FILLING BOARD VACANCIES

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

Legal Requirements for Filling Board Vacancies

Union Free and Central School Districts: Under Education Law §§1709(17); 1804(1); and 2113(3), the Board has a legal duty to fill a vacancy. The Board can choose one of the following three options to fill an immediate vacancy, or it can adopt a policy on the method to be used now and in the future. The Board’s options are:

1. The Board can call a special election within 90 days after the vacancy occurs. The person so elected fills the remainder of the unexpired term.

2. The Board can appoint a qualified person, upon a vote of the majority of the whole board, to fill the seat only until the next regular election (see Exhibit 2150-E for methods of selecting this individual). At the next regular election, the candidate receiving the next-highest number of votes (as appropriate) begins to serve the remainder of that term.

3. If the vacancy occurs very close to the next regular election, the Board can leave the seat vacant and wait until the election. However, the BOCES District Superintendent can fill the seat after 90 days.

Ref: Education Law §§ 1709(17); 2113

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