

SUBJECT: SCHOOL DISTRICT AND BOARD OF EDUCATION LEGAL STATUS

The Constitution of New York State, as amended in 1894, instructs the Legislature to provide for a system of free common schools wherein all children of the State may be educated.

The Legislature of the State has implemented this constitutional mandate through the creation of school districts of various types. The Marlboro Central School District is governed by the laws set forth for Central School Districts in Article 37 of the Education Law, and by-laws relating to, or affecting, Union Free School Districts as set forth in Article 35 of the Education Law.

The School District constitutes a corporate entity that possesses all the usual powers of a corporation for public purposes, and in that name may sue and be sued, purchase, hold and sell personal property and real estate, and enter into such obligations as are authorized by law.

The Constitution of the State of New York places the responsibility for public education on the State Legislature, and directs the establishment of a State Department of Education for general supervision over the schools and headed by a Commissioner of Education. The New York State Constitution further provides that local public schools under the general supervision of the State Education Department shall be maintained, developed and operated by locally elected boards. Legally, local boards are instruments of the New York State Constitution, the New York Statutes and the regulations of the State Education Department and its Commissioner.

New York State Constitution
Education Law Articles 35 and 37

By-Laws

SUBJECT: BOARD OF EDUCATION AUTHORITY

As a body created under the Education Law of New York State, the Board of Education of the Marlboro Central School District has full authority, within the limitations of federal and state laws and the Regulations of the Commissioner of Education and interpretations of them, to carry out the will of the people of its District in matters of education.

In all cases where laws or regulations of the State Commissioner of Education do not provide, permit, or prohibit, the Board shall consider itself the agent responsible for establishing and appraising educational matters and activities.

Board members have no authority over school affairs as individuals. They have authority only when acting as a body duly called in session.

Education Law Sections 1604, 1701, 1709, 1804,
and 1805

Adopted: 8/19/04

By-Laws

SUBJECT: NUMBER OF MEMBERS AND TERMS OF OFFICE

The Board of Education of the Marlboro Central School District shall consist of seven (7) members elected by the qualified voters of the School District at the annual election as prescribed by law.

Members of the Board of Education shall serve for three (3) years beginning July 1 following their election and each term shall expire on the thirtieth day of June of the third year.

Education Law Sections 1602, 1702(1), 1804(1) and 2105

Adopted: 8/19/04

By-Laws

SUBJECT: BOARD OF EDUCATION MEMBERS: QUALIFICATIONS

A Board of Education member of the Marlboro Central School District must meet the following qualifications:

- a) A citizen of the United States;
- b) Eighteen (18) years of age or older;
- c) Able to read and write;
- d) A legal resident of the District for a continuous and uninterrupted period of at least one (1) year prior to the election;
- e) Cannot be an employee of the Marlboro Central School District;
- f) The only member of his/her family (that is, cannot be a member of the same household) on the Marlboro Central School District Board;
- g) May not simultaneously hold another, incompatible public office;
- h) Must not have been removed from a school district office within one (1) year preceding the date of appointment or election to the Board.

Education Law Sections 2102, 2103, 2103-a,
and 2502(7)
Public Officers Law Section 3

Adopted: 8/19/04

By-Laws

SUBJECT: BOARD OF EDUCATION MEMBERS: NOMINATION AND ELECTION

- a) Candidates for the office of member of the Board of Education shall be nominated by a petition directed to the Clerk of the School District which is signed by at least twenty-five (25) qualified voters of the District, or by two percent (2%) of the number of voters who voted in the previous annual election, whichever is greater. Petitions must state the residence of each signer and the name and residence of each candidate.
- b) The notice of the Annual District Meeting must state that petitions nominating candidates for the Board of Education must be filed with the Clerk of the District no later than 30 days before the Annual or Special District Meeting at which the school board election will occur, between 9:00 a.m. and 5:00 p.m.
- c) Voting will be by machine, and provision shall be made for the election by "write-in-vote" of any candidate not previously nominated. The position of candidates on ballots shall be determined by lot at a drawing conducted by the District Clerk on the day after the last filing. Candidates or their proxies may be present for the drawing.
- d) The hours of voting shall be as indicated by Board resolution.
- e) The candidates receiving the largest number of votes shall be declared elected in accordance with Education Law.
- f) At least ten (10) days prior to the election, the Board shall appoint at least two (2) inspectors of election for each voting machine, and set their salary.
- g) The District Clerk shall attend the election and record the name and legal residence of each voter. The Clerk shall give notice immediately to each person declared elected to the Board, informing him/her of the election and his/her term of office.
- h) Only qualified voters as determined by Education Law (Section 2012) may vote at any District meeting or election.
- i) No electioneering will be allowed within one hundred (100) feet of the polling place.
- j) When a term of office expires at the end of a school year and the office has become vacant at the time of election, the person elected to fill the new full term vacancy also fills the remaining days of the previous term, beginning his/her term of office immediately upon election.

