

COHOES CITY SCHOOL DISTRICT

**Board of Education
Cohoes, New York
Cohoes Middle School – Library**

**Business Meeting
February 12, 2020
6:00 PM**

(The Board of Education anticipates entering into executive session at 5:30 PM and returning for public session at 6 PM)

AGENDA

- I. MEETING CALLED TO ORDER
 - A. Pledge of Allegiance
 - B. Evacuation Procedure for Emergency
 - C. Roll Call

- II. DISTRICT REPORTS

Tax Cap Calculation - Stacy Mackey, SBO

- III. BOARD OF EDUCATION DISCUSSION OF AGENDA ITEMS

- IV. COMMUNITY DISCUSSION OF AGENDA ITEMS

- V. OLD BUSINESS

- VI. REPORT FROM MEMBERS OF THE BOARD OF EDUCATION
 - A. THAT the Board of Education accepts the Minutes of the Board of Education Meetings of January 22, 2020 and January 29, 2020.

 - B. THAT the Board of Education adopts the 2020/2021 School Calendar.

 - C. THAT the Board of Education approves an Agreement with Berkshire Union Free School District, 13460 Route 22, Canaan, New York for special education services for the period July 1, 2019 to June 30, 2020 in the amount of \$59,029 for the 2019/20 school year and \$9,236 for the summer school program. Rates are subject to change per NYSED finalized rates.

 - D. THAT the Board of Education approves an Agreement with Park Playhouse Inc. to establish the operation of a Summer Youth Arts Program for the period July 6-24, 2020 in the amount of \$12,500 in accordance with the terms and conditions outlined therein. (Grant funded)

 - E. THAT the Board of Education accepts a donation in the amount of \$235.36 from Cohoes Middle School parents for transportation of students to the Theatre Institute at Sage in Troy, New York on February 7, 2020.

 - F. THAT the Board of Education **amends** the 2019/20 budget in the amount of \$235.36 to cover transportation costs of Cohoes Middle School students to the Theatre Institute at Sage in Troy, New York on February 7, 2020.

- G. THAT the Board of Education accepts a donation in the amount of \$1,338 from the Ellen Sinopoli Dance Co., Inc. for Arts and Education at Abram Lansing Elementary School for the 2019/20 school year.
- H. THAT the Board of Education **amends** the 2019/20 budget in the amount of \$1,338 to cover transportation costs of Arts and Education at Abram Lansing Elementary School for the 2019/20 school year.
- I. WHEREAS, the Cohoes City School District (“Plan Sponsor”) maintains the Cohoes City School District 403(b) Retirement Plan (“Plan”); and

WHEREAS, pursuant to Rev. Procs. 2013-22 and 2019-39, and IRS Notice 2018-95, the Plan Sponsor amends the plan documents in a good faith effort to meet the requirements of law, regulations or other issuances regarding eligibility requirements and hardship distributions; and

WHEREAS, this amendment is intended as a good faith effort to comply with the requirements of eligibility to participate in the Plan and hardship distribution final regulations and is to be construed in accordance with the same. Both the Amendment and the eligibility and hardship distribution final regulations will supersede any inconsistent Plan provisions.

NOW, THEREFORE, BE IT RESOLVED THAT the “Note” provisions set forth in the Adoption Agreement, “Employee Eligibility” is hereby restated and amended to read as follows:

[Note: An Employee normally works fewer than 20 hours per week if, for the 12 month period beginning on the date the Employee's employment commenced, the Employer reasonably expects the Employee to work fewer than 1,000 hours of service (as defined under section 410(a)(3)(C) of the Code) in such period, and, for each Plan Year ending after the close of that 12-month period, the Employee has worked fewer than 1,000 hours of service in the preceding 12-month period. Under this provision, an Employee who works 1,000 or more hours of service in the 12-month period beginning on the date the Employee's employment commenced or in a Plan Year ending after the close of that 12-month period shall then be eligible to participate in the Plan. Once an Employee becomes eligible to have Elective Deferrals made on his or her behalf under the Plan under this standard, the Employee cannot be excluded from eligibility to have Elective Deferrals made on his or her behalf in any later year under this standard. Careful attention must be paid to compliance with the 20-hour rule by the District as it is necessary to the tax-qualification of the Plan.]

[Note: Persons occupying an elected or appointive public office are not eligible for the Plan unless such office is one to which the individual is elected or appointed only if the individual has received training, or is experienced, in the field of education.]

BE IT FURTHER RESOLVED THAT the “Note” provision set forth in the Adoption Agreement, “Hardship Distributions is hereby restated and amended to read as follows:

[Note: if hardship distributions under the Plan are allowed, the Plan and Vendors will apply the IRS "safe harbor" rules for such distributions. Effective 1/1/2020, the plan will no longer suspend elective contributions following a hardship withdrawal. See section 5.5 of the Plan for more information.]

