

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 needs of the community and its children, and to transform such needs into programs aimed at stimulating the interests of students and preparing them for productive citizenship and careers;
3. to employ a Superintendent of Schools capable of ensuring that the district maintains its position as an progressive school system;
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: June 4, 2008

SCHOOL BOARD LEGAL STATUS

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

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

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

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

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

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

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

Adoption date: June 4, 2008

BOARD REQUESTS FOR DATA AND REPORTS

As is becoming common practice in many school districts, given the leaner staffing levels in the district's offices, board members will channel requests for data gathering or reports from administrators or supervisors through the Superintendent of Schools, rather than requesting it from an administrator or operations supervisor directly.

Intent

By channeling requests through the district office, we can make the process and timetable of information gathering requests more 'doable' for all involved, and the Superintendent of Schools will be able to better see that employees are not duplicating efforts or placed in 'overload' any particular week or month.

Protocol

If at any point in time it appears that requests for data and reports, along with the increasingly frequent federal and state mandated data collection and reporting functions would exceed the capacity of the remaining staff to gather, collate and/or copy information requested on a timely basis, the Superintendent of Schools will work with the Board President or entire board to resolve the situation.

The Superintendent of Schools is charged with making clear to administrators and operations supervisors the intent of this policy and the protocol detailed above.

Adoption Date: May 13, 2003

BOARD MEMBER AUTHORITY

The Board shall consider itself the agent responsible for establishing and appraising educational matters and activities, excepting those cases where laws or Commissioner's Regulations would prohibit or not provide or not permit.

Peru Central School District Board of Education members have legal authority for the conduct of the district's schools only when acting as a body in a properly convened session.

The President of the Board shall be the designated spokesperson for the Board with regard to the announcement of actions which have become policy. Board members acting as individuals have no authority over school affairs or school personnel. The Board will not be bound in any fashion by any individual member's statement[s] or action[s] unless the Board, through an adopted policy or a majority vote of the Board membership, delegates this authority for each specific issue to the individual member.

Board members acting as individuals have no authority over school district personnel, school district affairs or the Superintendent of Schools.

Members of the Board are free to speak to individuals on such issues outside of board meetings, but such public expression is not to be construed as Board policy.

Ref: Education Law §§1604; 1701; 1708; 1709; 1710
General Municipal Law §805-a
Matter of Bruno, 4 EDR 14 (1964)

Adoption date: June 4, 2008

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.

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 Election and Budget Vote

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

Adoption date: June 4, 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

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 “permanently disabled” and shall automatically mail absentee ballots to such voters in advance of each district vote or election.

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

Adoption date: June 4, 2008

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.

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

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

Adoption date: June 4, 2008

FILLING BOARD VACANCIES

The Board of Education has the power to fill any vacancy, by a majority vote, which may occur on the Board by reason of death, resignation, removal from office or from the school district, or refusal to serve, of any member or officer of the Board. The person so appointed in the place of any such member of the Board shall hold his/her office until the next annual election of Board members. The unexpired term of the office will then be filled by election.

The Board shall have the power to call a special school district election for the purpose of filling the unexpired term of office of a member of the Board.

Ref: Education Law §§1709(17); 2113

Adoption date: June 4, 2008

SCHOOL DISTRICT OFFICER AND EMPLOYEE CODE OF ETHICS

The Board of Education is committed to avoiding any situation in which the existence of conflicting interests of any officer or employee may call into question the integrity of the management or operation of the school district. The Board recognizes that sound, ethical standards of conduct serve to increase the effectiveness of district officers and staff as educators and public employees in the community. Adherence to a code of ethics promotes public confidence in the schools and furthers the attainment of district goals.

The Board also recognizes its obligation to adopt a code of ethics setting forth the standards of conduct required of all district officers and employees under the provisions of the General Municipal Law. Therefore, every officer and employee of the district, whether paid or unpaid, shall adhere to the following code of conduct:

Board members and their staff commit themselves to:

- **Assuring** the opportunity for high quality education for every student and making the well-being of students the fundamental principle in all decisions and actions.
- **Representing** the entire community without fear or favor.
- **Accepting** all responsibilities as a means of unselfish service, while not using their positions for personal gain.
- **Acting** as part of an educational team with mutual respect and regard for each other's respective responsibilities and duties, recognizing that the strength of a school board is in acting as a board, not as individuals.
- **Preserving** the obligation of having all issues considered fairly and without bias.
- **Upholding** the principles of due process and individual dignity, and protecting the civil and human rights of all.
- **Maintaining** high standards and the effectiveness of education through research and continuing professional development
- **Obeying** all national, state, and local laws and regulations pertaining to education and public agencies
- **Instilling and modeling** respect for others throughout the community, state and nation.

