

2586

2013-2014 Regular Sessions

I N S E N A T E

January 22, 2013

Introduced by Sen. YOUNG -- read twice and ordered printed, and when printed to be committed to the Committee on Education

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

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 1921. OPERATION BY BOARD OF COOPERATIVE EDUCATIONAL SERVICES.

7 1922. ADDITIONAL STATE AID.

8 S 1920. REGIONAL HIGH SCHOOL; ESTABLISHMENT. A REGIONAL HIGH SCHOOL
9 MAY BE FORMED BY A CONTRACT ENTERED INTO BY 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 SAME BOARD OF COOPERATIVE EDUCATIONAL SERVICES SUPERVISORY
15 DISTRICT, AND IS WHOLLY CONTAINED WITHIN ANY COUNTY HAVING BETWEEN ONE
16 HUNDRED THIRTY-FOUR THOUSAND NINE HUNDRED THREE AND ONE HUNDRED THIRTY-
17 FOUR THOUSAND NINE HUNDRED SEVEN INHABITANTS ACCORDING TO THE TWO THOU-
18 SAND TEN DECENNIAL FEDERAL CENSUS. EXCEPT AS OTHERWISE PROVIDED IN THIS
19 ARTICLE, THE PROVISIONS OF THIS CHAPTER AS TO THE COURSES OF STUDY, THE
20 QUALIFICATIONS AND EMPLOYMENT OF TEACHERS AND OTHER STAFF, AND THE MAIN-
21 TENANCE, CONDUCT AND SUPERVISION OF PUBLIC SCHOOLS IN CENTRAL SCHOOL
22 DISTRICTS SHALL APPLY TO A REGIONAL HIGH SCHOOL. ANY CONTRACT FOR A
23 REGIONAL HIGH SCHOOL SHALL BE SUBJECT TO APPROVAL BY THE COMMISSIONER
24 AND SHALL NOT BE SUBJECT TO APPROVAL BY THE ELECTORS OF THE SCHOOL

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

LBD07075-02-3

DISTRICTS ELECTING TO FORM THE REGIONAL HIGH SCHOOL, AND THE REGIONAL HIGH SCHOOL AND THE CONTRACT SHALL MEET THE FOLLOWING REQUIREMENTS:

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

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

3. THE CONTRACT SHALL STATE WHETHER THE REGIONAL HIGH SCHOOL WILL BE OPERATED BY ONE OF THE PARTICIPATING SCHOOL DISTRICTS, HEREINAFTER REFERRED TO IN THIS ARTICLE AS THE "HOSTING SCHOOL DISTRICT," OR BY THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES PURSUANT TO A CONTRACT AUTHORIZED BY SECTION NINETEEN HUNDRED TWENTY-ONE OF THIS CHAPTER;

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

5. SUCH REGIONAL HIGH SCHOOL SHALL OPERATE ITS OWN EXTRA-CURRICULAR ACTIVITIES AND INTER-SCHOLASTIC ATHLETICS, AND THE STUDENTS ATTENDING SUCH REGIONAL HIGH SCHOOL SHALL BE ELIGIBLE TO PARTICIPATE IN SUCH ACTIVITIES AND ATHLETICS AND SHALL NOT BE ELIGIBLE TO PARTICIPATE IN SUCH ACTIVITIES AND ATHLETICS OF THEIR PARTICIPATING SCHOOL DISTRICT;

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

A. THE CONTRACT SHALL DESIGNATE THE SITE OF THE REGIONAL HIGH SCHOOL, WHICH SHALL BE WITHIN THE BOUNDARIES OF ONE OF THE PARTICIPATING SCHOOL DISTRICTS. THE HOSTING SCHOOL DISTRICT SHALL HAVE RESPONSIBILITY FOR THE OPERATION, SUPERVISION AND MAINTENANCE OF THE REGIONAL HIGH SCHOOL, AS SHALL BE DESIGNATED IN THE CONTRACT,

B. THE CONTRACT SHALL SPECIFY THAT THE STUDENTS OF EACH PARTICIPATING SCHOOL DISTRICT SHALL REMAIN AS STUDENTS OF THEIR RESPECTIVE PARTICIPATING SCHOOL DISTRICTS, AND THEY SHALL BE TREATED AND COUNTED AS SUCH FOR PURPOSES OF ALL STATE AID CALCULATIONS PURSUANT TO THIS CHAPTER,

