

K-3 Recommendation to delete the following Board of Education Policies as advised by legal counsel and discussed at the January 4 2016 Board of Education Meeting. SEE ATTACHED

1338	Duties of the School Physician/Nurse Practitioner	duties are outlined by law and no policy is needed
1420	Execution of Policy: Administrative Regulations	no required by law
1510	Regular Board Meetings	reiterates requirements of Education & Public Officer's Law re: meetings
1520	Special Meetings of the Board of Education	reiterates requirements of Education Law
1610	Annual District Meeting and Election/Budget Vote	reiterates requirements of Education Law
1611	Business of the Annual District Election	reiterates requirements of Education Law
1630	Legal Qualifications of Voters at School District Meeting	reiterates requirements of Education Law re: voter qualifications
1640	Absentee Ballots	reiterates requirements of Education Law
1710	Quorum	reiterates requirements of Education Law
1720	By-Laws Minutes	reiterates requirements of Education Law & Public Officer's Law
1730	Executive Sessions	reiterates requirements of Education Law & Public Officer's Law
2110	Orienting New Board Members	no policy required
2120	Use of Parliamentary Procedure	designed for large groups and inappropriate for small volunteer boards
2330	Compensation and Expenses	reiterates requirement of Education Law & other policy in place
6220	Temporary Personnel	

**Pursuant to changes in law, no policy is need - recommendation is to delete policy**

**Deleted: 02/01/2017**

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

The School Physician/Nurse Practitioner shall be appointed by the Board of Education. The duties of the School Physician/Nurse Practitioner shall include, but are not limited to, the following:

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

Education Law Sections 902 and 913

Adopted: 8/9/04

**Deleted: 02/01/2017**



# POLICY

2004

1420

By-Laws

## **Policy not required by Law – recommendation to delete**

**Deleted:** 02/01/2017

**SUBJECT: EXECUTION OF POLICY: ADMINISTRATIVE REGULATIONS**

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

**Adopted:** 8/9/04

**Deleted:** 02/01/2017



# POLICY

2004

1510

1 of 2

By-Laws

## **Reiterates requirements of Education law and Public Officer's Law regarding the conduct of Board meetings - recommendation to delete in entirety**

Deleted: 02/01/2017

### **SUBJECT: REGULAR BOARD MEETINGS**

All Board of Education meetings must be open to the public except those portions of the meetings which qualify as executive sessions. A "meeting" is defined as an official convening of a public body for the purpose of conducting public business and a "public body" is defined as an entity of two (2) or more persons which requires a quorum to conduct public business, including committees and subcommittees.

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

If videoconferencing is used to conduct a meeting, the public notice for the meeting shall inform the public that videoconferencing will be used, identify the locations for the meeting, and state that the public has the right to attend the meeting at any of the locations.

Regular meetings of the Board of Education of Elmira Heights Central School District shall take place on the day and time designated by the Board at the Annual Organizational Meeting, except as modified at subsequent meetings of the Board.

It is the responsibility of the Superintendent to prepare the agenda and may 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 District Office shall notify the members of the Board of Education in advance of each regular meeting. Such notice, in writing, shall include an agenda and the time of the meeting.

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

(Continued)



**SUBJECT: REGULAR BOARD MEETINGS (Cont'd.)**

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

**Broadcasting and Taping of Board Meetings**

The use of any tape recording device at public meetings of the Board of Education or committee 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.

The Board and/or the committee reserves the right to direct that a tape recording be made to ensure a reliable, accurate, and complete account of Board meetings.

The Board permits the broadcasting of public meetings of the Board or any of its committees as long as such broadcasting is done in a manner which is unobtrusive and does not interfere with the deliberative process of the body.

Public Officers Law Article 7  
Education Law Section 1708

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

Adopted: 8/9/04

Deleted: 02/01/2017



**Reiterates requirements of Education Law regarding the conduct of Board meetings -  
recommendation to delete in entirety**

Deleted: 02/01/2017

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

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

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

Public notice of the time and place shall be given, to the extent practicable, to the news media and shall be conspicuously posted in one (1) or more designated public locations at a reasonable time prior to the meeting.

Public Officers Law Sections 103 and 104

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

Adopted: 8/9/04

Deleted: 02/01/2017



# POLICY

2004

1610

1 of 1

By-Laws

**Reiterates requirements of Education Law regarding the conduct of Board meetings -  
recommendation to delete in entirety**

Deleted: 02/01/2017

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

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

The District Clerk shall give notice of the time and place of holding the Annual Meeting and Election/Budget Vote by publishing such notice four (4) times within seven (7) weeks preceding the meeting. The first publication of the notice must be at least forty-five (45) days prior to the meeting. Such notice must appear in two (2) newspapers, if there are two (2) newspapers which have a general circulation within the District, or one (1) newspaper, if there is one (1) newspaper with a general circulation within the District. The notice shall also contain such other information as required by law.

