§ 1804. Board of education; election; powers and duties. 1. Each such central school district shall be managed by a board of education consisting of five, seven or nine members, which board shall have the same powers and duties as boards of education in union free school districts as prescribed by this chapter. Except as provided in this article, all the provisions of this chapter or of any other general law relating to or affecting union free school districts shall apply to central districts organized as herein provided. The corporate existence of any city school district the territory of which is enlarged by the formation of a central school district pursuant to this article shall continue and such central school district shall be and shall be designated as a city school district and shall be subject to the provisions of article fifty-one of this chapter and to those provisions of this article which are not inconsistent with the provisions of article fifty-one.

2. The first board of education shall be elected at the meeting at which the resolution organizing such central school district and establishing a central school is adopted or in case the alternative voting procedure authorized by section eighteen hundred three-a of this chapter has been adopted, at the meeting referred to in subdivision seven of such section. It shall be the duty of such meeting to elect five, seven or nine members of the board of education who shall by order of such meeting be divided into a sufficient number of classes so that as nearly as possible an equal number of members shall be elected to the board each year.

3. The number of members of the board of education of an organized and existing central school district may be increased to seven or nine members in the same manner as increases are made in union free school districts. The number of members of a board containing nine members may be decreased to seven or five members and the number of members of a board containing seven members may be decreased to five members in the same manner as decreases are made in union free school districts.

4. The annual meeting and election in each central school district shall be held on the third Tuesday of May provided, however that such

annual meeting and election shall be held on the second Tuesday in May if the commissioner at the request of a local school board certifies no later than March first that such election would conflict with religious observances, and any school budget revote shall be held on the date specified in subdivision three of section two thousand seven of this title. Such annual meeting and school budget revote shall be conducted and the election of members of the board shall be held in the same manner as in union free school districts organized and operating under the provisions of this chapter. The board of education of each central school district shall hold a budget hearing not less than seven nor more than fourteen days prior to the annual or special district meeting at which a school budget vote will occur, and shall prepare and present to the voters at such budget hearing a proposed school district budget for the ensuing school year.

5. a. Nothing herein contained shall be construed to deprive any existing school district of the property belonging to such district, or to affect the indebtedness of said district. An existing district within the meaning of this article shall be construed to mean a district that lies within the boundaries of a central school district. Each such existing district shall be deemed to continue to exist in law for the purpose of paying all its just debts, including obligations lawfully issued prior to the organization of such central school district, together with all interest thereon as the same shall fall due. In levying the annual school tax upon the property of such central school districts, the board of education shall also assess and levy upon the taxable property of each such existing district which has an outstanding indebtedness, an additional sum sufficient to pay all of such indebtedness which shall fall due during the school year for which the tax is levied less any sum received by such central school district and apportioned and credited to the existing school district pursuant to the provisions of subdivision four of section eighteen hundred six of this article.

b. Notwithstanding the provisions of paragraph a of this subdivision, whenever a common school district or a union free school district shall, after July first, nineteen hundred sixty-four, become a part of a

central school district either pursuant to the provisions of subdivision one of section eighteen hundred two of this article, or pursuant to the provisions of subdivision two thereof, or whenever a central school district, after such date, shall become a part of another central school district pursuant to either of such provisions, the central school district, of which any such district shall have become a part, shall succeed to all the property rights of such common, union free or central school district and all indebtedness of any such school district evidenced by bonds or notes or relating to school building construction shall become a charge upon such central school district of which such district shall have become a part, but all other indebtedness of any such district shall be paid by any such district in accordance with the provisions of section fifteen hundred eighteen of this chapter and to that extent any such district shall continue to exist in law for the purpose of providing for and paying all such indebtedness in accordance with the provisions of such section.

