

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

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# LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2021

1110

By-Laws

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

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

The Legislature of the State has implemented this constitutional mandate through the creation of school districts of various types. The Lewiston-Porter Central School District is governed by the laws set forth for Central School Districts in Article 37 of the Education Law, and by-laws relating to, or affecting, Union Free School Districts as set forth in Article 35 of the Education Law and Common School Districts as set forth in Education Law Article 33.

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

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

### **Board of Education Authority**

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

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

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

New York State Constitution  
Education Law Articles 33, 35, 37  
Education Law Sections 1701, 1804, and 1805

Adoption Date: 04/26/2021

# LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

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

A Board of Education member of the Lewiston-Porter Central School District must meet the following qualifications:

- a) A citizen of the United States;
- b) At least eighteen (18) years of age;
- c) Able to read and write;
- d) A qualified voter of the Lewiston-Porter Central School District;
- e) A legal resident of the Lewiston-Porter Central School District for a continuous and uninterrupted period of at least one (1) year prior to the election;
- f) Cannot be an employee of the Lewiston-Porter Central School District;
- g) The only member of his/her family (that is, cannot be a member of the same household) on the Lewiston-Porter School District Board;
- h) May not simultaneously hold another, incompatible public office, including but not limited to Superintendent, tax collector, treasurer or librarian, or an employee of the Board. A Board member may, however, be appointed clerk of the Board and of the District;
- i) Must not have been removed from a School District office within one year preceding the date of election or appointment to the Board

#### **Number of Members**

The Board of Education shall be composed of seven (7) members who shall each be a qualified school elector of this School District. The Board encourages the election of membership to reflect broad geographic representation of the School District. Insofar as practicable, members shall be elected at Annual School District Meetings, but the Board may appoint qualified members to fill vacancies until the next following Annual School District Election.

#### **Terms of Office**

An individual elected to serve as a Member of the Board of Education shall serve for three (3) years from July 1 following their election and until the thirtieth (30) day of June of the third year. The term of office shall officially commence with the execution of his or her Oath of Office at the Annual Organizational Meeting of the Board and shall officially expire upon the execution of the Oath by their successor in office.

The term of office for appointed members shall commence with the execution of their Oath of Office and shall expire upon the execution of the Oath by their successor in office. The person so appointed shall hold office until the next regular School District election.

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

Adoption Date: 04/26/2021

# LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

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By-Laws

## **SUBJECT: NOMINATION AND ELECTION**

- a) Candidates for the office of member of the Board of Education shall be nominated by petition. Such petition shall be directed to the District Clerk, shall be signed by at least twenty-five qualified voters of the District, or by two (2) percent of the number of voters who voted in the previous election, whichever is greater, shall state the residence of each signer, and shall state the name and residence of each candidate. Each petition shall be filed with the District Clerk not later than the thirtieth day preceding the election day at which time candidates so nominated are to be elected, between 9 a.m. and 5 p.m.
- b) The notice of the annual District meeting must state that petitions nominating candidates for the office of member of the Board of Education must be filed with the District Clerk not later than the thirtieth day preceding the Annual or Special District Meeting at which time the candidates so nominated are to be elected.
- c) Voting will be by machine, and provision shall be made for the election by "write-in-vote" of any candidate not previously nominated. The position of candidates on ballots shall be determined by lot at a drawing conducted by the District Clerk on the day after the last filing. Candidates or their proxies may be present for the drawing.
- d) The hours of voting shall be as indicated by Board resolution.
- e) The candidates receiving the largest number of votes shall be declared elected in accordance with Education Law (2018b).
- f) At least ten days prior to the election, the Board shall appoint at least two inspectors of election, 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/her of the election and his/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 one hundred (100) feet of the polling place, measured from the main entrance to the building in which the election is being held.
- 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/her term of office immediately upon election and the taking and filing of the Oath of Office.

Education Law Sections 2004, 2013, 2018, 2025, 2029, 2031-a, 2032, 2105(14) and 2121  
Education Law Sections 1528 and 1529  
Election Law Section 14-100(1)

Adoption Date: 04/26/2021

# LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

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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 five hundred dollars (\$500) must file a statement accounting for his/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 five hundred dollars (\$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 Section 14-100 of the Election Law;
- 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 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.

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

Adoption Date: 04/26/2021

# LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

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## By-Laws

### **SUBJECT: RESIGNATION, DISMISSAL AND OTHER VACANCIES**

Board members may resign at an annual District meeting at which time the resignation shall be automatically accepted, or by filing a written resignation with the District Superintendent of the Supervisory District who must endorse his/her approval and file the resignation with the District Clerk.

