

3184

2009-2010 Regular Sessions

I N S E N A T E

March 12, 2009

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Introduced by Sens. BONACIC, LARKIN -- read twice and ordered printed,  
and when printed to be committed to the Committee on Education

AN ACT to establish the Hudson School of Math, Science & Engineering  
Regional Technology Institute to provide instruction to students in  
the Orange-Ulster BOCES and the Ulster BOCES in a technology based  
learning process of core academic areas

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

1 Section 1. Legislative intent. The purpose of this act is to establish  
2 the Hudson School of Math, Science & Engineering Regional Technology  
3 Institute. The Hudson School of Math, Science & Engineering Regional  
4 Technology Institute shall provide a high school course of instruction  
5 for grades nine through twelve, dedicated to providing expanded learning  
6 opportunities to students residing in the Orange-Ulster BOCES, the  
7 Ulster BOCES, and in the school districts of such adjoining BOCES  
8 districts as who request to participate through agreement between the  
9 BOCES superintendent and the board hereinafter established, the areas of  
10 technology as well as the core academic areas required for the issuance  
11 of high school diplomas in accordance with the rules and regulations  
12 promulgated by the board of regents. The legislature hereby finds and  
13 declares that the establishment of the Hudson School of Math, Science &  
14 Engineering Regional Technology Institute is a necessary component to  
15 the development of the Mid-Hudson region of New York state and a neces-  
16 sary link to fostering the development and advancement of emerging tech-  
17 nologies. This school will advance the interests of the Orange-Ulster  
18 area and New York state by engaging students in rigorous and enriching  
19 educational experiences focused on emerging technologies, project-based  
20 learning and collaboration and by providing that experience within the  
21 context of a business and learning community for the purpose of directly  
22 connecting student learning with real world experience in advanced tech-  
23 nical facilities. It is expressly found that the establishment and oper-

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

LBD00629-01-9

1 ation of such school pursuant to this act is a public purpose. The  
2 legislature further finds that the establishment of a school business  
3 leaders alliance that shall serve as a forum in which regional busi-  
4 nesses can work together with the board and school to create opportu-  
5 nities for students consistent with this act shall be deemed as a neces-  
6 sary feature to the successful operation of the Hudson School of Math,  
7 Science & Engineering Regional Technology Institute. The board is  
8 directed to establish and facilitate the ongoing operation of a school  
9 business leaders alliance for the specific benefit of the students  
10 attending the Hudson School of Math, Science & Engineering Regional  
11 Technology Institute.

12 S 2. Definitions. 1. "Orange-Ulster BOCES" shall mean the Orange-Ul-  
13 ster board of cooperative educational services, and any successor enti-  
14 ty.

15 2. "Ulster BOCES" shall mean the Ulster board of cooperative educa-  
16 tional services and any successor entity.

17 3. "Hudson School of Math, Science & Engineering Regional Technology  
18 Institute" or "Institute" shall mean a new regional educational program  
19 operated jointly by the Orange-Ulster BOCES and Ulster BOCES, but not a  
20 part, or subsidiary of either corporation which may be located at more  
21 than one location within the corporate boundaries of Orange-Ulster BOCES  
22 or Ulster BOCES as established by this act.

23 4. "The board" shall mean, except where the context indicates other-  
24 wise, the governing board established pursuant to section three of this  
25 act.

26 S 3. Organization and governance. 1. Notwithstanding any other  
27 provision of law to the contrary, the Orange-Ulster BOCES and Ulster  
28 BOCES shall be authorized to jointly operate an educational program in  
29 accordance with this act, to be known as the Hudson School of Math,  
30 Science & Engineering Regional Technology Institute. Such institute is  
31 not a part of either corporation and is a new corporate entity that will  
32 provide a high school course of instruction for grades not lower than  
33 nine and including through grade twelve designed to afford expanded  
34 learning opportunities to students residing in the areas served by the  
35 Orange-Ulster BOCES and the Ulster BOCES in the areas of technology as  
36 well as the core academic areas required for issuance of a high school  
37 diploma.

