

5184--C

2011-2012 Regular Sessions

I N S E N A T E

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Introduced by Sen. YOUNG -- read twice and ordered printed, and when printed to be committed to the Committee on Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Education in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to authorizing the establishment of regional high schools in certain supervisory districts

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The education law is amended by adding a new article 39-A
2 to read as follows:

3 ARTICLE 39-A

4 REGIONAL HIGH SCHOOLS

5 SECTION 1920. REGIONAL HIGH SCHOOL; ESTABLISHMENT.

6 S 1920. REGIONAL HIGH SCHOOL; ESTABLISHMENT. THE ESTABLISHMENT OF A
7 REGIONAL HIGH SCHOOL SHALL BE COMMENCED UPON THE ADOPTION OF A RESOL-
8 UTION PROPOSING THE ESTABLISHMENT OF SUCH A HIGH SCHOOL, BY MAJORITY
9 VOTE, OF EACH OF THE BOARDS OF EDUCATION OF TWO OR MORE SCHOOL
10 DISTRICTS, WHICH ARE CITY SCHOOL DISTRICTS IN CITIES HAVING A POPULATION
11 OF LESS THAN ONE HUNDRED TWENTY-FIVE THOUSAND INHABITANTS, CENTRAL
12 SCHOOL DISTRICTS, UNION FREE SCHOOL DISTRICTS AND/OR COMMON SCHOOL
13 DISTRICTS, PROVIDED THAT ALL SUCH SCHOOL DISTRICTS ARE WHOLLY CONTAINED
14 WITHIN THE CATTARAUGUS-ALLEGANY-ERIE-WYOMING BOARD OF COOPERATIVE EDUCA-
15 TIONAL SERVICES SUPERVISORY DISTRICT, THE ERIE 2 CHAUTAUQUA-CATTARAUGUS
16 BOARD OF COOPERATIVE EDUCATIONAL SERVICES SUPERVISORY DISTRICT, OR THE
17 GREATER SOUTHERN TIER BOARD OF COOPERATIVE EDUCATIONAL SERVICES SUPERVI-
18 SORY DISTRICT. THEREAFTER, IF TWO OR MORE SCHOOL DISTRICTS ADOPT SUCH A

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

LBD10142-18-2

1 RESOLUTION, THE BOARD OF EDUCATION OF EACH SCHOOL DISTRICT PROPOSING TO
2 ESTABLISH THE REGIONAL HIGH SCHOOL SHALL, NOT LESS THAN THIRTY DAYS
3 PRIOR TO ANY VOTE OF ITS ELECTORS UPON THE RESOLUTION, CONDUCT A MEETING
4 OPEN TO THE PUBLIC UPON THE TERMS AND CONDITIONS OF SUCH RESOLUTION. THE
5 ADOPTION OF THE RESOLUTION FOR THE ESTABLISHMENT OF A REGIONAL HIGH
6 SCHOOL SHALL BE SUBJECT TO APPROVAL THEREOF, BY MAJORITY VOTE, OF ALL
7 ELECTORS OF THE SCHOOL DISTRICTS PROPOSING TO ESTABLISH A REGIONAL HIGH
8 SCHOOL, SUCH ELECTION BEING CONDUCTED WITHIN EACH SCHOOL DISTRICT AND
9 THE VOTES THEREIN BEING COMPILED AT A CENTRAL LOCATION BY A BOARD OF
10 CANVASS ESTABLISHED BY THE BOARDS OF EDUCATION OF SUCH SCHOOL DISTRICTS.
11 UPON APPROVAL BY THE ELECTORS OF THE SCHOOL DISTRICTS THE BOARDS OF
12 EDUCATION OF SUCH SCHOOL DISTRICTS SHALL JOINTLY ESTABLISH A PROPOSED
13 CONTRACT FOR THE OPERATION OF A REGIONAL HIGH SCHOOL. UPON ESTABLISHMENT
14 OF A PROPOSED CONTRACT FOR THE OPERATION OF A REGIONAL HIGH SCHOOL, SUCH
15 CONTRACT SHALL BE SUBMITTED TO THE COMMISSIONER. EVERY PROPOSED CONTRACT
16 FOR A REGIONAL HIGH SCHOOL SHALL BE SUBJECT TO APPROVAL BY THE COMMIS-
17 SIONER WHO SHALL, AS A CONDITION OF SUCH APPROVAL, CERTIFY THAT THE
18 CREATION OF A REGIONAL HIGH SCHOOL WILL EXPAND AND IMPROVE THE EDUCA-
19 TIONAL SERVICES AVAILABLE TO ALL STUDENTS OF SUCH HIGH SCHOOL AND THAT
20 IT CAN RESULT IN ADMINISTRATIVE EFFICIENCIES FOR ALL PARTICIPATING
21 DISTRICTS. IF THE COMMISSIONER APPROVES THE PROPOSED CONTRACT, THE
22 REGIONAL HIGH SCHOOL SHALL BE DEEMED TO HAVE BEEN ESTABLISHED, EXCEPT
23 THAT NOTHING IN THIS SECTION SHALL PREVENT THE HIGH SCHOOL WHICH WOULD
24 SERVE AS THE HOST OF THE REGIONAL HIGH SCHOOL SO ESTABLISHED TO CONTINUE
25 TO OPERATE AS A LEGAL ENTITY UNTIL THE END OF THE SCHOOL YEAR. EXCEPT AS
26 OTHERWISE PROVIDED IN THIS ARTICLE, THE PROVISIONS OF THIS CHAPTER AS TO
27 THE COURSES OF STUDY, THE QUALIFICATIONS AND EMPLOYMENT OF TEACHERS,
28 NON-INSTRUCTIONAL EMPLOYEES AND OTHER STAFF, AND THE MAINTENANCE,
29 CONDUCT AND SUPERVISION OF PUBLIC SCHOOLS IN CENTRAL SCHOOL DISTRICTS
30 SHALL APPLY TO A REGIONAL HIGH SCHOOL. EVERY REGIONAL HIGH SCHOOL AND
31 THE CONTRACT THEREFOR SHALL MEET THE FOLLOWING REQUIREMENTS:

