§ 2502. Board of education. 1. The board of education of each city school district shall constitute a body corporate.

2. Each board of education shall consist of five, seven or nine members, to be known as members of the board of education. In the city of Albany, such board shall consist of seven members; and in the city of Rensselaer, such board shall consist of five members; subject, however, to any increase or decrease of the number of members of such board as provided pursuant to the provisions of paragraph a of subdivision four of this section. Members of such board shall be elected by the qualified voters at large of the school district at annual school elections, under the provisions of article fifty-three of this chapter; provided, however, each board of education may upon its own motion, and shall upon a written petition, subscribed by not less than five hundred qualified voters of the district, cause to be submitted at the annual school election a proposition to consider each vacancy upon the board of education a separate specific office requiring a separate petition to nominate a candidate to each separate office in accordance with the provisions of article fifty-three of this chapter.

3. The full term of office of a member of the board of education shall be three or five years, as the district may determine, except the full term of office of a member of the board of education in the city of Albany shall be four years; provided, however, that the term of office of each incumbent member of the city of Albany board on the effective date of this amendment shall not be decreased, and provided further, that one or more of the vacancies filled after this change to four year terms shall be for terms of two or three years only in order that, as nearly as possible, an equal number of members shall be elected to the board each year. Any such school district may decrease the full term of a member of the board of education to three years or increase the full term of a member of the board of education to five years by adopting a proposition at any regular meeting or election to do so; provided, however, that the term of office of each incumbent member of the board of education shall not be increased or decreased thereby; and provided, further, that whenever a proposition shall be adopted to increase the term of office from three years to five years, or to decrease the term

of office from five years to three years, such proposition shall provide that one or more of the vacancies to be filled, during each of the three years next succeeding the adoption of such proposition, shall be for three or four years only in order that, as nearly as possible, an equal number of trustees shall be elected to the board each year. The board of education in the city of Peekskill may, by adopting a resolution, decrease the full term of a member of the board of education to two years in order that, as nearly as possible, an equal number of trustees shall be elected to the board each year; provided, however, that the term of office of each incumbent member of the board of education shall not be decreased thereby.

4. a. Each board of education may upon its own motion, and shall upon a written petition, subscribed by not less than five hundred qualified voters of the district, cause to be submitted at the annual school election a proposition to increase or decrease the number of members of such board to a number specified in subdivision two of this section; or a proposition to increase or decrease the term of office of members of the board of education in accordance with subdivision three of this section.

b. The notice of any annual school election at which a proposition shall be submitted pursuant to paragraph a of this subdivision shall include a statement that such proposition will be so submitted. In the event that the board of education fails or refuses to include such information in such notice, the commissioner of education may prescribe the manner in which notice of the submission of such a proposition shall be given.

c. Upon the adoption of a proposition to increase or decrease the number of members of the board of education the members of such board then in office shall continue in office for the balance of their respective terms. If the proposition so adopted requires an increase in the number of board members, a sufficient number of members of such board shall be elected at the annual election immediately succeeding the election at which such proposition was submitted, to effect the necessary increase. If the proposition so adopted requires a decrease in

the number of board members, no election of board members shall be held in such district until the election of a member or members shall be necessary to maintain the number specified in such proposition. The offices of those members whose terms so expire without the election of a successor shall terminate with the expiration of such term. Succeeding members of such board shall be elected at annual school elections in such years and in such numbers and for such terms of office as shall be determined by resolution of the board of education and approved by the commissioner of education, so that as soon as practicable:

(1) The terms of office of all members of such board shall be five years or three years, as the district shall have determined;

(2) The number of members elected to and serving on such board shall equal the number of members specified in such proposition; and

(3) As nearly as possible, an equal number of members of the board of education will be elected each year.

d. A resolution adopted pursuant to paragraph c of this subdivision, which shall be subject to approval by the commissioner of education, shall be placed on file in the office of the clerk of the school district and shall be a public record.

5. a. The members of a board of education of a school district which after July first, nineteen hundred fifty, shall become a city school district, as defined in subdivision sixteen of section two of this chapter, shall continue in office until the expiration of their respective terms of office in those cases where such terms of office expire with the thirtieth day in June and in all other cases such members shall continue in office until July first next succeeding the date upon which their respective terms of office would have otherwise expired.

b. If the total number of members elected to serve on any such board of education shall be either five, seven or nine, such board shall continue to be composed of five, seven or nine members, as the case may be, subject to change in accordance with subdivision four of this section.

c. If the total number of members elected to serve on any such board of education shall be other than five, seven or nine, such board of education shall cause to be submitted at the next succeeding annual school election, held in accordance with article fifty-three of this chapter, propositions to determine whether the number of members of such board shall be five, seven or nine. If the proposition adopted thereat requires an increase in the number of board members, a sufficient number of members of such board shall be elected at the annual election immediately succeeding the election at which such proposition was submitted, to effect the necessary increase. If the proposition so adopted requires a decrease in the number of board members, no election of board members shall be held in such district until the election of a member or members shall be necessary to maintain the number specified in such proposition. The offices of those members whose terms so expire without the election of a successor shall terminate with the expiration of such term. Thereafter, such board of education shall be composed of the number of members specified in the proposition for which the greatest number of valid votes shall have been cast, subject to change in accordance with subdivision four of this section.

