

# STATE OF NEW YORK

1792

2021-2022 Regular Sessions

## IN SENATE

January 15, 2021

Introduced by Sens. SKOUFIS, PARKER -- read twice and ordered printed,  
and when printed to be committed 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

The People of the State of New York, represented in Senate and Assem-  
bly, 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 may, by resolution  
5 and subject to a mandatory referendum, establish school election wards  
6 for purposes of electing individual trustees. There shall be at least  
7 three, but no more than nine, school election wards within a school  
8 district. One trustee shall be chosen from each ward by the qualified  
9 voters therein. Within such resolution, a board of education may  
10 require that a trustee elected to represent a ward shall be a resident  
11 of such ward. Such resolution shall also provide for the signature  
12 requirements for nominating petitions consistent with the applicable  
13 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, such election shall be held in at least one location with-  
22 in each of the proposed school election wards 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. 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 may, by resolution and  
46 subject to a mandatory referendum, establish school election wards for  
47 purposes of electing individual school board members. There shall be  
48 five, seven or nine school election wards within a school district. One  
49 member shall be chosen from each ward by the qualified voters therein.  
50 Within such resolution, a board of education may require that a member  
51 elected to represent a ward shall be a resident of such ward. Such  
52 resolution shall also provide for the signature requirements for nomi-  
53 nating petitions consistent with the applicable provisions of this chap-  
54 ter.

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, such election shall be held in at least one location within  
38 each of the proposed school election wards and the hours of the election  
39 shall commence no later than six o'clock in the morning and shall end no  
40 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: (1) 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 (2) 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 chapter.

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 chapter.

36 e. Except as provided in this subdivision, all provisions of this  
37 article, article forty-one, and article forty-three of this chapter or  
38 of 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.