§ 1604. Powers and duties of trustees. It shall be the duty of the trustees of a common school district, and they shall have the power:

1. To call special meetings of the inhabitants of such district whenever they shall deem it necessary and proper.

2. To give notice of special, annual and adjourned meetings in the manner prescribed in this chapter, if there be no clerk of the district, or he be absent or incapable of acting, or shall refuse to act.

3. To make out a tax-list of every district tax voted by a district meeting, or authorized by law, which shall contain the names of all the taxable inhabitants residing in the district at the time of making out the list, and the amount of tax payable by each inhabitant, as directed in article seventy-one of this chapter.

4. To purchase or lease such schoolhouse sites and other grounds to be used for playgrounds, or for agriculture, athletic center and social center purposes, and to purchase or build such schoolhouses, as a district meeting may authorize; to hire temporarily such rooms or buildings as may be necessary for school purposes; and to purchase such implements, supplies and apparatus as may be necessary to provide instruction in agriculture, or to equip and maintain play-grounds, and to conduct athletic and social center activities in the district, when authorized by a vote of a district meeting.

5. To have the custody and safe-keeping of the district schoolhouses, their sites and appurtenances.

6. To insure the school buildings, furniture and school apparatus in an insurance company created by or under the laws of this state, or in an insurance company authorized by law to transact business in this state, and to comply with the conditions of the policy, and raise by a district tax the amount required to pay the premiums thereon.

7. To insure the school library in such a company in a sum fixed by a district meeting, and to raise the premium by a district tax, and comply

with the conditions of the policy.

7-a. In their discretion to insure pupils against damage occasioned because of accidental personal injuries sustained while participating in physical education classes, intramural and interscholastic sports activities, in such a company, and raise by district tax the amount required to pay the premiums thereon.

7-b. In their discretion, to purchase insurance against accidents to pupils occurring in school, on school grounds, while being transported between home and school in a school bus as defined in section thirty-six hundred twenty-one, and during sponsored trips.

8. To appoint and enter into contract with a superintendent of schools as provided in, and consistent with, section seventeen hundred eleven of this chapter, and to employ in accordance with, and subject to, the provisions of section three thousand twelve of this chapter as many legally qualified teachers as the schools of the district require; to determine the rate of compensation of each teacher and to determine the terms of school to be held during each school year, and to employ persons to supervise, organize, conduct and maintain athletic, playground and social center activities when they are authorized by a vote of a district meeting as provided by law. The regular teachers of the school may be employed at an increased compensation or otherwise, and by separate agreement, written or oral, for one or more of such additional duties.

9. To establish rules for the government and discipline of the schools of the district.

10. To prescribe the course of studies to be pursued in such schools. Provisions shall be made for instructing pupils in all schools supported by public money, or under state control, in all subjects in which such instruction is required to be given under the provisions of article seventeen of this chapter.

11. To pay the schools moneys apportioned to the district by giving

orders on the county treasurer, or on the collector or treasurer of such district when duly qualified to receive and disburse the same.

12. To collect by district tax an amount sufficient to maintain school in the district for the current school year, including any judgment rendered against the district, after deducting from the aggregate amount required for this purpose the amount of school moneys in the hands of the county treasurer, collector or treasurer of the district and to pay the same by written orders on such district collector or treasurer.

13. To draw upon the county treasurer, the collector or treasurer of the district, when duly qualified to receive and disburse the same, for the school moneys, by written orders signed by the sole trustee, or where there are three trustees, signed by a majority of said trustees; provided, however, that in common school districts employing ten or more teachers and having a treasurer and a board of three trustees, by resolution duly adopted, the board may authorize one voucher-order check to be drawn in the total amount of a duly certified payroll for the salaries of regularly appointed employees and officers legally entitled to be compensated for their services; the proceeds of such voucher-order payroll check shall be credited to a payroll account from which checks shall be signed only by the treasurer of the district and drawn payable to individual employees or officers legally entitled to be compensated for services.

