

**Cairo-Durham Central School District** **NUMBER**

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**Cairo-Durham Central School District**

**NUMBER**

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## By-Laws

**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 Central School District, the Cairo-Durham Central School District is organized under and subject to the provisions of Education Law Article 37.

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

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

Education Law §§ 2, 1501, 1604, 1701, 1709, 1804, 2502, and 2503

Adopted: 8/23/18

## By-Laws

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

A Board of Education member of the Cairo-Durham Central School 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) A legal resident of the District for a continuous and uninterrupted period of at least one year prior to the election;
- e) Cannot be an employee of the Cairo-Durham Central School District;
- f) The only member of his or her family (that is, cannot be a member of the same household) on the Cairo-Durham Central School 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.
  1. In union free and central school districts, however, a Board member may be appointed clerk of the Board and of the District.
  2. A Board member of a BOCES may not be employed by any of that BOCES' component districts.
- h) Must not have been removed from a school district office within one year preceding the date of appointment or election to the Board.

**Number of Members**

The Board of Education of the Cairo-Durham Central School District shall consist of nine members elected by the qualified voters of the School District at the annual election as prescribed by law.

**Terms of Office**

Members of the Board of Education shall serve for three years beginning July 1 following their election and each term shall expire on the thirtieth (30th) day of June of the third year.

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)  
Adopted: 8/23/18

## 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 a petition directed to the Clerk of the School District which is signed by at least 25 qualified voters of the District, or by 2% of the number of voters who voted in the previous annual election, whichever is greater. Petitions must state the residence of each signer, the name and residence of each candidate.
- b) The notice of the Annual District Meeting must state that petitions nominating candidates for the Board of Education must be filed with the Clerk of the District no later than 30 days before the Annual or Special District Meeting at which the school board election will occur, between 9 a.m. and 5 p.m.
- 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) The candidates receiving the largest number of votes shall be declared elected in accordance with Education Law.
- f) 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.
- g) The District Clerk shall oversee the election. The Clerk shall give notice immediately to each person declared elected to the Board, informing him or her of the election and his or her term of office.
- h) Only qualified voters as determined by Education Law Section 2012 may vote at any District meeting or election.
- i) No electioneering will be allowed within 100 feet of the polling place.
- j) 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 or her term of office immediately upon election and the taking and filing of the oath of office.

Education Law §§ 2004, 2012, 2018, 2025, 2029, 2031-a, 2032, 2034, 2105(14), 2121, 2502, 2602, 2608(1) and 2610

Adopted: 8/23/18

## By-Laws

**SUBJECT: REPORTING OF EXPENDITURES AND CONTRIBUTIONS**

Each candidate for the position of member of the Board of Education 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 shall 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 20 days after the election.

Any contribution or loan in excess of \$1,000 received after the close of the period covered in the last statement filed before the election (b above) but before the election itself shall be reported within 24 hours after receipt.

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.

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

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

Adopted: 8/23/18

**SUBJECT: RESIGNATION AND DISMISSAL**

Board members may resign at a District meeting of residents (i.e., the annual meeting, not a regular Board of Education meeting) or by filing a written resignation with the District Superintendent of the Supervisory District who must endorse his or her approval and file the resignation with the District Clerk.

Alternatively, a Board member may resign under Public Officers Law Section 31 by filing a written resignation with the District Clerk. The Clerk must then notify the School Board and the State Board of Elections.

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

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 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. The Board of Education may also remove a Board member for misconduct relating to the exercise of authority as a Board member. A written copy of all charges made of such misconduct must be served upon the Board member at least ten days before the time designated for a hearing on the charges; and the Board member shall be allowed a full and fair opportunity to refute such charges before removal.

In the event of death, resignation, removal from office or from the School District, or refusal to serve as a Board member, the District has the power and duty to fill the vacancy. If the Board chooses to fill the vacancy by appointment, the appointment requires a majority vote of the full Board and shall be only for a term ending with the next annual election of the School District.

The Board, at its own option, may instead call a special election within 90 days to fill the unexpired term. If not filled by Board appointment or special election, the District Superintendent of the Supervisory District may appoint a competent person to fill the vacancy until the next annual election. Alternatively, the Commissioner of Education may order a special election for filling a vacancy. When such special election is ordered, the vacancy shall not be otherwise filled.

(Continued)



**SUBJECT: RESIGNATION AND DISMISSAL (Cont'd.)**

A person elected or appointed to fill a vacancy shall take office immediately upon filing the oath of office.

