

# STATE OF NEW YORK

249--A

2021-2022 Regular Sessions

## IN ASSEMBLY

(Prefiled)

January 6, 2021

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

14 b. This subdivision shall not be available to any school district that  
15 is subject to a court order related to the creation of school election  
16 wards. Nothing in this subdivision shall be construed to limit, modify,  
17 alter, or otherwise interfere with any court order relating to the  
18 creation of school election wards.

19 c. (i) A resolution by the board of education, which shall be passed  
20 no less than one hundred eighty days prior to a related referendum being  
21 placed before the qualified voters of the school district during the  
22 annual meeting and election, shall include an assessment and finding,

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

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1 which shall take into account any historic disenfranchisement or  
2 discrimination against any group of individuals within the school  
3 district based upon race, gender, ethnicity, religion, socio-economic  
4 status, or sexual orientation, including that no disenfranchisement or  
5 discrimination would result from the adoption of the proposed resol-  
6 ution. The board of education shall conduct no fewer than three public  
7 hearings on such resolution.

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

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

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

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

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

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

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

25 e. Whenever a vacancy shall occur or exist in the office of a ward  
26 trustee of a board of education, such vacancy shall be filled pursuant  
27 to this article and part one of article forty-three of this title.

28 f. Except as provided in this subdivision, all provisions of this  
29 article, article forty-one, and article forty-three of this title or of  
30 any other general law relating to or affecting the election of trustees  
31 in a union free school district shall apply to school election wards  
32 organized pursuant to this subdivision and to the election of trustees  
33 by the qualified voters of a school district as established pursuant to  
34 paragraph g and subparagraph (iv) of paragraph c of this subdivision.

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

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

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

49 13. a. Notwithstanding any other provision of law to the contrary, a  
50 board of education of a central school district contained entirely or  
51 partially within Rockland county may, by resolution and subject to a  
52 mandatory referendum, establish school election wards for purposes of  
53 electing individual school board members. There shall be five, seven or  
54 nine school election wards within a school district. One member shall be  
55 chosen from each ward by the qualified voters therein. Within such  
56 resolution, a board of education may require that a member elected to

1 represent a ward shall be a resident of such ward. Such resolution shall  
2 also provide for the signature requirements for nominating petitions  
3 consistent with the applicable provisions of this chapter.

4 b. This subdivision shall not be available to any school district that  
5 is subject to a court order related to the creation of school election  
6 wards. Nothing in this subdivision shall be construed to limit, modify,  
7 alter, or otherwise interfere with any court order relating to the  
8 creation of school election wards.

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

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

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

51 (iv) At least fifteen days prior to conducting public hearings, the  
52 board of education shall define and publish, by resolution, boundaries  
53 of each of the school election wards. Should such map be altered as a  
54 result of the public hearings, the amended map shall be published pursu-  
55 ant to this paragraph no later than fifteen days before the election.  
56 Such wards shall be contiguous and each ward shall contain as nearly as

possible the same number of inhabitants. Each ward shall also conform as closely as possible with the attendance zone of the school district, conform as closely as possible with geographic and other physical boundaries, and retain contiguous communities of interest.

(v) 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. Upon each issuance of a federal decennial census, the board of education shall either: (A) make a written finding that, upon examination of the decennial census, the current school election wards contain nearly as possible the same number of inhabitants and that no discrimination or disenfranchisement would result if the wards remained as established; or (B) the school election wards shall be redefined by resolution of the board of education, after a public hearing thereon, and approval by the qualified voters of the school district. If the qualified voters of the school district shall not approve of the resolution, the board of education shall submit a second resolution for approval by the qualified voters of the school district, after a public hearing thereon, within ninety days. If the qualified voters of the school district shall not approve of such resolution for a second time, the board of education shall continue the membership and terms of the current board until the next annual meeting and election at which time the terms of all current members shall terminate. At the next annual meeting and election, members shall be elected by a vote of the qualified voters of the school district pursuant to article forty-three of this title.

(vi) 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, at which time the terms for each elected school ward member shall commence.

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

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

f. Except as provided in this subdivision, all provisions of this article, article forty-one, and article forty-three of this title 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 pursuant to this subdivision and to the election of members by the qualified voters of a school district as established pursuant to paragraph g and subparagraph (iv) of paragraph c of this subdivision.

g. A board of education of a central school district which has established school election wards pursuant to this subdivision may, by resolution and subject to a mandatory referendum, abolish the school election

1 ward system and return to election of trustees by a vote of the quali-  
2 fied voters of the school district. Adoption, assessment, public hearing  
3 and notice, and voting requirements of such resolution and referendum  
4 shall comply with the provisions of subparagraphs (i), (ii), and (iii)  
5 of paragraph c of this subdivision.

6 h. For the purpose of this subdivision, "contiguous community of  
7 interest" means a contiguous population which shares common social and  
8 economic interests that should be included within a single district for  
9 purposes of its effective and fair representation.

10 § 3. This act shall take effect immediately.