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

8002--B

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 -- recommitted to the Committee on Education in accordance with Assembly Rule 3, sec. 2 -- 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 schools in certain supervisory districts

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

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

ARTICLE 39-A

REGIONAL HIGH SCHOOLS

SECTION 1920. REGIONAL HIGH SCHOOL; ESTABLISHMENT.

S 1920. REGIONAL HIGH SCHOOL; ESTABLISHMENT. THE ESTABLISHMENT OF A REGIONAL HIGH SCHOOL SHALL BE COMMENCED UPON THE ADOPTION OF A RESOLUTION PROPOSING THE ESTABLISHMENT OF SUCH A HIGH SCHOOL, BY MAJORITY VOTE, OF EACH OF THE BOARDS OF EDUCATION OF TWO OR MORE SCHOOL DISTRICTS, WHICH ARE CITY SCHOOL DISTRICTS IN CITIES HAVING A POPULATION OF LESS THAN ONE HUNDRED TWENTY-FIVE THOUSAND INHABITANTS, CENTRAL SCHOOL DISTRICTS, UNION FREE SCHOOL DISTRICTS AND/OR COMMON SCHOOL DISTRICTS, PROVIDED THAT ALL SUCH SCHOOL DISTRICTS ARE WHOLLY CONTAINED WITHIN THE CATTARAUGUS-ALLEGANY-ERIE-WYOMING BOARD OF COOPERATIVE EDUCATIONAL SERVICES SUPERVISORY DISTRICT, THE ERIE 2 CHAUTAUQUA-CATTARAUGUS BOARD OF COOPERATIVE EDUCATIONAL SERVICES SUPERVISORY DISTRICT, OR THE GREATER SOUTHERN TIER BOARD OF COOPERATIVE EDUCATIONAL SERVICES SUPERVISORY DISTRICT. THEREAFTER, IF TWO OR MORE SCHOOL DISTRICTS ADOPT SUCH A RESOLUTION, THE BOARD OF EDUCATION OF EACH SCHOOL DISTRICT PROPOSING TO ESTABLISH THE REGIONAL HIGH SCHOOL SHALL, NOT LESS THAN THIRTY DAYS PRIOR TO ANY VOTE OF ITS ELECTORS UPON THE RESOLUTION, CONDUCT A MEETING

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

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OPEN TO THE PUBLIC UPON THE TERMS AND CONDITIONS OF SUCH RESOLUTION. THE ADOPTION OF THE RESOLUTION FOR THE ESTABLISHMENT OF A REGIONAL HIGH SCHOOL SHALL BE SUBJECT TO APPROVAL THEREOF, BY MAJORITY VOTE, OF ALL ELECTORS OF THE SCHOOL DISTRICTS PROPOSING TO ESTABLISH A REGIONAL HIGH SCHOOL, SUCH ELECTION BEING CONDUCTED WITHIN EACH SCHOOL DISTRICT AND THE VOTES THEREIN BEING COMPILED AT A CENTRAL LOCATION BY A BOARD OF CANVASS ESTABLISHED BY THE BOARDS OF EDUCATION OF SUCH SCHOOL DISTRICTS. UPON APPROVAL BY THE ELECTORS OF THE SCHOOL DISTRICTS THE BOARDS OF EDUCATION OF SUCH SCHOOL DISTRICTS SHALL JOINTLY ESTABLISH A PROPOSED CONTRACT FOR THE OPERATION OF A REGIONAL HIGH SCHOOL. UPON ESTABLISHMENT OF A PROPOSED CONTRACT FOR THE OPERATION OF A REGIONAL HIGH SCHOOL, SUCH CONTRACT SHALL BE SUBMITTED TO THE COMMISSIONER. EVERY PROPOSED CONTRACT FOR A REGIONAL HIGH SCHOOL SHALL BE SUBJECT TO APPROVAL BY THE COMMISSIONER WHO SHALL, AS A CONDITION OF SUCH APPROVAL, CERTIFY THAT THE CREATION OF A REGIONAL HIGH SCHOOL WILL EXPAND AND IMPROVE THE EDUCATIONAL SERVICES AVAILABLE TO ALL STUDENTS OF SUCH HIGH SCHOOL AND THAT IT CAN RESULT IN ADMINISTRATIVE EFFICIENCIES FOR ALL PARTICIPATING DISTRICTS. IF THE COMMISSIONER APPROVES THE PROPOSED CONTRACT, THE REGIONAL HIGH SCHOOL SHALL BE DEEMED TO HAVE BEEN ESTABLISHED, EXCEPT THAT NOTHING IN THIS SECTION SHALL PREVENT THE HIGH SCHOOL WHICH WOULD SERVE AS THE HOST OF THE REGIONAL HIGH SCHOOL SO ESTABLISHED TO CONTINUE TO OPERATE AS A LEGAL ENTITY UNTIL THE END OF THE SCHOOL YEAR. EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE, THE PROVISIONS OF THIS CHAPTER AS TO THE COURSES OF STUDY, THE QUALIFICATIONS AND EMPLOYMENT OF TEACHERS, NON-INSTRUCTIONAL EMPLOYEES AND OTHER STAFF, AND THE MAINTENANCE, CONDUCT AND SUPERVISION OF PUBLIC SCHOOLS IN CENTRAL SCHOOL DISTRICTS SHALL APPLY TO A REGIONAL HIGH SCHOOL. EVERY REGIONAL HIGH SCHOOL AND THE CONTRACT THEREFOR SHALL MEET THE FOLLOWING REQUIREMENTS:

