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Updated: January 2010

## **BOARD OPERATIONAL GOALS**

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

In order to ensure that its educational programs provide all students with a high-quality education, the Board 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: April 2, 2001

## SCHOOL BOARD LEGAL STATUS

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

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

Ref: Education Law §§1701; 1702; 1703; 1804(1); 2101(2); 2105

Adoption date: April 2, 2001

**BOARD MEMBER AUTHORITY**

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

The Board will not be bound in any way by any individual's statement or action unless the Board, through an adopted policy or by a majority vote of Board membership, has delegated this authority to the individual member. Information from executive sessions must remain confidential at all times, unless release is appropriately authorized.

Cross-ref: 2110, School Board Powers and Duties

Ref: Education Law §§1604; 1701; 1708; 1709; 1710  
*Matter of Bruno*, 4 EDR 14 (1964)

Adoption date: April 2, 2001

**SCHOOL BOARD ELECTIONS**

The elections of members of the Board of Education shall be held on the third Tuesday in May, unless this date conflicts with religious observances on that day, in which case it shall be held on the second Tuesday in May. The polls shall be open for those hours designated by the district. The following items shall be voted upon:

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

Cross-ref: 1050, Annual District Meeting and Election  
6120, Budget Hearing  
6130, Budget Adoption

Ref: Education Law §§2002; 2012; 2013; 2014; 2018; 2018-a; 2019-a; 2031;  
2035

Adoption date: April 2, 2001

## CANDIDATES AND CAMPAIGNING

### Nominations

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

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

### Reporting Expenditures

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

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

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

### Electioneering

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

Cross-ref: 1050, Annual District Election and Budget Vote  
6120, Budget Hearing

Ref: Education Law §2018

Adoption date: April 2, 2001

Revised adoption date: December 8, 2008

## 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; and
5. listed upon current voter registration lists maintained by the local Board of Elections or properly registered to vote within the school district. In such districts, the Board of Education shall appoint a Board of Registration and shall designate the registration place and hours for district residents.

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

### *Voting*

Voting machines shall be used for recording the votes on all elections, budget votes, and votes on special propositions. The only exception to the use of voting machines shall be an emergency situation whereby the machines are unavailable due to a mechanical failure or state or local law prohibiting their use. If this should arise, paper ballots will be used.

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

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

Write-in ballot slots are required. Ballots containing the names of nominated candidates will be provided by the Board. On a paper ballot, one blank space will be provided under the name of the last candidate for each office so that voters may vote for candidates who have not been nominated for the offices to be filled at the election. There will be as many write-in slots as there are vacancies at the time of election.

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

### ***Absentee Ballots***

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

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

1. he/she will be a patient in a hospital, or unable to appear personally at the polling place on such day because of illness or physical disability;
2. his/her duties, occupation, business, or studies will require him/her to be outside of the county or city of his/her residence on such day;
3. he/she will be on vacation outside the county or city of his/her residence on such day; 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 Apermanently disabled≡ and shall automatically mail absentee ballots to such voters in advance of each district vote or election.

Ref. Education Law §§2012; 2014; 2018; 2018-a; 2018-b; 2018-c; 2019; 2019-a; 2020; 2025; 2032(2)(e); 2035; 2037; 2603; 2607; 2610; 2613  
Election Law §§3-224; 5-106; 5-612; 5-400; 5-406  
*Matter of Rodriguez*, 31 EDR 471 (1992)  
*Matter of Gresty*, 31 EDR 90 (1991)  
*Matter of Ferro*, 25 EDR 175 (1985)  
*Matter of Manno and Maloney*, 23 EDR 172 (1983)  
*Matter of Yost*, 21 EDR 140 (1981)  
*Matter of Alpert and Helmer*, 20 EDR 281 (1980)  
*Matter of Reigler and Barton*, 16 EDR 256 (1977)

Adoption date: April 2, 2001

**Application for Absentee Ballot  
Pursuant to Section 2018-a and 2018-b of the Education Law**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Number and Street

\_\_\_\_\_

Village/Town/City

State

Zip

I \_\_\_\_\_, am or will be, on the day of the school district election, a qualified voter of the Babylon Union Free School District, am over 18 years of age, a citizen of the United States and have or will have resided in the district for 30 days preceding the date of election.

