STATE OF NEW YORK

3043

2021-2022 Regular Sessions

IN ASSEMBLY

January 22, 2021

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

AN ACT to amend the education law, in relation to providing for the appointment of members of the board of education in the city of Buffalo

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

Section 1. Subdivision a of section 2552 of the education law, as amended by chapter 138 of the laws of 1974, is amended to read as follows:

a. City school district of the city of Buffalo: [~~nine~~] **eleven** members.

§ 2. Subdivision 1 of section 2553 of the education law, as separately amended by chapters 211 and 441 of the laws of 1980, is amended to read as follows:

1. No person shall be eligible to the office of member of a board of education who is not a citizen of the United States, who is not qualified to register for or vote at an election in accordance with the provisions of section 5-106 of the election law, and who, in the case of the city school district of the city of Yonkers, has not been a resident of the city school district for which he is chosen for a period of at least three years immediately preceding the date of his election or appointment and who, in the case of the city school district of the city of Buffalo, in the case of a member to be elected **or appointed** at large is not a qualified voter of such city school district and who has not been a resident of such district for a period of at least three years immediately preceding the date of his election **or appointment** and in the case of a member elected from a city school subdistrict is not a qualified voter of such city school subdistrict and has not been a resident of the city school district for three years and a resident of the city school subdistrict which he represents or seeks to represent for a peri-

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

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od of one year immediately preceding the date of his election, and who, in the case of the city school district of the city of Rochester, is not a qualified voter under section 5-102 of the election law of such city school district; and who in the case of the city school district of the city of Syracuse has not been a qualified voter under section 5-102 of the election law of such city school district for at least ninety days immediately preceding the date of his election or appointment.

§ 3. Paragraph a of subdivision 10 of section 2553 of the education law, as added by chapter 242 of the laws of 1974, is amended to read as follows:

a. The members of the board of education of the city school district of the city of Buffalo shall be elected **or appointed** by the qualified voters of such city as provided herein.

§ 4. Paragraph c of subdivision 10 of section 2553 of the education law, as added by chapter 242 of the laws of 1974, is amended to read as follows:

c. The members of the board of education of the city school district of the city of Buffalo shall be [~~elected~~] **chosen** as follows: one member from each of such six city school subdistricts within such city by the qualified voters therein [~~and~~] **pursuant to an election as provided herein,** three members of such board of education shall be chosen by the qualified voters at large within such city **pursuant to an election as provided herein, one member of such board of education shall be appointed by the mayor at large from within the city and one member of such board shall be appointed by the common council at large from within the city**.

§ 5. Paragraph n of subdivision 10 of section 2553 of the education law, as added by chapter 242 of the laws of 1974, is amended to read as follows:

n. The term of office of each member of such board from a city school subdistrict shall be three years, and the term of office of each such member of the board elected **or appointed** at large shall be for five years. Of the candidates to be elected for membership on the board of education of the city school district of the city of Buffalo by the voters at large the three candidates receiving the largest number of votes cast in the city, shall be declared elected as at-large members of such board of education. In each city school subdistrict the candidates seeking the election as the member of such board of education for such city school subdistrict receiving a plurality of votes in such city school subdistrict shall be declared elected to that position.

Whenever a vacancy shall occur or exist in the office of **an elected** member of the board of education except by reason of expiration of term or increase in the number of members of such board, such vacancy shall be filled by a majority vote of the remaining members of the board of education within thirty days of the date when such vacancy shall have occurred. If the remaining members of the board of education shall fail to fill such vacancy within such thirty day period, then the mayor of the city of Buffalo shall within thirty days thereafter fill such vacancy subject to the confirmation of such appointment by the common council of the city of Buffalo. No one shall be appointed to fill a vacancy of a subdistrict member of the board of education unless he fulfills all of the qualifications in this subdivision to enable him to be a candidate for the office of a member of the board of education from the subdistrict involved. **Whenever a vacancy shall occur or exist in the office of an appointed member of the board of education except by reason of expiration of term, such vacancy shall be filled by appointment by the**

mayor of the city of Buffalo within thirty days of the date when such vacancy shall have occurred.

§ 6. Paragraph o of subdivision 10 of section 2553 of the education law, as amended by chapter 561 of the laws of 2019, is amended to read as follows:

o. The members so elected **or appointed** to the board of education shall convene on the first business day in January of each year, at the time of the commencement of their term of office and select from their members a president who shall serve for a term of one year or such other term, not exceeding the term of his office, as may be fixed by the rules and regulations of the board. **The initial terms of office for members appointed at large by the mayor shall terminate at the same time as the members elected at large at the time of their appointment. Thereafter, their terms of office shall commence with the elected members of the board of education.**

§ 7. This act shall take effect immediately.