

MINUTES
RYE CITY SCHOOL DISTRICT
BOARD OF EDUCATION MEETING
Rye Middle School Multipurpose Room
November 9, 2004

After touring Milton School beginning at 6:15, the Board convened in the middle school multipurpose room for it's regular meeting. The meeting was called to order by Mr. Culyer at 7:20 P.M. and the roll was called.

Present

Mr. James Culyer, *President*
Mr. Stephen Feeney, *Vice President*
Ms. Sarah Mariani
Mr. Joshua Nathan*
Mr. George Pratt**
Ms. Victoria Sterling***
Mr. Robert Zahm

And Dr. Edward Shine, Superintendent of Schools
Dr. Daniel McCann, Deputy Superintendent
Mr. Robert Walsh, Assistant Superintendent

* Arrived 7:40 p.m.
** Arrived 9:15 p.m.
*** Arrived 9:05 p.m.

On a motion by Mr. Feeney, seconded by Ms. Mariani and carried unanimously (4-0) it was voted to adjourn into executive session for the review of the employment history of current and prospective employees, and the discussion of pending litigation and negotiations.

Upon reconvening in public at 8:07 p.m., on a motion by Ms. Mariani, seconded by Mr. Zahm and carried unanimously (5-0), Mr. Culyer welcomed those present and asked Mr. Feeney to present the Board's extra mile award.

Mr. Feeney said the District is very fortunate in its support from the Community at large and noted that later in the agenda the Board would be hearing from the PTO/PO presidents who also make a significant contribution to the schools in providing a half a million dollars for school programs and projects. He then asked Mr. Ralph Barsella and Mr. Charles Northshield to come forward. Mr. Baraella, on behalf of the Allstate Foundation, presented \$500 to the District's Driver Education program, taught by Mr. Northshield. Mr. Barsella said he had been in Rye for eighteen years and with his father, had spoken to Driver Education classes about insurance. He noted that the Allstate Foundation was founded in 1952 and that he was pleased to provide support for the program. Mr. Northshield and Mr. Feeney thanked Mr. Barsella.

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Mr. Culyer then announced presentations by the PTO and PO Presidents.

Ms. Cypher, Ms. DeBease, Ms. Slack, Ms. Kim, Ms. Fitzpatrick and Ms. Raskopf each reviewed the work of their organizations and their requests of the Board.

Mr. Culyer thanked the presidents for their reports and reflections, and for all the parent organizations do year after year.

Mr. Culyer then announced the Hearing of the Public on Non-Agenda Items and explained this portion of the meeting, requesting that members of the public make comments and not ask questions or attempt to engage in dialogue, reminding them that questions should be directed to the Superintendent's office to be answered.

Hearing of the Public on Non-Agenda Items.

A member of the public said that the PTO/PO presidents should remember and recognize the taxpayers for all they do.

CONSENT AGENDA

Mr. Culyer announced that Action-General Items 3 and 4, the ratification of the Memorandum of Agreement with the Rye Teacher's Association and the approval of the 2003-2004 District Financial Audit, would be removed from the consent agenda.

On a motion by Ms. Mariani, seconded by Mr. Nathan and carried unanimously (5-0) it was voted to approve the following items:

Action – General

1. The minutes of the October 19, 2004 meeting of the Board, as written.
2. The Rye High School elective curriculum Forensic Science. (Attachment I)
3. The gift request of the Milton School PTO to give \$1,500.00 to Heard in Rye for the 2004-2005 speaker series. (Attachment II)

Action – Personnel

1. The resignation of Megan Stotsky, as Special Education Teacher assigned to Rye High School, effective December 31, 2004.
2. The resignation of Tinaca Johnson as Permanent Substitute on the Secondary Level, assigned to Rye Middle School and Rye High School, effective October 29, 2004.
3. The Emergency Conditional Three Year Probationary Appointment of Megan Medeiros as a Math Teacher, for which she has applied for New York State Initial Certification in Childhood Education 1-6 and Math 5-9, assigned to Rye Middle

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School, 1.0 FTE, on MA, Step 3 (prorated) of the 2003-2004 Teacher Salary Schedule, pending contract settlement between the Board of Education and the Rye Teachers Association, effective November 1, 2004 – October 31, 2007.