Education Law Sections 2004, 2013, 2018, 2025,
2029, 2031-a, 2032, 2034(7)(d), 2105(14), and 2121

Adopted: 8/19/04

By-Laws

SUBJECT: REPORTING OF EXPENDITURES

Each candidate for the position of member of the Board of Education whose expenses exceed five hundred dollars (\$500) must file a statement accounting for his/her campaign expenditures and contributions with the District Clerk and an additional statement with the Commissioner of Education. In the event the expenses do not exceed five hundred dollars (\$500), then a sworn statement to that effect must be filed with the District Clerk. The first statement shall be filed ten (10) days before the election. The second statement shall be filed within twenty (20) days after the election. All statements must be sworn before a notary public, a commissioner of deeds, a lawyer or a public official authorized by New York State law to administer oaths.

Education Law Sections 1528 and 1529

Adopted: 8/19/04

By-Laws

SUBJECT: POWERS AND DUTIES OF THE BOARD

As a Central School District, the Board of Education shall have powers and duties as set forth in New York State Education Law, principally Articles 33, 35 and 37, and other applicable Federal and State laws and regulations. In general, the Board shall have in all respects the superintendence, management and control of the educational affairs of the District and shall have all the powers necessary to exercise these powers expressly granted to it by the laws of New York State and the Commissioner of Education.

Education Law Sections 1604, 1709 and 1804

NOTE: Refer also to Policy #6540 -- Defense and Indemnification of Board Members and Employees

Adopted: 8/19/04

By-Laws

SUBJECT: NOMINATION AND ELECTION OF BOARD OFFICERS

Officers of the Board of Education shall be nominated and elected by the simple majority of the Board at its Annual Organizational Meeting for a term of one (1) year. They will take their oath as officers at this meeting along with newly elected members.

The elected officers of the Board of Education are:

- a) President;
- b) Vice President.

Education Law Sections 1701 and 2105(6)

Adopted: 8/19/04

By-Laws

SUBJECT: DUTIES OF THE PRESIDENT OF THE BOARD OF EDUCATION

The President's duties include the following:

- a) Presides at all meetings of the Board;
- b) Calls special meetings as necessary or on request;
- c) Appoints members to all committees of the Board;
- d) Serves ex-officio as a member of all committees;
- e) Executes documents on behalf of the Board;
- f) Performs the usual and ordinary duties of the office.

Education Law Section 1701

Adopted: 8/19/04

By-Laws

SUBJECT: DUTIES OF THE VICE PRESIDENT OF THE BOARD OF EDUCATION

The Board of Education may, in its discretion, elect one (1) of its members Vice President who shall have the power to exercise the duties of the President in case of the absence or disability of the President. In case of vacancy in the office of the President, the Vice President shall act as President until a President is elected.

Education Law Section 1701

Adopted: 8/19/04

SUBJECT: APPOINTMENTS AND DESIGNATIONS BY THE BOARD OF EDUCATION**Appointments**

The Board is authorized to appoint individuals to positions which will facilitate the meeting of its responsibilities to the State, the School System, and the community. These appointments usually take place at the Annual Organizational Meeting.

The following shall be appointed annually:

- a) District Clerk;
- b) District Treasurer;
- c) Deputy Treasurer;
- d) Tax Collector and Deputies;
- e) District Auditor (independent);
- f) Treasurer, Extraclassroom Activities Account.

