

Buffalo City School District **NUMBER**

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

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

The State Legislature has implemented this constitutional mandate through the creation of school districts of various types. As a City School District of a city with more than 125,000 inhabitants, the Buffalo City School District is organized under and subject to the provisions of Education Law Article 52.

The Board is the corporate body charged with the general control, management, and responsibility of the schools of the Buffalo City School District. As such, it possesses those powers and duties set forth in law.

The Board is authorized to act as a body duly called in session. Individual Board members have no authority over school affairs.

Education Law §§ 2, 1501, 2551, 2552, and 2554

Adoption Date

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

A Board member of the District must meet the following qualifications:

- a) A citizen of the United States;
- b) Eighteen years of age or older;
- c) Able to read and write;
- d) If a candidate at-large, a resident of the School District for at least three years immediately prior to election; if a candidate from a school subdistrict, a resident of the School District for at least three years and a resident of the school subdistrict which he/she seeks to represent for a period of one year immediately prior to election;
- e) Cannot be an employee of the District, except as permitted by law;
- f) The only member of his or her family (that is, cannot be a member of the same household) on the District Board;
- g) May not simultaneously hold another incompatible public office, including, but not limited to Superintendent, clerk, tax collector, treasurer or librarian, or an employee of the Board.
- h) Must not have been removed from a school district office within one year preceding the date of appointment or election to the Board.

No person shall hold at the same time the office of member of the Board of Education and any other elective office; nor shall he/she be a candidate for any other elective office at the same time he/she is a candidate for the office of member of the Board of Education.

Number of Members

The Board of the District will consist of nine members elected by the qualified voters of the District at the annual election as prescribed by law.

Terms of Office

Each member of the Board elected from the six subdistricts shall serve for three years. The term of office of each of three members of the Board elected at-large shall be for five years. The term of office of Board members shall all expire in the same year only once every 15 years (e.g., the years 2019, 2034, 2049, etc.).

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

Adoption Date

SUBJECT: SCHOOL BOARD ELECTIONS

The elections of members of the Board shall be held on the first Tuesday in May. Elections will be conducted by the Erie County Board of Elections in the same manner as it conducts other elections. The polls will be open for voting for the hours prescribed by law for primary elections. The following items shall be voted upon:

- a) Any vacancies on the Board of Education, and
- b) Any special propositions that have been properly presented.

Voting will be by voting machines and will be governed by the applicable provisions of the election law regarding voting machines.

Education Law § 2553

NOTE: Refer also to Policy #1221 -- Candidates and Campaigning

Adopted: 4/24/02

Bylaws

SUBJECT: REPORTING OF EXPENDITURES AND CONTRIBUTIONS

Each candidate for the position of member of the Board whose expenses and/or contributions received exceed \$500 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 and the aggregate amount of all contributions made to the candidate do not exceed \$500, then a sworn statement to that effect must only be filed with the District Clerk.

Required contribution statements must include:

- a) The dollar amount and/or fair market value of any receipt, contribution, or transfer which is other than money;
- b) The name and address of the transferor, contributor, or person from whom received;
- c) If that transferor, contributor or person is a political committee as defined in Election Law Section 14-100;
- d) The name and political unit represented by the committee;
- e) The date of receipt;
- f) The dollar amount of every expenditure;
- g) The name and address of the person to whom the expenditure was made, or the name of and political unit represented by the committee to which it was made; and
- h) The date of the expenditure.

The times for filing the statements are as follows:

- a) The first statement on or before the thirtieth day preceding the election to which it relates;
- b) A second statement on or before the fifth day before the election;
- c) A third statement within twenty days after the election.

Any contribution or loan in excess of \$1000 received after the close of the period covered in the last statement filed before the election (b above) but before the election itself must be reported within 24 hours after receipt.

(Continued)

SUBJECT: REPORTING OF EXPENDITURES AND CONTRIBUTIONS (Cont'd.)

All statements must be sworn before a notary public, a commissioner of deeds, a lawyer or a public official authorized by New York State law to administer oaths.

Education Law §§ 1528 and 1529
Election Law § 14-100(1)

Adoption Date

SUBJECT: CANDIDATES AND CAMPAIGNING**Nominations**

Each candidate for election as a member of the Board from a city school subdistrict is required to file a petition containing signatures of at least 500 registered voters of the subdistrict in which he or she is a candidate. Each candidate for election to the Board by the voters at-large is required to file a petition containing the signatures of at least 1000 registered voters of the city of Buffalo. Each petition must be filed with the Clerk of the Erie County Board of Elections in accordance with the manner and time-frame prescribed in law.

The Erie County Board of Elections will supervise the procedure used to establish the order of names on the ballot.

Of the candidates to be elected to the Board by the voters at-large, the three candidates receiving the largest number of votes cast in the city will be declared elected as at-large members of the Board. In each subdistrict, candidates receiving a plurality of votes will be declared elected to membership on the Board.

