

Rye Neck Union Free School District

Governance Handbook



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Introduction

The purpose of the *Rye Neck Union Free School District Board Governance Handbook* is to provide a helpful and clear resource for members of the Board of Education (“BOE”) and the superintendent of the Rye Neck Union Free School District (“superintendent”). The BOE and the superintendent together form the “Governance Team.”

This document is also intended to be made publicly available to inform the broader school community of the general practices by which the BOE and superintendent work to fulfill their responsibilities. With this in mind, the Board Governance Handbook shall be posted on the district website.

The Governance Team Handbook should be useful for new BOE members as well as board veterans who seek to work effectively with professional educators and the public to fulfill the district’s mission, vision, goals and strategic plans. Together with the assistant superintendent for curriculum and instruction, the assistant superintendent for business and finance, the director of pupil personnel services, the director of athletics, the director of technology and communications, building principals, faculty and other staff members, the BOE and superintendent strive to work collaboratively to promote outstanding instruction and student achievement, well-being, and civic participation in each of the district’s schools: Daniel Warren, F.E. Bellows, the Middle School and the High School.

The superintendent and BOE have distinct and separate roles, responsibilities, and legal authority in carrying out the district’s goals but must operate interdependently as members of the district’s governance team. The superintendent complements the BOE’s legislative and fiduciary functions.

This manual is intended to outline how the board seeks to conduct business as a body. A diversion from any provision of this procedure does not necessarily affect the validity or legality of any board action otherwise properly adopted.

I. Roles, Responsibilities and Protocols

The Board of Education: An Overview

The board shall oversee district personnel, affairs, and properties in accordance with its limited power and duties assigned by the New York State Constitution, New York State laws, regulations, and judicial decisions. New York Education Law identifies the powers and duties of the board of education of every union free school district. With these limitations in mind, the BOE has three primary responsibilities (i) policy setting for the district (ii) hiring, evaluation, and firing of the superintendent, and (iii) proposal of annual budget to voters.

The BOE is a public corporate body that exists separate from its members. Regardless of changes to its membership, the BOE can act only by a majority vote of the BOE or a legally constituted quorum of the BOE (i.e., four board members for a six member board). All decisions of the board must be made by a quorum. If a board member is absent or refrains from voting, then it is as if that board member submitted a “no” vote. No individual board member can take official action on behalf of the school district; rather, the BOE acting as a corporate body takes official action, often authorized via resolution.

The BOE primarily acts as a policy-setting body and delegates the administration of schools to the superintendent and staff. The BOE fulfills its governance role as the overseer of the district's management to ensure that assets are used properly, laws and regulations are followed, and the public interest is best served. The BOE develops policies to be followed by staff, students, and community members. The BOE's supervision of personnel is limited to the superintendent and the district clerk.

The Role of the Board of Education

Every member of the BOE is a “public officer” under the law and, as such, takes an oath of office to uphold the law and faithfully discharge their duties. While it is the role of the BOE to represent the school community and work to build public trust and support for the district's schools and public education, it is not the role of the BOE to directly run the district's day-to-day management of its schools. Rather, the administration and management of the schools falls to the superintendent, who is responsible for achieving the district's short-term and long-term goals as well as for demonstrating success in achieving those goals via evidence-based outcomes. BOE members focus on policy, mission, vision, and goals while relying on the superintendent and other administrators for the day-to-day operations, communications and problem-solving.

The BOE should do its best to reach its decisions through consensus and recognize at all times that its authority to act rests with a majority of the entire board or a quorum of the board, and that its official business may only be transacted at public meetings. Although all BOE members have equal power and authority when it comes to decision making, it is important that each BOE member fully understands that BOE decisions bind all board members regardless of how any individual member may vote. Each BOE member is a member of a collective body and cannot act on behalf of the BOE or district without support of the majority of the BOE or quorum of the BOE. The governance role of the BOE is to focus on end results, ensure that the district's established mission and vision are being upheld, approve and monitor the district's short and long-term goals, update and monitor policy, and vote on recommendations made by the superintendent.

As members of the Governance Team, the BOE should be asking the following: *“What are our goals? Why? How do they benefit instruction and student achievement, wellbeing, and civic participation? How much will implementation cost short term versus long term?; how much has the district spent already? ; How successful are we at achieving our goals??”* What can we do better?

In carrying out its responsibilities, the BOE, as an entity, should strive to act primarily as a policy-setting body; the policies it sets provide general ongoing guidance and direction to the district. As part of its policy setting, as a matter of best practice, the BOE may adopt long-term district goals based on the district’s Strategic Plan and, then, monitor and review the progress of the district’s implementation of its Strategic Plan. Similarly, the BOE may approve and adopt annual district goals that are aligned with the district’s Strategic Plan as developed by the administration; those annual goals should be the subject of progress updates from the administration based upon an adopted timetable.

