

STATE OF NEW YORK

8920

IN SENATE

June 5, 2018

Introduced by Sen. LARKIN -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

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, by resolution
5 and subject to a mandatory referendum, establish school election wards
6 for purposes of electing individual trustees. There shall be at least
7 three, but no more than nine, school election wards within a school
8 district. One trustee shall be chosen from each ward by the qualified
9 voters therein. Within such resolution, a board of education may
10 require that a trustee elected to represent a ward shall be a resident
11 of such ward. Such resolution shall also provide for the signature
12 requirements for nominating petitions consistent with the applicable
13 provisions of this chapter.

14 b. (i) A resolution by the board of education, which shall be passed
15 no less than one hundred eighty days prior to a related referendum being
16 placed before the qualified voters of the school district during the
17 annual meeting and election, shall include an assessment and finding,
18 which shall take into account any historic disenfranchisement or
19 discrimination against any group of individuals within the school
20 district based upon race, gender, ethnicity, religion, socio-economic
21 status, or sexual orientation, including that no disenfranchisement or
22 discrimination would result from the adoption of the proposed resolu-
23 tion. The board of education shall conduct no fewer than three public
24 hearings on such resolution.

25 (ii) Such public hearings shall be conducted not less than thirty nor
26 more than ninety days prior to a vote on the resolution by a majority of
27 the qualified voters of the district. The district clerk shall give

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

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1 notice of the public hearing by publishing a notice five times within
2 fifteen days preceding the hearing, on the district's website and in two
3 newspapers if there shall be two, or in one newspaper if there shall be
4 but one, having general circulation within such district. But if no
5 newspaper shall then have general circulation therein, said notice shall
6 be posted in at least twenty of the most public places in said district
7 fifteen days before the time of the first hearing.

8 (iii) Following such public hearings, a proposition for approval of
9 such resolution and the boundaries of proposed school election wards by
10 a majority of the qualified voters of such district shall be submitted
11 at the next succeeding annual meeting and election. The district clerk
12 shall give notice of such proposition by publishing notice prior to the
13 election, in the same manner and publication as the public hearings, set
14 forth in this section, specifying the time when and place or places
15 where such election will be held, the hours during which the polls will
16 remain open for the purpose of receiving ballots, and setting forth in
17 full the language of the proposition to be approved at such election.
18 In any event, such election shall be held in at least one location with-
19 in each of the proposed school election wards and the hours of the
20 election shall commence no later than six o'clock in the morning and
21 shall end no earlier than nine o'clock in the evening.

22 (iv) At least fifteen days prior to conducting public hearings, the
23 board of education shall define and publish, by resolution, boundaries
24 of each of the proposed school election wards. Should such map be
25 altered as a result of the public hearings, the amended map shall be
26 published pursuant to this paragraph no later than fifteen days before
27 the election. Such wards shall be contiguous and each ward shall
28 contain as nearly as possible the same number of inhabitants. Each ward
29 shall also conform as closely as possible with the attendance zone of
30 the school district, conform as closely as possible with geographic and
31 other physical boundaries, and retain contiguous communities of inter-
32 est.

33 (v) A map of each ward and the boundaries thereof shall be created
34 with the original filed with the district clerk within ten days of the
35 resolution and copies thereof filed in the board of elections of the
36 county. Upon each issuance of a federal decennial census, the board of
37 education shall either: (1) make a written finding that, upon examina-
38 tion of the decennial census, the current school election wards contain
39 nearly as possible the same number of inhabitants and that no discrimi-
40 nation or disenfranchisement would result if the wards remained as
41 established; or (2) the school election wards shall be redefined by
42 resolution of the board of education, after a public hearing thereon,
43 and approval by the qualified voters of the school district. If the
44 qualified voters of the school district shall not approve of the resol-
45 ution, the board of education shall submit a second resolution for
46 approval by the qualified voters of the school district, after a public
47 hearing thereon, within ninety days. If the qualified voters of the
48 school district shall not approve of such resolution for a second time,
49 the board of education shall continue the membership and terms of the
50 current board until the next annual meeting and election at which time
51 the terms of all current trustees shall terminate. At the next annual
52 meeting and election, trustees shall be elected by a vote of the quali-
53 fied voters of the school district pursuant to article forty-three of
54 this chapter.

