

REGULAR MEETING (Thursday, October 15, 2020)  
Generated by Patricia Wright on Monday, October 19, 2020

**HEMPSTEAD PUBLIC SCHOOLS  
BOARD OF EDUCATION  
REGULAR MEETING  
OCTOBER 15, 2020  
MINUTES**

The regular meeting of the Hempstead Public Schools Board of Education was held via Zoom ID# 97815099785, all of the Board Members were present. Trustee McNeill joined the meeting via telephone due to technical difficulties. The Interim Superintendent of Schools offered brief remarks, she gave an update on the districts COVID cases. She also asked that a moment of silence be observed in remembrance of a district art teacher from the Front Street School that passed away. There was a presentation from the high school Principal, Stephen Strachan on the grade 7-12 programs, secondary schools three year progress and the school change model. The Board then proceeded to the agenda.

**BOARD MEMBERS PRESENT:**

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

**STAFF MEMBERS PRESENT:**

Regina Armstrong, Interim Superintendent  
Jamal Scott, Assistant Superintendent for Business & Operations  
Rodney Gilmore, Associate Superintendent for Human Resources  
Djuana Wilson, Assistant Superintendent for Special Education  
James Clark, Assistant Superintendent for Special Assignments  
Allan Wakefield, Facilities Consultant  
Patricia Wright, District Clerk  
John Sheahan, General Counsel  
Jonathan Scher, Labor Counsel

**A. MEETING OPENING**

Procedural: 1. Pledge of Allegiance

Procedural: 2. Moment of Silence

**B. PRESIDENT'S REMARKS**

**C. INTERIM SUPERINTENDENT'S REMARKS**

**D. OTHER AGENDA ITEMS**

1. **RESOLVED**, that the Board of Education accept the minutes of the meetings held September 10 & 17, 2020 as submitted by the District Clerk.

**E. COMMENDATIONS/PRESENTATIONS**

**F. BOARD OPERATIONS**

Trustee Johnson moved, seconded by Trustee Ayala to approve the consent calendar including hand carry items 1-4 as written.

**MOTION**                      **YES 5**                      **MOTION CARRIED**

To approve the consent  
calendar

**POLICY**

**1ST READING OF 6700/6700-R TO BE PLACED ON THE NOVEMBER 19, 2020 ACTION MEETING**

1. **RESOLVED**, that the Board of Education approves the 2nd reading of amended policy # 2160 "School District Officer and Employee Code of Ethics". and the 1st reading of policy # 6700, 6700-R replacement policy recommended by the NYSSBA. (Attached)

**ITEM # 2 INDEPENDENT ACTION ITEM**

Trustee Spleen moved, seconded by Trustee Pratt to approve resolution # 2 to appoint investigator as written.

2. **RESOLVED**, that the Board of Education hereby engages the services of Elena Cacavas, Esq. of Cacavas ADR, LLC to perform an internal investigation concerning a complaint of bullying and harassment dated October 1, 2020 at a rate of \$250.00 per hour, with a cap of \$10,000, plus reimbursement for reasonable expenses, and hereby authorizes the President of the Board of Education to execute the retainer letter for same.

**MOTION**                      **YES 3**                      **MOTION CARRIED**

To appoint                      **NO 2** (Trustees Ayala & McNeill)  
investigator

**ITEM # 3 INDEPENDENT ACTION ITEM**

Trustee Pratt moved, seconded by Trustee Johnson to approve resolution # 3 to appoint investigator as written.

3. **RESOLVED**, that the Board of Education hereby engages the services of Elena Cacavas, Esq. of Cacavas ADR, LLC to perform an internal investigation concerning a complaint of harassment dated October 5, 2020 at a rate of \$250.00 per hour, with a cap of \$10,000, plus reimbursement for reasonable expenses, an hereby authorizes the President of the Board of Education to execute the retainer letter for same.

<b>MOTION</b>	<b>YES 3</b>	<b>MOTION CARRIED</b>
To appoint investigator	<b>NO 2</b> (Trustees Ayala & McNeill)	

#### **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 #7, 5, 4); **Cafeteria/Lunch** (Warrants #3, 2); **Federal** (Warrants #5, 4, 3); **Capital** (Warrants #4, 3).

##### **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 August 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 August 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 August 2020**.

##### **INSURANCE RECOVERIES**

5. **RESOLVED**, that the Board of Education approves the Interim Superintendent's recommendation to increase both the revenue and expense sides of the 20/21 General Fund Budget in the amount of \$283,026.72 to reflect an insurance recovery from the Zurich American Insurance Company.

##### **AS-7**

6. **RESOLVED**, that the Board of Education approves the Interim Superintendent's recommendation to accept/approve the 2020/2021 Nassau BOCES Initial AS-7 Agreement.

##### **RESOLUTION LANGUAGE FOR TYPE II DETERMINATION** **SEORA**

7. **WHEREAS**, the Board of Education of the Hempstead Union Free School District is considering the implementation of improvements at the Hempstead Union Free School District (hereinafter referred to as the "proposed action"); located at 185 Peninsula Blvd., Hempstead, NY 11550, and;

**WHEREAS**, the Board of Education of the Hempstead Union Free School District has reviewed the proposed action and the State Environmental Quality Review Act and its implementing regulations at 6 NYCRR part 617 and has determined that the proposed action is properly classified as Type II, pursuant to 6 NYCRR §617.5(c)(1), (2) and (8);

**THEREFORE, BE IT RESOLVED**, that the Board of Education of the Hempstead Union Free School District, as lead agency, after review of the action proposed at the Hempstead Union Free School District, 6 NYCRR §617.5, and the opinion provided by BBS Architects, Landscape Architects & Engineers, P.C., hereby determines that the proposed action is a Type II Action pursuant to 6 NYCRR §617.5(c)(1), (2) and (8) of the implementing regulations of the State Environmental Quality Review Act, and will, therefore, by definition, have no significant adverse impact on the environment.

##### **H. CONTRACTS/STIPULATIONS OF SETTLEMENT**

###### **My Brother's Keeper – Outside Evaluator**

1. **RESOLVED**, that the Board of Education accepts the Interim Superintendent's recommendation to enter into a partnership agreement with KBD Strategic Consultant. KBD Strategic Consultant is a Minority & Women-Owned Business Enterprise (M/WBE) owned company that has been approved by the NYSED to do business with the My Brother's Keeper program. They are an outside evaluator that will assess the effectiveness of the partnerships the district has established utilizing the My Brother's Keeper funding. Effective October 16, 2020 to June 30, 2021 at a cost of \$20,000. The evaluator will assess the MBK middle and high school mentoring programs and have a report complete by June 30, 2021. We will have six meetings to discuss progress along the way. They will be collecting data from students, parents, service providers and activities while focusing on the MBK goals.

Funding: My Brother's Keeper Challenge Grant

Recommended: James Clark

Purposes: To serve as an outside evaluator for both virtual and in-person programs to measure the successfulness of the My Brother's Keeper Program. Increase rate of graduating high school ready for college and career as evidenced by a closing of the graduation rate achievement gap for young men/women of color.

Completing post-secondary education and training, as evidenced from young men/women of color increasing the number of AP and IB courses and college level courses while in high school.

Entering the workforce successfully with middle skill by having access to internships while in high school.

Reducing violence and providing a second chance as evidenced by having a reduction on in and out of school suspensions and behavioral related referrals.

## Global Resurrection

**2. RESOLVED**, that the Board of Education accepts the Interim Superintendent's recommendation that Global Resurrection, LLC (GRL) provide a virtual-model STEAM program for the My Brother's Keeper students at the ABGS middle school. GRL will also host an after-school program for elementary through middle school students. At ABGS Middle School, GRL will be part of classroom learning once or twice a week and students will participate in virtual hands-on project-based learning. Science kits will be given to the students to take home to further enhance their experience. This will give our students exposure to STEAM jobs of the future. The program will run from October 16, 2020 through June 30, 2021 at a cost of \$40,000. The program will last 26 weeks.

Recommended by: James Clark

Goal: Student Achievement by improving on their math, science skills and technological literacy

Graduating from high school ready for college and career

Source of Funding: My Brother's Keeper Program

## Morrison Mentors

## ITEM # 3 INDEPENDENT ACTION ITEM

**\*\*\*Trustee Spleen disclosed relationship at the meeting of October 8, 2020**

Trustee Spleen moved, seconded by Trustee Johnson to approve the Morrison Mentors program as presented.

**3. RESOLVED**, that the Board of Education accepts the Interim Superintendent's recommendation that Morrison Mentors (MM) provide a virtual model S.T.E.M. enrichment program for ABGS Middle School students. Students will learn important basic technology skills that can transfer into employability skills should they pursue a career in technology. MM will establish a Middle School Alternative Program for at-risk students that will give them the opportunity to participate in S.T.E.M. workshops and field trips during the school day. MM will also provide a S.T.E.M. afterschool program for approximately 90 students at ABGS. The program will run between October 16, 2020 and through June 30, 2021 for S.T.E.M. instruction over the course of twenty three weeks at a cost of \$40,000.

