

2300 BOARD OF EDUCATION MEMBERSHIP

The Board of Education of the Herricks Public Schools shall consist of five (5) members serving three (3) year staggered terms. The terms of office shall be arranged so that no more than two members' terms expire in any single year.

They are chosen by election at the annual meeting of the School District at the same time that the voters of the School District vote on the annual School District budget.

Vacancies on the Board of Education are considered separate specific offices and the nominating petition shall note the specific seat (incumbent's name, if any) for which the candidate is nominated. No person may be nominated by petition for more than one separate office. The candidate who receives a plurality of the votes cast for each specific vacancy shall be declared duly elected.

Board of Education Member Qualifications

Candidates for the office of Board of Education member must be a resident of the School District for at least one year prior to the election. They must be able to read, write, and be a qualified voter of the School District. No more than one member of a family¹ may be a member of the same Board of Education in any School District.

A Board of Education member may not hold another public office which is incompatible with his or her Board of Education service. A Board of Education member who has been removed from office is ineligible to be appointed or elected to the School District office for one (1) year from the date of removal.

No employee of the School District may be a member of the Board of Education, except as permitted by law.

Nomination of Candidates

Candidates for the office of Board of Education member must be nominated by petition, signed by at least twenty-five (25) qualified voters of the School District or two percent of the number of voters who voted in the last previous annual election, whichever is greater. The petition must state the residence of each signer, the name and residence of the candidate, whether such candidate is nominated for a full term or for the unexpired portion of another's term, and the specific office for which a candidate is nominated.

Petitions must be filed with the District Clerk, between the hours of 9 a.m. and 5 p.m., no later than the thirtieth (30th) day prior to the School District election. However, on the last day for the filing of petitions, petitions may be filed between the hours of 9 a.m. and 5 p.m.

The Board of Education shall direct the District Clerk to publish in the notice of the Annual District Election and Public Hearing, a notice stating that petitions nominating candidates for the office of member of the Board of Education must be filed in accordance with Education Law, as described above.

Each vacancy on the Board of Education shall be a separate specific office. No person may be nominated by petition for more than one separate office. However, residents may sign petitions for more than one candidate.

The Board of Education may reject nominations if the candidate is ineligible or has declared an unwillingness to serve. In the event a nominee for election withdraws and then attempts to reenter, such person may not be considered a candidate unless a new nominating petition is filed.

If a candidate for whom a nominating petition for the office of member of a board of education has been duly filed withdraws such petition, dies or becomes otherwise ineligible to hold such office at a time which is later than fifteen (15) days before the last day for the filing of nominating petitions, the time for filing nominating petitions for such office shall be extended to 5:00 p.m. on the fifteenth day after the day on which such candidate withdrew, died, or otherwise became ineligible to hold such office, provided that no such nominating petition may be filed after 5:00 p.m. on the seventh day preceding the date of the election.

Order of Names on Ballot

The order of names and candidates on the ballot will be determined by lot. The District Clerk shall conduct the drawing one day after the final date for filing.

Campaign Expenditure Statements

Any candidate for election to the Board of Education shall file sworn statements with the District Clerk and the Commissioner of Education setting forth all moneys or valuable things, paid, given, expended or promised by the candidate, or incurred for or on the candidate's behalf with the candidate's approval to aid the candidate's nomination or election or to aid or influence the nomination or defeat of another candidate.

If the candidate's expenditures were zero or if total expenditures incurred by others on the candidate's behalf and with the candidate's approval did not exceed \$500, the candidate shall not be required to file any statements with the Commissioner of Education; however such candidate shall file with the District Clerk a sworn statement that the candidate's election expenditures did not exceed five hundred (\$500) Dollars and contributions received did not exceed five hundred (\$500) dollars.

A first statement shall be filed on or before the thirtieth day next preceding the election. A second statement shall be filed on or before the fifth day next preceding the election. A third statement shall be filed within twenty days next succeeding the election.

Election of Board of Education Members

The election of members of the Board of Education shall be held on the third Tuesday in May, unless this date conflicts with religious observances on that day, in which case it shall be held on the second Tuesday in May. The polls shall be open for those hours designated by the School District.

Oath of Office

Members of the Board of Education are required to take and file an oath of office pursuant to the Constitution and Laws of New York State before assuming office or entering upon the discharge of their official duties.

