S T A T E O F N E W Y O R K

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2013-2014 Regular Sessions

I N S E N A T E

March 13, 2013

Introduced by Sen. FLANAGAN -- (at request of the State Education Department) -- 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 the establishment of regional secondary schools

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

Section 1. Legislative intent. The legislature hereby finds and declares that given the current fiscal climate in this state, many school districts, particularly small, rural districts, are threatened by a decline in educational opportunities and programs for their students. School districts are seeking new models of delivering services to students that are more cost-effective and efficient, in order to sustain or enhance the quality of services and to maintain or expand the scope of services offered to students. The legislature recognizes that many high schools in the state are experiencing financial limitations that may impair their ability to offer students the same range or quality of courses that other high schools may provide. In order to ensure that these districts continue to offer their students advanced course work, districts should be afforded the opportunity to establish a regional secondary school. Under this new model of delivering services, districts will be able to streamline programs and services, increase resources, and increase their purchasing power through shared services. These resultant cost savings will allow money to flow into educational programs and services for students which will, in turn, help to improve student performance and meet college and career readiness.

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

ARTICLE 39-A

REGIONAL SECONDARY SCHOOLS

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

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SECTION 1920. ESTABLISHMENT OF A REGIONAL SECONDARY SCHOOL OPERATED BY A BOARD OF EDUCATION.
1921. ESTABLISHMENT OF A REGIONAL SECONDARY SCHOOL OPERATED BY A BOARD OF COOPERATIVE EDUCATIONAL SERVICES.
1922. STATE AID FOR REGIONAL SECONDARY SCHOOLS.
1923. REGIONAL SECONDARY SCHOOL ADVISORY COMMITTEE.

S 1920. ESTABLISHMENT OF A REGIONAL SECONDARY SCHOOL OPERATED BY A BOARD OF EDUCATION. 1. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, FOR PURPOSES OF THIS ARTICLE, A REGIONAL SECONDARY SCHOOL SHALL MEAN A HIGH SCHOOL WITH GRADES SIX, SEVEN AND/OR EIGHT AS AGREED UPON BY EACH OF THE PARTICIPATING DISTRICTS CONSISTENT WITH THE GRADE CONFIGURATION OF THE NEW SECONDARY SCHOOL(S).

2. A REGIONAL SECONDARY SCHOOL MAY BE ESTABLISHED PURSUANT TO THIS SECTION BY AGREEMENT OF THE BOARDS OF EDUCATION OF THREE OR MORE CITY SCHOOL DISTRICTS, CENTRAL SCHOOL DISTRICTS, UNION FREE SCHOOL DISTRICTS AND/OR COMMON SCHOOL DISTRICTS THAT ARE WHOLLY CONTAINED WITHIN THE SUPERVISORY DISTRICT OF A BOARD OF COOPERATIVE EDUCATIONAL SERVICES, SUBJECT TO THE APPROVAL OF THE VOTERS OF EACH PARTICIPATING DISTRICT. PROVIDED, HOWEVER, THAT A COMPONENT SCHOOL DISTRICT OF A CENTRAL HIGH SCHOOL DISTRICT AND A SPECIAL ACT SCHOOL DISTRICT, AS DEFINED IN SECTION FOUR THOUSAND ONE OF THIS CHAPTER, SHALL NOT BE AUTHORIZED TO PARTICIPATE IN A REGIONAL SECONDARY SCHOOL. A CENTRAL HIGH SCHOOL DISTRICT, SUBJECT TO APPROVAL OF ITS VOTERS, ALSO MAY ENTER INTO AN AGREEMENT WITH SCHOOL DISTRICTS OTHER THAN ITS COMPONENT SCHOOL DISTRICTS THAT ARE WHOLLY CONTAINED WITHIN THE SUPERVISORY DISTRICT OF A BOARD OF COOPERATIVE EDUCATIONAL SERVICES TO ESTABLISH A REGIONAL SECONDARY SCHOOL. SUCH REGIONAL SECONDARY SCHOOL SHALL SERVE ALL OR SOME OF THE STUDENTS IN EACH OF THE PARTICIPATING DISTRICTS IN GRADES NINE THROUGH TWELVE AND MAY ALSO SERVE STUDENTS IN GRADES SIX, SEVEN AND/OR EIGHT AS AGREED UPON BY EACH OF THE PARTICIPATING DISTRICTS CONSISTENT WITH THE GRADE CONFIGURATION OF THE NEW SECONDARY SCHOOL(S), PROVIDED THAT EACH PARTICIPATING DISTRICT SHALL CEASE DISTRICT OPERATION OF AT LEAST ONE HIGH SCHOOL. THE REGIONAL SECONDARY SCHOOL MAY BE OPERATED BY ONE OF THE PARTICIPATING SCHOOL DISTRICTS UPON THE AGREEMENT OF THE OTHER PARTICIPATING DISTRICTS, AND SUCH DISTRICT SHALL ASSUME THE RESPONSIBILITY TO OPERATE, SUPERVISE AND MAINTAIN THE REGIONAL SECONDARY SCHOOL AND THE ADMINISTRATION OF SUCH SECONDARY SCHOOL. FOR PURPOSES OF THIS ARTICLE, THE SCHOOL DISTRICT DESIGNATED AS THE OPERATING DISTRICT SHALL BE REFERRED TO AS THE HOSTING DISTRICT. ALTERNATIVELY, THE REGIONAL SECONDARY SCHOOL MAY BE OPERATED BY A JOINT BOARD OF EDUCATION ESTABLISHED PURSUANT TO THIS SECTION. THE ESTABLISHMENT OF A REGIONAL SECONDARY SCHOOL SHALL BE SUBJECT TO THE APPROVAL OF THE COMMISSIONER, IN A MANNER AND TIMEFRAME, AS SET FORTH WITHIN THIS SECTION.

3. TO ESTABLISH A REGIONAL SECONDARY SCHOOL, THREE OR MORE PARTICIPATING SCHOOL DISTRICTS MUST INITIALLY ADOPT, BY MAJORITY VOTE OF THE BOARD OF EDUCATION OF EACH PARTICIPATING DISTRICT, A RESOLUTION PROPOSING THE ESTABLISHMENT OF SUCH REGIONAL SECONDARY SCHOOL. THE RESOLUTION SHALL INDICATE THE PROPOSED PARTICIPATING SCHOOL DISTRICTS AND WHETHER THE SCHOOL WOULD BE GOVERNED BY A PROPOSED HOSTING DISTRICT OR A JOINT BOARD OF EDUCATION AND THE PROPOSED TERM OF THE CONTRACT GOVERNING THE REGIONAL SECONDARY SCHOOL. THE RESOLUTION SHALL BE VOTED ON BY EACH BOARD AT A MEETING HELD NO LATER THAN OCTOBER FIRST OF THE SCHOOL YEAR PRIOR TO THE SCHOOL YEAR IN WHICH THE REGIONAL SECONDARY SCHOOL IS PROPOSED TO COMMENCE OPERATION. IF THREE OR MORE SCHOOL DISTRICTS ADOPT SUCH A RESOLUTION, THE RESOLUTION SHALL BE PRESENTED IN A REFERENDUM FOR VOTER APPROVAL IN EACH OF THE PROPOSED PARTICIPATING DISTRICTS. UPON

APPROVAL BY THE VOTERS IN EACH OF THE PROPOSED PARTICIPATING DISTRICTS, THE PARTICIPATING SCHOOL DISTRICTS SHALL COLLECTIVELY ENTER INTO A CONTRACT FOR THE ESTABLISHMENT OF A REGIONAL SECONDARY SCHOOL. IN THE EVENT THE VOTERS OF ONE OR MORE PROPOSED PARTICIPATING DISTRICTS DO NOT APPROVE SUCH RESOLUTION, THE RESOLUTION MAY BE PRESENTED FOR ONE RE-VOTE IN THE PROPOSED PARTICIPATING DISTRICTS WHOSE VOTERS DID NOT APPROVE THE RESOLUTION; OR, IF THE BOARDS OF EDUCATION OF ONE OR MORE SUCH DISTRICTS VOTE TO RESCIND THEIR RESOLUTION TO PARTICIPATE IN THE REGIONAL SECONDARY SCHOOL, ONE ADDITIONAL VOTE MAY BE HELD IN EACH OF THE REMAINING PROPOSED PARTICIPATING DISTRICTS. IN NO EVENT MAY MORE THAN TWO VOTES BE HELD IN ANY PROPOSED PARTICIPATING DISTRICT IN ANY SCHOOL YEAR.