14. To keep each of the schoolhouses under their charge, and its furniture, school apparatus and appurtenances, in necessary and proper repair, and make the same reasonably comfortable for use, but shall not expend therefor without vote of the district an amount to exceed one hundred dollars in any one year.

15. To make any repairs and abate any nuisances, pursuant to the direction of the district superintendent as herein provided, and provide fuel, stoves or other heating apparatus, pails, brooms and other implements necessary to keep the schoolhouses and the schoolrooms clean, and make them reasonably comfortable for use, when no provision has been made therefor by a vote of the district, or the sum voted by the

district for said purposes shall have proved insufficient.

16. To provide for all janitorial work in and about the school buildings, and pay reasonable compensation therefor.

17. To provide bound blank-books for the entering of their accounts, the records of the district and the proceedings of district and trustee meetings, and a list of the movable property of the district and they shall deliver such books to their successors in office.

18. To expend in the purchase of a dictionary, books, reproductions of standard works of art, maps, globes or other school apparatus, including implements, apparatus and supplies for instruction in agriculture, or for conducting athletic playgrounds and social center activities, a sum not exceeding fifty dollars in any one year, without a vote of the district.

19. To establish temporary or branch schools in such places in the district as shall best accommodate the children, and to hire rooms or buildings therefor and to fit up and furnish such rooms or buildings in a suitable manner for conducting school therein when it is shown:

a. That any considerable number of the children residing in a portion of the district are so remote from the schoolhouse as to render it difficult for them to attend school in such schoolhouse in inclement weather, or

b. That the schoolhouse is overcrowded and proper accommodations are not afforded all the children of the district, or

c. That for any other sufficient reason suitable and proper school facilities are not provided by the existing school accommodations.

20. To provide transportation, home-teaching or special classes, as defined under sections forty-four hundred one and forty-four hundred two of this chapter for physically or mentally handicapped and delinquent children. Such transportation, home-teaching or special classes, when

provided pursuant to this subdivision, shall be granted to all such children irrespective of the school they legally attend.

21. To purchase and maintain, when authorized by a vote of the qualified voters of the school district, a motor vehicle or vehicles to be used for the transportation of the school children of the district. Such motor vehicle or vehicles may be leased to another school district when not needed for such transportation. Likewise when not so needed such motor vehicle or vehicles may be leased to a school district or a municipality as defined in section two of chapter five hundred fifty-six of the laws of nineteen hundred forty-five, for the purpose of transporting children and instructors in connection with (a) a recreation project or a youth service project operated by one or more municipalities or by a school district, if such project is authorized and approved by the state youth commission, or (b) a youth bureau or agency or activity or project of a county, town, city or village which is devoted to the welfare of youth therein or to providing leisure-time activities for youth or assistance to children, as authorized in section ninety-five of the general municipal law, or (c) one or more playgrounds and neighborhood recreation centers operated and maintained by one or more cities except New York, Buffalo and Rochester, counties except Erie and the counties within the city of New York, towns or villages, whether or not any school board or district joins in such operating and maintaining, as authorized in section two hundred forty-four-b of the general municipal law. In any case when such motor vehicle shall be leased as provided in this subdivision, public liability and property damage insurance, fire insurance and compensation insurance of drivers shall be provided and collision insurance shall be provided in the amount of the value of the vehicle, to protect the lessor. The additional cost of such insurance shall be paid by the lessee. No part of the costs and expenses resulting from operation, maintenance and repair of such vehicles during the leasing thereof shall be included in determining the amount of any form of state aid received by such school district.

21-a. To lease a motor vehicle or vehicles to be used for the transportation of the children of the district from a school district,

board of cooperative educational services or county vocational education and extension board or from any other source, under the conditions specified in this subdivision. No such agreement for the lease of a motor vehicle or vehicles shall be for a term of more than one school year, provided that when authorized by a vote of the qualified voters of the district such lease may have a term of up to five years, or eight years for the lease of zero-emission school buses as defined in section thirty-six hundred thirty-eight of this chapter. Where the trustee or board of trustees enter into a lease of a motor vehicle or vehicles pursuant to this subdivision for a term of one school year or less, such trustee or board shall not be authorized to enter into another lease for the same or an equivalent replacement vehicle or vehicles, as determined by the commissioner, without obtaining approval of the qualified voters of the school district.