"I do so solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of New York, and that I will faithfully discharge the duties of the office of _____ according to the best of my ability."

Members of the Board of Education who are reelected must take the oath again following reelection. Officers of the Board of Education, such as the President, Vice President, District Clerk and District Treasurer must be administered the oath every year following their appointment.

Oaths shall be administered at the annual reorganizational meeting by the District Clerk, President of the Board of Education, or other authorized person. Such oaths shall be filed with the District Clerk. The minutes of the reorganizational meeting reflect that the oath has been administered.

Board Member Removal

A Board of Education member may be removed from office by the Commissioner of Education according to [Education Law, §306](#) or by the Board of Education according to subdivision 18, [§1709 of the Education Law](#).

The Board of Education may declare a vacancy if a member moves out of the School District or has failed to attend three successive meetings of which he/she has been duly notified, without good and valid reason in the judgment of the majority of the Board.

Resignation of Board Member

A Board of Education member may resign from office at any time by submitting a letter of resignation to the District Clerk. The letter of resignation is self-executing, and takes effect upon delivery or filing, except where a later date is specified. If an effective date is specified, such date may not be more than thirty (30) days after the filing date.

Filling of Board Vacancies

The Board of Education has the power to fill any vacancy, by a majority vote, which may occur on the Board of Education by reason of death, resignation, removal from office from the School District, or refusal to serve, of any member or officer of the Board of Education. The person so appointed in the place of any such member of the Board of Education shall hold his/her office until the next annual election of Board of Education members. The unexpired term of the office will then be filled by election.

The Board of Education shall have the power to call a special School District election for the purpose of filling the unexpired term of office or a member of the Board of Education.

Board Officers

The President and Vice-President of the Board of Education shall be elected by members of the Board of Education at the annual reorganization meeting in July.

Duties of the President of the Board

In addition to his/her duties as a Trustee of the Board of Education, the duties of the President of the Board of Education shall be as follows:

1. to schedule and preside at all meetings;
2. to call special meetings he/she considers necessary or on request of one member of the Board;
3. to appoint committees with the advice of fellow Board of Education members;
4. to act as an ex-officio member of all committees;
5. to execute all documents on behalf of the Board of Education;
6. to act as the official spokesperson for the Board of Education concerning any actions of the Board of Education; and
7. to exercise all other powers and perform all other duties pertaining to the Office of President.

Duties of the Vice President

The Vice-President shall assume all the duties of the President in his/her absence.

New Board of Education Member Orientation

When a new member is elected or appointed to the Board of Education, he/she shall receive assistance in order to become acquainted with the current status of programs, issues, and goals of the School District. Within a reasonable period after the election, but prior to July 1, any new Board of Education member(s) shall be provided with an opportunity to meet with the Board President and/or Vice President and Superintendent of School for an orientation.

Contracts under negotiations and other materials of a confidential nature shall not be provided until after the Board-member elect has taken the oath of office.

Upon election, the Board member-elect shall be invited to attend all public meetings of the Board as a non-voting observer and receive all appropriate Board documents until formally taking office.

Board of Education Member Training

Members of the Board of Education elected or appointed shall, within the first year of their term, complete a minimum of six (6) hours of training on the fiscal oversight, accountability and fiduciary responsibilities of a Board of Education member. Such training may be offered as part of a general course of training for the purpose of educating Board of Education members on their powers, functions, and duties. New members elected or appointed to the Board of Education must also complete within the first year of their term a training course to acquaint them with the powers, functions and duties of boards of education, as well as the powers and duties of other governing and administrative authorities affecting public education.

Each member shall demonstrate compliance with this requirement by filing with the School District Clerk a certificate of completion of such course issued by the provider. Actual and necessary expenses incurred in complying with this requirement shall be advanced by the School District or reimbursed to the Board of Education member upon the presentment of documentation reflecting the amount incurred and paid for the by the Board of Education member.

Cross-ref:

Ref:

[Education Law §§1709\(17\); 2102; 2102-a; 2103; 2109; 2113; 2121; 2122; 2130](#)

Adoption Date: February 2, 2017

Revised: December 9, 2021

Herricks Union Free School District

Footnotes

1. defined as those within the same household.