4. WITH THE CONSENT OF EACH OF THE PARTICIPATING BOARDS OF EDUCATION AND APPROVAL OF THE COMMISSIONER, ADDITIONAL SCHOOL DISTRICTS OTHERWISE ELIGIBLE TO ESTABLISH THE REGIONAL SECONDARY SCHOOL MAY JOIN THE REGIONAL SECONDARY SCHOOL IN THE SECOND OR A SUBSEQUENT YEAR OF OPERATION BY ADOPTING A BOARD RESOLUTION AND OBTAINING VOTER APPROVAL SUBSTANTIALLY IN THE MANNER PRESCRIBED IN SUBDIVISION TWO OF THIS SECTION.

5. (A) UPON RECEIPT OF VOTER APPROVAL IN ALL PARTICIPATING SCHOOL DISTRICTS, SUCH DISTRICTS SHALL SUBMIT THE PROPOSED CONTRACT, TOGETHER WITH THE PLAN OF FORMATION AND OPERATION OF THE REGIONAL SECONDARY SCHOOL, TO THE COMMISSIONER FOR HIS OR HER APPROVAL, IN A TIME AND MANNER PRESCRIBED BY THE COMMISSIONER. SUCH CONTRACT SHALL BE AN INTERMUNICIPAL SHARING AGREEMENT PURSUANT TO ARTICLE FIVE-G OF THE GENERAL MUNICIPAL LAW THAT COMPLIES WITH THE REQUIREMENTS OF THIS SECTION.

(B) THE REGIONAL SECONDARY SCHOOL AND THE PROPOSED CONTRACT SHALL MEET THE FOLLOWING REQUIREMENTS:

(I) THE CONTRACT SHALL SPECIFY ITS TERM, WHICH SHALL NOT BE LESS THAN FIVE NOR MORE THAN SEVEN SCHOOL YEARS, AND SHALL EITHER DESIGNATE THE BOARD OF EDUCATION OF THE HOSTING DISTRICT AS THE GOVERNING BOARD THAT WILL OPERATE THE REGIONAL SECONDARY SCHOOL ON BEHALF OF ALL PARTICIPATING DISTRICTS, OR THE JOINT BOARD OF EDUCATION THAT WILL SERVE AS GOVERNING BOARD FOR THE REGIONAL SECONDARY SCHOOL. THE GOVERNING BOARD SHALL HAVE RESPONSIBILITY FOR THE OPERATION, SUPERVISION AND MAINTENANCE OF THE REGIONAL SECONDARY SCHOOL AND SHALL BE RESPONSIBLE FOR THE ADMINISTRATION OF THE SCHOOL, INCLUDING THE CURRICULUM, GRADING, STAFFING AND THE ISSUANCE OF DIPLOMAS FOR ALL STUDENTS THAT ATTEND THE REGIONAL SECONDARY SCHOOL, AS SHALL BE DESIGNATED IN THE CONTRACT. PROVIDED, HOWEVER, THAT THE CONTRACT MAY PROVIDE FOR ISSUANCE OF THE DIPLOMA BY THE STUDENT'S SCHOOL DISTRICT OF RESIDENCE UPON CERTIFICATION BY THE GOVERNING BOARD THAT ALL GRADUATION REQUIREMENTS OF THE REGIONAL SECONDARY SCHOOL HAVE BEEN MET. THE REGIONAL SECONDARY SCHOOL SHALL BE DEEMED A SCHOOL OF THE GOVERNING BOARD FOR ACCOUNTABILITY PURPOSES;

(II) THE CONTRACT SHALL PROVIDE THE NAME OF THE SCHOOL, WHICH SHALL BE SUBJECT TO THE COMMISSIONER'S APPROVAL, THE GRADES OF INSTRUCTION INTENDED TO BE SERVED BY THE REGIONAL SECONDARY SCHOOL, AND DESIGNATE THE SITE OF THE REGIONAL SECONDARY SCHOOL, WHICH SHALL BE WITHIN THE BOUNDARIES OF ONE OF THE PARTICIPATING DISTRICTS AND WHERE POSSIBLE, SHOULD USE EXISTING BUILDINGS AND/OR INFRASTRUCTURE;

(III) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE CONTRACT SHALL PROVIDE THAT EACH PARTICIPATING SCHOOL DISTRICT SHALL BE RESPONSIBLE FOR PROVIDING OR ARRANGING FOR TRANSPORTATION TO ITS RESIDENT STUDENTS ATTENDING THE REGIONAL SECONDARY SCHOOL IN ACCORDANCE WITH ITS SCHOOL DISTRICT POLICY, BUT WITHOUT REGARD TO ANY MAXIMUM MILEAGE LIMITATION. SUCH TRANSPORTATION MAY BE PROVIDED BY CONTRACT, INCLUDING

BUT NOT LIMITED TO A CONTRACT WITH ONE OR MORE PARTICIPATING DISTRICTS OR A BOARD OF COOPERATIVE EDUCATIONAL SERVICES;

(IV) THE CONTRACT SHALL SPECIFY THAT THE STUDENTS OF EACH PARTICIPATING SCHOOL DISTRICT SHALL REMAIN ENROLLED 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;

(V) THE CONTRACT SHALL EITHER DESIGNATE THE BOARD OF EDUCATION OF THE HOSTING DISTRICT TO SERVE AS THE GOVERNING BOARD OF THE REGIONAL SECONDARY SCHOOL OR SHALL PROVIDE FOR THE ESTABLISHMENT OF A NEW JOINT BOARD OF EDUCATION FOR THE REGIONAL SECONDARY SCHOOL WITH AT LEAST FIVE MEMBERS, WITH REPRESENTATIVES APPOINTED BY EACH PARTICIPATING DISTRICT. THE CONTRACT SHALL SPECIFY THE NUMBER, TERM, AND PROCEDURES FOR APPOINTMENT OF JOINT BOARD MEMBERS. IF THE DISTRICTS CHOOSE TO CREATE A NEW JOINT BOARD OF EDUCATION, THE BOARD SHALL HAVE THE SAME POWERS AND DUTIES WITH RESPECT TO THE REGIONAL SECONDARY SCHOOL AS A BOARD OF EDUCATION OF A UNION FREE SCHOOL DISTRICT HAS WITH RESPECT TO ITS SCHOOLS UNDER THIS CHAPTER, EXCEPT AS MODIFIED BY THE TERMS OF THE CONTRACT;

