

S. 781

A. 137

2013-2014 Regular Sessions

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

(PREFILED)

January 9, 2013

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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 alteration of school district boundaries; and to repeal such provisions upon expiration thereof

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 1527-d  
2     to read as follows:  
3     S 1527-D. PROCEDURE FOR ALTERATION OF SCHOOL DISTRICT BOUNDARIES.     1.  
4     THE BOUNDARIES OF TWO OR MORE COMMON, UNION FREE, OR CENTRAL SCHOOL  
5     DISTRICTS THAT ARE CONTIGUOUS AND WHOLLY CONTAINED WITHIN THE EASTERN  
6     SUFFOLK BOARD OF COOPERATIVE EDUCATIONAL SERVICES SUPERVISORY DISTRICT  
7     MAY BE ALTERED AS PROVIDED BY THIS SECTION.  
8     2. A PROPOSITION FOR THE ALTERATION IN THE BOUNDARIES OF EXISTING  
9     CONTIGUOUS SCHOOL DISTRICTS MAY BE INITIATED BY:  
10    (A) A PETITION IN WRITING FILED WITH THE TRUSTEE, TRUSTEES OR BOARD OF  
11    EDUCATION OF EACH DISTRICT THAT WOULD BE IMPACTED BY THE PROPOSED ALTER-  
12    ATION IN BOUNDARIES PROVIDED THAT SUCH PETITION IS SIGNED BY AT LEAST  
13    TWENTY-FIVE QUALIFIED VOTERS IN EACH SCHOOL DISTRICT OR FIVE PERCENT OF  
14    THE NUMBER OF VOTERS WHO VOTED IN EACH SCHOOL DISTRICT IN THE PREVIOUS  
15    ANNUAL ELECTION OF THE MEMBERS OF THE BOARD OF EDUCATION OR TRUSTEES,  
16    SAID NUMBER TO BE DETERMINED BY THE NUMBER OF PERSONS RECORDED ON THE  
17    POLL LIST AS HAVING VOTED AT SUCH ELECTION, WHICHEVER SHALL BE GREATER;  
18    (B) A JOINT RESOLUTION BY A MAJORITY OF THE TRUSTEES OR MEMBERS OF THE  
19    BOARD OF EDUCATION OF EACH OF THE DISTRICTS AFFECTED BY A PROPOSED  
20    TRANSFER OF TERRITORY.

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

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1 3. THE PETITION OR JOINT RESOLUTION SHALL STATE THE NAME OF EACH  
2 DISTRICT AFFECTED, DESCRIBE THE BOUNDARIES OF THE TERRITORY PROPOSED TO  
3 BE TRANSFERRED, STATE THE REASONS FOR DESIRING THE CHANGE, AND THE  
4 NUMBER OF CHILDREN OF SCHOOL AGE, IF ANY, RESIDING IN THE TERRITORY  
5 PROPOSED TO BE TRANSFERRED.

6 4. UPON RECEIPT OF A CITIZEN-INITIATED PETITION, OR UPON THE ADOPTION  
7 OF JOINT RESOLUTION, THE TRUSTEES OR MEMBERS OF THE BOARD OF EDUCATION  
8 OF EACH IMPACTED SCHOOL DISTRICT SHALL UNDERTAKE A JOINT FEASIBILITY  
9 STUDY ON THE PROPOSITION FOR THE ALTERATION OF SCHOOL DISTRICT BOUNDARIES.  
10 SUCH FEASIBILITY STUDY SHALL BE COMPLETED WITHIN ONE HUNDRED  
11 TWENTY DAYS OF RECEIPT OF THE CITIZEN-INITIATED PETITION OR JOINT RESOL-  
12 UTION AND SHALL CONTAIN THE FOLLOWING INFORMATION:

13 (A) CURRENT AND PROJECTED ENROLLMENTS;

14 (B) CURRENT AND PROJECTED PROFESSIONAL STAFFING PLAN;

15 (C) CURRENT AND PROJECTED HOUSING PLANS;

16 (D) A PLAN FOR EDUCATION PROGRAMS AND CURRICULA IN THE DISTRICT THAT  
17 WILL GAIN THE TERRITORY PROPOSED TO BE TRANSFERRED INCLUDING STUDENT  
18 EDUCATIONAL OPPORTUNITIES AS MEASURED BY THE PERCENTAGE OF STUDENTS  
19 PERFORMING AT EACH LEVEL OF THE STATEWIDE MANDATED ASSESSMENTS AND DATA  
20 REGARDING STUDENT ATTENDANCE, GRADUATION, AND DROPOUT RATES;

