

REVISED AS OF 3/14/2023
MALVERNE UNION FREE SCHOOL DISTRICT
Regular Board of Education Meeting
Tuesday March 14, 2023
8:00 P.M.

BOARD MEMBERS

Jeanne D'Esposito, President
Josephine Bottitta, 1st Vice President
Kathleen Nolan – Kasal, 2nd Vice President
Laura Avvinti, Trustee
Nicole Henderson, Trustee

ADMINISTRATION

Dr. Lorna R. Lewis Superintendent
Steven Gilhuley, Assistant Superintendent for
Curriculum Instruction
Christopher Caputo, Assistant Superintendent for
Business
Daniel Balzan, Assistant Administrator for Business

BOARD OFFICER

Lisa Ridley, District Clerk
Brendan Rabinovsky, Treasurer

BOARD COUNSEL

Frazer & Feldman, LLP

AGENDA

- I. **CALL TO ORDER**
- II. **EXECUTIVE SESSION**
- III. **PLEDGE OF ALLEGIANCE**
- IV. **STUDENT BOARD OF EDUCATION REPRESENTATIVE REPORT**
- V. **MINUTES**
Approval of February 7, 2023, Regular Board Meeting Minutes
- VI. **TREASURER'S REPORT**
Approval of February 2023 Treasurer's Report
- VII. **RECEIPTS OF FINANCIAL REPORTS**
 - A. Claims Audit Reports: February 2023
 - B. Trial Balance Reports: February 2023
 - C. Revenue Status Reports: February 2023
 - D. Appropriation Status Reports: February 2023
 - E. Cash Flow Status Report: February 2023
 - F. Budget Transfers Report: February 2023

VIII. COMMUNICATIONS

None

IX. SUPERINTENDENT'S REPORT /ANNOUNCEMENT

1. Kindergarten Online Registration
2. Valedictorian / Salutatorian
3. April 1st Transportation Deadline

X. PERSONNEL

A. Terminations

None

B. Resignations

Civil Service (2)

C. Leaves of Absence

None

D. Appointments

1. Teachers /Teacher Assistants (1)
2. Civil Service (3)
3. Malverne Teacher Center - 2022-2023 – Teacher Grant (3)
4. Co-Curricular Activities – Howard T. Herber 2022-2023 (2)
5. Twilight & Homebound Tutoring 2022-2023 (1)
6. Co-Curricular Activities -Malverne High School -2022-2023 (1)
7. Interscholastic 2023-2023 (4)
8. RAP Coordinator (1)
9. Salary Increase -2022-2023 (1)

E. Supplemental

1. Approve the following Club (2)
Youth Advocacy Club
Harry Potter Club
2. Appoint the following personnel to teach the following extra classes (2)
3. Appoint the following personnel to supervision for the 2022-2023 school year. (8)

XI. OLD BUSINESS

None

XII. NEW BUSINESS

A. BOARD RESOLUTION: ANNUAL ELECTION AND BUDGET VOTE AND PUBLIC NOTICE

BE IT RESOLVED by the Board of Education of the Malverne Union Free School District, as follows:

Section I: The Annual District Meeting and Election of the Malverne Union Free School District shall be held on Tuesday, May 16, 2023, in the gymnasium of the Howard T. Herber Middle School, 75 Ocean Avenue, Malverne, New York. Said Annual District Meeting and Election as set forth in the Notice of said Annual District Election, annexed hereto, shall be held for the purpose of electing one member of the Board of Education; voting upon the 2023-24 proposed school district budget to vote on an expenditure from the District Capital Reserve Fund for the construction of certain capital improvements to school facilities and to vote on any other matter which may regularly be proposed for voting therein accordance with law. The polls will remain open from 7:00 a.m. until 9:00 p.m. and as much longer as may be necessary to enable the voters then present to cast their ballots.

Section II: An Annual Public Budget Hearing for the purpose of discussion of the expenditure of funds and the budgeting thereof for school purposes for the 2023-2024 school year shall be held on Tuesday May 9 , 2023, at 8:00 p.m. in the Malverne Performance Arts Center , 80 Ocean Avenue, Malverne, New York.

Section III: The Public Notice of the Annual District Election and Budget Hearing provided for in Appendix A is deemed a part of this Resolution, including each and every proposition and election to be presented to the qualified registered voters of the School District required by law to be contained in such Notice, and is hereby approved.

Section IV: The District Clerk is hereby authorized and directed to cause notice to be given of said Annual District Election and Budget Hearing in the form prescribed above, by publishing the Notice four times within the seven weeks next preceding such Annual District Election, the first publication to be at least forty-five days prior to the said Annual District Election, in *Noticia Long Island* , and *The Herald*, two newspapers having general circulation in said School District, and by giving such other notice as, in her discretion, may be deemed desirable.

