

- Required  
 **Local**  
 Notice

### **BOARD OPERATIONAL GOALS**

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

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

Adoption date: 3/12/13

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### **SCHOOL BOARD LEGAL STATUS**

The Board of Trustees is a three-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 Trustees as a corporation and not that of the members of the Board as individuals.

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

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

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

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

Ref: Education Law §§1601; 1604; 1604-a; 2101; 2105

Adoption date: 3/12/13

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**DEFENSE AND INDEMNIFICATION OF BOARD TRUSTEES AND  
EMPLOYEES**

**Liability Protection Pursuant to Education Law**

The Board of Trustees recognizes its statutory obligation to indemnify School District employees (and in certain circumstances, Board of Trustees members and volunteers) pursuant to the provisions of Education Law Sections 3023, 3028 and 3811. For the purposes of this policy the term “employee” shall be as defined in the applicable statute(s).

The District shall not be subject to the duty to defend unless the employee, within the time prescribed by statute, delivers appropriate notice of the claim to the Board of Trustees.

- a) For purposes of Education Law Section 3811, the employee must give written notice within five (5) days after service of process upon him/her. The statute mandates only written notice of the claim to the Board of Trustees; however, submission of relevant legal documents by the employee to the Board is also encouraged.
- b) For purposes of Education Law Sections 3023 and 3028, the employee must deliver the original or a copy of the relevant legal documents to the Board within ten (10) days after service of process upon him/her.

The District will provide legal defense and/or indemnification for all damages, costs, and reasonable expenses incurred in the defense of an action or proceeding if authorized pursuant to statute and provided that the alleged action or omission which occurred or allegedly occurred is covered by the appropriate statute(s). Furthermore, the District will not be required to provide indemnification protection and/or legal defense unless the employee was, at the time of the alleged incident, acting in the discharge of his/her duties within the scope of his/her employment or authorized volunteer duties and/or under the direction of the Board of Trustees.

**Public Officers Law Section 18**

The Board of Trustees hereby also confers the benefits of New York State Public Officers Law Section 18 upon the “employees” of the District as defined in Public Officers Law Section 18; and the District assumes the liability for the costs incurred in accordance with the provisions of Public Officers Law Section 18. The benefits afforded to District employees under Public Officers Law Section 18 shall supplement and be available in addition to defense or indemnification protections conferred by other enactment or provisions of law.

The term “employees” shall include members of the Board of Trustees; the Superintendent of Schools; District officers; District employees; volunteers

expressly authorized to participate in a District-sponsored volunteer program; or any other person holding a position by election, appointment or employment in the service of the District, whether or not compensated. The term "employee" shall also include a former employee, his/her estate or judicially appointed representative.

Pursuant to the provisions of Public Officers Law Section 18, and upon compliance by the employee with the requirements of this statute, the District shall provide for the defense of the employee in any civil action or proceeding, state or federal, arising out of any alleged act or omission which occurred or allegedly occurred while the employee was acting within the scope of his/her public employment or duties. Furthermore, the District shall indemnify and save harmless its employees in the amount of any judgment obtained against such employees in a State or Federal court, or in the amount of any settlement of a claim, provided that the act or omission from which such judgment or claim arose occurred while the employee was acting within the scope of his/her public employment or duties. However, in the case of a settlement, the duty to indemnify and save harmless shall be conditioned upon the approval of the amount of the settlement by the Board of Trustees.

The duty to defend and/or indemnify and save harmless, in accordance with Public Officers Law Section 18, shall be conditioned upon the delivery by the employee to the School Attorney or to the Superintendent of Schools a written request to provide for his/her defense, together with the original or a copy of any summons, complaint, process, notice, demand or pleading within ten (10) days after he/she is served with such document. Pursuant to Public Officers Law Section 18, the full cooperation of the employee in the defense of such action or proceeding and in the defense of any action or proceeding against the District based upon the same act or omission, and in the prosecution of any appeal, shall also be required as a condition for the District's duty to defend and/or indemnify and save harmless to exist.