6. a. The board of education shall not sell or otherwise dispose of the property of any such existing district except with the approval of a majority of the qualified voters of such existing district present and voting upon the question at a meeting of such voters duly called by such board of education; provided, however, that upon the expiration of five years from the date of discontinuance of a school, pursuant to section one thousand eight hundred five of this chapter, the board of education may, in its discretion, without a vote by such qualified voters upon such question, sell or otherwise dispose, in the manner provided by law, of such a school or other building previously used for school purposes and the real property on which it is situated. For that purpose the proceeds of such sale or disposal of property belonging to such existing district, after deducting the cost of repairs or improvements made after the organization of the central school district, shall be used for the payment of the portion payable by such existing district of any outstanding indebtedness of such existing district which shall be due and payable or which may thereafter become due and payable. Any balance remaining after the payment of such indebtedness shall be apportioned among the taxpayers of such existing district as they appear upon the last completed town or city assessment roll preceding the date of sale,

providing such apportioned sum shall equal or exceed five dollars and unless the voters of such existing district by a majority vote of those present and voting at a special district meeting called for that purpose shall vote to turn over the proceeds of such sale or disposal of such property to the central district to be used for the benefit of the central district. Any balance of funds remaining in the treasury of the several districts included within the central school district on July first next following the date of the establishment of such central school district, after paying all outstanding obligations then due and payable, shall be turned over to the treasurer of the central school district within thirty days thereafter and shall become available for use by the board of education of the central school district; provided, however, that if any such existing district shall have any obligations which shall become due and payable after such July first, so much of any such balance of funds as may be necessary shall be held in a special account by the treasurer of the central school district for the purpose of paying the principal of, and interest on, such obligations, as the same shall become due and payable from time to time. The title to all property erected or otherwise acquired after the organization of such central school district shall be vested in the central district, irrespective of the location of such property.

b. The provisions of paragraph a of this subdivision shall not be applicable to the property of any common or union free school district which, after July first, nineteen hundred sixty-four, shall become part of a central school district, nor to any central school district which, after such date, shall become part of another central school district.

c. Notwithstanding the provisions of paragraph a of this subdivision, the board of education of a central school district may, by resolution, after a period of at least seven years of centralization, sell any piece of real property which such board shall deem to be of no use or value therefor. The sale of such property shall be without the approval of the qualified voters of the school district, unless a petition requiring that the question as to the sale of such property be submitted to a vote by the qualified voters of such district. Such petition shall be subscribed and acknowledged by at least ten per centum of the qualified

voters of such district, and filed with the clerk of the board of education within thirty days of the adoption of such resolution. Upon the affirmative vote of a majority of the qualified voters, voting thereon, such resolution shall become effective. The proceeds derived from such sale shall revert to the use and benefit of the entire district. Upon approval by the board of education, such funds may be (i) utilized to reduce existing bonded indebtedness; (ii) applied to construction, reconstruction or renovation within such district; or (iii) applied to the general fund of such district.

7. Deeds of property sold or disposed of under the provisions of the preceding subdivision shall be executed by the board of education of the central school district or a majority of the members thereof. Any deed duly executed and delivered by the board of education of the central school district in the course of a sale or disposal of real property of a constituent district pursuant to the provisions of the preceding subdivision shall be valid and effectual to pass all the estate or interest of such constituent district in the premises. All deeds or other conveyances of real property of any district heretofore made and delivered, executed by said board of education of said central school district by its officers, or in the manner in which deeds are executed by corporations, or executed in any other manner, shall be as valid and of the same force and effect as if executed by said board of education of said central school district or a majority of the members thereof; but this provision shall not affect any action or proceeding pending at the time of the taking effect hereof.

8. The board of education may, in its discretion, provide compensation to a speaker or speakers at commencement day exercises in such amount as may be determined by the board.

9. a. The board of education shall, for purposes of a criminal history record check, require the fingerprinting of all prospective employees pursuant to section three thousand thirty-five of this chapter, who do not hold valid clearance pursuant to such section or pursuant to section three thousand four-b of this chapter or section five hundred nine-cc or twelve hundred twenty-nine-d of the vehicle and traffic law. Prior to

initiating the fingerprinting process, the prospective employer shall furnish the applicant with the form described in paragraph (c) of subdivision thirty of section three hundred five of this chapter and shall obtain the applicant's consent to the criminal history records search. Every set of fingerprints taken pursuant to this subdivision shall be promptly submitted to the commissioner for purposes of clearance for employment.

