

3566

2009-2010 Regular Sessions

I N S E N A T E

March 24, 2009

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

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

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

1 Section 1. Legislative intent. The purpose of this act is to establish
2 the Suffolk School of Math, Science & Engineering Regional Technology
3 Institute. The Suffolk 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 Eastern Suffolk BOCES, the
7 Western Suffolk BOCES, and in the school districts of such adjoining
8 BOCES districts as who request to participate through agreement between
9 the BOCES superintendent and the board hereinafter established, the
10 areas of technology as well as the core academic areas required for the
11 issuance of high school diplomas in accordance with the rules and regu-
12 lations promulgated by the board of regents. The legislature hereby
13 finds and declares that the establishment of the Suffolk School of Math,
14 Science & Engineering Regional Technology Institute is a necessary
15 component to the development of the Long Island region of New York state
16 and a necessary link to fostering the development and advancement of
17 emerging technologies. This school will advance the interests of the
18 Suffolk area and New York state by engaging students in rigorous and
19 enriching educational experiences focused on emerging technologies,
20 project-based learning and collaboration and by providing that experi-
21 ence within the context of a business and learning community for the
22 purpose of directly connecting student learning with real world experi-
23 ence in advanced technical facilities. It is expressly found that the

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

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

12 S 2. Definitions. 1. "Eastern Suffolk BOCES" shall mean the Eastern
13 Suffolk board of cooperative educational services, and any successor
14 entity.

15 2. "Western Suffolk BOCES" shall mean the Western Suffolk board of
16 cooperative educational services and any successor entity.

17 3. "Suffolk School of Math, Science & Engineering Regional Technology
18 Institute" or "Institute" shall mean a new regional educational program
19 operated jointly by the Eastern Suffolk BOCES and Western Suffolk BOCES,
20 but not a part, or subsidiary of either corporation which may be located
21 at more than one location within the corporate boundaries of Eastern
22 Suffolk BOCES or Western Suffolk 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 Eastern Suffolk BOCES and Western
28 Suffolk BOCES shall be authorized to jointly operate an educational
29 program in accordance with this act, to be known as the Suffolk School
30 of Math, Science & Engineering Regional Technology Institute. Such
31 institute is not a part of either corporation and is a new corporate
32 entity that will provide a high school course of instruction for grades
33 not lower than nine and including through grade twelve designed to
34 afford expanded learning opportunities to students residing in the areas
35 served by the Eastern Suffolk BOCES and the Western Suffolk BOCES in the
36 areas of technology as well as the core academic areas required for
37 issuance of a high school 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 Suffolk School of Math, Science & Engineering Regional Technol-
50 ogy Institute shall be jointly operated by the Eastern Suffolk BOCES and
51 Western Suffolk BOCES pursuant to an inter-municipal sharing agreement
52 entered into pursuant to section 119-o of the general municipal law. The
53 governing boards of the Eastern Suffolk BOCES and Western Suffolk BOCES
54 shall be combined to form a joint board that will operate the institute
55 in accordance with the provisions of such sharing agreement and this
56 act. Persons newly hired to provide services in the institute shall be

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

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

24 5. The board shall appoint an advisory council consisting of represen-
25 tatives of the greater Long Island 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 Eastern Suffolk BOCES and the Western Suffolk BOCES and any
29 adjoining BOCES district who have a working knowledge of the science and
30 technology curricula offerings in the region. The advisory council shall
31 advise the board on the course of study of the institute; means of
32 providing students with educational experiences focused on emerging
33 technologies, project-based learning and collaboration within the
34 context of the business and learning community that directly connect
35 student learning with real world experience in advanced technical facil-
36 ities; and other 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 Eastern Suffolk BOCES and Western Suffolk BOCES and upon a majority
47 vote of the board, to contract with and employ administrative officers
48 and joint 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 Eastern Suffolk
6 BOCES and Western Suffolk BOCES. The proposed budget shall be submitted
7 to the boards of education of Eastern Suffolk BOCES and Western Suffolk
8 BOCES by May first of the year preceding the year for which the budget
9 shall apply. The proposed budget shall not take effect unless a majority
10 of members of each BOCES board shall approve the annual budget of the
11 institute. If a majority of either BOCES board fails to adopt resol-
12 utions approving such tentative budget, the administrators of the insti-
13 tute shall prepare a contingency budget which shall not exceed the
14 amount of the budget of the Suffolk School of Math, Science & Engineer-
15 ing Regional Technology Institute for the previous school year except to
16 accommodate expenditure increases attributable to supplemental retire-
17 ment allowances payable pursuant to section 532 of the education law and
18 section 78 of the retirement and social security law. The BOCES boards
19 shall vote on approval of the proposed budget by a date determined by
20 the commissioner of education. For purposes of development of a budget
21 for the first year of operation, the BOCES board shall present the
22 proposed budget to the commissioner of education by a date the commis-
23 sioner of education shall determine and shall submit it to the commis-
24 sioner of education for approval. Upon approval of the commissioner of
25 education, the proposed budget shall be deemed the budget of the Suffolk
26 School of Math, Science & Engineering Regional Technology Institute for
27 that school year. Upon adoption of a budget for the institute for a
28 school year, costs shall be allocated between the Eastern Suffolk BOCES
29 and Western Suffolk BOCES in the manner provided in the municipal shar-
30 ing agreement and shall be included in the 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 Eastern Suffolk BOCES or Western
50 Suffolk BOCES that elects to participate in the institute or a non-com-
51 ponent school district located within the area served by the Eastern
52 Suffolk BOCES, or Western Suffolk BOCES which enters into a memorandum
53 of understanding with the board to enroll students in the Suffolk School
54 of Math, Science & Engineering Regional Technology Institute shall be
55 eligible to apply 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 Eastern Suffolk BOCES and the Western Suffolk BOCES and the allocation
31 of costs to non-component school districts located within the area
32 served by either BOCES or located in a BOCES district which adjoins the
33 area served by the Eastern Suffolk BOCES or the Western Suffolk BOCES
34 which have entered into a memorandum of understanding with the board to
35 enroll students in the Suffolk School of Math, Science & Engineering
36 Regional Technology Institute. The board is hereby authorized to provide
37 in the municipal sharing agreement that Eastern Suffolk BOCES or Western
38 Suffolk BOCES, or both entities act 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 Suffolk 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 buildings 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 Eastern Suffolk BOCES
31 and Western Suffolk BOCES, and the qualified voters of non-component
32 districts that enter into a memorandum of understanding with the board
33 to enroll students in the institute, through a referendum conducted
34 pursuant to the provisions of section 1951 of the education law,
35 provided that the Eastern Suffolk BOCES, the Western Suffolk BOCES and
36 the non-component districts that have entered into a memorandum of
37 understanding with the board and enroll students in the institute, shall
38 be deemed to be a single supervisory district for such purpose, within
39 one year of the effective date of this act. The approved costs of such
40 lease and the plans and specification of the leased facility shall be
41 subject to review and approval by the commissioner of education in order
42 to be eligible for aid pursuant to paragraph g of subdivision 5 of
43 section 1950 of the education law as if it were a construction project
44 with the payments amortized over thirty years, but not to exceed the
45 cost allowance established pursuant to subdivision 6 of section 3602 of
46 the education law, provided that as a condition of receipt of aid, the
47 lease agreement shall provide that upon expiration of the term of the
48 lease, title to the facility shall be conveyed to the BOCES in which the
49 institute is located or successor thereto, for use for
50 elementary/secondary educational purposes.

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

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

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

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

29 S 12. This act shall take effect immediately.