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 §§ 306, 1607, 1706, 1709(17)(18), 1804(1), 2103(2), 2109, 2111, 2112, 2113, 2502, 2503  
and 2553

Public Officers Law §§ 30, 31 and 35

## By-Laws

**SUBJECT: STUDENT BOARD OF EDUCATION REPRESENTATIVES**

The Cairo-Durham Central School District Board of Education recognizes the benefit of student input. The Board of Education, pursuant to the Education Law, establishes the following process for the selection of a student to serve as an ex officio member of the Board, and to serve in that capacity.

- a) The ex officio student member must be a senior at the High School and shall have attended the High School for at least two years prior to selection.
- b) The student must be eligible to participate in extracurricular activities as expressed in Board policy 5305.
- c) The student will be duly elected by the student body of the High School, grades 9 through 12, following the procedures currently in place for student council elections.
- d) The student will serve as a member of the executive board of the student council.
- e) Election of the student will take place in the month of June, if not possible, said election will be held in September.
- f) The student with the second highest number of votes will be considered an alternate to the representative.
- g) The student will follow Board of Education requirements with respect to attendance at meetings.

In addition ex officio student member will receive recognition from the Board President or his or her designee at Commencement ceremonies.

The ex officio student member of the Board shall be entitled to sit with Board members at all public meetings of the Board and shall participate in all Board hearings and meetings. The ex officio student member shall not be allowed to vote, shall not be allowed to attend executive session, and shall not be entitled to receive compensation of any form for participation at Board meetings.

Education Law §§ 1804

Adopted: 8/23/18

## By-Laws

**SUBJECT: POWERS AND DUTIES OF THE BOARD**

As a Central School District, the Board of Education shall have powers and duties as set forth in New York State Education Law, principally Articles 33, 35 and 37, and other applicable federal and state laws and regulations. In general, the Board shall have in all respects the superintendence, management 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 Cairo-Durham Central School District Board of Education recognizes that the Board, as a corporate body, may legally act only as a body, pursuant to a majority vote at a properly convened meeting.

Therefore, absent specific authorization by the Board of Education pursuant to a lawful vote, no individual Board member may exercise the authority of the Board, nor may an individual Board member commit the Board to any course of action absent specific and lawfully voted authorization to do so.

Education Law §§ 1604, 1709, 1710, and 1804  
Matter of Bruno, 4 Ed. Dept. Rep. 14 (1964)

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

Adopted: 8/23/18

## By-Laws

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

Board of Education 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.

**Duties of the President of the Board of Education**

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.

**Duties of the Vice President of the Board of Education**

The Board may, in its discretion, elect one of its members vice president, who will have the power to exercise the duties of the president in case of the president's absence or disability. If the presidency becomes vacant, the vice president will act as president until a president is elected.

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

Adopted: 8/23/18

**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) Central Treasurer, Extraclassroom Activities Account;
- g) Faculty Auditor, Extraclassroom Activities Account;
- h) 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 OF EDUCATION  
(Cont'd.)**

- i) Liaison for Homeless Children and Youth;
- j) Chemical Hygiene Officer;
- k) Dignity Act Coordinator (one [1] 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 shall be made by the Board of Education at the Annual Organizational Meeting in July:

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

(Continued)

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

- i) 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 shall be made by the Board of Education 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) 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, § 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

Adopted: 8/23/18

## 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 year. The Clerk's duties include the following:

- a) Attends all regular meetings of the Board and keeps a record of its proceedings and records, by name, those in attendance;
- b) Prepares minutes of the meetings of the Board, obtains approval of the minutes by the Board at the next meeting, signs the minutes to signify their official standing 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 bylaws;
- 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 Public Officers Law Section 10;
- 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) Serve as custodian of the official seal of the Cairo-Durham Central School District, and affix same upon official documents when so directed by the Board, or as otherwise required by law; and
- l) 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.



