

BOARD OPERATIONAL GOALS

The Board of Education, as a legally constituted body of elected representatives, bears the responsibility of setting policy for the school district. The Board acts in accordance with authority and responsibility vested in it by federal and state laws, rules, and regulations on behalf of the district's citizens.

In order to ensure that its educational programs provide all students with a high-quality education, the Board will establish goals annually.

Adoption date: February 6, 2019

SCHOOL BOARD LEGAL STATUS

The Board of Education is a seven-member Board elected by district residents. Each member of the Board serves for three years. The terms of office of Board members shall not all expire in the same year. Board members are responsible for school district management and policy-making.

The legal status of the Board is that of a corporate body established pursuant to the laws of New York State. Any liability of the district is a liability of the Board of Education as a corporation and not that of the members of the Board as individuals.

Members of the Board of Education have legal authority for the conduct of the district schools only when acting as a body in a properly convened session. Board members acting as individuals have no authority over personnel or school affairs.

The Board will not be bound in any way by any individual's statement or action unless the Board, through an adopted policy or by a majority vote of Board membership, has delegated this authority to the individual member.

The Board is entrusted with the responsibility of developing policies under which the district is managed. In addition, the Board has all the powers and duties stated in the Education Law and other applicable New York State law.

Complete and final authority on all district educational matters, except as restricted by law, will be vested in the Board.

Ref: Education Law §§1604; 1604-a; 1701; 1702; 1703; 1708; 1709; 1710
1804(1); 2101(2); 2105

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SCHOOL BOARD ELECTIONS

The elections of members of the Board of Education shall be held on the third Tuesday in May, unless due to a conflict with religious observance, the Board requests that the Commissioner approve changing the election date to the second Tuesday in May. The request is due to the Commissioner by March 1st. The polls shall be open for those hours designated by the district. The following items shall be voted upon:

1. The annual budget,
2. Any vacancies on the Board of Education, and
3. Any special propositions that have been properly presented.

Candidates for the office of member of the Board of Education shall be nominated by petition. Such petition shall be directed to the District Clerk, shall contain the signatures and addresses of at least 25 qualified voters of the district or two percent of the voters who voted in the previous election, whichever is greater, and shall state the name and residence of the candidate. Each petition shall be filed with the District Clerk not later than 30 days preceding the Annual Meeting and Election at which the candidates so nominated are to be elected, between 9:00 a.m. and 5 p.m.

The District Clerk will supervise the election. The District Clerk give will notice immediately to each person declared elected to the Board, informing him/her of the election and his/her term of office.

Electioneering during the hours of any vote is prohibited within the polling place or within 100 feet of any such polling place. Displays or handout items of any political nature, except those provided by law, shall be prohibited by any individual, group or organization in any school building on those days when the polls are open for voting on school district matters, including, but not limited to, the annual school budget, candidates for the Board of Education, special propositions, etc.

Cross-ref: 1050, Annual Election and Budget Vote

Ref: Education Law §§2012; 2013; 2014; 2018; 2018-a; 2019-a; 2031; 2035

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VOTING PROCEDURES

Eligibility to Vote

A person shall be entitled to vote in any school district election and in all matters placed upon the official ballot, if such person is:

1. A citizen of the United States;
2. At least 18 years of age;
3. A resident within the school district for a period of 30 days next preceding the election at which such person desires to vote;
4. Qualified to register or is registered to vote in accord with section 5-106 of the Election Law which excludes:
 - a) Those convicted felons who have not been pardoned or had their rights of citizenship restored, those whose maximum sentence of imprisonment has not expired; and/or those who have not been discharged from parole;
 - b) Persons adjudged mentally incompetent by a court

Challenges to voters believed unqualified to vote may be undertaken pursuant to Education Law provisions. Each annual or special election or meeting shall have a presiding chairman appointed by the Board. Such chairman shall have the responsibility of properly handling any challenges to the qualification of any voter.

Voting

Voting machines shall be used for recording the votes on all elections, budget votes, and votes on special propositions. The only exception to the use of voting machines shall be a situation where the machines are unavailable due to mechanical failure. If this should arise, paper ballots will be used.

At least ten days prior to the election, the Board shall appoint at least two election inspectors to be in attendance during all voting hours for each voting machine and set their salary. It shall be the duty of the District Clerk to keep a poll list containing the name and legal residence of each person before such person is permitted to vote.

Election inspectors shall not advise or induce such voter to vote on any proposition or candidate, and if the election inspector were to learn how the individual voted, the election inspector shall never reveal the vote(s) recorded to any other person at any time.

Write-in ballot spaces are required. Ballots containing the names of nominated candidates will be provided by the Board. There will be as many write-in slots as there are vacancies at the time of election.

The writing in of a name in the blank space so provided, will sufficiently indicate a vote. The district cannot require a voter to place any other mark beside the name of a write-in candidate.

Absentee Ballots

The Board provides for the use of absentee ballots for voting. Such ballots shall be available for the election of members of the Board of Education, the adoption of the school district budget, and on questions and propositions submitted to the voters of the district. The application must be received by the District Clerk at least seven days prior to the election, if the ballot is to be mailed to the voter; or the application must be received by the day before the election, if the ballot is to be personally delivered. The application must be completed and returned, and the individual must verify therein that he/she meets all voting requirements, and explain the reason for his/her inability to appear in person to vote.

In particular, the individual must explain that he/she will be unable to appear to vote in person on the day of the school district election because:

1. He/she will be a patient in a hospital, or unable to appear personally at the polling place on such day because of illness or physical disability;
2. His/her duties, occupation, business, or studies will require him/her to be outside of the county or city of his/her residence on such day;
3. He/she will be on vacation outside the county or city of his/her residence on such day;
4. He/she will be detained in jail awaiting action by a grand jury; awaiting trial; or is confined in prison after conviction for an offense other than a felony; or
5. He/she will be absent from the school district on the day of the School District election/vote by reason of accompanying spouse, parent or child who is or would be, if he/she were a qualified voter, entitled to apply for the right to vote by absentee ballot.