32 1. THE CONTRACT SHALL BE FOR A PERIOD OF NOT LESS THAN FIVE SCHOOL
33 YEARS AND, WITH THE APPROVAL OF THE COMMISSIONER, MAY BE RENEWED BY
34 MUTUAL AGREEMENT OF THE BOARDS OF EDUCATION;

35 2. THE REGIONAL HIGH SCHOOL SHALL COMMENCE OPERATIONS ON THE FIRST OF
36 JULY, AND SHALL NOT CEASE OPERATIONS BEFORE THE THIRTIETH OF JUNE IN ANY
37 SCHOOL YEAR;

38 3. THE CONTRACT SHALL STATE THAT THE REGIONAL HIGH SCHOOL WILL BE
39 OPERATED BY ONE OF THE PARTICIPATING SCHOOL DISTRICTS, HEREINAFTER
40 REFERRED TO IN THIS ARTICLE AS THE "HOSTING SCHOOL DISTRICT";

41 4. THE CONTRACT SHALL SPECIFY THE MANNER IN WHICH THE STUDENTS OF EACH
42 PARTICIPATING SCHOOL DISTRICT SHALL BE TRANSPORTED TO THE REGIONAL HIGH
43 SCHOOL, AND THE COST OF SUCH TRANSPORTATION SHALL BE A CHARGE AGAINST
44 EACH SUCH PARTICIPATING SCHOOL DISTRICT AND BE FUNDED IN THE SAME MANNER
45 AS TRANSPORTATION PROVIDED PURSUANT TO SECTION THIRTY-SIX HUNDRED THIR-
46 TY-FIVE OF THIS CHAPTER;

47 5. IF THE REGIONAL HIGH SCHOOL IS OPERATED BY A HOSTING SCHOOL
48 DISTRICT, THE REGIONAL HIGH SCHOOL AND THE CONTRACT SHALL MEET THE
49 FOLLOWING REQUIREMENTS:

50 A. THE CONTRACT SHALL DESIGNATE THE SITE OF THE REGIONAL HIGH SCHOOL,
51 WHICH SHALL BE WITHIN THE BOUNDARIES OF ONE OF THE PARTICIPATING SCHOOL
52 DISTRICTS. THE HOSTING SCHOOL DISTRICT AND THE BOARD OF EDUCATION OF
53 SUCH SCHOOL DISTRICT SHALL HAVE RESPONSIBILITY FOR THE OPERATION, SUPER-
54 VISION AND MAINTENANCE OF THE REGIONAL HIGH SCHOOL, AS SHALL BE DESIG-
55 NATED IN THE CONTRACT,

