

**BOARD BY-LAWS**

*A. Powers and Duties of the Board of Education*

The powers and duties of the Board of Education are those set forth in the New York State Constitution, the laws of New York State, particularly the Education Law, the regulations of the State Commissioner of Education, and the Constitution and laws of the United States and related regulations.

*B. Meetings of the Board of Education*

1. Annual Organizational Meeting

On the first business day in January of each year, the Board shall hold its Annual Organizational Meeting, at which it shall select a president and vice president for a one-year term. The Clerk and Secretary to the Board shall serve as chairperson of the organizational meeting. All members of the Board shall be eligible for election as president and vice president. The chairperson shall request nominations, which need not be seconded. When nominations are closed, the chairperson shall conduct a roll call vote. At the completion of each roll call vote, the chairperson shall announce the result(s). Voting shall continue until one nominee obtains four or more votes.

2. Regular Business Meetings

Regular business meetings of the Board shall be held on the fourth Thursday of each month, or at such other day as the Board may select in its discretion, to commence at 6:30 p.m. When such Thursday falls on a legal holiday, such meeting shall be held on a date and at a time designated by the Board. Regular meetings shall be called in the manner and upon such notice as prescribed by subdivision one of Section 104 of the Public Officers Law.

3. Special Meetings and Board Study Sessions

A special meeting of the Board or a Board study session may be called at the discretion of the President or upon request of a majority of the members of the Board. A special meeting or a Board study session shall be called solely for consideration of one or more purposes specified in the call of the meeting. A special meeting or a Board study session shall be called in the manner and upon such notice as prescribed by subdivisions one and two of Section 104 of the Public Officers Law. Notice to members of the Board shall be by email, fax, telephone or personal delivery. A special meeting or a Board study session shall be held at a time and place that is reasonable under the circumstances prompting call of the meeting. Special meetings and Board study sessions shall be open to the public. Individuals may address the Board at special meetings under the rules set forth in Section B.10 of these By-Laws, except that no speaker may address an issue not specified in the call of the meeting. Individuals may not address the Board at study sessions.

## **Rochester City School Board Policy Manual**

### **4. Executive Sessions**

The Board may meet in executive session, at which only members of the Board, key staff members invited by the Superintendent, and such other individuals as the Board may choose may be present, during regular or special meetings upon the affirmative vote of four (4) or more members in favor of a motion to so meet, which also identifies the general area or areas of the subject or subjects to be considered.

### **5. Abstention**

No Board member shall abstain from voting on, or leave a meeting in order to avoid voting on, a resolution or motion unless to vote would, in the opinion of the Board member, violate the Rochester City School District Code of Ethics. Any member who wishes to abstain from voting shall make a brief statement of the reasons for abstaining when it is his or her turn to vote.

### **6. Quorum and Voting**

No official business shall be transacted at a meeting without a quorum, which requires four (4) of the seven (7) members of the Board to be present. A Board member may participate, vote, and otherwise transact business in the annual organizational, regular or special meetings of the Board using videoconferencing pursuant to Board policy 2350. Participation through the use of videoconferencing shall constitute presence for purposes of establishing a quorum.

An affirmative vote of four (4) or more members of the Board is required to enact any resolution. A majority of those members present (assuming a quorum) is required to adopt any parliamentary motion. Voting shall be by voice vote unless a roll call vote is mandated by law or requested by a member of the Board.

### **7. Place of Meetings**

All organization and business meetings of the Board shall be held at the official headquarters of the Board of Education, unless another place is designated by the Board in advance of the meeting. All reasonable efforts shall be made to ensure that any alternate place chosen for a meeting is equipped to permit barrier-free physical access to the physically handicapped.

### **8. Rules of Order for All Board Meetings**

Except for executive sessions, a Board member may speak on a topic under consideration when recognized by the Board President (or presiding officer). On each occasion in which the Board member is recognized, the Board member may speak for up to five minutes, unless a time extension is granted by the Board President (or presiding officer). A Board member may be recognized by the Board President (or presiding officer) any number of

## **Rochester City School Board Policy Manual**

times to speak on a topic under consideration, after other Board members have had an opportunity to speak on the topic.

