

STATE OF NEW YORK

1223

2023-2024 Regular Sessions

IN ASSEMBLY

January 13, 2023

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

AN ACT to amend the education law, in relation to establishing school
election wards in Rockland county union free 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 contained entirely or
5 partially within Rockland 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. This subdivision shall not be available to any school district that
15 is subject to a court order related to the creation of school election
16 wards. Nothing in this subdivision shall be construed to limit, modify,
17 alter, or otherwise interfere with any court order relating to the
18 creation of school election wards.

19 c. (i) A resolution by the board of education, which shall be passed
20 no less than one hundred eighty days prior to a related referendum being
21 placed before the qualified voters of the school district during the
22 annual meeting and election, shall include an assessment and finding,
23 which shall take into account any historic disenfranchisement or
24 discrimination against any group of individuals within the school

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

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1 district based upon race, gender, ethnicity, religion, socio-economic
2 status, or sexual orientation, including that no disenfranchisement or
3 discrimination would result from the adoption of the proposed resol-
4 ution. The board of education shall conduct no fewer than three public
5 hearings on such resolution.

6 (ii) Such public hearings shall be conducted not less than thirty nor
7 more than ninety days prior to a vote on the resolution by a majority of
8 the qualified voters of the district. The district clerk shall give
9 notice of the public hearing by publishing a notice five times within
10 fifteen days preceding the hearing, on the district's website and in two
11 newspapers if there shall be two, or in one newspaper if there shall be
12 but one, having general circulation within such district. But if no
13 newspaper shall then have general circulation therein, said notice shall
14 be posted in at least twenty of the most public places in said district
15 fifteen days before the time of the first hearing.

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

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

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

1 the board of education shall continue the membership and terms of the
2 current board until the next annual meeting and election at which time
3 the terms of all current trustees shall terminate. At the next annual
4 meeting and election, trustees shall be elected by a vote of the quali-
5 fied voters of the school district pursuant to article forty-three of
6 this title.

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

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

23 e. Whenever a vacancy shall occur or exist in the office of a ward
24 trustee of a board of education, such vacancy shall be filled pursuant
25 to this article and part one of article forty-three of this title.

26 f. Except as provided in this subdivision, all provisions of this
27 article, article forty-one, and article forty-three of this title or of
28 any other general law relating to or affecting the election of trustees
29 in a union free school district shall apply to school election wards
30 organized pursuant to this subdivision and to the election of trustees
31 by the qualified voters of a school district as established pursuant to
32 paragraph g and subparagraph (iv) of paragraph c of this subdivision.

33 g. A board of education of a union free school district which has
34 established school election wards pursuant to this subdivision may, by
35 resolution and subject to a mandatory referendum, abolish the school
36 election ward system and return to election of trustees by a vote of the
37 qualified voters of the school district. Adoption, assessment, public
38 hearing and notice, and voting requirements of such resolution and
39 referendum shall comply with the provisions of subparagraphs (i), (ii),
40 and (iii) of paragraph c of this subdivision.

41 h. For the purpose of this subdivision, "contiguous community of
42 interest" means a contiguous population which shares common social and
43 economic interests that should be included within a single district for
44 purposes of its effective and fair representation.

45 § 2. Section 1804 of the education law is amended by adding a new
46 subdivision 13 to read as follows:

47 13. a. Notwithstanding any other provision of law to the contrary, a
48 board of education of a central school district contained entirely or
49 partially within Rockland county may, by resolution and subject to a
50 mandatory referendum, establish school election wards for purposes of
51 electing individual school board members. There shall be five, seven or
52 nine school election wards within a school district. One member shall be
53 chosen from each ward by the qualified voters therein. Within such
54 resolution, a board of education may require that a member elected to
55 represent a ward shall be a resident of such ward. Such resolution shall

1 also provide for the signature requirements for nominating petitions
2 consistent with the applicable provisions of this chapter.

3 b. This subdivision shall not be available to any school district that
4 is subject to a court order related to the creation of school election
5 wards. Nothing in this subdivision shall be construed to limit, modify,
6 alter, or otherwise interfere with any court order relating to the
7 creation of school election wards.