Electioneering

Electioneering during the hours of any vote is prohibited within the polling place or within 100 feet of any such polling place. Displays or handout items of any political nature, except those provided by law, are prohibited by any individual, group or organization in any school building on those days when the polls are open for voting on District matters, including, but not limited to, candidates for the Board of Education, special propositions, etc.

Education Law §§ 2031-a and 2553

NOTE: Refer also to Policy #1220 -- School Board Elections

Adoption Date

SUBJECT: RESIGNATION AND UNEXPIRED TERM FULFILLMENT

A Board member may resign at a District meeting of residents (i.e., an annual or special school district meeting) or by filing a written resignation with the Superintendent who then must endorse his or her approval and file the resignation with the District Clerk. A Board member may also resign by filing a written resignation with the District Clerk who must then notify the State Board of Elections and the Board.

If an effective date is specified in a written resignation, the resignation will take effect upon the date specified, provided however, that the date is not more than 30 days subsequent to the date of its delivery or filing with either the Superintendent or District Clerk. However, if no effective date is specified, it will take effect on the date of delivery or filing.

A resignation may be withdrawn only with the consent of the person to whom the resignation was delivered (i.e., the Superintendent or the District Clerk). The Board has no authority to act upon a request to withdraw a resignation.

It is the duty of each member of the Board to attend all meetings of the Board and, if any member refuses 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.

For cause shown, and after giving notice of the charge and opportunity of defense, the Commissioner of Education may remove any member of the Board. Willful disobedience of any lawful requirement of the Commissioner of Education, or a want of due diligence in obeying such requirement or willful violation or neglect of duty, is cause for removal.

Whenever there is vacancy on the Board, other than by reason of expiration of term or an increase in the numbers of members of the Board, the vacancy will be filled by a majority vote of the remaining members of the Board within 30 days of the date of the vacancy. If the remaining members of the Board fail to fill the vacancy within 30 days, then the Mayor of the city of Buffalo will, within 30 days thereafter, fill the vacancy subject to the confirmation of the appointment by the Common Council of the City of Buffalo.

Education Law §§ 306, 2103(2), 2109, 2111, 2112, 2113, 2553, and 2559
Public Officers Law §§ 30, 31 and 35

Adopted: 4/24/02

SUBJECT: STUDENT REPRESENTATIVE ON THE BOARD OF EDUCATION

The Buffalo Board of Education recognizes the value of student representation and input to inform the governance of the school district. As an essential voice on the Board of Education, a student representative will serve as a reminder of our core mission to always put student needs and interests ahead of all other considerations.

The Board of Education is also committed to providing leadership opportunities to our district's youth. Our expectation is that such an opportunity will inspire countless others to serve the neighborhoods in which they live and join us in the promise to always put children and families first.

Therefore, the Buffalo Board of Education authorizes the addition of a non-voting student representative to the membership of the Board and specifies the following qualifications, duties, and conditions for such service.

Qualifications and Duties

The President of the Inter-High Student Council shall serve ex-officio as a non-voting member of the Buffalo Board of Education. The Vice-President of the Inter-High Student Council shall serve as an alternate when so designated by the President or, in that individual's absence, the President may assign any Executive Committee member of the Inter-High Student Council as alternate student representative to assure student representation at regular or special meetings of the Board and its other committee or public work sessions.

Should extraordinary, extenuating, or interim circumstances exist, the Board may independently appoint any Junior or Senior student of the school district to serve a defined term until an officer of the Inter-High Student Council is available to be seated on the Board. For such appointments, a simple majority vote at two consecutive regular meetings of the Board shall be required.

The student representative shall:

- a) Be a resident of the City of Buffalo and a Junior or Senior student in the Buffalo Public Schools.
- b) Hold elected office on the Inter-High Student Council.
- c) Maintain a minimum 75% grade point average or equivalent.
- d) Demonstrate exemplary attendance and conduct at school.
- e) Attend a School Board Member orientation scheduled by the Superintendent of Schools.

(Continued)

SUBJECT: STUDENT REPRESENTATIVE ON THE BOARD OF EDUCATION (Cont'd.)

- f) Sit with members and participate in the deliberations of the Board; however pursuant to State Education Law, shall possess no voting rights and shall be ineligible to participate in executive sessions of the Board.
- g) Be required to comply with all relevant laws, regulations and codes and other administrative rules which control or guide student Board representation.
- h) Be excused from participation in the Annual Organizational Meeting. Although the student representative may attend the meeting, he/she will not be seated at the Board table.
- i) Be ineligible to attend a meeting of the Board not required to be open to the public unless special accommodation is approved by District Counsel (i.e., confidential interviews, executive sessions, work sessions not required to be public).
- j) Not be considered as a seated, present Board Member for purposes of determining whether quorum is attained.
- k) Be ineligible to raise, second or vote on motions or other parliamentary actions of the Board, except as specified herein.
- l) Be able to seek co-sponsorship of resolutions with voting members of the Board (without voting rights). Any such resolution sponsorship must have a duly seated non-student Board member as a co-sponsor.
- m) Be reimbursed for approved Board business but will not be compensated by the school district for service. Such Board business shall receive prior approval from the faculty advisor of the Inter-High Student Council and be presented to the Board of Education for subsequent approval.