1 B. THE CONTRACT SHALL SPECIFY THAT THE STUDENTS RECEIVING INSTRUCTION
2 FROM THE REGIONAL HIGH SCHOOL SHALL BE DEEMED TO BE ENROLLED IN THE
3 REGIONAL HIGH SCHOOL, EXCEPT TO THE EXTENT THAT THEIR ENROLLMENT AND
4 ATTENDANCE SHALL BE INCLUDED IN THE ENROLLMENT AND ATTENDANCE COUNTS OF
5 THE PARTICIPATING DISTRICTS FOR THE PURPOSES OF STATE AID, AND THEY
6 SHALL BE TREATED AND COUNTED AS SUCH FOR PURPOSES OF ALL STATE AID
7 CALCULATIONS PURSUANT TO THIS CHAPTER,

8 C. THE REGIONAL HIGH SCHOOL SHALL OPERATE ITS OWN EXTRACURRICULAR
9 ACTIVITIES AND INTERSCHOLASTIC ATHLETICS AND THE STUDENTS ATTENDING SUCH
10 REGIONAL HIGH SCHOOL SHALL BE ELIGIBLE TO PARTICIPATE IN SUCH ACTIVITIES
11 AND ATHLETICS AND SHALL NOT BE ELIGIBLE TO PARTICIPATE IN SUCH ACTIV-
12 ITIES AND ATHLETICS OF THEIR PARTICIPATING SCHOOL DISTRICT, EXCEPT TO
13 THE EXTENT THAT IF THE ACTIVITIES OR ATHLETICS OF THEIR PARTICIPATING
14 DISTRICT ARE DESIGNED OR INTENDED TO ACCOMMODATE JOINT PARTICIPATION
15 BETWEEN STUDENTS FROM THE JUNIOR HIGH SCHOOL OF THE PARTICIPATING
16 DISTRICT AND THE REGIONAL HIGH SCHOOL INCLUDING, BUT NOT LIMITED TO,
17 MODIFIED ATHLETIC TEAMS, MIXED GRADE MUSIC AND BAND PROGRAMS, AND JOINT
18 GRADE EXTRA-CURRICULAR PROGRAMS, THEN THE STUDENTS FROM THE REGIONAL
19 HIGH SCHOOL MAY JOINTLY PARTICIPATE IN SUCH ACTIVITIES OR ATHLETICS IN
20 THEIR PARTICIPATING SCHOOL DISTRICT,

21 D. THE REGIONAL HIGH SCHOOL SHALL BE RESPONSIBLE FOR THE EVALUATION
22 AND GRADING OF THE ACADEMIC PERFORMANCE OF ALL STUDENTS ATTENDING THE
23 REGIONAL HIGH SCHOOL, AND SHALL AWARD STUDENTS THEIR DIPLOMAS UPON GRAD-
24 UATION,

25 E. THE CONTRACT SHALL PROVIDE THAT ALL TEACHERS, NON-INSTRUCTIONAL
26 EMPLOYEES AND OTHER STAFF MEMBERS OF THE PARTICIPATING SCHOOL DISTRICTS,
27 EXCEPT THE SUPERINTENDENT OF SCHOOLS, WHOSE SERVICES IN THE PARTICIPAT-
28 ING SCHOOL DISTRICTS ARE NO LONGER NEEDED BECAUSE OF THE CREATION OF A
29 REGIONAL HIGH SCHOOL OR THE TRANSFERENCE OF STUDENTS TO AN EXISTING
30 REGIONAL HIGH SCHOOL, SHALL BE GRANTED EMPLOYMENT RIGHTS IN THE HOST
31 SCHOOL DISTRICT IN ACCORDANCE WITH THE PROVISIONS OF THIS SUBDIVISION,

