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Section 0000 – Bylaws

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Identification

0111. Name — The Board of Education shall be officially known as the Board of Education of the Newburgh Enlarged City School District in the County of Orange, State of New York, hereinafter sometimes referred to as the “Board.”

0113. Composition — The Newburgh Enlarged City School District comprises all of the area within the municipal boundaries of the City of Newburgh and portions of the Town of Newburgh, Town of New Windsor, and Town of Cornwall. (Ed. Law 1526)

0115. Office — The offices of the Board of Education are located at 124 Grand Street, Newburgh, New York 12550.

Functions

0131. Legislative — The Board shall exercise its rule-making power by adopting bylaws and policies for the organization and orderly conduct of the School District.

- a. Bylaws and policies may generally be adopted, amended or repealed only after two readings. A new policy or bylaw, or an amendment to or repeal of a policy or bylaw must be presented to the Board at a regular or workshop Board meeting and then, at a second Board meeting, at which time it may be adopted, amended or repealed.
- b. Bylaws and policies may be adopted or amended at a single meeting of the Board in an emergency or if required by law.
- c. The Board may, where an emergency exists, cause to suspend at any time the operation of a bylaw or policy herein contained, provided the suspension does not conflict with law, and such suspension shall terminate at the next meeting of the Board or at such other time as may be specified in the motion to suspend. An emergency shall be defined for purposes of this rule as any situation or set of circumstances which the Board has reason to believe will close the schools or jeopardize the safety or welfare of the pupils or employees of the District.

Any resolution adopted under emergency conditions shall expire automatically at the first public meeting of the Board following the abatement of the emergency or upon the date set forth in the resolution, unless the Board moves to adopt said resolution in final form.

- d. Bylaws and policies shall be adopted, amended or repealed by a majority vote of the full number of members entitled to sit on the Board.
- e. The adoption, modification, repeal or suspension of a Board bylaw or policy shall be recorded in the minutes of the Board. All current bylaws and policies shall be printed in the Board policy manual.
- f. The Board may adopt implementing regulations to these bylaws by a single vote of a majority of the full Board, and such procedures shall be maintained in this manual as an appendix to these bylaws.

0132. Executive — The Board of Education has the power and duty to appoint a Superintendent of Schools and to prescribe his/her powers and duties. The Superintendent shall have a seat on the

Board and shall have the right to speak on all matters at meetings of the Board, but shall have no vote. (Ed. Law §2508-1)

- a. The Superintendent shall enforce the statutes, administrative codes, and the policies of the Board.
- b. The Superintendent may prepare regulations for the administration of the School District that are not inconsistent with statutes, administrative codes and are dictated by the policies of this Board, and such regulations shall be binding on the employees of this District and the students in the schools of this District when issued.
- c. In cases where administrative action is not expressly dictated by policies of the Board, the Superintendent may formulate regulations that shall be binding upon the employees of this District and the students of these schools when issued, but shall be provided to the Board at the next meeting thereof.

Membership

0141. Number — The Board of Education shall consist of nine members. (Ed. Law §2502-2)

0142. Qualifications — Each member of the Board shall have the qualifications specified by law. (Ed. Law §2502-7)

0142.3. Orientation — To promote the effective participation of members elected to serve as trustees of the District, such new members shall be encouraged to attend orientation conferences sponsored by organizations such as the New York State Education Department, the New York State School Boards Association, Mid-Hudson School Study Council, Orange County School Boards Association and other similar organizations.

The Board shall review periodically the state and national school boards or other educational conferences available to Board members, and authorize upon advance request, with estimated costs to the Clerk of the Board, the attendance of one or more members of the Board at such conference(s).

The costs of attending such conference(s) shall be paid for by the District in accordance with law (Ed. Law §2503; Gen. Mun. Law §77-b) and Board policy.

0143. Election — Members of the Board shall be duly elected at large by the qualified voters of the District at an election held annually on the third Tuesday in May as required to maintain the full membership of nine on the Board. (Ed. Law §2602)

0144. Term — A member shall be elected to a term of office of three years except that where a member is elected to fill an unexpired term, he/she shall be elected to a term of office coterminous with the unexpired term. (Ed. Law §2502-3)

0145. Vacancies — A vacancy on the Board occasioned by resignation, removal, change of residency, or death may be filled by the Board by appointment by a quorum of the remaining Board members of a qualified person who will hold office only until the next regular School District election or by special election within 90 days of the date of the vacancy. (Ed. Law §§2113, 2502-6) The Board may also choose to leave the seat vacant.

