

SCHOOL BOARD MEMBERS

Qualifications

To qualify to be member of the Board of Education, an individual: must be able to read and write; must be a qualified voter of the district, that is, a citizen of the United States, at least 18 years old; must be and have been a resident of the school district for at least one year immediately prior to the school election; may not have been removed from any school district office within the preceding year; may not reside with another member of the board as a member of the same family; may not be a current employee of the board; and may not simultaneously hold another incompatible office.

Oath of office

Newly elected or appointed board members must take the constitutional oath of office within 30 days of the commencement of their term of office. The oath shall be filed with the district clerk. Members who are reelected to the board must take the oath at the beginning of their new term of office, just as at the beginning of the first term they held. Board officers must take the oath each year at the time of their appointment or reappointment.

Resignation

A member of the Board of Education may resign from office: (1) by filing a resignation at a district meeting, or (2) by filing a written resignation with the district (BOCES) superintendent, which becomes effective only upon the approval of the district superintendent and filing with the district clerk, or (3) by delivering to or filing a written resignation with the district clerk. The effective date of the resignation may not be more than 30 days after its proper filing.

Removal from office

A member of the Board of Education may be removed from office by the Commissioner of Education for willful violation or neglect of duty, or for the willful disobedience of a law or a decision, order or regulation of the Commissioner of Education or Board of Regents. A board member may be removed from office by the Board of Education for official misconduct, that is, misconduct clearly relating to a board member's official duties. This occurs when a board member engages in an unauthorized exercise of power or intentionally fails to exercise power to the detriment of the district.

Vacancies

In addition to the timely expiration of a board member's term of office, vacancies on the board may occur due to death, incapacity, resignation, moving to a residence outside the district, removal from office, or refusal to serve. A vacancy on the board may also be declared if it is clearly established that a member has deliberately failed to attend three consecutive meetings without sufficient excuse.

Filling a vacancy

The Board of Education has the power and duty to fill vacancies. The board may call a special election to fill a vacancy within 90 days after it occurs, and the person elected will hold office for the duration of the vacated term. Alternatively, the board may appoint a qualified person to fill a vacancy, and the person so appointed will hold office until the next annual election of board members.

Adopted March 7, 2005.

Prior Policy 2121 "Board Member Qualifications" adopted Feb. 26, 1996, amended Aug. 7, 2000, repealed March 7, 2005; prior Policy 2122 "Board Member Oath of Office" adopted Feb. 26, 1996, repealed March 7, 2005; prior Policy 2130 "Board Member Resignation" adopted Feb. 26, 1996, repealed March 7, 2005; prior Policy 2140 "Board Member Removal from Office" adopted Feb. 26, 1996, repealed March 7, 2005; prior Policy 2150 "Unexpired Term Fulfillment" adopted Feb. 26, 1996, repealed March 7, 2005.

Reference:

Education Law: Sections 2012, 2102, 2103 (board member qualifications); Section 2111 (resignation); Section 1706 (removal by commissioner of education); Section 1709(18) (removal by board); Section 2109 (declaration of vacancy); Sections 1709(17), 1804(1), 2113 (filling a vacancy).

Public Officers Law: Sections 10, 30 (oath of office); Section 31(l)(h), (2), (3), (5) (resignation).