

**MINUTES**  
**RYE CITY SCHOOL DISTRICT**  
**BOARD OF EDUCATION MEETING**  
**Rye Middle School Multipurpose Room**  
**March 21, 2006**

The meeting was called to order by Mr. Culyer at 7:03 p.m. in the Rye Middle School Multipurpose Room and the Board adjourned immediately into Executive Session on a motion by Mr. Feeney, seconded by Ms. Sterling and carried unanimously (5-0), for the review of the employment history of current and prospective employees, pending litigation, and negotiations pursuant to the Taylor Law.

**Present**

Mr. James Culyer, *President*  
Mr. Stephen Feeney, *Vice President*  
Mr. Edward Fox  
Mr. Joshua Nathan  
Ms. Victoria Sterling  
Mr. Robert Zahm\*

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

\* Arrived subsequent to the start of Executive Session.

On a motion by Mr. Zahm, seconded by Ms. Sterling and carried unanimously (6-0) it was voted at 8:03 p.m. to reconvene in public. Mr. Culyer welcomed those present and, noting items removed from the Consent Agenda, called for the Hearing of the Public on Non-Agenda Items.

**Hearing of the Public on Non-Agenda Items**

Robin Shainberg and Marian Anderson of Kid's S.P.A.C.E. reviewed the program's highlights and thanked the Board for its support over the years.

**CONSENT AGENDA**

As previously announced by Mr. Culyer, Action-General 1, Minutes of the Board of Education Meeting of February 7, 2006 and March 7, 2006; Action-General 4, Rye High School Parent Organization Gift Request: Permission to Raise Funds to Renovate the High School Cafeteria; ; Action-General 5, Approval of Contract for the Owner's Representative for Construction; Action-General 7, Approval of Athletic Program Mergers: Wrestling, Gymnastics, Boys Swimming; and Action-General 8, Approval of Letter to the Editor, were removed from the Consent Agenda.

(continued)

On a motion by Ms. Sterling, seconded by Mr. Fox and carried unanimously (6-0) it was voted to approve the following items:

**Action – General**

1. Appointment of LePatner & Associates as general construction counsel, approval of the retainer agreement dated January 27, 2006, and authorization for the Superintendent to sign the agreement letter. (Attachment I)
2. The gift request of the Rye High School and Rye Middle School Parent Organizations of a new film/video projector in the amount of \$10,160.00, for the Performing Arts Center at Rye High School, with appreciation to both organizations. (Attachment II)
3. The Resolution that the Superintendent of Schools is authorized to commence criminal proceedings against Student Number 506443 for unauthorized activities on school property. (Attachment III)

**Action - Personnel**

1. The resignation due to retirement of Linda Schnapp as a social worker assigned to Rye Middle School effective June 30, 2006.
2. The request by Kelly Beatty for an unpaid Child Care Leave of Absence from her position as 1<sup>st</sup> Grade Teacher assigned to Midland School, effective July 1, 2006 – on or about January 26, 2007.
3. The request by Stacey Beitler for an unpaid Child Care Leave of Absence from her position as 3<sup>rd</sup> Grade Teacher assigned to Osborn School, effective July 1, 2006 – on or about January 26, 2007.
4. The request by Stephanie Branciforte for an unpaid Child Care Leave of Absence from her position as 2<sup>nd</sup> Grade Teacher assigned to Osborn School, effective September 1, 2006 – on or about January 26, 2007.
5. The request by Christen Klewicki for an unpaid Child Care Leave of Absence from her position as English Teacher assigned to Rye High School, effective on or about her anticipated due date of June 9, 2006 – June 30, 2007.
6. The request by Catherine McNamara for an unpaid Child Care Leave of Absence from her position as 1<sup>st</sup> Grade Teacher assigned to Osborn School, effective July 1, 2006 – June 30, 2007.

(continued)

7. The request by Alisha Miller for an unpaid Child Care Leave of Absence from her position as 2<sup>rd</sup> Grade Teacher assigned to Osborn School, effective July 1, 2006 – June 30, 2007.
8. The request by Lisa Tennaro for an unpaid Child Care Leave of Absence from her position as 3<sup>rd</sup> Grade Teacher assigned to Osborn School, effective September 1, 2006 – on or about January 26, 2007.
9. The appointment of Margarita D'Avignon as Food Service Helper with a probationary period of a minimum of twelve weeks to a maximum of fifty-two weeks, 5 hours/day, 5 days/week, assigned to Osborn School effective March 6, 2006.

