

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

8002--A

2011-2012 Regular Sessions

I N A S S E M B L Y

May 25, 2011

Introduced by M. of A. NOLAN -- read once and referred to the Committee on Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to authorizing the establishment of regional high school districts in certain supervisory districts

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

1 Section 1. The education law is amended by adding a new article 39-A
2 to read as follows:

3 ARTICLE 39-A

4 REGIONAL HIGH SCHOOLS

5 SECTION 1920. REGIONAL HIGH SCHOOL; ESTABLISHMENT.

6 1921. OPERATION BY BOARD OF COOPERATIVE EDUCATIONAL SERVICES.

7 1922. ADDITIONAL STATE AID.

8 1923. REGIONAL HIGH SCHOOL ADVISORY COMMITTEE.

9 S 1920. REGIONAL HIGH SCHOOL; ESTABLISHMENT. THE ESTABLISHMENT OF A
10 REGIONAL HIGH SCHOOL SHALL BE COMMENCED UPON THE ADOPTION OF A RESOL-
11 UTION PROPOSING THE ESTABLISHMENT OF SUCH A HIGH SCHOOL, BY MAJORITY
12 VOTE, OF EACH OF THE BOARDS OF EDUCATION OF TWO OR MORE SCHOOL
13 DISTRICTS, WHICH ARE CITY SCHOOL DISTRICTS IN CITIES HAVING A POPULATION
14 OF LESS THAN ONE HUNDRED TWENTY-FIVE THOUSAND INHABITANTS, CENTRAL
15 SCHOOL DISTRICTS, UNION FREE SCHOOL DISTRICTS AND/OR COMMON SCHOOL
16 DISTRICTS, PROVIDED THAT ALL SUCH SCHOOL DISTRICTS ARE WHOLLY CONTAINED
17 WITHIN THE CATTARAUGUS-ALLEGANY-ERIE-WYOMING BOARD OF COOPERATIVE EDUCA-
18 TIONAL SERVICES SUPERVISORY DISTRICT, THE ERIE 2 CHAUTAUQUA-CATTARAUGUS
19 BOARD OF COOPERATIVE EDUCATIONAL SERVICES SUPERVISORY DISTRICT, OR THE
20 GREATER SOUTHERN TIER BOARD OF COOPERATIVE EDUCATIONAL SERVICES SUPERVI-
21 SORY DISTRICT. THEREAFTER, IF TWO OR MORE SCHOOL DISTRICTS ADOPT SUCH A
22 RESOLUTION, THE BOARDS OF EDUCATION OF SUCH SCHOOL DISTRICTS SHALL
23 JOINTLY ESTABLISH A PROPOSED CONTRACT FOR THE OPERATION OF A REGIONAL

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

LBD10142-15-1

1 HIGH SCHOOL. UPON ESTABLISHMENT OF A PROPOSED CONTRACT FOR THE OPERATION
2 OF A REGIONAL HIGH SCHOOL, SUCH CONTRACT SHALL BE SUBMITTED TO THE
3 COMMISSIONER. EVERY PROPOSED CONTRACT FOR A REGIONAL HIGH SCHOOL SHALL
4 BE SUBJECT TO APPROVAL BY THE COMMISSIONER. IF THE COMMISSIONER
5 APPROVES THE PROPOSED CONTRACT, THE REGIONAL HIGH SCHOOL SHALL BE ESTAB-
6 LISHED UPON THE APPROVAL OF SUCH CONTRACT, BY MAJORITY VOTE, OF EACH OF
7 THE BOARDS OF EDUCATION OF THE SCHOOL DISTRICTS PROPOSING TO ESTABLISH A
8 REGIONAL HIGH SCHOOL. UPON THE APPROVAL OF TWO OR MORE BOARDS OF EDUCA-
9 TION, THE REGIONAL HIGH SCHOOL SHALL BE DEEMED TO HAVE BEEN ESTABLISHED.
10 EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE, THE PROVISIONS OF THIS
11 CHAPTER AS TO THE COURSES OF STUDY, THE QUALIFICATIONS AND EMPLOYMENT OF
12 TEACHERS, NON-INSTRUCTIONAL EMPLOYEES AND OTHER STAFF, AND THE MAINTENANCE,
13 CONDUCT AND SUPERVISION OF PUBLIC SCHOOLS IN CENTRAL SCHOOL
14 DISTRICTS SHALL APPLY TO A REGIONAL HIGH SCHOOL. EVERY REGIONAL HIGH
15 SCHOOL AND THE CONTRACT THEREFOR SHALL MEET THE FOLLOWING REQUIREMENTS:

