

RESIGNATION, DISMISSAL, FILLING VACANCIES

I. Resignation

- A. A Board of Education (the Board) member may resign under Public Officers Law § 31 by delivering to or filing a written resignation with the District Clerk. The District Clerk must notify the Board and the State Board of Elections. A Board member's resignation shall become effective as indicated in the letter of resignation or if no effective date is specified, then immediately upon the filing with the District Clerk. In no event shall the effective date be more than thirty (30) days after its proper filing. A written and signed resignation received attached to an e-mail is acceptable absent clear evidence that the e-mail was sent inadvertently by mistake, or not by the Board member resigning.
- B. Alternatively, a Board member may resign under Education Law §2111 by resigning at a District meeting. Such Board member shall also be deemed to have resigned if they file a written resignation with the Oneida-Herkimer-Madison BOCES District Superintendent and who must approve and file with the District Clerk.

II. Dismissal

- A. A Board member may be removed from office by the Commissioner of Education for willful violation of any provision of law, neglect of duty, or willfully disobeying any decision, order or regulation of the Commissioner in accordance with applicable statutory provisions and due process.
- B. It shall be the duty of each member of the Board to attend all meetings of the Board and, if any member shall refuse to attend three consecutive meetings of the Board after having been regularly notified and a satisfactory cause for each non-attendance is not shown, the Board may proceed to declare that office vacant.
- C. A Board member who has been removed from office shall be ineligible for appointment or election to any office in the Waterville Central School District (the District) for a period of one year from the date of such removal

III. Filling a Vacancy

- A. In the event of death, resignation, refusal to serve, or any disqualification of a Board member, the Board may appoint a new member to fill such a vacancy by a majority vote. If the Board chooses to fill the vacancy, it shall be only for a term ending with the next annual election of the District at which time such vacancy shall be filled in a regular manner for the balance of the unexpired term. The Board, at its own option, may also elect to call a special election within ninety (90) days to fill the unexpired term.

POLICY

SCHOOL BOARD OPERATIONS

2007

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- B. If the vacancy is not filled by the Board:
1. The Oneida-Herkimer-Madison BOCES District Superintendent may appoint a competent person to fill the vacancy until the next annual election of the District; or
 2. The Commissioner of Education may order a special election for filling a vacancy. When such special election is ordered the vacancy shall not be filled otherwise.

Waterville Central School District

Legal Ref: NYS Education Law §§306, 1706, 1709(18) (19), 2103(2), 2109, 2112, 2113;
Public Officers Law §§30, 31 and 35

Adopted: 12/22/87, 09/24/96

Revised: 05/27/14, 11/09/21