

Four County School Boards Association - Seminar for Prospective School Board Members March 4, 2023

“Know Your Role”

1. School boards set the school district’s direction and goals;
2. A school board acts as a “body corporate,” meaning that individual board members have no authority;
3. Decisions are generally made by majority vote of the whole board;
4. Authority is not unfettered:
 - a. The board is the governing body but not the executive body. School boards determine the rules, but do not run the schools;
 - b. Voter authority is needed for capital improvements, borrowing money, purchasing vehicles, etc.;
 - c. The Superintendent is statutorily granted certain authority with regard to hiring, tenure recommendations, contract negotiation, etc.;
 - d. Third parties – arbitrators, hearing officers, and others make decisions related to employee discipline, grievance/arbitration, etc.;
 - e. The board must act within legal parameters of many laws, rules, regulations, cases and decisions, such as:
 - i. the federal and New York State Constitutions, the Education Law; equal opportunity employment laws, the regulations of the Commissioner of Education, Commissioner of Education decisions and court cases;
 - ii. the “Taylor Law” (New York Civil Service Law) – governs labor relations, such as negotiating union contracts and handling grievances;
 - iii. the Open Meetings Law (New York Public Officers Law) – provides that with limited exceptions, all board business must be conducted in public;
 - iv. the Freedom of Information Law (New York Public Officers Law) – provides that with limited exceptions, all district documents are subject to disclosure upon request.
5. **Fear not:**
 - a. We are here for you. The board of education’s attorney is there as a board resource. Many other resources and trainings are available to you as a school board member (e.g., state and local conferences and workshops; NYSSBA’s School Law book and other publications);
 - b. Legal protections may be afforded when exercising duties in good faith (defense and indemnification);
 - c. We have fun!

School District Elections

- **Warning:** The rules vary depending on the type of district (central, union free, small city, large city, etc.).
 - Double and triple check the rules in your district. Contact your district’s administration building – The district or board clerk will provide you with the requisite forms, local policies, rules, and timelines.
 - School district elections and votes are governed by the education law, not by the election law (varies in cities).
 - The education law provides a simpler process;
 - There is no provision for party politics (except in large city school districts).
1. **Be Qualified** - to be elected you must:
 - a. Be able to read and write;
 - b. Be a citizen of the United States;
 - c. Be 18 years of age or older;
 - d. Be a resident of the school district for at least the past year on election day (you do not have to be a taxpayer or property owner);
 - e. Not be a district employee;
 - i. You may still be a board member if you are a BOCES employee, BOCES board member, teacher in another district, or a student in the district;
 - f. Not be a convicted felon (unless you have a certificate of relief);
 - g. Not have a board member spouse or relative in the same home.

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2. **Be Nominated** – Nomination (except in some large cities) is by voters signing a petition, not by a party process. It requires:
 - a. A written petition (clerk has form and instructions);
 - b. A petition showing your name, residence and position sought;
 - c. A petition signed by qualified voters of the district:
 - i. Either 25 or 2% of the number voting at the previous school election, whichever is greater (cities require 100 signatures);
 - ii. Signers must be at least 18 years old, US citizens, residents for at least the last 30 days, not convicted felons;
 - iii. Signers may sign for only themselves;
 - d. A petition filed with the clerk at least 30 days before the election or 20 days in small cities –
 - i. Petition must be filed before 5:00 pm on that date;
 - ii. If candidate withdraws or becomes ineligible, the filing period may be reopened.
3. **Be Elected**
 - a. Voting and registration practices differ. You must check:
 - i. If your district requires pre-registration or allows it at the polls;
 - ii. If your district votes at one or several polling places;
 - iii. If your district requires voters to prove residency;
 - iv. Your district's hours of voting;
 - v. The district's practices related to paper ballots, voting machines, etc.
 - b. The ballot position of candidates is a lottery. It is not party or faction that determines position, except in some large cities.
 - c. Restrictions on campaigning:
 - i. Do not use mailboxes unless you use postage stamps;
 - ii. Do not make disparaging statements (defamation implications);
 - iii. Do keep track of expenses.
4. **File Campaign Finance Statements** –
 - a. You must file campaign finance statements at least 3 times:
 - i. 30 days and 5 days before the vote;
 - ii. 20 days after the vote (even if you were not the successful candidate); and
 - iii. during the 5 days before the vote – report within 24 hours any contribution received of \$1,000 or more.
 - b. These must be notarized statements of amounts spent and names, addresses and amounts of contributors.
 - i. File the statements with the district clerk;
 - ii. If you spend or receive contributions of more than \$500, you must also file the statements with the Commissioner of Education;
 - iii. If less than \$500 of “personal” expenses are incurred and paid by you and you received less than \$500 in contributions, you may simply state that fact without providing amounts/contributors;
 1. Campaign expenses are generally not tax deductible under the Internal Revenue Code, even if you win, because board members are not paid; therefore these expenses are not incurred as expenses of business or trade (Paid city school board members might be able to deduct some expenses);
 - iv. Use registered mail or personal delivery to file the statements;
 - v. This is a reporting statute only - there is no limit on the amounts.
5. **Election Day** – third Tuesday in May (except large cities – November/general election day)
 - a. Majority vote not needed – determined by plurality;
 - i. No run-off elections;
 - ii. Do not forget absentee voters;
 - b. Do not engage in electioneering within 100 feet of the polls;
 - c. Individual voters may challenge the vote through the Commissioner of Education.