**Action – Special Education**

1. The recommendations of the Committee on Preschool Special Education from its meeting of December 8, 2005 for Student ID#526; from its meeting of February 9, 2006 for Student ID#709; from its meeting of February 16, 2006 for Student ID#522; and from its meeting of March 9, 2006 for Student ID#696.
2. The recommendations of the Committee on Special Education from its meeting of March 1, 2005 for Student ID#369; from its meeting of January 17, 2006 for Student ID#646; from its meeting of January 30, 2006 for Student ID#911529; from its meeting of February 3, 2006 for Student ID#911529; from its meeting of February 16, 2006 for Student ID#911317; and from its meetings of February 17, 2006 for students ID#912015, 911373, and 211.

Mr. Culyer noted that among the items approved on the Consent Agenda was approval of the retirement resignation of Linda Schnapp as social worker assigned to Rye Middle School. He expressed the appreciation of the Board and District for all Ms. Schnapp's years with the District and extended best wishes in her retirement.

**ITEM REMOVED FROM CONSENT AGENDA**

**Rye High School Parents' Organization Gift Request: Permission to Raise Funds to Renovate the High School Cafeteria**

Dr. Shine called upon Ms. Susan Keating and Ms. Susan Olson, Parents' Organization co-Presidents, who described their proposal to raise funds to provide cosmetic renovation to the school's cafeteria and their request for permission to raise funds for this work. The Board expressed appreciation and discussed individual member's request that the Parents' Organization not work independently but rather

(continued)

through the administration. The Co-Presidents agreed that they would do this, and also to prioritize the work they would do depending on the amount of funds they are able to raise and the costs of the projects as they progress in the work that would be planned.

Members of the Board asked Mr. Valentine if this work could be accomplished over the summer along with the other work scheduled for that time period. Mr. Valentine said that it could be managed.

Mr. Fox moved and Mr. Zahm seconded the motion that the Board accept the gift request as proposed, plus the following agreements: that the Parents' Organization work through the administration on the project; that the capacity of the room not be compromised; that the designs for the work to be done be approved by the Board of Education. The motion carried 6-0. Mr. Culyer again expressed the thanks of the Board for this contribution. (Attachment IV)

Dr. Rooney said that on behalf of the students and the staff, he was offering tremendous appreciation for the dynamic vision of the high school Parents' Organization leadership and that he also thanked the Board for their part in approving the gift requests.

### **REPORT OF THE SUPERINTENDENT**

Dr. Shine reported that three Rye High School Science Research Program students, Libby Van Wagenen, Hayley Tobin, and Melanie Chow, qualified for and competed in the Westchester Science and Engineering Fair the previous Saturday. He said that Hayley Tobin won second place in her field of Botany and Melanie Chow won first place in her field of medicine and health. He said that Melanie also won the US Navy/US Marine Corps Award for outstanding projects in science and was one of the eight top overall winners selected to compete at INTEL-ISEF, the INTEL sponsored International Science and Engineering Fair.

Dr. Shine commended the Rye High School/Rye Middle School Library web site, noting its highlights, noted that special education department member, Cathy Sales, had been invited to participate in a panel to discuss autism as part of an event at Long Island University that includes a viewing of the film, "Autism is a World," a recent documentary.

He then noted several upcoming events including Midland School's Women's History Night on Thursday, the Milton School Fair on Saturday, and the Rye Middle School Theatre production the following weekend.

### **PRESENTATION / DISCUSSION ITEMS**

#### **Milton Construction**

Dr. Shine reviewed information previously provided regarding the Milton School Construction schedule. He said that after the delay associated with rock removal, Andron, the Construction manager, had indicated that March 1 would be a good target date to look at their efforts to accelerate construction through the winter and the critical pathways for

(continued)

the remainder of the project; with the critical path erecting the steel and the concrete slab on decks. He said that both of these phases of the project were all but complete.

He reported that the previous Tuesday Andron asked for a review of the schedule and a realistic assessment of future work and occupancy or substantial completion. He explained that last year at the same time Andron had prepared a schedule showing that the renovation of the "old" Milton would be completed during December of 2006. He said that, however, the construction chart that had been provided for the Board on a monthly basis had been showing a completion date of September 20, 2006 for the renovation and September 28 for the new construction, as a best case scenario. He said that at this point, based on the information from the contractors, Andron does not feel that the late September completion dates can be improved upon unless something is done to accelerate the internal renovation of the "old" Milton and change the construction priorities.

