

NOTICE OF MEETING

TO ALL BOARD OF EDUCATION MEMBERS:

A special meeting of the Board of Education of the Township of Union will be held on Tuesday, March 1, 2012 at 8:00 a.m. at the James Caulfield Administration Building, 2369 Morris Avenue, Union, New Jersey 07083

A special meeting of the Board of Education of the Township of Union was held at the James Caulfield Administration Building, 2369 Morris Avenue, Union, New Jersey on Tuesday, March 1, 2011 at 8:00 a.m., pursuant to notice sent to each member.

PRESENT AT ROLL CALL: Mr. David Arminio, Mrs. Linda Gaglione, Mr. Richard Galante, Mr. Thomas Layden, Mr. Vito Nufrio, Mr. Francis Perkins and Mrs. Judy Salazar

ABSENT AT ROLL CALL: Mr. Gary Abraham, Mrs. Versie McNeil

Mr. Galante led the board and audience members in the Pledge of Allegiance.

The secretary read the statement required under the "Open Public Meeting Act", a copy of which is on file in the office of the secretary.

COMMENTS FROM THE PUBLIC ON RESOLUTIONS ON THE AGENDA

None

FISCAL AND PLANNING:

Moved by Mrs. Gaglione, seconded by Mr. Arminio that the following resolutions be adopted:

That the proposed 2012-2013 school budget be adopted and sent to the County Superintendent for approval in accordance with the information appended to these minutes, and the following:

F-1. RAISE GENERAL FUNDS FOR ENSUING 2012-2013 SCHOOL YEAR

That there should be raised for General Funds \$78,490,953 for the ensuing school year 2012-2013.

F-2. APPROVE SUBMITTAL OF APPENDIX E AS CONTAINED IN THE PROPOSED BUDGET

That the board approve for submittal to the County Superintendent of Schools, Appendix E (Required Documentation to Support Estimated Fund Balance) along with the January 31, 2012 Secretary's Report as required documentation to support the estimated fund balance as of June 30, 2012 pursuant to Exhibit C-1 (Recapitulation of Balances) as contained in the proposed 2012-2013 school budget, in accordance with the information appended to these minutes.

F-3. APPROVE ADVERTISED CAPITAL OUTLAY PROJECTS

That the board approve advertised capital outlay projects in the amount of \$1,727,000 in accordance with the information appended to these minutes.

F-4. APPROVE TRAVEL EXPENDITURE MAXIMUM

That the board approve Travel Expenditure Maximum in the sum of \$75,000 in accordance with the information appended to these minutes.

F-5. APPROVE GENERAL FUND BUDGET BY CO-CURRICULAR ACTIVITIES

That the board approve General Fund Budget by Co-Curricular Activity as follows: Co-Curricular (Athletics)-\$ 855,308 and Co-Curricular (Non-Athletics) - \$208,967 in accordance with the information appended to these minutes.

F-6. APPROVE MAXIMUM LIMIT – PUBLIC RELATIONS AND PROFESSIONAL SERVICES

That the board approve Maximum Limit – Public Relations and Professional Services in the sum of \$1,114,000 in accordance with the information appended to these minutes.

F-7. APPROVE STATEMENT OF CAPITAL RESERVE DEPOSIT

That the board approve Statement of Capital Reserve, Undesignated, Deposit (Detailed Recapitulation of Balances, Line 01653) in the amount of \$700,000 as contained in the proposed 2012-2013 school budget.

F-8. PREAPPROVE DISTRICTWIDE STUDENT FIELD TRIP DESTINATIONS AND PURPOSES PURSUANT TO N.J.A.C. 6A:23A-5.8

That the board pre-approve districtwide student field trip destinations and purposes pursuant to *N.J.A.C. 6A:23A-5.8* in accordance with the information appended to these minutes.

DISCUSSION:

Mrs. Gaglione stated that resolution F-8 is for transportation for district students to and from the St. Patrick's Day Parade.

Mr. Nufrio wanted clarification on resolution F-1. He asked if the amount of \$78,490,953 was the complete budget amount for the upcoming year. Mr. Vieira said that the \$78 million figure is the amount of money covered by the tax levy. He said that this was not the General Fund Budget.