SUBJECT: POWERS AND DUTIES OF THE BOARD

The Board has the powers and duties as set forth in New York State Education Law, principally Article 52, and other applicable federal and state laws and regulations. The Board has in all respects the superintendence, management and control of the educational affairs of the District and therefore, has all the powers reasonably necessary to exercise powers granted expressly or by implication and to discharge duties imposed expressly or by implication by the laws of New York State and the Commissioner of Education.

Education Law §§ 1709 and 2554

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

Adoption Date

SUBJECT: SCHOOL BOARD MEMBER CODE OF CONDUCT

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

- a) Remember always that my first and greatest concern must be the educational welfare of the students attending the public schools.
- b) Attend all Board meetings insofar as possible, and become informed concerning the issues to be considered at those meetings;
- c) Work with other Board members in a spirit of harmony and cooperation in spite of differences of opinion that may arise during vigorous debate and points at issue;
- d) Base personal decisions and votes upon all available facts in each situation and upon honest conviction, unswayed by partisan bias of any kind;
- e) Work with other Board members to establish effective Board policies and to delegate authority for the administration of the schools to the Superintendent of Schools;
- f) Abide by the final majority decisions of the Board;
- g) Abide by the District's Code of Ethics;
- h) Remember that Board members have no legal authority outside Board meetings and to conduct any relationship with the school staff, the local citizens and the media on the basis of this fact;
- i) Encourage the free expression of opinion by all Board members, and seek systematic communications between the Board and students, staff, and all elements of the community;
- j) Maintain familiarity with educational issues through study and participation in programs providing needed information, such as those sponsored by State and National School Boards Associations;
- k) Support the employment of those persons best qualified to serve as school staff, and insist on a regular and impartial evaluation of all staff;
- l) Avoid being placed in a position of conflict of interest, and refrain from using my Board position for personal or partisan gain;
- m) Refrain from disclosing confidential information acquired in the course of my official duties and from using such information to further my personal interests.

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SUBJECT: SCHOOL BOARD MEMBER CODE OF CONDUCT (Cont'd.)

NOTE: Refer also to Policies #6110 -- Code of Ethics for All School Board Members, Officers and District Personnel
#5570 -- Financial Accountability

Adopted: 4/24/02
Revised: 5/25/06

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

Board officers will be nominated and elected by the Board at its annual organizational meeting for a term of one year. They will take their oath as officers at this meeting along with newly elected members.

The elected officers of the Board are:

- a) President; and
- b) Vice President – Executive Affairs;
- c) Vice President – Student Achievement.

Duties of the President of the Board

The President's duties may 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;
- g) Acting as temporary chair of the annual reorganization meeting and special District meetings;
- h) Offering resolutions; proposing or seconding motions, resolutions, or nominations; and discussing questions.

Duties of the Vice Presidents of the Board**Vice President of Executive Affairs**

The Board may, in its discretion, elect one of its members Vice President of Executive Affairs 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 of Executive Affairs

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**SUBJECT: NOMINATION AND ELECTION OF BOARD OFFICERS AND DUTIES OF
THE PRESIDENT AND VICE PRESIDENT (Cont'd.)**

shall act as President until a President is elected. The Vice President of Executive Affairs is responsible for the development of the schedule, and coordinating the annual evaluation of the Superintendent of Schools.

Vice President of Student Achievement

The Board may, in its discretion, elect one of its members Vice President of Student Achievement to facilitate, monitor and support the progress of student academic achievement in the District.

Education Law §§ 1701, 1804, 2105(6), 2554(1) and 2502

Adoption Date

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

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

The following will be appointed annually:

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

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

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

(Continued)

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

- i) Liaison for Homeless Children and Youth (McKinney-Vento Liaison);
- j) Chemical Hygiene Officer;
- k) Dignity Act Coordinator (one in each building);
- l) Chief Emergency Officer.

The following may also be appointed:

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

Designations

The following designations will be made by the Board at the Annual Organizational Meeting in July:

- a) Official Newspaper(s);
- b) Official Bank Depositories;
- c) Official Bank Signatories;
- d) Director of Purchase;
- e) Chief Payroll Auditor;
- f) Designated Educational Official (DEO) to receive court notification regarding a student's sentence/adjudication in certain criminal cases and juvenile delinquency proceedings;
- g) School Pesticide Representative;

(Continued)

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

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

Authorizations

The following authorizations will be made by the Board at the Annual Organizational meeting in July:

- a) Approval of attendance at conferences, conventions, workshops, and the like;
- b) Superintendent to approve budget transfers within limits prescribed by Commissioner's regulation Section 170.2 and Board guidelines;
- c) Other(s) as deemed appropriate/necessary.

