

School District Mergers/Consolidations



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Across New York State, some districts have either begun the discussion or are currently engaged in the process of conducting a school district reorganization, more commonly known as a district merger or consolidation.

In some cases, consolidation may be seen as necessary to meet the needs of communities and to expand educational opportunities for students. However, for most districts, consolidations will not be seen as a viable option, and instead, sharing services either with other districts or through the use of BOCES could produce savings without actually merging with another district.

There are five methods or types of school district reorganization in New York State:

- 1) Centralization
- 2) Annexation—Central School District
- 3) Annexation—Union Free School District
- 4) Consolidation of Union Free/Common School Districts
- 5) Consolidation with a City School District

Centralization has been the most common type of reorganization in New York State. Only under both Centralization and Consolidation of Union Free/Common School, is a new school district actually created by the reorganization. Conversely, under the remaining methods of reorganization (Annexation—Central School District, Annexation—Union Free School District, and Consolidation with a City School District), a new district is not created, rather the district being annexed is dissolved and becomes part of the annexing district.

The New York State Education Department has produced a “Guide to the Reorganization of School Districts in New York State.” This guide, which is attached to this Fact Sheet, is intended to provide an overview of the types of school district reorganization and the processes involved. The guide also includes passages on the “Effect on Employees” for each of the reorganization methods.

One item to note is that the 2025 NYS Enacted Budget has amended the calculation of the state aid apportioned to a new district after reorganization, called Reorganization Incentive Operating Aid (RIOA). The RIOA is available for 14 years beginning with the first school year of operation of the reorganized district. For districts that merge after July 1, 2024, the formula uses Foundation Aid in the RIOA calculation. Prior to July 1, 2024, the formula used the selected operating aid from the 2006-07 year. The new calculation is beneficial to most NYS districts; however, the use of Foundation Aid in the formula may trigger a limit to RIOA and could impact the amount of RIOA available to some school districts.

Guide to the Reorganization of School Districts in New York State

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I. INTRODUCTION

Since colonial days New York State has had a proud history in education. Beginning with a statewide system of support for public schools enacted in 1795, the state has taken an active role in the assurance of a publicly supported education for its citizens. The establishment of common schools in 1812, union free school districts in 1853, and central school districts in 1914 and 1925, were milestones in education for New York's children. These major enactment's, together with a multitude of lesser, but still important actions, were responsible for the evolution of the system of public education into its present form.

The first school districts were small, both in area and student population. Typically, a common school district would cover only a portion of a single town. Thus, as the state's population grew, so too did the number of school districts. By the beginning of this century over 10,000 school districts were in existence. Most were common school districts providing education only through the 8th grade; many were organized around a one-room school.

Although these small units provided a basic education to thousands of children, some mechanism was needed to provide the more comprehensive and intensive education which was not feasible given the limited tax and student bases of these small districts. The solution came in the form of the Central Rural Schools Act, originally enacted in 1914, and revised in 1925. This act, together with state aid incentives, provided the impetus for the massive reorganization which followed.

The ongoing process of reorganization received focus through the adoption in 1947, of a statewide Master Plan for School District Reorganization. Although not a compulsory plan for reorganization, the Master Plan guided state level efforts to encourage reduction in the still-large number of school districts.

A landmark document in school reorganization, the Master Plan was the result of studies which assessed local education needs, tax base, community of Interest and other local conditions. The 1947 document was updated a decade later and, in 1958, it was renamed the State Plan for School District Reorganization. There have been numerous amendments to the Plan since that time, but the 1958 Plan continues to be a guide for reorganization in New York.

The evolution continues as educational, demographic, and economic changes in an area lead to consideration of reorganization options. For some school districts, reorganization may provide a solution to the negative effects of declining school enrollment. Others may find the broader scope of program offerings, facilitated class scheduling, and additional professional resources which result from the larger student base to be a distinct advantage. Still others may find that the temporarily increased

State Aid provided to reorganized districts could alleviate a particularly heavy tax burden, although this is not the primary purpose of reorganization.

This publication provides an introduction to the basic concepts of school district reorganization. While not completely a "how-to-do-it" manual, it should provide elected officials, school administrators and citizens with an overview of both the forms of reorganization and the processes involved in a reorganization.

II. THE STRUCTURE OF NEW YORK STATE SCHOOL DISTRICTS

There are a number of different types of school districts in New York State. Since some of the statutes relating to reorganization apply to specific organizational types, it is helpful to have an understanding of the various kinds of school districts.

1. Common School Districts

The common school district is the oldest of the existing types, having its basis in legislation enacted in 1812. Common school districts do not have the legal authority to operate a high school, although, like all school districts, common districts are responsible for insuring a secondary education for resident children. As a consequence, common school districts designate the high school of a neighboring school district — or districts — to which the common district will send its children. As of July 1, 1998 there were 10 common school districts operating in the State.

Common school districts are governed by either a sole trustee or a board of trustees comprising three members. The voters of the district may vote at any annual meeting to change size from one to three, or vice-versa. The term of office is three years. See Education Law 1602.

2. Union Free School Districts

In order to provide education on a broader and more effective basis, the 1853 session of the Legislature established the union free school district. As originally conceived, the legislation contemplated two or more common school districts joining to provide a high school. Many of the early union free districts had boundaries coterminous with, or close to, the boundaries of a village or city.

Although the original purpose of the union free district was to provide for a secondary education, about one-sixth of these districts currently do not operate a high school. Today, 151 union free school districts operate, of which 30 provide only elementary education. Eleven of the latter are components of a central high school district; the balance provides secondary education services by contracting with a neighboring district. An additional 16 union free districts have been established solely to serve to children resident in specified childcare institutions; these are often referred to as "special act" school districts.

Union free school districts are governed by a board of education composed of between three and nine members who serve three, four or five year terms. Board size within these limits may be changed by the voters of the district. See Education Law 1702-1703.

3. Central School Districts

As previously indicated, legislation and financial incentives, beginnings in 1925 have made the central school district the most common form of district organization in our state.

A central school district may be formed out of any number of common, union free or central school districts. Like union free districts, central school districts have authority to operate a high school. The governance of a central school district follows essentially the same laws as a union free district; thus a central school district can be viewed as a variation of a union free district. One difference between the central and union free districts is the size of the board. A central school district's board of education may consist of three, seven, or nine members. Within this limitation, the size of the board or length of term (3, 4 or 5 years) may be changed by the voters of the district. There are 463 central districts; four do not operate K-12.

