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

10205--A

I N A S S E M B L Y

May 11, 2012

Introduced by M. of A. NOLAN, JAFFEE, PAULIN, BRINDISI, LUPARDO, SCHIMEL, GALEF, CAHILL, LIFTON, GUNTHER, BARRON, CRESPO, ZEBROWSKI -- Multi-Sponsored by -- M. of A. ARROYO, BARRETT, MAGEE, MILLMAN, P. RIVERA -- read once and referred to the Committee on Education -- reported and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to services to out-of-state school districts by boards of cooperative educational services; and providing for the repeal of such provisions upon expiration thereof

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

Section 1. Paragraph h of subdivision 4 of section 1950 of the education law is amended by adding a new subparagraph 10 to read as follows:

(10) TO ENTER INTO CONTRACTS OF NO MORE THAN TWO YEARS AND SUBJECT TO THE SUNSET DATE OF THIS SUBPARAGRAPH, WITH OUT-OF-STATE SCHOOL DISTRICTS FOR SPECIAL EDUCATION AND/OR CAREER AND TECHNICAL EDUCATION SERVICES OR FOR THE USE OF EXISTING PRODUCTS THAT DEMONSTRATE HOW TO MAP THE COMMON CORE STANDARDS TO ASSESSMENTS AND/OR PROVIDE ACCESS TO EXISTING WEBINARS OR ONLINE COURSES RELATING TO IMPLEMENTATION OF THE COMMON CORE STANDARDS. ANY CONTRACT SHALL BE APPROVED BY THE COMMISSIONER, THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES AND THE DISTRICT SUPERINTENDENT OF SCHOOLS, PROVIDED SUCH SERVICES ARE MADE AVAILABLE TO ANY SCHOOL DISTRICT WITHIN THE SUPERVISORY DISTRICT AND THAT THE REQUIREMENTS OF THIS SUBPARAGRAPH ARE MET. CONTRACTS MUST BE EXECUTED BY THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES AND THE TRUSTEES OR BOARDS OF EDUCATION OF SUCH OUT-OF-STATE SCHOOL DISTRICTS AND SHALL ONLY AUTHORIZE OUT-OF-STATE STUDENTS TO PARTICIPATE IN AN INSTRUCTIONAL PROGRAM IF SUCH SERVICES ARE AVAILABLE TO ALL ELIGIBLE STUDENTS IN NEW YORK STATE SCHOOLS IN THE COMPONENT DISTRICTS AND THE NUMBER OF PARTICIPATING OUT-OF-STATE STUDENTS ONLY COMPRISES UP TO FIVE PERCENT OF THE TOTAL NUMBER OF THE TOTAL ENROLLED STUDENTS IN THE INSTRUCTIONAL PROGRAM AT THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES AND THAT THE BOARD OF COOPERATIVE

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

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EDUCATIONAL SERVICES SPENDS NO MORE THAN THIRTY PERCENT OF ITS EMPLOYEES' TIME ON SERVICES TO OUT-OF-STATE DISTRICTS PURSUANT TO THIS SUBPARAGRAPH. TO BE APPROVED BY THE COMMISSIONER, THE CONTRACT AND ANY BUSINESS PLAN, SHALL DEMONSTRATE THAT ANY SERVICES PROVIDED TO OUT-OF-STATE SCHOOLS PURSUANT TO THIS SUBPARAGRAPH SHALL NOT RESULT IN ANY ADDITIONAL COSTS BEING IMPOSED ON COMPONENT SCHOOL DISTRICTS AND THAT ANY PAYMENTS RECEIVED BY THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES FOR SERVICES PROVIDED IN THIS SUBPARAGRAPH THAT EXCEED ANY COST TO THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES FOR PROVIDING SUCH SERVICES SHALL BE APPLIED TO REDUCE THE COSTS OF AIDABLE SHARED SERVICES ALLOCATED TO COMPONENT SCHOOL DISTRICTS PURSUANT TO PARAGRAPH D OF THIS SUBDIVISION AND SHALL ALSO BE APPLIED TO REDUCE THE APPROVED COST OF SERVICES PURSUANT TO SUBDIVISION FIVE OF THIS SECTION. SERVICES PROVIDED BY A BOARD OF COOPERATIVE EDUCATIONAL SERVICES TO COMPONENT DISTRICTS AT THE TIME OF APPROVAL OF A CONTRACT UNDER THIS PARAGRAPH SHALL NOT BE REDUCED OR ELIMINATED SOLELY DUE TO A BOARD OF COOPERATIVE EDUCATIONAL SERVICES' PERFORMANCE OF SERVICES TO OUT-OF-STATE DISTRICTS PURSUANT TO THIS PARAGRAPH.

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

(2) Certain services prohibited. Commencing with the nineteen hundred ninety-seven--ninety-eight school year, the commissioner shall not be authorized to approve as an aidable shared service pursuant to this subdivision any cooperative maintenance services or municipal services, including but not limited to, lawn mowing services and heating, ventilation or air conditioning repair or maintenance or trash collection, or any other municipal services as defined by the commissioner. On and after the effective date of this paragraph, the commissioner shall not approve, as an aidable shared service, any new cooperative maintenance or municipal services for the nineteen hundred ninety-six--ninety-seven school year, provided that the commissioner may approve the continuation of such services for one year if provided in the nineteen hundred ninety-five--ninety-six school year. NO SERVICE PROVIDED TO AN OUT-OF-STATE SCHOOL DISTRICT PURSUANT TO SUBPARAGRAPH TEN OF PARAGRAPH H OF THIS SUBDIVISION SHALL BE ELIGIBLE FOR AID.

S 3. The commissioner of education, in consultation with participating boards of cooperative educational services, shall prepare two reports describing the content of contracts approved by such commissioner and the district superintendent pursuant to paragraph h of subdivision 4 of section 1950 of the education law, including the names of the parties to the contract, the length of the contract, a description of the services provided under the contract, the percentage of out-of-state students that are in each instructional program in the board of cooperative educational services compared to in-state students, a description of the time spent by board of cooperative educational services employees to perform such services and any expenses and revenues for performing services to out-of-state districts under the contract. The reports shall also include a detailed breakdown of how many additional employees needed to be hired by the board of cooperative educational services to perform such services, any additional resources or materials that needed to be purchased by the board of cooperative educational services and/or any administrative, marketing and/or development costs associated with performing services under paragraph d of subdivision 4 of section 1950 of the education law. If payments received for such services exceed the costs of providing such services, the reports shall also include a

description of how the board of cooperative educational services will reduce the costs of aidable shared services to the component districts pursuant to paragraph d of subdivision 4 of section 1950 of the education law and/or how any revenues received by the board of cooperative educational services will reduce the costs of aidable shared services. The commissioner of education shall submit an interim report to the board of regents, the governor and the legislature by no later than April 15, 2013 and a final report by no later than December 15, 2013, with recommendations on whether and under what conditions such contracts should continue to be authorized beyond the expiration date provided herein.

S 4. This act shall take effect immediately and shall expire and be deemed repealed July 1, 2014.