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

8163

2015-2016 Regular Sessions

I N A S S E M B L Y

June 10, 2015

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

AN ACT to amend the education law, in relation to the establishment of school election wards in union free school districts and central school districts

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

Section 1. Section 1702 of the education law is amended by adding a new subdivision 4 to read as follows:

4. A. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, A BOARD OF EDUCATION OF A UNION FREE SCHOOL DISTRICT MAY, UPON RESOLUTION, ESTABLISH SCHOOL ELECTION WARDS FOR PURPOSES OF ELECTING INDIVIDUAL TRUSTEES. THERE MAY BE AT LEAST THREE, BUT NOT MORE THAN NINE, SCHOOL ELECTION WARDS WITHIN A SCHOOL DISTRICT. ONE TRUSTEE SHALL BE CHOSEN FROM EACH WARD BY THE QUALIFIED VOTERS THEREIN.

B. UPON APPROVAL BY RESOLUTION, THE BOARD OF EDUCATION SHALL CONDUCT A PUBLIC HEARING, AFTER WHICH A REFERENDUM SHALL BE PRESENTED FOR APPROVAL BY A MAJORITY OF THE VOTERS AT THE NEXT SUCCEEDING GENERAL ELECTION. IF SO APPROVED, WITHIN FIVE MONTHS OF SUCH APPROVAL, THE BOARD OF EDUCATION SHALL DEFINE AND PUBLISH BY RESOLUTION BOUNDARIES OF EACH OF THE SCHOOL ELECTION WARDS WHICH SAID WARDS SHALL BE CONTIGUOUS AND EACH OF WHICH SHALL CONTAIN AS NEARLY AS POSSIBLE THE SAME NUMBER OF INHABITANTS. SUCH WARDS SHALL BE ESTABLISHED FOR THE NEXT SCHOOL BOARD ELECTION FOLLOWING VOTER APPROVAL OF THE REFERENDUM IN THE GENERAL ELECTION. UPON ADOPTING A SYSTEM COMPRISED OF SCHOOL ELECTION WARDS, ALL SITTING SCHOOL BOARD TRUSTEES SHALL SERVE THE REMAINDER OF HIS OR HER TERM, AND HIS OR HER SUCCESSOR SHALL BE ELECTED ON THE BASIS OF THE SCHOOL ELECTION WARD SYSTEM. THE BOUNDARIES OF THE SAID SCHOOL ELECTION WARDS MAY THEREAFTER BE REDEFINED BY THE BOARD OF EDUCATION BY RESOLUTION, AFTER A PUBLIC HEARING THEREON, UPON EACH ISSUANCE OF A FEDERAL DECENNIAL CENSUS AND

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

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SUCH RESOLUTION SHALL BE ESTABLISHED AT LEAST EIGHT MONTHS PRIOR TO THE NEXT ELECTION FOR SCHOOL BOARD TRUSTEE OR TRUSTEES.

C. THE TERM OF OFFICE OF EACH MEMBER OF A SCHOOL BOARD FROM A SCHOOL ELECTION WARD SHALL BE THREE YEARS.

D. WHENEVER A VACANCY SHALL OCCUR OR EXIST IN THE OFFICE OF A WARD TRUSTEE OF A BOARD OF EDUCATION, EXCEPT BY REASON OF EXPIRATION OF TERM OR INCREASE IN THE NUMBER OF MEMBERS OF SUCH BOARD, SUCH VACANCY SHALL BE FILLED BY A MAJORITY VOTE OF THE REMAINING TRUSTEES OF THE BOARD OF EDUCATION WITHIN THIRTY DAYS OF THE DATE SUCH VACANCY SHALL HAVE OCCURRED. NO PERSON SHALL BE APPOINTED TO FILL A VACANCY OF A WARD TRUSTEE OF A BOARD OF EDUCATION UNLESS HE OR SHE FULFILLS ALL OF THE QUALIFICATIONS IN THIS SUBDIVISION TO ENABLE HIM OR HER TO BE A CANDIDATE FOR THE OFFICE OF A TRUSTEE OF THE BOARD OF EDUCATION FROM THE WARD INVOLVED.

