

**REGULAR MEETING (Thursday, January 21, 2021)**

Generated by Patricia Wright on Tuesday, February 9, 2021

**HEMPSTEAD PUBLIC SCHOOLS  
BOARD OF EDUCATION  
REGULAR MEETING  
JANUARY 21, 2021  
MINUTES**

The regular meeting of the Hempstead Public Schools Board of Education was held via zoom. The meeting was called to order at 7:00 P.M. moved, by Trustee Pratt and seconded by Trustee Spleen, all of the Board Members were present. The Interim Superintendent of Schools offered brief remarks.

**A. MEETING OPENING****BOARD MEMBERS PRESENT:**

LaMont Johnson, President  
Patricia Spleen, Vice President  
Carmen Ayala, Trustee  
Patricia McNeill, Trustee  
Victor Pratt, Trustee

**SED MONITOR:**

Dr. William Johnson

**STAFF MEMBERS PRESENT:**

Regina Armstrong, Interim Superintendent  
Jamal Scott, Assistant Superintendent for Business & Operations  
Rodney Gilmore, Associate Superintendent for Human Resources  
Ahuna Akoma, Assistant superintendent of Technology  
Djuana Wilson, Assistant Superintendent for Special Education  
James Clark, Assistant Superintendent for Special Assignment  
Allan Wakefield, Facilities Consultant  
April Keys, District Clerk Pro-tem  
Nicole Epstein, Public Relations  
John Sheahan, General Counsel  
Jonathan Scher, Labor Counsel

Procedural: 1. Pledge of Allegiance

Procedural: 2. Moment of Silence

**B. PRESIDENT'S REMARKS****C. INTERIM SUPERINTENDENT'S REMARKS****D. COMMENDATIONS/PRESENTATIONS**

Trustee Pratt moved, seconded by Trustee Spleen to approve the consent calendar.

<b>MOTION</b>	<b>YES 5</b>	<b>MOTION CARRIED</b>
To approve the consent calendar		

Trustee Pratt moved, seconded by Trustee Spleen to convene to executive session at 7:12 P.M. to discuss personnel, a particular individual and advice of legal counsel.

<b>MOTION</b>	<b>YES 5</b>	<b>MOTION CARRIED</b>
To convene to		

executive session

## E. OTHER AGENDA ITEMS

1. **RESOLVED**, that the Board of Education accepts the minutes of the meetings held December 10 & 17, 2020, and January 7, 2021 as submitted by the District Clerk.

## F. BOARD OPERATIONS

### BOARD OPERATIONS

1. **RESOLVED**, that the Board of Education approves the 3rd reading and adoption of policy # 6700, 6700-R replacement policy recommended by the NYSSBA. (Attached)

## G. BUSINESS & OPERATIONS

### WARRANTS

1. **RESOLVED**, that the Board of Education approves the Interim Superintendent's recommendation to review the **Register of Bills** as follows:

**General Funds** (Warrants #21, 22, 18); **Cafeteria/Lunch** (Warrants #6); **Federal** (Warrants #12, 13); **Capital** (Warrants #10, 11).

### TREASURER'S REPORT

2. **RESOLVED**, that the Board of Education accept the Reports as submitted by the District Treasurer. **Treasurer's Report for the month of November 2020.**

### REVENUE BUDGET STATUS REPORT

3. **RESOLVED**, that the Board of Education approves the Interim Superintendent's recommendation to receive the **Revenue Budget Status Report for the month of November 2020.**

### APPROPRIATION STATUS REPORT

4. **RESOLVED**, that the Board of Education approves the Interim Superintendent's recommendation to receive the **Appropriation Status Report for the month of November 2020**

## H. CONTRACTS/STIPULATIONS OF SETTLEMENT

### I. DONATION

### J. USE OF FACILITIES

### K. DISPOSAL OF EQUIPMENT

### L. SPECIAL EDUCATION

### M. PUPIL PERSONNEL SERVICES

### N. PERSONNEL

**RESOLVED**, that the Board of Education approves the Interim Superintendent's recommendation to **APPOINT** the following professional personnel: (In order to be eligible for tenure, an individual receiving a probationary appointment as a classroom teacher or building principal must receive an annual composite or overall APPR rating of Highly Effective or Effective in at least three of the four preceding years. If the individual receives a rating of ineffective in the final year of the probationary period, he or she will not be eligible for tenure at that time).

#### NAME

Itzel Connell  
Eff. 1/25/2021 - 6/30/2021

#### POSITION

Elementary Teacher  
David Paterson

#### COMPENSATION

\$59,010 - Prorated (Lv. 5, St. 1)  
**Recommended By:** Gary Rush



Childhood Education (Grades 1-6), (Replacing L. St. John - LOA)  
Initial, Eff. 8/29/2020  
(Leave Replacement)

**Purpose:** Fill Vacant Position  
Replacing L. St. John, leave of absence eff.  
1/4/2021 - 6/30/2021;  
Board Action - 12/17/2020.

**RESIGNATION – RESOLVED, that the Board of Education approves the Interim Superintendent's recommendation to ACCEPT the resignation(s) from the following Professional Personnel for RETIREMENT/PERSONAL PURPOSES:**

<u>NAME</u>	<u>POSITION</u>	<u>REASON</u>
John Scandaglia Eff. 1/18/2021	ENL Teacher David Paterson	Letter of resignation received for retirement purposes.
Ann Zayas Galloway Eff. 2/1/2021	Special Education Teacher ABGS Middle School	Letter of resignation received for retirement purposes.
Itzel Connell Eff. 1/25/2021	Teaching Assistant David Paterson	Letter of resignation received for personal reasons.
Linda St. John Eff. 12/31/2020	Weekly AIS "I Can" Teacher (T, Th) David Paterson	Letter of resignation received for personal reasons.
Linda St. John Eff. 12/31/2020	Virtual AIS "I Can" Teacher (Saturday) David Paterson	Letter of resignation received for personal reasons.