16 1. THE CONTRACT SHALL BE FOR A PERIOD OF NOT LESS THAN TWO SCHOOL
17 YEARS AND, WITH THE APPROVAL OF THE COMMISSIONER, MAY BE RENEWED BY
18 MUTUAL AGREEMENT OF THE BOARDS OF EDUCATION;

19 2. THE REGIONAL HIGH SCHOOL SHALL COMMENCE OPERATIONS ON THE FIRST OF
20 JULY, AND SHALL NOT CEASE OPERATIONS BEFORE THE THIRTIETH OF JUNE IN ANY
21 SCHOOL YEAR;

22 3. THE CONTRACT SHALL STATE WHETHER THE REGIONAL HIGH SCHOOL WILL BE
23 OPERATED BY ONE OF THE PARTICIPATING SCHOOL DISTRICTS, HEREINAFTER
24 REFERRED TO IN THIS ARTICLE AS THE "HOSTING SCHOOL DISTRICT," OR BY THE
25 BOARD OF COOPERATIVE EDUCATIONAL SERVICES PURSUANT TO A CONTRACT AUTHORIZED
26 BY SECTION NINETEEN HUNDRED TWENTY-ONE OF THIS ARTICLE;

27 4. THE CONTRACT SHALL SPECIFY THE MANNER IN WHICH THE STUDENTS OF EACH
28 PARTICIPATING SCHOOL DISTRICT SHALL BE TRANSPORTED TO THE REGIONAL HIGH
29 SCHOOL, AND THE COST OF SUCH TRANSPORTATION SHALL BE A CHARGE AGAINST
30 EACH SUCH PARTICIPATING SCHOOL DISTRICT AND BE FUNDED IN THE SAME MANNER
31 AS TRANSPORTATION PROVIDED PURSUANT TO SECTION THIRTY-SIX HUNDRED THIRTY-
32 FIVE OF THIS CHAPTER;

33 5. IF THE REGIONAL HIGH SCHOOL IS OPERATED BY A HOSTING SCHOOL
34 DISTRICT, THE REGIONAL HIGH SCHOOL AND THE CONTRACT SHALL MEET THE
35 FOLLOWING REQUIREMENTS:

36 A. THE CONTRACT SHALL DESIGNATE THE SITE OF THE REGIONAL HIGH SCHOOL,
37 WHICH SHALL BE WITHIN THE BOUNDARIES OF ONE OF THE PARTICIPATING SCHOOL
38 DISTRICTS. THE HOSTING SCHOOL DISTRICT SHALL HAVE RESPONSIBILITY FOR THE
39 OPERATION, SUPERVISION AND MAINTENANCE OF THE REGIONAL HIGH SCHOOL, AS
40 SHALL BE DESIGNATED IN THE CONTRACT,

41 B. THE CONTRACT SHALL SPECIFY THAT THE STUDENTS OF EACH PARTICIPATING
42 SCHOOL DISTRICT SHALL REMAIN AS STUDENTS OF THEIR RESPECTIVE PARTICIPATING
43 SCHOOL DISTRICTS, AND THEY SHALL BE TREATED AND COUNTED AS SUCH FOR
44 PURPOSES OF ALL STATE AID CALCULATIONS PURSUANT TO THIS CHAPTER,