Mr. Nufrio said that the line referred to in resolution F-3 (Line 8255 and 8270) he wanted to draw the boards attention; he asked about the cost of the two cupolas. Mr. Nufrio said that the amount is \$500,000 for this project. Mr. Vieira said that \$250,000 has been budgeted for the repair per cupola. Mr. Nufrio said that this amount seems quite excessive for the reconstruction of these cupolas. He wanted to know if the projects have already been bid or were these amounts just estimates. Mr. Vieira said that this was an estimate of the cost and the estimate was received from the district's architect, Tom Potter. Mr. Nufrio asked if Mr. Potter quoted his analysis and what it would cost to reconstruct the two cupolas. Mr. Vieira said that was correct. Mr. Nufrio asked if the projects would be bid. Mr. Vieira said that they would.

Mr. Nufrio said that there was a question raised by a resident regarding \$100,000 cost for a new food stand at the high school football field. He asked how that cost was arrived at. Mr. Vieira said that was an estimate that was given to him by Ms. Ionta, the Athletic Director. Mr. Nufrio asked if the current food stand is in such a condition that it requires to be replaced. Mr. Arminio said that it was not in good condition; it doesn't even have running water. Mrs. Gaglione said that the current food stand was a health risk. She said that the Board of Health could actually come in and close it down. Mr. Nufrio said that he was not aware of this.

Mr. Perkins asked Mr. Damato to explain procedurally what happens after the budget is approved today. Mr. Damato said that this meeting was the first of the budget meetings where the budget gets introduced. He said that after the vote is taken to introduce the budget it is sent to the Executive County Business Administrator and Superintendent who will review the budget and get back to the district with any recommendations that they have for the budget. Mr. Damato said that at that point, the board must make the recommended changes from the County Superintendent but also can make additional modifications up to the date of the final adoption, which is March 26th. He said that for the next few weeks, the board can still deliberate, discuss and make any changes that they feel are necessary to the budget. Mr. Damato said that the budget is a working document at this time which will be sent to the County as a preliminary matter, with the approval of the board.

Mrs. Salazar asked if the utilities are included in the budget. Mr. Vieira said that the utilities are included in the budget. Mrs. Salazar said that she could not find them. Mrs. Gaglione asked where the utilities would be listed. Mr.

Vieira said that if you look under "advertised appropriations" the utilities are included under "operation and maintenance of plant services" – Line 950.

Mrs. Salazar asked what "Abbott" funds are. Mr. Vieira said that only Abbott districts receive Abbott funds; he said that Union is not an Abbott district.

Mrs. Salazar asked what "special revenue" funds were. Mr. Vieira said that special revenue funds are grants such as No Child Left Behind.

Mrs. Salazar said that according to the attached information, the assistant marching band director was receiving a higher stipend than the director. Mr. Vieira said that these were negotiated stipends in the contract. He said that he would check out the amounts.

Mr. Perkins said that as Mr. Damato pointed out, the document that the board members have in front of them is not the "final" approval of the budget; this is the preliminary working document that is going to the County Superintendent for review, comment and adjustments as he sees fit and the document will come back to the district and the district will have the opportunity to make changes if necessary.

Mrs. Salazar asked if the musical instruments in the district are rentals. Mr. Vieira said that the district purchases musical instruments.

AYE: Mr. Arminio, Mrs. Gaglione, Mr. Galante, Mr. Layden, Mr. Nufrio, Mrs. Salazar and Mr. Perkins

NAY: None

ABSTAIN: None

MOTION WAS CARRIED

EDUCATION/STUDENT DISCIPLINE:

Moved by Mr. Arminio seconded by Mrs. Gaglione that the following resolution be adopted:

E-1. The committee recommends and I so move that the board permit J.S., a home-schooled student, to participate in interscholastic baseball at Union High School in accordance with the information appended to these minutes.