4. The request by Kerri Winderman for an unpaid Child Care Leave of Absence from her position as Elementary Teacher At Large, effective on or about her approximate expected due date of November 26, 2004 to June 30, 2005.
5. The request by Elizabeth Napoleon for an unpaid Child Care Lave of Absence from her position as First Grade Teacher assigned to Osborn School, effective on or about her approximate expected due date of February 14, 2004 to June 30, 2005.
6. The Appointment of Natasha Groom as a Teacher Aide, with a probationary period of a minimum of twelve weeks to a maximum of fifty-two weeks, assigned to Milton School, Step 1 of the 2004-2005 Teacher Aide/Teaching Assistant Salary Schedule, 6.5 hours/day, 5 days/week, effective September 29, 2004.
7. The appointment of Francisco Polanco as a Food Service Helper at Rye High School with a probationary period of a minimum of twelve weeks to a maximum of fifth-two weeks 6.5 hours/day, 5 days/week, effective October 4, 2004.
8. The Extra Pay for Extra Work assignments for the 2004-2005 school year as listed on the attached. (Attachment III)

Action – Special Education

1. The recommendations of the Committee on Special Education from its meeting of March 3, 2004 for Student ID#912065; and from its meeting of April 14, 2004 for Student ID#912074.
2. The recommendations of the Committee on Preschool Special Education from its meetings of March 3, 2004 for Students ID#912065 and 913037; from its meeting of April 14, 2004 for Student ID#912074; from its meeting of May 24, 2004 for Student ID#321; from its meeting of July 7, 2004 for Student ID#413; from its meeting of July 28, 2004 for Student ID#439; from its meeting of September 22, 2004 for Student ID#335; from its meeting of September 23, 2004 for Student ID#441; from its meeting of September 28, 2004 for Student ID#457; from its meetings of September 29, 2004 for Students ID#446 and 447; and from its meeting of October 13, 2004 for Student ID#443.
3. The recommendations of the Committee on Special Education from its meetings of September 14, 2004 for Students ID#060800 and 481; from its meeting of September 20, 2004 for Student ID#394; from its meetings of September 21, 2004 for Students ID#159, 479, 480 and 482; from its meetings of September 28, 2004 for Students

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ID#486 and 488; and from its meeting of September 30, 2004 for Student D#911529.

ITEMS REMOVED FROM CONSENT AGENDA

Ratification of the Memorandum of Agreement with the Rye Teachers Association, July 1, 2004 through June 30, 2007

Dr. Shine noted the sequence of meetings leading to the recommendation to ratify the agreement between the RTA and the Board of Education.

A member of the public said he felt it was unusual for the public not to be aware of the terms and feels the Board should try to maintain confidence of the public. He said a good school system is a product of many things, most important the confidence of the public. He said if the Board was closed it undermined public confidence, and he hoped the Board would continue to be open with the public.

Mr. Culyer said that a mailing had gone to the community in an effort to inform the public but that with any other entity, contract negotiations are conducted behind closed doors, one of the few items a Board of Education does conduct in this manner, until such time as agreement was reached.

A member of the public requested an overview of the money involved in the contract agreement and asked if there are significant elements of teacher compensation not included in the agreement, such as the state retirement system.

Mr. Culyer replied that that information was not with them at the Board meeting but that the superintendent or designee would get back to him on his questions.

A member of the public asked whether Mr. Culyer's answer in a broad perspective meant the public couldn't have an answer at that moment and that there would be no figure for the public.

Dr. Shine said if you are asking do we have the information, the answer is yes. If you are asking if we have it with us tonight, the answer is no.

A member of the public asked if the Board knew what the dollar amount was.

Mr. Culyer replied that the Board indeed was aware of dollar amounts from the onset of negotiations and that the budget included anticipated costs, but that all that documentation was not available at this particular meeting and that someone would get back to those inquiring.

On a motion by Ms. Mariani, seconded by Mr. Zahm and carried unanimously (6-0) it was voted to ratify the October 5, 2004 Memorandum of Agreement and appropriate those monies necessary to fund the 2004-2007 Agreement between the District and the Rye Teachers Association. (Attachment IV)

2003-2004 Rye City School District Financial Audit

Dr. Shine explained that Commissioner's Regulations require that all school districts obtain an independent audit by an outside certified public accountant or firm. He explained that the purpose of the audit is to verify the accuracy of invoices, purchase orders, payroll claims, and contracts transacted by the District during the fiscal year and that it is the auditor's responsibility to review the documentary evidence and determine the District's compliance with all laws, policies, and rules and regulations regarding the expenditure of money. He further explained that the auditor's final report must be adopted by a Board resolution and filed with the Commissioner of Education.

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Dr. Shine then provided additional background information noting that a meeting of the Accounting/Credit/Audit Sub-Committee was held on November 1, 2004 with members in attendance: Richard Blonstein and John Roberts, community members; George Pratt, Chairperson; Dr. Edward J. Shine; R.G. Walsh; Les Storch and Susan Barossi, auditors.

