

# ORCHARD PARK CENTRAL SCHOOL DISTRICT BOARD OF EDUCATION

**REGULAR MEETING**  
HIGH SCHOOL  
4040 Baker Road  
Orchard Park, NY 14127

**May 16, 2017**

Board of Education

Members Present: Mr. Dwight Eagan  
Dr. Christine Gray-Tinnesz, Vice President  
Mrs. Karen Kane  
Mr. Robert Mahany  
Mr. David Nielsen, President  
Mrs. Elizabeth Quinlan, arrived at 7:16 p.m.

Members Excused: Mr. Dwight Mateer

Others Present: Mr. Matthew McGarrity, Superintendent of Schools  
Dr. Lisa Krueger, Assistant Superintendent – Curriculum  
Mr. Jeffrey Petrus, Assistant Superintendent – Business  
Mr. David Lilleck, Executive Director of Personnel & Pupil Services  
Mrs. Connors A. Connors, District Clerk

Estimated Audience: 10

Mr. Nielsen called the meeting to order at 6:01 p.m. and led all in attendance in the Pledge of Allegiance.

## **Suggestions for Change to the Agenda**

- Mr. Petrus requested adding Donations for ArtSplash under Discussion and Action.

## **Announcements**

- Mr. McGarrity congratulated the Orchard Park High School students and staff for their Kenny nominations and awards for their performance of Into The Woods. Orchard Park took home the Outstanding Orchestra Performance and Outstanding Scenic Design awards.
- Mr. McGarrity announced that ArtSplash, the district's student artwork show, will be held at the Orchard Park Library from May 19-30<sup>th</sup> and opening night will take place on May 19.

**SUGGESTIONS  
FOR CHANGE**

**ANNOUNCEMENTS**

**CONSENSUS  
ITEMS****Consensus Items**

Motion by Dr. Tinnesz, seconded by Mr. Eagan, and unanimously carried (5-0) to approve the following consensus items as presented:

**Financial Matters (attachment #1)**

- Treasurer's Report – April 2017
- Revenue Budget Detail – April 2017

**FINANCIAL****Personnel Considerations**

**RESOLVED THAT**, upon the recommendation of the Superintendent, the Board of Education approves the following Personnel actions:

**PERSONNEL****Personnel Considerations - Teachers and Administrators****Appointments – Probationary and Regular Substitute**

| Name              | Title              | Cert Area / Status           | Tenure Area | Initial Location | Type / Effective Date   | Annual Salary           |
|-------------------|--------------------|------------------------------|-------------|------------------|---|-------------------------|
| Jennifer Haley    | Reading Teacher    | Literacy (B- Gr 6) / Initial | Reading     | WE               | Part Year Reg Sub<br>05/22/17 -<br>06/30/17 LOA -<br>C. Chmurzynski                     | 1 M (30)<br>(pro-rated) |
| Jennifer R. Smith | Elementary Teacher | Literacy (B- Gr 6) / Initial | Reading     | EG               | Part Year Reg Sub<br>04/26/17 -<br>05/19/17 LOA - J.<br>Tortorice<br>(end date amended) | 1 M (30)<br>(pro-rated) |
| David Denz        | Soc Stud Teacher   | Soc Stud 7-12 / Initial      | Soc Stud    | HS2              | Part Year Reg Sub<br>03/27/17 -<br>06/09/17 LOA -<br>A. Quinn<br>(end date amended)     | 1 M (30)<br>(pro-rated) |

**Appointments – Mentors (Teachers and Administrators)**

| Name           | Title / Activity        | Effective Dates        | Employee Group | Salary / Stipend    |
|----------------|-------------------------|------------------------|----------------|---------------------|
| Tara Zimmerman | Mentor for Julia Pitt   | 2016/17                | OPTA           | \$1,193             |
| Brian Dena     | Mentor for Lisa Schuler | 04/03/17 -<br>06/02/17 | OPTA           | \$1,193 (pro-rated) |