**RESIGNATION – RESOLVED, that the Board of Education approves the Interim Superintendent's recommendation to TERMINATE the following Professional Personnel:**

<u>NAME</u> (NO ACTION REQUIRED)	<u>POSITION</u>	<u>REASON</u>
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**LEAVE OF ABSENCE - RESOLVED, that the Board of Education approves the Interim Superintendent's recommendation to APPROVE the following LEAVE(S) of ABSENCE request(s) for the following PROFESSIONAL PERSONNEL:**

<u>NAME</u>	<u>POSITION</u>	<u>REASON</u>
Robin Levey Eff: 12/10/2020 - 3/22/2021	Elementary Teacher Jackson Main	Letter requesting a Medical Leave of Absence/FMLA, with pay utilizing accrued sick time from 12/10/2020 to 3/22/2021. Letter received on 12/9/2020 in Human Resources. Medical documentation on file.
Michael Levine Eff. 1/19/2021 - 2/26/2021	Elementary Teacher Joseph McNeil	Letter requesting a Paternity Leave of Absence/FMLA, with pay utilizing accrued sick time from 1/19/2021 to 2/26/2021. Letter received on 1/4/2021 in Human Resources. Medical documentation on file.
Denitza Appelbaum Eff. 1/5/2021 - 2/28/2021	Elementary Teacher Front School	Letter requesting a Medical Leave of Absence/FMLA, with pay utilizing accrued sick time from 1/5/2021 to 2/28/2021. Letter received on 1/11/2021 in Human Resources. Medical documentation on file.
Joselin Guerrero- Lacrete Eff. 1/25/2021 - 3/19/2021	Math Bilingual Teacher Hempstead High	Letter requesting a Medical Leave of Absence/FMLA, with pay utilizing accrued sick time from 1/25/2021 to 3/19/2021. Letter received on 1/13/2021 in Human Resources. Medical documentation on file.

## School

Luis Diaz Eff. 1/28/2021 - 2/26/2021	ENL Teacher Front School	Letter requesting a Medical Leave of Absence/FMLA, with pay utilizing accrued sick time from 1/28/2021 to 2/26/2021. Letter received on 1/14/2021 in Human Resources. Medical documentation on file.
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**RESOLVED, that the Board of Education approves the Interim Superintendent's recommendation to CHANGE the following Board Action:**

<u>NAME</u>	<u>POSITION</u>	<u>REASON</u>
Jump Ahead Program Eff. 12/22/2020	Mandatory Training	Change the mandatory training time <b>FROM</b> 4:15 p.m. - 6:15 p.m. <b>TO</b> 3:15 P.M. - 5:15 P.M. Previously approved on 12/17/2020 docket.

**RESOLVED, that the Board of Education approves the Interim Superintendent's recommendation to RESCIND the following:**

<u>NAME</u>	<u>POSITION</u>	<u>REASON</u>
Sharese Hawkins Eff: 2020 - 2021 School Year	Class Advisor 6th Grade Middle School	Rescind BOE appointment previously approved on 11/19/2020 docket.
Ronit Cohen Eff. 1/5/2021 - 3/25/2021	Teacher - Jumping Ahead Virtual Program Front Street	Rescind BOE appointment previously approved on 12/17/2020 docket.
Heather Mahler Eff. 1/5/2021 - 3/25/2021	Teacher - Jumping Ahead Virtual Program Barack Obama	Rescind BOE appointment previously approved on 12/17/2020 docket.

**RESOLVED, that the Board of Education approves the Interim Superintendent's recommendation to APPOINT the following personnel as Teacher Mentors for the 2020-2021 school year: (No more than (2) mentee's per mentor - not to exceed 38 hours per mentee)**

**RECOMMENDED BY:** HCTA Committee

**PURPOSE:** Provide support, mentoring and professional development to new teachers with initial certifications.

<u>NAME</u>	<u>POSITION</u>	<u>COMPENSATION</u>
Daphne Pradella	Teacher Mentor	\$40.54/hr.
Claudia Vaca	Teacher Mentor	\$40.54/hr.
Christina Ambrosio	Teacher Mentor	\$40.54/hr.

**RESOLVED, that the Board of Education approves the Interim Superintendent's recommendation to RECALL the following Professional Personnel from the Preferred Eligibility List:**

<u>NAME</u>	<u>POSITION</u>	<u>COMPENSATION</u>
Alessandra Holmes Eff. 1/25/2021	Music Teacher Jackson Annex (Replacing R. Fortunato - retired eff. 12/9/2020)	\$59,010 -Prorated (Lv. 1, St. 4) Replacing R. Fortunato, retired eff. 12/9/2020; Board action - 12/17/2020.
Olga Vides Eff. 1/25/2021	Teaching Assistant Joseph McNeil	\$32,206.62 -Prorated (Lv. 4, St. 5)



(Replacing A. Cason Ephraim - resigned eff. 11/13/2020)

Replacing A. Cason Ephraim, resigned eff. 11/13/2020;  
Board action – 11/19/2020.

## JUUL AGREEMENT MOVED TO EXECUTIVE SESSION

**WHEREAS**, the following professional staff were appointed by the Board of Education to a probationary position; and

**WHEREAS**, the professional staff have been informed that the Interim Superintendent does not intend to recommend tenure; and

**WHEREAS**, the professional staff have requested that the Board of Education not terminate employment and has agreed to extend the probationary period; and

**WHEREAS**, the Board of Education has no legal or other obligation to agree to this request, but is willing to do so in this instance as set forth in a letter of agreement that has been executed by this employee.

**BE IT FURTHER RESOLVED**, the probationary period of the following professional staff is extended as follows:

<u>NAME</u>	<u>CURRENTLY DUE TO EXPIRE</u>	<u>EXTENDED TO AND WILL EXPIRE</u>
Reina Jovin	2/21/2021	2/21/2022

**RESOLVED**, that the Board of Education approves the Interim Superintendent's recommendation to **APPROVE** the following personnel for the Jumping Ahead School Program, effective January 5, 2021 - March 25, 2021, Tuesdays (4:00 PM - 5:30 PM for Jackson Main Administrator, In-Person) and Tuesdays & Thursday (4:15 PM - 5:15 PM for Front Street Teacher, Virtual) - (Title III Funding).