He said that the purpose of the meeting was to review the financial statements and supplementary information for year ended June 30, 2004, including the Extraclassroom Activity Funds and Administration Response to the Management Letter dated October 13, 2004. He reported that as a result of the meeting, the sub-committee made the following recommendations:

1. With regard to cash on hand, at the close of the accounting period i.e. June 30, 2004, the Treasurer should ensure that all cash is invested at the highest possible interest rate.
2. The Board of Education should assess the desirability of having a Comprehensive Annual Financial Report (CAFR) prepared, including a review of associated staffing and funding schedule. Having such a document would permit a transmittal letter to be created that describes the financial management and operation from a most optimistic perspective when compared to the formulaic Management Discussion and Analysis (MD&A).
3. Footnote 3 & 6 to the audit report will be modified by the auditors to reflect the reasoning behind specific Bond Anticipation Notes (BAN'S) being treated like bonds when used in a roll-over fashion covering tax certiorari refund payments amortized over multiple years.
4. The Administration Response to Management Letter will be modified to reflect the following:
 - a. Internal Controls: the operating requirement to have cost centers validate expenditures charged to their accounts should be included in the Board of Education Policy manual.
 - b. Within the General Fund, the outstanding accounts receivables have \$64,000 identified as possibly not collectible. A detailed review of these receivables by Counsel should be completed with a prospective recommendation that the Board should authorize removing specific amounts from the books. Taking such action does not preclude pursuit of collection of those receivables having a higher likelihood of collection.
 - c. The Assistant Superintendent should issue a directive to the Comptroller of the Extraclassroom Activity Funds mandating that advisors are not to make payments without supporting documents.
5. In addition to the perennial cited issue of trade-offs between staff size and control, current trends within government auditing have increased the focus on the role of the internal auditor and that recent SED recommendations have identified the need

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need to have someone, outside of business operations, who has received specific training, serve as the internal auditor. This recommended approach should be assessed by the administration with presentation and recommendations made to the Board for possible organizational change.

Dr. Shine said that the Committee recommends to the Board approval of the Audit Report and Extraclassroom Activity Funds, and the Administration Response to Management Letter, as revised. He said that a representative from the independent auditor would be available at the December 7, 2004 meeting of the Board to answer any questions Board members may have. He said anyone wishing to review the full audit report could request a copy from his office. Mr. Zahm asked the Superintendent to further investigate the possibility of posting the audit report on the District website. Mr. Nathan asked the process for following up on recommendations. Dr. Shine replied that this would be discussed with the auditors. Mr. Feeney noted that the Board had requested three corrections on the report and all three were made and embraced by the auditor.

On a motion by Ms. Mariani, seconded by Ms. Sterling and carried unanimously (6-0) it was voted to adopt the final Audit Report for the 2003-2004 fiscal year, as submitted. (Attachment V)

REPORT OF THE SUPERINTENDENT

Dr. Shine reported that middle school principal, Dr. Ann Edwards, had attended the award ceremony in Washington D.C. the week before for the school's receipt of the National Blue Ribbon Award naming the school a national school of excellence. He offered congratulations to Dr. Edwards and to the eleven Rye High School musicians who were selected to perform in this year's Area All-State Concert, five in the band and six in the orchestra.

Dr. Shine reminded those present that The Diary of Anne Frank would be performed in the high school Performing Arts Center on Friday and Saturday nights. He then provided a brief overview of the status of elementary additions and alterations projects, and noted that schools would be open for visits from the public in honor of American Education Week the following day. Dr. Shine then commended all the student athletes who had achieved continued success for their teams, and announced upcoming regional competitions for field hockey and football on Friday. Dr. Shine noted that all schools and offices would be closed on Thursday in honor of Veteran's Day.

PRESENTATION / DISCUSSION

Mr. Culyer reminded those present the purpose of this section of the agenda and the process for receiving information, discussing and then acting on information at Board of Education meetings.

Girls' Soccer

Dr. Shine said this item was present in order for the Board to make a decision in the near future so that athletes could make decisions on their team participation in the coming

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school year. He said that the Board had been informed on several occasions previously of the federal court case of McCormick and Geldwert v. The School Districts of Mamaroneck and Pelham [Rye was originally named and then the parent decided to withdraw from the case] whereby the court ruled that Mamaroneck and Pelham were in violation of Title IX in running girls' soccer in the spring rather than in the fall, where the teams could participate in State competition. Since that court decision was rendered, school districts have been planning for the transition.

