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## Enlarged City School District of Middletown, NY

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**SUBJECT: SCHOOL DISTRICT AND BOARD OF EDUCATION LEGAL STATUS AND AUTHORITY**

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

The Legislature of the State has implemented this constitutional mandate through the creation of school districts of various types. As a City School District of a city with less than 125,000 inhabitants, the Enlarged City School District of Middletown, NY is organized under and subject to the provisions of Education Law Article 51.

The Board of Education is a corporate body charged with the general control, management, and responsibility of the schools of the Enlarged City School District of Middletown, NY. As such, it possesses those powers and duties set forth in law.

Education Law §§ 2, 1501, 1604, 1701, 1709, 1804, 2502, and 2503

**SUBJECT: NUMBER OF MEMBERS AND TERMS OF OFFICE**

The Board of Education of the Enlarged City School District of Middletown, NY shall consist of nine members who are elected by the qualified voters of the School District at the annual District meeting and election or at a special District meeting, or who are appointed by the Board of Education, as prescribed by law.

Elected members of the Board of Education shall serve for three years beginning July 1 following their election, except as specified below, and each term shall expire on the 30th day of June of the third year.

An appointed member of the Board of Education shall hold office until the next regular school district election, and the person elected to fill such vacancy shall take office immediately upon the filing of the oath of office with the District Clerk.

Whenever a term of office expires at the end of a school year, and such position is or becomes vacant at the time of the annual District meeting and election, the person elected to fill the full term vacancy shall also be deemed elected to fill the remainder of the term preceding the commencement of the full term (meaning that the candidate elected to fill the full-term shall be deemed elected as of the day of the election).

Education Law §§ 2105(14), 2502(6) and 2610

*See also*, Board minutes for meeting of January 22, 2009, authorizing placement of a proposition on the ballot proposing a reduction in Board Members' term of office from five to three years; and *see* Board minutes for meeting of May 20, 2009, declaring results of electorate's vote in favor of the proposition to reduce the term of office as specified.



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## **SUBJECT: BOARD OF EDUCATION MEMBERS: QUALIFICATIONS**

A Board of Education member of the Enlarged City School District of Middletown, NY must meet the following qualifications:

- a) A citizen of the United States;
- b) Eighteen years of age or older;
- c) Able to read and write;
- d) A legal resident of the District for a continuous and uninterrupted period of at least one year prior to the election;
- e) Cannot be an employee of the Enlarged City School District of Middletown, NY;
- f) The only member of his/her family (that is, cannot be a member of the same household) on the Enlarged City School District of Middletown, NY Board;
- g) May not simultaneously hold another, incompatible public office; including, but not limited to Superintendent, clerk, tax collector, treasurer or librarian, or an employee of the Board. In small city school districts, Board members may not hold any city office other than that of police officer or firefighter.
- h) Must not have been removed from a school district office within one year preceding the date of appointment or election to the Board.

Education Law §§ 1804(1), 1950(9), 2101, 2102, 2103, 2103-a, 2130(1), and 2502(7)  
Public Officers Law § 3

Adopted: 6/2/05

**SUBJECT: BOARD OF EDUCATION MEMBERS: NOMINATION AND ELECTION**

- a) Candidates for the office of member of the Board of Education shall be nominated by a petition directed to the Clerk of the School District which is signed by at least 100 qualified voters of the District. Petitions must state the residence of each signer, the name and residence of each candidate.
- b) The notice of the annual District meeting must state that petitions nominating candidates for the Board of Education must be filed with the Clerk of the District no later than 20 days before the Annual or Special District Meeting at which the school board election will occur, between 9 a.m. and 5 p.m.
- c) Voting will be by machine, and provision shall be made for the election by "write-in-vote" of any candidate not previously nominated. The position of candidates on ballots shall be determined by lot at a drawing conducted by the District Clerk on the day after the last filing. Candidates or their proxies may be present for the drawing.
- d) The hours of voting shall be as indicated by Board resolution.
- e) The candidates receiving the largest number of votes shall be declared elected in accordance with Education Law.
- f) At least ten days prior to the election, the Board shall appoint at least two inspectors of election for each voting machine, and set their salary.
- g) The District Clerk shall oversee the election. The Clerk shall give notice immediately to each person declared elected to the Board, informing him/her of the election and his/her term of office.
- h) Only qualified voters as determined by Education Law (Section 2012) may vote at any District meeting or election.
- i) No electioneering will be allowed within 100 feet of the polling place.
- j) When a term of office expires at the end of a school year and the office has become vacant at the time of election, the person elected to fill the new full term vacancy also fills the remaining days of the previous term, beginning his/her term of office immediately upon election and taking and filing of the oath of office.
- k) In accordance with District policy, newly-elected Board members may participate without voting privileges in regular Board meetings and executive sessions prior to being sworn in at the Annual Organizational Meeting.

Education Law §§ 2004, 2018, 2025, 2029, 2031-a, 2032, 2034(7)(d), 2105(14), 2121, 2502, 2602, 2608(1) and 2610

Adopted: 6/2/05



**SUBJECT: REPORTING OF EXPENDITURES AND CONTRIBUTIONS**

Each candidate for the position of member of the Board of Education whose expenses and/or contributions received exceed \$500 must file a statement accounting for his/her campaign expenditures and contributions with the District Clerk and an additional statement with the Commissioner of Education. In the event the expenses do not exceed \$500 and the aggregate amount of all contributions made to the candidate do not exceed \$500, then a sworn statement to that effect must only be filed with the District Clerk.