0146. Removal — After a hearing, the Board may remove a member found guilty of official misconduct. In addition, whenever a member shall cease to be a bona fide resident of the District, his/her membership shall cease immediately. A vacancy may also be declared by the Board when a member has failed to attend three successive regular monthly meetings without sufficient excuse. Members are subject to removal by the Commissioner for subversive activities, willful violation or neglect of duty, disobedience of a lawful requirement of the Commissioner of Education and other acts in accordance with law. (Ed. Law §§306, 1706, 1709-18, 2109; 8 NYCRR 275, 276,277)

0147. Compensation — A Board member may not receive compensation for his/her services, but may be reimbursed for reasonable and necessary expenses of a Board member incurred in the

performance of his/her duties and responsibilities upon presentation of a properly filed voucher and audit by the Claims Auditor. (Ed. Law §2118)

0148. Indemnification — Whenever a school Board member in the exercise of his/her powers or the performance of his/her duties or who without willfulness or intent violates a prior order, judgment, consent decree or stipulation of settlement and is required to defend any non-criminal litigation brought against him/her, all reasonable costs as well as damages adjudged against him/her will be considered School District charges. This provision shall be read in consonance with law. (Ed. Law §3811; Public Officers Law 18)

0149. Authority — No member of the Board, as an individual, has the right to exercise the authority of the Board, unless he/she has been specifically delegated authority to act on behalf of the Board by law or action of the Board.

Reorganization

0151. Date — The Board shall hold an annual organizational meeting during the first week of July each year in accordance with law. (Ed. Law 2504)

0152. Officers — The meeting shall be called to order by the immediate past President or Vice President; in their absence the Clerk shall act as presiding officer. The Clerk shall administer the oath of office to newly elected and re-elected members. The Board shall then proceed to the election of a President and a Vice President who shall thereupon assume their offices. Election shall be by majority vote of the full Board. (Ed. Law 2504)

- a. Officers shall serve for one year. (Const. Sec. 2, Art. XIII, Ed. Law 2504)
- b. Officers may be removed by the Commissioner in accordance with law. (Ed. Law 306, 1706, 1709-18, 2109)
- c. The Vice President shall exercise the duties of the President in the absence or disability of the President, or when there is a vacancy in the office of President until a new President is elected.
- d. In case the office of President or Vice President shall become vacant, the Board shall, within thirty days thereafter, fill the vacancy by election.

0153. Appointments — The Board shall appoint the following individuals at the Annual Organizational Meeting for the term July 1 to June 30:

- a. An external auditor (Ed. Law 2503-5; 8 NYCRR 170.2r)
- b. An internal auditor
- c. A Claims Auditor (Ed. Law 2526)
- d. A School Physician/Medical Officer (Ed. Law 2503-5)
- e. A School Attorney
- f. A School District Clerk (2102, 2114, 2121; 8 NYCRR 170.2a)
- g. A District Treasurer (Ed. Law 2101, 2102, 2114, 2130-5)
- h. A School District Tax Collector (Ed. Law 2506)

0154. Motions — The Board shall at the Annual Organizational Meeting:

- a. Designate one or more depositories for school funds and a signatory or signatories for checks to be drawn against said account(s). (Ed. Law 2129, 2130-4; 8 NYCRR 170.2c)

- b. Designate a newspaper(s) of general circulation in the District. (Ed. Law 305-14a, 2528, 2605)
- c. Designate the day and time of regular business and workshop meetings of the Board of Education. The date, time or place of meetings may be changed from time to time by the consent of the majority of the Board. (Ed. Law 2504)
- d. Readopt the existing bylaws and policies for its own operation and the operation of the school system.
- e. Confirm the standing committees of the Board.
- f. Make such other appointments and designations required by law or regulation.

0155.1. Committees of the Board — The Board shall serve as a committee-of-the-whole, but the President may appoint standing committees annually to conduct studies, report findings, make recommendations, and act in an advisory capacity, but no such committee shall be authorized to act for the Board.