21-b. a. The trustees are authorized to provide regional transportation services by rendering such services jointly with other school districts or boards of cooperative educational services. Such services may include pupil transportation between home and school, transportation during the day to and from school and a special education program or service or a program at a board of cooperative educational services or an approved shared program at another school district, transportation for field trips or to and from extracurricular activities, and cooperative school bus maintenance.

b. The trustees are authorized to enter into a contract with another school district, a county, municipality, or the state office of children and family services to provide transportation for children, including contracts to provide such transportation as regional transportation services, provided that the contract cost is appropriate. In determining the appropriate transportation contract cost, the transportation service provider school district shall use a calculation consistent with regulations adopted by the commissioner for the purpose of assuring that charges reflect the true costs that would be incurred by a prudent person in the conduct of a competitive transportation business.

22. To pay any judgment levied against the district and in the event

there are no moneys otherwise available, to levy a tax upon the taxable property of the district to pay the same.

23. To contract with any person, corporation or other school district for the conveyance of pupils residing within the district, when authorized to do so under subdivision nineteen of section two thousand twenty-one, by vote of the inhabitants of the district entitled to vote, or to contract for the operation, maintenance and garaging of motor vehicles owned by the district, in accordance with such rules and regulations as such trustees may establish, consistent with the regulations of the commissioner of education. Upon authorization by a school district meeting, every such contract of transportation may be made for a period not exceeding five years, notwithstanding any provision of any other law inconsistent herewith.

24. To furnish lighting facilities, janitorial care and supervision for highway underpasses when authorized to do so by vote of a district meeting under the provisions of subdivision twenty of section two thousand fifteen of this chapter.

25. To provide school health services, as defined in subdivision two of section nine hundred one of this chapter, to all children in attendance upon schools under their supervision and to pay any expense incurred therefor.

26. To establish a petty cash fund for the use of the principal, teacher or clerk of the school district for the payment, in advance of authorization, of properly itemized bills for materials, supplies or services furnished to the school district under conditions calling for immediate payment to the vendor upon delivery of any such materials or supplies or the rendering of any such services. The amount of such a petty cash fund and the method of handling same shall be in accordance with regulations established by the commissioner of education.

27. To reimburse members of the teaching and supervising staff for expenses actually and necessarily incurred in the performance of their official duties and to make such rules and regulations in relation

thereto as they shall deem necessary and proper. Such rules and regulations may include the establishment of a mileage rate for the use of personally owned cars for such purpose in lieu of auditing and allowing claims for actual and necessary expenses of travel.

28. To provide, maintain and operate a cafeteria or restaurant service for the use of pupils and teachers while in school and for the use by the community for school related functions and activities and to furnish meals to the elderly residents, sixty years of age or older, of the district. Such utilization shall be subject to the approval of the board of education. Charges shall be sufficient to meet the direct cost of preparing and serving such meals, reducible by available reimbursements.

29. To prescribe the text-books to be used in the schools, and to compel a uniformity in the use of the same, pursuant to the provisions of this chapter, and to furnish the same to pupils out of any moneys provided for that purpose.

