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

9115--A

I N A S S E M B L Y

January 28, 2016

Introduced by M. of A. GALEF -- read once and referred to the Committee on Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to eliminating the initial public vote in the process for the prospective merger or consolidation of school districts; and repealing certain provisions of such law relating thereto

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

Section 1. The section heading and subdivision 1 of section 1511 of the education law, subdivision 1 as amended by chapter 700 of the laws of 1952, are amended to read as follows:

[Request for meeting to] PROPOSAL TO consolidate districts; notices of meeting. 1. [Whenever two-thirds of the qualified electors of each of two or more districts in which there shall be less than fifteen qualified electors, or if there be fifteen or more qualified electors in any of such districts whenever ten or more of such electors, shall sign a request for a meeting to be held for the purpose of determining whether such districts shall be consolidated as a common school district or as a union free school district, as the case may be, and submit the same to the trustees or board of education of each of such districts] THE BOARDS OF EDUCATION OR TRUSTEES OF TWO OR MORE DISTRICTS MAY AGREE TO CONSOLIDATE SUCH DISTRICTS AS A COMMON SCHOOL DISTRICT OR AS A UNION FREE SCHOOL DISTRICT AND IF SUCH DISTRICTS AGREE, it shall be the duty of such trustees or board of education to submit [such] A proposed consolidation to the commissioner [of education] for approval. If the commissioner [approve] APPROVES such proposed consolidation, it shall be the duty of such trustees or board of education to give public notice that a meeting of the qualified electors of such districts will be held at some convenient place within such districts, as centrally located as may be, to vote upon the question of consolidating such districts. Such notice shall specify the day and hour when such meeting shall be held, not less than twenty nor more than thirty days after the posting, service or publication of such notice. If the trustees or board of education shall

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

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refuse or neglect to give such notice within twenty days after such request is approved by the commissioner [of education], the commissioner [of education] may authorize and direct any qualified elector of the district to give such notice.

S 2. Section 1705 of the education law, as added by chapter 251 of the laws of 1993, is amended to read as follows:

S 1705. Annexing territory to a union free school district. 1. Territory may be annexed to a union free school district as provided in this section.

a. The commissioner is authorized and empowered to make and enter in the commissioner's office orders dissolving one or more common, union free or central school districts and annexing the territory of such districts, or portions thereof, to one or more adjoining union free school districts, subject to approval of the voters of each school district affected thereby.

b. When an order annexing territory to a union free school district has been made and entered as provided in this section, the commissioner shall, within ten days thereafter, cause certified copies of said order to be filed with the clerk or school authorities of each school district affected thereby. Within thirty days of filing of such order, the commissioner shall fix a time and place for a special meeting of the qualified voters of each school district affected by the proposed annexation and shall cause notice thereof to be posted at least ten days before each such meeting in ten conspicuous places in the school district. In addition to the posting of such notice, a copy thereof shall be duly published, at least three days before each such meeting, in a daily or weekly newspaper published within, or in general circulation in, the school district in which such meeting is to be held. The expense of posting and publishing such notice shall be a charge upon the school district conducting such meeting.

2. Except as provided in this subdivision, any special district meeting held pursuant to paragraph b of subdivision one of this section shall be conducted in accordance with the procedures specified in section eighteen hundred three of this chapter.

a. At a meeting held pursuant to paragraph b of subdivision one of this section, a resolution in substantially the following form shall be presented for the action and determination of the meeting, viz.: "Resolved that the...(insert simplified name of district in accordance with section three hundred fifteen of this chapter) school district be annexed to the...union free school district (designate union free school district) as provided in the order of the commissioner of education now before this meeting."

