

S T A T E   O F   N E W   Y O R K

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I N   A S S E M B L Y

January 28, 2016

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Introduced by M. of A. GALEF -- read once and referred to the Committee on Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to eliminating the initial public vote in the process for the prospective merger or consolidation of school districts; and repealing certain provisions of such law relating thereto

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. The section heading and subdivision 1 of section 1511 of  
2     the education law, subdivision 1 as amended by chapter 700 of the laws  
3     of 1952, are amended to read as follows:  
4     [Request for meeting to] PROPOSAL TO consolidate districts; notices of  
5     meeting. 1. [Whenever two-thirds of the qualified electors of each of  
6     two or more districts in which there shall be less than fifteen qualified  
7     electors, or if there be fifteen or more qualified electors in any  
8     of such districts whenever ten or more of such electors, shall sign a  
9     request for a meeting to be held for the purpose of determining whether  
10    such districts shall be consolidated as a common school district or as a  
11    union free school district, as the case may be, and submit the same to  
12    the trustees or board of education of each of such districts] THE BOARDS  
13    OF EDUCATION OR TRUSTEES OF TWO OR MORE DISTRICTS MAY AGREE TO CONSOL-  
14    IDATE SUCH DISTRICTS AS A COMMON SCHOOL DISTRICT OR AS A UNION FREE  
15    SCHOOL DISTRICT AND IF SUCH DISTRICTS AGREE, it shall be the duty of  
16    such trustees or board of education to submit [such] A proposed consol-  
17    idation to the commissioner [of education] for approval. If the commis-  
18    sioner [approve] APPROVES such proposed consolidation, it shall be the  
19    duty of such trustees or board of education to give public notice that a  
20    meeting of the qualified electors of such districts will be held at some  
21    convenient place within such districts, as centrally located as may be,  
22    to vote upon the question of consolidating such districts. Such notice  
23    shall specify the day and hour when such meeting shall be held, not less  
24    than twenty nor more than thirty days after the posting, service or  
25    publication of such notice. If the trustees or board of education shall

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

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1 refuse or neglect to give such notice within twenty days after such  
2 request is approved by the commissioner [of education], the commissioner  
3 [of education] may authorize and direct any qualified elector of the  
4 district to give such notice.

5 S 2. Section 1705 of the education law, as added by chapter 251 of the  
6 laws of 1993, is amended to read as follows:

7 S 1705. Annexing territory to a union free school district. 1. Terri-  
8 tory may be annexed to a union free school district as provided in this  
9 section.

10 a. The commissioner is authorized and empowered to make and enter in  
11 the commissioner's office orders dissolving one or more common, union  
12 free or central school districts and annexing the territory of such  
13 districts, or portions thereof, to one or more adjoining union free  
14 school districts, subject to approval of the voters of each school  
15 district affected thereby.

16 b. When an order annexing territory to a union free school district  
17 has been made and entered as provided in this section, the commissioner  
18 shall, within ten days thereafter, cause certified copies of said order  
19 to be filed with the clerk or school authorities of each school district  
20 affected thereby. Within thirty days of filing of such order, the  
21 commissioner shall fix a time and place for a special meeting of the  
22 qualified voters of each school district affected by the proposed anne-  
23 xation and shall cause notice thereof to be posted at least ten days  
24 before each such meeting in ten conspicuous places in the school  
25 district. In addition to the posting of such notice, a copy thereof  
26 shall be duly published, at least three days before each such meeting,  
27 in a daily or weekly newspaper published within, or in general circu-  
28 lation in, the school district in which such meeting is to be held. The  
29 expense of posting and publishing such notice shall be a charge upon the  
30 school district conducting such meeting.

31 2. Except as provided in this subdivision, any special district meet-  
32 ing held pursuant to paragraph b of subdivision one of this section  
33 shall be conducted in accordance with the procedures specified in  
34 section eighteen hundred three of this chapter.

35 a. At a meeting held pursuant to paragraph b of subdivision one of  
36 this section, a resolution in substantially the following form shall be  
37 presented for the action and determination of the meeting, viz.:  
38 "Resolved that the...(insert simplified name of district in accordance  
39 with section three hundred fifteen of this chapter) school district be  
40 annexed to the...union free school district (designate union free school  
41 district) as provided in the order of the commissioner of education now  
42 before this meeting."