The rules contained in “Robert’s Rules of Order, Newly Revised” 10th Edition (2000) or a more recently published version, shall govern the Board in all parliamentary procedure, except where these By-Laws apply. Legal Counsel to the Rochester City School District shall be the Board’s parliamentarian. The parliamentarian shall rule on all questions about the interpretation of these By-Laws and on all interpretations of Robert’s Rules of Order. The rulings of the parliamentarian shall be final.

### **9. Order of Business**

Unless another order of business has been established by the President or by a majority of the members of the Board for a specific meeting by notice given to each Board member at least seventy-two (72) hours prior to the Board meeting, the order of business for each Business meeting shall be as set forth below: Written materials to be considered by the Board at a regular business meeting shall be delivered to each Board member no later than forty-eight (48) hours prior to the meeting.

- I. Act of Reverence and Pledge of Allegiance to the Flag
- II. Acceptance of Minutes of previous meeting
- III. Speakers Addressing an Agenda Item and all Student Speakers
- IV. A written report from Superintendent of Schools as well as brief oral summaries, if any, of the report
- V. Reception of written Board Activity Reports, written Standing Committee Reports and written Reports of the Student Representative as well as brief oral summaries, if any of the reports.
- VI. Consideration of Resolutions
- VII. Unfinished Business from previous meetings
- VIII. New Business
- IX. Speakers on other than Agenda Items
- X. Adjournment

### **10. General Rules Applicable to Speakers**

Subject to the limitations contained in this section, individuals who have registered to speak by noon of the day of a business meeting may address the Board. No speaker who has not registered may address the Board. No individual may speak on behalf of a registered speaker. Each registered speaker may address the Board for up to three (3)

## **Rochester City School Board Policy Manual**

minutes regardless of the number of speakers. Speakers who wish to register shall contact the Office of the Board of Education and shall furnish their names, addresses and affiliations, if any, with the Rochester City School District, as well as the topic on which they propose to speak. At the time of registration, the speaker shall be informed whether his or her topic relates to a resolution or other items on the agenda. Speakers whose topics relate to resolutions or other items on the agenda shall be “Speakers Addressing an Agenda Item”. Speakers whose topics do not relate to an agenda item shall be “Speakers on Unrelated Topics”. However, all Students wishing to address the Board shall be heard as “Speakers Addressing an Agenda Item” regardless of their topic to allow for greater participation by our students. Speakers shall be heard in the following order:

Students

Parents

Community

Staff

Within each speaking group, speakers shall be heard in order of their registration. The total time for all speakers in any Business meeting shall not exceed sixty (60) minutes. The time limit will be strictly enforced by the President. Speakers who are unable to address the Board by reason of the time limit shall be heard at the next Business meeting of the Board.

### 11. Open Meetings Law

All meetings and executive sessions of the Board, and all meetings of Standing Committees of the Board, shall be conducted in accordance with the provisions of the State Open Meetings Law (Public Officers Law, Article 7), including the Law’s requirements with respect to public notice and minutes.

### C. *Officers of the Board of Education*

#### 1. President

Unless another Board member has been designated by the Board at the beginning of any meeting, the President of the Board shall preside at meetings of the Board; shall sign documents authorized by the Board and requiring the President’s signature; and shall enforce these rules and regulations governing the Board.

The President or his or her designate shall serve as the Board’s official liaison to the Mayor, the President of the City Council, and the heads of other governmental bodies unless the Board has chosen another Board member to act as liaison.

The President shall provide all the members of the Board (including the Superintendent of Schools) copies of all correspondence received and sent by the President relating to the

## **Rochester City School Board Policy Manual**

work of the Board and shall provide all members of the Board oral or written reports of all dealings with other elected officials.

When making public statements, either oral or written, on behalf of the Board, the President shall represent the position of the Board. Written public statements by the President shall be submitted to the Board in advance for review and approval by a majority of the Board.

The President shall appoint members of Standing Committees and Special Committees of the Board with the advice and consent of the Board, and representatives to organizations of which the Board is a member and for which Board representation is desirable or required. The President shall appoint a Board member mentor for the Student Representative.