8 c. (i) A resolution by the board of education, which shall be passed
9 no less than one hundred eighty days prior to a related referendum being
10 placed before the qualified voters of the school district during the
11 annual meeting and election, shall include an assessment and finding,
12 which shall take into account any historic disenfranchisement or
13 discrimination against any group of individuals within the school
14 district based upon race, gender, ethnicity, religion, socio-economic
15 status, or sexual orientation, including that no disenfranchisement or
16 discrimination would result from the adoption of the proposed resol-
17 ution. The board of education shall conduct no fewer than three public
18 hearings on such resolution.

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

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

50 (iv) At least fifteen days prior to conducting public hearings, the
51 board of education shall define and publish, by resolution, boundaries
52 of each of the school election wards. Should such map be altered as a
53 result of the public hearings, the amended map shall be published pursu-
54 ant to this paragraph no later than fifteen days before the election.
55 Such wards shall be contiguous and each ward shall contain as nearly as
56 possible the same number of inhabitants. Each ward shall also conform as

1 closely as possible with the attendance zone of the school district,
2 conform as closely as possible with geographic and other physical bound-
3 aries, and retain contiguous communities of interest.

4 (v) A map of each ward and the boundaries thereof shall be created
5 with the original filed with the district clerk within ten days of the
6 resolution and copies thereof filed in the board of elections of the
7 county. Upon each issuance of a federal decennial census, the board of
8 education shall either: (A) make a written finding that, upon examina-
9 tion of the decennial census, the current school election wards contain
10 nearly as possible the same number of inhabitants and that no discrimi-
11 nation or disenfranchisement would result if the wards remained as
12 established; or (B) the school election wards shall be redefined by
13 resolution of the board of education, after a public hearing thereon,
14 and approval by the qualified voters of the school district. If the
15 qualified voters of the school district shall not approve of the resol-
16 ution, the board of education shall submit a second resolution for
17 approval by the qualified voters of the school district, after a public
18 hearing thereon, within ninety days. If the qualified voters of the
19 school district shall not approve of such resolution for a second time,
20 the board of education shall continue the membership and terms of the
21 current board until the next annual meeting and election at which time
22 the terms of all current members shall terminate. At the next annual
23 meeting and election, members shall be elected by a vote of the quali-
24 fied voters of the school district pursuant to article forty-three of
25 this title.

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

31 d. The term of office of each school board member from a school
32 election ward shall be three, four, or five years, to be determined at
33 the discretion of the board of education by resolution prior to the
34 referendum; provided however that the resolution shall also designate
35 that in the first annual meeting and election after the adoption of a
36 school election ward system, the initial terms shall be divided into
37 terms of three, four, or five years so that as nearly as possible an
38 equal number of trustees shall be elected each year. In each election
39 cycle thereafter, the terms of office shall be uniform. In each election
40 ward, the candidate receiving a plurality of votes in each election ward
41 shall be declared elected to that position.

42 e. Whenever a vacancy shall occur or exist in the office of a member
43 of a board of education, such vacancy shall be filled pursuant to this
44 article and part one of article forty-three of this title.

45 f. Except as provided in this subdivision, all provisions of this
46 article, article forty-one, and article forty-three of this title or of
47 any other general law relating to or affecting the election of school
48 board members in a central school district shall apply to school
49 election wards organized pursuant to this subdivision and to the
50 election of members by the qualified voters of a school district as
51 established pursuant to paragraph g and subparagraph (iv) of paragraph c
52 of this subdivision.

53 g. A board of education of a central school district which has estab-
54 lished school election wards pursuant to this subdivision may, by resol-
55 ution and subject to a mandatory referendum, abolish the school election
56 ward system and return to election of trustees by a vote of the quali-

1 fied voters of the school district. Adoption, assessment, public hearing
2 and notice, and voting requirements of such resolution and referendum
3 shall comply with the provisions of subparagraphs (i), (ii), and (iii)
4 of paragraph c of this subdivision.

5 h. For the purpose of this subdivision, "contiguous community of
6 interest" means a contiguous population which shares common social and
7 economic interests that should be included within a single district for
8 purposes of its effective and fair representation.

9 § 3. This act shall take effect immediately.