**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, including payments of bond principal and interest;
- c) Maintains proper records and files of all checks, and approved payment of bills and salaries;
- d) Makes all such entries and posts to all such financial ledgers, records and reports, including bond and note registers, 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 provided that the District's Claims Auditor has attested to the authority to issue the check based upon proper evidence of a charge against the District's funds;
- f) Safeguards either his or her electronic signature and/or the check-signing machine and signature plate, personally overseeing all preparation of checks;
- g) Render 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. Revenue Accounts:
    - (a) Estimated revenues;
    - (b) Accounts received to date of report; and
    - (c) Revenues estimated to be received during balance of the fiscal year; as well as
  2. Appropriation Accounts
    - (a) Original appropriations;
    - (b) Transfers and adjustments;

(Continued)

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

- (c) Revised appropriations;
  - (d) Expenditures to date;
  - (e) Outstanding encumbrances; and
  - (f) Unencumbered balances.
- h) Assumes other duties customary to the office.

Education Law §§ 2122, 2130 and 2523  
Local Finance Law §§ 163 and 165  
8 NYCRR §§ 170.2(g), 170.2(o) and 170.2(p)  
9 NYCRR § 540.4

## By-Laws

**SUBJECT: DUTIES OF THE TAX COLLECTOR****Tax Collector Appointed by the Board of Education**

The Tax Collector is appointed annually by the Board of Education and shall be covered by a bond. It shall be the responsibility of the District Tax Collector to perform the following duties:

- a) Prepares and mails tax notices;
- b) Uses suitable printed tax receipt forms as prescribed by the State Tax Commission;
- c) Collects taxes in the amount of the warrant, upon the issuance of the tax warrant by the Board of Education and penalty fees in accordance with the terms of such warrant;
- d) Turns over daily to the School District Treasurer all money collected by virtue of any tax list and warrant issued;
- e) Submits a report, certified by him or her to the Board of Education, showing the amount of taxes and fees collected along with the unpaid listing. The combination of taxes collected and uncollected shall equal the amount of the warrant;
- f) Turns over to the County Treasurer, prior to November 15, a list of unpaid taxes;
- g) Carries out such other duties of the position as prescribed in Education Law, Real Property Tax Law, or as established by the regulations of the Commissioner of Education.

Education Law §§ 2126, 2130 and 2506

General Municipal Law Article 5-G

Real Property Tax Law §§ 578(2), 922, 924, 1322, 1330 and 1338

8 NYCRR § 170.2

Adopted: 8/23/18

## By-Laws

**SUBJECT: DUTIES OF THE EXTERNAL (INDEPENDENT) AUDITOR**

The Board by law shall obtain an annual audit of its records by an independent certified public accountant (CPA) or an independent public accountant (PA). The audit shall also include all extraclassroom activity funds. The independent accountant shall present the report of the annual audit to the Board. The Board shall 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 October 15 of the following school year. In addition to the annual audit, the District shall be subject to state audits conducted by the State Comptroller.

In addition, the independence and objectivity of the auditor may be enhanced when the Board of Education and Audit Committee perform an oversight role with respect to the hiring and performance of the auditor, as required by law.

In accordance with law, no audit engagement shall be for a term longer than five consecutive years. The District, may, however, permit an independent auditor engaged under an existing contract for such services to submit a proposal for such services in response to a request for competitive proposals or be awarded a contract to provide such 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 shall 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)

## By-Laws

**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 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

Adopted: 8/23/18

## Bylaws

**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 Treasurer should compare the signed checks to the certified warrant to verify accuracy and consistency before issuing payment.

The Claims Auditor will report directly to the Board on a monthly basis. 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);

(Continued)

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

- g) The External (Independent) Auditor responsible for the external audit of the financial statements;
- 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.

**Delegation of the Claims Audit Function**

The Board may delegate the claims audit function by using inter-municipal cooperative agreements, shared services through a Board of Cooperative Educational Services, or independent contractors, provided that the individual, organization, or entity:

- a) Has no other responsibilities related to the business operations of the District;
- b) Has no interest in any other contracts with, and does not provide any goods or services to, the District; and
- c) Is not a close or immediate family member of anyone who has responsibilities related to District business operations, or has an interest in any other contracts with the District.

The Board remains ultimately responsible for auditing all claims.

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

Adopted: 8/23/18

**SUBJECT: DUTIES OF THE EXTRACLASSROOM ACTIVITY FUND CENTRAL  
TREASURER AND FACULTY AUDITOR**

**Central Treasurer**

The Extraclassroom Activity Fund Central Treasurer is appointed by the Board, and is responsible for supervising the extraclassroom activity (ECA) fund balances.

The Treasurer's duties include:

- a) Countersigning all checks disbursing funds from the ECA Account;
- b) Safeguarding, accounting for, and depositing moneys collected by the ECA. He or she will provide general supervision to ensure that all receipts are timely deposited and that disbursements are made by check only;
- c) Maintaining records of all receipts and expenditures;
- d) Submitting required records and reports to the Board; and
- e) Assuming other duties customary to the position.

