§ 2503. Powers and duties of board of education. Subject to the provisions of this chapter, the board of education:

1. Shall perform any duty imposed upon or exercise any power granted to boards of education of city school districts or union free school districts or trustees of common school districts under this chapter or other statutes, or the rules of the regents and regulations of the commissioner of education so far as they may be applicable to the school or other educational affairs of a city school district, and not inconsistent with the provisions of this article.

2. Shall prescribe such regulations and by-laws as may be necessary to make effectual the provisions of this chapter and for the conduct of the proceedings of said board and the transaction of its business affairs, for the general management, operation, control, maintenance and discipline of the schools, and of all other educational, social or recreational activities and other interests under its charge or direction.

3. Shall 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.

4. a. Shall establish and maintain such free elementary schools, high schools, training schools, vocational and industrial schools, technical schools, night schools, part-time schools, vacation schools, schools for adults, schools for physically or mentally handicapped or delinquent children or such other schools or classes as such board shall deem necessary to meet the needs and demands of the city.

b. May maintain public libraries pursuant to section two hundred fifty-five of this chapter, or may contract with any public library or any free association library registered by the regents pursuant to section two hundred fifty-six thereof; may organize and maintain public lecture courses; and shall establish and equip such playgrounds,

recreation centers and social centers as the board from time to time shall deem proper.

c. Shall authorize the general courses of study which shall be given in the schools and shall approve the content of such courses before they become operative.

d. Shall authorize and determine the textbooks to be used in the schools under its jurisdiction; and shall regulate the admission of pupils and their transfer from one class, or grade to another as their scholarship shall warrant; and shall determine the school where each pupil shall attend.

5. Shall create, abolish, maintain and consolidate such positions, divisions, boards or bureaus as, in its judgment, may be necessary for the proper and efficient administration of its work; shall appoint properly qualified persons to fill such positions, including a superintendent of schools, such associate, assistant and other superintendents, directors, supervisors, principals, teachers, lecturers, special instructors, medical inspectors, nurses, claims auditors, deputy claims auditors, attendance officers, secretaries, clerks, custodians, janitors and other employees and other persons or experts in educational, social or recreational work or in the business management or direction of its affairs as said board shall determine necessary for the efficient management of the schools and other educational, social, recreational and business activities; and shall determine their duties except as otherwise provided herein.

6. Shall have the care, custody, control, safekeeping and maintenance of all school property or other property used for educational, social or recreational work of the district, and shall prescribe rules and regulations for the preservation of such property. This subdivision shall not apply to property used for social or recreational programs of municipalities not established or maintained exclusively for educational purposes.

7. Shall purchase and furnish such apparatus, maps, globes, books,

furniture and other equipment and supplies as may be necessary for the proper and efficient management of the schools and other educational, social and recreational activities and interests under its management and control; and may, without authorization by the voters, provide textbooks or other supplies to all the children attending the schools of such city school district.

7-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 board of education 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.

8. Shall lease, for such term as may be necessary, and equip property when necessary for the purpose of furnishing school accommodations for

the schools of the district and may enter into leases or lease-purchase agreements under the same terms and conditions as may boards of education of union free school districts. To be eligible for aid pursuant to subdivision six of section thirty-six hundred two of this chapter, any such lease or lease-purchase agreement shall be approved by the commissioner prior to execution; the leased space shall meet requirements for access by individuals with disabilities to both facilities and programs, as defined in regulations of the commissioner; the requirements set forth in paragraphs a, b, c, d and f of subdivision one of section four hundred three-b of this chapter shall be met; in the case of a lease-purchase agreement the requirements of section one hundred three-b of the general municipal law shall be met; and the leased space shall be used to house programs for pupils in grades prekindergarten through twelve, other than programs funded pursuant to section forty-four hundred ten of this chapter, with minimal associated administrative and support services space as approved by the commissioner.