DISCUSSION

Mrs. Gaglione said that she had concerns about the way that the resolutions was worded and she has spoken to Mr. Damato about this. She said that it was saying that a home-schooled student can "participate" and she wanted to make sure that there was an understanding that if a student is home schooled that they can "try out" for an athletic team and they must follow all of the district's procedures and it just does not give the student the right to be on the

team. Mrs. Gaglione said that the way the resolution is currently written it seems that if a parent has a child that is home schooled, the child is automatically on the team and they do not have to go through the normal procedures that every other student has to follow. She wanted to clarify the resolution to reflect this fact. Mr. Damato said that he spoke to Ms. Ionta regarding this issue. He said that Mr. Gibbons and Ms. Ionta have discussed this issue as well and the intent was never to have the board vote to have student put on the team; the intent was always to have the child be eligible to try out and have the opportunity to participate on the team if he is chosen. Mr. Damato said that to be more accurate, the resolution should be amended and the words "be eligible to participate". He thought that this clarified the fact that the board is not voting to put the child on the team but just allowing the student to try out and the board is sanctioning the participation because under the state athletic association rules, the board is required to vote on this. Mr. Damato said that the rules have recently been changed and now home schooled children can be allowed to participate in interscholastic sports. He said that Union is a member of N.J.S.I.A.A. and as a member of the state athletic association; the district must comply with their rules and regulations. Mr. Damato said that N.J.S.I.A.A. now has a provision that says that home schooled students are eligible to participate if they bring in all of the documentation to prove that their curriculum is equivalent to a high school curriculum and that the child has fulfilled all of the other requirements that a high school student must have in order to participate. He said that to the satisfaction of Mr. Gibbons and Ms. Ionta, that has all been done and the student has proven that he complies in all respects. Mr. Damato said that the next legal step was to put the resolution on the agenda for the board's approval.

Mr. Nufrio asked Mr. Damato about the actual curriculum review. He wanted to know how many students in the district are currently on home instruction and is the process simply to present a curriculum to the principal or is there a certification or an approval granted by the County as well. Mr. Damato said that there is no approval by the County. He said that the parents come in and present evidence to the school administration about the equivalency of the program. Mr. Damato said that he did not want Mr. Nufrio to confuse this with home instruction. Mr. Nufrio said that the curriculum is one thing but what about the actual approval or if there is a certification for the parent to actually administer the curriculum. Mr. Damato said that the requirement of the state athletic association is for the parent to prove to the school administration that the curriculum is equivalent. He said that Mr. Gibbons conducted that review and is satisfied that it is and based on Mr. Gibbons' comments, Mr. Damato then took action to put the matter on the agenda. Mr. Nufrio said that he understood this action but he thought that it was more important that a parent can simply present a curriculum and yet not show or prove that the parent is adequate to administer the curriculum or has the proper foundation. He asked again how many students in the district are currently home schooled. Mr. Damato said that he did not know

the answer to that question but he could not imagine that there were many. Mr. Nufrio said that he knew in the past that requests were denied not so much for the curriculum but for the individual who was administering the curriculum as there was not proper preparation on the part of the "teacher". Mr. Damato said that he did not recall a request coming before the board of education in the 22 years that he has been employed at the board to participate in an interscholastic sport as a home schooled student. Mr. Nufrio said that he was talking about participation in sports. He said that he was concerned about a parent who is home schooling a child; he said that there was a process that needs to be followed. Mr. Nufrio asked if the process is being followed by the parent to obtain the proper credentials to prove that the parent is capable of administering the curriculum. Mr. Damato said he did not know of any requirement under the law that says that generally the parents of home schooled students need to prove anything to the district. He said that it is only when, under the rules, a student is trying to participate in interscholastic sports. Mr. Nufrio asked what about the eventual graduation requirements; do they fall under the district's auspices or is it a separate request and a granting of a diploma. Mr. Damato said that there is no diploma issued from the district to a home schooled student. Mr. Nufrio asked if it was correct that the board was under any obligation to certify the parent. Dr. Martin said that was correct. Mr. Nufrio said that he has read in various articles that there were parents who were denied the request to do home schooling for one reason or another. He was curious as to whether the district has had that situation or if anyone is bothering to look into it. Mr. Nufrio said that perhaps the board should look into it.