**RECOMMENDED BY:** Janet Lovett

<u>NAME</u>	<u>POSITION</u>	<u>LOCATION</u>	<u>COMPENSATION</u>
Richard Brown	Administrator	Jackson Main	\$94.39/hr.
Erica Diaz	Teacher	Front Street	\$40.54/hr.

**A. RESOLVED**, that the Board of Education approves the Interim Superintendent's recommendation to **APPROVE** the following personnel for the David Paterson Virtual Saturday AIS "I Can" Academy, effective January 23, 2021 - April 17, 2021 from 9:00 AM to 12:00 PM (for Administrators, Teachers, and Teaching Assistants) - (Title I Grant Funded). Meeting Dates: January 23, 30/ February 6, 13, 27/ March 6, 13, 20, 27/ April 10, 17.

**RECOMMENDED BY:** Gary Rush - David Paterson - Saturday Program

<u>NAME</u>	<u>POSITION</u>	<u>COMPENSATION</u>
Alicia Castro	Teacher	\$40.54/hr.

**B. RESOLVED**, that the Board of Education approves the Interim Superintendent's recommendation to **APPROVE** the following personnel for the Weekly AIS "I Can" Academy on Tuesdays and Thursdays, effective January 26, 2021 - March 18, 2021 from 3:20 PM to 5:20 PM (for Teachers and Teaching Assistants) - (Title I Grant Funded). Meeting Dates: January 26, 28/ February 2, 4, 9, 11, 23, 25/ March 2, 4, 11, 16, 18.

**RECOMMENDED BY:** Gary Rush - David Paterson - After School Program

<u>NAME</u>	<u>POSITION</u>	<u>COMPENSATION</u>
Itzel Connell	Teacher	\$40.54/hr.

**RESOLVED**, that the Board of Education approves the Interim Superintendent's recommendation to **APPROVE** the following Professional Personnel for the 2020 - 2021 school year. (Funding Source - SIG 6 2020-2021):

<u>NAME</u>	<u>LOCATION/POSITION</u>	<u>COMPENSATION</u>
Danielle Golub Eff: 1/25/21	International Academy	\$5,880 (Service Assignment II) (Prorated)

**RESOLVED, that the Board of Education approves the Interim Superintendent's recommendation to APPROVE the following professional personnel for COMPENSATION for the 2020 – 2021 school year as follows (TRACT grant funded) (budget code: 2110.150.21.3526):**

<u>DIRECTOR</u>	<u>POSITION</u>	<u>COMPENSATION</u>
Maria Cady Eff. 1/4/2021 - 6/30/2021	Media Teacher	\$1,000 a month for 10 months (logs 25 hrs. per month during 10-month period)
<u>INSTRUCTOR</u>	<u>POSITION</u>	<u>COMPENSATION</u>
Claudine Clark	Math Teacher	\$1,500 (based on \$100/hr. 15 hour in-service course)
Mishka Fox	English Teacher	\$1,500 (based on \$100/hr. 15 hour in-service course)
Meagan Ralph	Science Teacher	\$1,500 (based on \$100/hr. 15 hour in-service course)
LaVern Lariosa	Elementary Teacher	\$1,500 (based on \$100/hr. 15 hour in-service course)
Stephen Lux	ENL Teacher	\$1,500 (based on \$100/hr. 15 hour in-service course)
Elizabeth Diglio	Math Teacher	\$1,500 (based on \$100/hr. 15 hour in-service course)
Raquel Goldsmith	ENL Teacher	\$1,500 (based on \$100/hr. 15 hour in-service course)
Claire Lamothe	Social Studies Teacher	\$1,500 (based on \$100/hr. 15 hour in-service course)
Donna Melcer	English Teacher	\$1,500 (based on \$100/hr. 15 hour in-service course)
Claudia Vaca	Bilingual Teacher	\$1,500 (based on \$100/hr. 15 hour in-service course)

**RESOLVED, that the Board of Education approves the Interim Superintendent's recommendation to APPOINT the following personnel for the position of Virtual After School Guidance Counselor for the MY BROTHER'S KEEPER Program, effective January 22, 2021 - June 1, 2021. The program will run Monday through Friday from 3:00 PM to 7:00 PM and Saturday from 8:00 AM to 12:00 PM. Guidance Counselors will work a maximum of one and one half (1 1/2) hours per day for a total of 6 hours (4 days per week).**

**RECOMMENDED BY: James Clark**

**FUNDING SOURCE: My Brother's Keeper Grant**

<u>NAME</u>	<u>POSITION</u>	<u>LOCATION</u>	<u>COMPENSATION</u>
Marisa DiMartino	Guidance Counselor	Hempstead High School	\$45.00/hr.

**ASSISTANT VARSITY COACH MOVED TO EXECUTIVE SESSION**

**RESOLVED, that the Board of Education approves the Interim Superintendent's recommendation to APPOINT the following professional personnel as COACHES for the WINTER season of the 2020-2021 School Year.**

<u>NAME</u>	<u>POSITION</u>	<u>COMPENSATION</u>
Joshua Carlock Eff. 1/4/2021 - 2/26/2021	Assistant Varsity Boys Swim	\$1,965



**O. CIVIL SERVICE PERSONNEL****CIVIL SERVICE PERSONNEL**

**APPOINTMENT(S) - RESOLVED**, that the Board of Education approves the Interim Superintendent's recommendation to **APPOINT** the following **CIVIL SERVICE Personnel**:

<b><u>NAME</u></b>	<b><u>POSITION</u></b>	<b><u>REASON</u></b>
Amy Ciaccio Typist Clerk, F/T, Eff. 1/25/21 Registration		\$37,213-prorated (Lv. 1A, St. 7) <b>PURPOSE:</b> Appoint from the Nassau County Civil Service Eligibility List. Replacing Adelita Henriquez, resigned 11/2/20; Bd. Action 10/15/20
Fitzroy Walker Maintenance Supervisor I, Eff. 1/25/21 Central Maintenance		\$63,281.80-prorated (Lv. 7, St. 6) <b>PURPOSE:</b> Fill vacant position replacing D. Hammond, retired 10/16/20; Bd. action 9/17/20 docket
Sadia Batool Typist Clerk, P/T-Sub Eff. 1/25/21 District		\$14.62/hr (Lv.9A, St. 1) <b>PURPOSE:</b> Expand Substitute List. Services to be utilized by district as needed.

