

## Bylaws

**SUBJECT: SCHOOL DISTRICT AND BOARD OF EDUCATION LEGAL STATUS AND AUTHORITY**

The Constitution of New York State instructs the Legislature to provide for a system of free common schools wherein all children of the state may be educated.

The State Legislature has implemented this constitutional mandate through the creation of school districts of various types. As a City School District of a city with less than 125,000 inhabitants, the Batavia City School District is organized under and subject to the provisions of Education Law Article 51.

The Board is the corporate body charged with the general control, management, and responsibility of the schools of the Batavia City School District. As such, it possesses those powers and duties set forth in law.

The Board is authorized to act as a body duly called in session. Individual Board members have no authority over school affairs.

Education Law Sections 2, 1501, 1604, 1701, 1709, 1804, 2502, and 2503

Adopted: 9/18/23

## Bylaws

**SUBJECT: BOARD OF EDUCATION: QUALIFICATIONS, NUMBERS AND TERMS OF OFFICE**

A Board member of the District must meet the following qualifications:

- a) A citizen of the United States;
- b) Eighteen years of age or older;
- c) Able to read and write;
- d) A legal resident of the District for a continuous and uninterrupted period of at least one year prior to the election;
- e) Cannot be an employee of the District;
- f) The only member of his or her family (that is, cannot be a member of the same household) on the District Board;
- g) May not simultaneously hold another incompatible public office, including, but not limited to Superintendent, clerk, tax collector, treasurer or librarian, or an employee of the Board.

A Board member of a BOCES may not be employed by any of that BOCES' component districts.

In small city school districts, Board members may not hold any city office other than that of police officer or firefighter.

- h) Must not have been removed from a school district office within one year preceding the date of appointment or election to the Board.

**Number of Members**

The Board of the District will consist of seven members elected by the qualified voters of the District at the annual election as prescribed by law.

**Terms of Office**

Members of the Board will serve for three years beginning July 1 following their election and each term will expire on the 30th day of June of the third year.

Education Law Sections 1602, 1702(1), 1804(1), 1950(9), 2101, 2102, 2103, 2103-a, 2130(1), 2105, and 2502  
Public Officers Law Section 3  
Town Law Section 23(1)

Adopted: 9/18/23

## Bylaws

**SUBJECT: BOARD MEMBERS: NOMINATION AND ELECTION**

- a) Candidates for the office of member of the Board must be nominated by a petition directed to the District Clerk which is signed by at least 100 qualified voters of the District. Petitions must state the residence of each signer and the name and residence of each candidate.
- b) The notice of the Annual District meeting must state that petitions nominating candidates for the Board must be filed with the Clerk of the District no later than 20 days before the Annual or Special District Meeting at which the school board election will occur, between 9 a.m. and 5 p.m.
- c) Voting will be by machine or paper ballot, and provision will be made for the election by "write-in-vote" of any candidate not previously nominated. The position of candidates on ballots will be determined by lot at a drawing conducted by the District Clerk on the day after the last filing. Candidates or their proxies may be present for the drawing.
- d) The hours of voting will be as indicated by Board resolution.
- e) The candidates receiving the largest number of votes will be declared elected in accordance with Education Law.
- f) At least ten days prior to the election, the Board will appoint at least three inspectors of election for each voting machine or ballot box, and set their salary.
- g) The District Clerk will oversee the election. The Clerk will also give notice immediately to each person declared elected to the Board, informing him or her of the election and his or her term of office.
- h) Only qualified voters, as determined by Education Law Section 2012, may vote at any District meeting or election.
- i) No electioneering will be allowed within 100 feet of the polling place.
- j) When a term of office expires at the end of a school year and the office has become vacant at the time of election, the person elected to fill the new full term vacancy also fills the remaining days of the previous term, beginning his or her term of office immediately upon election and the taking and filing of the oath of office.

Education Law Sections 2004, 2012, 2018, 2025, 2029, 2031-a, 2032, 2034, 2105(14), 2121, 2502, 2602, 2608(1), and 2610

Adopted: 9/18/23

## Bylaws

**SUBJECT: REPORTING OF EXPENDITURES AND CONTRIBUTIONS**

Each candidate for the position of member of the Board whose expenses and/or contributions received exceed \$500 must file a statement accounting for his or her campaign expenditures and contributions with the District Clerk and an additional statement with the Commissioner of Education. In the event the expenses do not exceed \$500 and the aggregate amount of all contributions made to the candidate do not exceed \$500, then a sworn statement to that effect must only be filed with the District Clerk.

