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

4380

2011-2012 Regular Sessions

I N S E N A T E

April 1, 2011

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

AN ACT to amend the education law, in relation to the annexation of school district territory and the consolidation of two or more school districts

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

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

1. Territory may be annexed to a union free school district as provided in this section.

a. The commissioner is authorized and empowered to make and enter in the commissioner's office orders dissolving one or more common, union free or central school districts and annexing the territory of such districts, or portions thereof, to one or more adjoining union free school districts, subject to approval of A MAJORITY OF the voters of [each] ALL school [district] DISTRICTS affected thereby.

b. When an order annexing territory to a union free school district has been made and entered as provided in this section, the commissioner shall, within ten days thereafter, cause certified copies of said order to be filed with the clerk or school authorities of each school district affected thereby. Within thirty days of filing of such order, the commissioner shall fix a time and place for a special meeting of the qualified voters of [each] THE school [district] DISTRICTS affected by the proposed annexation and shall cause notice thereof to be posted at least ten days before each such meeting in ten conspicuous places in the school [district] DISTRICTS. In addition to the posting of such notice, a copy thereof shall be duly published, at least three days before each such meeting, in a daily or weekly newspaper published within, or in general circulation in, the school [district] DISTRICTS in which such meeting is to be held. The expense of posting and publishing such notice

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

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shall be a charge upon the school [district] DISTRICTS conducting such meeting.

S 2. Paragraph c of subdivision 2 of section 1705 of the education law, as added by chapter 251 of the laws of 1993, is amended to read as follows:

c. If the resolution submitted to the voters as provided in paragraph a of this subdivision shall be adopted by A MAJORITY OF the voters of [each] THE school [district] DISTRICTS affected by the order of the commissioner, the territory described therein shall thereupon be annexed to the existing union free school district or districts as provided in such order.

S 3. Subdivision 1 of section 1512 of the education law, as amended by chapter 461 of the laws of 1996, is amended to read as follows:

1. Such meeting shall be organized as provided in section fifteen hundred twenty-three OF THIS ARTICLE. Such meeting may adopt a resolution to consolidate such districts if two-thirds of the qualified electors of each district having less than fifteen of such electors are present, or in case of districts having fifteen or more qualified electors if ten or more are present. The vote upon such resolution shall be by ballot or by taking and recording the ayes and noes. If the vote shall be by taking and recording the ayes and noes, the clerk and such assistants as may be provided for him by the meeting shall keep a poll-list upon which shall be recorded the names of all qualified electors voting upon the resolution, the districts in which such electors reside, and how each elector voted. If the vote shall be by ballot, one or more inspectors of election shall be appointed in such manner as the meeting shall determine, who shall receive the votes cast, canvass the same and announce the result of the ballot to the chairman. If the vote shall be by ballot then voting machines may be used in the manner prescribed by section two thousand thirty-five of this chapter and provision shall be made for absentee ballots as provided in section two thousand eighteen-a or two thousand eighteen-b of this chapter. If it shall appear that a majority of the qualified electors present and voting [from each district] are in favor of such resolution, it shall be declared adopted and where at least one of the districts consolidated is a union free school district it shall be lawful for such meeting thereafter to proceed to the election of a board of education as provided in sections seventeen hundred two and seventeen hundred four of this chapter. If a majority of the qualified electors present and voting [from each district] are not in favor of such resolution, all further proceedings at such meeting, except a motion to reconsider or adjourn, shall be dispensed with and no such meeting shall be again called within one year thereafter.

S 4. Subdivision 4 of section 1801 of the education law is amended to read as follows:

4. No central school district laid out by order of the commissioner shall operate as a central school district, nor be entitled to receive the benefits of a central school district until it has been organized by the qualified voters of the [district] SCHOOL DISTRICTS AFFECTED THEREBY in accordance with the provisions of this article, provided, however, a central school district which was organized prior to April seventh, nineteen hundred forty-four, or pursuant to the provisions of this section and to which territory may be annexed shall not be required to again organize.

S 5. Paragraph b of subdivision 1 of section 1802 of the education law is amended to read as follows:

b. Said petition shall be filed with the commissioner and shall request that a meeting of the qualified voters [within said territory] OF THE SCHOOL DISTRICTS AFFECTED BY THE PROPOSED CENTRAL SCHOOL DISTRICT be called for the purpose of determining whether or not such territory shall be organized as a central school district and a central school be established therein for instruction in elementary or elementary and high school subjects. If the commissioner is satisfied that the petition has been duly signed as provided in this section, he shall fix a time and place for a special meeting of the qualified voters within the [central] school [district] DISTRICTS AFFECTED BY THE CENTRAL SCHOOL DISTRICT, which meeting shall be held not more than thirty days after the filing of the petition aforesaid. The commissioner shall cause notice of such meeting to be posted at least ten days before the meeting in three conspicuous places in each school district wholly or partly within the central school district. In addition to the posting of such notice, a copy thereof shall be published at least three days before the meeting in a daily or weekly newspaper published within the territory or in a newspaper circulating therein. The expense of posting and publishing of the notice shall be borne equally by the several school districts within the territory, unless a central school district is organized, in which event such expense shall become a charge upon said central school district.