**RESIGNATION – RESOLVED**, that the Board of Education approves the Interim Superintendent's recommendation to **ACCEPT** the resignation(s) from the following Civil Service personnel for **RETIREMENT/PERSONAL PURPOSES**:

<b><u>NAME</u></b>	<b><u>POSITION</u></b>	<b><u>REASON</u></b>
Patricia Donohue Eff. 1/8/21	Cook Manager, High School	Letter of resignation received for retirement purposes.
Amos Joseph Eff 11/3/20	Cleaner, High School	Letter of resignation received for retirement purposes.
Fitzroy Walker Eff. 1/22/21 (Close of business)	Maintainer, Central Maintenance	Letter of resignation received contingent upon appointment as Maintenance Supervisor.
Jamel Cummings Eff. 1/3/21	Custodian, High School	Letter of resignation received for personal reasons.

**LOA MOVED TO EXECUTIVE SESSION**

**WHEREAS**, on October 15, 2020 the Board granted Employee # 1706 FMLA leave for 12 weeks from 9/30/20 to 12/18/20 for a qualifying event with pay, provided that Employee #1706 had banked sick days; and

**WHEREAS**, on December 18, 2020, Employee # 1706 requested additional time off with pay because the qualifying event has not resolved; and

**WHEREAS**, based upon medical evidence provided by Employee #1706, the District considered the December 18, 2020 request to be a request for a reasonable accommodation under the New York State Human Rights Law and the Americans with Disabilities Act; and

**WHEREAS**, the medical evidence provided by Employee # 1706 reveals that Employee # 1706 may have a disability requiring the District to provide a reasonable accommodation, and

**WHEREAS**, based upon the medical evidence provided by Employee # 1706 a reasonable accommodation for Employee # 1706's disability to be placed on leave, using Employee # 1706's banked sick time to pay Employee # 1706 during the leave.

**NOW THEREFORE**, it is

**RESOLVED**, that the District grants Employee # 1706 a reasonable accommodation for leave with pay, using Employee # 1706's banked sick days from 12/19/20 to 3/31/21.

**LEAVE OF ABSENCE - RESOLVED**, that the Board of Education approves the Interim Superintendent's recommendation to **APPROVE** the following **LEAVE(S) of ABSENCE request(s)** for the following **CIVIL SERVICE PERSONNEL**:

<u>NAME</u>	<u>POSITION</u>	<u>REASON</u>
Barbara Gant-Johnson Eff. 12/22/20 - 2/26/21	Registered Professional School Nurse David Paterson	Letter requesting a Medical Leave of Absence, at 1/2 pay, from 12/22/20 to 2/26/21. Letter received on 1/14/21 in Human Resources. Medical documentation on file.
Margaret Kaczorowski Personnel Clerk Eff. 1/11/21 - 1/26/21	Facilities	Letter requesting a Medical Leave of Absence, at 1/2 pay, from 1/11/21 - 1/26/21. Letter received on 1/14/21 in Human Resources. Medical documentation on file.

**RESOLVED**, that the Board of Education **APPROVES** the Interim Superintendent's recommendation to **TERMINATE** the following **CIVIL SERVICE PERSONNEL**, effective:

<u>NAME</u>	<u>POSITION</u>	<u>REASON</u>
(NO ACTION)		

**Trustee Pratt moved, seconded by Trustee McNeill to reconvene to open session at 8:54 P.M.**

<u>MOTION</u>	<u>YES</u>	<u>MOTION CARRIED</u>
To reconvene to open session	5	

**Trustee Spleen moved, seconded by Trustee Pratt to approve the Juul agreement**

**JUUL AGREEMENT MOVED TO EXECUTIVE SESSION**

**WHEREAS**, the following professional staff were appointed by the Board of Education to a probationary position; and

**WHEREAS**, the professional staff have been informed that the Interim Superintendent does not intend to recommend tenure; and

**WHEREAS**, the professional staff have requested that the Board of Education not terminate employment and has agreed to extend the probationary period; and

**WHEREAS**, the Board of Education has no legal or other obligation to agree to this request, but is willing to do so in this instance as set forth in a letter of agreement that has been executed by this employee.

**BE IT FURTHER RESOLVED**, the probationary period of the following professional staff is extended as follows:

<u>NAME</u>	<u>CURRENTLY DUE TO EXPIRE</u>	<u>EXTENDED TO AND WILL EXPIRE</u>
Reina Jovin	2/21/2021	2/21/2022

<u>MOTION</u>	<u>YES</u>	<u>MOTION CARRIED</u>
To approve	4 NO 1 (Trustee Pratt)	



Juul agreement

**ASSISTANT COACH PULLED PER INTERIM SUPERINTENDENT OF SCHOOLS****ASSISTANT VARSITY COACH MOVED TO EXECUTIVE SESSION**

**RESOLVED**, that the Board of Education approves the Interim Superintendent's recommendation to **APPOINT** the following professional personnel as **COACHES** for the **WINTER** season of the 2020-2021 School Year.

