S T A T E O F N E W Y O R K

7098

2009-2010 Regular Sessions

I N A S S E M B L Y

March 20, 2009

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

AN ACT to amend the education law, in relation to eligibility to the office of member of the board of education

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

Section 1. Subdivision 17 of section 1709 of the education law, as amended by chapter 355 of the laws of 1978, is amended to read as follows:

17. To fill any vacancy which may occur in said board by reason of the death, resignation, removal from office or from the school district, or refusal to serve, of any member or officer of said board; and the person so appointed in the place of any such member of the board shall hold his office until the next regular school district election. The person elected to fill such vacancy shall take office immediately upon filing of his official oath of office with the district clerk. NO PERSON SHALL BE ELIGIBLE TO FILL SUCH VACANCY IF THEY HAVE A RELATIVE, IMMEDIATE OR DISTANT, EMPLOYED IN ANY POSITION FOR THE SCHOOL DISTRICT.

S 2. Section 1804 of the education law is amended by adding two new subdivisions 3-a and 3-b to read as follows:

3-A. NO PERSON SHALL BE ELIGIBLE TO THE OFFICE OF MEMBER OF THE BOARD OF EDUCATION IF THEY HAVE A RELATIVE, WHETHER IMMEDIATE OR DISTANT, THAT IS EMPLOYED IN ANY POSITION FOR THE CENTRAL SCHOOL DISTRICT.

3-B. IF A CURRENT BOARD OF EDUCATION MEMBER HAS A RELATIVE, WHETHER IMMEDIATE OR DISTANT, EMPLOYED IN ANY POSITION FOR THE SCHOOL DISTRICT, SUCH MEMBER SHALL NOT BE ELIGIBLE TO RUN FOR AN ADDITIONAL TERM ON SUCH BOARD.

S 3. Subdivision 1 of section 1901 of the education law, as amended by chapter 314 of the laws of 2005, is amended to read as follows:

1. Existing central high school districts are continued. Boards of education of such central high school districts heretofore established

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

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shall continue as constituted under the order of the commissioner. The number of their members shall be not less than five. There shall be at least one member of such a board from each common school district and at least two from each union free school district within the central high school district. The board of education of each union free school district in each such central high school district shall appoint the number of persons so designated by the commissioner to represent such district as members of the board of education of such central high school district. In each common school district having a sole trustee, such trustee shall represent such district as a member of the board of education of such central high school district. If a common school district have three trustees, such board of trustees shall designate one of its members to represent such district as a member of such board of education. The persons so designated shall be members of the board of education of the central high school district during their terms of office as members of the board of education or as trustees of the districts respectively represented by them. Whenever a vacancy shall occur in the office of a member of the board of education of such central high school district, it shall be filled as above provided. NO PERSON SHALL BE ELIGIBLE TO THE OFFICE OF MEMBER OF THE BOARD OF EDUCATION IF THEY HAVE A RELATIVE, WHETHER IMMEDIATE OR DISTANT, THAT IS EMPLOYED IN ANY POSITION FOR THE SCHOOL DISTRICTS REPRESENTED BY THE CENTRAL HIGH SCHOOL DISTRICT BOARD OF EDUCATION. IF A CURRENT BOARD OF EDUCATION MEMBER FOR A CENTRAL HIGH SCHOOL DISTRICT HAS A RELATIVE, WHETHER IMMEDIATE OR DISTANT, EMPLOYED IN ANY POSITION FOR A REPRESENTED SCHOOL DISTRICT, SUCH MEMBER SHALL NOT BE ELIGIBLE TO RUN FOR AN ADDITIONAL TERM ON SUCH BOARD.

S 4. Section 1914 of the education law, as added by chapter 732 of the laws of 1981, is amended to read as follows:

S 1914. Board of education; number and election. For any central high school district formed on or after July first, nineteen hundred eighty-one, the order of the commissioner establishing such central high school district shall specify the number of members to constitute the board of education of such district and the number of members representing each of the districts included in such district. The number of members of such board shall be not less than five. There shall be at least one member of such board from each component school district. The board of education of each union free school district or central school district in such central high school district shall appoint the number of persons so designated by the commissioner to represent such district as members of the board of education thereof. In each common school district having a sole trustee, such trustee shall represent such district as a member of the board of education of such central high school district. If a common school district has three trustees, such board of trustees shall designate one of its members to represent such district as a member of such board of education. The persons so designated shall be members of the board of education of the central high school district during their terms of office as members of the board of education or as trustees of the districts respectively represented by them. Whenever a vacancy shall occur in the office of a member of the board of education of such central high school district, it shall be filled as above provided; except that each component school district may choose to fill vacancies from its district on the central high school district board by election. NO PERSON SHALL BE ELIGIBLE TO THE OFFICE OF MEMBER OF THE BOARD OF EDUCATION IF THEY HAVE A RELATIVE, WHETHER IMMEDIATE OR DISTANT, THAT IS EMPLOYED IN ANY POSITION FOR THE SCHOOL DISTRICTS REPRESENTED BY THE

CENTRAL HIGH SCHOOL DISTRICT BOARD OF EDUCATION. IF A CURRENT BOARD OF EDUCATION MEMBER FOR A CENTRAL HIGH SCHOOL DISTRICT HAS A RELATIVE, WHETHER IMMEDIATE OR DISTANT, EMPLOYED IN ANY POSITION FOR A REPRESENTED SCHOOL DISTRICT, SUCH MEMBER SHALL NOT BE ELIGIBLE TO RUN FOR AN ADDITIONAL TERM ON SUCH BOARD.

