

STATE OF NEW YORK

4159

2021-2022 Regular Sessions

IN ASSEMBLY

February 1, 2021

Introduced by M. of A. SCHMITT -- 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 Chester Union Free School District

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, the
4 board of education of the Chester Union Free School District may, by
5 resolution and subject to a mandatory referendum, establish school
6 election wards for purposes of electing individual trustees. There shall
7 be at least three, but no more than nine, school election wards within
8 the school district. One trustee shall be chosen from each ward by the
9 qualified voters therein. Within such resolution, the board of educa-
10 tion may require that a trustee elected to represent a ward shall be a
11 resident of such ward. Such resolution shall also provide for the signa-
12 ture requirements for nominating petitions consistent with the applica-
13 ble 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-
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 district clerk shall give
4 notice of the public hearing by publishing a notice five times within
5 fifteen days preceding the hearing, on the district's website and in two
6 newspapers if there shall be two, or in one newspaper if there shall be
7 but one, having general circulation within such district. But if no
8 newspaper shall then have general circulation therein, said notice shall
9 be posted in at least twenty of the most public places in said district
10 fifteen days before the time of the first hearing.

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

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

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

1 fied voters of the school district pursuant to article forty-three of
2 this chapter.

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

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

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

22 e. Except as provided in this subdivision, all provisions of this
23 article, article forty-one, and article forty-three of this chapter or
24 of any other general law relating to or affecting the election of trus-
25 tees in a union free school district shall apply to school election
26 wards organized pursuant to this subdivision and to the election of
27 trustees by the qualified voters of a school district as established
28 pursuant to paragraph f and subparagraph (iv) of paragraph b of this
29 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. This act shall take effect immediately.