Alternatively, a Board member may also resign under Public Officers Law § 31 by filing a written resignation with the District Clerk. The resignation shall take effect upon the date specified in the letter of resignation; however, if no effective date is specified, it shall take effect on the date of filing with the District Clerk. If an effective date is specified in the letter of resignation, such date shall not be more than thirty (30) days subsequent to the date of its delivery or filing. The Clerk must then notify the 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. The School Board has no authority to act upon a request to withdraw a resignation.

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 (10) 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, refusal to serve, or any disqualification of a Board member, the Board may appoint a new member to fill such a vacancy. If the Board chooses to fill the vacancy 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 at which time such vacancy shall be filled in a regular manner for the balance of the unexpired term.

The Board, at its own option, may also elect to call a special election within ninety days to fill the unexpired term. If not so filled, the District Superintendent of the supervisory district may appoint a competent person to fill the vacancy until the next annual election of the District. 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 filled otherwise.

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

Adoption Date: 04/26/2021

# LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

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

As a Central School District, the Board 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 following sets forth a few of the Board's basic responsibilities, and is in no way intended to limit the scope of its powers or duties provided under all applicable laws, rules and regulations:

- 1) Developing a philosophy of education and providing citizen leadership in determining the goals which public education in their community should strive to attain.
- 2) Determining policies which will assist in developing and improving the curriculum in furtherance of the philosophy and goals of the District.
- 3) Selection of a Superintendent who is competent to manage the District school system through the development and implementation of a realistic, comprehensive, strategic plan.
- 4) Evaluating the educational program of the schools as a continuing process.
- 5) Developing sound written policies as guidelines to action and decision.
- 6) Establishing conditions which will attract and retain an excellent professional staff.
- 7) Providing adequate financing for present needs and future plans of the total program.
- 8) Providing good physical facilities and equipment for carrying on the educational program.
- 9) Maintaining a program of public information for community understanding of the school's program and policies.
- 10) Providing necessary student services.
- 11) Engaging in self-improvement programs and activities for the purpose of rendering better Board service.

Although each of the foregoing responsibilities belongs ultimately to the Board, their definition and fulfillment requires the widespread cooperation of administrators, teachers and lay citizens if they are to represent an expression of community wishes, as well as a reflection of professional expertise, wisdom, experience, and research.

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

### **General Duties and Responsibilities**

The Board has general responsibilities to establish policies for the District, to employ a Superintendent to carry out its policies, to establish District goals, to evaluate the District's progress and in all instances, to balance the educational needs of the students with the interests and concerns of the public.

The Board acts as a body and individual members have no authority outside of a legal Board meeting.

### **Specific Duties and Responsibilities**

#### a) Board Operations

1. Establish policies for the operation of the District;
2. Establish the by-laws of the Board;
3. Provide guidelines for budget development and to approve the annual budget of the District;
4. In matters of administration, to act upon the recommendations of the Superintendent of Schools;
5. Be familiar with agenda and informational materials provided in the Board packet;
6. Request information from the Superintendent as needed;
7. Support Board decisions as a member of the Board team, even when representing a dissenting opinion;
8. Listen to residents, students and staff and then make decisions in the best interest of students and the District.

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

Education Law Sections 1709 and 1804

Adoption Date: 05/24/2021



LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

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**SUBJECT: PRINCIPLES FOR SCHOOL BOARD MEMBERS**

A Board member, operating under the highest ethical standards, should:

- a) Assure the opportunity for high quality education for every student;
- b) Observe state and federal laws and regulations pertaining to education;
- c) Accept office as a Board member as a means of unselfish service;
- d) Take official actions only in public sessions, unless otherwise authorized by law;
- e) Represent the entire community without fear or favor;
- f) Remember at all times the Board member is one of an educational team;
- g) Maintain confidentiality of privileged information;
- h) Recognize that the strength of a School Board is as a board, not as individuals;
- i) Delegate authority to the Superintendent as the Board's Chief Executive Officer and confine Board action to policy making;
- j) Employ only competent trained personnel;
- k) Preserve the obligation of having controversial issues presented fairly and without bias;
- l) Instill respect toward our Country and to each other.

New York State School Boards Association

Adoption Date: 05/24/2021

By-Laws

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

Officers of the Board of Education shall be nominated and elected by the simple majority of the Board at its Annual Organizational Meeting for a term of one (1) year. They will take their oath as officers at this meeting along with newly elected members.

The elected officers of the Board of Education are:

- a) President;
  
- b) Vice-President.

