

STATE OF NEW YORK

5336

2021-2022 Regular Sessions

IN ASSEMBLY

February 12, 2021

Introduced by M. of A. BRABENEC -- read once and referred to the Committee on Education

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-
23 ution. The board of education shall conduct no fewer than three public
24 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 public hearings shall be held
4 at a school district building or other appropriate building, each within
5 a different proposed school election ward. If there is no school
6 district building or other appropriate building within three separate
7 proposed school election wards, a meeting shall be held at the school
8 building or other appropriate building closest in proximity to the
9 proposed school election ward or wards containing no school district
10 buildings or other appropriate buildings. The district clerk shall give
11 notice of the public hearing by publishing a notice five times within
12 fifteen days preceding the hearings, on the district's website and in
13 two newspapers if there shall be two, or in one newspaper if there shall
14 be 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 hearing, 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 school election wards. Should such map be altered as a
35 result of the public hearings, the amended map shall be published pursu-
36 ant to this paragraph no later than fifteen days before the election.
37 Such wards shall be contiguous and each ward shall contain as nearly as
38 possible the same number of inhabitants. Each ward shall also conform as
39 closely as possible with the attendance zone of the school district,
40 conform as closely as possible with geographic and other physical bound-
41 aries, and retain contiguous communities of interest.

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

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

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

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

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

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

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

43 g. 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. This act shall take effect immediately.