**Leaves of Absence (Teachers and Administrators)**

| Name                  | Position                  | Effective Dates               | Comment          |
|-----------------------|---------------------------|-------------------------------|------------------|
| Taryn DiRienzo        | Elem Ed Teacher (EL)      | 2017/18                       | Unpaid LOA § 4.4 |
| Jennifer Hofschneider | Soc Studies Teacher (HS2) | 2017/18                       | Unpaid LOA § 4.4 |
| Julie Tortorice       | Elem Ed Teacher (EG)      | 05/15/17 - 05/19/17           | Unpaid LOA § 4.4 |
| Amanda Quinn          | Soc Studies Teacher (HS2) | 05/19/17 - 06/09/17           | Unpaid LOA § 4.4 |
| Jessica Petrie        | Elementary Teacher (EG)   | 05/25/17 - 06/06/17           | Unpaid LOA § 4.4 |
| Matthew Bindig        | English Teacher (HS3)     | 05/10/17 (pm) - 05/15/17 (am) | Unpaid LOA § 4.2 |
| Erin Sall             | Science Teacher (HS3)     | 04/05/17 - 05/29/17           | Unpaid LOA § 4.4 |

**Personnel Considerations – Support Staff**  
**Leaves of Absence (Support Staff)**

| Name           | Title Activity                  | Effective Dates     | Comment    |
|----------------|---------------------------------|---------------------|------------|
| Jennifer Haley | Part-time 10 Month Teacher Aide | 02/27/17 – 06/30/17 | Unpaid LOA |

**SPECIAL EDUCATION**

**Special Education (attachment #2)**

- Recommendation by the Committee on Special Education for **Annual Reviews** of **Twenty-Five (25)** Resident Children
- Recommendation by the Committee on Special Education for the **Program Review** of **Three (3)** Resident Children
- Recommendation by the Committee on Special Education for the **Initial Educational Placement** of **One (1)** Resident Child
- Recommendation by the Committee on Special Education for **Declassification** of **Four (4)** Resident Children
- Recommendation by the 504 Committee for the **Accommodation Plan** of **Four (4)** Resident Children
- Recommendation by the Committee on Preschool Special Education for the **Preschool Annual Review** of **Five (5)** Resident Children
- Recommendation by the Committee on Preschool Special Education for the **Preschool Program Review** of **Two (2)** Resident Children
- Recommendation by the Committee on Preschool Special Education for the **Preschool Initial Educational Placement** of **Three (3)** Resident Children
- Recommendation by the Committee on Preschool Special Education for the **Preschool Amendments** of **One (1)** Resident Child

**REPORTS**

**Board/Committee Reports**

- **Facilities Committee** – Mr. Petrus stated the last meeting focused on elementary programmatic needs and the next meeting will focus on athletics needs.

**DISCUSSION**

**Discussion**

- **Donation to Middle School Music Department** – Mr. Petrus stated that a community member would like to make the following donation to the Middle School Music Department: (1) Yamaha Portatone PSR-E403 Keyboard & (1) Technics SX-KN 1000 Keyboard (estimated value of \$500).
- **Donation to Eggert Road Elementary** – Mr. Petrus stated that the Eggert Elementary PTO would like to make the following donations to Eggert Elementary: Pay for the expenses associated with bus transportation for K-5 field trips at Eggert Elementary for the 2016-17 school year (up to \$9,500); pay for half the cost of the school-wide Earth Spirt assembly (\$1,860); and two scoreboards for the gym (valued at \$349.99).

- **Final Read of Polices (1000 Series from Policy Audit)** – Dr. Krueger stated the recommended revisions of the 1000 series of policies: By-laws of the Board of Education, are being presented as a second read with action for adoption later on the Agenda. These policies were presented as a first read at the May 2, 2017 Board meeting.