Statements on the application for absentee ballot must be signed and dated by the voter.

An absentee ballot must reach the office of the District Clerk or Board designee not later than 5 p.m. on the day of the election/vote in order that his/her vote may be canvassed.

A list of all persons to whom absentee ballots have been issued shall be maintained in the office of the District Clerk or Board designee and made

available for public inspection during regular office hours until the day of the election/vote. Any qualified voter may, upon examination of such list, file a written challenge of the qualifications as a voter of any person whose name appears on such list, stating the reason for such challenge. The written challenge shall be transmitted by the District Clerk or Board designee to the election inspectors on the day of the District election/vote. In addition, any qualified voter may challenge the acceptance of the absentee voter's ballot of any person on such list by making his/her reasons known to the election inspector before the close of the polls.

The district shall request registration lists from the Board of Elections for those voters whose registration record has been marked "permanently disabled" and shall automatically mail absentee ballots to such voters in advance of each district vote or election.

Ref: Education Law §§2012; 2014; 2018; 2018-a; 2018-b; 2018-c; 2019; 2019-a; 2020; 2025; 2032(2)(e); 2035; 2037; 2603; 2607; 2610; 2613
Election Law §§3-224; 5-106; 5-612; 5-400
Matter of Rodriguez, 31 EDR 471 (1992)
Matter of Gresty, 31 EDR 90 (1991)
Matter of Ferro, 25 EDR 175 (1985)
Matter of Manno and Maloney, 23 EDR 172 (1983)
Matter of Yost, 21 EDR 140 (1981)
Matter of Alpert and Helmer, 20 EDR 281 (1980)
Matter of Reigler and Barton, 16 EDR 256 (1977)

Adoption date: February 6, 2019

BOARD MEMBER QUALIFICATIONS

The qualifications of a member of the Pine Plains Central School District Board of Education are that the individual:

1. Must be able to read and write;
2. Must be a qualified voter of the district; that is, a citizen of the United States, at least 18 years of age or older, and not adjudged to be an incompetent;
(Note: a convicted felon is barred from running for a seat on a Bboard of Education if his or her maximum prison sentence has not expired or if he or she has not been pardoned or discharged from parole)
3. Must be and have been a resident of the school district for at least one year prior to election;
4. May not have been removed from any school district office within the preceding year;
5. May not reside with another member of the same school board as a member of the same family;
6. May not be a current employee of the Pine Plains school district; and
7. May not simultaneously hold another incompatible public office, including but not limited to, Tax Collector, Treasurer, Librarian or Town Supervisor.

Ref: Education Law §§2102; 2103; 2502(7)
Election Law §5-106(2)-(4), (6)
Rosentock v. Scaringe, 40 N.Y.2d 563 (1976)
Matter of Schoch, 21 EDR 300 (1981)

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FILLING BOARD VACANCIES

Board Member Resignation

A member of the Board of Education may resign his/her office by filing his/her resignation with the District Clerk. The effective date of the resignation must be within 30 days after the date of filing.

Board Member Removal

A member of the Board of Education may be removed from office for willful violation or neglect of duty, or for willfully disobeying any decision, order or regulation of the Commissioner of Education. Notice of the charge and an opportunity for defense shall be provided at least 10 days before the designated charges hearing time; and the Board member shall have a full and fair opportunity to refute the charges before removal. Official misconduct may be grounds for removal by the Board after a hearing.

A vacancy on the Board may also be declared if it is clearly established that a member has failed to attend three consecutive meetings without sufficient excuse or if a member has changed his/her legal residence from that of the school district.

Filling a Vacancy

The Board of Education has the power to fill any vacancy, by a majority vote, which may occur on the Board by reason of death, resignation, removal from office or from the school district, or refusal to serve, of any member or officer of the Board. The person so appointed in the place of any such member of the Board shall hold his/her office until the next annual election of Board members. The unexpired term of the office will then be filled by election.

The Board shall have the power to call a special school district election for the purpose of filling the unexpired term of office of a member of the Board.

Alternatively, the Commissioner of Education may order a special election for filling a vacancy. When such special election is ordered, the vacancy shall not be otherwise filled.

A Board member who has been removed from office shall be ineligible to appointment or election to any office in the District for a period of one (1) year from the date of such removal.

Ref: Public Officers Law §31(1)(h)
Education Law §§1709(17); 2111;2113

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SCHOOL DISTRICT OFFICER AND EMPLOYEE CODE OF ETHICS

The Board of Education is committed to avoiding any situation in which the existence of conflicting interests of any Board member, officer or employee may call into question the integrity of the management or operation of the school district. The Board recognizes that sound, ethical standards of conduct serve to increase the effectiveness of district officers and staff as educators and public employees in the community. Adherence to a code of ethics promotes public confidence in the schools and furthers the attainment of district goals.

The Board also recognizes its obligation to adopt a code of ethics setting forth the standards of conduct required of all Board members, district officers and employees under the provisions of the General Municipal Law. Therefore, every Board member, officer and employee of the district, whether paid or unpaid, shall adhere to the following code of ethics.

Statutory Conflicts of Interest

It is a conflict of interest for a Board member, officer or employee to benefit personally from contracts made in their official capacity.

- “**Contract**” is defined broadly to include any claim or demand against the district or account or agreement with the district, whether expressed or implied which exceeds the sum of \$750.00 in any fiscal year.
- An “**interest**” is defined as a direct or indirect benefit that runs to the employee as a result of a contract with the district.

