

## 6. School Board Members

### Qualifications

New York School Law Ch. 6, 6:1

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#### 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).