(VI) THE CURRENT ENROLLMENT OF ALL PARTICIPATING SCHOOL DISTRICTS AND THE PROJECTED TOTAL ENROLLMENT NUMBERS OF THE REGIONAL SECONDARY SCHOOL;

(VII) THE CONTRACT MUST DEMONSTRATE HOW THE REGIONAL SECONDARY SCHOOL WILL PROVIDE INCREASED EDUCATIONAL OPPORTUNITIES, INCLUDING COURSES AND PROGRAMS IN SCIENCE, TECHNOLOGY, ENGINEERING AND MATH, TO PREPARE STUDENTS FOR COLLEGE AND CAREER READINESS AND IMPROVE STUDENT PERFORMANCE;

(VIII) ALL TEACHERS, TEACHING ASSISTANTS AND TEACHER AIDES OF THE PARTICIPATING SCHOOL DISTRICTS, WHOSE SERVICES IN THE PARTICIPATING SCHOOL DISTRICTS ARE NO LONGER NEEDED BECAUSE OF THE ESTABLISHMENT OF A REGIONAL SECONDARY SCHOOL OR THE TRANSFER OF STUDENTS TO AN EXISTING REGIONAL SECONDARY SCHOOL, AS A RESULT OF A NEW PARTICIPATING SCHOOL DISTRICT JOINING THE REGIONAL SECONDARY SCHOOL SHALL IMMEDIATELY BECOME EMPLOYEES OF THE GOVERNING BOARD DESIGNATED IN THE CONTRACT, AND SHALL RETAIN THEIR TENURE AND/OR EMPLOYMENT STATUS AND THE SENIORITY GAINED IN THE PARTICIPATING DISTRICT. IF THE NUMBER OF TEACHING, TEACHING ASSISTANT OR TEACHER AIDE POSITIONS NEEDED TO PROVIDE THE EDUCATIONAL SERVICES REQUIRED BY A REGIONAL SECONDARY SCHOOL IS LESS THAN THE NUMBER OF TEACHERS, TEACHING ASSISTANTS, AND TEACHER AIDES ELIGIBLE TO BE CONSIDERED EMPLOYEES OF THE DESIGNATED GOVERNING BOARD OF SUCH REGIONAL SECONDARY SCHOOL PURSUANT TO THIS PARAGRAPH, THE SERVICES OF THE TEACHERS, TEACHING ASSISTANTS AND TEACHER AIDES HAVING THE LEAST SENIORITY IN THE PARTICIPATING SCHOOL DISTRICT WITHIN THE TENURE AREA OR CIVIL SERVICE STATUS, AS THE CASE MAY BE, OF THE POSITION SHALL BE DISCONTINUED. ANY SUCH EMPLOYEES WHO ARE TEACHERS, TEACHING ASSISTANTS OR TEACHER AIDES SHALL BE PLACED ON A PREFERRED ELIGIBLE LIST OF CANDIDATES FOR APPOINTMENT TO A VACANCY THAT MAY THEREAFTER OCCUR IN AN OFFICE OR POSITION UNDER THE JURISDICTION OF THE PARTICIPATING SCHOOL DISTRICT IN ACCORDANCE WITH THE PROVISIONS OF SECTION TWENTY-FIVE HUNDRED TEN OR THREE THOUSAND THIRTEEN OF THIS CHAPTER. FOR ANY SUCH TEACHER, TEACHING ASSISTANT OR TEACHER AIDE WHO IS RETAINED BY THE GOVERNING BOARD, FOR SALARY, SICK LEAVE AND ANY OTHER PURPOSES, THE LENGTH OF SERVICE CREDITED IN SUCH PARTICIPATING SCHOOL DISTRICT PRIOR TO ITS PARTICIPATION IN THE REGIONAL SECONDARY SCHOOL SHALL BE CREDITED AS EMPLOYMENT TIME WITH THE DESIGNATED GOVERNING BOARD;

(IX) UPON TERMINATION OF THE CONTRACT PURSUANT TO THIS SECTION AND THE RETURN OF STUDENTS FROM THE REGIONAL SECONDARY SCHOOL TO THE FORMER

PARTICIPATING SCHOOL DISTRICT, THE TEACHERS, TEACHING ASSISTANTS, AND TEACHER AIDES EMPLOYED BY THE GOVERNING BOARD TO SERVE IN THE REGIONAL SECONDARY SCHOOL SHALL HAVE THE SAME EMPLOYMENT RIGHTS IN THE PARTICIPATING SCHOOL DISTRICTS AS TEACHERS WOULD HAVE UPON TAKEOVER OF A BOARD OF COOPERATIVE EDUCATIONAL SERVICES PROGRAM BY SUCH SCHOOL DISTRICTS PURSUANT TO SECTION THREE THOUSAND FOURTEEN-B OF THIS CHAPTER;

(X) THE CONTRACT SHALL SPECIFY THE PROCESS FOR DEVELOPMENT OF THE BUDGET FOR THE REGIONAL SECONDARY SCHOOL BY THE DESIGNATED GOVERNING BOARD AND HOW OPERATING AND ADMINISTRATIVE COSTS AND THE LOCAL SHARE OF CAPITAL EXPENSES ATTRIBUTABLE TO THE REGIONAL SECONDARY SCHOOL WILL BE ALLOCATED AMONG THE PARTICIPATING DISTRICTS;

(XI) THE CONTRACT SHALL SPECIFY THE COSTS OF THE REGIONAL SECONDARY SCHOOL, STAFFING, CURRENT AND FUTURE CAPITAL CONSTRUCTION PLANS AND FOR THE DELIVERY OF SPECIAL EDUCATION PROGRAMS;

(XII) THE CONTRACT SHALL SPECIFY THE PROCEDURES FOR DISCIPLINE OF STUDENTS ATTENDING THE REGIONAL SECONDARY SCHOOL, INCLUDING THE APPLICABLE CODE OF CONDUCT PROVIDED THAT SUCH CODE OF CONDUCT MEETS THE REQUIREMENTS OF SECTION TWENTY-EIGHT HUNDRED ONE OF THIS CHAPTER AND PROCEDURES FOR SUPERINTENDENTS' HEARINGS AND APPEALS TO THE BOARD OF EDUCATION PURSUANT TO SECTION THIRTY-TWO HUNDRED FOURTEEN OF THIS CHAPTER;

(XIII) THE CONTRACT SHALL SPECIFY THE COSTS OF THE OPERATION OF THE REGIONAL SECONDARY SCHOOL FOR EACH PARTICIPATING SCHOOL DISTRICT AND AN ITEMIZED LISTING OF THE COST SAVINGS FOR EACH PARTICIPATING SCHOOL DISTRICT;

(XIV) THE CONTRACT SHALL SPECIFY HOW EXTRA-CURRICULAR ACTIVITIES AND INTERSCHOLASTIC ATHLETICS WILL BE PROVIDED TO STUDENTS OF THE REGIONAL SECONDARY SCHOOL;

(XV) THE CONTRACT SHALL SPECIFY THE FISCAL IMPLICATIONS OF THE REGIONAL SECONDARY SCHOOL INCLUDING EXPECTED STATE AID AND EXPECTED CHANGES IN EXPENDITURES AND PROPERTY TAX LEVIES;

(XVI) THE CONTRACT SHALL SPECIFY WHETHER THE EMPLOYEES OF THE REGIONAL SECONDARY SCHOOL SHALL ESTABLISH NEW EMPLOYEE ORGANIZATIONS, PURSUANT TO ARTICLE FOURTEEN OF THE CIVIL SERVICE LAW, FOR THEIR REPRESENTATION, OR, WHERE APPLICABLE, WHETHER THEY SHALL BECOME MEMBERS OF THE APPLICABLE EMPLOYEE ORGANIZATIONS REPRESENTING THE EMPLOYEES OF THE HOSTING DISTRICT; AND

(XVII) THE CONTRACT SHALL SET FORTH ANY OTHER INFORMATION OR ANALYSIS AS MAY BE REQUIRED BY THE REGULATIONS OF THE COMMISSIONER.

