

2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

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Introduced by M. of A. PAULIN, WEISENBERG, GALEF, GUNTHER, JAFFEE, ZEBROWSKI, CASTRO, LUPARDO, DESTITO -- Multi-Sponsored by -- M. of A. BOYLAND, HOOPER, REILLY, THIELE -- 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:

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
20 subject to the approval of the board of education. Charges shall be
21 sufficient to bear the direct cost of preparation and serving of such
22 meals, exclusive of any other available reimbursements.
23 (II) THE COMMISSIONER SHALL BY REGULATION ESTABLISH THE PROCESS FOR
24 CONSIDERING AND APPROVING AIDABLE AND NONAIDABLE COOPERATIVE SERVICES
25 (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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1 COMMISSIONER IN APPROVING PROPOSED COSERS. SUCH CRITERIA SHALL INCLUDE:
2 CONSIDERATION OF THE POTENTIAL FOR PARTICIPANT SCHOOL DISTRICTS TO
3 ACHIEVE COST SAVINGS OR TO UTILIZE RESOURCES, INCLUDING FACILITIES, MORE
4 EFFICIENTLY; NEED FOR SUCH SERVICES WITHIN THE LOCAL AREA OR REGION TO
5 BE SERVED; THE OPPORTUNITIES FOR STUDENTS, INCLUDING THOSE WITH DISABIL-
6 ITIES, TO EARN CREDIT FOR ACADEMIC SUBJECTS; THE OPPORTUNITIES FOR
7 STUDENTS TO BE PREPARED TO PARTICIPATE IN SOCIETY OR THE WORKFORCE; AND
8 ANY OTHER MATTERS WHICH WOULD ENCOURAGE AND FOSTER COOPERATION.

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

11 (8) TO ENTER INTO CONTRACTS AS NECESSARY TO CARRY OUT THE PURPOSES OF
12 THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES AS OUTLINED IN THIS
13 SECTION.

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

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

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

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

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

55 S 5. This act shall take effect immediately.