<b><u>NAME</u></b>	<b><u>POSITION</u></b>	<b><u>COMPENSATION</u></b>
Joshua Carlock Eff. 1/4/2021 - 2/26/2021	Assistant Varsity Boys Swim	\$1,965

Trustee Ayala moved, seconded by Trustee McNeill to approve the LOA of employee 1706

**LOA MOVED TO EXECUTIVE SESSION**

**WHEREAS**, on October 15, 2020 the Board granted Employee # 1706 FMLA leave for 12 weeks from 9/30/20 to 12/18/20 for a qualifying event with pay, provided that Employee #1706 had banked sick days; and

**WHEREAS**, on December 18, 2020, Employee # 1706 requested additional time off with pay because the qualifying event has not resolved; and

**WHEREAS**, based upon medical evidence provided by Employee #1706, the District considered the December 18, 2020 request to be a request for a reasonable accommodation under the New York State Human Rights Law and the Americans with Disabilities Act; and

**WHEREAS**, the medical evidence provided by Employee # 1706 reveals that Employee # 1706 may have a disability requiring the District to provide a reasonable accommodation, and

**WHEREAS**, based upon the medical evidence provided by Employee # 1706 a reasonable accommodation for Employee # 1706's disability to be placed on leave, using Employee # 1706's banked sick time to pay Employee # 1706 during the leave.

**NOW THEREFORE**, it is

**RESOLVED**, that the District grants Employee # 1706 a reasonable accommodation for leave with pay, using Employee # 1706's banked sick days from 12/19/20 to 3/31/21.

<b>MOTION</b>	<b>YES 5</b>	<b>MOTION CARRIED</b>
To approve LOA of employee # 1706		

Trustee Johnson moved, seconded by Trustee Pratt to approve hand carry item # 1 suspension of policy # 2342

**HAND CARRY# 1**  
**RESOLUTION TO SUSPEND POLICY 2342**

**BE IT RESOLVED**, the Board of Education waives policy 2342 requiring the agenda, together with supporting background materials to be distributed to Board members seven days in advance of a Board meeting, and the Board shall permit the consideration of the hand-carry resolutions presented at the January 21, 2021 meeting of the Board; and

**BE IT RESOLVED**, the waiver of policy 2342 is effective only for the hand-carry resolutions considered at the January 21, 2021 meeting.

<b>MOTION</b>	<b>YES 3</b>	<b>MOTION CARRIED</b>
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To approve hand carry item # 1 suspension of policy # 2342  
**ABS. 1** (Trustee Ayala)  
**NO 1** (Trustee McNeill)

**Trustee Pratt moved, seconded by Trustee Spleen to approve hand carry item # 2 appointment of special counsel.**

**HAND CARRY# 2  
RESOLUTION TO APPROVE APPOINTMENT OF SPECIAL COUNSEL**

**RESOLVED**, the Board of Education hereby engages the services of Stuart P. Besen, Esq. of Milber Makris Plousadis & Seiden, LLP to perform an internal investigation regarding allegations of official misconduct and to prepare disciplinary charges and bring proceedings if warranted at a rate of \$250.00 per hour plus reimbursement for reasonable expenses, and hereby authorizes the President of the Board of Education to execute a retainer letter for same.

<b>MOTION</b>	<b>YES 3</b>	<b>MOTION CARRIED</b>
To approve hand carry item # 2 appointment of special counsel	<b>ABS. 1</b> (Trustee Ayala) <b>NO 1</b> (Trustee McNeill)	

Trustee Spleen moved, seconded by Trustee Ayala to approve hand carry # 3 the appointment of labor counsel

**HAND CARRY # 3**

**RESOLVED**, that the Board of Education **APPOINTS** The Scher Law Firm as Labor Counsel to the Board of Education for the 2020-2021 school year with a retainer of \$28,200 per annum for the 2020-2021 fiscal year, Any additional work of the attorneys shall be paid at an hourly rate of \$235.00 for all attorneys. (Letter of agreement will be on file).

<b>MOTION</b>	<b>YES 5</b>	<b>MOTION CARRIED</b>
To approve hand carry # 3 the appointment of labor counsel		

**P. ADJOURNMENT**

Action: 1. Adjourn

**Trustee Pratt moved, seconded by Trustee Mc Neill to adjourn the meeting at 9:02 P.M.**

<b>MOTION</b>	<b>YES 5</b>	<b>MOTION CARRIED</b>
Meeting adjourned		

**\*\*\*\* The minutes of this meeting were recorded by the Distric Clerk Pro-tem April Keys and prepared by District Clerk Patricia Wright**

Respectfully submitted:

April Keys  
District Clerk Pro-tem



(X) Required

(X) Local

( ) Notice

## PURCHASING

The Board of Education views purchasing as serving the educational program by providing necessary supplies, equipment and related services. Purchasing will be centralized in the business office under the general supervision of the Purchasing Agent designated by the Board.

It is the goal of the Board to purchase competitively, without prejudice or favoritism, and to seek the maximum educational value for every dollar expended. Competitive bids or quotations shall be solicited in connection with purchases pursuant to law. The General Municipal Law requires that purchase contracts for materials, equipment and supplies involving an estimated annual expenditure exceeding \$20,000 and public work contracts involving an expenditure of more than \$35,000 will be awarded only after responsible bids have been received in response to a public advertisement soliciting formal bids. Purchases of the same commodity cannot be artificially divided for the purpose of avoiding the threshold. Similar procurements to be made in a fiscal year will be grouped together for the purpose of determining whether a particular item must be bid.

It is the goal of the Board to establish an equitable and competitive purchasing policy. The Board is committed to ensuring District purchasing adheres to its comprehensive non-discrimination policy and provides opportunities and fair consideration to all suppliers. Accordingly, the Board adopts an objective that minority and/or women-owned business enterprises (MWBs) are given the opportunity to demonstrate their ability to provide the District with goods and services under best value purchases. The District's purchasing policy shall incorporate the definitions of Minority-owned business enterprise (MBE) and Women-owned business enterprise (WBE) set forth in Section 163 of the State Finance Law.