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

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

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

Adopted: 8/9/04

Deleted: 02/01/2017



# POLICY

2004

1611  
1 of 1

By-Laws

**Reiterates requirements of Education Law regarding the conduct of Board meetings -  
recommendation to delete in entirety**

Deleted: 02/01/2017

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

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

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

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

Education Law Sections 1716 and 2025

Adopted: 8/9/04

Deleted: 02/01/2017



**Reiterates requirements of Education Law regarding voter qualifications - recommendation to delete in entirety**

Deleted: 02/01/2017

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

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

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

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

Education Law Sections 2012 and 2603  
Election Law Article 5

Adopted: 8/9/04

Deleted: 02/01/2017



**Reiterates requirements of Education Law regarding voter absentee ballots -  
recommendation to delete in entirety**

Deleted: 02/01/2017

**SUBJECT: ABSENTEE BALLOTS**

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

A District voter must request in advance an application for an absentee ballot. The voter must complete the application and state the reason he/she will not be able to appear in person on the day of the District election/vote for which the absentee ballot is requested. The application must be received by the District Clerk or Board designee at least seven (7) days before the election/vote if the ballot is to be mailed to the voter, or the day before the election/vote if the ballot is to be delivered personally to the voter.

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

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

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

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

(Continued)



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

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

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

When the Board of Elections of the county or city in which the School District is located, receives 25 or more absentee ballot applications from a nursing home (or other qualifying adult care facility), the Board of Elections must send election inspectors to the nursing home between one (1) and thirteen (13) days before the election, to supervise the completion of absentee ballots by the residents of that facility. This provision of the Election Law applies to all elections conducted by the School District.

2613

Education Law Sections 2014, 2018-a and -b, and

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

Election Law Section 8-407

Adopted: 8/9/04

Deleted: 02/01/2017



# POLICY

2004

1710

1 of 1

By-Laws

**Reiterates requirements of Education Law regarding conduct of Board meetings -  
recommendation to delete in entirety**

Deleted: 02/01/2017

**SUBJECT: QUORUM**

The quorum for any meeting of the Board shall be four (4) members. No formal action shall be taken at any meeting at which a quorum is not present. When only a quorum exists, the Board shall act by unanimous vote unless otherwise required by the laws of the State of New York.

General Construction Law Section 41

Adopted: 8/9/04

Deleted: 02/01/2017



# POLICY

2004

1720

1 of 1

By-Laws

**Reiterates requirements of Education Law and Public Officer's Law regarding the taking of Board minutes - recommendation to delete in entirety**

Deleted: 02/01/2017

**SUBJECT: MINUTES**

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

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

- a) The type of meeting;
- b) The date, time of convening, and adjournment;
- c) Board members present and absent;
- d) Board members' arrival and departure time, if different from opening or adjournment times;
- e) All action taken by the Board, with evidence of those voting in the affirmative and the negative, and those abstaining;
- f) The nature of events that transpire, in general terms of reference.

Communications and other documents that are too long and bulky to be included in the minutes shall be referred to in the minutes and shall be filed in the District Office.

All Board minutes shall be signed by the District Clerk when approved and stored in a locked room or locked file cabinet. Unless otherwise provided by law, minutes shall be available to the public within two (2) weeks following the date of a meeting; draft copies, so marked, are acceptable, subject to correction.

Education Law Section 2121  
Public Officers Law Section 106

Adopted: 8/9/04

Deleted: 02/01/2017



**Reiterates requirements of Public Officer's Law §105 and Education Law regarding conduct of Board meetings - recommendation to delete in entirety**

Deleted: 02/01/2017

**SUBJECT: EXECUTIVE SESSIONS**

Upon a majority vote of its total membership, taken in an open meeting pursuant to a motion identifying the area or areas of the subject or subjects to be considered, the Board of Education may conduct an executive session for discussion of the below enumerated purposes only, provided, however, that no action by formal vote shall be taken except on an Education Law Section 3020-a probable cause finding. For all other purposes, the action by formal vote shall be taken in open meeting and properly recorded in the minutes of the meeting.