55 (vi) After a school election ward system shall have been established,
56 the term of every existing trustee shall terminate on the thirtieth day

1 of June next succeeding the first annual meeting and election following
2 voter approval of the referendum, at which time the terms for each
3 elected school ward trustee shall commence.

4 c. The term of office of each trustee from a school election ward
5 shall be three, four, or five years, to be determined at the discretion
6 of the board of education by resolution prior to the referendum;
7 provided however that the resolution shall also designate that in the
8 first annual meeting and election after the adoption of a school
9 election ward system, the initial terms shall be divided into terms of
10 three, four, or five years so that as nearly as possible an equal number
11 of trustees shall be elected each year. In each election cycle thereaft-
12 er, the terms of office shall be uniform. In each school election ward,
13 the candidate receiving a plurality of votes in each school election
14 ward shall be declared elected to that position.

15 d. Whenever a vacancy shall occur or exist in the office of a ward
16 trustee of a board of education, such vacancy shall be filled pursuant
17 to this article and part one of article forty-three of this chapter.

18 e. Except as provided in this subdivision, all provisions of this
19 article, article forty-one, and article forty-three of this chapter or
20 of any other general law relating to or affecting the election of trus-
21 tees in a union free school district shall apply to school election
22 wards organized pursuant to this subdivision and to the election of
23 trustees by the qualified voters of a school district as established
24 pursuant to paragraph f and subparagraph (iv) of paragraph b of this
25 subdivision.

26 f. A board of education of a union free school district which has
27 established school election wards pursuant to this subdivision may, by
28 resolution and subject to a mandatory referendum, abolish the school
29 election ward system and return to election of trustees by a vote of the
30 qualified voters of the school district. Adoption, assessment, public
31 hearing and notice, and voting requirements of such resolution and
32 referendum shall comply with the provisions of subparagraphs (i), (ii),
33 and (iii) of paragraph b of this subdivision.

34 g. For the purpose of this subdivision, "contiguous community of
35 interest" means a contiguous population which shares common social and
36 economic interests that should be included within a single district for
37 purposes of its effective and fair representation.

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

40 13. a. Notwithstanding any other provision of law to the contrary, a
41 board of education of a central school district may, by resolution and
42 subject to a mandatory referendum, establish school election wards for
43 purposes of electing individual school board members. There shall be
44 five, seven or nine school election wards within a school district. One
45 member shall be chosen from each ward by the qualified voters therein.
46 Within such resolution, a board of education may require that a member
47 elected to represent a ward shall be a resident of such ward. Such
48 resolution shall also provide for the signature requirements for nomi-
49 nating petitions consistent with the applicable provisions of this chap-
50 ter.

51 b. (i) A resolution by the board of education, which shall be passed
52 no less than one hundred eighty days prior to a related referendum being
53 placed before the qualified voters of the school district during the
54 annual meeting and election, shall include an assessment and finding,
55 which shall take into account any historic disenfranchisement or
56 discrimination against any group of individuals within the school

1 district based upon race, gender, ethnicity, religion, socio-economic
2 status, or sexual orientation, including that no disenfranchisement or
3 discrimination would result from the adoption of the proposed resol-
4 ution. The board of education shall conduct no fewer than three public
5 hearings on such resolution.

6 (ii) Such public hearings shall be conducted not less than thirty nor
7 more than ninety days prior to a vote on the resolution by a majority of
8 the qualified voters of the district. The public hearings shall be held
9 at a school district building or other appropriate building, each within
10 a different proposed school election ward. If there is no school
11 district building or other appropriate building within three separate
12 proposed school election wards, a meeting shall be held at the school
13 building or other appropriate building closest in proximity to the
14 proposed school election ward or wards containing no school district
15 buildings or other appropriate buildings. The district clerk shall give
16 notice of the public hearing by publishing a notice five times within
17 fifteen days preceding the hearings, on the district's website and in
18 two newspapers if there shall be two, or in one newspaper if there shall
19 be but one, having general circulation within such district. But if no
20 newspaper shall then have general circulation therein, said notice shall
21 be posted in at least twenty of the most public places in said district
22 fifteen days before the time of the first hearing.