S 6. Subdivision 1 of section 1803-a of the education law, as added by chapter 801 of the laws of 1950, is amended to read as follows:

1. When an order laying out a central school district has been made and entered as provided in section eighteen hundred one of this chapter, and the petitions referred to in paragraph a of subdivision one of section eighteen hundred two thereof have been, or are being, presented and filed with the commissioner, a second petition may be presented by persons qualified to vote in any school district, all of which is included in the area of the central school district as laid out by such order, and which school district at the time of such order maintained its own schoolhouse. Such second petition may request the alternative voting procedure authorized by this section, and shall be signed by at least one hundred qualified voters of such district or by a number of such qualified voters equal to at least ten per centum of the pupils of such district as determined by the last school census, whichever shall be less; provided, however, that such second petition must, in any event, contain not less than ten signatures. Such second petition shall be filed with the commissioner at the same time as the first petition is filed. If the commissioner is satisfied that both petitions have been duly signed as provided by law, he shall fix a time and place for an election of the qualified voters [within the central] OF THE school [district] DISTRICTS AFFECTED BY SUCH CENTRAL SCHOOL DISTRICT, which said election shall be held not more than thirty days after the filing of the petitions aforesaid. The commissioner shall cause notice of such election to be posted at least ten days prior thereto in three conspicuous places in each school district wholly or partly within the central school district. In addition to the posting of such notice, a copy thereof shall be published at least three days before the election in a daily or weekly newspaper published within the territory or in a newspaper circulating therein. The expense of posting and publishing of the notice shall be borne equally by the several school districts within the territory, unless a central school district is organized, in which event such expense shall become a charge upon said central school district.

S 7. Paragraph a of subdivision 2 of section 1803-a of the education law, as added by chapter 801 of the laws of 1950, is amended to read as follows:

a. They shall take place on a day and at a place designated by the commissioner for a vote by all the qualified voters [within] OF the [central] school [district] DISTRICTS AFFECTED BY THE CENTRAL SCHOOL DISTRICT, except as otherwise provided in paragraph b of this subdivision.

S 8. Paragraph a of subdivision 6 of section 1804 of the education law, as amended by chapter 554 of the laws of 1964, is amended to read as follows:

a. The board of education shall not sell or otherwise dispose of the property of any such existing district except with the approval of a majority of the qualified voters of [such existing] THE CENTRAL SCHOOL district present and voting upon the question at a meeting of such voters duly called by such board of education; provided, however, that upon the expiration of five years from the date of discontinuance of a school, pursuant to section one thousand eight hundred five of this chapter, the board of education may, in its discretion, without a vote by such qualified voters upon such question, sell or otherwise dispose, in the manner provided by law, of such a school or other building previously used for school purposes and the real property on which it is situated. For that purpose the proceeds of such sale or disposal of property belonging to such existing district, after deducting the cost of repairs or improvements made after the organization of the central school district, shall be used for the payment of the portion payable by such existing district of any outstanding indebtedness of such existing district which shall be due and payable or which may thereafter become due and payable. Any balance remaining after the payment of such indebtedness shall be apportioned among the taxpayers of such existing district as they appear upon the last completed town or city assessment roll preceding the date of sale, providing such apportioned sum shall equal or exceed five dollars and unless the voters of [such existing] THE CENTRAL SCHOOL district by a majority vote of those present and voting at a [special] district meeting called for that purpose shall vote to turn over the proceeds of such sale or disposal of such property to the central district to be used for the benefit of the central district. Any balance of funds remaining in the treasury of the several districts included within the central school district on July first next following the date of the establishment of such central school district, after paying all outstanding obligations then due and payable, shall be turned over to the treasurer of the central school district within thirty days thereafter and shall become available for use by the board of education of the central school district; provided, however, that if any such existing district shall have any obligations which shall become due and payable after such July first, so much of any such balance of funds as may be necessary shall be held in a special account by the treasurer of the central school district for the purpose of paying the principal of, and interest on, such obligations, as the same shall become due and payable from time to time. The title to all property erected or otherwise acquired after the organization of such central school district shall be vested in the central district, irrespective of the location of such property.

S 9. This act shall take effect immediately.