

The **Regular Meeting** of the Batavia City School District Board of Education was called to order on **Tuesday, April 14, 2020 at 6:30 PM** in the District Administration Conference Room, 260 State Street, Batavia, NY by Board President, Patrick Burk.

Members Present: Patrick Burk, Peter Cecere, Tanni Bromley (via Google Meeting), John Marucci, Barbara Bowman, Shawna Murphy

Excused: Aubrey Towner, Ex-Officio Student Representative

Others Present: Anibal Soler Jr., Superintendent, Brittany Witkop, Assistant Clerk to the Board; Dr. Molly Corey, Executive Director of Curriculum and Instruction (via Google Meeting); Scott C. Rozanski, Business Administrator/Clerk (via Google Meeting)

Mr. Burk welcomed those present to the meeting and led the pledge to the flag.

Presentations

2020-21 Budget Update – Mr. Anibal Soler Jr.

Mr. Soler said thank you to our volunteers, nutritional service staff, support staff, teachers and administrators who continue to feed our community and ensure remote learning is occurring during the global pandemic! After four weeks, we have served 39,607 meals to our community, faculty continue to update learning plans, and regents' exams have been cancelled for this year. We continue to pay all of our employees and are meeting with each unit for possible Memorandum of Agreement regarding pay during this period of closure.

The reality is that millions of Americans have applied for unemployment benefits as the economy collapsed. At the same time, Governor Cuomo cut school aid in the New York State budget. The budget gap our school district is facing right now is close to \$2 Million and further adjustments will be forthcoming. Our foundation aid is flat, the 20-21 school year has salary increases of over \$1.5M with no change in staffing and meeting all Collective Bargaining Agreements, and a negative tax cap or reduction in tax levy are contributing factors in our budget gap. Seventy percent of our budget is personnel. Mr. Soler said we have seen this before with the Gap Elimination Adjustments (GEA) from 2010-11 through 2015-16 when our district lost \$8.6M. Unfortunately, due to different circumstances we are facing a deficit that must be addressed. This is without mention of the possible effects of the COVID-19 pandemic. There are also long-term issues to look at such as employer retirement contribution rates increasing, transportation costs, further state aid reductions, increased costs for intensive cleaning, technology for online learning and costs for unemployment. Governor Cuomo will determine whether further spending reductions are called for during four specified measurement periods:

- April 1 to April 30, 2020 (This year's budget!)
- May 1 to June 30th, 2020 (This year's budget!)
- July 1 to December 31, 2020
- January 1 to March 31, 2021

Over the past seven years, our District has added over 70 positions and we have 131 fewer students. As a District we need to make some tough choices. Mr. Soler proposed three options, with a request that we would only move forward if all bargaining units agreed. The first two options would have allowed our District staffing to remain as is for the 2020-21 school year, but unfortunately there was not a consensus on either of them. This meant going back to a traditional budget process that would most likely result in a reduction in workforce and programs. Mr. Soler does not think it would be

Call to Order

Roll Call

Pledge to Flag

Budget Update

appropriate at this time to ask our community for a tax increase, but he did present the board with two tax levy options. In addition we could save \$200,000 if we have teacher support on a new master schedule and transportation plan. He will continue to work closely with our Leadership Team and Board of Education as the budget process continues. At this point, we will have a special meeting on April 28, 2020 to work on finalizing the budget.

Financial Summary Report – Mr. Scott Rozanski

Financial Summary

Mr. Rozanski summarized the financial comparisons of February 2020 to February 2020.

Nutritional Service Update: Community Eligibility Provision – Mr. Scott Rozanski

CEP Update

The February 29, 2020, Community Eligibility Provision (CEP) Analysis shows that breakfast is up 101 meals per day and lunches are up 6 meals per day. Jackson now serves breakfast in the classroom which led to an increase in breakfast participation. At John Kennedy and Jackson the meals per labor hour are within the recommended range based on the allocation of five hours from John Kennedy to Jackson. This was done because John Kennedy prepares meals for Jackson Primary. A La Carte sales are down by \$2,854.87. Revenues through February have increased \$29,531.00 and expenses increased \$19,197.00 compared to the same time last year. Labor costs have increased by \$19,747.00, as a result of one extra pay period in 2019-20 versus 2018-19. Unaudited/cash basis reporting through February 2020 shows a loss of \$8,018.00 compared to February 2020. Last year, tax payers saved over \$303,000.00 with this new program, which will run for four years.

