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

S. 2549 A. 5938

2009-2010 Regular Sessions

S E N A T E - A S S E M B L Y

February 23, 2009

IN SENATE -- Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Education

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

AN ACT to amend the education law, in relation to the consolidation of school districts

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

Section 1. The education law is amended by adding a new section 1509-a to read as follows:

S 1509-A. SCHOOL DISTRICT CONSOLIDATION. 1. THE DEPARTMENT IS HEREBY AUTHORIZED AND DIRECTED TO CONDUCT A STUDY TO IDENTIFY SCHOOL DISTRICTS WITHIN THE STATE THAT MAY BENEFIT FROM CONSOLIDATION WITH ONE OR MORE SCHOOL DISTRICT. THE STUDY SHALL BE LIMITED IN SCOPE TO INCLUDE EACH SCHOOL DISTRICT WITHIN THE STATE WITH ONE THOUSAND STUDENTS OR LESS AND ANY SCHOOL DISTRICT THAT EITHER: (1) SHARES A COMMON BORDER WITH SUCH DISTRICT; OR (2) HAS AN EXISTING CONTRACT TO EDUCATE SOME OR ALL OF THE STUDENTS OF SUCH DISTRICT WITH ONE THOUSAND STUDENTS OR LESS. CRITERIA USED TO DETERMINE WHICH SCHOOL DISTRICTS SHALL BE CONSIDERED FOR CONSOLIDATION SHALL BE DETERMINED BY THE DEPARTMENT. THE DEPARTMENT SHALL ISSUE A REPORT BASED ON THE FINDINGS OF SUCH STUDY WHICH SHALL CLEARLY IDENTIFY THE SCHOOL DISTRICTS THAT THE DEPARTMENT RECOMMENDS FOR CONSOLIDATION.

2. THE REPORT ISSUED PURSUANT TO SUBDIVISION ONE OF THIS SECTION SHALL BE COMPLETED WITHIN SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS SECTION. SUCH REPORT SHALL BE MADE AVAILABLE FOR REVIEW BY THE PUBLIC AND SHALL BE POSTED ON THE DEPARTMENT'S INTERNET WEB PAGE.

3. EACH PROPOSED CONSOLIDATION IDENTIFIED IN THE REPORT RECOMMENDED BY THE DEPARTMENT SHALL BE THE SUBJECT OF PUBLIC HEARINGS IN A MANNER TO BE DETERMINED BY THE DEPARTMENT. A HEARING SHALL BE HELD IN EACH SCHOOL

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

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DISTRICT WHICH IS PROPOSED TO BE PART OF A CONSOLIDATION. WITHIN THIRTY DAYS AFTER THE COMPLETION OF SUCH PUBLIC HEARINGS, THE DEPARTMENT SHALL PUBLISH A FINAL LIST OF SCHOOL DISTRICTS THAT THE DEPARTMENT RECOMMENDS FOR CONSOLIDATION. SUCH LIST SHALL BE MADE AVAILABLE FOR REVIEW BY THE PUBLIC AND SHALL BE POSTED ON THE DEPARTMENT'S INTERNET WEB PAGE.

4. EACH SCHOOL DISTRICT IDENTIFIED IN THE LIST DIRECTED TO BE MADE PURSUANT TO SUBDIVISION THREE OF THIS SECTION SHALL ESTABLISH A CITIZEN ADVISORY COMMITTEE. THE MEMBERSHIP OF EACH CITIZEN ADVISORY COMMITTEE SHALL BE ESTABLISHED IN A MANNER TO BE DETERMINED BY THE DEPARTMENT.

5. THE DEPARTMENT IS HEREBY AUTHORIZED AND DIRECTED TO CONDUCT A STUDY FOR EACH PROPOSED CONSOLIDATION SET FORTH IN THE LIST PURSUANT TO SUBDIVISION THREE OF THIS SECTION ON THE FEASIBILITY OF THE CONSOLIDATION OF SUCH DISTRICTS. EACH FEASIBILITY STUDY SHALL BE CONDUCTED IN CONJUNCTION AND COOPERATION WITH THE LOCAL CITIZEN ADVISORY COMMITTEE. THE DEPARTMENT SHALL ISSUE A REPORT FOR EACH SCHOOL DISTRICT BASED ON THE FINDINGS OF EACH SUCH FEASIBILITY STUDY WITHIN NINETY DAYS AFTER THE PUBLICATION OF THE LIST PREPARED PURSUANT TO SUBDIVISION THREE OF THIS SECTION. EACH REPORT SHALL BE MADE AVAILABLE FOR REVIEW BY THE COMMUNITY IN WHICH SUCH SCHOOL DISTRICT IS LOCATED AND SHALL BE POSTED ON THE DEPARTMENT'S INTERNET WEB PAGE.

6. UPON COMPLETION OF EACH FEASIBILITY STUDY AUTHORIZED AND DIRECTED TO BE MADE PURSUANT TO SUBDIVISION FIVE OF THIS SECTION, EACH SCHOOL DISTRICT SHALL CONDUCT PUBLIC HEARINGS IN A MANNER TO BE DETERMINED BY THE DEPARTMENT. UPON THE COMPLETION OF SUCH PUBLIC HEARINGS A PUBLIC REFERENDUM TO APPROVE OR DISAPPROVE SUCH CONSOLIDATION SHALL BE SUBMITTED TO THE ELIGIBLE VOTERS RESIDING IN THE CONSOLIDATING SCHOOL DISTRICTS. A MAJORITY VOTE OF EACH SCHOOL DISTRICT PROPOSED FOR CONSOLIDATION SHALL BE REQUIRED TO EFFECTUATE THE PROPOSED CONSOLIDATION.

7. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, EACH SCHOOL DISTRICT CONSOLIDATED PURSUANT TO THIS SECTION SHALL RECEIVE AN ADDITIONAL TEN PERCENT OF STATE AID FOR TWENTY YEARS FOLLOWING SUCH CONSOLIDATION. SUCH ADDITIONAL STATE AID SHALL BE CALCULATED USING THE HIGHEST STATE AID RATIO OF THE CONSOLIDATING SCHOOL DISTRICTS.

8. ADDITIONAL STATE AID GRANTED PURSUANT TO SUBDIVISION SEVEN OF THIS SECTION SHALL BE USED SOLELY FOR THE COSTS OF THE CONSOLIDATION AND REORGANIZATION OF SUCH DISTRICT, TO IMPROVE THE QUALITY OF EDUCATION WITHIN THE CONSOLIDATED SCHOOL DISTRICT OR TO REDUCE TAXES. NO SUCH ADDITIONAL STATE AID SHALL BE USED TO INCREASE SALARIES OR BENEFITS OF SCHOOL DISTRICT ADMINISTRATORS, TEACHERS AND STAFF.

S 2. This act shall take effect immediately.