Recommended by: James Clark

Goal: Student Achievement by focusing on MBK State mandated Milestone #3 – Graduating from high school ready for college and career

Source of Funding: My Brother's Keeper Program

**MOTION YES 5 MOTION CARRIED**

To approve the Morrison Mentors program

## Pulse

**4. RESOLVED**, that the Board of Education approves the Interim Superintendent's recommendation to APPROVE a six-month pilot program which will take place during the 2020-2021 school year at a cost of \$5000.00. The Pulse – Culture and Climate Survey Builder is a program that surveys staff, students and parents regarding their feelings about COVID-19 as the reopening plan unfolds on a biweekly basis. They will collect data, report back to administration and provide feedback to the stakeholders as to the issues addressed.

Recommended By: James Clark

Purpose: To gain insight regarding our stakeholder's feelings towards COVID-19 and reopening the schools

Funded by: The My Brother's Keeper Program

## Scholastic, Inc.

**5. RESOLVED**, that the Board of Education accepts the Interim Superintendent's recommendation that Scholastic, Inc. provide a virtual Literacy Program – READ AMERICA for elementary, middle and high school students. Scholastic, Inc. is a Minority & Women-Owned Business Enterprise (M/WBE) owned company that has been approved by the NYSED to do business with the My Brother's Keeper program. The modules included are the Grab and Go, Literacy Pro, R.E.A.L., ID voice: vision and Professional Development for the teachers, students and parents for virtual learning. They will focus on improving reading and building vocabulary so students can successfully compete in the 21st century. The program will run from October 16, 2020 through June 30, 2021. The cost of this program is \$27,319.50.

Recommended by: James Clark

Goal: Through the MBK mentoring program, ensure that students become fluent readers by age 8 – the age which reading is essential

Ensure that students graduate from high school ready for college and career, as evidenced by closing the graduation rate achievement gap for young men/women of color

Source of Funding: My Brother's Keeper Program

\* Scholastic, Inc. is a Minority and Women-Owned Business Enterprise (M/WBE) participant

## Spring Board Incubators, Inc.

**\*\*\*Trustee Ayala disclosed that she is a member of the CDA Board**

**6. RESOLVED**, that the Board of Education accepts the Interim Superintendent's recommendation that Spring Board Incubators Inc. provide three programs to the students of Hempstead High School:

1. Workforce Readiness – in partnership with local business organizations
2. College Credit Program – Mercy, Cooper Union and Monroe College, SUNY Old Westbury
3. Entrepreneur Workshop – working with SUNY Colleges and VOH – CDA
4. My Brother's Keeper Mentorship Program

The program will run between October 16, 2020 and June 30, 2021. The Workforce Program will take place virtually, after school, for 26 weeks at the High School.

The total cost for these programs will be \$40,000.

Recommended by: James Clark

Goal: The goal for each of the programs is to develop pipelines for workforce, college and business.

MBK will focus on State mandated:

Milestone #3 – Graduating from high school ready for college and career.

Source of Funding: My Brother's Keeper Program

**St. John's University  
Project Bridge**

**7. RESOLVED**, that the Board of Education approves the Superintendent's recommendation to APPROVE the following program for 2020-2021 school year. The Department of the Administrative and Instructional Leadership, St. John's University will be overseeing a program to virtually teach kindergarten and first grade students advanced mathematics with language scaffolding. The program will take place virtually, at Prospect School, after school from Monday to Friday from October 16, 2020 through June 30, 2021. All personnel will be paid by St. John's University

Recommended By: James Clark

Funding Source: US DOE with Javits Grant for Gifted and Talented

Purpose: To provide gifted and talented kindergartners the opportunity to enrich their knowledge in mathematics

**Liberty Partnerships Program  
Hofstra University**

**8. RESOLVED**, that the Board of Education accepts the Interim Superintendent's recommendation to allow Hofstra University, on behalf of its Liberty Partnerships Program (LPP), to provide remote learning and support services for students who are at risk of dropping out of school. The program will take place after school hours and on Saturdays for 30 students in grades 6 through 8 at the ABGS Middle School and 60 students at the High School, grades 9 through 12, for the 2020-2021 school year. LPP will provide staffing, academic and counseling services to our students. The program is effective October 16, 2020 through August 31, 2021. LPP will also grant the Hempstead School District \$3000.00 for the middle school and \$6000.00 for the high school to support this program.

Recommended by: James Clark

**Jacqueline Thomas**

**9. RESOLVED:** That the Board of Education approves the Superintendent's Recommendation to execute the continuation and increase of service attached Partnership Agreement Contracts with Jacqueline Thomas for Professional Development services for Comprehensive Support and Improvement high school and authorizes the President of the Board to execute same.

**Purpose:** To strengthen curriculum and support whole school transformation at Receivership school, Hempstead High School.

**Strategic Goal(s):** Increase rigor, improve pedagogy and instructional practice through professional development and on-site lead partner support.

**Funding Source:** Persistently Struggling School Grant

**Amount:** Increase of \$45,000

**Right Reasons Technology**

**10. RESOLVED:** That the Board of Education approves the Superintendent's Recommendations to execute the attached Partnership Contracts with Right Reasons Technology services for Comprehensive Support and Improvement middle school, and authorizes the President of the Board to execute same.

**Purpose:** Provide adaptive multi-grade level diagnostic tools and assessment suite ABGS Middle School.

**Strategic Goal(s):** To strengthen curriculum and instruction using data informed practice.

**Funding Source:** Title 1 Grant 2020 – 2021

**Amount:** \$30,000

**Method Test Prep**

**11. RESOLVED:** That the Board of Education approves the Superintendent's Recommendations to execute the attached Partnership Contracts with Method Test Prep services for Comprehensive Support and Improvement High School and authorizes the President of the Board to execute same.

**Purpose:** Provide Method Test Prep Instructors to teach classes of up to 25 students including MTP SAT or ACT Workbooks (College Board SAT) workbooks for Hempstead High School.

**Strategic Goal(s):** Increase the District's college admissions rates and test scores for Hempstead High School students.

**Funding Source:** Title 1 Grant for 2020-21 School Year

**Amount:** \$20,100

**I. DONATION**

**DONATION**

1. **RESOLVED**, that the Hempstead Board of Education approves the Interim Superintendent of Schools recommendation to accept the following donations:

ITEM DONATED	DONOR	SCHOOL RECEIVING DONATION	DC
72 backpacks filled with school supplies	Vedic Heritage Inc.	Prospect	
3,800 Cloth Face Coverings	Disney	All Schools Grades PreK to 6	
25 book bags	Emanuel Chapter No. 27, Order of the Eastern Star	Barack Obama	

2. **RESOLVED**, that the Board of Education approves the Interim Superintendent's recommendation to increase both the revenue and expense sides of the 20/21 General Fund Budget in the amount of \$5,000.00 to reflect a donation from Salerno Brokerage Corp.

#### J. USE OF FACILITIES

#### K. DISPOSAL OF EQUIPMENT

#### L. SPECIAL EDUCATION

### SUPPLEMENTAL PERSONNEL

#### Appointment: Impartial Hearing Officer

1. **BE IT RESOLVED**, that the Board of Education of the Hempstead Union Free School district hereby ratifies and approves the appointment of Mr. James Monk to serve as the impartial hearing officer in connection with the request for an impartial hearing filed by the complainant, as set forth in the confidential attachment "A", which demand was received in the form of a letter from the parent on or about September 22, 2020 and hereby approves compensation for Mr. Monk in connection therewith, in the amount of \$100.00 per hour for services rendered plus reimbursement for mileage, tolls, postage, and copying.

2. **RESOLVED**, that the Board of Education APPROVES the Superintendent's recommendation to accept the recommendations of the CSE/CPSE meetings held on:

#### SEPTEMBER 2020

9/3, 9/10, 9/11, 9/14, 9/15, 9/16, 9/17, 9/21, 9/22, 9/23, 9/24, 9/25, 9/29, 9/30

#### 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	POSITION	COMPENSATION
George Clenfuegos Eff. 10/26/2020 4-Year Probationary Period, 10/25/2024 ELA (Grades 7-12), Initial, Eff. 1/31/2019	ELA Teacher Hempstead High School (Replacing C. Claro - Resigned)	\$61,339 - Prorated (Lv. 1, St. 5) <b>Recommended By:</b> Stephen Strachan <b>Purpose:</b> Fill Vacant Position Replacing C. Claro, resigned eff. 10/8/2020; Board Action - 9/17/2020.

**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**:

NAME	POSITION	REASON
Randi Gelband Eff. 10/31/2020	Elementary Teacher Joseph McNeil	Letter of resignation received for retirement purposes.
Alvenia Reinhardt Eff. 1/1/2021	Teaching Assistant Hempstead High School	Letter of resignation received for retirement purposes.
Arti Oliphant Eff. 9/14/2020	Instructional Technology Support - Teacher Jackson Annex	Letter of resignation received for personal reasons.