One of the board’s primary responsibilities is participation in the fiscal management of the district, including allocation and alignment of financial resources, review and adoption of the budget, and authorization, investment and borrowing of funds, as necessary and required under the law. Other key roles for the BOE include: ensuring the district’s administrative rules and regulations and its practices are consistent with its policies; recruiting, hiring, and negotiating the contract(s) of the superintendent; preparing an annual performance review of the superintendent; approving all terms and conditions of employment contracts and benefits, including granting tenure and ratifying all collective bargaining agreements; and providing sufficient alignment of resources for professional development programs for administrators and staff to meet the district’s vision, goals, and policies.

The Role of the Individual Board Member

Each individual board of education member serves as a member of a corporate body and has no authority as an individual trustee unless supported by a quorum of the BOE or the full BOE. Every BOE member should be well-informed about district policy, practices, governance, procedures, facilities, financials, and all other relevant information so as to support best practices in the district.

Each trustee must, to the best of their abilities, attend all BOE meetings. The BOE functions as one body composed of individual members and, as such, is only able to be truly successful if all members are participating, debating, deliberating, and voting in public. Prior to a board meeting, each BOE member should read the agenda and supporting materials carefully. Meeting preparation is one of the most important responsibilities of a BOE member. To the extent possible, every BOE member should send BOE questions or requests about the meeting to the board president in advance of scheduled board meetings so as to further the “no surprise” courtesy. As appropriate, the BOE president will discuss these requests with the superintendent. If a BOE member must be absent from a meeting, they shall properly notify the BOE president of unavailability or absence as soon as possible.

Each individual BOE member is expected to participate in at least one BOE committee and attend all such committee meetings. Committees of the BOE are generally determined at the annual organizational meeting and take into account each BOE members’ strengths, interests, talents, and schedules. Each individual BOE member should make best efforts to attend student, district, and community events where possible to ensure the BOE is represented at such events.

Members of the BOE need to be careful about the manner in which they communicate with the public. BOE members shall clarify when speaking as a parent or private citizen and not as a BOE member,

especially by informing staff that they are acting as an individual parent when advocating for their children attending district schools. BOE members shall guide community members to follow the chain of command (i.e., teacher, principal or assistant principal, superintendent, BOE).

Individual trustees should not email the superintendent directly, unless requested by the president, in response to a request from the superintendent, or on a district matter of importance, which requires the board member to also copy the board president. The BOE president shall direct the superintendent to work on a project, with the support of a majority of the BOE or the full BOE.

Board members should relay substantive criticisms, complaints or suggestions to the full board and the superintendent. The superintendent and staff are expected to address the issue. Board members do not attempt to solve the problem or act as the intermediary between the school and the individual raising the question.

Upon being elected, each individual BOE member must participate in new board member orientation provided by NYSSBA and required by law, as well as other in-house education and training offered by the district. While the law states that board members have until the last day of their first term to complete their training, it is advisable for a new board member to go through their training by October 1 of their first year. In addition, it is expected that all members of the BOE will strive to commit to ongoing professional development, and to be well-informed about governance, policies, practices and protocols, so as to support best practices in the district. Each individual BOE member should try to participate in outside educational programs provided by NYSSBA, WPSBA, BOCES, or other entities, as well as legislative meetings.

BOE Officer Roles: President and Vice-President

Officers of the BOE shall be nominated and elected by the simple majority of the board at its annual organizational meeting held in July, 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 BOE are the president and vice president.

The BOE president shall provide governance leadership of the BOE in support of the district's mission and vision and plan its short-term and long-term goals.

The vice president shall act in the president's capacity in the event of the president's absence. If the vice president cannot be present, the president will arrange for another trustee to be present in lieu of the vice president.

The Role of the BOE President

The board president:

- Has no greater authority than any other board member, except for those responsibilities enumerated herein or by law (e.g., signing official documents);
- Serves as a liaison between the board and the superintendent;
- Actively seeks input from board members and works with the superintendent to set meeting agendas;
- Requests supporting documentation for agenda items in advance;

- Runs meetings in an orderly fashion, using parliamentary procedure. The board president encourages open discussion and deliberation and guides the board to reach decisions in a timely manner;
- Oversees public comment at public meetings on behalf of the district.
- Replies to written communications from the community on behalf of the board once the entire board has approved the response;
- To the extent there are sensitive or pressing issues to discuss, communicates with trustees by phone or email;
- Perform the usual and ordinary duties of the office, such as speaking on behalf of the BOE at events, including back to school, commencement, or other events (note: the president may delegate these duties to other trustees when necessary);
- Appoints members to committees (generally determined at the annual organizational meeting), through collegial board discussion and consensus, taking into account each BOE member's strengths, interests, schedules, and talents. Where no consensus can be reached, the president will exercise the final decision for committee appointments.
- Aggregates and edits all board member input for the superintendent's annual SuperEval performance review process.
- Supports processes that provide all BOE members with equal and timely access to the same information, whether by email, phone or in person;
- Signs contracts on behalf of the board;
- Serves as the liaison for the BOE to the superintendent of schools;
- Serves with the superintendent as the media contacts for the district;
- Welcomes the participation of community members at BOE meetings, while setting a tone of cooperation and mutual respect;
- Writes the president's message in the quarterly ValueEd newsletter;
- Delivers the president's report at the monthly regular meeting and furnishes a copy for the retention on the district website and/or BoardDocs.