45 C. THE REGIONAL HIGH SCHOOL SHALL OPERATE ITS OWN EXTRA-CURRICULAR
46 ACTIVITIES AND INTERSCHOLASTIC ATHLETICS AND THE STUDENTS ATTENDING SUCH
47 REGIONAL HIGH SCHOOL SHALL BE ELIGIBLE TO PARTICIPATE IN SUCH ACTIVITIES
48 AND ATHLETICS AND SHALL NOT BE ELIGIBLE TO PARTICIPATE IN SUCH ACTIVITIES
49 AND ATHLETICS OF THEIR PARTICIPATING SCHOOL DISTRICT,

50 D. THE CONTRACT SHALL PROVIDE THAT ALL TEACHERS, NON-INSTRUCTIONAL
51 EMPLOYEES AND OTHER STAFF MEMBERS OF THE PARTICIPATING SCHOOL DISTRICTS,
52 EXCEPT THE SUPERINTENDENT OF SCHOOLS, WHOSE SERVICES IN THE PARTICIPATING
53 SCHOOL DISTRICTS ARE NO LONGER NEEDED BECAUSE OF THE CREATION OF A
54 REGIONAL HIGH SCHOOL OR THE TRANSFERENCE OF STUDENTS TO AN EXISTING
55 REGIONAL HIGH SCHOOL, SHALL BE GRANTED EMPLOYMENT RIGHTS IN THE HOST
56 SCHOOL DISTRICT IN ACCORDANCE WITH THE PROVISIONS OF THIS SUBDIVISION,

1 E. IN ANY CASE IN WHICH A PARTICIPATING SCHOOL DISTRICT SENDS STUDENTS
2 TO A REGIONAL HIGH SCHOOL OPERATED BY A HOSTING SCHOOL DISTRICT, EACH
3 TEACHER, NON-INSTRUCTIONAL EMPLOYEE AND ALL OTHER EMPLOYEES PREVIOUSLY
4 EMPLOYED IN THE EDUCATION OF SUCH STUDENTS BY SUCH PARTICIPATING SCHOOL
5 DISTRICT PRIOR TO THE TIME THAT SUCH COMPONENT DISTRICT SENDS ITS
6 STUDENTS TO THE REGIONAL HIGH SCHOOL SHALL BE CONSIDERED EMPLOYEES OF
7 THE HOSTING SCHOOL DISTRICT, WITH THE SAME TENURE AND/OR CIVIL SERVICE
8 STATUS HELD IN SUCH COMPONENT DISTRICT. FOR PURPOSES OF THIS SECTION,
9 WHEN A PARTICIPATING SCHOOL DISTRICT TAKES BACK STUDENTS THAT IT SENT TO
10 ANOTHER DISTRICT ON A TUITION BASIS AND SENDS SUCH STUDENTS TO A
11 REGIONAL HIGH SCHOOL OPERATED PURSUANT TO THIS ARTICLE, THE HOSTING
12 SCHOOL DISTRICT OF THE REGIONAL HIGH SCHOOL SHALL BE DEEMED TO BE THE
13 SENDING DISTRICT FOR PURPOSES OF THE RIGHTS AND PROTECTIONS PROVIDED IN
14 SECTION THREE THOUSAND FOURTEEN-C OF THIS CHAPTER AND/OR ARTICLE FIVE OF
15 THE CIVIL SERVICE LAW,