32 F. IN ANY CASE IN WHICH A PARTICIPATING SCHOOL DISTRICT SENDS STUDENTS
33 TO A REGIONAL HIGH SCHOOL OPERATED BY A HOSTING SCHOOL DISTRICT, EACH
34 TEACHER, NON-INSTRUCTIONAL EMPLOYEE AND ALL OTHER EMPLOYEES PREVIOUSLY
35 EMPLOYED IN THE EDUCATION OF SUCH STUDENTS BY SUCH PARTICIPATING SCHOOL
36 DISTRICT PRIOR TO THE TIME THAT SUCH PARTICIPATING DISTRICT SENDS ITS
37 STUDENTS TO THE REGIONAL HIGH SCHOOL SHALL BECOME MEMBERS OF THE EMPLOY-
38 EE ORGANIZATIONS REPRESENTING THE EMPLOYEES OF THE HOSTING DISTRICT AT
39 THE TIME OF CREATION OF THE REGIONAL HIGH SCHOOL UNTIL SUCH TIME AS A
40 SUCCESSOR AGREEMENT HAS BEEN NEGOTIATED, AND SHALL PROVIDE THAT THE
41 DETERMINATION OF BARGAINING UNIT STATUS AND REPRESENTATION RIGHTS SHALL
42 BE IN ACCORDANCE WITH ARTICLE FOURTEEN OF THE CIVIL SERVICE LAW AND THE
43 RULES OF PROCEDURE OF THE PUBLIC EMPLOYMENT RELATIONS BOARD. UPON TERMI-
44 NATION OF THE REGIONAL HIGH SCHOOL THE TEACHERS, NON-INSTRUCTIONAL
45 EMPLOYEES AND ALL OTHER EMPLOYEES SHALL REVERT BACK TO THE CONTRACT
46 CURRENTLY IN EFFECT AT THE SENDING SCHOOL DISTRICT TO WHICH THEY ARE
47 SENT. FOR PURPOSES OF THIS SECTION, WHEN A PARTICIPATING SCHOOL DISTRICT
48 TAKES BACK STUDENTS THAT IT SENT TO ANOTHER DISTRICT ON A TUITION BASIS
49 AND SENDS SUCH STUDENTS TO A REGIONAL HIGH SCHOOL OPERATED PURSUANT TO
50 THIS ARTICLE, THE HOSTING SCHOOL DISTRICT OF THE REGIONAL HIGH SCHOOL
51 SHALL BE DEEMED TO BE THE SENDING DISTRICT FOR PURPOSES OF THE RIGHTS
52 AND PROTECTIONS PROVIDED IN SECTION THREE THOUSAND FOURTEEN-C OF THIS
53 CHAPTER AND/OR ARTICLE FIVE OF THE CIVIL SERVICE LAW,

54 G. IF THE NUMBER OF TEACHING, NON-INSTRUCTIONAL AND OTHER POSITIONS
55 NEEDED TO PROVIDE THE EDUCATIONAL SERVICES REQUIRED BY A REGIONAL HIGH
56 SCHOOL IS LESS THAN THE NUMBER OF TEACHERS, NON-INSTRUCTIONAL EMPLOYEES

1 AND OTHER EMPLOYEES ELIGIBLE TO BE CONSIDERED EMPLOYEES OF THE HOSTING
2 SCHOOL DISTRICT OF SUCH REGIONAL HIGH SCHOOL AS PROVIDED BY PARAGRAPH F
3 OF THIS SUBDIVISION, THE SERVICES OF THE TEACHERS, NON-INSTRUCTIONAL
4 EMPLOYEES AND OTHER EMPLOYEES HAVING THE LEAST SENIORITY IN THE PARTIC-
5 IPATING SCHOOL DISTRICTS WITHIN THE TENURE AREA OR CIVIL SERVICE STATUS,
6 AS THE CASE MAY BE, OF THE POSITION SHALL BE DISCONTINUED. SUCH TEACH-
7 ERS, NON-INSTRUCTIONAL EMPLOYEES AND OTHER EMPLOYEES SHALL BE PLACED ON
8 A PREFERRED ELIGIBLE LIST OF CANDIDATES FOR APPOINTMENT TO A VACANCY
9 THAT MAY THEREAFTER OCCUR IN AN OFFICE OR POSITION UNDER THE JURISDIC-
10 TION OF THE PARTICIPATING SCHOOL DISTRICT, THE "RECEIVING DISTRICT" AS
11 DEFINED IN SECTION THREE THOUSAND FOURTEEN-C OF THIS CHAPTER, FROM WHICH
12 A PARTICIPATING SCHOOL DISTRICT HAS TAKEN BACK STUDENTS, AND THE HOSTING
13 SCHOOL DISTRICT OF THE REGIONAL HIGH SCHOOL SIMILAR TO THE ONE SUCH
14 TEACHER OR OTHER EMPLOYEE FILLED IN SUCH COMPONENT DISTRICT. THE TEACH-
15 ERS, NON-INSTRUCTIONAL EMPLOYEES AND OTHER EMPLOYEES ON SUCH PREFERRED
16 LISTS SHALL BE REINSTATED OR APPOINTED TO SUCH VACANCIES IN SUCH CORRE-
17 SPONDING OR SIMILAR POSITIONS UNDER THE JURISDICTION OF THE PARTICIPAT-
18 ING SCHOOL DISTRICT OR THE HOSTING SCHOOL DISTRICT OF THE REGIONAL HIGH
19 SCHOOL IN THE ORDER OF THEIR LENGTH OF SERVICE IN SUCH PARTICIPATING
20 SCHOOL DISTRICT, WITHIN SEVEN YEARS FROM THE DATE OF THE PLACEMENT OF
21 THE EMPLOYEE ON SAID LIST, AND