Meeting closed to the Public due to COVID-19 restrictions.

Motion made by Mr. Cecere, seconded by Mr. Marucci, to amend the agenda, as altered.

Agenda Alterations

ADD:

Presentation: 2020-21 Budget Update – Mr. Anibal Soler Jr.

C. Resignations

- 3. Michelle L. Nanni, Teacher Aide [JK], effective April 11, 2020

Yes – 6 [Burk, Cecere, Marucci, Bowman, Bromley, Murphy] No – 0 Absent – 0

Motion carried. [6-0]

Motion made by Mr. Cecere, seconded by Mrs. Bowman – Upon the recommendation of the Superintendent, BE IT RESOLVED to approve the following Consent Items, A-G, as altered.

Consent Items

A. Board of Education Minutes: 3/10/20 and 3/24/20

BOE Minutes

B. Retirements

Retirements

- 1. Karen O'Donnell, Library Media Specialist [BMS], Effective July 1, 2020

K. O'Donnell

C. Resignations

Resignations

- 1. Melissa E. Martin, Music Teacher [BHS], effective September 1, 2020
- 2. Laura Cummings, Cook [JK], effective March 26, 2020
- 3. Michelle Nanni, Teacher Aide [JK], effective April 11, 2020

M. Martin

L. Cummings

M. Nanni

D. Leave of Absence

Leave

- 1. EXTEND - Kimberly A. Hatch, Special Education Teacher [BHS], Family Medical Leave, through May 18, 2020
- 2. REVISED – Courtney Marsh, Special Education Teacher [JK], Family Medical/Maternity Leave, through April 30, 2020
- 3. Karen A. Mosgeller, Special Education Teacher [BHS], Family Medical/Maternity

EXTEND –

K. Hatch

REVISED –

C. Marsh

K. Mosgeller

- Leave, effective on or about August 11, 2020 through on or about December 14, 2020
4. EXTEND – Sara Miller, Elementary Teacher [JK], Family Medical/Maternity Leave, through on or about May 26, 2020

*EXTEND –
S. Miller*

E. Appointments

Appointments
S. Chrysler

1. Tenure – 1st Review March 10, 2020; 2nd Review March 24, 2020

Name	Date of Hire	Date of Tenure	Subject	Building
Chrysler, Shawn M.	3/29/2016	5/8/2020	ESOL	BMS

2. EXTEND - Kathryn Herniman, Long-term Substitute Special Education Teacher [BHS/Hatch/#8895], effective retroactive to January 7, 2020 through on or about May 18, 2020; Salary according to the Batavia Teachers' Association Per Diem Substitute Agreement (retired teacher), \$130.00/day for 20 consecutive days in the same assignment; \$275.00/day retroactive beginning the 21st consecutive day
3. REVISED - Christine Ditzel, Long-term Substitute Elementary Special Education Teacher [JK/Marsh/#8870], effective on or about February 2, 2020 through on or about May 1, 2020; Salary according to the Batavia Teachers' Association Per Diem Substitute Agreement (retired teacher), \$130.00/day for 20 consecutive days in the same assignment; \$275.00/day retroactive beginning the 21st consecutive day
4. EXTEND - Kristen Crawford, Long-term Substitute Elementary Grade 4 Teacher [JK/Miller/#8869], effective retroactive to February 24, 2020 through on or about May 26, 2020; Salary according to the Batavia Teachers' Association Agreement, \$38,500.00 pro-rated plus credit hrs. @ \$80.00/cr. hr. (upon submission of official transcript)

*EXTEND –
K. Herniman*

*REVISED –
C. Ditzel*

*EXTEND –
K. Crawford*

F. Financials

1. Clerk's Report – February 2020
2. Treasurer's Report – February 2020
3. Budget Transfers – February 2020
4. Warrants
A-52: A 3/27/20 Warrant for 3/14/20-3/27/20
TA-22: TA Processing 3/27/20 Payroll for 3/27/20-3/27/20
E-17: E 3/27/20 Warrant for 3/14/20-3/27/20
A-54: A 4/9/20 Warrant for 3/28/20-4/9/20
TA-23: TA Processing 4/9/20 Payroll for 4/9/20-4/9/20