16 F. IF THE NUMBER OF TEACHING, NON-INSTRUCTIONAL AND OTHER POSITIONS
17 NEEDED TO PROVIDE THE EDUCATIONAL SERVICES REQUIRED BY A REGIONAL HIGH
18 SCHOOL IS LESS THAN THE NUMBER OF TEACHERS, NON-INSTRUCTIONAL EMPLOYEES
19 AND OTHER EMPLOYEES ELIGIBLE TO BE CONSIDERED EMPLOYEES OF THE HOSTING
20 SCHOOL DISTRICT OF SUCH REGIONAL HIGH SCHOOL AS PROVIDED BY PARAGRAPH E
21 OF THIS SUBDIVISION, THE SERVICES OF THE TEACHERS, NON-INSTRUCTIONAL
22 EMPLOYEES AND OTHER EMPLOYEES HAVING THE LEAST SENIORITY IN THE PARTIC-
23 IPATING SCHOOL DISTRICTS WITHIN THE TENURE AREA OR CIVIL SERVICE STATUS,
24 AS THE CASE MAY BE, OF THE POSITION SHALL BE DISCONTINUED. SUCH TEACH-
25 ERS, NON-INSTRUCTIONAL EMPLOYEES AND OTHER EMPLOYEES SHALL BE PLACED ON
26 A PREFERRED ELIGIBLE LIST OF CANDIDATES FOR APPOINTMENT TO A VACANCY
27 THAT MAY THEREAFTER OCCUR IN AN OFFICE OR POSITION UNDER THE JURISDIC-
28 TION OF THE PARTICIPATING SCHOOL DISTRICT, THE "RECEIVING DISTRICT" AS
29 DEFINED IN SECTION THREE THOUSAND FOURTEEN-C OF THIS CHAPTER, FROM WHICH
30 A PARTICIPATING SCHOOL DISTRICT HAS TAKEN BACK STUDENTS, AND THE HOSTING
31 SCHOOL DISTRICT OF THE REGIONAL HIGH SCHOOL SIMILAR TO THE ONE SUCH
32 TEACHER OR OTHER EMPLOYEE FILLED IN SUCH COMPONENT DISTRICT. THE TEACH-
33 ERS, NON-INSTRUCTIONAL EMPLOYEES AND OTHER EMPLOYEES ON SUCH PREFERRED
34 LISTS SHALL BE REINSTATED OR APPOINTED TO SUCH VACANCIES IN SUCH CORRE-
35 SPONDING OR SIMILAR POSITIONS UNDER THE JURISDICTION OF THE PARTICIPAT-
36 ING SCHOOL DISTRICT OR THE HOSTING SCHOOL DISTRICT OF THE REGIONAL HIGH
37 SCHOOL IN THE ORDER OF THEIR LENGTH OF SERVICE IN SUCH PARTICIPATING
38 SCHOOL DISTRICT, WITHIN SEVEN YEARS FROM THE DATE OF THE PLACEMENT OF
39 THE EMPLOYEE ON SAID LIST, AND

40 G. FOR ANY SUCH TEACHER, NON-INSTRUCTIONAL EMPLOYEE OR OTHER EMPLOYEE
41 AS DESCRIBED IN PARAGRAPHS D AND E OF THIS SUBDIVISION, FOR SALARY, SICK
42 LEAVE AND ANY OTHER PURPOSES, THE LENGTH OF SERVICE CREDITED IN SUCH
43 PARTICIPATING SCHOOL DISTRICT SHALL BE CREDITED AS EMPLOYMENT TIME WITH
44 THE HOSTING SCHOOL DISTRICT;

45 6. THE CONTRACT SHALL SPECIFY THE COST OF THE OPERATION OF THE
46 REGIONAL HIGH SCHOOL FOR EACH PARTICIPATING SCHOOL DISTRICT AND AN ITEM-
47 IZED LISTING OF THE COST SAVINGS FOR EACH PARTICIPATING SCHOOL DISTRICT;

48 7. THE CONTRACT SHALL SPECIFY THE CURRENT AND PROPOSED FUTURE TEACH-
49 ING, NON-INSTRUCTIONAL AND ALL OTHER EMPLOYEE STAFFING LEVELS AND PLANS
50 OF THE REGIONAL HIGH SCHOOL;

51 8. THE CONTRACT SHALL SPECIFY THE CURRICULA AND CURRICULUM PLANS
52 OFFERED AND PROVIDED BY THE REGIONAL HIGH SCHOOL;

53 9. THE CONTRACT SHALL SPECIFY THE CURRENT AND FUTURE ENROLLMENT LEVELS
54 AND PLANS OF THE REGIONAL HIGH SCHOOL;

55 10. THE CONTRACT SHALL SPECIFY THE CURRENT AND FUTURE BUILDING AND
56 CAPITAL CONSTRUCTION PLANS FOR THE REGIONAL HIGH SCHOOL;

