

9115

I N A S S E M B L Y

January 28, 2016

Introduced by M. of A. GALEF -- read once and referred to the Committee
on Education

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 ASSEM-
BLY, 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 quali-
7 fied 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, it] IT
13 shall be the duty of such trustees or board of education to submit
14 [such] A proposed consolidation to the commissioner [of education] for
15 approval. If the commissioner [approve] APPROVES such proposed consol-
16 idation, it shall be the duty of such trustees or board of education to
17 give public notice that a meeting of the qualified electors of such
18 districts will be held at some convenient place within such districts,
19 as centrally located as may be, to vote upon the question of consolidat-
20 ing such districts. Such notice shall specify the day and hour when such
21 meeting shall be held, not less than twenty nor more than thirty days
22 after the posting, service or publication of such notice. If the trus-
23 tees or board of education shall refuse or neglect to give such notice
24 within twenty days after such request is approved by the commissioner
25 [of education], the commissioner [of education] may authorize and direct
26 any qualified elector of the district to give such notice.

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

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

3 S 1705. Annexing territory to a union free school district. 1. Terri-
4 tory may be annexed to a union free school district as provided in this
5 section.

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

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

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

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

39 [b. If at any such meeting the resolution described in paragraph a of
40 this subdivision shall be presented and shall not be adopted, there
41 shall be no further proceedings at such meeting, except a motion to
42 reconsider the question. No such meeting shall again be called by the
43 commissioner within one year after such original meeting. If no meeting
44 shall be called to reconsider the question within two years after such
45 original meeting, or if at any such meeting called within two years
46 after such original meeting the resolution shall again be rejected by
47 the voters, the order of the commissioner to which the resolution
48 relates shall be deemed null and void and of no further force or effect.

49 c.] B. If the resolution submitted to the voters as provided in para-
50 graph a of this subdivision shall be adopted by the voters of each
51 school district affected by the order of the commissioner, the territory
52 described therein shall thereupon be annexed to the existing union free
53 school district or districts as provided in such order.

54 3. Whenever a common school district, union free school district or
55 central school district becomes a part of a union free school district
56 pursuant to the provisions of this section, the union free school

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

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

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

33 S 4. Subdivision 8 of section 1803 of the education law is REPEALED.

34 S 5. This act shall take effect on the first of July next succeeding
35 the date on which it shall have become a law.