The following must be appointed but need not be reappointed annually:

- a) Census Enumerator and assistants;
- b) District Physician;
- c) Supervisors of Attendance;
- d) Committee on Special Education and Committee on Preschool Special Education;
- e) Records Access/Management Officer;
- f) AHERA Local Educational Agency (LEA) designee;
- g) Title IX/Section 504/ADA Compliance Officer.
- h) Liaison for Homeless Children and Youth.

(Continued)

By-Laws

**SUBJECT: APPOINTMENTS AND DESIGNATIONS BY THE BOARD OF EDUCATION
(Cont'd.)**The following may also be appointed:

- a) School Attorney;
- b) Internal Claims Auditor;
- c) Insurance Advisor.

Designations

The following designations shall be made by the Board of Education at the Annual Organizational Meeting in July:

- 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 to receive court notification regarding a student's sentence/adjudication in certain criminal cases and juvenile delinquency proceedings.

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 Section 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.

Education Law Sections 305(31) and 1709
McKinney - Vento Homeless Assistance Act,
Section 722, as reauthorized by the No Child Left
Behind Act of 2001

Adopted: 8/19/04

By-Laws

SUBJECT: DUTIES OF THE DISTRICT CLERK

The District Clerk will be appointed by the Board at its Annual Organizational Meeting and will serve for a period of one (1) year. The Clerk's duties include the following:

- a) Attends all meetings of the Board and keeps a record of its proceedings and records, by name, those in attendance;
- b) Prepares minutes of the meetings of the Board, obtains approval of the minutes by the Board at the next meeting, signs the minutes to signify their official standing and forwards copies of the minutes to each member of the Board of Education;
- c) Sends notices of special meetings to members of the Board; contacts and communicates with members as required;
- d) Sees that the proper legal notices and announcements are published on all specifications and items out on bid, in accordance with state law;
- e) Maintains an up-to-date record of Board policies and by-laws;
- f) Delivers to, and collects from, the President (or Vice President) such papers for signature as may be necessary;
- g) Distributes notices to the public announcing availability of copies of the budget to be presented at the annual District meeting in compliance with the requirements of the State Education Law;
- h) Administers oaths of office, as required by Section 10, Public Officers Law;
- i) Gives written notice of appointment to persons appointed as inspectors of election;
- j) Calls all meetings to order in the absence of the President and Vice President;
- k) Assumes other duties customary to the office.

The above duties of the District Clerk are not intended to be complete but should 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.

Education Law Section 2121
Public Officers Law Section 104

Adopted: 8/19/04

By-Laws

SUBJECT: DUTIES OF THE SCHOOL DISTRICT TREASURER

The Treasurer is appointed by the Board of Education at the Annual Organizational Meeting and will be covered by a blanket bond. In addition to the routine duties of accounting, filing, posting and preparing reports and statements concerning District finances, the District Treasurer shall perform other specific tasks as follows:

- a) Acts as custodian of all moneys belonging to the School District and lawfully deposits these moneys in the depositories designated by the Board;
- b) Pays all authorized obligations of the District as directed;
- c) Maintains proper records and files of all checks, and approved payment of bills and salaries;
- d) Makes all such entries and posts all such financial ledgers, records and reports as may be properly required to afford the District an acceptable and comprehensive financial accounting of the use of its moneys and financial transactions;
- e) Signs all checks drawn on District fund accounts;
- f) Assumes other duties customary to the office.

Duties-Education Law Section 2122
Bond-Education Law Section 2130, Part 5
8 New York Code of Rules and Regulations
(NYCRR) Sections 170.2(o) and (p)

Adopted: 8/19/04

By-Laws

SUBJECT: DUTIES OF THE TAX COLLECTOR

The Tax Collector is appointed annually by the Board of Education and shall be covered by a bond. It shall be the responsibility of the District Tax Collector to perform the following duties:

- a) Prepares and mails tax notices;
- b) Uses suitable printed tax receipt forms as prescribed by the State Tax Commission;
- c) Collects taxes in the amount of the warrant, upon the issuance of the tax warrant by the Board of Education and penalty fees in accordance with the terms of such warrant;
- d) Turns over daily to the School District Treasurer all money collected by virtue of any tax list and warrant issued;
- e) Submits 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;
- f) Turns over to the County Treasurer, prior to November 15, a list of unpaid taxes;
- g) Carries out such other duties of the position as prescribed in the Real Property Tax Law.