4. City School Districts

There are two types of city school district organization; one applies to cities under 125,000 in population and the other to cities over 125,000.

School districts in the 57 cities under 125,000 population are separate governmental units, each with its own board of education and independent taxing and debt-incurring power. All of these city school districts have an elected board of education. Many of these city districts cover a larger geographic area than the city and are referred to as "enlarged city school districts," although seven were reorganized as "central city school districts." The latter designation was limited to cities with less than 10,000 population. See Education Law 2502. The legal name of all city school districts is "the City School District of the City of _____", regardless of the type of reorganization.

In the five cities over 125,000 population, the education function is a part of the overall city government. Although each of these school districts has a board of education to set policy for the school system, the board does not have the power to levy taxes or incur debt. Funding for the school system is a part of the overall municipal budget.

Each of the school districts in the state's five largest cities has boundaries coterminous with the city it serves. Members of the school boards in Buffalo, Rochester and Syracuse are elected, while members of the Yonkers board are appointed by the Mayor. Members of the New York City board are appointed; two members by the Mayor and one member each by the five Borough Presidents, respectively. See Education Law 2553.

5. Central High School Districts

The central high school district is the most unique of the organizational types; only three exist, all in Nassau County. Authorized in 1917, the central high school district was seen as a promising way to promote reorganization of smaller districts.

The central high school district provides secondary education to children from two or more common or union free districts; the latter provide for the children's elementary education. Appointed representatives from the component districts' boards of education comprise the board of education for the central high school district.

This configuration proved unpopular and the formation of additional districts was prohibited by Legislation in 1944. In 1981, legislation reinstated this option of reorganization in Suffolk County only, however, no new districts of this type have been formed. See Education Law 1912-1917.

TABLE I
New York State School Districts
As of July 1, 2013

City School Districts	5	Total
Cities more than 125,000 (Big 5) Cities less than 125,000	16	
Enlarged City School Districts	34	
Central City School Districts	7	
		62
Central High School Districts Grade 9 - 12	3	3
Union Free School Districts Grades K - 12 Less than K - 12 Institutional (Special Act)	120 28 13	161
Central School Districts Grades K -12 Less Than K - 12	456 2	458
Common School Districts Less than K - 12 1 - 4 (2) K - 6 (5) K - 2 (1) K - 8 (2) Non Operating	9 2	11
Grand Total		695

III. FORMS OF REORGANIZATION

"Reorganization" is a general term that includes a number of different statutory methods or ways to merge two or more school districts in New York State. The statutes governing reorganization provide for five methods through which a school district may become merged with one or more of its neighbors. All of these procedures contemplate that the district is merged into.

Each of the five reorganization procedures is limited in its application to one or more of the specific organizational types of school district, e.g., common, union free, central, etc.

Specifically, the methods available for reorganization are as follows:

A. CENTRALIZATION

1. General

This form of reorganization has been the most common. The procedures for centralization provide that a new school district be created encompassing the entire area of the school districts to be merged.

2. Districts Affected

A new central district may be established through the merger of any of the existing forms of school district — except city school districts — including the merger of two or more existing central school districts into a new, larger district. The districts must be contiguous.

3. General Procedures

The creation of a central school district begins with the "laying out" of the new district by the Commissioner of Education. The act of laying out a new central district essentially constitutes a proposal made by the Commissioner of the residents of the affected area; it does not constitute the establishment of the district as an actual operating structure. Although the Commissioner of Education may "lay out" a central district at any time he/she determines it educationally desirable to do so, in practice this power is exercised only after extensive study, evidence of support in the respective districts and upon recommendation of the respective boards of education and/or the District Superintendent.

The new central district becomes operational only after the centralization order is approved by the qualified voters in each school district included in the centralization. If each district approves the order by a majority vote, the new district will begin operation on July 1, following the vote. If approval of the order is defeated in any district included in the proposed centralization, the new district is not created, and the question may not be voted upon again for one year.

If the order is presented a second time, and is approved, the new district begins operation. If the order is defeated a second time — or if it is not brought to referendum within two years of the initial referendum — then the original order becomes null and void.

Note: The change in Section 1803-a (3) of the Education Law providing for the separate counting of ballots by each school district, instead of being commingled and counted as one, became effective in June of 1989. The use of absentee ballots for all types of reorganization was instituted in 1997.

4. Effect on Property and Debt

The new central school district assumes all property rights and assets of the district which it replaces. It similarly assumes all indebtedness of the former districts evidenced by bonds or notes relating to school construction. All other indebtedness shall be paid by the former districts in accordance with Section 1518 of Education Law.

5. Effect on Employees

Teachers in the former school districts become employees of the newly formed district. If teaching positions are abolished, the persons with the least seniority within the tenure areas of the abolished positions are placed on a preferred eligible list for a period of seven years following the dismissals. For salary, sick leave and any other purposes, the length of service credited in the former district shall be credited as employment time with the newly formed district.

If the superintendent of one or more of the districts included in the centralization is on tenure, he/she would have tenure rights to appointment as superintendent of the new central district. Where more than one superintendent is tenured, seniority would apply.

Lacking tenure status, superintendents of the former districts do not have any statutory rights to that position in the new district. The appointment of a superintendent would be made by the board of education of the new district. When the superintendent of a district included in the reorganization has an employment contract, such contract is considered a property right and is therefore a contractual obligation which is binding upon the newly reorganized school district as the successor in interest of the districts which have merged to form the reorganized district (Section 1804(5)(b) of the Education Law).

If the newly reorganized district determines not to employ such superintendent, it may discharge its contractual obligation by paying the salary which he or she would have earned pursuant to such contract, less any income obtained from employment elsewhere during the term of the contract.

Non-teaching personnel appointed pursuant to the Civil Service Law will have different employment rights depending on their civil service class, e.g., competitive, non-competitive, labor, etc. The appropriate local civil service agency should be consulted for assistance to ensure appropriate treatment of these employees.

