

BOARD MEMBER AUTHORITY

Members of the Board of Education have legal authority for the conduct of the District schools only when acting as a body in a properly convened session. Board members acting as individuals have no authority over personnel or school. They shall neither direct nor request that employees and/or officers of the District perform their jobs or other tasks, either in oral or written communications, unless a duly approved resolution of the Board of Education directs them to do so.

Members of the Board are free to speak to individuals on school business issues outside of Board meetings, but such public expression is not to be construed as Board policy. Information from executive sessions must remain confidential at all times, unless release is appropriately authorized. The Board will not be bound in any way by any individual's statement or action unless the Board, through an adopted policy or by a majority vote of Board membership, has delegated this authority to the individual member.

When exercising their authority and individual rights, members of the Board are asked to be mindful of the impact their actions may have upon the mission of the Board and the operation of the School District.

School Visits by Individual Board Members

Whenever possible, advance notice of school visits by individual Board of Education members shall be given to the building principal. Unless provided with authority of the Board to represent the Board, individual Board members have no more authority than other individual citizens.

When a Board member makes such a visit to a District school, he/she must notify the principal upon entering the building in the same manner as every visitor to a school building and follow all other procedures for visitors. Prior to such a visit, the Board member should contact the Superintendent of Schools, as he/she may either add some suggestions to make the Board member's visit more meaningful or notify other Board members who might also like to observe a school program. Any concerns or opinions of the visiting Board members related to the educational program in individual school buildings shall be directed to the Superintendent by the affected employee and the visiting Board member. When visiting schools, Board members are not to accept food service meals without paying, roam freely on their own nor to engage in prolonged visits which keep staff preoccupied and away from regular duties.

Employees are to immediately notify the Superintendent if individual Board members give them directives, criticize District personnel, attempt to undermine established authority or chain of command or communication procedures or otherwise engage in behavior outside the authority of any other individual citizen.

In the event that a Board member is a parent, he/she is entitled to exercise all of the prerogatives of a parent in accessing school programs and personnel, but should be clear in their statements and representations to employees and/or officers of the District when they are speaking in the capacity of parent and when they are speaking in the capacity of a Board member.

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BOARD MEMBER AUTHORITY (Cont'd.)

Requests for Information

Before asking for materials, Board members are advised to ask questions of the Superintendent, rather than soliciting the raw data or information which is often time consuming and costly to produce. The Superintendent may be able to answer a question without a lengthy investigation or help the Board member frame the question so as to get an appropriate answer.

All individual Board member requests for information or data will be conveyed to the entire Board with the disposition of the matter. If information is supplied to one Board member it shall be supplied to all Board members at roughly the same time - usually in a weekly packet. Board members are expected to communicate to each other and to the Superintendent their reaction to information requests, especially those which they believe inappropriate.

Board members who have information requests that are directly related to Board business items or considered to be related to Board business items (e.g., recent and upcoming agenda items, old business, new business, etc.) should request such information through the District Clerk and the Superintendent of Schools. If the information being sought is beyond the scope of Board business items, the Board members shall be so informed and, then, may seek to access such information in the same manner as any other person. If the information being requested imposes a significant burden upon staff time and resources, the Board member will be so informed by the Superintendent of Schools or his/her designee, whereupon such information may only be accessed by the Board member acting in that capacity, with the Board's approval. This provision of policy is not intended to compromise the individual rights of persons serving as Board of Education members, but is intended to facilitate the orderly and efficient functioning of the several administrative offices of the School District.

Access to Personnel Files

A member of the Board may review employee personnel records provided that:

- a) The Superintendent is requested in advance to present the file at a regularly scheduled open meeting of the Board;
- b) The file is reviewed during an executive session in the presence of a majority of the Board or their designee;
- c) The personnel records are returned in their entirety to the Superintendent at the conclusion of the executive session; and
- d) No reproduction of the records is made and no written notes are taken of the contents of employee personnel records.

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BOARD MEMBER AUTHORITY (Cont'd.)

The information contained in such records shall only be used by the Board for the purpose of aiding Board members in decisions regarding personnel employment matters, such as appointments, assignments, promotions, demotions, remuneration, discipline or dismissal; development and implementation of personnel policies; or such other uses as are necessary to enable the Board to carry out its legal responsibilities.

The policy principles expressed hereinabove, shall be deemed to have the same force and effect as law. Any willful violation of the same by a member of the Board of Education shall be subject to a probable cause determination by the whole Board, and may be sanctionable through a petition to the Commissioner of Education seeking the removal from the Board of Education of the violating Board member(s), under Section 306 of the New York State Education Law.

Education Law Sections 306 and 1708
8 New York Code of Rules and Regulations
(NYCRR) Part 84

NOTE: Refer also to Policies #2130 -- Resignation and Dismissal
#2250 -- Committees of the Board
#2350 -- Board-Staff Communications
#2160 -- School District Officer And Employee Code Of Ethics

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