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

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

3. THE CONTRACT SHALL STATE THAT THE REGIONAL HIGH SCHOOL WILL BE OPERATED BY ONE OF THE PARTICIPATING SCHOOL DISTRICTS, HEREINAFTER REFERRED TO IN THIS ARTICLE AS THE "HOSTING SCHOOL DISTRICT";

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

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

A. THE CONTRACT SHALL DESIGNATE THE SITE OF THE REGIONAL HIGH SCHOOL, WHICH SHALL BE WITHIN THE BOUNDARIES OF ONE OF THE PARTICIPATING SCHOOL DISTRICTS. THE HOSTING SCHOOL DISTRICT AND THE BOARD OF EDUCATION OF SUCH SCHOOL DISTRICT SHALL HAVE RESPONSIBILITY FOR THE OPERATION, SUPERVISION AND MAINTENANCE OF THE REGIONAL HIGH SCHOOL, AS SHALL BE DESIGNATED IN THE CONTRACT,

B. THE CONTRACT SHALL SPECIFY THAT THE STUDENTS RECEIVING INSTRUCTION FROM THE REGIONAL HIGH SCHOOL SHALL BE DEEMED TO BE ENROLLED IN THE REGIONAL HIGH SCHOOL, EXCEPT TO THE EXTENT THAT THEIR ENROLLMENT AND ATTENDANCE SHALL BE INCLUDED IN THE ENROLLMENT AND ATTENDANCE COUNTS OF

THE PARTICIPATING DISTRICTS FOR THE PURPOSES OF STATE AID, AND THEY SHALL BE TREATED AND COUNTED AS SUCH FOR PURPOSES OF ALL STATE AID CALCULATIONS PURSUANT TO THIS CHAPTER,

C. THE REGIONAL HIGH SCHOOL SHALL OPERATE ITS OWN EXTRACURRICULAR ACTIVITIES AND INTERSCHOLASTIC ATHLETICS AND THE STUDENTS ATTENDING SUCH REGIONAL HIGH SCHOOL SHALL BE ELIGIBLE TO PARTICIPATE IN SUCH ACTIVITIES AND ATHLETICS AND SHALL NOT BE ELIGIBLE TO PARTICIPATE IN SUCH ACTIVITIES AND ATHLETICS OF THEIR PARTICIPATING SCHOOL DISTRICT, EXCEPT TO THE EXTENT THAT IF THE ACTIVITIES OR ATHLETICS OF THEIR PARTICIPATING DISTRICT ARE DESIGNED OR INTENDED TO ACCOMMODATE JOINT PARTICIPATION BETWEEN STUDENTS FROM THE JUNIOR HIGH SCHOOL OF THE PARTICIPATING DISTRICT AND THE REGIONAL HIGH SCHOOL INCLUDING, BUT NOT LIMITED TO, MODIFIED ATHLETIC TEAMS, MIXED GRADE MUSIC AND BAND PROGRAMS, AND JOINT GRADE EXTRA-CURRICULAR PROGRAMS, THEN THE STUDENTS FROM THE REGIONAL HIGH SCHOOL MAY JOINTLY PARTICIPATE IN SUCH ACTIVITIES OR ATHLETICS IN THEIR PARTICIPATING SCHOOL DISTRICT,