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

- 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) Shall be the spokesperson for the Board of Education

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

The Board of Education may, in its discretion, elect one (1) of its members Vice President who shall have the power to exercise the duties of the President in case of the absence or disability of the President. In case of vacancy in the office of the President, the Vice President shall act as President until a President is elected.

Education Law Section 1701 AND 2102

Adoption Date: 05/24/2021

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

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**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) 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) School Physician;
- 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;

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# LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

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

- h) Civil Rights Compliance Officer(s) (coordinates the District's efforts to comply with civil rights laws such as Title VI, Section 504, the Americans with Disabilities Act, and the Age Discrimination Act);
- i) Title IX Coordinator(s) (coordinates the District's efforts to comply with Title IX; when appointing, District must "designate and authorize" the Title IX Coordinator(s));
- j) Liaison for Homeless Children and Youth (McKinney-Vento Liaison);
- k) Chemical Hygiene Officer;
- l) Dignity Act Coordinator (one in each building);
- m) 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) Petty Cash Fund(s);
- b) Official Newspaper(s);
- c) Official Bank Depositories;
- d) Official Bank Signatories;
- e) Purchasing Agent;

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LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

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

- 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;
- 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 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) 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

Adoption Date: 05/24/2021

# LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2021

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## By-Laws

### **SUBJECT: DUTIES OF THE DISTRICT CLERK**

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

- a) Attends all meetings of the Board and keeps a record of its proceedings and records, by name, those in attendance;
- b) Prepares 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 up-to-date record of Board policies and by-laws;
- f) Delivers to, and collects from, the President (or Vice President) such papers for signature as may be necessary;
- g) Distributes notices to the public announcing availability of copies of the budget to be presented at the Annual District Meeting in compliance with the requirements of the State Education Law;
- h) Administers oaths of office, as required by Public Officers Law § 10;
- i) Gives written notice of appointment to persons appointed as inspectors of the election;
- j) Calls all meetings to order in the absence of the President and Vice President;
- k) Assumes other duties customary to the office.

The above duties of the District Clerk are not intended to be complete but should serve as a comprehensive guide in undertaking the duties of this office. The District Clerk shall perform such other duties as may be assigned from time to time by the Board. The position of District Clerk is a part-time position, payable by stipend, the amount of which shall be determined annually at the District's Organizational Meeting.

Education Law Section 2121  
Public Officers Law Section 104

Adoption Date: 05/24/2021

# LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2021

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## By-Laws

### **SUBJECT: DUTIES OF THE SCHOOL DISTRICT TREASURER**

The Treasurer is appointed by the Board 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 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/her electronic signature and/or the check-signing machine and signature plate, personally overseeing all preparation of checks;
- g) Assumes other duties customary to the office.

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

Adoption Date: 05/24/2021

# LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

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By-Laws

## **SUBJECT: DUTIES OF THE TAX COLLECTOR**

The Tax Collector is appointed annually by the Board 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 District Treasurer all money collected by virtue of any tax list and warrant issued;
- e) Submits a report, certified by him/her to the Board, showing the amount of taxes and fees collected along with 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.

The position of Tax Collector is a part time position, payable by stipend, the amount of which shall be determined annually at the District's Organizational Meeting.

Education Law Sections 2126, 2130 and 2506  
Real Property Tax Law Sections 922, 924, 1322, 1330 and 1338  
8 New York Code of Rules and Regulations (NYCRR) Section 170.2

Adoption Date: 05/24/2021



# LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

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

The responsibility for engaging a qualified and competent Certified Public Accountant (CPA) or Public Accountant (PA) to perform the annual audit of the District's financial statements resides with the Board. State laws and regulations require that the annual audit be "accepted" by a resolution of the Board. This resolution along with the audit report must be filed with State Education Department (SED) in a timely manner. In addition, 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.

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/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/her internal quality control processes adequately demonstrate compliance with government auditing standards. He/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.
- d) Planning and Supervision: The auditor's work is to be properly planned and supervised and consider materiality in order to provide reasonable assurance of detecting misstatements resulting from direct and material illegal acts and material 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.

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

- f) Reporting on Internal Controls and Compliance: The auditor must report on and present the results of his/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) Sections 3.50-3.54, 4.03, 4.19-4.24, and 5.07-5.20  
Education Law Section 2116-a;  
8 New York Code of Rules and Regulations (NYCRR) Sections 170.2, 170.3 and 170.12

Adoption Date: 06/21/2021

# LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2021

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## **SUBJECT: APPOINTMENT AND DUTIES OF THE CLAIMS AUDITOR**

The Board may adopt a resolution establishing the appointment of a Claims Auditor who shall hold the position subject to the pleasure of the Board and report directly to the Board on the results of audits of claims. The Board may require that the Claims Auditor report to the Clerk of the District or the Board, or to the Superintendent for administrative matters such as workspace, time and attendance.