6. Governance

The new district is governed by a board of education comprising five, seven or nine members. The new board is elected at a special meeting called by the Commissioner of Education after the new district is approved at referendum. The number of board members (5,7 or 9) and their term of office (3,4 or 5 years) may be voted upon at the same time as the referendum on establishing the district, or may be decided at a separate meeting.

The boards of education of the districts included in the centralization continue their responsibilities until the new district begins operation and the business affairs of their former districts have been completed, usually August 1.

7. Statutory Reference

Education Law, Sections 1801-1804

Education Law, Section 2510

Civil Service Law, Section 70

Education Law, Section 1518

Education Law, Section 1505a

Education Law, Section 1703

Education Law, Section 2004

Education Law, Section 2105

Commissioner's Decision No. 12019

B. ANNEXATION — CENTRAL SCHOOL DISTRICT

1. General

Annexation under Education Law Sections 1801 and 1803 refers to the annexation of a school district to a central school district. Annexation is distinguished from centralization by the fact that a new district is not created; rather, the district to be annexed is dissolved and becomes part of the annexing district.

2. Districts Affected

Common, union free and central districts may be annexed to a central school district if they are contiguous to the annexing district.

3. General Procedures

An annexation to a central school district, like centralization, begins with the issuance of an order by the Commissioner of Education after study of the proposed annexation, evidence of local support, and upon request of the affected boards of education and/or the District Superintendent.

The order is subject to permissive referendum in any of the affected districts. A referendum on annexation is held independently in each district requesting a vote, and ballots are counted on a district-by-district basis. The referendum must pass in each affected district for the order to become final.

If no petitions requesting a referendum are filed with the Commissioner within sixty days, or if a referendum approves the annexation order, the order become final. If a referendum is held, and the order is rejected by either district, the question may not be again presented for one year. If the proposition is passed by one district and not the other, only the district in which the proposition was defeated can revote.

If the order is not again presented within two years of the first vote, or if it is presented and again rejected, the original order becomes null and void. If the annexation is presented to referendum a second time and is approved, the annexation order becomes final. If approved, the reorganization will become effective on July 1 following the referendum unless otherwise specified.

4. Effect on Property and Debt

The annexing district assumes all property rights of the districts annexed, as well as any debt incurred through bonds or notes. Other debt, such as tuition owed other school districts and other "accounts payable", remains a charge on the former district which incurred the debt.

5. Effect on Employees

Teaching personnel in the district which is annexed have the right to employment in the annexing district if a vacancy exists within their tenure area. Teachers from the annexed district do not, however, have "bumping" rights. If a vacancy is not available within a teacher's tenure area, the teacher is placed on the preferred eligible list for a period of seven years. Filling of vacancies and placement on the preferred eligible list is accomplished in seniority order within tenure area. Once employed, for salary, sick leave and any other purposes, the length of service credited in the annexed district shall be credited as employment time with the annexing district.

The superintendent of a district which is annexed would not have rights to the superintendency of the annexing district, whether or not he/she had tenure status. When the superintendent of the annexed district has an employment contract, such contract is considered a property right and is therefore a contractual obligation which is binding upon the newly reorganized school district as the successor in interest of the districts which have merged to form the reorganized district (Section 1804(5)(b) of the Education Law).

If the newly reorganized district determines not to employ such superintendent, it may discharge its contractual obligation by paying the salary which he or she would have earned pursuant to such contract, less any income obtained from employment elsewhere during the term of the contract.

Non-teaching personnel appointed pursuant to the Civil Service Law will have different employment rights depending on their civil service, class, e.g., competitive, non-competitive, labor, etc. The appropriate local civil service agency should be consulted for assistance to ensure appropriate treatment for these employees.

6. Governance

The board of education of the annexing district continues responsibility for the administration of the district. However, for purposes of voting on matters related to the operation of the reorganized district, the qualified voters of the annexed district become qualified voters in the annexing district as of the date that the Commissioner's annexation order becomes final. This would include voting on propositions at the annual meeting and running for the board. Often the number of members serving on the board of education is increased by proposition at the first annual meeting, thus providing additional opportunity for board representation from the annexed district.

7. Statutory Reference

Education Law, Sections 1801-1804.

Education Law, Section 2510.

Civil Service Law, Section 70.

Education Law, Section 1518.

Education Law, Section 1505a.

Education Law, Section 1703.

Education Law, Section 2004.

Education Law, Section 2105.

C. ANNEXATION - UNION FREE SCHOOL DISTRICT

1. General

In accordance with Education Law Section 1705, the term "annexation" refers to the annexation of a common, union free or central school district to a union free school district. Annexation is distinguished from centralization by the fact that a new district is not created; rather, the districts to be annexed are dissolved and become part of the annexing district.

2. Districts Affected

Common, union free and central districts may be annexed to a union free school district if they are contiguous to the annexing district.

3. General Procedures

An annexation to a union free school district, like a centralization, begins with the issuance of an order by the Commissioner of Education after study of the proposed annexation, evidence of local support, and upon request of the affected boards of education and/or the District Superintendent.

An Annexation Order in accordance with Education Law Section 1705 must be approved by the qualified voters in each school district included in the Order. If each district's residents approve the Order, the reorganized district begins operation July 1, following the vote.

If the order is rejected by either district, the question may not be again presented for one year. If the proposition is passed by one district and not the other, only the district in which the proposition was defeated can revote.

If the order is not again presented within 2 years of the first vote, or if it is presented and again rejected, the original order becomes null and void. If the annexation is presented to referendum a second time and is approved, the annexation order becomes final.

4. Effect on Property and Debt

The annexing district assumes all property rights of the districts annexed, as well as any debt incurred through bonds or notes. Other debt, such as tuition owed other school districts and other "accounts payable", remains a charge on the former district which incurred the debt.

5. Effect on Employees

All teaching and non-teaching employees in the former school districts become employees of the reorganized district. If teaching positions are abolished, the persons with the least seniority within the tenure areas of the abolished positions are placed on a preferred eligible list for a period of seven years following the dismissals. For salary, sick leave and any other purposes, the length of service credited in the former district shall be credited as employment time with the newly formed district.

The superintendent of a district which is annexed would not have rights to the superintendency of the annexing district, whether or not he/she had tenure status. When the superintendent of the annexed district has an employment contract, such contract is considered a property right and is therefore a contractual obligation which is binding upon the newly reorganized school district as the successor in interest of the districts which have merged to form the reorganized district (Section 1804(5)(b) of the Education Law).

