

Huntington Union Free School District

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(Section 1000)**

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Huntington Union Free School District

**BY-LAWS
(Section 1000)**

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SUBJECT: SCHOOL DISTRICT AND BOARD OF EDUCATION LEGAL STATUS

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

The Legislature of the State has implemented this constitutional mandate through the creation of school districts of various types. The Huntington Union Free School District is governed by the laws for Union Free School Districts as set forth in Article 35 of the Education Law.

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

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

New York State Constitution
Education Law Articles 35 and 37

By-Laws

SUBJECT: BOARD OF EDUCATION AUTHORITY

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

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

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

Board Member Authority

The Board of Education as a body corporate may act only through the collective action of its membership taken at a properly convened meeting. Without the specific authorization pursuant to a lawful vote, no individual Board member may exercise the authority of the Board nor may a member commit the Board to any course of action. Individually a Board member's rights are no greater or different than those of any qualified voter of the School District.

Education Law Sections 1604, 1701, 1709,
1804, and 1805

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By-Laws

SUBJECT: NUMBER OF MEMBERS AND TERMS OF OFFICE

The Board of Education of the Huntington Union Free School District shall consist of seven (7) members elected by the qualified voters of the School District at the annual election as prescribed by law.

Members of the Board of Education shall serve for three (3) years beginning July 1 following their election and each term shall expire on the thirtieth day of June of the third year.

Education Law Sections 1702 and 2105

Adopted: 6/11/01

SUBJECT: BOARD OF EDUCATION MEMBERS: QUALIFICATIONS

A Board of Education member of the Huntington Union Free School District must meet the following qualifications:

- a) A citizen of the United States;
- b) Eighteen (18) years of age or older;
- c) Able to read and write;
- d) A legal resident one (1) year prior to the election;
- e) Cannot be an employee of the Huntington Union Free School District;
- f) The only member of his/her family (that is, cannot be a member of the same household) on the Huntington Union Free School District Board;
- g) May not simultaneously hold another, incompatible public office;
- h) Must not have been removed from a school district office within one year preceding the date of election to the Board.

Education Law Sections 2102, 2103 and 2103-a
Public Officers Law Section 3

By-Laws

SUBJECT: BOARD OF EDUCATION MEMBERS: NOMINATION AND ELECTION

- a) Candidates for the office of member of the Board of Education shall be nominated by petition. Such petition shall be directed to the Clerk of the School District, shall be signed by at least twenty-five qualified voters of the District, or by two (2) percent of the number of voters who voted in the previous annual election of Board members, whichever is greater, shall state the residence of each signer, and shall state the name and residence of each candidate.

A candidate runs at large. Vacancies upon the Board of Education shall not be considered separate specific offices and the nominating petitions shall not describe any specific vacancy upon the Board of Education for which the candidate is nominated. Such procedure shall be followed with respect to all nominations and elections in subsequent years until and unless such proposition is repealed by the electors of the District at a regular election by the adoption of a proposition to repeal the original proposition.

- b) The notice of the annual District meeting must state that petitions nominating candidates for the office of member of the Board of Education must be filed with the Clerk of the District not later than the thirtieth day preceding the election at which time the candidates so nominated are to be elected.
- c) Voting will be by machine, and provision shall be made for the election by "write-in-vote" of any candidate not previously nominated. The position of candidates on ballots shall be determined by lot at a drawing conducted by the District Clerk on the day after the last filing. Candidates or their proxies may be present for the drawing.
- d) The hours of voting shall be as indicated by Board resolution.
- e) Election is based upon plurality of votes received. The candidates receiving the largest number of votes shall be declared elected in accordance with Education Law.
- f) There will be a direct correspondence between the term of office and the number of votes received. The persons receiving the greatest number of votes are elected to the longest terms, and persons receiving the next greatest number of votes shall be elected to the next longest term, and so forth.
- g) At least ten days prior to the election, the Board shall appoint at least two inspectors of election for each voting machine, and set their salary.
- h) The District Clerk shall attend the election and record the name and legal residence of each voter. The Clerk shall give notice immediately to each person declared elected to the Board, informing him/her of the election and his/her term of office.

