

## SCHOOL BOARD LEGAL STATUS

In accordance with the New York State constitution, the Legislature has delegated the responsibility for public education to the local Boards of Education. By custom, the State has permitted the development of provisions of education locally. As a result the Elwood Union Free School District Board of Education represents not only the people of the Elwood Union Free School District but the entire State in its relationship to the local school system.

The courts have consistently held that the school district is an independent unit of government. Because the school district derives its powers from the provisions made by the State Legislature, it is subject to the restrictions of the Legislature and agencies designated by the Legislature.

The Board of Education is a five-member Board elected by district residents. Each member of the Board serves for three years. The terms of office of Board members shall not all expire in the same year. Board members are responsible for school district management and policy-making.

The legal status of the Board is that of a corporate body established pursuant to the laws of New York State. Any liability of the district is a liability of the Board of Education as a corporation and not that of the members of the Board as individuals.

Members of the Board of Education have legal authority for the conduct of the district schools only when acting as a body in a properly convened session. Board members acting as individuals have no authority over personnel or school affairs.

The Board will not be bound in any way by any individual's statement or action unless the Board, through an adopted policy or by a majority vote of Board membership, has delegated this authority to the individual member.

The Board is entrusted with the responsibility of developing policies under which the district is managed. In addition, the Board has all the powers and duties stated in the Education Law and other applicable New York State law.

Complete and final authority on all district educational matters, except as restricted by law, will be vested in the Board.

Ref: Education Law §§1604; 1604-a; 1701; 1702; 1703; 1708; 1709; 1710  
1804(1); 2101(2); 2105

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