Education Law Sections 2126 and 2130
Real Property Tax Law Sections 922, 924, 1322,
1330, and 1338

Adopted: 8/19/04

By-Laws

SUBJECT: DUTIES OF THE INDEPENDENT AUDITOR

The Board by law shall obtain an annual audit of its records by an independent certified public accountant or an independent public accountant, and a copy of the certified audit in a form prescribed by the Commissioner must be accepted by the Board and furnished annually to the State Education Department.

Education Law Section 2116-a
8 New York Code of Rules and Regulations
(NYCRR) Sections 170.2 and 170.3

Adopted: 8/19/04

By-Laws

SUBJECT: APPOINTMENT AND DUTIES OF THE INTERNAL CLAIMS AUDITOR

The Board may appoint an internal claims auditor who shall hold the position subject to the pleasure of the Board. No person shall be eligible for appointment to the office of internal claims auditor who shall be:

- a) A member of the Board;
- b) The Clerk or Treasurer of the Board;
- c) The official of the District responsible for business management;
- d) The Purchasing Agent;
- e) Clerical personnel directly involved in accounting and purchasing functions.

Valid claims against the District shall be paid by the Treasurer only upon the approval of the internal auditor. The internal auditor shall determine:

- a) That the proposed payment is for a valid and legal purpose;
- b) That the obligation was incurred by an authorized District official;
- c) That the items for which payment is claimed were in fact received or, in the case of services, that they were actually rendered;
- d) That the obligation does not exceed the available appropriation; and
- e) That the submitted voucher is in proper form, mathematically, correct, does not include previously paid charges, and is in agreement with the purchase order or contract upon which it is based.

The internal auditor shall meet all such other requirements as may be established by the Regulations of the Commissioner of Education and/or the Comptroller of the State of New York.

Education Law Section 1709(20-a)

Adopted: 8/19/04

By-Laws

**SUBJECT: DUTIES OF THE EXTRACLASSROOM ACTIVITIES FUNDS
TREASURER(S)**

The Extraclassroom Activities Funds Treasurer is appointed by the Board of Education and is responsible for the supervision of the extraclassroom activities funds.

The Treasurer's duties include the following:

- a) Countersigns all checks disbursing funds from the Extraclassroom Activities Account;
- b) Provides general supervision to ensure that all receipts are deposited and that disbursements are made by check only;
- c) Maintains records of all receipts and expenditures;
- d) Submits records and reports to the Board as required;
- e) Assumes other duties customary to the position.

8 New York Code of Rules and Regulations
(NYCRR) Part 172

Adopted: 8/19/04

By-Laws

SUBJECT: DUTIES OF THE SCHOOL ATTORNEY

The Board of Education shall employ a School Attorney who shall be responsible to the Board of Education for guidance on all affairs which are of a legal nature, including, but not limited to:

- a) Negotiation of all legal charges and processes for each bond issue and construction and/or reconstruction of new buildings;
- b) Legal counsel on matters referred to him/her to determine legality of procedure;
- c) Matters related to "due process" hearings or procedures.

By-Laws

SUBJECT: DUTIES OF THE SCHOOL PHYSICIAN

The School Physician/Nurse Practitioner shall be appointed by the Board of Education. The duties of the School Physician/Nurse Practitioner shall include, but are not limited to, the following:

- a) Performs professional medical services in the examination and care of school children;
- b) Performs routine examinations of school children to detect the presence of contagious diseases and physical defects;
- c) Serves as an on call member on the Committee on Special Education;
- d) Reports to the Board on school health services;
- e) Coordinates scheduling for physical examinations to all students participating in interscholastic athletics;
- f) Develops the program of health service in accordance with policies approved by the Board and as directed by the Superintendent of Schools;
- g) Conducts physical exams for all bus drivers and substitutes annually (prior to employment);
- h) Conducts physical exams for all new employees (instructional and non-instructional);
- i) Conducts a medical evaluation on any employee at the request of the Board of Education.

