

9115--A

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 -- 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 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] 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.