Section V: The District Clerk is hereby authorized and directed to rent the necessary voting machines and to have the necessary voting machine ballot labels printed for said voting machines in the form corresponding as

nearly as may be with the requirements of the Education Law, and the voting rules of the School District.

Section VI: A Special Meeting of the Board of Education acting as the Board of Canvass shall be held on Tuesday, May 16, 2023, in the gymnasium of the Howard T. Herber Middle School following the closing of the polls for the purpose of accepting and declaring the results of the voting on all matters submitted to the qualified voters at said Annual District Election.

Section VII: This resolution shall take effect immediately.

B. BOARD RESOLUTION TO AUTHORIZE PROPOSITION TO EXPEND CAPITAL RESERVE FUNDS

WHEREAS, the Board of Education of the Malverne Union Free School District ("Board") has determined that there is a need to undertake certain capital improvements, renovations and construction work at District buildings and/or facilities, to commence during the 2023-24 school year ("Projects"), as described in a memorandum report prepared by the District's architects ("Report"), on file and available for public inspection in the office of the District Clerk; and

WHEREAS, the Board desires that a proposition be presented to the voters of the School District authorizing the expenditure of available remaining funds from the District's Capital Reserve Fund III for those purposes, at no additional cost to the District's taxpayers;

NOW, THEREFORE, BE IT RESOLVED, that the Board establishes itself as lead agency for the purposes of SEQRA determinations regarding the proposed Projects; and be it further

RESOLVED, that, upon the review and recommendation of the District's Architect, the proposed Projects are hereby determined to be a Type II action, as defined by 6 NYCRR §617.5[c], which will have no significant impact on the environment, and which does not require any other determination or procedure under SEQRA; and, therefore, be it further

RESOLVED, that the Board hereby authorizes and directs that a proposition in substantially the form set forth below shall be placed before the voters of the Malverne Union Free School District at the Annual District Meeting to be held between the hours of 7 a.m. and 9 p.m. on May 16, 2023, at the polling place heretofore established within the District; and that the District Clerk be hereby authorized and directed to give notice of such proposition to be voted at said Annual District Meeting by publishing reasonable and appropriate notice thereof, and to have the necessary ballot labels printed for

said vote in the form corresponding as nearly as may be with the requirements of the Education Law and the provisions of the voting machine rules of this school district:

Attached Legal Notice

NOTICE OF ANNUAL DISTRICT ELECTION AND BUDGET HEARING OF MALVERNE UNION FREE SCHOOL DISTRICT, TOWN OF HEMPSTEAD, COUNTY OF NASSAU, STATE OF NEW YORK

NOTICE IS HEREBY GIVEN that the annual meeting of the qualified voters of the Malverne Union Free School District, Town of Hempstead, County of Nassau, will be held on May 16, 2023, at 9:00 p.m. in the gymnasium of the Howard T. Herber Middle School, 75 Ocean Avenue, Malverne, N.Y., in said School District for the transaction of such business as is authorized by law.

NOTICE IS HEREBY GIVEN that the Budget Hearing will be held on May 9, 2023, at 8:00 p.m. at the Malverne Performance Art Center, 80 Ocean Avenue, Malverne, N.Y. for the purposes of discussing funds for the proposed 2023-2024 School Budget. The Budget Hearing may be view at the following website: www.malverneschoolslive.com

PLEASE TAKE FURTHER NOTICE that the vote upon the appropriation of necessary funds to meet the necessary expenditures for the school year 2023-2024, on all propositions duly filed with the Board of Education, and to elect one (1) member to the Board of Education for a four year term, commencing on July 1, 2023, and expiring on June 30, 2027, shall be held in the gymnasium of the Howard T. Herber Middle School on Tuesday, May 16, 2023, from 7:00 a.m. to 9:00 p.m. The qualified voters shall vote upon the following propositions.

PROPOSITION NO. 1 Budget 2023 – 2024

Resolved that the proposed Budget of the Malverne Union Free School District of the Town of Hempstead, County of Nassau, State of New York for the fiscal year 2023-2024 be adopted and that the amount of said budget be raised by tax upon the taxable property of the School District after first deducting the monies available from the State Aid and other sources.