S 5. Subdivision 3 of section 2502 of the education law, as amended by chapter 112 of the laws of 1997, is amended to read as follows:

3. A. The full term of office of a member of the board of education shall be three or five years, as the district may determine, except the full term of office of a member of the board of education in the city of Albany shall be four years; provided, however, that the term of office of each incumbent member of the city of Albany board on the effective date of this amendment shall not be decreased, and provided further, that one or more of the vacancies filled after this change to four year terms shall be for terms of two or three years only in order that, as nearly as possible, an equal number of members shall be elected to the board each year. Any such school district may decrease the full term of a member of the board of education to three years or increase the full term of a member of the board of education to five years by adopting a proposition at any regular meeting or election to do so; provided, however, that the term of office of each incumbent member of the board of education shall not be increased or decreased thereby; and provided, further, that whenever a proposition shall be adopted to increase the term of office from three years to five years, or to decrease the term of office from five years to three years, such proposition shall provide that one or more of the vacancies to be filled, during each of the three years next succeeding the adoption of such proposition, shall be for three or four years only in order that, as nearly as possible, an equal number of trustees shall be elected to the board each year. The board of education in the city of Peekskill may, by adopting a resolution, decrease the full term of a member of the board of education to two years in order that, as nearly as possible, an equal number of trustees shall be elected to the board each year; provided, however, that the term of office of each incumbent member of the board of education shall not be decreased thereby.

B. NO PERSON SHALL BE ELIGIBLE TO THE OFFICE OF MEMBER OF THE BOARD OF EDUCATION IF THEY HAVE A RELATIVE, WHETHER IMMEDIATE OR DISTANT, THAT IS EMPLOYED IN ANY POSITION FOR THE SCHOOL DISTRICT. IF A CURRENT BOARD OF EDUCATION MEMBER HAS A RELATIVE, WHETHER IMMEDIATE OR DISTANT, EMPLOYED IN ANY POSITION FOR THE SCHOOL DISTRICT, SUCH MEMBER SHALL NOT BE ELIGIBLE TO RUN FOR AN ADDITIONAL TERM ON SUCH BOARD.

S 6. Subparagraphs 2 and 3 of paragraph d of subdivision 5 of section 2502 of the education law, as amended by chapter 281 of the laws of 1971, are amended and a new subparagraph 4 is added to read as follows:

(2) As nearly as possible, an equal number of the members of the board of education shall be elected each year; [and]

(3) In the case of boards of education coming under the provisions of paragraph c of this subdivision, the number of members elected to and serving on any such board shall equal the number specified in the proposition adopted pursuant to paragraph c of this subdivision[.]; AND

(4) NO PERSON SHALL BE ELIGIBLE TO THE OFFICE OF MEMBER OF THE BOARD OF EDUCATION IF THEY HAVE A RELATIVE, WHETHER IMMEDIATE OR DISTANT, THAT IS EMPLOYED IN ANY POSITION FOR THE SCHOOL DISTRICT.

S 7. Subdivision 6 of section 2502 of the education law, as amended by chapter 355 of the laws of 1978, is amended and a new subdivision 6-a is added to read as follows:

6. Whenever a vacancy shall occur or exist in the office of member of the board of education, except by reason of expiration of term or of an increase in the number of members of such board, a majority of the remaining members of such board may appoint a qualified person to fill the vacancy. The person so appointed shall hold office until the next regular school district election, and the person elected to fill such vacancy shall take office immediately upon the filing of his official oath of office with the district clerk; PROVIDED, HOWEVER THAT NO PERSON SHALL BE ELIGIBLE TO THE OFFICE OF MEMBER OF THE BOARD OF EDUCATION IF THEY HAVE A RELATIVE, WHETHER IMMEDIATE OR DISTANT, THAT IS EMPLOYED IN ANY POSITION FOR THE SCHOOL DISTRICT.

6-A. IF A CURRENT BOARD OF EDUCATION MEMBER HAS A RELATIVE, WHETHER IMMEDIATE OR DISTANT, EMPLOYED IN ANY POSITION FOR THE SCHOOL DISTRICT, SUCH MEMBER SHALL NOT BE ELIGIBLE TO RUN FOR AN ADDITIONAL TERM ON SUCH BOARD.

