SPECIAL MEETING
AGENDA

1. OPENING OF MEETING: Call to Order, Pledge of Allegiance, Moment of Silence, Fire Code Announcement

2. EXECUTIVE SESSION:

3. APPROVAL OF MINUTES: April 7, 2010 Business Meeting
   May 5, 2010 Audit Committee Meeting

4. BOARD OF EDUCATION’S REPORT TO THE COMMUNITY

5. INDIVIDUALS AND DELEGATIONS: (Agenda Items Only)
6. TRUSTEE'S REQUEST

7. SUPERINTENDENT'S RECOMMENDATIONS

a. RECOMMENDATION – Board Policy # 6710 PURCHASING AUTHORITY

First Reading – No Vote to be taken

A new board policy or revision of current board policy requires two readings.

Recommended Action: Upon a motion made by _________________, seconded by _________________, the following proposed policy is offered for a first reading.

6710 PURCHASING AUTHORITY

The Board of Education designates a Purchasing Agent yearly for the school district. The Board shall formally designate the individual named as purchasing agent at the annual organizational meeting, which will be recorded in the minutes of that meeting. If the individual so named becomes unable to fulfill the duties during the course of the year, the Board will designate another purchasing agent at the next Board meeting. The Purchasing Agent will be responsible for administering all purchasing activities and ensuring the quality and quantity of purchases made by the district.

All purchases shall be made through the Purchasing Agent.

The Purchasing Agent is authorized to issue purchase orders without prior approval of the Board when formal bidding procedures are not required by law and budget appropriations are adequate to cover such obligations.

The Purchasing Agent shall be responsible for preparing all bid specifications and a statement of general bidding conditions to be included in every notice or invitation to bid. If there are questions concerning specifications, the Purchasing Agent will consult with the requisitioner to clarify the matter so as to ensure that the appropriate goods or services are obtained.

Cross-ref: 2210, Board Organizational Meeting
6700, Purchasing

Ref: Education Law §1709(20-a)
Gen. Mun. Law §104-b(2)(f)

Adoption date: February 4, 2009
Revised:
b. **RECOMMENDATION – Board Policy # 8414.6 IDLING PROHIBITION FOR BUSES AND OTHER SCHOOL VEHICLES**

First Reading – No Vote to be taken

A new board policy or revision of current board policy requires two readings.

Recommended Action: Upon a motion made by ________________, seconded by ________________, the following proposed policy is offered for a first reading.

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**8414.6 IDLING PROHIBITION FOR BUSES AND OTHER SCHOOL VEHICLES**

Allowing vehicles to idle (i.e., stopped with the engine running) produces unnecessary exhaust gas, which contains harmful chemicals and pollutants. In addition to negatively impacting the environment, these substances can cause cancer and other health problems, especially in children. Idling vehicles is not necessary to properly run or maintain vehicles, and in fact increases engine wear and wastes fuel.

Recognizing these factors, the Board of Education shall take steps to reduce the idling of school buses and other school vehicles. In compliance with Education Law §3637 and Commissioner’s Regulations §156.3(h), this policy shall govern the idling of school buses and all other school vehicles, whether owned, leased, or contracted for by the district.

Anyone operating a school bus or other school vehicle must turn off the engine (no idling) in the following instances:

- while waiting for passengers to load and unload on school grounds;
- when the vehicle is parked or standing on school grounds, or in front of or adjacent to any school; or
- during sporting and other school events.

However, idling may be permitted under the following conditions:

- when necessary to maintain an appropriate temperature for passenger comfort (if auxiliary heaters are not available);
- when necessary for mechanical work, or to keep the windshield clear of ice; or
- when necessary during emergencies to operate a wheelchair lift.

The district shall provide notice of these requirements to all school personnel within 5 school days after the start of the school year, or within 5 school days of beginning employment in the district.
When operating any school vehicle, drivers are encouraged to allow adequate space between their vehicle and any heavy duty motor vehicle in front of them. This will reduce the effect of exhaust emissions of the front vehicle on the air quality inside the school vehicle. When planning field trips and transportation routes, the Board also encourages using newer school vehicles for longer trips and older vehicles for shorter trips, when newer vehicles have lower emissions.

