

## 6. School Board Members

### Qualifications

#### 6:1. What are the qualifications for membership on a school board?

To qualify for membership on a school board in a common, union free, central, central high school, or small city school district, an individual:

- Must be able to read and write (§ 2102).
- Must be a qualified voter of the district; that is, a citizen of the United States, at least 18 years of age or older, and not adjudged to be an incompetent (§§ 2102, 2012, 2502(7); *Elec. Law § 5-106(6)*). (Note: a convicted felon is barred from running for a seat on a school board if his or her maximum prison sentence has not expired or if he or she has not been pardoned or discharged from parole (*Elec. Law § 5-106(2)-(4)*).
- Must be and have been a resident (but need not be a taxpayer) of the district for a continuous and uninterrupted period of at least one year (30 days in the city of Rensselaer (§ 2502(9-a)(d)) immediately before the election (§§ 2102, 2502(7), (9)(d); *Appeal of Baleno*, 30 Ed Dept Rep 358 (1991)).
- May not have been removed from any school district office within the preceding year (§ 2103(2)).
- May not reside with another member of the same school board as a member of the same family (§ 2103(3); *Rosenstock v. Scaringe*, 40 N.Y.2d 563 (1976)).
- May not be a current employee of the school board (§ 2103(4); see **6:3, 6:11**).
- May not simultaneously hold another incompatible public office (*Matter of Schoch & Betheil*, 21 Ed Dept Rep 300 (1981); see also **6:6-11**).

In large city school districts, different rules of law and/or exceptions to the above rules may govern membership on the school board (see §§ 2553(1), 2590-b(1)(a), (7)(d)).

© *School Law*  
*36th Edition*

## 5. School Board Members

### Required Training

#### 5:18. Are school board members required to take any kind of training?

Yes. Every school board member elected or appointed is required to take six hours of training on fiscal oversight, accountability, and fiduciary responsibilities within the first year of his or her term (§ 2102-a(1)(a)). Once the training is completed it does not need to be repeated if a board member is re-elected (NYS Education Department, *Accounting and Auditing, Board Member Training* (updated Oct. 2010), at: [http://www.p12.nysed.gov/mgtserv/accounting/board\\_train.html](http://www.p12.nysed.gov/mgtserv/accounting/board_train.html)).<sup>170</sup>

In addition, every school board member elected or appointed for a first term beginning on or after July 1, 2011, must complete within the first year of his or her term general training on the powers, functions and duties of school boards, and the powers and duties of other governing and administrative authorities affecting public education (§ 2102-a(1)(b)). School board members seated or appointed before July 1, 2011, are not required to undergo this general training (§ 2102-a(1)(c)). Both requirements do not apply to board members of the City School District of the City of New York so long as the chancellor certifies that the city has a training program that meets or exceeds the requirements of the law (§ 2102-a(4)).

The curriculum used for training on fiscal oversight, accountability and fiduciary responsibilities must be approved by the commissioner of education, in consultation with the comptroller. The curriculum for the general training must be approved by the commissioner. The required training may be taken together in a single course or separately. The training must be provided by a provider approved by the commissioner (§ 2102-a(2)). Proof of completion of the training received from the provider must be filed with the district clerk. Any expenses incurred for the training are a lawful charge upon the district (§ 2102-a(3)).

Failure to complete the mandatory training within the time period required by law can subject a board member to removal from the school board (*Appeals of Stepien & Lilly*, 47 Ed Dept Rep 388 (2008)).

© *School Law*  
36th Edition

**School Board Members**  
**Powers and Duties**

**Powers and Duties**

**5:16. What are the powers and duties of a school board?**

A school board has no inherent powers and possesses only those powers expressly delegated by statute or necessarily and reasonably implied therefrom (*Appeal of Woodarek*, 46 Ed Dept Rep 1 (2006), *petition dismissed*, (Sup. Ct. Albany Cnty. May 22, 2007); *Appeal of McKenna*, 42 Ed Dept Rep 54 (2002); *Appeal of Rosenkranz*, 37 Ed Dept Rep 330 (1998); *Appeal of Bode*, 33 Ed Dept Rep 260 (1993)).

The general powers and duties of school boards are outlined in the Education Law, which assigns different powers and duties to different types of school districts, some of which are common to various types of districts, others of which are specific to a single type of district. Figure 1 below lists the different types of school districts and the Education Law sections that govern their respective responsibilities.

Fig. 1	
School Board Responsibilities	
Type of school district	Education Law section
common school districts	1604
union free school districts	1709
central school districts	1804
central high school districts	1903
small city school districts	2503
large city school districts	2554
New York City Panel for Educational Policy (formerly, the central board)	2590-g
New York City community district educational councils	2590-e

Additional powers and duties may be found in other state laws such as the General Municipal Law, the Local Finance Law, the

Real Property Tax Law and the Public Officers Law, as well as in federal law and regulations, and the state education commissioner's regulations.

However, all school boards are similar in that they are responsible for the education of the children residing in their respective districts.

Generally, school boards are responsible for the admission, instruction, discipline, grading, and, as appropriate, classification of students attending the public schools in their districts; for the employment and management of necessary professional and support staff; and for purchasing, leasing, maintaining, and insuring school buildings, properties, equipment, and supplies (see generally § 1709). With the exception of large city school districts, they also must present a detailed statement of estimated expenditures (i.e., the proposed budget) for the ensuing school year, which must be submitted to the district voters annually for approval (§§ 1608, 1716, 2022, 2601-a; see also **18:1-13, 15:1**).

In addition, school boards are the only charter entity authorized to receive and approve an application for the conversion of one of their existing public schools into a charter school (§ 2851(3)(a), (c)). For more information on charter schools, see **chapter 3**.

Consistent with law, school boards also have the authority and duty to adopt whatever policies, rules, and bylaws they deem will best meet their statutory responsibilities and secure the best educational results for the students in their charge (see, e.g., §§ 1709(1), (2), 2503(2)), including rules and regulations concerning the order and discipline of the schools (§ 1709(2); *Appeal of Anonymous*, 48 Ed Dept Rep 503 (2009); see also **5:32-35**).

Special rules govern the adoption of bylaws and regulations by the city board, the chancellor, and the individual community education councils in New York City (§§ 2590-d(1), (2), 2590-g).