If the newly reorganized district determines not to employ such superintendent, it may discharge its contractual obligation by paying the salary which he or she would have earned pursuant to such contract, less any income obtained from employment elsewhere during the term of the contract.

6. Governance

The board of education of the annexing district continues responsibility for the administration of the district. However, for purposes of voting on matters related to the operation of the reorganized district, the qualified voters of the annexed district become qualified voters in the annexing district as of the date that the Commissioner's annexation order becomes final. This would include voting on propositions at the annual meeting and running for the board. Often the number of members serving on the board of education is increased by proposition at the first annual meeting, thus providing additional opportunity for board representation from the annexed district.

7. Statutory Reference

Education Law, Section 1705
Education Law, Section 2510
Civil Service Law, Section 70
Education Law, Section 1518
Education Law, Section 1505a
Education Law, Section 1703
Education Law, Section 2004
Education Law, Section 2105

D. CONSOLIDATION OF UNION FREE/COMMON SCHOOL DISTRICTS

1. General

Existing law provides for the consolidation of common or union free school districts and does not involve central school districts. Two or more common school districts may be consolidated as a single common school district or as a union free school district, two or more union free school districts may be consolidated as a single union free school district, or a combination of the two forms may be consolidated as a single union free school district. In all cases, consolidation results in the creation of a new school district.

2. Districts Affected

Common and union free school districts, or combinations thereof, are the only types which can use this reorganization option.

3. General Procedures

A proposed consolidation of two or more districts begins with the submission of petitions by district residents to each affected board of education/trustees requesting that a special meeting be convened to determine whether a consolidation shall be effectuated. The respective boards must then submit a proposal for consolidation to the Commissioner of Education for approval.

If the Commissioner approves the proposed consolidation, the boards schedule a meeting at a single location as centrally located as possible. At the special meeting, the electors of each of the districts vote on the consolidation. Voting will be by written ballot or by machine if approved by the Commissioner. The consolidation is approved if a majority of the voters from each district favors the proposal.

If the consolidation is approved by each district, the District Superintendent issues a notice calling a meeting of the consolidated district to elect a board of education to serve the newly organized district. Following the election of the new board, the District Superintendent will issue an order of consolidation with an effective date not more than 90 days from the meeting date. If the question to consolidate is not approved, it may not be again presented for at least a year.

4. Effect on Property and Debt

The newly consolidated district assumes all property rights of the former school districts, as well as any debt incurred through bonds or notes. Other debt, such as tuition owed to other school districts, remains a charge upon the area of the former district incurring the debt.

5. Effect on Employees

Teachers in the former districts become employees of the consolidated district. If instructional positions are subsequently abolished, individuals with the least seniority within the specific tenure areas of the abolished positions are released and are placed on a preferred list for a period of seven years after the dismissals.

If the superintendent of one or more of the districts included in the consolidation is on tenure, he/she would have tenure rights to appointment as superintendent of the newly consolidated district. Where more than one superintendent is tenured, seniority would apply.

Lacking tenure status, superintendents of the former districts do not have any statutory rights to that position in the new district. The appointment of a superintendent would be made by the board of education

of the new district. When the superintendent of a district included in the reorganization has an employment contract, such contract is considered a property right and is therefore a contractual obligation which is binding upon the newly reorganized school district as the successor in interest of the districts which have merged to form the consolidated district (Section 1804(5)(b) of the Education Law).

If the newly consolidated district determines not to employ such superintendent, it may discharge Its contractual obligation by paying the salary which he or she would have earned pursuant to such contract, less any income obtained from employment elsewhere during the term of the contract.

Non-teaching personnel appointed pursuant to the Civil Service Law will have different employment rights depending on their civil service class, e.g., competitive, non-competitive, labor, etc. The appropriate local civil service agency should be consulted for assistance to ensure appropriate treatment for these employees.

6. Governance

A new board of education/trustees must be elected to govern the consolidated district. The nature of the governing body will depend on the legal form of the newly created consolidated district.

7. Statutory Reference

Education Law, Sections 1510-1514, 1517-1518, 1523, 1702, 2001

Education Law, Section 2510

Civil Service Law, Section 70

E. CONSOLIDATION WITH A CITY SCHOOL DISTRICT

1. General

The consolidation of one or more school districts with a city school district is similar in impact and procedure to an annexation, i.e., the districts to be consolidated will cease to exist and the city school district will have responsibility for education in the whole area.

In a consolidation of one or more districts with a city school district, each district outside the city votes individually on the question of consolidation. If consolidation is approved and the board of education of the city district by resolution consents thereto, the Commissioner may issue an order consolidating the districts.

2. Districts Affected

City school districts in cities under 125,000 population and school districts of any legal form outside the city district which are directly contiguous or which are contiguous to another district(s) which will also be consolidated to the city district.

3. General Procedures

A proposal to initiate a consolidation with a city school district begins with the adoption of a proposition at the annual or special meeting of the district(s) outside the city seeking consolidation. If the board of education of the city school district consents to the consolidation, the Commissioner of Education may issue an order effectuating the consolidation. Typically, the order will provide that the consolidation become effective on July 1, the beginning of the city district's school year.

4. Effect on Property and Debt

The city school district assumes all the property rights of the districts with which it has consolidated, as well as any debt incurred through bonds or notes. Other debt of the former districts, such as tuition owed a third school district, remains a charge upon the area of the former school district incurring such debt.

5. Effect on Employees

Consolidation with a city school district is - as a practical matter - an annexation to the city district. Teaching personnel in the district which is consolidated with the city district have the right to employment with the latter where a vacancy exists in their respective tenure areas. Teachers from the district consolidated with the city do not, however, have "bumping" rights. If a vacancy is not available within a teacher's tenure area, the teacher is placed on a preferred eligible list for a period of seven years. Filling of vacancies and placement on the preferred eligible list is accomplished in seniority order within tenure areas.

The superintendent of a district which is annexed would not have rights to the superintendency of the annexing district, whether or not he/she had tenure status. When the superintendent of the annexed district has an employment contract, such contract is considered a property right and is therefore a contractual obligation which is binding upon the newly reorganized school district as the successor in interest of the districts which have merged to form the consolidated district (Section 1804(5)(b) of the Education Law).

