

4.1.4

Dear LHEC Superintendents and Board Members:

The Legislative Session wrapped up on June 21st around 7 am. Over the next week, LHEC will be providing a comprehensive analysis of the 23 pieces of the Legislation that were identified as priority Legislation that passed both houses of the Legislature and await action by the Governor, we want to provide a high level overview of some of the key issues that were acted on over the past few weeks.

- Enactment of legislation to eliminate the religious exemption from mandated exemptions to attend school;
- Legislation for Building Aid forgiveness for Spackenkill and Mahopac;
- Administrative Tenure from 4 years to 3 years;
- Some IDA reforms, to will ensure that adjustments to payments in lieu of taxes (PILOTs) based on a change of assessment do not affect school districts in the middle of their fiscal year. Instead, the change of assessment will take effect once the school's fiscal year has ended; and
- Approval of an increase in the salary a retiree can earn without penalty from \$30,000 to \$35,000.

Some bills, which LHEC has been supporting were not acted on include:

- Allowing School Buildings to opt-out as polling locations locations;
- Time Allowed for Employees of Schools to Vote – however, this bill could be included as part of the 2020 NYS budget and be enacted prior to the Primary Election in June of 2020;
- Significant IDA Reforms;
- Increasing annual earning limitations for retired police officers as School Resource Officers;
- Either of the priority bills for the Special Act School Districts; and
- The Regional Cost Index study bill.

Additionally, we are happy to report that the Article 75 Reform, which would have significantly limited the local control of school districts did not pass both houses. Additionally, legislation which would have required districts to abide by collective bargaining agreements of transportation companies when disciplining bus drivers or drivers assistances and legislation permitting home-schooled students to participate in District Interscholastic Sports were not passed through both houses.

4.1.2

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MEMORANDUM

TO: BOARD OF EDUCATION MEMBERS
MR. JOSEPH PHELAN, SUPERINTENDENT OF SCHOOLS

FROM: SHAW, PERELSON, MAY & LAMBERT, LLP

RE: NEW YORK STATE REPEALS PUBLIC HEALTH LAW PROVISION
PERMITTING RELIGIOUS EXEMPTIONS TO IMMUNIZATION

DATE: JUNE 17, 2019

In the midst of a significant influx of measles outbreaks in New York State, on the afternoon of Thursday, June 13, 2019, as a health and safety measure, Governor Cuomo signed legislation that repealed Public Health Law §2164(9). Subsection 9 of Public Health Law §2164 previously permitted religious exemption to immunization on the grounds of sincerely held personal religious beliefs.

In light of the repeal of this provision, the only remaining ground for exemption from immunization requirements in New York State is a medical exemption to immunization pursuant to Public Health Law §2164(8) if a physician certifies that immunization may be detrimental to a child's health, in which case the vaccination requirements in §2164 of the Public Health Law shall not apply until such immunization is determined to no longer be detrimental to a child's health.

This amendment to the Public Health Law took effect immediately; provided that pursuant to subsection 7(a) of Public Health Law §2164, as amended, students who have not been immunized have up to 14 days following June 13, 2019, when they may attend school and then must demonstrate proof of receipt of necessary vaccinations, which period may be extended to up to 30 days where a good faith effort to receive such vaccinations has been demonstrated where the

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student is transferring from out-of-state or another country, or where the parent, guardian, or persons in parental relationship to the student can demonstrate that the student has received at least the first dose in each immunization series required by law, along with proof that age-appropriate appointments have been made for the student to receive the additional vaccinations in each required immunization series.¹

It is recommended that school districts provide written notice to parents/legal guardians or persons in parental relationship to students who had previously been granted religious exemption to immunizations of this change in the law, so that they are put on notice of the need to comply with the new legal mandates or otherwise be excluded from school. A letter that may be used for this purpose is annexed hereto.

If you have any questions, please do not hesitate to contact us.

SPML/

¹ Please note that the last clause of subsection 7(a) of Public Health Law §2164, as amended, which permits students to remain in attendance for up to 30 days so long as proof of receipt of the first dose of each vaccination is provided, along with proof that age-appropriate appointments have been made for the student to receive the additional vaccinations in each series that are required by law, is deemed repealed as of June 30, 2020.

