

Special meeting of the Board of Education of Valley Stream Union Free School District Thirteen held in the Board Room of the James A. Dever School Tuesday, July 31, 2018.

<u>BOARD MEMBERS PRESENT</u>	<u>BOARD MEMBERS ABSENT</u>	<u>OTHERS PRESENT</u>
Trustee Chiachiere*	Trustee Pomerantz	Superintendent Evelyn
Trustee Douglas	Trustee Stris	Director of Tech. DiMango
Trustee Farrell		School District Attorney Shishko
Trustee Pandit		District Clerk Rosamilia
Trustee Vicente		
		No Visitors

*via skype

Convening CONVENING
The meeting was convened at 7:08 p.m. by President Douglas.

Quorum QUORUM
Five members being present, a quorum was determined.

Committee Reports

POLICY COMMITTEE [V. Pandit, Chairperson; W. Stris]

- Policy for 2nd Reading and Adoption
- 8410 Student Transportation
 - 8410-R Student Transportation

Moved by Trustee Pandit, seconded by Trustee Vicente

On the question: Trustee Farrell stated that on Policy 8410-R, paragraph b, third sentence to change the wording from “In the event of a change in ridership during the school year such that a bus has less than ten percent (10%) available ridership, Walk-back passes may be withdrawn” to read “In the event of a change in ridership during the school year such that a bus has less than ten percent (10%) available ridership, Walk-back passes will be withdrawn.”

Superintendent Evelyn stated that she was not opposed to changing the language.

Trustee Chiachiere asked why is it significant to change the wording from may to will.

Superintendent Evelyn responded that it was not a significant change.

Trustee Chiachiere asked if it takes away the Superintendent’s authority to make decisions in real time.

School District Attorney Shishko stated that the Board should move into executive session to discuss legal advice.

Executive Session

At 7:16 p.m. a motion for Executive Session was made by Trustee Vicente, seconded by Trustee Pandit and carried unanimously to discuss legal matters. The Superintendent and School District Attorney were invited to attend.

Reconvening
The Board reconvened at 7:20 p.m. by President Douglas.

Quorum QUORUM
Five members being present, a quorum was determined.

- Amended Policy for 2nd Reading and Adoption
- 8410 Student Transportation
 - 8410-R Student Transportation

The change is to change the wording in Policy 8410-R, paragraph b, third sentence to read “Walk back passes will be withdrawn.”

The President polled the board:

- Trustee Chiachiere – yes
- Trustee Farrell – No
- Trustee Pandit – yes
- Trustee Vicente – yes
- Trustee Douglas – yes

Four in favor, one opposed, motion carries.

Report of the Attorney

School District Attorney reported on a recent decision from the Supreme Court of New York which provides insight into the authority of school boards to reduce and abolish tenured positions for economic reasons. The Board of Education reclassified a school psychologist's position as part-time based on budgetary constraints. The employee had previously filed numerous complaints about what she believed to be health and safety issues in the school buildings; each of which was unfounded after being investigated by both the district and State officials. The employee challenged the reduction of her position on the grounds that it was done in retaliation for her filing the complaints. The lower court ordered a nonjury trial to determine whether the reclassification of the Petitioner's position was done in bad faith or in retaliation for her having filed the complaints. During the trial, the court credited the district's witness, who testified that the district was facing significant pressure to reduce personnel expenditures. Given the declining number of students the employee would be counseling and the commensurate reduction in the amount of time she would need to perform her duties, the district determined there was no need for her to remain as full-time. While the employee testified that the reduction was motivated by retaliatory intent, the court declined to credit her testimony as credible as the employee could cite to no evidence of retaliation beyond her own beliefs. Thus, the court found that the determination to reduce her position was made in good faith and was motivated by valid budget concerns. The employee appealed to the Second Department which upheld the trial court's decision in full and determined that given the circumstances it was appropriate to hold a trial in order to determine whether the actions were made in good faith rather than for retaliatory purposes. In so ruling, the Second Department determined the district's actions were appropriate in all regards.

Executive Session

At 7:25 p.m. a motion for Executive Session was made by Trustee Pandit, seconded by Trustee Vicente and carried unanimously to discuss the personnel of a particular person and transportation. The Superintendent was invited to attend.

EXECUTIVE SESSION

Reconvening

The Board reconvened at 7:53 p.m. by President Douglas.

RECONVENING

Quorum

Five members being present, a quorum was determined.

QUORUM

Adjournment

On a motion made by Trustee Farrell, seconded by Trustee Pandit and carried unanimously, the meeting was adjourned at 7:53 p.m.

ADJOURNMENT

Respectfully submitted,

MaryAnn Rosamilia

MaryAnn Rosamilia
District Clerk