

## SCHOOL BOARD LEGAL STATUS

The New York State Constitution states that "The Legislature shall provide for the maintenance and support of a system of free common schools, wherein all the children of this state may be educated." Through legislation, the state has permitted the development of provisions for education at the local level.

Thus in its relationship to the local school system, the Board of Education represents the people of the school district and the state of New York.

The Board of Education is a seven member Board elected by district residents. Each member of the Board serves for three years; however, members elected to fill unexpired terms are elected only for the balance of such terms. The terms of office of Board members shall not all expire in the same year. Board members are responsible for school district management and policy-making.

The legal status of the Board is that of a corporate body established pursuant to the laws of New York State. Any liability of the district is a liability of the Board of Education as a corporation and not that of the members of the Board as individuals.

In accordance with Section 18 of the Public Officers Law, the school district shall provide members of the Board and school district employees with a legal defense at district expense, in any civil action or proceeding, state or federal, arising out of an alleged act or omission which occurs or allegedly occurs while such an individual is acting within the scope of his/her public employment or duties. In addition, the district will indemnify or save harmless such persons in the amount of any judgement obtained against them in any such action or proceeding.

This defense and indemnification is subject to the definitions, limitations, qualifications, terms, conditions and intent of Section 18 of the Public Officers Law.

The benefits of Section 18 of Public Officers Law provided to members of the governing body shall supplement and be available in addition to defense and indemnification protection conferred by another enactment in existence on the effective date of this policy.

Ref: Education Law §§1701; 1702; 1703; 1804(1); 2101(2); 2105  
Public Officers Law §18

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