D. THE REGIONAL HIGH SCHOOL SHALL BE RESPONSIBLE FOR THE EVALUATION AND GRADING OF THE ACADEMIC PERFORMANCE OF ALL STUDENTS ATTENDING THE REGIONAL HIGH SCHOOL, AND SHALL AWARD STUDENTS THEIR DIPLOMAS UPON GRADUATION,

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

F. IN ANY CASE IN WHICH A PARTICIPATING SCHOOL DISTRICT SENDS STUDENTS TO A REGIONAL HIGH SCHOOL OPERATED BY A HOSTING SCHOOL DISTRICT, EACH TEACHER, NON-INSTRUCTIONAL EMPLOYEE AND ALL OTHER EMPLOYEES PREVIOUSLY EMPLOYED IN THE EDUCATION OF SUCH STUDENTS BY SUCH PARTICIPATING SCHOOL DISTRICT PRIOR TO THE TIME THAT SUCH PARTICIPATING DISTRICT SENDS ITS STUDENTS TO THE REGIONAL HIGH SCHOOL SHALL BECOME MEMBERS OF THE EMPLOYEE ORGANIZATIONS REPRESENTING THE EMPLOYEES OF THE HOSTING DISTRICT AT THE TIME OF CREATION OF THE REGIONAL HIGH SCHOOL UNTIL SUCH TIME AS A SUCCESSOR AGREEMENT HAS BEEN NEGOTIATED, AND SHALL PROVIDE THAT THE DETERMINATION OF BARGAINING UNIT STATUS AND REPRESENTATION RIGHTS SHALL BE IN ACCORDANCE WITH ARTICLE FOURTEEN OF THE CIVIL SERVICE LAW AND THE RULES OF PROCEDURE OF THE PUBLIC EMPLOYMENT RELATIONS BOARD. UPON TERMINATION OF THE REGIONAL HIGH SCHOOL THE TEACHERS, NON-INSTRUCTIONAL EMPLOYEES AND ALL OTHER EMPLOYEES SHALL REVERT BACK TO THE CONTRACT CURRENTLY IN EFFECT AT THE SENDING SCHOOL DISTRICT TO WHICH THEY ARE SENT. FOR PURPOSES OF THIS SECTION, WHEN A PARTICIPATING SCHOOL DISTRICT TAKES BACK STUDENTS THAT IT SENT TO ANOTHER DISTRICT ON A TUITION BASIS AND SENDS SUCH STUDENTS TO A REGIONAL HIGH SCHOOL OPERATED PURSUANT TO THIS ARTICLE, THE HOSTING SCHOOL DISTRICT OF THE REGIONAL HIGH SCHOOL SHALL BE DEEMED TO BE THE SENDING DISTRICT FOR PURPOSES OF THE RIGHTS AND PROTECTIONS PROVIDED IN SECTION THREE THOUSAND FOURTEEN-C OF THIS CHAPTER AND/OR ARTICLE FIVE OF THE CIVIL SERVICE LAW,

G. IF THE NUMBER OF TEACHING, NON-INSTRUCTIONAL AND OTHER POSITIONS NEEDED TO PROVIDE THE EDUCATIONAL SERVICES REQUIRED BY A REGIONAL HIGH SCHOOL IS LESS THAN THE NUMBER OF TEACHERS, NON-INSTRUCTIONAL EMPLOYEES AND OTHER EMPLOYEES ELIGIBLE TO BE CONSIDERED EMPLOYEES OF THE HOSTING SCHOOL DISTRICT OF SUCH REGIONAL HIGH SCHOOL AS PROVIDED BY PARAGRAPH F OF THIS SUBDIVISION, THE SERVICES OF THE TEACHERS, NON-INSTRUCTIONAL EMPLOYEES AND OTHER EMPLOYEES HAVING THE LEAST SENIORITY IN THE PARTIC-

