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

5038--A

2015-2016 Regular Sessions

I N S E N A T E

April 29, 2015

Introduced by Sen. PANEPINTO -- read twice and ordered printed, and when printed to be committed to the Committee on Education -- recommitted to the Committee on Education in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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; and providing for the repeal of such provisions upon expiration thereof

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

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

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

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

1. No person shall be eligible to the office of member of a board of education who is not a citizen of the United States, who is not qualified to register for or vote at an election in accordance with the provisions of section 5-106 of the election law, and who, in the case of the city school district of the city of Yonkers, has not been a resident of the city school district for which he is chosen for a period of at least three years immediately preceding the date of his election or appointment and who, in the case of the city school district of the city of Buffalo, in the case of a member to be elected OR APPOINTED at large is not a qualified voter of such city school district and who has not been a resident of such district for a period of at least three years immediately preceding the date of his election OR APPOINTMENT and in the

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

LBD10711-04-6

case of a member elected from a city school subdistrict is not a qualified voter of such city school subdistrict and has not been a resident of the city school district for three years and a resident of the city school subdistrict which he represents or seeks to represent for a period of one year immediately preceding the date of his election, and who, in the case of the city school district of the city of Rochester, is not a qualified voter under section 5-102 of the election law of such city school district; and who in the case of the city school district of the city of Syracuse has not been a qualified voter under section 5-102 of the election law of such city school district for at least ninety days immediately preceding the date of his election or appointment.

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

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

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

c. [The] NINE OF THE members of the board of education of the city school district of the city of Buffalo shall be elected as follows: one member from each of such six city school subdistricts within such city by the qualified voters therein and three members of such board of education shall be chosen by the qualified voters at large within such city. THE REMAINING TWO MEMBERS OF SUCH BOARD OF EDUCATION SHALL BE APPOINTED BY THE MAYOR OF THE CITY OF BUFFALO AT LARGE FROM WITHIN THE CITY SUBJECT TO THE CONFIRMATION OF SUCH APPOINTMENT BY A MAJORITY VOTE OF THE COMMON COUNCIL OF THE CITY OF BUFFALO.

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

n. The term of office of each member of such board from a city school subdistrict OR APPOINTED BY THE MAYOR shall be three years, and the term of office of each such member of the board elected at large shall be for five years. THE INITIAL TERM OF OFFICE OF EACH APPOINTED MEMBER OF THE BOARD SHALL BEGIN ON JULY FIRST, TWO THOUSAND SIXTEEN. Of the candidates to be elected for membership on the board of education of the city school district of the city of Buffalo by the voters at large the three candidates receiving the largest number of votes cast in the city, shall be declared elected as at-large members of such board of education. In each city school subdistrict the candidates seeking the election as the member of such board of education for such city school subdistrict receiving a plurality of votes in such city school subdistrict shall be declared elected to that position.

Whenever a vacancy shall occur or exist in the office of AN ELECTED member of the 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 when such vacancy shall have occurred. If the remaining members of the board of education shall fail to fill such vacancy within such thirty day period, then the mayor of the city of Buffalo shall within thirty days thereafter fill such vacancy subject to the confirmation of such appointment by the common council of the city of Buffalo. No one shall be appointed to fill a vacancy of a subdistrict member of the board of education unless he fulfills all of

the qualifications in this subdivision to enable him to be a candidate for the office of a member of the board of education from the subdistrict involved.

WHENEVER A VACANCY SHALL OCCUR OR EXIST IN THE OFFICE OF AN APPOINTED MEMBER OF THE BOARD OF EDUCATION EXCEPT BY REASON OF EXPIRATION OF TERM, THE MAYOR OF THE CITY OF BUFFALO SHALL WITHIN THIRTY DAYS THEREAFTER FILL SUCH VACANCY SUBJECT TO THE CONFIRMATION OF SUCH APPOINTMENT BY THE COMMON COUNCIL OF THE CITY OF BUFFALO.

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

o. The members so elected to the board of education shall convene on the first business day in July of each year, at the time of the commencement of their term of office, WITH THE APPOINTED MEMBERS OF THE BOARD and select from their members a president who shall serve for a term of one year or such other term, not exceeding the term of his office, as may be fixed by the rules and regulations of the board.

S 7. This act shall take effect immediately and shall expire and be deemed repealed three years after such date; provided that the additional members of the board of education of the city school district of the city of Buffalo added by this act shall continue in office until the end of their appointed term.