Required contribution statements shall include:

- a) The dollar amount and/or fair market value of any receipt, contribution or transfer which is other than money;
- b) The name and address of the transferor, contributor or person from whom received;
- c) If that transferor, contributor or person is a political committee as defined in Section 14-100 of the Election Law;
- d) The name and political unit represented by the committee;
- e) The date of receipt;
- f) The dollar amount of every expenditure;
- g) The name and address of the person to whom the expenditure was made, or the name of and political unit represented by the committee to which it was made; and
- h) The date of the expenditure.

The times for filing the statements are as follows:

- a) The first statement on or before the thirtieth day preceding the election to which it relates;
- b) A second statement on or before the fifth day before the election;
- c) A third statement within twenty days after the election.

Any contribution or loan in excess of \$1000 received after the close of the period covered in the last statement filed before the election (b above) but before the election itself shall be reported within 24 hours after receipt.

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## **SUBJECT: REPORTING OF EXPENDITURES AND CONTRIBUTIONS (Cont'd.)**

All statements must be sworn before a notary public, a commissioner of deeds, a lawyer or a public official authorized by New York State law to administer oaths.

Education Law §§ 1528 and 1529  
Election Law § 14-100(1)

Adopted: 6/2/05



**SUBJECT: RESIGNATION AND DISMISSAL**

Board members may resign at a District meeting of residents (i.e., the annual meeting, not a regular Board of Education meeting) or by filing a written resignation with the District Superintendent of the Supervisory District who must endorse his/her approval and file the resignation with the District Clerk.

Alternatively, a Board member may resign under Public Officers Law Section 31 by filing a written resignation with the District Clerk. The Clerk must then notify the School Board and the State Board of Elections.

A resignation may be withdrawn only with the consent of the person to whom the resignation was delivered (i.e., the District Clerk or BOCES District Superintendent). The School Board has no authority to act upon a request to withdraw a resignation.

The resignation shall take effect upon the date specified in the letter of resignation; however, if no effective date is specified, it shall take effect on the date of delivery to or filing with the District Clerk. If an effective date is specified in the letter of resignation, such date shall not be more than 30 days subsequent to the date of its delivery or filing.

It shall be the duty of each member of the Board of Education to attend all meetings of the Board and, if any member shall refuse to attend three consecutive meetings of the Board after having been regularly notified and a satisfactory cause for each non-attendance is not shown, the Board will proceed to declare that office vacant.

A Board member may be removed from office by the Commissioner of Education for willful violation of any provision of law, neglect of duty, or willfully disobeying any decision, order or regulation of the Commissioner. The Board of Education may also remove a Board member for misconduct relating to the exercise of authority as a Board member. A written copy of all charges made of such misconduct must be served upon the Board member at least ten days before the time designated for a hearing on the charges; and the Board member shall be allowed a full and fair opportunity to refute such charges before removal.

As a small city school district, the District is not obligated to fill a vacancy on the Board which occurs due to death, resignation, removal from office or from the School District, or refusal to serve of a Board member.

However, the Board may fill the vacancy by appointment for a term ending with the next annual election of the School District at which time such vacancy shall be filled in a regular manner for the balance of the unexpired term. If the Board chooses to fill the vacancy by appointment, the appointment requires a majority vote of the remaining members of the Board.

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## **SUBJECT: RESIGNATION AND DISMISSAL (Cont'd.)**

The Board, at its own option, may instead call a special election within 90 days to fill the unexpired term. If not so filled, the District Superintendent of the Supervisory District may appoint a competent person to fill the vacancy until the next annual election.

A person elected or appointed to fill a vacancy shall take office immediately upon filing the oath of office.

Education Law §§ 306, 1607, 1706, 1709(17)(18), 1804(1), 2103(2), 2109, 2111, 2112, 2113, 2502,  
2503 and 2553  
Public Officers Law §§ 30, 31 and 35

Adopted: 6/2/05



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## **SUBJECT: POWERS AND DUTIES OF THE BOARD**

As a Small City School District, the Board of Education shall have powers and duties as set forth in New York State Education Law, principally Articles 33, 35, 37, 51 and 53, and other applicable Federal and State laws and regulations. In general, the Board shall have in all respects the superintendence, management and control of the educational affairs of the District and shall have all the powers necessary to exercise these powers expressly granted to it by the laws of New York State and the Commissioner of Education.

Education Law §§ 1604, 1709, 1804 and 2503

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

Adopted: 6/2/05

**SUBJECT: NOMINATION AND ELECTION OF BOARD OFFICERS**

Board of Education officers will be nominated and elected by the Board at its annual organizational meeting for a term of one year. They will take their oath as officers at this meeting along with newly elected members.

The elected officers of the Board are:

- a) President; and
- b) Vice President.

**Duties of the President of the Board of Education**

The President's duties may include the following:

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

**Duties of the Vice President of the Board of Education**

The Board may, in its discretion, elect one of its members Vice President who will have the power to exercise the duties of the President in case of the President's absence or disability. If the presidency becomes vacant, the Vice President will act as President until a President is elected.