Education Law Sections 902 and 913

Adopted: 8/19/04

By-Laws

SUBJECT: POLICY

The Board of Education shall reserve to itself the function of providing guides for the discretionary action of those to whom it delegates authority. The Superintendent shall act as an advisor to the Board in the adoption and approval of written Board policies. The Board shall seek input from the staff and community where appropriate. These guides for discretionary action shall constitute the policies governing the operation of the School System.

The formulation and adoption of these written policies shall constitute the basic method by which the Board of Education shall exercise its leadership in the operation of the School System. The study and evaluation of reports concerning the execution of its written policies shall constitute the basic method by which the Board of Education shall exercise its control over the operation of the School System.

The adoption of a written policy shall occur only after the proposal has been moved, discussed and voted on affirmatively at two (2) separate meetings of the Board of Education (i.e., the "first reading" and the "second reading"). The policy draft may be amended at the second meeting. By a majority vote, the Board may waive the "second reading" and complete the adoption of the proposed policy at its "first reading."

The formal adoption of written Board policy shall be recorded in the official minutes of the Board. Such written Board policy shall govern the conduct and affairs of the District and shall be binding upon the members of the educational community in the District.

It shall be the Board's responsibility to keep its written policies up-to-date so that they may be used consistently as a basis for Board action and administrative decision.

The Superintendent is given the continuing commission of calling to the Board's attention all policies that are out-of-date or for other reasons appear to need revision.

Education Law Sections 1604(9) and 1709(1) and (2)

Adopted: 8/19/04

By-Laws

SUBJECT: EXECUTION OF POLICY: ADMINISTRATIVE REGULATIONS

The Board shall delegate to the Superintendent the function of specifying required actions and designing the detailed arrangements under which the schools will be operated. These rules and these detailed arrangements shall constitute the administrative regulations governing the schools. They must in every respect be consistent with the policies adopted by the Board. The Board shall be kept informed periodically of changes in administrative regulations.

Adopted: 8/19/04

By-Laws

SUBJECT: REVISION OF BY-LAWS AND POLICIES IN EMERGENCIES

An existing by-law or policy of the board may be suspended or amended, or a new by-law or policy adopted by a majority of members present and voting on a resolution introduced at any public meeting of the Board when an emergency exists or is deemed to be imminent.

Said resolution shall expire automatically at the first public meeting of the Board following the abatement of the emergency.

An emergency shall be defined as a disruption of the educational program or a threat to the safety of security of the students or staff as a result of a man-made or natural occurrence.

Adopted: 8/19/04

By-Laws

SUBJECT: REGULAR BOARD MEETINGS

All Board of Education meetings must be open to the public except those portions of the meetings which qualify as executive sessions. A "meeting" is defined as an official convening of a public body for the purpose of conducting public business and a "public body" is defined as an entity of two (2) or more persons which requires a quorum to conduct public business, including committees and subcommittees.

Whenever such a meeting is to take place, there must be at least seventy-two (72) hours advance notice in accordance with the provisions of the Open Meetings Law. Notice of other meetings shall be given as soon as is practicable in accordance with law.

If videoconferencing is used to conduct a meeting, the public notice for the meeting shall inform the public that videoconferencing will be used, identify the locations for the meeting, and state that the public has the right to attend the meeting at any of the locations.

Regular meetings of the Board of Education of Marlboro Central School District shall take place on the day and time designated by the Board at the Annual Organizational Meeting, except as modified at subsequent meetings of the Board.

It is the responsibility of the Superintendent to prepare the agenda and review it with the Board President for each meeting of the Board. The agenda for each meeting shall be prepared during the week prior to the meeting. The agenda shall be distributed to Board members no later than the Friday before such regular meeting. Whenever the President or other members of the Board wish to bring a matter to the attention of the Board, such request should be made to the Superintendent so that the same can be placed on the agenda. Whenever individuals or groups wish to bring a matter to the attention of the Board, such request shall be addressed to the Superintendent. The Superintendent shall present such matter to the Board.

The District Clerk shall notify the members of the Board of Education in advance of each regular meeting. Such notice, in writing, shall include an agenda and the time of the meeting.