The Role of the Superintendent

The superintendent is the chief executive officer of the Rye Neck Union Free School District with the right to speak on all matters before the BOE, but does not have the right to vote. The governance role of the superintendent is to focus on the means, determine the strategies to achieve short- and long-term goals, develop regulations for policy implementation, document and report progress, and recommend courses of action to address the stated goals. Management of day-to-day operations rests with the superintendent and the administrative team.

As a member of the Governance Team, the superintendent is responsible for addressing the following questions: *How are we doing the work to achieve the determined goals and mandates? When and where are we doing such work? Who is doing such work? How do we evaluate success?*

In carrying out the responsibilities of the office, the superintendent shall:

- Provide visionary, inspirational and ethical leadership to enable the district to continually improve the educational experiences of all students;
- Serve as the chief executive officer and be responsible for the administration of the district, specifically, academics and curriculum, finance, operations, human resources, student achievement, and district vision;
- Enforce all provisions of the law and all regulations/rules relating to the management of the schools;

- Recommend and carry out all policies adopted by the BOE and ensure that the rules, regulations, and directives of the BOE are enforced;
- Lead instruction and provide information to the BOE on such matters as standards, curricula, assessment, and other matters related to student learning progress;
- Prepare and assist with the preparation of periodic reports by administrators for the BOE to keep track of the progress of each BOE short-term and long-term goal-related activity or project, and as requested by the BOE;
- Hold a standing meeting, along with the president of the BOE, to answer questions from the BOE, review topics, and to help plan agendas for upcoming BOE meetings;
- Attend BOE meetings;
- Provide weekly updates to the BOE;
- Hold administrative and teaching staff accountable for attaining the short-term and long-term goals and objectives of the BOE as set forth in the Strategic Plan;
- Assess the needs of the schools, including capital improvements and repairs of facilities and fields, bond acquisitions, security and emergency requirements, transportation services, etc., and develop plans with BOE to address them;
- Recommend and manage annual and long-term fiscal plans, including preparing and presenting to the board a preliminary annual budget and ensuring that the budget, as adopted by the board and approved at the annual meeting, is properly administered;
- Supervise and direct the management and operations of all schools in the district, as well as all educational, social, and recreational activities;
- Supervise, manage, and assign all personnel with the assistance of administrative staff;
- Recruit, hire, evaluate, promote, discipline, and terminate staff in accordance with state law and district policies;
- Represent the district, in a role that includes the negotiation and approval of settlements and agreements, aided by counsel and other administrative staff, with regard to the collective bargaining agreement process and staff complaints and grievances;
- Establish and approve professional development programs for teachers and staff; delegate authority to other staff members to carry out superintendent's directives, and at all times have the final responsibility for carrying out the mandates of the district;
- Oversee an effective community relations program, including building collaborative relationships with business, civic and governmental groups, parents, and other residents;
- Communicate with counsel and share such discussions with the BOE as appropriate or required;
- Facilitate orientation for new BOE members and organize an annual BOE retreat or retreats as necessary and requested by BOE;
- Submit the data from the School Report Card and/or other such reports of student/district performance as prescribed by and in accordance with requirements of the commissioner of education;
- Carry out any other responsibilities as described in district policy.

Committee/Liaison Roles

The BOE may create committees to support and assist the BOE in the performance of its duties. Such committees must not interfere with the superintendent's delegated authority.

Committees are created through consensus of the BOE and are not decision-making bodies. Such committees may include policy, facilities, technology, and curriculum. They shall include at least one (1) BOE member as well as staff members who attend by invitation from the superintendent.

The BOE is required by law to have an audit committee. The audit committee is more fully described in the district policy manual.

The committee liaison or board committee members shall provide verbal updates at public BOE meetings. Updates will also be posted on the district's website or BoardDocs.

Committees shall help expedite the work of the BOE and serve to make recommendations to the BOE for it to discuss and act upon as a whole. The BOE may adopt, reject, or modify all or any part of a committee recommendation.

Committees shall be organized in accordance with its charter, adopted by board resolution, included in the district policy manual, and reviewed annually. Committees cannot exercise authority over the administration or staff.

II. Board Meetings

Time and Place of Meetings

Public board meetings generally take place in person two Wednesdays per month. Executive sessions may take place before or after meetings; special meetings may be called at other times. The district clerk assists the superintendent and president in the preparation of public BOE meetings. The district clerk keeps minutes of public BOE meetings. A draft of the minutes of school board meetings shall be made available to the public within two weeks of the date of the meeting. School board regular meetings are streamed live on LMC Media and are archived there for review after the meeting for those who cannot watch live. Planning sessions are recorded and posted on the district YouTube channel within one week of each session. Both are also retained on the district website.

Public Notice of Meetings

Public notice of meetings, including regular board meetings, work sessions, applicable committee meetings, and executive sessions shall provide the time and place of the meeting and shall be conspicuously posted on the district website.