1. Gifts: An officer or employee shall not directly or indirectly solicit any gift or accept or receive any gift having a value of greater than \$75, 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.
3. Representation before the Board or District: An officer or employee shall not receive or enter into any agreement, expressed or implied, for compensation for services to be rendered in relation to any matter before the school district.
4. Disclosure of interest in matters before the Board: A member of the Board of Education and any officer or employee of the district, whether paid or unpaid, must publicly disclose the nature and extent of any interest they or their spouse have, will have or later acquire in any actual or proposed contract, purchase agreement, lease agreement or other agreement involving the school district (including oral agreements), to the governing body and his/her immediate supervisor (where applicable) even if it is not a prohibited interest under applicable law. Such disclosure must be in writing and made part of the official record of the school district. Disclosure is not required in the case of an interest that is exempted under Section 803(2) of the General Municipal Law. The term “interest” means a pecuniary or material benefit accruing to an officer or employee. Exceptions to the conflict of interest law can be found in Section 802 of the General Municipal Law.
5. Investments in conflict with official duties: An officer or employee shall not invest or hold any investment directly in any financial, business, commercial or other private transaction that creates a conflict with his or her official duties. Exceptions to the conflict of interest law can be found in Section 802 of the General Municipal Law.
6. Private employment: An officer or employee shall not engage in, solicit, negotiate for or promise to accept private employment when that employment or service creates a conflict with or impairs the proper discharge of his or her official duties.

7. Future employment: An officer or employee shall not, after the termination of service or employment with the district, appear before the Board in relation to any action, proceeding, or application in which he or she personally participated during the period of his or her service or employment or that was under his or her active consideration.

Distribution of Code of Ethics

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

Penalties

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

Ref: General Municipal Law §§806-808

Adoption date: June 4, 2008

Code of Ethics Board Member Exhibit

As a member of my Board of Education, I will strive to improve public education, and to that end I will:

- Remember always that my first and greatest concern must be the educational welfare of the students attending the public schools.
- Attend all Board meetings insofar as possible, and become informed concerning the issues to be considered at those meetings;
- Recognize that I should endeavor to make policy decisions only after full discussion at publicly held Board meetings;
- Render all decisions based on the available facts and my independent judgment, and refuse to surrender that judgment to individuals or special interest groups;
- Encourage the free expression of opinion by all Board members, and seek systematic communications between the Board and students, staff, and all elements of the community;
- Work with other Board members to establish effective Board policies and to delegate authority for the administration of the schools to the Superintendent of Schools;
- Communicate to other Board members and the Superintendent expressions of public reaction to Board policies and school programs;
- Maintain familiarity with educational issues through study and participation in programs providing needed information, such as those sponsored by state and national school boards associations;
- Support the employment of those persons best qualified to serve as school staff, and insist on a regular and impartial evaluation of all staff;
- Avoid being placed in a position of conflict of interest, and refrain from using my Board position for personal or partisan gain;
- Take no private action that will compromise the Board or administration, and respect the confidentiality of information that is privileged under applicable law.

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 will hold its annual reorganizational meeting on the first Tuesday in July. If that day is a legal holiday, the Board will hold the meeting on the first Wednesday in July. The Board may alternately hold the meeting on a date during the first 15 days in July that is not a legal holiday. The Board will choose this date by resolution at a Board meeting before July.

The District Clerk shall call the meeting to order, and shall preside until the election of a new president. The order of business to be conducted at the reorganizational meeting shall include items required or implied by state law and/or regulation. The Board may also conduct general district business at the end of the meeting before adjourning.

I. Oath of Office

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

II. Election of Board Officers

The Board shall elect a president and vice-president for the ensuing year, and administer the oath of office to them. A majority of all members of the Board shall be necessary for a valid election.