IPATING SCHOOL DISTRICTS WITHIN THE TENURE AREA OR CIVIL SERVICE STATUS, AS THE CASE MAY BE, OF THE POSITION SHALL BE DISCONTINUED. SUCH TEACHERS, NON-INSTRUCTIONAL EMPLOYEES AND OTHER EMPLOYEES SHALL BE PLACED ON A PREFERRED ELIGIBLE LIST OF CANDIDATES FOR APPOINTMENT TO A VACANCY THAT MAY THEREAFTER OCCUR IN AN OFFICE OR POSITION UNDER THE JURISDICTION OF THE PARTICIPATING SCHOOL DISTRICT, THE "RECEIVING DISTRICT" AS DEFINED IN SECTION THREE THOUSAND FOURTEEN-C OF THIS CHAPTER, FROM WHICH A PARTICIPATING SCHOOL DISTRICT HAS TAKEN BACK STUDENTS, AND THE HOSTING SCHOOL DISTRICT OF THE REGIONAL HIGH SCHOOL SIMILAR TO THE ONE SUCH TEACHER OR OTHER EMPLOYEE FILLED IN SUCH COMPONENT DISTRICT. THE TEACHERS, NON-INSTRUCTIONAL EMPLOYEES AND OTHER EMPLOYEES ON SUCH PREFERRED LISTS SHALL BE REINSTATED OR APPOINTED TO SUCH VACANCIES IN SUCH CORRESPONDING OR SIMILAR POSITIONS UNDER THE JURISDICTION OF THE PARTICIPATING SCHOOL DISTRICT OR THE HOSTING SCHOOL DISTRICT OF THE REGIONAL HIGH SCHOOL IN THE ORDER OF THEIR LENGTH OF SERVICE IN SUCH PARTICIPATING SCHOOL DISTRICT, WITHIN SEVEN YEARS FROM THE DATE OF THE PLACEMENT OF THE EMPLOYEE ON SAID LIST, AND

H. FOR ANY SUCH TEACHER, NON-INSTRUCTIONAL EMPLOYEE OR OTHER EMPLOYEE AS DESCRIBED IN PARAGRAPHS E AND F OF THIS SUBDIVISION, FOR SALARY, SICK LEAVE AND ANY OTHER PURPOSES, THE LENGTH OF SERVICE CREDITED IN SUCH PARTICIPATING SCHOOL DISTRICT SHALL BE CREDITED AS EMPLOYMENT TIME WITH THE HOSTING SCHOOL DISTRICT IF SUCH EMPLOYEES HAVE BECOME EMPLOYEES OF THE HOSTING SCHOOL DISTRICT PURSUANT TO SUBDIVISION FIFTEEN OF THIS SECTION;

6. THE CONTRACT SHALL SPECIFY THE COST OF THE OPERATION OF THE REGIONAL HIGH SCHOOL FOR EACH PARTICIPATING SCHOOL DISTRICT AND AN ITEMIZED LISTING OF THE COST SAVINGS FOR EACH PARTICIPATING SCHOOL DISTRICT;

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

8. THE CONTRACT SHALL SPECIFY THE CURRICULA AND CURRICULUM PLANS OFFERED AND PROVIDED BY THE REGIONAL HIGH SCHOOL, AND SHALL REQUIRE THE REGIONAL HIGH SCHOOL TO DOCUMENT AND DEMONSTRATE THE PROVISION OF AN IMPROVED SCOPE OF EDUCATIONAL SERVICES TO STUDENTS IN COMPARISON TO THE SENDING SCHOOL DISTRICTS;

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

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

11. THE CONTRACT SHALL SPECIFY PLANS FOR DELIVERY OF SPECIAL EDUCATION PROGRAMS AND SERVICES TO STUDENTS WITH DISABILITIES ATTENDING THE REGIONAL HIGH SCHOOL, INCLUDING THE ROLES AND RESPONSIBILITIES OF THE COMMITTEES ON SPECIAL EDUCATION OF THE HOSTING SCHOOL DISTRICT AND THE STUDENT'S SCHOOL DISTRICT OF RESIDENCE WHERE THAT IS DIFFERENT FROM THE HOSTING SCHOOL DISTRICT;

