

**Binghamton City School District**

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**Binghamton City School District**

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## By-Laws

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

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

The State Legislature has implemented this constitutional mandate through the creation of school districts of various types. The Binghamton City School District is governed by the laws set forth for Small City School Districts in Education Law Articles 51 and 53, and by laws relating to, or affecting, Central School Districts as set forth in Education Law Article 37, Union Free School Districts as set forth in Education Law Article 35, and Common School Districts as set forth in Education Law Article 33.

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

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

**Board of Education Authority**

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

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

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

Education Law Sections 1604, 1701, 1709, 1804, 1805, 2502, 2503 and Articles 33, 35, 37, 51 and 53  
New York State Constitution

Adopted: 7/6/16

## By-Laws

**SUBJECT: BOARD OF EDUCATION: QUALIFICATIONS, NUMBERS AND TERMS OF OFFICE**

A Board of Education member of the Binghamton City School District must meet the following qualifications:

- a) Must be able to read and write.
- b) Must be a qualified voter in the District - a citizen of the United States, 18 years of age or older, and not adjudged to be an incompetent.
- c) Must have been a resident of the District for a continuous and uninterrupted period of at least one year immediately preceding the election.
- d) Must not simultaneously hold another incompatible public office - District Superintendent, Supervisor, Clerk, Tax Collector, Treasurer or Librarian.
- e) May not hold any city office other than that of a police officer or fire fighter.
- f) May not reside with another member of the same School Board as a member of the same family.
- g) May not be a current employee of the School Board.
- h) May not have been removed from any School District Office within the preceding year.
- i) May not be a convicted felon whose maximum prison sentence has not expired or who has not been pardoned or discharged from parole.

**Number of Members**

The Board of Education of the Binghamton City School District shall consist of seven members elected by the qualified voters of the School District at the annual election as prescribed by law.

**Terms of Office**

Members of the Board of Education shall serve for five years beginning July 1 following their election and each term shall expire on the thirtieth (30th) day of June of the fifth year.

Education Law Sections 1602, 1702(1), 1804(1), 1950(9), 2101, 2102, 2103, 2103-a, 2130(1), 2105, and 2502  
Public Officers Law Section 3  
Town Law Section 23(1)

Adopted: 7/6/16

## By-Laws

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

- a) Candidates for the office of member of the Board of Education shall be nominated by a petition directed to the Clerk of the School District which is signed by at least one hundred (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 twenty (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 paper ballot, 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 candidate(s) 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 three inspectors of election for each polling location, 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 one hundred (100) feet of the polling place.
- j) When a term of office expires at the end of a school year and the office has become vacant at the time of election, the person elected to fill the new full term vacancy also fills the remaining days of the previous term, beginning his/her term of office immediately upon election and the taking and filing of the oath of office.

Education Law Sections 2004, 2012, 2018, 2025, 2029, 2031-a, 2032, 2034, 2105(14), 2121, 2502, 2602, 2608(1) and 2610

Adopted: 7/6/16

## By-Laws

**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 five hundred dollars (\$500) must file a statement accounting for his/her campaign expenditures and contributions with the District Clerk and an additional statement with the Commissioner of Education. In the event the expenses do not exceed five hundred dollars (\$500) and the aggregate amount of all contributions made to the candidate do not exceed five hundred dollars (\$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 Election Law Section 14-100;
- 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 one thousand dollars (\$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.

(Continued)

**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 Sections 1528 and 1529  
Election Law Section 14-100(1)

Adopted: 7/6/16

## By-Laws

**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.

**Small City School Districts**

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. If the Board chooses to fill the vacancy by appointment, the appointment requires a majority vote of the remaining members of the Board.