School Boards may, at their discretion, adopt a resolution establishing the office of Deputy Claims Auditor to act as the Claims Auditor in the absence of the Claims Auditor. A Board may, by resolution, abolish the position of Deputy Claims Auditor at any time. The same eligibility requirements/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 prior to assuming his/her duties.

No person shall be eligible for appointment to the office of Claims Auditor who shall be:

- a) A member of the Board;
- b) The Clerk or Treasurer of the Board;
- c) The Superintendent or official of the District responsible for business management;
- d) The Purchasing Agent;
- e) Clerical or professional personnel directly involved in accounting and purchasing functions of the District 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;
- h) A close or immediate family member of an employee, officer, or contractor providing services to the District. A "close family member" is defined as 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 shall be classified in the civil service exempt class.

Continued

# LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2021 1335

By-Laws 2 of 2

## **SUBJECT: APPOINTMENT AND DUTIES OF THE CLAIMS AUDITOR**

The Board may delegate this claims audit function by using inter-municipal cooperative agreements, shared services through a Board of Cooperative Educational Services, or independent contractors, providing that the individual or organization serving as independent contractor meets the following standards for independence between the Claims Auditor and the District:

- 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 business operations of the District, or has an interest in any other contracts with the District. A "close family member" is defined as a parent, sibling or nondependent child; an "immediate family member" is a spouse, spouse equivalent, or dependent (whether or not related).

If the District delegates the claims audit function using an inter-municipal cooperative agreement, shared service or an independent contractor, the Board remains responsible for auditing all claims for services from the entity providing the delegated Claims Auditor, either directly or through a delegation to a different independent entity.

Valid claims against the District shall be paid by the Treasurer only upon the approval of the Claims Auditor. The Claims Auditor shall certify that each claim listed on the warrant was audited and payment was authorized. He/she shall:

- a) Examine all claim forms with respect to the availability of funds within the appropriate codes and adequacy of evidence to support the District's expenditure;
- b) Meet such other requirements as may be established by the Regulations of the Commissioner of Education and/or the Comptroller of the State of New York.

Education Law Sections 1604(35), 1709(20-a), 2526 and 2554(2)  
8 New York Code of Rules and Regulations (NYCRR)Section 170.12(c)

Adoption Date: 06/21/2021

# LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2021

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Bylaws

## **SUBJECT: DUTIES OF THE EXTRACLASSROOM ACTIVITY FUND CENTRAL TREASURERS**

### Extraclassroom Activity (ECA) Central Treasurers

The ECA Central Treasurers are appointed by the Board and has custody of all ECA funds. The ECA Central Treasurers' duties include, but are not limited to:

- a) Disbursing ECA funds by means of prenumbered check forms upon receipt of a payment order signed by the student activity treasurer and faculty advisor of the ECA, provided that there are sufficient funds in the account;
- b) Signing all checks disbursing ECA funds;
- c) Providing completed checks disbursing ECA funds to the student activity treasurer of the ECA;
- d) Signing a receipt for all ECA funds placed into his or her custody and depositing those funds promptly into a bank designated by the Board;
- e) Maintaining a record of the receipts and disbursements of each individual ECA account and of all the ECA accounts combined;
- f) Verifying bank statements and preparing a reconciliation of cash balances and ECA accounts to be forwarded to the Faculty Auditor monthly;
- g) Submitting to the Board a financial report relating to the receipts and expenditures for all ECA accounts on a quarterly basis; and
- h) Reporting to the Board or its designee regularly and independently of the Faculty Auditor.

8 NYCRR Part 172  
NYSED Finance Pamphlet, The Safeguarding, Accounting,  
and Auditing of Extraclassroom Activity Funds, Revised 2019

NOTE: Refer also to Policy: #5520 Extra Classroom Activity Fund

Adoption Date: 06/21/2021

# LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2021

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## **SUBJECT: DUTIES OF THE SCHOOL ATTORNEY**

### **Qualifications**

- a) Must be admitted to practice before the Courts of the State of New York.
- b) Must be cognizant of Education Law, Civil Service Law, the New York Commissioner of Education's regulations and other legal matters pertinent to the legal operation of the Lewiston-Porter District.