d. Succeeding members of any such board of education shall be elected at annual school elections in such years and in such numbers and for such terms of office as shall be determined by resolution of the board of education and approved by the commissioner of education so that as soon as practicable:

(1) The terms of office of all members shall be five years or three years, as the district shall determine;

(2) As nearly as possible, an equal number of the members of the board of education shall be elected each year; and

(3) In the case of boards of education coming under the provisions of paragraph c of this subdivision, the number of members elected to and serving on any such board shall equal the number specified in the proposition adopted pursuant to paragraph c of this subdivision.

e. A resolution adopted pursuant to paragraph d of this subdivision, which shall be subject to approval by the commissioner of education, shall be placed on file in the office of the clerk of the school

district and shall be a public record.

6. Whenever a vacancy shall occur or exist in the office of member of the board of education, except by reason of expiration of term or of an increase in the number of members of such board, a majority of the remaining members of such board may appoint a qualified person to fill the vacancy. The person so appointed shall hold office until the next regular school district election, and the person elected to fill such vacancy shall take office immediately upon the filing of his official oath of office with the district clerk.

7. No person shall be eligible to the office of member of the board of education who is not a qualified voter of the city school district and who has not been a resident of such district for a period of at least one year immediately preceding the date of his or her election; provided, however, that no person shall hold at the same time the office of member of the board of education and any city office other than as a police officer and firefighter; provided, further, that where territory is added to a city school district by order of the commissioner pursuant to article thirty-one of this chapter, residence in the territory so added to the city school district shall be and shall be deemed to be residence in the city school district for the purposes of this subdivision, and a person qualified to vote in school district elections by virtue of his or her residence in the territory so added to the city school district immediately prior to the addition of such territory to the city school district shall be and shall be deemed to be a qualified voter of the city school district immediately upon the addition of such territory.

8. A member of a board of education who publicly declares that he will not accept or serve in the office of member of such board of education, or refuses or neglects to attend three successive meetings of such board, of which he is duly notified, without rendering a good and valid excuse therefor to the other members of such board, vacates his office by a refusal to serve.

9-a. Notwithstanding any general, special or local law to the

contrary, this subdivision shall apply to the school district of the city of Rensselaer. a. The members of the board of education of the school district of the city of Rensselaer shall be elected by the qualified voters of such district as provided herein.

b. The members of the board of education shall be elected at large throughout the district by the qualified voters at an annual school election taking place at the time specified under the provisions of article fifty-three of this chapter.

c. Except with respect to the number of polling places to be used, which is provided for in paragraph l of this subdivision, such elections for such offices shall be governed by the provisions of the election law in the same manner as candidates for office generally to be elected by the voters of the city of Rensselaer, provided, however, that each such candidate shall be required to file a petition containing signatures of at least one hundred registered voters of such district which petition shall not contain any political party or independent body, name or emblem. Each petition shall contain the name of only one candidate and such petitions shall be filed with the clerk of the board of elections on or before the twentieth day preceding the day of the annual school election but not earlier than the thirtieth day preceding the day of the annual school election.

d. No person shall be eligible for the office of member of such board of education who is not a qualified voter of such school district and who has not been a resident of such district for a period of at least thirty days immediately preceding the date of his election; provided, however, that no person shall hold at the same time the office of member of the board of education and any other elective office nor shall he be a candidate for any other elective office at the same time he is a candidate for the office of member of such board of education.

e. Petitions for the nomination of members of such school board shall be on white paper containing the required signatures of qualified voters of such district who were or will be registered to vote therein thirty days preceding the annual school election. The sheets of such a petition

shall be numbered consecutively, beginning with number one, at the foot of each sheet. Such a petition must set forth in every instance the correct date of signing, the full name of the signer, his present residence, the ward of such residence, and the election district thereof. A signer need not himself fill in the date, residence, ward or election district.

f. Each sheet of such a petition shall be signed in ink and shall be substantially in the following form:

I, the undersigned, do hereby state that I am a duly qualified voter of the school district of the city of Rensselaer, that I was or will be registered to vote therein thirty days preceding the ensuing annual school election to which this petition pertains, that my present place of residence is truly stated opposite my signature hereto, and that I intend to support at the ensuing election, and I do hereby nominate the following named person as a candidate for nomination for the public office of member of the board of education of the school district of the city of Rensselaer to be voted for at the election to be held on the..... day of.....,19.....

In witness whereof, I have hereunto set my hand the day and year placed opposite my signature.

Date	Name of Signer	Present Residence
.....	.....	.....
.....	.....	.....
.....	.....	.....