6. IF THE COMMISSIONER APPROVES THE PROPOSED CONTRACT, THE REGIONAL SECONDARY SCHOOL SHALL BE ESTABLISHED. THE CONTRACT SHALL BE FOR A PERIOD OF AT LEAST FIVE AND NOT MORE THAN SEVEN SCHOOL YEARS AND, WITH THE APPROVAL OF THE COMMISSIONER, MAY BE RENEWED BY MUTUAL AGREEMENT OF THE BOARDS OF EDUCATION OF THE PARTICIPATING DISTRICTS. THE REGIONAL SECONDARY SCHOOL SHALL COMMENCE OPERATIONS ON THE FIRST OF JULY, AND SHALL NOT CEASE OPERATIONS BEFORE THE THIRTIETH OF JUNE IN ANY SCHOOL YEAR.

S 1921. ESTABLISHMENT OF A REGIONAL SECONDARY SCHOOL OPERATED BY A BOARD OF COOPERATIVE EDUCATIONAL SERVICES. 1. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, FOR PURPOSES OF THIS ARTICLE, A REGIONAL SECONDARY SCHOOL SHALL MEAN A HIGH SCHOOL WITH GRADES SIX, SEVEN AND/OR EIGHT AS AGREED UPON BY EACH OF THE PARTICIPATING DISTRICTS CONSISTENT WITH THE GRADE CONFIGURATION OF THE NEW SECONDARY SCHOOL(S).

2. A REGIONAL SECONDARY SCHOOL MAY BE ESTABLISHED PURSUANT TO THIS SECTION BY AGREEMENT OF A BOARD OF COOPERATIVE EDUCATIONAL SERVICES AND THE BOARDS OF EDUCATION OF THREE OR MORE CITY SCHOOL DISTRICTS, CENTRAL SCHOOL DISTRICTS, UNION FREE SCHOOL DISTRICTS AND/OR COMMON SCHOOL

DISTRICTS THAT ARE WHOLLY CONTAINED WITHIN THE SUPERVISORY DISTRICT OF THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES, SUBJECT TO THE APPROVAL OF THE VOTERS OF EACH PARTICIPATING DISTRICT. PROVIDED, HOWEVER, THAT A COMPONENT SCHOOL DISTRICT OF A CENTRAL HIGH SCHOOL DISTRICT AND A SPECIAL ACT SCHOOL DISTRICT, AS DEFINED IN SECTION FOUR THOUSAND ONE OF THIS CHAPTER, SHALL NOT BE AUTHORIZED TO PARTICIPATE IN A REGIONAL SECONDARY SCHOOL. A CENTRAL HIGH SCHOOL DISTRICT, SUBJECT TO APPROVAL OF ITS VOTERS, ALSO MAY ENTER INTO AN AGREEMENT WITH THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES AND SCHOOL DISTRICTS OTHER THAN ITS COMPONENT SCHOOL DISTRICTS THAT ARE WHOLLY CONTAINED WITHIN THE SUPERVISORY DISTRICT OF THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES TO ESTABLISH A REGIONAL SECONDARY SCHOOL. SUCH REGIONAL SECONDARY SCHOOL SHALL SERVE ALL OR SOME OF THE STUDENTS IN EACH OF THE PARTICIPATING DISTRICTS IN GRADES NINE THROUGH TWELVE AND MAY ALSO SERVE STUDENTS IN GRADES SIX, SEVEN AND/OR EIGHT AS AGREED UPON BY EACH OF THE PARTICIPATING DISTRICTS CONSISTENT WITH THE GRADE CONFIGURATION OF THE NEW SECONDARY SCHOOL(S), PROVIDED THAT EACH PARTICIPATING SCHOOL DISTRICT SHALL CEASE DISTRICT OPERATION OF AT LEAST ONE HIGH SCHOOL. THE REGIONAL SECONDARY SCHOOL SHALL BE OPERATED BY THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES, WHICH SHALL ASSUME THE RESPONSIBILITY TO OPERATE, SUPERVISE AND MAINTAIN THE REGIONAL SECONDARY SCHOOL AND THE ADMINISTRATION OF SUCH SECONDARY SCHOOL. THE ESTABLISHMENT OF A REGIONAL SECONDARY SCHOOL SHALL BE SUBJECT TO THE APPROVAL OF THE COMMISSIONER, IN A MANNER AND TIMEFRAME, AS SET FORTH WITHIN THIS SECTION.

3. TO ESTABLISH A REGIONAL SECONDARY SCHOOL, THREE OR MORE PARTICIPATING SCHOOL DISTRICTS AND THE BOARD OF EDUCATIONAL SERVICES MUST INITIALLY ADOPT, BY A MAJORITY VOTE OF THE BOARD OF EDUCATION OF EACH PARTICIPATING DISTRICT AND THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES, A RESOLUTION PROPOSING THE ESTABLISHMENT OF SUCH REGIONAL SECONDARY SCHOOL. THE RESOLUTION SHALL INDICATE THAT THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES WILL OPERATE THE REGIONAL SECONDARY SCHOOL ON BEHALF OF THE PARTICIPATING DISTRICTS AND SPECIFY THE PARTICIPATING SCHOOL DISTRICTS AND THE PROPOSED TERM OF THE CONTRACT GOVERNING THE REGIONAL SECONDARY SCHOOL. THE RESOLUTION SHALL BE VOTED ON BY EACH BOARD AT A MEETING HELD NO LATER THAN OCTOBER FIRST OF THE SCHOOL YEAR PRIOR TO THE SCHOOL YEAR IN WHICH THE REGIONAL SECONDARY SCHOOL IS PROPOSED TO COMMENCE OPERATION. IF THREE OR MORE SCHOOL DISTRICTS AND THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES ADOPT SUCH A RESOLUTION, THE RESOLUTION MUST THEN BE PRESENTED IN A REFERENDUM FOR VOTER APPROVAL IN EACH OF THE PROPOSED PARTICIPATING DISTRICTS. UPON APPROVAL BY THE VOTERS IN EACH OF THE PARTICIPATING DISTRICTS, THE PARTICIPATING SCHOOL DISTRICTS AND THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES SHALL COLLECTIVELY ENTER INTO A CONTRACT FOR THE ESTABLISHMENT OF A REGIONAL SECONDARY SCHOOL. IN THE EVENT THE VOTERS OF ONE OR MORE PROPOSED PARTICIPATING DISTRICTS DO NOT APPROVE SUCH RESOLUTION, THE RESOLUTION MAY BE PRESENTED FOR ONE RE-VOTE IN THE PROPOSED PARTICIPATING DISTRICTS WHOSE VOTERS DID NOT APPROVE THE RESOLUTION; OR, IF THE BOARDS OF EDUCATION OF ONE OR MORE SUCH DISTRICTS VOTE TO RESCIND THEIR RESOLUTION TO PARTICIPATE IN THE REGIONAL SECONDARY SCHOOL, ONE ADDITIONAL VOTE MAY BE HELD IN EACH OF THE REMAINING PROPOSED PARTICIPATING DISTRICTS. IN NO EVENT MAY MORE THAN TWO VOTES BE HELD IN ANY PROPOSED PARTICIPATING DISTRICT IN ANY SCHOOL YEAR.

