

# STATE OF NEW YORK

1057

2019-2020 Regular Sessions

## IN SENATE

January 10, 2019

Introduced by Sens. YOUNG, FUNKE -- read twice and ordered printed, and when printed to be committed to the Committee on Education

AN ACT to amend the education law, in relation to the annexation of school district territory and the consolidation of two or more school districts

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 1 of section 1705 of the education law, as  
2 added by chapter 251 of the laws of 1993, is amended to read as follows:  
3 1. Territory may be annexed to a union free school district as  
4 provided in this section.  
5 a. The commissioner is authorized and empowered to make and enter in  
6 the commissioner's office orders dissolving one or more common, union  
7 free or central school districts and annexing the territory of such  
8 districts, or portions thereof, to one or more adjoining union free  
9 school districts, subject to approval of a majority of the voters of  
10 [~~each~~ all school [~~district~~ districts affected thereby.  
11 b. When an order annexing territory to a union free school district  
12 has been made and entered as provided in this section, the commissioner  
13 shall, within ten days thereafter, cause certified copies of said order  
14 to be filed with the clerk or school authorities of each school district  
15 affected thereby. Within thirty days of filing of such order, the  
16 commissioner shall fix a time and place for a special meeting of the  
17 qualified voters of [~~each~~ the school [~~district~~ districts affected by  
18 the proposed annexation and shall cause notice thereof to be posted at  
19 least ten days before each such meeting in ten conspicuous places in the  
20 school [~~district~~ districts. In addition to the posting of such notice,  
21 a copy thereof shall be duly published, at least three days before each  
22 such meeting, in a daily or weekly newspaper published within, or in  
23 general circulation in, the school [~~district~~ districts in which such  
24 meeting is to be held. The expense of posting and publishing such notice

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

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1 shall be a charge upon the school [~~district~~] districts conducting such  
2 meeting.

3 § 2. Paragraph c of subdivision 2 of section 1705 of the education  
4 law, as added by chapter 251 of the laws of 1993, is amended to read as  
5 follows:

6 c. If the resolution submitted to the voters as provided in paragraph  
7 a of this subdivision shall be adopted by a majority of the voters of  
8 [~~each~~] the school [~~district~~] districts affected by the order of the  
9 commissioner, the territory described therein shall thereupon be annexed  
10 to the existing union free school district or districts as provided in  
11 such order.

12 § 3. Subdivision 1 of section 1512 of the education law, as amended  
13 by chapter 461 of the laws of 1996, is amended to read as follows:

14 1. Such meeting shall be organized as provided in section fifteen  
15 hundred twenty-three of this article. Such meeting may adopt a resolu-  
16 tion to consolidate such districts if two-thirds of the qualified elec-  
17 tors of each district having less than fifteen of such electors are  
18 present, or in case of districts having fifteen or more qualified elec-  
19 tors if ten or more are present. The vote upon such resolution shall be  
20 by ballot or by taking and recording the ayes and noes. If the vote  
21 shall be by taking and recording the ayes and noes, the clerk and such  
22 assistants as may be provided for him by the meeting shall keep a poll-  
23 list upon which shall be recorded the names of all qualified electors  
24 voting upon the resolution, the districts in which such electors reside,  
25 and how each elector voted. If the vote shall be by ballot, one or more  
26 inspectors of election shall be appointed in such manner as the meeting  
27 shall determine, who shall receive the votes cast, canvass the same and  
28 announce the result of the ballot to the chairman. If the vote shall be  
29 by ballot then voting machines may be used in the manner prescribed by  
30 section two thousand thirty-five of this chapter and provision shall be  
31 made for absentee ballots as provided in section two thousand eighteen-a  
32 or two thousand eighteen-b of this chapter. If it shall appear that a  
33 majority of the qualified electors present and voting [~~from each~~  
34 ~~district~~] are in favor of such resolution, it shall be declared adopted  
35 and where at least one of the districts consolidated is a union free  
36 school district it shall be lawful for such meeting thereafter to  
37 proceed to the election of a board of education as provided in sections  
38 seventeen hundred two and seventeen hundred four of this chapter. If a  
39 majority of the qualified electors present and voting [~~from each~~  
40 ~~district~~] are not in favor of such resolution, all further proceedings  
41 at such meeting, except a motion to reconsider or adjourn, shall be  
42 dispensed with and no such meeting shall be again called within one year  
43 thereafter.

44 § 4. Subdivision 4 of section 1801 of the education law is amended to  
45 read as follows:

46 4. No central school district laid out by order of the commissioner  
47 shall operate as a central school district, nor be entitled to receive  
48 the benefits of a central school district until it has been organized by  
49 the qualified voters of the [~~district~~] school districts affected thereby  
50 in accordance with the provisions of this article, provided, however, a  
51 central school district which was organized prior to April seventh,  
52 nineteen hundred forty-four, or pursuant to the provisions of this  
53 section and to which territory may be annexed shall not be required to  
54 again organize.