38 2. The institute shall be subject to all laws, rules and regulations  
39 which are applicable to a board of cooperative educational services  
40 unless otherwise provided for in this act. The institute shall comply  
41 with the rules and regulations of the board of regents and the commis-  
42 sioner of education applicable to a high school program leading to a  
43 diploma, including but not limited to course of study, academic content  
44 and achievement standards.

45 3. The institute shall be subject to the oversight of the board of  
46 regents and shall obtain financial audits in a manner consistent with  
47 provisions of law and regulations that are applicable to other programs  
48 of a board of cooperative educational services.

49 4. The Hudson School of Math, Science & Engineering Regional Technolo-  
50 gy Institute shall be jointly operated by the Orange-Ulster BOCES and  
51 Ulster BOCES pursuant to an inter-municipal sharing agreement entered  
52 into pursuant to section 119-o of the general municipal law. The govern-  
53 ing boards of the Orange-Ulster BOCES and Ulster BOCES shall be combined  
54 to form a joint board that will operate the institute in accordance with  
55 the provisions of such sharing agreement and this act. Persons newly  
56 hired to provide services in the institute shall be deemed joint employ-

1 ees of such joint board, and not employees of either corporation or  
2 board.

3 Provided however, that the Orange-Ulster BOCES and Ulster BOCES may  
4 establish as part of the inter-municipal sharing agreement an opera-  
5 tional board to operate the Hudson School of Math, Science & Engineering  
6 Regional Technology Institute on behalf of the two BOCES in accordance  
7 with this act and such sharing agreement. This operational board shall  
8 be provided powers and duties consistent with the governing board  
9 provided for in this act and in such inter-municipal sharing agreement.  
10 Provided that if an operational governing board is established it shall  
11 be organized as follows. The operational board shall consist of eight  
12 members appointed on the following basis: four members shall be members  
13 of the governing board of the Orange-Ulster BOCES and shall be appointed  
14 by the governing board of the Orange-Ulster BOCES; four members shall be  
15 members of the governing board of Ulster BOCES and shall be appointed by  
16 the governing board of Ulster BOCES; all appointments to the governing  
17 board of the Hudson School of Math, Science & Engineering Regional Tech-  
18 nology Institute shall be for three years with a term which shall  
19 commence on July first next succeeding the appointment, provided that  
20 vacancies on the board shall be filled by an appointment made by the  
21 original appointing authority, and such appointment shall be deemed  
22 effective immediately and shall be for a period of the remaining unex-  
23 pired term.

24 5. The board shall appoint an advisory council consisting of represen-  
25 tatives of the greater Mid-Hudson business community who have expertise  
26 in the training needs of high-tech and emerging industries and represen-  
27 tatives of institutions of higher education located within the area  
28 served by Orange-Ulster BOCES and the Ulster BOCES and any adjoining  
29 BOCES district who have a working knowledge of the science and technolo-  
30 gy curricula offerings in the region. The advisory council shall advise  
31 the board on the course of study of the institute; means of providing  
32 students with educational experiences focused on emerging technologies,  
33 project-based learning and collaboration within the context of the busi-  
34 ness and learning community that directly connect student learning with  
35 real world experience in advanced technical facilities; and other  
36 matters relating to operation of the institute.