Office Hours

Individuals who would like the opportunity to meet with two members of the board in a private setting to discuss issues and concerns may schedule office hours. These can be scheduled with the district clerk prior to 4:00 p.m. on the Friday before any scheduled board of education planning session.

Notice for Special Meetings

Any school board member has the authority to call a special meeting of the board. All special meetings of the board require a quorum of consent to meet. In accordance with education law, the board president must poll all board members as to whether they agree to a special meeting to ascertain whether a quorum exists, even if the board president does not agree to the meeting.

There is no requirement that the meeting's notice include a proposed agenda and although special meetings are ordinarily held to consider a single item of business, other items may be included in the agenda by consent of the board members present.

Meeting Dynamics

Public meetings should start promptly at their advertised starting time and, when possible, public business should be completed within two hours. Robert's Rules of Order (newly revised) govern meeting procedures. In both public meetings and executive sessions, BOE members will listen to their colleagues respectfully, as well as administrative and district staff, without interruption to ensure that each BOE member and staff members can express their points of view. The BOE president shall focus, facilitate, organize discussions, and determine next steps to ensure all BOE members may speak and be heard before follow-up(s) by BOE members who have already spoken on that topic. The BOE and administrative team will always model mutual respect and civility.

Public Participation

School boards have authority to adopt rules and regulations governing the opportunity for members of the public to speak in person at regular public BOE meetings. The Rye Neck UFSD Board of Education

welcomes public participation during the citizens' privilege of the floor and public comments periods scheduled on the meeting agenda. However, there is no statutory requirement that school boards must allow people attending the right to speak. When citizens' privilege of the floor and public comments are permitted, it is expected that civility and mutual respect will be exhibited by all present. The following procedures apply to public comment during public board meetings:

- The agenda will include a specified time for public comment;
- A sign-in sheet may be provided for members of the community that will include their name and topic;
- At each meeting, the BOE president will read policy 1230 (Public Participation at Board Meetings) prior to citizens' privilege of the floor. Members of the public will be asked to state their name and address and be advised that each person is entitled to a maximum of three minutes of speaking time in order to allow other community members time to speak; and
- Interruption of BOE discussion is not permitted. Members of the BOE shall not engage with the public nor respond to questions asked during a public forum. The BOE president shall acknowledge the speaker and direct next steps. (The superintendent or BOE president may respond should it be deemed appropriate and judicious, given the nature of the matter at hand.) The superintendent or BOE president also reserves the right to explain relevant details and provide responses to public input when appropriate.

Availability of Meeting Agendas and Supporting Documents

The BOE should receive the final agenda via BoardDocs no later than Friday preceding a regular Wednesday meeting. The public version of the final agenda as well as documents to be discussed at a regular public school board meeting must be made available to the public at least 24 hours in advance of the meeting. Electronic posting of the documents is sufficient. With respect to special meetings, agendas are suggested but not required by law; however, copies of documents to be utilized at the special meeting should be provided at or prior to the special meeting.

Consent Agendas

The Governance Team can agree to use a "consent agenda" at its BOE meetings. Using a consent agenda can save the BOE time at a public meeting. A consent agenda moves routine items along quickly so that the BOE has time to discuss other important issues, grouping routine business and reports into one agenda item. The consent agenda can be approved in one action, rather than filing motions on each item separately.

Executive Sessions

An executive session is a portion of a school board meeting that is not open to the public. A board may not take action in executive session except to vote on disciplinary charges against a tenured teacher. Board members must be careful to maintain confidential information acquired in executive sessions as a matter of legal responsibility.

In accordance with Open Meetings Law, all executive sessions shall be conducted during the course of a public meeting. Therefore the BOE must give appropriate notice of a public meeting and recess to executive session from the public meeting. Once the executive session concludes, the BOE must reconvene the public meeting before formally closing the business of the BOE.

Once the superintendent and BOE president have agreed that a discussion topic meets the legitimate legal standard for an executive session discussion, the president will call for a motion to recess into

executive session. A list of legitimate purposes for holding an executive session includes, but is not limited to, the following:

- i) Matters that will imperil the public safety if disclosed;
- ii) Matters that may disclose the identity of law enforcement agency or informer;
- iii) Information pertaining to a current or pending criminal investigation or prosecution of a criminal offense that would imperil law enforcement if disclosed;
- iv) Discussion regarding proposed, pending, or current litigation;
- v) Collective negotiations/collective bargaining;
- vi) The medical, financial, credit, or employment history of a particular person or corporation or matters leading to the appointment or employment or promotion or demotion or discipline or suspension or removal of a particular person or corporation;
- vii) The preparation, grading, or administration of exams;
- viii) proposed acquisition, sale, or lease of real property or securities, but only when publicity would substantially affect the value thereof.

III. Additional Information on the Role of Trustees

In order for the Governance team to function, established communication protocols need to be respected.