Dr. Shine said that at the construction meeting of February 28 and the Milton Health and Safety Committee meeting of March 2, Andron introduced a proposal to move three classrooms [one on the 1<sup>st</sup> floor and two on the 2<sup>nd</sup> floor, the faculty room and the custodial office] over the spring break so that significant work that was not scheduled to begin until the end of June could be initiated in April. He reported that the Health and Safety Committee discussed the proposal and the use of the art room and the library to house the three classrooms in order to free classroom space and accelerate construction. He said that in this effort, both committees discussed making the 18 classrooms needed for September the highest priority and making the completion of the Multipurpose Room secondary. He said that this plan would allow contractors to pull the south stairwell out of the building and make the connection between the old and new building, capturing eight weeks of work inside the building that they would not have had until June 23.

He said that the Milton faculty, at its March 6<sup>th</sup> meeting, and the Milton PTO Co-Presidents, had discussed this plan and the majority were in favor of accelerating the schedule in order to have a better chance of accommodating all students on time when school opened in September

He explained that walls would be constructed to separate the school from construction, making provision for emergency egress. After ascertaining that this would not incur a greater cost to the District, the Board agreed that Dr. Shine had the authority to go forward with this plan.

#### Policy Suspension to Policy 5110 to Immediately Cap Enrollments Through the 2006-2007 School Year

Dr. Shine said that in the last few years, the District had used April 1 as a check point for a review of elementary school class size with a review of enrollment projections, grade level enrollment and class size for the following year as part of its budget deliberations in terms of both classroom space and staffing.

He said that previous reports had been provided to the Board with the key numbers emanating from the October 2005 enrollment. He said that from a teacher,

(continued)

parent and educational perspective, elementary class sizes during the 2005-2006 school year had been among the best ever, with the average class size Districtwide at 19. He reported that classes in grade 1 at Milton School had an average class size of 20.6; that Osborn School's kindergarten and grade 2 were at the upper end of the 18 to 22 range at 21.4 and 20.8, respectively. He said that in the fall of 2005, the Board had challenged the administration to develop a long-term solution to the problem of enrollment balance in light of grade level and school capacity in the elementary schools [Midland capacity 560 students; Milton capacity 400 students and Osborn capacity 600 students].

Dr. Shine said that in order to have an orderly plan for the 2006-2007 school year and because a Districtwide capacity exists at all grade levels, he was proposing the consideration of a grade-level cap effective immediately and through the 2006-2007 school year. He reported statistics based on current projections, as follows:

From Kindergarten into grade 1, 237 students with a District-wide capacity of 264.

From grade 1 into grade 2, 259 students with a capacity of 286.

From grade 2 going into grade 3, 248 students with a capacity of 286

From grade 3 into grade 4, 236 students with a capacity of 286.

From grade 4 into 5, 213 students with a capacity of 242.

Dr. Shine said that while the October 2005 projections into 2006 do not anticipate any larger numbers that would cause class size problems [except at Osborn kindergarten into grade 1], the District has had circumstances in the past where the enrollment of a grade exceeded guidelines and the administration and Board have had to determine whether to add another section or add teacher aides to help support teachers in the classrooms.

He suggested that, within this context, the Board has already had a first look at the 2006-2007 budget and had asked him what reductions would look like in .05% gradations from 9% to 7%. He said that one of the ingredients of that is a reduction in Osborn's 4<sup>th</sup> grade into 5<sup>th</sup> grade from five sections to four, and that this reduction was reflected in the budget report to be discussed later in the meeting.

He said that Board of Education Policy 2430 allows for the suspension of policies when it is absolutely necessary, and that he believed it was necessary to cap elementary school grade level sections in order to take advantage of the capacity that already exists in the District, and to control the 2006-2007 budget. He said that a worst case scenario could be the addition of three teaching positions, representing an approximate \$285,000 addition to the budget. He asked the Board to consider suspending Policy 5110 which establishes attendance areas to allow for the implementation of these caps only if enrollment goes over the maximum of the class size guidelines.

He said that if the Board takes action to approve this recommendation, the administration would inform the elementary school parent body, public and parochial school parents and realtors who might be counseling new families when they purchase homes in the District.

(continued)

He noted that currently, there were three grade levels where the caps are reachable during the 2006-2007 school year: Milton grade 1 into grade 2, Osborn kindergarten to grade 1 and Osborn grade 2 to grade 3.

