

S T A T E   O F   N E W   Y O R K

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4117--B

2009-2010 Regular Sessions

I N   S E N A T E

April 13, 2009

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Introduced by Sens. OPPENHEIMER, MONTGOMERY, SERRANO -- read twice and ordered printed, and when printed to be committed to the Committee on Education -- reported favorably from said committee and committed to the Committee on Finance -- reported favorably from said committee with amendments and committed to the Committee on Rules -- 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 the powers and duties of boards of cooperative educational services

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

1     Section 1. Subparagraph 1 of paragraph d of subdivision 4 of section  
2     1950 of the education law, as amended by chapter 474 of the laws of  
3     1996, is amended to read as follows:  
4     (1) [*Aidable shared services*] COOPERATIVE SERVICES (COSERS). (I) At  
5     the request of TWO OR MORE component school districts, and with the  
6     approval of the commissioner, provide any of the following AIDABLE COOP-  
7     ERATIVE services [*on a cooperative basis*] (COSERS): school nurse teach-  
8     er, attendance supervisor, supervisor of teachers, dental hygienist,  
9     psychologist, teachers of art, music, physical education, career educa-  
10    tion subjects, guidance counsellors, operation of special classes for  
11    students with disabilities, as such term is defined in article eighty-  
12    nine of this chapter; pupil and financial accounting service by means of  
13    mechanical equipment; maintenance and operation of cafeteria or restau-  
14    rant service for the use of pupils and teachers while at school, and  
15    such other AIDABLE OR NONAIDABLE services as the commissioner may  
16    approve. Such cafeteria or restaurant service may be used by the commu-  
17    nity for school related functions and activities and to furnish meals to  
18    the elderly residents of the district, sixty years of age or older.  
19    Utilization by elderly residents or school related groups shall be

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

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1 subject to the approval of the board of education. Charges shall be  
2 sufficient to bear the direct cost of preparation and serving of such  
3 meals, exclusive of any other available reimbursements.

4 (II) THE COMMISSIONER SHALL BY REGULATION ESTABLISH THE PROCESS FOR  
5 CONSIDERING AND APPROVING AIDABLE AND NONAIDABLE COOPERATIVE SERVICES  
6 (COSERS). SUCH REGULATIONS SHALL ESTABLISH CRITERIA TO BE APPLIED BY THE  
7 COMMISSIONER IN APPROVING PROPOSED COSERS. SUCH CRITERIA SHALL INCLUDE:  
8 CONSIDERATION OF THE POTENTIAL FOR PARTICIPANT SCHOOL DISTRICTS TO  
9 ACHIEVE COST SAVINGS OR TO UTILIZE RESOURCES, INCLUDING FACILITIES, MORE  
10 EFFICIENTLY; NEED FOR SUCH SERVICES WITHIN THE LOCAL AREA OR REGION TO  
11 BE SERVED; THE OPPORTUNITIES FOR STUDENTS, INCLUDING THOSE WITH DISABIL-  
12 ITIES, TO EARN CREDIT FOR ACADEMIC SUBJECTS; THE OPPORTUNITIES FOR  
13 STUDENTS TO BE PREPARED TO PARTICIPATE IN SOCIETY OR THE WORKFORCE; AND  
14 ANY OTHER MATTERS WHICH WOULD ENCOURAGE AND FOSTER COOPERATION.

15 S 2. Paragraph h of subdivision 4 of section 1950 of the education law  
16 is amended by adding two new subparagraphs 8 and 9 to read as follows:

17 (8) TO ENTER INTO CONTRACTS AS NECESSARY TO CARRY OUT THE PURPOSES OF  
18 THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES AS OUTLINED IN THIS  
19 SECTION.

20 (9) TO ENTER INTO CONTRACTS WITH CHARTER SCHOOLS AUTHORIZED BY ARTICLE  
21 FIFTY-SIX OF THIS CHAPTER, TO PROVIDE SERVICES AS AUTHORIZED BY THIS  
22 SECTION.

23 S 3. Subparagraph (a) of paragraph p of subdivision 4 of section 1950  
24 of the education law, as amended by chapter 602 of the laws of 1994, is  
25 amended to read as follows:

26 (a) To rent suitable land, classrooms, offices or buildings upon or in  
27 which to maintain and conduct such cooperative educational services and  
28 administrative offices for a period not to exceed [ten] TWENTY years and  
29 to improve, alter, equip and furnish such land, classrooms, offices or  
30 buildings in a suitable manner for such purposes (1) before executing  
31 any lease, the board shall adopt a resolution determining that such  
32 agreement is in the best financial interests of the supervisory district  
33 and stating the basis of that determination; (2) the rental payment  
34 shall not be more than the fair market value as determined by the board;  
35 and (3) upon the consent of the commissioner, renewal of such lease may  
36 be made for a period of up to ten years. Nothing contained herein shall  
37 prevent the board from entering into a lease agreement which provides  
38 for the cancellation of the same by such board upon: (i) a substantial  
39 increase or decrease in pupil enrollment; or (ii) a substantial change  
40 in the needs and requirements of a board of cooperative educational  
41 services with respect to facilities; or (iii) any other change which  
42 substantially affects the needs or requirements of a board of cooper-  
43 ative educational services or the community in which it is located. No  
44 lease or other contract for the occupancy of such land, classrooms,  
45 offices or buildings shall be enforceable against the board of cooper-  
46 ative educational services unless and until the same shall have been  
47 approved in writing by the commissioner.

48 S 4. Subparagraph 2 of paragraph bb of subdivision 4 of section 1950  
49 of the education law, as added by chapter 53 of the laws of 1984, is  
50 amended to read as follows:

51 (2) The commissioner may approve such programs and services AS COOPER-  
52 ATIVE SERVICES (COSERS) AS PROVIDED BY SUBPARAGRAPH ONE OF PARAGRAPH D  
53 OF THIS SUBDIVISION only if they (a) are requested by two or more compo-  
54 nent school districts; AND (b) [will provide additional opportunities  
55 for pupils; (c)] will be expected to result in a cost savings to the two  
56 or more component school districts requesting the programs and

1 services[; (d) will provide greater opportunity for pupils, including  
2 those with handicapping conditions, to earn credit for academic subjects  
3 and (e) will insure a greater or more appropriate use of facilities by  
4 boards of cooperative educational services].  
5 S 5. This act shall take effect immediately.