In the event that a meeting date falls on a legal holiday, interferes with other area meetings, or there is an inability to attend the meeting by Board members to the extent that a quorum would not be present, the Board shall select a date for a postponed meeting at the previous regular meeting, and shall direct the Clerk to notify all members.

Any meeting of the Board may be adjourned to a given future date and hour if voted by a majority of the Board present.

(Continued)

SUBJECT: REGULAR BOARD MEETINGS (Cont'd.)

The Superintendent and members of his/her staff at the Superintendent's discretion shall attend all meetings of the Board. The Superintendent shall attend all executive session meetings of the Board except those that concern his/her evaluation and salary determination. The Board may request the attendance of such additional persons as it desires.

Public Officers Law Article 7
Education Law Section 1708

NOTE: Refer also to Policy #1520 -- Special Meetings of the Board of Education

SUBJECT: AGENDA FORMAT

For regular Board meetings, the following format is used:

- a) Call to order, roll call, Pledge of Allegiance to the flag;
- b) Board procedures;
- c) Public participation; (Items not on agenda)
- d) Approval of minutes;
- e) Superintendent's reports;
- f) Action items;
- g) Reports;
- h) Discussion time;
- i) Board communications and concerns;
- j) Adjournment.

For special and emergency meetings, the regular meeting agenda format shown above may be shortened and/or adapted to fit the purpose of the meeting.

Education Law Section 1606
Public Officers Law Section 104(2)

Adopted: 8/19/04

By-Laws

SUBJECT: SPECIAL MEETINGS OF THE BOARD OF EDUCATION

Special meetings of the Board shall be held on call by any member of the Board. A reasonable and good faith effort shall be made by the Superintendent or the Board President, as the case may be, to give every member of the Board twenty-four (24) hours notice of the time, place and purpose of the meeting. All special meetings shall be held at a regular meeting place of the Board and/or in accordance with provisions of the Open Meetings Law as may be applicable.

In an emergency, the twenty-four (24) hour notice may be waived by having each Board member sign a waiver-of-notice form.

Public notice of the time and place shall be given, to the extent practicable, to the news media and shall be conspicuously posted in one (1) or more designated public locations at a reasonable time prior to the meeting.

Public Officers Law Sections 103 and 104

NOTE: Refer also to Policy #1510 -- Regular Board Meetings

Adopted: 8/19/04

By-Laws

SUBJECT: ANNUAL DISTRICT MEETING AND ELECTION/BUDGET VOTE

Pursuant to law, the Annual District Meeting and Election/Budget Vote for the School District will be held on the third Tuesday in May. At this time, the District's registered voters will elect members of the Board of Education and will also vote on the District Budget for the upcoming school year. However, in the event that the third Tuesday in May conflicts with a religious holiday, the School Board may petition the Commissioner of Education to obtain permission to hold the Annual Meeting and Election/Budget Vote on the second Tuesday in May. Such request from the Board of Education must be certified and received by the Commissioner no later than March 1.

The District Clerk shall give notice of the time and place of holding the Annual Meeting and Election/Budget Vote by publishing such notice four (4) times within seven (7) weeks preceding the meeting. The first publication of the notice must be at least forty-five (45) days prior to the meeting. Such notice must appear in two (2) newspapers, if there are two (2) newspapers which have a general circulation within the District, or one (1) newspaper, if there is one (1) newspaper with a general circulation within the District. The notice shall also contain such other information as required by law.

Copies of the proposed annual operating budget for the succeeding year to be voted upon at the Annual Meeting and Election shall be available to District residents, on request, in each District school building during certain designated hours on each day other than a Saturday, Sunday or holiday during the fourteen (14) days preceding such Annual Meeting. The availability of this budget information shall be included in a legal notice of the Annual Meeting; and such copies of the proposed budget will also be available to District residents at the time of the Annual Meeting and Election.

Education Law Sections 1608, 1716, 1804(4), 1906(1),
2003(1), 2004(1), 2017(5) and (6), 2022(1),
and 2601-a(2)

NOTE: Refer also to Policy #1640 -- Absentee Ballots

Adopted: 8/19/04

By-Laws

SUBJECT: BUSINESS OF THE ANNUAL DISTRICT ELECTION

The Board of Education will appoint a qualified voter as chairperson of the Annual District Meeting and Election/Budget Vote.