**Faculty Auditor**

The ECA fund Faculty Auditor is appointed by the Board, and is responsible for auditing all financial transactions of the fund.

The Auditor's duties include:

- a) Examining the statement of accounts from the Central Treasurer once per month;
- b) Auditing the ledgers kept by ECA Treasurers at least twice per year, and reconciling these ledgers with the Central Treasurer's records;
- c) Examining transactions and procedures to ensure they are accurate and followed, including supporting documentation requirements and receipt issuance;
- d) Certifying the accuracy of entries posted and available balances listed;
- e) Investigating any instances when the Central Treasurer's report and the activity's ledgers do not agree; and
- f) Preparing the year-end report summarizing the financial condition of each activity, and submitting it to the building principal and Board.

(Continued)



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**SUBJECT: DUTIES OF THE EXTRACLASSROOM ACTIVITY FUND CENTRAL  
TREASURER AND FACULTY AUDITOR (Cont'd.)**

Education Law § 207  
8 NYCRR Part 172

Adopted: 8/23/18

**SUBJECT: DUTIES OF THE SCHOOL ATTORNEY**

The Board of Education will appoint a school attorney to provide legal counsel to the District. 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 of Education 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.

**Appointment**

The Board of Education shall appoint a school attorney for the District. The attorney shall be the legal advisor to the Board, and shall be duly admitted to the practice of law in New York State.

**Role of the School Attorney**

The school attorney will:

- a) Advise the Board with respect to all legal matters relating to the District, including, but not limited to, interpretation of the Education Law of New York State, and all other statutes, rules, and regulations that affect the District;
- b) Make himself or herself readily accessible to the Board and to the Superintendent of Schools, and, at the Superintendent's discretion, to designated members of the administrative staff of the District, with respect to legal matters arising in the day-to-day administration of the operations of the District;
- c) Represent the District in the preparation of any and all contracts, covenants, or agreements that the District may be obliged to execute, other than purchase orders routinely issued for the acquisition of goods, equipment, and services and reviewing such contracts, covenants, and agreements prior to submission to the Board for consideration;
- d) Advise and assist in matters of litigation, pursuant to the attorney's retainer agreement with the District;
- e) Review the legality of all policies, rules and regulations to be adopted by the Board;

(Continued)

## By-Laws

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

- f) Review and advise the Board and the Superintendent with respect to any process served upon the District;
- g) Recommend the retention of such special counsel as the attorney may deem necessary in the circumstances, subject to the approval of the Board; and
- h) Such other duties as required by law or desired by the Board or Superintendent.

**Requests for Written Opinions**

The school attorney will provide written opinions upon the request of the Board or the Superintendent. All requests for written opinions from the school attorney on school-related matters shall be directed to the attorney through either the Superintendent or designee, or the President of the Board. Such written opinions will be available to all members of the Board.

**Retainer Agreement**

The school attorney will be compensated only according to the terms and conditions of a written retainer agreement. Such retainer agreement will provide for the following services:

- a) Response to requests for written opinions (see "Requests for Written Opinions," above);
- b) General responses to matters that arise before the Commissioner of Education involving the District;
- c) Review of tentative agreements reached between the District and its employee collective bargaining units, and meetings with the Board during the course of negotiations for purposes of discussing matters of negotiation;
- d) Routine consultations with the Superintendent and designated District administrative personnel;
- e) Review of all legal matters to which the District is a party, including matters in which the District is represented by counsel retained by its insurance carrier;
- f) A specific description of the circumstances and conditions under which time not covered by the retainer agreement may be billed to the District and the amount to be charged under such circumstances;
- g) Such retainer agreement shall provide that the Board may terminate such agreement at any time.

General Municipal Law § 104-b

Adopted: 8/23/18

## By-Laws

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

The school physician/nurse practitioner will be appointed by the Board of Education. The duties of the school physician/nurse practitioner will include, but are not limited to, the following:

- a) Performs professional medical services in the examination and care of school children;
- b) Performs routine examinations of school children to detect the presence of contagious diseases and physical defects;
- c) Serving as an on-call member on the Committee on Special Education, Committee on Preschool Special Education, and Section 504 Committee;
- d) Reports to the Board on school health services;
- e) Coordinates scheduling for physical examinations to all students participating in interscholastic athletics;
- f) Provides final medical clearance for a return to extra class athletic activities for all students who have or are believed to have sustained a mild traumatic brain injury (concussion);
- g) Develops the program of health service in accordance with policies approved by the Board and as directed by the Superintendent of Schools;
- h) Conducts physical exams for all bus drivers and substitutes prior to employment and annually thereafter;
- i) Conducts a medical evaluation on any employee at the request of the Board of Education.