C. THE REGIONAL HIGH SCHOOL SHALL OPERATE ITS OWN EXTRA-CURRICULAR ACTIVITIES AND INTERSCHOLASTIC ATHLETICS AND THE STUDENTS ATTENDING SUCH REGIONAL HIGH SCHOOL SHALL BE ELIGIBLE TO PARTICIPATE IN SUCH ACTIVITIES AND ATHLETICS AND SHALL NOT BE ELIGIBLE TO PARTICIPATE IN SUCH ACTIVITIES AND ATHLETICS OF THEIR PARTICIPATING SCHOOL DISTRICT,

D. THE CONTRACT SHALL PROVIDE THAT ALL TEACHERS AND OTHER STAFF MEMBERS OF THE PARTICIPATING SCHOOL DISTRICTS, EXCEPT THE SUPERINTENDENT OF SCHOOLS, WHOSE SERVICES IN THE PARTICIPATING SCHOOL DISTRICTS ARE NO LONGER NEEDED BECAUSE OF THE CREATION OF A REGIONAL HIGH SCHOOL OR THE TRANSFERENCE OF STUDENTS TO AN EXISTING REGIONAL HIGH SCHOOL, SHALL BE GRANTED EMPLOYMENT RIGHTS IN THE HOST SCHOOL DISTRICT IN ACCORDANCE WITH THE PROVISIONS OF THIS SUBDIVISION,

E. IN ANY CASE IN WHICH A PARTICIPATING SCHOOL DISTRICT SENDS STUDENTS TO A REGIONAL HIGH SCHOOL OPERATED BY A HOSTING SCHOOL DISTRICT, EACH TEACHER AND ALL OTHER EMPLOYEES PREVIOUSLY EMPLOYED IN THE EDUCATION OF SUCH STUDENTS BY SUCH PARTICIPATING SCHOOL DISTRICT PRIOR TO THE TIME THAT SUCH COMPONENT DISTRICT SENDS ITS STUDENTS TO THE REGIONAL HIGH SCHOOL SHALL BE CONSIDERED EMPLOYEES OF THE HOSTING SCHOOL DISTRICT, WITH THE SAME TENURE STATUS HELD IN SUCH COMPONENT DISTRICT. FOR PURPOSES OF THIS SECTION, WHEN A PARTICIPATING SCHOOL DISTRICT TAKES

1 BACK STUDENTS THAT IT SENT TO ANOTHER DISTRICT ON A TUITION BASIS AND
2 SENDS SUCH STUDENTS TO A REGIONAL HIGH SCHOOL OPERATED PURSUANT TO THIS
3 ARTICLE, THE HOSTING SCHOOL DISTRICT OF THE REGIONAL HIGH SCHOOL SHALL
4 BE DEEMED TO BE THE SENDING DISTRICT FOR PURPOSES OF THE RIGHTS AND
5 PROTECTIONS PROVIDED IN SECTION THREE THOUSAND FOURTEEN-C OF THIS CHAP-
6 TER,