I \_\_\_ am / \_\_\_ am not (check one) currently registered to vote.\*

Date of election or vote for which absentee ballot is requested:

I will be unable to appear to vote in person on the day of the school district election for which the absentee ballot is requested because I am, or will be on such day (check one):

\_\_\_ a patient in a hospital, or unable to appear personally at the polling place on such day because of illness or physical disability;

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_ because of my duties, occupation, business or studies, I will be required to be outside the county or city of residence on such day. (Provide a brief description of such duties, occupation or business. Where such duties, occupation or business are not of such a nature as ordinarily to require such absence, please state the special circumstances or account of which absence is required): \_\_\_\_\_

\_\_\_\_\_

\_\_\_ because I will be on vacation outside the county or city of residence on such day (please state the dates upon which you expect to begin and end such vacation, the place or places where you expect to be on such vacation, the name and address of your employer, if any, and if self-employed or retired, a statement to that effect):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ because I will be absent from my voting residence because I am or will be detained in jail awaiting action by a grand jury, awaiting trial or confined in prison after conviction for an offense other than a felony. (Please state whether you are detained awaiting action of the grand jury or are confined after conviction for an offense other than a felony): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ ; or

\_\_\_\_\_ because I will be accompanying my spouse/child/parent who is or would be, if he were a qualified voter, entitled to apply for the right to vote by absentee ballot. (Please state name, address and relationship of person referred to in this paragraph):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I hereby declare that the foregoing is a true statement to the best of my knowledge and belief, and I understand that if I make any material false statement in the foregoing statement of application for absentee ballot, I shall be guilty of a misdemeanor.

\_\_\_\_\_  
Date Signature of Voter

Please return to:

\_\_\_\_\_  
District Clerk Babylon School District

\_\_\_\_\_  
Address

\*This information is only required in districts having a system of personal registration.

Adoption date: April 2, 2001

**BOARD MEMBER QUALIFICATIONS**

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

1. able to read and write;
2. a qualified voter of the district; and
3. a resident of the school district for at least one year prior to election.

Not more than one member of the same family may serve on the Board at the same time. 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)

Adoption date: April 2, 2001

**BOARD MEMBER RESIGNATION**

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

Ref: Public Officers Law §31(1)(h)

Adoption date: April 2, 2001

**BOARD MEMBER REMOVAL FROM OFFICE**

A member of the Board of Education may be removed from office for willful violation or neglect of duty, or for willfully disobeying any decision, order or regulation of the Commissioner of Education. Notice of the charge and an opportunity for defense shall be provided. Official misconduct may be grounds for removal by the Board after a hearing.

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

Ref: Education Law §§306; 1709; 2109

Adoption date: April 2, 2001

**UNEXPIRED TERM FULFILLMENT**

The Board of Education shall fill an interim vacancy on the Board by appointing a qualified voter of the district to the specific vacancy until the next annual election. Such appointment shall be made within 30 days following the effective date of the vacancy. The individual appointed shall take office immediately after filing his/her statutory oath of office.

Ref: Education Law §§1709(17); 2113

Adoption date: April 2, 2001

## SCHOOL DISTRICT OFFICER AND EMPLOYEE CODE OF ETHICS

The Board of Education recognizes that sound, ethical standards of conduct serve to increase the effectiveness of school Board members and their staff, as educational leaders in their community. Actions based on an ethical code of conduct promote public confidence and the attainment of district goals. The Board also recognizes its obligation to set forth a code of ethics under the provisions of the General Municipal Law, to adopt a code of ethics setting forth the standards of conduct required of all district officers and employees.

Therefore, every officer and employee of the district, whether paid or unpaid, including members of the Board of Education, 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. In addition, he/she shall not disclose information regarding any matters discussed in an executive session of the Board whether such information is deemed confidential or not.
3. *Representation before the Board:* An officer or employee shall not receive or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before the school district.
4. *Representation before the Board for a contingent fee:* An officer or employee shall not receive or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before the school district, whereby the compensation is to be dependent or contingent upon any action by the school district with respect to such matter, provided that this paragraph shall not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered.

