

LONG BEACH PUBLIC SCHOOLS
Long Beach, New York

March 23, 2010

Ladies and Gentlemen:

The Long Beach Board of Education is the authorized state agency responsible for setting educational policy in the district. It consists of five trustees, each serving a three-year term. Board members pay school taxes at the regular rate and receive no salary or other financial compensation.

All meetings, except executive sessions, are held before the public. Members of the public may address the Board of Education on any specific agenda item during special time reserved for that purpose prior to Board discussion and action. The public may also address the Board of Education on any matter of concern at a second public session after the Board of Education completes agenda action items. Visitors should not address the Board in public relative to questions or comments regarding specific staff members or specific students. Such concerns should be brought to the attention of appropriate staff or to Board members by telephone, in writing, or by scheduling a personal meeting, as appropriate to the circumstances.

Visitors' comments will be limited to five (5) minutes for each agenda item upon which comment is made. Visitors are precluded from speaking on any agenda item more than once during each meeting.

Sincerely,

Your Board of Education

**BOARD OF EDUCATION
Long Beach Public Schools
Regular Board Meeting – March 23, 2010
Long Beach Middle School**

AGENDA

PART I: REGULAR MEETING 8:00 P.M.

- I. Pledge of Allegiance and Opening Remarks – Board President
- II. Report of Superintendent of Schools
 - Budget Presentation
 - Ballot Proposition Review
- III. Board of Education Comments
- IV. Questions and Comments from the Public - Items on Tonight's Agenda Only
- V. Presentation of Class Organization for 9th Grade Social Studies and English by Sean Hurley and Joshua Anisansel
- VI. Approval of Board of Education Executive Session and Meeting Minutes of February 9, February 25, March 2 and March 9, 2010
- VII. Presentations of the Superintendent:
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VIII. Questions and Comments from the Public

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1. Long Beach Classroom Teachers' Association
2. Administrative, Supervisory and PPS Group
3. Long Beach Schools Employees' Association
4. Parent/Teacher Association
5. Student Organization

X. Board of Education - Additional New/Old Business, if any

XI. Adjournment

RESOLUTIONS

BE IT RESOLVED THAT, upon the recommendation of the Superintendent of Schools, the Board of Education approves the following personnel actions.

I. CERTIFICATED PERSONNEL

(a) Resignations

- (1) Name: Jenna Delia
Assign./Loc: Part Time Teacher Assistant/West School
Effective Date: March 15, 2010
- (2) Name: Tami Lo Castro
Assign./Loc: Part Time Teacher Assistant/West School
Effective Date: March 8, 2010

(b) Request for Leave of Absence: Maternity

- (1) Name: Deborah Bernardino Arden
Assign./Loc: School Social Worker/West School
Effective Dates: May 24, 2010-January 30, 2011
- (2) Name: Megan Kalner
Assign./Loc: Science Teacher/middle school
Effective Dates: June 4, 2010-June 30, 2010
- (3) Name: Stephanie Bragino
Assign./Loc: Mathematics Teacher/high school
Effective Dates: April 12, 2010-June 30, 2010

(c) Appointment: Title III Afterschool Program-February through June -Rate of Pay \$52.20 per hour club advisor rate-Maximum 20 hours-Grant Funded

Name	Activity
1. Marilyn Pilo	Let's Explore Latin America and Spain
2. Maria Pilar Neill	Let's Explore Latin America and Spain

(d) Appointment: Special Olympics Coaches 2009-2010 \$52.20 p/h Maximum 30 hours each

1. Stacey Durnan
2. Stephanie Esposito
3. Thomas Burke-Substitute
4. Brian Hanratty-Substitute

I. CERTIFICATED PERSONNEL

- (e) **Appointment: Mentors for the 2009-2010 school year. Stipend \$1,200 per annum**

1. Jane Nickelsberg
2. Lori DeVivio
3. Michael Lundwall
4. Daniel Cook
5. Molly Drake
6. Phyllis Boriello
7. Megan Kalner
8. Gail Davis
9. Robin Tornabene

