

## BOARD OPERATIONAL GOALS

The Board of Education, as a legally constituted body of elected representatives, has the important 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 hereby establishes as its goals:

1. to work closely with the community to ensure that Board actions and performance take into consideration the concerns and aspirations of the community;
2. to identify the educational and technological needs of the community and industry, and to transform such needs into programs aimed at stimulating students and preparing them for future careers within budgetary constraints;
3. to employ a Superintendent of Schools capable of ensuring that the district maintains its position as an outstanding school system, and that school personnel carry out the policies of the Board with energy and dedication;
4. to provide leadership in order that goals and objectives of the district, as set forth by the Board, can be effectively carried out. Board action should be confined to policy-making, planning and appraisal with the Board delegating authority to the Superintendent for the implementation of policies; and
5. to evaluate the Board's performance in relation to these goals, and to establish and clarify policies based upon the results of such evaluation.

Note: Policy added; incorporates prior policy 8110

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## SCHOOL BOARD LEGAL STATUS

The Board of Education is a five-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. It exists as a unit and it cannot evade its responsibilities or give away its powers. 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.

Note: Policy added, incorporating prior policies, 2120, 8100, 8121, and 8200

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

Adoption date: July 7, 2009

## SCHOOL BOARD ELECTIONS

The elections of members of the Board of Education shall be held on the third Tuesday in May, unless this date conflicts with religious observances on that day, in which case it shall be held on the second Tuesday in May. 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.

The District Clerk will supervise the procedure used to establish the order of names on the ballot. The Board may reject nominations if the candidate is ineligible or has declared an unwillingness to serve.

If a candidate's campaign expenditures exceed \$500, the candidate must file a sworn statement with both the district clerk and the commissioner of education itemizing their expenditures and contributions received. The statement must list the amounts of all money or other valuable things paid, given, expended or promised by the candidate, or incurred for or on the candidate's behalf with his or her approval.

A candidate who spends \$500 or less is only required to file a sworn statement with the district clerk indicated this to be the case. No other campaign expenditure statement is required.

An initial statement must be filed at least 30 days before the election, a second statement must be filed on or before the fifth (5<sup>th</sup>) day preceding the election and a final statement must be filed within 20 days after the election.

Electioneering during the hours of any vote is prohibited within the polling place or within 100 feet of any such polling place. Electioneering includes the display or distribution of any banner, poster, placard, button, or flyer, on behalf of or in opposition to any candidate or issue to be voted upon.

Cross-ref:     1050, Annual Election and Budget Vote  
                   1500, Public Use of School Facilities  
                   6120, Budget Hearing

Ref:     Education Law §§2012; 2014; 2018; 2018-a; 2019-a; 2031; 2031-a; 2035  
           *Appeal of Giuliano*, 37 EDR 572 (1998)

*Appeal of Fitzpatrick*, 30 EDR 124 (1990)  
*Appeal of Heidbrink*, 29 EDR 192 (1989)  
*Appeal of Gasparini*, 23 EDR 25 (1983)

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Update 1, Adoption: July 5, 2016  
Update 2, First Reading: August 22, 2017  
Update 2, Second Reading: September 12, 2017  
Update 2, Adoption: September 12, 2017

## 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 immediately 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, together with the District Clerk 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 in emergency situations whereby the machines are unavailable due to a mechanical failure or state or local law prohibiting their use. If this should arise, paper ballots will be used.

Each voting machine shall have at least two election inspectors appointed by the Board in attendance during all voting hours. It shall be the duty of the District Clerk and assistant clerk or clerks to keep a poll list containing the name and legal residence address of each person before such person is permitted to vote.

Entering a voting machine with another person is prohibited, except upon request from a voter, in which case an election inspector shall be allowed to enter the voting machine with that voter for the sole purpose of assisting that person in the actual manipulation of the voting machine. The election inspector shall not advise or induce such voter to vote on any proposition or candidate, and the election inspector shall never reveal the vote(s) recorded by the voter to any other person at any time.

Write-in ballot slots are required on the voting machines and on all paper ballots for elections. On a paper ballot, one blank space will be provided under the name of the last candidate for each office so that voters may vote for candidates who have not been

nominated for the offices to be filled at the election. There will be as many write-in slots as there are vacancies at the time of election.

The writing in, with a black lead pencil or pen, 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 picked up by the voter. 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.

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; 5-406  
*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)

Note: Policy added, replacing prior policies, 8510 and 8550

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## BOARD MEMBER QUALIFICATIONS

The qualifications of a candidate for the office of member of the Board of Education are that the candidate be:

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 the Board 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 school district; and
7. may not simultaneously hold another incompatible public office.