The purchasing activity of the Hempstead Union Free School District ("District") will strive to meet the following objectives:

1. to effectively supply all administrative units in the school system with needed materials, supplies, and contracted services;
2. to obtain materials, supplies and contracted services at the lowest prices possible consistent with the quality and standards needed as determined by the Purchasing Agent in conformance with state law and regulation and in cooperation with the requisitioning authority. The educational and physical welfare of the students is the foremost consideration in making any purchase;
3. to ensure that all purchases fall within the framework of budgetary limitations and that they are consistent with the educational goals and programs of the District;
4. to maintain an appropriate and comprehensive accounting and reporting system to record and document all purchasing transactions; and
5. to ensure, through the use of proper internal controls, that loss and/or diversion of District property is prevented; and.

5.6. to provide opportunities to MWBE offerors in best value procurement(s).

Opportunities shall be provided to all responsible suppliers to do business with the District. Suppliers whose place of business is situated within the District may be given preferential consideration only when bids or quotations on an item or service are identical as to price, quality and other factors.

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Where permitted by law, purchases may be made through available cooperative BOCES bids, or by "piggybacking" onto contracts of the United States or agencies thereof or the federal General Services Administration (GSA), the New York State Office of General Services (OGS), departments or agencies of New York State, any New York State county, or any state or any county or political subdivision or District therein, whenever such purchases are in the best interests of the District or will result in cost savings to the District. In addition, the District may make purchases from correctional institutions and severely disabled persons through charitable or non-profit-making agencies, as provided by law.

It is the District's responsibility to review each "piggybacking" contract corresponding to a proposed purchase, upon the advice of counsel as necessary, to determine whether the original contract does not conflict with state law or regulation, and meets the following requirements:

1. The contract must have been let by the United States, or any agency thereof, any state, or any other political subdivision or district therein;
2. The contract must have been made available for use by other governmental entities; including New York State local governments;
3. The contract must have been let to the lowest responsible bidder or on the basis of best value, in a manner consistent with General Municipal Law §103. Those main elements are: (a) public solicitation of bids or offers; (b) secure or confidential bids or offers; (c) use of a common standard for bidders or offers to compete fairly; and (d) awarded to the lowest responsible bidder, or responsible offeror of best value, which optimizes quality, cost and efficiency.

In accordance with law, the District shall give a preference in the purchase of instructional materials to vendors who agree to provide materials in alternative formats. The term "alternative format" shall mean any medium or format for the presentation of instructional materials, other than a traditional print textbook, that is needed as an accommodation for a disabled student enrolled in the District (or program of a BOCES), including but not limited to Braille, large print, open and closed captioned, audio, or an electronic file in a format compatible with alternative format conversion software that is appropriate to meet the needs of the individual student.

The Board is also aware of the need to reduce exposure of students and staff to potentially harmful chemicals and substances used in cleaning and maintenance. In accordance with law, regulation and guidelines set forth by the Office of General Services (OGS), the District will purchase and utilize environmentally sensitive cleaning and maintenance products in its facilities whenever feasible. Cleansers purchased must, first and foremost, be effective so that

the District may continue to purchase non-green products as necessary. Environmentally sensitive cleaning and maintenance products will be procured in accordance with standard purchasing procedures as outlined in this policy and regulation.

In order to ensure that the District avails itself of advantageous purchasing opportunities, the Board authorizes the Purchasing Agent to represent the District in applying for federal programs designed to discount prices for goods and services. Specifically, the Purchasing Agent will abide by the rules and regulations associated with applying for telecommunications service discounts through the Universal Service Fund (E-Rate), in addition to complying with the local purchasing policies set forth by the Board. As with all purchasing activity, appropriate documentation of the application and purchase through any federal program will be maintained by the business office.

### Competitive Bidding

Purchase contracts and public works contracts subject to competitive bidding will be awarded to the lowest responsible bidder, however, the Board authorizes that purchase contracts may be awarded on the basis of best value, as defined in State Finance Law §163. Other exceptions to competitive bidding are outlined below.

In addition, the Board authorizes the receipt of sealed bids for purchase contracts in electronic format, pursuant to the provisions of General Municipal Law §103(1) which addresses proper documentation, authentication, security, and confidentiality of electronic bids.

The District shall comply with the requirements of General Municipal Law §103-g, which prohibits, with few exceptions, competitive bidding contracts with entities that invest significantly in the Iranian energy sector, as outlined in the accompanying regulation.

### Exceptions to Competitive Bidding

Competitive bidding, even if the dollar value of the purchase meets the threshold established above, is not required in the following circumstances:

1. emergencies where time is a crucial factor;
2. procurements for which there is no possibility of competition (sole source items);
3. professional services that require special skill or training (see policy 6741 for guidance on purchasing professional services);
4. purchases such as surplus or second-hand items from governmental entities, certain food and milk items, or goods and services from municipal hospitals; or
5. where the District is purchasing through (or is "piggybacking" onto) the contract of another governmental entity, where the original contract complies with the requirements of New York State law for competitive bidding.



Purchasing when Competitive Bidding Not Required

Goods and services which are not required by law to be procured by the District through competitive bidding will be procured in a manner so as to ensure the prudent and economical use of public monies, in the best interests of the taxpayers, to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances, and to guard against favoritism, improvidence, extravagance, fraud and corruption.

Alternative proposals or quotations will be secured by requests for proposals, written or verbal quotations or any other appropriate method of procurement, except as permitted by state law for procurements:

1. under a county contract;
2. under a state contract;
3. under a federal contract;
4. under a contract of another political subdivision;
5. of articles manufactured in state correctional institutions; or
6. from agencies for the blind and severely disabled.

“Piggybacking” onto the contract of other governmental agencies is permitted where the original contract is in conformance with the goals of this section.

The District will provide justification and documentation of any contract awarded to an offeror other than the lowest responsible dollar offeror, setting forth the reasons why such award is in the best interests of the District and otherwise furthers the purposes of section 104-b of the General Municipal Law.