The chairperson will call the Annual District Meeting to order and proceed to the following order of business:

- a) Designation of District Clerk as clerk of the election and assistant clerks;
- b) Designation of tellers and/or inspectors of election as previously appointed by the Board;
- c) Reading of notice of call of the election by the Clerk;
- d) Opening of the booths for voting;
- e) Closing of the booths;
- f) Receiving the report of the Clerk of the results of the elections;
- g) Adjournment.

Education Law Sections 1716 and 2025

Adopted: 8/19/04

By-Laws

SUBJECT: ANNUAL ORGANIZATIONAL MEETING

The Annual Organizational Meeting of the Board of Education shall be held on the first Tuesday in July of each year, unless that day is a legal holiday, in which event it shall be held on the first Wednesday in July.

The Board may pass a resolution, however, to hold its Annual Organizational Meeting at any time during the first fifteen (15) days of July.

Education Law Section 1707

Adopted: 8/19/04

By-Laws

SUBJECT: LEGAL QUALIFICATIONS OF VOTERS AT SCHOOL DISTRICT MEETINGS

A person shall be entitled to register and vote at any school meeting for election of members of the Board of Education, and upon all matters which may be brought before such meeting, who is:

- a) A citizen of the United States;
- b) Eighteen (18) years of age or older;
- c) A resident within the District for a period of thirty (30) days next preceding the meeting at which he/she offers to vote.

Any person who would not be qualified to register or vote under the provisions of Sections 5-100 and 5-106 of the Election Law shall not have the right to register for or vote in an election.

Education Law Section 2012 and 2603
Election Law Article 5

Adopted: 8/19/04

By-Laws

SUBJECT: ABSENTEE BALLOTS

The Board of Education authorizes the District Clerk or a Board designee (the latter only if the District does not provide for the personal registration of voters) to provide absentee ballots to qualified District voters. Absentee ballots shall be used for the election of School Board members, School District public library trustees, the adoption of the annual budget and School District public library budget and referenda.

A District voter must request in advance an application for an absentee ballot. The voter must complete the application and state the reason he/she will not be able to appear in person on the day of the District election/vote for which the absentee ballot is requested. The application must be received by the District Clerk or Board designee at least seven (7) days before the election/vote if the ballot is to be mailed to the voter, or the day before the election/vote if the ballot is to be delivered personally to the voter.

Pursuant to the provisions of Education Law, a qualified District voter is eligible to vote by absentee ballot if he/she is unable to appear to vote in person on the day of the School District election/vote because:

- a) He/she is or will be a patient in a hospital, or is unable to appear personally at the polling place on the day of the election/vote because of illness or physical disability;
- b) He/she has duties, occupation or business responsibilities, or studies which require being outside of the county or city of residence on the day of the School District election/vote;
- c) He/she will be on vacation outside of the county or city of residence on the day of such District election/vote;
- d) He/she will be absent from the voting residence due to detention in jail awaiting action by a grand jury or awaiting trial, or is confined in prison after conviction for an offense other than a felony; or
- e) 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.

(Continued)

SUBJECT: ABSENTEE BALLOTS (Cont'd.)

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.

Education Law Sections 2014, 2018-a and -b, and 2613

Adopted: 8/19/04

By-Laws

SUBJECT: SUBMISSION OF QUESTIONS AND PROPOSITIONS AT ANNUAL ELECTIONS AND SPECIAL DISTRICT MEETINGS**Questions and Propositions at Annual District Elections**

The following rules and regulations shall apply to the submission of the questions or propositions at the annual elections or special district elections of this School District.

- a) Questions or propositions shall be submitted by petition directed to the Clerk of the School District and shall be signed by twenty-five (25) qualified voters, or five percent (5%) of the registered voters of the District who voted in the previous annual election of Board members, whichever is greater.
- b) A separate petition shall be required for each question or proposition.
- c) Each petition shall be filed with the Clerk of the School District. Petitions relating to an Annual Election must be filed not later than thirty (30) days preceding the election at which the question or proposition is to be voted upon.
- d) Questions or propositions submitted in accordance with these rules and accepted will be printed on the ballot for the voting machine.
- e) The Board of Education shall cause the rules and regulations set forth in this policy to be distributed within the District.
- f) Nothing herein contained shall affect the nominations of candidates as set forth in the Annual District Election notice pursuant to Section 2018 of the Education Law.

