

APPROVED MINUTES of the Elmont Board of Education

SPECIAL MEETING
JANUARY 9, 2023

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ELMONT, NEW YORK

BOARD OF EDUCATION

SPECIAL MEETING

Minutes of the Special Meeting of the Board of Education of the Elmont Union Free School District, Town of Hempstead, Nassau County, New York, was on Monday, January 9, 2023, at the Elmont Road School.

BOARD MEMBERS PRESENT: Michael A. Jaime, President
Dr. Michael Cantara
Tiffany Capers
Sharon Earley Davis
Nancy Garlick

ROLL CALL

BOARD MEMBERS ABSENT: Dr. Tamcka Battle-Burkett
Anthony S. Maffea Sr.

ADMINISTRATIVE PERSONNEL PRESENT:

Kenneth Rosner	Superintendent of Schools
Candace J. Gomez, Esq.	School Attorney
Diana Delahanty	District Clerk

PUBLIC SESSION

PUBLIC SESSION

Mr. Jaime called the meeting to order at 7:30 PM.

CALL TO ORDER

Mr. Jaime led the pledge of allegiance.

PLEDGE OF ALLEGIANCE

Mr. Jaime asked the District Clerk if we received any changes from the Board or Public regarding the policy. (We had not at the time of the meeting.)

Mr. Jaime stated that we would take Public Comments from those who had signed in, on Policy # 1513, (Public Participation at Board Meetings).

PUBLIC COMMENTS

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The following community members participated in Public Comments regarding the proposed policy #1513:

Sheldon Meikle
Karen Milazzo
Trecia Wong
Delores Clark
Dwayne Palmer

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SUGGESTED
CHANGES FROM
THE BOARD

Ms. Gomez said the Board had a few changes to the draft policy that they were going to discuss and then they would answer questions regarding the policy that were asked earlier in this meeting. See suggested changes discussed by the Board:

Prior to speaking at in-person Board meetings, each individual must write their name and address on a sign-in sheet provided by the District Clerk. Each individual shall be allotted three (3) minutes to address the Board.

Comments should be as brief as possible. No speaker will be permitted to speak for longer than three (3) minutes or to yield their remaining time to another speaker. Each speaker shall only be permitted to address the Board one time during a Board meeting. Speakers may comment on any matter related to District business and/or agenda items.

Ms. Gomez asked if anyone on the Board had any other changes or questions.

Ms. Capers stated she wanted to hear the remaining audience members.

Ms. Gomez stated that is for the Board to decide. This meeting notice has been posted with that language for a long time. It was not a surprise to anyone that these rules would be in place for tonight's meeting.

Mr. Jaime asked that wherever it is noted *the Board President, we add designee or whomever the chair of the meeting is.*

Ms. Gomez stated that it is already stated that whenever the Board President is not available, the Vice President shall act in his/her place. We can still add or designee, I just want to note that it is already built into the structure of these policies.

Mr. Jaime asked that we add **designee** for clarity.

Mr. Jaime asked if there were any other suggested changes from the Board.

Dr. Cantara stated that he felt everyone should have a voice tonight. He would be willing to go to **5 minutes** for each speaker, but I agree to one turn at the microphone. This gives everyone a chance to speak. If you write your questions and send them in, it will give us a chance to answer them. We don't answer questions at meetings because we don't always know the exact answers and we don't want to give you the wrong information.

Mr. Jaime asked if anyone had objections moving from 3 minutes to 5 minutes? No objections voiced, Mr. Jaime asked that this be changed (see below).

*Prior to speaking at in-person Board meetings, each individual must write their name on a sign-in sheet provided by the District Clerk. Each individual shall be allotted ~~three (3)~~ **five (5)** minutes to address the Board.*

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Comments should be as brief as possible. No speaker will be permitted to speak for longer than ~~three (3) minutes~~ five (5) minutes or to yield their remaining time to another speaker. Each speaker shall only be permitted to address the Board one time during a Board meeting. Speakers may comment on any matter related to District business and/or agenda items.