5. *Disclosure of interest in matters before the Board:* A member of the Board of Education and any officer or employee of the district, whether paid or unpaid, who participates in the discussion or gives official opinion to the Board on any matter before the Board shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest he or she has in such matter. The term *interest* means a pecuniary or material benefit accruing to an officer or employee.
6. *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.
7. *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.
8. *Future employment:* An officer or employee shall not, after the termination of service or employment with the Board, appear before the Board or any panel or committee of the Board, in relation to any case, 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. This shall not bar or prevent the timely filing by a present or former officer or employee of any claim, account, demand or suit against the district on his or her own behalf or on behalf of any member of his or her family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

#### *Distribution of Code of Ethics*

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

#### *Penalties*

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

Cross-ref: 1810, Gifts to School Personnel  
6700, Purchasing

Ref: General Municipal Law §§806-808

Adoption date: April 2, 2001

## BOARD MEMBER CONFLICT OF INTEREST

Under the General Municipal law, no District Officer or employee may have an interest, direct or indirect, in any contract with the district, when such an officer or employee, individually or as a member of a Board of Education, has the power or duty to negotiate, prepare, authorize or approve payment thereunder. Nor shall any Board member enter into or negotiate a contract with the school district for employment during his term of office or shall the district employ any Board member within three years after leaving office.

Additional involvements that constitute conflict of interest for officers and employees of the state and municipalities are spelled out in the General Municipal Law and Local Finance Law.

### Employment of Relatives

The Education law states: "No person who is related by blood or marriage to any member of the Board shall be employed as a teacher by such board, except upon the consent of two-thirds of the member thereof...."

In the opinion of legal counsel, this law does not pertain to the continued employment of a tenured teacher employed prior to the time the Board member took office, nor does it or the General Municipal Law, §800, apply to the employment of a relative for a nonprofessional position in the school system.

Ref: General Municipal Law, §§ 800-808  
Local Finance Law, §6010  
Education Law, §3016(2)

Adoption date: April 2, 2001

## BOARD REORGANIZATIONAL MEETING

The Board of Education recognizes its obligation to 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 Board shall also perform such annual functions as are designated by law.

The meeting shall be called to order by the District Clerk or his/her designee, who shall preside until the election of a new president. The order of business to be conducted at the reorganizational meeting shall include the following items required or implied by state law and/or regulation:

### I. *Administration of Oath*

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

### II. *Election of 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 Officers*

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

District Treasurer  
Clerk of the Board  
Acting District Clerk

Deputy Treasurer  
Internal Claims Auditor

IV. *Other Appointments*

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

School Physicians	School Attorneys
District Auditor	Records Access Officer
Asbestos Designee	Records Management Officer
Title IX/Section 504 Hearing Officer(s)	Acting District Clerk
Central Treasurer, Extraclassroom Activity Account	
School Representative for Chapter 1 Funds	Impartial Hearing Officers
Records Access Appeals Officer	

V. *Bonding of Personnel*

The Board may bond the following personnel handling district funds:

District Treasurer	Deputy Treasurer
Central Treasurer of Student Activity Account	

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 Board shall fix the day and hour for the holding of regular meetings, which shall be at least once each month while school is in session, in the rooms provided for the Board, unless otherwise ordered by the Board.

VII. *Authorizations:*

- a. of person to certify payrolls
- b. of school purchasing agent

- c. to establish petty cash funds (and to set amount of such funds)
- d. to designate authorized signatures on checks
- e. of Superintendent of Schools to approve budget transfers

The Board shall conduct general business at this meeting before it adjourns, if it so desires.

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

Ref: New York State Constitution, Article XIII, §1  
Public Officers Law §§10; 13  
Education Law §§1707; 1804(4); 2130

Adoption date: April 2, 2001

## BOARD OFFICERS

The President and Vice-President of the Board of Education 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 call the meeting to order at the appointed time;
2. to conduct the business to come before the meeting in its proper order;
3. to assign the floor to members who desire to speak and to protect a speaker who has been recognized from disturbances or interference;
4. to explain, insofar as possible, what the effect of a motion would be if it is not clear to every member and to make certain that members are informed as to what business is pending;
5. to restrict discussion to the question before the Board;
6. to answer all parliamentary inquiries and decide points of order and questions of privilege as soon as they arise;
7. to put motions to a vote, state definitely and clearly the vote and the result thereof;
8. to preserve order and conduct the meetings in accordance with the Board's Rules of Order;
9. to act as chief fiscal officer of the Board;
10. to execute all documents on behalf of the Board;
11. to appoint all standing committees;
12. to act as an ex-officio member of all committees;
13. to call special meetings he/she considers necessary or on request of one member of the Board;
14. to vote together with other members of the Board;
15. to perform the usual and ordinary duties of the office; and
16. to, along with the other members, offer resolutions, and discuss questions.