- 1110 School District & BOE Legal Status & Authority
- 1210 Board of Education Members: Nomination and Election
- 1320 Nomination & Election of Board Officers & Duties of the President & Vice President
- 1330 Appointments & Designations by the BOE
- 1332 Duties of the School District Treasurer
- 1334 Duties of the External (Independent) Auditor
- 1335 Appointment & Duties of the Claims Auditor
- 1336 New title: Duties of the Extraclassroom Fund Central Treasurer and Faculty Auditor
- 1337 Duties of the School Attorney.
- 1338 Duties of the School Physician/Nurse Practitioner
- 1410 Policy and Administrative Regulations
- 1510 Regular Board Meetings & Rules (Quorum & Parliamentary Procedure)
- 1520 Special Meetings of the BOE
- 1530 Minutes
- 1540 Executive Sessions
- 1611 Business of the Annual District Election
- 1650 Submission of Questions & Propositions at Annual Elections & Special District Meetings

- **First Read of Policies (2000 & 3000 Services from Policy Audit)** – Dr. Krueger stated that the 2000 and 3000 services continues with the Policy Services Department of Erie 1 BOCES extensive review of the District policy manual. The policy audit included a review from Erie 1 BOCES attorneys to ensure compliance with current laws and regulations.

- 2100 Board of Education Operating Procedure Manual
- 2110 New Title: Orienting and Training New Board Members
- 2120 Board Member Training on Financial Oversight, Accountability and Fiduciary Responsibilities
- 2310 Membership in Association
- 2320 Attendance by Board Members at Conferences, Conventions and Workshops
- 3120 District Standards & Guidelines for Web Page Publishing
- 3160 Charter Schools
- 3210 Visitors to the School
- 3220 Use of Service Animals
- 3240 Student Participation
- 3250 Parent-Teacher Organization
- 3271 Solicitation of Charitable Donations
- 3280 Use of School Facilities, Materials, and Equipment

- 3281 Use of Facilities by the Boy Scouts of America and Patriotic Youth Groups
- 3310 Public Access to Records
- 3320 Confidentiality of Computerized Information
- 3410 Code of Conduct on School Property
- 3412 Threats of Violence in School
- 3420 Non-Discrimination & Anti-Harassment in the School District
- 3430 Violent and Disruptive Incident Reporting (VADIR)

- **ArtSplash Donations** – Mr. Petrus stated that several members of our community are graciously donating toward the ArtSplash event that will be held on Friday March 19<sup>th</sup> at the Orchard Park Library at 7:30 p.m. The total donation is \$500 from 10 different individuals.

Motion by Dr. Tinnesz, seconded by Mr. Eagan, and unanimously carried (5-0) approve the following resolution:

**RESOLVED:** That the Orchard Park Central School District, upon the recommendation of the Superintendent, hereby accepts the donations (estimated value \$500) from Mary Francis Lovelace for the Middle School Music Department of 1 Yamaha Portatone PRS-E403 Keyboard & 1 Technics SX-KN1000 Keyboard.

**ACCEPTANCE  
OF DONATIONS  
FROM  
MS. LOVELACE**

Motion by Dr. Tinnesz, seconded by Mr. Eagan, and unanimously carried (5-0) approve the following resolution:

**RESOLVED:** That the Board of Education of the Orchard Park Central School District, upon the recommendation of the Superintendent, hereby accepts the donation of 2 scoreboards for the gym (valued at \$349.99) from the Eggert Road Elementary PTO and up to \$11,360 to use as follows:

- Pay for the expenses associated with bus transportation for the K-5 field trips at Eggert Road for the 2016-17 school year (up to \$9,500)
- Pay for half the cost for the School-wide Earth Sprit Assembly (\$1,860)

**ACCEPTANCE OF  
DONATIONS  
FROM EGGERT  
ROAD PTO**

Motion by Dr. Tinnesz, seconded by Mr. Eagan, and unanimously carried (5-0) approve the following resolution:

**RESOLVED:** That the Board of Education of the Orchard Park Central School District, upon the recommendation of the Superintendent, hereby re-adopts the 1000 series polices from the policy audit as follows:

**1110: SCHOOL DISTRICT AND BOARD OF EDUCATION LEGAL STATUS AND AUTHORITY**

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

The State Legislature has implemented this constitutional mandate through the creation of school districts of various types. As a Central School District, the Orchard Park Central School District is organized under and subject to the provisions of Education Law Article 37.