22 H. FOR ANY SUCH TEACHER, NON-INSTRUCTIONAL EMPLOYEE OR OTHER EMPLOYEE
23 AS DESCRIBED IN PARAGRAPHS E AND F OF THIS SUBDIVISION, FOR SALARY, SICK
24 LEAVE AND ANY OTHER PURPOSES, THE LENGTH OF SERVICE CREDITED IN SUCH
25 PARTICIPATING SCHOOL DISTRICT SHALL BE CREDITED AS EMPLOYMENT TIME WITH
26 THE HOSTING SCHOOL DISTRICT IF SUCH EMPLOYEES HAVE BECOME EMPLOYEES OF
27 THE HOSTING SCHOOL DISTRICT PURSUANT TO SUBDIVISION FIFTEEN OF THIS
28 SECTION;

29 6. THE CONTRACT SHALL SPECIFY THE COST OF THE OPERATION OF THE
30 REGIONAL HIGH SCHOOL FOR EACH PARTICIPATING SCHOOL DISTRICT AND AN ITEM-
31 IZED LISTING OF THE COST SAVINGS FOR EACH PARTICIPATING SCHOOL DISTRICT;

32 7. THE CONTRACT SHALL SPECIFY THE CURRENT AND PROPOSED FUTURE TEACH-
33 ING, NON-INSTRUCTIONAL AND ALL OTHER EMPLOYEE STAFFING LEVELS AND PLANS
34 OF THE REGIONAL HIGH SCHOOL;

35 8. THE CONTRACT SHALL SPECIFY THE CURRICULA AND CURRICULUM PLANS
36 OFFERED AND PROVIDED BY THE REGIONAL HIGH SCHOOL, AND SHALL REQUIRE THE
37 REGIONAL HIGH SCHOOL TO DOCUMENT AND DEMONSTRATE THE PROVISION OF AN
38 IMPROVED SCOPE OF EDUCATIONAL SERVICES TO STUDENTS IN COMPARISON TO THE
39 SENDING SCHOOL DISTRICTS;

40 9. THE CONTRACT SHALL SPECIFY THE CURRENT AND FUTURE ENROLLMENT LEVELS
41 AND PLANS OF THE REGIONAL HIGH SCHOOL;

42 10. THE CONTRACT SHALL SPECIFY THE CURRENT AND FUTURE BUILDING AND
43 CAPITAL CONSTRUCTION PLANS FOR THE REGIONAL HIGH SCHOOL;

44 11. THE CONTRACT SHALL SPECIFY PLANS FOR DELIVERY OF SPECIAL EDUCATION
45 PROGRAMS AND SERVICES TO STUDENTS WITH DISABILITIES ATTENDING THE
46 REGIONAL HIGH SCHOOL, INCLUDING THE ROLES AND RESPONSIBILITIES OF THE
47 COMMITTEES ON SPECIAL EDUCATION OF THE HOSTING SCHOOL DISTRICT AND THE
48 STUDENT'S SCHOOL DISTRICT OF RESIDENCE WHERE THAT IS DIFFERENT FROM THE
49 HOSTING SCHOOL DISTRICT;

50 12. THE CONTRACT SHALL SPECIFY THE PROCEDURES FOR DISCIPLINE OF
51 STUDENTS ATTENDING THE REGIONAL HIGH SCHOOL, INCLUDING THE APPLICABLE
52 CODE OF CONDUCT AND PROCEDURES FOR SUPERINTENDENTS' HEARINGS AND APPEALS
53 TO THE BOARD OF EDUCATION PURSUANT TO SECTION THIRTY-TWO HUNDRED FOUR-
54 TEEN OF THIS CHAPTER;

