

8589

2011-2012 Regular Sessions

I N A S S E M B L Y

September 21, 2011

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

AN ACT to amend the education law, in relation to providing for the  
appointment of members of the board of education in the city of  
Buffalo

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

1 Section 1. Subdivision a of section 2552 of the education law, as  
2 amended by chapter 138 of the laws of 1974, is amended to read as  
3 follows:

4 a. City school district of the city of Buffalo: [nine] ELEVEN  
5 members.

6 S 2. Subdivision 1 of section 2553 of the education law, as separately  
7 amended by chapters 211 and 441 of the laws of 1980, is amended to read  
8 as follows:

9 1. No person shall be eligible to the office of member of a board of  
10 education who is not a citizen of the United States, who is not quali-  
11 fied to register for or vote at an election in accordance with the  
12 provisions of section 5-106 of the election law, and who, in the case of  
13 the city school district of the city of Yonkers, has not been a resident  
14 of the city school district for which he is chosen for a period of at  
15 least three years immediately preceding the date of his election or  
16 appointment and who, in the case of the city school district of the city  
17 of Buffalo, in the case of a member to be elected OR APPOINTED at large  
18 is not a qualified voter of such city school district and who has not  
19 been a resident of such district for a period of at least three years  
20 immediately preceding the date of his election OR APPOINTMENT and in the  
21 case of a member elected from a city school subdistrict is not a quali-  
22 fied voter of such city school subdistrict and has not been a resident  
23 of the city school district for three years and a resident of the city  
24 school subdistrict which he represents or seeks to represent for a peri-

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

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1 od of one year immediately preceding the date of his election, and who,  
2 in the case of the city school district of the city of Rochester, is not  
3 a qualified voter under section 5-102 of the election law of such city  
4 school district; and who in the case of the city school district of the  
5 city of Syracuse has not been a qualified voter under section 5-102 of  
6 the election law of such city school district for at least ninety days  
7 immediately preceding the date of his election or appointment.

8 S 3. Paragraph a of subdivision 10 of section 2553 of the education  
9 law, as added by chapter 242 of the laws of 1974, is amended to read as  
10 follows:

11 a. The members of the board of education of the city school district  
12 of the city of Buffalo shall be elected OR APPOINTED by the qualified  
13 voters of such city as provided herein.

14 S 4. Paragraph c of subdivision 10 of section 2553 of the education  
15 law, as added by chapter 242 of the laws of 1974, is amended to read as  
16 follows:

17 c. The members of the board of education of the city school district  
18 of the city of Buffalo shall be [elected] CHOSEN as follows: one member  
19 from each of such six city school subdistricts within such city by the  
20 qualified voters therein [and] PURSUANT TO AN ELECTION AS PROVIDED HERE-  
21 IN, three members of such board of education shall be chosen by the  
22 qualified voters at large within such city PURSUANT TO AN ELECTION AS  
23 PROVIDED HEREIN, ONE MEMBER OF SUCH BOARD OF EDUCATION SHALL BE  
24 APPOINTED BY THE MAYOR AT LARGE FROM WITHIN THE CITY AND ONE MEMBER OF  
25 SUCH BOARD SHALL BE APPOINTED BY THE COMMON COUNCIL AT LARGE FROM WITHIN  
26 THE CITY.

27 S 5. Paragraph n of subdivision 10 of section 2553 of the education  
28 law, as added by chapter 242 of the laws of 1974, is amended to read as  
29 follows:

30 n. The term of office of each member of such board from a city school  
31 subdistrict shall be three years, and the term of office of each such  
32 member of the board elected OR APPOINTED at large shall be for five  
33 years. Of the candidates to be elected for membership on the board of  
34 education of the city school district of the city of Buffalo by the  
35 voters at large the three candidates receiving the largest number of  
36 votes cast in the city, shall be declared elected as at-large members of  
37 such board of education. In each city school subdistrict the candidates  
38 seeking the election as the member of such board of education for such  
39 city school subdistrict receiving a plurality of votes in such city  
40 school subdistrict shall be declared elected to that position.

41 Whenever a vacancy shall occur or exist in the office of AN ELECTED  
42 member of the board of education except by reason of expiration of term  
43 or increase in the number of members of such board, such vacancy shall  
44 be filled by a majority vote of the remaining members of the board of  
45 education within thirty days of the date when such vacancy shall have  
46 occurred. If the remaining members of the board of education shall fail  
47 to fill such vacancy within such thirty day period, then the mayor of  
48 the city of Buffalo shall within thirty days thereafter fill such vacan-  
49 cy subject to the confirmation of such appointment by the common council  
50 of the city of Buffalo. No one shall be appointed to fill a vacancy of a  
51 subdistrict member of the board of education unless he fulfills all of  
52 the qualifications in this subdivision to enable him to be a candidate  
53 for the office of a member of the board of education from the subdis-  
54 trict involved. WHENEVER A VACANCY SHALL OCCUR OR EXIST IN THE OFFICE  
55 OF AN APPOINTED MEMBER OF THE BOARD OF EDUCATION EXCEPT BY REASON OF  
56 EXPIRATION OF TERM, SUCH VACANCY SHALL BE FILLED BY APPOINTMENT BY THE

1 MAYOR OF THE CITY OF BUFFALO WITHIN THIRTY DAYS OF THE DATE WHEN SUCH  
2 VACANCY SHALL HAVE OCCURRED.

3 S 6. Paragraph o of subdivision 10 of section 2553 of the education  
4 law, as added by chapter 242 of the laws of 1974, is amended to read as  
5 follows:

6 o. The members so elected OR APPOINTED to the board of education shall  
7 convene on the first business day in July of each year, at the time of  
8 the commencement of their term of office and select from their members a  
9 president who shall serve for a term of one year or such other term, not  
10 exceeding the term of his office, as may be fixed by the rules and regu-  
11 lations of the board. THE INITIAL TERMS OF OFFICE FOR MEMBERS APPOINTED  
12 AT LARGE BY THE MAYOR SHALL TERMINATE AT THE SAME TIME AS THE MEMBERS  
13 ELECTED AT LARGE AT THE TIME OF THEIR APPOINTMENT. THEREAFTER, THEIR  
14 TERMS OF OFFICE SHALL COMMENCE WITH THE ELECTED MEMBERS OF THE BOARD OF  
15 EDUCATION.

16 S 7. This act shall take effect immediately.