**Bus Loading and Unloading Practices**

Each Building Principal is responsible for developing and implementing a plan for loading and unloading buses in a safe and prompt manner that minimizes exposure to bus exhaust emissions.

When designing new or renovated school facilities, projects shall take into account the goal of prompt loading and unloading of buses.

When possible, drivers must park diagonally to minimize exhaust from the bus from entering adjacent buses or school buildings. Additionally, all staff shall instruct students to board the bus promptly in the afternoon to reduce loading time.

**Contracts for Student Transportation**

If the district contracts with private vendors for student transportation services, any such contract entered into on or after July 1, 2008 shall include a provision requiring compliance by the vendor with the state’s bus idling laws and regulations and this policy.

**Monitoring and Review**

The Transportation Supervisor shall be responsible for monitoring compliance with this policy. At least semi-annually, the district shall monitor compliance with the law and regulations summarized in this policy, and prepare a written report. Such report shall describe the actions taken to review compliance, and the degree of adherence to law and regulations. These reports shall be kept in the district’s files for six years, and shall be made available upon request.

The Board shall receive a periodic report on the district’s compliance with this policy.

Ref:  
Vehicle and Traffic Law §142  
Education Law §3637  
8 NYCRR §156.3(h)  
6 NYCRR Subpart 217-3

Adoption date:
c. RECOMMENDATION – Board Policy # 9240 RECRUITING AND HIRING

First Reading – No Vote to be taken

A new board policy or revision of current board policy requires two readings.

Recommended Action: Upon a motion made by _________________, seconded by _________________, the following proposed policy is offered for a first reading.

9240

RECRUITING AND HIRING

The Board of Education believes that the quality of the district’s employees in large part determines the quality of the education offered to the district’s students. As the employer for the school district, the Board will provide and maintain qualified and certified instructional and support personnel to carry out the educational programs of the district.

The designee of the Superintendent shall implement and maintain a high-quality recruiting and hiring program to attract, secure and retain the best-qualified staff to meet the needs of students and the district.

New or Revised Positions

The designee of the Superintendent will develop recommended qualifications for all new positions in the district and review the qualifications for all existing positions as necessary. The designee of the Superintendent: The Superintendent must approve all recommended qualifications for all new and existing positions. The Board must approve the qualifications for all new positions in the district and revisions of the qualifications for existing positions.

The designee of the Superintendent shall refer all proposals for the creation or reclassification of all unclassified (non-instructional) positions and a statement of the duties for these positions to the Suffolk County Department of Civil Service for classification.

The designee of the Superintendent shall develop job descriptions that incorporate the qualifications and job duties for all positions in the school district. The designee of the Superintendent or the Superintendent must approve the job descriptions for all positions in the district.

Recruiting

The district will seek the most qualified candidates for vacant positions by recruiting from a variety of sources, including present staff. District employees may apply for all positions for which they meet the certification and other stated qualifications.

The Board and its employees will adhere to the practice of recruiting and hiring personnel without regard to age, color, creed, disability, marital status, national origin, race, religion, sex or any other status protected by federal or state law.
The Board will practice due diligence in finding the most qualified person for any open positions. The Board recognizes that some specialized positions are difficult to fill because of shortages of qualified candidates. In rare instances, the Board may need to hire a retired public employee, in which case it will follow the Commissioner’s regulations for securing a § 211 waiver. When recruiting for an open position, the Board will first undertake a thorough and good faith search for a certified and qualified individual who will not require such a waiver for employment.

**Hiring**

Through standard recruiting and hiring procedures, the Superintendent’s designee will ensure that candidates for district employment meet all the qualifications set for the position sought. The district will comply with all the requirements of the Education and Civil Service laws, including any fingerprinting requirements. Whenever possible, preference shall be given to residents of the Lindenhurst Union Free School District, especially those who have satisfactorily performed in a substitute position in the district.

The Superintendent’s designee will recommend individuals for employment to the Superintendent. The Superintendent must recommend all individuals for employment to the Board. The Board must approve all individuals who are employed by the school district.

If a candidate proposed for hire is the spouse or child of a member of the Board of Education, they may be appointed with a two-thirds majority vote of the Board.