Dr. Shine said that related issues, such as families with children in different grades and the placement of tuition and faculty students, would be discussed with principals and parent leadership.

Subsequent to the presentation, Mr. Feeney suggested that it might be preferable to extend class size guidelines to accommodate students at their home schools, and several parent members of the audience suggested an alternative would be preferable, noting that they did not believe this was a good idea.

Dr. Shine said that he would be conducting a meeting with parent leadership on this topic the following week and would report back to the Board on further suggestions for addressing this matter.

#### 2006-2007 Budget

Dr. Shine reviewed information presented at the March 7th Board of Education meeting, including a recap of the main drivers to the \$5 million or 9% budget to budget increase that were included in the draft budget, as follows:

1. 52.8% of the increase is attributable to increase in salaries for the 427 employees of the school district;
2. 16.8% of the increase is attributable to increases in the cost of benefits for the current employees of the District;
3. .7% of the increase relates to increases in the cost of fuel, electricity, repair and maintaining the Capital Repair budget at 2% of the prior year's budget;
4. 7.8% of the increase is substantiated by increases in the cost of insurance, construction litigation, litigation costs for negotiations, a new state mandated internal auditor and support for students to attend our BOCES vocational center;
5. 5.7% if the increase is attributable to an increase in technology to 2% of the prior year's budget
6. 9.1% is included to support increases in the cost of special education
7. .8% of the increase includes CPI increases to cost centers.

He said that at the conclusion of the budget discussion at that meeting, the Board had requested a reduction from 9% to 7% in .5% gradations so that Board members could review the implications of reducing the budget and the impact on school district priorities. He noted that new materials provided for the Board should provide for a total reduction of \$1,019,240, yielding a 7.3% budget-to-budget increase and a 7.0% tax rate increase.

Dr. Shine then delineated the reductions as follows:  
Reduction #1, \$257,500, comprised of a reduction in the Facilities Cost Center of \$173,000; a reduction in the District-wide Cost Center of \$27,000; Staff Development [new request] for the classified staff - \$7,500; Human Resources reduction for

(continued)

fingerprinting [new request] - \$5,000 and a reduction/elimination of funding for Strategic Planning - \$45,000

Reduction #2 \$255,000, comprised of a reduction in District-wide Cost Center of \$55,000; a reduction in the Technology Cost Center slowing down the implementation of the 3-year Technology Plan -\$200,000.

Reduction #3 \$256,800, comprised of elimination of new requests for technology coordinator, teaching assistant, middle school security, funds for technology committee, high school security overtime, and funds for translators at a total of \$198,000; funds for at CPI \$53,000 from the high school, middle school and Osborn School; and funds for a new ERB on-line writing program \$5,800.

Reduction #4 \$249,900, comprised of a reduction of one grade 5 teaching position at Osborn [81 students in 5 sections to 81 students in 4 sections [Average class size from 16 to 20]; the elimination of a new request for additional middle school lunch supervisors; the reduction of a middle school FTE request from .4 to .2 FTE for middle school electives and staff through sixth assignments; the reduction of 3.0 FTE teacher aide positions [one at each school]. He noted that at Milton School, the one reduction would be for the two new positions to help with construction for the second half of the year; the elimination of the .5 FTE nurse position at Osborn who had been added to support 60 additional Milton students during the 2005-2006 school year, and the elimination of the high school guidance department request for additional support.

He noted that previous cuts had included the requested .5FTE testing coordinator and 2.0 FTE school managers.

Mr. Culyer responded to Dr. Shine's request for a Board directive on the budget increase by requesting that he return at the April 4<sup>th</sup> meeting with a budget increase under 7%.

The Osborn school nurses, faculty president, and a parent all then spoke on behalf of the need to retain the half time nurse at the school; a resident questioned having technology if the coordinator was not going to be included in the budget and questioned if there was any provision for heating in the plans for the \$22 million bond. Mr. Culyer thanked those who spoke on behalf of the components of the budget; Mr. Feeney suggested that an evaluation of all the elementary school nurse positions and demands on their time be conducted, and Mr. Culyer explained to the resident that all long-term debt was included in the budget. Dr. Shine explained that technologically proficient teachers were assisting with curriculum and technology, that the District was doing the best it could without a specific curriculum coordinator, and that the technology was being used.