#### **Exceptions to Liability Coverage**

Indemnification coverage and/or provision of legal defense by the District will not apply unless the actionable claim is of the type covered by the statute(s) and/or is not otherwise exempt from coverage pursuant to law. Additionally, indemnification coverage and/or the duty to provide a defense shall not arise where such action or proceeding is brought by or on behalf of the School District.

Adoption date: 8/13/24

- ( ) Required
- ( ) Local
- (X) Notice

### SCHOOL BOARD ELECTIONS

The elections of members of the Board of Trustees shall be held on the third Tuesday in May, unless due to a conflict with religious observance, the Board requests that the Commissioner approve changing the election date to the second Tuesday in May. The request is due to the Commissioner by March 1<sup>st</sup>. 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 Trustees, and
3. any special propositions that have been properly presented.

Candidates for office shall be nominated by a petition directed to the district clerk which is signed by at least twenty-five (25) qualified voters of the district or by two (2) percent of the number of voters in the previous annual election, whichever is greater.

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

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)

Adoption date:3/12/13  
Amended: 7/12/16

- ( ) Required
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- (X) Notice

## VOTING PROCEDURES

### Eligibility to Vote

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

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

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

### Voting

Paper ballots shall be used for recording the votes on all elections, budget votes, and votes on special propositions.

Each ballot box shall have at least two election inspectors, as elected by the voters, in attendance during all voting hours. It shall be the duty of the District Clerk to keep a poll list containing the name and legal residence of each person before such person is permitted to vote.

Ballots containing the names of nominated candidates will be provided by the Board. Write-in ballot spaces are required. One blank space will be provided

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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 spaces as there are vacancies at the time of election.

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

### Absentee Ballots

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

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

1. he/she will be a patient in a hospital, or unable to appear personally at the polling place on such day because of illness or physical disability;
2. his/her duties, occupation, business, or studies will require him/her to be outside of the county or city of his/her residence on such day;
3. he/she will be on vacation outside the county or city of his/her residence on such day; or
4. he/she will be detained in jail awaiting action by a grand jury; awaiting trial; or is confined in prison after conviction for an offense other than a felony.

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)

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*Matter of Reigler and Barton*, 16 EDR 256 (1977)

Adoption date: 3/12/13



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### BOARD MEMBER QUALIFICATIONS

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

1. able to read and write;
2. 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 of Trustees if his or her maximum prison sentence has not expired or if he or she has not been pardoned or discharged from parole);
3. 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.

No employee of the school district may be a member of the Board, except as permitted by law.

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

Adoption date: 3/12/13  
Amended date: 11/13/14

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### **FILLING BOARD VACANCIES**

Vacancies on the Board of Trustees may occur 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. In those cases, the Board shall call a special school district election immediately for the purpose of filling the unexpired term of office. The person so elected in the place of any such member of the Board shall hold his/her office until the term of that seat expires.

Ref: Education Law §§1607(2); 2113

Adoption date: 3/12/13

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## **SCHOOL DISTRICT OFFICER AND EMPLOYEE CODE OF ETHICS**

The Board of Trustees 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 board members, district officers and employees under the provisions of the General Municipal Law. Therefore, every board member, district officer and employee of the district, whether paid or unpaid, shall adhere to the following code of conduct:

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.

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

2. Confidential information: 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. However, the Board, acting as a whole, may decide to disclose such information where disclosure is not prohibited under the law. Additionally, disclosure of such information is not prohibited where it is warranted to appropriate law enforcement entities for investigation and possible action, or where a board member is compelled to reveal the information in a court case.
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 before the school district.
4. Disclosure of interest in matters before the Board: A member of the Board of Trustees and any officer or employee of the district, whether paid or unpaid, must publicly disclose the nature and extent of any interest they or

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their spouse have, will have or later acquire in any actual or proposed contract, purchase agreement, lease agreement or other agreement involving the school district (including oral agreements), to the governing body and his/her immediate supervisor (where applicable) even if it is not a prohibited interest under applicable law. Such disclosure must be in

writing and made part of the official record of the school district. Disclosure is not required in the case of an interest that is exempted under Section 803(2) of the General Municipal Law. The term "interest" means a pecuniary or material benefit accruing to an officer or employee. Exceptions to the conflict of interest law can be found in Section 802 of the General Municipal Law.