- (f) **Appointment: Saturday Team for Academic Readiness Program-March through June -Rate of Pay \$69.34 per hour**

Name	Maximum Hours
1. Linda Fuller	15
2. Daniel DeLuca	15
3. Sharon Weiss	15
4. Jennifer Soldan	15
5. Lauren Moriarty	15
6. Cheryleann Fontenot	15
7. Lisa Dionisio	12
8. Guilia Simone	12
9. Courtney Elliott	12
10. Laura Borawski	12
11. Cara Jawitz	12
12. Donna Fee	additional 5 hours

- (g) **The following Per Diem Substitute Teachers are recommended for approval for the 2009-2010 school year:**

Name	Certification Area
1. Jennifer Stallone	Provisional School Psychologist
2. Jacob Potters	Initial Physical Education
3. Rachel Ray	Initial Physical Education

- (h) **Appointment: Interscholastic Coach for Spring Season 2010**

Coach	Position	Stipend
Michael Tolfree	Varsity Track Assistant	\$5,384 (prorated)

- (i) **BE IT RESOLVED**, that the Board of Education herewith authorizes the President of the Board of Education to execute, on behalf of the Board of Education, a Third Amendment to the contract with Dr. Robert Greenberg, as Superintendent of Schools, dated March 23, 2010.

II. NON CERTIFICATED PERSONNEL

(a) Resignation

Name: Mary Valenti
Assign./Loc: Part Time Building Aide/middle school
Effective Date: March 8, 2010

(b) Amended Appointment: Per Diem Replacement Nurse

Name: Cheri Markle
Assign./Loc: School Nurse/Hebrew Academy of Long Beach
Effective Dates: February 8, 2010- March 19, 2010
Original Dates: February 18, 2010- April 1, 2010
Salary Classification: \$225 per day
Reason: To replace Deborah Sokol

(c) The following Per Diem person is recommended for approval for the 2009-2010 school year:

Ellen Schneiweis-Teacher Assistant/Clerical
Jose Ramos-Cleaner

(d) Completion of Probationary Appointment

The staff members listed below have completed their probationary appointment, and have received a satisfactory evaluation and are hereby recommended for permanent appointment.

(1) Name: Jose Rivera
Assign./Loc.: Cleaner/Administration
Effective Date: April 12, 2010

(2) Name: Nicholas Castellano
Assign./Loc.: Cleaner/high school
Effective Date: April 12, 2010

(3) Name: Eva Robinson
Assign./Loc.: Payroll Clerk/Administration Building
Effective Date: April 15, 2010

BE IT RESOLVED THAT, upon the recommendation of the Superintendent of Schools, the Board of Education hereby designates the appointments of the following individuals as emergency conditional appointments, pursuant to chapter 147 of the Laws of 2001:

Name	Assignment	Effective Date
Victoria Guma	Saturday Morning Enrichment	3/23/10

III. CONTRACT

(a) MEMORANDUM OF AGREEMENT: Permanent Substitute Teacher Unit

BE IT RESOLVED, the Board of Education approves the Memorandum of Agreement between the negotiating representatives of the Long Beach Public Schools and the Permanent Substitute Teacher Unit, dated March 23, 2010.

4. SECOND READING OF PROPOSED POLICIES:

- No. 1110: School District and Board of Education Legal Status And Authority
- No. 1120: Board of Education Members: Qualifications, Numbers and Terms of Office
- No. 1130: Student Delegates to the Board of Education
- No. 1210: Board of Education Members: Nomination and Election
- No. 1220: Reporting of Expenditures and Contributions
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- No. 3250: Parent Teacher Association
- No. 3271: Solicitation of Charitable Donations
- No. 3272: Advertising in the Schools
- No. 3290: Operation of Motor-Driven Vehicles on District Property
- No. 3310: Public Access to Records
- No. 3320: Confidentiality of Computerized Information

4. SECOND READING OF PROPOSED POLICIES: (cont'd)

- No. 3411: Unlawful Possession of a Weapon on School Property
- No. 3412: Threats of Violence in School
- No. 3420: Anti-Harassment in the School District