### *Duties of the Vice-President*

The Vice-President shall be authorized to act for the President in case of the President's absence or inability to act, within statutory limitations.

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: April 2, 2001

**APPOINTED BOARD OFFICIALS***District Clerk*

The Board of Education shall annually appoint a District Clerk who can be a member or nonmember of the Board. Such appointment shall continue until the next reorganizational meeting. The salary of the District Clerk shall also be fixed annually at the reorganizational meeting. The District Clerk shall:

1. have working knowledge of the state Education Law concerning the office of the District Clerk, such as the laws governing procedures for annual district meetings and elections, candidates' petitions and qualifications, teacher tenure hearings, etc.;
2. verify and sign official documents;
3. maintain the voter registration list and oversee the maintenance of the voter registration books;
4. to contact all election workers for annual, as well as special elections of the district;
5. to arrange set-up at voting places;
6. conduct the annual district election, budget votes, and special district referendum, including the library budget vote;
7. notify the Town Clerk of the results of all elections and school district votes;
8. give official notice to persons duly elected or appointed to office;
9. take the oath of office of new trustees of the Board as well as new trustees of the library Board;
10. prepare and coordinate items for the Annual Reorganizational Meeting of the Board;
11. to serve as clerk of all district meetings and elections;
12. maintain all official records of the school district;
13. be the custodian of the records of the school district for Freedom of Information Law purposes, and public access to records;
14. keep the policy manual of the Board and add and distribute material to the Board and administration after Board action;
15. file all correspondence and records relating to matters of the school district, involving the Board;
16. keep and file all information regarding special committees of the Board;
17. act as a secretarial liaison between Board, administration, town, and village governments, library and residents of the school district;
18. prepare and arrange publication of legal notices;

19. place legal advertisements in newspapers;
20. attend all regular public meetings of the Board as well as public hearings of the Board and, when requested:
  - a. record minutes,
  - b. handle follow-up correspondence,
  - c. transcribe and distribute completed minutes;
21. receive, copy, distribute, follow-up and file all incoming correspondence of Board members and keep administration and attorney apprised of correspondence relating to specific situations;
22. handle all outgoing correspondence of the Board President as well as the other members of the Board;
23. receive and answer telephone requests from school Board members, administration, the school attorney, and the community whenever necessary;
24. process registrations for Board members attending various seminars and workshops, make travel arrangements for Board members on Board-related trips, and process expense accounts;
25. process all purchase orders for supplies and services relating to the Board;
26. prepare the expenses of the district meetings, the District Clerk, and Board for the annual budget;
27. have a working relationship with school district attorney;
28. receive subpoenas and claims against the school district as well as process appeals to the Commissioner of Education; and
29. perform any other work requested of him/her by the Board or the Superintendent.

#### *District Treasurer*

The Board of Education shall also annually appoint a District Treasurer. Such District Treasurer shall serve until the next Reorganizational Meeting, or until a successor has been appointed. The District Treasurer shall perform such duties imposed upon the office by statute or law: i.e., shall report, at least monthly, to the Board the state of all accounts; shall act as official custodian of all district funds; shall sign all checks, including those for which facsimile signatures have been approved. The Treasurer shall perform such other duties as may be assigned to the office by the Board. These duties shall include but are not limited to:

1. To deposit all money received to accounts of the district.
2. To issue receipts for all moneys received.
3. To maintain double-entry ledger on all accounts including general fund, trust and agency, cafeteria, capital, and federal.
4. To maintain the bond and investment ledger.
5. To reconcile all bank balances.
6. To sign all checks issued on all accounts, including payroll.
7. To make up a monthly outstanding check list for audit purposes.
8. To file and prepare monthly financial reports.
9. To work with the Business Administrator when needed, on budget and various reports.
10. To give detailed accounts of moneys received and disbursed, in the form of a monthly report for the Board.

The District Treasurer shall file a bond for the faithful performance of his/her duties, or be covered under a blanket undertaking.

The Board may appoint, fix the term, and fix the compensation of such other officials as may be necessary for its proper functioning.