0155.2. Ad Hoc Committees — Ad hoc committees of the Board may be created at any time by a majority of the Board members present at any meeting at which the need for a committee becomes evident. Members of committees shall be appointed by the President and shall serve until said committees are discharged. The President shall be a member ex officio of all ad hoc committees. Any Board member may refuse a committee appointment without prejudice; a member may request an appointment to a particular committee.

0156. Code of Ethics — The Board of Education shall, according to statute (General Mun. Law, Article 18), readopt the Code of Ethics setting forth for its officers and employees standards of conduct reasonably expected from them.

Meetings

0161. Parliamentary Procedure — Robert’s Rules of Order Newly Revised shall be used as a guideline by the Board in conducting its public meetings when it is not inconsistent with law or these bylaws. The Board may, in its discretion, waive Robert’s Rules and substitute its own procedures by a majority vote of the Board.

0162. Quorum — Five members present shall constitute a quorum. In the event a quorum is not present at the time of convening, the hour of convening may be postponed by a majority of those present. If a quorum is not then present, the meeting will be rescheduled to a later date. (General Construction Law, §41)

0163. Presiding Officer — The presiding officer at each meeting of the Board of Education shall be the President of the Board; in his/her absence, the Vice President of the Board; and in the absence of both the senior ranking member shall be chosen. (Ed. Law §2504)

0165. Notice — Written notice shall be given to each member of the Board of Education, the Superintendent of Schools, the news media and the public of all regular meetings of the Board, at least twenty-four hours preceding the date of such meeting. Notice of all Board meetings and the agenda therefor, shall be given to local news media by such means as are convenient to the Superintendent’s office. The Notice shall be posted in conspicuous public places in the District as well as on the District website.

Special meetings of the Board may be called by the President by giving notice to each member of the Board, the Superintendent of Schools, the news media and the public. The President must call a special meeting of the Board when requested in writing by one or more members of the Board. Written notice of such special meetings shall be given at least twenty-four hours preceding the date of such special meeting and shall state the business for which such special meeting is called. (Ed. Law §§1601, 1606-3)

Committee meetings may be called at any time by the Committee Chairperson. Committee meetings shall be held in compliance with the provisions of the Open Meetings Law. (Public Officers Law 95 et seq)

0166. Agenda — The agenda for each meeting stating the business of the meeting shall be prepared by the Board President, Superintendent of Schools and the Clerk of the Board and shall accompany the notice provided to each Board member and the Superintendent of Schools. The agenda shall also be available to news media and the public at the Superintendent’s office and on the District website.

0167. Conduct — Board meetings shall be open to the public and news media except when the Board votes to enter into executive session for one of the permissible purposes under the Open Meetings Law. Action taken in executive session, with limited exceptions (e.g., §3020-a charges) to be effective, must be acted upon at an open meeting of the Board.

- 0167.1. The rules of order shall be as follows:
- a. All action shall be taken upon motion.
 - b. The President shall have a vote on all questions and shall have the right to take part in all discussions.

- c. The Superintendent of Schools has the right to attend all meetings of the Board, with limited exceptions, and has the right to speak, but not to vote, on all matters before the Board.
- d. A roll call vote on all questions shall be required. Proxy voting is prohibited.
- e. No motion previously acted on by the Board may be reconsidered except by unanimous consent of those in attendance, or on motion of a member of the majority voting originally in the majority on the resolution.
- f. All proper motions or resolutions recorded and put to vote require for adoption a majority of the votes of the total number of Board members, (Gen. Constr. Law §41), except as provided by law.
- g. No business shall be transacted at a special meeting other than that stated in the notice except by unanimous consent of the members of the Board present.

0167.2. The following rules shall govern public participation at regular Board meetings and shall be administered by the presiding officer:

- a. The first item of business will be to listen to residents of the School District who wish to address the Board concerning items scheduled for consideration at that meeting. The Board shall allocate up to one-half hour for public comment on agenda items. All comments must be pertinent to scheduled Board discussions (i.e., the item must be scheduled on the meeting agenda).
- b. The last item of business shall be to allow residents of the School District to address the Board on any issue. The Board shall allocate up to one-half hour for public comment on non-agenda items.
- c. Persons wishing to be heard by the Board shall first be recognized by the Chair. He/She shall then identify himself/herself and proceed with his/her comments as briefly as the subject permits.
- d. No person may speak who is not a resident or an employee of the District, unless permitted to do so by the Chair.
- e. Comments shall be limited to five minutes duration, per speaker, whether speaking individually or on behalf of an organization, unless extended by majority vote of the Board.
- f. No person may speak more than once on a particular subject during the public comment section on agenda items and during the public comment section on non-agenda items
- g. All statements shall be directed to the Board; no participant may address or question Board members or administrators individually.
- h. The Chair is responsible for the orderly conduct of the meeting and shall rule on related matters, including adherence to the time limits set forth herein.
- i. Members of the public wishing to speak before the Board are encouraged to make arrangements with the District Clerk prior to the Board Meeting to ensure an

