

**BOARD OF EDUCATION
TONAWANDA CITY SCHOOL DISTRICT
100 HINDS STREET, TONAWANDA, NY 14150**

**AGENDA ~ Draft/Revised
SEPTEMBER 14, 2021**

REGULAR BOARD OF EDUCATION MEETING

*THS Library Media Center
TONAWANDA MIDDLE/HIGH SCHOOL
600 FLETCHER STREET*

6:30 PM

1.0 CALL TO ORDER:

- 1.1 Pledge of Allegiance
- 1.2 A Moment of Silence
- 1.3 Roll Call
- 1.4 Board of Education Disclaimer: Cell Phone Usage During Board Meetings
- 1.5 Board of Education Agenda Amendments/Agenda Confirmation

2.0 MINUTES OF PREVIOUS MEETING

2.1 REGULAR BOARD MEETING OF AUGUST 24, 2021

ENC.

RESOLVED: That the minutes of the Regular Meeting of **August 24, 2021** of the Board of Education be approved and that they are hereby adopted in their entirety.

2.0.1 CONSENT AGENDA: MINUTES OF AUGUST 24, 2021

Moved by _____ and seconded by _____, that the Board of Education, upon the recommendation of the Superintendent of Schools, approves the above minutes, Items 2.1 as presented.

Ayes _____ Nays _____ Abs _____ Pass _____ Fail _____

3.0 NEW/OLD BUSINESS

ENC.

4.0 SPECIAL RECOGNITIONS

NONE

5.0 VERBAL COMMUNICATIONS ON AGENDA ITEMS/RESOLUTIONS

- 5.1 RESPONSE TO PREVIOUS QUESTIONS
- 5.2 PUBLIC COMMENT SESSION #1

The Tonawanda Board of Education, in an effort to conduct district business in a timely fashion, and as part of its long-standing goal to maintain an open line of communication with the public, welcomes comments on topics relevant to the meeting and public education.

- Persons wishing to speak and be recognized by the **Board President** are to be courteous, respectful, well-prepared, non-repetitive and brief.
- All questions or comments should be addressed only to the **Board President** or to the **Superintendent**. No discussion of individual personnel matters will be discussed by the Board.
- Please state your name and address clearly for inclusion in the meeting Minutes. In the event any person wishes a response outside of the confines of a regular Board meeting, please leave all necessary contact information with the Clerk at the end of the meeting.

- Persons may address the Board of Education during two (2) separate sessions of the meeting for a total of twenty (20) minutes per session.
- Individuals may speak a total of three (3) minutes per speaker per session. The Board will adhere to this three (3) minute guideline in an effort to allow everyone an opportunity to speak who wishes to do so.
- The Board reserves its right to limit or expand upon these time limits as the Board may deem necessary and prudent.

6.0 SUPERINTENDENTS' REPORTS/PRESENTATIONS

6.1 ANNOUNCEMENTS/COMMUNICATIONS

CONSENT AGENDA ITEMS

7.0 MANAGEMENT SERVICES **NONE**

7.1 FINANCIAL REPORTS: **ENC.**

- 7.1.1 Treasurer's Report – July 2021
- 7.1.2 Payment of Bills as Certified by Auditor – July 2021
- 7.1.3 Revenues – July 2021 – \$344,053 (Year-to-date \$344,053)
- 7.1.4 Expenditures – July 2021 – \$575,083 (Year-to-date \$575,083)
- 7.1.5 Fund Balance Projection Report – July 2021
- 7.1.6 Delinquent Tax Report – July 2021
- 7.1.7 School Lunch Program – None
- 7.1.8 Capital Fund – None
- 7.1.9 Trust and Agency – July 2021
- 7.1.10 Budget Transfers – July 2021 – \$0
- 7.1.11 Central Treasurer's Report – None
- 7.1.12 Wire Transfers and ACH Payments – July 2021
- 7.1.13 Claims Audit Report – July 2021

7.2 APPROVE DESIGNATION OF OBSOLETE PROPERTY - RIVERVIEW **ENC.**

RESOLVED: That the Board of Education, upon the recommendation of the Superintendent of Schools designates obsolete instructional materials as excess and obsolete for disposal.