5. FIRST READING OF PROPOSED POLICIES:

- No. 1334: Duties of the External (Independent) Auditor
- No. 1335: Appointment and Duties of the Claims Auditor

6. APPROVAL OF SEQRA RESOLUTION

WHEREAS, the Board of Education of the Long Beach City School District desires to embark upon a capital improvement project at Long Beach High School for the replacement of the pool filtration and disinfection system, and at Long Beach Middle School for roof replacement and masonry repair; and

WHEREAS, said capital improvement project is subject to classification under the State Environmental Quality Review Act (SEQRA); and

WHEREAS, routine activities such as renovations to, or expansions of existing public school facilities by less than 10,000 square feet are classified as Type II Actions under the current Department of Environmental Conservation SEQRA Regulations (Section 6 NYCRR 617.5(8)); and

WHEREAS, the SEQRA Regulations declare Type II Actions to be actions that have no significant impact on the environment and require no further review under SEQRA; and

WHEREAS, the Board of Education, as the only involved agency, has examined all information related to the capital improvement projects and has determined that the capital improvement project for the replacement of the pool filtration and disinfection system at Long Beach High School, and the roof replacement and masonry repair at Long Beach Middle School, is classified as a Type II Action pursuant to Section 617.5(8) of the SEQRA Regulations;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Education hereby declares itself lead agency in connection with the requirements of the State Environmental Quality Review Act; and

6. APPROVAL OF SEQRA RESOLUTION (cont'd)

BE IT FURTHER RESOLVED, that the Board of Education hereby declares that the pool filtration and disinfection system replacement at Long Beach High School, and the roof replacement and masonry repair at Long Beach Middle School, is a Type II Action, which requires no further review under SEQRA; and

BE IT FURTHER RESOLVED, that the Board of Education hereby shall forward an official copy of this Resolution to the New York State Education Department together with a copy of the correspondence from the New York State Office of Parks, Recreation and Historic Preservation in connection with its request for approval of the above described capital improvement project from the New York State Education Department.

7. ADOPTION OF LEGAL NOTICE AND ELECTION DISTRICTS

BE IT RESOLVED, that the Board of Education adopts the legal notice and election districts as described in boundaries of attached legal notice.

8. ACCEPTANCE OF ANNUAL AUDIT

BE IT RESOLVED, that upon the recommendation of the Superintendent of Schools, the Board of Education accepts the School District's Independent Audit Report for the period ending June 30, 2009, prepared and certified by Coughlin, Foundotos, Cullen & Danowski; and,

BE IT FURTHER RESOLVED, that upon the recommendation of the Superintendent of Schools, a certified copy of the Long Beach Public School District's Independent Audit Report for the period ending June 30, 2009 be filed with the Office of Education Management Services at the New York State Education Department.

9. DESIGNATION OF PETTY CASH APPOINTEES

Designation of petty cash appointees (amount: \$100) for the District for the 2009-10 school year as follows:

Vivian Fiallo	-	World Languages and ELL
Marcia Mule	-	Nike and Adult & Continuing Education

10. APPROVAL OF COOPERATIVE BID AND AGREEMENT

WHEREAS, the Long Beach City School District ("District") wishes to participate in the NY / Island cooperative bid for the purchase of school supplies and services for the 2010-11 school year with Clarkstown CSD as the lead agency; and

WHEREAS, Educational Data Services, Inc. performs the clerical and ministerial functions of the NY / Island cooperative bid such as District needs coordination and purchase order preparation as well as bid administration and vendor follow-up;

NOW, THEREFORE, BE IT RESOLVED, that upon the recommendation of the Superintendent of Schools ("Superintendent"), the Board of Education of the Long Beach City School District ("Board") approves the District's participation in the NY / Island cooperative bid with Clarkstown CSD for the purchase of school supplies and services for the 2010-2011 school year;

BE IT FURTHER RESOLVED, that upon the recommendation of the Superintendent, the Board approves the contract with Educational Data Services, Inc. to perform the clerical and ministerial functions associated with the NY / Island cooperative bid through Clarkstown CSD; and

BE IT FURTHER RESOLVED, that the Board of Education authorizes the District Chief Operating Officer to execute said agreement on its behalf.

