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

7920

2009-2010 Regular Sessions

I N A S S E M B L Y

April 28, 2009

Introduced by M. of A. NOLAN -- read once and referred to the Committee on Education

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:

Section 1. Subparagraph 1 of paragraph d of subdivision 4 of section 1950 of the education law, as amended by chapter 474 of the laws of 1996, is amended to read as follows:

(1) [Aidable shared services] COOPERATIVE SERVICES (COSERS). (I) At the request of component school districts, and with the approval of the commissioner, provide any of the following AIDABLE COOPERATIVE services [on a cooperative basis] (COSERS): school nurse teacher, attendance supervisor, supervisor of teachers, dental hygienist, psychologist, teachers of art, music, physical education, career education subjects, guidance counsellors, operation of special classes for students with disabilities, as such term is defined in article eighty-nine of this chapter; pupil and financial accounting service by means of mechanical equipment; maintenance and operation of cafeteria or restaurant service for the use of pupils and teachers while at school, and such other AIDABLE OR NONAIDABLE services as the commissioner may approve. Such cafeteria or restaurant service may be used by the community for school related functions and activities and to furnish meals to the elderly residents of the district, sixty years of age or older. Utilization by elderly residents or school related groups shall be subject to the approval of the board of education. Charges shall be sufficient to bear the direct cost of preparation and serving of such meals, exclusive of any other available reimbursements.

(II) THE COMMISSIONER SHALL BY REGULATION ESTABLISH THE PROCESS FOR CONSIDERING AND APPROVING AIDABLE AND NONAIDABLE COOPERATIVE SERVICES (COSERS). SUCH REGULATIONS SHALL ESTABLISH CRITERIA TO BE APPLIED BY THE

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

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COMMISSIONER IN APPROVING PROPOSED COSERS. SUCH CRITERIA SHALL INCLUDE: CONSIDERATION OF THE POTENTIAL FOR PARTICIPANT SCHOOL DISTRICTS TO ACHIEVE COST SAVINGS OR TO UTILIZE RESOURCES, INCLUDING FACILITIES, MORE EFFICIENTLY; NEED FOR SUCH SERVICES WITHIN THE LOCAL AREA OR REGION TO BE SERVED; THE OPPORTUNITIES FOR STUDENTS, INCLUDING THOSE WITH HANDICAPPING CONDITIONS, TO EARN CREDIT FOR ACADEMIC SUBJECTS; THE OPPORTUNITIES FOR STUDENTS TO BE PREPARED TO PARTICIPATE IN SOCIETY OR THE WORKFORCE; AND ANY OTHER MATTERS WHICH WOULD ENCOURAGE AND FOSTER COOPERATION.

S 2. Paragraph h of subdivision 4 of section 1950 of the education law is amended by adding a new subparagraph 8 to read as follows:

(8) TO ENTER INTO CONTRACTS AS NECESSARY OR CONVENIENT TO CARRY OUT THE PURPOSES OF THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES AS OUTLINED IN CLAUSE (II) OF SUBPARAGRAPH ONE OF PARAGRAPH D OF THIS SECTION.

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

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

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

(2) The commissioner may approve such programs and services [only if they (a) are requested by two or more component school districts; (b) will provide additional opportunities for pupils; (c) will be expected to result in a cost savings to the two or more component school districts requesting the programs and services; (d) will provide greater opportunity for pupils, including those with handicapping conditions, to earn credit for academic subjects and (e) will insure a greater or more appropriate use of facilities by boards of cooperative educational services] AS COOPERATIVE SERVICES (COSERS) AS PROVIDED BY SUBPARAGRAPH ONE OF PARAGRAPH D OF THIS SUBDIVISION.

S 5. Subparagraph 2 of paragraph h of subdivision 4 of section 1950 of the education law, as amended by chapter 474 of the laws of 1996, is amended to read as follows:

(2) To enter into contracts with the United States of America, the State of New York, any school district, community college, public institution of higher education, independent institution of higher education eligible for aid under section sixty-four hundred one of this chapter, CHARTER SCHOOL AUTHORIZED BY ARTICLE FIFTY-SIX OF THIS CHAPTER, or public agency in relation to the program of the board of cooperative educational services, and any such school district, community college, institution of higher education, CHARTER SCHOOL, or public agency is hereby authorized and empowered to do and perform any and all acts necessary or convenient in relation to the performance of any such contracts.

S 6. This act shall take effect immediately.