1 11. THE CONTRACT SHALL SPECIFY THE SPECIAL EDUCATION SERVICE PLANS AND
2 PLANS FOR STUDENTS WITH HANDICAPPING CONDITIONS;

3 12. THE CONTRACT SHALL SPECIFY THE FISCAL IMPLICATIONS OF THE ESTAB-
4 LISHMENT AND OPERATION OF THE REGIONAL HIGH SCHOOL, INCLUDING THE
5 CURRENT AND EXPECTED STATE AID CHANGES, EXPENDITURES AND PROPERTY TAX
6 LEVIES;

7 13. THE CONTRACT SHALL SPECIFY THE PLAN AND PROCEDURES FOR SENDING
8 DISTRICTS WITH REGARD TO THE ADMINISTRATION OF EACH SUCH DISTRICT AND
9 THE ADMINISTRATION OF THE REGIONAL SCHOOL DISTRICT;

10 14. THE CONTRACT SHALL SPECIFY WHETHER THE EMPLOYEES OF THE REGIONAL
11 HIGH SCHOOL SHALL ESTABLISH NEW EMPLOYEE ORGANIZATIONS, PURSUANT TO
12 ARTICLE FOURTEEN OF THE CIVIL SERVICE LAW, FOR THEIR REPRESENTATION, OR
13 WHETHER THEY SHALL BECOME MEMBERS OF THE EMPLOYEE ORGANIZATIONS REPRES-
14 ENTING THE EMPLOYEES OF THE HOSTING DISTRICT OR THE BOARD OF COOPERATIVE
15 EDUCATIONAL SERVICES, AS THE CASE MAY BE;

16 15. THE CONTRACT SHALL SPECIFY THAT THE REGIONAL HIGH SCHOOL SHALL BE
17 SOLELY RESPONSIBLE FOR THE IMPLEMENTATION AND COMPLETION OF ALL ACADEMIC
18 ACHIEVEMENT STANDARDS FOR THE STUDENTS OF PARTICIPATING SCHOOL
19 DISTRICTS; AND

20 16. THIS SECTION SHALL IN NO WAY BE CONSTRUED TO LIMIT THE RIGHTS OF
21 ANY OF SUCH TEACHERS OR OTHER EMPLOYEES DESCRIBED IN THIS SECTION GRANT-
22 ED BY ANY OTHER PROVISION OF LAW.

23 S 1921. OPERATION BY BOARD OF COOPERATIVE EDUCATIONAL SERVICES.
24 NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE BOARDS
25 OF EDUCATION WHICH ARE PARTIES TO AN AGREEMENT TO OPERATE A REGIONAL
26 HIGH SCHOOL, WITH THE APPROVAL OF THE COMMISSIONER, MAY CONTRACT WITH
27 THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES OF THE SUPERVISORY
28 DISTRICT IN WHICH THEY ARE LOCATED FOR THE MANAGEMENT AND OPERATION OF
29 THE REGIONAL HIGH SCHOOL. SUCH CONTRACT SHALL BE FOR A PERIOD OF NOT
30 LESS THAN TWO SCHOOL YEARS AND, WITH THE APPROVAL OF THE COMMISSIONER,
31 MAY BE RENEWED BY MUTUAL AGREEMENT OF THE BOARDS OF EDUCATION AND THE
32 BOARD OF COOPERATIVE EDUCATIONAL SERVICES. EVERY SUCH CONTRACT SHALL
33 PROVIDE FOR THE COMMENCEMENT OF OPERATIONS OF THE REGIONAL HIGH SCHOOL
34 ON THE FIRST OF JULY, AND SHALL ONLY CEASE OPERATIONS ON THE THIRTIETH
35 OF JUNE OF ANY SCHOOL YEAR.