Ward	Election District
.....	.....
.....	.....
.....	.....

g. The petition shall be authenticated by witnesses who shall be qualified to vote at the ensuing annual school election. Such statement shall be accepted for all purposes as the equivalent of an affidavit, and if false shall subject the witness to the same penalties as if he had been duly sworn. The form of such statement shall be substantially

as follows:

Statement of Witness

I,.....(name of witness), state: I am a duly qualified voter of the state of New York, and now reside in the city, town or village of....., in such state, at.....(fill in street and house number and post office) therein. The said residence is in the.....(fill in number) election district of the.....(fill in ward in a city, or town, if outside a city). I know each of the voters whose names are subscribed to this petition sheet containing (fill in number)..... signatures and each of them subscribed the same in my presence and upon so subscribing declared to me that the foregoing statement, made and subscribed by him, was true.

.....
Signature of witness

Date.....

h. The board of elections shall refuse to accept such petitions signed by an insufficient number of qualified voters, or petitions which are not timely or petitions bearing a political party or independent body name or emblem.

i. A person nominated as a candidate for school board member shall be notified forthwith by mail of such nomination by the board of elections and such person shall accept such nomination by filing written notice of acceptance in the office of the county board of elections, not later than five days after the mailing by the board of elections to such person of notice that he was so nominated. In the absence of such filing, such nomination shall be null and void.

j. Objections to petitions for the nomination of members of such board of education shall be filed with the county board of elections not later than the fifteenth day prior to the date of the annual school election. Such objections shall include the specifications of the grounds for such objections. Except as provided for in this subdivision, the county board

of elections shall apply such rules to the processing, disposition and notification of such petitions, objections and specifications as are applicable to nominating petitions in general elections conducted by said board. When a determination is made that a petition is insufficient, such board shall give notice of the determination forthwith by mail to each candidate named in the petition, and, if the determination is made upon specified objections, the objector shall be notified. Any judicial proceeding with respect to a petition shall be instituted within seven days after the last day to file the petitions.

k. The board of elections shall cause to be printed official ballots containing the names of all candidates as above provided, except that the board may refuse to have the names of ineligible candidates placed on such ballots. The names of the candidates shall be arranged in the order as determined by the drawing by lot by the board of elections in the manner specified under the provisions of paragraph b of subdivision two of section two thousand thirty-two of this chapter. Blank spaces shall be provided so that voters may vote for candidates who have not been nominated for the offices to be filled at such elections. The form of such ballots shall conform substantially to the form of ballots used at annual school elections as prescribed in article fifty-three of this chapter.

l. Voting for the election of members of such board of education shall be by voting machine and shall be governed by the applicable provisions of the election law with respect to voting machines; provided, however, that a single polling place, at a location within the school district of the city of Rensselaer specified by the board of education not later than thirty days prior to the annual school election, shall be utilized.

m. If a candidate, after a petition in his behalf shall have been duly filed with the clerk of the board of elections, and prior to the date of the election, shall decline to accept the nomination, die, remove from the district, accept or be a candidate for another elective office, or become otherwise disqualified for such city school district office, a further petition may be filed with such clerk, nominating another candidate in his place and stead. Such further petition shall in all

respects comply with the provisions of paragraphs c, e and g of this subdivision, except that it may be filed at any time up to and including the fifteenth day preceding the date of the annual school election and the time within which to object to such further petition shall be extended by the number of days past the twentieth day before the election that such further petition is filed.

n. The term of office of each member of such board shall be five years, commencing on the first day of July following his election, provided, however, that the members first elected shall be elected: two members for three year terms; two members for four year terms; one member for a five year term. The candidates receiving a plurality of the votes cast respectively for the several offices shall be declared elected. Where more than one office is to be filled by such election and there is a variance in the length of the terms for which such offices are to be filled as authorized by this chapter, or where one or more persons are to be elected for a full term or terms and one or more persons are to be elected for the unexpired portion of a term or terms, or both, the candidate receiving the largest number of votes shall be entitled to the longest term and the candidates receiving the next highest number of votes shall be entitled, in decreasing order of the respective numbers of votes, to the several offices, in decreasing order of the length of such terms or unexpired portions of terms. Whenever a vacancy shall occur or exist in the office of member of the board of education except by reason of expiration of term or increase in the number of members of such board, a majority of the remaining members of such board, shall elect a qualified person to fill the vacancy. The person so elected shall hold office to and including the thirtieth day of June next succeeding the first annual school election at which the vacancy can be filled. Vacancies so filled shall be for the unexpired term of the member being replaced.

o. The members so elected to the board of education shall convene on the date chosen pursuant to section twenty-five hundred four of this article, at the time of the commencement of their term of office and select from their members a president who shall serve for a term of one year.

p. The election of members of the board of education of the school district of the city of Rensselaer shall take place at an annual school election held in such city at the time specified under the provisions of article fifty-three of this chapter. Such election shall be conducted by the board of elections of the county of Rensselaer at the expense of such board of elections in the same manner as other elections are conducted by it. The results of such elections, after canvassing, shall be certified and reported by the board of elections to the board of education of such city. The clerk or other appropriate officer of the board of education shall within twenty-four hours after receipt of such certification by the board of elections serve a written notice either personally or by mail upon each person declared to be elected as a member of the board of education informing him of his election and the length of his term.

10. Each small city 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 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.