*Clerk's Report
Treasurer's Report
Budget Transfers
Warrants*

G. Contracts

1. Addendum Clarification; Brittany A. Witkop, Executive Assistant to the Superintendent
2. Memorandum of Agreement, Zoom Video Communications, Inc. & Erie 2-Chautauqua-Cattaraugus BOCES through June 30, 2020

Contracts
*Addendum –
B. Witkop
MOA – Zoom
Video & E2CC*

Yes – 6 [Burk, Cecere, Marucci, Bowman, Bromley, Murphy] No – 0 Absent – 0

Motion carried. [6-0]

Preliminary Budget Update – Mr. Scott Rozanski

Mr. Rozanski explained that since the first draft of the budget we have three retirements for a personnel adjustment of \$282,731.00. These positions will not be replaced.

**20-21 Preliminary
Budget Update**

Foundation Aid is frozen at 2019-20 levels for all Districts. Governor Cuomo's initial budget in January combined several aids into Foundation Aid including BOCES. The New York State budget does not include this combination and an adjustment of \$457,327.00 was needed to BOCES Aid since it is significantly overstated compared to past amounts. The New York State budget includes language to allow for mid-year reductions in state aid. The determination of whether spending

reductions are called for would be made during four specified "measurement periods":

- April 1, 2020 - April 30, 2020
- May 1, 2020 - June 30, 2020
- July 1, 2020 - December 31, 2020
- January 1, 2021 - March 31, 2021

Motion made by Mrs. Bromley, seconded by Ms. Murphy, to accept and approve the COVID-19 Resolution for closure of the Batavia City School District, effective March 16, 2020, due to State of Emergency.

COVID-19
Resolution for
School Closure

RESOLUTION

WHEREAS, COVID-19 has resulted in the Federal, State and County governments declaring a state of emergency; and

WHEREAS the Governor has ordered, pursuant to Executive Order No. 202.4, the closure of schools statewide through April 29, 2020; and

WHEREAS, the Genesee County Department of Health declared a State of Emergency beginning at 12:00 a.m. on March 15, 2020.

NOW, THEREFORE, the Board of Education resolves as follows:

1. The Board of Education hereby declares the COVID-19 virus is an emergency for the School District.
2. The school district is closed for students March 16, 2020 ending April 29, 2020 pursuant to the Governor's Order and the earlier County Executive Order.
3. During the period of school closure for students, all District stakeholders shall establish plans to ensure the continuity of learning to the extent feasible and appropriate in accordance with consultation with the State Education Department, Department of Health and the Office of Children and Family Services consistent with Executive Order 202.4.
4. The Board of Education may be required to amend the school calendar to address these extraordinary circumstances and make up instructional days.
5. The Board of Education meetings from March 16, 2020 forward until further notice shall be closed to the public under Governor Executive Order 202.1. The school district shall make the meeting accessible to public participation through video streaming or by conference call at the time of the meeting and the school district will record the Board of Education meeting and post the video, audio or transcript on the district website.
6. The Superintendent of Schools is authorized to follow the Federal, State and County orders and to take such action as necessary and proper to operate the school district during this time of emergency.

Yes – 6 [Burk, Cecere, Marucci, Bowman, Bromley, Murphy] No – 0 Absent – 0
Motion carried. [6-0]

Motion made by Mrs. Bromley, seconded by Ms. Murphy, to accept and approve the Resolution for Emergency Measures to Ensure Continuity of Operations.