7 F. IF THE NUMBER OF TEACHING AND OTHER POSITIONS NEEDED TO PROVIDE THE
8 EDUCATIONAL SERVICES REQUIRED BY A REGIONAL HIGH SCHOOL IS LESS THAN THE
9 NUMBER OF TEACHERS AND OTHER EMPLOYEES ELIGIBLE TO BE CONSIDERED EMPLOY-
10 EES OF THE HOSTING SCHOOL DISTRICT OF SUCH REGIONAL HIGH SCHOOL AS
11 PROVIDED BY PARAGRAPH E OF THIS SUBDIVISION, THE SERVICES OF THE TEACH-
12 ERS AND OTHER EMPLOYEES HAVING THE LEAST SENIORITY IN THE PARTICIPATING
13 SCHOOL DISTRICTS WITHIN THE TENURE AREA OF THE POSITION SHALL BE DISCON-
14 TINUED. SUCH TEACHERS AND OTHER EMPLOYEES SHALL BE PLACED ON A PREFERRED
15 ELIGIBLE LIST OF CANDIDATES FOR APPOINTMENT TO A VACANCY THAT MAY THERE-
16 AFTER OCCUR IN AN OFFICE OR POSITION UNDER THE JURISDICTION OF THE
17 PARTICIPATING SCHOOL DISTRICT, THE "RECEIVING DISTRICT" AS DEFINED IN
18 SECTION THREE THOUSAND FOURTEEN-C OF THIS CHAPTER, FROM WHICH A PARTIC-
19 IPATING SCHOOL DISTRICT HAS TAKEN BACK STUDENTS, AND THE HOSTING SCHOOL
20 DISTRICT OF THE REGIONAL HIGH SCHOOL SIMILAR TO THE ONE SUCH TEACHER OR
21 OTHER EMPLOYEE FILLED IN SUCH COMPONENT DISTRICT. THE TEACHERS AND OTHER
22 EMPLOYEES ON SUCH PREFERRED LISTS SHALL BE REINSTATED OR APPOINTED TO
23 SUCH VACANCIES IN SUCH CORRESPONDING OR SIMILAR POSITIONS UNDER THE
24 JURISDICTION OF THE PARTICIPATING SCHOOL DISTRICT OR THE HOSTING SCHOOL
25 DISTRICT OF THE REGIONAL HIGH SCHOOL IN THE ORDER OF THEIR LENGTH OF
26 SERVICE IN SUCH PARTICIPATING SCHOOL DISTRICT, WITHIN SEVEN YEARS FROM
27 THE DATE OF THE PLACEMENT OF THE EMPLOYEE ON SAID LIST, AND

28 G. FOR ANY SUCH TEACHER OR OTHER EMPLOYEE AS DESCRIBED IN PARAGRAPHS D
29 AND E OF THIS SUBDIVISION, FOR SALARY, SICK LEAVE AND ANY OTHER
30 PURPOSES, THE LENGTH OF SERVICE CREDITED IN SUCH PARTICIPATING SCHOOL
31 DISTRICT SHALL BE CREDITED AS EMPLOYMENT TIME WITH THE HOSTING SCHOOL
32 DISTRICT;

33 7. THE CONTRACT SHALL SPECIFY THAT THE REGIONAL HIGH SCHOOL SHALL BE
34 SOLELY RESPONSIBLE FOR THE IMPLEMENTATION AND COMPLETION OF ALL ACADEMIC
35 ACHIEVEMENT STANDARDS FOR THE STUDENTS OF PARTICIPATING SCHOOL
36 DISTRICTS; AND

37 8. THIS SECTION SHALL IN NO WAY BE CONSTRUED TO LIMIT THE RIGHTS OF
38 ANY OF SUCH TEACHERS OR OTHER EMPLOYEES DESCRIBED IN THIS SECTION GRANT-
39 ED BY ANY OTHER PROVISION OF LAW.

40 S 1921. OPERATION BY BOARD OF COOPERATIVE EDUCATIONAL SERVICES.
41 NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE BOARDS
42 OF EDUCATION WHICH ARE PARTIES TO AN AGREEMENT TO OPERATE A REGIONAL
43 HIGH SCHOOL, WITH THE APPROVAL OF THE COMMISSIONER, MAY CONTRACT WITH
44 THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES OF THE SUPERVISORY
45 DISTRICT IN WHICH THEY ARE LOCATED FOR THE MANAGEMENT AND OPERATION OF
46 THE REGIONAL HIGH SCHOOL. SUCH CONTRACT SHALL BE FOR A PERIOD OF NOT
47 LESS THAN TWO SCHOOL YEARS AND, WITH THE APPROVAL OF THE COMMISSIONER,
48 MAY BE RENEWED BY MUTUAL AGREEMENT OF THE BOARDS OF EDUCATION AND THE
49 BOARD OF COOPERATIVE EDUCATIONAL SERVICES. EVERY SUCH CONTRACT SHALL
50 PROVIDE FOR THE COMMENCEMENT OF OPERATIONS OF THE REGIONAL HIGH SCHOOL
51 ON THE FIRST OF JULY, AND SHALL ONLY CEASE OPERATIONS ON THE THIRTIETH
52 OF JUNE OF ANY SCHOOL YEAR.

