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

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

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:

Section 1. The education law is amended by adding a new section 1527-d to read as follows:

S 1527-D. PROCEDURE FOR ALTERATION OF SCHOOL DISTRICT BOUNDARIES. 1. THE BOUNDARIES OF TWO OR MORE COMMON, UNION FREE, OR CENTRAL SCHOOL DISTRICTS THAT ARE CONTIGUOUS AND WHOLLY CONTAINED WITHIN THE EASTERN SUFFOLK BOARD OF COOPERATIVE EDUCATIONAL SERVICES SUPERVISORY DISTRICT MAY BE ALTERED AS PROVIDED BY THIS SECTION.

2. A PROPOSITION FOR THE ALTERATION IN THE BOUNDARIES OF EXISTING CONTIGUOUS SCHOOL DISTRICTS MAY BE INITIATED BY:

(A) A PETITION IN WRITING FILED WITH THE TRUSTEE, TRUSTEES OR BOARD OF EDUCATION OF EACH DISTRICT THAT WOULD BE IMPACTED BY THE PROPOSED ALTERATION IN BOUNDARIES PROVIDED THAT SUCH PETITION IS SIGNED BY AT LEAST TWENTY-FIVE QUALIFIED VOTERS IN EACH SCHOOL DISTRICT OR FIVE PERCENT OF THE NUMBER OF VOTERS WHO VOTED IN EACH SCHOOL DISTRICT IN THE PREVIOUS ANNUAL ELECTION OF THE MEMBERS OF THE BOARD OF EDUCATION OR TRUSTEES, SAID NUMBER TO BE DETERMINED BY THE NUMBER OF PERSONS RECORDED ON THE POLL LIST AS HAVING VOTED AT SUCH ELECTION, WHICHEVER SHALL BE GREATER;

(B) A JOINT RESOLUTION BY A MAJORITY OF THE TRUSTEES OR MEMBERS OF THE BOARD OF EDUCATION OF EACH OF THE DISTRICTS AFFECTED BY A PROPOSED TRANSFER OF TERRITORY.

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

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

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

(A) CURRENT AND PROJECTED ENROLLMENTS;

(B) CURRENT AND PROJECTED PROFESSIONAL STAFFING PLAN;

(C) CURRENT AND PROJECTED HOUSING PLANS;

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

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

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

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

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

(I) OTHER FACTORS DEEMED RELEVANT BY THE TRUSTEES OR MEMBERS OF THE BOARD OF EDUCATION TO THE PROPOSED ALTERATION OF SCHOOL DISTRICT BOUNDARIES.

THE JOINT FEASIBILITY STUDY SHALL BE MADE AVAILABLE TO THE PUBLIC UPON REQUESTS ONCE IT IS COMPLETED. IN THE EVENT THAT MORE THAN ONE PROPOSITION FOR THE ALTERATION IN THE BOUNDARIES OF EXISTING CONTIGUOUS SCHOOL DISTRICTS IS INITIATED DURING A FIVE YEAR PERIOD, COMMENCING WITH THE FIRST PROPOSITION, PERTAINING TO THE SAME OR SUBSTANTIALLY THE SAME TERRITORY TO BE TRANSFERRED TO THE SAME SCHOOL DISTRICT, THE TRUSTEES OR MEMBERS OF THE BOARD OF EDUCATION OF EACH IMPACTED SCHOOL DISTRICT SHALL BE AUTHORIZED TO EITHER UTILIZE OR AMEND AN EXISTING JOINT FEASIBILITY STUDY IN ORDER TO COMPLY WITH THE PROVISIONS OF THIS SECTION.

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

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

(A) THE TIME, DATE, AND LOCATION OF THE HEARING;

(B) THE TIME, DATE AND LOCATION OF THE SPECIAL DISTRICT MEETING AT WHICH A VOTE WILL OCCUR PURSUANT TO SUBDIVISION SIX OF THIS SECTION; AND

(C) THE NAME OF EACH DISTRICT AFFECTED, A DESCRIPTION OF THE BOUNDARIES OF THE TERRITORY PROPOSED TO BE TRANSFERRED, THE REASONS STATED IN THE PETITION OR RESOLUTION FOR DESIRING THE CHANGE, AND THE NUMBER OF CHILDREN OF SCHOOL AGE, IF ANY, RESIDING IN THE TERRITORY PROPOSED TO BE TRANSFERRED.

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

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

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

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