SUGGESTED
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THE BOARD

Mr. Jaime asked for other comments and suggestions from the Board.

Ms. Capers stated that she would like to amend the proposed policy to read **Superintendent Board and Counsel**, depending upon the inquiry, as stated below.

Questions and comments from the public concerning matters which are not on the agenda will be taken under consideration and referred to the Superintendent, Board and Counsel, for appropriate action.

Ms. Capers also asked that the word *generally* be stricken from the statement.

Persons addressing the Board will address remarks to the President or Designee. In order to avoid providing misinformation, the Board President or Designee generally will not answer questions posed during public comment on matters not on the agenda but will instead have the Superintendent reply after the meeting or the Board may reply at the next Board meeting. Direct questions or comments to Board Members or other district officials may only be upon the approval of the President. Board members and the Superintendent shall have the privilege of asking questions of any person who addresses the Board.

The purpose of the Public Participation and Comment portion of the Board meeting is to allow the Board to hear the views and questions of interested community members. The Board and the Superintendent will consider such views and questions of interested community members and ~~if necessary~~, may respond at a later time (e.g., at a future Board meeting: contacting the community member: etc.)

Mr. Jaime asked for clarity... If a question is posed, we shouldn't answer it when its posed but get all the information?

Ms. Capers stated that is correct. We've had questions answered at meetings incorrectly and we've had to come back at the next meeting and retract that and give a different answer.

Mr. Jaime stated that then the intent is we will not be answering any questions when they are asked but will be answering them subsequently at the next meeting or in writing.

Ms. Capers stated unless the information is accurate and that has not been the case.

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Ms. Gomez stated that means that we take out *generally* and *if necessary*, that means no questions will be answered at that particular meeting. That means even if we have the answers we will not answer at that meeting because that is an all or nothing situation. The reason for putting *generally* in is to allow for that flexibility.

Ms. Garlick stated she thinks the President should be able to answer questions if he knows the answer. I think the public would like to hear from the Board President. I think we should have some option to answer their questions.

Ms. Capers stated that her concern is that we are not giving the right answer the first time or giving the answer of one person instead of speaking as a group of seven. I would like to see that not happen. So, we are more unified sitting up here when our mics are turned on. That is what I would like to accomplish, and that has not been happening. If we can find a way to compromise and get there with answering questions, I would be fine with that. I'm worried about the absolutes.

Mr. Jaime stated that the only way to have that answer is we would need to adjourn to executive session, discuss the answer or answers and reconvene. It's either be absolute and not answer or give the absolute answer the next go round with all parties involved. Or we leave *generally* in there, adjourn to executive session, get the appropriate answer and reconvene in public.

Ms. Capers stated it's only the first reading, so I will retract that request and reconsider.

Mr. Jaime stated that additionally we should add something regarding the Board Code of Conduct that we are all aware of that we should operate along the tenancy of the School Board Member of Conduct.

Dr. Cantara stated that we could add and Board Members and remove the last sentence.

All speakers and Board Members are to conduct themselves in a civil manner. ~~Obscene language, libelous statements, threats of violence, statements advocating racial, religious, or other forms of prejudice will not be tolerated.~~

Ms. Gomez stated that most Boards have that sentence in to be clear what civil manner means. If you have it in there it makes it clear. It is not legally required to have that sentence in, but it is pretty standard to have it in. Each District is able to make their own decisions.

Dr. Cantara stated he is in favor of keeping it in. In agreement- Ms. Garlick, Ms. Capers, Ms. Earley Davis. The Board consensus is it should remain.

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Mr. Jaime asked for a motion to extend the sign in sheet and keep with the notice that went out. Everyone will still have 3 minutes to speak.

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On a motion by Ms. Capers, seconded by Dr. Cantara, the Board voted to extend the sign in sheet and in keeping how the original notice went out, everyone will still have 3 minutes, as follows:

Yes – 5 No- 0 Abstain- 0
Motion Carried Unanimously

PUBLIC COMMENTS-continued

PUBLIC
COMMENTS

Additional community members participated in Public Comments regarding the proposed policy #1513:

Karen Milazzo
Lynette Battle
Melissa Persaud
Rachelle Lewis (handed the District Clerk a FOIL request)
Gregory Hall

Ms. Gomez recapped the meeting:

Mr. Meikle stated that this policy was centered around the Board President. That was addressed. It now states the Board President or the Board President's designee.

