

# POLICY

2010

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T/EB

By-Laws

## **SUBJECT: RESIGNATION AND DISMISSAL**

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

Alternatively, a Board member may resign under Public Officers Law Section 31 by filing a written resignation with the District Clerk. The Clerk must then notify the School 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A resignation may be withdrawn only with the consent of the person to whom the resignation was delivered (i.e., the District Clerk or BOCES District Superintendent).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 School Board has no authority to act upon a request to withdraw a resignation.

The resignation shall take effect upon the date specified in the letter of resignation; however, if no effective date is specified, it shall 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, such date shall not be more than thirty (30) days subsequent to the date of its delivery or filing.

It shall be the duty of each member of the Board of Education to attend all meetings of the Board and, if any member shall refuse to attend three (3) 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 of Education may also remove a Board member for misconduct relating to the exercise of authority as a Board member. A written copy of all charges made of such misconduct must be served upon the Board member at least ten (10) days before the time designated for a hearing on the charges; and the Board member shall be allowed a full and fair opportunity to refute such 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 School 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 School District. If the Board chooses to fill the vacancy by appointment, the appointment requires a majority vote of the remaining members of the Board.

(Continued)

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**SUBJECT: RESIGNATION AND DISMISSAL (Cont'd.)**

The Board, at its own option, may instead call a special election within ninety (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 shall take office immediately upon filing the oath of office.

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

Adoption Date 9/28/10