9. a. Shall promote the best interests of the schools and other activities committed to its care, and shall authorize, or in its discretion conduct, and maintain such extra classroom activities, including the operation of cafeterias or restaurant service for use by pupils and teachers, as the board, from time to time, shall deem proper. Such cafeterias or restaurant service may be used 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, and shall be subject to voter approval unless the cafeteria or restaurant service was operated during the preceding school year and requires no tax levy. Charges shall be sufficient to meet the direct cost of preparing and serving such meals, reducible by available reimbursements.

b. For the purposes of this section, a general organization of students of a school conducted under the rules and regulations of the board of education or with its approval, and engaged in extra classroom activities other than the operation of a cafeteria or restaurant service

shall be known as a student organization. Moneys received or derived from carrying on such extra classroom activity shall be subject to the use and disposition of such student organization under rules and regulations prescribed by the board of education, which rules and regulations may require the deposit of such moneys with an official designated therein.

10. May compensate, in its discretion, teachers and other employees for loss of personal property but shall 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.

10-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.

10-b. In its 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.

11. Shall 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.

12. Shall provide by contract or otherwise for the transportation of children to and from any school or institution of learning whenever in its judgment such transportation is required because of the remoteness of the school to the pupil or for the promotion of the best interests of such children; and, in the case of an enlarged city school district, shall provide such transportation to children residing outside the city limits and may, in its discretion, provide transportation for children residing within the city limits. Any such contract may be made for a period of not exceeding five years, notwithstanding any provision of any charter or other provision of law inconsistent herewith. Provided that the cost of such transportation:

a. to and from schools within the school district for distances greater than two or three miles, as applicable, and to and from schools outside the district within the mileage limitations prescribed in paragraph a of subdivision one of section thirty-six hundred thirty-five of this chapter shall always be an ordinary contingent expense, and

b. for distances less than two or three miles, as applicable, or for greater than fifteen miles to and from schools outside the district shall be an ordinary contingent expense if: (i) such transportation was provided during the preceding school year and the qualified voters have not passed a special proposition constricting the mileage limitations

for the current school year from those in effect in the prior year, or (ii) the qualified voters have passed a special proposition expanding the mileage limitations in effect in the prior year.

12-a. May lease a motor vehicle or vehicles for the transportation of children of the district under the same terms and conditions as the board of education of a union free school district.

13. Shall provide, outside the territorial limits of the city school district but within the state, for the education of children resident within the city school district whenever in the judgment of the board of education, approved by the commissioner of education, the health or welfare of such children makes such provision necessary or desirable. The average daily attendance of such pupils shall be included in the average daily attendance of such district as certified to the commissioner in the report of the board of education

14. Shall call special district meetings of the qualified voters of the district, whenever it shall deem it necessary and proper, except as otherwise provided in section twenty-six hundred one-a of this chapter; shall give notice of special or annual elections; and shall submit propositions to the voters at such special or annual meetings.

15. Shall appoint and compensate a school district clerk, who shall also be the clerk of the board of education, and a school district treasurer, who shall hold their respective offices during the pleasure of the board. It shall be the duty of the school district treasurer to maintain detailed accounting records showing the status of each appropriation, provided however that the board of education may delegate such duty to an employee designated for such purpose. No city officer shall be appointed to any such office, unless the common council or other legislative body of the city shall give its consent thereto in writing.

16. Shall have power to contract with the city, subject to the approval of the commissioner of education in all cases where such use, according to a rule established by such commissioner, might affect the

educational program, for the use of agencies, employees and facilities of the city, paying to the city its agreed proportion of the compensation or costs but no agreement therefor shall be made for a period longer than five years.

Notwithstanding the foregoing provisions, a city school district which employs the facilities and services of the civil service commission of the city in which it is located in whole or in part shall pay a fractional part of the actual annual expenditures for such civil service commission on or before the first day of November in each year. The numerator of such fraction shall be the number of classified civil service employees of the city school district multiplied by the amount of expenditures for such commission during the city's previous fiscal year, and the denominator shall be the total of the number of classified civil service employees of the city and the city school district. For the purpose of making such computation the numbers of classified civil service employees as shall appear on the payrolls of the city and the city school district for the final payroll period in December of the preceding year shall be used.

17. 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.

18. 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 board 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 board 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 board finds 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.

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

20. 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.

* 21. To pass a resolution, in the discretion of the board of such district, authorizing the entering of an agreement with the city 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