McKinney-Vento Homeless Education Assistance Act, § 722, as reauthorized by the Every Student Succeeds Act (ESSA) of 2015
29 CFR § 1910.1450
Education Law §§ 305(31), 1709, and 2503
8 NYCRR Part 185
21 NYCRR Parts 1401, 9760

Adoption Date

Bylaws

SUBJECT: DUTIES OF THE SECRETARY TO THE BOARD/DISTRICT CLERK

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

- a) Attending all meetings of the Board, keeping a record of its proceedings, and recording, by name, those in attendance;
- b) Preparing Board meeting minutes, obtaining approval of the minutes by the Board at the next meeting, signing the minutes to signify their official standing, and forwarding copies of the minutes to each Board member;
- c) Sending notices of special meetings to Board members; contacting and communicating with members as required;
- d) Ensuring that the proper legal notices and announcements are published on all specifications and items out on bid, in accordance with state law;
- e) Maintaining an up-to-date record of Board policies and bylaws;
- f) Delivering to, and collecting from, the President (or Vice President) papers for signature as may be necessary;
- g) Distributing notices to the public announcing availability of budget copies to be presented at the Annual District Meeting in compliance with the requirements of the State Education Law;
- h) Administering oaths of office;
- i) Giving written notice of appointment to persons appointed as inspectors of election;
- j) Calling all meetings to order in the absence of the President and Vice President; and
- k) Assuming other duties customary to the office.

The above duties of the District Clerk are not intended to be complete, but should serve as a guide in undertaking the duties of this office. The District Clerk will perform other duties as may be assigned periodically by the Board.

Education Law § 2121
Public Officers Law §§ 10 and 104

Adoption Date

Bylaws

SUBJECT: DUTIES OF THE EXTERNAL (INDEPENDENT) AUDITOR

The Board by law must obtain an annual audit of its records by an independent certified public accountant (CPA). The audit must also include all extraclassroom activity funds. The independent accountant will present the report of the annual audit to the Board. The Board will adopt a resolution accepting the audit report and file a copy of the resolution with the Commissioner. The District will also file the audit report with the Commissioner for a specific school year by the date specified by the Commissioner. In addition to the annual audit, the District is subject to State audits conducted by the State Comptroller.

The independence and objectivity of the auditor may be enhanced when the Board and Audit Committee perform an oversight role with respect to the hiring and performance of the auditor, as required by law. Similarly, no audit engagement will be for a term longer than five consecutive years. The District, may, however, permit an independent auditor engaged under an existing contract for those services to submit a proposal for those services in response to a request for competitive proposals or be awarded a contract to provide those services under a request for proposal process.

Duties and Responsibilities

The independent auditor must conduct the audit in accordance with Generally Accepted Government Auditing Standards (GAGAS) issued by the Comptroller General of the United States. Standards of GAGAS are organized as general, fieldwork, and reporting.

Below are some important considerations the District will expect of the auditor in preparing the audit; however, they should not be considered all-inclusive or a substitute for the auditor's professional judgment.

- a) Independence: The auditor must document that he or she is independent of the District and free of personal and external impairments. The auditor must establish an internal quality control system to identify any personal and external impairment and assure compliance with GAGAS independence requirements.
- b) Internal Quality Control System: The auditor must document that his or her internal quality control processes adequately demonstrate compliance with government auditing standards. He or she must establish an organizational structure, policies, and procedures to provide reasonable assurance of complying with applicable standards governing audits.
- c) Internal Controls: The auditor must obtain a sufficient understanding of the District's internal controls and document such understanding covering the five interrelated components: the control environment, risk assessment, control activities, information and communication, and monitoring.

(Continued)

Bylaws

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

- d) **Planning and Supervision:** The auditor's work is to be properly planned and supervised and will consider materiality and/or significance in order to provide reasonable assurance of detecting misstatements resulting from direct and illegal acts and irregularities to financial statements. The auditor should also be aware of the possibility that indirect illegal acts may have occurred.
- e) **Audit documentation:** In order to meet the GAGAS requirements, the audit documentation should provide a clear understanding of its purpose, the source, and the conclusions the auditor reached. It should be organized to provide a clear link to the findings, conclusions, and recommendations contained in the audit report.
- f) **Reporting on Internal Controls and Compliance:** The auditor must report on and present the results of his or her testing of the District's compliance with laws and regulations and its internal controls over financial reports in light of irregularities, illegal acts, other material noncompliance, significant deficiencies, and material weaknesses in internal controls.