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

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

Public Officers Law Article 7  
Education Law Section 3020-a

Adopted: 8/9/04

Deleted: 02/01/2017



**Such Policy is discretionary with the Board - recommendation to delete**

Deleted: 02/01/2017

**SUBJECT: ORIENTING NEW BOARD MEMBERS**

The Board and its staff shall assist each new member-elect to understand the Board's functions, policies, and procedures before he/she takes office, by the following methods:

- a) The electee shall be given selected material on the job of being part of the Board, which material is supplied by the New York State School Boards Association, the National School Boards Association, and/or other professional organizations;
- b) The electee shall be invited to attend Board meetings and to participate in its discussions;
- c) The Clerk shall supply material pertinent to meetings and shall explain its use;
- d) The electee shall be invited to meet with the Superintendent and other administrative personnel to discuss services they perform for the Board;
- e) A copy of the Board's policies and by-laws shall be given to the electee by the Clerk;
- f) The opportunity shall be provided for new Board members to attend the New York State School Boards Association orientation program.

Adopted: 8/9/04

Deleted: 02/01/2017



# POLICY

2004

2120

1 of 1

Internal Operations

**Robert's Rules of Order is not legally<sup>7</sup> required and was designed to handle the parliamentary procedures of extremely large groups and is considered inappropriate for small volunteer Boards - recommendation to delete**

Deleted: 02/01/2017

**SUBJECT: USE OF PARLIAMENTARY PROCEDURE**

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

Adopted: 8/9/04

Deleted: 02/01/2017



# POLICY

2004

2330

1 of 1

Internal Operations

**Reiterates requirements of Education law and prior policy address reimbursement for expenses - recommend to delete in entirety**

Deleted: 02/01/2017

**SUBJECT: COMPENSATION AND EXPENSES**

No member of the Board may receive any compensation for his/her services unless he/she shall also serve as District Clerk and be paid as Clerk. All members of the Board of Education may be reimbursed for actual expenses incurred in representing the District. All bills or claims for reimbursement must be itemized in reasonable detail.

Education Law Section 2118  
General Municipal Law Section 77-b

Adopted: 8/9/04

Deleted: 02/01/2017



**Reiterates Law – recommendation to delete in entirety**

Deleted: 02/01/2017

**SUBJECT: TEMPORARY PERSONNEL**

District's needs may sometimes require temporary appointments. The terms of these appointments shall be defined by the Board of Education on a case-by-case basis.

**Student Teachers**

The District will cooperate with teacher training institutions in the placement of student teachers in order to provide beginning teachers with the best possible student teaching experience.

Schools are required to allow student teachers to videotape themselves providing instruction in a classroom to meet part of their performance assessment requirements for teaching certification. The video must remain confidential, is a confidential record of the New York State Education Department (SED), and is not subject to viewing or disclosure to an individual or entity other than the student teacher applicant and relevant SED personnel.

Student teachers will be protected from liability for negligence or other acts resulting in accidental injury to any person by the District, as provided by law.

**Substitute Teachers**

A fully qualified substitute teacher will be employed, whenever possible, by the Superintendent in the absence of a regular teacher. It is recognized that fully certified persons will not always be available for employment as substitute teachers.

**Eligibility for Service**

There are three categories of substitutes:

- a) Substitutes with valid teaching certificates or certificates of qualification may serve in any capacity, for any number of days. If employed on more than an itinerant basis, these substitutes will be employed in their certification area.
- b) Substitutes without a valid certificate, but who are completing collegiate study towards certification at the rate of not less than six semester hours per year may serve in any capacity for any number of days, in any number of school districts. If employed on more than an itinerant basis, these substitutes will be employed in their anticipated certification area.

(Continued)



**SUBJECT: TEMPORARY PERSONNEL (Cont'd.)**

- c) Substitutes without a valid certificate and who are not working toward certification may serve for no more than 40 days per school year. In extreme circumstances—where there is an urgent need for a substitute teacher—however, the District may employ this substitute teacher beyond the 40-day limit, for up to an additional 50 days (90 days total in a school year), if the Superintendent certifies that the District conducted a good-faith recruitment search and there are no certified teachers available who can perform the duties of the position.

The District may hire this substitute teacher beyond the 90 days only if the Superintendent attests that the District conducted a good-faith recruitment search, but there are still no certified teachers available who can perform the duties of the position and that the District needs a particular substitute teacher to work with a specific class or group of students until the end of the school year.

The Board of Education shall annually establish the ordinary rate for per diem substitute teachers.

**Reporting**

The Superintendent will submit an annual report to the Commissioner concerning the employment of all uncertified teachers. The report will include:

- a) The number of substitute teachers authorized to be employed beyond the 40-day limit.
- b) The number of substitute teachers authorized to be employed beyond the 90-day limit.
- c) The required good-faith recruitment certifications for all teachers employed beyond the 40-day and 90-day limits.

8 New York Code of Rules and Regulations  
(NYCRR) Section 80-1.5 and 80-5.4  
Education Law Section 3023

Adopted: 8/9/04  
Revised: 10/05/2016  
Deleted: 02/01/2017