By-Laws

**SUBJECT: BOARD OF EDUCATION MEMBERS: NOMINATION AND ELECTION
(Cont'd.)**

- i) Only qualified voters as determined by Education Law (Section 2012) may vote at any District meeting or election.
- j) No electioneering will be allowed within one hundred (100) feet of the polling place.
- k) When a term of office expires at the end of a school year and the office has become vacant at the time of election, the person elected to fill the new full term vacancy also fills the remaining days of the previous term, beginning his/her term of office immediately upon election.

Education Law Sections 1702(1), 2004, 2013,
2018, 2025, 2029, 2031-a, 2032, 2034(7)(d),
2105(14), and 2121

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By-Laws

SUBJECT: REPORTING OF EXPENDITURES

Each candidate for the position of member of the Board of Education whose expenses exceed \$500.00 must file a statement accounting for his or her campaign expenditures and contributions with the District Clerk and an additional statement with the Commissioner of Education. In the event the expenses do not exceed \$500.00, then a sworn statement to that effect must be filed with the District Clerk. The first statement shall be filed ten (10) days before the election. The second statement shall be filed within twenty (20) days after the election. All statements must be sworn before a notary public, a commissioner of deeds, a lawyer or a public official authorized by New York State law to administer oaths.

Education Law Sections 1528 and 1529

Adopted: 6/11/01

By-Laws

SUBJECT: BOARD OF EDUCATION RESIGNATION, DISMISSAL AND FULFILLMENT OF UNEXPIRED TERM

Board members may resign at any Board meeting, at which time the resignation shall be automatically accepted.

A Board member may also resign by filing a written resignation with the District Superintendent of the Supervisory District. The District Superintendent shall approve the resignation and file it with the District Clerk.

The resignation shall take effect upon the date specified in the letter of resignation; however, if no effective date is specified, it shall take effect on the date of delivery to or filing with the District Clerk. If an effective date is specified in the letter of resignation, such date shall not be more than thirty (30) days subsequent to the date of its delivery or filing.

It shall be the duty of each member of the Board of Education to attend all meetings of the Board and, if any member shall refuse to attend three consecutive meetings of the Board after having been regularly notified and a satisfactory cause for each non-attendance is not shown, the Board will proceed to declare that office vacant.

A Board member may be removed from office by the Commissioner of Education for willful violation of any provision of law, neglect of duty, or willfully disobeying any decision, order or regulation of the Commissioner.

In the event of death, resignation, refusal to serve, or any disqualification of a Board member, the Board may appoint a new member to fill such a vacancy. If the Board chooses to fill the vacancy, it shall be only for a term ending with the next annual election of the School District at which time such vacancy shall be filled in a regular manner for the balance of the unexpired term. The Board, at its own option, may also elect to call a special election within ninety days to fill the unexpired term. If not so filled, the District Superintendent of the Supervisory District may appoint a competent person to fill the vacancy until the next annual election of the District. The Commissioner of Education may order a special election for filling a vacancy. When such special election is ordered the vacancy shall not be filled otherwise.

A Board member who has been removed from office shall be ineligible to appointment or election to any office in the District for a period of one year from the date of such removal.

Education Law Sections 306, 1706, 1709(17)(18),
2103(2), 2109, 2111, 2112, and 2113
Public Officers Law Sections 30, 31 and 35

NOTE: Refer also to Policy #1220 -- Board of Education Members: Nomination and Election.

Adopted: 6/11/01

By-Laws

SUBJECT: LEGAL QUALIFICATIONS OF VOTERS AT SCHOOL DISTRICT MEETINGS

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

- a) A citizen of the United States;
- b) Eighteen (18) years of age or older;
- c) A resident within the District for a period of 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 Section 2012
Election Law Article 5

Adopted: 6/11/01

By-Laws

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

The following rules and regulations shall apply to the submission of the questions or propositions at the annual elections or special district elections of this School District.

- a) Questions or propositions shall be submitted by petition directed to the Clerk of the School District and shall be signed by twenty-five (25) qualified voters, or five percent (5%) of the registered voters of the District who voted in the previous annual election of Board members, whichever is greater.
- b) A separate petition shall be required for each question or proposition.
- c) Each petition shall be filed with the Clerk of the School District. Petitions relating to an Annual Election must be filed not later than thirty (30) days preceding the election at which the question or proposition is to be voted upon.
- d) Any question or proposition may be rejected by the Board if the purpose of the question or proposition is not within the power of the voters, is illegal, or where the expenditures of monies is required by the question or proposition, if the question or proposition fails to include the necessary specific appropriation.
- e) Questions or propositions submitted in accordance with these rules and accepted will be printed on the ballot for the voting machine.
- e) The Board of Education shall cause the rules and regulations set forth in this policy to be distributed within the District.
- f) Nothing herein contained shall affect the nominations of candidates as set forth in the Annual District Election notice pursuant to Section 2018 of the Education Law.