55 13. THE CONTRACT SHALL SPECIFY THE FISCAL IMPLICATIONS OF THE ESTAB-
56 LISHMENT AND OPERATION OF THE REGIONAL HIGH SCHOOL, INCLUDING THE

1 CURRENT AND EXPECTED STATE AID CHANGES, EXPENDITURES AND PROPERTY TAX
2 LEVIES;

3 14. THE CONTRACT SHALL SPECIFY THE PLAN AND PROCEDURES FOR PARTICIPAT-
4 ING DISTRICTS WITH REGARD TO THE ADMINISTRATIVE STRUCTURE AND STAFFING
5 PLANS OF EACH SUCH PARTICIPATING DISTRICT, TOGETHER WITH THE ADMINISTRA-
6 TIVE STRUCTURE AND STAFFING PLANS OF THE REGIONAL SCHOOL DISTRICT, AND
7 SUCH CONTRACT SHALL FURTHER CONTAIN PROVISIONS WHEREBY THE BOARDS OF THE
8 PARTICIPATING SCHOOL DISTRICTS, UPON A JOINT RESOLUTION ADOPTED BY A
9 MAJORITY VOTE OF EACH OF THE BOARDS OF THE PARTICIPATING DISTRICTS, AND
10 UPON THE APPROVAL OF THE COMMISSIONER, SHALL BE AUTHORIZED TO MAKE
11 AMENDMENTS TO THE CONTRACT, IN ORDER THAT THE REGIONAL HIGH SCHOOL SHALL
12 BE OPERATED EFFECTIVELY IN ACCORDANCE WITH THE INTENT OF THIS ARTICLE;

13 15. THE CONTRACT SHALL SPECIFY THAT EACH TEACHER, NON-INSTRUCTIONAL
14 EMPLOYEE AND ALL OTHER EMPLOYEES PREVIOUSLY EMPLOYED IN THE EDUCATION OF
15 SUCH STUDENTS BY SUCH PARTICIPATING SCHOOL DISTRICT PRIOR TO THE TIME
16 THAT SUCH PARTICIPATING DISTRICT SENDS ITS STUDENTS TO THE REGIONAL HIGH
17 SCHOOL SHALL BECOME MEMBERS OF THE EMPLOYEE ORGANIZATIONS REPRESENTING
18 THE EMPLOYEES OF THE HOSTING DISTRICT AT THE TIME OF CREATION OF THE
19 REGIONAL HIGH SCHOOL UNTIL SUCH TIME AS A SUCCESSOR AGREEMENT HAS BEEN
20 NEGOTIATED, AND SHALL PROVIDE THAT THE DETERMINATION OF BARGAINING UNIT
21 STATUS AND REPRESENTATION RIGHTS SHALL BE IN ACCORDANCE WITH ARTICLE
22 FOURTEEN OF THE CIVIL SERVICE LAW AND THE RULES OF PROCEDURE OF THE
23 PUBLIC EMPLOYMENT RELATIONS BOARD. UPON TERMINATION OF THE REGIONAL HIGH
24 SCHOOL THE TEACHERS, NON-INSTRUCTIONAL EMPLOYEES AND ALL OTHER EMPLOYEES
25 SHALL REVERT BACK TO THE CONTRACT CURRENTLY IN EFFECT AT THE SENDING
26 SCHOOL DISTRICT TO WHICH THEY ARE SENT;

27 16. THE CONTRACT SHALL SPECIFY THAT THE REGIONAL HIGH SCHOOL SHALL BE
28 SOLELY RESPONSIBLE FOR THE IMPLEMENTATION AND COMPLETION OF ALL ACADEMIC
29 ACHIEVEMENT STANDARDS FOR THE STUDENTS OF PARTICIPATING SCHOOL
30 DISTRICTS; AND

31 17. THIS SECTION SHALL IN NO WAY BE CONSTRUED TO LIMIT THE RIGHTS OF
32 ANY OF SUCH TEACHERS OR OTHER EMPLOYEES DESCRIBED IN THIS SECTION GRANT-
33 ED BY ANY OTHER PROVISION OF LAW.