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

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

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

**ADOPTION OF  
1000 SERIES  
FROM  
POLICY AUDIT**

**1210: 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 District Clerk which is signed by at least 25 qualified voters of the District, or by 2% of the number of voters who voted in the previous annual election, whichever is greater. Petitions must state the residence of each signer, the name and residence of each candidate.
- b) The notice of the Annual District Meeting must state that petitions nominating candidates for the Board of Education must be filed with the Clerk of the District no later than 30 days before the Annual or Special District Meeting at which the School Board election will occur, between 9 a.m. and 5 p.m.
- c) Voting will be by machine, and provision shall be made for the election by "write-in-vote" of any candidate not previously nominated. The position of candidates on ballots shall be determined by lot at a drawing conducted by the District Clerk on the day after the last filing. Candidates or their proxies may be present for the drawing.
- d) The hours of voting shall be as indicated by Board resolution.
- e) The candidates receiving the largest number of votes shall be declared elected in accordance with Education Law.
- f) At least ten days prior to the election, the Board will appoint at least two inspectors of election for each voting machine or ballot box, 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 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 §§ 2004, 2012, 2018, 2025, 2029, 2031-a, 2032, 2034, 2105(14), 2121, 2502, 2602, 2608(1), and 2610

**1320: 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.

The President of the Board of Education shall:

- a) Preside at all meetings of the Board;
- b) Be the designated spokesperson for the Board on matters on which the Board has taken formal action;
- c) Calls special meetings as necessary or on request;
- d) Appoints members to all committees of the Board;

- e) Serve ex-officio as a member of all committees;
- f) Execute documents on behalf of the Board; and,
- g) Perform the usual and ordinary duties of the office.

The Vice President of the Board of Education shall 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. In case of vacancy in the office of the Vice President, the Board shall elect a Vice President at its next regular Board meeting.

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

### **1330: APPOINTMENTS AND DESIGNATIONS BY THE BOARD OF EDUCATION**

#### **Appointments**

The Board is authorized to appoint individuals to positions which will facilitate the meeting of its responsibilities to the State, the School System, and the community. These appointments usually take place at the Annual Organizational Meeting.

The following shall be appointed annually:

- a) District Clerk;
- b) Assistant District Clerk;
- c) District Treasurer;
- d) Deputy District Treasurer;
- e) Tax Collector;
- f) External (Independent) Auditor;
- g) Extraclassroom Fund Central Treasurer;
- h) Faculty Auditor, Extraclassroom Activities Account;
- i) Audit Committee.

The following must be appointed but need not be reappointed annually:

- a) Census Administrator;
- b) Director of School Health Services (School Physician/Nurse Practitioner);
- c) School Attendance Officer;
- d) Committee on Special Education and Committee on Preschool Special

Education;

- e) Records Access/Management Officer;
- f) Asbestos Hazard Emergency Response Act (AHERA) Local Educational

Agency (LEA) designee;

- g) Title IX/Section 504/ADA Compliance Officer;
- h) Liaison for Homeless Children and Youth;
- i) Chemical Hygiene Officer;
- j) New York State Civil Service Appointment Officer;
- k) Dignity Act Coordinator (one in each building);
- l) Chief Emergency Officer.

The following may also be appointed:

- a) School Attorney;
- b) Claims Auditor;
- c) Internal Auditor;
- d) Insurance Advisor(s);
- e) Extraclassroom Faculty Counselors for High School, Middle School and

Elementary Schools;

- f) Voting Delegate/Alternate Voting Delegate to the New York State School Boards Association Convention;
- g) Legislative Liaison to the New York State School Boards Association;
- h) Representative/Alternative Representative to the Legislative Committee of the Erie County Association of School Boards;
- i) Voting Delegate/Alternate Voting Delegate to the Erie County Association of School Boards Delegate Assembly;
- j) Representative/Alternate Representative to the Budget and Finance Team of the Erie County Association of School Boards;
- k) Representatives of the Orchard Park Central School District Board of Education on the Planning Committee, the Accountability Committee, and the Communications Committee;
- l) Other(s) as deemed appropriate/necessary.