Questions or Propositions to be Submitted at Special District Meetings

The procedure for requesting the Board of Education to call a Special District Meeting to vote on a question or proposition shall be in accordance with subdivision 2 of Section 2008 of the Education Law.

Education Law Sections 2008, 2013(5b) and 2035(2)

Adopted: 6/11/01

By-Laws

SUBJECT: ABSENTEE BALLOTS

The Board of Education authorizes the District Clerk or a Board designee to provide absentee ballots to qualified District voters. Absentee ballots may be used for the election of School Board members and for the adoption of the annual 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. The application must be received by the District Clerk/designee at least seven (7) days before the election if the ballot is to be mailed to the voter, or the day before the election if the ballot is to be delivered personally to the voter. Absentee ballot applications cannot be issued or filed on the day of the election/vote.

Pursuant to the provisions of Education Law, a District voter is eligible to vote by absentee ballot under the following conditions:

- a) Illness or physical disability;
- b) Business responsibilities or studies which require travel outside of the county or city of residence on the day of the election;
- c) Vacation outside of the county or city of residence; or
- d) Detention or confinement to jail after conviction for an offense other than a felony.

An absentee ballot must reach the office of the District Clerk/designee not later than 5:00 p.m. on the day of the election.

A list of all persons to whom absentee ballots have been issued shall be maintained by the District Clerk/designee and made available for public inspection. Any qualified voter challenging the acceptance of an absentee ballot must file a written statement with the District Clerk/designee or inform the election inspectors on the day of the District election.

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

Adopted: 6/11/01

By-Laws

SUBJECT: POWERS AND DUTIES OF THE BOARD

The Board of Education shall have powers and duties as set forth in New York State Education Law, principally Articles 35 and 37, and other applicable Federal and State laws and regulations. In general, the Board shall have in all respects the superintendence and control of the educational affairs of the District and shall have all the powers necessary to exercise these powers expressly granted to it by the laws of New York State and the Commissioner of Education.

The most important of the powers and duties of a Board of Education is its legislative power in regard to the educational matters of the District. The Board establishes policy regarding all aspects of School District operations, limited only by law and contractual obligations. Critical to the exercise of its powers is the Board's power to appoint a Superintendent, who as chief executive officer is delegated the responsibility for implementation of Board policy and the day-to-day administration of the District.

Among the various Board powers and duties enumerated by law are those which may be characterized as personnel functions, including the appointment and removal of personnel, the adoption of salary schedules, the negotiation of collective bargaining agreements, and the determination of the number of employees in the District; instructional program functions, including the approval of courses and curriculum and the selection of textbooks and equipment; financial functions, including the approval and adoption of an annual budget, the proposal of bond issues, and the audit of school district accounts and business procedures; and school plant functions, including decisions concerning construction, renovation, and maintenance, and the selection of school sites. Boards also have certain legal responsibilities concerning the non-public schools located in their School District, and for those resident children receiving instruction in non-public schools outside of the District.

Education Law Sections 1604, 1709 and 1804

Attendance

Board members are expected to attend all meetings of the Board of Education. If a Board member knows that he/she will be unable to attend a particular meeting as much notice as possible should be given to the Board President or the Superintendent. The Board can declare a seat vacant if a member misses three successive meetings without a valid excuse. Valid excuses include, but are not limited to, personal illness or the illness of a member of the immediate family, vacation plans made prior to the scheduling of emergency or special meetings that occur in short period of time (i.e. if a situation occurs where the Board must meet three times in a 10 day period and a Board member is out of town on a previously planned trip or obligations that affects a Board member's livelihood).

NOTE: Refer also to Policy #6540 -- Defense and Indemnification of Board Members and Employees, Policy #1240 -- Resignation and Dismissal and Policy #1120 -- Board of Education Authority.