7.3 APPROVE DESIGNATION OF OBSOLETE PROPERTY - TECHNOLOGY **ENC.**

RESOLVED: That the Board of Education, upon the recommendation of the Superintendent of Schools designates obsolete technology materials as excess and obsolete for disposal.

7.4 APPROVE DONATION OF CHILDREN'S MASKS

RESOLVED: That the Board of Education, upon the recommendation of the Superintendent of schools approves the acceptance of three cases of masks from McKeagan LLC at an estimated value of \$1,200

7.0.1 CONSENT AGENDA: FINANCIAL REPORTS/RESOLUTIONS

Moved by _____ and seconded by _____, that the Board of Education, upon the recommendation of the Superintendent of Schools, approves the above Management Services Items 7.1 and 7.4 as presented.

Ayes _____ Nays _____ Abs _____ Pass _____ Fail _____

8.0 INSTRUCTIONAL PERSONNEL

RESIGNATIONS/APPOINTMENTS/UNPAID LEAVES/TENURE/ETC.

ENC.

RESOLVED: That the Board of Education, upon the recommendation of the Superintendent of Schools, approves the following Board Actions, **pending official clearance by the New York State Commission of Education of fingerprint/background check WHERE APPLICABLE** and upon successful completion of probationary period, where applicable. For new teacher hires, it is hereby further resolved that such probationary expiration date shall depend upon their individual APPR ratings and in order to receive tenure they must receive overall APPR ratings of effective or highly effective in at least three of composite or overall APPR rating in their final year of probation, they shall not be eligible for tenure at that time.

Item No.	Name	New or Replacing	Position/Tenure Area/Certification	BOE ACTION REQUESTED	Step Level/Degree/Effective Date(s) <i>Italics/Highlighted - Correction</i>
8.1	Karrie Smith	N/A	Elementary Teacher	Accept Resignation	Effective August 26, 2021
8.2	Samantha Kurdziel	N/A	Teaching Assistant	Accept Resignation	Effective August 31, 2021
8.3	Shannon Finley	N/A	Teaching Assistant	Accept Resignation	Effective August 26, 2021
8.4	Catherine Clark	N/A	ENL	30-Day Announcement of Tenure Appointment	Effective October 10, 2021 Upon successful completion of probationary period
8.5	Stephanie Dowd	N/A	Special Education	Tenure Appointment	Effective August 30, 2021
8.6	Adam Silver	Finley	Teaching Assistant	Approve Appointment Four Year Probation	Effective August 30, 2021 \$14.04 per hour
8.7	Amy Feldman	N/A	Mentor/Peer Coach (Kerr-MU)	Approve Temporary Appointment	Stipend \$750
8.8	Laura Barnum	N/A	Mentor/Peer Coach (Roberto - MU)	Approve Temporary Appointment	Stipend \$750
8.9	Sarah Lysek	N/A	Mentor/Peer Coach (Knox - MU)	Approve Temporary Appointment	Stipend \$750
8.10	Susan Weinheimer	N/A	Mentor/Peer Coach (Bova - MU)	Approve Temporary Appointment	Stipend \$750
8.11	Kristi Fuerch	N/A	Mentor/Peer Coach (Finley - MU)	Approve Temporary Appointment	Stipend \$750
8.12	Melissa Arnow	N/A	Mentor/Peer Coach (Lilly - MU)	Approve Temporary Appointment	Stipend \$750

