

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

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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:

- 1     Section 1. The education law is amended by adding a new section 1509-a  
2     to read as follows:  
3     S 1509-A. SCHOOL DISTRICT CONSOLIDATION. 1. THE DEPARTMENT IS HEREBY  
4     AUTHORIZED AND DIRECTED TO CONDUCT A STUDY TO IDENTIFY SCHOOL DISTRICTS  
5     WITHIN THE STATE THAT MAY BENEFIT FROM CONSOLIDATION WITH ONE OR MORE  
6     SCHOOL DISTRICT. THE STUDY SHALL BE LIMITED IN SCOPE TO INCLUDE EACH  
7     SCHOOL DISTRICT WITHIN THE STATE WITH ONE THOUSAND STUDENTS OR LESS AND  
8     ANY SCHOOL DISTRICT THAT EITHER: (1) SHARES A COMMON BORDER WITH SUCH  
9     DISTRICT; OR (2) HAS AN EXISTING CONTRACT TO EDUCATE SOME OR ALL OF THE  
10    STUDENTS OF SUCH DISTRICT WITH ONE THOUSAND STUDENTS OR LESS. CRITERIA  
11    USED TO DETERMINE WHICH SCHOOL DISTRICTS SHALL BE CONSIDERED FOR CONSOL-  
12    IDATION SHALL BE DETERMINED BY THE DEPARTMENT. THE DEPARTMENT SHALL  
13    ISSUE A REPORT BASED ON THE FINDINGS OF SUCH STUDY WHICH SHALL CLEARLY  
14    IDENTIFY THE SCHOOL DISTRICTS THAT THE DEPARTMENT RECOMMENDS FOR CONSOL-  
15    IDATION.  
16    2. THE REPORT ISSUED PURSUANT TO SUBDIVISION ONE OF THIS SECTION SHALL  
17    BE COMPLETED WITHIN SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS SECTION.  
18    SUCH REPORT SHALL BE MADE AVAILABLE FOR REVIEW BY THE PUBLIC AND SHALL  
19    BE POSTED ON THE DEPARTMENT'S INTERNET WEB PAGE.  
20    3. EACH PROPOSED CONSOLIDATION IDENTIFIED IN THE REPORT RECOMMENDED BY  
21    THE DEPARTMENT SHALL BE THE SUBJECT OF PUBLIC HEARINGS IN A MANNER TO BE  
22    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.

LBD05489-02-9

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

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

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

21 6. UPON COMPLETION OF EACH FEASIBILITY STUDY AUTHORIZED AND DIRECTED  
22 TO BE MADE PURSUANT TO SUBDIVISION FIVE OF THIS SECTION, EACH SCHOOL  
23 DISTRICT SHALL CONDUCT PUBLIC HEARINGS IN A MANNER TO BE DETERMINED BY  
24 THE DEPARTMENT. UPON THE COMPLETION OF SUCH PUBLIC HEARINGS A PUBLIC  
25 REFERENDUM TO APPROVE OR DISAPPROVE SUCH CONSOLIDATION SHALL BE SUBMIT-  
26 TED TO THE ELIGIBLE VOTERS RESIDING IN THE CONSOLIDATING SCHOOL  
27 DISTRICTS. A MAJORITY VOTE OF EACH SCHOOL DISTRICT PROPOSED FOR CONSOL-  
28 IDATION SHALL BE REQUIRED TO EFFECTUATE THE PROPOSED CONSOLIDATION.

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

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

40 S 2. This act shall take effect immediately.