PROPOSITION NO. 2 Capital Reserve Fund Expenditure

Resolved that the Board of Education of the Malverne Union Free School District (“District”) be hereby authorized to appropriate and expend from the District’s Capital Reserve Fund III, established by the voters of the District on June 9, 2020, an amount not to exceed One Million One Hundred Twenty Thousand Dollars (\$1,120,000.00), to undertake and perform the following school building improvements, renovations and/or alterations, to commence during the 2023-2024 school year (“Projects”), substantially as described in a memorandum report prepared by the District’s architects (“Report”), on file and available for public inspection in the office of the District Clerk, all at no additional cost to District taxpayers: the following capital improvements, construction, reconstruction, renovations, purchases and/or alterations in District buildings and facilities and the sites thereof: (1) Purchase and Installation of New Lockers at Malverne High School and Howard T. Herber Middle School; (2) Roof Replacement Project at Maurice W. Downing Elementary School; (3) Drop Ceiling Replacement Project at Malverne High School; and (4) Tennis Court Repair Project at Malverne High School; including (as and where necessary) furnishings, equipment, machinery, demolition, and other work in connection therewith, as well as preliminary costs and costs incidental thereto and to the financing thereof; provided that the costs of the components of the Projects as set forth in the Report may be reallocated among such components if the Board of Education shall determine that such reallocation is in the best interests of the District and no material change shall be made in the scope of the Projects.

PLEASE TAKE FURTHER NOTICE that the voting shall be on voting machines and the polls will remain open from 7:00 a.m. until 9:00 p.m. and as much longer as may be necessary to enable the voters then present to cast their ballots. The condensed form of the budget proposition and the text of all other propositions to appear on the voting machines and a detailed statement in writing of the amount of money which will be required for the school year 2023-2024, specifying the purposes and the amount for each, will be prepared and copies thereof will be made available, upon request, to any District resident at each school house and each administrative office in the District from 9:00 a.m. to 3:00 p.m. during the 14 days preceding said election of May 16, 2023, excluding Saturday, Sunday and holidays, and at such budget hearing and annual election.

PLEASE TAKE FURTHER NOTICE that pursuant to Section 495 of the Real Property Tax Law, the District is required to attach to its proposed budget an exemption report. Said exemption report, which will also become part of the final budget, will show the total assessed value on the final assessment roll used in the budgetary process is exempt from taxation, list every type of exemption granted by the statutory authority, and show the cumulative impact of type of exemption, the cumulative amount expected to be received as payments in lieu of taxes and the cumulative impact of all exemptions granted.

PLEASE TAKE FURTHER NOTICE that the election shall be held in accordance with the Rules of the Conduct of Meetings and Elections adopted by the Board.

PLEASE TAKE FURTHER NOTICE that the nominations for the office of Board of Education member shall be made by petition subscribed by at least 25 qualified voters of the District, and filed in the District Clerk's Office, in the Administration Building, 301 Wicks Lane, Malverne, N.Y., from 9:00 a.m. to 5:00 p.m., not later than the 30th day preceding election, this year April 17, 2023. Such petition shall state the specific vacancy on the Board for which the candidate is nominated, which description shall include at least the length of the term of office and the name of the last incumbent, if any. Each vacancy shall be considered a separate office and a separate petition shall be required to nominate a candidate to each separate office. No person shall be nominated for more than one separate office. However, a nomination may be rejected by the Board of Education if the candidate is ineligible for the office or declares his unwillingness to serve.

PLEASE TAKE FURTHER NOTICE that any proposition or question to be placed upon the voting machines shall be submitted, in writing, by petition subscribed by at least 100 qualified voters of the District and filed in the District Clerk's Office between 9:00 a.m. and 5:00 p.m., not later than 30 days preceding the meeting or election at which such question or proposition shall be voted upon, this year April 17, 2023, except that this rule shall not apply to those questions or propositions which are required to be stated in the published or posted notice of the meeting or to those propositions or questions which the Board of Education has authority by law to present at any annual or special meeting of the district.

PLEASE TAKE FURTHER NOTICE that the Board of Registration shall meet on Thursday, April 20, 2023, from 8:30 a.m. to 11:30 a.m., at the Malverne High School Lobby and at the District Administration Building from 11:30 a.m. to 3:30 p.m., and on Friday, May 5, 2023 from 9:00 a.m. to 1:00 p.m., for the purpose of preparing a register of the qualified voters for said annual district election, at which time any person shall be entitled to have his/her name placed upon the such registry provided that, at such meeting of the Board of Registration, he/she is known, or proven to the

satisfaction of the Board of Registration, to be then or thereafter entitled to vote at the annual district elections for which such register is prepared.

