

# POLICY

2015

1110

1 of 1

BY-LAWS

---

---

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

The Constitution of New York State, as amended in 1894, instructs the Legislature to provide for a system of free common schools wherein all children of the State may be educated.

The Legislature of the State has implemented this constitutional mandate through the creation of school districts of various types. The Massena Central School District is governed by the laws set forth for Central School Districts in Article 37 of the Education Law, and by-laws relating to, or affecting, Union Free School Districts as set forth in Article 35 of the Education Law.

Massena Central Schools are governed by a Board of Education, which is a body corporate. Any liability created by the District is a liability of the corporation, and not that of the members of the Board as individuals. The Board of Education is a continuous corporate entity, and the legality of its contracts is not conditioned by the official life of its members. It is separate from other governing Boards of the several municipalities, and is unhampered in its administration of the schools and not subject to review by any other Board or tribunal as to acts performed in good faith.

The Constitution of the State of New York places the responsibility for public education on the State Legislature, and directs the establishment of a State Department of Education for general supervision over the schools and headed by a Commissioner of Education. The New York State Constitution further provides that local public schools under the general supervision of the State Education Department shall be maintained, developed and operated by locally elected boards. Legally, local boards are instruments of the New York State Constitution, the New York Statutes and the regulations of the State Education Department and its Commissioner.

New York State Constitution  
Education Law Articles 35 and 37

Adopted: 1/27/97  
Reviewed: 11/19/15