36 1. UPON ENTRY INTO SUCH CONTRACT, THE BOARD OF COOPERATIVE EDUCATIONAL
37 SERVICES SHALL TAKE OVER ALL OF THE EDUCATIONAL PROGRAMS OF THE REGIONAL
38 HIGH SCHOOL AND ANY AND ALL RESPONSIBILITY FOR COMPLIANCE WITH ACADEMIC
39 ACHIEVEMENT STANDARDS, AND ANY EMPLOYEES OF THE REGIONAL HIGH SCHOOL OR
40 OF THE PARTICIPATING SCHOOL DISTRICTS, AS THE CASE MAY BE, SHALL BECOME
41 EMPLOYEES OF THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES AND THE
42 PROVISIONS OF SECTION THREE THOUSAND FOURTEEN-A OF THIS CHAPTER AND
43 ARTICLE FIVE OF THE CIVIL SERVICE LAW SHALL APPLY. SUCH EMPLOYEES SHALL
44 BE EMPLOYEES OF THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES AND SHALL
45 NOT BE DEEMED EMPLOYEES OF THE REGIONAL HIGH SCHOOL OR THE PARTICIPATING
46 SCHOOL DISTRICTS FOR ANY PURPOSE. UPON TERMINATION OF THE CONTRACT, THE
47 REGIONAL HIGH SCHOOL OR THE PARTICIPATING SCHOOL DISTRICTS, AS THE CASE
48 MAY BE, SHALL TAKE OVER THE EDUCATIONAL PROGRAMS AND THE EMPLOYEES SHALL
49 BECOME EMPLOYEES OF THE HOSTING SCHOOL DISTRICT OF THE REGIONAL HIGH
50 SCHOOL, AND THE PROVISIONS OF SECTION THREE THOUSAND FOURTEEN-B OF THIS
51 CHAPTER AND ARTICLE FIVE OF THE CIVIL SERVICE LAW SHALL APPLY.

52 2. NOTWITHSTANDING ANY PROVISIONS OF SECTION NINETEEN HUNDRED FIFTY OF
53 THIS TITLE OR ANY OTHER LAW TO THE CONTRARY, THE PROGRAM AND ADMINISTRA-
54 TIVE EXPENSES ATTRIBUTABLE TO THE PROGRAMS OF THE REGIONAL HIGH SCHOOL
55 SHALL BE A CHARGE UPON THE SCHOOL DISTRICTS PARTICIPATING IN THE
56 REGIONAL HIGH SCHOOL, AND THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES

1 SHALL PORTION SUCH EXPENSES TO THE SCHOOL DISTRICTS PARTICIPATING IN THE
2 REGIONAL HIGH SCHOOL IN THE MANNER PRESCRIBED IN THE CONTRACT BETWEEN
3 THE PARTICIPATING SCHOOL DISTRICTS AND THE BOARD OF COOPERATIVE EDUCA-
4 TIONAL SERVICES. THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES SHALL NOT
5 CHARGE ANY PORTION OF THE PROGRAM OR ADMINISTRATIVE EXPENSES INCURRED
6 PURSUANT TO THIS SUBDIVISION TO ITS OTHER COMPONENT SCHOOL DISTRICTS.
7 SUCH ADMINISTRATIVE AND PROGRAM EXPENSES SHALL NOT BE ELIGIBLE FOR AID
8 PURSUANT TO SUBDIVISION FIVE OF SECTION NINETEEN HUNDRED FIFTY OF THIS
9 TITLE, BUT SHALL BE ELIGIBLE FOR AID PURSUANT TO SECTION THIRTY-SIX
10 HUNDRED TWO OF THIS CHAPTER TO THE SAME EXTENT AS THE EXPENSES OF ANY
11 OTHER HIGH SCHOOL EDUCATION PROGRAM. NOTHING IN THIS SUBDIVISION SHALL
12 BE CONSTRUED TO PREVENT THE PARTICIPATING SCHOOL DISTRICTS FROM
13 CONTRACTING WITH THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES FOR AIDA-
14 BLE SHARED SERVICES IN THE SAME MANNER AND UNDER THE SAME CONDITIONS AS
15 ANY OTHER COMPONENT SCHOOL DISTRICT, AND THE COST OF SUCH AIDABLE SHARED
16 SERVICES SHALL BE ELIGIBLE FOR AID PURSUANT TO SUBDIVISION FIVE OF
17 SECTION NINETEEN HUNDRED FIFTY OF THIS TITLE.