Mr. Perkins said that the board has addressed this issue in the past and the Department of Education had, in fact, put out some materials requiring school districts to do inquiries into home schooling. He said that the law is specifically the other way around. Mr. Perkins said that it is not up to the home schooler to demonstrate that the home schooler is providing adequate education; it is up to the school district to demonstrate to the courts that the student is not receiving an adequate education in the home school setting. Mr. Perkins said that after some discussion, the Department of Education withdrew what it had put out and the district backed away from the affirmative requirement. He said not only is there not a requirement for a home schooler to demonstrate the adequacy of their home schooling, there is a requirement on a board of education to demonstrate that they are not doing that. Mr. Perkins said that to the best of his knowledge there have been precious few cases, if any that have done that. He said that there is no legal requirement at all; indeed, it is the other way around. Mr. Perkins said that he has had several discussions with Mr. Damato about the force of law with respect to N.J.S.I.A.A. and whether they have the ability as a non-official (N.J.S.I.A.A. does not have the ability to put out rule making the same way that the Department of Education does). He said that in this case it appears that the family has met the requirements put out by N.J.S.I.A.A. and he

suggested that the board approve this resolution and then address the issues that Mr. Nufrio raised because they are valid.

Mr. Arminio moved to amend resolution E-1 to change the words "to participate in interscholastic baseball" and change them to "to be eligible to participate in interscholastic baseball". The motion was seconded by Mrs. Gaglione.

E-1. PERMIT HOME SCHOOL STUDENT TO BE ELIGIBLE TO PARTICIPATE IN INTERSCHOLASTIC BASEBALL – J.S.

That the board permit J.S., a home-schooled student, to be eligible to participate in interscholastic baseball at Union High School in accordance with the information appended to these minutes.

AYE:	Mr. Arminio, Mrs. Gaglione, Mr. Galante, Mr. Layden, Mr. Nufrio, Mrs. Salazar and Mr. Perkins	
NAY:	None	
ABSTAIN:	None	MOTION WAS CARRIED

GRIEVANCE/NEGOTIATIONS

Mr. Damato stated that if everyone had the opportunity to review the grievance, it will not be necessary for the board to go into executive session to discuss the issue. He said that this matter was discussed in an earlier executive session and that is where the board reached its conclusion. Mr. Damato said that if everyone was okay, he asked for a motion.

Moved by Mr. Galante, seconded by Mrs. Salazar that the following resolution be adopted:

G-1. APPROVE DECISION ON GRIEVANCE HS-11-31

That the board approve decision on Grievance HS-11-31 in accordance with the information appended to these minutes and recorded in the non public portion of these minutes.

AYE:	Mr. Arminio, Mrs. Gaglione, Mr. Galante, Mr. Layden, Mrs. Salazar and Mr. Perkins	
NAY:	Mr. Nufrio	
ABSTAIN:	None	MOTION WAS CARRIED

COMMENTS FROM THE PUBLIC

Ms. Shannon asked Mr. Vieira if the budget was increased to the full 2% cap. Mr. Vieira said that it was.

Ms. Shannon asked what the dollar increase in salaries was. She said that last year there was a zero increase. Mr. Damato said that since the board has voted on the budget, Ms. Shannon could get a copy of the advertised section of the budget and all of that information is in there.

Ms. Shannon asked when the 1% increase would be reflected in the paychecks and when the retro will be paid. Mr. Vieira said that he has not discussed it with payroll, but he would let Ms. Shannon know. Mr. Damato said that the district is planning to pay the 1% bonus sometime in May.

Ms. Shannon asked about the bus for the band to go to the St. Patrick's Parade; she said that the parade was on Morris Avenue and why did the band need a bus. Mr. Damato said that the bus is to transport the band and equipment to the starting point of the parade and to pick up the students at the end of the parade to bring them back to the high school.

MOTION TO ADJOURN

There being no further business before the board, it was moved by Mr. Arminio, seconded by Mr. Galante that the meeting be adjourned.

AYE:	Mr. Arminio, Mrs. Gaglione, Mr. Galante, Mr. Layden, Mr. Nufrio, Mrs. Salazar and Mr. Perkins	
NAY:	None	
ABSTAIN:	None	MOTION WAS CARRIED

Respectfully submitted,



JAMES J. DAMATO
BOARD SECRETARY