Ref: Age Discrimination in Employment Act (ADEA), 29 USC §§ 621 et seq. (prohibiting discrimination on the basis of age)
    Americans with Disabilities Act (ADA), 42 USC §§ 12101 et seq. (prohibiting discrimination on the basis of disability)
    Civil Rights Act of 1964 (Title VII), 42 USC §§ 2000e et seq. (prohibiting discrimination on the basis of color, national origin, race, religion and sex)
    Rehabilitation Act of 1973 (Section 504), 29 USC § 794 (prohibiting discrimination on the basis of disability)
    Title IX, 20 USC §§ 1681 et seq. (prohibiting discrimination on the basis of sex)
    New York State Constitution, article V, § 6 (requiring public employees be appointed on the basis of merit and fitness)
    Civil Service Law §§ 22, 40-44, 61(1) (rules on classified positions)
    Education Law §§ 1604(8), 1709(16), 2503(3), 2554(2), 3012(1)(a) (board’s authority to hire employees)
    Education Law §§ 1604(39), 1709(39), 1804(9), 1950(4), 2503(18), 2554(25) (fingerprinting requirements)
    Executive Law §§ 290 et seq. (prohibiting discrimination on the basis of age, color, creed, disability, marital status, national origin, race or sex)

Adoption date: February 4, 2009
Revised:

d. **RECOMMENDATION – Board Policy # 9520.2 FAMILY AND MEDICAL LEAVE**

First Reading – No Vote to be taken

A new board policy or revision of current board policy requires two readings.

Recommended Action: Upon a motion made by ____________________, seconded by ____________________, the following proposed policy is offered for a first reading.

9520.2

**FAMILY AND MEDICAL LEAVE**

Consistent with the federal Family and Medical Leave Act of 1993, the Board of Education recognizes the right of eligible employees to unpaid family and medical leave for up to twelve (12) weeks during any twelve (12) month period. The Board shall ensure that all eligible employees who use such leave
shall have their health benefits continued and shall be returned to an equivalent position according to established Board practices, policies and collective bargaining agreements.

To be eligible for family or medical leave an employee must have been employed for at least twelve months and have worked at least 1,250 hours during the prior twelve months.

Family leave shall be granted:

1. With the birth and care of a newborn child;
2. With the adoption or foster placement of a child;
3. To care for an employee's spouse, parent, or child with a serious health condition or next of kin of a covered servicemember requiring care;
4. Due to a serious health condition that makes the employee unable to perform the essential functions of the employee's job;
5. Due to any qualifying exigency as defined in Department of Labor regulations, arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation.

However, an eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered servicemember is entitled to a total of 26 workweeks of leave per year to care for the servicemember. Leave under this paragraph is available only during a single year. During that year the employee is entitled to a combined total of 26 workweeks of leave under this policy.

An employee may elect, or the district may require, an employee to use accrued paid vacation, personal or family leave for purposes of a family leave. An employee may elect, or the district may require, an employee to use accrued vacation, personal, or medical/sick leave for purposes of a medical leave.

The employee shall notify the district of his/her request for leave, if foreseeable, at least 30 days prior to the date when the leave is to begin. If such leave is not foreseeable then the employee shall give such notice as is practical. The district may require a certification from a health care provider if medical leave is requested. When an employee returns following a leave, he/she must be returned to the same or equivalent position of employment. The Superintendent of Schools or designee may reassign a teacher consistent with the teacher's agreement to a different grade level, building or other assignment consistent with the employee's certification and tenure area.

The Board shall ensure that family and medical leave, consistent with the Family and Medical Leave Act, is provided to all eligible employees, unless they are covered by a collective bargaining agreement which provides greater leave benefits than this Act.

The district shall post a notice prepared or approved by the Secretary of Labor stating the pertinent provisions of the Family and Medical Leave Act, including information concerning enforcement of the law.


Adoption date:
e. RECOMMENDATION – Board Policy # 9520.2-R FAMILY AND MEDICAL LEAVE REGULATION

First Reading – No Vote to be taken

A new board policy or revision of current board policy requires two readings.

Recommended Action: Upon a motion made by _________________, seconded by _________________, the following proposed policy is offered for a first reading.