53 1. UPON ENTRY INTO SUCH CONTRACT, THE BOARD OF COOPERATIVE EDUCATIONAL
54 SERVICES SHALL TAKE OVER ALL OF THE EDUCATIONAL PROGRAMS OF THE REGIONAL
55 HIGH SCHOOL AND ANY AND ALL RESPONSIBILITY FOR COMPLIANCE WITH ACADEMIC
56 ACHIEVEMENT STANDARDS, AND ANY EMPLOYEES OF THE REGIONAL HIGH SCHOOL OR

1 OF THE PARTICIPATING SCHOOL DISTRICTS, AS THE CASE MAY BE, SHALL BECOME
2 EMPLOYEES OF THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES AND THE
3 PROVISIONS OF SECTION THREE THOUSAND FOURTEEN-A OF THIS CHAPTER SHALL
4 APPLY. SUCH EMPLOYEES SHALL BE EMPLOYEES OF THE BOARD OF COOPERATIVE
5 EDUCATIONAL SERVICES AND SHALL NOT BE DEEMED EMPLOYEES OF THE REGIONAL
6 HIGH SCHOOL OR THE PARTICIPATING SCHOOL DISTRICTS FOR ANY PURPOSE. UPON
7 TERMINATION OF THE CONTRACT, THE REGIONAL HIGH SCHOOL OR THE PARTICIPAT-
8 ING SCHOOL DISTRICTS, AS THE CASE MAY BE, SHALL TAKE OVER THE EDUCA-
9 TIONAL PROGRAMS AND THE EMPLOYEES SHALL BECOME EMPLOYEES OF THE HOSTING
10 SCHOOL DISTRICT OF THE REGIONAL HIGH SCHOOL, AND THE PROVISIONS OF
11 SECTION THREE THOUSAND FOURTEEN-B OF THIS CHAPTER SHALL APPLY.

12 2. NOTWITHSTANDING ANY PROVISIONS OF SECTION NINETEEN HUNDRED FIFTY OF
13 THIS TITLE OR ANY OTHER LAW TO THE CONTRARY, THE PROGRAM AND ADMINISTRA-
14 TIVE EXPENSES ATTRIBUTABLE TO THE PROGRAMS OF THE REGIONAL HIGH SCHOOL
15 SHALL BE A CHARGE UPON THE SCHOOL DISTRICTS PARTICIPATING IN THE
16 REGIONAL HIGH SCHOOL, AND THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES
17 SHALL PORTION SUCH EXPENSES TO THE SCHOOL DISTRICTS PARTICIPATING IN THE
18 REGIONAL HIGH SCHOOL IN THE MANNER PRESCRIBED IN THE CONTRACT BETWEEN
19 THE PARTICIPATING SCHOOL DISTRICTS AND THE BOARD OF COOPERATIVE EDUCA-
20 TIONAL SERVICES. THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES SHALL NOT
21 CHARGE ANY PORTION OF THE PROGRAM OR ADMINISTRATIVE EXPENSES INCURRED
22 PURSUANT TO THIS SUBDIVISION TO ITS OTHER COMPONENT SCHOOL DISTRICTS.
23 SUCH ADMINISTRATIVE AND PROGRAM EXPENSES SHALL NOT BE ELIGIBLE FOR AID
24 PURSUANT TO SUBDIVISION FIVE OF SECTION NINETEEN HUNDRED FIFTY OF THIS
25 TITLE, BUT SHALL BE ELIGIBLE FOR AID PURSUANT TO SECTION THIRTY-SIX
26 HUNDRED TWO OF THIS CHAPTER TO THE SAME EXTENT AS THE EXPENSES OF ANY
27 OTHER HIGH SCHOOL EDUCATION PROGRAM. NOTHING IN THIS SUBDIVISION SHALL
28 BE CONSTRUED TO PREVENT THE PARTICIPATING SCHOOL DISTRICTS FROM
29 CONTRACTING WITH THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES FOR AIDA-
30 BLE SHARED SERVICES IN THE SAME MANNER AND UNDER THE SAME CONDITIONS AS
31 ANY OTHER COMPONENT SCHOOL DISTRICT, AND THE COST OF SUCH AIDABLE SHARED
32 SERVICES SHALL BE ELIGIBLE FOR AID PURSUANT TO SUBDIVISION FIVE OF
33 SECTION NINETEEN HUNDRED FIFTY OF THIS TITLE.