34 18. FOR PURPOSES OF THIS ARTICLE THE "HOSTING DISTRICT" SHALL MEAN THE
35 SCHOOL DISTRICT WHICH OPERATES THE REGIONAL HIGH SCHOOL, A "SENDING
36 DISTRICT" SHALL MEAN A DISTRICT WHICH PARTICIPATES IN THE REGIONAL HIGH
37 SCHOOL BUT THAT DOES NOT OPERATE THE REGIONAL HIGH SCHOOL, AND A
38 "PARTICIPATING DISTRICT" SHALL MEAN A HOSTING DISTRICT OR A SENDING
39 DISTRICT.

40 S 2. Subdivision 14 of section 3602 of the education law is amended by
41 adding a new paragraph k to read as follows:

42 K. INCENTIVE OPERATING AID FOR REGIONAL HIGH SCHOOLS. NOTWITHSTANDING
43 THE PROVISIONS OF PARAGRAPHS A THROUGH J OF THIS SUBDIVISION, WHENEVER
44 TWO OR MORE SCHOOL DISTRICTS ARE PARTIES TO AN AGREEMENT TO OPERATE A
45 REGIONAL HIGH SCHOOL PURSUANT TO ARTICLE THIRTY-NINE-A OF THIS CHAPTER,
46 AND WHENEVER AFTER JULY FIRST, TWO THOUSAND TWELVE, ALL SUCH SCHOOL
47 DISTRICTS SO SCHEDULED DO ENTER INTO AN AGREEMENT TO OPERATE A REGIONAL
48 HIGH SCHOOL PURSUANT TO SUCH ARTICLE THIRTY-NINE-A, AND

49 (1) WHENEVER SUCH PROPOSED REGIONAL HIGH SCHOOL AGREEMENT INCLUDES AT
50 LEAST TWO SCHOOL DISTRICTS, EACH OF WHICH PREVIOUSLY MAINTAINED ITS OWN
51 HIGH SCHOOL, AND DOES NOT MAINTAIN ITS OWN HIGH SCHOOL FOLLOWING THE
52 ESTABLISHMENT OF THE REGIONAL HIGH SCHOOL, OR

53 (2) WHEREVER SUCH PROPOSED REGIONAL HIGH SCHOOL AGREEMENT INCLUDES AT
54 LEAST ONE SCHOOL DISTRICT WHICH PREVIOUSLY MAINTAINED ITS OWN HIGH
55 SCHOOL, AND DOES NOT MAINTAIN ITS OWN HIGH SCHOOL FOLLOWING THE ESTAB-
56 LISHMENT OF THE REGIONAL HIGH SCHOOL, AND IN ADDITION THERETO, INCLUDES

1 AT LEAST ONE ADDITIONAL SCHOOL DISTRICT EMPLOYING EIGHT OR MORE TEACH-
2 ERS: IN EACH YEAR IN WHICH A SCHOOL DISTRICT IS PARTY TO SUCH AGREE-
3 MENT, SUCH DISTRICT SHALL BE ENTITLED TO AN APPORTIONMENT EQUAL TO FORTY
4 PERCENT OF THE APPORTIONMENT COMPUTED IN ACCORDANCE WITH THE PROVISIONS
5 OF PARAGRAPH D-1 OF THIS SUBDIVISION; BUT IN NO CASE SHALL THE SUM OF
6 SUCH APPORTIONMENT UNDER THIS PARAGRAPH PLUS THE SELECTED OPERATING AID
7 PER PUPIL BE MORE THAN A TOTAL OF NINETY-FIVE PER CENTUM OF THE YEAR
8 PRIOR TO THE BASE YEAR APPROVED OPERATING EXPENSE. SCHOOL DISTRICTS
9 WHICH RECEIVE AN APPORTIONMENT UNDER THIS PARAGRAPH SHALL NOT BE ELIGI-
10 BLE FOR AN APPORTIONMENT UNDER PARAGRAPH C, E, F OR J OF THIS SUBDIVI-
11 SION.

12 (3) NOT LESS THAN FIFTY PERCENT OF THE AID RECEIVED BY A SENDING
13 SCHOOL DISTRICT PURSUANT TO THIS PARAGRAPH SHALL BE USED TO IMPROVE ITS
14 GRADES PRE-KINDERGARTEN THROUGH EIGHT EDUCATIONAL PROGRAMS.

15 S 3. This act shall take effect immediately.