b. If at any such meeting the resolution described in paragraph a of this subdivision shall be presented and shall not be adopted, there shall be no further proceedings at such meeting, except a motion to reconsider the question. No such meeting shall again be called by the commissioner within [one year] SIX MONTHS after such original meeting. If [no meeting shall be called to reconsider the question within two] AFTER FOUR years after such original meeting, [or if at any such meeting called within two years after such original meeting] the resolution DESCRIBED IN PARAGRAPH A OF THIS SUBDIVISION shall [again be rejected by the voters] BE PRESENTED AND SHALL NOT BE ADOPTED, the order of the commissioner to which the resolution relates shall be deemed null and void and of no further force or effect.

c. If the resolution submitted to the voters as provided in paragraph a of this subdivision shall be adopted by the voters of each school

district affected by the order of the commissioner, the territory described therein shall thereupon be annexed to the existing union free school district or districts as provided in such order.

3. Whenever a common school district, union free school district or central school district becomes a part of a union free school district pursuant to the provisions of this section, the union free school district of which any such district shall have become a part, shall succeed to all the property rights of such common, union free or central school districts and all indebtedness of any such school district evidenced by bonds or notes or relating to school building construction shall become a charge upon such union free school district of which such district shall have become a part, but all other indebtedness of any such district shall be paid by any such district in accordance with the provisions of section fifteen hundred eighteen of this chapter and to that extent any such district shall continue to exist in law for the purpose of providing for and paying all such indebtedness in accordance with the provisions of such section.

4. Notwithstanding any other provision of law, whenever a common school district, union free school district or central school district is annexed in its entirety to a union free school district pursuant to this section, all employees of the former school districts at the time of dissolution shall immediately become employees of the reorganized union free school district, shall retain their tenure and/or employment status and the seniority gained in the annexed district, and the seniority list of the employees of the annexed school district shall be merged with the seniority list of the employees of the annexing school district. If the number of teaching positions needed to provide services in the reorganized union free school district is less than the number of teachers considered to be employees of the reorganized union free school district pursuant to this subdivision, the board of education shall abolish the unneeded positions and place teachers on preferred eligible lists in accordance with section three thousand thirteen of this chapter. For salary, sick leave and other purposes, an employee's length of service with the annexed school district shall be credited as employment time with the annexing union free school district. This section shall in no way be construed to limit the rights of any such employees set forth in this section granted by any other provision of law.

S 3. Subdivision 7 of section 1803 of the education law is REPEALED.

S 4. Subdivision 8 of section 1803 of the education law, as amended by chapter 157 of the laws of 1979, is amended to read as follows:

8. If at any such meeting the resolution described in subdivision two, three or four of this section shall be presented and shall not be adopted, there shall be no further proceedings at such meeting, except a motion to reconsider the question. No such meeting shall again be called within [one year] SIX MONTHS after such original meeting. No new meeting shall be called unless a petition therefor shall be presented to the commissioner in the manner provided in subdivision two of section eighteen hundred two of this article. [If no meeting shall be called to reconsider the question within two years after such original meeting or if at any such meeting called within two years after such original meeting the resolution shall again fail of adoption,] IF AFTER FOUR YEARS AFTER SUCH ORIGINAL MEETING THE RESOLUTION DESCRIBED IN SUBDIVISION TWO, THREE, OR FOUR OF THIS SECTION SHALL BE PRESENTED AND SHALL NOT BE ADOPTED, the order of the commissioner [of education] to which the resolution relates shall be deemed null and void and of no further force or effect.

S 5. Section 305 of the education law is amended by adding a new subdivision 55 to read as follows:

55. UNLESS EXPLICITLY PROVIDED FOR IN LAW, THE COMMISSIONER SHALL NOT REQUIRE THE USE OF A PETITION PROCESS, A STRAW VOTE OR ANY OTHER METHODOLOGY TO ASSESS PUBLIC SUPPORT OF A PROPOSED REORGANIZATION PURSUANT TO ARTICLE THIRTY-ONE, THIRTY-FIVE, OR THIRTY-SEVEN OF THIS CHAPTER.

S 6. This act shall take effect on the first of July next succeeding the date on which it shall have become a law.