STATE OF NEW YORK

881--A

2017-2018 Regular Sessions

IN ASSEMBLY

January 9, 2017

Introduced by M. of A. GUNTHER -- 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 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, by resolution and subject to a mandatory referendum, establish school election wards for purposes of electing individual trustees. There shall be at least three, but no more than nine, school election wards within a school district. One trustee shall be chosen from each ward by the qualified voters therein.

b. (i) Upon a resolution by the board of education, which shall be passed no less than one hundred eighty days prior to a related referendum being placed before the qualified voters of the school district during the annual meeting and election, the board of education shall conduct a public hearing.

(ii) Such public hearing shall be conducted not less than thirty nor more than ninety days prior to a vote on the resolution by a majority of the qualified voters of the district. The district clerk shall give notice of the public hearing by publishing a notice five times within fourteen days preceding the hearing, on the district's website and in two newspapers if there shall be two, or in one newspaper if there shall be but one, having general circulation within such district. But if no newspaper shall then have general circulation therein, said notice shall

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

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be posted in at least twenty of the most public places in said district fourteen days before the time of such hearing.

(iii) Following such public hearing, a proposition for approval of such resolution by a majority of the qualified voters of such district shall be submitted at the next succeeding annual meeting and election. The district clerk shall give notice of such proposition by publishing notice prior to the election, in the same manner and publication as the public hearing, set forth in this section, specifying the time when and place or places where such election will be held, the hours during which the polls will remain open for the purpose of receiving ballots, and setting forth in full the language of the proposition to be approved at such election.

(iv) If such proposition is 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. Such wards shall be contiguous and each ward shall contain as nearly as possible the same number of inhabitants. A map of each ward and the boundaries thereof shall be created with the original filed with the district clerk within ten days of the resolution and copies thereof filed in the board of elections of the county. The boundaries of the 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. Such resolution shall be established at least six months prior to the next election of a school board trustee or trustees.

(v) After a school election ward system shall have been established, the term of every existing trustee shall terminate on the thirtieth day of June next succeeding the first annual meeting and election following voter approval of the referendum and on the third Tuesday in May every three years thereafter.

c. The term of office of each trustee from a school election ward shall be three years. In each school election ward, the candidate receiving a plurality of votes in each school election ward shall be declared elected to that position.

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 within ninety days either by (i) a majority vote of the remaining trustees of the board of education or (ii) a special election ordered by the commissioner. When a special election is ordered, the vacancy shall not be filled otherwise. 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 section twenty-one hundred two of this title to enable him or her to be a candidate for the office of a trustee of the board of education from the ward involved. The person appointed or elected to fill such vacancy shall take office immediately upon filing of his or her official oath of office with the district clerk and shall hold his or her office for the remainder of the unexpired term.

e. Except as provided herein, all provisions of this article, article forty-one, and article forty-three of this chapter or of any other general law relating to or affecting the election of trustees in a union free school district shall apply to school election wards organized as herein.

§ 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, by resolution and subject to a mandatory referendum, establish school election wards for purposes of electing individual school board members. There shall be five, seven or nine school election wards within a school district. One member shall be chosen from each ward by the qualified voters therein.

b. (i) Upon a resolution by the board of education, which shall be passed no less than one hundred eighty days prior to a related referendum being placed before the qualified voters of the school district during the annual meeting and election, the board of education shall conduct a public hearing.

(ii) Such public hearing shall be conducted not less than thirty nor more than ninety days prior to a vote on the resolution by a majority of the qualified voters of the district. The district clerk shall give notice of the public hearing by publishing a notice five times within fourteen days preceding the hearing, on the district's website and in two newspapers if there shall be two, or in one newspaper if there shall be but one, having general circulation within such district. But if no newspaper shall then have general circulation therein, said notice shall be posted in at least twenty of the most public places in said district fourteen days before the time of such hearing.

(iii) Following such public hearing, a proposition for approval of such resolution by a majority of the qualified voters of such district shall be submitted at the next succeeding annual meeting and election. The district clerk shall give notice of such proposition by publishing notice prior to the election, in the same manner and publication as the public hearing, set forth in this section, specifying the time when and place or places where such election will be held, the hours during which the polls will remain open for the purpose of receiving ballots, and setting forth in full the language of the proposition to be approved at such election.

(iv) If such proposition is 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. Such wards shall be contiguous and each ward shall contain as nearly as possible the same number of inhabitants. A map of each ward and the boundaries thereof shall be created with the original filed with the district clerk within ten days of the resolution and copies thereof filed in the board of elections of the county. The boundaries of the 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. Such resolution shall be established at least six months prior to the next election of a school board member or members.

(v) After a school election ward system shall have been established, the term of every existing member shall terminate on the thirtieth day of June next succeeding the first annual meeting and election following voter approval of the referendum and on the third Tuesday in May every three years thereafter.

c. The term of office of each school board member from a school election ward shall be three years. In each election ward, the candidate receiving a plurality of votes in each election ward shall be declared elected to that position.

d. Whenever a vacancy shall occur or exist in the office of a 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 within ninety days by a majority vote of the remaining trustees

of the board of education. No person shall be appointed to fill a vacancy of a member of a board of education unless he or she fulfills all of the qualifications in section twenty-one hundred two of this title to enable him or her to be a candidate for the office of a member of the board of education from the ward involved. The person appointed or elected to fill such vacancy shall take office immediately upon filing of his or her official oath of office with the district clerk and shall hold his or her office for the remainder of the unexpired term.

e. Except as provided herein, all provisions of this article, article forty-one, and article forty-three of this chapter or of any other general law relating to or affecting the election of school board members in a central school district shall apply to school election wards organized as herein.

§ 3. This act shall take effect immediately.