PLEASE TAKE FURTHER NOTICE that the register shall include: (1) all qualified voters of the District who shall personally present themselves for registration; (2) all previously qualified voters of the District who have been previously registered for any annual or special District meeting or election and who have voted at any annual or special District meeting or election held or conducted within four calendar years (2019-2022) prior to preparation of the said register; and (3) those voters permanently registered with the Nassau County Board of Elections. The Board of Registration will further meet during the Annual District Election on May 16, 2023, to prepare a register for District meetings or elections to be held after May 16, 2023. The Register shall be filed in the District Clerk's Office where it shall be open for inspection by any qualified voter from 9:30 a.m. to 2:30 p.m. on the five days prior to the election, except Sunday, and at the polling place on election day.

PLEASE TAKE FURTHER NOTICE that applications for absentee ballots are to be completed on a form prescribed by the state board of elections and may be obtained by visiting the New York State Education Department's Website

(<http://www.counsel.nysed.gov/common/counsel/files/absentee-ballot-application-and-instructions-english.pdf>,

<http://www.counsel.nysed.gov/common/counsel/files/absentee-ballot-application-and-instructions-spanish.pdf>), or by contacting the District Clerk by email (Iridley@malverneschools.org) or phone (516-887-6483).

Completed applications must be received at least seven (7) days before the election if the ballot is to be mailed to the applicant, or the day before the election if the ballot is to be delivered personally to the applicant or to his or her designated agent. Absentee ballot applications will not be accepted by the District Clerk before April 17, 2023. A list of all persons to whom absentee ballots have been issued will be available in the District Clerk's office on each of the five days prior to the election except Sunday, and by appointment only between the hours 9:00 a.m. and 12:00 noon on the Saturday prior to the election.

PLEASE TAKE FURTHER NOTICE that pursuant to Education Law §2018-d, any person serving in the military, including spouses and dependents, may register to vote in the upcoming district election. A military voter who is a qualified voter of the District may obtain a registration form by contacting the District Clerk by telephone (516-887-6483), facsimile (516-596-2910), email (Iridley@malverneschools.org), mail (District Clerk Malverne UFSD, Administration Building 301 Wicks Lane, Malverne, NY 11565), or in person (during regular office hours from 9:30 a.m. to 2:30 p.m.). A military voter who is duly registered may apply for a military ballot by requesting an application by also contacting the District Clerk. Completed applications must be personally delivered or mailed to the District Clerk and

received no later than 5:00 p.m. on April 20, 2023. Military ballots must be received by 5:00 p.m. on May 16, 2023, if signed and dated by the military voter and one witness thereto with a date which is not later than the day before the election, or not later than the close of the polls on May 16, 2023, if postmarked or endorsed by an agency of the United States government. A military voter may designate a preference to receive a military voter registration form, military ballot application or military ballot by mail, facsimile or electronic mail in the request for such registration, ballot application, or ballot.

PLEASE TAKE FURTHER NOTICE that this Board shall convene a special meeting thereof within 24 hours after the filing with the District Clerk of a written report of the results of the ballot for the purpose of examining and tabulating and declaring said results; that the Board hereby designates itself to be set of poll clerks to cast and canvass ballots pursuant to Education Law, §2019-a, subdivision 2b at said special meeting of the Board.

Dated: March 14, 2023

BY ORDER OF BOARD OF EDUCATION
MALVERNE UNION FREE SCHOOL DISTRICT
TOWN OF HEMPSTEAD
COUNTY OF NASSAU, NEW YORK

LISA RIDLEY
DISTRICT CLERK

- C. WHEREAS a number of public-school districts in Nassau County wish to jointly solicit proposals for Special Education Related Services to commence in the 2023-2024 school year in accordance with the applicable provisions of General Municipal Law.

WHEREAS the Malverne School District desires to participate with these school districts for the joint solicitation of proposals for Special Education Related Services as authorized by General Municipal Law Section 119-o, in accordance with the terms and conditions of the attached Inter-Municipal Cooperative Agreement (“IMA”) among the participating school districts; and,

WHEREAS, the Board of Education has determined that it would be in its best financial interest to solicit proposals for Special Education Related Services on a cooperative basis.

NOW THEREFORE, BE IT RESOLVED that the Board of Education hereby authorizes the School District to participate with other Nassau County public school districts for the solicitation of proposals for Special Education Related Services on a cooperative basis, subject to the terms and conditions of the IMA; and

BE IT FURTHER RESOLVED that the Board of Education hereby accepts and approves the appointment of Nassau BOCES as the Lead Participant for

purposes of facilitating and coordinating the solicitation of proposals in accordance with the IMA; and

BE IT FURTHER RESOLVED that the Board of Education hereby approves the attached IMA and authorizes the Board President to execute the IMA on behalf of the Board of Education.