[Building Principal Letterhead]

June __, 2019

[Insert Name & Address
Of Parent/Legal Guardian or
Person in parental relation]

***Re: New York State Repeals Section of Public Health Law Previously
Permitting Religious Exemptions to Immunization***

Dear _____:

Please be advised that on June 13, 2019, in the interest of the health and safety of New Yorkers, Governor Cuomo signed into law a measure that repeals subsection 9 of Public Health Law §2164, the provision that previously permitted parents/legal guardians to seek religious exemptions to immunization on the grounds of sincerely held personal religious beliefs.

In light of the change in the law, please be advised that [insert name of child], who had previously been granted a religious exemption from immunization, will not be permitted to attend school after June 27, 2019, without proof of vaccinations as required by law, or up to 30 days from June 13, 2019, where a good faith effort to receive such vaccinations has been demonstrated where the student is transferring from out-of-state or another country, or where you can demonstrate that the student has received at least the first dose in each immunization series required by law, along with proof that age-appropriate appointments have been made for the student to receive the additional vaccinations in each such immunization series.

Be advised that if your child has not received all of the required immunizations by the start of school in September, he or she will be excluded from school. Therefore, it is critical that you make arrangements for vaccinations to be received in order to permit continued school attendance for the 2019-20 school year.

Very truly yours,

Building Principal



**Department
of Health**

**Office of Children
and Family Services**

**State Education
Department**

June 14, 2019

**Statement on Legislation Removing Non-Medical Exemption
from School Vaccination Requirements**

On June 13, 2019, Governor Andrew M. Cuomo signed legislation removing non-medical exemptions from school vaccination requirements for children. The United States is currently experiencing the worst outbreak of measles in more than 25 years, with outbreaks in pockets of New York primarily driving the crisis. As a result of non-medical vaccination exemptions, many communities across New York have unacceptably low rates of vaccination, and those unvaccinated children can often attend school where they may spread the disease to other unvaccinated students, some of whom cannot receive vaccines due to medical conditions. This new law will help protect the public amid this ongoing outbreak.

What did the new law do?

As of June 13, 2019, there is no longer a religious exemption to the requirement that children be vaccinated against measles and other diseases to attend either:

- public, private or parochial school (for students in pre-kindergarten through 12th grade), or
- child day care settings.

For those children who had a religious exemption to vaccination, what are the deadlines for being vaccinated?

Children who are attending child day care or public, private or parochial school, and who had a religious exemption to required immunizations, must now receive the first age appropriate dose in each immunization series by June 28, 2019 to attend or remain in school or child day care. Also, by July 14, 2019 parents and guardians of such children must show that they have made appointments for all required follow-up doses. The deadlines for follow-up doses depend on the vaccine. The New York State Department of Health follows the Centers for Disease Control and Prevention's Advisory Committee on Immunization Practices catch-up immunization schedule and expects children to receive required doses consistent with Table 2 at the following link in order to continue to attend school or child day care: <https://www.cdc.gov/vaccines/schedules/downloads/child/0-18yrs-child-combined-schedule.pdf>

What is the deadline for first dose vaccinations if my child is not attending school until September?

Parents and guardians of all children who do not have their required immunizations are encouraged to have them receive the first dose as soon as possible. The deadline for obtaining first dose vaccinations for children attending school in the fall is 14 days from the first day of school. Within 30 days of the first day of school, parents and guardians of such children must show that they have made appointments for all required follow-up doses.

Additional information will be forthcoming.

2018-19 Board of Education Goals

1. **Long Range Planning:** In addressing the challenges of declining enrollment and attaining financial stability, the Board of Education will develop and complete the draft of a 3-5 year long-range plan. Implementation of the plan will begin in the 2019-20 school year, will be finalized in the third year of this multi-year goal (2019-20), and will be updated annually thereafter.
2. **K-12 Technology Integration:** In the interest of supporting equal opportunity and access to technology to augment classroom instruction across grade levels as outlined in the CELT audit, the Board of Education will review and publicly discuss the improvement of equitable K-12 technology integration at regular intervals during the school year.
3. **Student Social and Emotional Wellness:** The Board of Education will review the survey data collected in 2017-18 and 2018-19 to assess the status of the social and emotional wellness of the District's children, will review and support a multi-year plan to assess and extend the improvement of student social and emotional health, and will receive periodic progress reports during the school year regarding the implementation of activities to improve student social and emotional wellness to date.
4. **Contract Negotiations:** The Board of Education is committed to reaching timely and fiscally-responsible contract settlements with both the Association of Non-Instruction Employees and the Rhinebeck Administrators Association in support of the District's educational goals.