Adopted: 6/11/01

By-Laws

SUBJECT: NOMINATION AND ELECTION OF BOARD OFFICERS

Officers of the Board of Education shall be nominated and elected by the simple majority of the Board at its Annual Organizational Meeting for a term of one year. They will take their oath as officers at this meeting along with newly elected members.

The elected officers of the Board of Education are:

- a) President;
- b) Vice President.

Education Law Sections 1701 and 2105(6)

Oath of Office

Every School District officer must take and file an official oath of office as required by the New York State Constitution.

The oath, generally administered by the District Clerk or the President of the Board, is as follows: "I do solemnly swear that I will support the Constitution of the United States, and the Constitution of the State of New York, and that I will faithfully discharge the duties of the office of _____ according to the best of my ability."

The School District officers who are required to file a constitutional oath of office include School Board members, the Board President, the Board Vice President, the Superintendent of Schools, the District Clerk and the District Treasurer.

Adopted: 6/11/01

By-Laws

SUBJECT: DUTIES OF THE PRESIDENT OF THE BOARD OF EDUCATION

The President's duties include the following:

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

Education Law Section 1701

Adopted: 6/11/01

By-Laws

SUBJECT: DUTIES OF THE VICE PRESIDENT OF THE BOARD OF EDUCATION

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

Absence or Disability of President and Vice President

In the event of the absence or in the case of the disability of both the President and Vice President at a Board meeting, the President's powers and duties may be assumed by the ranking Board member (in terms of continuous service on the Board) present at such meeting.

Education Law Section 1701

Adopted: 6/11/01

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By-Laws

SUBJECT: REMOVAL OF BOARD OFFICER

The Office of Board President or Board Vice President is a separate and Distinct office from that of Board member. Consequently, a Board officer shall continue to hold office until the next Annual Organizational Meeting irrespective of any change in the membership of the Board, and may not be removed from that office during his/her term except pursuant to removal proceedings as required to remove Board members.

Education Law, Sections 1701 and 2105
New York State Constitution,
Article 13, Section 2

Adopted: 6/11/01

By-Laws

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

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

The following shall be appointed annually:

- a) District Clerk;
- b) District Treasurer;
- c) Deputy Treasurer;
- d) Tax Collector and Deputies;
- e) External (Independent) Auditor;
- f) Treasurer, Extraclassroom Activities Account.

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

- a) Census Enumerator and assistants;
- b) Director of School Health Services (District physician/Nurse Practitioner);
- c) Supervisors of Attendance;
- d) Committee on Special Education and Committee on Preschool Special Education;
- e) Records Access/Management Officer;
- f) Asbestos Hazard Emergency Response Act (AHERA) Local Educational Agency (L.E.A.) designee;
- g) Title IX/Section 504/ADA Compliance Officer;
- h) Liaison for Homeless Children and Youth;
- i) Chemical Hygiene Officer.

The following may also be appointed:

- a) School Attorney;
- b) Claims Auditor;
- c) Internal Auditor;
- d) Insurance Advisor.

Adopted: May 22, 2006

By-Laws

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

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

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

Authorizations

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

McKinney-Vento Homeless Education Assistance Act, Section 722, as reauthorized by the No Child Left Behind Act of 2001
Education Law Sections 305(31), 1709 and 2503
29 Code of Federal Regulations (CFR) 1910.1450

Adopted: May 22, 2006

By-Laws

SUBJECT: DUTIES OF THE DISTRICT CLERK

The District Clerk will be appointed by the Board at its Annual Organizational Meeting and will serve for a period of one (1) year. The Clerk's duties include the following:

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

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

Education Law Section 2121
Public Officers Law Section 104

Adopted: 6/11/01

By-Laws

SUBJECT: DUTIES OF THE SCHOOL DISTRICT TREASURER

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

- a) Acts as custodian of all moneys belonging to the School District and lawfully deposits these moneys in the depositories designated by the Board;
- b) Pays all authorized obligations of the District as directed;
- c) Maintains proper records and files of all checks, and approved payment of bills and salaries;
- d) Makes all such entries and posts all such financial ledgers, records and reports as may be properly required to afford the District an acceptable and comprehensive financial accounting of the use of its moneys and financial transactions;
- e) Signs all checks drawn on District fund accounts;
- f) Renders a monthly report for each fund showing the cash balance on hand at the beginning of the month, receipts by source during the month, total disbursements during the month, cash balance on hand at the end of the month, and reconciliation with bank statements;
- g) Renders a monthly report for each fund including no less than the revenue and appropriations accounts required in the annual state budget form. This report must show the status of these accounts as to:
 1. Estimated revenues
 2. Amounts received to date of report
 3. Revenues estimated to be received during balance of the fiscal year.