Questions from Trustees Prior to Board Meetings

Whenever possible, BOE members shall provide the superintendent and the board advance notice of any questions they intend to raise at a BOE public meeting. Such questions should be provided via email in advance of the BOE meeting to avoid surprises and to give the superintendent and the administrative team time to prepare responses

The superintendent will subsequently update the BOE about these questions and their answers in advance of the BOE meeting or as soon as possible, depending on the nature of or time required to address the request. If significant time or effort is required, the preparation of an answer to a specific question may require the approval of a majority of the BOE.

In addition, during the school year, whether or not a public meeting is scheduled the following Wednesday, the board will generally receive a written update from the superintendent. The superintendent's update includes district matters and is a vehicle for ensuring all BOE members are aware of the work of the entire BOE. The update answers any questions or issues that have arisen and provides a timetable for addressing such questions.

The president, when necessary, may supplement the superintendent's update with additional information with the goal of ensuring that all trustees are made aware of necessary facts simultaneously.

Board Process and the Setting of Meeting Agendas

The BOE president is ultimately accountable for the meeting agenda and for providing an orderly and efficient method of conducting the business of the BOE. The BOE president is accountable for the overall meeting length, including the number of agenda items and the time allotted to each topic.

As to the agenda: 1) preparation of the agenda is the responsibility of the superintendent; 2) the superintendent and the BOE president share the responsibility for final agenda setting, including consent agenda items; 3) should a BOE member have questions related to the agenda, the BOE member shall inform the BOE president and superintendent no later than Monday morning preceding the meeting, to the extent possible; and 4) supporting documentation to agenda items must be received by the district clerk in advance of board meetings so that it may be included when the agenda is shared.

Board Meetings

The president and superintendent will meet in person or over the phone or through email or video communication during the week prior to a BOE meeting to review the superintendent's proposed agenda. Some agenda topics proposed by BOE members may be added at this point to the extent that those subjects are practical; but many agenda items require preparation from the administrative team and cannot be added to the upcoming agenda. Thus, those topics may be scheduled for a future meeting.

The district clerk will share a draft of the agenda with the BOE as soon as it is set. Items will not be added to the agenda later than these time periods, unless the item is of an emergency nature and authorized by the superintendent in consultation with the board president. On an ongoing basis, BOE members may suggest additional agenda items to the president and superintendent. It is the mutual responsibility of the BOE president and BOE members to ensure that each member's agenda items are addressed in a timely fashion.

Board of Education Planning Sessions

BOE members may suggest agenda topics for planning sessions. It is the obligation of the president to follow up with the superintendent to either schedule the request or to respond to the board member as to why the topic will not be added to the agenda. BOE members shall respect that not all agenda topics will be scheduled either due to the lack of majority support or due to the priority of topics already scheduled. The president will share a list of board-generated agenda topics with the superintendent.

General Internal Communications

- All trustees must comply with Open Meetings Law and avoid deviating from factual communications to engage in personal commentary, render opinions, divulge confidential material, or make inflammatory statements;
- BOE members should never use their BOE email (nor their personal email or text messages) for any discussion of confidential matters, to debate issues before the board, to seek consensus, or to conduct a de facto BOE meeting;
- All BOE members, when posting on social media or otherwise commenting publicly about issues relevant to district business, must make clear that their comments are in their role as an individual and not being communicated in their role as trustee;
- BOE members may share ?on social media, without commentary;
- Information necessary to the board's work will be shared consistently with the full board and with the superintendent;
- BOE members may only engage in decision making at public board meetings and must be sure they do not meet informally as a quorum to converse about board business;
- BOE members should copy the BOE president on email communications prepared in their role as trustees, with the superintendent, staff, and/or members of the community;
- BOE members should relay substantive criticisms, complaints or suggestions to the full board and the superintendent. The superintendent and staff are expected to address the issue. Board members do not attempt to solve the problem or act as the intermediary between the school and the individual raising the question;
- When a BOE member has information requests for the administration, the BOE member generally should first go to the BOE president. The purpose of this is to avoid duplicative requests. The president seeks to maintain a reasonable balance of volume, content and tone in direct communication with the superintendent while avoiding the submission of duplicative questions. BOE members, if they choose to direct a question regarding district business to the superintendent, should copy the president (Note: as a general practice, BOE members should only communicate with the administration on matters related to BOE business through the superintendent, who will then relay them to the appropriate administrator, and provide a response; BOE members should not be directing questions to individual principals, directors, etc.);
- Any communication involving a quorum of the BOE must never evolve into a de facto meeting. Acceptable communications involving a quorum of the BOE would include the "FYI" posting of an article with no commentary or the posting of simple administrative information such as a reminder as to the time and place of an upcoming meeting or a reminder to check email or board docs for an update.

Courtesy and Respect of Board Members and Administration

Board members will be offered the same protections from violence, harassment, and discrimination as district staff and elected officials. As such, board members and administrators reserve the right not to respond to harassment, including but not limited to verbal, written, and other forms of harassment. Board member communications to and about community members, including but not limited to verbal, written, and other forms of communication, when in public or in executive session, should be conducted with respect befitting any other community members. Anyone who perceives themselves to be the victim of harassing behaviors is encouraged to contact the superintendent and memorialize these concerns.

