

MOUNT PLEASANT COTTAGE SCHOOL UNION FREE SCHOOL DISTRICT  
PLEASANTVILLE, NEW YORK 10570

December 3, 2012

The Regular Public Meeting of the Board of Education of the Mount Pleasant Cottage School Union Free School District was called to order at 7:34 P.M. by Mrs. Rita Golden, President.

Roll Call:

Present: Mrs. Golden, Mrs. Mann, Mr. Altman, Mr. Carter,  
Mr. Gelfman, Mrs. Irwin, Mrs. Levene Mrs. Stein,  
Absent: None

Also

Present: Mr. Gaudette, Mr. Callahan, Mr. Angeron, Mr. Oling,  
Ms. Leamon, Ms. Baron, Ms. Sanchirico, Ms. Benjamin,  
Ms. Calidonna, Ms. McGrane, Ms. Vukel

Prior to Executive Session:

- Mr. Angeron introduced Mr. Victor Diggs as our new GED teacher.
- Mr. Scott Oling from O'Connor Davies Munns & Dobbins, LLP/Bennett Kielson Storch DeSantis Division reviewed the District's 2011-2012 audited financial statements.

Proposed Executive Session:

Mrs. Levene moved that the Board of Education adjourn to Executive Session to discuss the employment history of particular persons at 7:44 p.m.

Seconded: Mrs. Stein

Approved  
Vote: 8-0

Reconvene to Public Session:

Mr. Altman moved that the Board of Education reconvene to Public Session at 8:01 p.m.

Seconded: Mr. Carter

Approved  
Vote: 8-0

Correspondence:

Mr. Gaudette shared with the board members:

- ◆ Copy of Requested Information, Disability by Program
- ◆ Copy of Andrea Aitken's Claim Audits for 9/14/12 - 10/12/12
- ◆ Copy of 2012/2013 November Year-End Projection

Approval of Minutes:

Mrs. Irwin moved that

- ◆ the amended minutes of the regular Board of Education meeting of October 22, 2012 be accepted as presented. (Removed the double negative on page 4 Recommendation #5, the word "not").

Seconded: Mr. Carter

Approved  
Vote: 8-0

Business Matters:

Mrs. Mann moved that

- ◆ the Board of Education approves Treasurer's Report - General Fund Checking, Trust and Agency Account and Federal Fund Checking Account for the period of October 1, 2012 through October 31, 2012 be accepted.
- ◆ the check runs for October 1, 2012 through October 31, 2012 be accepted as recommended by the subcommittee from:

46003 - 46083 – \$252,037.03.

- ◆ the Board of Education approves the following budget transfers for the 2012-2013 school year:

DATE	ACCOUNT DESCRIPTION	ACCOUNT	FROM	TO
10/16/2012	TRANSPORTATION-GASOLINE/DIESEL	A 5510.450-00-0000	\$400.00	\$0.00
10/16/2012	TRANSPORTATION-MISCELLANEOUS	A 5510.406-00-0000	\$0.00	\$400.00
11/6/2012	SCHOOL BUS REPAIRS	A 5510.412-00-0000	\$2,500.00	\$0.00
11/6/2012	SALARIES-TRANSPORTATION	A 5510.160-00-0000	\$0.00	\$1,000.00
11/6/2012	SALARIES-TRANSPORTATION-OVERTIME	A 5510.161-00-0000	\$0.00	\$1,500.00
11/6/2012	UNEMPLOYMENT INSURANCE	A 9050.800-00-0000	\$10,300.00	\$0.00
11/6/2012	SICK LEAVE BUY OUT	A 9089.800-00-0000	\$0.00	\$7,000.00
11/6/2012	HEALTH INSURANCE BUYOUT	A 9089.801-00-0000	\$0.00	\$3,300.00
11/8/2012	LEGAL CONTACTOR	A 1010.410-00-0000	\$1,000.00	\$0.00
11/8/2012	BOARD OF EDUCATION DUES	A 1010.403-00-0000	\$0.00	\$1,000.00
11/9/2012	SALARIES-SCHOOL SUPERVISION	A 2020.150-00-0000	\$80,000.00	\$0.00
11/9/2012	SALARIES-CLERICAL	A 2020.160-00-0000	\$20,000.00	\$0.00
11/9/2012	TEACHER SALARIES-EDENWALD	A 2110.130-00-0000	\$85,000.00	\$0.00
11/9/2012	BUDGET RESERVE	A 1240.411-00-0000	\$0.00	\$185,000.00
GRAND TOTAL			\$199,200.00	\$199,200.00

- ◆ the Board of Education accepts the 2011/2012 Audited Financial Statements presented by O'Connor Davies Munns & Dobbins, LLP / Bennett Kielson Storch DeSantis Division as recommended by the Audit Committee.
- ◆ the Board of Education approves the contract between Mount Pleasant Cottage School UFSD and the Board of Cooperative Services effective 7/1/12 – 6/30/13.