**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**:

NAME	POSITION	REASON
Brittney Brandman Eff. 9/16/2020 - 11/6/2020	Special Education Teacher Prospect School	Letter requesting a Maternity Leave of Absence/FMLA, with pay utilizing accrued sick time from 9/16/2020 to 10/27/2020, remainder (10/28/2020 - 11/6/2020) without pay. Letter received on 9/18/2020 in Human Resources. Medical documentation on file.
Danielle Golub	ENL Teacher	Letter requesting a Maternity Leave of Absence/FMLA, with pay utilizing accrued sick time from 9/21/2020 to 10/30/2020, remainder (10/31/2020 - 12/11/2020) without pay. Letter received on 9/16/2020 in Human Resources. Medical

Eff. Hempstead documentation on file.  
9/21/2020 - High School  
12/11/2020

Darla Blanco Bilingual  
Eff. Elementary Letter requesting a Maternity Leave of Absence/FMLA, with pay utilizing accrued sick time from 10/21/2020 to 11/13/2020.  
10/21/2020 - Teacher Letter received on 9/9/2020 in Human Resources. Medical documentation on file.  
11/13/2020 Front School

Cherie Dortch Social Worker  
Eff. ABGS Middle Letter requesting an Extension of Medical Leave of Absence/FMLA, with pay utilizing accrued sick time from 10/14/2020 to  
10/14/2020 - School 11/9/2020. Letter received on 10/5/2020 in Human Resources. Medical documentation on file.  
11/9/2020

Kristin Spruell Special  
Eff. Education Letter requesting a Maternity Leave of Absence/FMLA, with pay utilizing accrued sick time from 10/19/2020 to 11/27/2020,  
10/19/2020 - Teacher remainder (11/28/2020 - 1/20/2021) without pay. Letter received on 10/6/2020 in Human Resources. Medical documentation  
1/20/2021 Jackson Main on file.

Arti Oliphant Elementary  
Eff. 10/5/20 - Teacher Letter requesting a Medical Leave of Absence/FMLA, with pay utilizing accrued sick time from 10/5/2020 to 10/23/2020.  
10/23/20 Jackson Annex Letter received on 10/6/20 in Human Resources. Medical documentation on file.

Alana Cason-Teaching  
Ephraim Assistant Letter requesting a Medical Leave of Absence/FMLA, with pay utilizing accrued sick time from 9/8/2020 to 10/30/2020. Letter  
Eff. 9/8/2020 Joseph received on 10/7/20 in Human Resources. Medical documentation on file.  
- 10/30/2020 McNeil

Carolina School  
Perez Counselor Letter requesting a Maternity Leave of Absence/FMLA, with pay utilizing accrued sick time from 11/9/2020 - 12/4/2020.  
Eff. 11/9/20 High School Letter received on 10/9/20 in Human Resources. Medical documentation on file.  
- 12/4/20

**RESOLVED, that the Board of Education approves the Interim Superintendent's recommendation to APPOINT PER DIEM SUBSTITUTE TEACHERS for the 2020-2021 School Year:**

<u>NAME</u>	<u>CERTIFICATION</u>	<u>COMPENSATION</u>
Leonia Gipson Eff. 10/19/2020	Special Education, Grades 7-12	All year \$130 per day

**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>
Diorca Badaraco Eff. 9/8/2020 - 10/23/2020	Bilingual Elementary Teacher Jackson Annex	Change effective dates of Maternity Leave/FMLA FROM 9/1/2020 - 10/13/2020 TO 9/8/2020 - 10/19/2020, with pay utilizing accrued sick time and remainder (10/20/2020 to 10/23/2020) without pay. (Previously approved on the 6/18/2020 docket).
Wendi Hasbun Eff. 10/5/2020 - 11/20/2020	Spanish Teacher Hempstead High School	Change effective dates of Medical Leave/FMLA FROM 9/8/2020 - 11/30/2020 TO 10/5/2020 - 11/20/2020, with pay utilizing accrued sick time. (Previously approved on the 9/17/2020 docket).

**RESOLVED, that the Board of Education approves the Interim Superintendent's recommendation to APPOINT the following personnel to work for the Special Education Department as the CPSE Chairperson for the 2020/2021 School Year - (IDEA 611 Funding)**

**RECOMMENDED:** Djuana Wilson

**PURPOSE:** Compliance

<u>NAME</u>	<u>LOCATIONS</u>	<u>COMPENSATION</u>
Bernardo Flores	CPSE	\$11,706 - Service Assignment I

**RESOLVED, that the Board of Education approves the Interim Superintendent's recommendation to APPROVE the following Professional Personnel as Instructional Technology Support during the 2020 - 2021 school year in the form of professional learning sessions, tutorials, instructional web links and one-on-one sessions to improve instructional technology for staff, students and parents (Title IV Grant).**

<u>NAME</u>	<u>LOCATION/POSITION</u>	<u>COMPENSATION</u>
Amanda Gaimaro	Jackson Annex - Teacher	\$2,908 (Service Assignment III)
Richard Mata-Castro	Jackson Main - Teacher	\$2,908 (Service Assignment III)

**RESOLVED, that the Board of Education approves the Interim Superintendent's recommendation to COMPENSATE the following professional personnel for their participation in the Johns Hopkins University COVID-19 Contact Tracing Course. The course is an 8-hour online program**

that must be taken by the COVID-19 Coordinators at each building. It should be taken outside of normal working hours and an individual must pass the course and produce a completion certificate by November 30, 2020 to be compensated.

**RECOMMENDED BY:** James Clark

**FUNDING SOURCE:** Title IV

<u>NAME</u>	<u>POSITION</u>	<u>COMPENSATION</u>
Earl Davis Jr.	Administrator	\$300
Joy Vanhook	Administrator	\$300
Kelly Fairclough	Administrator	\$300
Sandra Powell	Administrator	\$300
Renee Wright	Administrator	\$300
Arlise Carson	Administrator	\$300
Sionery Villar	Administrator	\$300
Sheena Burke	Administrator	\$300
Carole Eason	Administrator	\$300
Donnette Williams	Social Worker	\$300
Dorothy Butler-Crayton	Social Worker	\$300
Mark Collins	Social Worker	\$300
Roberta Johashen	Nurse	\$300
Constance Luces	Nurse	\$300
Rosalena Velazquez	Nurse	\$300
Roberta Elder	Teacher	\$300
Laurie Hamilton	Teacher	\$300

**RESOLVED**, that the Board of Education approves the Interim Superintendent's recommendation to **APPOINT** the following personnel for the Tiger Academy Alternative Program for the 2020 - 2021 school year (Administrators from 4:15 pm. - 7:15 pm / Teachers, Teaching Assistants, and Clerical from 3:15 p.m. - 5:15 p.m. or 5:15 p.m. - 7:15 p.m.), effective 10/19/20 - 6/18/21.

**RECOMMENDED BY:** Stephen Strachan

<u>NAME</u>	<u>POSITION</u>	<u>COMPENSATION</u>
Stephen Strachan	Administrator	\$94.34/hr.
Sionery Villar	Administrator - Sub	\$94.34/hr.
Lisaura Moreno	Administrator - Sub	\$94.34/hr.
O'Neil Glenn	Administrator - Sub	\$94.34/hr.
Iris Tamayo	Administrator - Sub	\$94.34/hr.
Natalie Reyes	Administrator - Sub	\$94.34/hr.
Tracey Brown	ELA Teacher	\$40.54/hr.
Charlene Robinson	Math teacher	\$40.54/hr.
Jason Noone	Social Studies Teacher	\$40.54/hr.
Donald Jackson	Social Studies Teacher	\$40.54/hr.
Richard Cardenas	Social Studies/Bilingual Teacher	\$40.54/hr.
Dagoberto Echeverria	Social Studies/Bilingual Teacher	\$40.54/hr.
Beatriz Caban	ENL Teacher	\$40.54/hr.
Jean Anglade	Math/Special Education Teacher	\$40.54/hr.
Robert Sung Butler	Math/Special Education Teacher	\$40.54/hr.
Rebecca Labarca	Science Teacher	\$40.54/hr.
Marsha Hutchinson	School Counselor	\$40.54/hr.
Marisa DiMartino	School Counselor - Sub	\$40.54/hr.
Regina Edgeworth	Social Worker	\$40.54/hr.
Lisa Byrd Watkins	Social Worker - Sub	\$40.54/hr.
Tracey Williams	Teaching Assistant	\$27.00/hr.
Audrey Little-McLeod	Clerical	Contract

**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>
Joyce Scott	Business & Entrepreneurship	\$5,880 (Service Assignment II) (Prorated)
Rachel Blackburn	Visual & Performing Arts	\$5,880 (Service Assignment II) (Prorated)
Marvin Perez	International Academy	\$5,880 (Service Assignment II) (Prorated)
Emmanuel Ogogo	STEM/STEAM	\$5,880 (Service Assignment II) (Prorated)
Julie Irizarry	STEM/STEAM	\$5,880 (Service Assignment II) (Prorate)

**RESOLVED**, that the board of Education approved the Interim Superintendent's recommendation to **APPOINT** the following professional personnel to teach an additional period at 1/5th of their salary, due to the restrictions to ensure social distancing placed on the schools due to COVID-19, effective 10/19/2020 to 1/29/2021.

