

# 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 resolu-  
4 tion. 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 resolu-  
53 tion, 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.