Appropriation Accounts:

1. Original Appropriations
 2. Transfers and adjustments
 3. Revised appropriations
 4. Expenditures to date
 5. Outstanding encumbrances
 6. Unencumbered balances.
- h) Assumes other duties customary to the office.

(Continued)

By-Laws

SUBJECT: DUTIES OF THE SCHOOL DISTRICT TREASURER (Cont'd.)

The Board may by resolution designate one of its members other than any other officer whose signature is required, to sign checks in lieu of either the District Treasurer or other officer whose signature is required, in case of their absence or inability to act. However, any Board member so authorized must, before acting in the place and stead of the District Treasurer, execute and file a bond in an amount and in the manner required of the District Treasurer. The substitute treasurer performs all the duties of the District Treasurer in the case of the District Treasurer's absence or inability to act.

Duties-Education Law Section 2122
Bond-Education Law Section 2130, Part 5
8 New York Code of Rules and Regulations
(NYCRR) Section 170.2(o) and (p)

Adopted: 6/11/01

By-Laws

SUBJECT: INDEPENDENT AUDITOR

The Board of Education shall appoint annually at its re-organizational meeting, an independent certified public accountant or accounting firm to serve for one year an auditor and shall set the annual fees for such audit. The Board-designated independent certified public accountant or accounting firm shall review and report annually all the financial transactions in the Budget, Construction, School Lunch, School Activity, and other accounts. The accounts to be audited shall include the General Fund, Trust and Agency, Construction, Cafeteria, Federal Aid, Classroom Activities Fund, and the Payroll Fund.

A certified written report shall be submitted to the Board of Education between September 1st and November 30th of each year by the said firm of accountants concerning the condition and status of the books of accounts, upon completion of the annual audit.

Ref: Education Law §§1700; 2526

Note: Prior policy, VII 7.4, revised, 9/06/01

Adopted: 2/14/05

By-Laws

**SUBJECT: DUTIES OF THE EXTRACLASSROOM ACTIVITIES FUNDS
TREASURER(S)**

The Extraclassroom Activities Funds Treasurer is appointed by the Board of Education and is responsible for the supervision of the extraclassroom activities funds.

The Treasurer's duties include the following:

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

8 New York Code of Rules and Regulations
(NYCRR) Part 172

Adopted: 6/11/01

By-Laws

SUBJECT: DUTIES OF THE SCHOOL ATTORNEY

Employment of a school district attorney is a matter of discretion with the Board of Education. The Board may appoint legal counsel for the School District to render legal advice to the Board and to represent its interests. Although the Board may choose to retain an attorney for a specific purpose, for example, to engage in the legal work connected with a specific bond issue or contract negotiations with employee bargaining units, the Board may also choose to appoint a school district attorney to ensure the provision of legal advice and counsel and related professional services on all matters as may be required.

When the Board retains a school attorney, it should set his/her fee, term of service, as well as the terms of appointment, at the time of appointment. Preferably this should be done at the Annual Organizational Meeting. It should be noted that the Board cannot legally execute an employment contract for professional services which extends beyond the Board's term of office.

The school attorney may be authorized to act or appear in any proceeding on behalf of the Board or any member of the Board, and for the District or any employee of the District, in any matter arising out of activities as a member of the Board or an employee of the District. He/she represents the Board in defense or prosecution of court actions in which the Board is a party. He/she also handles all legal matters as directed by the Board.

The school attorney generally acts in an advisory capacity to the Superintendent, and other administrative staff members at the discretion of the Superintendent, in regard to legal questions concerning the day-to-day operations of the School District. In general, the school attorney should be familiar with the laws of New York State, and specifically the Education Law, as they apply to the School District, the Board, the administration, the students, and the parents of the students; and be able to render legal advice or a written opinion on any matter in connection with the interpretation of the Education Law or other laws as related to the business of the District. Other duties commonly required include:

- a) Preparation and review of all invitations to bid, job specifications, and contracts for work involving private businesses, services or agents.
- b) Preparation of Board resolutions of a legal nature.
- c) Preparation of agreements between the District and any other parties with whom the District may be obliged to contract.
- d) Preparation of any options and deeds of conveyance that the District might make; examination of abstracts, titles, deeds and other papers concerning any properties that the District might acquire or dispose of in the normal course of its business operation.

