

# STATE OF NEW YORK

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6179--A

Cal. No. 1177

2019-2020 Regular Sessions

## IN SENATE

May 21, 2019

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Introduced by Sen. SKOUFIS -- read twice and ordered printed, and when printed to be committed to the Committee on Education -- committee discharged and said bill committed to the Committee on Rules -- ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the education law, in relation to the establishment of school election wards in the Warwick Valley Central School District

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

1 Section 1. Section 1804 of the education law is amended by adding a  
2 new subdivision 13 to read as follows:

3 13. a. Notwithstanding any other provision of law to the contrary, the  
4 board of education of the Warwick Valley Central School District may, by  
5 resolution and subject to a mandatory referendum, establish school  
6 election wards for purposes of electing individual school board members.  
7 There shall be five, seven or nine school election wards within the  
8 school district. One member shall be chosen from each ward by the quali-  
9 fied voters therein. Within such resolution, the board of education may  
10 require that a member elected to represent a ward shall be a resident of  
11 such ward. Such resolution shall also provide for the signature require-  
12 ments for nominating petitions consistent with the applicable provisions  
13 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 resol-

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

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1 ution. The board of education shall conduct no fewer than three public  
2 hearings on such resolution.

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

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

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

44 (v) A map of each ward and the boundaries thereof shall be created  
45 with the original filed with the district clerk within ten days of the  
46 resolution and copies thereof filed in the board of elections of the  
47 county. Upon each issuance of a federal decennial census, the board of  
48 education shall either: (1) make a written finding that, upon examina-  
49 tion of the decennial census, the current school election wards contain  
50 nearly as possible the same number of inhabitants and that no discrimi-  
51 nation or disenfranchisement would result if the wards remained as  
52 established; or (2) the school election wards shall be redefined by  
53 resolution of the board of education, after a public hearing thereon,  
54 and approval by the qualified voters of the school district. If the  
55 qualified voters of the school district shall not approve of the resol-  
56 ution, the board of education shall submit a second resolution for

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

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

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

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

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

37 f. The board of education of the Warwick Valley Central School  
38 District which has established school election wards pursuant to this  
39 subdivision may, by resolution and subject to a mandatory referendum,  
40 abolish the school election ward system and return to election of trus-  
41 tees by a vote of the qualified voters of the school district. Adoption,  
42 assessment, public hearing and notice, and voting requirements of such  
43 resolution and referendum shall comply with the provisions of subpara-  
44 graphs (i), (ii), and (iii) of paragraph b of this subdivision.

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

49 § 2. This act shall take effect immediately.