If the newly consolidated district determines not to employ such superintendent, it may discharge its contractual obligation by paying the salary which he or she would have earned pursuant to such contract, less any income obtained from employment elsewhere during the term of the contract.

Non-teaching personnel appointed pursuant to the Civil Service Law will have different employment rights depending on their civil service class, e.g., competitive, non-competitive, labor, etc. The appropriate local civil service agency should be consulted for assistance to ensure appropriate treatment for these employees.

6. Governance

The board of education of the city school district serves as the governing body for the entire district. The qualified voters of the former district(s) become electors in the city school district.

7. Statutory Reference

Education Law, Section 1524.
Education Law, Section 1514, 1517-1519, 1505a.
Education Law, Section 2510.
Civil Service Law, Section 70.

IV. WHY CONSIDER REORGANIZATION?

Today, schools are required to provide an extensive array of services to meet the unique needs of all students and to prepare them to successfully meet the personal and social challenges of a rapidly changing world. An enhanced pupil and financial base can often facilitate this effort.

Small school districts, particularly those, which are not wealthy, have difficulty providing the breadth of educational programs and variety of opportunities which currently are available in larger districts. If student enrollment drops, the small district must often choose between a reduction in program or an increase in

local property taxes. Faced with these undesirable alternatives, such districts often consider a change in their organization.

Reorganization of school districts provides the increased pupil and financial base which may allow the now larger district to:

1. Provide several sections of a subject area, each fitted to pupil needs and abilities;
2. Extend subject offerings to include, for example, multiple languages, specialized English courses, new, special area social studies courses, advanced placement programs, and development of programs for the less able or the gifted;
3. Provide a broader choice of electives and co-curricular opportunities;
4. Increase the probability that teachers will serve only in their field of specialization;
5. Provide separate, specially equipped classrooms for specific subjects;
6. Upgrade facilities and equipment to support program requirements; and
7. Provide competitive salaries to employees.

Reorganization also creates the potential for school districts to operate more efficiently and economically by:

1. Permitting a more cost-effective administrative organization;
2. Eliminating duplication by pooling facilities, equipment, supplies, materials, teaching and non-teaching staff;
3. Consolidating and coordinating the transportation system, i.e., providing for routing in a more efficient manner, using one central garage, and standardizing buses and parts.

Reorganization of school districts also provides the new district with additional operating aid and building aid. The computed formula operating aid for districts which reorganize is increased by 40 percent for five years, then reduced by four percent each year until it is phased out, thus providing a total of 14 years of additional operating aid. Also, for newly reorganized districts, the computed state aid for building projects is increased by 30 percent, up to a maximum of 95 percent of the approved cost.

V. WHY REORGANIZATION IS DIFFICULT TO ACHIEVE

Even though a feasibility study may identify significant educational and financial benefits that might be achieved by joining districts, it is also recognized that there are local issues that make the formal decision to reorganize difficult. These local concerns often include:

1. A fear of losing local identity;
2. A perception that the communities are incompatible or that one district will benefit more from the merger than the other;
3. An uncertainty over representation on the Board of Education and whether or not the new district will actually operate as implied during the study process;

4. An assumption that a larger student enrollment will result in less individual attention, more discipline and drug problems, and fewer opportunities for students to participate in sports and other extra-curricular activities;
5. A belief that new programs, staffing and building improvements will result in higher costs and require local property tax increases in spite of additional state incentive aid;
6. A concern that children will be required to spend more time being bussed to and from school;
7. A fear of losing job security by local school district employees;
8. A natural tendency to resist change and a reluctance to give up "what is" for "what might be."

Thus, as with other local school district decisions, the advantages and disadvantages of reorganization must be carefully, honestly and objectively considered, and a democratic determination reached that will best serve the future educational needs of young people and the community.

VI. INITIATING THE REORGANIZATION

Although the Commissioner of Education may authorize or "lay out" combinations of districts for reorganization, the practice has been that a district will not be included in such an order until (1) an adequate study is available to indicate that the proposal is desirable, (2) the people in the district have been informed of the potential reorganization, and (3) the majority of the voters in the district(s) affected support the proposal. Statute provides that formal voter approval is required before a reorganization order can be implemented.

1. Initial Consideration

Before formal study of reorganization is undertaken, there is a great deal of preliminary work which must be accomplished. Such early deliberations are often initiated by the District Superintendent and the respective boards of education.

These initial steps do not represent a formal feasibility study. Rather, they most frequently involve joint meetings between the affected boards of education to gain information and to determine whether reorganization offers sufficient benefits to warrant formal study. In these initial discussions, the District Superintendent and the State Education Department's District Organization staff can provide helpful information and technical assistance.

As the boards of two or more districts consider the potential of reorganization, they will require information, support and assistance from an informed neutral party. As a representative of the Commissioner of Education in the field and of the local school districts within the supervisory district, the District Superintendent can provide this leadership. The District Superintendent has several characteristics which make him/her a desirable source of this assistance: he/she is familiar with conditions in the districts, is continually accessible, is recognized by those involved, has access to SED staff as needed, has credibility in matters requiring counsel or confidentiality, and is familiar with - or can secure - information and advice about reorganization procedures.

2. The Feasibility Study

If the boards of education agree that reorganization may have potential benefit for their districts, then a comprehensive feasibility study should be undertaken jointly.

The purpose of a feasibility study is to develop information which describes how a specific combination of districts would operate if reorganization were to be implemented. The report serves several audiences: (1) school district officials can review the information together with other available data about a potential reorganization; (2) the report can be the basis on which citizens become informed as to what reorganization would mean for their district and assist them in reaching a decision relative to their support of such a proposition; (3) the Commissioner can decide whether the proposal has enough advantages to warrant issuing the appropriate formal order(s) so that the districts can proceed through the subsequent legal steps to implement the reorganization. A well-conducted feasibility study will cover several areas, including:

- current and projected enrollments;
- current and projected professional staffing plans;
- current and projected housing plans;
- a plan for education programs and curricula in the proposed district;
- a plan for transportation in the proposed district;
- fiscal implications of the reorganization, including changes in state aid, expenditures and local tax effort.