Parent/Guardian Concerns Relayed to Board Members

- BOE members will direct parents or guardians who call with complaints to work up through the hierarchy by talking to the teacher, the assistant principal/principal, appropriate central office staff, and the superintendent before further involving BOE members;
- The superintendent will facilitate the problem solving, with staff assistance as necessary, and will include status reports on any parental and staff concerns initially sent to a BOE email or communicated through community comment at a public meeting in the superintendent's weekly update or in a letter to the full board;
- BOE members shall not attempt to solve the problem, including any fact finding;
- BOE members should not respond to complaints on social media.

Use of Board Email

- Members of the BOE will use the district-assigned email for all board-related communications;
- All emails and letters sent to the full BOE are automatically distributed simultaneously to the full BOE, the superintendent, and the district clerk;
- All emails and letters sent to individual member(s) of the BOE should be forwarded to the board president before a reply is sent;
- If a response to an email/letter is not possible within 48 hours, an acknowledgement of receipt should be sent to the writer with a message that a response will be forthcoming.

Board Member Relationship to Legal Counsel

The Board of Education shall retain legal counsel, who shall be appointed at the annual organizational meeting. This legal counsel will represent the board of education, and shall report directly to the board. The responsibilities of the school attorney are described in the district policy manual.

- At all times, the superintendent shall report to the board on any meaningful, non-routine legal matters and opinions that are sought or offered by legal counsel;
- Other than the board of education president, no member of the board of education shall contact the law firm, with the exception of committee assignments that require the participation of counsel or an inquiry directed to the firm that is exclusively focused on the committee assignment.
- Contact with the law firm by the board president must be communicated to the board and agreed to prior to outreach and must have a legitimate and potentially actionable purpose. As a practical matter, extreme emergencies that require the immediacy of counsel contact are understood as an exception to this practice.

- Because Rye Neck’s need for legal support has historically been limited, representation from the firm at board meetings is not required, unless special circumstances dictate. By contract, the firm will engage with the board in person, or virtually, at least four times per year in a legally-permitted executive session for status updates on all legal matters and work underway.

Media

- The superintendent, BOE president, or designee will serve as a spokesperson in response to media inquiries; the superintendent handles statements on behalf of the district; the BOE president handles statements on behalf of the BOE;
- All official statements of BOE positions, as well as related responses to media inquiries, come from the BOE president and/or superintendent (or their designees);
- All media inquiries received by BOE members should be forwarded or referred to the BOE president and/or the superintendent and the BOE should be alerted about this inquiry;
- When an occasion arises in which the superintendent or a BOE member should not be the spokesperson, the district will assign a public relations representative or legal counsel to speak on the district’s behalf.

IV. APPENDIX

APPENDIX TO EXECUTIVE TEAM GOVERNANCE HANDBOOK

Contents:

1. Key Statutes
2. Policies and Regulations
3. Collective Bargaining: A Primer for Board Trustees
4. Application of Open Meetings Law to Committee Meetings
5. New Board Trustee Orientation and Continuing Education
6. Guidelines for Meeting Minutes

1. Key Statutes Governing the BOE

THE BOE AS A CORPORATE BODY; TRUSTEES AS PUBLIC OFFICERS; NECESSITY OF QUORUM (Education Law § 1701; Public Officers Law § 10; General Construction Law § 41): As a public officer, a school board member takes an oath of office to uphold the law and to faithfully discharge his/her duties. As stated above, a school board is a corporate public body and as such can act only by a majority of the BOE. Individual BOE members have no inherent powers to act by reason of holding office. For the BOE to take any action a majority of the whole number of the board members shall constitute a quorum (four trustees) that is necessary in order for the board to exercise its power, authority or duty.

OPEN MEETINGS LAW (Public Officers Law § 100-111): The Open Meetings Law, often known as the “Sunshine Law,” gives the public the right to attend meetings of public bodies, listen to the debates and watch the decision making process in action. It requires public bodies to provide notice of the times and places of meetings, and keep minutes of all action taken. Because the school boards are public bodies, the Open Meetings Law requires school boards meetings where school district business will be discussed to be open to the public. Public business includes not only binding votes of the board, but also any activity that is preliminary to such a vote or involves consideration of a matter that could be the subject of board action.

FREEDOM OF INFORMATION LAW (FOIL) (Public Officers Law § 84-90): School districts’ records are subject to the Freedom of Information Law (FOIL) and the law defines “record” as “any information kept, held, filed, produced or reproduced by, with or for an agency...in any physical form whatsoever...” except records or portions of records that fall within one of several categories of deniable records. The Freedom of Information Law (FOIL) governs rights of access to government records, while the Open Meetings Law concerns the conduct of meetings of public bodies and the right to attend those meetings.