21 (E) FISCAL IMPLICATIONS OF THE REORGANIZATION, INCLUDING CHANGES IN  
22 STATE AID, EXPENDITURES AND LOCAL TAX EFFORT INCLUDING ALL FUNDING  
23 SOURCES OF THE AFFECTED DISTRICTS, EQUALIZATION AMONG SCHOOL DISTRICTS  
24 OF THE TAX BURDEN, IMPROVEMENT IN THE ECONOMIES IN THE ADMINISTRATION  
25 AND OPERATION OF SCHOOLS, AND THE EXTENT THE PROPOSED CHANGE WOULD  
26 POTENTIALLY REDUCE OR INCREASE THE INDIVIDUAL AND AGGREGATE TRANSPORTA-  
27 TION COSTS OF THE AFFECTED SCHOOL DISTRICTS;

28 (F) WHETHER OR NOT GEOGRAPHIC ACCESSIBILITY WARRANTS A FAVORABLE  
29 CONSIDERATION OF A RECOMMENDED ALTERATION IN SCHOOL DISTRICT BOUNDARIES,  
30 INCLUDING REMOTENESS OR ISOLATION OF PLACES OF RESIDENCE AND TIME  
31 REQUIRED TO TRAVEL TO AND FROM SCHOOL;

32 (G) THE SAFETY AND WELFARE OF PUPILS. FOR THE PURPOSES OF THIS  
33 SECTION, "SAFETY" MEANS FREEDOM OR PROTECTION FROM DANGER, INJURY, OR  
34 DAMAGE AND "WELFARE" MEANS A POSITIVE CONDITION OR INFLUENCE REGARDING  
35 HEALTH, CHARACTER, AND WELL-BEING;

36 (H) THE HISTORY AND RELATIONSHIP OF THE PROPERTY AFFECTED TO THE  
37 STUDENTS AND COMMUNITIES AFFECTED; AND

38 (I) OTHER FACTORS DEEMED RELEVANT BY THE TRUSTEES OR MEMBERS OF THE  
39 BOARD OF EDUCATION TO THE PROPOSED ALTERATION OF SCHOOL DISTRICT BOUNDARIES.  
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41 THE JOINT FEASIBILITY STUDY SHALL BE MADE AVAILABLE TO THE PUBLIC UPON  
42 REQUESTS ONCE IT IS COMPLETED. IN THE EVENT THAT MORE THAN ONE PROPOSITION  
43 FOR THE ALTERATION IN THE BOUNDARIES OF EXISTING CONTIGUOUS SCHOOL  
44 DISTRICTS IS INITIATED DURING A FIVE YEAR PERIOD, COMMENCING WITH THE  
45 FIRST PROPOSITION, PERTAINING TO THE SAME OR SUBSTANTIALLY THE SAME  
46 TERRITORY TO BE TRANSFERRED TO THE SAME SCHOOL DISTRICT, THE TRUSTEES OR  
47 MEMBERS OF THE BOARD OF EDUCATION OF EACH IMPACTED SCHOOL DISTRICT SHALL  
48 BE AUTHORIZED TO EITHER UTILIZE OR AMEND AN EXISTING JOINT FEASIBILITY  
49 STUDY IN ORDER TO COMPLY WITH THE PROVISIONS OF THIS SECTION.

50 5. WITHIN THIRTY DAYS AFTER COMPLETING THE JOINT FEASIBILITY STUDY ON  
51 THE PROPOSITION FOR THE ALTERATION OF SCHOOL DISTRICT BOUNDARIES PURSU-  
52 ANT TO SUBDIVISION FOUR OF THIS SECTION, THE TRUSTEES OR MEMBERS OF THE  
53 BOARD OF EDUCATION OF EACH OF THE DISTRICTS AFFECTED BY A PROPOSED  
54 TRANSFER OF TERRITORY SHALL HOLD A JOINT PUBLIC HEARING IN ORDER TO  
55 PRESENT THE FINDINGS CONTAINED WITHIN THE JOINT FEASIBILITY STUDY AND TO  
56 PROVIDE THE QUALIFIED VOTERS OF EACH DISTRICT WITH AN OPPORTUNITY TO BE

1 HEARD ON THE PROPOSITION. NOTICE OF SUCH JOINT PUBLIC HEARING SHALL BE  
2 MAILED TO ALL QUALIFIED VOTERS OF THE IMPACTED SCHOOL DISTRICTS NO LATER  
3 THAN FOURTEEN DAYS PRIOR TO THE HEARING. SUCH NOTICE SHALL INCLUDE:

4 (A) THE TIME, DATE, AND LOCATION OF THE HEARING;  
5 (B) THE TIME, DATE AND LOCATION OF THE SPECIAL DISTRICT MEETING AT  
6 WHICH A VOTE WILL OCCUR PURSUANT TO SUBDIVISION SIX OF THIS SECTION; AND  
7 (C) THE NAME OF EACH DISTRICT AFFECTED, A DESCRIPTION OF THE BOUNDA-  
8 RIES OF THE TERRITORY PROPOSED TO BE TRANSFERRED, THE REASONS STATED IN  
9 THE PETITION OR RESOLUTION FOR DESIRING THE CHANGE, AND THE NUMBER OF  
10 CHILDREN OF SCHOOL AGE, IF ANY, RESIDING IN THE TERRITORY PROPOSED TO BE  
11 TRANSFERRED.