11. ACCEPTANCE OF CHANGE ORDER NO. GC-01 TO CONTRACT WITH MILCON CONSTRUCTION CORPORATION

WHEREAS, the Long Beach City School District (the "District") has engaged Milcon Construction Corporation ("Milcon") for general construction work for the Long Beach Middle School Roof Replacement pursuant to an award on December 2, 2009; and

WHEREAS, the District's architect and construction manager recommend modification to the existing scope of work in order to include the remaining portion of the Middle School roof; and

WHEREAS, the District's architect and construction manager recommend moving forward with this work now considering the reasonable pricing the District received from the contractor;

THEREFORE, BE IT RESOLVED, that upon the recommendation of the Superintendent, the Board of Education hereby accepts Change Order No. GC-01 to the contract with Milcon in the amount of \$3,800; and

11. ACCEPTANCE OF CHANGE ORDER NO. GC-01 TO CONTRACT WITH MILCON CONSTRUCTION CORPORATION (con'td)

BE IT FURTHER RESOLVED, that the Board of Education authorizes the Chief Operating Officer to execute Change Order No. GC-01 to the contract with Milcon on its behalf.

12. APPROVAL OF AMENDMENT TO AGREEMENT WITH PREFERRED GROUP PLAN, INC.

WHEREAS, the Long Beach City School District ("District") entered into an agreement with Preferred Group Plan, Inc. ("Preferred") to serve as the District's third-party administrator for the IRS Section 125 Plan for the 2009/10 school year; and

WHEREAS, the parties desire to amend the agreement with Preferred to reflect an amendment to the length of the plan year;

NOW, THEREFORE, BE IT RESOLVED, that upon the recommendation of the Superintendent of Schools, the Board of Education of the Long Beach City School District ("Board") approves the amendment to the agreement with Preferred for the 2009/10 school year; and

BE IT FURTHER RESOLVED, that the Board authorizes the District Chief Operating Officer to execute said amendment on its behalf.

13. ACCEPTANCE OF RECOMMENDATIONS OF COMMITTEE ON SPECIAL EDUCATION

14. USE OF SCHOOLS

BE IT RESOLVED, that upon the recommendation of the Superintendent of Schools, the Board of Education approves the use of schools, as attached, not to conflict with District events. However, please note that events may have to be modified/rescheduled based on building construction schedules.

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 State Legislature has implemented this constitutional mandate through the creation of school districts of various types. The Long Beach City School District is governed by the laws set forth for Small City School Districts in Education Law Articles 51 and 53, and by laws relating to, or affecting, City School Districts as set forth in Education Law Article 37, Union Free School Districts as set forth in Education Law Article 35, and Common School Districts as set forth in Education Law Article 33.

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

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

Board of Education Authority

As a body created under the Education Law of New York State, the Board of Education of the Long Beach City 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.

Education Law Sections 1604, 1701, 1709, 1804, 1805, 2502, 2503 and Articles 33, 35, 37, 51 and 53
New York State Constitution

First Reading: 3-9-2010

Second Reading: 3-23-2010

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

A Board of Education member of the Long Beach City School District must meet the following qualifications:

1. A citizen of the United States;
2. Eighteen (18) years of age or older;
3. Able to read and write;
4. A legal resident of the District for a continuous and uninterrupted period of at least one (1) year prior to the election;
5. Cannot be an employee of the Long Beach City School District;
 - ♦ The only member of his/her family (that is, cannot be a member of the same household) on the Long Beach City School District Board;
6. 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.
 - ♦ In small city school districts, Board members may not hold any city office other than that of police officer or firefighter.
7. Must not have been removed from a school district office within one (1) year preceding the date of appointment or election to the Board.

Number of Members

The Board of Education of the Long Beach City School District shall consist of five (5) members elected by the qualified voters of the School District at the annual election as prescribed by law.

/EB

SUBJECT: BOARD OF EDUCATION MEMBERS: QUALIFICATIONS, NUMBERS AND TERMS OF OFFICE (Cont'd.)