37 S 4. Powers and duties of the board. The board shall have the follow-  
38 ing powers and duties:

39 1. To prescribe and operate a full-time course of study by which  
40 students attending the institute shall become eligible to receive a high  
41 school diploma to be awarded by their school district of residence. This  
42 course of study shall be supplemented by such innovative technological  
43 and related programs as may be deemed suitable by the board to implement  
44 the purposes of this act;

45 2. Based upon a joint recommendation of the district superintendents  
46 of Orange-Ulster BOCES and Ulster BOCES and upon a majority vote of the  
47 board, to contract with and employ administrative officers and joint  
48 employees as the board deems prudent;

49 3. To contract with and enter into cooperative arrangements with  
50 private for profit and not-for-profit entities as the board may deem  
51 prudent in furtherance of the institute's supplemental innovative tech-  
52 nological activities and related educational programs to implement the  
53 purposes of this act, provided that all components of the curriculum  
54 shall be taught or supervised by a certified teacher or certified teach-  
55 ing assistant under the supervision of a certified teacher; and

1 4. To determine the school calendar and school day schedule, which at  
2 a minimum, shall be equal to the instruction time required to be  
3 provided by public high schools.

4 S 5. General requirements. The annual budget of the institute shall be  
5 subject to the approval of the governing board of the Orange-Ulster  
6 BOCES and Ulster BOCES. The proposed budget shall be submitted to the  
7 boards of education of Orange-Ulster BOCES and Ulster BOCES by May first  
8 of the year preceding the year for which the budget shall apply. The  
9 proposed budget shall not take effect unless a majority of members of  
10 each BOCES board shall approve the annual budget of the institute. If a  
11 majority of either BOCES board fails to adopt resolutions approving such  
12 tentative budget, the administrators of the institute shall prepare a  
13 contingency budget which shall not exceed the amount of the budget of  
14 the Hudson School of Math, Science & Engineering Regional Technology  
15 Institute for the previous school year except to accommodate expenditure  
16 increases attributable to supplemental retirement allowances payable  
17 pursuant to section 532 of the education law and section 78 of the  
18 retirement and social security law. The BOCES boards shall vote on  
19 approval of the proposed budget by a date determined by the commissioner  
20 of education. For purposes of development of a budget for the first year  
21 of operation, the BOCES board shall present the proposed budget to the  
22 commissioner of education by a date the commissioner of education shall  
23 determine and shall submit it to the commissioner of education for  
24 approval. Upon approval of the commissioner of education, the proposed  
25 budget shall be deemed the budget of the Hudson School of Math, Science  
26 & Engineering Regional Technology Institute for that school year. Upon  
27 adoption of a budget for the institute for a school year, costs shall be  
28 allocated between the Orange-Ulster BOCES and Ulster BOCES in the manner  
29 provided in the municipal sharing agreement and shall be included in the  
30 budgets of the two BOCES.

31 S 6. Employees of the institute. 1. The joint instructional employees  
32 shall be subject to Part 30 of the Rules of the Board of Regents.

33 2. Persons employed in connection with the educational program of the  
34 institute shall be certified in accordance with the requirements appli-  
35 cable to other programs of a board of cooperative educational services.

36 3. Any teacher employed in the public schools of New York may make  
37 written application for a leave of absence to teach at the institute.  
38 If such approval is granted, the teacher may return to teach in the  
39 school district during such period of leave without the loss of any  
40 right, seniority, salary status or any other benefit provided by law or  
41 by collective bargaining agreement.

42 4. All persons employed by the institute shall be considered public  
43 employees and shall receive all rights and privileges accorded thereto.

44 5. Section 3014 of the education law shall be applicable to all  
45 employees who would be governed by such section in a public school  
46 building.

47 S 7. Admission to the institute. 1. Any student eligible for enroll-  
48 ment in grades nine through twelve of the public schools, residing with-  
49 in a component school district of the Orange-Ulster BOCES or Ulster  
50 BOCES that elects to participate in the institute or a non-component  
51 school district located within the area served by the Orange-Ulster  
52 BOCES, or Ulster BOCES which enters into a memorandum of understanding  
53 with the board to enroll students in the Hudson School of Math, Science  
54 & Engineering Regional Technology Institute shall be eligible to apply  
55 for admission to the institute.

1 2. The criteria for admission shall not be limited based on intellec-  
2 tual ability, measures of academic achievement or aptitude, athletic  
3 aptitudes, disability, race, creed, gender, national origin, religion,  
4 ancestry, or location of residence.