The President shall convene the first meeting of each Board committee and shall preside over the committee until a chairperson is elected.

The President shall meet on a regular basis at mutually convenient times, with Board committee chairpersons and in consultation with the Superintendent of Schools to develop the work plan and to review progress of the work of each committee.

The President shall meet with the Superintendent of Schools on a regular basis at mutually convenient times to discuss and coordinate the presentation of resolutions for consideration by the Board at business meetings, and to review the implementation of Board directives and policies. The Board may designate other Board members to meet with the President and Superintendent of Schools on a regular basis. Minutes of the bi-monthly planning meetings with the Superintendent shall be provided to all members of the Board.

### **2. Vice President**

The Vice President shall act as President in the absence of the President, and shall serve as President if the office of President is vacated by the elected incumbent prior to the end of his or her term. If the office of the President or Vice President is vacated, the Board shall elect a new President for the balance of the term at a meeting held in accordance with the procedures set forth in Section B(1) of these Rules, within thirty (30) calendar days of the effective date of the vacatur.

### **3. Clerk**

The Clerk to the Board of Education shall provide public notice of the meetings of the Board, shall keep a record of the proceedings and minutes of the Board and of its committees, shall prepare the official correspondence and legal documents of the Board, and shall maintain files thereof. The Clerk shall maintain such other records and perform such other duties as may be required by the Board of Education.

## **Rochester City School Board Policy Manual**

### *D. Committees of the Board of Education*

1. The following Committees shall be Standing Committees of the Board of Education:
  - a. Policy Development and Review
  - b. Excellence in Student Achievement
  - c. Community and Intergovernmental Relations
  - d. Board Governance and Development
  - e. Finance and Resource Allocation
  - f. Audit
2. Each Standing Committee shall number three (3) members of the Board, and a majority of its members shall constitute a quorum.
3. Promptly after the Annual Organizational Meeting of the Board, members will submit to the President, in writing, their preferences for Standing Committee assignments.
4. The President shall appoint members of Standing Committees with the advice and consent of the Board as soon as practicable after the Annual Organizational Meeting, but in no event later than February 1 thereafter.
5. Each Standing Committee shall meet at the call of its Chairperson or a majority of the members at a time and place to be designated in the call of the meeting.

### *E. Student Representative*

1. Except for the Annual Organizational Meeting, the Student Representative designated under the Student Advisory Board Rules and Regulations of 1997, as amended from time to time, may attend and participate in any regular business meeting, special meeting, study session, committee meeting, or other meeting required to be open to the public under Article 7 of the Public Officers Law, as amended. The Student Representative may attend but may not participate in the Annual Organizational Meeting.
2. The Student Representative may not attend any meeting not required to be open to the public, except that the Student Representative may attend meetings relating to the hiring of a superintendent unless Legal Counsel to the District has issued a written opinion that the presence of the Student Representative could (a) jeopardize the rights or increase the obligations of the Rochester City School District or (b) require the meeting to be open to the public.

## **Rochester City School Board Policy Manual**

3. Except for the Annual Organizational Meeting, the Student Representative may participate in any meeting s/he is permitted to attend. Participation by the Student Representative shall mean the right to address issues before the Board, the right to cast an advisory vote immediately prior to the formal vote on those issues, and the right to propose motions during committee meetings and study sessions. The Student Representative shall not formally move or second any motion.

### **F. *Amendments***

These Rules and Regulations may be amended at any business or special meeting by the affirmative vote of four (4) members of the Board, provided that any proposed amendment shall have been submitted in writing to the members at a regular or special meeting at least one (1) week prior to the meeting at which the vote is taken.

### **G. *Previous Rules Superseded***

These Rules and Regulations, effective immediately, supersede all previous By-Laws of the Board. Furthermore, all previous rules, regulations, or resolutions of whatever nature, contrary to or inconsistent with these Rules and Regulations, are hereby declared null and void.

Note: Adopted February 5, 1998; revised December 5, 2002 pursuant to Resolution No. 2002-03: 452; revised June 19, 2003; amended July 28, 2011 pursuant to Resolution No. 2011-12: 102