

**REVISED AGENDA AS OF 11/13/12  
MALVERNE UNION FREE SCHOOL DISTRICT  
Board of Education Meeting  
Tuesday November 13, 2012  
8:00 P.M.**

**BOARD MEMBERS**

Marguerite O'Connor, President  
Danielle Hopkins, 1<sup>st</sup> Vice President  
Michael Taylor 2nd Vice President  
Josephine Bottitta Trustee  
Gina Genti, Trustee

**ADMINISTRATION**

Dr. James H. Hunderfund, Superintendent  
Richard Banyon, Deputy Superintendent  
Spiro Colaitis, Assistant Superintendent for  
District Operations  
Thomas P. McDaid Jr. Esq. Business Administrator

**BOARD OFFICER**

Lisa Ridley, District Clerk  
Arthur R. Venezia, Treasurer

**BOARD COUNSEL**

Frazer & Feldman, LLP

**AGENDA**

- I. **CALL TO ORDER**
- II. **EXECUTIVE SESSION**
- III. **PLEDGE OF ALLEGIANCE**
- IV. **MINUTES**  
Approval of October 9, 2012 Board of Education Meeting Minutes
- V. **TREASURER'S REPORT**  
Approval of September 2012 Treasurer's Report
- VI. **COMMUNICATIONS**

**VII. RECEIPT OF FINANCIAL REPORTS**

- A. Claims Audit Reports: October 2012.
- B. Trial Balance Reports: October 2012
- C. Revenue Status Reports: October 2012
- D. Appropriation Status Reports: October 2012.
- E. Cash Flow Status Report: October 2012.
- F. Budget transfers under \$20,000 Report: October 2012.

**VIII SUPERINTENDENT'S REPORT/ ANNOUNCEMENTS**

- Dare To Dream Program

**IX PERSONNEL**

- A. Terminations
  - None
- B. Resignations
  - 1. Teachers (1)
  - 2. Civil Service (1)
  - 3. Detention –MHS (1)
- C. Leaves of Absence
  - 1. Teachers (1)
- D.
  - 1. Teachers (3)
  - 2. Civil Service (1)
  - 3. Interscholastic –Winter 2012-2013 (20)
  - 4. Pre-K Program Registration 2012/2012 (1)
  - 5. Curriculum Writing 2012/2013 (1)
  - 6. Mentoring for Success Program 2012/2013 (10)
  - 7. RAP Program Fall and Spring –MHS 2012/2013 (32)
  - 8. Detention –MHS 2012/2013 (1)
  - 9. Malverne Teacher Center 2012/2013 –Teacher Grant (9)
- E. Supplemental (1)

**X. OLD BUSINESS**

**XI. NEW BUSINESS**

**A. BE IT HEREBY RESOLVED THAT** the Board of Education of the Malverne Union Free School District approves the contract from **Cost Management Services, Inc.** to provide medicaid services for the district. for the 2012/2013 school year.

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

**B. BE IT HEREBY RESOLVED THAT** the Board of Education of the Malverne Union Free School District approves the contract from **Philip Bongiorno, M.A. OTR/L** to provide occupational therapy services for the 2012/2013 school year.

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

**C. BE IT HEREBY RESOLVED THAT** the Board of Education of the Malverne Union Free School District approves the contract from **St. Anne Institute** to provide educational services for the 2012-2013 school year.

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

**D. BE IT HEREBY RESOLVED THAT** the Board of Education of the Malverne Union Free School District approves the contract from **Renaissance Learning Inc.** to provide professional development services for the 2012-2013 school year.

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

**E. WHEREAS,** Board Policy 6122 provides for the implementation of regulations for the redress of staff complaints, and

WHEREAS, the Districts Staff Complaint Regulations require the Board to appoint an impartial investigator where a complaint is lodged against a Board Trustee,

Now, THEREFORE, BE IT RESOLVED, that the Board of Education hereby appoints the law firm of Ingerman Smith, LLP as impartial investigator to conduct an investigation regarding staff complaints against a Board Trustee, which were previously reviewed by the members of the Board of Education

F. BE IT HEREBY RESOLVED that the Board of Education of the Malverne Union Free School District approves Governor Cuomo to include the Malverne Union Free School District in an Executive Order for the purposes of extending the deadline for school taxes by 21 days, from the date such taxes are currently due: November 13, 2012.

**RESOLUTION TO AMEND  
THE MALVERNE UFSD  
403(b) RETIREMENT PLAN**

G. WHEREAS, the Malverne UFSD ("Employer") maintains the Malverne UFSD 403(b) Retirement Plan Document ("Plan"); and

WHEREAS, the Plan was duly adopted on the 12<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 thereunder. 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 thereunder 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 thereunder, 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 IN WITNESS WHEREOF, the Employer has caused this Amendment to be adopted this 13<sup>th</sup> day of November, 2012.

## **XII. POLICY**

- 1<sup>st</sup> Reading of new Policy **5220A-Extraclassroom Activities Fund General Policies and Internal Control for the Operation of Activity Funds.**
- 1<sup>st</sup> Reading of Use of Buildings Policy

## **XIII . CURRICULUM MATTERS / STUDENTS SERVICES**

BE IT HEREBY RESOLVED that the Board of Education approves the recommendations at the November 13, 2012 Board of Education meeting made by the Committee on Special Education for meetings held on 7/11/2012, 9/25/2012, 10/15/2012, and 10/24/12

BE IT FURTHER RESOLVED that the Board of Education approves the recommendations made by the Subcommittee on Special Education for meetings held on, 10/17/2012.and by the Committee on Preschool Special Education for meetings held on 8/21/2012, 10/03/2012 and 10/11/2012.

## **XIV. GENERAL DISCUSSION**

## **XV. PUBLIC PARTICIPATION**

## **XVI. DATES TO REMEMBER**

November 15 Fall Athletic Awards Ceremony –MHS-Gym @7pm

November 22-23 Thanksgiving Recess- Schools Closed

November 30 MHS- Marching Band Dinner –MHS Gym @7pm

December 11 Board of Education Meeting –MHS Library @8pm

December 19 Budget Development Forum –HTH Auditorium @7pm

## **XVII ADJOURNMENT**