Ref: Education Law §§902; 2121; 2122; 2130

Adoption date: April 2, 2001

## BOARD COMMITTEES

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

The following standing committees shall be recommended by the President each year with the Board's approval:

- Audit
- Budget and Finance
- Policy
- Buildings & Grounds
- Technology

The President with the approval of the Board, may form additional committees from time-to-time, as the need arises. The Board reserves the right to terminate any committees at any time.

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

Cross-ref: 2260, Citizens Advisory Committees  
6690, Audit Committee

Adoption date: May 7, 2001  
Revised date: March 8, 2010

## CITIZENS ADVISORY COMMITTEES

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

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

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

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

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

Cross-ref: 2250, Board Committees  
4315.1, AIDS Instruction  
4321, Programs for Students with Disabilities  
6110, Budget Planning  
7810, Closing of Facilities

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

Adoption date: April 2, 2001

## **SHARED DECISION-MAKING AND SCHOOL-BASED PLANNING**

The Board of Education encourages the participation of the community in improving education in our schools. In accordance with the Regulations of the Commissioner, the Board has adopted a plan for the effective participation of parents, teachers, administrators and the Board in shared decision-making at the building level. This plan specifies:

1. the educational issues which will be subject to decision sharing and cooperative planning at the school level;
2. the manner and extent of the expected involvement of all parties;
3. the means and standards by which all parties will evaluate improvement in student achievement;
4. the means by which all parties will be held accountable for the decisions made;
5. the process whereby disputes will be resolved at the local level; and
6. the manner in which all state and federal requirements for the involvement of parents in planning and decision-making will be coordinated with and met by the overall plan.

In Babylon, the district's "Plan for the Participation by Teachers and Parents in School-Based Planning and Shared Decision Making" will be developed in collaboration with an Advisory Committee composed of: the Superintendent of Schools; the Assistant Superintendent; one administrator selected by the Babylon Schools Administrators' Association; three teachers selected by the Babylon Teachers' Association, with one teacher selected from the K-1 staff, one teacher selected from the 2-6 staff and one teacher selected from the 7-12 staff; parents who are not employed by the district in any capacity - two parents selected by the PTSA, and one parent selected by the SEPTA; one representative selected by the remaining bargaining units within the district; two community members who are not employed by the district as at-large members to be selected by the Board.

A copy of the Plan for Participation by Teachers and Parents in School-Based Planning and Shared Decision-Making shall be available at each school and at the central district office; individual copies of the plan will be provided upon request.

Every two years, the Board shall review the plan to determine its effectiveness and to recertify or amend the plan, as needed. Any amendment or recertification of the plan will be developed and adopted in accordance with section 100.11 of the Regulations of the Commissioner.

The amended or recertified plan together with a statement of the plan's success in achieving its objectives, shall be submitted to the Commissioner of Education for approval no later than February 1st of each year in which biennial review takes place. The first such review shall have been submitted to the Commissioner no later than February 1, 1996.

Adoption date: April 2, 2001

## SCHOOL ATTORNEY

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

The Attorney must be admitted to the bar of New York State. The Attorney will be the legal advisor to the Board. In that capacity, the Attorney's duties will be:

1. to advise the Board with respect to all legal matters relating to the district, including, but not limited to, interpretation of the Education Law of the State of New York, and all other statutes, rules or regulations affecting the district;
2. to be easily accessible to the Board and the Superintendent of Schools (and, at the discretion of the Superintendent, to his/her administrative staff), with respect to legal matters issuing out of the day-to-day administration of the district;
3. to review and to represent the district in the preparation of contracts, as requested by the district (other than the contract for school attorney services);
4. to advise and assist in matters of litigation pursuant to the retainer agreement;
5. to review the legality of select policies or regulations to be adopted by the Board;
6. to review and advise with respect to any process served upon the district; and
7. to recommend the retainment of such special counsel as he or she may deem necessary in the circumstances, subject to the approval of the Board.

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

Cross-ref: 2210, Board Organizational Meeting  
6741, Contracting for Professional Services

Adoption date: April 2, 2001  
Revised: November 24, 2008

## REGULAR MEETINGS

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

The time, dates and place of regular Board of Education meetings shall be established at the annual 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, and meeting facilities shall provide access to persons with disabilities.