Questions or Propositions to be Submitted at Special District Meetings

The procedure for requesting the Board of Education to call a Special District Meeting to vote on a question or proposition shall be in accordance with subdivision 2 of Section 2008 of the Education Law.

Education Law Sections 2008 and 2035(2)

Adopted: 8/19/04

By-Laws

SUBJECT: QUORUM

The quorum for any meeting of the Board shall be four (4) members. No formal action shall be taken at any meeting at which a quorum is not present. When only a quorum exists, the Board shall act by unanimous vote unless otherwise required by the laws of the State of New York.

General Construction Law Section 41

Adopted: 8/19/04

By-Laws

SUBJECT: MINUTES

The minutes are a legal record of the activities of the School Board as a public corporation having the specified legal purpose of maintaining public schools. The minutes of all meetings shall be kept by the Clerk or, in his/her absence, by the Superintendent or his/her designee. The minutes shall be complete and accurate and stored in a minutes file. However, minutes of executive sessions need not include any matter which is not required to be made public by the Freedom of Information Law.

The minutes of each meeting of the Board of Education shall state:

- a) The type of meeting;
- b) The date, time of convening, and adjournment;
- c) Board members present and absent;
- d) Board members' arrival and departure time, if different from opening or adjournment times;
- e) All action taken by the Board, with evidence of those voting in the affirmative and the negative, and those abstaining;
- f) The nature of events that transpire, in general terms of reference.

Communications and other documents that are too long and bulky to be included in the minutes shall be referred to in the minutes and shall be filed in the District Office.

All Board minutes shall be signed by the District Clerk when approved and stored in a locked room or locked file cabinet. Unless otherwise provided by law, minutes shall be available to the public within two (2) weeks following the date of a meeting; draft copies, so marked, are acceptable, subject to correction. If action is taken by a formal vote in executive session, minutes will be taken and shall be available to the public within one (1) week of the date of the executive session.

Education Law Section 2121
Public Officers Law Section 106

Adopted: 8/19/04

By-Laws

SUBJECT: BROADCASTING AND RECORDING OF BOARD MEETINGS

The use of any recording device at public meetings of the Board of Education or committee appointed thereby is permissible as long as the device is unobtrusive and will not distract from the true deliberative process of the Board. The Board President or chairperson of the committee shall be informed prior to the meeting that such recording(s) are being made.

The Board and/or the committee reserve the right to direct that a recording be made to ensure a reliable, accurate, and complete account of Board meetings.

The Board also reserves the right to request a copy of the recording being made, from the person(s) or organization(s) making the recording

The Board permits the broadcasting of public meetings of the Board or any of its committees as long as such broadcasting is done in a manner which is unobtrusive and does not interfere with the deliberative process of the body.

By-Laws

SUBJECT: EXECUTIVE SESSIONS

Upon a majority vote of its total membership, taken in an open meeting pursuant to a motion identifying the area or areas of the subject or subjects to be considered, the Board of Education may conduct an executive session for discussion of the below enumerated purposes only, provided, however, that no action by formal vote shall be taken except on an Education Law Section 3020-a probable cause finding. For all other purposes, the action by formal vote shall be taken in open meeting and properly recorded in the minutes of the meeting.

- a) Matters that will imperil the public safety if disclosed;
- b) Any matter that may disclose the identity of a law enforcement agent or informer;
- c) Information relating to current or future investigation or prosecution of a criminal offense that would imperil effective law enforcement if disclosed;
- d) Discussions regarding proposed, pending or current litigation;
- e) Collective negotiations pursuant to Article 14 of the Civil Service Law;
- f) Medical, financial, credit or employment history of any particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of any particular person or corporation;
- g) Preparation, grading or administration of examinations;
- h) 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.

Matters discussed in executive sessions must be treated as confidential; that is, never discussed outside of that executive session.

Public Officers Law Article 7
Education Law Section 3020-a

Adopted: 8/19/04