



**Minutes of the Barker Central School District
Board of Education Meeting
Monday, September 9, 2024, 7:00 p.m.
Board Room**

Present	R. Atwater, D. Carnes, E. Gow, J. Harris, J. Sweeney, Jr., V. Voss
Excused	C. Gancasz
Also Present	J. Reimer, M. Carter, C. Cornwell, M. Eadie, M. Learo, M. Love Public – 15
Call to Order	Mr. Atwater called the meeting to order at 7:00 PM. The pledge to the flag was done.
Agenda	Mr. Atwater brought forward a clarification to Item 10B, requesting that the word “and” be added to “Capital Reserve and Capital Fund”. Motion by Mr. Sweeney, Jr., seconded by Mrs. Carnes, to approve the Board Meeting agenda for September 9, 2024, as amended. Yes: 5, No: 0 Motion carried.
Minutes	Motion by Mrs. Carnes, seconded by Mr. Sweeney, Jr., to approve the August 12, 2024 regular meeting minutes and the special meeting minutes of August 22, 2024 as presented. Yes: 5, No: 0 Motion carried.
Public Forum	Ms. Peggy Zaepfel came forward but said, as the item she was planning to speak about follows the public forum section, she was not prepared to speak for Mrs. Wilson.
Presentations	<u>Title IX and Student Speech Presentation - S. Visingard</u> Ms. Visingard from Bond, Schoeneck & King, the District’s Attorney firm, presented information regarding protections related to student identity and expression and applicable laws for schools. She discussed the New York State Human Rights Law. In particular, Section 296(4) – “It shall be an unlawful discriminatory practice for an educational institution to deny the use of its facilities to any person otherwise qualified, or to permit the harassment of any student or applicant, by reason of his race, color, religion, disability, national origin, citizenship or immigration status, sexual orientation, gender identity or expression, military status, sex, age, marital status, or status as a victim of domestic violence...” She noted that there are also rights for staff too. She also reviewed the Gender Expression Non-Discrimination Act (“GENDA”). She noted that in 2019,



GENDA amended the Human Rights Law (Executive Law) and the Education Law to expressly add “gender identity or expression” as a protected category. She noted that the New York State Division of Human Rights has the right to enforce the rights. The NYS Division of Human Rights expressly states in its guidance pursuant to GENDA that unlawful discrimination because of gender identity or expression can include acts such as denying use of facilities consistent with a person’s gender identity; asking a transgender person to use a single-occupancy restroom because of someone else’s concerns; requiring individuals to show medical or other documents in order to use facilities, such as restrooms and locker rooms consistent with their gender identity; and/or refusing to use an individual’s requested name or pronouns. She referred the Board to the website for more detailed information:

<https://dhr.ny.gov/sites/default/files/pdf/nysdhr-GENDA-guidance-2020.pdf>

She commented that the State Division of Human Rights will “vigorously” enforce the protections and the State Division stated that it is not a defense to a discrimination claim that a discriminatory action was taken based on the preferences or prejudices of employees or others with regard to any protected characteristic. She noted it is also not a defense that a discriminatory action was taken because of the personal religious beliefs of an employer or others, as they are not an excuse. She commented that as such, the State Division stated it will continue to vigorously enforce the rights of transgender and gender non-conforming people on the basis of gender identity or expression, sex, and disability, and will liberally construe the provisions of the Human Rights Law as mandated by the statute. N.Y. Exec. L. § 300. If the District fails to do what is required by these, she commented that this could mean monetary damages for non-compliance. She reviewed what the State Division may award which includes: money damages, compensatory damages for mental pain and suffering, attorney’s fees, civil fines and/or penalties.

The Dignity for All Students Act (“DASA”) is a separate requirement under Education Law which states that no student shall be subjected to harassment or bullying by employees or students on school property or at a school function; nor shall any student be subjected to discrimination based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex (or otherwise) by school employees or students on school property or at a school function. Ms. Visingard continued and noted definitions of the following:

- School Property means “[i]n or within any building, structure, athletic playing field, playground, parking lot, or land contained within the real property boundary line of a public elementary or secondary school; or in or on a school bus...”



- “School Function” means “school-sponsored extra-curricular event or activity.”