<u>NAME</u>	<u>POSITION</u>	<u>COMPENSATION</u>
<b>9th GRADE</b>		
Yolanda Sampson-Ousley	ELA	1/5th of Salary
Andy Boakye	Math	1/5th of Salary
Betsy Leibur	Science	1/5th of Salary

**10th GRADE**

Sean Peterson	Science	1/5th of Salary
Jennifer Garcia	ELA	1/5th of Salary
Alicela Varriale	Math	1/5th of Salary
Eduardo Espinoza	Social Studies	1/5th of Salary
Darnel Degraff	Science	1/5th of Salary
Sony Alexandre	Math	1/5th of Salary
Tracey Brown	ELA	1/5th of Salary
Rebecca Labarca	Science	1/5th of Salary

**11th GRADE**

Peter Puleio	Science	1/5th of Salary
Julie Irizarry	Science	1/5th of Salary
Graciela Palacios	Bilingual Social Studies	1/5th of Salary

**12th GRADE**

Arlene Larsen-PULLED BY HR	ELA	1/5th of Salary
Emmanuel Ogogo	Science	1/5th of Salary
Tamara Darien	Science	1/5th of Salary
Mary Frances Hopkins	Math	1/5th of Salary
Daniel Joscher	Science/Special Education	1/5th of Salary
Richard Barkan	Science	1/5th of Salary
Beatriz Kresofsky	Bilingual Social Studies	1/5th of Salary

**APPOINTMENT(S) – RESOLVED**, that the Board of Education approves the Interim Superintendent's recommendation to **COMPENSATE** the following Professional Personnel for clinical sessions related to Medicaid reimbursement as follows for the 2020 – 2021 school year:

<b><u>INSTRUCTOR</u></b>	<b><u>POSITION</u></b>	<b><u>COMPENSATION</u></b>
Lisa-Anne Byers	Speech Pathologist	\$2,000
Patricia Crespo	Speech Pathologist	\$2,000
Regina Conte Perretti	Speech Pathologist	\$2,000
Cynthia Harty	Speech Pathologist	\$2,000
Janni Silber	Speech Pathologist	\$2,000
Sharon Inkles-Offenberg	Speech Pathologist	\$5,880
Aimee Marro	Speech Pathologist	\$2,000
Pamela Leibowitz	Speech Pathologist	\$2,000
Kristie Hasin (UDO)	Speech Pathologist	\$5,880
Belinda Pastel	Speech Pathologist	\$2,000
Winsome Brown-Cooke (UDO)	Social Worker	<del>\$5,880</del> \$2,000
Kimberly Bullock	Social Worker	\$2,000
Mark Collins	Social Worker	\$2,000
Lisa Byrd Watkins	Social Worker	\$2,000
Cynthia Terrell	Social Worker	\$2,000
Cherie Dortch	Social Worker	\$2,000
Eff. 11/10/2020	Social Worker	\$2,000 - Prora

**RESOLVED**, that the Board of Education approves the Interim Superintendent's recommendation to approve all non-representative employees to receive the same benefits, excluding salary increments, as stipulated in the Hempstead Schools Administrators Association contract. The benefits will sunset once the Board of Education enters into individual employment agreements. The purpose of this agreement is to comply with the Comptrollers Report and the New York State Retirement System request for benefit entitlements for non-representative employees.

**RESOLVED**, that the Board of Education approves the Interim Superintendent's recommendation to **APPROVE** the following Professional Personnel as **INSTRUCTIONAL COACHES** for the 2020 - 2021 School Year (Title I):

**ABGS MIDDLE SCHOOL**

<b><u>NAME</u></b>	<b><u>POSITION</u></b>	<b><u>COMPENSATION</u></b>
Meagan Ralph	Science	\$11,706 - Service Assignment I

**RESOLVED**, that the Board of Education approves the Interim Superintendent's recommendation to **APPOINT** the following professional personnel to the Adult and Community Education Program.

**Recommended By:** Susan Thompson

**Purpose:** To cover teacher absences and increased enrollment.

**Source of Funds:** Employment Education Preparation aid (EPE) (F2340.150-59-21-5601)

<b><u>NAME</u></b>	<b><u>POSITION</u></b>	<b><u>COMPENSATION</u></b>
Celina Shavuo Eff. 9/8/2020 - 6/30/2021	Adult Education - Substitute Teacher	\$33.20/hr.
Alice Robinson Eff. 10/16/2020 - 6/30/2021	Adult Education - Substitute Teacher ABGS Middle School	\$33.20/hr.

**1. Resolved**, that in compliance with the provisions of Section 3012 of the Education Law and Part 30.3 of the rules of the Board of Regents and upon the recommendation of the Interim Superintendent of Schools that **Joseph Annoscia**, a probationary Physical Education Teacher in the Physical Education tenure area, it having been shown that Joseph Annoscia holds a valid New York State Certification No. (on file in the Office of Human



Resources) to serve in the aforementioned tenure area. It further having been shown that the probationary period of Joseph Annoscia to serve in the district will expire on 1/17/2021. The Board of Education of the Hempstead Public Schools does hereby grant tenure and appoint to tenure, Joseph Annoscia, effective 1/17/2021 to the position of Physical Education Teacher in the Physical Education tenure area.

#### **ATHLETIC ADMINISTRATOR MOVED TO EXECUTIVE SESSION**

**RESOLVED**, that the Board of Education approves the Interim Superintendent's recommendation to **APPROVE** the following personnel as an Athletic Administrator for the 2020-2021 School Year.

**RECOMMENDED BY:** James Clark

<u>NAME</u>	<u>POSITION</u>	<u>COMPENSATION</u>
Oneil Glenn Eff. 10/16/2020	Athletic Administrator District	\$12,000

#### **CIVIL SERVICE PERSONNEL**

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

<u>NAME</u>	<u>POSITION</u>	<u>REASON</u>
Brenda Thomas 10/19/20	Typist Clerk, P/T-Sub District	\$15.81/hr. (Lv. 9A, St. 5) <b>PURPOSE:</b> Expand the substitute list. Services to be utilized by district as required.

#### **PAYROLL SUPERVISOR MOVED TO EXECUTIVE SESSION**

Vijayalaxmi Konappanavar Eff. 12/7/20	Assistant Payroll Supervisor Business Office	\$84,136-prorated (Lv. 18, St. 11) <b>PURPOSE:</b> Appointment from the Nassau County Civil Eligible List.
Constantina Rigalos Eff. 10/19/20	Absence Management District	\$9,064-prorated (Lv. 11A, St. 1) <b>PURPOSE:</b> To manage the daily AESOP Management Substitute System

**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**:

<u>NAME</u>	<u>POSITION</u>	<u>REASON</u>
Adelita Henriquez Eff. 11/2/20	Typist Clerk, F/T Registration	Letter of resignation received for personal reasons.
Selena Simms Eff. 9/19/20	School Lunch Monitor, PT Prospect	Letter of resignation received for personal reasons.
Shaquasia Smith Eff. 9/30/20	School Lunch Monitor, PT David Paterson	Letter of resignation received for personal reasons.
Hilda Amaya Eff. 10/8/20	School Lunch Monitor, PT Joseph McNeil	Letter of resignation received for retirement purposes.

**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>
Employee #3097 Eff. 10/15/20	School Lunch Monitor, PT Jackson Main	Abandonment of position
Employee #4700 Eff. 10/15/20	School Lunch Monitor, PT Front St.	Abandonment of position
Employee #4933 Eff. 10/15/20	School Lunch Monitor, PT David Paterson	Abandonment of position

#### **RECALLS MOVED TO EXECUTIVE SESSION**

**RESOLVED**, that the Board of Education approves the Interim Superintendent's recommendation to **RESCIND LAYOFF AND RECALL** the following **CIVIL SERVICE** Personnel effective 10/19/20:

<u>NAME</u>	<u>POSITION</u>	<u>COMPENSATION</u>
Kenneth Brown, Jr.	School Lunch Monitor, PT David Paterson	\$13.69/hr (Lv. 10A, St. 3) <b>PURPOSE:</b> Replacing J. Bogan, terminated 10/15/20; Bd Action 10/15/20
Shaquana Wilson	School Lunch Monitor, PT David Paterson	\$13.69/hr (Lv. 10A, St. 3) <b>PURPOSE:</b> Replacing S. Smith, resigned 9/30/20; Board action 10/15/20
Brittany Lombardo	School Lunch Monitor, PT	\$13.69/hr (Lv. 10A, St. 3)

Front St.