EXECUTIVE SESSIONS OF THE BOE (General Municipal Law § 805-a, Educ. Law § 1708 and Public Officers Law § 102-105): Generally, the BOE deals with numerous issues, some of which may not be disclosed publicly. This duty to maintain confidentiality provides, “no municipal officer may disclose confidential information acquired by him in the course of his official duties or use such information to further his personal interests” (General Municipal Law § 805-a). An executive session is a portion of the school board meeting that is not open to the public. It can take place only upon a majority vote of the

BOE taken at an open meeting. Executive sessions are permitted for only a limited number of specific purposes and with certain limited exceptions; no official action can be taken on issues discussed in executive session without first returning to open session. (Educ. Law § 1708 and Public Officers Law § 102-105). Permissible executive session topics are described elsewhere in this handbook on page 11 and in the district policy manual.

2. BOE Policies and Regulations

BOE policies are important and binding practices set in place by the BOE. A policy is a guide for discretionary action. It must be narrow enough to give clear guidance but broad enough to leave room for administrative discretion.

Adopting policy statements is the job of the BOE. Regulations for carrying out BOE policies are generated by the superintendent and other district administrators, in conjunction with the BOE.

Policies address a wide range of issues and are organized into sections within the policy binder. Those major sections are:

- 0000 – Philosophy, Goals and Objectives
- 1000 – Community Relations
- 2000 – School Board Governance and Operations
- 3000 – Administration
- 4000 – Instruction
- 5000 – Student Policies
- 6000 – Fiscal Management
- 7000 – Facilities Development
- 8000 – Support Services
- 9000 – Personnel

Policy Revision Procedure Policies shall be reviewed and revised on a regular basis by the Policy Committee. The Policy Committee shall consist of at least two BOE members, superintendent, and other administrators.

Once the Policy Committee has performed its review and revision responsibilities, it will make recommendations to the BOE in a planning session. Policies will then be put up for a “first read” at a public meeting. The board will not take any official action on any policy on first reading, unless a majority of the board decides that it is necessary to do so. At a subsequent meeting for a “second read,” not to occur sooner than 30 days after the “first read,” the policy will be presented as an action item to be accepted or rejected by a majority of a quorum of the BOE.

Recommendations for policy changes may come from New York State School Board Association and are based on changes in the law or responses to critical events happening in schools across the state and nation. Once the district receives such a recommendation, it is critical for it to review in order to ensure that the district’s policies are compliant with law and/or best practice.

Policy location ● https://boardpolicyonline.com/?b=rye_neck

3. New BOE Member Orientation and Ongoing Professional Development

BOE orientation will begin following the BOE election.

In addition to an initial orientation that can commence before the oath of office, new BOE trustees will have the opportunity to:

- Meet with the superintendent and legal counsel to review board protocols, Open Meetings Law, executive sessions, and to be educated on the critical business facing the school district;
- Meet with a current BOE trustee to review the Governance Handbook and learn about the role of the district clerk;
- Meet with each of the assistant superintendents, principals, and department directors to learn more about their respective major responsibilities and initiatives;
- Tour the school facilities with the superintendent, assistant superintendent for business and operations and/or director of buildings and grounds.

BOE members acknowledge that training is ongoing and continuous. If a BOE member requests or seeks information or knowledge in a certain subject area, it is the responsibility of that BOE member to make their request known to the superintendent. The superintendent shall take appropriate steps to ensure that the BOE member's information and/or education is satisfied or shall respond with a reasonable explanation of denial.

Newly-elected BOE members must successfully complete New York State mandated training by the end of their first year, preferably by October 1. This training covers the essentials of school BOE governance and a minimum of six hours in fiscal oversight, accountability, and fiduciary responsibilities. See NYSSBA (for both training programs) and WPSBA (for the essentials of school BOE governance). Where possible, members are encouraged to attend in-person training sessions. The district clerk will manage registrations for training sessions.

Newly elected BOE members are strongly encouraged to attend the WPSBA "Now That You've Been Elected" new board member workshop. All BOE members are encouraged to attend at least one WPSBA or NYSSBA seminar/workshop on "Negotiation" and "School Law." The district clerk will arrange for registration and payment of fees associated with the workshop.

4. Application of Open Meetings Law to Committee Meetings

(Note: Committee meetings described below are subject to the Open Meetings Law and as such must be open to the public unless items can be legally discussed in executive session requiring a public meeting at which those items would be moved into an executive session. The dates of any meeting subject to the Open Meetings Law shall be posted by the district clerk on the district calendar in advance of the meetings. For committee meetings subject to the Open Meetings Law, a member of each committee shall take minutes of the meeting and the minutes shall be posted no later than the committee liaison report at the BOE meeting. Any meeting that does not meet the criteria for a public committee meeting as described below will not be subject to the Open Meetings Law and its related requirements):

- Meetings of a committee or subcommittee consisting solely of board members that discuss or conduct District business.

- Meetings of a committee where a quorum of the board is present, which quorum may be established by non-committee board members joining the same table or meeting with committee board members to discuss district business.
- Meetings of advisory committees where the core committee membership, generally fifty percent or more, consists of board members.
- Meetings of district-wide shared-decision-making committees, to the extent that the board may not adopt a shared-decision-making plan without the committee's collaboration and participation.
- Meetings of school-based shared-decision-making committees where:
 - i) the district's shared-decision-making plan grants the committee decision-making authority;
 - ii) or the committee is authorized to make recommendations the board must consider before taking action, even when the board does not follow the recommendations.