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

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.

The Board shall also have the power not to fill the vacancy if the vacancy occurs within several months of the Annual Meeting.

Ref: Education Law §§1709(17); 2113

Note: Policy added; refers to prior policy 8121

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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 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 district officers and employees under the provisions of the General Municipal Law. Therefore, every 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 s/he is an officer, director or employee;
3. a corporation in which s/he, directly or indirectly, owns or controls 5% or more of 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.

### Other Conflicts of Interest

1. Gifts: An 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.

2. Confidential information: An 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. This includes matters discussed in executive session. However, the Board, acting as a whole, may decide to disclose such information where disclosure is not prohibited under the law.
3. Representation before the Board or District: An 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 concerning the Hampton Bays school district.
4. Disclosure of interest in matters before the Board: An officer or employee of the district, whether paid or unpaid, who participates in the discussion or gives official opinion to the Board on any matter before the Board shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest he or she has in such matter. The term "interest" means a pecuniary or material benefit accruing to an officer or employee.
5. Investments in conflict with official duties: An 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 conflict of interest law can be found in Section 802 of the General Municipal Law.
6. Private employment: An officer or employee shall not accept other employment or engage in any business transaction or make any investments directly or indirectly which create a conflict with his or her official duties.
7. Future employment: An 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.

#### 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

Note: Policy added, incorporating parts of prior policy 8290

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## **BOARD ANNUAL ORGANIZATIONAL MEETING**

The Board of Education recognizes its obligation to hold an annual organizational meeting for the purpose of electing officers of the Board and make the proper appointments and designations of other district officers and 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 or on another date selected by the Board 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 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 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 the District Clerk shall 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 the following district officers who shall be required who shall be required to take the oath of office:

- a. District Clerk
- b. District Treasurer
- c. Deputy Treasurer
- d. Claims Auditor

### IV. Appointment of Other Positions

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

- a. School Physician
- b. Insurance Consultant

- c. District Auditor (External)
- d. Internal Auditor
- e. Title IX/Title VII Complaint Officer
- f. Section 504/ADA Complaint Officer(s)
- g. Title VI, and Equal Employment/Educational
- h. Opportunity (EEO) Officer
- i. Central Treasurer for Extraclassroom Activity Fund Account
- j. Committee on Special Education/Preschool Special Education
- k. School Attorney
- l. Records Access Officer
- m. Records Appeal Officer
- n. Records Management Officer
- o. Asbestos Designee
- p. Homeless Liaison

V. Designations

The Board shall designate:

- a. Banks as Depositories for district funds
- b. Official monthly meeting – date, time and place
- c. Official district newspaper(s)

VI. Authorizations:

The Board shall authorize:

- a. Superintendent and designee to certify payrolls
- b. Superintendent to act as school purchasing agent
- c. establish petty cash funds (and to set amount of such funds)
- d. Superintendent to approve budget transfers
- e. Superintendent to authorize conference and travel expenses
- f. Superintendent to sign School Lunch Claims
- g. District Clerk to publish Financial Reports
- h. District Treasurer to make investments
- i. Business Administrator to initiate Tax Anticipation Note

VII. Bonding

The Board shall purchase a Blanket Bond to include the Treasurer and Deputy Treasurer.

VIII. Approvals

- a. Minutes of Previous Meeting

IX. Other Business

Cross-ref: 2310, Regular Meetings  
5252, Student Activities Funds Management

Ref: New York State Constitution, Article XIII, §1  
General Municipal Law §103(2) (official newspapers)  
Public Officers Law §§10; 13; 30  
Education Law §§ 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)

Note: Prior policy, 8340

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## **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 other members 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 consult with the Superintendent in planning the Board's agenda; to confer with the Superintendent on crucial matters that may occur
7. between Board meetings;
8. to be public spokesman for the Board at all times except as this responsibility is specifically delegated to others;
9. to be responsible for the orderly conduct of all Board meetings; and
10. to perform the usual and ordinary duties of the office.

**As presiding officer at all meetings of the Board, the President of the Board will:**

1. Call the meeting to order at the appointed time.
2. Announce the business to come before the Board in its proper order.
3. Enforce the Board's policies relating to the order of business and conduct of meetings
4. Recognize persons who wish to speak, and protect the speaker who has the floor from disturbance or interference.
5. Explain the effect a motion would have if it is not clear to members.
6. Restrict discussion to the question when a motion is before the Board.
7. Answer parliamentary inquiries, referring questions of legality to the Board Attorney, if necessary.
8. Put motions to a vote, stating definitely and clearly the vote and result thereof

The President will have the right, as other Board members have, to offer resolutions, discuss questions, and to vote.

### **Duties of the Vice-President of the Board**

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

**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

**Note:** Prior policies, 8210 and 8220, combined

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## APPOINTED BOARD OFFICIALS

### District Clerk

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

1. keep an accurate record of the proceedings of the Board of Education and shall submit a copy of the proceedings to each Board member and the Superintendent of Schools;
2. file all correspondence and records relating to matters of the school district, involving the Board;
3. prepare and arrange publication of legal notices;
4. attend all meetings of the Board when requested;
5. perform duties pertaining to the preparation for, and conduct of district elections, budget votes, and special district referenda and elections;
6. prepare agenda booklets for all meetings including back-up material, financial reports, treasurer's reports, etc.;
7. sign treasurer's reports;
8. keep policy books up to date;
9. administer the Oath of Office for all Board members and school district officers; and
10. keep and preserve all records, books, and papers belonging to the District Clerk's office and deliver the same to her/his successor;
11. perform any other work requested of him/her by the Board or the Superintendent.

### District Treasurer

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

1. act as custodian of all monies belonging to the district;
2. receive all monies belonging to the district and issue receipt for same;
3. deposit monies received in banks designated by the Board;
4. be bonded in such sum as shall be required before entering into the duties of the office;
5. pay out district monies on written order of officials of the Board; and
6. give detailed accounts of monies received and disbursed.

Ref: Education Law §§2121; 2122; 2130

Note: Prior policies, 2221, 8230 and 8240, revised

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## CITIZENS ADVISORY COMMITTEES

The Board of Education recognizes that it can beneficially utilize the talents, resources, and interests available among district residents to assist in developing the programs needed for the maintenance of a quality educational program in the schools of the district. To that end, the Board shall, at its discretion and in accordance with state law and regulation, appoint Citizens Advisory Committees of representative residents of the district to meet with the Board to provide advice and reaction about important matters before the Board which may have special significance for the community.

Each citizens committee organized by the Board shall be appointed and discharged by official Board resolutions. Resolutions appointing such committees shall state specifically the scope of the work of the committee.

Appointments to Citizens Advisory Committees shall be on the basis of interest, experience, expertise, and concern. No one shall be appointed as a representative of a specific group or area, unless it is the express purpose of the Board to have all areas of the community represented, in which case the Board will, in its discretion, appoint representative members of every such group or area. The Board shall make every effort to form a committee that is representative of the entire community.

Committees shall report all suggestions and recommendations to the Board and Superintendent of Schools prior to public release. Final reports shall be delivered to the Board at a meeting scheduled by the Board to receive the report.

The Board may accept, reject, or return committee recommendations for further study. Any action stemming from committee reports is the responsibility of the Board. Publicity or the release of information, concerning committee findings shall be the responsibility and the prerogative of the Board. Advisory committees shall be discontinued upon completion of their assignment(s).

Ref: Education Law §§4402; 4601  
8 NYCRR §135.3(2)

Note: Policy added

Adoption date: July 7, 2009

## SCHOOL ATTORNEY

The Board of Education shall retain legal counsel who shall be appointed at the Annual Organizational Meeting of the Board of Education. The President of the Board, or the Superintendent of Schools or his/her designee, may contact the counsel on legal matters affecting the operation of the school district.

### Selection of a School Attorney

The district, when seeking to retain a School Attorney, may first locate prospective qualified lawyers/law firms by doing one or more of the following:

1. advertising in trade journals;
2. checking listings of lawyers/law firms; or
3. making inquiries of other districts or other appropriate sources.

The district will prepare a written request for a proposal which will contain critical details of the services sought and submit this request to prospective applicants every 5 years.

In selecting a School Attorney, the district will consider the cost of a retainer (or hourly fee), as well as such other factors as:

1. the special knowledge or expertise of the lawyer/law firm;
2. the quality of the service provided by the lawyer/law firm;
3. the staffing of the lawyer/law firm; and
4. the lawyer's/law firm's suitability for the district's needs.

The district will maintain documentation of the written proposals submitted by lawyer/law firm applicants for the position of School Attorney.

Generally, communications between the school attorney and district personnel will be directed through the Superintendent of Schools or the President of the Board of Education.

Note: Policy added replacing prior policy, 8250 and 8251, absorbed Policy 2271

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## COMMUNICATIONS WITH THE SCHOOL ATTORNEY

Except in unusual circumstances, all communications between the school attorney and district personnel will be directed through the Superintendent of Schools or the President of the Board of Education. If inquiries are addressed directly to the attorney by other district personnel, responses, in writing, will be channeled through the Superintendent or the President of the Board.

Note: Prior policy, 8251

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## SCHOOL BOARD MEETINGS

The Board of Education shall hold various types of meetings, including:

**Regular Meetings:** the official, legal action meeting or meetings held each month, also referred to as a Business meeting.

**Special Meetings:** an official, legal action meeting other than the annual meeting and the regular meeting of the Board. This meeting is usually called for an emergency or urgent purpose, or as agreed upon at previous regular or special meetings. The special meeting may be called by any Board member and held at a time and place specified in the notice for the meeting.

**Work Sessions:** a public meeting to plan, brainstorm and discuss issues without taking formal action. The Board may schedule work sessions from time to time in order to provide its members and the central administrative staff time with just such opportunities. All of the above meetings and meetings of standing committees are meetings that are open to the public as defined by Article 7 of the Public Officers Law. The Board may adjourn to an executive session during any of the above public meetings.

**Notice of Meetings:** For regular and scheduled special meetings of the Board of Education, the District Clerk shall give adequate notice to all members and to the community. If a meeting is scheduled at least a week in advance, notice will be given 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 or less in an emergency. The Board members may be asked to sign a waiver of notice. When a meeting is scheduled less than a week in advance the Board shall provide public notice to the extent practicable. Said notice shall be communicated to the media and conspicuously posted in one or more designated public locations.

**Executive Sessions:** are sessions within a public meeting at which only the members of the Board and persons requested by the Board are present. The public is excluded from an executive session. The subjects which can be discussed 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.

Combined: 2310-Regular Meetings; 2320-Special Meetings; 2330-Executive Meetings; 2340-Notice of Meetings

Ref: Open Meetings Law, Public Officers Law §§100m et, seq.

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## 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. There shall be an agenda for each regular Board meeting.

Board members are permitted to participate in the 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 Annual Organizational Meeting  
2340, Notice of Meetings

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

Original Adoption Date: July 7, 2009  
Update 1, First Reading: July 2, 2013  
Update 1, Second Reading: August 13, 2013  
Update 1, Adoption date: August 13, 2013

## SPECIAL MEETINGS

A special meeting of the Board may be called by any member or the Superintendent of Schools upon 24 hours notice.

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.

Note: Policy added, replacing prior policy 8343

Adoption date: July 7, 2009

## 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. 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.

The vote to go into executive session shall be detailed enough to allow the public to understand the topic the Board will be discussing, without disclosing specifics. Discussion in executive session shall be limited to the topic(s) identified in the motion.

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

Individual Board members, acting on their own, shall not disclose matters discussed in executive session. However, the Board, acting as a whole, may decide to disclose such information where disclosure is not prohibited under the law.

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.

Cross-ref: 2160, Code of Ethics

Ref: Education Law §1708 (3)  
Public Officers Law §§100 et seq.  
Formal Opinion of Counsel No. 239, 16 EDR 457 (1976)  
*Application of the Board of Education*, 57 EDR Dec. No. 17,147 (2017)  
*Application of Nett and Raby*, 45 EDR 259 (2005)

Note: Policy added incorporating prior policy, 8342.2

Original Adoption date: July 7, 2009  
Update 1, First Reading: June 12, 2018  
Update 1, Second Reading: July 10, 2018  
Update 1, Adoption: July 10, 2018

## 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.

If a meeting is scheduled at least a week in advance, notice will be given 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 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 any of the locations.

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

Original Adoption Date:	July 7, 2009
Update, First Reading:	July 2, 2013
Update, Second Reading:	August 13, 2013
Update, Adoption date:	August 13, 2013

## AGENDA PREPARATION AND DISSEMINATION

The agenda is a device to ensure the orderly conduct of business at a Board meeting, to allow prior notification of items to be considered and to provide an opportunity for all Board members to be fully involved in the decision making process. It should not be used to restrict the right of any Board member to discuss any topic or to prevent district residents or staff members from placing legitimate concerns before the Board for discussion.

The Superintendent of Schools, in consultation with the Board President shall prepare the agenda for each board meeting according to the order of business.

Items of business may be suggested by the Superintendent, any Board member, the Faculty Association, individual employee, parent, student, or other member of the public.

Requests to place items on the agenda for a specific meeting should be made at least one week in advance of such meeting. Items submitted later than this time period may not be added to the agenda, unless the item is of an emergency nature and authorized by the Superintendent in consultation with the Board President.

It should be recognized that while every resident or staff member has the right to place an item on the agenda of a Board meeting for discussion and possible action, some issues and concerns may better be dealt with through other channels or may require prior discussion at other levels before Board consideration. The Superintendent, with the approval of the Board President, may request that an individual pursue an alternate course of action. However, if the individual insists, the item should be placed on the agenda for Board consideration.

The agenda shall specify whether the item is an action item, a consent item, a discussion item or an information item.

The agenda and any supporting materials will be distributed to board members at least five days in advance of the board meeting, if possible, to permit careful consideration of items of business. The agenda will be released to the news media including local newspapers, radio stations and television stations in advance of the meeting. The agenda will also be available in the Superintendent's office 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

Note: Prior policies, 8342 and 8342.1, combined

Adoption date: July 7, 2009

## BOARD MEETING PROCEDURES

Each Board of Education meeting shall be conducted in an orderly manner which provides time for and encourages community involvement. The Board of Education will use parliamentary procedure according to Robert's Rules of Order, as a guideline. The order of business at each regular meeting may be as follows:

1. Opening Procedures
  - a. Call to Order
  - b. Pledge of Allegiance
  - c. Approval of Agenda
2. Clerk's Report
  - a. Approval of Minutes
  - b. Public Comment
3. Board Recognitions
4. Reports to the Board
5. Business and Finance
6. Student Services
7. Personnel
8. Superintendent's Report
9. Board of Education
10. Public Comment
11. Adjournment

The regular order of business may be changed at any meeting (and for that meeting only) by an affirmative vote of a majority 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 without the necessary and 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.

To make efficient use of meeting time, the Board authorizes the use of a consent agenda as part of its regular meeting agenda. The consent agenda will condense the routine business of the Board (e.g., approving Board minutes, adoption of the agenda, approving CSE/CPSE recommendations, personnel items) into either a single motion or several categorical motions.

Items on a consent agenda will not be discussed prior to action. However, if any Board member believes that any item on the consent agenda requires discussion, the Board member may request that the item be removed from the consent agenda and placed on the regular agenda for consideration.

Note: Prior policy, 8342.1, revised

First Reading:	May 12, 2009
Second Reading:	June 9, 2009
Adoption date:	June 9, 2009
Update 1, Adoption Date:	September 15, 2009

**RULES OF ORDER**

The Board of Education will follow parliamentary procedure according to Robert's Rules of Order, Revised shall be adhered to in conducting a meeting of the Board of Education.

Note: Policy added

Adoption date: July 7, 2009

## MINUTES

The Board of Education believes that open and accurate communication regarding its internal operations enhances the district's relationship with the public 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. 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.

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

Note: Policy added

First Reading: 5/12/09  
Second Reading: 6/9/09  
Adoption date: 6/9/09

## **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 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, where appropriate.

### 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, where appropriate.

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 who 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.

Before acting on any proposed policy, the Board will consider the relevant facts and input, from individuals and groups who will be affected by the policy, and discuss, and decide on the substance of the policy in open meeting.

The Superintendent shall be responsible for insuring that a written draft of all proposed policies is prepared. 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 or advisable to do so. Otherwise it 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 and designees 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.

The board policy manual shall be kept in the district office and made available to the public upon request. A copy of the board policy manual shall also be kept in each school building and any other locale specified by the Board.

Review

The Superintendent shall be responsible for informing the Board of any policies that must be reviewed annually, are out-of-date or in need of revision. In addition, the Board will review the policy manual on a periodic basis and update it as necessary to ensure that the policies are consistent with law and regulations, board goals and district practices.

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

Note: Policy added, replacing prior policy 8321

First Reading:	5/12/09
Second Reading:	6/9/09
Adoption Date:	6/9/09
Effective Date:	6/9/09

## 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) 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 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.

Note: Policy added

Adoption date: July 7, 2009

## SCHOOL BOARD CONFERENCES, CONVENTIONS, WORKSHOPS

In recognition of the need for continuing in-service training and development for its members, the Board of Education encourages the participation of all members in meetings and activities of area, state, and national school boards associations, as well as in the activities of other educational groups. 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.

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:

1. The Superintendent of Schools and District Clerk will compile, maintain, and distribute to each Board member a calendar listing school board conferences, conventions, and workshops, to help the Board decide which meetings appear to be most promising in terms of producing direct and indirect benefits to the school district.
2. The Board will reimburse conference attendees (Board members) for reasonable and necessary expenses not paid for directly by the district (travel, hotel, meals, registration fees).
3. When any Board member attends a conference, convention, or workshop, the member will be requested to share information, recommendations, and materials acquired at the meeting.

Note: Policy added

First Reading: 4/21/09  
Second Reading: 5/12/09  
Adoption date: 5/12/09  
Effective date: 5/12/09