PURPOSE: Replacing A. Cowan, terminated, 10/15/20; Bd action, 10/15/20

Kasandra Torres

School Lunch Monitor, PT  
Jackson Main

\$13.69/hr (Lv. 10A, St. 3)

PURPOSE: Replacing L. Davis, terminated, 10/15/20; Bd action 10/15/20

**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:

NAME	POSITION	REASON
<b>WINFIELD MOVED TO EXECUTIVE SESSION</b> Phabian Winfield Eff. 9/21/20 - 10/21/20	Security Aide, F/T Prospect School	Letter requesting a Medical Leave of Absence/FMLA without pay. (Medical documentation on file. Letter received in Human Resources on 9/14/20)
Arlene Cutrone Eff. 10/9/20 - 12/9/20	Typist Clerk, F/T Jackson Main	Letter requesting a Medical Leave of Absence/FMLA, with pay, utilizing accrued sick time. (Medical documentation on file. Letter received in Human Resources on 9/22/20)
<b>PARKE MOVED TO EXECUTIVE SESSION</b> Seddis Parke Eff. 9/21/20 - 6/26/21	Typist Clerk, F/T Middle School	Letter requesting a Personal Leave of Absence, without pay. (Letter received in Human Resources on 9/17/20)
Carrie Tiller Eff. 9/30/2020 - 12/18/2020	Security Aide, F/T Jackson Main	Letter requesting a Medical Leave of Absence/FMLA, with pay utilizing accrued sick time from 9/30/2020 to 12/18/2020. (Medical documentation on file).
Barbara Gant-Johnson Eff. 9/29/2020 - 12/21/2020	School Nurse David Paterson	Letter requesting a Medical Leave of Absence/FMLA, with pay utilizing accrued sick time from 9/29/2020 to 12/21/2020. (Medical documentation on file).
Denise Howell Eff. 10/5/20 - 10/24/20	Security Aide, F/T Barack Obama	Letter requesting Medical Leave of Absence/FMLA, with pay utilizing accrued sick time (Medical documentation on file)
Radaih Simmons Eff. 9/25/20 - 10/25/20	Attendance Aide Jackson Main	Letter requesting a Medical Leave of Absence/FMLA, with pay utilizing accrued sick time (Medical documentation on file)
Patricia Sullivan Eff. 9/14/20 - 11/5/20	Attendance Aide Registration	Letter requesting a Medical Leave of Absence/FMLA, with pay utilizing accrued sick time. (Medical documentation on file)

**RESOLVED**, that the Board of Education approves the Interim Superintendent's recommendation to **APPOINT** the following personnel as **BUS MONITORS** (7:30 am – 8:15 am and 3:20 pm – 4:05 pm) and **BREAKFAST MONITORS** (7:30 am – 8:15 am) for the 2020 – 2021 school year:

NAME	POSITION	COMPENSATION
<b>FRONT ST.</b> Candida Salcedo	Breakfast Monitor	Contractual Hourly Rate

**APPOINTMENT(S) - RESOLVED**, upon the recommendation of the Interim Superintendent of Schools, the Board of Education adopts and approves the Memorandum of Agreement between the District and the Hempstead Schools Civil Service Association to add the job title of Assistant Payroll Supervisor to the parties' collective bargaining agreement on the same salary scale for the job title Assistant Transportation Supervisor and the Board President is authorized to execute the Memorandum of Agreement on behalf of the District.

#### HAND CARRY

October 15, 2020

- RESOLVED**, that the Board of Education approves to waive policy #2342, agenda preparation and dissemination in order to consider the hand carry items being presented for consideration at the meeting of October 15, 2020.

#### GENERAL COUNSEL

- RESOLVED**, that the Board of Education **APPOINTS TBD** as General Counsel for the Board of Education, with a retainer of \$ \_\_\_\_\_ for the 2020-2021 fiscal year. Any additional work of the attorneys shall be paid at an hourly rate of \$ \_\_\_\_\_ for all attorneys. (Letter of agreement will be on file). Extend current counsel until 11-19-2020.

**LABOR COUNSEL**

3. **RESOLVED**, that the Board of Education **APPOINTS** \_\_\_\_\_, 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) **Extend current counsel until 11-19-2020.**

**PUBLIC RELATIONS & LOBBYING**

4. **RESOLVED**, that the Board of Education approve Gotham Government Relations as the public relations firm for the district for the 2020-2021 school year at an annual fee of \$60,000. **Extended current firm until 11-19-2020.**

Trustee Ayala moved, seconded by Trustee Johnson to convene to executive session at 8:25 P.M. to discuss a particular individual and advice of legal counsel.

**MOTION** YES 5 **MOTION CARRIED**  
To convene to executive session

Trustee McNeill moved, seconded by Trustee Pratt to reconvene to open session at 10:50 P.M.

**MOTION** YES 5 **MOTION CARRIED**  
To reconvene to open session

Trustee Ayala moved, seconded by Trustee Spleen to approve the Athletic Administrator.

**ATHLETIC ADMINISTRATOR MOVED TO EXECUTIVE SESSION**

**RESOLVED**, that the Board of Education approves the Interim Superintendent's recommendation to **APPROVE** the following personnel as an Athletic Administrator for the 2020-2021 School Year.

**RECOMMENDED BY:** James Clark

<u>NAME</u>	<u>POSITION</u>	<u>COMPENSATION</u>
Oneil Glenn Eff. 10/16/2020	Athletic Administrator District	\$12,000

**MOTION** YES 5 **MOTION CARRIED**  
To approve Athletic Administrator

Trustee Johnson moved, seconded by Trustee McNeill to approve the Assistant Payroll Supervisor

**CIVIL SERVICE PERSONNEL**

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

<u>NAME</u>	<u>POSITION</u>	<u>REASON</u>
<b>ASSISTANT PAYROLL SUPERVISOR MOVED TO EXECUTIVE SESSION</b>		
Vijayalaxmi Konappanavar Eff. 12/7/20	Assistant Payroll Supervisor Business Office	\$84,136-prorated (Lv. 18, St. 11) <b>PURPOSE:</b> Replacing J. Bogan, terminated 10/15/20; Bd Eligible List.

**MOTION** YES 5 **MOTION CARRIED**  
To Assistant Payroll Supervisor

Trustee Johnson moved, seconded by Trustee Spleen to approve the recalls

**RECALLS MOVED TO EXECUTIVE SESSION**

**RESOLVED**, that the Board of Education approves the Interim Superintendent's recommendation to **RESCIND LAYOFF AND RECALL** the following **CIVIL SERVICE** Personnel effective 10/19/20:

<u>NAME</u>	<u>POSITION</u>	<u>COMPENSATION</u>
Kenneth Brown, Jr.	School Lunch Monitor, PT David Paterson	\$13.69/hr (Lv. 10A, St. 3) <b>PURPOSE:</b> Replacing J. Bogan, terminated 10/15/20; Bd Action 10/15/20
Shaquana Wilson	School Lunch Monitor, PT David Paterson	\$13.69/hr (Lv. 10A, St. 3) <b>PURPOSE:</b> Replacing S. Smith, resigned 9/30/20; Board action 10/15/20
Brittany Lombardo	School Lunch Monitor, PT Front St.	\$13.69/hr (Lv. 10A, St. 3) <b>PURPOSE:</b> Replacing A. Cowan, terminated, 10/15/20; Bd action, 10/15/20
Kasandra Torres	School Lunch Monitor, PT	\$13.69/hr (Lv. 10A, St. 3)

Jackson Main

PURPOSE: Replacing L. Davis, terminated, 10/15/20; Bd action 10/15/20

**MOTION** YES 3 **MOTION CARRIED**  
 To approve the recalls NO 2 (Trustee Ayala & McNeill)

Trustee Ayala moved, seconded by Trustee Pratt to approve Winfield LOA

**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:

NAME	POSITION	REASON
WINFIELD MOVED TO EXECUTIVE SESSION	Security	
Phabian Winfield	Aide, F/T	Letter requesting a Medical Leave of Absence/FMLA without pay. (Medical documentation on file. Letter received in Human Resources on 9/14/20)
Eff. 9/21/20 - 10/21/20	Prospect	
	School	

**MOTION** YES 5 **MOTION CARRIED**  
 To approve Winfield LOA

Trustee McNeill moved, seconded by Trustee Ayala to approve Parke LOA

#### PARKE MOVED TO EXECUTIVE SESSION

NAME	POSITION	REASON
Seddis Parke	Typist Clerk, F/T	Letter requesting a Personal Leave of Absence, without pay. (Letter received in Human Resources on 9/17/20)
Eff. 9/21/20 - 6/26/21	Middle School	

**MOTION** YES 3 **MOTION CARRIED**  
 To approve Parke LOA ABS. 1(Trustee Spleen)  
 NO 1 (Trustee Pratt)

Trustee Johnson moved, seconded by Trustee Spleen to approve the retirement as indicated.

5. **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**:

NAME	POSITION	REASON
Olga Young	Assistant Principal	Letter of resignation received for retirement purposes.
Eff. 10/19/2020	Hempstead High School	

**MOTION** YES 3 **MOTION CARRIED**  
 To approve Parke LOA ABS. 1(Trustee Trustee Ayala)  
 NO 1 (Trustee McNeill)

Trustee McNeill moved, seconded by Trustee Pratt to approve the stipulations of settlement as indicated in hand carry item #6.

6. **RESOLVED**, that upon the recommendation of the Superintendent of Schools, Regina Armstrong, to the Board of Education (hereinafter, the "BOE") of the Hempstead Union free School District (hereinafter, the "HUFSD" or the "District"), to approve each of the separate Stipulation of Settlement and Last Clear Chance Agreements, each dated October 9, 2020, by and between the District and the UPSEU, and the following individual employees represented by the UPSEU, namely, (1) Emanuel Elston, (2) Malcolm John, (3) Jahmel Henderson and (4) Cameron Edwards a/k/a Count Edwards, the BOE does hereby approve each of the separate Stipulation of Settlement and Last Clear Chance Agreements, each dated October 9, 2020, concerning each of the four (4) employees mentioned herein.