S 8. Subdivision 9 of section 2502 of the education law is amended by adding a new paragraph d-1 to read as follows:

D-1. NO PERSON SHALL BE ELIGIBLE TO THE OFFICE OF MEMBER OF THE BOARD OF EDUCATION IF THEY HAVE A RELATIVE, WHETHER IMMEDIATE OR DISTANT, THAT IS EMPLOYED IN ANY POSITION FOR THE SCHOOL DISTRICT. IF A CURRENT BOARD OF EDUCATION MEMBER HAS A RELATIVE, WHETHER IMMEDIATE OR DISTANT, EMPLOYED IN ANY POSITION FOR THE SCHOOL DISTRICT, SUCH MEMBER SHALL NOT BE ELIGIBLE TO RUN FOR AN ADDITIONAL TERM ON SUCH BOARD.

S 9. Subdivision 9-a of section 2502 of the education law is amended by adding a new paragraph d-1 to read as follows:

D-1. NO PERSON SHALL BE ELIGIBLE TO THE OFFICE OF MEMBER OF THE BOARD OF EDUCATION IF THEY HAVE A RELATIVE, WHETHER IMMEDIATE OR DISTANT, THAT IS EMPLOYED IN ANY POSITION FOR THE SCHOOL DISTRICT. IF A CURRENT BOARD OF EDUCATION MEMBER HAS A RELATIVE, WHETHER IMMEDIATE OR DISTANT, EMPLOYED IN ANY POSITION FOR THE SCHOOL DISTRICT, SUCH MEMBER SHALL NOT BE ELIGIBLE TO RUN FOR AN ADDITIONAL TERM ON SUCH BOARD.

S 10. Subdivisions 6 and 7 of section 2553 of the education law, subdivision 6 as amended by chapter 211 of the laws of 1980 and subdivision 7 as amended by chapter 762 of the laws of 1950 and as renumbered by chapter 330 of the laws of 1969, are amended to read as follows:

6. A. If a vacancy occurs other than by expiration of term in the office of a member of a board of education in a district in which such members are elected at a general or municipal election, such vacancy shall be filled by appointment by the mayor until the next general or municipal election is held, and such vacancy shall then be filled at such election for the unexpired portion of such term, except that in the city school district of the city of Rochester any such vacancy shall be filled pursuant to the provisions of subdivision nine of this section and except further that any such vacancy on the board of education of the city school district of the city of Buffalo shall be filled pursuant to the provisions of subdivision ten of this section.

B. NO PERSON SHALL BE ELIGIBLE TO THE OFFICE OF MEMBER OF THE BOARD OF EDUCATION IF THEY HAVE A RELATIVE, WHETHER IMMEDIATE OR DISTANT, THAT IS EMPLOYED IN ANY POSITION FOR THE SCHOOL DISTRICT.

7. A. If such vacancy occurs in such office in a district in which the members of the board of education are appointed by the mayor, such vacancy shall be filled by appointment by the mayor of such city for the unexpired portion of such term, but in Buffalo such appointment shall be subject to confirmation by the council.

B. NO PERSON SHALL BE ELIGIBLE TO THE OFFICE OF MEMBER OF THE BOARD OF EDUCATION IF THEY HAVE A RELATIVE, WHETHER IMMEDIATE OR DISTANT, THAT IS EMPLOYED IN ANY POSITION FOR THE SCHOOL DISTRICT.

S 11. Subdivision 9 of section 2553 of the education law is amended by adding a new paragraph (i) to read as follows:

(I) NO PERSON SHALL BE ELIGIBLE TO THE OFFICE OF MEMBER OF THE BOARD OF EDUCATION IF THEY HAVE A RELATIVE, WHETHER IMMEDIATE OR DISTANT, THAT IS EMPLOYED IN ANY POSITION FOR THE SCHOOL DISTRICT. IF A CURRENT BOARD OF EDUCATION MEMBER HAS A RELATIVE, WHETHER IMMEDIATE OR DISTANT, EMPLOYED IN ANY POSITION FOR THE SCHOOL DISTRICT, SUCH MEMBER SHALL NOT BE ELIGIBLE TO RUN FOR AN ADDITIONAL TERM ON SUCH BOARD.

S 12. Subdivision 10 of section 2553 of the education law is amended by adding a new paragraph q to read as follows:

Q. NO PERSON SHALL BE ELIGIBLE TO THE OFFICE OF MEMBER OF THE BOARD OF EDUCATION IF THEY HAVE A RELATIVE, WHETHER IMMEDIATE OR DISTANT, THAT IS EMPLOYED IN ANY POSITION FOR THE SCHOOL DISTRICT. IF A CURRENT BOARD OF EDUCATION MEMBER HAS A RELATIVE, WHETHER IMMEDIATE OR DISTANT, EMPLOYED IN ANY POSITION FOR THE SCHOOL DISTRICT, SUCH MEMBER SHALL NOT BE ELIGIBLE TO RUN FOR AN ADDITIONAL TERM ON SUCH BOARD.

S 13. This act shall take effect on the sixtieth day after it shall have become a law.