The mechanism used to conduct the study is not critical, so long as the study results meet the needs of the boards of education and the residents of the districts involved. School districts often engage educational consultants to conduct such studies and include local committees to assist in the process. The unique characteristics of the districts involved will usually dictate the most effective approach. Recent studies indicate that a combination of professional and lay participation can be highly successful. Grant funds are available for studies.

3. Informing the Public

The Education Law provides the opportunity for a referendum in the communities involved before a reorganization becomes effective. This commitment to local control requires that accurate and comprehensive information be provided to the public throughout the process of studying or implementing a reorganization. Boards of education involved in a potential reorganization should reach early agreement on the scope and nature of public participation, and a plan to effectively carry out the information process. As noted, many boards have involved the public in the conduct of the feasibility study.

Regardless of the methods used by the boards to involve the public, it is essential that there be a joint plan and calendar developed so that the community information program can begin as soon as adequate information from a study becomes available. The goal of the program is to reach every eligible voter with enough information about the proposal so that an informed decision can be made by the community.

Properly informed citizens' committees can be of great assistance to boards: they can conduct aspects of a feasibility study, prepare materials for public information, organize and conduct small group meetings, carry petitions or conduct polls, and participate in other necessary tasks associated with a referendum.

4. Assessment of Public Support

Although there is no requirement in law, established practice is that the Commissioner will not take formal action to authorize a reorganization unless there is evidence of support in each of the districts included in the proposed reorganization. Petitions or advisory referendums (straw votes) are normally used as a basis in making this determination.

If petitions are used, the number of signatures of qualified voters needed to indicate support in each district will be established by the Education Department based upon such factors as school enrollment, the number

of residents voting in past elections and the most recent census figures of district residents over eighteen years of age.

If an advisory referendum (straw vote) is used, a majority of votes cast in each district must favor the proposed reorganization.

The District Superintendent will be responsible for working with Department staff to transmit information about the reorganization study process and evidence of support to the Commissioner, along with his/her recommendation. If the reorganization is authorized by the Commissioner, the process then enters a formal - or statutory - phase.

VII. TAKING THE FORMAL (LEGAL) STEPS TOWARD REORGANIZATION

A general description of five methods, or statutory forms, by which districts may be reorganized has been outlined earlier in this guide. This section will detail the statutory steps required in each form of reorganization.

It is emphasized that this section presents only an outline of the steps required by law. Close cooperation among the District Superintendent, the affected boards of education, and the State Education Department's District Organization staff and Office of Counsel is essential to insure that each step is carried out correctly and in the proper sequence.

A. CENTRALIZATION -- The Sequence of Events: After Steps A, B, C and D as described previously under "Initiating the Reorganization" have been completed: References are to Education Law.

1. The Commissioner of Education "makes and enters" an order laying out territory (districts) as a new Central School District (Section 1801(2)).
2. Within 10 days of making and entering the order, the Commissioner must transmit a certified copy of such order to the clerk of each school district affected by such order (Section 1801(3)).
3. Within 5 days of receipt of the Commissioner's order, each clerk must post a copy of such order in 5 conspicuous places in each of the affected districts (Section 1801(3)).
4. After the order has been made and filed, a petition is completed by the qualified voters within the proposed district requesting the Commissioner to call a special meeting to determine whether or not the new district will be established. Such petition must bear the signature of 100 qualified voters or a number of qualified voters equal to 10 percent of the pupils in the new proposed central district, whichever is less.
5. A second petition, requesting that special election districts (voting sites) be established, is presented by each district wishing to be designated as a special election district. Signatories must be electors of the district to be designated. The lesser of 100 signatures or signatures equal to 10 percent of the district's pupil census is required for a valid petition (Section 1803a(1)).
6. The Commissioner issues orders calling a Special Meeting to allow the qualified voters of each district to vote on whether or not the centralization order will be implemented. Such orders include:
 - a. Propositions to be Voted Upon
 - b. Time and Place of Election

(1) The date of the election and the time period during which the voting will take place are determined by the Commissioner upon the recommendation of the districts affected (Section 1802(1); Section 1803a(1)).

o The date of the election must be no more than 30 days after the filing of petitions requesting such election. Notice must be posted and published (Section 1802(2); Section 1803a(2)).

o The time of the election is set by the Commissioner. Where alternative voting under Section 1803a is held, the election must include at least 4 consecutive hours between 7 AM and 10 PM (Section 1802(2); Section 1803a(2) (c)).

(2) The principal place for the election is designated by the Commissioner (Section 1802(1); Section 1803a(2) (a)).

(3) If separate voting sites are established pursuant to Section 1803a, the election will be held in each district from which valid petitions have been received (Section 1803a(2) (b)).

(4) Paper ballots will be used unless the Commissioner authorizes the use of voting machines in accordance with Section 1803-a (8) of Education Law.

c. Directions for Conducting the Centralization Vote

(1) A Board of Canvass, comprised of residents from each district participating, is appointed by the Commissioner. Such Board of Canvass will act as the "board of canvass" for the entire area, and also as the "board of election" at the principal polling site.

(2) Where a special election district has been designated, the board of education acts as board of election for that district. The president of the board - or a designee - administers any challenges (Section 1803a(4) (a)).

7. Determining the Result of the Vote If Voting is by Paper Ballot:

a. The ballot box and poll book used at the secondary polling place(s) is sealed and brought to the primary voting place.

b. The Board of Canvass will compare the number of ballots from each polling place with the number of voters listed in each poll book. If more ballots are present than there are names in the poll book, the appropriate number of ballots must be removed to make the ballot count and the poll book agree.

c. The vote on centralization (Proposition No. 1) is counted separately by school district.

d. If a majority of the ballots cast in each school district approves the order, a new central school district will be established.

e. The Board of Canvass will then intermingle the ballots and count the vote to determine the size of the new board of education (5, 7 or 9) and term of office (3, 4 or 5). Results will be determined by plurality of the combined vote.

f. If the proposition to centralize is defeated by any district, it cannot be voted upon again for one year. If It is defeated a second time, or if it is not brought to a second vote within 2 years of the initial vote, the order laying out the district becomes null and void.