Generally Accepted Government Auditing Standards (GAGAS) §§ 3.50-3.54, 4.03, 4.19-4.24, and 5.07-5.20
Education Law §§ 1709 (20-a) and 2116-a
General Municipal Law §§ 33 and 104-b
8 NYCRR §§ 170.2, 170.3, and 170.12

Adoption Date

SUBJECT: APPOINTMENT AND DUTIES OF THE CLAIMS AUDITOR

The Board will appoint a Claims Auditor to examine all claims. This auditor will determine whether the amounts claimed are actual and necessary expenditures, if the goods or services were actually received, whether the District official or employee was authorized to incur the obligation, and if the claims are supported with adequate evidence. Support may include itemized documentation, a thorough description of the goods or services, and detailed receipts and invoices. The Claims Auditor will ensure that each claim is legitimate, mathematically correct, does not exceed any available appropriation within the applicable budget code, and is made in accordance with District policy, purchasing order, or contract before authorizing payment. This auditor will certify that he or she audited each claim listed on the claims warrant to authorize the Treasurer to pay.

The Claims Auditor will report directly to the Board no less than quarterly. The Board may require that the Claims Auditor report to the Clerk of the District, Clerk of the Board, or to the Superintendent for administrative matters such as workspace, time, and attendance.

The Board may adopt a resolution establishing the office of Deputy Claims Auditor to act as the Claims Auditor in the absence of the Claims Auditor. The Board may, by resolution, abolish the position of Deputy Claims Auditor at any time. The same eligibility requirements and qualifications that apply to a Claims Auditor apply to the Deputy Claims Auditor.

Qualifications

The Claims Auditor must have the necessary knowledge and skills to effectively audit claims, including experience with purchasing, bidding, and claims. The Claims Auditor must be bonded or included in the District's blanket undertaking, before assuming his or her duties.

The Claims Auditor should not be:

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

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

- h) A close or immediate family member of an employee, officer, or contractor providing services to the District. A close family member is a parent, sibling, or nondependent child; an immediate family member is a spouse, spouse equivalent, or dependent (whether or not related).

The Claims Auditor is not required to be a resident of the District and will be classified in the civil service exempt class.

The Board remains ultimately responsible for auditing all claims. When the claims auditor is an independent contractor, the Board itself shall be responsible for auditing all claims from the contractor.

The claims auditor may use a risk based or sampling methodology to determine which claims are to be audited in lieu of auditing all claims as long as the method used to select the sample provides reasonable assurance that all claims represented by the sample are proper charges against the school district.

Education Law §§ 1604(35), 1709(20-a), 2526, and 2554(2)
8 NYCRR § 170.12(c)

Adoption Date

SUBJECT: DUTIES OF THE SCHOOL ATTORNEY(S)

The General Counsel of the Buffalo Public Schools and the District's Legal Department provides legal counsel to the Board of Education. The school attorney's duties may include:

- a) Providing legal representation to the District in proceedings before courts and administrative agencies;
- b) Providing legal opinions as requested by the Board or its agents, and consistent with any agreement between the District and the school attorney;
- c) Providing counsel in matters related to due process hearings; and/or
- d) Such other duties as are consistent with law and the scope of the school attorney's representation.

SUBJECT: DUTIES OF THE INTERNAL AUDITOR

The Internal Auditor reports directly to the Board. The District may use its employees, inter-municipal cooperative agreements, shared services to the extent authorized by Education Law Section 1950, or independent contractors as the person or entity serving as Internal Auditor. The person or entity serving as Internal Auditor must follow generally accepted auditing standards, be independent of District business operations, and have the requisite knowledge and skills to complete the work.

The Internal Auditor is responsible for performing the internal audit function for the Board, which includes at a minimum:

- a) Development of a risk assessment of District operations, including, but not limited to, a review of financial policies, procedures, and practices;
- b) An annual review and update of the risk assessment;
- c) Annual testing and evaluation of one or more areas of the District's internal controls, taking into account risk, control weakness, size, and complexity of operations;
- d) Preparation of reports, at least annually or more frequently as the Board may direct, which:
 1. Analyze significant risk assessment findings;
 2. Recommend changes for strengthening controls and reducing identified risks; and
 3. Specify timeframes for implementation of such recommendations.

Education Law §§ 1950, 2116-b, and 2116-c
8 NYCRR § 170.12(d)

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

Adoption Date

Bylaws

SUBJECT: POLICY AND ADMINISTRATIVE REGULATIONS

The formulation and adoption of written policies will constitute the basic method by which the Board will exercise its leadership in the operation of the District. The Superintendent will act as an advisor to the Board in adopting and approving of written Board policies. The Board will seek input from staff and the community where appropriate. These written board policies will govern the operation of the District.

The adoption of a written policy will occur only after the proposal has been moved, discussed, and voted on affirmatively at two separate meetings of the Board (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."

Board action is also necessary for revising policies that require amendment or rescinding policies that are no longer relevant or applicable to the District.

The formal adoption, amendment, or deletion of written Board policy will be recorded in the official minutes of the Board. This written Board policy will govern the conduct and affairs of the District and will be binding upon the members of the educational community in the District.