8 NYCRR § 136.5  
Education Law §§ 902, 913 and 6902

Adopted: 8/23/18

## By-Laws

**SUBJECT: DUTIES OF THE INTERNAL AUDITOR**

The Internal Auditor reports directly to the Board of Education.

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/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 of Education 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 such 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

Adopted: 8/23/18

**SUBJECT: POLICY AND ADMINISTRATIVE REGULATIONS**

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 separate 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."

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 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.

**Board Policy Dissemination**

The Cairo-Durham Central School District Board of Education establishes that the Superintendent of Schools shall ensure that the copy of the Board Policy Manual shall be provided to each member of the Board, to each school administrator in the District, and to the public library for examination by the public. The Superintendent shall further ensure that all District employees are advised of the existence of the Board Policy Manual, its purpose, and the means whereby it may be consulted by an employee.

It shall be the responsibility of the District Clerk to maintain the Board Policy Manual.

(Continued)

**SUBJECT: POLICY AND ADMINISTRATIVE REGULATIONS (Cont'd.)****Execution of Policy: Administrative Regulations**

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

**Complaints About Policies**

Complaints about policies adopted by the Cairo-Durham Central School District Board of Education shall be directed to the Superintendent of Schools. Complaints shall state the writer's specific objection(s) to the specific policy or policies being complained of.

The Superintendent shall review any complaint duly submitted and shall conduct whatever study or investigation she or he deems appropriate. The Superintendent shall then submit the complaint, along with his or her recommendation, to the Board. Upon receipt of the Superintendent's recommendation, the Board shall review the policy, amend or repeal the policy, if deemed appropriate by the Board, and notify the complainant of the action taken.

Anonymous complaints shall not be acted upon unless, from all the circumstances, there is good reason to believe that anonymity is warranted by legitimate concerns on the part of the complainant about his or her safety or the safety of another.

**Suspension of Policies**Suspension of Policy by Majority Vote of Whole Board

The Cairo-Durham Central School District Board of Education establishes that, except for such of its policies as may be required by law or contract, the Board shall have the authority to suspend any policy it had adopted. Such suspension shall be by a majority of the whole Board.

Requirements for Resolution to Suspend a Policy

A resolution to suspend a policy shall:

- a) Be described in writing in the call for the meeting at which it is to be voted on, unless the Board shall determine by a majority of the whole Board that an emergency situation exists, such that a prior written description of the resolution has not been practicable;
- b) Specify the reason that a suspension is seemed necessary; and
- c) Specify the period of time that the suspension shall be effective.

(Continued)

**SUBJECT: POLICY AND ADMINISTRATIVE REGULATIONS (Cont'd.)****Suspension Does Not Repeal, Annul, or Amend Existing Policy**

Approval of a resolution to suspend a policy shall not be understood to be a repeal, annulment, or amendment of that policy. Repeal, annulment, or amendment of a duly adopted policy of the Board shall be effected only through the procedure established by the Board for the adoption of a policy.

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

Adopted: 8/23/18



## By-Laws

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

The Cairo-Durham Central School District Board of Education establishes that the regular meetings of the Board shall be held on the first and third Thursday of each month, unless changed by a majority vote of the Board.

Regular meetings shall begin at 7 p.m., and shall be held in a place designated by the Board. Meetings shall terminate by no later than 10:00 p.m., unless for a given meeting the Board shall vote to waive this time limit and to set a later time for the meeting's end.

All Board of Education meetings will be open to the public except those portions of the meetings which qualify as executive sessions. Reasonable efforts will be made to ensure that all meetings are held in an appropriate facility which can adequately accommodate any and all members of the public who wish to attend.

Whenever such a meeting is to take place, there must be at least 72 hours advance notice in accordance with the provisions of the Open Meetings Law. Notice of other meetings will be given as soon as is practicable in accordance with law. When the District has the ability to do so, notice of the time and place of a meeting will be conspicuously posted on the District's website.