III. Appointment of District Officers

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

District Treasurer
District Clerk
Claims Auditor

Deputy Treasurer
Tax Collector

IV. Appointment of Other Positions

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

School Physician	School Attorney
Census Enumerator	Attendance Officer
School Dentist	Insurance Consultant
Internal Audit Function	Records Access Officer
Title IX/Section 504 Hearing Officer(s)	Records Management Officer
Treasurer of Student Activity Account	Asbestos Designee

V. Bonding of Personnel

The Board may bond the following personnel handling district funds:

District Clerk	School Attorney
Tax Collector	Claims Auditor
District Treasurer	Deputy Treasurer
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 day and time of regular meetings
 Rate for mileage reimbursement

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

VII. Authorizations:

- a. of person to certify payrolls
- b. of school purchasing agent
- c. of attendance at conferences, conventions, workshops, etc., with designated expenses
- d. to establish petty cash funds (and to set amount of such funds)
- e. to designate authorized signatures on checks

f. of Superintendent of Schools to approve budget transfers

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

Ref: New York State Constitution, Article XIII, §1
General Municipal Law §103(2) (official newspapers)
Public Officers Law §§10; 13; 30
Education Law §§ 701 (meeting to elect president, may elect vice president); 1707 (date of meeting); 1904 (central high school districts in Nassau county); 2130 (appoint clerk, bonded treasurer and bonded tax collector); 2504 (small city meeting during the first week of July, day and time of regular meetings)

Adoption date: June 4, 2008

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. The district clerk shall serve as chairperson of the election for Board officers. The district clerk shall ask for nominations for and conduct the election of president. All members of the Board are eligible for election as president. Once the district clerk determines there are no further nominations, the district clerk shall ask for a motion and second to close the polls. This motion shall then be voted upon. Voting shall then take place by roll call vote until one candidate is elected by a majority vote. If any one candidate fails to get a majority, voting continues until a majority vote is secured. The district clerk shall announce the election of president who shall preside over the ensuing proceedings.

Duties of the President of the Board

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

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

Duties of the Vice-President

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

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

Adoption date: June 4, 2008

APPOINTED BOARD OFFICIALS

District Clerk

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

1. keep an accurate record of the proceedings of the Board of Education and shall submit a copy of the proceedings to each Board member and the Superintendent of Schools;
2. file all correspondence and records relating to matters of the school district, involving the Board;
3. prepare and arrange publication of legal notices;
4. attend all public meetings of the Board (Regular and Special) as well as public hearings of the Board and, when requested:
5. perform duties pertaining to the preparation for, and conduct of district elections, budget votes, and special district referendum elections;
6. in the absence of both the President and Vice-President of the Board at a duly constituted meeting, determine the member with the longest tenure on the Board, in alphabetical order, and that member shall then assume all the usual duties of the President until either the President or Vice-President is in attendance;
7. administer the Oath of Office for all Board members and school district officers; and
8. perform any other work requested of him/her by the Board or the Superintendent.

District Treasurer

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

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

Ref: Education Law §§2121; 2122; 2130

Adoption date: June 4, 2008

BOARD-SUPERINTENDENT RELATIONSHIP

The Peru Central School District Board of Education intends that its relationship with the Superintendent of Schools be harmonious and professional. While both the Board and the Superintendent strive to set conditions for continuous improvement of programs and operations, some disagreements are inevitable. Such disagreements will be resolved, to the extent possible, by courteous and mutually respectful discussion among each of the Board's members and the Superintendent.

The Board believes that the development and adoption of policies is the most important function of a school board and that the execution of those policies is the function of the Superintendent.

The Superintendent is charged with managing the schools within the guidelines established by Board policy, thereby allowing the Board to devote its time to policy development, evaluation of programs, operations and priority district needs.

The Board charges the Superintendent with responsibility for administration of its policies; the execution of Board decisions; and the day-to-day operation of the school district's programs and operations.

Adoption Date: March 13, 2007

CITIZENS ADVISORY COMMITTEES

The Board of Education recognizes that it can benefit from 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 advisory 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 consultation with the Superintendent of Schools, 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.

Any such community advisory committee shall report, in writing, all suggestions and recommendations to the Board, via the Superintendent of School, prior to public release of that committee's findings. Final reports shall be delivered to the board, via Superintendent of Schools for inclusion with the agenda packet associated with the meeting for which the Board will receive such final reports. Committees shall report all suggestions and recommendations to the Board and Superintendent of Schools prior to public release. Final reports shall be delivered to the Board at a meeting scheduled by the Board to receive the report.