(Continued)



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

The Board, at its own option, may instead call a special election within ninety (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 Sections 306, 1607, 1706, 1709(17)(18), 1804(1), 2103(2), 2109, 2111, 2112, 2113, 2502, 2503  
and 2553  
Public Officers Law Sections 30, 31 and 35

Adopted: 7/6/16

## By-Laws

**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 Sections 1604, 1709, 1804 and 2503

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

Adopted: 7/6/16

## By-Laws

**SUBJECT: NOMINATION AND ELECTION OF BOARD OFFICERS AND DUTIES OF THE PRESIDENT AND VICE PRESIDENT**

Officers of the Board of Education shall 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 of Education are:

- a) President;
- b) Vice President.

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

The President's duties include the following:

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

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

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

Education Law Sections 1701, 2105(6) and 2502

Adopted: 7/6/16

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

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

The following shall be appointed annually:

- a) District Clerk;
- b) District Treasurer;
- c) Deputy Treasurer(s);
- d) Tax Collector and Deputies;
- e) External (Independent) Auditor;
- f) Central Treasurer, Extraclassroom Activities Account;
- g) Faculty Auditor, Extraclassroom Activities Account;
- h) Audit Committee.

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

- a) Census Enumerator and assistants if District conducts census;
- b) Director of School Health Services (District Physician/Nurse Practitioner);
- c) Supervisors of Attendance;
- d) Committee on Special Education and Committee on Preschool Special Education;
- e) Records Access Officer;
- f) Records Management Officer;
- g) Asbestos Hazard Emergency Response Act (AHERA) Local Educational Agency (LEA) designee;
- h) Title IX/Section 504/ADA Compliance Officer;

(Continued)

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

- i) Liaison for Homeless Children and Youth;
- j) Chemical Hygiene Officer;
- k) Dignity Act Coordinator [one in each building].

The following may also be appointed:

- a) School Attorney;
- b) Claims Auditor;
- c) Deputy Claims Auditor;
- d) Internal Auditor;
- e) Insurance Advisor;
- f) Copyright Officer.

**Designations**

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

- a) Petty Cash Fund(s);
- b) Official Newspaper(s);
- c) Official Bank Depositories;
- d) Official Bank Signatories;
- e) Purchasing Agent;
- f) Certifier of Payrolls;
- g) Designated Educational Official (DEO) to receive court notification regarding a student's sentence/adjudication in certain criminal cases and juvenile delinquency proceedings;
- h) School Pesticide Representative;

(Continued)

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

- i) Reviewing Official, Hearing Official and Verification Official for participation in the federal Child Nutrition Program (the Hearing Official may not be the same person as the Reviewing and/or Verification Official).

**Authorizations**

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

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

McKinney-Vento Homeless Education Assistance Act, Section 722, as reauthorized by the No Child Left Behind Act of 2001  
29 Code of Federal Regulations (CFR) Section 1910.1450  
Education Law Sections 305(31), 1709 and 2503  
8 New York Code of Rules and Regulations (NYCRR) Part 185  
21 New York Code of Rules and Regulations (NYCRR) Parts 1401, 9760

Adopted: 7/6/16

## By-Laws

**SUBJECT: DUTIES OF THE DISTRICT CLERK**

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

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

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

Education Law Section 2121  
Public Officers Law Section 104

Adopted: 7/6/16

## By-Laws

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

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

- a) Acts as custodian of all moneys belonging to the School District and lawfully deposits these moneys in the depositories designated by the Board;
- b) Pays all authorized obligations of the District as directed, including payments of bond principal and interest;
- c) Maintains proper records and files of all checks, and approved payment of bills and salaries;
- d) Makes all such entries and posts to all such financial ledgers, records and reports, including bond and note registers, 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 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 preparation of checks;
- g) Assumes other duties customary to the office.

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

Adopted: 7/6/16



**SUBJECT: DUTIES OF THE TAX COLLECTOR****Tax Collector Appointed by the Board of Education**

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 monthly 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 Sections 2126, 2130 and 2506

General Municipal Law Article 5-G

Real Property Tax Law Sections 578(2), 922, 924, 1322, 1330 and 1338

8 New York Code of Rules and Regulations (NYCRR) Section 170.2

Adopted: 7/6/16

## By-Laws

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

The responsibility for engaging a qualified and competent Certified Public Accountant (CPA) or Public Accountant (PA) to perform the annual audit of the District's financial statements resides with the Board of Education. State laws and regulations require that the annual audit be "accepted" by a resolution of the Board of Education. This resolution along with the audit report must be filed with State Education Department (SED) in a timely manner. 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.