5. Collective Bargaining: A Primer for New Board Members

RNUFSD has four different bargaining units:

- Rye Neck Teachers' Association (RNTA) (Assistants/Aides/Monitors Unit) - 7/1/2024 - 6/30/2028
- Rye Neck Teachers' Association (RNTA) (Teachers) (also participates in NYSUT, AFT #2971) - 7/1/2021 - 6/30/2025
- Rye Neck Clerical Association - 7/1/2023 - 6/30/2027
- CSEA Local 1000 AFSCME (Custodians) - 7/1/2022 - 6/30/2026

Collective Bargaining Process

- The Board of Education is the "Legislative body" charged with the duty of approving any additional monies necessary to fund the provisions of a successor collectively negotiated agreement. (Civil Service Law 204-a)
- Collective Bargaining Agreement ("CBA") is between the BOE and the Union. Defines terms and conditions of employment (e.g., workday, salaries, benefits, extra duties, and certain aspects of the performance evaluation process).
- BOE is vested with the sole authority to approve any increases in costs for wages/benefits.

Duty to Bargain in Good Faith

- Both parties must approach the table with a sincere desire to reach an agreement. This is a matter of intent (Lynbrook PBA, 10 PERB 3067 (1977)).
- Public Employment Relations Board ("PERB") looks to the intent of the parties in determining whether one or both of the parties has fulfilled the obligation to bargain in good faith:
 - Willingness to exchange proposals
 - Willingness to discuss the issues
 - Willingness to explain the rationale of negotiating positions upon request
 - Willingness to accommodate the idea of compromise
- "Hard bargaining" by either party is not a per se violation of good-faith bargaining
- It is proper for the BOE to submit demands to freeze or even decrease current levels of benefits.

Process of Negotiations

"Face-to-face" negotiations:

- a) Parties meet to exchange/discuss proposals
- b) Each party evaluates the merits/ implications of proposed changes and/or new approaches
- c) Each party offers counter proposals
- d) Primary goal is for both parties to reach common ground

Impasse/Mediation (There is a “Declaration of Impasse” to PERB that results in a need to go to Mediation) Fact Finding (A Mediator is Assigned)

a) Criteria used by PERB when impasse is declared:

- i) District’s ability to pay
- ii) Comparability- what are other districts in the area doing?

- Fact Finding
- Intense Mediation (“Superconciliation”) *** Non-binding arbitration for school districts as there is for law enforcement or firefighters.
- Triborough Amendment to Taylor Law (a response to the inability of teachers to strike).
- Applies to all terms of an expired contract.
- Increment or “step” movement a teacher receives each year until they reach “top” step must be honored even if the CBA has expired.
- “Lane” movement or the increase in pay for credits must be honored even if the CBA has expired.
- Triborough Amendment made such movement automatic regardless of whether the CBA is expired.

Confidentiality in Collective Bargaining

- BOE fiduciary responsibility is only met by confidentiality respecting bargaining positions and strategy.
 - Disclosing bargaining positions and strategy destroys the ability to bargain.
- Success requires BOE and negotiations team unity.
- Commissioner of Education: BOE members who reveal information discussed during an executive session properly convened by a majority of the board may be subject to removal. (Appeal of Nett and Raby, 45 Ed Dept Rep 259 (2005)); BOE member removed for “disclosing confidential information regarding collective negotiations under the Taylor Law...gained in the course of...participation as a board member in executive session” (In Re: Application of the Board of Education of the City School district of Buffalo v. Paladino, Dec. No. 17,417 (2017)).

6. Guidelines for Meeting Minutes

Formal minutes shall be taken at all school board meetings (Pub. Off. Law § 106 (1)). The minutes must consist of a record or summary of: all motions, proposals, resolutions, and other matters formally voted upon, and the result of any vote (Id.). Records of votes must include the final vote of each board member on every matter voted on (Pub. Off. Law § 87(3)(a)).

School boards have limited authority to take action in executive sessions. Where they do have such authority, the minutes of the executive session only need to contain a record of any final determination, the date, and the vote. They do not need to contain any matter that would not be available to the public under the Freedom of Information Law (Pub. Off. Law § 106 (2)).

Minutes of school board meetings must be made available to the public within two weeks of the date of the meeting. Minutes recording action taken by formal vote at an executive session must be made available within one week (Pub. Off. Law § 106 (3)). Minutes can be marked “Draft” if necessary to allow the board to meet the two week publication deadline. It should be noted that nothing in either the

Education Law or the Open Meetings Law requires a school board to approve meeting minutes. However, such an obligation may be imposed by policy.

Minutes may be amended to clarify what actually occurred at a meeting, but not to reflect a change of mind which occurred after the meeting. Minutes may be amended or corrected only upon the majority vote of the board; when a motion is made to rescind or amend minutes previously adopted, the rescission or amendment should be included in the minutes of the meeting at which it is made (see Robert's Rules of Order, 10th Ed., §§ 34, 47)