12 6. WITHIN FORTY-FIVE DAYS AFTER THE JOINT PUBLIC HEARING PURSUANT TO  
13 SUBDIVISION FIVE OF THIS SECTION, EACH SCHOOL DISTRICT IMPACTED BY THE  
14 PROPOSITION FOR THE ALTERATION OF SCHOOL DISTRICT BOUNDARIES SHALL HOLD  
15 A SPECIAL MEETING OF THE QUALIFIED VOTERS, TO AFFORD THE VOTERS OF EACH  
16 DISTRICT AN OPPORTUNITY TO APPROVE OR REJECT SUCH PROPOSITION. A SIMPLE  
17 MAJORITY OF EACH DISTRICT SHALL DETERMINE APPROVAL OR REJECTION PROVIDED  
18 THAT IN ORDER FOR A PROPOSITION FOR THE ALTERATION OF SCHOOL DISTRICT  
19 BOUNDARIES TO BE DEEMED APPROVED, THE VOTERS OF ALL IMPACTED DISTRICTS  
20 MUST APPROVE SUCH PROPOSITION. NOTICE OF THE TIME AND PLACE OF SUCH  
21 SPECIAL MEETING OF THE QUALIFIED VOTERS AND THE PURPOSE FOR WHICH IT IS  
22 CALLED SHALL BE CONTAINED WITHIN THE HEARING NOTICE REQUIRED PURSUANT TO  
23 SUBDIVISION FIVE OF THIS SECTION AND SHALL BE PUBLISHED AT LEAST FOUR  
24 TIMES WITHIN THE FORTY-FIVE DAYS PRECEDING SUCH SPECIAL MEETING, THE  
25 FIRST PUBLICATION TO BE AT LEAST THIRTY DAYS BEFORE SAID MEETING, IN TWO  
26 NEWSPAPERS IF THERE SHALL BE TWO, OR IN ONE NEWSPAPER IF THERE SHALL BE  
27 BUT ONE, HAVING GENERAL CIRCULATION WITHIN THE IMPACTED SCHOOL  
28 DISTRICTS. BUT IF NO NEWSPAPER SHALL THEN HAVE GENERAL CIRCULATION THER-  
29 EIN, THE SAID NOTICE SHALL BE POSTED IN AT LEAST TWENTY OF THE MOST  
30 PUBLIC PLACES IN SAID DISTRICT FORTY-FIVE DAYS BEFORE THE TIME OF SUCH  
31 SPECIAL MEETING.

32 7. THE TRUSTEE, TRUSTEES OR BOARD OF EDUCATION OF EACH DISTRICT MAY  
33 ESTABLISH RULES LIMITING THE FREQUENCY OF CITIZEN-INITIATED PETITIONS  
34 THAT MAY BE FILED PERTAINING TO TERRITORY INCLUDED IN WHOLE OR IN PART  
35 IN A PREVIOUS CITIZEN-INITIATED PETITION WITHIN A FIVE YEAR PERIOD;  
36 PROVIDED THAT IF A MAJORITY OF THE QUALIFIED ELECTORS PRESENT AND VOTING  
37 FROM EACH DISTRICT ARE NOT IN FAVOR OF THE PROPOSITION FOR THE ALTER-  
38 ATION OF SCHOOL DISTRICT BOUNDARIES, THE SAME PROPOSITION OR ANY PROPO-  
39 SITION PERTAINING TO THE TERRITORY INCLUDED IN WHOLE OR IN PART OF SUCH  
40 PROPOSITION CANNOT BE VOTED UPON AGAIN FOR A PERIOD OF ONE YEAR.

41 8. A PROPOSITION THAT IS APPROVED ON OR AFTER MARCH FIRST IN ANY  
42 SCHOOL YEAR SHALL NOT BE AUTHORIZED TO TAKE EFFECT SOONER THAN JULY  
43 FIRST, OF THE SECOND SCHOOL YEAR NEXT FOLLOWING.

44 S 2. This act shall take effect immediately and shall expire and be  
45 deemed repealed five years after such effective date.