Terms of Office

Members of the Board of Education shall serve for three (3) years beginning July 1 following their election and each term shall expire on the thirtieth (30th) day of June of the fifth year.

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

First Reading: March 9, 2010
Second Reading: March 23, 2010

By-Laws

SUBJECT: STUDENT DELEGATES TO THE BOARD OF EDUCATION

The Board values the opinions of the student body regarding educational and student matters. To that end, high school students will have student delegates representing their student bodies on the Board of Education.

The student body at Long Beach High School will send four (4) student delegates including one Nike student delegate to the meetings of the Board of Education.

Student delegates will:

- Attend public meetings of the Board of Education;
- Be selected by their respective student bodies. Both the student government and the principal of the school will certify the officially selected delegates from 10th through 12th grades as such in writing;
- Serve a one-year term from the second Board meeting after the opening of school through June 30th.
- Fill a vacancy that arises due to graduation, change of address, or similar cause, upon appointment by the respective student government;
- Serve in a consultative and advisory capacity without any voting rights, and not as members of the Board of Education;
- Be seated at public Board meetings with reasonable access to the Board and to the public, be provided microphones where appropriate, and be distinguished from the general audience;
- Speak on an item of business under consideration by the Board before discussion by the general public and before the Board votes;
- Receive the public agenda for the coming meeting when published;
- Report regularly to their student government in order to keep students informed of current issues and to secure the opinion of the general student body on those issues.

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 one hundred (100) qualified voters of the District. 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 twenty (20) 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 (10) days prior to the election, the Board shall appoint at least two (2) 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/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.
- 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, 2012, 2018, 2025, 2029, 2031-a, 2032, 2034, 2105(14), 2121, 2502, 2602, 2608(1) and 2610

First Reading: 3-9-2010
Second Reading: 3-23-2010

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 five hundred dollars (\$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 twenty days after the election.

Any contribution or loan in excess of one thousand dollars (\$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 twenty-four (24) hours after receipt.

(Continued)

/EB

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

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

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

First Reading: March 9, 2010
Second Reading: March 23, 2010

(Continued)

/EB

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/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 thirty (30) days subsequent to the date of its delivery or filing.

It shall be the duty of each member of the Board of Education to attend all meetings of the Board and, if any member shall refuse to attend three (3) 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.

As a small city school district, the District is not obligated to fill a vacancy on the Board which occurs due to death, resignation, removal from office or from the School District, or refusal to serve of a Board member.

However, the Board may fill the vacancy by appointment for a term ending with the next annual election of the School District. If the Board chooses to fill the vacancy by appointment, the appointment requires a majority vote of the remaining members of the Board.

The Board, at its own option, may instead call a special election within ninety (90) 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.

/EB

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.

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

Public Officers Law Sections 30, 31 and 35

First Reading: March 9, 2010

Second Reading: March 23, 2010

By-Laws

SUBJECT: POWERS AND DUTIES OF THE BOARD

As a Small City School District, the Board of Education shall have powers and duties as set forth in New York State Education Law, principally Articles 33, 35, 37, 51 and 53 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. Further, the Board of Education may enter into contracts and agreements in conformity with state law.

Fundamental Responsibilities

The most important function of the Board of Education is its legislative power over all District educational matters. Its resolutions have the effect of law in the operation of the School District. Its chief responsibility is the appointment of the Superintendent of Schools. Other basic responsibilities include:

- a) Formulation, in cooperation with the Superintendent of Schools, of goals consistent with the desires of the community and the needs of children, and to provide leadership in the attainment of these educational goals.
- b) Evaluation, on a continuing basis, of the District educational program.
- c) Establishment, maintenance, and necessary amendment of the policies which govern District operations.
- d) Development, with central office staff, of an annual budget.

Education Law Sections 1604, 1709, 1804 and 2503

Indemnification

The District will provide legal defense for School Board members being sued for events arising from the individual's performance of duties, provided the member was, at the time of the incident, acting in the discharge of his/her duties within the scope of his/her authority as a Board member.