No Board member, officer or employee shall have an “**interest**” (i.e., receive a direct or indirect benefit as the result of a contract with the district) in:

1. A firm, partnership or association in which he/she is a member or employee;
 2. A corporation in which he/she is an officer, director or employee;
 3. A corporation in which he/she, directly or indirectly, owns or controls 5% or more of the stock;
 4. A contract between the district and his/her spouse, minor child or dependents, except for an employment contract between the school district, a spouse, minor child or dependent of a Board member authorized by §800(3) of the General Municipal Law or §3016 of the Education Law.
1. Gifts: A Board member, officer or employee shall not directly or indirectly solicit any gift or accept or receive any gift having a value of \$75 or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise, or any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him or her in the performance of his or her official

duties or was intended as a reward for any official action on his or her part.

However, the Board welcomes and encourages the writing of letters or notes expressing gratitude or appreciation to staff members. Gifts from children that are principally sentimental in nature and of insignificant financial value may be accepted in the spirit in which they are given.

2. Confidential information: A Board member, officer or employee shall not disclose confidential information acquired by him or her in the course of his or her official duties or use such information to further his or her personal interest.
3. Representation before the Board or District: A Board member, officer or employee shall not receive or enter into any agreement, expressed or implied, for compensation for services to be rendered in relation to any matter before the school district.
4. Disclosure of interest in matters before the Board: A Board member, officer or employee of the district, whether paid or unpaid, must publicly disclose the nature and extent of any interest they or their spouse have, will have or later acquire in any actual or proposed contract, purchase agreement, lease agreement or other agreement involving the school district (including oral agreements), to the governing body and his/her immediate supervisor (where applicable) even if it is not a prohibited interest under applicable law. Such disclosure must be in writing and made part of the official record of the school district. Disclosure is not required in the case of an interest that is exempted under Section 803(2) of the General Municipal Law. The term “interest” means a pecuniary or material benefit accruing to an officer or employee.
5. Investments in conflict with official duties: A Board member, officer or employee shall not invest or hold any investment directly in any financial, business, commercial or other private transaction that creates a conflict with his or her official duties. Exceptions to the conflict of interest law can be found in Section 802 of the General Municipal Law (see 2160-E.1).
6. Private employment: A Board member, officer or employee shall not engage in, solicit, negotiate for or promise to accept private employment when that employment or service creates a conflict with or impairs the proper discharge of his or her official duties.
7. Future employment: A Board member, officer or employee shall not, after the termination of service or employment with the district, appear before the Board in relation to any action, proceeding, or application in which he or she personally participated during the period of his or her service or employment or that was under his or her active consideration.

8. Involvement with Charitable Organizations: A Board member, officer or employee may be involved as a volunteer, officer or employee in a charitable organization which has a relationship with the district. If a Board member is a board member, officer or employee of the charitable organization the Board member must disclose such relationship in writing to the district, and the Board member must recuse himself or herself from any discussions or votes relating to the charitable organization which may come before the Board. When participating in the activities of the charitable organization, the Board member, officer or employee shall not disclose any confidential information learned in the course of his or her official duties or use such information to further personal interests. Additionally, the Board member, officer or employee shall not make representations on behalf of the district unless specifically authorized to do so by the Board.

Distribution of Code of Ethics

The Superintendent of Schools shall cause a copy of this Code of Ethics to be distributed to every member of the Board, every officer and employee of the school district. Each officer and employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of his or her office or employment. In addition, the Superintendent shall ensure that a copy of Article 18 of the General Municipal Law shall be kept posted in each public building under the district's jurisdiction in a place conspicuous to the district's officers and employees.

Penalties

In addition to any penalty contained in any other provision of law, any person who shall knowingly and intentionally violate any of the provisions of the Board's code of ethics and its accompanying regulation may be fined, suspended or removed from office or employment, as the case may be, in the manner provided by law.

Ref: General Municipal Law §§806-808
Opn. St. Comp. 2008-01

Adoption date: February 6, 2019

BOARD ORGANIZATIONAL MEETING

The Board of Education recognizes its obligation to hold an annual organizational meeting. The purpose of the organizational meeting is to elect officers of the Board and make the proper appointments and designations of other district employees for the proper management of the school district during the school year.

The Board will hold its annual organizational meeting on the first Tuesday in July. If that day is a legal holiday, the Board will hold the meeting on the first Wednesday in July. The Board may alternately hold the meeting on a date during the first 15 days in July that is not a legal holiday. The Board will choose this date by resolution at a Board meeting before July.

The District Clerk, who shall act as a Temporary Chairperson, shall call the meeting to order, and shall preside until the election of a new president. The order of business to be conducted at the organizational meeting shall include items required or implied by state law and/or regulation. The Board may also conduct general district business, including properly entering into executive session, if necessary, at the end of the meeting before adjourning.

I. Oath of Office

The District Clerk shall administer and countersign the oath of office to newly-elected Board members. The oath shall conform to Article XIII-1 of the New York State Constitution, and Section 10 of the Public Officers Law. No new Board member shall be permitted to vote until he/she has taken the oath of office.

II. Election of Board Officers

The Board shall elect a president and vice-president for the ensuing year, and administer the oath of office to them. A majority of all members of the Board shall be necessary for a valid election.

III. Appointment of District Officers

The Board shall appoint and the Board President administer the oath of office to the District Clerk. The District Clerk administers the oath of office to the following officers:

District Treasurer
Tax Collector and Deputies
External (Independent) Auditor

Deputy Treasurer
Audit Committee
Treasurer, Extraclassroom
Activities Account

IV. Appointment of Other Positions

The Board shall appoint and establish the stipend (if any) for the following positions:

Director of School Health Services (District Physician/Nurse Practitioner);
Supervisors of Attendance;

Committee on Special Education and Committee on Preschool Special Education;
 Records Access Officer;
 Records Management Officer;
 Asbestos Hazard Emergency Response Act (AHERA) Local Educational Agency (LEA) designee;
 Title IX/Section 504/ADA Compliance Officer;
 Liaison for Homeless Children and Youth;
 District Residency Designee;
 Chemical Hygiene Officer.

