

**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 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 District has the ability to do so, it will conspicuously post the meeting notices on its website.

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

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.

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**Recording Meetings**

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

**Public Expression**

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

**Quorum**

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

**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-Expression**

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

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 on agenda items only. The public is not permitted to discuss topics unrelated to the District, matters unrelated to the agenda, 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.

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

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, ~~and~~ 2504, and 2801

General Construction Law § 41

Penal Law § 240.20

Public Officers Law Article 7, ~~§§ 103(d), 104, and 107~~

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

## 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: 12/20/2021  
~~06/19/2018~~

## 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: 12/20/2021  
~~06/19/2018~~

## 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: ~~02/22/2021~~ 12/20/2021

## 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

Adoption Date: 12/20/2021  
~~06/19/2018~~

**SUBJECT: ABSENTEE BALLOTS**

The Board authorizes the District Clerk/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 he or she will not be able to appear in person on the day of the District election/vote for which the absentee ballot is requested. The application must be received by the District Clerk/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/Board designee. The signed letter must be received by the District Clerk/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 he or she is unable to appear to vote in person on the day of the District election/vote because he or she:

- a) Is or will be a patient in a hospital, or is unable to appear personally at the polling place on the day of the election/vote because of illness or physical disability;
- b) Has 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 the voting residence due to detention in jail awaiting action by a grand jury or awaiting trial; or is confined in prison after conviction for an offense other than a felony; or
- e) Will be absent from the District on the day of the District election/vote by reason of accompanying spouse, parent, or child who is or would be, if he or she were a qualified voter, entitled to apply for the right to vote by absentee ballot.

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**SUBJECT: ABSENTEE BALLOTS**

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

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

A list of all persons to whom absentee ballots have been issued will be maintained in the Office of the District Clerk/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. The written challenge will be transmitted by the District Clerk/Board designee to the election inspectors on the day of the District election/vote. In addition, any qualified voter may challenge the acceptance of the absentee voter's ballot of any person on this list by making his or her reasons known to the election inspector before the close of the polls.

**Military Ballots**

The Board authorizes the District Clerk/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 thirty 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.

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**SUBJECT: ABSENTEE BALLOTS**

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/Board designee not later than 5 p.m. on the day of the election/vote in order that his or her 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.

Education Law §§ 2014, 2018-a, 2018-b, 2018-d, and 2613  
8 NYCRR Part 122

Adoption Date: ~~02/22/2021~~ 12/20/2021

**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.

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**SUBJECT: SUBMISSION OF QUESTIONS AND PROPOSITIONS AT ANNUAL MEETING AND ELECTION AND SPECIAL DISTRICT MEETINGS**

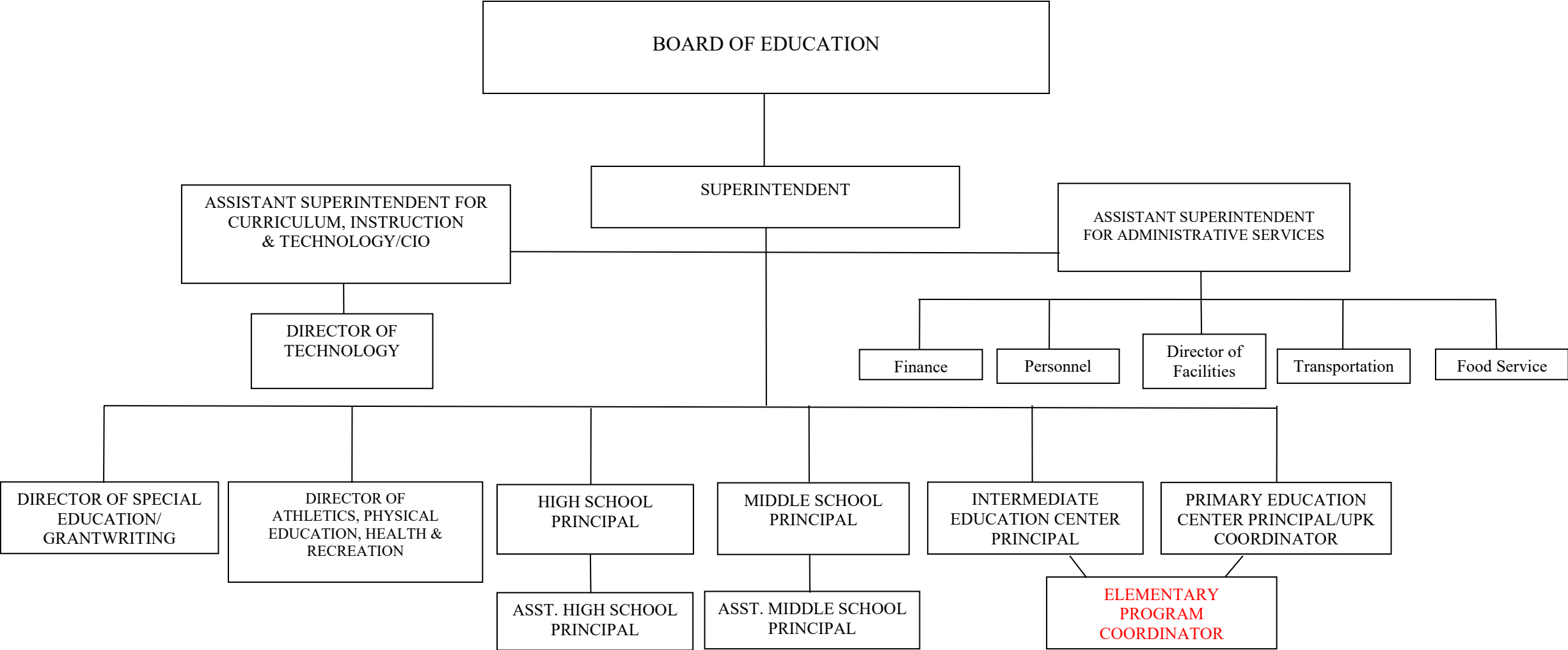
**Questions or Propositions to be Submitted at Special District Meetings**