8. Determining the Result of the Vote If Voting is by Machine:

- a. As soon as the voting is completed, the Board of Election at each voting site shall record the results of the election on the Tabulation Form provided by the Commissioner. The Tabulation Form shall be verified and signed by the Chairman and members of the Board of Election present.
- b. The results of the vote may be announced by the Chairman of the Board of Election at this time.
- c. The Tabulation Form, the printed results from the voting machines and the poll books from the secondary polling site shall be enclosed in a sealed envelope by the Chairman and immediately delivered to the Chairman of the Board of Canvass at the primary voting site.
- d. The Board of Canvass shall inspect the results of the election as verified on the Tabulation Form from each voting site and complete the "Certificate of the Board of Canvass." Such certificate shall be signed by the Chairman and all members of the Board of Canvass present.
- e. The Chairman of the Board of Canvass shall announce the results of the voting on all propositions at this time.

9. Electing a Board of Education

- a. If the proposition to centralize is approved in each district, the Commissioner of Education will issue an order calling a Special Meeting of the new district to elect a new board of education. (If term and number not voted at centralization, there must be separate vote prior to electing board.)

The Notice of Special Meeting (Commissioner's Order) will specify:

- (1) Site, date and voting hours of special meeting;

NOTE: Since a new centralized district has now been established, the vote to elect a new board of education is conducted at one central voting site by machine or paper ballot.

- (2) When and where board candidates may obtain a nominating petition;
- (3) When and where nominating petitions of candidates are to be filed in order to be included on ballot.

- b. The Commissioner of Education concurrently issues an order appointing a Board of Canvass to conduct the Special Meeting. Such order will specify:

- (1) Members of Board of Canvass;
- (2) Instructions governing the conduct of the meeting including —

- manner of voting (machine or paper ballot);
- posting of legal notices;
- publishing of notices;
- instructions for board candidates;
- counting the vote;

- reporting the results of the vote;
- such other instructions as deemed necessary.

10. Shortly after the board has been elected, the District Superintendent of Schools will call a meeting of the Board of Education to take the oath of office and organize to carry out the necessary actions to prepare for the operation of the new district beginning July 1.

a. The Boards of Education of the districts included in the centralization continue their responsibilities until the new district begins operation and the business affairs of their districts have been completed, usually August 1.

B. ANNEXATION TO A CENTRAL SCHOOL DISTRICT — The Sequence of Events: After Steps A, B, C and D as described previously have been successfully completed (References are to Education Law)

1. The Commissioner issues an order annexing the territory (district) to a central school district (Section 1801);

Within 10 days, the Commissioner causes a certified copy of the order to be filed with the district clerk of each school district affected by the order. The clerk must post copies in 5 places in the district within 5 days of receipt (Section 1801);

3. The voters of any school district affected by the proposed annexation may request a referendum on the order by filing petitions with the Commissioner signed by 100 electors or a number equal to 10% of the pupils in the district. (Section 1802 (2) (b));

4. If valid petitions are received, the Commissioner will schedule a referendum in each district which has requested one. (Section 1802 (2) (b));

5. Where a referendum is ordered, the Commissioner must provide for notice to be posted in 10 conspicuous places in the district at least 10 days before the meeting. The notice must also be published in a newspaper at least 3 days before the meeting. Voting may be by machine or paper ballot. (Section 1802 (2) (b));

6. The annexation order is affirmed If the resolution on the ballot is passed by a majority of those voting in each district. (Section 1803 (1); Section 1803 (3));

7. If a referendum is not requested by any district affected by the order within 60 days of its filing with the district, the annexation order becomes final. (Section 1802 (2) (a));

8. If a referendum is requested and the annexation order is passed by each district, the order becomes final as of the date of the vote. (Section 1803 (9));

8a. The annexation order shall take effect (be implemented) on July 1 following final approval. However, all qualified voters of the annexed school district shall be deemed qualified voters of the annexing school district the date the Commissioner's annexation order becomes final. (Section 1803 (9));

9. If the proposition is defeated, It cannot be voted upon again for one year. If the question is defeated a second time, or if it is not brought to a second vote within 2 years of the initial vote, the annexation order becomes null and void. (Section 1803(8));

10. If the proposition is passed by one district and not the other, the annexation will not be implemented. However, subject to the above conditions, the order can be voted on a second time by the district in which

it was defeated. If approved, the annexation will become effective July 1. The annexation order is not voted upon a second time by the district in which the order was originally approved.

Note: The manner in which an annexation referendum is conducted is similar to voting on other district propositions and is the responsibility of the Board of Education, under the guidance of the District Superintendent and Education Department staff.

C. ANNEXATION TO A UNION FREE SCHOOL DISTRICT — The Sequence of Events: After Steps A, B, C and D as described previously have been successfully completed (References are to Education Law).

1. The Commissioner issues an order annexing the territory (district) to a union free school district (Section 1705(a));
2. Within 10 days, the Commissioner causes a certified copy of the order to be filed with the district clerk of each school district affected by the order. The clerk must post copies in 5 places in the district within 5 days of receipt. (Section 1705(b));
3. Within 30 days of filing of his Order, the Commissioner issues Orders calling for a Special Meeting to allow the qualified voters of each district to vote on whether or not the annexation order will be implemented. Such order includes:
 - a. Proposition to be Voted Upon
 - b. Time and Place of Election
 - (1) The date of the election and the time period during which the voting will take place are determined by the Commissioner upon the recommendation of the districts affected (Section 1705(b)).
 - o The date of the election must be no more than 30 days after the filing of the Commissioner's Order for Annexation. Notice must be posted and published (Section 1705(b)).
 - o The time of the election is set by the Commissioner.
4. The Commissioner must provide for the notice to be posted by the clerk of the district in 10 conspicuous places in each district at least 10 days before the meeting. The notice must also be published in a newspaper at least 3 days before the meeting. Voting may be by machine or paper ballot. (Section 1705(b));
5. Except as provided specifically in Section 1705, the special meeting will be conducted in accordance with procedures specified in Section 1803.
6. The annexation order is affirmed if the resolution on the ballot is passed by a majority of those voting in each district. (Section 1803 (1); Section 1803 (3));
7. If the annexation order is passed by each district, the order becomes final as of the date of the vote. (Section 1705(c));
8. The annexation order shall take effect (be implemented) on July 1 following final approval. However, all qualified voters of the annexed school district shall be deemed qualified voters of the annexing school district the date the Commissioner's annexation order becomes final. (Section 1705(c));

9. If the proposition is defeated, it cannot be voted upon again for one year. If the question is defeated a second time, or if it is not brought to a second vote within 2 years of the initial vote, the annexation order becomes null and void. (Section 1705(b));

10. If the proposition is passed by one district and not the other, the annexation will not be implemented. However, subject to the above conditions, the order can be voted on a second time by the district in which it was defeated. If approved, the annexation will become final as of the date of such meeting, and the district will begin operation as a reorganized district on July 1. The annexation order is not voted upon a second time by the district in which the order was originally approved. (Section 1705(b)).