18 3. DURING THE TERM OF A CONTRACT PURSUANT TO THIS SECTION, ALL SCHOOLS
19 AND OTHER FACILITIES OF THE PARTICIPATING SCHOOL DISTRICTS OF THE
20 REGIONAL HIGH SCHOOL WHICH ARE USED BY THE BOARD OF COOPERATIVE EDUCA-
21 TIONAL SERVICES IN THE OPERATION OF THE REGIONAL HIGH SCHOOL SHALL BE
22 DEEMED LEASED TO THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES AT NO
23 COST. SUCH SCHOOLS AND OTHER FACILITIES SHALL REMAIN THE PROPERTY OF THE
24 PARTICIPATING SCHOOL DISTRICTS AND ANY CAPITAL EXPENSES AND BUILDING
25 MAINTENANCE COSTS INCURRED WITH RESPECT TO SUCH FACILITIES SHALL BE A
26 CHARGE UPON THE PARTICIPATING SCHOOL DISTRICTS IN ACCORDANCE WITH THE
27 TERMS OF THE CONTRACT. SUCH CAPITAL EXPENSES AND MAINTENANCE COSTS SHALL
28 NOT BE ELIGIBLE FOR AID PURSUANT TO SUBDIVISION FIVE OF SECTION NINETEEN
29 HUNDRED FIFTY OF THIS TITLE BUT SHALL BE ELIGIBLE FOR AID PURSUANT TO
30 SECTION THIRTY-SIX HUNDRED TWO OF THIS CHAPTER TO THE SAME EXTENT AS
31 SUCH EXPENSES OF ANY OTHER SCHOOL DISTRICT.

32 4. STUDENTS RECEIVING INSTRUCTION FROM THE REGIONAL HIGH SCHOOL SHALL
33 NOT BE DEEMED TO BE ENROLLED IN THE BOARD OF COOPERATIVE EDUCATIONAL
34 SERVICES, EXCEPT TO THE EXTENT THAT THEY ARE PARTICIPATING IN A SHARED
35 SERVICE IN THEIR ENROLLMENT AND ATTENDANCE WHICH SHALL BE INCLUDED IN
36 THE ENROLLMENT AND ATTENDANCE COUNTS OF THE PARTICIPATING SCHOOL
37 DISTRICTS FOR THE PURPOSES OF STATE AID. HIGH SCHOOL DIPLOMAS SHALL BE
38 ISSUED BY THE PARTICIPATING SCHOOL DISTRICTS AND THE BOARD OF EDUCATION
39 OF EACH PARTICIPATING SCHOOL DISTRICT SHALL REMAIN RESPONSIBLE FOR THE
40 PERFORMANCE OF ITS STUDENTS IN THE REGIONAL HIGH SCHOOL UNDER THE STATE
41 ACCOUNTABILITY SYSTEM AS IF THE STUDENTS OF EACH PARTICIPATING DISTRICT
42 WERE IN ATTENDANCE AT A HIGH SCHOOL OPERATED BY THE PARTICIPATING
43 DISTRICT.

44 S 1922. ADDITIONAL STATE AID. NOTWITHSTANDING ANY OTHER PROVISION OF
45 LAW TO THE CONTRARY, THE BOARDS OF EDUCATION WHICH ARE PARTIES TO AN
46 AGREEMENT TO OPERATE A REGIONAL HIGH SCHOOL AND WHICH DO IN FACT OPERATE
47 A REGIONAL HIGH SCHOOL SHALL BE ELIGIBLE FOR ADDITIONAL STATE AID PURSU-
48 ANT TO SUBDIVISION FOURTEEN OF SECTION THIRTY-SIX HUNDRED TWO OF THIS
49 CHAPTER IN THE SAME MANNER AND TO THE SAME EXTENT AS A SCHOOL DISTRICT
50 WHICH QUALIFIES FOR SUCH AID PURSUANT TO PARAGRAPH J OF SUBDIVISION
51 FOURTEEN OF SECTION THIRTY-SIX HUNDRED TWO OF THIS CHAPTER.