District records available to the public under the Freedom of Information Law, as well as any proposed rule, regulation, policy or amendment, scheduled to be discussed at a Board meeting, will be made available upon request, to the extent practicable, prior to the meeting. Copies of such records may be made available for a reasonable fee. Such records will be posted on the website to the extent practicable, prior to the meeting.

If videoconferencing or online technology is used to conduct a meeting, the public notice for the meeting will inform the public that videoconferencing will be used, identify all the locations for the meeting, and state that the public has the right to attend the meeting at any of the locations. Voting may be done through videoconferencing, provided that members can be both seen and heard voting and participating from remote locations.

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

It is the responsibility of the Superintendent to prepare the agenda and review it with the Board President for each meeting of the Board. The agenda for each meeting will be prepared during the week prior to the meeting. The agenda will 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, this request should be made to the Superintendent so that it can be placed on the agenda. Whenever individuals or groups wish to bring a matter to the attention of the Board, this request must be addressed in writing to the Superintendent. The Superintendent will present this matter to the Board.

(Continued)

## By-Laws

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

The District Clerk will notify the members of the Board of Education in advance of each regular meeting. This notice, in writing, will 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 will select a date for a postponed meeting at the previous regular meeting, and will 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 or her staff at the Superintendent's discretion will attend all meetings of the Board. The Superintendent will attend all executive session meetings of the Board except those that concern his or her evaluation, employment status, and salary determination. The Board may request the attendance of such additional persons as it desires.

**Recording of Meetings**

The Board recognizes that advances in technology allow public meetings to be photographed, broadcast, webcast and/or otherwise recorded, by means of audio or video, in a non-disruptive manner and supports the use of such technology to facilitate the open communication of public business.

**Public Expression at Meetings**

The Cairo-Durham Central School District Board of Education believes that regular and open communication with the citizens of the District is an essential element of democratic government. What is more, the Board values the opinions and views of those with an interest in the business of the School District. The Board therefore encourages public participation at its meetings.

According to the agenda of the meeting, at the appropriate time the president of the Board shall call for comments from the public and may, if necessary for the orderly and efficient conduct of the meeting, set time limits on the remarks of those who wish to speak. Those wishing to speak shall identify themselves, any organization or party whom they are representing at the meeting, and the agenda topic or topics that they wish to address. The remarks of speakers during the public participation portion of the Board meeting shall be kept as brief as possible, and shall relate only to school matters.

As the requirements of the orderly or timely conduct of Board business demand, the president may limit the speaking period of any speaker during the public participation portion of the meeting, or may end the period for public participation.

(Continued)

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

**Quorum**

The quorum for any meeting of the Board shall be five members. No formal action will be taken at any meeting at which 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.

**Use of Parliamentary Procedure**

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

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

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

Adopted: 8/23/18

## By-Laws

**SUBJECT: AGENDA FORMAT**

The Cairo-Durham Central School District Board of Education establishes that the following shall be the agenda for its regular meetings:

- a) Meeting Called to Order
- b) Pledge of Allegiance
- c) Public Participation - 15 minutes. This portion of public participation will be limited to comments on the ensuing agenda items. This portion of public participation will be omitted on nights when a Public Forum precedes the Regular Board meeting.
- d) Minutes of Pervious Meeting(s) Read and Approved
- e) Personnel Items
- f) Business Items
- g) Board of Education Items and Reports
- h) Superintendent's Items and Reports
- i) Public Participation - 15 minutes. General Topics
- j) Adjournment

## By-Laws

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

Any member of the Board may call for a special meeting. 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 24 hours' notice of the time, place, and purpose of the meeting. In an emergency, however, the members may waive the 24-hour notice requirement.

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)  
Public Officers Law §§ 103 and 104

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

Adopted: 8/23/18

## 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 will be kept by the Clerk or, in his or her absence, by the Superintendent or his or her 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 of Education 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 such action, the date, and the vote. However, such 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

Adopted: 8/23/18

## By-Laws

**SUBJECT: EXECUTIVE SESSIONS**

Upon a majority vote of its total membership, taken in an open meeting pursuant to a motion identifying the general area or areas of the subject or subjects to be considered, the Board of Education may conduct an executive session for discussion of the below enumerated purposes only, provided, however, that no action by formal vote shall be taken except on an Education Law Section 3020-a probable cause finding. For all other purposes, the action by formal vote shall be taken in open meeting and properly recorded in the minutes of the meeting. Attendance at an executive session shall 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 thereof;
- i) The Board may permit staff and other persons whose presence is deemed necessary or appropriate to attend an executive session, or any part thereof. A determination of whose attendance is necessary or appropriate shall be made by the president of the Board or, in his absence, the presiding officer at the meeting. The president's decision in this matter may be challenged by any Board member, in which case the Board shall determine the question.