opportunity to speak. This does not exclude other members of the public from speaking at the Board Meeting or from submitting written comments to the Superintendent or Board.

- j. Speakers may comment on matters of public interest involving school operations and programs, but may not criticize or personally attack any person connected with the School District.

0167.4. The Board may conduct an executive session pursuant to Article 7 of the Public Officers Law upon the approval of a majority of the Board given in an open meeting. No member of the public may attend such session unless invited by a majority of the Board, but no business other than that which is permitted by law may be transacted at such session.

0167.5. Upon the concurrence of a majority of the full membership of the Board, a recess, and adjournment to executive session, or an adjournment to an adjourned meeting at a time, date and place announced before the adjournment takes place may occur at any time. The adjourned meeting shall take up its business at the point in the agenda where the motion to adjourn was acted upon.

0167.6. Voting — All proper motions or resolutions recorded and put to vote require for adoption a majority of the votes of the total number of Board members. (Gen. Constr. Law, Article 4) Exceptions to this requirement are:

- a. A designated textbook cannot be superseded within five years except by a 3/4 vote of the Board. (Ed. Law §702)
- b. No relative by blood or marriage to a member of the Board may be employed in a teaching position or appointed to tenure except by a 2/3 vote of the Board. (Ed. Law §3016). The employment of a relative in a noncertificated position only requires a majority vote of the Board.
- c. Standardization of a particular type of equipment or supplies shall be by 2/3 vote of the Board affirming such need. (Gen. Mun. Law §103)
- d. A vote to place a proposition before the voters for an object or purpose for which bonds may be issued requires a 3/5 vote of the Board. (Local Financial Law §33.00)

0168. Minutes — Minutes shall be kept of all public Board meetings in a suitable book and such minutes must be open to inspection at reasonable times and places by persons having a legitimate interest therein. Minutes shall be kept in sufficient detail to show compliance with statutes and codes. Board minutes shall be recorded as action minutes except that a Board member's statement shall be placed on the minutes verbatim if requested beforehand and comments of visitors shall be recorded. The Clerk shall provide each Board member with a copy of the minutes of the last meeting. (Ed. Law §1501-2; Public Officers Law §101)

0169. Taping of Board Meetings — The use of any recording device at open meetings of the Board of Education or committees appointed thereby is permissible as long as the device is unobtrusive and will not distract from the true deliberative process of the Board. The Board President or chairperson of the committee shall be informed prior to the meeting that such recordings are being made. A copy of this paragraph shall be posted in each building and available at Board meetings.

Duties of Officers

0173.1. Duties and Powers of the President of the Board — It shall be the duty and the power of the President:

- a. To call special meetings that he/she considers necessary or on request.
- b. To preside at all meetings.
- c. To enforce the bylaws and rules of order.
- d. To appoint committees with the advice of fellow board members.
- e. To act as an ex-officio member of all committees.
- f. To execute all documents on behalf of the Board unless otherwise ordered by the Board.
- g. To perform the usual and ordinary duties of his/her office.

0173.2. Duties of the Vice President — The Vice President shall exercise the duties of the President in case of his/her absence or disability. (Ed. Law §2504)

0173.3. Duties of the Clerk — It shall be the duty of the Clerk:

- a. To keep an accurate record of the proceedings of the Board.
- b. To send written notice of all meetings of the Board of Education to all members.
- c. To prepare, or cause to be prepared, and submit all reports required by law and transmit same to proper authorities.
- d. To acknowledge receipt of all communications and report disposition of same and perform other clerical duties as may be required by the Board.
- e. To notify the trustees of every resignation duly accepted by the Superintendent
- f. To keep and preserve all records, books and papers belonging to his/her office and to deliver the same to his/her successor.
- g. To attend all meetings of the Board when notified, unless excused and keep a record of their proceedings in a book provided for that purpose.
- h. To perform such other duties as may be required by the Superintendent or the Board. (Ed. Law §2121)