Required contribution statements must include:

- a) The dollar amount and/or fair market value of any receipt, contribution, or transfer which is other than money;
- b) The name and address of the transferor, contributor, or person from whom received;
- c) If that transferor, contributor or person is a political committee as defined in Election Law Section 14-100;
- d) The name and political unit represented by the committee;
- e) The date of receipt;
- f) The dollar amount of every expenditure;
- g) The name and address of the person to whom the expenditure was made, or the name of and political unit represented by the committee to which it was made; and
- h) The date of the expenditure.

The times for filing the statements are as follows:

- a) The first statement on or before the thirtieth day preceding the election to which it relates;
- b) A second statement on or before the fifth day before the election;
- c) A third statement within 20 days after the election.

Any contribution or loan in excess of \$1000 received after the close of the period covered in the last statement filed before the election (b above) but before the election itself must be reported within 24 hours after receipt.

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**SUBJECT: REPORTING OF EXPENDITURES AND CONTRIBUTIONS (Cont'd.)**

All statements must be sworn before a notary public, a commissioner of deeds, a lawyer or a public official authorized by New York State law to administer oaths.

Education Law Sections 1528 and 1529  
Election Law Section 14-100(1)

Adopted: 9/18/23

## Bylaws

**SUBJECT: RESIGNATIONS AND VACANCIES ON THE BOARD**

Board members may resign at a District meeting of residents (i.e., the annual meeting, not a regular Board meeting) or by filing a written resignation with the District Superintendent of the Supervisory District who must endorse his or her approval and file the resignation with the District Clerk.

Alternatively, a Board member may resign by filing a written resignation with the District Clerk. The Clerk must then notify the Board and the State Board of Elections.

A resignation may be withdrawn only with the consent of the person to whom the resignation was delivered (i.e., the District Clerk or BOCES District Superintendent). The Board has no authority to act upon a request to withdraw a resignation.

The resignation will take effect upon the date specified in the letter of resignation; however, if no effective date is specified, it will take effect on the date of delivery to or filing with the District Clerk. If an effective date is specified in the letter of resignation, the date must not be more than 30 days subsequent to the date of its delivery or filing.

It will be the duty of each member of the Board to attend all meetings of the Board and, if any member refuses 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 will proceed to declare that office vacant.

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. The Board may also remove a Board member for misconduct relating to the exercise of authority as a Board member. A written copy of all misconduct charges must be served upon the Board member at least ten days before the time designated for a hearing on the charges; the Board member will be allowed a full and fair opportunity to refute the charges before removal.

As a small city school district, the District is not obligated to fill a vacancy on the Board which occurs due to death, resignation, removal from office or from the District, or refusal to serve of a Board member.

However, the Board may fill the vacancy by appointment for a term ending with the next annual election of the District. If the Board chooses to fill the vacancy by appointment, the appointment requires a majority vote of the remaining members of the Board.

The Board, at its own option, may instead call a special election within 90 days to fill the unexpired term. If not so filled, the District Superintendent of the Supervisory District may appoint a competent person to fill the vacancy until the next annual election.

A person elected or appointed to fill a vacancy will take office immediately upon filing the oath of office.

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**SUBJECT: RESIGNATIONS AND VACANCIES ON THE BOARD (Cont'd.)**

Education Law Sections 306, 1607, 1706, 1709(17)(18), 1804(1), 2103(2), 2109, 2111, 2112, 2113, 2502, 2503,  
and 2553

Public Officers Law Sections 30, 31, and 35

Adopted: 9/18/23

## Bylaws

**SUBJECT: POWERS AND DUTIES OF THE BOARD**

As a Small City School District, the Board has the powers and duties set forth in New York State Education Law, principally Articles 33, 35, 37, 51, and 53, and other applicable federal and state laws and regulations. The Board has, in all respects, the superintendence, management, and control of the educational affairs of the District, and, therefore, has all the powers reasonably necessary to exercise powers granted expressly or by implication, and to discharge duties imposed expressly or by implication, by the laws of New York State and the Commissioner of Education.

Education Law Sections 1604, 1709, 1804, and 2503

NOTE: Refer also to Policy #6540 -- Defense and Indemnification of Board Members and Employees

Adopted: 9/18/23