DASA is intended to make sure all students are comfortable in their learning environment and addresses more than the Human Rights Law and GENDA. DASA affords protection to transgender and gender non-conforming students. She noted that the regulations under DASA include examples of incidents which require an investigation. 8 NYCRR § 100.2(kk)(1)(x). She commented that DASA is equal opportunity for students. She reviewed the types of incidents which require an investigation under DAS



With regard to Title IX protections of transgender and gender-nonconforming students, she noted that schools must comply with Title IX to receive federal funding. She commented that although there has been back and forth on the federal level with regard to laws and guidance, state laws unequivocally afford protections for transgender and gender-nonconforming student. In 2021, the Federal Office for Civil Rights

With regard to meetings, on August 28th, the District-level TIG team meet to review our District Crisis Plan and discuss its in-district response to TIG(d) 16(1) H(b) attend another TIG(d) 16(1) H(b) in at (is) meeting (am(d) 13 9) in 16 ,e (ttitu) 2 g2m



sessions with stakeholders around the state, but nothing has been officially announced. Currently, aid was \$11,000 per student in 2024-2025.

Regarding investments, Mr. Carter noted he invested \$2 million in CDs at



turn off soon for players to reset the timer to keep the lights on if they so choose. There is a hard set 10:00 p.m. shut off.

Potential Capital Improvement Project/Scope of Work

Phase II of the 2022 Capital Improvement Project is pending the final approval and then the bids, which are currently being drafted in



High School and Middle School interior walls, flexible classrooms in the High school, replacing hard flooring corridors, plastering walls in the Auditorium, and interior door replacement. It also included maintenance to the fire suppression system, adding additional exit lights and emergency egress lighting in numerous locations, adding a dedicated generator for the Central Building and two transfer switches for the Central Building, and replacement of the PA system which has reached end of life. Outside work included storm system adjustments which are not addressed with the current project, additional pavement, parking lot and sidewalks not addressed due to costs with the current project, as well as replacing the track, installed in 2009, which is at the end of life, and checking the older

Outs tin. (c)4 (TJ 15 Td[(bl)-2 (e)4 (e[(b(blo3c 0 Tw (B)Tjs)-1 (s0)-6 .1 (s)-1. (a)4 (l)-2/th3



Committee also suggested p



subsequently talked about. Another matter discussed was with children coming into the District, it could make programs better, but it also could take away opportunities from students within the District now whose parents are paying taxes. Grade level section additions and related pros/cons and expenses due to enrollment numbers was also discussed. After discussion, the Board concurred, that at this time, the cons outweighed the pros for letting Out-Of-District non-resident students attend school tuition free. Mr. Atwater noted it was a good conversation to have. The Board agreed that and noted it could also be brought forward another time should circumstances change.

Education

Motion by Mrs. Voss, seconded by Mrs. Carnes to approve the resolution for Q. A. to attend school during the 2024-2025 school year as a Foreign Exchange Student under a J1 visa as per Policy 7132 tuition free.

Yes: 6, No: 0

Motion carried.

Motion by Mrs. Voss, seconded by Mrs. Carnes to approve the transportation agreement between Barker Central School District and Matthew Draper for the 2024-2025 school year.

Yes: 6, No: 0

Motion carried.

Motion by Mrs. Voss, seconded by Mrs. Carnes to approve the following tests and publications as listed within be declared excess property and that the Superintendent, or his designee, be authorized to dispose of said items.

Yes: 6, No: 0

Motion carried.

Motion by Mrs. Voss, seconded by Mrs. Carnes to approve the attendance of Jacob L. Reimer, Superintendent at the 2024 Fall Leadership Summit September 22-24, 2024, at the Saratoga Hilton & Saratoga Springs City Center Saratoga Springs, NY.

Yes: 6, No: 0

Motion carried.

Personnel Items

Motion by Mrs. Harris, seconded by Mrs. Gow to approve the probationary appointment of Jacqueline Stephan as a 10-Month Clerical I, effective date of August 26, 2024, at a rate of \$18.00 per hour, with a probationary period from August 2



28, 2024 - August 27, 2028 from the Step 1, \$24,224 as approved August 12, 2024, all other terms and conditions remain the same.

Yes: 6, No: 0

Motion carried.

Motion by Mrs. Harris, seconded by Mrs. Gow to approve the appointment of Stephanie Gooding as a Full-time Teaching Assistant effective August 28, 2024, based on the BTU Agreement as Teaching Assistant, BA, Step 3, \$25,427, with a probationary period from August 28, 2024 to August 27, 2028.

Yes: 6, No: 0

Motion carried.

Motion by Mrs. Harris, seconded by Mrs. Gow to approve the acceptance of the resignation of Stephanie Gooding as a Full-time Teacher Aide effective September 5, 2024.