Education Law §§ 1701, 1804, 2105(6), and 2502

Adopted: 6/2/05  
Revised: 4/20/16



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

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

The following will be appointed annually:

- a) Clerk of the Board
- b) District Treasurer
- c) Assistant Treasurer
- d) Tax Collector and Assistants
- e) District Auditor (independent)
- f) Extraclassroom Treasurer – High School
- g) Extraclassroom Treasurer – Elementary/Middle School
- h) Internal Auditor
- i) Claims Auditor/Deputy Claims Auditor
- j) Certifier of Payrolls
- k) Purchasing Agent
- l) Records Management Officer
- m) Records Access Officer
- n) Title IX Compliance Officer
- o) 504/ADA Compliance Officer
- p) School Physician/Nurse Practitioner
- q) AHERA Local Educational Agency (LEA) designee  
(changed from the "need not be reappointed annually" designation)

(Continued)

**SUBJECT: APPOINTMENTS AND DESIGNATIONS BY THE BOARD (Cont'd.)**

- r) Labor Relations Attorney
- s) Legal Counsel
- t) Bond Counsel
- u) District Representative to Orange-Ulster School District Health Plan
- v) District Representative to Orange-Ulster School District Workers Compensation Plan
- w) Committee on Special Education and Committee on Preschool Special Education
- x) Dignity Act Coordinators (one in each building)
- y) Chief Emergency Officer

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

- a) Census Enumerator and assistants
- b) Attendance Officer
- c) Liaison for Homeless Children and Youth
- d) Chemical Hygiene Officer
- e) School Pesticide Representative

**Designations**

The following designations will be made by the Board at the Annual Organizational Meeting in July:

- a) Petty Cash Fund(s);
- b) Official Bank Depositories;
- c) Official Bank Signatories;
- d) Designated Educational Official to receive court notification regarding a student's sentence/adjudication in certain criminal cases and juvenile delinquency proceedings;

(Continued)



**SUBJECT: APPOINTMENTS AND DESIGNATIONS BY THE BOARD (Cont'd.)****Authorizations**

- a) Official Newspaper(s);
- b) Approval of attendance at conferences, conventions, workshops, and the like;
- c) Superintendent to approve budget transfers within limits prescribed by Commissioner's Regulation Section 170.2 and Board guidelines;
- d) Superintendent to apply for Grants in Aid (State and Federal) as appropriate;
- e) Establish mileage reimbursement rate; and
- f) Other(s) as deemed appropriate/necessary.

McKinney-Vento Homeless Education Assistance Act, § 722, as reauthorized by the Every Student Succeeds Act (ESSA) of 2015  
29 CFR § 1910.1450  
Education Law §§ 305(31), 1709, and 2503  
8 NYCRR Part 185  
21 NYCRR Parts 1401, 9760

Adopted: 6/2/05  
Revised: 2/23/06; 4/20/16; 8/16/18

**SUBJECT: DUTIES OF THE DISTRICT CLERK**

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

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

The above duties of the District Clerk are not intended to be complete but should serve as a comprehensive guide in undertaking the duties of this office. The District Clerk shall perform such other duties as may be assigned from time to time by the Board.

Education Law § 2121  
Public Officers Law §§ 10 and 104

Adopted: 6/2/05



**SUBJECT: DUTIES OF THE SCHOOL DISTRICT TREASURER**

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

- a) Acts as custodian of all moneys belonging to the School District and lawfully deposits these moneys in the depositories designated by the Board;
- b) Pays all authorized obligations of the District as directed;
- c) Maintains proper records and files of all checks, and approved payment of bills and salaries;
- d) Makes all such entries and posts all such financial ledgers, records and reports as may be properly required to afford the District an acceptable and comprehensive financial accounting of the use of its moneys and financial transactions;
- e) Signs all checks drawn on District fund accounts provided that the District's Internal Claims Auditor has attested to the authority to issue the check based upon proper evidence of a charge against the District's funds;
- f) Safeguards either his/her electronic signature and/or the check-signing machine and signature plate, personally overseeing all preparation of checks;
- g) Assumes other duties customary to the office.

Education Law §§ 2122, 2130 and 2523  
Local Finance Law §§ 163 and 165  
8 NYCRR §§ 170.2(g), 170.2(o) and 170.2(p)  
9 NYCRR § 540.4

Adopted: 6/2/05  
Revised: 4/20/16

**SUBJECT: DUTIES OF THE TAX COLLECTOR**

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

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

Education Law §§ 2126, 2130, and 2506  
General Municipal Law Article 5-G  
Real Property Tax Law §§ 578(2), 922, 924, 1322, 1330, and 1338  
8 NYCRR § 170.2

Adopted: 6/2/05



**SUBJECT: DUTIES OF THE EXTERNAL (INDEPENDENT) AUDITOR**

The Board by law shall obtain an annual audit of its records by an independent certified public accountant or an independent public accountant. The audit shall also include all extraclassroom activity funds. The independent accountant shall present the report of the annual audit to the Board or Board designated Audit Committee and provide a copy of the audit to each Board member. The Board shall adopt a resolution accepting the audit report and file a copy of the resolution with the Commissioner. The District will also file the audit report with the Commissioner for a specific school year as required by law of the following school year. In addition to the annual audit, the District shall be subject to State audits conducted by the State Comptroller.

In addition, the independence and objectivity of the auditor may be enhanced when the Board of Education and Audit Committee perform an oversight role with respect to the hiring and performance of the auditor, as required by law.

**Request for Proposal Process**

In accordance with law, no audit engagement shall be for a term longer than five consecutive years. The District may, however, permit an independent auditor engaged under an existing contract for such services to submit a proposal for such services in response to a request for competitive proposals or be awarded a contract to provide such services under a request for proposal process.

**Duties and Responsibilities**

The independent auditor must conduct the audit in accordance with Generally Accepted Government Auditing Standards (GAGAS) issued by the Comptroller General of the United States. Standards of GAGAS are organized as general, fieldwork, and reporting.

Below are some important considerations the District shall expect of the auditor in preparing the audit; however, they should not be considered all-inclusive or a substitute for the auditor's professional judgment.

- a) Independence: The auditor must document that he or she is independent of the District and free of personal and external impairments. The auditor must establish an internal quality control system to identify any personal and external impairment and assure compliance with GAGAS independence requirements.
- b) Internal Quality Control System: The auditor must document that his/her internal quality control processes adequately demonstrate compliance with government auditing standards. He or she must establish an organizational structure, policies and procedures to provide reasonable assurance of complying with applicable standards governing audits.