S 2. Section 1804 of the education law is amended by adding a new subdivision 13 to read as follows:

13. A. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, A BOARD OF EDUCATION OF A CENTRAL SCHOOL DISTRICT MAY, UPON RESOLUTION, ESTABLISH SCHOOL ELECTION WARDS FOR PURPOSES OF ELECTING INDIVIDUAL SCHOOL BOARD MEMBERS. THERE MAY BE AT LEAST THREE, BUT NOT MORE THAN NINE, SCHOOL ELECTION WARDS WITHIN A SCHOOL DISTRICT. ONE MEMBER SHALL BE CHOSEN FROM EACH WARD BY THE QUALIFIED VOTERS THEREIN.

B. UPON APPROVAL BY RESOLUTION, THE BOARD OF EDUCATION SHALL CONDUCT A PUBLIC HEARING, AFTER WHICH A REFERENDUM SHALL BE PRESENTED FOR APPROVAL BY A MAJORITY OF THE VOTERS AT THE NEXT SUCCEEDING GENERAL ELECTION. IF SO APPROVED, WITHIN FIVE MONTHS OF SUCH APPROVAL, THE BOARD OF EDUCATION SHALL DEFINE AND PUBLISH BY RESOLUTION BOUNDARIES OF EACH OF THE SCHOOL ELECTION WARDS WHICH SAID WARDS SHALL BE CONTIGUOUS AND EACH OF WHICH SHALL CONTAIN AS NEARLY AS POSSIBLE THE SAME NUMBER OF INHABITANTS. SUCH WARDS SHALL BE ESTABLISHED FOR THE NEXT SCHOOL BOARD ELECTION FOLLOWING VOTER APPROVAL OF THE REFERENDUM IN THE GENERAL ELECTION. UPON ADOPTING A SYSTEM COMPRISED OF SCHOOL ELECTION WARDS, ALL SITTING SCHOOL BOARD MEMBERS SHALL SERVE THE REMAINDER OF HIS OR HER TERM, AND HIS OR HER SUCCESSOR SHALL BE ELECTED ON THE BASIS OF THE SCHOOL ELECTION WARD SYSTEM. THE BOUNDARIES OF THE SAID SCHOOL ELECTION WARDS MAY THEREAFTER BE REDEFINED BY THE BOARD OF EDUCATION BY RESOLUTION, AFTER A PUBLIC HEARING THEREON, UPON EACH ISSUANCE OF A FEDERAL DECENNIAL CENSUS AND SUCH RESOLUTION SHALL BE ESTABLISHED AT LEAST EIGHT MONTHS PRIOR TO THE NEXT ELECTION FOR SCHOOL BOARD MEMBER OR MEMBERS.

C. THE TERM OF OFFICE OF EACH MEMBER OF A SCHOOL BOARD FROM A SCHOOL ELECTION WARD SHALL BE THREE YEARS.

D. WHENEVER A VACANCY SHALL OCCUR OR EXIST IN THE OFFICE OF A WARD MEMBER OF A BOARD OF EDUCATION, EXCEPT BY REASON OF EXPIRATION OF TERM OR INCREASE IN THE NUMBER OF MEMBERS OF SUCH BOARD, SUCH VACANCY SHALL BE FILLED BY A MAJORITY VOTE OF THE REMAINING MEMBERS OF THE BOARD OF EDUCATION WITHIN THIRTY DAYS OF THE DATE SUCH VACANCY SHALL HAVE OCCURRED. NO PERSON SHALL BE APPOINTED TO FILL A VACANCY OF A WARD MEMBER OF A BOARD OF EDUCATION UNLESS HE OR SHE FULFILLS ALL OF THE QUALIFICATIONS IN THIS SUBDIVISION TO ENABLE HIM OR HER TO BE A CANDIDATE FOR THE OFFICE OF A MEMBER OF THE BOARD OF EDUCATION FROM THE WARD INVOLVED.

S 3. This act shall take effect immediately.