8.13	Tina Edholm-McNelis	N/A	Mentor/Peer Coach (Forget - MU/RV)	Approve Temporary Appointment	Stipend \$750
8.14	Kim Honeck	N/A	Mentor/Peer Coach (Safe - RV)	Approve Temporary Appointment	Stipend \$750
8.15	Karen Anastasi	N/A	Mentor/Peer Coach (Olka - RV)	Approve Temporary Appointment	Stipend \$750
8.16	Carrie Oliver	N/A	Mentor/Peer Coach (DeSantis - RV)	Approve Temporary Appointment	Stipend \$750
8.17	Angela Klentos	N/A	Mentor/Peer Coach (Ruiz - MS)	Approve Temporary Appointment	Stipend \$750
8.18	Maureen Zarcone	N/A	Mentor/Peer Coach (O'Connor - MS)	Approve Temporary Appointment	Stipend \$750
8.19	Michelle Coppins	N/A	Mentor/Peer Coach (Maier - HS)	Approve Temporary Appointment	Stipend \$750
8.20	Jackie Kiera	N/A	Mentor/Peer Coach (Heftka - MS/HS)	Approve Temporary Appointment	Stipend \$750
8.21	Nicole Vicki	N/A	Mentor/Peer Coach (Witkowski - DW)	Approve Temporary Appointment	Stipend \$750
8.22	Kristi Fuerch	N/A	Grade 4 - Mullen Department Chair	Approve Amendment Effective September 15, 2021	Stipend from \$400 to \$450
8.23	Pat Hilbert	N/A	Grade 3 - Riverview Department Chair	Approve Amendment Effective September 15, 2021	Stipend from \$450 to \$500
8.24	Cheryl Zehler	N/A	Grade 6 Department Chair	Approve Amendment Effective September 15, 2021	Stipend from \$550 to \$600
8.25	Julie Russo	N/A	Elementary AIS Department Chair	Approve Amendment Effective September 15, 2021	Stipend from \$700 to \$650
8.26	Delaney Zander	N/A	Student Observer/Shadower from NCCC at Mullen	Approve Appointment	At no stipend and without pay Effective September 8, 2021 through December 23, 2021

COACHING APPOINTMENTS/ RESIGNATIONS –

ENC.

RESOLVED: That the Board of Education, upon the recommendation of the Superintendent of Schools, accepts the following resolutions and approves the Athletic Coach appointments , per the attached, **pending official clearance by the New York State Commissioner of Education of fingerprint/background check of all those applicable**

Item No.	Name	New or Replacing	Position/Tenure Area/Certification	BOE ACTION REQUESTED	Step Level/Degree/Effective Date(s) <i>Italics/Highlighted - Correction</i>
8.27	Jacob Dubin	N/A	Boys Modified Soccer Coach	Accept Resignation	Effective August 25, 2021
8.28	Daniel Bishop	N/A	Varsity Wrestling Coach	Accept Resignation	Effective June 30, 2021
8.29	Eric Davies	N/A	Girls Varsity Volleyball	Accept Resignation	Effective September 2, 2021
8.30	Renee Smith	N/A	Girls Modified Basketball	Accept Resignation	Effective August 25, 2021
8.31	Jordan McGregor	N/A	Varsity Assistant Wrestling Coach	Accept Resignation	Effective September 15, 2021
8.32	John Frank	N/A	Varsity Boys Baseball Coach	Accept Resignation	Effective September 15, 2021
8.33	Shawn Keleman	N/A	Non Paid Coach	Approve Appointment	Effective September 15, 2021
8.34	Renee Smith	Davies	Girls Varsity Volleyball	Approve Appointment	Effective September 15, 2021 Step 3 - \$4343 (pro rated)

ADDITIONS TO THE INSTRUCTIONAL SUBSTITUTE LIST(S)

ENC.

RESOLVED: That the Board of Education, upon the recommendation of the Superintendent of Schools, approves the **Additions to the Instructional Substitute Teacher List(s)**, as listed on the attachments(s), **pending official clearance by the New York State Commission of Education of fingerprint/background check.** The Board of Education also approves the **EMERGENCY CONDITIONAL APPOINTMENT** of all substitute additions as listed on the attachment(s) for a period not to exceed twenty (20) calendar days.

Item No.	Name	Certification Area	BOE Action Requested	Rate/Effective Date(s)
8.35	Elizabeth Webster	Bachelor's Degree	Approve Addition to Elementary/ Secondary List	\$100 per day Effective August 25, 2021
8.36	Kirsten Brady	N/A	Approve Addition to Elementary/Secondary List	\$90 per day Effective September 15, 2021
8.37	Victoria H. Mikulec	Master's Degree	Approve Addition to Elementary/Secondary List	\$110 per day Effective September 15, 2021

EXTRA-CURRICULAR MIDDLE SCHOOL/HIGH SCHOOL ADVISOR APPOINTMENTS 2021-22

RESOLVED: That the Board of Education, upon the recommendation of the Superintendent of Schools, accepts the following resolutions and approves the Class Advisor appointment for the 2021-22 school year and the corresponding stipend as per Article 19.05 of the TEA Contract.