**MOTION** YES 5 **MOTION CARRIED**  
 To approve stipulations of settlement

#### P. ADJOURNMENT

Trustee McNeill moved, seconded by Trustee Ayala to adjourn the meeting at 10:57 P.M.

**MOTION** YES 5 **MOTION CARRIED**  
 Meeting adjourned

Respectfully submitted:

Patricia Wright  
 District Clerk

## **BOARD POLICY 2160**

### **SCHOOL DISTRICT OFFICER AND EMPLOYEE CODE OF ETHICS**

All members of the Board of Education and administration of the school district must at all times act in the school district's best interest. The Board of Education is committed to avoiding any situation in which the existence of conflicting interests of any Board member, officer or employee may call into question the integrity of the management or operation of the school district. The Board recognizes that sound, ethical standards of conduct serve to increase the effectiveness of district officers and staff as educators and public employees in the community. Adherence to a code of ethics promotes public confidence in the schools and furthers the attainment of district goals.

The Board also recognizes its obligation to adopt a code of ethics setting forth the standards of conduct required of all Board members, district officers and employees under the provisions of the General Municipal Law and all other applicable laws, rules, and regulations. Therefore, every Board member, officer and employee of the district, whether paid or unpaid, shall adhere to the following code of ethics.

#### **Statutory Conflicts of Interest**

It is a conflict of interest for a Board member, officer or employee to benefit personally from contracts made in their official capacity.

- *"Contract"* is defined broadly to include any claim or demand against the district or account or agreement with the district, whether expressed or implied that exceeds the sum of \$750.00 in any fiscal year.
- An *"interest"* is defined as a direct or indirect benefit that runs to the employee as a result of a contract with the district.

No Board member, officer or employee shall have an *"interest"* (i.e., receive a direct or indirect benefit as the result of a contract with the district) in:

1. a firm, partnership or association in which he/she is a member or employee;
2. a corporation in which he/she is an officer, director or employee;
3. a corporation in which he/she, directly or indirectly, owns or controls 5% or more of the stock;  
or
4. a contract between the district and his/her spouse, minor child or dependents, except for an employment contract between the school district, a spouse, minor child or dependent of a Board member authorized by §800(3) of the General Municipal Law or §3016 of the Education Law.

#### **Code of Ethics**

1. Gifts: A Board member, officer or employee shall not directly or indirectly solicit any gift or accept or receive any gift having a value of seventy-five dollars or more, whether in the form

of money, services, loan, travel, entertainment, hospitality, thing or promise, or any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him or her in the performance of his or her official duties or was intended as a reward for any official action on his or her part.

However, the Board welcomes and encourages the writing of letters or notes expressing gratitude or appreciation to staff members. Gifts from children that are principally sentimental in nature and of insignificant financial value may be accepted in the spirit in which they are given.

1. Confidential information: A Board member, officer or employee shall not disclose confidential information acquired by him or her in the course of his or her official duties or use such information to further his or her personal interest.
2. Representation before the Board or District: A Board member, officer or employee shall not receive or enter into any agreement, expressed or implied, for compensation for services to be rendered in relation to any matter before the school district.
3. Disclosure of interest in matters before the Board: A Board member, officer or employee of the district, whether paid or unpaid, must publicly disclose the nature and extent of any interest they or their spouse, domestic partner, or other immediate family member have, will have or later acquire in any actual or proposed contract, purchase agreement, lease agreement or other agreement involving the school district (including oral agreements), to the governing body and his/her immediate supervisor (where applicable) even if it is not a prohibited interest under applicable law. Such disclosure must be in writing and made part of the official record of the school district. Disclosure is not required in the case of an interest that is exempted under §803(2) of the General Municipal Law. The term "interest" means a pecuniary or material benefit accruing to an officer or employee. A person with an interest in matters may not be present at or participate in board deliberations or votes on the matter giving rise to such conflict, provided that nothing shall prohibit the board from requesting that the person with the conflict of interest present information as background or answer questions at a board meeting prior to the commencement of deliberations or voting relating thereto.
4. Prohibition against nepotism: No family member of a current Board member may serve on the Board pursuant to §2103(3) of the Education Law. Spouses, children, and other relatives of a Board member may be employed by the district provided, however, that pursuant to §3016 of the Education Law any person who is related by blood or marriage to any member of the Board shall only be employed as a teacher in the district upon the consent of 2/3rds of the Board members.
5. Investments in conflict with official duties: A Board member, officer or employee shall not invest or hold any investment directly in any financial, business, commercial or other private transaction that creates a conflict with his or her official duties. Exceptions to the conflict of interest law can be found in §802 of the General Municipal Law.
6. Private employment: A Board member, officer or employee shall not engage in, solicit, negotiate for, or promise to accept private employment when that employment or service creates a conflict with or impairs the proper discharge of his or her official duties.

7. Future employment: A Board member, officer or employee shall not, after the termination of service or employment with the district, appear before the Board in relation to any action, proceeding, or application in which he or she personally participated during the period of his or her service or employment or that was under his or her active consideration.
8. Involvement with Charitable Organizations: A Board member, officer or employee may be involved as a volunteer, officer or employee in a charitable organization that has a relationship with the district. If a Board member is a board member, officer or employee of the charitable organization the Board member must disclose such relationship in writing to the district, and the Board member must recuse himself or herself from any discussions or votes relating to the charitable organization that may come before the Board. When participating in the activities of the charitable organization, the Board member, officer or employee shall not disclose any confidential information learned in the course of his or her official duties or use such information to further personal interests. Additionally, the Board member, officer or employee shall not make representations on behalf of the district unless specifically authorized to do so by the Board.
9. Individuals with a conflict: A person with a conflict is prohibited from being present at or participating in board deliberations or votes on the matter giving rise to such conflict, provided that the board may request that the person with the conflict present information as background or answer questions at a board meeting prior to the commencement of deliberations or voting related thereto.
10. Prohibition against Improper Influence: A person with a conflict is prohibiting from seeking to influence improperly the deliberation or voting on the matter giving rise to such conflict.
11. Documentation of Conflict: The existence and resolution of any conflict by a board member or employee of the school district shall be documented in the board's records, including in the minutes of any meeting at which the conflict was discussed or voted upon.

#### Distribution of Code of Ethics

The Superintendent of Schools shall cause a copy of this Code of Ethics to be distributed to every member of the Board, every officer and employee of the school district. Each officer and employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of his or her office or employment. In addition, the Superintendent shall ensure that a copy of Article 18 of the General Municipal Law shall be kept posted in each public building under the district's jurisdiction in a place conspicuous to the district's officers and employees.

#### Penalties

In addition to any penalty contained in any other provision of law, any person who shall knowingly and intentionally violate any of the provisions of the Board's code of ethics and its accompanying regulation may be fined, suspended or removed from office or employment, as the case may be, in the manner provided by law.

Ref:

Education Law, §§2103, 2502(7), 2590-c, 2590-j(4), 3016  
General Municipal Law

§§806-808 Adoption date:

July 6, 2000

Adopted revision: February 16, 2012

Adopted revision:

**Hempstead Union Free School  
District**



## Board Policy 2160 SCHOOL DISTRICT OFFICER AND EMPLOYEE CODE OF ETHICS

All members of the Board of Education and administration of the school district must at all times act in the school district's best interest. The Board of Education is committed to avoiding any situation in which the existence of conflicting interests of any Board member, officer or employee may call into question the integrity of the management or operation of the school district. The Board recognizes that sound, ethical standards of conduct serve to increase the effectiveness of district officers and staff as educators and public employees in the community. Adherence to a code of ethics promotes public confidence in the schools and furthers the attainment of district goals.

The Board also recognizes its obligation to adopt a code of ethics setting forth the standards of conduct required of all Board members, district officers and employees under the provisions of the General Municipal Law, and all other applicable laws, rules, and regulations. Therefore, every Board member, officer and employee of the district, whether paid or unpaid, shall adhere to the following code of ethics.

### Statutory Conflicts of Interest

It is a conflict of interest for a Board member, officer or employee to benefit personally from contracts made in their official capacity.

•• "Contract" is defined broadly to include any claim or demand against the district or account or agreement with the district, whether expressed or implied ~~which~~that exceeds the sum of \$750.00 in any fiscal year.

•• An "interest" is defined as a direct or indirect benefit that runs to the employee as a result of a contract with the district.

No Board member, officer or employee shall have an "interest" (i.e., receive a direct or indirect benefit as the result of a contract with the district) in:

1. a firm, partnership or association in which he/she is a member or employee;
2. a corporation in which he/she is an officer, director or employee;
3. a corporation in which he/she, directly or indirectly, owns or controls 5% or more of the stock:  
or
4. a contract between the district and his/her spouse, minor child or dependents, except for an employment contract between ~~the school district, a spouse, minor child or dependent of a Board member authorized by §800(3) of the General Municipal Law or §3016 of the Education Law,~~ the school district, a spouse, minor child or dependent of a Board member authorized by §800(3) of the General Municipal Law or §3016 of the Education Law.