29-a. To develop a plan to ensure that all instructional materials to be used in the schools of the district are available in a usable alternative format for each student with a disability, as defined in section forty-four hundred one of this chapter, and for each student who is a qualified individual with a disability as defined in the rehabilitation act of nineteen hundred ninety-three (29 U.S.C. 701) as amended, in accordance with his or her educational needs and course selection, at the same time as such instructional materials are available to non-disabled students. As part of such plan the trustee or board of trustees shall amend its procurement policies to give a preference in the purchase of instructional materials to vendors who agree to provide materials in alternative formats. For purposes of this subdivision, "alternative format" shall mean any medium or format for the presentation of instructional materials, other than a traditional print textbook, that is needed as an accommodation for a disabled student enrolled in the school district, including but not limited to Braille, large print, open and closed captioned, audio, or an electronic file in an approved format, as defined in the regulations of the commissioner. When an electronic file is provided, the plan shall

specify how the format will be accessed by students and/or how the district shall convert to an accessible format. Such plan shall identify the needs of students residing in the district for alternative format materials. Such plan shall also specify ordering timelines to ensure that alternative format materials are available at the same time as regular format materials. Such plans shall include procedures to address the need to obtain materials in alternative format without delay for disabled students who move into the school district during the school year.

30. To have in all respects the superintendence, management and control of the educational affairs of the district, and, therefore, shall have all the powers reasonably necessary to exercise powers granted expressly or by implication and to discharge duties imposed expressly or by implication by this chapter or other statutes.

31. To provide workmen's compensation coverage as provided in the workmen's compensation law for all teachers and other employees for injuries incurred in actual performance of duty.

31-a. In its discretion, to provide under a group insurance policy or policies issued by any insurance company or insurance companies authorized to do business in this state or under a group contract issued by one or more corporations subject to article forty-three of the insurance law, life insurance or accident and health insurance benefits or medical and surgical benefits or hospital service benefits or any two or more of such kinds of benefits to teachers and other employees of the school district who participate in a plan or plans, as hereinafter provided. The disbursing officer of the school district is authorized to deduct from the salary of such participant with his prior consent, in writing, the sums representing the participant's share of the premium or premiums which are payable by such officer to such insurance company or corporation. Such board of education is authorized to pay from such moneys as are available for the purpose, a share of the cost of such benefit or benefits in such amount as is required to be paid under such group insurance policy or policies or group contract or contracts by the board of education, as employer. The sum to be paid by the board of

education under such policy or policies or contract or contracts, in the discretion of such board may be any percentage of the total cost of the benefit or benefits including the whole thereof.

31-b. In their discretion, to purchase insurance against personal injuries incurred by an authorized participant in a school volunteer program, including but not limited to, those authorized participants who assist on school buses, school sponsored transportation to and from school, or on school sponsored field trips or any other school sponsored activity; provided, however, that the injuries were incurred while the authorized participant was functioning either within the scope of his or her authorized volunteer duties or under the direction of the board of education, trustee, or board of cooperative educational services, or both.

32. In its discretion, and with the written consent of any employee, to deduct from the salary of such employee such amount as may be agreed to by such employee for payment to any credit union doing business in the state of New York as such employee may designate. Any such written authorization may be withdrawn by such employee at any time.

33. In his discretion to contract with a social services district pursuant to subdivision three of section four hundred ten of the social services law to furnish day care for children on behalf of the social services district.

34. To appoint a district clerk, and a district treasurer, where such office is not filled by election pursuant to section two thousand twenty-one of this chapter, to serve the district during each school year, or until a successor is appointed.

35. a. In their discretion, to adopt a resolution establishing the office of claims auditor and appoint a claims auditor who shall hold his or her position subject to the pleasure of such trustees. In its discretion, the trustees may adopt a resolution establishing the office of deputy claims auditor who shall act as claims auditor in the absence of the claims auditor. Such claims auditor shall report directly to the

trustees. No person shall be eligible for appointment to the office of claims auditor or deputy claims auditor who shall also be:

(1) a trustee of the school district;

(2) the clerk or treasurer of the school district;

(3) the superintendent of schools or other official of the district responsible for business management;

(4) the person designated as purchasing agent; or

(5) clerical or professional personnel directly involved in accounting and purchasing functions of the school district.