9520.2-R

FAMILY AND MEDICAL LEAVE REGULATION

Consistent with the federal Family and Medical Leave Act of 1993, the Board of Education shall provide a minimum of twelve (12) weeks of unpaid leave in a twelve (12) month period for its eligible employees. An eligible employee must have been employed for at least twelve months, have worked at least 1,250 hours during the prior twelve months, and be employed at a worksite where at least 50 employees are employed by that employer within a 75 mile radius of that worksite.

Right to Benefits During Leave

An eligible employee is entitled to a combined total of twelve weeks of unpaid family and medical leave. Any employee who uses the unpaid leave shall have his/her health benefits continued during the leave, shall not have any previously accrued benefits altered and shall be returned to an equivalent position according to established Board policies and collective bargaining agreements. The employee is not entitled to accrue seniority during the leave.

An employee may elect, or the district may require, an employee to use available paid leave time for purposes of a family or medical leave. However, an employee may only use accrued medical/sick leave in accordance with the collective bargaining agreement.

Family and Medical Leave

Family leave is available when a child is born to the employee, adopted by an employee or one is placed with the employee for foster care. Medical leave is available in order for the employee to take care of a spouse, child, parent who has a serious health condition, when the employee has a serious health condition rendering him/her unable to perform the functions of the employee's job or the care of a next of kin of a covered servicemember who requires care.

A child shall include any individual whether biological, adopted, a foster child, a stepchild, a legal ward, or a child standing in loco parentis who is under eighteen years of age or, if over eighteen, is incapable of self-care due to a mental or physical disability. A parent shall include the biological parent of the employee or an individual who stood in loco parentis to the employee when he/she was a child. Furthermore, a serious health condition means an illness, injury, impairment, or physical or mental condition that involves inpatient care or continuing treatment by a health care provider.

Family leave must be taken within one year of the birth or placement of the employee's child. If both spouses are employed by the district, the combined amount of leave for family leave or medical leave to care
for a sick parent may be limited to twelve weeks. This limitation does not include medical leave to care for a child or spouse or for an employee's personal medical/sick leave.

Notice to Take Leave

The employee shall notify the district of his/her request for family or medical leave at least 30 days prior to the date when the leave is to begin, when such leave is foreseeable. If such leave is not foreseeable then notice shall be given as early as is practical. If the employee requests medical leave, reasonable attempts shall be made to schedule treatment so as not to disrupt the district's operations.

Intermittent Leave

An employee who requests family leave, shall not be provided intermittent leave or a reduced leave schedule unless the employee and district mutually agree. Intermittent leave may be provided for medical leave, however, the district may transfer the employee to a comparable position if it will better accommodate such intermittent periods of leave. For instructional employees who request medical leave and it is foreseeable that the medical treatment shall cause the employee to be on leave for more than 20% of the total number of working days in the period of leave, the district may require the employee to take a block of time or to transfer to an equivalent position for which the employee is qualified, but which better accommodates intermittent periods of leave.

Military Leave: Leave Related to Active Duty or a Call to Active Duty

If the necessity for leave because of a qualifying exigency arising from the fact that a family member is on active duty or has been notified of an impending call to active duty is foreseeable, the employee shall give such notice to the district as soon as is reasonable and practicable.

The School Board may require that a request for leave because of a qualified exigency arising from the fact that the employee’s spouse, son, daughter, or parent is on active duty or has been notified of an impending call to active duty be supported by a certification issued in accordance with regulations.

Certification

The district may require the employee requesting medical leave to present a certification from the health care provider of the person for whom the employee is taking the leave. Upon request by the district, the employee must provide the certification within 15 days. The certificate shall include:

1. the date on which the serious health condition commenced;
2. the probable duration of the condition;
3. the appropriate medical facts within the knowledge of the health care provider regarding the condition;
4. a statement that the employee is needed to care for the family member and an estimate of the amount of time that such employee shall be needed or a statement
5. that the employee is unable to perform the functions of the employee's position; and
6. the dates and duration of medical treatment if the request for intermittent leave is for a planned medical treatment.

If the district doubts the validity of the certification, then, at the district's expense, a second opinion may be required from a health care provider selected by the district. The school physician cannot give this opinion. If the two opinions conflict, a third health care provider, at the district's expense, may be chosen by the two parties to render a final opinion.
Restoration

An instructional employee who begins any type of leave at least five (5) weeks before the end of an academic term, may be required not to return until the new term begins if the leave is at least three (3) weeks long and the employee would return during the last three (3) weeks of the term.