Education Law Sections 3023, 3028 and 3811

First Reading: ***March 9, 2010***
Second Reading: ***March 23, 2010***

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

The President's duties include the following:

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

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 whose duties shall include the following:

- (a) Shall have the power to exercise the duties of the President in case of the absence or disability of the President.
- (b) In case of vacancy in the office of the President, the Vice President shall act as President until a President is elected.
- (c) Serves as ex-officio as a member of all committees.

Education Law Sections 1701, 2105(6) and 2502

First Reading: March 9, 2010

Second Reading: March 23, 2010

2010

1331

By-Laws

SUBJECT: APPOINTMENT 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 District Clerk serves at the pleasure of the Board.

Education Law Section 2121
Public Officers Law Section 104

First Reading: 3-9-2010
Second Reading: 3-23-2010

/EB

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) Assumes other duties customary to the office.

Education Law Sections 2122, 2130 and 2523
8 New York Code of Rules and Regulations (NYCRR) Sections 170.2(g), 170.2(o) and 170.20) Local Finance Law Sections 163 and 165

First Reading: March 9, 2010
Second Reading: March 23, 2010

Adoption Date

2010

1338

By-Laws

SUBJECT: DUTIES OF THE SCHOOL PHYSICIAN/NURSE PRACTITIONER

The school physician/nurse practitioner will be appointed by the Board of Education at the Reorganization Meeting. The duties of the school physician/nurse practitioner will be in accordance with their contract and New York State Education Law.

Education Law Sections 902, 913 and 6902

First Reading:	March 9, 2010
Second Reading:	March 23, 2010

By-Laws

SUBJECT: EDUCATIONAL GOALS

The Board of Education of the Long Beach Public School District is committed to excellence in education. The Board seeks to maintain this excellence through constant review of its philosophy and objectives.

Since system wide educational goals are most important, a joint formulation of goals by the Board and Superintendent will be established annually so as to maintain the quality of education in the School District.

The goals will set standards for the direction of education at elementary, middle and secondary schools.

The Board of Education will meet with the Superintendent of Schools annually to evaluate the progress in achieving these goals.

Further, the Superintendent and the Board of Education shall provide each other with specific suggestions for further improving their performance in the leadership of the School District.

First Reading: March 9, 2010

By-Laws

SUBJECT: CODE OF ETHICS FOR SCHOOL BOARD MEMBERS

The Board of Education recognizes that sound, ethical standards of conduct are a cornerstone of effectiveness for school board members. Actions based on an ethical code of conduct promote public confidence and the attainment of district goals. The Board also recognizes its obligation to set forth a code of ethics under the provisions of the General Municipal Law. The Board therefore adopts the following code of ethics. Board members commit themselves to:

- a) Observe and enforce state laws and regulations pertaining to education;
- b) Accept office as a Board member as a means of unselfish service while not using the position for self-benefit or any interest other than the total interest of the district;
- c) Transact school business only in regular sessions;
- d) Remember that, as individuals, Board members have no legal authority outside the meetings of the Board and conduct relationships with school staff, the community and the media in accordance with this fact;
- e) Represent the entire community without fear or favor;
- f) Act at all times as part of an educational team with mutual respect and regard for each other;
- g) Maintain high standards and effectiveness through continuing professional development;
- h) Recognize that confidential information acquired in the course of performing Board business is not to be disclosed;

By-Laws

SUBJECT: CODE OF ETHICS FOR SCHOOL BOARD MEMBERS – continued

- i) Understand that the primary function of the Board is to establish policies by which the schools are to be administered, but that it is the responsibility of the Superintendent and his/her staff to administer the educational program and conduct school business;
- j) Know that it is as important for the Board to understand and evaluate the educational program of the schools as it is to plan for the business of school operation;
- k) Preserve the right and obligation of teachers to teach controversial issues fairly and without bias;
- l) Accept all Board decisions once they are made and assist in carrying them out effectively;

First Reading: March 9, 2010
Second Reading: March 23, 2010

Adopted:

By-Laws

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 (2) 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."

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

It shall be the Board's responsibility to keep its written policies up-to-date so that they may be used consistently as a basis for Board action and administrative decision.