4. WITH THE CONSENT OF EACH OF THE PARTICIPATING BOARDS OF EDUCATION AND THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES AND APPROVAL OF THE COMMISSIONER, ADDITIONAL SCHOOL DISTRICTS OTHERWISE ELIGIBLE TO ESTABLISH THE REGIONAL SECONDARY SCHOOL MAY JOIN THE REGIONAL SECONDARY

SCHOOL IN THE SECOND OR A SUBSEQUENT YEAR OF OPERATION BY ADOPTING A BOARD RESOLUTION AND OBTAINING VOTER APPROVAL SUBSTANTIALLY IN THE MANNER PRESCRIBED IN SUBDIVISION TWO OF THIS SECTION.

5. (A) UPON RECEIPT OF VOTER APPROVAL IN ALL PARTICIPATING SCHOOL DISTRICTS, THE PROPOSED CONTRACT, TOGETHER WITH THE PLAN OF FORMATION AND OPERATION OF THE REGIONAL SECONDARY SCHOOL, SHALL BE SUBMITTED TO THE COMMISSIONER FOR HIS OR HER APPROVAL, IN A TIME AND MANNER PRESCRIBED BY THE COMMISSIONER. SUCH CONTRACT SHALL BE AN INTER-MUNICIPAL SHARING AGREEMENT PURSUANT TO ARTICLE FIVE-G OF THE GENERAL MUNICIPAL LAW THAT COMPLIES WITH THE REQUIREMENTS OF THIS SECTION.

(B) THE REGIONAL SECONDARY SCHOOL AND THE PROPOSED CONTRACT SHALL MEET THE FOLLOWING REQUIREMENTS:

(I) THE CONTRACT SHALL SPECIFY ITS TERM, WHICH SHALL NOT BE LESS THAN FIVE NOR MORE THAN SEVEN SCHOOL YEARS, AND SHALL PROVIDE THAT THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES WILL OPERATE THE REGIONAL SECONDARY SCHOOL ON BEHALF OF ALL PARTICIPATING DISTRICTS. THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES SHALL SERVE AS THE GOVERNING BODY FOR THE REGIONAL SECONDARY SCHOOL AND SHALL HAVE RESPONSIBILITY FOR THE OPERATION, SUPERVISION AND MAINTENANCE OF THE REGIONAL SECONDARY SCHOOL AND SHALL BE RESPONSIBLE FOR THE ADMINISTRATION OF SUCH SCHOOL, INCLUDING GRADING AND THE ISSUANCE OF DIPLOMAS FOR ALL STUDENTS THAT ATTEND THE REGIONAL SECONDARY SCHOOL, AS SHALL BE DESIGNATED IN THE CONTRACT. PROVIDED, HOWEVER, THAT THE CONTRACT MAY PROVIDE FOR ISSUANCE OF THE DIPLOMA BY THE STUDENT'S SCHOOL DISTRICT OF RESIDENCE UPON CERTIFICATION BY THE GOVERNING BOARD THAT ALL GRADUATION REQUIREMENTS OF THE REGIONAL SECONDARY SCHOOL HAVE BEEN MET. THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES SHALL ALSO ACT AS A SCHOOL DISTRICT FOR ACCOUNTABILITY PURPOSES;

(II) THE CONTRACT SHALL PROVIDE THE NAME OF THE SCHOOL, WHICH SHALL BE SUBJECT TO THE COMMISSIONER'S APPROVAL, THE GRADES OF INSTRUCTION INTENDED TO BE SERVED BY THE REGIONAL SECONDARY SCHOOL, AND DESIGNATE THE SITE OF THE REGIONAL SECONDARY SCHOOL, WHICH SHALL BE WITHIN THE BOUNDARIES OF THE SUPERVISORY DISTRICT OF THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES AND WHERE POSSIBLE, SHOULD USE EXISTING BUILDINGS AND/OR INFRASTRUCTURE;

(III) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE CONTRACT SHALL PROVIDE THAT EACH PARTICIPATING SCHOOL DISTRICT SHALL BE RESPONSIBLE FOR PROVIDING OR ARRANGING FOR TRANSPORTATION TO ITS RESIDENT STUDENTS ATTENDING THE REGIONAL SECONDARY SCHOOL IN ACCORDANCE WITH ITS SCHOOL DISTRICT POLICY, BUT WITHOUT REGARD TO ANY MAXIMUM MILEAGE LIMITATION. SUCH TRANSPORTATION MAY BE PROVIDED BY CONTRACT, INCLUDING BUT NOT LIMITED TO A CONTRACT WITH ONE OR MORE PARTICIPATING DISTRICTS OR A BOARD OF COOPERATIVE EDUCATIONAL SERVICES;

(IV) THE CONTRACT SHALL SPECIFY THAT THE STUDENTS OF EACH PARTICIPATING SCHOOL DISTRICT SHALL REMAIN ENROLLED 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;

(V) THE CURRENT ENROLLMENT OF ALL PARTICIPATING SCHOOL DISTRICTS AND THE PROJECTED TOTAL ENROLLMENT NUMBERS OF THE REGIONAL SECONDARY SCHOOL;

(VI) THE CONTRACT MUST DEMONSTRATE HOW THE REGIONAL SECONDARY SCHOOL WILL PROVIDE INCREASED EDUCATIONAL OPPORTUNITIES, INCLUDING COURSES AND PROGRAMS IN SCIENCE, TECHNOLOGY, ENGINEERING AND MATH, TO PREPARE STUDENTS FOR COLLEGE AND CAREER READINESS AND IMPROVE STUDENT PERFORMANCE;

(VII) ALL TEACHERS, TEACHING ASSISTANTS AND TEACHER AIDES OF THE PARTICIPATING SCHOOL DISTRICTS, WHOSE SERVICES IN THE PARTICIPATING SCHOOL DISTRICTS ARE NO LONGER NEEDED BECAUSE OF THE ESTABLISHMENT OF A REGIONAL SECONDARY SCHOOL OR THE TRANSFER OF STUDENTS TO AN EXISTING REGIONAL SECONDARY SCHOOL AS A RESULT OF A NEW PARTICIPATING SCHOOL DISTRICT JOINING THE REGIONAL SECONDARY SCHOOL, SHALL BECOME EMPLOYEES OF THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES, AND SHALL RETAIN THEIR TENURE AND/OR EMPLOYMENT STATUS AND THE SENIORITY GAINED IN THE PARTICIPATING DISTRICT. IF THE NUMBER OF TEACHING, TEACHING ASSISTANT OR TEACHER AIDE POSITIONS NEEDED TO PROVIDE THE EDUCATIONAL SERVICES REQUIRED BY A REGIONAL SECONDARY SCHOOL IS LESS THAN THE NUMBER OF TEACHERS, TEACHING ASSISTANTS OR TEACHER AIDES ELIGIBLE TO BE CONSIDERED EMPLOYEES OF THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES PURSUANT TO THIS SUBPARAGRAPH, THE SERVICES OF THE TEACHERS, TEACHING ASSISTANTS OR TEACHER AIDES HAVING THE LEAST SENIORITY IN THE PARTICIPATING SCHOOL DISTRICTS WITHIN THE TENURE AREA OR CIVIL SERVICE STATUS, AS THE CASE MAY BE, OF THE POSITION SHALL BE DISCONTINUED. ANY SUCH EMPLOYEES WHO ARE TEACHERS, TEACHING ASSISTANTS, OR TEACHER AIDES SHALL HAVE ALL THE EMPLOYMENT RIGHTS SPECIFIED IN SECTION THREE THOUSAND FOURTEEN-A OF THIS CHAPTER.