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

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

SCHOOL ATTORNEY

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

Selection of a School Attorney

The district, when seeking to retain a School Attorney, will first locate prospective qualified lawyers/law firms by:

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

The district will then prepare a well-planned, written request for a proposal which will contain critical details of the services sought and submit this request to prospective applicants.

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

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

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

Adoption date: June 4, 2008

REGULAR MEETINGS

All Board of Education meetings must be open to the public. A “meeting” is defined as an official convening of a public body of the purpose of conducting public business. The Board will follow open meetings law guidelines for determining whether or not particular committees, sub-committees, or ad-hoc advisory committees are subject to the particular guidelines below.

Whenever such a meeting is to take place, there must be at least seventy-two (72) hours advance notice in accordance with the provision of the Open Meetings Law. Notice of other meetings shall be given as soon as is practicable in accordance with law.

Regular meetings of the Board 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.

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 to the Superintendent. The Superintendent shall present such matter to the Board.

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

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 event 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 administrators/operations supervisors 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 and salary determination. The Board may request the attendance of additional others as it desires.

Cross-ref: 2210, Board Reorganizational Meeting
2342, Agenda Preparation and Dissemination

Adoption date: June 4, 2008

SPECIAL MEETINGS

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

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

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

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

Adoption date: June 4, 2008

EXECUTIVE SESSIONS

The Board of Education may hold executive sessions at which only the members of the Board or persons invited by the Board shall be present. However, the executive session is only available for the purpose of discussion, and except as the law allows, formal action must be taken in an open session.

Executive sessions can be requested by any member of the Board or the Superintendent of Schools.

A Board member must make a motion during an open meeting to convene in executive session. Upon a majority vote of its members, the Board may convene in executive session at a place which the Board President or said members may designate within the district to discuss the subjects enumerated below. Matters which may be considered in executive session are:

1. matters which will imperil the public safety if disclosed;
2. any matter which may disclose the identity of a law enforcement agent or informer;
3. information relating to current or future investigation or prosecution of a criminal offense which would imperil effective law enforcement if disclosed;
4. discussions regarding proposed, pending or current litigation;
5. collective negotiations pursuant to Article 14 of the Civil Service Law (the Taylor Law);
6. the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation;
7. the preparation, grading or administration of examinations; and
8. the proposed acquisition, sale, or lease of real property or the proposed acquisition of securities, or sale or exchange of securities, but only when publicity would substantially affect the value thereof.

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

Minutes shall be taken at executive sessions of any action that is taken by a formal vote and should consist of a record or summary of the final determination of such action and the date and vote thereon, provided, however, that such summary shall not include any matter which is not required to be made public by the Freedom of Information Law. Minutes taken shall be available to the public within one week from the date of the executive session.

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

Adoption date: June 4, 2008

NOTICE OF MEETINGS

For all regular and scheduled special meetings of the Board of Education, the District Clerk shall give adequate notice to all members and to the community.

If a meeting is scheduled at least a week in advance, notice will be given to the public and news media at least 72 hours prior to the meeting. A special meeting may be called upon 24-hour notice to Board members.

When a meeting is scheduled less than a week in advance the Board shall provide public notice to the extent practicable. Said notice shall be conspicuously posted in one or more designated public locations.

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

Adoption date: June 4, 2008

AGENDA PREPARATION AND DISSEMINATION

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

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

Members may request topic for the agenda prior to 10AM Thursday for the next Tuesday's meeting.

Employees, parents and other community members may suggest topics for Board discussion by contacting the Superintendent of Schools, via the district clerk.

The Superintendent of Schools may request the individual reduce to writing the particulars of the suggested topic[s], to assist with subsequent Board consideration. The Superintendent will share that suggested topic and associated documents with the school board and work cooperatively with the Board President to determine how the suggested topic might best be placed on a future Board meeting agenda.

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

The agenda and any supporting materials will normally be distributed to board members on the Friday prior to Tuesday's regular monthly meeting, to permit careful consideration of items of business. The agenda will be released to the news media including local newspapers, radio stations and television stations in advance of the meeting. The agenda will also be available in the Superintendent's office to anyone who requests a copy.