(Continued)



**SUBJECT: DUTIES OF THE EXTERNAL (INDEPENDENT) AUDITOR (Cont'd.)**

- c) Internal Controls: The auditor must obtain a sufficient understanding of the District's internal controls and document such understanding covering the five interrelated components: the control environment, risk assessment, control activities, information and communication, and monitoring.
- d) Planning and Supervision: The auditor's work is to be properly planned and supervised and consider materiality in order to provide reasonable assurance of detecting misstatements resulting from direct and material illegal acts and material irregularities to financial statements. The auditor should also be aware of the possibility that indirect illegal acts may have occurred.
- e) Audit documentation: In order to meet the GAGAS requirements, the audit documentation should provide a clear understanding of its purpose, the source, and the conclusions the auditor reached. It should be organized to provide a clear link to the findings, conclusions, and recommendations contained in the audit report.
- f) Reporting on Internal Controls and Compliance: The auditor must report on and present the results of his/her testing of the District's compliance with laws and regulations and its internal controls over financial reports in light of irregularities, illegal acts, other material noncompliance, significant deficiencies, and material weaknesses in internal controls.

Generally Accepted Government Auditing Standards (GAGAS) §§ 3.50-3.54, 4.03, 4.19-4.24, and 5.07-5.20  
Education Law §§ 1709(20-a), and 2116-a  
General Municipal Law §§ 33 and 104-b  
8 NYCRR §§ 170.2, 170.3 and 170.12



**SUBJECT: APPOINTMENT AND DUTIES OF THE CLAIMS AUDITOR**

The Board will appoint a Claims Auditor to examine all claims. This auditor will determine whether the amounts claimed are actual and necessary expenditures, if the goods or services were actually received, whether the District official or employee was authorized to incur the obligation, and if the claims are supported with adequate evidence. Support may include itemized documentation, a thorough description of the goods or services, and detailed receipts and invoices. The Claims Auditor will ensure that each claim is legitimate, mathematically correct, does not exceed any available appropriation within the applicable budget code, and is made in accordance with District policy, purchasing order, or contract before authorizing payment. This auditor will certify that he or she audited each claim listed on the claims warrant to authorize the Treasurer to pay. The Treasurer should compare the signed checks to the certified warrant to verify accuracy and consistency before issuing payment.

The Claims Auditor will report directly to the Board on a monthly basis. The Board may require that the Claims Auditor report to the Clerk of the District, Clerk of the Board, or to the Superintendent for administrative matters such as workspace, time, and attendance.

The Board may adopt a resolution establishing the office of Deputy Claims Auditor to act as the Claims Auditor in the absence of the Claims Auditor. The Board may, by resolution, abolish the position of Deputy Claims Auditor at any time. The same eligibility requirements and qualifications that apply to a Claims Auditor apply to the Deputy Claims Auditor.

**Qualifications**

The Claims Auditor must have the necessary knowledge and skills to effectively audit claims, including experience with purchasing, bidding and claims. The Claims Auditor must be bonded or included in the District's blanket undertaking, prior to assuming his or her duties.

The Claims Auditor should not be:

- a) A member of the Board;
- b) The Clerk or Treasurer of the Board;
- c) The Superintendent or District official responsible for business management;
- d) The Purchasing Agent;
- e) Clerical or professional personnel directly involved in District accounting and purchasing functions or under the direct supervision of the Superintendent;
- f) The individual or entity responsible for the internal audit function (the Internal Auditor);

(Continued)

**SUBJECT: APPOINTMENT AND DUTIES OF THE CLAIMS AUDITOR (Cont'd.)**

- g) The External (Independent) Auditor responsible for the external audit of the financial statements;
- h) A close or immediate family member of an employee, officer, or contractor providing services to the District. A "close family member" is defined as a parent, sibling or nondependent child; an "immediate family member" is a spouse, spouse equivalent, or dependent (whether or not related).

The Claims Auditor is not required to be a resident of the District and will be classified in the civil service exempt class.

**Delegation of the Claims Audit Function**

The Board may delegate the claims audit function by using inter-municipal cooperative agreements, shared services through a Board of Cooperative Educational Services, or independent contractors, provided that the individual or organization serving as independent contractor meets the following standards for independence between the Claims Auditor and the District:

- a) Has no other responsibilities related to the business operations of the School District;
- b) Has no interest in any other contracts with, and does not provide any goods or services to, the School District; and
- c) Is not a close or immediate family member of anyone who has responsibilities related to business operations of the School District, or has an interest in any other contracts with the District.

The Board remains ultimately responsible for auditing all claims.

Education Law §§ 1604(35), 1709(20-a), 2526 and 2554(2)  
8 NYCRR § 170.12(c)



**SUBJECT: DUTIES OF THE EXTRACLASSROOM ACTIVITY FUND CENTRAL  
TREASURER AND FACULTY AUDITOR**Extraclassroom Activity (ECA) Central Treasurer

The ECA Central Treasurer is appointed by the Board and has custody of all ECA funds. The ECA Central Treasurer's duties include, but are not limited to:

- a) Disbursing ECA funds by means of prenumbered check forms upon receipt of a payment order signed by the student activity treasurer and faculty advisor of the ECA, provided that there are sufficient funds in the account;
- b) Signing all checks disbursing ECA funds;
- c) Providing completed checks disbursing ECA funds to the student activity treasurer of the ECA;
- d) Signing a receipt for all ECA funds placed into his or her custody and depositing those funds promptly into a bank designated by the Board;
- e) Maintaining a record of the receipts and disbursements of each individual ECA account and of all the ECA accounts combined;
- f) Verifying bank statements and preparing a reconciliation of cash balances and ECA accounts to be forwarded to the Faculty Auditor monthly;
- g) Submitting to the Board a financial report relating to the receipts and expenditures for all ECA accounts on a quarterly basis; and
- h) Reporting to the Board or its designee regularly and independently of the Faculty Auditor.
- i) Any club that is dormant for three years will have any unused fund balance transferred to the general student organization.

Faculty Auditor

The Faculty Auditor is appointed by the Board. The Faculty Auditor's duties include, but are not limited to:

- a) Examining the statements of accounts from the ECA Central Treasurer monthly;
- b) Auditing the ledgers kept by the student activity treasurer(s) at least twice a year on a rotating basis, and reconciling these ledgers with the ECA Central Treasurer's records;
- c) Examining transactions and paperwork to determine if correct procedures are being used, including supporting documentation requirements and receipt issuance;

(Continued)

**SUBJECT: DUTIES OF THE EXTRACLASSROOM ACTIVITY FUND CENTRAL  
TREASURER AND FACULTY AUDITOR (Cont'd.)**

- d) Certifying the accuracy of entries posted and available balances listed;
- e) Investigating any instances when the ECA Central Treasurer's report and the student activity treasurer's ledgers do not agree;
- f) Assembling, at the end of the school year, the monthly reports and preparing a composite report listing the financial condition of each ECA account for the full school year; and
- g) Reporting to the Board or its designee regularly and independently of the ECA Central Treasurer.

8 NYCRR Part 172

NYSED Finance Pamphlet, The Safeguarding, Accounting, and Auditing of Extraclassroom Activity Funds,  
Revised 2019

Adoption Date

~8/02;6/05;9/06;6/10;3/11;12/15;3/19#+



**SUBJECT: DUTIES OF THE SCHOOL ATTORNEY**

The Board of Education will appoint a school attorney to provide legal counsel to the School District. The school attorney's duties may include:

- a) Providing legal representation to the District in proceedings before courts and administrative agencies;
- b) Providing legal opinions as requested by the Board of Education or its agents, and consistent with any agreement between the School District and the school attorney;
- c) Providing counsel in matters related to due process hearings; and/or
- d) Such other duties as are consistent with law and the scope of the school attorney's representation.

**SUBJECT: DUTIES OF THE SCHOOL PHYSICIAN/NURSE PRACTITIONER**

The school physician/nurse practitioner will be appointed by the Board. The duties of the school physician/nurse practitioner will include, but are not limited to, the following:

- a) Performing professional medical services in the examination and care of school children;
- b) Performing routine examinations of school children to detect the presence of contagious diseases and physical defects;
- c) Serving as an on call member on the Committee on Special Education, Committee on Preschool Special Education, and Section 504 Committee ;
- d) Reporting to the Board on school health services;
- e) Coordinating scheduling for physical examinations to all students participating in interscholastic athletics;
- f) Providing final medical clearance for a return to extra class athletic activities for all students who have or are believed to have sustained a mild traumatic brain injury (concussion);
- g) Developing the program of health service in accordance with policies approved by the Board and as directed by the Superintendent of Schools;
- h) Conducting physical exams for all bus drivers and substitutes prior to employment and annually thereafter;
- i) Conducting physical exams for all new employees (instructional and non-instructional);
- j) Conducting a medical evaluation on any employee at the request of the Board of Education.

8 NYCRR § 136.5  
Education Law §§ 902, 913 and 6902

Adopted: 6/2/05  
Revised: 4/20/16; 8/16/18



**SUBJECT: DUTIES OF THE INTERNAL AUDITOR**

The Internal Auditor reports directly to the Board of Education.

The District may use its employees, inter-municipal cooperative agreements, shared services to the extent authorized by Education Law Section 1950, or independent contractors as the person/entity serving as Internal Auditor. The person or entity serving as Internal Auditor must follow generally accepted auditing standards, be independent of District business operations, and have the requisite knowledge and skills to complete the work.

The Internal Auditor is responsible for performing the internal audit function for the Board of Education which includes at a minimum:

- a) Development of a risk assessment of District operations, including but not limited to, a review of financial policies, procedures and practices;
- b) An annual review and update of such risk assessment;
- c) Annual testing and evaluation of one or more areas of the District's internal controls, taking into account risk, control weakness, size, and complexity of operations;
- d) Preparation of reports, at least annually or more frequently as the Board may direct, which:
  - 1. Analyze significant risk assessment findings;
  - 2. Recommend changes for strengthening controls and reducing identified risks; and
  - 3. Specify timeframes for implementation of such recommendations.

Education Law §§ 1950, 2116-b and 2116-c  
8 NYCRR § 170.12(d)

NOTE: Refer also to Policy #5573 -- Internal Audit Function

Adopted: 4/20/16

**SUBJECT: POLICY AND ADMINISTRATIVE REGULATIONS**

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

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

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

Board action is also necessary for revising policies that require amendment or rescinding policies that are no longer relevant or applicable to the District.

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

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

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

**Execution of Policy: Administrative Regulations**

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

Education Law §§ 1604(9), 1709(1), 1709(2) and 2503(2)

Adopted: 6/2/05  
Revised: 4/20/16



**SUBJECT: REGULAR BOARD MEETINGS AND RULES (QUORUM AND PARLIAMENTARY PROCEDURE)**

All meetings of the Board of Education (the "Board") must be open to the public except those portions of the meetings which qualify as "executive sessions" or "exempt" meetings. In accordance with Section 102 of the Public Officers Law (a.k.a. the "Open Meetings Law"), a "meeting" is defined as an official convening of a public body for the purpose of conducting public business, including but not limited to the use of videoconferencing for attendance and participation by the members of the public body.

A "public body" is defined as an entity for which a quorum is required in order to conduct public business and which consists of two or more members performing a governmental function. This includes committees and subcommittees of Board that are comprised exclusively of Board members. The term "public body" may also include other committees and subcommittees comprised of Board members and non-Board members if such committee(s) or subcommittee(s) perform(s) a "governmental function," as for example by fulfilling a governmental function imposed by statute.

**Exempt Meetings**

The Open Meetings Law exempts completely from its coverage: 1) judicial or quasi-judicial proceedings (as for example, some types of hearings conducted by the Board under circumstances in which the Board is the final decision maker for the District); and 2) any matter made confidential by federal or state law. An example of an exempt meeting regarding a matter made confidential by federal law is a meeting to discuss student records (and/or information obtained therefrom), which are made confidential by the Family Educational Rights and Privacy Act (FERPA). An example of an exempt meeting regarding a matter made confidential by state law is a meeting between a Board and the Board's attorney(s) to obtain legal advice, which is protected by attorney-client privilege, pursuant to the New York's Civil Practice Law and Rules (CPLR).

**Meeting Accessibility**

The District shall make reasonable efforts to ensure that meetings are held in facilities that permit barrier-free physical access to the physically handicapped, as defined in subdivision five of section fifty of the Public Buildings Law. In addition, reasonable efforts shall be made to ensure that all meetings are held in an appropriate facility which can adequately accommodate members of the public who wish to attend.

**Giving Public Notice of Meetings**

Whenever a public meeting is scheduled at least one week in advance, public notice of the time and place of the meeting shall be given to the news media and shall be conspicuously posted in one or more designated public locations at least 72 hours in advance of the meeting. Notice of other meetings shall be given to the extent practicable, to the news media and shall be conspicuously posted in one or more designated public locations at a reasonable time prior to the meeting. When the District has the

(Continued)



**SUBJECT: REGULAR BOARD MEETINGS AND RULES (QUORUM AND PARLIAMENTARY PROCEDURE) (Cont'd.)**

ability to do so, notice of the time and place of a meeting shall also be conspicuously posted on the District's Internet website.

If videoconferencing or online technology is used to conduct a meeting, the public notice for the meeting shall: 1) inform the public that videoconferencing will be used; 2) identify the locations for the meeting; and 3) state that the public has the right to attend the meeting at any of the locations. Voting may be done through videoconferencing, provided that members can be both seen and heard voting and participating from remote locations.

**Making Records that Will be Discussed at Public Meetings Available Beforehand**

District records subject to disclosure under FOIL, as well as any proposed rule, regulation, policy or amendment, which in either case is scheduled to be "discussed" during open session at a public Board meeting or public meeting of a Board committee or subcommittee that is subject to the Open Meetings Law, shall be made available, prior to the meeting, to the extent practicable, by being posted on the District's Web site. In some cases, at the District's discretion, copies of records that are scheduled to be discussed during open session at a Board meeting or at the meeting of another public body, also may be made available at the meeting for a reasonable fee.

**Board Meetings Schedule/Notice to Board Members**

Regular meetings of the Board of Education of Enlarged City School District of Middletown, NY shall take place on the day and time designated by the Board at the Annual Organizational Meeting. Additional meetings may be called, scheduled and convened in accordance with applicable law.

**Board Meeting Agendas**

It is the responsibility of the Superintendent to initially prepare the agenda for each Board meeting and to review the agenda with the Board President prior to the applicable meeting. Whenever possible, the agenda for each meeting shall be prepared during the week prior to the meeting, and the agenda shall be distributed to Board members no later than the Friday before such regular meeting. Whenever one or more members of the Board wish to have a matter added to the Board's agenda at an upcoming meeting, the Board member(s) shall make a request either to the Superintendent or to the Board President to have the matter placed on the Board's agenda. Whenever persons other than the Superintendent or members of the Board wish to bring a matter to the attention of the Board, such request shall be addressed in writing to the Superintendent, Board President or Board Clerk.

The District Clerk shall notify the members of the Board in advance of each regular meeting. Such notice shall be in writing, shall specify the date, time and place of the meeting, and shall include a copy of the meeting agenda when one has been prepared and is available for distribution prior to the meeting.

(Continued)



**SUBJECT: REGULAR BOARD MEETINGS AND RULES (QUORUM AND PARLIAMENTARY PROCEDURE) (Cont'd.)**

**The Public's Right to Record, Photograph, Broadcast and Telecast Meetings**

The Board recognizes that advances in technology allow public meetings to be photographed, broadcast, webcast and/or otherwise recorded, by means of audio or video, in a non-disruptive manner. The Board supports the use of such technology to facilitate open communication with respect to public business. Towards this end, the Board may adopt rules, consistent with the recommendation of the New York State Committee on Open Government, addressing the location of the equipment and/or personnel used to photograph, broadcast, webcast and/or record the District's public meetings, so as to assure that such meetings are conducted in an orderly manner. Such rules shall be conspicuously posted during meetings and written copies provided, upon request, to meeting attendees.

**Public Expression at Meetings**

Public expression at such meetings shall be encouraged, and a specific portion of the agenda may provide for the privilege of the floor. At its discretion, the Board also may provide opportunities for members of the public who are in attendance at Board meetings to participate in the Board's discussion of selected matters on the agenda.

**Quorum**

Except as otherwise provided by law, the quorum for a meeting of the Board shall be five members. No formal action can be taken at any meeting at which a quorum is not present. This means that when only a quorum exists, the Board can only act by a unanimous vote. Moreover, in some circumstances, as for example when the law requires the approval of two-thirds of the Board to take some specified action, approval of a simple majority of the Board (i.e., a "quorum" of the Board) will not be sufficient.

**Use of Parliamentary Procedure**

The Board recognizes the value of adhering to general principles of parliamentary procedure for the purpose of conducting Board meetings in an orderly and democratic fashion. Accordingly, the business of the Board shall be conducted in accordance with the authoritative principles of parliamentary procedure as found in the latest edition of *Robert's Rules of Order*, ("*Robert's Rules*" or "*Rules*") as a general set of guidelines for the conduct of Board meetings. In no event, however, shall the Board permit a rigid devotion to *Robert's Rules* and the myriad variations and applications of those *Rules* to be utilized or invoked by any member of the Board, or by any other person, to disrupt the expeditious and orderly conduct of Board meetings or to obstruct the will of the Board majority, as exercised or expressed by the Board majority within the limits of applicable law.

(Continued)

# POLICY

2018

1510  
4 of 4

Bylaws

**SUBJECT: REGULAR BOARD MEETINGS AND RULES (QUORUM AND  
PARLIAMENTARY PROCEDURE) (Cont'd.)**

Education Law §§ 1708 and 2504

General Construction Law § 41

Public Officers Law Article 7, §§ 103(d), 104, and 107

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

Adopted: 6/2/05

Revised: 7/2/13; 8/16/18



**SUBJECT: BOARD MEETING PROCEDURES FOR THE CONDUCT OF TRUSTEES  
(INCLUDING THOSE TELEVISED AND/OR DIGITALLY RECORDED)**

For the purposes of this policy, "Board meetings" are understood to be meetings of the Board held in public; not meetings of the public. As such, the Board has the obligation to provide for an orderly process to ensure fairness in the presentation of the views and opinions of its individual Trustees. The following procedural rules apply to Board Trustees only.

- a) Electronic recording of the meeting will begin only when the President of the Board calls the meeting to order. It will end on the call of a recess or adjournment.
- b) Trustees will be assigned seats so that they can be identified and their microphones activated and the cameras set on them when they are recognized to speak.
- c) All questions and comments from other Trustees must be addressed to the Board as a whole and the Board President will determine whether and/or who will respond.
- d) No person may speak unless recognized directly by the President who has the responsibility of maintaining order.
- e) Only one person may have the floor at any one time.
- f) Once recognized to speak by the President, the Trustee shall have the floor for no more than the agreed upon time limits as set by the Board during its annual reorganization meeting. (e.g., Resolution approved at the 07/02/09 meeting 4:00 minute)
- g) Each Trustee shall have equal rights to speak, but this policy shall not be interpreted as requiring a Trustee to do so.
- h) Full and free discussion shall be entertained.
- i) Personal, demeaning or insulting remarks will be ruled out of order.
- j) Trustees will not be permitted to use cellular telephones, text messaging blackberries or any other electronic communication devices while Board meetings are in session.
- k) Trustees must behave in a manner that does not threaten, harass and/or intimidate fellow trustees. The Board President or his/her designee is authorized to ensure that Board meetings are free of said behavior.
- l) All trustees must confine themselves to the question before the Board and avoid personalities and personal attacks on fellow trustees, administrators and members of the community.

Adopted: 9/17/09

# POLICY

2016

1520

Bylaws

## **SUBJECT: SPECIAL MEETINGS OF THE BOARD OF EDUCATION**

Any member of the Board may call for a special meeting. A reasonable and good-faith effort will be made by the Superintendent or the Board president, as the case may be, to give every member of the Board 24 hours' notice of the time, place, and purpose of the meeting. In an emergency, however, the members may waive the 24-hour notice requirement.

All special meetings will be held at a regular meeting place of the Board and in accordance with all applicable provisions of the Open Meetings Law. Public notice of the time and place will be given, to the extent practicable, to the news media, and it will be conspicuously posted in one or more designated public locations at a reasonable time before the meeting.

Education Law § 1606(3)  
Public Officers Law §§ 103 and 104

NOTE: Refer also to Policy #1510 -- Regular Board Meetings and Rules (Quorum and Parliamentary Procedure)

Adopted: 6/2/05  
Revised: 4/20/16



**SUBJECT: MINUTES**

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

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

- a) The type of meeting;
- b) The date, time of convening, and adjournment;
- c) Board members present and absent;
- d) Board members' arrival and departure time, if different from opening or adjournment times;
- e) All action taken by the Board, including a record or summary of all motions, proposals, resolutions and other matters formally voted upon, with evidence of those voting in the affirmative and the negative, and those abstaining.

All Board minutes shall be signed by the District Clerk when approved and maintained in accordance with law. Unless otherwise provided by law, minutes shall be available to the public within two weeks following the date of a meeting; draft copies, so marked, are acceptable, subject to correction.

**Minutes of Executive Sessions**

Minutes shall be taken at executive sessions of any action that is taken by formal vote. The minutes shall consist of a record or summary of the final determination of such action, the date and the vote. However, such summary need not include any matter which is not required to be made public by the Freedom of Information Law (FOIL).

If action is taken by a formal vote in executive session, minutes shall be available to the public within one week of the date of the executive session.

Education Law §§ 2121 and 3020-a  
Public Officers Law §§ 103 and 106

Adopted: 6/2/05  
Revised: 4/20/16

**SUBJECT: EXECUTIVE SESSIONS**

Upon a majority vote of its total membership, taken in an open meeting in accordance with a motion identifying the general area or areas of the subject or subjects to be considered, the Board of Education may conduct an executive session for discussion of the below enumerated purposes only, provided, however, that no action by formal vote shall be taken except on an Education Law Section 3020-a probable cause finding. For all other purposes, the action by formal vote shall be taken in open meeting and properly recorded in the minutes of the meeting. Attendance at an executive session shall be permitted to any Board member and any persons authorized or requested to attend by the Board. The Superintendent will attend all executive sessions except those that concern his or her evaluations, employment, or salary.