Seconded: Mr. Gelfman

Approved  
Vote: 8-0

Mr. Gaudette presented the following:

- Curriculum Audit
- (Policy questions/information 1<sup>st</sup> readings from October 22<sup>nd</sup>)
  - Policy 7360 Weapons in School and the Gun-Free Schools Act
  - Policy 5741 Drug and alcohol Testing for School Bus Drivers and Other Safety-Sensitive Employees
  - Policy 4210 Administrative Organization and Operation

◆ Mrs. Mann moved that the Board of Education adopts the following policies effective 12/3/12:

- a. #3310 Public Access to Records
- b. #4210 Administrative Organization and Operation.
- c. #5672 Information Security Breach and Notification
- d. #5673 Employee Personal Identifying Information
- e. #5741 Drug and Alcohol Testing for School Bus Drivers and Other Safety-Sensitive Employees
- f. #6150 Alcohol, Drugs and Other Substances (School Personnel)
- g. #6151 Drug-Free Workplace
- h. #7131 Education of Homeless Children and Youth
- i. #7211 Provision of Interpreter Services to Parents Who Are Hearing Impaired.
- j. #7320 Alcohol, Tobacco, Drugs, and Other Substances (Students)
- k. #7612 Grouping by Similarity of Needs
- l. #8271 Internet Safety/Internet Content Filtering Policy – Revision of Policy 7315 Internet Safety adopted by the Board on 9/24/12.

Seconded: Mr. Gelfman

Approved

Vote: 8-0

The following policies were presented for a first reading:

- a. #7240 Student Records: Access and Challenge
- b. #7250 Student Privacy, Parental Access to Information, and Administration of Certain Physical Examinations to Minors
- c. #7313 Suspension of Students
- d. #7580 Safe Public School Choice Option to Students Who are Victims of a Violent Criminal Offense
- e. #7615 Least Restrictive Environment
- f. #7616 Pre-referral Intervention Strategies in General Education (Prior to a Referral for Special Education)
- g. #7617 Declassification of Students with Disabilities
- h. #7618 Use of Time Out Rooms
- i. #7620 Students with Disabilities Participating in School District Programs
- j. #7621 Section 504 of the Rehabilitation Act of 1973
- k. #8250 Animals in the School (Instructional Purposes)
- l. #8280 Instruction for English Language Learners or Students with Limited English Proficiency

◆ Mrs. Irwin moved the Mt. Pleasant Cottage UFSD ("Employer") maintains the Mt. Pleasant Cottage UFSD 403(b) Retirement Plan Document ("Plan"); and

WHEREAS, the Plan was duly adopted on the 15<sup>th</sup> day of December 2008 by the Employer; and

WHEREAS, the Employer desires to conform the Plan to the requirements of the Heroes Earnings Assistance and Relief Act of 2009 ("HEART") and the Worker, Retiree and Employer Recovery Act of 2008 ("WRERA");

NOW, THEREFORE, BE IT RESOLVED that sections 1.16 Includible Compensation, 1.24 Severance from Employment, 4.1 Loans, and 5.3 Minimum Distributions, of the Plan are hereby amended to read as follows:

#### 1.16 Includible Compensation

An Employee's actual wages in box 1 of Form W-2 for a year for services to the Employer, but subject to a maximum of \$200,000 (or such higher maximum as may apply under Section 401(a)(17) of the Code) and increased (up to the dollar maximum) by any compensation reduction election under Section 125, 132(f), 401(k), 403(b), or 457(b) of the Code (including any Elective Deferral under the Plan). The amount of Includible Compensation is determined without regard to any community property laws. Beginning in 2009 and thereafter, such term also includes any "differential pay" that may be received while performing qualified military service under Section 414(u) of the Code.

#### 1.24 Severance from Employment

For purpose of the Plan, Severance from Employment means severance from employment with the Employer and any Related Entity. However, a Severance from Employment also occurs on any date on which an Employee ceases to be an employee of a public school, even though the Employee may continue to be employed by a Related Employer that is another unit of the State or local government that is not a public school or in a capacity that is not employment with a public school (e.g., ceasing to be an employee performing services for a public school but continuing to work for the same State or local government employer). Notwithstanding any provision to the contrary, a Participant is treated as having a severance from employment during any period that such individual is performing service in the uniformed services described in Code §3401(h)(2)(A).

#### 4.1 Loans

Loans shall be permitted under the Plan to the extent permitted by the Individual Agreements controlling the Account assets from which the loan is made and by which the loan will be secured. Any such loans shall satisfy the requirements of Code section 72(p) and applicable Treasury Regulations.

Loan applications shall be reviewed and authorized by the Employer's agent, i.e. third party administrator, and said agent shall inform the Service Provider of such authorization so as to proceed with the Service Provider's process of issuance of the loan.