**Designations**

The following designations shall be made by the Board of Education at the Annual Organizational Meeting in July:

- a) Petty Cash Fund(s);
- b) Official School Newspaper(s);
- c) Official Bank Depositories;
- d) Official Bank Signatories;
- e) Purchasing Agent;
- f) Certifier of Payrolls;
- g) Educational Official designated to receive court notification regarding a student's sentence/adjudication in certain criminal cases and juvenile delinquency proceedings;
- h) School Pesticide Representative;
- i) Board of Education Meeting Schedule: Dates and Time;
- j) 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);
- k) Other(s) as deemed appropriate/necessary.

**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) Assistant Superintendent for Business and Support Services to invest District moneys as authorized by the Board of Education;
- e) Authorization of Board member to appoint Impartial Hearing Officers on behalf of the Board;
- f) Establish mileage reimbursement rate;
- g) Re-adoption of Board policies and Code of Ethics currently in effect;
- h) Other(s) as deemed appropriate/necessary.

McKinney-Vento Homeless Education Assistance Act, §722, as reauthorized by the No Child Left

Behind Act of 2001

Education Law §§ 305(31), 1709 and 2503 29 CFR § 1910.1450



### **1332: 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 all such financial ledgers, records and reports as may be properly required to afford the District an acceptable and comprehensive financial accounting of the use of its moneys and financial transactions;
- e) Signs all checks drawn on District fund accounts provided that the District's Claims Auditor has attested to the authority to issue the check based upon proper evidence of a charge against the District's funds;
- f) Safeguards either his or her electronic signature and/or the check-signing machine and signature plate, personally overseeing all preparation of checks;
- g) Assumes other duties customary to the office.

The District Treasurer shall be directly responsible to the Board through the Assistant Superintendent for Business and Support Services.

Education Law §§ 2122, 2130, and 2523

8 NYCRR §§ 170.2(g), 170.2(o), and 170.2(p)

Local Finance Law §§ 163 and 165

### **1334: DUTIES OF THE EXTERNAL (INDEPENDENT) AUDITOR**

The Board by law must obtain an annual audit of its records by an independent certified public accountant (CPA) or an independent public accountant (PA). The audit must also include all extraclassroom activity funds. The independent accountant will present the report of the annual audit to the Board. The Board will adopt a resolution accepting the audit report and file a copy of the resolution with the Commissioner. The District will also file the audit report with the Commissioner for a specific school year by October 15 of the following school year. In addition to the annual audit, the District is subject to State audits conducted by the State Comptroller.

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. Similarly, no audit engagement will be for a term longer than five consecutive years. The District, may, however, permit an independent auditor engaged under an existing contract for those services to submit a proposal for those services in response to a request for competitive proposals or be awarded a contract to provide those services under a request for proposal process.

#### **Duties and Responsibilities**

The independent auditor must conduct the audit in accordance with Generally Accepted Government Auditing Standards (GAGAS) issued by the Comptroller General of the United States. Standards of GAGAS are organized as general, fieldwork, and reporting.

Below are some important considerations the District will expect of the auditor in preparing the audit; however, they should not be considered all-inclusive or a substitute for the auditor's professional judgment.