The Superintendent is given the continuing commission of calling to the Board's attention all policies that are out-of-date or for other reasons appear to need revision.

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)

First Reading: March 9, 2010
Second Reading March 23, 2010

By-Laws

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

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

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

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

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

It is the responsibility of the Superintendent to prepare the agenda and review it with the Board President for each meeting of the Board. The agenda for each meeting shall be prepared during the week prior to the meeting. The agenda shall be distributed to Board members no later than the Friday before such regular meeting. Whenever the President or other members of the Board wish to bring a matter to the attention of the Board, such request should be made to the Superintendent so that the same can be placed on the agenda. Whenever individuals or groups wish to bring a matter to the attention of the Board, such request shall be addressed in writing to the Superintendent. The Superintendent shall present such matter to the Board.

The District Clerk shall notify the members of the Board of Education in advance of each regular meeting. Such notice, in writing, shall include an agenda and the time of the meeting.

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

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

(Continued)

By-Laws

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

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

Public Expression at Meetings

Public expression at such meetings shall be encouraged and a specific portion of the agenda shall provide for this privilege of the floor. At its discretion, the Board may invite visitors to its meetings to participate in the Board's discussion of matters on the agenda.

The Board of Education reserves the right to enter into executive session as specified in Policy #1540 -- Executive Sessions.

Quorum

The quorum for any meeting of the Board shall be three (3) members. No formal action shall be taken at any meeting at which a quorum is not present. When only a quorum exists, the Board shall act by unanimous vote unless otherwise required by the laws of the State of New York.

Use of Parliamentary Procedure

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

Education Law Sections 1708 and 2504
Public Officers Law Article 7
General Construction Law Section 41

NOTE: Refer also to Policies #1520 -- Special Meetings of the Board of Education
#1540 -- Executive Sessions
#5410 -- Purchasing
#6217 -- Employment of Relatives of Board of Education Members
#8340 -- Textbooks/Workbooks/Calculators

First Reading: 3-9-2010
Second Reading: 3-23-2010

By-Laws

SUBJECT: SPECIAL MEETINGS OF THE BOARD OF EDUCATION

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

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

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

Education Law Section 1606(3)
Public Officers Law Sections 103 and 104

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

First Reading: 3-9-2010
Second Reading: 3-23-2010

By-Laws

SUBJECT: EXECUTIVE SESSIONS

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

- a) Matters that will imperil the public safety if disclosed;
- b) Any matter that may disclose the identity of a law enforcement agent or informer;
- c) Information relating to current or future investigation or prosecution of a criminal offense that would imperil effective law enforcement if disclosed;
- d) Discussions regarding proposed, pending or current litigation;
- e) Collective negotiations pursuant to 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

First Reading: 3-9-2010
Second Reading: 3-23-2010

/EB

SUBJECT: ANNUAL ORGANIZATIONAL MEETING

The Annual Organizational Meeting of the Board of Education shall be held during the first week in July, at 4 p.m. in the afternoon or such other hour as the Board may determine, at which meeting the Board shall select a President for the ensuing year. At such meeting the Board may also select a Vice-President who shall be authorized to act for the President in case of the President's absence or inability to act during such year.

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 Sections 1701, 1706, 1707, 1709, 2109, 2502(9) and 2504(1)

First Reading: 3-9-2010

Second Reading: 3-23-2010

SUBJECT: LEGAL QUALIFICATIONS OF VOTERS AT SCHOOL DISTRICT MEETINGS

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

- a) A citizen of the United States;
- b) Eighteen (18) years of age or older;
- c) A resident within the District for a period of thirty (30) days 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 Election Law Sections 5-100 and 5-106 shall not have the right to register for or vote in an election.

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

Personal Registration of Voters

Personal registration of voters in the Long Beach City 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 (4) 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 (5) days nor more than fourteen (14) days preceding the annual budget referendum or election. Such registration must be open for at least four (4) consecutive hours between 7:00 a.m. and 8:00 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.

First Reading: 3-9-2010
Second Reading: 3-23-2010