Each regular monthly meeting of the Board shall be opened with the Pledge of Allegiance.

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

Cross-ref: 2210, Board Reorganizational Meeting

Adoption date: April 2, 2001

Revised date: November 9, 2009

## SPECIAL MEETINGS

In an effort to anticipate and respond to special circumstances which may arise during district operations, any member of the Board of Education may call special and/or emergency meetings of the Board. Notice of such meetings will be given at least 24 hours before the date of the meeting to every Board member. If less than a week in advance, public notice of the meeting will be given to the extent practicable.

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.

The call of a special meeting should indicate the topics or subjects to be considered. Whenever appropriate, an agenda shall be prepared and posted in a conspicuous at such meetings.

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

Adoption date: April 2, 2001

## EXECUTIVE SESSIONS

The Board of Education reserves the right, within the constraints of state law, to meet in executive session. Such 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 matters, in executive session, that are allowable by law.

The Board shall reconvene in open session to take final action on other matters discussed, and to adjourn the meeting.

Minutes of executive sessions will reflect all actions and votes taken by the Board in executive session without personally identifying employees or students affected thereby. The name of the person who called for the executive session will also appear in the minutes of the public meeting. The Board may permit staff and other persons whose presence is deemed necessary or appropriate to attend an executive session or any part thereof.

Ref: Education Law §1708 (3)  
Public Officers Law §§100 et seq.  
Formal Opinion of Counsel No. 239, 16 EDR 457 (1976)

Adoption date: April 2, 2001

## NOTICE OF MEETINGS

The Board of Education believes that public notice of its activities is essential to ongoing, proactive cooperation between the Board and the community it serves.

The time, date and place of regular Board meetings is established at the Reorganizational Meeting. If a meeting is scheduled at least a week in advance, the District Clerk shall give notice to the public by posting a notice in one or more designated public locations, as determined by the Superintendent of Schools, and by issuing a press release to the district newspapers identified at the Reorganizational Meeting not less than 72 hours prior to the meeting.

When a meeting is scheduled less than a week in advance the Board shall provide public notice to the extent practicable. In such circumstance, the District Clerk shall conspicuously post a notice in one or more public locations, designated by the Superintendent, and transmit a press release to the newspapers of the district as established at the Reorganization Meeting.

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

Adoption date: April 2, 2001

## **AGENDA PREPARATION AND DISSEMINATION**

The agenda and preparation for meetings shall be the responsibility of the Superintendent of Schools with the approval of the Board of Education President. Board members, employees of the school district, and citizens may suggest agenda items by contacting the Superintendent. The agenda, however, shall always allow for recognition and comments by members of the public.

A complete set of materials for the regular meeting shall be sent to each Board member, Central Administration Staff and others as required at least 48 hours in advance of each meeting. Advance dissemination of the agenda shall be the responsibility of the District Clerk.

Adoption date: April 2, 2001

## BOARD MEETING PROCEDURES

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

1. Call to order
2. Pledge of Allegiance
3. Approval of minutes of previous meeting
4. Treasurer's report
5. Superintendent's Report
6. Committee Reports
7. Questions from Visitors on Agenda Items
8. New Business
9. Other Business
10. Representatives of Organizations
11. Questions/Comments from Visitors
12. Future Board Meetings
13. 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.

A copy of the agenda shall be posted in a conspicuous place at each regular monthly meeting of the Board.

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: April 2, 2001

Revised date: March 8, 2010

## **QUORUM**

A majority of the members of the Board of Education shall constitute a quorum for the transaction of the business of a regular meeting.

Final action on any resolution shall be valid only upon vote of the majority of the total membership of the Board.

Adoption date: April 2, 2001

## MINUTES

The Board of Education believes that open and accurate communication regarding its internal operations enhances the district's public relations program and provides a record of the district's progress towards its annual goals.

Therefore, the Board will maintain a copy of minutes of each meeting. Such minutes shall constitute the official record of proceedings of the Board and shall be open to public inspection. Minutes which have not been approved by the Board within this time frame shall be marked, "DRAFT." A draft of the minutes of each meeting is to be forwarded to each member of the Board not later than the time the agenda for the next regular meeting is disseminated.

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 shall be indicated in the minutes.