Resolution for
Emergency
Measures

WHEREAS, On March 14, 2020, the Genesee County Department of Health recommended that school Districts in Genesee County close to students, effective as soon as practicable, and until further notice due to the COVID-19 virus;

WHEREAS, As of 12:00 AM on Sunday, March 15, 2020, the Genesee County Board of Supervisors in collaboration with the Genesee County Department of Health declared a state of emergency in response to the COVID-19 pandemic;

WHEREAS, On March 16, 2020, Andrew Cuomo, Governor of the state of New York, signed an executive order closing schools statewide for two (2) weeks beginning on March 18, 2020 and ending on April 1, 2020; and then extended the closure through April 29, 2020;

WHEREAS, the Batavia City School District complied with these orders and closed to students beginning March 16, 2020;

WHEREAS, the Board of Education recognizes the undue hardship this unprecedented event may have on its community;

WHEREAS, the Board of Education recognizes the undue hardship this situation may have to safely maintain and operate its facilities;

WHEREAS, the Board of Education recognizes the need to provide its vulnerable student populations with meals during the mandated closure;

WHEREAS, the Board of Education recognizes the need to continue the essential functions of the Business Office,

NOW, THEREFORE BE IT RESOLVED, the Board of Education authorizes Anibal Soler Jr., Superintendent of Schools to take necessary measures, including waiving current District policies, to ensure the continuity of Business Office functions including but not limited to purchasing, bill payment, banking, and payroll for all District employees and long-term substitutes;

BE IT FURTHER RESOLVED, the Board of Education authorizes Anibal Soler Jr., Superintendent of Schools to designate select staff, faculty and administration as essential to address the aforementioned concerns;

BE IT FURTHER RESOLVED, this resolution shall remain in effect until such time the as District is allowed to reopen to students and non-essential personnel and resume functions as prescribed by regulatory authorities.

Yes – 6 [Burk, Cecere, Marucci, Bowman, Bromley, Murphy] No – 0 Absent – 0
Motion carried. [6-0]

Motion made by Mrs. Bromley, seconded by Ms. Murphy, to accept and approve the Resolution to approve hourly pay for Batavia City School District employees from March 16, 2020 through April 29, 2020.

Resolution for
hourly pay, BCSD
employees

BOARD RESOLUTION APPROVING HOURLY PAY

WHEREAS, the novel coronavirus (COVID-19) pandemic has resulted in the Federal, State and County governments declaring a state of emergency; and

WHEREAS, the Genesee County Health Department has ordered a State of Emergency beginning March 15, 2020 due to the threat from the COVID-19 pandemic; and

WHEREAS, the Governor, pursuant to Executive Order No. 202.4, has closed schools statewide for a period of two weeks ending on April 1, 2020; and extending through April 29, 2020;

WHEREAS, the Batavia City School District (“School District”) intends to provide alternate instruction and continue the operation of educational and related programs provided by the School District to the extent reasonable and consistent with direction from the State Education Department, Department of Health, Office of Children and Family Services, and Federal, State and Local officials; and

WHEREAS, the School District desires to pay hourly School District employees during the closure of the traditional School District operations due to the COVID-19 pandemic.

NOW, THEREFORE, BE IT RESOLVED that:

1. The Board of Education hereby declares the COVID-19 pandemic is an emergency for the School District.
2. To the extent not already provided for in a collective bargaining agreement, hourly employees shall continue to be paid for the period of March 16, 2020 to April 29, 2020 during the School District closure for students, provided such employees are available for work and report to work when directed to do so. This is meant to make such employees whole for missed work due to the school closure and shall be consistent with such employees’ regular compensation during normal school district operations. Hourly ten month employees that are not scheduled to work over a recess period, when staff and students are not in attendance, will not be compensated unless they are called into work.
3. Depending on the length of School District closure, the Superintendent of Schools may extend the length of payment to reflect an extended School District closure.
4. This resolution shall apply only for the specific and limited purpose of addressing the unique challenges presented by the outbreak of COVID-19. It shall not set any precedent or practice regarding any aspect of the Resolution.
5. This Resolution shall take effect immediately.

Yes – 6 [Burk, Cecere, Marucci, Bowman, Bromley, Murphy] No – 0 Absent – 0
Motion carried. [6-0]

Motion made by Mrs. Bowman, seconded by Mr. Marucci, to accept and approve the Resolution to approve for postponement of Annual District Vote until at least June 1, 2020.