### **General Duties and Responsibilities**

The Board of Education may appoint one or more attorneys as legal counsel to the School District. A School Attorney shall perform as directed by the Board of Education and/or the Superintendent of Schools in the areas of routine legal services of a public School District, counseling to the Board of Education and the Superintendent, legal preparation as regards litigation, collective bargaining, labor relations and other matters as so directed.

School Attorneys are selected on the basis of their professional qualifications. The Board of Education prohibits discrimination in employment in accordance with all applicable federal and state laws and regulations. The Board of Education may conduct an annual performance review with its attorney(s) in order to enhance communications and to maintain the highest level of legal services for the School District. Compensation for the school attorney and special counsel shall be negotiated annually for each in the Board's employ.

### **Specific Duties and Responsibilities**

- a) Prepares and conducts litigation and legal hearings, including those related to negotiated master agreements, as directed by the Superintendent of Schools or as authorized by the Board of Education. Performs all matters related thereto on behalf of the School District, including, but not limited to, the preparation of all pleadings, trial and hearings at the level of original jurisdiction or on appeal, and all other court or hearing appearances in order to represent most effectively the interests of the Lewiston-Porter Central School.
- b) Prepares and renders legal opinions and advice upon request of the Board of Education or the Superintendent of Schools.
- c) Attends and provides legal advice at meetings of the Board of Education and such other meetings as the Board of Education or the Superintendent of Schools might direct.
- d) Prepares, with the Board Clerk, all documents incident to the noticing, calling and conducting of the annual school election, school tax rate elections and school bond elections.
- e) Provides legal assistance in the drafting of bids, contracts and other legal documents, rules and regulations, resolutions, applications of diverse kinds and all other legal or quasi-legal papers upon request of the Board of Education or the Superintendent of Schools.

Continued

# LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

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## **SUBJECT: DUTIES OF THE SCHOOL ATTORNEY**

- f) Provides assistance in the drafting of legislation proposed by the Lewiston-Porter Central School for presentation to local municipal and State legislative bodies.
- g) Advises the Board on legislation in existence or being proposed, and interprets to the Board and the Superintendent the impact of such legislation on the interests of the Lewiston-Porter Central School.
- h) Conducts official legal correspondence for the Board and the Superintendent, and responds to informational inquiries from members of the Board, the Superintendent and the Superintendent's designee.
- i) Maintains files on Board policy, rules and regulations, and master agreements with employee groups, and assists in the legal interpretation of these documents when so directed by the Board or the Superintendent.
- j) Performs other duties as assigned by the Board and/or the Superintendent.

Adoption Date: 06/21/2021

# LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

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

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

- a) Performs professional medical services in the examination and care of school children;
- b) Performs routine examinations of school children to detect the presence of contagious diseases and physical defects;
- c) Serves as an on call member on the Committee on Special Education;
- d) Reports to the Board on school health services;
- e) Coordinates scheduling for physical examinations to all students participating in interscholastic athletics;
- f) 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 physical exams for all new employees (instructional and non-instructional);
- j) Conducts a medical evaluation on any employee at the request of the Board of Education.

8 NYCRR Section 136.5  
Education Law Sections 902, 913 and 6902

Adoption Date: 06/21/2021



# LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2021

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By-Laws

## **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/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.

The position of Internal Auditor is a part time position, payable by stipend, the amount of which shall be determined annually at the District's Reorganizational Meeting.

Education Law Sections 1950, 2116-b and 2116-c  
8 New York Code of Rules and Regulations (NYCRR) Section 170.12(d)

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

Adoption Date: 06/21/2021

**SUBJECT: POLICY AND ADMINISTRATIVE REGULATIONS**

The Board 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 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 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 (2) 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 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.

**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.

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

Adoption Date: 11/22/2021

# LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2023 1510

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

All Board meetings will be open to the public except those portions that are executive sessions. 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. The Superintendent will attend all Board meetings. Members of the Superintendent's staff may attend Board meetings at the Superintendent's discretion. The Board may also request that additional people attend.

Regular Board meetings will take place on the day and time designated by the Board at the Annual Organizational Meeting, except as modified. Any Board meeting may be adjourned to a future date and time if approved by a majority of the Board present. Further, if a meeting date falls on a legal holiday, interferes with other area meetings, or Board member attendance will be less than a quorum, the Board will select a date for a postponed meeting at the prior regular meeting, and it will direct the District Clerk to notify all members. The District Clerk will provide the Board members written notice of the time of and agenda for each regular meeting before the meeting.

When the Board schedules a meeting on at least one week's notice, it will give or electronically transmit public notice of the time and place to the news media and conspicuously post the notice in one or more designated public locations at least 72 hours before the 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 Board has the ability to do so, it will conspicuously post meeting notices on the District's website.