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

Adoption date: April 2, 2001

## FORMULATION, ADOPTION AND AMENDMENT OF POLICIES

The Board of Education recognizes that the adoption of written policies constitutes the basic method by which the Board exercises its leadership in the operation of the district. Policies may be proposed for adoption, change, or repeal at any regular or special Board meeting, by any member of the school community. The Board delegates to the Superintendent of Schools the responsibility and authority to establish any and all rules, regulations, and/or procedures necessary to implement and maintain its policies.

Accordingly, the Superintendent is directed to initiate a program of Board policy revision to include the following items:

1. periodic review and evaluation of all current Board policy;
2. preparation of additional policies as needed;
3. consultation with district staff and community members on an advisory basis; and
4. presentation of a proposed policy in draft form to the Board for consideration prior to action.

Since policies often affect the students, employees and/or citizens of the district, the Board shall make a continuing effort to try to involve as many relevant groups as reasonable during policy development. To assure these groups a reasonable opportunity to advise the Board of their reactions to and feelings about proposed policies, no official Board vote shall take place on a policy adoption, change, or repeal at the meeting during which it is first presented to the Board for consideration, unless a majority of the Board determines that it is necessary to do otherwise.

To adopt, change, or repeal a policy requires a majority vote of the entire Board at the next regular board meeting.

Rules and regulations are subject to modification by Board action at any meeting. The initiative for change normally comes from the Superintendent.

The formal adoption of policies shall be recorded in Board minutes. Only those written statements so adopted and so recorded shall be regarded as official Board policy. Every Board and staff member shall have access to the Board Policy Manual.

Ref: Education Law §§1604(9); 1709(1); 1804

Adoption date: April 2, 2001

## POLICY DISSEMINATION

The Board of Education recognizes the need for widespread familiarity with district policies and regulations, and therefore directs the Superintendent of Schools to implement the following:

1. maintain an updated policy manual that includes appropriate administrative regulations and takes precedence over all previous manuals, and be responsible for its presence at all Board meetings;
2. issue to each Board member, for the duration of his/her term, a complete and updated policy manual in a manner they deem appropriate; i.e., binder or electronic version
3. ensure that personnel are familiar with Board policies and administrative regulations which affect them, directly or indirectly;
4. disseminate Board policies and manuals to the administrator of each school and to the District office;
5. disseminate to counsel Board policies; and
6. ensure that the Board policy manual is available to the public on the District website.

Adoption date: April 2, 2001

Revised date: March 8, 2010

## NEW BOARD MEMBER ORIENTATION

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

1. be given selected materials covering the function of the Board and the school district, including:
  - a. a copy of the district's policy manual;
  - b. current and newly presented budget;
  - c. the *School Law* handbook prepared by the New York State School Boards Association;
  - d. the school calendar;
  - e. copies of negotiated contracts;
  - f. job descriptions and table of organization;
  - g. a copy of *Becoming a Better Board Member*, Published by the National School Boards Association;
  - h. a copy of Education Law §1709;
  - i. a copy of Open Meetings Law regarding Executive Session;
  - j. a listing of Board of Education Committees and district committees;
  - k. a copy of *The School Board Member Handbook*, published by the New York State School Boards Association;
  - l. access to minutes of Board meetings of the previous year; and
  - m. 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.
5. at the discretion of the Board, be invited to attend executive sessions for the period of the time between the election and the assumption of the office.

Adoption date: April 2, 2001

### **SCHOOL BOARD CONFERENCES, CONVENTIONS, WORKSHOPS**

In recognition of the need for continuing inservice training and development for its members, the Board of Education encourages the participation of all members in meetings and activities of area, state, and national school Boards associations, as well as in the activities of other educational groups. Board members are encouraged to study and examine materials received from these organizations as well as publications and tapes available in the Board's own library.

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

1. The Superintendent of Schools 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 may be requested to share information, recommendations, and materials acquired at the meeting.

Adoption date: April 2, 2001

**MEMBERSHIP IN SCHOOL BOARDS ASSOCIATIONS**

The Board of Education shall maintain memberships in the Nassau/Suffolk School Boards Association, the New York State School Boards Association, and other organizations established for Boards of Education. The Board shall annually select one of its members to serve as voting delegate to the state organization.

Board members should take the responsibility to attend association meetings for the purpose of Board development and gathering new information.

Ref: Education Law §1618  
General Municipal Law §77b

Adoption date: April 2, 2001