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

Motions for executive sessions should state the subject or subjects to be discussed in executive session. It is insufficient to merely recite statutory language.

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

Education Law §§ 1708(3) and 3020-a  
Public Officers Law Article 7

Adopted: 6/2/05  
Revised: 4/20/16; 8/16/18



# POLICY

2018

1610

Bylaws

## **SUBJECT: ANNUAL DISTRICT MEETING AND ELECTION/BUDGET VOTE**

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

In the event that a school budget revote is necessary, it will be held on the third Tuesday of June. However, in the event that the third Tuesday of June conflicts with a religious holiday, the Board may petition the Commissioner of Education to obtain permission to hold the budget revote on the second Tuesday in June. This request from the Board must be certified and received by the Commissioner no later than March 1.

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

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

Education Law §§ 1608, 1716, 1804(4), 1906(1), 2003(1), 2004(1), 2007(3), 2017(5), 2017(6), 2022(1), 2504 and 2601-a(2)

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

Adopted: 6/2/05  
Revised: 8/16/18

**SUBJECT: BUSINESS OF THE ANNUAL DISTRICT ELECTION**

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

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

- a) Designate the District Clerk as clerk of the election and assistant clerks;
- b) Designate tellers and/or inspectors of election as previously appointed by the Board;
- c) Read the notice of call of the election by the Clerk;
- d) Open the voting process, whether by machine or paper ballot;
- e) Close the voting process;
- f) Receive the Clerk's report of the election results;
- g) Adjourn.

Education Law §§ 1716, 2025 and 2601-2613



# POLICY

2005

1620

Bylaws

## **SUBJECT: ANNUAL ORGANIZATIONAL MEETING**

The annual meeting of the Board of Education shall be held during the first week in July, at 4 p.m. in the afternoon or such other hour as the Board may determine, at which meeting the Board shall select a President for the ensuing year. At such meeting the Board may also select a Vice-President who shall be authorized to act for the President in case of the President's absence or inability to act during such year.

### **Officers**

The meeting shall be called to order by the District Clerk, who shall act as a Temporary Chairperson. The Board shall proceed to the election of a President. The President shall then take the chair. The Board shall then elect a Vice President. Election shall be by a majority vote.

### **Oath of Office**

The District Clerk shall administer the Oath of Office to the newly elected officers and new members of the Board.

Education Law §§ 1701, 1706, 1707, 1709, 2109, 2502(9), and 2504(1)

Adopted: 6/2/05

# POLICY

2014

1621

Bylaws

**SUBJECT: HOURS OF VOTING FOR SCHOOL DISTRICT ELECTIONS AND  
REFERENDA**

Unless otherwise changed for a specific District election or referendum by a resolution duly adopted by a majority of the District's Board of Education (the "Board"), it shall be the policy of the Board and District to hold the polls open for voting by the District's qualified and duly registered voters, at each of the District's designated polling places, between the hours of 7 a.m. and 9 p.m., prevailing time, for the Annual District Meeting and Election (i.e., the annual budget vote and Board election) and for all Special District Meetings and Elections, including but not limited to: budget votes, the election of Board members, bond votes, and other ballot propositions and/or referenda that are submitted to the District's voters.

Education Law §2602

Education Law Articles 41 and 51

Adopted: 4/03/14



# POLICY

2005

1630

Bylaws

## **SUBJECT: LEGAL QUALIFICATIONS OF VOTERS AT SCHOOL DISTRICT MEETINGS**

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

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

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

Education Law §§ 2012, 2014, 2025, and 2603  
Election Law Article 5

Adopted: 6/2/05

**SUBJECT: ABSENTEE BALLOTS**

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

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

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

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

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

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

(Continued)



**SUBJECT: ABSENTEE BALLOTS (Cont'd.)**

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

**Nursing Homes or Other Qualifying Adult Care Facilities**

When the Board of Elections of the county or city in which the School District is located, receives 25 or more absentee ballot applications from a nursing home (or other qualifying adult care facility), the Board of Elections must send election inspectors to the nursing home between one and 13 days before the election, to supervise the completion of absentee ballots by the residents of that facility. This provision of the Election Law applies to all elections conducted by the School District.

Education Law §§ 1501-c, 2014, 2018-a, 2018-b, and 2613

Adopted: 6/2/05

**SUBJECT: SUBMISSION OF QUESTIONS AND PROPOSITIONS AT THE ANNUAL MEETING AND ELECTION AND SPECIAL DISTRICT MEETINGS**

**Questions and Propositions at the Annual Meeting and Election**

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

- a) Questions or propositions shall be submitted by petition directed to the Clerk of the School District and shall be signed by 25 qualified voters, or 5% of the registered voters of the District who voted in the previous annual election of Board members, whichever is greater.
- b) A separate petition shall be required for each question or proposition.
- c) Each petition shall be filed with the District Clerk. Petitions relating to an Annual Election must be filed not later than 60 days preceding the election at which the question or proposition is to be voted upon.
- d) Questions or propositions submitted in accordance with these rules and accepted will be printed on the ballot for the voting machine. The School District, however, retains the right to reject petitions as permitted by law, including but not limited to instances where such petitions are advisory in nature or beyond the power of the voters.
- e) The Board of Education shall cause the rules and regulations set forth in this policy to be distributed within the District.
- f) Nothing herein contained shall affect the nominations of candidates as set forth in the Annual District Election notice pursuant to Section 2018 of the Education Law.

**Questions or Propositions to be Submitted at Special District Meetings**

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

Education Law §§ 1703, 2008, 2018, 2035(2) and 2601-a

Adopted: 6/2/05  
Revised: 6/7/07; 4/20/16