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

Cross-ref: 2350, Board Meeting Procedures

Adoption date: June 4, 2008

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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 monthly meeting shall be as follows:

1. Call to Order
2. Executive Session
3. Pledge of Allegiance
4. Roll Call
5. Approval of Agenda
6. Consideration of the Minutes of previous meeting[s]
7. Recognition [*periodic recognition of distinctive accomplishments*]
8. Public Comment [*pertaining to the approved agenda*]
9. Superintendent's Report [*provided in print as an attachment*]
10. Consent Agenda
 - a. Reports and communications
 - b. New Business
 - c. Personnel
11. Goals
12. Old Business
13. New Business
14. Executive Session [*if and as necessary*]
15. Public Comment
16. Adjournment

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

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

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

Adoption date: June 4, 2008

RULES OF ORDER

The business of the Peru Central school board will be conducted by the following:

1. Particular rules established by the school board will have precedence.
2. Robert's Rules of Order shall be followed, in the absence of particular rules established by the Board.

Reference publications provided from the NYSSBA on Robert's Rules of Order will be used by the Superintendent as 'ready reference tools' for researching member questions about particular rules. The most recently copyrighted of those Robert's Rules of Order reference publications provided from the NYSSBA will be used as the initial reference.

Adoption date: June 4, 2008

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 complete and accurate set of minutes of each meeting, in accordance with law.

The minutes shall constitute the official record of proceedings of the Board and shall be open to public inspection within one week of executive sessions and within two weeks of all other meetings. Minutes which have not been approved by the Board within this time frame shall be marked, "DRAFT." A draft of the minutes of each meeting shall be forwarded to each member of the Board not later than the time the agenda for the next meeting is disseminated.

The District Clerk shall be responsible for taking the minutes, and shall have the draft minutes to the Board President within two weeks of the meeting. The minutes shall conform to an established format.

All motions, proposals, resolutions, and any other matters formally voted upon by the Board shall be recorded in Board minutes. In recording such votes, the names of the Board members shall be called in alphabetical order, except for the Board President who will vote last, and the record shall indicate the final vote of each Board member.

If a Board member is not present at the opening of a meeting or is not present for the entire duration of the meeting, the subsequent arrival and departure 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: June 4, 2008

POLICY DEVELOPMENT, ADOPTION, IMPLEMENTATION AND REVIEW

The Board of Education is responsible for adopting and assessing the effectiveness of the written policies by which the district is governed. The Board recognizes that written policies are essential to district governance in that they:

- Govern effectively and efficiently across time, situations, and individuals.
- Provide the foundation and guidance for administrative action.
- Publicize the federal, state, and local rules that govern the district.
- Help to evaluate progress by including measurable outcomes.

Development

- The Board is committed to developing written policies which:
- Clearly define the district's goals and objectives and reflect the Board's vision.
- Define roles and responsibilities and identify who is responsible for what.
- Provide the Superintendent and district staff with clear guidance regarding expected district administration.
- Allow for flexibility that is needed for day-to-day operations.
- Include measurable outcomes.

Any member of the Board, district staff, students, parents, district taxpayers or other member of the public may identify policy issues. Such issues shall be identified to the Superintendent of Schools, who will **be** responsible for submitting policy issues to the Board for consideration, and for keeping a record of all policy initiatives submitted to the Board.

Before acting on any proposed policy, the Board will assemble the relevant facts, receive recommendations from individuals and groups who will be affected by the policy, and discuss, debate and decide on the substance of the policy in open meeting. The Superintendent shall be responsible for identifying the constituent groups most likely be affected by the policy.

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

- Is within the scope of the Board's authority.
- Is consistent with state and federal law and the state and federal Constitutions.
- Supports the district's goals and objectives.
- Reflects good practice (e.g., educational, personnel, business, etc.).
- Is reasonable and not arbitrary or discriminatory.
- Adequately covers the subject.

- Is consistent with the Board's existing policies.
- Can be administered in a practical, cost effective manner.

Adoption

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

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

The Superintendent shall consult with the school attorney, if the draft policy is viewed by the Superintendent as appropriate for school attorney perusal, prior to the adoption or revision of that particular draft policy.