0173.4. Duties of the Treasurer — It shall be the duty of the Treasurer:

- a. To act as custodian of all moneys belonging to the District.
- b. To receive all moneys belonging to the District.
- c. To give a bond in such sum as shall be required before entering on the duties of the office.
- d. To pay out District moneys on written order of officials of the Board.
- e. To give detailed accounts of moneys received and disbursed whenever required by trustees and at the annual meeting.
- f. To deposit moneys received in banks designated by the Board. (Ed. Law §§2130, 2532)

0173.5. Duties of the Collector — It shall be the duty of the Collector:

- a. To give a bond in such sum as shall be required before entering on the duties of his/her office.
- b. To collect tax moneys on warrant received by him/her from the Board.
- c. To pay over to the treasurer moneys as received.
- d. To return to the Board a list of unpaid taxes.
- e. To report in writing at the annual meeting and to any other required fiscal officers, all his/her collections, receipts and disbursements.
- f. To deposit moneys collected in banks designated by the Board. (Ed. Law §2506)

Code of Ethics

The Board of Education adopts the following Code of Ethics setting forth for the guidance of its members, officers and employees the standards of conduct that are reasonably expected of them. More specifically, such code shall provide standards of conduct of members, officers and employees regarding confidentiality and conflicts of interest.

I. STATUTORY CONFLICTS OF INTEREST

It shall be a conflict of interest for a board member, officer or employee to benefit personally from contracts made in their official capacity.

“**Contract**” is defined broadly to include any claim or demand against the School District or account or agreement with the School District, whether expressed or implied which exceeds the sum of \$750.00 in any fiscal year.

“**Interest**” is defined as a direct or indirect benefit that runs to the board member, officer or employee as a result of a contract with the School District.

A board member, officer or employee is deemed to have an “interest” in:

1. a firm, partnership or association in which he or she is a member or employee;
2. a corporation in which he or she is an officer, director or employee; or
3. a corporation in which he or she directly or indirectly owns or controls 5% or greater of the outstanding shares.
4. A board member, officer or employee also is deemed to have an “interest” in a contract between the district and his/her spouse, minor child or dependents, except for an employment contract entered into between the School District, a spouse, minor child or dependent of a board member authorized by §800(3) of the General Municipal Law or §3016 of the Education Law.

Personal interests which are **prohibited** by law include:

1. Interest in a contract with the School District where a Board member has the power or may appoint someone who has the power to negotiate, authorize or make payment or audit bills or claims under the contract, unless otherwise exempted by exception under law; and
2. Interest by a Chief School Officer, Treasurer or his/her Deputy or employee in a Bank or other financial institution that is used by the School District he or she serves, unless otherwise exempted by exception under law.

In order for a school board to enter into an enforceable contract where a board member, officer or employee of the School District has a prohibited conflict of interest which is not exempted by an

exception to the law, the affected member, officer or employee must resign from his/her office or employment prior to the time that the board takes action upon the contract.

Exceptions

A board member, officer or employee shall be deemed not to have a conflict of interest in any of the exceptions listed in §802 of the General Municipal Law, including:

1. Contracts with membership corporations or other voluntary not-for-profit corporations or associations (e.g. Taylor Law collectively negotiated agreements, contract with a not-for-profit health services organization) - are exempt from the conflict of interest rules. No board member is prohibited from voting on collectively negotiated agreements which are applicable to his/her spouse or children;
2. Appointment of a teacher as defined in §3016 of the Education Law, who is a relative or spouse of a Board member, is permitted upon a two-thirds super majority vote, without limiting any Board member's right to vote.
3. The employment of a Board member as School Physician is permitted upon a two-thirds vote of the Board.
4. Contracts entered into by the district with a person who is subsequently elected or appointed to the Board, a School District office or employment remain valid, except the contract may not thereafter be renewed.
5. A contract with a corporation of which the interest of the Board member, officer or employee, by reason of stockholding, is less than 5% of the outstanding shares.
6. Contracts between the School District and a Board member, officer or employee in which the total amount does not exceed \$750.00 in any fiscal year.
7. Where application of the conflict of interest rules would necessitate the engagement of a bank or trust company outside of the municipality or school district, the board may designate a bank or trust company in which the board president, treasurer or deputy treasurer has an interest in such entity. The designation shall be as a depository, paying agent or registration agent for the investment of funds.
8. A contract with a person, firm, corporation or association in which a municipal officer or employee has an interest prohibited solely by reason of employment as an officer or employee of such other entity, if their compensation will not be directly affected as a result of the contract with the municipality or school district and duties do not directly involve the procurement, preparation or performance of any part of the contract.
9. The designation of a newspaper, including an official newspaper, for the publication of notices, resolutions or other proceeding where publication is otherwise required or authorized by law.