Mr. Meikle stated that the agenda distribution is a problem because it is not given in advance.

Mr. Jaime stated that we will work internally to get the agenda out sooner. We will work with the departments to get the information to the District Clerk sooner so she can have it on the website earlier as well as being distributed with a meeting notice.

Several comments were made from the audience and cannot be printed as they were not identified at the microphone.

Mr. Jaime stated that we have always tried to get as many things on the agenda for the Board to approve at a Board meeting as possible. We have always allowed late items on the agenda. Mr. Rosner will have internal conversations with all his Directors to shorten that window so the agenda can be produced sooner. It's an internal conversation that will happen.

If the Board deems that something is important enough that it can be walked in late, it will be a consensus of the Board that will be walked in late, and the community will be made aware of it.

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Ms. Capers stated that Mr. Meikle had another question. Why several other policies they had questions on hadn't been addressed? Why did we move on this one first?

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Mr. Jaime stated that question is outside of this particular policy, that this special meeting is about. We will need to have another special meeting to discuss all the other policies that need to be enacted or updated.

Ms. Gomez stated that Ms. Milazzo stated that she liked the fact that the 15-minute time period could potentially be extended by the Board. Is there a plan for questions not addressed at a particular Board meeting and if there will be a separate forum available for public discourse outside of the typical Board meeting?

Q&A

Mr. Jaime stated that anytime four Board Members get together it constitutes a meeting. We would have to collectively come up with something for a meeting for public discourse as Ms. Milazzo requested.

The plan for questions not immediately addressed can be incorporated into this policy and what the timeframe will be.

Ms. Gomez stated that Ms. Wong discussed the fact that she is not satisfied that there is no policy to allow for livestreaming of the meetings and also wanted to know if there was a policy regarding Board Members' conduct.

Mr. Jaime stated that there is a Code of Conduct policy, there is a code of conduct for the NYS School Board's Association and a Conflict-of-Interest document that we sign every July as well.

Mr. Jaime stated that in terms of livestreaming, I don't think a policy is needed. We just need to decide on the mechanism of livestreaming that we are going to use and move forward with that.

Ms. Gomez stated that the Board would have to decide that is what they want to do. It is not required that you have livestreaming if you have a public meeting where everyone can attend.

Mr. Jaime stated that the recordings of the meeting are on the website the day after the meeting and the minutes 30 days after the approval.

Ms. Gomez stated that Ms. Clark spoke and echoed what other community members had said.

Ms. Gomez stated that Mr. Palmer said he believes that this is an attempt to silence the community. There is nothing in this policy about Board Member conduct.

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Questions that have been asked in the past have not been answered. What is the policy dealing with that? Questions about misappropriation of funds, moving money from Board to Board with or without approval.

Q&A

Ms. Gomez stated that this is a special meeting to discuss this policy and we can answer questions related to this policy. Questions pertaining to misappropriation of funds and moving money is a question for the public meeting tomorrow night.

Ms. Gomez stated that Ms. Battle wanted to know why this policy is being enacted no.

Mr. Jaime stated that this policy is a result of reflection by the Board of some of the past meetings. As the chair of this meeting, we are supposed to conduct the Board business. It became a problem when there was someone at the microphone and people from the audience were calling out. The Board couldn't understand what the person at the microphone was saying and things that were being discussed from the audience. This policy is in no shape to silence anyone it's just to establish order on how speakers will come to the microphone and how much time they will have and how the speakers will conduct themselves and the Board conduct themselves. This is in no way to silence anyone. The commissioner says we don't have to have public comments section, but we chose to have one. But we need to establish parameters when there are a large number of people who want to talk about various issues. We want to make sure that everyone has an opportunity to speak.

Ms. Gomez stated that Ms. Persaud had the same questions regarding why this policy at this time.