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 that executive session.

## 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 1.

In the event that a school budget revote is necessary; it shall be held on the third Tuesday of June. However, in the event that the third Tuesday of June conflicts with a religious holiday, the School Board may petition the Commissioner of Education to obtain permission to hold the budget revote on the second Tuesday in June. Such request from the Board of Education must be certified and received by the Commissioner no later than March 1.

The District Clerk shall give notice of the time and place of holding the Annual Meeting and Election/Budget Vote by publishing such notice four times within seven weeks preceding the meeting. The first publication of the notice must be at least 45 days prior to the meeting. Such notice must appear in two newspapers, 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 14 days preceding such Annual Meeting. The availability of this budget information shall be included in a legal notice of the Annual Meeting; and such copies of the proposed budget will also be available to District residents at the time of the Annual Meeting and Election.

Education Law §§ 1608, 1716, 1804(4), 1906(1), 2003(1), 2004(1), 2007(3), 2017(5), 2017(6), 2022(1), 2504 and 2601-a(2)

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

Adopted: 8/23/18



## 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 §§ 1716, 2025 and 2601-2613

Adopted: 8/23/18

## 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 15 days of July.

**Officers**

The meeting shall be called to order by the District Clerk, who shall act as a Temporary Chairperson. The Board shall proceed to the election of a President. The President shall then take the chair. The Board shall then elect a Vice President. Election shall be by a majority vote.

**Oath of Office**

The District Clerk shall administer the Oath of Office to the newly elected officers and new members of the Board.

Education Law §§ 1701, 1706, 1707, 1709, 2109, 2502(9) and 2504(1)

Adopted: 8/23/18

## 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 years of age or older;
- c) 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 shall not have the right to register for or vote in an election.

**Personal Registration of Voters**

Personal registration of voters in the Cairo-Durham Central School District has been provided.

The Board of Education will authorize registration of voters on dates to be determined at their discretion.

The registration must include all persons registering personally for the referendum or election in question. The register will also include:

- a) All persons who previously have registered for any annual budget referendum or special meeting of election held with four calendar years prior to the year in which such register is being prepared.
- b) Any person who is registered to vote under the provisions of Election Law Section 5-612(2) and amendments.

The last day of registration shall not be less than five days nor more than 14 days preceding the annual budget referendum or election. Such registration must be open for at least four consecutive hours between 7 a.m. and 8 p.m.

The Board of Education reserves the right to revoke the provisions for personal registration in this District. However, once revoked they cannot be reinstated unless authorized by the voters at a District election.

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

Adopted: 8/23/18

## By-Laws

**SUBJECT: ABSENTEE BALLOTS**

The Board of Education authorizes the District Clerk to provide absentee ballots to qualified District voters. Absentee ballots shall be used for the election of School Board members, School District public library trustees, the adoption of the annual budget and School District public library budget and referenda.

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

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

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

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

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

(Continued)

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

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

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

Adopted: 8/23/18

## By-Laws

**SUBJECT: SUBMISSION OF QUESTIONS AND PROPOSITIONS AT THE ANNUAL MEETING AND ELECTION AND SPECIAL DISTRICT MEETINGS****Questions and Propositions at the Annual Meeting and Election**

The following rules and regulations shall apply to the submission of the questions or propositions at the annual meeting and election of this School District:

- a) Questions or propositions shall be submitted by petition directed to the District Clerk and shall be signed by 25 qualified voters, or 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 District Clerk. Petitions relating to an Annual Election must be filed not later than 60 days preceding the election at which the question or proposition is to be voted upon.
- d) Questions or propositions submitted in accordance with these rules and accepted will be printed on the ballot for the voting machine. The School District, however, retains the right to reject petitions as permitted by law, including but not limited to instances where such petitions are advisory in nature or beyond the power of the voters.
- 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 Education Law Section 2018.

**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 subdivisions 2 and 3 of Education Law Section 2008.

Education Law §§ 1703, 2008, 2018, 2035(2) and 2601-a

Adopted: 8/23/18