10. The purchase of real property or any interest therein when approved upon a petition to the State Supreme Court by the board of education.
11. Acquisition of real property or an interest in real property through eminent domain proceedings.
12. Sale of bonds and notes pursuant to §60.10 of the Local Finance Law.

Disclosure Requirements

Board members, officers and employees must publicly disclose the nature and extent of any non-excepted 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), 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 an exception exempted under General Municipal Law §802; however, board members, officers and employees are encouraged to voluntarily make such disclosure.

If a board member is legally permitted to vote on a matter, but the matter is subject to disclosure by statute, or if the board member chooses to voluntarily disclose an excepted interest, the affected board member may request to be the last member called to vote on such matter.

II. OTHER PROHIBITED ACTIVITIES

No School District officer or employee shall:

1. Use or attempt to use his or her official position to secure unwarranted privileges or exemptions for such officer or employee or others.
2. By his or her conduct give reasonable basis for the impression that any person can improperly influence such officer or employee or unduly enjoy special favor in the performance of official duties, or that he or she is affected by the kinship, rank, position or influence of any party or person.

III. BOARD MEMBER TRAINING

- A. Board members 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 fiscal oversight, fiscal and other accountability and fiduciary responsibilities of a school board member from an authorized provider of such training. Each Board member must file a certificate of completion of such course issued by the provider with the District Clerk.
- B. Board members elected or appointed for a first term beginning on or after July 1, 2011 shall, within the first year of their term, complete a training course on the powers, functions and duties of school boards, and the powers and duties of other governing and administrative authorities affecting education.

- C. The mandatory Board member trainings may be taken together as a single course or separately.
- D. Each affected Board member must file a certificate of completion of such course or courses issued by the provider with the District Clerk.

IV. CONFIDENTIALITY REQUIREMENTS FOR BOARD MEMBERS

Board members, officers or employees are prohibited from disclosing confidential information acquired by them in the course of their official duties or using such information to further their personal interests. In addition, board members, officers and/or employees may not disclose the following matters discussed in executive session or as contained in Board informational materials issued by the Superintendent:

- Matters which will imperil the public safety if disclosed.
- Matters which may disclose the identity of a law enforcement agency or informer.
- Information relating to a current or future investigation or prosecution of a criminal offense.
- Discussion regarding proposed, pending or current litigation.
- Collective negotiations under the Taylor Law.
- The medical, financial, credit or employment history of a particular person *or* corporation, *or* matters leading to the appointment *or* employment *or* promotion *or* demotion *or* discipline *or* suspension *or* removal of a particular person *or* corporation.
- The preparation, grading or administration of examinations.
- Proposed acquisition, sale or lease or real property, securities, only when publicity would substantially affect the value thereof.
- Student records pursuant to the Family Educational Rights and Privacy Act (FERPA).
- Matters subject to the attorney-client privilege.

Upon the approval of a quorum of the board at a publicly conducted open meeting, matters discussed in executive session may be disclosed, except for those matters where individual privacy rights protected by statute or regulations would be violated (e.g. student records privacy rights, health/medical privacy rights, etc.).

V. COMPATIBILITY OF OFFICES

Section 2103 of the Education Law prohibits the following office holders to also hold the office of Board of Education member:

- District Superintendent
- Treasurer

- School Tax Collector
- Librarian
- Village Zoning Board of Appeals Member
- Town Supervisor
- District Attorney
- Private School Board Member of a school located within the public school district
- County Elections Commissioner
- Any elective City office other than as a policeman or fireman

Not more than one member of a family sharing the same household shall be a member of the same board of education in any school district.

No employee of a board of education may be a member of such board.