Information Coordination Concerning Loans: Each Service Provider is responsible for all information reporting and tax withholding required by applicable federal and state law in connection with distributions and loans. To minimize the instances in which Participants have taxable income as a result of loans from the Plan, the Administrator shall take such steps as may be appropriate to coordinate the limitations on loans set forth in this Section, including the collection of information from Service Providers, and transmission of information requested by any Service Provider, concerning the outstanding balance of any loans made to a Participant under the Plan or any other plan of the Employer.

The Administrator shall also take such steps as may be appropriate to collect information from Service Providers, and transmission of information to any Service Provider, concerning any failure by a Participant to repay timely any loans made to a Participant under the Plan or any other plan of the Employer.

Maximum Loan Amount. No loan to a Participant under the Plan may exceed the lesser of:

- (a) \$50,000, reduced by the greater of (i) the outstanding balance on any loan from the Plan to the Participant on the date the loan is made or (ii) the highest outstanding balance on loans from the Plan to the Participant during the one-year period ending on the day before the date the loan is approved by the Administrator (not taking into account any payments made during such one-year period); or

(b) One half of the value of the Participant's vested Account Balance (as of the valuation date immediately preceding the date on which such loan is approved by the Administrator).

For purposes of this Section 4.1, any loan from any other plan maintained by the Employer and any Related Employer shall be treated as if it were a loan made from the Plan, and the Participant's vested interest under any such other plan shall be considered a vested interest under this Plan; provided, however, that the provisions of this paragraph shall not be applied so as to allow the amount of a loan to exceed the amount that would otherwise be permitted in the absence of this paragraph.

Loan Repayments for Employees in Qualified Uniformed Service. Notwithstanding any other provision of an applicable Individual Agreement, loan repayments by eligible uniformed services personnel maybe suspended as permitted under Section 414(u)(4) of the Code and the terms of any loan shall be modified to conform with such requirements.

### 5.3 Minimum Distributions

Each Individual Agreement shall comply with the minimum distribution requirements of Section 401(a)(9) of the Code and the regulations there under.

For purposes of applying the distribution rules of Section 401(a)(9) of the Code, each Individual Agreement is treated as an individual retirement account (IRA) and distributions shall be made in accordance with the provisions of Section 1.408-8 of the Income Tax Regulations, except as provided in Section 1.403(b)-6(e) of the Income Tax Regulations. Notwithstanding the preceding, any distributions otherwise required under this section for the 2009 tax year are waived in accordance with the provisions of the Worker, Retiree and Employer Recovery Act of 2008, unless such waiver cannot be accommodated under the Individual Agreement that governs a Participant's Account.

BE IT FURTHER RESOLVED that the Plan shall include the following new sections 5.7 Qualified Military Service Distributions and 9.12 Qualified Military Service Benefits:

### 5.7 Qualified Military Service Distributions

Any Participant whose employment is interrupted by qualified uniformed service in the military under section 414(u) of the Code and dies or incurs a Disability while so serving shall be deemed to have resumed employment with the Employer on the day preceding such death or Disability and then to have incurred a Severance From Service on the actual date of death or Disability.

Any Participant that takes a distribution from the Plan under Section 414(u) following an interruption in employment that qualifies as qualified uniformed service there under may not make Elective Deferrals for a period of six (6) months following the date such distribution occurred.

### 9.12 Qualified Military Service Benefits

Notwithstanding any other provision of this Plan, any Participant whose employment is interrupted by qualified uniformed service in the military under section 414(u) of the Code shall be entitled to all rights, benefits and protections afforded to such individuals there under, and such provisions are incorporated into this Plan. Uniformed services by any individual shall be determined as described in section 3401(h)(2)(A) of the Code.

BE IT FURTHER RESOLVED that this amendment is effective as required under HEART and WRERA.

Seconded: Mrs. Stein

Approved  
Vote: 8-0

- ◆ Student Enrollment for the month of October was billed at 282.5.

Superintendent's Report:

- ◆ Mrs. Mann moved that pursuant to the requirements of Education Law Section 3012-c and Part 30-2.9 of the Regents Rules, the following persons, having completed all of the required training to be certified by this Board of Education as “Lead Evaluators” for classroom teachers and building principals:

For Building Principals: James Gaudette

Seconded: Mrs. Stein

Approved  
Vote: 8-0

- ◆ Mr. Altman moved that a world class public education is essential for the future success of our nation and today’s schoolchildren; and

WHEREAS, the Budget Control Act of 2011 includes a provision to impose \$1.2 trillion in across-the-board budget cuts to almost all federal programs including education that would become effective January 2, 2013; and

WHEREAS, these across-the-board budget cuts would impact school districts during the 2013-14 school year, with the exception of the Impact Aid program, with which a reduction would become effective this school year; and

