

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:

1 Section 1. Subdivision 1 of section 1705 of the education law, as
2 added by chapter 251 of the laws of 1993, is amended to read as follows:
3 1. Territory may be annexed to a union free school district as
4 provided in this section.
5 a. The commissioner is authorized and empowered to make and enter in
6 the commissioner's office orders dissolving one or more common, union
7 free or central school districts and annexing the territory of such
8 districts, or portions thereof, to one or more adjoining union free
9 school districts, subject to approval of A MAJORITY OF the voters of
10 [each] ALL school [district] DISTRICTS affected thereby.
11 b. When an order annexing territory to a union free school district
12 has been made and entered as provided in this section, the commissioner
13 shall, within ten days thereafter, cause certified copies of said order
14 to be filed with the clerk or school authorities of each school district
15 affected thereby. Within thirty days of filing of such order, the
16 commissioner shall fix a time and place for a special meeting of the
17 qualified voters of [each] THE school [district] DISTRICTS affected by
18 the proposed annexation and shall cause notice thereof to be posted at
19 least ten days before each such meeting in ten conspicuous places in the
20 school [district] DISTRICTS. In addition to the posting of such notice,
21 a copy thereof shall be duly published, at least three days before each
22 such meeting, in a daily or weekly newspaper published within, or in
23 general circulation in, the school [district] DISTRICTS in which such
24 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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1 shall be a charge upon the school [district] DISTRICTS conducting such
2 meeting.

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

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

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

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

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

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

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

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

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

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

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

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

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

12 a. The board of education shall not sell or otherwise dispose of the
13 property of any such existing district except with the approval of a
14 majority of the qualified voters of [such existing] THE CENTRAL SCHOOL
15 district present and voting upon the question at a meeting of such
16 voters duly called by such board of education; provided, however, that
17 upon the expiration of five years from the date of discontinuance of a
18 school, pursuant to section one thousand eight hundred five of this
19 chapter, the board of education may, in its discretion, without a vote
20 by such qualified voters upon such question, sell or otherwise dispose,
21 in the manner provided by law, of such a school or other building previ-
22 ously used for school purposes and the real property on which it is
23 situated. For that purpose the proceeds of such sale or disposal of
24 property belonging to such existing district, after deducting the cost
25 of repairs or improvements made after the organization of the central
26 school district, shall be used for the payment of the portion payable by
27 such existing district of any outstanding indebtedness of such existing
28 district which shall be due and payable or which may thereafter become
29 due and payable. Any balance remaining after the payment of such indebt-
30 edness shall be apportioned among the taxpayers of such existing
31 district as they appear upon the last completed town or city assessment
32 roll preceding the date of sale, providing such apportioned sum shall
33 equal or exceed five dollars and unless the voters of [such existing]
34 THE CENTRAL SCHOOL district by a majority vote of those present and
35 voting at a [special] district meeting called for that purpose shall
36 vote to turn over the proceeds of such sale or disposal of such property
37 to the central district to be used for the benefit of the central
38 district. Any balance of funds remaining in the treasury of the several
39 districts included within the central school district on July first next
40 following the date of the establishment of such central school district,
41 after paying all outstanding obligations then due and payable, shall be
42 turned over to the treasurer of the central school district within thir-
43 ty days thereafter and shall become available for use by the board of
44 education of the central school district; provided, however, that if any
45 such existing district shall have any obligations which shall become due
46 and payable after such July first, so much of any such balance of funds
47 as may be necessary shall be held in a special account by the treasurer
48 of the central school district for the purpose of paying the principal
49 of, and interest on, such obligations, as the same shall become due and
50 payable from time to time. The title to all property erected or other-
51 wise acquired after the organization of such central school district
52 shall be vested in the central district, irrespective of the location of
53 such property.

54 S 9. This act shall take effect immediately.