- a) **Independence:** The auditor must document that he or she is independent of the District and free of personal and external impairments. The auditor must establish an internal quality control system to identify any personal and external impairment and assure compliance with GAGAS independence requirements.
- b) **Internal Quality Control System:** The auditor must document that his or her internal quality control processes adequately demonstrate compliance with government auditing standards. He or she must establish an organizational structure, policies, and procedures to provide reasonable assurance of complying with applicable standards governing audits.
- c) **Internal Controls:** The auditor must obtain a sufficient understanding of the District's internal controls and document such understanding covering the five interrelated components: the control environment, risk assessment, control activities, information and communication, and monitoring.
- d) **Planning and Supervision:** The auditor's work is to be properly planned and supervised and will consider materiality and/or significance in order to provide reasonable assurance of detecting misstatements resulting from direct and illegal acts and irregularities to financial statements. The auditor should also be aware of the possibility that indirect illegal acts may have occurred.
- e) **Audit documentation:** In order to meet the GAGAS requirements, the audit documentation should provide a clear understanding of its purpose, the source, and the conclusions the auditor reached. It should be organized to provide a clear link to the findings, conclusions, and recommendations contained in the audit report.
- f) **Reporting on Internal Controls and Compliance:** The auditor must report on and present the results of his or her testing of the District's compliance with laws and regulations and its internal controls over financial reports in light of irregularities, illegal acts, other material noncompliance, significant deficiencies, and material weaknesses in internal controls.

Generally Accepted Government Auditing Standards (GAGAS) §§ 3.50-3.54, 4.03, 4.19-4.24, and  
5.07-5.20

Education Law §§ 1709 (20-a) and 2116-a

General Municipal Law §§ 33 and 104-b

8 NYCRR §§ 170.2, 170.3 and 170.12

### **1335: APPOINTMENT AND DUTIES OF THE CLAIMS AUDITOR**

The Board will appoint a Claims Auditor to audit and approve claims, to certify that each claim listed on the claims warrant was audited and payment authorized, and to perform other tasks consistent with law and regulation. The Claims Auditor will hold his or her position subject to the pleasure of the Board and report directly to the Board. The Board may, in its discretion, 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.

#### **Qualifications**

The Claims Auditor must have the necessary knowledge and skills to effectively audit claims including experience with purchasing, bidding, and claims. The Claims Auditor must be bonded or included in the District's blanket undertaking, prior to assuming his/her duties.

No person will 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 will be classified in the civil service exempt class.

#### **Delegation of the Claims Audit Function**

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

If the District delegates the claims audit function using an intermunicipal 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 will certify that each claim listed on the warrant was audited and payment was authorized. He or she will:

- 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) Substantiate receipts or other revenues or expenditures;
- c) Meet other requirements as may be established by the Commissioner's regulations and/or the New York State Comptroller.

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

### **1336: DUTIES OF THE EXTRACLASSROOM FUND CENTRAL TREASURER AND FACULTY AUDITOR**

#### **Central Treasurer**

The Extraclassroom Fund Central Treasurer is appointed by the Board of Education and is responsible for the supervision of the extraclassroom activities fund.

The Treasurer's duties include the following:

- a) Countersigns all checks disbursing funds from the Extraclassroom Activities Account;
- b) Provides general supervision to ensure that all receipts are deposited and that disbursements are made by check only;
- c) Maintains records of all receipts and expenditures;
- d) Submits records and reports to the Board as required;
- e) Assumes other duties customary to the position.

#### **Faculty Auditor**

The Extraclassroom Activity Fund Faculty Auditor is appointed by the Board and is responsible for auditing of all financial transactions of the fund.

The Auditor's duties include:

- a) Examines the statement of accounts from the Central Treasurer once each month;
- b) Audits the ledgers kept by student treasurers at least twice per year;
- c) Examines transactions and procedures to determine if correct;
- d) Certifies the accuracy of entries posted and available balances listed;
- e) Investigates instances when Central Treasurer's report and club ledgers do not agree; and
- f) Prepares year-end report summarizing the financial condition of each activity and submit to the building principal and Board.

8 NYCRR Part 172

### **1337: DUTIES OF THE SCHOOL ATTORNEY**

The Board will appoint a school attorney to provide legal counsel to the District. The school attorney's duties may include:

- a) Providing legal representation to the District in proceedings before courts and administrative agencies;
- b) Providing legal opinions as requested by the Board or its agents, and consistent with any agreement between the District and the school attorney;
- c) Providing counsel in matters related to due process hearings; and/or
- d) Such other duties as are consistent with law and the scope of the school attorney's representation.