V. Bonding of Personnel

The Board may bond the following personnel handling district funds:

Claims Auditor	Internal Auditor
Copyright Officer	

The Board may, in each instance, specify the amount of the bond it intends to obtain. The Board may include any of the above officers in a blanket undertaking, pursuant to law and Commissioner's Regulations, rather than bond individuals.

VI. Designations

The Board shall designate/approve:

- a. Petty Cash Fund(s);
- b. Official Newspaper(s);
- c. Official Bank Depositories;
- d. Official Bank Signatories;
- e. Purchasing Agent;
- f. Certifier of Payrolls;
- g. Designated Educational Official (DEO) to receive court notification regarding a student's sentence/adjudication in certain criminal cases and juvenile delinquency proceedings;
- h. School Pesticide Representative;
- i. Reviewing Official, Hearing Official and Verification Official for participation in the federal Child Nutrition Program (the Hearing Official may not be the same person as the Reviewing and/or Verification Official).

The Board shall also adopt the rotational list of impartial hearing officers for the district as provided by the State Education Department.

VII. Authorizations:

- a. Approval of attendance at conferences, conventions, workshops, and the like;
- b. Superintendent to approve budget transfers within limits prescribed by Commissioner's Regulation § 170.2 and Board guidelines.

- c. Superintendent to apply for Grants in Aid (State and Federal) as appropriate;
- d. Establish mileage reimbursement rate;
- e. Other(s) as deemed appropriate/necessary.

The Board shall review its policies on Investments (6240) and Purchasing (6700), and the Code of Conduct (5300), as required by law. The Board shall also review building-level student attendance data as required under Commissioner's Regulations section 104.1, and if the data shows a decline in attendance rates, shall review its policy on Attendance (5100).

Cross-ref: 2270, School Attorney
 2220, Board Officers
 2230, Appointed Board Officials
 2310, Regular Meetings
 5100, Attendance
 5252, Student Activities Funds Management
 5300, Code of Conduct
 6150, Budget Transfers
 6240, Investments
 6650, Claims Auditor
 6680, Internal Audit Function
 6690, Audit Committee
 6700, Purchasing
 6741, Contracting for Professional Services

Ref: New York State Constitution, Article XIII, §1
 General Municipal Law §103(2) (official newspapers)
 Public Officers Law §§10; 13; 30
 Education Law §§ 305(31) (designated educational official); 701 (meeting to elect president, may elect vice president); 1707 (date of meeting); 1904 (central high school districts in Nassau county); 2130 (appoint clerk, bonded treasurer and bonded tax collector); 2504 (small city meeting during the first week of July, day and time of regular meetings)
 8 NYCRR § 104.1 (requirement to review attendance data)

Adoption date: February 6, 2019

BOARD OFFICERS

The President and Vice-President of the Board of Education shall be elected by members of the Board at the annual organization meeting in July.

Duties of the President of the Board

The duties of the President of the Board shall be as follows:

1. To preside at all meetings;
2. To call special meetings he/she considers necessary or on request of one member of the Board;
3. To appoint committees with the advice of fellow Board members;
4. To act as an ex-officio member of all committees;
5. To execute all documents on behalf of the Board;
6. To serve as the Chief Fiscal Officer of the School District;
7. To perform the usual and ordinary duties of the office.

Duties of the Vice-President

The Vice-President shall assume all the duties of the President in his/her absence or disability.

If the office of Vice-President becomes vacant, the Board shall within thirty (30) days thereafter fill the vacancy.

Ref: New York State Constitution, Article 13 §2
Local Finance Law §2.00(5)(e)
Education Law §§1709; 2105(6); 2502; 2504; 2553; 2563; 2590-b

Adoption date: February 6, 2019

APPOINTED BOARD OFFICIALS

District Clerk

The Board of Education shall annually appoint a District Clerk. The District Clerk shall:

1. Attend all public meetings of the Board (Regular and Special) as well as public hearings of the Board and keep a record of its proceedings and records, by name, those in attendances;
2. Prepare minutes of the meetings of the Board, obtain approval of the minutes by the Board at the next meeting, sign the minutes to signify their official standing and forward copies of the minutes to each member of the Board of Education and the Superintendent of Schools;
3. Send notices of special meetings to members of the Board; contact and communicate with members as required;
4. Prepare and arrange the publication of legal notices and announcements in accordance with state law;
5. Maintain an up-to-date record of Board policies and by-laws;
6. Perform duties pertaining to the preparation for, and conduct of district elections, budget votes, and special district referendum elections;
7. Serve as custodian of the official seal of the School District and affix the seal to official documents and instruments.
8. Administer the Oath of Office for all Board members and school district officers;
9. Call all meetings to order in the absence of the President and Vice President. In the absence of both the President and Vice-President of the Board at a duly constituted meeting, determine the member with the longest tenure on the Board, in alphabetical order, and that member shall then assume all the usual duties of the President until either the President or Vice-President is in attendance;
10. Perform any other work requested of him/her by the Board or the Superintendent.

The above duties of the District Clerk are not intended to be complete, but serve as a comprehensive guide in undertaking the duties of this office.

The District Clerk shall perform such other duties as may be assigned from time to time by the Board.