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

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

Adoption Date: 12/20/2021  
~~06/19/2018~~

LEWISTON-PORTER DISTRICT LEADERSHIP TEAM ORGANIZATIONAL CHART Policy 4210



Adoption Date: ~~10/16/2018~~  
12/20/2021

**SUBJECT: CORPORAL PUNISHMENT/EMERGENCY INTERVENTIONS****Corporal Punishment**

Corporal punishment as a means of discipline will not be used against a student by any teacher, administrator, officer, employee, or agent of this District.

Whenever a school employee uses physical force against a student, the school employee will immediately report the situation to the building principal or designee who will within the same school day, make a report to the Superintendent describing in detail the circumstances and the nature of the action taken.

The Superintendent will submit a written report semi-annually to the Commissioner of Education, with copies to the Board, by January 15 and July 15 of each year, setting forth the substance of each written complaint about the use of corporal punishment received by the District authorities during the reporting period, the results of each investigation, and the action, if any, taken by the school authorities in each case.

**Emergency Interventions**

If alternative procedures and methods which do not involve physical force do not work, then the use of reasonable physical force is permitted for the following reasons:

- a) Self-protection;
- b) Protection of others;
- c) Protection of property; or
- d) Restraining or removing a disruptive student.

Emergency interventions will only be used in situations where alternative procedures and methods that do not involve the use of reasonable physical force cannot reasonably be employed. Emergency interventions will not be used as a punishment or as a substitute for systematic behavioral interventions that are designed to change, replace, modify, or eliminate a targeted behavior.

Staff who may be called upon to implement emergency interventions will be provided appropriate training in safe and effective restraint procedures. The parent(s) of the student will be notified whenever an emergency intervention is utilized.

The District will maintain documentation on the use of emergency interventions for each student including:

- a) Name and date of birth of student;

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**SUBJECT: CORPORAL PUNISHMENT/EMERGENCY INTERVENTIONS**

- b) Setting and location of the incident;
- c) Name of staff or other persons involved;
- d) Description of the incident and emergency intervention used, including duration;
- e) A statement as to whether the student has a current behavioral intervention plan; and
- f) Details of any injuries sustained by the student or others, including staff, as a result of the incident.

This documentation will be reviewed by District supervisory personnel and, if necessary, by the school nurse or other medical personnel.

8 NYCRR §§ 19.5, 100.2(l)(3) and 200.22(d)

NOTE: Refer also to Policy #7313 - Suspension of Students

Adoption Date

## Students

**SUBJECT: INDEPENDENT EDUCATIONAL EVALUATIONS**

Parents of children with disabilities have the right under federal and state regulations to obtain an independent educational evaluation (IEE) at public expense under certain conditions if they disagree with an evaluation obtained by the District.

A parent is entitled to only one IEE at public expense each time the District conducts an evaluation with which the parent disagrees. The District may ask the parent to explain the reason as to why they object to the District's evaluation although the parent is not required to answer.

The District will not unreasonably delay either providing the IEE or initiating an impartial hearing to defend its own evaluation.

34 CFR §§ 300.12 and 300.502  
8 NYCRR §§ 200.1(z) and 200.5(g)

Adoption Date