An instructional employee who begins leave, for any purpose other than personal illness, less than three (3) weeks prior to the end of the term and the leave is longer than five (5) working days, may be required not to return until the new term begins.

Failure to Return

The district may recover the health care premiums paid during the leave if the employee fails to return from the leave. However, recovery cannot occur if the employee fails to return because of the continuation, recurrence, or onset of a serious health condition or due to circumstances beyond the control of the employee.

Effect on Existing Laws or Agreements

The Board shall ensure that family and medical leave, consistent with the Family and Medical Leave Act, is provided to all eligible employees, whether or not they are covered by a collective bargaining agreement. Any collective bargaining agreement which contains greater leave benefits than this policy shall remain in force.

Notice of Policy

The district shall post a notice prepared or approved by the Secretary of Labor stating the pertinent provisions of the Family and Medical Leave Act, including information concerning enforcement of the law.

Adoption date:

f. RECOMMENDATION – Board Policy # 9520.5 LEAVES OF ABSENCE

First Reading – No Vote to be taken

A new board policy or revision of current board policy requires two readings.

Recommended Action: Upon a motion made by ________________, seconded by ________________, the following proposed policy is offered for a first reading.

9520.5 LEAVES OF ABSENCE

In general, leaves of absence shall be administered by the Superintendent of Schools or his or her designee. The Board of Education reserves the right to grant leaves of absence for purposes or under conditions not contemplated or considered in this policy statement. Under laws and rules governing such action, the Board may undertake appropriate disciplinary action where a leave of absence is falsely requested or improperly used. Except by permission of the Superintendent, as expressed in writing, the purpose or conditions of a leave of absence may not be altered.
Contractual leaves of absence shall be granted to employees who are members of a negotiating unit. In such cases, authorization to approve requests for leaves of absence submitted shall be pursuant to provisions of contracts in effect between the district and each bargaining unit.

- In the case of employees who are not members of a negotiating unit, authorization is granted to approve requests for leaves of absence submitted by such employees where the requests are consistent with provisions of contracts in effect between the district and the bargaining unit most compatible with the employment status of the employee.
- In the case of employees who are under contract to the district, authorization is granted to implement provisions for leaves of absence contained in each such contract.

Unpaid leaves of absence not covered above shall be subject to limitations enumerated in this policy statement. Such authorization is granted for the following unpaid leaves of absence:

- For a period of time not to exceed one school year for approved graduate study, such leave to include any required internship experience.
- At the expiration of a paid sick leave of absence, to extend such a leave of absence for a period of time not to exceed the end of the school year next succeeding the school year in which the paid leave of absence commenced.

Unpaid leaves of absence shall not be used to extend vacation periods, to take vacations, to engage in other occupations, or to provide additional personal leaves except that the Superintendent shall have discretion, where circumstances warrant, to approve leaves of absence for such purposes.

Unpaid leaves of absence shall not be granted unless the services of a substitute employee, satisfactory in the discretion of the Superintendent, are able to be secured.

Except where it interferes with an employee’s legal or contractual rights, the timing of unpaid leaves of absence will be granted at the convenience of the district.

The district will notify employees of their right to leaves as indicated by federal law, state law or regulation.

**Other Leaves:**

**Blood Donation**

In accordance with state law, employees desiring to make blood donations shall be granted three (3) hours of leave in any twelve (12) month period. The leave may not exceed three (3) hours unless agreed to by the Superintendent or his or her designee. Additional leaves for the purpose of blood donation under any other provision of law shall not be prevented.

Leave granted to employees for off premises blood donation is not required to be paid leave. Leave taken by employees for “donation leave alternatives” (which is what the law terms on-site blood donation) shall be paid leave given without requiring the employee to use accumulated vacation, personal, sick or other existing leave time.

Employees wishing to utilize the leave time for offsite blood donation shall give a minimum of three (3) working days notice to the Superintendent or his or her designee. Employees wishing to utilize the leave time for alternate donations shall give a minimum of two (2) working days notice.

