TO THE IHO

Moved by Trustee Gartner, seconded by Trustee DiSibio and carried unanimously.

**Report of the Attorney
Michael Perna**

Attorney Perna submitted the following report:

On June 12th, the Court of Appeals issued a single decision in two cases: Matter of North Syracuse Central School and Matter of Ithaca City School District. In each case, a female African-American public school student had filed a complaint with the New York State Division of Human Rights ("NYSDHR") alleging that her respective school district engaged in an "unlawful discriminatory practice" under the Human Rights Law ("HRL") by failing to respond properly to bullying and harassment by white students on the basis of race and/or disability (Executive Law §296[4]). In each case, the district petitioned under Article 78 seeking a writ of prohibition to bar the NYSDHR from pursuing the complaints, arguing that a public school district is not

an “education corporation or association” under Executive Law §296(4). While the Supreme Court in Matter of North Syracuse granted the petition, the Supreme Court in Matter of Ithaca denied the petition, concluding that a school district is an “education corporation” which the NYSDHR may investigate. On appeal, the divided Court of Appeals held (by a 4-3 margin) that the NYSDHR has no jurisdiction to investigate complaints against public school districts – only private schools. Since the HRL limits jurisdiction to an “education corporation or association,” the majority, gleaned the meaning of this phrase from the original tax statute it was taken from, concludes that the legislature meant for the statute to cover only “private, non-sectarian entities that are exempt from taxation.”

The majority notes that the "underlying discrimination claims are not at issue on these appeals" and explains that notwithstanding its determination that the NYSDHR lacks jurisdiction over public schools, such students are not left without a remedy. The Court explained that students may have "potential remedies under federal law," may file appeals to the NYS Commissioner of Education, and that the legislature recently enacted the Dignity for All Students Act which is specifically aimed at ending discrimination and harassment in the public school setting.

The minority faults the majority's effort to understand the intent of the legislature through a narrow construction of the statute when the plain language of the statute shows that public schools should be included in the protections afforded by the NYSDHR.

New Business

Resolution Authorizing Declaration of Impasse

DECLARATION OF IMPASSE AUTHORIZED - APPR

WHEREAS, the Board of Education is fully cognizant of its obligation pursuant to Education Law Section 3012-c to negotiate certain aspects of the Annual Professional Performance Review Plan (“APPR”) with the authorized representatives of the District’s teachers’ bargaining unit; and

WHEREAS, the Board’s negotiations representatives for the APPR negotiations have negotiated in good faith with the teachers’ unit representatives regarding the APPR Plan; and

WHEREAS, the Board has a statutory obligation to submit its APPR to the Commissioner of Education on or before July 1, 2012; and

WHEREAS, the parties have not yet reached agreement on the negotiable aspects of the APPR Plan, such that the Board may be unable to comply with the July 1st statutory deadline;

NOW, THEREFORE, the Board of Education authorizes the Superintendent of Schools to file a Declaration of Impasse with the Public Employment Relations Board regarding APPR negotiations if, in the judgment of the Superintendent, the parties reach an impasse in APPR negotiations, such that the Board will be unable to timely submit its APPR Plan for teachers to the Commissioner of Education.

Moved by Trustee Evans, seconded by Trustee Stris and carried unanimously.

President Chiachiere read the following statement:

“By law, to avoid negatively impacting future state aid, every school district in New York State must submit a plan by July 1, 2012 to implement the district’s Annual Professional Performance Review (APPR). Once the plan is submitted, the state has indicated that it will take approximately six to eight weeks to receive approval. In addition, by September, teachers must be informed regarding how they will be evaluated as part of the APPR Plan.

The District has been cooperatively and aggressively working with the teachers’ union to achieve this goal. However, an agreement has not yet been reached. At this time, if necessary, the Board of Education authorizes Superintendent of Schools, Dr. Adrienne Robb-Fund, to report to the state that, while discussions are ongoing, the district has reached an impasse.

By declaring an impasse at this time, the Valley Stream UFSD Thirteen will meet its obligation to the state to report by July 1st while potentially delaying any decisions on the part of the state to withhold additional state aid.”

Visitors

Carole Hawkins, VSTA Unit Leder and teacher, addressed the Board of Education on the subject of the APPR and impasse.

Adjournment

ADJOURNMENT

The meeting was adjourned at 9:58 p.m. on a motion made by Trustee Stris, seconded by Trustee Evans and carried unanimously.

Denise Michels
Denise Michels
District Clerk