

STATE OF NEW YORK

861

2023-2024 Regular Sessions

IN ASSEMBLY

January 11, 2023

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 resolu-
23 tion. 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. In
21 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 contain
31 as nearly as possible the same number of inhabitants. Each ward shall
32 also conform as closely as possible with the attendance zone of the
33 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: (A) 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 (B) 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 title.

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 title.

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

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

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

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

43 13. a. Notwithstanding any other provision of law to the contrary, a
44 board of education of a central school district contained entirely or
45 partially within Orange county may, by resolution and subject to a
46 mandatory referendum, establish school election wards for purposes of
47 electing individual school board members. There shall be five, seven or
48 nine school election wards within a school district. One member shall be
49 chosen from each ward by the qualified voters therein. Within such
50 resolution, a board of education may require that a member elected to
51 represent a ward shall be a resident of such ward. Such resolution shall
52 also provide for the signature requirements for nominating petitions
53 consistent with the applicable provisions of this chapter.

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

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

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

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

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

50 (v) A map of each ward and the boundaries thereof shall be created
51 with the original filed with the district clerk within ten days of the
52 resolution and copies thereof filed in the board of elections of the
53 county. Upon each issuance of a federal decennial census, the board of
54 education shall either: (A) make a written finding that, upon examina-
55 tion of the decennial census, the current school election wards contain
56 nearly as possible the same number of inhabitants and that no discrimi-

1 nation or disenfranchisement would result if the wards remained as
2 established; or (B) the school election wards shall be redefined by
3 resolution of the board of education, after a public hearing thereon,
4 and approval by the qualified voters of the school district. If the
5 qualified voters of the school district shall not approve of the resol-
6 ution, the board of education shall submit a second resolution for
7 approval by the qualified voters of the school district, after a public
8 hearing thereon, within ninety days. If the qualified voters of the
9 school district shall not approve of such resolution for a second time,
10 the board of education shall continue the membership and terms of the
11 current board until the next annual meeting and election at which time
12 the terms of all current members shall terminate. At the next annual
13 meeting and election, members shall be elected by a vote of the quali-
14 fied voters of the school district pursuant to article forty-three of
15 this title.

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

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

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

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

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

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

55 § 3. This act shall take effect immediately.