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

Execution of Policy: Administrative Regulations

The Board will 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 detailed arrangements will constitute the administrative regulations governing the schools, and they will be consistent with the policies adopted by the Board. The Board will be kept informed periodically of changes in administrative regulations.

Education Law §§ 1604(9), 1709(1), 1709(2), and 2503(2)

Adoption Date

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

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 or more persons which requires a quorum to conduct public business, including committees and subcommittees. The Board will make reasonable efforts to ensure that all meetings are held in an appropriate facility that can adequately accommodate all members of the public who wish to attend.

Public notice of the time and place of a meeting scheduled at least one week in advance shall be given to the news media and shall be conspicuously posted in one or more designated public locations at least 72 hours before such meeting. Notice of other meetings will be given or electronically transmitted, to the extent practicable, to the news media and conspicuously posted at one or more designated public locations at a reasonable time before the meeting. When the District has the ability to do so, it will conspicuously post the meeting notices on its website.

District records subject to release under FOIL, as well as any proposed rule, regulation, policy or amendment that, are on the Board agenda and scheduled to be discussed at a Board meeting, shall be made available upon request, to the extent practicable, prior to the meeting. Copies of such records may be made available at a fee rate, as per relevant law. Copies of such records shall also be posted on the District's web site, to the extent practicable, prior to the meeting.

Regular meetings of the Board of Education of Buffalo City School District shall take place on the third Wednesday of each month at 5:30 p.m.

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. If a meeting is streamed live over the internet, the public notice will inform the public of the website's internet address. Voting may be done through videoconferencing, provided that members can be both seen and heard voting and participating from remote locations.

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.

(Continued)

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

No committee, nor the entire Board, will act, study, or decide upon an issue unless the supporting documentation has been made freely available to all Board members at least 48 hours in advance of the above mentioned action, with the exception of "Late Items" filed as such by the Superintendent for action at a regularly scheduled meeting of the Board. This provision may be suspended by an affirmative vote of six members of the full Board (2/3) upon the motion of one of its members and must be approved by an affirmative vote of six members of the full Board (2/3).

The Secretary to the Board/District Clerk shall notify the members of the Board of Education, the Superintendent of Schools and the Associate Superintendents 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 Secretary to the Board/District 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.

Recording Meetings

The Board allows public meetings to be photographed, broadcast, webcast, or otherwise recorded by means of audio or video, in a non-disruptive manner, and it supports the use of this technology to facilitate the open communication of public business.

Public Expression

The Board encourages public expression and participation at Board meetings. The Board will designate a specific portion of its meeting agenda for this participation. The Board may invite visitors to participate in its discussion of matters on the agenda.

Quorum

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

(Continued)

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

Use of Parliamentary Procedure

The Board will use pertinent portions of the latest edition of Robert's Rules of Order to conduct its business.

Education Law §§ 1708 and 2504
General Construction Law § 41
Public Officers Law Article 7, §§ 103(d), 104, and 107

NOTE: Refer also to Policies #1512 -- Public Participation at Board Meetings
#1520 -- Special Meetings of the Board of Education
#1540 -- Executive Sessions
#6211 -- Employment of Relatives of Board Members

Adoption Date

B/

SUBJECT: AGENDA FORMAT/BOARD MEETING PROCEDURES**Agenda Format**

Each Board of Education meeting shall be conducted in an orderly manner which provides time for and encourages community involvement. The order of business at each regular meeting shall be as follows:

- a) Call to order;
- b) Pledge of Allegiance to the flag;
- c) Board recognitions;
- d) Superintendent Update (will now include Student Achievement and Educational Updates);
- e) Comments from speakers;
- f) Response to speakers from Superintendent;
- g) Action on minutes from previous meetings;
- h) Committee reports;
- i) Reports and recommendations from the Superintendent of Schools:
 1. Personnel matters;
 2. Educational matters;
 3. Business matters;
 4. Financial matters;
- j) Unfinished business/Open Session
- k) 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)

B/

SUBJECT: AGENDA FORMAT/BOARD MEETING PROCEDURES (Cont'd.)

Board Meeting Procedures

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

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

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

Education Law §§ 1606 and 2554(1)
Public Officers Law § 104(2)

Adopted: 4/24/02
Revised: 10/23/02; 3/8/06; 6/11/08

SUBJECT: PUBLIC PARTICIPATION AT BOARD MEETINGS

The Board of Education recognizes its responsibility to hear and respond to public comment, and therefore encourages public participation at Board meetings. There will be a specific agenda item at each Board meeting to provide an opportunity to address the Board.

The Board of Education meetings have had, on the average, between 15 and 20 speakers for the regularly scheduled Board meetings. The Board procedures are among the most open processes in government today and they will continue to be. The public's opinion is of great value and the Board welcomes the public's input.