Item No.	Name	New or Replacing	Position/Tenure Area/Certification	BOE ACTION REQUESTED	Step Level/Degree/Effective Date(s) Italics/Highlighted - Correction
8.38	Angela Klentos	N/A	My Fair Ladies	Approve Appointment	Stipend \$826
8.39	Carla Marrazzo	N/A	Student Council	Approve Appointment	Stipend \$1155
8.40	Kim Jachlewski	N/A	Service Club	Approve Appointment	Stipend \$826
8.41	Pam Korff	N/A	Book Club	Approve Appointment	Stipend \$413
8.42	Pam Korff	N/A	Chess Club	Approve Appointment	Stipend \$826
8.43	Sara Kelley	N/A	Book Club	Approve Appointment	Stipend \$413
8.44	Scott Benson	N/A	Grade 10 Advisor	Approve Appointment	Stipend \$1254
8.45	Shawn Lodovico	N/A	Grade 11 Advisor	Approve Appointment	Stipend \$1254
8.46	Shawn Lodovico	N/A	HS Announcer's Club	Approve Appointment	Stipend \$826
8.47	Jackie Kiera	N/A	Grade 12 Advisor	Approve Appointment	Stipend \$1378
8.48	Robin D'Amato	N/A	Grade 9 Advisor	Approve Appointment	Stipend \$1254
8.49	Robin D'Amato	N/A	HS Donate Life	Approve Appointment	No Stipend
8.50	Kristin Planz-Christian	N/A	HS Environmental Club	Approve Appointment	Stipend \$826
8.51	Cindy Gregretti	N/A	HS FBLA	Approve Appointment	Stipend \$826
8.52	Joelle Labert	N/A	HS GSA	Approve Appointment	Stipend \$826
8.53	Scott Benson	N/A	HS Mentor Club	Approve Appointment	Stipend \$826
8.54	Dan Lynch	N/A	HS Musical Director	Approve Appointment	Stipend \$4831
8.55	Dan Lynch	N/A	Stage Crew	Approve Appointment	Stipend \$826
8.56	Dan Lynch	N/A	HS Drama Club	Approve Appointment	Stipend \$826
8.57	Ron Sesnie	N/A	HS Ski Club	Approve Appointment	Stipend \$826
8.58	Sarah Kelly	N/A	HS Spanish Club	Approve Appointment	Stipend \$826
8.59	Tina Edholm-McNelis	N/A	HS Yearbook	Approve Appointment	Stipend \$3180

8.60	Eric Zastrow	N/A	HS Youth Court	Approve Appointment	Stipend \$826
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INTRAMURAL APPOINTMENTS 2021-2022

ENC.

RESOLVED: That the Board of Education, upon the recommendation of the Superintendent of Schools, accepts the following resolutions and approves the Class Advisor appointment for the 2019-20 school year and the corresponding stipend as per Article 19.05 of the TEA Contract.

Item No.	Name	Intramural Program	Rate	BOE Action Requested
8.61	Jackie Kiera	MS Intramural	\$27.40 per hour	Approve Appointment
8.62	John Frank	MS Intramural	\$27.40 per hour	Approve Appointment

8.0.1. CONSENT AGENDA: INSTRUCTIONAL PERSONNEL ITEMS

Moved by _____ and seconded by _____, that the Board of Education, upon the recommendation of the Superintendent of Schools, approves the Instruction Personnel Action Items 8.1 through 8.62 as presented.

Ayes _____ Nays _____ Abs _____ Pass _____ Fail _____

9.0 NON-INSTRUCTIONAL PERSONNEL

RESIGNATIONS/APPOINTMENTS/UNPAID LEAVES/ETC.

ENC.

RESOLVED: That the Board of Education, upon the recommendation of the Superintendent of Schools, approves the following Board Actions, **pending official clearance by the New York State Commission of Education of fingerprint/background check as applicable** and upon successful completion of probationary period where applicable.