Adopted 9/11/18

43.1

Personnel Committee - Thursday, June 20, 2019; 10:05 AM

Attendees: Joe Phelan, Tom Burnell, Steve Jenkins, via phone Susan Savas and Diane Lyons.

Absent Laura Schulkind

Call with Susan Savas: We were investigating offering eligible retirees an option of switching to a Medicare Advantage Plan. Susan Savas was invited to our meeting via conference call to educate us on this history of DEHIC plans and whether or not we can offer the plan to eligible retirees. Basically, we can do so. However, due to the decrease in enrollment of the 2 competitive plans (Alt PPO and Healthy Advantage), the active participants could see a significant increase in premium.

To complete with the Medicare plans, DEHIC reduces the premium by ~30% since Medicare is now their primary insurance. There is a Federal Govt Retirement Drug Subsidy which also offsets DEHIC's retiree rates reductions.

Rhinebeck retirement population: 87 single/family contracts in Alt PPO; 7 single/family in EPO20

Susan suggested hosting informational sessions to go over pros/cons of each plan. She says there is a great deal of misinformation circulating about the 3 plans, and these presentations have been beneficial in other school districts to both active employees and retirees.

FYI – There will be no premium holiday for next year, as of now. Maybe 5 months into next year they will re-evaluate. (30% fund balance). There are new approved 6 and 7 figure medications and DEHIC is concerned about fund balance and having to cover these.

Next Steps: Possible presentation to active employees and retirees open enrollment 2020.

Moving 2 positions to ANIE: ANIE would like move two non-represented district positions/employees to their unit. Supplemental letters of agreement from ANIE for 2 positions that they deem NOT Managerial/Confidential (Microcomputer Systems Specialist and Account Clerk). We agree with their assessment. Tom to work on salary schedule placement and Joe to sign letters as well as sick day bank differences.

Guidance Aid Replacement due to retirement - Hire a temp employee over summer on daily rate (20 days) while district determines what type of replacement is needed. Full 12 months, 10 months, etc.

Respectfully submitted by Steve Jenkins

Next meeting TBD

4.4

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MEMORANDUM

TO: BOARD OF EDUCATION MEMBERS
MR. JOSEPH PHELAN, SUPERINTENDENT OF SCHOOLS
MR. THOMAS BURNELL, ASSISTANT SUPERINTENDENT FOR
SUPPORT SERVICES

FROM: SHAW, PERELSON, MAY & LAMBERT, LLP

RE: TRS CONTRIBUTION RESERVE SUB-FUND

DATE: JUNE 3, 2019

Recently, as part of the Governor's Budget Bill, General Municipal Law Section 6-r was amended to permit the establishment of a "sub-fund" within the Retirement Contributions Reserve Fund for payment of the costs of contributions to the New York State Teachers' Retirement System ("TRS") or to offset all or a portion of the amount deducted from the School District's apportionment from the state pursuant to Section 521 of the Education Law. Until the recent amendment to Section 6-r, the Retirement Contributions Reserve Fund was limited to payments for contributions into the New York State and Local Employees' Retirement System ("ERS"). The establishment of an ERS Reserve Fund is a prerequisite to the establishment of the TRS sub-fund. If an ERS Reserve Fund has not already been established, the attached resolution to establish such reserve fund may be used for this purpose. The TRS sub-fund must be administered separately from the ERS Reserve Fund. Like the ERS Reserve Fund, the TRS sub-fund is established by Board resolution and funded by Board resolution. Monies paid into the sub-fund do not require voter approval. In addition, money may only be expended from the TRS sub-fund for the purposes set forth above by resolution.

Many school districts have already established their TRS sub-funds by resolution. However, under the legislation, the funding that is intended this year must be done by resolution on or before June 30, 2019.