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/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/she must establish an organizational structure, policies and procedures to provide reasonable assurance of complying with applicable standards governing audits.
- 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 and/or significance in order to provide reasonable assurance of detecting misstatements resulting from direct and illegal acts and 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.

(Continued)

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

- 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) Sections 3.50-3.54, 4.03, 4.19-4.24, and 5.07-5.20

Education Law Section 2116-a

8 New York Code of Rules and Regulations (NYCRR) Sections 170.2, 170.3 and 170.12

## By-Laws

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

The Board will appoint a Claims Auditor to audit and approve claims, to certify that each claim listed on the claims warrant was audited and payment authorized, and to perform other such tasks consistent with law and regulation. The Claims Auditor will hold his/her position subject to the pleasure of the Board and report directly to the Board. The Board may, in its discretion, require that the Claims Auditor report to the Clerk of the District or the Board, or to the Superintendent for administrative matters such as workspace, time and attendance.

**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/her duties.

No person shall be eligible for appointment to the office of Claims Auditor who shall be:

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

**Delegation of the Claims Audit Function**

Notwithstanding the foregoing, 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:

(Continued)

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

- 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. 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).

Education Law Sections 1604(35), 1709(20-a), 2526 and 2554(2-a)  
8 New York Code of Rules and Regulations (NYCRR) Section 170.12(c)

Adopted: 7/6/16

## By-Laws

**SUBJECT: DUTIES OF THE EXTRACLASSROOM ACTIVITY FUND CENTRAL  
TREASURER AND FACULTY AUDITOR**Central Treasurer

The Extraclassroom Activity Fund Treasurer is appointed by the Board of Education and is responsible for the supervision of the extraclassroom activity fund.

The Treasurer's duties include the following:

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

Faculty Auditor

The Extraclassroom Activity Fund Faculty Auditor is appointed by the Board of Education and is responsible for auditing of all financial transactions of the fund.

The Auditor's duties include:

- a) Examine the statement of accounts from the Central Treasurer once each month;
- b) Audit the ledgers kept by student treasurers at least twice per year;
- c) Examine transactions and procedures to determine if correct;
- d) Certify the accuracy of entries posted and available balances listed;
- e) Investigate instances when Central Treasurer's report and club ledgers do not agree; and
- f) Prepare year-end report summarizing the financial condition of each activity and submit to Principal and Board of Education.

## By-Laws

**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.

Adopted: 7/6/16

## By-Laws

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

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

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

8 NYCRR Section 136.5  
Education Law Sections 902, 913 and 6902

Adopted: 7/6/16



## By-Laws

**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 Sections 1950, 2116-b and 2116-c  
8 New York Code of Rules and Regulations (NYCRR) Section 170.12(d)

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

Adopted: 7/6/16

## By-Laws

**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."

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 Sections 1604(9), 1709(1), 1709(2) and 2503(2)

Adopted: 7/6/16

## By-Laws

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

All Board of Education meetings will be open to the public except those portions of the meetings which qualify as executive sessions. Reasonable efforts shall be made to ensure that all meetings are held in an appropriate facility which can adequately accommodate any and all members of the public who wish to attend.

Whenever such a meeting is to take place, there must be at least seventy-two (72) hours advance notice in accordance with the provisions of the Open Meetings Law. Notice of other meetings shall be given as soon as is practicable in accordance with law. When the District has the ability to do so, notice of the time and place of a meeting shall be conspicuously posted on the District's website.

District records available to the public under FOIL, as well as any proposed rule, regulation, policy or amendment, scheduled to be discussed at a Board meeting, shall be made available upon request, to the extent practicable, prior to the meeting. Copies of such records may be made available for a reasonable fee. Such records shall be posted on the website to the extent practicable, prior to the meeting.