Implementation

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

The board policy manual shall be kept in the district office and made available to the public upon request. A copy of the board policy manual shall be kept at the district office, and is to be generally available via the district's Web site, to provide residents with ready access to current district policy.

Review

The Superintendent shall be responsible for informing the Board of any policies that the Superintendent views as being out-of-date or in need of revision.

In addition, the Board will review each section of the policy manual at least every five years, on a rotating basis, and update each section as necessary to ensure that the policies are consistent with board goals and district practices.

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

Adoption date: June 4, 2008

NEW BOARD MEMBER ORIENTATION

The Board of Education accepts responsibility for assisting each new member-elect to gain information regarding school board functions, policies and procedures in advance of that new member elect's start of service.

The Superintendent of Schools is charged with scheduling a set of brief meetings with each new member-elect focused on:

- District policies and procedures associated with school governance;
- Meeting informally with small groups of administrators and operations supervisors;
- Receiving a copy of the district's updated *Policy Handbook* and the negotiated agreements between the district and the various collective bargaining agreements;
- Providing the new member with a copy of New York State School Law;
- Providing the new member-elect with pertinent Board documents;
- Offering the new member-elect an opportunity to discuss with the Superintendent of Schools and/or the Board President the important role of the board-superintendent team in establishing collective focus on goals and continuous improvement of instructional programs and support operations;
- The opportunity to have the district office reserve a seat for the new member-elect at the New York State School Boards Association new member orientation program;
- Inviting the new member-elect to attend and observe any upcoming board meeting public sessions and schedule time with the district clerk to gather pertinent documents to present to the new member-elect in advance of that new member-elect's start of service;
- Inviting the new member-elect to meet briefly with the Superintendent of Schools and one or two recent new members-elect to discuss each of the topics above, in an effort to demonstrate and model the importance of member engagement and board-superintendent teamwork.

Adoption date: June 4, 2008

BOARD MEMBER TRAINING

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

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

The district clerk will provide the school board and Superintendent of Schools with a status report of members subject to the training requirement detailed above, along with whether or not such members have filed an appropriate certificate of completion with the district clerk.

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

Ref: Education Law §2102-a

Adoption date: June 4, 2008

SCHOOL BOARD CONFERENCES, CONVENTIONS, WORKSHOPS

The Peru Central School District Board of Education recognizes of the benefit of ongoing board member in-service training and development. The school board encourages the participation of all members in meetings and activities of regional and state school board associations, and supports consideration of member attendance at vital activities sponsored or co-sponsored by other organizations, such as the BOCES, the area's school boards association, the New York State School Boards Association, the New York State Association of School Business Officials or the New York State Council of School Superintendents. Board members are encouraged to study and examine materials received from these organizations, to help advance the organization. The Superintendent of Schools is charged with establishing and sustaining in the district office a modest Board library of publications and materials, available on loan to members and other school officials.

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 include, from time to time, as part of the monthly regular meeting agenda, particular workshops and conferences warranting school board consideration to designate representatives to attend and participate in such gatherings. The Superintendent of Schools will offer counsel to the Board regarding particular workshops, conferences and other key gatherings that appear most promising and cost-effective for producing direct benefit to the effectiveness of the school board.
2. The Board shall determine particular meetings and conferences that in the best judgment of the Board warrant participation by Board representatives or all members. The Board, by majority vote, may authorize particular members, officers and/or district officials such as the Superintendent of Schools and School Business Administrator to attend such meetings or conferences to represent the Board. In such case, a motion must be made, seconded and approved prior to such attendance, and entered into the minutes.
3. The Board will reimburse conference attendees serving as approved representatives of the Board for reasonable and necessary expenses not paid for directly by the district in advance, such as travel, hotel, meals, registration and/or materials, in a manner consistent with established district policy for such reimbursements.

4. Board members may receive pre-payment for conference attendance only in accordance with established district policy and protocols for reimbursement.
5. When any Board member or approved Board representative attends a conference, convention, or workshop, the individual will be requested to share information, recommendations, and materials acquired at the meeting with the Board or the Superintendent of Schools.

Adoption date: June 4, 2008

COMMUNICATION AMONG INDIVIDUAL BOARD MEMBERS

The Board of Education recognizes its responsibility to adhere to the Open Meetings Law and protect the public's right to observe its meetings and deliberations. The Board shall adhere to the spirit and intent of this law and agrees that private, informal communication will not be used to replace board meetings.