Yes: 6, No: 0

Motion carried.

Motion by Mrs. Harris, seconded by Mrs. Gow to approve Tina Muff as a probationary Full-time Cleaner effective September 9, 2024, at a rate of \$15.30 per hour as per the Central Services Association Agreement, probationary period from September 9, 2024 to September 8, 2025.

Yes: 6, No: 0

Motion carried.

Motion by Mrs. Harris, seconded by Mrs. Gow to approve the acceptance of the resignation of Tina Muff as a Part-time Teacher Aide and Part-time Cleaner effective September 9, 2024.

Yes: 6, No: 0

Motion carried.

Motion by Mrs. Harris, seconded by Mrs. Gow to approve the permanent appointment of Timothy Clay as a Full-time Cleaner effective September 5, 2024.

Yes: 6, No: 0

Motion carried.

Motion by Mrs. Harris, seconded by Mrs. Gow to approve the permanent appointment of Kristina Nagel as a Full-time Clerical I effective September 15, 2024.

Yes: 6, No: 0

Motion carried.

Motion by Mrs. Harris, seconded by Mrs. Gow to approve the appointment of Mary Eadie as the Community Ed Director for the 2024-2025 school year with a stipend of \$8,000.



Yes: 6, No: 0
Motion carried.

Motion by Mrs. Harris, seconded by Mrs. Gow to approve the appointment of Mallory Stodolka to shadow and present as part of her teacher certification as a Teaching Assistant with Niagara University with Mrs. Donovan for the 2024 Fall Semester commencing September 23, 2024 - December 12, 2024.

Yes: 6, No: 0
Motion carried.

Motion by Mrs. Harris, seconded by Mrs. Gow to approve the appointment of Molly Bielak as a Student Teacher as part of her teacher certification in Childhood Education, Grades 1-6 and Students with Disabilities, Grades 1-6, with SUNY Brockport with Mrs. Ober for the 2024 Fall Semester commencing September 3, 2024 - December 13, 2024.

Yes: 6, No: 0
Motion carried.

Motion by Mrs. Harris, seconded by Mrs. Gow to approve the following as community/parent volunteers: Emily Lunde, Kathleen Schmitt, Joseph Wisniewski, and Nicole Wisniewski.

Yes: 6, No: 0
Motion carried.

Business & Financial

Items

Motion by Mr. Sweeney, Jr., seconded by Mrs. Gow, to approve the budget transfers for fiscal year-end 2023-2024.

Yes: 6, No: 0
Motion carried.

Motion by Mr. Sweeney, Jr., seconded by Mrs. Gow, to approve the resolution for the authorization to transfer funds from Unappropriated Fund Balance to Reserve Funds.

BE IT RESOLVED, that the Board of Education of the Barker Central School District hereby authorizes and directs the transfer of \$1,283,260 from the 2023-2024 unappropriated fund balance to the Capital Reserve Fund established by the voters pursuant to Education Law Section 3651 on May 16, 2023 (known as the "2023 Capital Reserve Fund"); and

BE IT RESOLVED, that the Board of Education of the Barker Central School District hereby authorizes and directs the transfer of \$683,500 to the Capital Projects Fund; and



BE IT FURTHER RESOLVED, that the Superintendent is authorized to take any and all action necessary to effectuate the transfer, as described herein.

Yes: 6, No: 0
Motion carried.

Motion by Mr. Sweeney, Jr., seconded by Mrs. Gow, to approve the year-end 2023-2024 Financial Audit performed by the external auditors, Lumsden McCormick.

Yes: 6, No: 0
Motion carried.

Motion by Mr. Sweeney, Jr., seconded by Mrs. Gow, to accept the School Safety Excellence Award at the Titanium with Honors level in the amount of \$500.00 from Utica National Insurance Group.

Yes: 6, No: 0
Motion carried.

Motion by Mr. Sweeney, Jr., seconded by Mrs. Gow, to approve the agreement for contract services between Thomas Wenhold PT and Barker Central School District for the academic school year of 2024-2025 and the summer session of July-August 2025.

Yes: 6, No: 0
Motion carried.

Motion by Mr. Sweeney, Jr., seconded by Mrs. Gow, to approve the amended agreement between Barker Central School District and FSST. Corp. for Athletic Trainer services for the 2024-2025 school year with the reduced fee of \$20,000.

Yes: 6, No: 0
Motion carried.

Mr. Atwater congratulated the Administrative team on a clean audit and the safety award from Utica Insurance.

ADJOURNMENT