General Purchasing Provisions

The Superintendent of Schools, with the assistance of the Purchasing Agent, shall be responsible for the establishment and implementation of the procedures and standard forms for use in all purchasing and related activities in the District. Such procedures shall comply with all applicable laws and regulations of the state and the Commissioner of Education.

No Board member, officer or employee of the District shall have an interest in any contract entered into by the Board or the District, as provided in Article 18 of the General Municipal Law.

## Board Policy 6700

Comments will be solicited from those administrators involved in the procurement process before enactment of the District's policies regarding purchasing and from time to time thereafter. The policies must then be adopted by Board resolution. All District policies regarding the procurement process will be reviewed by the Board at least annually.

The unintentional failure to fully comply with the provisions of section 104-b of the General Municipal Law or the District's policies regarding procurement will not be grounds to void action taken nor give rise to a cause of action against the District or any officer or employee of the District.

Cross-ref: 6710, Purchasing Authority  
6741, Contracting for Professional Services

Ref: Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (Public Law 111-195)  
Education Law §§305(14); 409-i; 1604(29-a); 1709(4-a), (9), (14), (22); 2503(7-a); 2554(7-a)  
General Municipal Law §§102; 103; 103-g; 104; 104-b; 109-a; 800 et seq.  
State Finance Law §§97-g(3), (4), (5); 163; 163-b; 165-a  
County Law §408-a(2)  
8 NYCRR Part 114

Adoption date:



## PURCHASING REGULATION

The following sets forth the procedures for the procurement of goods and services by the Hempstead Union Free School District ("District"):

### I. Definitions

Best value: optimizing quality, cost and efficiency. The basis for best value shall reflect, whenever possible, objective and quantifiable analysis, ~~and may also take into consideration small businesses or certified minority or women-owned businesses as defined in State Finance Law §163.~~ To the extent practicable, the basis of best value shall include a quantitative factor for offerors that are certified minority- or women-owned business enterprises as defined in State Finance Law §163.

Purchase Contract: a contract involving the acquisition of commodities, materials, supplies, services or equipment

Public Work Contract: a contract involving labor or both materials and labor for a project such as construction

### II. General Municipal Law

The General Municipal Law requires that purchase contracts for services, materials, equipment and supplies involving an estimated annual expenditure exceeding \$20,000 and public work contracts involving an expenditure of more than \$35,000 will be awarded only after responsible bids have been received in response to a public advertisement soliciting formal bids. Similar procurements to be made in a fiscal year will be grouped together for the purpose of determining whether a particular item must be bid.

### III. Competitive Bidding Required

#### A. Method of Determining Whether Procurement is Subject to Competitive Bidding

1. The District will first determine if the proposed procurement is a purchase contract or a contract for public work.
2. If the procurement is either a purchase contract or a contract for public work, the District will then determine whether the amount of the procurement is above the applicable monetary threshold as set forth above.

## District Regulation 6700-R

3. The District will also determine whether any exceptions to the competitive bidding requirements (as set forth below) exist.
4. All advertised bids shall include the following statement required by General Municipal Law 103-g: "By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid each party thereto certifies as to its own organization, under penalty of perjury, that to the best of its knowledge and belief that each bidder is not on the list created pursuant to paragraph (b) of subdivision 3 of section 165-a of the state finance law."

### B. Contract Combining Professional Services and Purchase

In the event that a contract combines the provision of professional services and a purchase, the District, in determining the appropriate monetary threshold criteria to apply to the contract, will determine whether the professional service or the purchase is the predominant part of the transaction.

### C. Opening and Recording Bids; Awarding Contracts

The Purchasing Agent will be authorized to open and record bids. Contracts will be awarded to the lowest responsible bidder or a purchase contract bid of best value (as recommended by the Purchasing Agent), who has furnished the required security after responding to an advertisement for sealed bids.

In order to be considered a responsible bidder, entities must certify that they are not on the list created and maintained by the State Office of General Services cataloging significant investment in the Iranian energy sector. Such statement may be submitted electronically pursuant to General Municipal Law §103(1). Entities that cannot make this certification may only be awarded the bid if:

1. The entity's investment activities in Iran were made before April 12, 2012; the investment activities in Iran have not been expanded or renewed after that date; and the entity has adopted, publicized, and is implementing a formal plan to cease the investment activities in Iran and to refrain from engaging in any new investments in Iran; or



## District Regulation 6700-R

2. The District makes a determination, in writing, that the goods or services are necessary for the District to perform its functions and that, absent such an exemption, the District would be unable to obtain the goods or services for which the contract is offered.

### D. Documentation of Competitive Bids

The District will maintain proper written documentation which will set forth the method in which it determined whether the procurement is a purchase or a public work contract.

### E. Purchase of Instructional Materials

In accordance with Education Law, the District shall give a preference in the purchase of instructional materials to vendors who agree to provide materials in alternative formats (i.e., any medium or format for the presentation of instructional materials, other than a traditional print textbook, that is needed as a accommodation for a disabled student enrolled in the District, including but not limited to Braille, large print, open and closed captioned, audio or an electronic file in an approved format).

The District will establish and follow a plan to ensure that every student with a disability who needs his or her instructional materials in an alternative format will receive those materials at the same time that they are available to non-disabled students.

### F. Leases of Personal Property

In addition to the above-mentioned competitive bidding requirements, section 1725 of the Education Law requires that the District will be subject to competitive bidding requirements for purchase contracts when it enters into a lease of personal property.

Documentation: The District will maintain written documentation such as quotes, cost-benefit analysis of leasing versus purchasing, etc.

### G. Environmentally-Sensitive Cleaning and Maintenance Products

The District will purchase and utilize environmentally sensitive cleaning and maintenance products whenever feasible. The purchasing agent will consult with the Green Guidelines provided by the Office of General Services.

Any legal issues regarding the applicability of competitive bidding requirements will be presented to the school attorney for review.