5 3. To the extent that the number of qualified applicants may exceed  
6 the number of available spaces, the institute shall grant admission on a  
7 random selection basis, provided that an enrollment preference shall be  
8 provided to pupils returning to the institute in the second or any  
9 subsequent year. The institute shall determine the tentative enrollment  
10 roster, notify the parents, or those in parental relation to those  
11 students, and the resident school district by April first of the school  
12 year preceding the school year for which the admission is granted. To  
13 determine the enrollment roster for the first year of operation, the  
14 institute shall notify the parents, or those in parental relation to  
15 those students, and the resident school district by June thirtieth of  
16 the school year preceding the school year for which the admission is  
17 granted.

18 4. Students attending the institute shall continue to be enrolled in  
19 their school district of residence, and each school district of resi-  
20 dence shall be responsible for issuance of a high school diploma to  
21 their resident students who attended the institute based on such  
22 students' successful completion of the institute's educational program,  
23 as certified by the institute, provided that such diploma shall contain  
24 an annotation indicating the student's successful completion of the  
25 institute's program. The commissioner of education may establish special  
26 procedures for program review and accountability of the institute.

27 S 8. Financing of the institute. 1. The board shall establish in its  
28 municipal sharing agreement a methodology for the apportionment of oper-  
29 ational and administrative costs including capital costs between the  
30 Orange-Ulster BOCES and the Ulster BOCES and the allocation of costs to  
31 non-component school districts located within the area served by either  
32 BOCES or located in a BOCES district which adjoins the area served by  
33 the Orange-Ulster BOCES or the Ulster BOCES which have entered into a  
34 memorandum of understanding with the board to enroll students in the  
35 Hudson School of Math, Science & Engineering Regional Technology Insti-  
36 tute. The board is hereby authorized to provide in the municipal sharing  
37 agreement that Orange-Ulster BOCES or Ulster BOCES, or both entities act  
38 as a fiscal agent for the institute.

39 2. Notwithstanding any other provision of law, rule or regulation to  
40 the contrary, the commissioner of education shall be authorized to  
41 approve the educational services and programs deemed necessary to carry  
42 out the institute as aidable shared services pursuant to section 1950 of  
43 the education law, and to approve cooperative services agreements  
44 ("CO-SERS") limited in scope to the institute. Program and administra-  
45 tive costs, including capital costs, allocated to component school  
46 districts in accordance with this act and section 1950 of the education  
47 law shall be eligible for BOCES aid as an aidable shared service pursu-  
48 ant to section 1950 of the education law and costs allocated to a  
49 participating non-component school district pursuant to a memorandum of  
50 understanding shall be aidable pursuant to subdivision 5 of section 1950  
51 of the education law to the same extent and on the same basis as costs  
52 allocated to a component school district.

53 3. The trustees or board of education of a non-component school  
54 district located within the area served by the two boards of cooperative  
55 educational services or in an area served by an adjoining BOCES, may  
56 enter into a memorandum of agreement with the board to participate in

1 the institute for a period not to exceed 5 years upon such terms as such  
2 trustees or board of education and the board may mutually agree,  
3 provided that such agreement may provide for a charge for administration  
4 of the institute including capital costs, but participating non-compo-  
5 nent school districts shall not be liable for payment of administrative  
6 expenses as defined in paragraph b of subdivision 4 of section 1950 of  
7 the education law, unless otherwise agreed upon by the board and the  
8 non-component school district.