(Continued)

By-Laws

SUBJECT: DUTIES OF THE SCHOOL ATTORNEY (Cont'd.)

- e) Preparation of all notices and documents necessary for the annual or special election of the District.
- f) Attendance at administrative hearings concerning the discipline of employees or students.
- g) Attendance at meetings of the Committee on Special Education when the District needs legal representations.
- h) Performance of such other duties consistent with his/her professional capacity as the Board may assign.

In order to perform the duties of a school attorney, the person selected must be admitted to the bar of New York State and meet such additional qualifications as the Board may prescribe.

Education Law Sections 3023, 3028 and 3811

Adopted: 6/11/01

By-Laws

SUBJECT: DUTIES OF THE SCHOOL PHYSICIAN

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

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

Education Law Sections 902 and 913

Adopted: 6/11/01

By-Laws

SUBJECT: INTERNAL CLAIMS AUDITOR

The Internal Claims Auditor is an integral part of a properly designed system of internal controls. The position was created to carry out the important Board responsibility to verify the appropriateness of all claims paid by the District.

The Board of Education will annually designate and appoint an Internal Claims Auditor for the district. The Internal Claims Auditor shall serve at the pleasure of the Board. The Board shall, at least once every five years, consider proposals from interested parties (including the incumbent) qualified for the position of Internal Claims Auditor.

The Internal Claims Auditor is responsible for formally examining all accounts, charges, claims or demands against the school district. The auditing process should determine:

1. That the proposed payment is for valid and legal purpose;
2. That the obligation was approved by an authorized district official;
3. That the terms for which payment is claimed were in fact received or, in the case of services, that they were actually rendered;
4. That the obligation does not exceed the available appropriation; and
5. That the submitted voucher is in proper form, mathematically correct, does not include previously paid charges, and is in agreement with the purchase order.

Ref: Education Law §§1709(20-a): 1724; 2509; 2526; 2554(b)
NYCRR, §170.2

Adopted: 2/14/05

By Laws

SUBJECT: INTERNAL AUDIT POLICY

In accordance with Chapter Section 2116-b of the Education Law and with Commissioner's Regulations 170.12(b), the Huntington Union Free School District has established an Internal Audit Function. The function shall be completed by an individual, firm or through a BOCES as designated annually by the Board of Education. Completion of the Internal Audit Function shall include the following activities:

1. Review of the District's business and personnel operations.
2. Verification of strict adherence to District policies and regulations.
3. Testing of all areas of the District's internal controls.
4. Periodic testing of the District's administrative data processing systems, including verification of user access, view and edit authority and review of user logs.
5. Review of certification of payroll and appropriate segregation of duties with respect to payroll and personnel functions.
6. Review of bank reconciliations and Treasurer's Reports.
7. Review of fixed assets to be certain that all assets added or deleted in the prior accounting period have been properly accounted for.
8. Testing of design of internal controls to detect deficiencies.

The Internal Auditor shall meet no less than two (2) times annually with the Board of Education to review activities and to make recommendations for improvement. In the event the Internal Auditor suspects fraud and/or theft has been committed by any District employee, he/she shall immediately notify the President of the Board of Education, who in turn will advise the entire Board. The Board will then review the information and take appropriate action. Quarterly reports to the Board of Education are required and shall include no less than the following information:

1. Item tested.
2. Discovered condition, indicating whether there is no contravention of policy or procedure, the policy or procedure is contravened occasionally or on a regular basis, or whether a new policy or procedure is recommended.
3. The corrective action plan suggested to remediate the discovered condition.
4. Results of any corrective action plan.

After receiving the report, the Board of Education will specify a time frame for implementation. Copies of the Internal Audit report shall be shared with the Superintendent of Schools, Assistant Superintendent for Finance and Management Services, District Treasurer, Claims Auditor, and Independent Auditor.