The law sets forth limitations regarding the amount that can be contributed to the TRS sub-fund annually as well as in the aggregate. Each school year, the TRS sub-fund may be funded in the maximum amount of two (2%) percent of the total compensation paid to TRS member employees in the School District during the preceding school year. The eligible employees are defined by reference to the positions set forth in Education Law Section 501(4) (e.g., teachers, administrators, teaching assistants). The aggregate amount of monies that may be placed in the sub-fund through multiple years of funding may not exceed ten (10%) percent of the total compensation paid to the TRS member employees in the School District during the preceding school year.

The sources of funding of the sub-fund may include budgetary appropriations, money from unassigned fund balance in the general fund or through a transfer of monies from the ERS reserve fund.¹ Excess monies in the sub-fund may not be directly transferred into the School District's general fund, but may be transferred into certain General Municipal Law Article 2 reserve funds or Section 3651 Education Law capital reserve funds.

Based upon the statutory language, the TRS Reserve sub-fund must be established and funded by June 30th in the school year when first established and additional funds would have to be added by June 30th in subsequent school years. This restriction is the same as applicable to adding monies to a Tax Certiorari Reserve Fund established under Education Law Section 3651(1-a).

A resolution to establish the TRS sub-fund within the ERS Reserve Fund is attached for your convenience.

If there are any questions regarding the contents of this memo, please don't hesitate to contact our office.

DSS/ms

Atts.

¹ The new law refers to potential transfers from monies in certain General Municipal Law Article 2 reserve funds into a TRS Reserve sub-fund that do not apply in the case of a school district (GML§§ 6-c, 6-e, 6-f and 6-g). The references to potential transfers of fund from a GML§6-d Repair Reserve Fund is inconsistent with the permissible expenditures from such a fund and should be avoided until a technical amendment is made to that section of the law. Likewise, the transfer of monies from a Capital Reserve Fund to a TRS Reserve sub-fund is not authorized in Education Law§3651.

Retirement Contribution Reserve Sub-Fund Resolution

WHEREAS, the _____ School District participates in the New York State Teachers' Retirement System ("TRS"); and

WHEREAS, on _____ the Board of Education, by resolution, established a reserve fund known as the Retirement Contribution Reserve Fund to finance retirement contributions to the New York State Local and Employees Retirement System pursuant to Section 6-r of the General Municipal Law; and

WHEREAS, the Board of Education has determined it is also appropriate to establish a sub-fund within said Retirement Contribution Reserve Fund to finance retirement contributions to the New York State Teachers' Retirement System pursuant to the newly enacted provisions of Section 6-r of the General Municipal Law;

NOW THEREFORE, BE IT RESOLVED, that the Board of the _____ School District, pursuant to Section 6-r of the General Municipal Law, hereby establishes a sub-fund within the Retirement Contribution Reserve Fund, to be known as the TRS Reserve Sub-Fund to finance retirement contributions to the New York State Teachers' Retirement System and/or to offset all or a portion of the amount deducted from the moneys apportioned to the District from the State for the support of schools pursuant to Section 521 of the Education Law.

Retirement Contribution Reserve Fund

WHEREAS, the Board of Education of the _____ School District may establish a reserve fund pursuant to the provisions of Section 6-r of the General Municipal Law for the purpose of financing retirement system contributions to the New York State and Local Employees' Retirement System (ERS);

NOW, THEREFORE, BE IT RESOLVED, that the Board of Education of the _____ School District hereby establishes a reserve fund pursuant to Section 6-r of the General Municipal Law, to be known as the Retirement Contribution Reserve Fund, for the purpose of financing retirement contributions to ERS and/or to offset all or a portion of the amount deducted from the monies apportioned to the BOCES from the State for the support of schools pursuant to Section 521 of the Education Law.

Appropriation language as an additional paragraph to the above resolutions:

BE IT FURTHER RESOLVED, that the Board hereby appropriates the sum of \$ _____ for such purpose from 2018-2019 unappropriated unassigned fund balance in the general fund and authorizes and directs the _____ to transfer such amount from unappropriated unassigned fund balance for the 2018-2019 school year to the Retirement Contribution Reserve Fund.

**EVALUATION OF SCHOOL BOARD
OPERATIONAL PROCEDURES**

The Board of Education shall review the effectiveness of its internal operations at least once annually. The Superintendent of Schools shall participate in this review and suggest ways by which the Board can improve its functioning as a deliberative and legislative body.

1st Reading 12/22/98

2nd Reading 2/26/02

Adopted