9 4. If educational programs operated by the institute result in the  
10 creation of revenue for the institute the receipt and expenditure for  
11 such funds shall be deemed lawful, subject only to the requirement that  
12 any revenues so created shall be used for the educational betterment of  
13 the students through the advancement of the institution's educational  
14 and career development activities. The board is authorized to accept  
15 gifts, donations or grants of any kind made to the institute and to  
16 expend or use such gifts, donations or grants in accordance with the  
17 conditions prescribed by the donor; provided, however, that no gift,  
18 donation or grant may be accepted if subject to a condition that is  
19 contrary to any provision of law or the educational charter. Notwith-  
20 standing any inconsistent provisions of paragraph p of subdivision 4 of  
21 section 1950 of the education law or any other provision of law to the  
22 contrary, the board of the Hudson School of Math, Science & Engineering  
23 Regional Technology Institute may enter into a lease under the condi-  
24 tions specified in this act with respect to suitable land, classrooms,  
25 offices or building upon or in which to maintain and conduct such  
26 regional educational program and administrative offices for a period not  
27 to exceed thirty years.

28 S 9. Any lease entered into pursuant to this act in excess of ten  
29 years shall be subject to the approval of the qualified voters of the  
30 component districts within the area served by the Orange-Ulster BOCES  
31 and Ulster BOCES, and the qualified voters of non-component districts  
32 that enter into a memorandum of understanding with the board to enroll  
33 students in the institute, through a referendum conducted pursuant to  
34 the provisions of section 1951 of the education law, provided that the  
35 Orange-Ulster BOCES, the Ulster BOCES and the non-component districts  
36 that have entered into a memorandum of understanding with the board and  
37 enroll students in the institute, shall be deemed to be a single super-  
38 visory district for such purpose, within one year of the effective date  
39 of this act. The approved costs of such lease and the plans and specifi-  
40 cation of the leased facility shall be subject to review and approval by  
41 the commissioner of education in order to be eligible for aid pursuant  
42 to paragraph g of subdivision 5 of section 1950 of the education law as  
43 if it were a construction project with the payments amortized over thir-  
44 ty years, but not to exceed the cost allowance established pursuant to  
45 subdivision 6 of section 3602 of the education law, provided that as a  
46 condition of receipt of aid, the lease agreement shall provide that upon  
47 expiration of the term of the lease, title to the facility shall be  
48 conveyed to the BOCES in which the institute is located or successor  
49 thereto, for use for elementary/secondary educational purposes.

50 S 10. Service of students who reside in adjoining BOCES districts. It  
51 is the intent of the legislature to allow students whose geographic  
52 proximity to the Hudson School of Math, Science & Engineering Regional  
53 Technology Institute make it possible to attend the institute notwith-  
54 standing the fact that it may be geographically impractical for other  
55 students at such BOCES to attend. Such agreements as shall be necessary  
56 as to effectuate that intent shall be made as provided for in this act.

1 Further, if there is a demonstrated interest by students at neighboring  
2 BOCES districts, the board may elect to formally expand its service area  
3 and board by not more than ten new members upon such terms as it shall  
4 deem appropriate, provided, however, that such terms must rationally  
5 relate to the equitable distribution of costs to such BOCES districts  
6 and the component school districts thereof.

7 S 11. 1. All component school districts of Orange-Ulster BOCES and  
8 Ulster BOCES shall be deemed to participate in the institute and shall  
9 be eligible to have students enroll in the institute (following the  
10 enrollment processes set forth in this act) and shall share in the costs  
11 of the institute as set forth in this act unless any component school  
12 district, not later than one year after this act becomes a law shall  
13 pass a resolution, which shall be filed with the superintendent of the  
14 board of cooperative educational services which the school district is a  
15 component of, indicating that such district chooses not to participate  
16 in the institute. No student who resides in a school district that  
17 chooses not to participate in the institute may attend the institute nor  
18 shall such school district have any liability to the institute nor shall  
19 any resident of such school district be a board member of any opera-  
20 tional board of the institute.

21 2. In the event any component school district passes the resolution  
22 described in subdivision 1 of this section, such school district may  
23 later choose to participate in the institute upon the request, via  
24 resolution, of the board of such component school district and upon such  
25 terms and conditions as may be approved by the operational board of the  
26 institute if created and also approved by a majority of the Orange-Ul-  
27 ster BOCES board and a majority of the Ulster BOCES board.

28 S 12. This act shall take effect immediately.