District Treasurer

The Board of Education shall also annually appoint a District Treasurer. The District Treasurer shall:

1. Act as custodian of all moneys belonging to the School District and lawfully deposit these moneys in the depositories designated by the Board;
2. Pay all authorized obligations of the District as directed, including payments of bond principal and interest;
3. Maintain proper records and files of all checks, and approved payment of bills and salaries;

4. Make all such entries and post to all such financial ledgers, records and reports, including bond and note registers, as may be properly required to afford the District an acceptable and comprehensive financial accounting of the use of its moneys and financial transactions;
5. Sign all checks drawn on District fund accounts provided that the District's Claims Auditor has attested to the authority to issue the check based upon proper evidence of a charge against the District's funds;
6. Safeguard either his/her electronic signature and/or the check-signing machine and signature plate, personally oversee all preparation of checks;
7. Assume other duties customary to the office.

Tax Collector

The Board of Education shall also annually appoint a Tax Collector. The Tax Collector shall:

1. Prepare and mail tax notices;
2. Use suitable printed tax forms as prescribed by the State Tax commission;
3. Collect taxes in the amount of the warrant, upon issuance of the tax warrant by the Board of Education and penalty fees in accordance with the terms of such warrant;
4. Turn over daily to the District Treasurer all money collected;
5. Submit a report, certified by him/her, to the Board of Education, showing the amount of taxes and fees collected along with the unpaid listing. The combination of taxes collected and uncollected shall equal the amount of the warrant;
6. Turn over to the County Treasurer, prior to November 15th, a list of unpaid taxes; and,
7. Carry out such other duties of the position as prescribed in Real Property Tax law.

Ref: Education Law §§2121; 2122; 2126; 2130

Adoption date: February 6, 2019

BOARD COMMITTEES

The Board of Education may, from time to time, establish committees whose membership will consist of members of the Board. The president of the Board shall serve as an ex-officio member of all committees to which he/she is not appointed. Board committees shall undertake studies and make reports as charged by the Board, but shall not act on behalf of the Board.

The Board may establish standing or ad hoc committees and reserves the right to terminate any committees at any time.

Any official policy-level action shall be in the sole discretion of the Board. The Board is in no way obligated to follow committee recommendations. The Board has the right to accept, reject, or modify all or any part of a committee recommendation.

Standing Committees

Standing committees shall, when specifically charged to do so, conduct studies, make recommendations, and act in an advisory capacity, but shall not take action on behalf of the Board.

- a. Committees shall consist of no more than three (3) Board members.
- b. Members shall be appointed by the Board President as soon after the Annual Organizational Meeting, as practicable.
- c. Each Board committee shall be convened by a chairperson who shall report for the committee.

Ad Hoc Committees

Committees may be created at any time by the Board President or a majority of Board members at any meeting at which the need for a committee becomes evident. Members of ad hoc committees shall be appointed by the President and shall serve until said committees are discharged. The President and the Superintendent shall be ex-officio members of all committees.

Adoption date: February 6, 2019

SCHOOL ATTORNEY

The Board of Education shall retain legal counsel, who shall be appointed at the Annual Organizational Meeting of the Board of Education. This legal counsel will represent the Board of Education, and shall report directly to the Board. The attorney shall have applicable legal expertise to represent the interests of the school district.

The Superintendent or his/her designee and the President of the Board or his/her designee may contact the counsel on legal matters affecting the operation of the school district, or as specified in the most current retainer agreement.] Board members and administrators shall be informed of who is allowed to contact the attorney and the process for doing so.

The selection of legal counsel shall be carried out in accordance with state law and regulation, as well as Board policy.

Any attorney working for the Board as legal counsel must be admitted to the bar of New York State and duly licensed to practice law in New York State. Other qualifications, such as years of experience representing school districts in the area of education law, shall be outlined in the Request for Proposal.

The written agreement with the attorney and/or law firm shall describe, at a minimum, the cost (e.g., hourly rates, retainer agreement), services provided, representation (e.g., in hearings, courts, investigations, negotiations), level of participation at Board meetings, who may contact the attorney(s), who has access to the attorney(s) and process for doing so, who directs the work of the attorney(s), and how the attorney(s) will communicate information to the Board. Generally, any information shared with the contact person will be shared with the Board as a whole.

The written agreement will outline how the Board is apprised of new and total charges, and how the status of the retainer is reported to the district. The status of the retainer agreement and costs will be monitored by the Superintendent or his or her designee.

The Attorney and/or law firm will be the legal advisor to the Board. In that capacity, the legal counsel's duties will include, but not be limited to, the following:

1. Advise the Board with respect to all legal matters relating to the district, including, but not limited to, interpretation of the Education Law of the State of New York, and all other statutes, rules or regulations affecting the district;
2. Be easily accessible to the Board and the Superintendent of Schools (and, at the discretion of the Superintendent, to his/her administrative staff), with respect to legal matters arising out of the day-to-day administration of the district. This includes being available for Board meetings at the Board's request;
3. Review and to represent the district in the preparation of contracts, as requested by the district (other than the contract for school attorney services);

4. Advise and assist in matters of litigation pursuant to the retainer agreement;
5. At the discretion of the Board, review the legality of selected policies or regulations to be adopted by the Board;
6. Review and advise with respect to any legal papers served upon the district to commence legal action; and
7. Recommend the retainment of special counsel as he or she may deem necessary in the circumstances, subject to the approval of the Board. Retaining additional legal counsel shall be subject to the process outlined in Board policy.

The school attorney and/or firm will report any censure, suspension, or disbarment to the Board.

Cross-ref: 2210, Board Organizational Meeting
2410, Policy Development, Adoption, Implementation and Review
6700, Purchasing
6741, Contracting for Professional Services

Adoption date: February 6, 2019

REGULAR MEETINGS

In order to perform its duties in an open and public manner, and in accordance with state law, the Board of Education shall hold regular business meetings once a month.