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 the conflict of interest law can be found in Section 802 of the General Municipal Law.
6. Private employment: An officer or employee shall not engage in, solicit, negotiate for or promise to accept private employment when that employment or service creates a conflict with or impairs the proper discharge of his or her official duties.
7. Future employment: 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.

### 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

Adoption date: 1/8/13

Amended date:4/12/22

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### **BOARD REORGANIZATIONAL MEETING**

The Board of Trustees shall hold an annual reorganizational meeting. The purpose of the reorganizational meeting is to elect officers of the Board and make the proper appointments and designations of other district employees for the proper management of the school district during the school year.

The meeting shall be held on an agreed upon date within the first 15 days of July. The Board will choose this date by resolution at a Board meeting before July.

The previous Board President 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 reorganizational 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 administer the oath of office to them. A majority of all members of the Board shall be necessary for a valid election.

III. Appointment of District Officers

The Board shall appoint and the Board President administer the oath of office to the following district officers:

District Treasurer	Deputy Treasurer
District Clerk	

IV. Appointment of Other Positions

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

Director of School Health Services	Records Access Officer
School Attorney	Records Management Officer
Title IX/Section 504 Hearing Officer(s)	Data Protection Officer
Committee on Special Education (CSE)	Insurance Consultant
Committee on Preschool Special Education (CPSE)	
Dignity Act Coordinator(s)	Asbestos Agent
Purchasing Agent	Attendance Officer
Homeless Liaison(s)	Census Enumerator
Other Consultants	

V. Bonding of Personnel

The Board may bond the following personnel handling district funds:

District Treasurer	Deputy Treasurer
District Clerk	

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

VI. Designations

The Board shall designate:

Official depositories for district funds  
 Official district newspapers  
 The day and time of regular meetings  
 Rate for mileage reimbursement

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

VII. Authorizations:

- a. of person to certify payrolls
- b. of school purchasing agent
- c. of attendance at conferences, conventions, workshops, etc., with designated expenses
- d. to establish petty cash funds (and to set amount of such funds)
- e. to designate authorized signatures on checks
- f. of Superintendent of Schools to approve budget transfers
- g. to offer school district employee and officer indemnification under Public Officer's Law §18
- h. of positions entitled to use district-owned cell phones and credit cards

Cross-ref: 2310, Regular Meetings

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

Adoption date: 3/12/13

Amended: 9/12/23

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### **BOARD OFFICERS**

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

#### Duties of the President of the Board

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

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

#### Duties of the Vice-President

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

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

Adoption date: 3/12/13



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### APPOINTED BOARD OFFICIALS

#### District Clerk

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

1. keep an accurate record of the proceedings of the Board of Trustees 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 public meetings of the Board (Regular and Special) as well as public hearings of the Board and, when requested:
5. perform duties pertaining to the preparation for, and conduct of district elections, budget votes, and special district referendum elections;
6. administer the Oath of Office for all Board members and school district officers; and
7. perform any other work requested of him/her by the Board or the Superintendent.

#### District Treasurer

The Board of Trustees 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

Adoption date: 3/12/13

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### **REGULAR MEETINGS**

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

The time, dates and place of regular Board meetings shall be established at the annual reorganizational 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.

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

Cross-ref: 2210, Board Reorganizational Meeting

Adoption date: 3/12/13

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### **SPECIAL MEETINGS**

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

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

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

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

Adoption date: 3/12/13

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## VIDEOCONFERENCING OF BOARD MEETINGS

### *I. Videoconferencing - Locations Open to the Public*

Members of the Board of Trustees may attend Board meetings by videoconference, if their location is open to the public, and appropriate public notice has been given as outlined in policy 2340, Notice of Meetings. Such members may participate in all aspects of the meeting, including establishing a quorum, discussions, and voting. Board members participating via videoconference must disclose the total number of people in attendance at that location. To promote the highest degree of confidentiality during executive session, such Board members must sign an affidavit that the only people, if any, present in the room during the executive session were authorized to be there.