BE IT FURTHER RESOLVED THAT section 5.5 of the Basic Plan Document, “Hardship Withdrawals” is hereby restated and amended to read as follows:

5.5 Hardship Withdrawals

(a) Hardship withdrawals shall be permitted under the Plan to the extent permitted by the Individual Agreements controlling the Account assets to be withdrawn to satisfy the hardship.

(b) Individual Agreements shall provide for the exchange of information among the Employer or Employer’s agent and the Service Provider(s) to the extent necessary to implement the Individual Agreements, including, in the case of a hardship withdrawal that is automatically deemed to be necessary to satisfy the Participant's financial need (pursuant to Section 1.401(k)-1(d)(3)(iv)(E) of the Income Tax Regulations). In addition, in the case of a hardship withdrawal that is not automatically deemed to be necessary to satisfy the financial need (pursuant to Section 1.401(k)-1(d)(3)(iii)(B) of the Income Tax Regulations), the Service Provider shall obtain information from the Employer or other Service Provider(s) to determine the amount of any plan loans and rollover accounts that are available to the Participant under the Plan to satisfy the financial need.

(c) Safe Harbor Contributions/QNECs/QMACs. Effective 1/1/2020, hardship distributions are permitted from Qualified Non-Elective Contributions, Qualified Matching Contributions or contributions used to satisfy the safe harbor requirements of Code sections 401(k)(12) or 401(k)(13), or 401(m)(11) or 401(m)(12), if available under the Plan and not held in a Custodial Account.

(d) Amount Necessary to Satisfy Need Requirement. Effective 1/1/2020, a distribution will be determined to satisfy an immediate and heavy financial need only if the three criteria listed below are met:

i. The distribution is not in excess of the amount required to satisfy the financial need (including any amounts necessary to pay any federal, state or local income taxes or penalties reasonably anticipated to result from the distribution);

ii. The Participant has obtained all other currently available distributions, other than hardship distributions, under any deferred compensation plan, whether qualified or nonqualified, maintained by the Employer; and

iii. The Participant has represented (in writing or by an electronic medium) that he has insufficient cash or other liquid assets to satisfy the financial need.

(e) Six-Month Suspension. Effective 1/1/2020, the Plan will not initiate a six-month suspension period on Elective Deferrals (and after-tax contributions) following a hardship distribution.

(f) Loan Requirement. Effective 1/1/2020, Participants are not required to take all available nontaxable loans before applying for a hardship distribution.

(g) Modification of Repair Expense. Between 1/1/18 and 2/17/19, the plan modified the safe harbor immediate and heavy financial need expense relating to damage to a principal residence (i.e., §1.401(k)-1(d)(3)(iii)(B)(6) and Basic Plan Document 5.5(g)) to include expenses for the repair of damage to the Employee's principal residence that would qualify for the casualty deduction under Code section 165. Effective 2/19/19, the plan modified the safe harbor immediate and heavy financial need expense relating to damage to a principal residence (i.e., §1.401(k)-1(d)(3)(iii)(B)(6)) to include expenses for the repair of damage to the Employee's principal residence that would qualify for the casualty deduction under Code section 165 (determined without regard to section 165(h)(5) and whether the loss exceeds 10% of adjusted gross income).

(h) New Safe Harbor Financial Need Provision. Effective 1/1/2020, the following immediate and heavy financial need will be considered as a safe harbor criteria for hardship distributions in addition to the safe harbor financial need provisions outlined in 5.5(g) of the Basic Plan Document and §1.401(k)-1(d)(3)(iii)(B):

i. Expenses and losses (including loss of income) incurred by the Employee on account of a disaster declared by the Federal Emergency Management Agency (FEMA) under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, provided that the Employee's principal residence or principal place of employment at the time of the disaster was located in an area designated by FEMA for individual assistance with respect to the disaster.

BE IT FURTHER RESOLVED THAT the Plan, as restated and amended is hereby approved and adopted.

VII. RECOMMENDATIONS FROM THE SUPERINTENDENT – PERSONNEL

INSTRUCTIONAL

A. THAT the Board of Education appoints the following individuals to the Substitute Teacher and Tutor list:

Reann Mokey

Effective: February 3, 2020

Angrisano, Deborah

Bitzer, Matthew

Coons, Rachel

Cotrona, Mary

Effective: February 13, 2020

London, Eric

Rose, Hannah

Sinclair, Carly

- B. THAT the Board of Education accepts the resignation for retirement purposes of Katya Kats from her position of ESL Teacher (CMS/CHS).
Effective: June 30, 2020
- C. THAT the Board of Education accepts the resignation for retirement purposes of Lauren Merola from her position of Speech Teacher (CMS/CHS).
Effective: June 30, 2020
- D. THAT the Board of Education accepts the resignation for retirement purposes of Catherine Weiss from her position of Music Teacher (Elementary).
Effective: June 30, 2020
- E. THAT the Board of Education appoints the following individual to the 2019-2020 Future-Ready Pathways Extended Learning Program:
Teacher
Math- Nicole Lassone
- F. THAT the Board of Education approves the following unpaid student teacher placement from the following school:
THE COLLEGE OF SAINT ROSE
March 9, 2020-May 1, 2020
Ashley Atkins with Amanda Barrett at Van Schaick Grade School