55 § 5. Paragraph b of subdivision 1 of section 1802 of the education law  
56 is amended to read as follows:

1 b. Said petition shall be filed with the commissioner and shall  
2 request that a meeting of the qualified voters [~~within said territory~~  
3 of the school districts affected by the proposed central school district  
4 be called for the purpose of determining whether or not such territory  
5 shall be organized as a central school district and a central school be  
6 established therein for instruction in elementary or elementary and high  
7 school subjects. If the commissioner is satisfied that the petition has  
8 been duly signed as provided in this section, he shall fix a time and  
9 place for a special meeting of the qualified voters within the [~~central~~  
10 school [~~district~~] districts affected by the central school district,  
11 which meeting shall be held not more than thirty days after the filing  
12 of the petition aforesaid. The commissioner shall cause notice of such  
13 meeting to be posted at least ten days before the meeting in three  
14 conspicuous places in each school district wholly or partly within the  
15 central school district. In addition to the posting of such notice, a  
16 copy thereof shall be published at least three days before the meeting  
17 in a daily or weekly newspaper published within the territory or in a  
18 newspaper circulating therein. The expense of posting and publishing of  
19 the notice shall be borne equally by the several school districts within  
20 the territory, unless a central school district is organized, in which  
21 event such expense shall become a charge upon said central school  
22 district.

23 § 6. Subdivision 1 of section 1803-a of the education law, as added by  
24 chapter 801 of the laws of 1950, is amended to read as follows:

25 1. When an order laying out a central school district has been made  
26 and entered as provided in section eighteen hundred one of this chapter,  
27 and the petitions referred to in paragraph a of subdivision one of  
28 section eighteen hundred two thereof have been, or are being, presented  
29 and filed with the commissioner, a second petition may be presented by  
30 persons qualified to vote in any school district, all of which is  
31 included in the area of the central school district as laid out by such  
32 order, and which school district at the time of such order maintained  
33 its own schoolhouse. Such second petition may request the alternative  
34 voting procedure authorized by this section, and shall be signed by at  
35 least one hundred qualified voters of such district or by a number of  
36 such qualified voters equal to at least ten per centum of the pupils of  
37 such district as determined by the last school census, whichever shall  
38 be less; provided, however, that such second petition must, in any  
39 event, contain not less than ten signatures. Such second petition shall  
40 be filed with the commissioner at the same time as the first petition is  
41 filed. If the commissioner is satisfied that both petitions have been  
42 duly signed as provided by law, he shall fix a time and place for an  
43 election of the qualified voters [~~within the central~~] of the school  
44 [~~district~~] districts affected by such central school district, which  
45 said election shall be held not more than thirty days after the filing  
46 of the petitions aforesaid. The commissioner shall cause notice of such  
47 election to be posted at least ten days prior thereto in three conspicu-  
48 ous places in each school district wholly or partly within the central  
49 school district. In addition to the posting of such notice, a copy ther-  
50 eof shall be published at least three days before the election in a  
51 daily or weekly newspaper published within the territory or in a newspa-  
52 per circulating therein. The expense of posting and publishing of the  
53 notice shall be borne equally by the several school districts within the  
54 territory, unless a central school district is organized, in which event  
55 such expense shall become a charge upon said central school district.

1 § 7. Paragraph a of subdivision 2 of section 1803-a of the education  
2 law, as added by chapter 801 of the laws of 1950, is amended to read as  
3 follows:

4 a. They shall take place on a day and at a place designated by the  
5 commissioner for a vote by all the qualified voters [~~within~~] of the  
6 [~~central~~] school [~~district~~] districts affected by the central school  
7 district, except as otherwise provided in paragraph b of this subdivi-  
8 sion.

9 § 8. Paragraph a of subdivision 6 of section 1804 of the education  
10 law, as amended by chapter 554 of the laws of 1964, is amended to read  
11 as follows:

12 a. The board of education shall not sell or otherwise dispose of the  
13 property of any such existing district except with the approval of a  
14 majority of the qualified voters of [~~such existing~~] the central school  
15 district present and voting upon the question at a meeting of such  
16 voters duly called by such board of education; provided, however, that  
17 upon the expiration of five years from the date of discontinuance of a  
18 school, pursuant to section one thousand eight hundred five of this  
19 chapter, the board of education may, in its discretion, without a vote  
20 by such qualified voters upon such question, sell or otherwise dispose,  
21 in the manner provided by law, of such a school or other building previ-  
22 ously used for school purposes and the real property on which it is  
23 situated. For that purpose the proceeds of such sale or disposal of  
24 property belonging to such existing district, after deducting the cost  
25 of repairs or improvements made after the organization of the central  
26 school district, shall be used for the payment of the portion payable by  
27 such existing district of any outstanding indebtedness of such existing  
28 district which shall be due and payable or which may thereafter become  
29 due and payable. Any balance remaining after the payment of such indebt-  
30 edness shall be apportioned among the taxpayers of such existing  
31 district as they appear upon the last completed town or city assessment  
32 roll preceding the date of sale, providing such apportioned sum shall  
33 equal or exceed five dollars and unless the voters of [~~such existing~~]  
34 the central school district by a majority vote of those present and  
35 voting at a [~~special~~] district meeting called for that purpose shall  
36 vote to turn over the proceeds of such sale or disposal of such property  
37 to the central district to be used for the benefit of the central  
38 district. Any balance of funds remaining in the treasury of the several  
39 districts included within the central school district on July first next  
40 following the date of the establishment of such central school district,  
41 after paying all outstanding obligations then due and payable, shall be  
42 turned over to the treasurer of the central school district within thir-  
43 ty days thereafter and shall become available for use by the board of  
44 education of the central school district; provided, however, that if any  
45 such existing district shall have any obligations which shall become due  
46 and payable after such July first, so much of any such balance of funds  
47 as may be necessary shall be held in a special account by the treasurer  
48 of the central school district for the purpose of paying the principal  
49 of, and interest on, such obligations, as the same shall become due and  
50 payable from time to time. The title to all property erected or other-  
51 wise acquired after the organization of such central school district  
52 shall be vested in the central district, irrespective of the location of  
53 such property.

54 § 9. This act shall take effect immediately.