12. THE CONTRACT SHALL SPECIFY THE PROCEDURES FOR DISCIPLINE OF STUDENTS ATTENDING THE REGIONAL HIGH SCHOOL, INCLUDING THE APPLICABLE CODE OF CONDUCT AND PROCEDURES FOR SUPERINTENDENTS' HEARINGS AND APPEALS TO THE BOARD OF EDUCATION PURSUANT TO SECTION THIRTY-TWO HUNDRED FOURTEEN OF THIS CHAPTER;

13. THE CONTRACT SHALL SPECIFY THE FISCAL IMPLICATIONS OF THE ESTABLISHMENT AND OPERATION OF THE REGIONAL HIGH SCHOOL, INCLUDING THE CURRENT AND EXPECTED STATE AID CHANGES, EXPENDITURES AND PROPERTY TAX LEVIES;

14. THE CONTRACT SHALL SPECIFY THE PLAN AND PROCEDURES FOR PARTICIPATING DISTRICTS WITH REGARD TO THE ADMINISTRATIVE STRUCTURE AND STAFFING

PLANS OF EACH SUCH PARTICIPATING DISTRICT, TOGETHER WITH THE ADMINISTRATIVE STRUCTURE AND STAFFING PLANS OF THE REGIONAL SCHOOL DISTRICT, AND SUCH CONTRACT SHALL FURTHER CONTAIN PROVISIONS WHEREBY THE BOARDS OF THE PARTICIPATING SCHOOL DISTRICTS, UPON A JOINT RESOLUTION ADOPTED BY A MAJORITY VOTE OF EACH OF THE BOARDS OF THE PARTICIPATING DISTRICTS, AND UPON THE APPROVAL OF THE COMMISSIONER, SHALL BE AUTHORIZED TO MAKE AMENDMENTS TO THE CONTRACT, IN ORDER THAT THE REGIONAL HIGH SCHOOL SHALL BE OPERATED EFFECTIVELY IN ACCORDANCE WITH THE INTENT OF THIS ARTICLE;

15. THE CONTRACT SHALL SPECIFY THAT EACH TEACHER, NON-INSTRUCTIONAL EMPLOYEE AND ALL OTHER EMPLOYEES PREVIOUSLY EMPLOYED IN THE EDUCATION OF SUCH STUDENTS BY SUCH PARTICIPATING SCHOOL DISTRICT PRIOR TO THE TIME THAT SUCH PARTICIPATING DISTRICT SENDS ITS STUDENTS TO THE REGIONAL HIGH SCHOOL SHALL BECOME MEMBERS OF THE EMPLOYEE ORGANIZATIONS REPRESENTING THE EMPLOYEES OF THE HOSTING DISTRICT AT THE TIME OF CREATION OF THE REGIONAL HIGH SCHOOL UNTIL SUCH TIME AS A SUCCESSOR AGREEMENT HAS BEEN NEGOTIATED, AND SHALL PROVIDE THAT THE DETERMINATION OF BARGAINING UNIT STATUS AND REPRESENTATION RIGHTS SHALL BE IN ACCORDANCE WITH ARTICLE FOURTEEN OF THE CIVIL SERVICE LAW AND THE RULES OF PROCEDURE OF THE PUBLIC EMPLOYMENT RELATIONS BOARD. UPON TERMINATION OF THE REGIONAL HIGH SCHOOL THE TEACHERS, NON-INSTRUCTIONAL EMPLOYEES AND ALL OTHER EMPLOYEES SHALL REVERT BACK TO THE CONTRACT CURRENTLY IN EFFECT AT THE SENDING SCHOOL DISTRICT TO WHICH THEY ARE SENT;

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

17. THIS SECTION SHALL IN NO WAY BE CONSTRUED TO LIMIT THE RIGHTS OF ANY OF SUCH TEACHERS OR OTHER EMPLOYEES DESCRIBED IN THIS SECTION GRANTED BY ANY OTHER PROVISION OF LAW.