Note: The manner in which an annexation referendum is conducted is similar to voting on other district propositions and is the responsibility of the Board of Education, under the guidance of the District Superintendent and Education Department staff.

D. CONSOLIDATION OF UNION FREE AND/OR COMMON SCHOOL DISTRICTS -]]~

Sequence of Events: After the preliminary steps described in A, B, C, and D as described previously have been completed, the consolidation process will proceed as follows:

1. Petitions containing the names of ten or more qualified voters are submitted to the board of each district requesting that the boards seek the Commissioner's approval for the proposed consolidation and if approved that a meeting be held for the purpose of determining if the districts shall be consolidated.

2. Each board will submit a consolidation proposal to the Commissioner via the District Superintendent requesting approval of the plan. The request submitted to the Commissioner should include:

a. Copies of the petitions submitted;

b. Evidence that (1) a study has been conducted; (2) the public has been informed; and (3) there is significant public support for the proposal.

c. Board resolutions stating each district's support for the consolidation and requesting Commissioner to approve the proposal for a vote.

d. A recommendation and supporting documentation from the District Superintendent.

3. If the Commissioner approves the proposed consolidation, the Boards of the respective districts will be directed to issue a notice calling a special meeting of the qualified electors of the districts to vote on the consolidation in accordance with Section 1511 of the 'Education Law. The meeting must be held not less than twenty nor more than thirty days after posting of the notice.

a. Notice must be published at least once each week for three consecutive weeks prior to the meeting and posted at least twenty days prior to the meeting in at least five places in each district.

b. Vote on consolidation will be counted separately for each district. Vote on other propositions will be combined to determine results.

c. Propositions will be presented to determine:

(1) Whether or not the proposed consolidation is approved. (Votes will be counted separately for each district.);

(2) Size of new board; length of term; staggered terms for initial board;

(3) Location, date, hours of meeting to elect initial board of education; procedure for nomination of candidates by petition; and that such board will be elected by plurality with the candidates receiving the highest number of votes elected for the longest terms. A Board of Canvass for such election shall be appointed by the District Superintendent.

4. If the propositions are passed in both districts, the District Superintendent shall issue notice for a special meeting of the electors of the combined districts to elect a new board of education. The meeting shall be held at one centrally located voting site.

a. Notice of the meeting to elect a board will specify, in accordance with proposition 3:

(1) Site, date and voting hours of special meeting;

(2) When and where candidates for the board may obtain nominating petitions;

(3) When and where nominating petitions of candidates are to be filed in order to be included on the ballot.

b. Once elected, the board will convene to elect officers and recommend a new name for the district in accordance with Section 315 of the Education Law and Section 240 of the Regulations of the Commissioner of Education.

5. The District Superintendent will then issue an order consolidating the districts with an effective date not more than ninety days after the meeting. (See Education Law Section 1513)

6. The new board will organize and take necessary steps to implement operation of the new district upon the effective date, i.e., budget, annual meeting, etc. (See Education Law Section 1702)

NOTE: All such materials and correspondence are to be directed to the State Education Department's District Organization staff.

E. CONSOLIDATION WITH A CITY SCHOOL DISTRICT — The Sequence of Events: After the preliminary steps described in A, B, and C as described previously have been completed, the consolidation process will proceed as follows:

1. The qualified voters of a district contiguous to a city district adopts, at an annual or special meeting, a proposition to consolidate with such city district.

2. The board of education of the city district adopts a resolution consenting to the consolidation.

3. The Commissioner issues an order of consolidation and specifies the effective date.

4. A copy of the Commissioner's order shall be filed with the clerk of each school district affected.

VIII. VOTING QUALIFICATIONS AND PROCEDURE

(Similar for any form of reorganization)

Any person may vote who is:

1. A citizen of the United States; and

2. 18 years of age or over; and
3. A resident of the district for 30 days or more.

Each person voting must sign a poll book which has, at least on each page, a declaration that the prospective voter is a resident of the district.

iii. Any legal voter may challenge a prospective voter. In such case, the prospective voter must make a formal declaration that he/she is a qualified voter before being allowed to vote (Section 2010).

iv. As of July 1, 1997, absentee ballots must be used in a reorganization referendum in accordance with Section 2018-a or 2018-b, whichever shall apply. Education Department staff will assist districts with the appropriate absentee ballot procedures. There is no authority to require proof of residency (2018-b) because the Commissioner is calling the Special Meeting.

IX. CONCLUSION

The manner in which school districts are organized in New York State remains largely a matter of local determination. While this condition carries a tremendous responsibility for boards of education and district residents, it also provides a unique challenge and opportunity to serve the educational needs of youth and adults in each area of our State.

The primary issue facing the community is not whether the concept of reorganization is good or bad, per se, but whether combining available resources with a neighbor will provide a better and more cost effective educational system to serve the future needs of young people and adults within the communities involved. This can only be determined by careful study, committed leadership and an involved and informed public.

Between 1983 and 1998, fifty-six school districts made the decision to reorganize. Others have considered such action but have decided to remain alone. Regardless of the ultimate decision, the study process has allowed all of these districts and their residents to gain a better understanding of their school, to reexamine their educational priorities and to plan for the future. This, in and of itself, is a worthy endeavor.

Further information about school district reorganization may be obtained by contacting the District Superintendent at the Board of Cooperative Educational Services (BOCES) in which the district is located or Christina Coughlin, Office of Educational Management Services, State Education Department, Room 475 Education Building Annex, Albany, New York, 12234 (518) 474-6541.

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