34 3. DURING THE TERM OF A CONTRACT PURSUANT TO THIS SECTION, ALL SCHOOLS
35 AND OTHER FACILITIES OF THE PARTICIPATING SCHOOL DISTRICTS OF THE
36 REGIONAL HIGH SCHOOL WHICH ARE USED BY THE BOARD OF COOPERATIVE EDUCA-
37 TIONAL SERVICES IN THE OPERATION OF THE REGIONAL HIGH SCHOOL SHALL BE
38 DEEMED LEASED TO THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES AT NO
39 COST. SUCH SCHOOLS AND OTHER FACILITIES SHALL REMAIN THE PROPERTY OF THE
40 PARTICIPATING SCHOOL DISTRICTS AND ANY CAPITAL EXPENSES AND BUILDING
41 MAINTENANCE COSTS INCURRED WITH RESPECT TO SUCH FACILITIES SHALL BE A
42 CHARGE UPON THE PARTICIPATING SCHOOL DISTRICTS IN ACCORDANCE WITH THE
43 TERMS OF THE CONTRACT. SUCH CAPITAL EXPENSES AND MAINTENANCE COSTS SHALL
44 NOT BE ELIGIBLE FOR AID PURSUANT TO SUBDIVISION FIVE OF SECTION NINETEEN
45 HUNDRED FIFTY OF THIS TITLE BUT SHALL BE ELIGIBLE FOR AID PURSUANT TO
46 SECTION THIRTY-SIX HUNDRED TWO OF THIS CHAPTER TO THE SAME EXTENT AS
47 SUCH EXPENSES OF ANY OTHER SCHOOL DISTRICT.

48 4. STUDENTS RECEIVING INSTRUCTION FROM THE REGIONAL HIGH SCHOOL SHALL
49 NOT BE DEEMED TO BE ENROLLED IN THE BOARD OF COOPERATIVE EDUCATIONAL
50 SERVICES, EXCEPT TO THE EXTENT THAT THEY ARE PARTICIPATING IN A SHARED
51 SERVICE IN THEIR ENROLLMENT AND ATTENDANCE WHICH SHALL BE INCLUDED IN
52 THE ENROLLMENT AND ATTENDANCE COUNTS OF THE PARTICIPATING SCHOOL
53 DISTRICTS FOR THE PURPOSES OF STATE AID. HIGH SCHOOL DIPLOMAS SHALL BE
54 ISSUED BY THE PARTICIPATING SCHOOL DISTRICTS AND THE BOARD OF EDUCATION
55 OF EACH PARTICIPATING SCHOOL DISTRICT SHALL REMAIN RESPONSIBLE FOR THE
56 PERFORMANCE OF ITS STUDENTS IN THE REGIONAL HIGH SCHOOL UNDER THE STATE

1 ACCOUNTABILITY SYSTEM AS IF THE STUDENTS OF EACH PARTICIPATING DISTRICT
2 WHERE IN ATTENDANCE AT A HIGH SCHOOL OPERATED BY THE PARTICIPATING
3 DISTRICT.
4 S 1922. ADDITIONAL STATE AID. NOTWITHSTANDING ANY OTHER PROVISION OF
5 LAW TO THE CONTRARY, THE BOARDS OF EDUCATION WHICH ARE PARTIES TO AN
6 AGREEMENT TO OPERATE A REGIONAL HIGH SCHOOL AND WHICH DO IN FACT OPERATE
7 A REGIONAL HIGH SCHOOL SHALL BE ELIGIBLE FOR ADDITIONAL STATE AID PURSU-
8 ANT TO SUBDIVISION FOURTEEN OF SECTION THIRTY-SIX HUNDRED TWO OF THIS
9 CHAPTER IN THE SAME MANNER AND TO THE SAME EXTENT AS A SCHOOL DISTRICT
10 WHICH QUALIFIES FOR SUCH AID PURSUANT TO PARAGRAPH J OF SUBDIVISION
11 FOURTEEN OF SECTION THIRTY-SIX HUNDRED TWO OF THIS CHAPTER.
12 S 2. This act shall take effect immediately.