~~Every Board member, officer or employee of the Hempstead School District whether paid or unpaid, shall be subject to and abide by the following standards of conduct:~~

### Code of Ethics

1. Gifts: A Board member, officer or employee shall not directly or indirectly solicit any gift, or accept or receive any gift having a value of \$75seventy-five dollars or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise, or any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him<sup>s</sup> or her, in the performance of his<sup>s</sup> or her official duties or was intended as a reward for any official action on his<sup>s</sup> or her part.

~~However, nothing herein should be construed as prohibiting the traditional exchange of holiday gifts provided that discretion is used to ensure that gifts of value are not accepted by staff employees or officers.~~

However, the Board welcomes and encourages the writing of letters or notes expressing gratitude or appreciation to staff members. Gifts from children that are principally sentimental in nature and of insignificant financial value may be accepted in the spirit in which they are given.

~~The Board as a body is encouraged to express gratitude or appreciation to staff members when warranted.~~

- 2.1 Confidential information: A Board member, officer or employee shall not disclose confidential information acquired by him<sup>s</sup> or her in the course of his<sup>s</sup> or her official duties or use such information to further his<sup>s</sup> or her personal interest. ~~Confidential information shall include that officially-labeled or defined as "confidential" and shall include information concerning:~~

~~a. bids and purchases;~~

~~b. student grades and test results;~~

~~c. personnel files; and~~

~~d. any other specifically so-labeled by the Board of Education.~~

- 3.2 Representation before one's own agency ~~the Board or District:~~ A Board member, officer or employee shall not receive, ~~nor~~ or enter into any agreement, expressed or implied, for compensation for services to be rendered in relation to any matter before any municipal agency of which he is an officer, member or employee, or of any municipal agency over which he has jurisdiction or to which he she has the power to appoint any member, officer or employee the school district.

~~4. Representation before any agency for a contingent fee: A Board member, officer or employee shall not receive, or enter into any agreement, expressed or implied for compensation, for services to be rendered in relation to any matter before any agency of his/her municipality, whereby his/her compensation is to be dependent or contingent upon any action by such agency with respect to such matter, provided that this paragraph shall not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered.~~

3. Disclosure of interest in matters before the Board: A Board member, officer or employee of the district, whether paid or unpaid, must publicly disclose the nature and extent of any interest they or their spouse, domestic partner, or other immediate family member have, will have or later acquire in any actual or proposed contract, purchase agreement, lease agreement or other agreement involving the school district (including oral agreements), to the governing body and his/her immediate supervisor (where applicable) even if it is not a prohibited interest under applicable law. Such disclosure must be in writing and made part of the official record of the school district. ~~Disclosure is not required in the case of an interest that is exempted under Section 803(2) of the General Municipal Law. The term "interest" means a pecuniary or material benefit accruing to an officer or~~

~~employee-district. Disclosure is not required in the case of an interest that is exempted under §803(2) of the General Municipal Law. The term "interest" means a pecuniary or material benefit accruing to an officer or employee. A person with an interest in matters may not be present at or participate in board deliberations or votes on the matter giving rise to such conflict, provided that nothing shall prohibit the board from requesting that the person with the conflict of interest present information as background or answer questions at a board meeting prior to the commencement of deliberations or voting relating thereto.~~

~~5 — Disclosure of interest in legislation: To the extent that he/she knows thereof, a Board member, officer or employee of the Hempstead School District, whether paid or unpaid, who participates in the discussion or gives official opinion to the Board regarding any legislation before the Board shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest he has in such legislation. The term "interest" means a pecuniary or material benefit accruing to an officer or employee.~~

~~4 Prohibition against nepotism: No family member of a current Board member may serve on the Board pursuant to §2103(3) of the Education Law. Spouses, children, and other relatives of a Board member may be employed by the district provided, however, that pursuant to §3016 of the Education Law any person who is related by blood or marriage to any member of the Board shall only be employed as a teacher in the district upon the consent of 2/3rds of the Board members.~~

~~6 § Investments in conflict with official duties: A Board member, officer or employee shall not invest or hold any investment directly or indirectly in any financial, business, commercial or other private transaction, which that creates a conflict with his or her official duties. Exceptions to the conflict of interest law can be found in Section 802 of the General Municipal Law (see 2100-1-4) §802 of the General Municipal Law.~~

~~7 6 Private employment: A Board member, officer or employee shall not engage in, solicit, negotiate for, or promise to accept private employment or render services for private interest, when such that employment or service creates a conflict with or impairs the proper discharge of his or her official duties.~~

~~8 7 Future employment: A Board member, officer or employee shall not, after the termination of service or employment with such municipality the district, appear before any board or agency of the Hempstead School District the Board in relation to any enactment, proceeding, or application in which he or she personally participated during the period of his or her service or employment or which that was under his or her active consideration.~~

~~This shall not bar or prevent the timely filing by a present or former officer or employee of any claim, account, demand or suit against the district on behalf of the officer or employee or any member of his or her family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.~~

~~9 8 Involvement with Charitable Organizations: A Board member, officer or employee may be involved as a volunteer, officer or employee in a charitable organization which that has a relationship with the district. If a Board member is a board member, officer or employee of the charitable organization the Board member must disclose such relationship in writing to the district, and the Board member must recuse himself or herself from any discussions or votes relating to the charitable organization which that may come before the Board. When participating in the activities of the charitable organization, the Board member, officer or employee shall not disclose any confidential information~~



learned in the course of his or her official duties or use such information to further personal interests. Additionally, the Board member, officer or employee shall not make representations on behalf of the district unless specifically authorized to do so by the Board.

- 9 Individuals with a conflict: A person with a conflict is prohibited from being present at or participating in board deliberations or votes on the matter giving rise to such conflict, provided that the board may request that the person with the conflict present information as background or answer questions at a board meeting prior to the commencement of deliberations or voting related thereto.
- 10 Prohibition against Improper Influence: A person with a conflict is prohibiting from seeking to influence improperly the deliberation or voting on the matter giving rise to such conflict.
- 11 Documentation of Conflict: The existence and resolution of any conflict by a board member or employee of the school district shall be documented in the board's records, including in the minutes of any meeting at which the conflict was discussed or voted upon.

#### Distribution of Code of Ethics:

The Superintendent of Schools shall cause a copy of ~~the Board's code~~ this Code of ethics ~~thics~~ to be distributed to every member of the Board, every officer and employee of the school district. Each officer and employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of his or her office or employment. In addition, the Superintendent shall ensure that a copy of Article 18 of the General Municipal Law shall be kept posted in each public building under the district's jurisdiction in a place conspicuous to the district's officers and employees. This policy and regulation shall be posted in each Principal's Office, staff lounge, and shall be made a part of the staff handbook entering upon the duties of his or her office or employment. In addition, the Superintendent shall ensure that a copy of Article 18 of the General Municipal Law shall be kept posted in each public building under the district's jurisdiction in a place conspicuous to the district's officers and employees.

~~The failure to distribute any such copy or failure of any officer or employee to receive such copy shall have no effect on the duty of compliance with such code, nor the enforcement or provisions thereof.~~

#### Penalties:

In addition to any penalty contained in any other provision of law, any person who shall knowingly and intentionally violate any of the provisions of the Board's code of ethics and its accompanying regulation may be fined, suspended or removed from office or employment, as the case may be, in the manner provided by law.

#### Ref:

Education Law §§2103, 2502(7), 2590 e, 2590 j(1), 3016

General Municipal Law

§§806-808 Adoption date:

~~Adopted revision: February 16, 2012~~

~~Hempstead Union Free School District~~

(X) Required  
(X) Local  
( ) Notice

## PURCHASING

***NOTE:** Suggested language has been used to strengthen the option for "piggybacking" onto other governmental contracts. This suggested language comes from guidance from the Office of the State Comptroller, regarding ensuring the original contract to be piggybacked onto was let in accordance with competitive bidding requirements.*

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.

The district's purchasing activity 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.

Opportunities shall be provided to all responsible suppliers to do business with the school 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.

***NOTE:** The paragraph below provides the Board with a blanket allowance to “piggyback” onto contracts let by other federal, state and local political subdivisions, where permitted by law.*

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 will make purchases from correctional institutions and severely disabled persons through charitable or non-profit-making agencies, as provided by law.

***NOTE:** The text below clarifies the district's responsibility to review any contracts for which they are “piggybacking,” to ensure the original contract was let in a manner consistent with the requirements of state law. This review may require your school attorney's involvement.*

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

*NOTE: The last sentence in the paragraph below is provided to refer to the reorganized subheading below on exceptions to competitive bidding. The following paragraph also reflects the allowance to award purchase contracts on the basis of "best value," which is optional; since it offers the Board more flexibility, NYSSBA recommends its inclusion.*

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.

*NOTE: The paragraph below allows the Board to authorize the receipt of sealed bids in an electronic format, as allowed by General Municipal Law §103(1). The Board is not required to accept electronic bids. NYSSBA recommends discussing the option with the administrative team. If it is determined that allowing electronic bidding is desirable, insert the following paragraph.*

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.