43 b. If at any such meeting the resolution described in paragraph a of  
44 this subdivision shall be presented and shall not be adopted, there  
45 shall be no further proceedings at such meeting, except a motion to  
46 reconsider the question. No such meeting shall again be called by the  
47 commissioner within [one year] SIX MONTHS after such original meeting.  
48 If [no meeting shall be called to reconsider the question within two]  
49 AFTER FOUR years after such original meeting, [or if at any such meeting  
50 called within two years after such original meeting] the resolution  
51 DESCRIBED IN PARAGRAPH A OF THIS SUBDIVISION shall [again be rejected by  
52 the voters] BE PRESENTED AND SHALL NOT BE ADOPTED, the order of the  
53 commissioner to which the resolution relates shall be deemed null and  
54 void and of no further force or effect.

55 c. If the resolution submitted to the voters as provided in paragraph  
56 a of this subdivision shall be adopted by the voters of each school

1 district affected by the order of the commissioner, the territory  
2 described therein shall thereupon be annexed to the existing union free  
3 school district or districts as provided in such order.

4 3. Whenever a common school district, union free school district or  
5 central school district becomes a part of a union free school district  
6 pursuant to the provisions of this section, the union free school  
7 district of which any such district shall have become a part, shall  
8 succeed to all the property rights of such common, union free or central  
9 school districts and all indebtedness of any such school district  
10 evidenced by bonds or notes or relating to school building construction  
11 shall become a charge upon such union free school district of which such  
12 district shall have become a part, but all other indebtedness of any  
13 such district shall be paid by any such district in accordance with the  
14 provisions of section fifteen hundred eighteen of this chapter and to  
15 that extent any such district shall continue to exist in law for the  
16 purpose of providing for and paying all such indebtedness in accordance  
17 with the provisions of such section.

18 4. Notwithstanding any other provision of law, whenever a common  
19 school district, union free school district or central school district  
20 is annexed in its entirety to a union free school district pursuant to  
21 this section, all employees of the former school districts at the time  
22 of dissolution shall immediately become employees of the reorganized  
23 union free school district, shall retain their tenure and/or employment  
24 status and the seniority gained in the annexed district, and the senior-  
25 ity list of the employees of the annexed school district shall be merged  
26 with the seniority list of the employees of the annexing school  
27 district. If the number of teaching positions needed to provide services  
28 in the reorganized union free school district is less than the number of  
29 teachers considered to be employees of the reorganized union free school  
30 district pursuant to this subdivision, the board of education shall  
31 abolish the unneeded positions and place teachers on preferred eligible  
32 lists in accordance with section three thousand thirteen of this chap-  
33 ter. For salary, sick leave and other purposes, an employee's length of  
34 service with the annexed school district shall be credited as employment  
35 time with the annexing union free school district. This section shall in  
36 no way be construed to limit the rights of any such employees set forth  
37 in this section granted by any other provision of law.

38 S 3. Subdivision 7 of section 1803 of the education law is REPEALED.

39 S 4. Subdivision 8 of section 1803 of the education law, as amended by  
40 chapter 157 of the laws of 1979, is amended to read as follows:

41 8. If at any such meeting the resolution described in subdivision two,  
42 three or four of this section shall be presented and shall not be  
43 adopted, there shall be no further proceedings at such meeting, except a  
44 motion to reconsider the question. No such meeting shall again be called  
45 within [one year] SIX MONTHS after such original meeting. No new meeting  
46 shall be called unless a petition therefor shall be presented to the  
47 commissioner in the manner provided in subdivision two of section eigh-  
48 teen hundred two of this article. [If no meeting shall be called to  
49 reconsider the question within two years after such original meeting or  
50 if at any such meeting called within two years after such original meet-  
51 ing the resolution shall again fail of adoption,] IF AFTER FOUR YEARS  
52 AFTER SUCH ORIGINAL MEETING THE RESOLUTION DESCRIBED IN SUBDIVISION TWO,  
53 THREE, OR FOUR OF THIS SECTION SHALL BE PRESENTED AND SHALL NOT BE  
54 ADOPTED, the order of the commissioner [of education] to which the  
55 resolution relates shall be deemed null and void and of no further force  
56 or effect.

1 S 5. Section 305 of the education law is amended by adding a new  
2 subdivision 55 to read as follows:

3 55. UNLESS EXPLICITLY PROVIDED FOR IN LAW, THE COMMISSIONER SHALL NOT  
4 REQUIRE THE USE OF A PETITION PROCESS, A STRAW VOTE OR ANY OTHER METHOD-  
5 OLOGY TO ASSESS PUBLIC SUPPORT OF A PROPOSED REORGANIZATION PURSUANT TO  
6 ARTICLE THIRTY-ONE, THIRTY-FIVE, OR THIRTY-SEVEN OF THIS CHAPTER.

7 S 6. This act shall take effect on the first of July next succeeding  
8 the date on which it shall have become a law.