- D. WHEREAS Malverne Union Free School District (“MUFSD”) filed a complaint on June 15, 2022, in MDL No. 2913, *In re: JUUL Labs, Inc., Marketing, Sales Practices, and Products Liability Litigation*; and WHEREAS, the Plaintiff Leadership Committee in MDL No. 2913 and Defendant JUUL Labs, Inc. (“JLI”) and other Individual Defendants have entered into a confidential settlement program to resolve Government Entity claims; and

WHEREAS, MUFSD has received a confidential settlement offer to resolve its claims against JLI and the Individual Defendants; and

WHEREAS, MUFSD has received, reviewed, and discussed with counsel the details of the confidential settlement agreement; and

WHEREAS MUFSD understands that it still maintains claims against the Altria Defendants and remains in active litigation.

THEREFORE, be it resolved, that MUFSD accepts and approves the confidential settlement agreement and authorizes the MUFSD Board of Education President to sign and execute the settlement agreement documents.

- E. BE IT HEREBY RESOLVED that the Board of Education of the Malverne Union Free School District approves the contract with **Bellmore-Merrick Central High School District** for the 2022-2023 school year.

BE IT FURTHER RESOLVED that the Board authorizes the Board President to execute said contract.

- F. BE IT HEREBY RESOLVED that the Board of Education of the Malverne Union Free School District approves the contract with **The Safe Center LI** for April and May 2023.

BE IT FURTHER RESOLVED that the Board authorizes the Board President to execute said contract.

- G. BE IT HEREBY RESOLVED that the Board of Education of the Malverne Union Free School District **accepts the donation of \$10,000 from the Maurice W. Downing School Parent Teacher Association.**

- H. BE IT HEREBY RESOLVED that the Board of Education of the Malverne Union Free School District approves the following **PAYABLE Health & Welfare Contracts for the 2022-2023 school year:**

**Floral Park-Bellerose UFSD
North Merrick UFSD
Rockville Centre UFSD
Uniondale UFSD**

BE IT FURTHER RESOLVED that the Board authorizes the Board President to execute said contracts.

- I. BE IT HEREBY RESOLVED that the Board of Education of the Malverne Union Free School District approves the following **RECEIVABLE Health & Welfare Contract for the 2022-2023 school year:**

Uniondale UFSD

BE IT FURTHER RESOLVED that the Board authorizes the Board President to execute said contracts.

- J. BE IT HEREBY RESOLVED that the Board of Education shall approve the following transfer of funds for the 2022-2023 school year as recommended by the Superintendent of Schools.

Account Code	Account Description	Out	In
A2250.490.00	BOCES - Special Education Tuition	100,000	
A2250.400.00	Contractual & Other - Special Education		100,000
A1620.160.00	Salaries - Non-Instruction	60,000	
A1620.401.11	Electric		60,000
A2815.160.00	Salaries - Nurses	55,000	
A2815.400.00	Contractual & Other - Health		55,000
A2110.473.00	Tuition - Charter Schools	70,000	
A2630.490.00	BOCES - Computer Instruction		70,000

XIII. POLICIES
None

XIV. CURRICULUM MATTERS / STUDENTS SERVICES

BE IT HEREBY RESOLVED that the Board of Education approves the recommendations at the March 14, 2023, Board of Education meeting made by the Committee on Special Education for meetings held on 1/10/2023, 1/25/2023 and 1/31/2023.

BE IT FURTHER RESOLVED that the Board of Education approves the recommendations made by the Subcommittee on 10/26/2022, 1/18/2023, 1/19/2023, 1/31/2023, 2/07/2023, 2/07-2023, 2/027/2023, 2/08/2023, 2/27/203 and 3/09/2023, and specific recommendations made by the committee on Preschool Special Education for meeting held on 2/06/2023 and 2/16/2023.

XV. GENERAL DISCUSSION

XVI. PUBLIC PARTICIPATION

XVII. DATES TO REMEMBER

March 28	Board of Education Budget Meeting @ 7:00 pm MPAC Auditorium
April 4	Board of Education Budget Meeting Budget Adoption @ 8:00 pm MPAC Auditorium
April 6 – 14	Spring Recess Schools Closed
April 18	Board of Education – BOCES Budget Vote 5:00 PM
April 19	MHS Band Spring Concert @ 8:00 pm MPAC Auditorium
April 20	Voter Registration 8:30 a.m. – 11:30 a.m. MHS Lobby 11:30 a.m. – 3:30 p.m. Administration Building

XVIII. ADJOURNMENT