b. Such claims auditor or deputy claims auditor shall not be required to be a resident of the district, and the positions of claims auditor and deputy claims auditor shall be classified in the exempt class of the civil service. The trustees, at any time after the establishment of the office of claims auditor or deputy claims auditor, may adopt a resolution abolishing such office, whereupon such office shall be abolished. When the office of claims auditor shall have been established and a claims auditor shall have been appointed and shall have qualified, the powers and duties of the trustees with respect to claims auditing, and allowing or rejecting all accounts, charges, claims or demands against the school district, shall devolve upon and thereafter be exercised by such claims auditor during the continuance of such office. The trustees shall be permitted to delegate the claims audit function to one or more independent entities by using (1) inter-municipal cooperative agreements, (2) shared services to the extent authorized by section nineteen hundred fifty of this title, or (3) independent contractors, to fulfill this function.

c. When the trustees delegate the claims audit function using an inter-municipal cooperative agreement, shared service authorized by section nineteen hundred fifty of this title, or an independent contractor, the trustees shall be 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.

36. In its discretion to provide that the proceeds of the sale or

appropriation of school district real property shall, after being used for any legally required purpose be used to reduce real property taxes in such district for a period not to exceed ten school years, or such lesser period as it may direct. Such proceeds may be invested and any interest obtained may also be used for such purpose. Such reserve fund shall be invested and reinvested pursuant to the provisions of subdivision two of section sixteen hundred four-a of this article.

37. In their discretion and in compliance with rules and regulations of the commissioner promulgated pursuant to section one hundred one-a of this chapter, to give written notice to the family court pursuant to subdivision four of section seven hundred fifty-eight-a and subdivision four of section 353.6 of the family court act of the desire of the school district to act in the supervision of certain juveniles while performing services for the public good.

38. To offer monetary rewards, in sums not to exceed one thousand dollars, to individuals for information leading to the arrest and conviction of any person or persons for felonies or misdemeanors directly connected to vandalism of district property. Such rewards may be offered on any conditions such trustees may determine, subject to whatever qualifications it may deem appropriate.

39. a. Shall require, for purposes of a criminal history record check, the fingerprinting of all prospective employees pursuant to section three thousand thirty-five of this chapter, who do not hold valid clearance pursuant to such section or pursuant to section three thousand four-b of this chapter or section five hundred nine-cc or twelve hundred twenty-nine-d of the vehicle and traffic law. Prior to initiating the fingerprinting process, the prospective employer shall furnish the applicant with the form described in paragraph (c) of subdivision thirty of section three hundred five of this chapter and shall obtain the applicant's consent to the criminal history records search. Every set of fingerprints taken pursuant to this subdivision shall be promptly submitted to the commissioner for purposes of clearance for employment.

b. Upon the recommendation of the superintendent, the trustees may

conditionally appoint a prospective employee. A request for conditional clearance shall be forwarded to the commissioner along with the prospective employee's fingerprints, as required by paragraph a of this subdivision. Such appointment shall not commence until notification by the commissioner that the prospective employee has been conditionally cleared for employment and shall terminate forty-five days after such notification of conditional clearance or when the prospective employer is notified of a determination by the commissioner to grant or deny clearance, whichever occurs earlier, and may not be extended or renewed unless the commissioner issues a new conditional clearance after finding that there was good cause for failing to obtain clearance within such period, provided that if clearance is granted, the appointment shall continue and the conditional status shall be removed. Prior to commencement of such conditional appointment, the prospective employer shall obtain a signed statement for conditional appointment from the prospective employee, indicating whether, to the best of his or her knowledge, he or she has a pending criminal charge or criminal conviction in any jurisdiction outside the state.

