

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

2021

1120

By-Laws

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

2021

1210

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

2021

1220

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

2021

1230

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

2021

5633

Non-Instructional/Business Operations

SUBJECT: GENDER NEUTRAL SINGLE-OCCUPANCY BATHROOMS

The District is committed to creating and maintaining an inclusive educational and work-environment. The District will ensure that all single-occupancy bathroom facilities are designated as gender neutral for use by no more than one occupant at a time or for family or assisted use.

"Single-occupancy bathroom" means a bathroom intended for use by no more than one occupant at a time or for family or assisted use and which has a door for entry into and egress from the bathroom that may be locked by the occupant to ensure privacy and security.

All gender neutral bathroom facilities will be clearly designated by the posting of signage either on or near the entry door of each facility.

Education Law § 409-m
Public Buildings Law § 145

NOTE: Refer also to Policy #7552 - Student Gender Identity

Adoption Date: 04/26/2021