Item No.	Name	New or Replacing	Position/Tenure Area/Certification	BOE ACTION REQUESTED	Step Level/Degree/Effective Date(s) Italics/Highlighted - Correction
9.1	Brian Magee	N/A	Custodian	Approve Amended Retirement Effective Date	Effective September 8, 2021
9.2	Lori Doman	N/A	Cleaner	Accept Resignation for Retirement	Effective September 13, 2021
9.3	Krysta Barnes-Clapsadle	N/A	Student Nurse from NCCC at Riverview	Approve Appointment	At no stipend and without pay Effective September 15, 2021
9.4	Katelalyn Hartline	N/A	Student Nurse from NCCC at Riverview	Approve Appointment	At no stipend and without pay Effective September 15, 2021

9.5	Cailyn Persico	N/A	Student Nurse from NCCC at Riverview	Approve Appointment	At no stipend and without pay Effective September 15, 2021
9.6	Blake Russo	N/A	Student Nurse from NCCC at Riverview	Approve Appointment	At no stipend and without pay Effective September 15, 2021
9.7	Catherine Barrett	N/A	Student Nurse from NCCC at Riverview	Approve Appointment	At no stipend and without pay Effective September 15, 2021
9.8	Inna Syrovoy	N/A	Student Nurse from NCCC at Mullen	Approve Appointment	At no stipend and without pay Effective September 15, 2021
9.9	Taylor Arana	N/A	Student Nurse from NCCC at Mullen	Approve Appointment	At no stipend and without pay Effective September 15, 2021
9.10	Brandy Jenkins	N/A	Student Nurse from NCCC at Mullen	Approve Appointment	At no stipend and without pay Effective September 15, 2021
9.11	Ashley MacDonell	N/A	Student Nurse from NCCC at Mullen	Approve Appointment	At no stipend and without pay Effective September 15, 2021

ADDITIONS TO THE NON- INSTRUCTIONAL SUBSTITUTE LIST(S)

ENC.

RESOLVED: That the Board of Education, upon the recommendation of the Superintendent of Schools, approves the **Additions to the Non-Instructional Substitute List(s)**, as listed on the attachments(s), **pending official clearance by the New York State Commission of Education of fingerprint/background check.** The Board of Education also approves the **EMERGENCY CONDITIONAL APPOINTMENT** of all substitute additions as listed on the attachment(s) for a period not to exceed twenty (20) calendar days.

Item No.	Name	Position	BOE ACTION REQUESTED	Step Level/Rate/Effective Date(s)
9.12	Matthew Mysliwy	Substitute Lifeguard	Approve Appointment	\$14.00 per hour Effective September 1, 2021 through June 30, 2022

9.0.1 CONSENT AGENDA: NON-INSTRUCTIONAL PERSONNEL

Moved by _____ and seconded by _____, that the Board of Education, upon the recommendation of the Superintendent of Schools, approves the Non-Instructional Personnel Action Items 9.1 through 9.12 as presented.

Ayes _____ Nays _____ Abs _____ Pass _____ Fail _____

10.0 CURRICULUM/INSTRUCTION

NONE

10.1 COMMITTEES ON SPECIAL EDUCATION (CSE)

ENC.

COMMITTEE TYPE	DESCRIPTION	MEETING DATES
<i>District Committee on Special Education</i>	Amendment No Meeting	<i>11.06.20, 05.05.21, 07.28.21, 08.26.21,08.27.21 08.30.21, 09.01.21</i>

10.0.1 CONSENT AGENDA: CSE

Moved by _____ and seconded by _____, that the Board of Education, upon the recommendation of the Superintendent of Schools, approves the above Item 10.1 as presented.

Ayes _____ Nays _____ Abs _____ Pass _____ Fail _____

11.0 POLICY ITEMS:

NONE

12.0 OTHER

12.1 PARTICIPATION IN OPIOID AND JUUL LITIGATIONS

WHEREAS, this Board of Education is aware that since the 1990s the pharmaceutical industry has manufactured, distributed, and marketed a variety of opioid pain medications for general use in the treatment of chronic pain conditions, resulting in such medication being the most widely distributed drugs in United States history; and

WHEREAS, this Board also is aware that over the past ten (10) years Juul Labs, through its advertising, allegedly misled children to believe that their product was not harmful when in fact, e-cigarettes contained ten (10) times the amount of nicotine than a "traditional" cigarette; and

WHEREAS, the manufacture, distribution and marketing of opioid and vaping products has resulted in widespread negative consequences for the people of this nation, including addiction, overdoses, developmental disabilities in children, death and major expenditures of money; and

WHEREAS, this Board believes that the school districts of this nation, including our school district, have suffered significant damages as a result of opioid and vaping product abuses, including expenditures of public funds to address the detection and impact of these abuses on students teachers, other staff and taxpayers of this District; and

WHEREAS, a number of other school districts have filed or will be filing legal claims (i) as part of the Multi-District Litigation ("MDL") in the Northern District of Ohio, In re: National Prescription Opiate Litigation, for the purpose of pretrial proceedings, including potential settlements of claims, (ii) in the MDL in the Northern District of California against the consulting firm McKinsey & Company, In re: National prescription Opiate Consultant Litigation, and (iii) in the bankruptcy court proceedings of the defendants named in the claims in the MDLs that have filed for bankruptcy protection ("Bankruptcy Litigation") and are seeking to become class representatives in the MDLs and the Bankruptcy Litigation in an effort to be part of the proposed class seeking compensation for the impact of the opioid epidemic on school districts; and

WHEREAS, a number of other school districts have filed or will be filing legal claims in a lawsuit entitled In Re: Juul Lab, Inc. Marketing, Sales Practices and Products Liability Litigation, Case No. 19-md-02913-WHO, pending in the United States District Court for the Northern District of California, for the purpose of pretrial proceedings, including potential settlements of claims seeking compensation for the impact of the vaping epidemic on school districts;

NOW, THEREFORE, this Board hereby authorizes the following:

1. That this School District hereby elects to file claims in the MDLs In re: National Prescription Opiate Litigation and In re: National Prescription Opiate Consultant Litigation, and in the Bankruptcy Litigation and to join in the class action lawsuits in order to recoup damages inflicted by the opioid epidemic; and
2. That this School District hereby elects to file claims in the In re Juul Labs, Inc. litigation and to join in the class action lawsuit to recoup damages inflicted by the vaping; and
3. That this Board appoints the following law firms to represent the District's interests in the Opioid Litigation:
 - a. Hughes Socol Piers Resnick & Dym, Ltd (Chicago, Illinois);
 - b. Mehri & Skalet, PLLC (Washington, D.C.);
 - c. Henrichsen Law Group, PLLC (Washington, D. C.);
 - d. Terrell Hogan Yegel. P.A. (Jacksonville, Florida);
 - e. Hodgson Russ LLP (Buffalo, New York); and
4. That this Board appoints the following law firms to represent the District's interests in the vaping litigation:
 - a. Frantz Law Group, APLC (William B. Shinoff, Esq., of counsel, San Diego, California);
 - f. Hodgson Russ LLP (Buffalo, New York); and
5. That this Board directs the Superintendent of Schools and the Administrative Staff to cooperate with the appointed attorneys to gather the necessary data and take other required actions necessary to assist the law firms in representing the foregoing interests of this District; and
6. That this District will expend no resources or funds for its participation in this litigation, other than the personnel time required to gather data necessary to participate in the litigation.

12.0.1 CONSENT AGENDA: PARTICIPATION IN OPIOID AND JUUL LITIGATIONS

Moved by _____ and seconded by _____, that the Board of Education, upon the recommendation of the Superintendent of Schools, approves the above Management Services Item 12.1 as presented.

Ayes _____ Nays _____ Abs _____ Pass _____ Fail _____

13.0 ATTENDANCE REPORT **NONE**

14.0 BOARD INFORMATIONAL ITEMS **NONE**

15.0 PUBLIC COMMENT SESSION #2 FOLLOWING BOARD RESOLUTIONS
(Same guidelines as those found in Item 5.1. Three (3) minutes per speaker for a 20 Minute Session.)

16.0 BOARD OF EDUCATION ROUND-UP

The Tonawanda Board of Education members would like to take an opportunity to share news regarding the school district since the prior Board of Education Meeting, (*e.g., Board of Education school visits or school events*)

17.0 ADJOURNMENT

Moved by _____ and seconded by _____, that the Board of Education adjourns the meeting at _____ PM.

Ayes _____ Nays _____ Abs _____ Pass _____ Fail _____