The Board of Education meeting will still commence at 5:30 p.m. on the third Wednesday of each month with public viewpoints as the first item of the meeting (except when awards are on the agenda, or as otherwise postponed pursuant to Board Policy #1510). The procedure will be as follows:

- a) Each speaker must call the Board of Education Office (851-3567 or 851-3568) by 12:00 noon of the Tuesday before the regular Wednesday meeting to register as a speaker.
 - b) Each speaker has three minutes to give their address.
 - c) Thirty speaker registration limit at each meeting.
 - d) If more than 30 speakers call the Board Office, the Board President will be notified by the Board Secretary and:
 1. The President has the ability to waive the 30 speaker limit if he/she wishes;
- or
2. The President can call a special meeting in a timely manner to hear the additional speakers.

SUBJECT: SPECIAL MEETINGS OF THE BOARD

Special meetings of the Board may be called by the Board president or on the request of any Board member, with the approval of five members. A reasonable and good-faith effort will be made by the Superintendent or the Board president, as the case may be, to give every member of the Board 48-hours' notice of the time, place, and purpose of the meeting. In an emergency, however, the 48-hour notice requirement may be waived by having each Board member sign a waiver-of-notice form. There will be no speakers at the special meetings of the Board.

All special meetings will be held at a regular meeting place of the Board and in accordance with all applicable provisions of the Open Meetings Law. Public notice of the time and place will be given, to the extent practicable, to the news media, and it will be conspicuously posted in one or more designated public locations at a reasonable time before the meeting.

Education Law §§ 1606(3), 1708, 2554(1), and 2563
Public Officers Law §§ 103 and 104

NOTE: Refer also to Policy #1510 -- Regular Board Meetings and Rules (Quorum and Parliamentary Procedure)

Adoption Date

Bylaws

SUBJECT: MINUTES

The minutes are a legal record of the activities of the Board as a public corporation having the specified legal purpose of maintaining public schools. The minutes of all meetings will be kept by the Clerk or, in his or her absence, by the Superintendent or designee. The minutes will be complete and accurate, and maintained in accordance with law, and posted on the District website. However, minutes of executive sessions need not include any matter which is not required to be made public by the Freedom of Information Law (FOIL).

The minutes of each meeting of the Board will state:

- a) The type of meeting;
- b) The date, time of convening, and adjournment;
- c) Board members present and absent;
- d) Board members' arrival and departure time, if different from opening or adjournment times;
- e) All action taken by the Board, including a record or summary of all motions, proposals, resolutions, and other matters formally voted upon, with evidence of those voting in the affirmative and the negative, and those abstaining.

All Board minutes must be signed by the District Clerk when approved and maintained in accordance with law. Unless otherwise provided by law, minutes will be available to the public within two weeks following the date of a meeting; draft copies, so marked, are acceptable, subject to correction.

Minutes of Executive Sessions

Minutes will be taken at executive sessions of any action that is taken by formal vote. The minutes will consist of a record or summary of the final determination of the action, the date, and the vote. However, this summary need not include any matter which is not required to be made public by the FOIL.

If action is taken by a formal vote in executive session, minutes will be available to the public within one week of the date of the executive session.

Education Law §§ 2121 and 3020-a
Public Officers Law §§ 103 and 106

Adoption Date

Bylaws

SUBJECT: EXECUTIVE SESSIONS

Upon a majority vote of its total membership, taken in an open meeting in accordance with a motion identifying the general area or areas of the subject or subjects to be considered, the Board may conduct an executive session for discussion of the below listed purposes only, provided, however, that no action by formal vote will be taken except on an Education Law Section 3020-a probable cause finding. For all other purposes, the action by formal vote will be taken in open meeting and properly recorded in the minutes of the meeting. Attendance at an executive session will be permitted to any Board member and any persons authorized or requested to attend by the Board. The Superintendent will attend all executive sessions except those that concern his or her evaluation, employment, or salary.

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

Motions for executive sessions should state the subject or subjects to be discussed in executive session. It is insufficient to merely recite statutory language.

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

Education Law §§ 1708(3) and 3020-a
Public Officers Law Article 7

Adoption Date

B/

SUBJECT: BOARD HEARINGS

The Board of Education shall schedule public hearings in accordance with the law and on occasions when it wishes to gather information and seek opinions on important issues affecting the School District. The Board shall take no formal action at a public hearing; however, members may engage in formal dialogue with the audience if the Chair so chooses.

The time and place of the hearings shall be designated in the notice of the hearing. All interested persons or their representatives shall have an opportunity to present facts, views, or arguments relative to ideas or proposals under consideration.

At the beginning of each hearing the Board may present information on the topic of the hearing. Speakers shall be required to give their name and address. Non-residents shall have the privilege of speaking at public hearings. Speakers will be limited to three minutes. However, this time limit may be adjusted by the Chair if the size of the audience or the number of requests to speak is small and an increase in the time would not unduly extend the length of the hearing. Any adjustment in time shall apply to all speakers from the audience.