The district will provide reasonable accommodations in emergency situations where an employee needs to donate blood for his own surgery or that of a family member.
Breast and Prostate Cancer Screening:

Employees shall be granted up to four (4) hours of leave on an annual basis to undertake a screening for breast cancer. Employees shall be granted up to four (4) hours of leave on an annual basis to undertake a screening for prostate cancer (i.e., male employees are entitled to a total of eight (8) hours for both screenings). This leave shall be paid leave and shall not be charged against any other leave to which the employee is entitled.

Certification of testing may be requested from the employee of the district. Verification shall be produced in a timely fashion.

Ref:  Civil Service Law § 159-b  
     Labor Law § 202-j  
     Matter of Cruz et al v Wappingers CSD, slip opinion (Supreme Court, Dutchess County, July 14, 2008)  
     Matter of Fringuello v Wappingers CSD., slip opinion (Supreme Court, Dutchess County, July 15, 2008)

Adoption date:

g. Recommendation:  SUSAN BARR  

Recommended Action: Upon a motion made by ____________, seconded by ________________, the following resolution is offered:

WHEREAS Susan Barr has tendered her resignation as a member of the Noninstructional staff of the Lindenhurst Public Schools as of June 30, 2010 for the purposes of retiring; and

WHEREAS, Susan Barr has served the school district faithfully as an Account Clerk from April 27, 1992 to her retirement, for a total of eighteen years, and

WHEREAS, Ms. Barr has given dedicated and exemplary service throughout her employment; and

WHEREAS, in the performance of her duties, she was highly regarded by all of her associates and supervisors; now, therefore, be it

RESOLVED, that by means of this testimonial on the occasion of her retirement, the Board of Education seeks to express its sincere appreciation for her years of service to the school district and the children of the community, and takes this opportunity to join with her colleagues in extending best wishes for a happy retirement.

Vote on the motion:  
Yes:  
No:  
Abstained:

Motion carried/defeated.
h. Recommendation: POSTAGE METER LEASE

Recommended Action: Upon a motion made by _______________, seconded by _______________, the following resolution is offered:

RESOLVED that the Board of Education, upon the recommendation of the Superintendent, authorizes the Board President to enter into a 63 month lease with Innovative Mailing and Shipping Systems (IMS) for a Hasler Digital Automatic Mail System as per the attached proposal.

Note: See attached

Vote on the motion: Yes:

No:

Abstained:

Motion carried/defeated.
8. **SCHEDULES**

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<th>No. 15</th>
<th>Personnel, Instructional Resignations &amp; Terminations</th>
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<td>Personnel, Instructional Appointments</td>
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<td>Schedule</td>
<td>A-3</td>
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<td>Schedule</td>
<td>A-3</td>
<td>No. 66</td>
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<td>Substitute Personnel Instructional – Resignations &amp; Terminations</td>
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<td>Schedule</td>
<td>G</td>
<td>No. 17</td>
<td>Approval of RFP</td>
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9. SUPERINTENDENT'S REPORTS

a. Warrants Regular Number 9  **REVISED** as of March 31, 2010
b. Warrants Regular Number 10 as of April 30, 2010

10. DATES TO REMEMBER

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<th>Event</th>
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<tr>
<td>Wednesday</td>
<td>May 26</td>
<td>7:30 p.m.</td>
<td>PTA Council Meeting @ Bower</td>
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<tr>
<td>Monday</td>
<td>May 31</td>
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<td>Schools Closed in Observance of Memorial Day.</td>
</tr>
<tr>
<td>Wednesday</td>
<td>June 2</td>
<td>7:00 p.m.</td>
<td>Board of Education Business Mtg. @ McKenna Admin. Bldg.</td>
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<tr>
<td>Wednesday</td>
<td>June 16</td>
<td>7:00 p.m.</td>
<td>Board of Education Community Forum @ High School</td>
</tr>
<tr>
<td>Wednesday</td>
<td>June 30</td>
<td>7:00 p.m.</td>
<td>Board of Education End-of-Year Meeting @ McKenna Admin. Bldg.</td>
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<td>Fri., &amp; Mon.</td>
<td>July 2, 5</td>
<td></td>
<td>Schools Closed in Observance of July 4th</td>
</tr>
<tr>
<td>Tuesday</td>
<td>July 6</td>
<td>7:00 p.m.</td>
<td>Board of Education Reorganization Meeting @ McKenna Admin. Bldg.</td>
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11. EXECUTIVE SESSION