(VIII) UPON TERMINATION OF THE CONTRACT PURSUANT TO THIS SECTION AND THE RETURN OF STUDENTS FROM THE REGIONAL SECONDARY SCHOOL TO THE FORMER PARTICIPATING SCHOOL DISTRICT, THE TEACHERS, TEACHING ASSISTANTS AND TEACHER AIDES EMPLOYED BY THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES TO SERVE SHALL HAVE THE EMPLOYMENT RIGHTS IN THE PARTICIPATING SCHOOL DISTRICTS AS SPECIFIED IN SECTION THREE THOUSAND FOURTEEN-B OF THIS CHAPTER;

(IX) THE CONTRACT SHALL SPECIFY THE PROCESS FOR DEVELOPMENT OF THE BUDGET FOR THE REGIONAL SECONDARY SCHOOL BY THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES CONSISTENT WITH SUBPARAGRAPH EIGHT OF PARAGRAPH B OF SUBDIVISION FOUR OF SECTION NINETEEN HUNDRED FIFTY OF THIS TITLE AND HOW OPERATING AND ADMINISTRATIVE COSTS AND THE LOCAL SHARE OF CAPITAL EXPENSES ATTRIBUTABLE TO THE REGIONAL SECONDARY SCHOOL WILL BE ALLOCATED AMONG THE PARTICIPATING DISTRICTS;

(X) THE CONTRACT SHALL SPECIFY THE COSTS OF THE REGIONAL SECONDARY SCHOOL, STAFFING, CURRENT AND FUTURE CAPITAL CONSTRUCTION PLANS, AND THE DELIVERY OF SPECIAL EDUCATION PROGRAMS;

(XI) THE CONTRACT SHALL SPECIFY THE COST OF THE OPERATION OF THE REGIONAL SECONDARY SCHOOL FOR EACH PARTICIPATING SCHOOL DISTRICT AND AN ITEMIZED LISTING OF THE COST SAVINGS FOR EACH PARTICIPATING SCHOOL DISTRICT;

(XII) THE CONTRACT SHALL SPECIFY HOW EXTRA-CURRICULAR ACTIVITIES AND INTERSCHOLASTIC ATHLETICS WILL BE PROVIDED TO STUDENTS OF THE REGIONAL SECONDARY SCHOOL;

(XIII) THE CONTRACT SHALL SPECIFY THE PROCEDURES FOR DISCIPLINE OF STUDENTS ATTENDING THE REGIONAL SECONDARY SCHOOL, INCLUDING THE APPLICABLE CODE OF CONDUCT PROVIDED THAT SUCH CODE OF CONDUCT MEETS THE REQUIREMENTS OF SECTION TWENTY-EIGHT HUNDRED ONE OF THIS CHAPTER AND PROCEDURES FOR SUPERINTENDENTS' HEARINGS AND APPEALS TO THE BOARD OF EDUCATION PURSUANT TO SECTION THIRTY-TWO HUNDRED FOURTEEN OF THIS CHAPTER;

(XIV) THE CONTRACT SHALL SPECIFY WHETHER THE EMPLOYEES OF THE REGIONAL SECONDARY SCHOOL SHALL ESTABLISH NEW EMPLOYEE ORGANIZATIONS, PURSUANT TO ARTICLE FOURTEEN OF THE CIVIL SERVICE LAW, FOR THEIR REPRESENTATION, OR, WHERE APPLICABLE, WHETHER THEY SHALL BECOME MEMBERS OF THE APPLICABLE

EMPLOYEE ORGANIZATIONS REPRESENTING THE EMPLOYEES OF THE HOSTING DISTRICT; AND

(XV) THE CONTRACT SHALL SPECIFY THE FISCAL IMPLICATIONS OF THE REGIONAL SECONDARY SCHOOL, INCLUDING THE CURRENT AND EXPECTED STATE AID AND EXPECTED CHANGES IN EXPENDITURES AND PROPERTY TAX LEVIES; AND

(XVI) THE CONTRACT SHALL SET FORTH ANY OTHER INFORMATION OR ANALYSIS AS MAY BE REQUIRED BY THE REGULATIONS OF THE COMMISSIONER.

6. IF THE COMMISSIONER APPROVES THE PROPOSED CONTRACT, THE REGIONAL SECONDARY SCHOOL SHALL BE ESTABLISHED. THE CONTRACT SHALL BE FOR A PERIOD OF NOT LESS THAN FIVE NOR MORE THAN SEVEN SCHOOL YEARS AND, WITH THE APPROVAL OF THE COMMISSIONER, MAY BE RENEWED BY MUTUAL AGREEMENT OF THE BOARDS OF EDUCATION OF THE PARTICIPATING DISTRICTS AND THE SUPERVISORY DISTRICT OF THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES. THE REGIONAL SECONDARY SCHOOL SHALL COMMENCE OPERATIONS ON THE FIRST OF JULY, AND SHALL NOT CEASE OPERATIONS BEFORE THE THIRTIETH OF JUNE IN ANY SCHOOL YEAR.

S 1922. STATE AID FOR REGIONAL SECONDARY SCHOOLS. 1. STUDENTS ATTENDING A REGIONAL SECONDARY SCHOOL SHALL BE DEEMED ENROLLED IN THEIR SCHOOL DISTRICT OF RESIDENCE AND SHALL BE INCLUDED IN THE APPLICABLE MEMBERSHIP, ENROLLMENT AND ATTENDANCE COUNTS OF THEIR RESPECTIVE SCHOOL DISTRICTS OF RESIDENCE FOR PURPOSES OF COMPUTATION OF STATE AID TO SUCH SCHOOL DISTRICTS. THE COSTS OF EDUCATING EACH SUCH STUDENT SHALL BE INCLUDED IN THE APPROVED OPERATING EXPENSE OF THE STUDENT'S SCHOOL DISTRICT OF RESIDENCE AND EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE STATE AID ATTRIBUTABLE TO SUCH STUDENT SHALL BE COMPUTED IN THE SAME MANNER AS AID ATTRIBUTABLE TO OTHER RESIDENT STUDENTS AND SHALL BE PAYABLE TO THE SCHOOL DISTRICT OF RESIDENCE.

2. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE SCHOOL DISTRICT THAT OWNS THE FACILITY USED TO HOUSE THE REGIONAL SECONDARY SCHOOL SHALL BE THE ONLY SCHOOL DISTRICT ELIGIBLE FOR BUILDING AID PURSUANT TO THE APPLICABLE PROVISIONS OF SUBDIVISION SIX, SIX-A, SIX-C, SIX-E OR SIX-F OF SECTION THIRTY-SIX HUNDRED TWO OF THIS CHAPTER FOR PROJECTS INVOLVING THE REGIONAL SECONDARY SCHOOL THAT ARE APPROVED BY THE QUALIFIED VOTERS OF SUCH DISTRICT AFTER ESTABLISHMENT OF THE REGIONAL SECONDARY SCHOOL, PROVIDED THAT SUCH AID SHALL BE COMPUTED USING THE BUILDING AID RATIO APPLICABLE TO PROJECTS OF THE SCHOOL DISTRICT THAT OWNS THE REGIONAL SECONDARY SCHOOL FACILITY UNDER THE PROVISIONS OF PARAGRAPHS B AND C OF SUBDIVISION SIX OF SECTION THIRTY-SIX HUNDRED TWO OF THIS CHAPTER. SUCH AID SHALL BE PAID TO SUCH SCHOOL DISTRICT OR TO THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES ON BEHALF OF SUCH SCHOOL DISTRICT WHERE THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES OPERATES THE REGIONAL SECONDARY SCHOOL. THE SCHOOL DISTRICT OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES SHALL ALLOCATE THE LOCAL SHARE OF THE COSTS OF SUCH PROJECTS TO THE PARTICIPATING SCHOOL DISTRICTS IN ACCORDANCE WITH ITS CONTRACT ENTERED INTO PURSUANT TO SECTION NINETEEN HUNDRED TWENTY OR NINETEEN HUNDRED TWENTY-ONE OF THIS ARTICLE. THE COSTS OF SUCH PROJECTS SHALL NOT BE ELIGIBLE FOR AID PURSUANT TO SUBDIVISION SIX-B OR PARAGRAPH C OF SUBDIVISION FOURTEEN OF SECTION THIRTY-SIX HUNDRED TWO OF THIS CHAPTER.

3. NOTWITHSTANDING ANY PROVISION OF SECTION NINETEEN HUNDRED FIFTY OR NINETEEN HUNDRED FIFTY-ONE OF THIS TITLE TO THE CONTRARY, IN THE CASE OF A REGIONAL SECONDARY SCHOOL OPERATED BY A BOARD OF COOPERATIVE EDUCATIONAL SERVICES THAT IS HOUSED IN A FACILITY OWNED BY A PARTICIPATING SCHOOL DISTRICT, THE CAPITAL EXPENSES FOR BUILDING PROJECTS INVOLVING THE REGIONAL SECONDARY SCHOOL SHALL BE A CHARGE UPON THE PARTICIPATING SCHOOL DISTRICTS ONLY, AND SUCH COSTS SHALL NOT BE ALLOCATED TO OTHER

COMPONENT SCHOOL DISTRICTS. SUCH CAPITAL EXPENSES SHALL NOT BE ELIGIBLE FOR AID PURSUANT TO SUBDIVISION FIVE OF SECTION NINETEEN HUNDRED FIFTY OF THIS TITLE. PROVIDED, HOWEVER, THAT COSTS OF AIDABLE SHARED SERVICES PROVIDED BY THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES TO SUPPLEMENT THE PROGRAMS OF THE REGIONAL SECONDARY SCHOOL SHALL BE ELIGIBLE FOR AID PURSUANT TO SUCH SUBDIVISION FIVE OF SECTION NINETEEN HUNDRED FIFTY, THE ADMINISTRATIVE EXPENSES ATTRIBUTABLE TO THE REGIONAL SECONDARY SCHOOL AND THE CAPITAL EXPENSES ATTRIBUTABLE TO A REGIONAL SECONDARY SCHOOL HOUSED IN A FACILITY OWNED BY THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES SHALL BE ALLOCATED TO COMPONENT SCHOOL DISTRICTS IN ACCORDANCE WITH SECTION NINETEEN HUNDRED FIFTY OR NINETEEN HUNDRED FIFTY-ONE OF THIS TITLE AND SHALL BE ELIGIBLE FOR AID PURSUANT TO SUCH SUBDIVISION FIVE OF SECTION NINETEEN HUNDRED FIFTY.

4. THE BOARD OF EDUCATION OF EACH SCHOOL DISTRICT PARTICIPATING IN A REGIONAL SECONDARY SCHOOL PURSUANT TO THIS ARTICLE SHALL BE ELIGIBLE FOR ADDITIONAL STATE AID IN ACCORDANCE WITH PARAGRAPH K OF SUBDIVISION FOURTEEN OF SECTION THIRTY-SIX HUNDRED TWO OF THIS CHAPTER.

S 1923. REGIONAL SECONDARY SCHOOL ADVISORY COMMITTEE. 1. EACH REGIONAL SECONDARY SCHOOL ESTABLISHED AND OPERATED PURSUANT TO THIS ARTICLE SHALL ESTABLISH AN ADVISORY COMMITTEE. THE ADVISORY COMMITTEE SHALL BE COMPOSED OF THE PRESIDENT OF THE BOARD OF EDUCATION OF EACH PARTICIPATING SCHOOL DISTRICT, THE PRESIDENT OF THE BOARD OF EDUCATION OF EACH SUPERVISORY BOARD OF COOPERATIVE EDUCATIONAL SERVICES, WHERE APPLICABLE, AND THE SUPERINTENDENT OF EACH PARTICIPATING SCHOOL DISTRICT AND THE SUPERINTENDENT OF THE SUPERVISORY DISTRICT IN WHICH THE REGIONAL SECONDARY SCHOOL IS LOCATED. THE SUPERINTENDENT OF THE SUPERVISORY DISTRICT SHALL BE THE CHAIR OF THE ADVISORY COMMITTEE.

2. THE ADVISORY COMMITTEE SHALL CONVENE, AT THE CALL OF THE CHAIR, NOT LESS THAN FOUR TIMES DURING EACH SCHOOL YEAR DURING WHICH THE REGIONAL SECONDARY SCHOOL OPERATES. DURING SUCH MEETINGS, THE ADVISORY COMMITTEE SHALL REVIEW THE OPERATION OF THE REGIONAL SECONDARY SCHOOL AND MAKE RECOMMENDATIONS TO THE HOSTING DISTRICT OR THE SUPERVISORY BOARD OF COOPERATIVE EDUCATIONAL SERVICES, AS THE CASE MAY BE, ON THE CONTINUED OPERATION OF SUCH SECONDARY SCHOOL.

S 3. Subdivision 4 of section 1950 of the education law is amended by adding a new paragraph oo to read as follows:

OO. PURSUANT TO ARTICLE THIRTY-NINE-A OF THIS TITLE, A BOARD OF COOPERATIVE EDUCATIONAL SERVICES MAY ENTER INTO AN AGREEMENT WITH THREE OR MORE SCHOOL DISTRICTS ELIGIBLE TO ENTER SUCH AN AGREEMENT IN ACCORDANCE WITH SECTION NINETEEN HUNDRED TWENTY-ONE OF THIS TITLE, WHICH MAY INCLUDE CITY SCHOOL DISTRICTS, CENTRAL SCHOOL DISTRICTS, CENTRAL HIGH SCHOOL DISTRICTS, UNION FREE SCHOOL DISTRICTS, AND/OR COMMON SCHOOL DISTRICTS WHICH ARE WHOLLY CONTAINED WITHIN THE SUPERVISORY DISTRICT OF THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES, TO FORM A REGIONAL SECONDARY SCHOOL TO BE OPERATED BY THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES. THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES SHALL HAVE THE SAME POWERS AND DUTIES WITH RESPECT TO SUCH REGIONAL SECONDARY SCHOOL AS THE BOARD OF EDUCATION OF A UNION FREE SCHOOL DISTRICT HAS WITH RESPECT TO ITS SCHOOLS, CONSISTENT WITH THE TERMS OF ITS AGREEMENT WITH THE PARTICIPATING SCHOOL DISTRICTS.