NON-INSTRUCTIONAL

- G. THAT the Board of Education accepts the resignation of Nancy Czepiel from her position of Part-Time Teacher Aide. (VSGS)
Effective: January 14, 2020
- H. THAT the Board of Education accepts the resignation of Teresa Gendron from her position of Modified Softball Coach.
Effective: January 27, 2020
- I. THAT the Board of Education accepts the resignation of Jessica Strock from her position of Full-Time Teacher Aide. (CHS)
Effective: January 22, 2020
- J. THAT the Board of Education accepts the termination of Sheeba Junaid from her position of Part-Time Teacher Aide. (HH)
Effective: January 27, 2020
- K. Drew Rentz
Position.....Part-Time School Safety Officer (permanent appointment)
Effective Date..... February 13, 2020 through June 30, 2020
Salary..... \$18 per hour
Reason Received “Certification of Eligibles”
..... from Cohoes Municipal Civil Service Commission

- L. BE IT RESOLVED THAT the Board of Education of the Cohoes City School District hereby provisionally appoints Chad Robillard to the position of Part-Time School Safety Officer subject to the rules of the Cohoes Civil Service Commission on an emergency conditional basis, in accordance with the Civil Service Rules, such appointment is a temporary appointment.

BE IT FURTHER RESOLVED THAT this appointment is made on an emergency conditional basis and subject to both a statement from Mr. Robillard regarding criminal conviction(s) or pending criminal charges and the receipt of criminal background clearance from the Commissioner of Education. His continued employment is specifically contingent upon the District’s receipt of notice from the Commissioner of Education that he is fully cleared for employment.

Chad Robillard

Position..... Part-Time School Safety Officer (CHS)
 Effective Date..... February 13, 2020 through June 30, 2020
 Salary..... \$17 per hour
 Reason BOE Newly created

- M. BE IT RESOLVED THAT the Board of Education of the Cohoes City School District hereby appoints Brigid Waddell to the position of Part-Time Teacher Aide, subject to the rules of the Cohoes Civil Service Commission on an emergency conditional basis, in accordance with the Civil Service Rules, such appointment is a temporary appointment.

BE IT FURTHER RESOLVED THAT this appointment is made on an emergency conditional basis and subject to both a statement from Ms. Waddell regarding criminal conviction(s) or pending criminal charges and the receipt of criminal background clearance from the Commissioner of Education. Her continued employment is specifically contingent upon the District’s receipt of notice from the Commissioner of Education that she is fully cleared for employment.

Brigid Waddell

Position..... Part-Time Teacher Aide (HH)
 Effective Date..... February 13, 2020 through June 30, 2020
 Salary..... \$12 per hour
 Reason Replaces Sheeba Junaid

- N. BE IT RESOLVED THAT the Board of Education of the Cohoes City School District hereby appoints the following individual to the Clerical Substitute list, subject to the rules of the Cohoes Civil Service Commission on an emergency conditional basis, in accordance with the Civil Service Rules, such appointments are a temporary appointment.

Janice Marsett
Effective: January 22, 2020

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- O. BE IT RESOLVED THAT the Board of Education of the Cohoes City School District hereby appoints the following individual to the Cleaner Substitute list subject to the rules of the Cohoes Civil Service Commission on an emergency conditional basis in accordance with the Civil Service Rules, such appointments are a temporary appointment.

Bailey Kufel

Effective: February 13, 2020

VIII. RECOMMENDATIONS FROM THE SUPERINTENDENT - BUSINESS/FINANCE

IX. FINANCIAL REPORTS (Recommended by the Superintendent)

X. INFORMATION AND CONSIDERATION

THAT the Board of Education is aware of a \$324 donation from Lifetouch to be used for the Positive Behavior and Intervention Supports (PBIS) Program at the Cohoes Middle School.

XI. COMMENTS FROM BOARD OF EDUCATION MEMBERS

XII. QUESTIONS AND STATEMENTS FROM AUDIENCE

XIII. BOARD POLICY REVIEW

First Reading

0200, Commitments and Beliefs

1741, Home Schooled Students

4325, Academic Intervention Services

XIV. DATES FOR FUTURE MEETINGS

February 26, 2020, Cohoes Middle School Library at 6:00 p.m.

XV. ADJOURNMENT