*NOTE: The following paragraph is to comply with section 103-g of the General Municipal Law, which was enacted to implement the federal Iran Divestment Act of 2010 (Public Law 111-195).*

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

*NOTE: The text in item 5 clarifies the district's responsibilities for "piggybacking" for certain items otherwise subject 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.

*NOTE: Items 3 and 4 below remain in this policy to address the ability of the district to “piggyback” onto contracts that are not subject to competitive bidding requirements (i.e., under the threshold dollar amounts).*

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.

*NOTE: The following text emphasizes that even when competitive bidding is not required, contracts must be awarded in the best interests of the taxpayers.*

“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 school 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.

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 processes 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

***NOTE:** This regulation reflects changes regarding documentation for "piggybacking" in section IV.8, and other "piggybacking" restrictions in section V. It is important for districts to ensure the original contract was let in accordance with New York State's competitive bidding requirement. This policy and regulation should be shared with, and carefully reviewed by, Superintendents, School Business Officials, Purchasing Agent, and all personnel involved in district purchasing.*

The following sets forth the procedures for the procurement of goods and services by the 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.

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.

3. The district will also determine whether any exceptions to the competitive bidding requirements (as set forth below) exist.

*NOTE: Item 4 below reflects the district's responsibilities under the Iran Divestment Act of 2012 when advertising bids.*

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**

*NOTE: The paragraph below reflects the district's option to award bids on the basis of best value.*

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.

*NOTE: The paragraph below reflects the district's responsibilities under the Iran Divestment Act of 2012 when selecting bidders.*

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

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;

*NOTE: The text below refers to General Municipal Law §103(9) and Commissioner's regulations §114.3 without including the specific requirements.*

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.

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

***NOTE:** The text below addresses “piggybacking” where competitive bidding requirements would otherwise apply. There are no documentation requirements specific to piggybacking; however, the Office of the State Comptroller (OSC) recommends that districts maintain at least some documentation about 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 state competitive bidding requirements. The OSC also recommends that districts consult their attorneys to review the contract and make sure there are no provisions that conflict with other New York State laws or regulations.*

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. 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.

B. Purchases/Public Work: Methods of Competition to be Used for Non-Bid Procurements; Documentation to be Maintained

The district will require the following methods of competition be used and sources of documentation maintained when soliciting non-bid procurements in the most cost-effective manner possible:

1. Purchase Contracts up to \$20,000
  - a. Contracts from \$0 to \$1,000: at the discretion of the Purchasing Agent, as long as the district determines the price to be reasonable, based on past purchases or other published prices.
  - b. Contracts in excess of \$1,000 to \$10,000: Verbal quotes from at least two qualified vendors, or prices published in writing or online. Documentation will include notations of verbal quotes.
  - c. Contracts in excess of \$10,000 to \$20,000: Written quotes from at least two qualified vendors.
2. Public Work Contracts up to \$35,000
  - a. Contracts from \$0 to \$7,500: at the discretion of the Purchasing Agent as long as the district determines the price to be reasonable, based on past purchases or other published prices.
  - b. Contracts in excess of \$7,500 to \$10,000: Verbal quotes from at least two qualified vendors, or prices published in writing or online. Documentation will include notations of verbal quotes.



- c. Contracts in excess of \$10,000 to \$35,000: Written quotes from at least two qualified vendors.

VI. Quotes Not Required When Competitive Bidding Not Required

*NOTE: Items 3 and 4 below remain in effect to address piggybacking where competitive bidding is not required and alternative quotes will not be secured.*

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.

*NOTE: The following text emphasizes that even when competitive bidding is not required, contracts must be awarded in the best interests of the taxpayers.*

“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 processes will be reviewed by the Board at least annually.

## NYSSBA Sample 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:

## Policy 6700 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.

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.

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 for procurements:

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

The district's purchasing activity 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.

Opportunities shall be provided to all responsible suppliers to do business with the school 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. Purchases will be made through available cooperative BOCES bids, state contracts of the Office of General Services or county contracts whenever such purchases are in the best interests of the district. In addition, the district will make purchases from correctional institutions and severely disabled persons through charitable or non-profit-making agencies, as provided by law.

The district will provide justification and documentation of any contract awarded to an offer or other than the lowest responsible dollar offer or, 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](#).

The Purchasing Agent will not be required to secure alternative proposals or quotations for:

1. emergencies where time is a crucial factor;
2. for which there is no possibility of competition (sole source items); or
3. when solicitations of competition would not be cost-effective.

The Superintendent of Schools and the Assistant Superintendent for Business and Operations, 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 school 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](#).

Cross-ref:

[6710](#), Purchasing Authority

[6741](#), Contracting for Professional Services

Ref:

[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; 104-b; 109-a; 800 et seq.](#)

[State Finance Law 163-b](#)

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Hempstead Union Free School District

## Regulation 6700-R PURCHASING REGULATION

The following sets forth the procedures for the procurement of goods and services by the district

### I. Definitions

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

**Public Work Contract:** a contract involving services, labor or construction

### II. General Municipal 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. 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.
3. The district will also determine whether any exceptions to the competitive bidding requirements (as set forth below) exist.

#### 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 (as recommended by the Purchasing

Agent), who has furnished the required security after responding to an advertisement for sealed bids.

#### 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. Proper written documentation will also be required when a contract is not awarded to the vendor submitting the lowest quote, setting forth the reasons therefore. A quote which exceeds the bid limit will be awarded only when such award is in the best interests of the district and otherwise furthers the purposes of section 104-b of the General Municipal Law. The district will provide justification and documentation of any such contract awarded.

#### 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 producers or growers. The amount expended in any fiscal year by the district may not exceed an amount equal to fifteen cents multiplied by the number of days in the school year multiplied by the total enrollment of the district.**

**Documentation:** The district will maintain documentation consistent with [sections 114.3 of the Regulations of the Commissioner of Education](#);

#### **4. 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.**

**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; or

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 up to \$5000 of professional services that require special skill or training, such as but not limited to, audit, medical, legal or Insurance services, or property appraisals, no quotes required. Purchases from \$5000-\$20,000 requires 3 written quotes. Purchases above \$20,000 requires a formal Request for Proposal (RFP). The district will keep proper documentation in accordance with policy 6741.

## **V. Standardization**

Upon the adoption of a resolution by a vote of 3/5ths of the Board stating that, for reasons of efficiency or economy, there is a need for standardization, purchase contracts for a particular type or kind of equipment, material or supplies of more than \$20,000 may be awarded to the lowest responsible bidder furnishing the required security after advertisement for sealed bids. The resolution must contain a full explanation of the reasons for its adoption.

## **VI. 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. 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.

### **B. Purchases/Public Work: Methods of Competition to be Used for Non-Bid Procurements; Documentation to be Maintained**

The district will require the following methods of competition be used and sources of documentation maintained when soliciting non-bid procurements in the most cost-effective manner possible:

1. Purchase Contracts up to \$20,000
  - a. Contracts from \$500 To \$1,000: 3 Verbal quotes  
Documentation will include notations of 3 verbal quotes.
  - b. Contracts in excess of \$1,000 to \$20,000: 3 Written quotes
2. Public Work Contracts up to \$35,000
  - a. Contracts from \$1,000 to \$5000 3 Verbal quotes



Documentation will include notations of 3 verbal quotes.

b. Contracts in excess of \$5000 to \$35,000: 3 Written quotes

3. Emergencies: Verbal quotes, insofar as practicable under the exigent circumstances

Documentation will include notations of verbal quotes.

4. Insurance: Written quotes

Documentation 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. "Requests for Proposals" (RFPs), documented in the same manner as described herein, may also be used.

5. Professional Services: RFP in accordance with IV., 7 and policy 6741 Documentation will include written proposals.

6. Leases of Personal Property: Written quotes

Documentation will include written quotes, cost-benefit analysis of leasing versus purchasing, etc.

The district will note that the contract is a true lease and not an installment purchase contract.

7. Second Hand Equipment from Other Governments: Written quotes

Documentation will include market price comparisons (verbal or written quotes) and the name of the government.

8. Certain Food and Milk Purchases: Written quotes

Documentation will be consistent with sections 114.3 and 114.4 of the Regulations of the Commissioner of Education.

9. Certain Municipal Hospital Purchases: RFP

Documentation will include the legal authorization, Board authorization, and market price comparisons.

10. Sole Source: Written or verbal quotes

Documentation will include, among other things, the unique benefits of the patented item as compared to other items available in the marketplace; that no other item provides substantially equivalent or similar benefits; and that considering the benefits received, the cost of the item is reasonable, when compared to conventional methods. Notations of verbal quotes will be maintained by the district. In addition, the district will document that there is no possibility of competition for the procurement of the goods.

## **VII. Quotes Not Required When Competitive Bidding Not Required**

The district will not be required to secure alternative proposals or quotations for those procurements:

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

## **VIII. Procurements from Other than the "Lowest Responsible Dollar Offer or"**

The district will provide justification and documentation of any contract awarded to an offer or other than the lowest responsible dollar offer or, 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.

## **IX. Internal Control**

The Board authorizes the Superintendent of Schools and the Assistant Superintendent for Business,, 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 processes 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 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.

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Hempstead Union Free School District