Any speaker who is out of order may be cautioned by the Chair. If such remarks or behavior persists, the speaker's privilege to address the Board may be terminated. Persistent disruptive behavior may result in expulsion from the hearing.

Bylaws

B/

SUBJECT: BOARD WORK SESSIONS

In general, the Board shall conduct the preliminary work needed to perform the business of the Board during Board Work Session meetings. Board Work Sessions shall operate as a committee of the whole, requiring a quorum to make recommendations to the Board. If there is no quorum, proposals considered during Board Work Sessions may be forwarded to the full Board without recommendation.

In most cases, Board Work Sessions shall serve to review and analyze recommendations of the Superintendent prior to consideration by the full Board. During Work Sessions, recommendations of the Superintendent may be approved, approved with modifications, disapproved, or forwarded to the full Board with no recommendation. The Superintendent reserves the right to submit to the full Board a proposal that was rejected during Board Work Session.

Board Work Sessions shall be held on the first and second Wednesday of each month beginning at 5 p.m. and ending at 7 p.m., unless otherwise scheduled. Executive Affairs and Finance and Operations Committees will convene on the first Wednesday of each month and Student Affairs and Student Achievement Committees will convene on the second Wednesday of each month. Meetings will be one hour in length and the chairperson of each committee has the discretion and ability to cede time to the other committee held on the same evening. The agenda for each meeting will be set a week in advance and relevant materials will be submitted to the Board by the District by 5 p.m. on the Monday preceding the work session. The Board reserves the right to change the scheduled order of Committee meetings. The Superintendent is authorized to determine which staff is necessary to attend Work Sessions. If a meeting date falls on a legal or religious holiday, the meeting will be rescheduled. Board Work Sessions are not required if there are no agenda items for the scheduled date, and shall not take place during July and August unless a need arises.

Bylaws

SUBJECT: ANNUAL ORGANIZATIONAL MEETING

The Annual Organizational Meeting of the Board of Education shall be held on the first business day in July at four o'clock in the afternoon, at which meeting the Board shall select a President and the Vice Presidents for the ensuing year. If any such officer shall fail to be elected at such Annual Organizational Meeting, such officer may be elected at any subsequent meeting of the Board. A vacancy in any such office may be filled at any regular meeting or at any special meeting called for this purpose.

The meeting shall be called to order by the previous Board President or his/her designee, who shall preside until the election of a new President. The order of business to be conducted at the Organizational Meeting shall include appointments and the following items required or implied by state law and/or regulation.

Administration of Oath

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

Election of Officers

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

New York State Constitution, Article 13 and 1
Public Officers Law § 10
Education Law §§ 1707, 2554(1), and 2553(10)(o)

Adoption Date

SUBJECT: LEGAL QUALIFICATIONS OF VOTERS AT DISTRICT MEETINGS

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

- a) A citizen of the United States;
- b) Eighteen years of age or older;
- c) Qualified to register or is registered to vote in accord with Section 5-106 of the Election Law;
- d) Listed upon current voter registration lists maintained by the Erie County Board of Elections or properly registered to vote within the School District; and
- e) A resident within the District for a period of 30 days preceding the next meeting at which he or she offers to vote.

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

Education Law §§ 2012, 2014, 2025, and 2603
Election Law Article 5

Adoption Date

SUBJECT: ABSENTEE BALLOTS

The Board of Elections permits the use of absentee ballots for voting. Absentee ballots will be available for the election of Board of Education members and on questions and propositions submitted to the voters of the District. These ballots, including application forms, will be sent by the Secretary of the Board of Education to qualified voters wishing to vote by absentee ballot, upon request, via first class or certified mail. The application must be completed and returned with the ballot. The individual must verify that he or she meets all voting requirements and must explain the reason for his or her inability to appear in person to vote.

A qualified District voter is eligible to vote by absentee ballot if he or she is unable to appear to vote in person on the day of the District election because:

- a) He or she will be a patient in a hospital, or unable to appear personally at the polling place on that day because of illness or physical disability. A voter who claims permanent illness or physical disability may apply for an absentee ballot and the right to receive an absentee ballot for each election thereafter without further application by filing an application containing a statement setting forth the particulars of his or her permanent illness or disability with the Board of Elections;
- b) His or her duties, occupation, business, or studies will require him or her to be outside of the county or city of his or her residence on the day of the vote;
- c) He or she will be on vacation outside the county or city of his or her residence on that day;
- d) He or she will be detained in jail awaiting action by a grand jury; awaiting trial; or is confined in prison after conviction for an offense other than a felony; or
- e) He or she will be absent from the District on the day of the District election/vote by reason of accompanying spouse, parent, or child who is or would be, if he or she were a qualified voter, entitled to apply for the right to vote by absentee ballot.

If the ballot is to be mailed to the voter, the application must be received by the Erie County Board of Elections at least seven days before the election. If the application is to be personally delivered, the application must be received by the day before the election. Proxy votes are not allowed.

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

Adoption Date