If videoconferencing or online technology is used to conduct a meeting, the public notice for the meeting shall inform the public that videoconferencing will be used, identify all the locations for the meeting, and 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.

Regular meetings of the Board of Education of Binghamton City School District shall take place on the day and time designated by the Board at the Annual Organizational Meeting, except as modified at subsequent meetings of the Board. In the event a cancellation of a regular Board meeting becomes necessary, announcements will be made on local radio and television stations and the District's website.

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

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

(Continued)

## By-Laws

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

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

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

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

**Recording of 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 and supports the use of such technology to facilitate the open communication of public business.

**Public Expression at Meetings**

Public expression at Board of Education meetings is encouraged and a specific portion of the agenda for such meetings will provide for such participation. At its discretion, the Board may invite visitors to its meetings to participate in the Board's discussion of matters on the agenda.

**Quorum**

The quorum for any meeting of the Board shall be four members. No formal action shall be taken at any meeting at which a quorum is not present. Unless otherwise required by law, official action will only be taken by approval of the majority of the full Board.

**Use of Parliamentary Procedure**

The business of the Board of Education shall be conducted in accordance with the authoritative principles of parliamentary procedure as found in the latest edition of Robert's Rules of Order.

Education Law Sections 1708 and 2504  
General Construction Law Section 41  
Public Officers Law Article 7, Section 103(d) and 107

(Continued)

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

NOTE: Refer also to Policies #1520 -- Special Meetings of the Board of Education  
#1540 -- Executive Sessions  
#5410 -- Purchasing: Competitive Bidding and Offering  
#6211 -- Employment of Relatives of Board of Education Members  
#8340 -- Textbooks/Workbooks/Calculators/Instructional Computer Hardware

## By-Laws

**SUBJECT: AGENDA FORMAT**

The following order of business shall be used at Board of Education meetings:

- a) Call to Order
- b) Roll Call
  - 1. Approval of Minutes
  - 2. Financial Reports
  - 3. Unfinished Business
  - 4. Special Reports
  - 5. Correspondence for Action
  - 6. Public Comments on G Resolutions (time limited to three 3 minutes)
  - 7. New Business -- Superintendent's Recommendations
  - 8. Board Action
  - 9. Privilege of the Floor (time limited to three 3 minutes)
  - 10. Updates from Superintendent
  - 11. Agenda Items for Next Meeting
  - 12. Adjournment

The Order of Business may be changed upon motion by any Board member duly seconded and a majority vote of a quorum.

Adopted: 7/6/16

## By-Laws

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

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

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

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

Education Law Section 1606(3)  
Public Officers Law Sections 103 and 104

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

Adopted: 7/6/16

## By-Laws

**SUBJECT: WORK SESSIONS**

In addition to regular and special meetings, the Board of Education in order to better conduct the business of the District shall periodically meet in work sessions. The President may call for a work session whenever he/she, the Superintendent, or any member of the Board of Education considers such a meeting to be deemed as desirable. All such work sessions shall be open to the public.

In general, "work sessions" are for transmitting information to the Board and may be called for the following purposes:

- a) Budget discussions.
- b) Board of Education and administrative discussions of items concerning School District governance.
- c) For informational purposes or to hear from any agents or individuals in the community that may wish to share their aspirations for a better educational system with the Board of Education.
- d) To see a film, hear a lecture, etc., as they pertain to the operation of the School District.
- e) To be brought up-to-date on the action of all departments, divisions, of contracted employees of the District, e.g., the school architect, the school attorney, the school doctor, or for any other general informational purposes.

Minutes shall be taken at any work session and shall consist of a record of summary of all motions, proposals, resolutions and any other matters formally voted upon and the vote thereon.