WHEREAS, these across-the-board budget cuts, also known as sequestration, would impact education by a reduction in funds of 8.2 percent or more and could result in larger class sizes, fewer course offerings, possible four-day school weeks, loss of extracurricular activities, and teacher and staff lay-offs, and given we are a Special Act School district serving special needs students, and we have taken a 0% increase, a cut of this magnitude has potential to close our program; and

WHEREAS, sequestration would impact almost every public school system in the nation and the millions of students educated through programs such as Title I grants for disadvantaged students, the Individuals With Disabilities Education Act (IDEA), English Language Acquisition, Career and Technical Education, 21<sup>st</sup> Century Community Learning Centers, and more; and

WHEREAS, Mount Pleasant Cottage School Union Free School District, as well as other public schools, would be impacted nationwide by an estimated \$2.7 billion loss from just three programs alone – Title I grants, IDEA special education state grants and Head Starts – that serve a combined 30.7 million children; and

WHEREAS, federal funding for K-12 programs was already reduced by more than \$835 million in Fiscal Year 2011, and state and local funding for education continues to be impacted by budget cuts and lower local property tax revenues; and

WHEREAS, states and local governments have very limited capacity to absorb further budget cuts from sequestration, as Mount Pleasant Cottage School Union Free School District has already implemented cuts commensurate to state and local budget conditions;

NOW THEREFORE, BE IT RESOLVED, that the Mount Pleasant Cottage School Union Free School District urges Congress and Administration to amend the Budget Control Act to mitigate the drastic cuts to education that would affect our students and communities, and to protect education as an investment critical to economic stability and American competitiveness.

Seconded: Mrs. Levene

Approved  
Vote: 8-0

- ◆ The Board of Education discussed that it was not cost effective to use the services of NYSSBA for a retreat.

Personnel Matters:

Mrs. Irwin moved that

- ◆ the Board of Education recall the following position effective 10/23/12:

.50 FTE Social Worker.

- ◆ the Board of Education appoints the following:

Name	Title	Salary	Effective Date
1. Victor Diggs	English Teacher Grades 7-12, 2-year probationary period	\$81,214 BA40-MA/9	12/3/12
2. Kim Varela	Teacher Aide – re-appointment	\$16.50	11/6/12.

- ◆ the Board of Education of the Mount Pleasant Cottage Union Free School District hereby establishes the following as standard work days for appointed officials and will report the following days worked to the New York State and Local Employees’ Retirement System based upon the time keeping system maintained in the District Office.

Title	Name	Social Security Number (Last 4 Digits)	Registration Number	Standard Work Day (Hrs/Day)	Term Begins/Ends	Participates In Employer’s Time Keeping System (Yes/No)	Days/Month (Based on record of Activities)
<b>APPOINTED OFFICIALS</b>							
District Clerk	Marcella Freimark	XXXX	XXXXXXXX	7	07/01/12-06/30/13	Yes	N/A.
District Treasurer	Sandra Shymonowicz	XXXX	XXXXXXXX	7	07/01/12-06/30/13	Yes	N/A.”

- ◆ the Board of Education approves an unpaid leave of absence for Deidra Spencer, Teaching Assistant effective 9/28/12.
- ◆ the Board of Education conditionally appoints the following personnel on an emergency basis to the positions as listed for the 2012/2013 school year, subject to such limitations as are set forth in Board Resolution dated May 14, 2001.

These appointments are Probationary Civil Service appointments and are subject to a 52-week probationary period.

Upon receipt of notice from the State Education Department that the following personnel has obtained conditional clearance, their status shall be changed to conditional status. Upon receipt of notice the following personnel has obtained full clearance, conditional status shall be removed.

Should the district not receive notification of conditional clearance within 20 business days from the date the emergency appointment commences, the district will terminate the employee or reappoint said employee on an emergency basis, in compliance with the law.

In the event that clearance is denied, the Board shall ascertain what steps, if any, shall be taken with regard to continued employment.

Name	Title	Effective Date
1. Deborah Hoehn	Sr. Office Assistant (Auto. Systems)	12/3/12.

Seconded: Mr. Gelfman

Approved

Vote: 8-0

Committee on  
Special Education:

Mrs. Irwin moved that the recommendations of the Mount Pleasant Cottage School, Union Free School District's Committee on Special Education be approved as recommended by the subcommittee.

Seconded: Mrs. Mann

Approved

Vote: 8-0

Public Comment:

None

Meeting Notification:

The next regular public meeting of the Board of Education will be held on Monday, January 14, 2013 at 7:30 P.M. in the library.

Adjournment:

Mr. Altman moved that the Board of Education adjourn the regular public meeting at 9:05 P.M.

Seconded: Mrs. Levene

Approved

Vote: 8-0

Respectfully submitted,

Marcella Freimark  
District Clerk