Ms. Gomez stated that Ms. Lewis stated that the community has come to the Board since September, and nothing has been done except for this policy. When will the agenda will be distributed so questions can be submitted in advance by the community?

Mr. Jaime stated that Mr. Rosner will work with his team to get the agenda on the website earlier.

Ms. Gomez stated that Ms. Lewis also asked whether the policy will be translated into other languages. There are community members who speak multiple languages.

Mr. Jaime stated that all the policies we have are on the website and translatable. We will work on making the policies available in every language at every school building.

Mr. Rosner stated that we will work on the deadlines for the agenda.

Ms. Gomez stated that Ms. Lewis also asked how the Superintendent is going to communicate the answers to the public after the meeting.

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Mr. Jaime stated that we will have the questions and answers posted. The person who posed the original question will get an email and the question will be part of the response at next meeting.

Q&A

Mr. Jaime stated the second reading was scheduled for tomorrow but because of the amount of feedback we have gotten, we need to delay the second reading. With the feedback we received from the Board and the Community, we will revise the policy and we will review it again and make a decision as to how we will be moving forward.

Ms. Capers objected to the first reading being tonight stating that the policy given to her tonight was not the policy she received at home. She did not have time to review it.

Response- It is the same policy that she received. The only change was a formatting change moving the paragraphs down so the full policy could be printed.

Mr. Rosner stated that he is always the last person to leave a Board meeting. When he sees a parent in distress, he takes their number and tries to resolve the problem before the next meeting. He always stays. We have open emails, and my phone number is available. I listen to the tapes. There were two people who were asking about this meeting, so he took the time to contact them to let them know this was coming up. We do the best we can but some of them require research and we want to get it right. Policy is within the lane of the Board of Education, and he follows whatever that policy may be.

Mr. Rosner stated he was not speaking for the Board but that the meeting we had at the Dutch Broadway School was somewhat unnerving to him, as a Superintendent. He never saw a meeting like that. There was very little decorum at that meeting. People were upset and they have the right to voice their opinion. This policy was not done to silence anyone.

Mr. Rosner stated he did not say it was the worst he's ever seen. He was very unnerved. People were getting up and screaming. That's the decorum. They weren't cursing. That is the decorum. There is a decorum that takes place in an open meeting and it broke on that day. Anyone who was there can tell you we don't have meetings like that. We don't do that in Elmont. He considers this a high-end District. He is proud of that. Yes, there are other districts that have gone off the rails... He has seen it. He is not trying to offend anybody.

Ms. Gomez- We are here for an Elmont meeting, and we are talking about other districts. We are not comparing ourselves to other districts. I work in districts that are predominantly black and Hispanic that have 98% black or Hispanic students. I work in districts that are exactly the opposite. Where they are 98% white. I can tell you that whether we are talking high-end, low-end, black, white, Asian, almost every district has a public participation policy. If you go on the website and check the policies, you will find almost every district has a participation policy. I was surprised that Elmont did not have this policy. This is not a punishment. This in fact is bringing us into alignment with what almost every other district has.

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If we are going to do a comparison, let's be real about what other districts have. NYSSBA puts together a template and almost every district goes ahead and adopts the template, word for word, no public feedback about whether or not the policy is necessary. This is not something unusual that Elmont is throwing at you out of left wing. This is a very standard policy that you can check out for yourself by looking on the district website of any district on Long Island.

Public Comments- continued

PUBLIC
COMMENTS
CONTINUED

Angel Ramos

Mr. Jaime stated that the last question was from Mr. Hall on whether there was clarity to a question asked. We will write something in there if a person wants to add additional information or follow up to a question.

We will reach out to the party that asks the question.

ADJOURNMENT:

ADJOURNMENT

On a motion by Dr. Cantara, seconded by Ms. Garlick, the Board adjourned the meeting at 9:10 PM.

Yes – 5 No- 0 Abstain- 0
Motion Carried Unanimously

Submitted by,



Diana Delahanty
District Clerk

February 13, 2023
Date Approved