IV. Exceptions to Competitive Bidding Requirements

The District will not be subject to competitive bidding requirements when the Board of Education, in its discretion, determines that one of the following situations exists:

1. emergency situations where:
  - a. the situation arises out of an accident or unforeseen occurrence or condition;
  - b. a District building, property, or the life, health, or safety of an individual on District property is affected; or
  - c. the situation requires immediate action which cannot await competitive bidding.

However, when the Board passes a resolution that an emergency situation exists, the District will make purchases at the lowest possible costs, seeking competition by informal solicitation of quotes or otherwise, to the extent practicable under the circumstances.

Documentation: The District will maintain records of verbal (or written) quotes, as appropriate;

2. when the District purchases surplus or second-hand supplies, materials or equipment from the federal or state governments or from any other political subdivision or public benefit corporation within the state.

Documentation: The District will maintain market price comparisons (verbal or written quotes) and the name of the government entity;

3. when the Board separately purchases eggs, livestock, fish and dairy products (other than milk), juice, grains and species of fresh fruits and vegetables directly from New York State producers or growers or associations of producers and growers, subject to the requirements of General Municipal Law §103(9) and Commissioner's Regulations §114.3.

Documentation: The District will maintain documentation consistent with section 114.3 of the Regulations of the Commissioner of Education;

4. when the Board separately purchases milk directly from licensed milk processors employing less than forty (40) people. The amount expended in any fiscal year by the District may not exceed an amount equal to twenty-five cents multiplied by the number of days in the school year multiplied by the total enrollment of the District or exceed the current market price.



## District Regulation 6700-R

Documentation: The District will maintain documentation consistent with section 114.4 of the Regulations of the Commissioner of Education;

5. when the District purchases goods, supplies and services from municipal hospitals under joint contracts and arrangements entered into pursuant to section 2803-a of the Public Health Law.

Documentation: The District will maintain the legal authorization, Board authorization and market price comparisons;

6. when there is only one possible source from which to procure goods or services required in the public interest.

Documentation: The District will maintain written documentation of the unique benefits of the item or service purchased as compared to other items or services available in the marketplace; that no other item or service provides substantially equivalent or similar benefits; and that, considering the benefits received, the cost of the item or service is reasonable, when compared to conventional methods. In addition, the documentation will provide that there is no possibility of competition for the procurement of the goods.

7. when the District purchases professional services that require special skill or training, such as but not limited to, audit, medical, legal or insurance services, or property appraisals.

Documentation: The District will keep proper documentation in accordance with policy 6741; or

8. when the District purchases through the contracts of (or “piggybacks” onto) other governmental entities, as authorized by law, for certain goods and services permitted by law. Factors relevant to the decision to “piggyback” may include cost, staff time, delivery arrangements, quality of goods and services, and suitability of such goods and services to the District’s needs.

Documentation: The District will keep documentation indicating why “piggybacking” is in the best interests of the District, copies of the original contract, and that the originating contract was let in a manner consistent with applicable competitive bidding requirements.

V. Quotes When Competitive Bidding Not Required

Goods and services which are not required by law to be procured by the District through competitive bidding will be procured in a manner so as to ensure the prudent and economical use of public monies in the best interests of the taxpayers. Alternative proposals or quotations will be secured by requests for proposals, written or verbal quotations or any other appropriate method of procurement, as set forth below.

A. Verbal / Written Quotes Thresholds

Quotations must be secured for all items costing more than \$3,000. Price quote requirements vary depending on the amount of the proposed order:

\$1 - \$3,000 no quotes are required, but are recommended

\$3,001 - \$4,999 require three verbal quotes

\$5,000 - \$19,999 require three written quotes (other than public works)

\$20,000 - \$34,999 require three written quotes (public works)

B. Methods of Documentation

1. Verbal Quotations: the telephone log or other record will set forth, at a minimum, the date, item or service desired, price quoted, name of vendor, name of vendor's representative;
2. Written Quotations: vendors will provide, at a minimum, the date, description of the item or details of service to be provided, price quoted, name of contact. For example, with regard to insurance, the District will maintain documentation that will include bid advertisements, specifications and the awarding resolution. Alternatively, written or verbal quotation forms will serve as documentation if formal bidding is not required.
3. Requests for Proposals: the District will utilize RFP's to engage professional services providers in accordance with policy 6741.



VI. Quotes Not Required When Competitive Bidding Not Required

The District will not be required to secure alternative proposals or quotations for those procurements as permitted by state law:

1. under a county contract;
2. under a state contract;
3. under a federal contract;
4. under a contract of another political subdivision;
5. of articles manufactured in state correctional institutions; or
6. from agencies for the blind and severely disabled.

“Piggybacking” onto the contract of other governmental agencies is permitted where the original contract is in conformance with the goals of the District’s policy and regulation for purchasing when competitive bidding is not required.

VII. Procurements from Other than the “Lowest Responsible Dollar Offeror”

The District will provide justification and documentation of any contract awarded to an offeror other than the lowest responsible dollar offeror, setting forth the reasons why such award is in the best interests of the District and otherwise furthers the purposes of section 104-b of the General Municipal Law.

VIII. Internal Control

The Board authorizes the Superintendent of Schools, with the assistance of the Purchasing Agent, to establish and maintain an internal control structure to ensure, to the best of their ability, that the District’s assets will be safeguarded against loss from unauthorized use or disposition, that transactions will be executed in accordance with the law and District policies and regulations, and recorded properly in the financial records of the District.

Comments will be solicited from those administrators involved in the procurement process before enactment of the District’s regulations regarding purchasing and from time to time thereafter. The regulations must then be adopted by Board resolution. All District regulations regarding the procurement process will be reviewed by the Board at least annually.

## **District Regulation 6700-R**

The unintentional failure to fully comply with the provisions of section 104-b of the General Municipal Law or the District's regulations regarding procurement will not be grounds to void action taken or give rise to a cause of action against the District or any officer or employee of the District.

Adoption date:

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