Adopted: September 11, 2006

By-Laws

SUBJECT: POLICY

The Board of Education shall reserve to itself the function of providing guides for the discretionary action of those to whom it delegates authority. The Superintendent shall act as an advisor to the Board in the adoption and approval of written Board policies. The Board shall seek input from the staff and community where appropriate. These guides for discretionary action shall constitute the policies governing the operation of the School System.

The formulation and adoption of these written policies shall constitute the basic method by which the Board of Education shall exercise its leadership in the operation of the School System. The study and evaluation of reports concerning the execution of its written policies shall constitute the basic method by which the Board of Education shall exercise its control over the operation of the School System.

The adoption of a written policy shall occur only after the proposal has been moved, discussed and voted on affirmatively at two successive meetings of the Board of Education (i.e., the "first reading" and the "second reading"). The policy draft may be amended at the second meeting. By a majority vote, the Board may waive the "second reading" and complete the adoption of the proposed policy at its "first reading".

The formal adoption of written Board policy shall be recorded in the official minutes of the Board. Such written Board policy shall govern the conduct and affairs of the District and shall be binding upon the members of the educational community in the District.

It shall be the Board's responsibility to keep its written policies up-to-date so that they may be used consistently as a basis for Board action and administrative decision. The Superintendent is given the continuing commission of calling to the Board's attention all policies that are out-of-date or for other reasons appear to need revision.

While the Board of Education is the policy-making body of the School District, the execution of Board policies is properly delegated by the Board to the Superintendent, who establishes administrative regulations and procedures to provide specific directions to District personnel about policy implementation.

Education Law Sections 1604(9)
and 1709(1) and (2)

Adopted: 6/11/01

By-Laws

SUBJECT: PROCESS FOR POLICY ADOPTION

The Board shall usually proceed in the following sequence to adopt new policies or changes in existing policies.

- a) The Superintendent or his/her designee may initiate the process by developing a draft of a proposed policy;

The Board of Education may initiate the process by directing the Superintendent to develop a draft of a proposed policy;

Other District staff members, parents, students or community members may initiate the process by submitting a written request for a policy change to the Superintendent. The Superintendent or his/her designee shall research and evaluate the request, and where appropriate, draft a proposed policy statement.

- b) A draft of a proposed new policy or a change in an existing policy, and where appropriate, accompanying administrative regulations, will be submitted by the Superintendent to the Board of Education Policy Committee for review.
- c) The Superintendent will also seek the counsel of the school attorney regarding a policy proposal.
- d) A draft of the policy proposal will be scheduled on the agenda of a regular or special Board meeting for presentation and discussion only, not for action. This agenda item will include a presentation of the proposal, a recommendation by the Superintendent and Board Policy Committee, Board discussion, public commentary, and Board directions for any redrafting.
- e) A draft of the policy proposal will be scheduled on the agenda of a second regular or special Board meeting for discussion and action. This agenda item will include Board discussion, public commentary, and Board action. The Board will only take action to adopt the policy, not the administrative regulations, except where Board approval of these regulations is required by law. Amendments to the proposed policy at this meeting will not require repetition of preceding steps in the adoption process, unless the Board so directs.

Emergency Procedure

On matters of urgency, the Board may waive any procedural limitations and take immediate action to adopt new policy or revise existing policy. When such immediate action is necessary, the resolution for adoption should express the reasons for such action. Temporary approval may be granted by the Board in lieu of formal policy to meet emergency conditions or special events which will take place before formal action can be taken.

(Continued)

SUBJECT: PROCESS FOR POLICY ADOPTION (Cont'd.)**Procedure Following Adoption**

New policies and revisions to existing policies formally adopted by the Board must be recorded in the minutes of the meeting at which they were adopted and included in the official Board policy manual maintained by the District Clerk.

The Superintendent or his/her designee shall be responsible for the distribution of Board policies.

Education Law Sections 1604 and 1709

Adopted: 6/11/01

2001

1420

By-Laws

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 annually of changes in administrative regulations.

Adopted: 6/11/01

By-Laws

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 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.

Regular meetings of the Board of Education of Huntington Union Free 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. The Open Meetings Law requires that public bodies such as Boards of Education make reasonable efforts to ensure that meetings are held in facilities that permit barrier-free physical access to the physically disabled.