b. Upon the recommendation of the superintendent, the board may conditionally appoint a prospective employee. A request for conditional clearance shall be forwarded to the commissioner along with the prospective employee's fingerprints, as required by paragraph a of this subdivision. Such appointment shall not commence until notification by the commissioner that the prospective employee has been conditionally cleared for employment and shall terminate forty-five days after such notification of conditional clearance or when the prospective employer is notified of a determination by the commissioner to grant or deny clearance, whichever occurs earlier, and may not be extended or renewed unless the commissioner issues a new conditional clearance after finding that there was good cause for failing to obtain clearance within such period, provided that if clearance is granted the appointment shall continue and the conditional status shall be removed. Prior to commencement of such conditional appointment, the prospective employer shall obtain a signed statement for conditional appointment from the prospective employee, indicating whether, to the best of his or her knowledge, he or she has a pending criminal charge or criminal conviction in any jurisdiction outside the state.

c. Upon the recommendation of the superintendent, the board may make an emergency conditional appointment when an unforeseen emergency vacancy has occurred. When such appointment is made, the process for conditional appointment pursuant to paragraph b of this subdivision must also be initiated. Emergency conditional appointment may commence prior to notification from the commissioner on conditional clearance but shall terminate twenty business days from the date such appointment commences or when the prospective employer is notified by the commissioner regarding conditional clearance, whichever occurs earlier, provided that

if conditional clearance is granted the appointment shall continue as a conditional appointment. Prior to the commencement of such appointment, the prospective employer must obtain a signed statement for emergency conditional appointment from the prospective employee, indicating whether, to the best of his or her knowledge, he or she has a pending criminal charge or criminal conviction in any jurisdiction. An unforeseen emergency vacancy shall be defined as: (i) a vacancy that occurred less than ten business days before the start of any school session, including summer school, or during any school session, including summer school, without sufficient notice to allow for clearance or conditional clearance; (ii) when no other qualified person is available to fill the vacancy temporarily; and (iii) when emergency conditional appointment is necessary to maintain services which the district is legally required to provide or services necessary to protect the health, education or safety of students or staff. The provisions of subparagraph (i) of this paragraph shall not apply if the board finds that the district has been unable to fill the vacancy despite good faith efforts to fill such vacancy in a manner which would have allowed sufficient time for clearance or conditional clearance.

d. Shall develop a policy for the safety of the children who have contact with an employee holding conditional appointment or emergency conditional appointment.

10. The board of education shall upon commencement and termination of employment of an employee by the school district, provide the commissioner with the name of and position held by such employee.

11. Where the district has provided transportation to students enrolled in such district to a school sponsored field trip, extracurricular activity or any other similar event, it shall provide transportation back to either the point of departure or to the appropriate school in the district, unless the parent or legal guardian of a student participating in such event has provided the school district with written notice, consistent with district policy, authorizing an alternative form of return transportation for such student or unless intervening circumstances make such transportation

impractical. In cases where intervening circumstances make transportation of a student back to the point of departure or to the appropriate school in the district impractical, a representative of the school district shall remain with the student until such student's parent or legal guardian has been (a) contacted and informed of the intervening circumstances which make such transportation impractical and (b) such student had been delivered to his or her parent or legal guardian.

12. Each central school district shall establish a process for designating at least one student as an ex officio member pursuant to paragraph c of this subdivision. If, prior to August fifth, two thousand three, a school district had a policy that allowed a student or students to be ex officio members of the school board, such policy shall be deemed to meet the requirements of this subdivision and shall be deemed to have full legal effect. In any district that contains more than one high school, such process shall take into consideration the number of high schools within the district and provide for a mechanism which allows for fair representation among the schools. Such school district shall allow such selected student or students to serve as ex officio members of such district's board of education and provided further that:

a. The ex officio student members of the board shall be entitled to sit with board members at all public meetings and hearings of the board and may participate in other board activities and responsibilities at the discretion of the board.

b. The ex officio student members of the board shall not be allowed to vote, shall not be allowed to attend executive session or any other meetings or hearings not open to the public, and shall not be entitled to receive compensation of any form for participating at board meetings.

c. Notwithstanding any other law to the contrary, the ex officio student members of the board may be any of the following: the student that has been duly elected as student president of the high school; a student duly elected by the student body; a student selected by the high school student government; a student selected by the high school

principal; a student selected by the superintendent of schools; a student selected by majority vote of the school board.

d. The ex officio student members shall have attended such high school for at least one year prior to selection.