

STATE OF NEW YORK

4682--A

2019-2020 Regular Sessions

IN SENATE

March 20, 2019

Introduced by Sen. CARLUCCI -- read twice and ordered printed, and when printed to be committed 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

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 whose boundaries are wholly or partially contained within the counties of Orange, Rockland, Sullivan or Ulster 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. Within such resolution, the board of education may require that a trustee elected to represent a ward shall be a resident of such ward. Such resolution shall also provide for the signature requirements for nominating petitions consistent with the applicable provisions of this chapter.

b. (i) 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, shall include an assessment and finding, which shall take into account any historic disenfranchisement or discrimination against any group of individuals within the school district based upon race, gender, ethnicity, religion, socio-economic status, or sexual orientation, including that no disenfranchisement or discrimination would result from the adoption of the proposed resolution. The board of education shall conduct no fewer than three public hearings on such resolution.

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

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

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

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

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

1 fied voters of the school district pursuant to article forty-three of
2 this chapter.

3 (vi) After a school election ward system shall have been established,
4 the term of every existing trustee shall terminate on the thirtieth day
5 of June next succeeding the first annual meeting and election following
6 voter approval of the referendum, at which time the terms for each
7 elected school ward trustee shall commence.

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

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

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

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

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

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

44 13. a. Notwithstanding any other provision of law to the contrary, a
45 board of education of a central school district whose boundaries are
46 wholly or partially contained within the counties of Orange, Rockland,
47 Ulster or Sullivan may, by resolution and subject to a mandatory refer-
48 endum, establish school election wards for purposes of electing individ-
49 ual school board members. There shall be five, seven or nine school
50 election wards within a school district. One member shall be chosen from
51 each ward by the qualified voters therein. Within such resolution, the
52 board of education may require that a member elected to represent a ward
53 shall be a resident of such ward. Such resolution shall also provide for
54 the signature requirements for nominating petitions consistent with the
55 applicable provisions of this chapter.

1 b. (i) A resolution by the board of education, which shall be passed
2 no less than one hundred eighty days prior to a related referendum being
3 placed before the qualified voters of the school district during the
4 annual meeting and election, shall include an assessment and finding,
5 which shall take into account any historic disenfranchisement or
6 discrimination against any group of individuals within the school
7 district based upon race, gender, ethnicity, religion, socio-economic
8 status, or sexual orientation, including that no disenfranchisement or
9 discrimination would result from the adoption of the proposed resolu-
10 tion. The board of education shall conduct no fewer than three public
11 hearings on such resolution.

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

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

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

53 (v) A map of each ward and the boundaries thereof shall be created
54 with the original filed with the district clerk within ten days of the
55 resolution and copies thereof filed in the board of elections of the
56 county. Upon each issuance of a federal decennial census, the board of

1 education shall either: (1) make a written finding that, upon examina-
2 tion of the decennial census, the current school election wards contain
3 nearly as possible the same number of inhabitants and that no discrimi-
4 nation or disenfranchisement would result if the wards remained as
5 established; or (2) the school election wards shall be redefined by
6 resolution of the board of education, after a public hearing thereon,
7 and approval by the qualified voters of the school district. If the
8 qualified voters of the school district shall not approve of the resol-
9 ution, the board of education shall submit a second resolution for
10 approval by the qualified voters of the school district, after a public
11 hearing thereon, within ninety days. If the qualified voters of the
12 school district shall not approve of such resolution for a second time,
13 the board of education shall continue the membership and terms of the
14 current board until the next annual meeting and election at which time
15 the terms of all current members shall terminate. At the next annual
16 meeting and election, members shall be elected by a vote of the quali-
17 fied voters of the school district pursuant to article forty-three of
18 this chapter.

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

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

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

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

46 f. The board of education of the central school district which has
47 established school election wards pursuant to this subdivision may, by
48 resolution and subject to a mandatory referendum, abolish the school
49 election ward system and return to election of trustees by a vote of the
50 qualified voters of the school district. Adoption, assessment, public
51 hearing and notice, and voting requirements of such resolution and
52 referendum shall comply with the provisions of subparagraphs (i), (ii),
53 and (iii) of paragraph b of this subdivision.

54 g. For the purpose of this subdivision, "contiguous community of
55 interest" means a contiguous population which shares common social and

1 economic interests that should be included within a single district for
2 purposes of its effective and fair representation.
3 § 3. This act shall take effect immediately.