52 S 1923. REGIONAL HIGH SCHOOL ADVISORY COMMITTEE. 1. EACH REGIONAL HIGH
53 SCHOOL ESTABLISHED AND OPERATED PURSUANT TO THIS ARTICLE SHALL ESTABLISH
54 AN ADVISORY COMMITTEE. THE ADVISORY COMMITTEE SHALL BE COMPOSED OF THE
55 PRESIDENT OF THE BOARD OF EDUCATION OF EACH PARTICIPATING SCHOOL
56 DISTRICT, THE SUPERINTENDENT OF EACH PARTICIPATING SCHOOL DISTRICT, AND

1 THE SUPERINTENDENT OF THE SUPERVISORY DISTRICT IN WHICH THE REGIONAL
2 HIGH SCHOOL IS LOCATED. THE SUPERINTENDENT OF THE SUPERVISORY DISTRICT
3 SHALL BE THE CHAIR OF THE ADVISORY COMMITTEE.

4 2. THE ADVISORY COMMITTEE SHALL CONVENE, AT THE CALL OF THE CHAIR, NOT
5 LESS THAN FOUR TIMES DURING EACH SCHOOL YEAR DURING WHICH THE REGIONAL
6 HIGH SCHOOL OPERATES. DURING EACH SUCH MEETING, THE ADVISORY COMMITTEE
7 SHALL REVIEW THE OPERATION OF THE REGIONAL HIGH SCHOOL AND MAKE RECOM-
8 MENDATIONS TO THE HOSTING SCHOOL DISTRICT OR THE BOARD OF COOPERATIVE
9 EDUCATIONAL SERVICES, AS THE CASE MAY BE, ON THE CONTINUED OPERATION OF
10 SUCH HIGH SCHOOL.

11 S 2. Subparagraph 6 of paragraph d of subdivision 14 of section 3602
12 of the education law, as added by section 17-a of part B of the laws of
13 2007, is amended to read as follows:

14 (6) where such reorganization includes at least two school districts
15 employing eight or more teachers forming a central high school district
16 pursuant to section nineteen hundred thirteen of this chapter OR FORMING
17 A REGIONAL HIGH SCHOOL PURSUANT TO ARTICLE THIRTY-NINE-A OF THIS
18 CHAPTER, such reorganized district shall be entitled to an apportionment
19 equal to an additional percent of the apportionment computed in accord-
20 ance with the provisions of paragraph d-1 of this subdivision; but in no
21 case shall the sum of such apportionment under this paragraph plus the
22 selected operating aid per pupil be more than a total of ninety-five per
23 centum of the year prior to the base year approved operating expense;
24 for a period of five years beginning with the first school year of oper-
25 ation as a reorganized district such additional percent shall be forty
26 percent; and thereafter such additional forty percent apportionment to
27 such district shall be reduced by four percentage points each year,
28 beginning with the sixth school year of operation as a reorganized
29 district, and continuing until such additional forty percent apportion-
30 ment is eliminated; provided, however, that the total apportionment to
31 such reorganized district, beginning with the first school year of oper-
32 ation as a reorganized district, and for a period of fifteen years ther-
33 eafter, shall be not less than the sum of all apportionments computed in
34 accordance with the provisions of this paragraph plus the apportionment
35 computed in accordance with the provisions of paragraph d-1 of this
36 subdivision that each component school district was entitled to receive
37 and did receive during the last school year preceding such first year of
38 operation. In the event a school district is eligible for incentive
39 operating aid and again reorganizes pursuant to a new plan or reorgan-
40 ization established by the commissioner, and where such new reorganiza-
41 tion is again eligible for incentive operating aid, the newly created
42 school district shall be entitled to receive incentive operating aid
43 pursuant to the provisions of this paragraph, based on all school
44 districts included in any such reorganization, provided, however, that
45 incentive operating aid payments due because of any such former reorgan-
46 ization shall cease.

47 S 3. This act shall take effect immediately.