## By-Laws

**SUBJECT: MINUTES**

The minutes are a legal record of the activities of the School Board as a public corporation having the specified legal purpose of maintaining public schools. The minutes of all meetings shall be kept by the Clerk or, in his/her absence, by the Superintendent or his/her designee. The minutes shall be complete and accurate, 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 Sections 2121 and 3020-a  
Public Officers Law Section 106

Adopted: 7/6/16

## By-Laws

**SUBJECT: EXECUTIVE SESSIONS**

Upon a majority vote of its total membership, taken in an open meeting pursuant to 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.

- 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 Civil Service Law Article 14;
- 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 Section 3020-a  
Public Officers Law Article 7

Adopted: 7/6/16

## By-Laws

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

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

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

The District Clerk shall give notice of the time and place of holding the Annual Meeting and Election/Budget Vote by publishing such notice four times within seven weeks preceding the meeting. The first publication of the notice must be at least forty-five (45) days prior to the meeting. Such notice must appear in two 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 shall be available to District residents, on request, in each District school building during certain designated hours on each day other than a Saturday, Sunday or holiday during the 14 days preceding such Annual Meeting. The availability of this budget information shall be included in a legal notice of the Annual Meeting; and such copies of the proposed budget will also be available to District residents at the time of the Annual Meeting and Election.

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

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

Adopted: 7/6/16

## By-Laws

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

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

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

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

Education Law Sections 1716, 2025 and 2601-2613

Adopted: 7/6/16

## By-Laws

**SUBJECT: ANNUAL ORGANIZATIONAL MEETING**

The Annual Organizational Meeting of the Board of Education shall be held during the first week in July, at such 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 Sections 1701, 1706, 1707, 1709, 2109, 2502(9) and 2504(1)

Adopted: 7/6/16

## By-Laws

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

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

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

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

Education Law Sections 2012, 2025 and 2603  
Election Law Article 5

**Personal Registration of Voters**

Personal registration of voters in the Binghamton City School District has been provided. All voters must register with the Broome County Board of Elections Office. The Board of Education will authorize registration of voters on dates to be determined at their discretion.

The registration must include all persons registering personally for the referendum or election in question. The register may also include:

- a) All persons who previously have registered for any annual budget referendum or special meeting of election held with four calendar years prior to the year in which such register is being prepared.
- b) Any person who is registered to vote under the provisions of Election Law Section 5-612(2) and amendments.

The last day of registration shall not be less than five days nor more than 14 days preceding the annual budget referendum or election. Such registration must be open for at least four consecutive hours between 7 a.m. and 8 p.m.

The Board of Education reserves the right to revoke the provisions for personal registration in this District. However, once revoked they cannot be reinstated unless authorized by the voters at a District election.

Adopted: 7/6/16

## By-Laws

**SUBJECT: ABSENTEE BALLOTS**

The Board of Education authorizes the District Clerk to provide absentee ballots to qualified District voters. Absentee ballots shall be used for the election of School Board members, School District public library trustees, the adoption of the annual budget and School District public library budget and referenda.

A District voter must request in advance an application for an absentee ballot. The voter must complete the application and state the reason he/she will not be able to appear in person on the day of the District election/vote for which the absentee ballot is requested. The application must be received by the District Clerk 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/she is unable to appear to vote in person on the day of the School District election/vote because:

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

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

An absentee ballot must reach the Office of the District Clerk 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 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 to the election inspectors on the day of the District election/vote. In addition, any qualified voter may challenge the acceptance of the absentee voter's ballot of any person on such list by making his/her reasons known to the election inspector before the close of the polls.

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

Adopted: 7/6/16



## By-Laws

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

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

- a) Questions or propositions shall be submitted by petition directed to the Clerk of the School District and shall be signed by twenty-five (25) qualified voters, or five percent (5%) of the registered voters of the District who voted in the previous annual election of Board members, whichever is greater.
- b) A separate petition shall be required for each question or proposition.
- c) Each petition shall be filed with the Clerk of the School District. Petitions relating to an Annual Election must be filed not later than 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 Education Law Section 2018.

**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 Education Law Section 2008.

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

Adopted: 7/6/16