18. FOR PURPOSES OF THIS ARTICLE THE "HOSTING DISTRICT" SHALL MEAN THE SCHOOL DISTRICT WHICH OPERATES THE REGIONAL HIGH SCHOOL, A "SENDING DISTRICT" SHALL MEAN A DISTRICT WHICH PARTICIPATES IN THE REGIONAL HIGH SCHOOL BUT THAT DOES NOT OPERATE THE REGIONAL HIGH SCHOOL, AND A "PARTICIPATING DISTRICT" SHALL MEAN A HOSTING DISTRICT OR A SENDING DISTRICT.

S 2. Subdivision 14 of section 3602 of the education law is amended by adding a new paragraph k to read as follows:

K. INCENTIVE OPERATING AID FOR REGIONAL HIGH SCHOOLS. NOTWITHSTANDING THE PROVISIONS OF PARAGRAPHS A THROUGH J OF THIS SUBDIVISION, WHENEVER TWO OR MORE SCHOOL DISTRICTS ARE PARTIES TO AN AGREEMENT TO OPERATE A REGIONAL HIGH SCHOOL PURSUANT TO ARTICLE THIRTY-NINE-A OF THIS CHAPTER, AND WHENEVER AFTER JULY FIRST, TWO THOUSAND TWELVE, ALL SUCH SCHOOL DISTRICTS SO SCHEDULED DO ENTER INTO AN AGREEMENT TO OPERATE A REGIONAL HIGH SCHOOL PURSUANT TO SUCH ARTICLE THIRTY-NINE-A, AND

(1) WHENEVER SUCH PROPOSED REGIONAL HIGH SCHOOL AGREEMENT INCLUDES AT LEAST TWO SCHOOL DISTRICTS, EACH OF WHICH PREVIOUSLY MAINTAINED ITS OWN HIGH SCHOOL, AND DOES NOT MAINTAIN ITS OWN HIGH SCHOOL FOLLOWING THE ESTABLISHMENT OF THE REGIONAL HIGH SCHOOL, OR

(2) WHEREVER SUCH PROPOSED REGIONAL HIGH SCHOOL AGREEMENT INCLUDES AT LEAST ONE SCHOOL DISTRICT WHICH PREVIOUSLY MAINTAINED ITS OWN HIGH SCHOOL, AND DOES NOT MAINTAIN ITS OWN HIGH SCHOOL FOLLOWING THE ESTABLISHMENT OF THE REGIONAL HIGH SCHOOL, AND IN ADDITION THERETO, INCLUDES AT LEAST ONE ADDITIONAL SCHOOL DISTRICT EMPLOYING EIGHT OR MORE TEACHERS: IN EACH YEAR IN WHICH A SCHOOL DISTRICT IS PARTY TO SUCH AGREEMENT, SUCH DISTRICT SHALL BE ENTITLED TO AN APPORTIONMENT EQUAL TO FORTY PERCENT OF THE APPORTIONMENT COMPUTED IN ACCORDANCE WITH THE PROVISIONS

OF PARAGRAPH D-1 OF THIS SUBDIVISION; BUT IN NO CASE SHALL THE SUM OF SUCH APPORTIONMENT UNDER THIS PARAGRAPH PLUS THE SELECTED OPERATING AID PER PUPIL BE MORE THAN A TOTAL OF NINETY-FIVE PER CENTUM OF THE YEAR PRIOR TO THE BASE YEAR APPROVED OPERATING EXPENSE. SCHOOL DISTRICTS WHICH RECEIVE AN APPORTIONMENT UNDER THIS PARAGRAPH SHALL NOT BE ELIGIBLE FOR AN APPORTIONMENT UNDER PARAGRAPH C, E, F OR J OF THIS SUBDIVISION.

(3) NOT LESS THAN FIFTY PERCENT OF THE AID RECEIVED BY A SENDING SCHOOL DISTRICT PURSUANT TO THIS PARAGRAPH SHALL BE USED TO IMPROVE ITS GRADES PRE-KINDERGARTEN THROUGH EIGHT EDUCATIONAL PROGRAMS.

S 3. This act shall take effect immediately.