He said that with new information that Rye will be competing in Conference II for soccer in 2005-2006, Mr. Castagna had submitted the following recommendation: "I am recommending that all levels of the Rye City School District Girls' Soccer program be moved so that they may compete in the fall season beginning September, 2005. This recommendation is based on 1. my meetings with most spring and fall varsity coaches; and, 2. the fact that the following schools we will compete against (Conference II for 2005-2006) have already committed to move their programs: Beacon, Harrison, Hendrick Hudson, Irvington, Lakeland/Panas, Nyack, Our Lady of Lourdes, Pearl River, Port Chester, Sleepy Hollow, Somers, Tappan Zee and Yonkers. Coach Rich Savage [Boys' and Girls' Varsity Coach] and I have met with Kevin Cook of the Rye Recreation Department on several occasions regarding our move to the fall. He has assured me that there will be sufficient field space to accommodate the boys' and the girls' soccer programs. There are still a handful of schools that, because of concerns with field space, are waiting one more year to move their programs to the fall. I do not believe waiting any longer would be in the best interest of the Rye City School District and our students."

Dr. Shine said he had provided for the Board the June 28, 2004 communication from the District's attorney on this matter and the communication from Greg Ransom, Executive Director of Section One Athletics. He reminded the Board that students and parents need to be informed in the very near future of the District's plans for the 2005-2006 school year. And that the Athletic Department needs to factor in this new requirement into its planning as well.

Rye School of Leadership

Dr. Shine said that since 1988, Rye High School has had an alternative program as part of its regular high school program. He said that the Rye School of Leadership [a.k.a. The Alternative School or the "A" School] has used the Durland Scout Center since its beginnings. The District rents space from the Boy Scouts of America from September 1 through June 30. Currently we have 25 students in the program and we pay the Boy Scouts of America \$44,860 to rent the facilities during the day with access to night meetings as the program requires for parent meetings.

Dr. Shine said that early in the 2003-2004 school year, the District was advised that the Boy Scouts of America intended to sell the Durland Scout Center property in order to consolidate programs and services in Westchester. Currently, the Westchester Chapter of Boy Scouts of America is awaiting a probate court review of the Durland will to be sure that the Boy Scouts of America has the authority to sell the property. In the meantime, the Rye City School District has an agreement for 2004-2005 to rent the property for the Rye School of Leadership with a ninety-day notice of termination provision upon the sale of the property.

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Dr. Shine said that since the beginning of the discussions of the possibility of the property sale, the District has been looking for alternative space in order to save the program for Rye students. Over the years, he noted, Durland has been an ideal environment as it is a very small setting, away from the high school and away from most other attractive nuisances which oftentimes can be a distraction to young people. He indicated that a similar setting would be ideal; that absent a similar space and setting, commercial space in Rye would be acceptable; that if commercial space in Rye is not available, commercial space in a surrounding community would be acceptable. He said that if one of the first three options is not available, another option [on a short-term basis] is the Rye High School third floor. In this short-term period we could explore collaboration and cooperation with other districts which may have similar programs, as well as the BOCES alternative high school program. The last option, and one we may have to confront, however distasteful, is to eliminate the program from the options we have available for the Rye City School District.

Dr. Shine said the District has made some very preliminary and informal contact with the Wainwright House to see if space could be made available there. The Executive Director and the Board of Trustees have reviewed their Mission and programming to see if they wish to consider housing the program. He said that Ms. Fran Davies, the Executive Director of the Wainwright House, has indicated that they are willing to pursue discussions with the District to see if placement of the Rye School of Leadership can fit well for them and for the Rye City School District. He said the District will begin discussion of those possibilities in the near future and noted that contacts with real estate firms regarding the possibility of commercial space have not been fruitful.

Dr. Shine said that at the present time, there is a good possibility that we will be able to utilize Durland for the remainder of the 2004-2005 school year even if the property is sold by the first of the year. He said the administration will begin conversations with the Wainwright House and continue to explore commercial property and report back soon after the first of the year.

Adjournment

On a motion by Ms. Mariani, seconded by Mr. Pratt and carried unanimously (7-0) it was voted at 9:58 p.m. to adjourn into executive session for the discussion of the employment history of current and prospective employees. Mr. Culyer said the Board would not reconvene in public for the purpose of further discussion or action.

On a motion by Mr. Zahm, seconded by Mr. Feeney and carried unanimously (7-0) it was voted at 11:12 p.m. to reconvene in public. There being no further business, on a motion by Ms. Mariani, seconded by Mr. Feeney and carried unanimously (7-0) it was voted at 11:12 p.m. to adjourn the meeting.

Respectfully submitted,

Lynn Ferrari
District Clerk