The Board discussed the placement of litigation costs as line items, and a member of the public questioned the special education dollar expenditures based on what he heard

(continued)

was criticism by a special education consultant of the allocation of costs and the way they were reported.

Dr. Shine explained that what the consultant had said was that it was difficult for her to ascertain special education costs because they were grouped with all special services costs, such as English Language Learners and Reading Recovery. He explained that they had been separated, so the costs were easier to ascertain.

### **SEPARATE ACTION REQUIRED ACTION ITEM**

On a motion by Mr. Nathan, seconded by Ms. Sterling and carried unanimously (6-0) it was voted to approve the School District's Monthly Financial Reports as presented. (Attachment V)

### **ITEMS REMOVED FROM CONSENT AGENDA**

#### **Board of Education Minutes of February 7<sup>th</sup>, 2006**

Mr. Fox requested the removal of the last two lines of the fifth paragraph on page 5 of the proposed minutes. On a motion by Mr. Fox, seconded by Mr. Nathan and carried unanimously (6-0) it was voted to approve these minutes as amended by Mr. Fox.

#### **Board of Education Minutes of March 7<sup>th</sup>, 2006**

On a motion by Mr. Culyer, seconded by Mr. Fox and carried unanimously (6-0) it was voted to approve the Minutes of the March 7<sup>th</sup>, 2006 meeting of the Board, as written.

#### **Approval of Contract for the Owner's Representative for Construction**

On a motion by Mr. Feeney, seconded by Mr. Nathan and carried 5-1 with Mr. Fox voting no, it was voted to appoint Daniel Valentine as Owner's Representative for Facilities and to approve the service agreement dated March 21, 2006. The motion carried 5-1 with Mr. Fox voting no. (Attachment VI)

#### **Approval of Athletic Program Mergers for Wrestling, Gymnastics, and Boys Swimming**

The Board discussed at length the efficacy of maintain athletic programs that enrolled small numbers of students and questioned whether, as the budget process continued and it was found necessary to withdraw from any of the proposed mergers, it would be possible to do so. Dr. Shine said that it would. After further discussion, the Board decided to tentatively approve the mergers so that planning could continue through the Board of Cooperative Educational Services, but that it reserved the right to reverse this decision subsequent to further information and final budget decisions.

(continued)

On a motion by Mr. Fox, seconded by Mr. Nathan and carried 4-2 with Mr. Feeney and Mr. Zahm voting no, it was voted to approve the three proposed mergers for the 2006-2007 school year. (VII)

#### Approval of Letter to the Editor

Mr. Zahm and Mr. Fox indicated that they would prefer to expand Mr. Feeney's proposed letter to the editor correcting information on the Osborn Home litigation through a Board letter to the community. Mr. Nathan concurred but said he would also like to see the letter sent to the newspaper to correct the misinformation that had been printed. Ms. Sterling and Mr. Culyer said they agreed with Mr. Nathan.

On a motion by Mr. Zahm, seconded by Ms. Sterling and carried 5-1 with Mr. Fox voting no, it was voted to approve the letter to the editor drafted by Mr. Feeney, on behalf of the Board, to the Journal News regarding litigation between the Osborn and the City of Rye/Rye City School District for submission to the newspaper. (Attachment VIII)

### **COMMUNICATIONS TO/FROM THE BOARD**

Dr. Shine said that he had received a communication from Mr. Shew, Rye City Manager, informing him that there was a scheduling problem for the planned Board of Education/Rye City Council Joint meeting and that Mr. Shew instead suggested that the two entities meet on April 29<sup>th</sup> at the new Damiano Center. Various Board members had some conflict with this date change and agreed to let Dr. Shine know as soon as possible what their availability would be for that and possible other dates so the meeting could be scheduled.

#### Adjournment

On a motion by Mr. Nathan, seconded by Ms. Sterling and carried unanimously (6-0) it was voted at 11:20 p.m. to adjourn into Executive Session for the review of the employment history of current and prospective employees. Mr. Culyer announced that when the Board reconvened in public it would not be conducting further discussion or voting on any matter.

On a motion by Mr. Feeney, seconded by Mr. Nathan and carried unanimously (6-0) it was voted at 11:50 p.m. to reconvene in public.

There being no further business, on a motion by Mr. Zahm, seconded by Ms. Sterling and carried unanimously (6-0) it was voted at 11:50 a.m. to adjourn the meeting.

Respectfully submitted,

Lynn Ferrari  
District Clerk