The Superintendent will prepare the meeting agenda during the week before the meeting and review it with the Board President. The agenda will then be distributed to Board members no later than the Friday before the regular meeting. The President or other Board members will submit requests to place matters on the agenda to the Superintendent. Whenever individuals or groups wish to bring a matter to the attention of the Board, they will submit a written request to the Superintendent.

District records available to the public under the Freedom of Information Law, as well as any proposed resolution, rule, regulation, policy, or amendment scheduled to be discussed at a Board meeting will be made available upon request, to the extent practicable at least 24 hours before the meeting. Copies of these records may be made available for a reasonable fee. These records will be posted on the District's website to the extent practicable at least 24 hours before the meeting.

### **Recording Meetings**

The Board allows public meetings to be photographed, broadcast, webcast, or otherwise recorded and/or transmitted 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.

Continued

# LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2023

1510

Bylaws

2 of 2

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

### **Quorum**

The quorum for any Board meeting is four 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.

### **Use of Parliamentary Procedure**

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

### **Public Comment**

The Board encourages courteous and respectful public comment at Board meetings. All speakers must conduct themselves in a civil manner. Obscene language, harassing language, defamatory statements, and threats of violence are prohibited. All participants are required to comply with the District *Code of Conduct*.

The Board will designate a specific portion of its meeting agenda for public comment for a period of up to 30 minutes. The public is not permitted to discuss topics unrelated to the District, and/or matters involving specific individuals. Each speaker will be allowed up to three minutes. The Board may request, but will not require, speakers identify themselves. The Board is not required to allow speakers to cede their remaining time to other speakers. Written comments may be directed to the Board.

If there are a large number of individuals who want to address the Board, the Board President may limit the number of repetitive comments being made so that the time limit on public comment is not exceeded.

If individuals engage in disruptive or unruly behavior during the meeting, the Board President will remind the audience of this policy and the requirement to conduct themselves in a civil manner and comply with the District *Code of Conduct*. The Board President may call for the removal of disruptive or unruly individuals from the meeting. When appropriate, law enforcement may be called to remove disruptive or unruly individuals. In some instances, individuals engaging in disruptive or unruly behavior may be subject to criminal sanctions.

These rules apply to residents and nonresidents equally.

Education Law §§ 1708, 2504, and 2801

General Construction Law § 41

Penal Law § 240.20

Public Officers Law Article 7

8 NYCRR § 100.2

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

Adoption Date: 10/23/2023

# LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2021

1520

By-Laws

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

Special meetings of the Board shall be held on call by the President or when petitioned by a majority of the members of the Board. A reasonable and good faith effort shall be made by the Superintendent, the Board President, or the District Clerk, as the case may be, to give every member of the Board twenty-four hours notice of the time, place and purpose of the meeting. All special meetings shall be held at a regular meeting place of the Board or at such other place designated by the Board of Education.

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

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

Education Law Section 1606  
Public Officers Law Sections 103 and 104

Adoption: 11/22/2021

# LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2021

1530

By-Laws

## **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 shall be kept by the Clerk or, in his/her absence, by the Superintendent or his/her designee. The minutes shall be complete and accurate and stored in a minutes file. However, minutes of executive sessions need not include any matter which is not required to be made public by the Freedom of Information Law.

The minutes of each meeting of the Board shall state:

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

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

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

### **Minutes of Executive Session**

Minutes shall be taken at executive sessions of any action that is taken by formal vote. The minutes shall 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 Freedom of Information Law.

If action is taken by formal vote in executive session (i.e., 3020-a action), minutes shall be available to the public within one (1) week of the date of the executive session.

Education Law Sections 2121 and 3020-a  
Public Officers Law Section 106

Adoption Date: 11/22/2021

# LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2021

1540

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 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.

- 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.

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

Education Law Section 3020-a  
Public Officers Law Article 7

Adoption Date: 11/22/2021

# LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2021

1610

By-Laws

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

Pursuant to law, the Annual District Meeting and Election/Budget Vote for the District will be held on the third Tuesday in May. At this time, the District's registered voters will elect members of the Board 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 Board may petition the Commissioner of Education to obtain permission to hold the Annual Meeting Election and Budget Vote on the second Tuesday in May. Such request from the Board must be certified and received by the Commissioner no later than March 1st.

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 1st.