The district will make all reasonable efforts to ensure that the facility of the primary meeting site accommodates all members of the public who wish to attend. Sites where a member participates via videoconference which are open to the public are not required to comply with these conditions.

### *II. Videoconferencing Under Extraordinary Circumstances (Public Officers Law Section 103-a) – Locations Not Open to the Public*

Pursuant to a Board resolution, dated September 20, 2022, Board members are permitted to participate in meetings via videoconferencing under extraordinary circumstances, in accordance with state law and this policy.

To utilize videoconferencing under extraordinary circumstances, a quorum of Board members must be present in the same physical location(s) where the public can attend the meeting. Board members videoconferencing under extraordinary circumstances can participate in meeting discussions and voting, and their locations are not required to be open to the public, but they do not count towards a quorum unless their locations are open to the public.

The in-person quorum requirement will not apply in the event of a declared state disaster emergency or local state of emergency, if the district determines that such emergency would affect or impair the district's ability to hold an in-person meeting.

The district will give public notice of meetings using videoconferencing under extraordinary circumstances pursuant to policy 2340).

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This policy, or the district's written procedures for videoconferencing under extraordinary circumstances if a separate document, will be posted on the district website.

Except for properly convened executive sessions, all Board members (i.e., those attending both in person and via videoconferencing) must be able to be heard, seen and identified (e.g., their first and last name shown) during the meeting, including all motions, proposals, resolutions or any other matter formally discussed or voted upon.

All meetings that are broadcast or utilize videoconference technology will utilize technology that permits access by members of the public with disabilities, consistent with the Americans with Disabilities Act, as amended.

For all meetings involving videoconferencing under extraordinary circumstances, the district will provide members of the public the opportunity to view the meeting via video, and participate in public comment via videoconference in real time where public comment is authorized, to the same extent as in-person comment.

Minutes of meetings involving videoconferencing under extraordinary circumstances will include which members participated remotely.

### Cross-ref:

1230, Public Comment at Board Meetings  
2310, Regular Board Meetings  
2320, Special Board Meetings  
2340, Notice of Meetings  
2360, Minutes

### Ref:

Public Officer's Law §§102; 103; 103-a; 104  
NYS Department of State, Committee on Open Government, Advisory Opinion OML-AO-#5575 (3/6/2018)  
"Questions and Answers, Chapter 56 of the Laws of 2022," NYS Committee on Open Government,  
<https://opengovernment.ny.gov/system/files/documents/2022/05/chapter-56-of-the-laws-of-2022-guidance-document-05-20-22.pdf>

Adoption date: 9/20/22

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### EXECUTIVE SESSIONS

The Board of Trustees may hold executive sessions at which only the members of the Board or persons invited by the Board may 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 must be detailed enough to allow the public to understand the topic the Board will be discussing, without disclosing specifics. Discussion in executive session will 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, cannot disclose matters discussed in a properly convened executive session. However, the Board, acting as a whole, may decide to disclose such information where disclosure is not prohibited under the law. Additionally, disclosure of such information is not prohibited where it is warranted to appropriate law enforcement entities for investigation and possible action, or where a board member is compelled to reveal the information in a court case.

Minutes will 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 need not include any matter which is not required to be made public by the Freedom of Information Law. Minutes taken will be available to the public within one week from the date of the executive session.

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

Adoption date: 3/12/13

Amended date: 4/19/18

Amended date: 4/12/22

Required  
 Local  
 Notice

### NOTICE OF MEETINGS

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

If a meeting is scheduled at least a week in advance, notice will be given or electronically transmitted to the public 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.

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

Adoption date: 3/12/13

Amended: 9/20/18



- Required
- Local**
- Notice

### CONSENT AGENDA

To make more efficient use of meeting time, the Board of Trustees authorizes the use of a consent agenda as part of its Board Reorganizational Meeting. The consent agenda will condense the business of the Board into either a single motion or several categorical motions.

The consent agenda will be prepared by the Superintendent of Schools in consultation with the President of the Board.

Cross-ref: 2210, Board Reorganizational Meetings

Adoption date: 11/13/14

( ) Required  
**(X) Local**  
(x) Notice

### **AGENDA PREPARATION AND DISSEMINATION**

The Superintendent shall prepare the agenda for each board meeting according to the order of business, to facilitate orderly and efficient meetings, and to allow board members sufficient preparation time.

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

The agenda and any supporting materials will be distributed to board members a minimum of 2 days in advance of the board meeting, if possible, to permit careful consideration of items of business. The agenda will be posted on the district's website and will also be available in the school building to anyone who requests a copy.

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

Cross-ref: 2350, Board Meeting Procedures

Adoption date: 2/12/13

( ) Required  
**(X) Local**  
(x) Notice

### **BOARD MEETING PROCEDURES**

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

1. Call to order
3. Pledge of Allegiance
4. Approval of Minutes
5. Approval of Monthly Reports
6. Reports and recommendations of the Superintendent of Schools
7. Old business
8. New business
9. Public Comments
10. Adjournment

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

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

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

Adoption date: 3/12/13

( ) Required  
( ) Local  
(X) Notice

### MINUTES

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

The minutes will constitute the official record of proceedings of the Board and will 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 will be marked, "DRAFT." A draft of the minutes of each meeting will be forwarded to each member of the Board not later than the time the agenda for the next meeting is disseminated.

The District Clerk will be responsible for taking the minutes. The minutes will 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.

If a Board member is not present at the opening of a meeting, the subsequent arrival time of such member will be indicated in the minutes. The minutes of any meeting involving videoconferencing under extraordinary circumstances will include which Board members participated remotely.

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

Adoption date: 3/12/13

Amended:9/20/22

( ) Required  
**(X) Local**  
(x) Notice

### **POLICY DEVELOPMENT, ADOPTION, IMPLEMENTATION AND REVIEW**

The Board of Trustees 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.

#### 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.

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 of Schools. The Superintendent 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 assemble the relevant facts, receive recommendations from individuals and groups who will be affected by the policy, and discuss, debate and decide on the substance of the policy in open meeting. The Superintendent shall be responsible for identifying the individuals and groups who will be affected by the policy.

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

- Is within the scope of the Board's authority.
- Is consistent with state and federal law and the state and federal Constitutions.
- Supports the district's goals and objectives.
- Reflects good practice (e.g., educational, personnel, business, etc.).
- Is reasonable and not arbitrary or discriminatory.
- Adequately covers the subject.
- Is consistent with the Board's existing policies.
- Can be administered in a practical, cost effective manner.

#### Adoption

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

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

#### Implementation

The Superintendent shall be responsible for implementing all policies adopted by the Board. This responsibility shall include: promulgating any necessary administrative regulations, ensuring that the policy is included in the board policy manual, and publicizing the policy as necessary to ensure that persons affected by the policy are aware of it.

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

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### Review

The Superintendent shall be responsible for informing the Board of any policies that are out-of-date or in need of revision. In addition, the Board will review the policy manual as necessary (with the following policies to be reviewed annually: 5300, Code of Conduct; 6240, Investments; 6700, Purchasing). The Board shall update the policy manual as necessary to ensure that the policies are consistent with board goals and district practices.

Ref: Education Law §§1604; 1709; 1804

Adoption date: 3/12/13

( ) Required  
**(X) Local**  
( ) Notice

### NEW BOARD MEMBER ORIENTATION

The Board of Trustees 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.

Adoption date: 3/12/13



Required  
 **Local**  
 Notice

### **BOARD MEMBER TRAINING**

Members of the Board of Trustees elected or appointed for a term beginning on or after July 1, 2005, shall, within the first year of their term, complete a minimum of six hours of training on the fiscal oversight, accountability and fiduciary responsibilities of a school board member. Such training may be offered as part of a general course of training for the purpose of educating Board members on their powers, functions and duties.

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

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

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

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

Ref: Education Law §2102-a

Adoption date: 3/12/13

Amended: 9/16/20

( ) Required  
**(X) Local**  
( ) Notice

**SCHOOL BOARD CONFERENCES,  
CONVENTIONS, WORKSHOPS**

In recognition of the need for continuing in-service training and development for its members, the Board of Trustees 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 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).
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.

Cross-ref: 6830, Expense Reimbursement

Adoption date: 3/12/13