Resolution to postpone Annual District Vote

RESOLUTION OF THE BOARD OF EDUCATION APRIL 14, 2020

WHEREAS, in light of the situation that has been created by the COVID-19 pandemic, New York State Governor Andrew Cuomo has issued Executive Order No. 202.13 (“Continuing Temporary Suspension and Modification of Laws Relating to the Disaster Emergency”) on March 30, 2020 (the “Order”); and

WHEREAS, the Order provides, in relevant part, that any school board...election scheduled to take place in April or May of 2020 is postponed until at least June 1, 2020, subject to further directive as to the timing, location or manner of voting for such election; and

WHEREAS, the New York State School Boards Association has obtained informal guidance from the Deputy Secretary for Education in New York (which guidance has been, or is expected to be, subsequently clarified and confirmed by the Governor) that the Order was intended to cover not just school board “elections” but also school board “votes” in general (such as the District’s annual vote that had been scheduled to occur on May 19, 2020); and

WHEREAS, in light of the Order, the Board of Education of the District (the “Board”) wishes to direct and empower the District Clerk to monitor the situation and to defer the pending initial publication of the District’s annual vote notice (or cease further publication of such notice, to the extent possible), until such time as further guidance is provided in accordance with the Order, and then to proceed as directed;

NOW, THEREFORE, be it resolved that the District Clerk be, and hereby is, authorized and directed to monitor the events that are the subject of the Order, and to keep abreast of the future guidance that is anticipated to be delivered pursuant to the Order; and be it further

RESOLVED, that the District Clerk shall, in the meantime, defer initial publication (or any further publication, to the extent possible) of the District’s annual vote notice until such time as a date for the District’s annual vote has been established pursuant to the Order (or has otherwise been established by law), and then proceed to implement such publication arrangements as may be directed, without further action of the Board being necessary; and be it further

RESOLVED, that this resolution shall take effect immediately.

Yes – 6 [Burk, Cecere, Marucci, Bowman, Bromley, Murphy] No – 0 Absent – 0

Motion carried. [6-0]

Reports

Superintendent Report – Mr. Soler

Further discussion will take place in executive regarding the 2020-21 preliminary budget.

Reports

Superintendent

Curriculum & Instruction – Dr. Corey

Dr. Corey noted that as the distance learning continues, each school continues to learn as practitioners to develop the skill set for teaching remotely. Many are participating in webinars and online courses to learn about technology, Social Emotional Learning competencies and engaging families. They also are connecting with students and families in a variety of ways.

C & I

Jackson continues to offer paper packets that include activities to engage students in a variety of ways. Teachers (classroom and special area) are developing project based learning opportunities for the next few weeks that will integrate subject areas to support a thematic approach to learning. Reading teachers are creating customized reading activities to support students with developing skills to read.

At John Kennedy, teachers are moving to the Google Classroom environment and are learning about how to use this new platform. We offer paper packets as well and are gathering information regarding access and engagement in a digital environment. John Kennedy teachers are also developing problem based learning opportunities to immerse students in interest based topics where they will also integrate subjects. In addition, reading teachers are working to provide virtual guided reading lessons.

Batavia Middle and Batavia High School are looking at course competencies to determine what students have mastered and what they will need to progress in that subject area. We are also planning next steps to offer students the opportunity to learn. Teachers now have the opportunity to plan outside of the traditional test-driven world that most are accustomed to. With regard to the class of 2020, the guidance from New York State Education Department drastically changes requirements regarding Regents courses and exams. Teachers and counselors are working together to support twenty-two seniors who are most at-risk and need support to complete requirements. In all, 176 students are projected to graduate this year (six are juniors who will graduate early).

Other Reports – None

Other Reports

Motion made by Mr. Cecere, seconded by Mr. Marucci to enter into Executive Session at **7:13 PM** to discuss the medical, financial, credit, or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation.

Executive Session

Yes – 6 [Burk, Cecere, Marucci, Bowman, Bromley, Murphy] No – 0 Absent – 0

Motion carried. [6-0]

Motion made by Mr. Marucci, seconded by Mrs. Bromley to return to public session at **9:12 PM**.

Return to Public Session

Yes – 6 [Burk, Cecere, Marucci, Bowman, Bromley, Murphy] No – 0 Absent – 0

Motion carried. [6-0]

Motion made by Ms. Murphy, seconded by Mr. Cecere to adjourn the meeting at **9:14 PM**.

Adjournment

Yes – 6 [Burk, Cecere, Marucci, Bowman, Bromley, Murphy] No – 0 Absent – 0

Motion carried. [6-0]

Respectfully submitted,



Scott C. Rozanski, Clerk

baw