

5:37. Are school board members required to take any kind of training?

Yes. For example, school board members are required to receive training in the following within the first year of their term:

Six hours on fiscal oversight, accountability, and fiduciary responsibilities (§ 2102-a(1)(a); see **25:4**).

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); see 2102-a(4) for additional information pertaining to the City School District of the City of New York).

The curricula and providers used for such training must be approved by the commissioner of education (§ 2102-a(2)).

Once the training is completed, it does not need to be repeated if a board member is re-elected (§ 2102-a(1)(c); NYS Education Department, *Accounting and Auditing, Board Member Training* (updated Apr. 2016), at: http://www.p12.nysed.gov/mgtserv/accounting/board_train.html). However, proof of completion must be filed with the district clerk (§ 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); see **6:43-53**). Training expenses incurred are a lawful charge upon the district (§ 2102-a(3)).

Other areas in which school board members must receive training include:

- Child abuse in an educational setting (§ 1132(2); 8 NYCRR § 100.2(hh)(2)(ii); see **65:33**).
- Annual data privacy and security awareness training (8 NYCRR § 121.7; see **13:35**).

Although not required by law, the state comptroller has encouraged annual sexual harassment prevention training for school board members (Office of the NYS Comptroller, Division of Local Government and School Accountability, *Avoca CSD, Sexual Harassment Prevention Training* (Aug. 2023), at: <https://www.osc.ny.gov/files/local-government/audits/2023/pdf/avoca-central-school-district-s9-23-19.pdf>; Labor Law § 201-g(2)(c); see also **83:11**).

School Board Powers and Duties

5:17. 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 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.

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 while he or she is incarcerated for such felony ([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); *Appeal of Baleno*, 30 Ed Dept Rep 358 (1991); see *Appeal of Crawford*, 59 Ed Dept Rep, Dec. No. 17,785 (2019)).
- May not have been removed from any school district office within the preceding year (§ 2103(2); *Application of Montante*, 57 Ed Dept Rep, Dec. No. 17,148 (2017)).
- 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); *Appeal of Perlman*, 62 Ed Dept Rep, Dec. No. 18,251 (2023)).
- 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*, 21 Ed Dept Rep 300 (1981); see also **6:6–12**).

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).