VI. GIFTS

No board member, officer or employee shall directly or indirectly solicit any gift or accept or receive any gift having a value of \$75.00 or more under circumstances in which it could reasonably be inferred that the gift was intended to influence him/her, or could reasonably be expected to influence him/her in the performance of his/her official duties or was intended as a reward for any official action on his/her part. If a board member, officer or employee receives any gift having a value of \$75.00 or more, such gift shall be returned.

VII. VOIDING OF CONTRACTS

Contracts willfully entered into in violation of Article 18 of the General Municipal Law regarding conflicts of interest are deemed void.

VIII. VIOLATIONS AND CONSEQUENCES

Bases for Removal

A board member may be removed from office for violating their oath of office and/or neglecting their duty.

The willful violation of Article 18 of the General Municipal Law is a misdemeanor and may also result in the Board member's removal from office.

A board member may be removed from office upon the grounds of official misconduct for attempting to take official action on behalf of the board when such action is not authorized by statute, regulation or decisional law.

Pursuant to §2109 of the Education Law, a board member who refuses or neglects to attend three successive board meetings of which he or she was duly notified, without offering a good and valid excuse to the other members, may be removed from office. The vacating of office must be formalized by a board resolution declaring the same vacated.

If a board member discloses to any other party any confidential information acquired by him/her in the course of his/her official duties, including confidential matters, executive session restricted information as described in Point II above, or such information as presented in the Superintendent's informational Board packets, or uses such information to further his/her personal interests, the Board may initiate a removal hearing upon the grounds of official misconduct or file a petition to the Commissioner of Education to have the member removed from office.

Board members shall be entitled to present questions regarding the confidential nature of information, in light of this policy to the school district's attorneys for a written opinion that will be made available to all members of the board. Such opinion must be solicited through the Board of Education President or in his/her absence through the Board of Education Vice President.

The willful receipt and retention of a gift having a value of \$75.00 or more may result in removal from the Board.

A board member may be removed for slapping, punching and/or assaulting another board member during a board meeting for official misconduct.

A board member's seat automatically becomes vacant for failing to file the signed oath of office¹ card with the board clerk within thirty days after the commencement of the term of office, or within thirty days of notice of appointment to an appointive office.

A board member may be removed for failure to complete the minimum six hours of fiscal training and/or training regarding the powers, functions and duties of boards of education and the duties of other governing and administrative authorities affecting public education and to file the Certificates of Completion of the course(s) with the District Clerk.

A person removed from a school district office shall be ineligible to appointment or election to any district office for a period of one year from the date of removal.

Board Member Removal Process

In accordance with Education Law §1709(18), whenever a board member has been found guilty of any official misconduct following a hearing before the board he or she may be subject to removal by board resolution. The hearing before the Board shall be conducted by a legally trained hearing officer who shall assist in the preparation of findings of fact and conclusions of law. Any board member subject to removal proceedings shall be entitled to a type written transcript at no cost. In the event of a Board determination to remove a member from the Board, there is a right to appeal to the Commissioner of Education.

In accordance with §306 and/or §1706 of the Education Law, the board may petition the Commissioner of Education for the removal of a board member guilty of any willful violation or neglect of duty of the Education Law or any other act pertaining to school districts and/or willful

¹ I do solemnly affirm and declare that I will support the Constitution of the United States of America and the Constitution of the State of New York, that I will faithfully discharge the duties of the office of board of education member according to the best of my ability.

disobedience of any lawful requirement of the Commissioner of Education, or a want of due diligence in obeying such requirement

In accordance with §1709(18), a board of education or, upon petition, the Commissioner of Education may remove a member, however, neither has the authority to censure or reprimand a member.

Discipline of Other Officers and Employees

An officer, other than a Board member, or an employee may be subject to disciplinary action, including reprimand, fine, suspension or termination of employment, in accordance with due process of law, if applicable, for violating this policy.

IX. DISTRIBUTION, FILING AND POSTING REQUIREMENT

The Superintendent of Schools shall distribute to every board member, officer and employee in the School District a copy of the code of ethics.

The District's code of ethics shall be filed in the State Comptroller's Office annually.

In accordance with §807, General Municipal Law, the Superintendent of Schools must ensure that a copy of Article 18, General Municipal Law is posted in each public building in a conspicuous place.