Voting, action, and/or deliberation by a board may only occur at a meeting during which a quorum of board members has physically convened or convened by means of video-conference.

While individual board members may communicate to share information or expertise, the Board does not condone any communication (i.e., telephone, conference call, mail, or e-mail), directly or serially, which has the intent or effect of circumventing the Open Meetings Law.

Freedom of Information Law

In addition, the Board recognizes communications maintained in some physical form, including e-mail stored in a computer, that are received or prepared for use in board business or containing information relating to board business may be regarded as public records which may be inspected by any person upon request, unless otherwise made confidential by state or federal law.

Board members shall avoid reference to confidential information about employees, students or other matters in e-mail communications because of the risk of improper disclosure. Board members shall comply with the same standards as school employees with regard to confidential information.

Cross-ref: 1120, School District Records
 2160, School District Officer and Employee Code of Ethics

Ref: Public Officers Law §§ 102, 103, 108
 Family Educational Rights and Privacy Act, 20 U.S.C. 1232g
 Robert J. Freeman, Executive Director, NYS Committee on Open
 Government "E-Mail: Food for Thought"

Adoption date: June 4, 2008

BOARD MEMBER E-MAIL COMMUNICATIONS

Head Note

The Peru Central School District Board of Education views it important to adhere to the Open Meetings Law and to vigilantly protect the public's right to observe its meetings and deliberations.

Individual communications, whether by memo, telephone, or e-mail, often serve as a means of acquiring or exchanging information, knowledge, expertise or different points of view, all of which can enable Board members to carry out their duties more effectively on behalf of the school community. Yet, Board members need to be aware of their legal implications, particularly those relating to the Open Meetings Law and to the Freedom of Information Law.

The Peru Central School District Board of Education recognizes its responsibility to adhere to the Open Meetings Law and provide the public with the right to observe the performance of public officials in their deliberations. The Board shall adhere to the spirit and intent of this law and agrees that private, informal communication will not be used to replace the vibrant public discussion and debate that is at the heart of the Open Meetings Law. While individual board members may communicate to share information or expertise, the Board does not condone any communication via telephone conference, mail, or e-mail that direct or serially, has the intent or effect of circumventing the Open Meetings Law.

In addition, the Board recognizes communications maintained in some physical form, including e-mail stored in Board member school district e-mail accounts, that are received or prepared for use in board business or containing information relating to board business may be regarded as public records which may be inspected by any person upon request, unless otherwise made confidential by state or federal law.

While there is nothing in the Open Meetings Law which would preclude board members from conferring individually via mail, telephone, or e-mail, the Committee on Open Government has held that a series of communications which result in a collective decision, a meeting, or a vote would be inconsistent with law.

Voting, action and/or deliberation by a board may only occur at a meeting during which a quorum has physically convened or convened by means of video-conference.

The Open Meetings Law is intended to provide the public with the right to observe the performance of public officials in their deliberations whether or not action is taken. That intent can't be realized if board members conduct public business as a body, poll members or vote by e-mail.

Therefore, school district e-mail accounts for members of the Board are authorized for the following purposes only:

- Prompt distribution of documents, information and updates via the district clerk or Superintendent of Schools to the Board of Education;
- Sending the district clerk any e-mail communication and/or e-mail attachment the member requests be sent by the district clerk to all members of the school board, in order to provide knowledge, expertise or a point of view on a matter involving the Board business;
- Responding to constituent e-mails, with the understanding that any and all Board member e-mail correspondence via school district e-mail accounts is subject to examination by the school district, the Board of Education and the public.
- Sharing with the Superintendent of Schools insights or comments, with the intent of assisting the Superintendent with formulating recommendations and follow-through associated with school board matters.

From time to time, the Board of Education may examine this policy, in order to assess the value added to the school district and Board by having school district e-mail accounts for members of the Board. Also from time to time, the Board of Education may examine this policy, in order to consider extending or diminishing the list provided above of authorized purposes of school district e-mail accounts for members of the Board.

School district e-mail accounts are not private accounts, and are subject to review at anytime to ensure compliance with policy.

The Superintendent of Schools is charged with seeing that appropriate protocols are put into place to ensure for efficient implementation of the e-mail uses authorized above.

Adoption Date: March 8, 2005