### **1338: DUTIES OF THE SCHOOL PHYSICIAN/NURSE PRACTITIONER**

The school physician/nurse practitioner shall be appointed by the Board of Education. 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.

Education Law §§ 902, 913, and 6902

**1410: POLICY AND ADMINISTRATIVE REGULATIONS**

The formulation and adoption of these written policies will constitute the basic method by which the Board will exercise its leadership in the operation of the School System. The Superintendent will act as an advisor to the Board in adopting and approving of written Board policies. The Board will seek input from staff and the community where appropriate. These written board policies will govern the operation of the School System.

The adoption of a written policy shall occur only after the proposal has been discussed at two (2) separate meetings of the Board of Education (the "first reading" and the "second reading"). The proposed policy may be amended at the second reading. The adoption of a policy shall be by majority vote of the Board at the second reading or thereafter. 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 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 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 §§ 1604(9), 1709(1), 1709(2), and 2503(2)

## **1510: 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 and members of his or her staff will 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.

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 rule, regulation, policy, or amendment scheduled to be discussed at a Board meeting will be made available upon request, to the extent practicable, before the meeting. Copies of these records may be made available for a reasonable fee. These records will be posted on the website to the extent practicable before the meeting.

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.

### **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 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.

Education Law §§ 1708 and 2504

General Construction Law § 41

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

NOTE: Refer also to Policies #1520 -- Special Meetings of the Board of Education

#1540 -- Executive Sessions

#6211 -- Employment of Relatives of Board Members

## **1520: SPECIAL MEETINGS OF THE BOARD**

Any member of the Board may call for a special meeting. A reasonable and good-faith effort will be made by the Superintendent or the Board president, as the case may be, to give every member of the Board 24-hours' notice of the time, place, and purpose of the meeting. In an emergency, however, the members may waive the 24-hour notice requirement.

All special meetings will be held at a regular meeting place of the Board and in accordance with all applicable provisions of the Open Meetings Law. Public notice of the time and place will be given, to the extent practicable, to the news media, and it will be conspicuously posted in one or more designated public locations at a reasonable time before the meeting.

Education Law § 1606(3)

Public Officers Law §§ 103 and 104

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

## **1530: MINUTES**

The minutes are a legal record of the activities of the School Board as a public corporation having the specified legal purpose of maintaining public schools. The minutes of all meetings will be kept by the Clerk or, in his/her absence, by the Superintendent or his/her designee. The minutes will be complete and accurate, maintained in accordance with law, and posted on the District' website. However, minutes of executive sessions need not include any matter which is not required to be made public by the Freedom of Information Law (FOIL).

The minutes of each meeting of the Board will state:

- a) The type of meeting;
- b) The date, time of convening, and adjournment;
- c) Board members present and absent;
- d) Board members' arrival and departure time, if different from opening or adjournment times;
- e) All action taken by the Board, plus supporting written schedules and agenda enclosure, with evidence of those voting in the affirmative and the negative, and those abstaining;
- f) The nature of events that transpire, in general terms of reference.

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

All Board minutes will be signed by the District Clerk when approved and stored in a locked room or locked file cabinet. Unless otherwise provided by law, minutes will be available to the public within two weeks following the date of a meeting; draft copies, so marked, are acceptable, subject to correction. A draft of the minutes of each meeting will be forwarded to each member of the Board no later than the time the agenda for the next meeting is disseminated.

### **Minutes of Executive Sessions**

Minutes will be taken at executive sessions of any action that is taken by formal vote. The minutes will consist of a record or summary of the final determination of the action, the date, and the vote. However, the summary need not include any matter which is not required to be made public by FOIL.

If action is taken by a formal vote in executive session, minutes will be available to the public within one week of the date of the executive session.

Education Law §§ 2121 and 3020-a

Public Officers Law § 106

### **1540: 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. Attendance at an executive session will 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.