c. Upon the recommendation of the superintendent, the trustees may make an emergency conditional appointment when an unforeseen emergency vacancy has occurred. When such appointment is made, the process for conditional appointment pursuant to paragraph b of this subdivision must also be initiated. Emergency conditional appointment may commence prior to notification from the commissioner on conditional clearance but shall terminate twenty business days from the date such appointment commences or when the prospective employer is notified by the commissioner regarding conditional clearance, whichever occurs earlier, provided that if conditional clearance is granted, the appointment shall continue as a conditional appointment. Prior to the commencement of such appointment, the prospective employer must obtain a signed statement for emergency conditional appointment from the prospective employee, indicating whether, to the best of his or her knowledge, he or she has a pending criminal charge or criminal conviction in any jurisdiction. An unforeseen emergency vacancy shall be defined as: (i) a vacancy that occurred less than ten business days before the start of any school session, including summer school, or during any school session,

including summer school, without sufficient notice to allow for clearance or conditional clearance; (ii) when no other qualified person is available to fill the vacancy temporarily; and (iii) when emergency conditional appointment is necessary to maintain services which the district is legally required to provide or services necessary to protect the health, education or safety of students or staff. The provisions of subparagraph (i) of this paragraph shall not apply if the trustees find that the district has been unable to fill the vacancy despite good faith efforts to fill such vacancy in a manner which would have allowed sufficient time for clearance or conditional clearance.

d. Shall develop a policy for the safety of the children who have contact with an employee holding conditional appointment or emergency conditional appointment.

40. Shall upon commencement and termination of employment of an employee by the district, provide the commissioner with the name of and position held by such employee.

41. Where the district has provided transportation to students enrolled in such district to a school sponsored field trip, extracurricular activity or any other similar event, it shall provide transportation back to either the point of departure or to the appropriate school in the district, unless the parent or legal guardian of a student participating in such event has provided the school district with written notice, consistent with district policy, authorizing an alternative form of return transportation for such student or unless intervening circumstances make such transportation impractical. In cases where intervening circumstances make transportation of a student back to the point of departure or to the appropriate school in the district impractical, a representative of the school district shall remain with the student until such student's parent or legal guardian has been (a) contacted and informed of the intervening circumstances which make such transportation impractical and (b) such student had been delivered to his or her parent or legal guardian.

42. a. To enter into a lease, sublease or other agreement with the dormitory authority providing for the financing or refinancing of all or a portion of the school district capital facilities or school district capital equipment in accordance with section sixteen hundred eighty of the public authorities law and with the approval of the commissioner. Such lease, sublease, or other agreement may provide for the payment of annual or other payments to the dormitory authority, and contain such other terms and conditions as may be agreed upon by the parties thereto, including the establishment of reserve funds and indemnities. For purposes of this subdivision, school district capital equipment shall have the meaning ascribed thereto in section sixteen hundred seventy-six of the public authorities law.

b. Notwithstanding any provisions of law to the contrary, the dormitory authority and the trustee or board of trustees are hereby authorized and empowered to perform any and all acts and to enter into any and all agreements necessary or desirable to effectuate the purposes of this subdivision.

* 43. To pass a resolution, in the discretion of the board of such district, authorizing the entering of an agreement with a county, city, village or town within such district, for the installation and use of school bus photo violation monitoring systems pursuant to section eleven hundred seventy-four-a of the vehicle and traffic law, provided that the purchase, lease, installation, operation and maintenance, or any other costs associated with such cameras shall not be considered an aidable expense pursuant to section thirty-six hundred twenty-three-a of this chapter.

* NB Repealed December 1, 2029

44. To establish a charitable fund, by resolution of the trustees, to receive unrestricted charitable monetary donations made to such fund for use by the district for public educational purposes. The monies of such charitable fund shall be deposited and secured in the manner provided by section ten of the general municipal law. The monies of such charitable fund may be invested in the manner provided by section eleven of the general municipal law. Any interest earned or capital gain realized on the money so invested shall accrue to and become part of such fund. At

such time and in such amounts as determined by the trustees, the monies of such charitable fund shall be transferred to the school district's general fund for expenditure consistent with the charitable purposes of the fund, provided that the amount of taxes to be levied by the school district for any school year shall be determined without regard to any such transfer. The school district shall maintain an accounting of all such deposits, interest or capital gain, transfers, and expenditures.

Any expenditure made or liability incurred in pursuance of this section shall be a charge upon the district.