23 (iii) Following such public hearings, a proposition for approval of
24 such resolution and the boundaries of proposed school election wards by
25 a majority of the qualified voters of such district shall be submitted
26 at the next succeeding annual meeting and election. The district clerk
27 shall give notice of such proposition by publishing notice prior to the
28 election, in the same manner and publication as the public hearing, set
29 forth in this section, specifying the time when and place or places
30 where such election will be held, the hours during which the polls will
31 remain open for the purpose of receiving ballots, and setting forth in
32 full the language of the proposition to be approved at such election. In
33 any event, such election shall be held in at least one location within
34 each of the proposed school election wards and the hours of the election
35 shall commence no later than six o'clock in the morning and shall end no
36 earlier than nine o'clock in the evening.

37 (iv) At least fifteen days prior to conducting public hearings, the
38 board of education shall define and publish, by resolution, boundaries
39 of each of the school election wards. Should such map be altered as a
40 result of the public hearings, the amended map shall be published pursu-
41 ant to this paragraph no later than fifteen days before the election.
42 Such wards shall be contiguous and each ward shall contain as nearly as
43 possible the same number of inhabitants. Each ward shall also conform as
44 closely as possible with the attendance zone of the school district,
45 conform as closely as possible with geographic and other physical bound-
46 aries, and retain contiguous communities of interest.

47 (v) A map of each ward and the boundaries thereof shall be created
48 with the original filed with the district clerk within ten days of the
49 resolution and copies thereof filed in the board of elections of the
50 county. Upon each issuance of a federal decennial census, the board of
51 education shall either: (1) make a written finding that, upon examina-
52 tion of the decennial census, the current school election wards contain
53 nearly as possible the same number of inhabitants and that no discrimi-
54 nation or disenfranchisement would result if the wards remained as
55 established; or (2) the school election wards shall be redefined by
56 resolution of the board of education, after a public hearing thereon,

1 and approval by the qualified voters of the school district. If the
2 qualified voters of the school district shall not approve of the resol-
3 ution, the board of education shall submit a second resolution for
4 approval by the qualified voters of the school district, after a public
5 hearing thereon, within ninety days. If the qualified voters of the
6 school district shall not approve of such resolution for a second time,
7 the board of education shall continue the membership and terms of the
8 current board until the next annual meeting and election at which time
9 the terms of all current members shall terminate. At the next annual
10 meeting and election, members shall be elected by a vote of the quali-
11 fied voters of the school district pursuant to article forty-three of
12 this chapter.

13 (vi) After a school election ward system shall have been established,
14 the term of every existing member shall terminate on the thirtieth day
15 of June next succeeding the first annual meeting and election following
16 voter approval of the referendum, at which time the terms for each
17 elected school ward member shall commence.

18 c. The term of office of each school board member from a school
19 election ward shall be three, four, or five years, to be determined at
20 the discretion of the board of education by resolution prior to the
21 referendum; provided however that the resolution shall also designate
22 that in the first annual meeting and election after the adoption of a
23 school election ward system, the initial terms shall be divided into
24 terms of three, four, or five years so that as nearly as possible an
25 equal number of trustees shall be elected each year. In each election
26 cycle thereafter, the terms of office shall be uniform. In each election
27 ward, the candidate receiving a plurality of votes in each election ward
28 shall be declared elected to that position.

29 d. Whenever a vacancy shall occur or exist in the office of a member
30 of a board of education, such vacancy shall be filled pursuant to this
31 article and part one of article forty-three of this chapter.

32 e. Except as provided in this subdivision, all provisions of this
33 article, article forty-one, and article forty-three of this chapter or
34 of any other general law relating to or affecting the election of school
35 board members in a central school district shall apply to school
36 election wards organized pursuant to this subdivision and to the
37 election of members by the qualified voters of a school district as
38 established pursuant to paragraph f and subparagraph (iv) of paragraph b
39 of this subdivision.

40 f. A board of education of a central school district which has estab-
41 lished school election wards pursuant to this subdivision may, by resol-
42 ution and subject to a mandatory referendum, abolish the school election
43 ward system and return to election of trustees by a vote of the quali-
44 fied voters of the school district. Adoption, assessment, public hearing
45 and notice, and voting requirements of such resolution and referendum
46 shall comply with the provisions of subparagraphs (i), (ii), and (iii)
47 of paragraph b of this subdivision.

48 g. For the purpose of this subdivision, "contiguous community of
49 interest" means a contiguous population which shares common social and
50 economic interests that should be included within a single district for
51 purposes of its effective and fair representation.

52 § 3. This act shall take effect immediately.