Motions for executive sessions should state the subject or subjects to be discussed in executive session. It is insufficient to merely recite statutory language.

Matters discussed in executive sessions, as well as written materials/resources, must be treated as confidential; that is, never discussed or disclosed outside of that executive session.

Education Law § 3020-a

Public Officers Law Article 7



**1611: BUSINESS OF THE ANNUAL DISTRICT ELECTION**

The Board of Education will appoint a qualified voter as chairperson of the Annual District Meeting and Election/Budget Vote.

The chairperson will call the Annual District Meeting to order and proceed to the following order of business:

- a) Designation of District Clerk as clerk of the election and assistant clerks;
- b) Designation of tellers and/or inspectors of election as previously appointed by the Board;
- c) Reading of notice of call of the election by the Clerk;
- d) Opening of the booths for voting, whether by machine or paper ballot;
- e) Closing of the booths;
- f) Receiving the report of the Clerk of the results of the elections;
- g) Adjournment.

Education Law §§ 1716, 2025, and 2601-2613

**1650: SUBMISSION OF QUESTIONS AND PROPOSITIONS AT ANNUAL ELECTIONS AND SPECIAL DISTRICT MEETINGS**

**Questions and Propositions at Annual District Elections**

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

- a) Questions or propositions will be submitted by petition directed to the District Clerk and must be signed by 25 qualified voters, or 5% of the registered voters of the District who voted in the previous annual election of Board members, whichever is greater.
- b) A separate petition will be required for each question or proposition.
- c) Each petition will be filed with the District Clerk. Petitions relating to an Annual Election must be filed not later than 60 days preceding the election at which the question or proposition is to be voted upon.
- d) Questions or propositions submitted in accordance with these rules and accepted will be printed on the ballot. The District, however, retains the right to reject petitions as permitted by law, including, but not limited to, instances where the petitions are advisory in nature or beyond the power of the voters.
- e) The Board of Education shall cause the rules and regulations set forth in this policy to be distributed within the District.
- f) Nothing in this policy affects the nominations of candidates as set forth in the Annual District Election notice in accordance with Education Law Section 2018.

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

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

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

**ACCEPTANCE OF  
DONATIONS FOR  
ARTSPLASH**

Motion by Dr. Tinnesz, seconded by Mr. Eagan, and unanimously carried (5-0) approve the following resolution:

**RESOLVED:** That the Board of Education of the Orchard Park Central School District, upon the recommendation of the Superintendent, hereby accepts the following donations totaling \$500 for the ArtSplash event on May 19<sup>th</sup>, 2017.

- Orchard Park Teachers Association - \$100
- Orchard Park School Related Professionals Association - \$25
- Buffalo Bills - \$25
- Frani Evedon - \$25
- Great Erie Federal Credit Union - \$25
- Ingalls Site Development - \$50
- Louie's - \$25
- Orchard Park Veterinary Medical Center - \$25
- Dr. & Mrs. Charles Stoddart -\$50
- The Legend Group - \$150

**Executive Session**

Motion by Dr. Tinnesz, seconded by Mr. Eagan, and unanimously carried (5-0) to enter Executive Session at 6:14 p.m. to discuss the annual evaluation of the Superintendent of Schools.

**EXECUTIVE  
SESSION**

Motion by Dr. Tinnesz, seconded by Mr. Eagan, and unanimously carried (5-0) to adjourn Executive Session at 7:15 p.m.

Mr. Nielsen called the meeting back to order 7:16 p.m. (Mrs. Quinlan arrived at 7:16 p.m.)

**Adjournment**

Motion by Dr. Tinnesz, seconded by Mr. Eagan, and unanimously carried (6-0) to adjourn at 7:16 p.m.

**ADJOURNMENT**

Respectfully submitted,

Cheryl A. Connors  
District Clerk

**Official Meeting Attachments**

1. Financials
2. Special Education

**Other Meeting Attachments**

1. Official Meeting Announcement
2. Meeting Agenda