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 District Clerk of Education 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 Clerk to notify all members.

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

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

Public Officers Law Article 7
Education Law Section 1708

Adopted: 6/11/01

SUBJECT: AGENDA PREPARATION, FORMAT AND DISSEMINATION**Preparation**

The Superintendent, in consultation with the Board President, shall be responsible for preparing an agenda for all meetings of the Board of Education.

Format

For regular Board meetings, the following format is used:

- a) Call to order, roll call, Pledge of Allegiance to the flag;
- b) Emergency procedures smoke free announcement
- c) Warrants/Treasurer Report
- d) Communications/Announcements
- e) Public Comment
- f) Items for discussion/action
- g) Committee reports
- h) Curriculum/Instruction
- i) Personnel items
- j) Business items
- k) Public comment
- l) Closing remarks by Board
- m) Adjournment

For special and emergency meetings, the regular meeting agenda format shown above may be shortened and/or adapted to fit the purpose of the meeting.

(Continued)

By-Laws

SUBJECT: AGENDA PREPARATION, FORMAT AND DISSEMINATION (Cont'd.)**Dissemination**

The agenda, together with supporting materials, shall be distributed to Board members by the District Clerk at least three days in advance of a Board meeting, if possible, to allow Board members to give items of business careful consideration. The agenda and appropriate materials shall also be made available to the public upon request prior to the Board meeting. Copies of the agenda shall be available to the public at each Board meeting.

Matters not included on the agenda may be placed on the agenda during a Board meeting by majority vote of the Board.

Education Law Section 1606
Public Officers Law, Section 104(2)

Adopted: 6/11/01

By-Laws

SUBJECT: SPECIAL MEETINGS OF THE BOARD OF EDUCATION

Special meetings of the Board shall be held on call by any member of the Board. A reasonable and good faith effort shall be made by the Superintendent or the Board President, as the case may be, to give every member of the Board twenty-four 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.

In an emergency, the twenty-four hour notice may be waived by unanimous consent of all Board members. When this occurs, it is advisable for the members to sign waiver-of-notice forms.

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

Adopted: 6/11/01

By-Laws

SUBJECT: ANNUAL DISTRICT MEETING AND ELECTION/BUDGET VOTE

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

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, if there are two, newspapers which have a general circulation within the District, or one newspaper, if there is one newspaper with a general circulation within the District. The notice shall also contain such other information as required by law.

Copies of the proposed annual operating budget for the succeeding year to be voted upon at the Annual Meeting and Election shall be available to District residents, on request, in each District school building during certain designated hours on each day other than a Saturday, Sunday or holiday during the 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.

Annual Meeting (Election and Budget Vote)

Education Law Sections 1804(4), 1906(1),
2002(1), 2017(5) and (6), 2022(1), and 2601-a(2)

Notice

Education Law Sections 1608(2), 1716(2),
2003(1), 2004(1), and 2601-a(2)

By-Laws

SUBJECT: BUSINESS OF THE ANNUAL DISTRICT ELECTION

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

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

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

Education Law Sections 1716 and 2025

Adopted: 6/11/01

2001

1620

By-Laws

SUBJECT: ANNUAL ORGANIZATIONAL MEETING

The Annual Organizational Meeting of the Board of Education shall be held on the first Tuesday in July of each year, unless that day is a legal holiday, in which event it shall be held on the first Wednesday in July.

The Board may pass a resolution, however, to hold its Annual Organizational Meeting at any time during the first fifteen (15) days of July.

Education Law Section 1707

Refer also to Policy #1330 Appointments and Designations by the Board of Education.

Adopted: 6/11/01

2001

1710

By-Laws

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: 6/11/01

By-Laws

SUBJECT: MINUTES

The minutes are a legal record of the activities of the School Board as a public corporation having the specified legal purpose of maintaining public schools. The minutes of all meetings shall be kept by the Clerk or, in his/her absence, by the Superintendent or his/her designee. The minutes shall be complete and accurate 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, stored in a locked room or locked file cabinet and available to the public prior to the next regular Board of Education meeting.

Public Officers Law Section 106

Adopted: 6/11/01

By-Laws

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 a 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.
- i) Discussions concerning findings and/or placement of students by the Committee on Special Education and the Committee on Preschool Special Education.

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: 6/11/01

Huntington Union Free School District

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