S 4. Paragraph h of subdivision 4 of section 1950 of the education law is amended by adding three new subparagraphs 11, 12 and 13 to read as follows:

(11) TO ENTER INTO CONTRACTS AS NECESSARY OR CONVENIENT TO OPERATE A REGIONAL SECONDARY SCHOOL AS ESTABLISHED PURSUANT TO THE PROVISIONS OF SECTION NINETEEN HUNDRED TWENTY-ONE OF THIS TITLE.

(12) TO DEVELOP CORE CURRICULUM FOR STUDENTS ATTENDING A REGIONAL SECONDARY SCHOOL ESTABLISHED PURSUANT TO THE PROVISIONS OF SECTION NINETEEN HUNDRED TWENTY-ONE OF THIS TITLE.

(13) TO ISSUE REGENTS AND OTHER HIGH SCHOOL DIPLOMAS TO STUDENTS WHO GRADUATE FROM A REGIONAL SECONDARY SCHOOL ESTABLISHED PURSUANT TO THE PROVISIONS OF SECTION NINETEEN HUNDRED TWENTY-ONE OF THIS TITLE, UNDER THE SAME CONDITIONS AS A SCHOOL DISTRICT.

S 5. Paragraph b of subdivision 4 of section 1950 of the education law is amended by adding a new subparagraph 8 to read as follows:

(8) FOR REGIONAL SECONDARY SCHOOLS ESTABLISHED PURSUANT TO SECTION NINETEEN HUNDRED TWENTY-ONE OF THIS TITLE, THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES SHALL PREPARE AND PROPOSE A TENTATIVE BUDGET OF EXPENDITURES FOR PROGRAM, ADMINISTRATIVE AND CAPITAL COSTS TO OPERATE THE REGIONAL SECONDARY SCHOOL IN THE ENSUING SCHOOL YEAR. SUCH PROPOSED BUDGET SHALL BE PROVIDED TO THE BOARD OF EDUCATION OF EACH PARTICIPATING SCHOOL DISTRICT OF THE REGIONAL SECONDARY SCHOOL, BY THE DATE PROVIDED IN THE AGREEMENT ENTERED INTO PURSUANT TO SUCH SECTION NINETEEN HUNDRED TWENTY-ONE. THE BOARD OF EDUCATION OF EACH PARTICIPATING SCHOOL DISTRICT SHALL BE AFFORDED TO REVIEW AND COMMENT ON THE PROPOSED BUDGET PRIOR TO ITS FINAL ADOPTION BY THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES.

S 6. Subdivision 14 of section 3602 of the education law is amended by adding a new paragraph k to read as follows:

K. TRANSITION INCENTIVE AID FOR REGIONAL SECONDARY SCHOOLS. (1) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPHS A THROUGH J OF THIS SUBDIVISION, FOR AID PAYABLE IN THE TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN SCHOOL YEAR OR THEREAFTER, SCHOOL DISTRICTS THAT ARE PARTIES TO AN AGREEMENT TO ESTABLISH AND OPERATE A REGIONAL SECONDARY SCHOOL PURSUANT TO ARTICLE THIRTY-NINE-A OF THIS CHAPTER ENTERED INTO ON OR AFTER JULY FIRST, TWO THOUSAND THIRTEEN AND PARTICIPATED IN SUCH REGIONAL SECONDARY SCHOOL IN THE BASE YEAR SHALL BE ELIGIBLE FOR TRANSITION INCENTIVE AID PURSUANT TO THIS PARAGRAPH PROVIDED THAT THE FOLLOWING CONDITIONS ARE MET:

(I) THE REGIONAL SECONDARY SCHOOL AGREEMENT INCLUDES AT LEAST THREE SCHOOL DISTRICTS, EACH OF WHICH PREVIOUSLY MAINTAINED ITS OWN SECONDARY SCHOOLS, AND HAS CEASED DISTRICT OPERATION OF AT LEAST ONE HIGH SCHOOL FOLLOWING THE ESTABLISHMENT OF THE REGIONAL SECONDARY SCHOOL, OR

(II) THE REGIONAL SECONDARY SCHOOL AGREEMENT INCLUDES AT LEAST ONE SCHOOL DISTRICT WHICH PREVIOUSLY MAINTAINED ITS OWN HIGH SCHOOL, AND DOES NOT MAINTAIN ITS OWN HIGH SCHOOL FOLLOWING THE ESTABLISHMENT OF THE REGIONAL SECONDARY SCHOOL, AND IN ADDITION THERETO, INCLUDES AT LEAST TWO ADDITIONAL SCHOOL DISTRICTS EMPLOYING EIGHT OR MORE TEACHERS THAT DO NOT MAINTAIN THEIR OWN HIGH SCHOOLS:

(2) IN EACH OF THE FIRST FIVE YEARS IN WHICH A SCHOOL DISTRICT IS PARTY TO SUCH AGREEMENT, SUCH DISTRICT SHALL BE ENTITLED TO AN APPORTIONMENT EQUAL TO THE PRODUCT OF (I) TEN PERCENT OF THE APPORTIONMENT COMPUTED IN ACCORDANCE WITH THE PROVISIONS OF PARAGRAPH D-1 OF THIS SUBDIVISION, MULTIPLIED BY (II) THE QUOTIENT OF THE NUMBER OF PUPILS WITHIN SUCH SCHOOL DISTRICT ATTENDING THE REGIONAL SECONDARY SCHOOL IN THE BASE YEAR DIVIDED BY THE RESIDENT PUBLIC SCHOOL DISTRICT ENROLLMENT OF SUCH SCHOOL DISTRICT WITHIN THE GRADES OF THE NEW REGIONAL SECONDARY SCHOOL(S); PROVIDED FURTHER THAT SUCH DISTRICTS SHALL BE ELIGIBLE TO RECEIVE AN ADDITIONAL APPORTIONMENT EQUAL TO THE PRODUCT OF (I) FIVE PERCENT OF THE APPORTIONMENT COMPUTED IN ACCORDANCE WITH THE PROVISIONS OF PARAGRAPH D-1 OF THIS SUBDIVISION MULTIPLIED BY (II) THE QUOTIENT OF THE NUMBER OF PUPILS WITHIN SUCH SCHOOL DISTRICT ATTENDING THE REGIONAL SECONDARY SCHOOL IN THE BASE YEAR DIVIDED BY THE RESIDENT PUBLIC SCHOOL

DISTRICT ENROLLMENT OF SUCH SCHOOL DISTRICT WITHIN THE GRADES OF THE NEW REGIONAL SECONDARY SCHOOL(S) UPON MEETING ACADEMIC ACHIEVEMENT GOALS AS ESTABLISHED BY THE COMMISSIONER IN ACCORDANCE WITH A METHODOLOGY PRESCRIBED IN THE REGULATIONS OF THE COMMISSIONER. IN NO CASE SHALL THE SUM OF SUCH APPORTIONMENTS UNDER THIS PARAGRAPH PLUS THE SELECTED OPERATING AID PER PUPIL BE MORE THAN A TOTAL OF NINETY-FIVE PER CENTUM OF THE YEAR PRIOR TO THE BASE YEAR APPROVED OPERATING EXPENSE. SCHOOL DISTRICTS WHICH RECEIVE AN APPORTIONMENT UNDER THIS PARAGRAPH SHALL NOT BE ELIGIBLE FOR AN APPORTIONMENT UNDER PARAGRAPH C, F OR J OF THIS SUBDIVISION.

S 7. This act shall take effect July 1, 2013, provided that if this act becomes a law after such date, it shall take effect immediately and be deemed to have been in full force and effect on and after July 1, 2013.