

8163

2015-2016 Regular Sessions

I N   A S S E M B L Y

June 10, 2015

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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:

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

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

9     B. UPON APPROVAL BY RESOLUTION, THE BOARD OF EDUCATION SHALL CONDUCT A  
10 PUBLIC HEARING, AFTER WHICH A REFERENDUM SHALL BE PRESENTED FOR APPROVAL  
11 BY A MAJORITY OF THE VOTERS AT THE NEXT SUCCEEDING GENERAL ELECTION. IF  
12 SO APPROVED, WITHIN FIVE MONTHS OF SUCH APPROVAL, THE BOARD OF EDUCATION  
13 SHALL DEFINE AND PUBLISH BY RESOLUTION BOUNDARIES OF EACH OF THE SCHOOL  
14 ELECTION WARDS WHICH SAID WARDS SHALL BE CONTIGUOUS AND EACH OF WHICH  
15 SHALL CONTAIN AS NEARLY AS POSSIBLE THE SAME NUMBER OF INHABITANTS. SUCH  
16 WARDS SHALL BE ESTABLISHED FOR THE NEXT SCHOOL BOARD ELECTION FOLLOWING  
17 VOTER APPROVAL OF THE REFERENDUM IN THE GENERAL ELECTION. UPON ADOPTING  
18 A SYSTEM COMPRISED OF SCHOOL ELECTION WARDS, ALL SITTING SCHOOL BOARD  
19 TRUSTEES SHALL SERVE THE REMAINDER OF HIS OR HER TERM, AND HIS OR HER  
20 SUCCESSOR SHALL BE ELECTED ON THE BASIS OF THE SCHOOL ELECTION WARD  
21 SYSTEM. THE BOUNDARIES OF THE SAID SCHOOL ELECTION WARDS MAY THEREAFTER  
22 BE REDEFINED BY THE BOARD OF EDUCATION BY RESOLUTION, AFTER A PUBLIC  
23 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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1 SUCH RESOLUTION SHALL BE ESTABLISHED AT LEAST EIGHT MONTHS PRIOR TO THE  
2 NEXT ELECTION FOR SCHOOL BOARD TRUSTEE OR TRUSTEES.

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

5 D. WHENEVER A VACANCY SHALL OCCUR OR EXIST IN THE OFFICE OF A WARD  
6 TRUSTEE OF A BOARD OF EDUCATION, EXCEPT BY REASON OF EXPIRATION OF TERM  
7 OR INCREASE IN THE NUMBER OF MEMBERS OF SUCH BOARD, SUCH VACANCY SHALL  
8 BE FILLED BY A MAJORITY VOTE OF THE REMAINING TRUSTEES OF THE BOARD OF  
9 EDUCATION WITHIN THIRTY DAYS OF THE DATE SUCH VACANCY SHALL HAVE  
10 OCCURRED. NO PERSON SHALL BE APPOINTED TO FILL A VACANCY OF A WARD TRUS-  
11 TEE OF A BOARD OF EDUCATION UNLESS HE OR SHE FULFILLS ALL OF THE QUALI-  
12 FICATIONS IN THIS SUBDIVISION TO ENABLE HIM OR HER TO BE A CANDIDATE FOR  
13 THE OFFICE OF A TRUSTEE OF THE BOARD OF EDUCATION FROM THE WARD  
14 INVOLVED.

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

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

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

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

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

52 S 3. This act shall take effect immediately.