

STATE OF NEW YORK

330

2021-2022 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 6, 2021

Introduced by M. of A. JACOBSON -- 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 union free school districts and central school districts contained entirely or partially within Orange county

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 Orange 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. (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.

LBD05267-01-1

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 district clerk shall give
6 notice of the public hearing by publishing a notice five times within
7 fifteen days preceding the hearing, on the district's website and in two
8 newspapers if there shall be two, or in one newspaper if there shall be
9 but one, having general circulation within such district. But if no
10 newspaper shall then have general circulation therein, said notice shall
11 be posted in at least twenty of the most public places in said district
12 fifteen days before the time of the first hearing.

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

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

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

1 meeting and election, trustees shall be elected by a vote of the quali-
2 fied voters of the school district pursuant to article forty-three of
3 this title.

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

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

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

23 e. Except as provided in this subdivision, all provisions of this
24 article, article forty-one, and article forty-three of this title or of
25 any other general law relating to or affecting the election of trustees
26 in a union free school district shall apply to school election wards
27 organized pursuant to this subdivision and to the election of trustees
28 by the qualified voters of a school district as established pursuant to
29 paragraph f and subparagraph (iv) of paragraph b of this 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 contained entirely or
46 partially within Orange county may, by resolution and subject to a
47 mandatory referendum, establish school election wards for purposes of
48 electing individual school board members. There shall be five, seven or
49 nine school election wards within a school district. One member shall be
50 chosen from each ward by the qualified voters therein. Within such
51 resolution, a board of education may require that a member elected to
52 represent a ward shall be a resident of such ward. Such resolution shall
53 also provide for the signature requirements for nominating petitions
54 consistent with the applicable provisions of this chapter.

55 b. (i) A resolution by the board of education, which shall be passed
56 no less than one hundred eighty days prior to a related referendum being

1 placed before the qualified voters of the school district during the
2 annual meeting and election, shall include an assessment and finding,
3 which shall take into account any historic disenfranchisement or
4 discrimination against any group of individuals within the school
5 district based upon race, gender, ethnicity, religion, socio-economic
6 status, or sexual orientation, including that no disenfranchisement or
7 discrimination would result from the adoption of the proposed resolu-
8 tion. The board of education shall conduct no fewer than three public
9 hearings on such resolution.

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

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

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

51 (v) A map of each ward and the boundaries thereof shall be created
52 with the original filed with the district clerk within ten days of the
53 resolution and copies thereof filed in the board of elections of the
54 county. Upon each issuance of a federal decennial census, the board of
55 education shall either: (A) make a written finding that, upon examina-
56 tion of the decennial census, the current school election wards contain

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

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

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

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

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

44 f. A board of education of a central school district which has estab-
45 lished school election wards pursuant to this subdivision may, by resol-
46 ution and subject to a mandatory referendum, abolish the school election
47 ward system and return to election of trustees by a vote of the quali-
48 fied voters of the school district. Adoption, assessment, public hearing
49 and notice, and voting requirements of such resolution and referendum
50 shall comply with the provisions of subparagraphs (i), (ii), and (iii)
51 of paragraph b of this subdivision.

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

56 § 3. This act shall take effect immediately.