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

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

Annual Meeting (Election and Budget Vote) – Education Law Sections 1804(4); 1906(1); 2002(1); 2017(5) and (6); 2022(1) and 2601-a(2); Education Law Sections 1716(2) and 2004(1)

Adoption Date: 12/13/2021



# LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2021

1611

By-Laws

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

The Board 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) Designate the District Clerk as clerk of the election and assistant clerks;
- b) Designate tellers and/or inspectors of election as previously appointed by the Board;
- c) Read the notice of call of the election by the Clerk;
- d) Open the voting process, whether by machine or paper ballot;
- e) Close the voting process;
- f) Receive the Clerk's report of the election results;
- g) Adjourn.

Education Law §§ 1716, 2025 and 2601-2613

Adoption Date: 12/13/2021

# LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2021 1620

Bylaws

## **SUBJECT: ANNUAL ORGANIZATIONAL MEETING**

The Annual Organizational Meeting of the Board will be held on the first Tuesday in July of each year, unless that day is a legal holiday, in which event it will 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 will be called to order by the District Clerk, who will act as a Temporary Chairperson. The Board will proceed to the election of a President. The President will then take the chair. The Board will then elect a Vice President. Election will be by a majority vote.

### **Oath of Office**

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

Education Law §§ 1701, 1707, 2502, and 2504  
Public Officers Law §10

Adoption Date: 12/13/2021

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2021

1630

By-Laws

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

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

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

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

Education Law Section 2012  
Election Law Article 5

**SUBJECT: ABSENTEE, MILITARY, AND EARLY MAIL BALLOTS****Absentee Ballots**

The Board authorizes the District Clerk or a Board designee to provide absentee ballots to qualified District voters. Absentee ballots will be used for the election of Board members and District public library trustees, the adoption of the annual budget, and 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 they will not be able to appear in person on the day of the District election/vote for which the absentee ballot is requested. The application must be received by the District Clerk or Board designee at least seven 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.

An absentee ballot will also be mailed to every qualified District voter otherwise eligible for an absentee ballot who sends a signed letter requesting an absentee ballot which states the address of the voter to the District Clerk or Board designee. The signed letter must be received by the District Clerk or Board designee not earlier than the thirtieth day before the election/vote and at least seven days before the election/vote. Enclosed with the absentee ballot will be an application form for the absentee ballot. The absentee ballot will not be counted unless a valid application form is enclosed with the ballot.

A qualified District voter is eligible to vote by absentee ballot if they are unable to appear to vote in person on the day of the District election/vote because they:

- a) Are or will be a patient in a hospital, or are unable to appear personally at the polling place on the day of the election/vote because of illness or physical disability;
- b) Have duties, occupation or business responsibilities, or studies which require being outside of the county or city of residence on the day of the District election/vote;
- c) Will be on vacation outside of the county or city of residence on the day of the District election/vote;
- d) Will be absent from their 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) 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 they were a qualified voter, entitled to apply for the right to vote by absentee ballot.

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

A voter's absentee ballot must reach the Office of the District Clerk or Board designee not later than 5 p.m. on the day of the election/vote in order that their vote may be canvassed.

Qualified District voters who are unable to personally appear at the polling place because of a permanent illness or physical disability and whose registration record has been marked "permanently disabled" pursuant to law are entitled to receive an absentee ballot without application if they have previously applied for an absentee ballot.

Continued

# LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

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## **SUBJECT: ABSENTEE, MILITARY, AND EARLY MAIL BALLOTS**

A list of all persons to whom absentee ballots have been issued will be maintained in the Office of the District Clerk or Board designee and made available for public inspection during regular office hours until the day of the election/vote. Any qualified voter may, upon examination of this list, file a written challenge of the qualifications as a voter of any person whose name appears on this list, stating the reason for the challenge. A challenge to an absentee ballot may not be made on the basis that the voter should have applied for an early mail ballot. The written challenge will be transmitted by the District Clerk or Board designee to the election inspectors on the day of the District election/vote.

### **Military Ballots**

The Board authorizes the District Clerk or a Board designee to provide military ballots to military voters to be used for the election of Board members and District public library trustees, the adoption of the annual budget, and District public library budget and referenda.

A military voter is:

- a) A qualified voter of New York State who:
  - 1. Is in actual military service and, by reason of that military service, is absent from the District on the day of registration or election; or
  - 2. Is discharged from that military service within 30 days of an election; or
- b) A spouse, parent, child, or dependent of the previously described voter, accompanying or being with that voter, if a qualified voter of New York State and a resident of the District.

A military voter may designate a preference to receive a military ballot application or a military ballot by mail, fax, or email. This designation will remain in effect until revoked or changed by the military voter. If a military voter does not designate a preference, a military ballot application or a military ballot will be provided to the military voter by mail.