The time, dates and place of regular Board of Education meetings shall be established at the annual organizational meeting. In the event that the day appointed for a regular meeting falls on a legal holiday, the meeting shall be rescheduled. All regular Board meetings are open to the public, and meeting facilities shall provide access to persons with disabilities.

Board members are permitted to participate in board meetings via videoconferencing, in accordance with state law. Any site where videoconferencing is to take place must be open to the public. The district will comply with applicable notice requirements (see policy 2340).

In addition to the members of the Board, the following individuals will regularly attend the business meetings of the Board: the Superintendent of Schools, the Assistant Superintendent, and other specified personnel as deemed necessary.

Cross-ref: 2210, Board Organizational Meeting
2340, Notice of Meetings

Ref: Public Officer's Law §§102, 103, 104

Adoption date: February 6, 2019

SPECIAL MEETINGS

Special meetings of the Board of Education must be called as requested by a member of the Board, making such a request to the Board President.

Such meeting requires a notice of 24 hours to all Board members.

If, in an emergency, a special meeting is held before the 24-hour notice can be given, each member may be asked to sign a waiver of notice. A statement regarding the time of notice and signature of such forms shall be entered in the minutes.

Ref: Education Law §§1606; 2504; 2563
Open Meetings Law, Public Officers Law §§100 et seq.

Adoption date: February 6, 2019

EXECUTIVE SESSIONS

The Board of Education may hold executive sessions at which only the members of the Board or persons invited by the Board shall be present. However, the executive session is only available for the purpose of discussion, and except as the law allows, formal action must be taken in an open session.

Executive sessions can be requested by any member of the Board or the Superintendent of Schools.

A Board member must make a motion during an open meeting to convene in executive session. The motion must identify the subject or subjects to be discussed, but may not simply recite the statutory language. Upon a majority vote of its members, the Board may convene in executive session at a place which the Board President or said members may designate within the district to discuss the subjects enumerated below. Matters which may be considered in executive session are:

1. Matters which will imperil the public safety if disclosed;
2. any matter which may disclose the identity of a law enforcement agent or informer;
3. Information relating to current or future investigation or prosecution of a criminal offense which would imperil effective law enforcement if disclosed;
4. Discussions regarding proposed, pending or current litigation;
5. Collective negotiations pursuant to Article 14 of the Civil Service Law (the Taylor Law);
6. The medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation;
7. The preparation, grading or administration of examinations; and
8. The proposed acquisition, sale, or lease of real property or the proposed acquisition of securities, or sale or exchange of securities, but only when publicity would substantially affect the value thereof.

A Board may not take action in executive session except to vote on disciplinary charges against a tenured teacher.

Minutes shall be taken at executive sessions of any action that is taken by a formal vote and should consist of a record or summary of the final determination of such action and the date and vote thereon, provided, however, that such summary shall not include any matter which is not required to be made public by the Freedom of Information Law. Minutes taken shall be available to the public within one week from the date of the executive session.

Matters discussed in executive session shall be treated as confidential, unless the Board votes to release such information which is not otherwise made confidential by other laws.

Ref: Education Law §1708 (3)
Public Officers Law §§100 et seq.
Application of Nett and Raby, 45 EDR 259 (2005)
Formal Opinion of Counsel No. 239, 16 EDR 457 (1976)

Adoption date: February 6, 2019

NOTICE OF MEETINGS

For all regular and scheduled special meetings of the Board of Education, the District Clerk shall give adequate notice to all members and to the community, including posting notice of the time and place of meetings on the district website.

If a meeting is scheduled at least a week in advance, notice will be given or electronically transmitted to the public and news media at least 72 hours prior to the meeting. A special meeting may be called upon 24-hour notice to Board members.

When a meeting is scheduled less than a week in advance the Board shall provide or electronically transmit public notice to the extent practicable. Said notice shall be conspicuously posted in one or more designated public locations, including the district's website.

If a board member intends to participate in a board meeting via videoconference, the public notice of the meeting will indicate that videoconferencing will be used, specify the location(s) for the meeting and state that the public may attend at any of the locations.

If a meeting will be streamed live over the internet, notice will indicate the internet address of the website streaming the meeting.

Ref: Open Meetings Law, Public Officers Law §§100 et seq.
Education Law §§1606; 1708; 2504; 2563

Adoption date: October 17, 2018

Readopted: February 6, 2019

AGENDA PREPARATION AND DISSEMINATION

The Superintendent of Schools, in consultation with the Board President shall prepare the agenda for each board meeting during the week prior to the meeting, to facilitate orderly and efficient meetings, and to allow board members sufficient preparation time.

Items of business may be suggested by any Board member, district employee, parent, student, or other member of the public, and must relate directly to district business. The inclusion of items suggested by district employees, parents, students, or other members of the public shall be addressed in writing and is at the discretion of the Superintendent, subject to the approval of the Board President.

Persons suggesting items of business must submit the item to the Superintendent at least seven (7) days prior to a regular meeting and as soon as possible prior to a special meeting. Items will not be added to the agenda later than these time periods, unless the item is of an emergency nature and authorized by the Superintendent in consultation with the Board President.

The Board has discretion in determining how to handle items that are not included on the agenda. Individual board members will have the ability to place items on the agenda during the meeting.

The agenda and any supporting materials will be distributed to board members five (5) days in advance of the board meeting to permit careful consideration of items of business. The agenda and supporting material to be discussed at the board meeting that is permissible to be released to the public will be posted on the district's website, to the extent practicable, two days before the meeting. In addition, the agenda will be released to the news media including local newspapers, radio stations and television stations in advance of the meeting.

The agenda and supporting material to be discussed at the board meeting that is permissible to be released to the public will also be available in the Superintendent's office two days before the meeting and at the Board meeting to anyone who requests a copy.

The District Clerk shall be responsible for ensuring that the agenda is available to the public and the media.

Cross-ref: 2350, Board Meeting Procedures

Ref: Public Officers Law 103(e)

Adoption date: February 6, 2019

BOARD MEETING PROCEDURES

Each Board of Education meeting shall be conducted in an orderly manner which provides time for and encourages community involvement. The order of business at each regular meeting shall be as follows:

1. Open meeting;
2. Recognition of visitors wishing to speak and written communications;
3. Report of special committees;
4. Report of Board and standing committees;
5. Superintendent's report;
6. Old business;
7. New business;
8. Recognition of visitors wishing to speak and written communications;
9. Executive session (if necessary);
10. Adjourn.

The regular order of business may be changed at any meeting (and for that meeting only) by an affirmative vote of a majority and voting for the proposed change in the regular order of business.

Except in emergencies, the Board shall not attempt to decide upon any question under consideration before examining and evaluating relevant information. The Superintendent shall be given an opportunity to examine and to evaluate all such information, and to recommend action before the Board attempts to make a decision.

The Board may adjourn a regular or special meeting at any place in the agenda providing that arrangements are made to complete the items of business on the agenda at a future meeting. The minutes shall make notice of the adjournment, and the reconvened session shall be considered an addition to these minutes.

Adoption date: February 6, 2019

QUORUM

A majority of the members of the Board of Education shall constitute a quorum for the transaction of the business of a regular meeting. Should there be fewer than 4 (four) of 7 (seven) members of the Board present at a regular meeting, a time for the new meeting shall be set by the members present and such meeting shall be deemed a regular meeting. Notice of rescheduled meetings shall be given to absent members pursuant to Policy 2340, Notice of Meetings.

Final action on any resolution shall be valid only upon vote of the majority of the total membership of the Board, unless otherwise required by the laws of New York State.

Cross-ref: Gen. Constr. Law §41
Opn. Of Counsel #70, 1 Educ. Dep't Rep 770 (1952)

Adoption date: February 6, 2019

RULES OF ORDER

Robert's Rules of Order, Revised shall be adhered to in conducting a meeting of the Board of Education, except as otherwise required by law.

Adoption date: February 6, 2019

MINUTES

The Board of Education believes that open and accurate communication regarding its internal operations enhances the district's public relations program and provides a record of the district's progress towards its annual goals. Therefore, the Board will maintain a complete and accurate set of minutes of each meeting, in accordance with law.

The minutes shall constitute the official record of proceedings of the Board and shall be open to public inspection within one week of executive sessions and within two weeks of all other meetings. Minutes which have not been approved by the Board within this time frame shall be marked, "DRAFT." A draft of the minutes of each meeting shall be forwarded to each member of the Board not later than the time the agenda for the next meeting is disseminated.

The District Clerk shall be responsible for taking the minutes, and shall present the draft minutes to the Board President within one day of the meeting. The minutes shall conform to an established format.

All motions, proposals, resolutions, and any other matters formally voted upon by the Board shall be recorded in Board minutes. In recording such votes, the names of the Board members shall be called in alphabetical order, and the record shall indicate the final vote of each Board member.

If a Board member is not present at the opening of a meeting, the subsequent arrival time of such member shall be indicated in the minutes. The departure and return time of a Board member excusing him/herself from a meeting will also be notated in the minutes.

Ref: Open Meetings Law, Public Officers Law §§100 et seq.
Freedom of Information Law, Public Officers Law §§84 et seq.
Education Law §2121

Adoption date: February 6, 2019

POLICY DEVELOPMENT, ADOPTION, IMPLEMENTATION AND REVIEW

The Board of Education is responsible for adopting and assessing the effectiveness of the written policies by which the district is governed. The Board shall reserve to itself the function of providing guides for the discretionary action of those to whom it delegates authority. These guides for discretionary action shall constitute the policies governing the operation of the School System. The Board recognizes that written policies are essential to district governance in that they:

- Govern effectively and efficiently across time, situations, and individuals.
- Provide the foundation and guidance for administrative action.
- Publicize the federal, state, and local rules that govern the district.
- Help to evaluate progress by including measurable outcomes.

Development

The Board is committed to developing written policies which:

- Clearly define the district's goals and objectives and reflect the Board's vision.
- Define roles and responsibilities and identify who is responsible for what.
- Provide the Superintendent and district staff with clear guidance regarding expected district administration.
- Allow for flexibility that is needed for day-to-day operations.
- Include measurable outcomes.

The Superintendent of Schools shall act as an advisor to the Board and shall be responsible for submitting policy issues to the Board for consideration and for keeping a record of all policy initiatives submitted to the Board. Any member of the Board, district staff, students, parents, district taxpayers or other member of the public may identify policy issues. Such issues shall be identified to the Superintendent.

Before acting on any proposed policy, the Board will assemble the relevant facts, receive recommendations from individuals and groups who will be affected by the policy, and discuss, debate and decide on the substance of the policy in open meeting. The Superintendent shall be responsible for identifying the individuals and groups who will be affected by the policy. At a minimum, the Board shall seek input on all policy initiatives from the staff and community where appropriate.

The Superintendent shall be responsible for preparing a written draft of all proposed policies. When reviewing the contents of a proposed policy, the Board will consider whether the proposed policy:

- Is within the scope of the Board's authority.
- Is consistent with state and federal law and the state and federal Constitutions.
- Supports the district's goals and objectives.
- Reflects good practice (e.g., educational, personnel, business, etc.).

- Is reasonable and not arbitrary or discriminatory.
- Adequately covers the subject.
- Is consistent with the Board's existing policies.
- Can be administered in a practical, cost effective manner.

Adoption

Once a proposed policy has been drafted, it shall be placed on the Board's agenda for a first reading, giving all persons interested in it an opportunity to express their views. The Board will not take any official action on any policy on first reading, unless a majority of the Board decides that it is necessary to do so.

If the draft policy is acceptable or if it is not acted upon out of necessity after the first reading, the draft policy will be placed on the Board's agenda for a second reading, at which time the Board will officially act.

The Superintendent shall consult with the school attorney, as necessary, prior to the adoption or revision of any policy.

Implementation

The Superintendent shall be responsible for implementing all policies adopted by the Board. This responsibility shall include: promulgating any necessary administrative regulations, ensuring that the policy is included in the board policy manual, and publicizing the policy as necessary to ensure that persons affected by the policy are aware of it. At a minimum, a copy of any new or revised policy shall be distributed to: Board members, Superintendent, Assistant Superintendent for Business and Finance, each Building Principal, and the School Attorney.

The board policy manual shall be kept in the district office and made available to the public upon request.

Policy Review and Evaluation

The Board shall be responsible for keeping its written policies up-to-date so that they may be used consistently as a basis for Board action and administrative decision.

The Superintendent shall be responsible for informing the Board of any policies that are out-of-date or in need of revision. In addition, the Board Policy Committee will review the policy manual on a once every two years basis and will make recommendations to the full board regarding updates as necessary to ensure that the policies are consistent with board goals and district practices.

Ref: Education Law §1604, 1709, 1804 (powers and duties of board of education)

Adoption date: February 6, 2019

NEW BOARD MEMBER ORIENTATION

The Board of Education and the administrative staff shall assist each new Board member-elect to become familiar with and to understand the Board's functions, policies and procedures, and the school district's operation before taking office. Each Board member-elect shall, as soon as possible,

1. Be given selected materials covering the function of the Board and the school district, including:
 - a. on-line access to the policy manual
 - b. copies of key reports prepared during the previous year by school Board committees and/or the administration
 - c. the *School Law* handbook prepared by the New York State School Boards Association
 - d. access to minutes of Board meetings of the previous year
 - e. latest financial report of the district
 - f. copies of pertinent materials developed by the New York State School Boards Association, and
 - g. any other materials which may be deemed helpful and informative;
2. Be invited to attend, but not able to vote at all Board meetings and functions;
3. Be invited to meet with the Superintendent of Schools and other administrative personnel to discuss the services that they perform for the school Board and the school district; and
4. Be invited and encouraged to attend the New York State School Boards Association's workshop for New School Board Members.

Adoption date: February 6, 2019

BOARD MEMBER TRAINING

Training requirements for Board members of their first term on the Board is two-fold.

Training on Financial Oversight, Accountability and Fiduciary Responsibilities

Members of the Board of Education elected or appointed for a term beginning on or after July 1, 2005, shall, within the first year of their term, complete a minimum of six hours of training on the fiscal oversight, accountability and fiduciary responsibilities of a school board member.

Re-elected Board members are not required to repeat this training. Additionally, re-training is not required if the Board member has previously fulfilled this requirement as a first-term member of a component school district.

Training on Powers, Functions and Duties of Board Members and Other Authorities

Additionally, Board members elected or appointed for a first term beginning on or after July 1, 2011, shall, within the first year of his or her term, complete a training course to acquaint him or her with the powers, functions and duties of boards of education, as well as the powers and duties of other governing and administrative authorities affecting public education.

Re-elected Board members shall not be required to repeat this training. Additionally, should a voting Board member be seated or appointed on or before August 13, 2010, the signing date of Chapter 388 of the Laws of 2010, he/she is not required to take this training.

Curricular and Compliance

These mandatory trainings may be taken together as a single course or separately.

Each member shall demonstrate compliance with these requirements by filing with the District Clerk a certificate of completion of such course issued by the provider. Actual and necessary expenses incurred in complying with this requirement shall be a charge against the school district.

Cross-ref: 2510, New Board Member Orientation
2521, School Board Conferences, Conventions, and Workshops

Ref: Education Law §2102-a

Adoption date: February 6, 2019

SCHOOL BOARD CONFERENCES, CONVENTIONS, WORKSHOPS

The Board believes that continuing in-service training and development are important for its members. The Board, therefore, encourages the participation of all members at appropriate school board conferences, conventions and workshops which are believed to be of benefit to the School District. Board members are encouraged to study and examine materials received from these organizations as well as publications and tapes available in the Board's own library.

However, in order to control both the investment of time and funds necessary to implement this policy, the Board establishes these principles and procedures for its guidance:

- a. A calendar of school board conferences, conventions and workshops shall be maintained by the District Clerk. The Board will periodically decide which meetings appear to be most likely to produce direct and indirect benefits to the school district. At least annually, the Board will identify those new ideas or procedures and/or cost benefits that can be ascribed to participation at such meetings.
- b. Funds for participation at such conferences, conventions, workshops and the like will be budgeted for on an annual basis. When funds are limited, the Board will designate which members are to participate at a given meeting.
- c. Reimbursement to Board members for all actual and necessary registration fees, expenses of travel, meals and lodging, and all necessary tuition fees incurred in connection with attendance at conferences and the like will be in accordance with established regulations for expense reimbursement.
- d. When a conference, convention or workshop is not attended by the full Board, those who do participate will be requested to share information, recommendations and materials acquired at the meeting.

The authorization for Board members to attend a conference, convention, workshop and the like shall be by Board resolution adopted prior to such attendance. However, the Board, in its discretion, may delegate the power to authorize attendance at such conferences to the Board President.

Where authorization has been delegated to the President, no expense or claim form shall be paid unless a requisition or similar document signed by the President is attached to such form, authorizing the claimant to attend the conference.

Cross-ref: 6830, Expense Reimbursement

Adoption date: February 6, 2019