Military ballots will be distributed as soon as practicable, but no later than 25 days before the election/vote.

Three days before the first day for distribution of military ballots, the names of all candidates duly nominated for public office and the amendments, referenda, propositions, and questions to be voted for on the ballots will be determined. If, at a later date, the nomination of any candidate named on a military ballot is found invalid, the ballot will still be valid, but no vote for the invalid candidate will be counted in the election/vote.

A voter's military ballot must be received by the Office of the District Clerk or Board designee not later than 5 p.m. on the day of the election/vote in order that their vote may be canvassed at which point the military ballot will be processed in the same manner as absentee ballots.

All military ballot applications and military ballots must be returned by mail or in person.

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## **SUBJECT: ABSENTEE, MILITARY, AND EARLY MAIL BALLOTS**

### **Early Mail Ballots**

The Board authorizes the District Clerk or a Board designee to provide early mail ballots to qualified District voters. Early mail ballots will be used for the election of Board members and District public library trustees, the adoption of the annual budget, and District public library budget and referenda.

A District voter must request in advance an application for an early mail ballot. The voter must complete the application. The application must be received by the District Clerk or Board designee 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.

An early mail ballot will also be mailed to every qualified District voter otherwise eligible for an early mail ballot who sends a signed letter requesting an early mail ballot which states the address of the voter to the District Clerk or Board designee. The signed letter must be received by the District Clerk or Board designee not earlier than the thirtieth day before the election/vote and at least seven days before the election/vote. Enclosed with the early mail ballot will be an application form for the early mail ballot. The early mail ballot will not be counted unless a valid application form is enclosed with the ballot.

Any qualified District voter is eligible to vote by early mail ballot.

Statements on the application for an early mail ballot must be signed and dated by the voter.

A voter's early mail ballot must reach the Office of the District Clerk or Board designee not later than 5 p.m. on the day of the election/vote in order that their vote may be canvassed.

A list of all persons to whom early mail ballots have been issued will be maintained in the Office of the District Clerk or Board designee and made available for public inspection during regular office hours until the day of the election/vote. Any qualified voter may, upon examination of this list, file a written challenge of the qualifications as a voter of any person whose name appears on this list, stating the reason for the challenge. A challenge to an early mail ballot may not be made on the basis that the voter should have applied for an absentee ballot. The written challenge will be transmitted by the District Clerk or Board designee to the election inspectors on the day of the District election/vote.

Education Law Sections 2014, 2018-a, 2018-b, 2018-d, 2018-e, 2018-f, and 2613  
8 NYCRR Part 122

Adoption Date: 05/28/2024

## By-Laws

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

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

- a) Questions or propositions to appear on the ballot on the voting machine shall be submitted by petition directed to the Clerk of the District and shall be signed by twenty-five (25) qualified voters, or five percent (5%) of the registered voters of the District who voted in the previous annual election of Board members, whichever is greater. Each signer shall state his/her residence.
- b) A separate petition shall be required for each question or proposition.
- c) Each petition shall be filed with the Clerk of the District not later than forty-five (45) days preceding the Annual District Election at which the question or proposition is to be voted upon. With respect to propositions or questions submitted by the Board, such propositions shall be submitted not later than thirty (30) days preceding the Annual District Election at which the question or proposition is to be voted upon.
- d) Where a question or proposition is required by law to be published within the District's Notice of the Annual District Election it must be filed with the Clerk at least fifty (50) days preceding the Annual District Election at which the question or proposition is to be voted upon, and must comply with all requirements of the law. The 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 reserves its right to reject any question or proposition that is filed with the District Clerk based on any reason allowable under the law, including but not limited to the following: (i) where its purpose is not within the power of the voters; (ii) where it requires an expenditure of money but fails to specify the amount for which voter approval is sought; (iii) where it is ambiguous, unfeasible, or would cause difficulty interpreting voting results; and/or (iv) where it concerns an issue that was previously presented to the voters in the same year.
- f) Questions or propositions submitted in accordance with these rules and accepted will be printed on the ballot for the voting machine.
- g) The Board shall cause the rules and regulations set forth in this policy to be distributed within the District.
- h) Nothing herein contained shall affect the nominations of candidates as set forth in the Annual District Election notice pursuant to Section 2018 of the Education Law.

**Questions or Propositions to be Submitted at Special District Meetings**

The procedure for requesting the Board of Education to call a Special District Meeting to vote on a question or proposition shall be in accordance with subdivisions 2 and 3 of Education Law Section 2008.

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT