

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

5255--C

2011-2012 Regular Sessions

I N S E N A T E

May 3, 2011

Introduced by Sen. YOUNG -- read twice and ordered printed, and when printed to be committed to the Committee on Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- 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 counties

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 S 1920. REGIONAL HIGH SCHOOL; ESTABLISHMENT. A REGIONAL HIGH SCHOOL
9 MAY BE FORMED BY A CONTRACT ENTERED INTO BY TWO OR MORE SCHOOL
10 DISTRICTS, WHICH ARE CITY SCHOOL DISTRICTS IN CITIES HAVING A POPULATION
11 OF LESS THAN ONE HUNDRED TWENTY-FIVE THOUSAND INHABITANTS, CENTRAL
12 SCHOOL DISTRICTS, UNION FREE SCHOOL DISTRICTS AND/OR COMMON SCHOOL
13 DISTRICTS, PROVIDED THAT ALL SUCH SCHOOL DISTRICTS ARE WHOLLY CONTAINED
14 WITHIN THE SAME BOARD OF COOPERATIVE EDUCATIONAL SERVICES SUPERVISORY
15 DISTRICT, AND IS WHOLLY CONTAINED WITHIN ANY COUNTY HAVING BETWEEN ONE
16 HUNDRED THIRTY-FOUR THOUSAND NINE HUNDRED THREE AND ONE HUNDRED THIRTY-
17 FOUR THOUSAND NINE HUNDRED SEVEN INHABITANTS ACCORDING TO THE TWO THOU-
18 SAND TEN DECENNIAL FEDERAL CENSUS. EXCEPT AS OTHERWISE PROVIDED IN THIS
19 ARTICLE, THE PROVISIONS OF THIS CHAPTER AS TO THE COURSES OF STUDY, THE
20 QUALIFICATIONS AND EMPLOYMENT OF TEACHERS AND OTHER STAFF, AND THE MAIN-

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

LBD10142-13-1

1 TENANCE, CONDUCT AND SUPERVISION OF PUBLIC SCHOOLS IN CENTRAL SCHOOL
2 DISTRICTS SHALL APPLY TO A REGIONAL HIGH SCHOOL. ANY CONTRACT FOR A
3 REGIONAL HIGH SCHOOL SHALL BE SUBJECT TO APPROVAL BY THE COMMISSIONER
4 AND SHALL NOT BE SUBJECT TO APPROVAL BY THE ELECTORS OF THE SCHOOL
5 DISTRICTS ELECTING TO FORM THE REGIONAL HIGH SCHOOL, AND THE REGIONAL
6 HIGH SCHOOL AND THE CONTRACT SHALL MEET THE FOLLOWING REQUIREMENTS:
7 1. THE CONTRACT SHALL BE FOR A PERIOD OF NOT LESS THAN TWO SCHOOL
8 YEARS AND, WITH THE APPROVAL OF THE COMMISSIONER, MAY BE RENEWED BY
9 MUTUAL AGREEMENT OF THE BOARDS OF EDUCATION;
10 2. THE REGIONAL HIGH SCHOOL SHALL COMMENCE OPERATIONS ON THE FIRST OF
11 JULY, AND SHALL NOT CEASE OPERATIONS BEFORE THE THIRTIETH OF JUNE IN ANY
12 SCHOOL YEAR;
13 3. THE CONTRACT SHALL STATE WHETHER THE REGIONAL HIGH SCHOOL WILL BE
14 OPERATED BY ONE OF THE PARTICIPATING SCHOOL DISTRICTS, HEREINAFTER
15 REFERRED TO IN THIS ARTICLE AS THE "HOSTING SCHOOL DISTRICT," OR BY THE
16 BOARD OF COOPERATIVE EDUCATIONAL SERVICES PURSUANT TO A CONTRACT AUTHOR-
17 IZED BY SECTION NINETEEN HUNDRED TWENTY-ONE OF THIS CHAPTER;
18 4. THE CONTRACT SHALL SPECIFY THE MANNER IN WHICH THE STUDENTS OF EACH
19 PARTICIPATING SCHOOL DISTRICT SHALL BE TRANSPORTED TO THE REGIONAL HIGH
20 SCHOOL, AND THE COST OF SUCH TRANSPORTATION SHALL BE A CHARGE AGAINST
21 EACH SUCH PARTICIPATING SCHOOL DISTRICT AND BE FUNDED IN THE SAME MANNER
22 AS TRANSPORTATION PROVIDED PURSUANT TO SECTION THIRTY-SIX HUNDRED THIR-
23 TY-FIVE OF THIS CHAPTER;
24 5. SUCH REGIONAL HIGH SCHOOL SHALL OPERATE ITS OWN EXTRA-CURRICULAR
25 ACTIVITIES AND INTER-SCHOLASTIC ATHLETICS, AND THE STUDENTS ATTENDING
26 SUCH REGIONAL HIGH SCHOOL SHALL BE ELIGIBLE TO PARTICIPATE IN SUCH
27 ACTIVITIES AND ATHLETICS AND SHALL NOT BE ELIGIBLE TO PARTICIPATE IN
28 SUCH ACTIVITIES AND ATHLETICS OF THEIR PARTICIPATING SCHOOL DISTRICT;
29 6. IF THE REGIONAL HIGH SCHOOL IS OPERATED BY A HOSTING SCHOOL
30 DISTRICT, THE REGIONAL HIGH SCHOOL AND THE CONTRACT SHALL MEET THE
31 FOLLOWING REQUIREMENTS:
32 A. THE CONTRACT SHALL DESIGNATE THE SITE OF THE REGIONAL HIGH SCHOOL,
33 WHICH SHALL BE WITHIN THE BOUNDARIES OF ONE OF THE PARTICIPATING SCHOOL
34 DISTRICTS. THE HOSTING SCHOOL DISTRICT SHALL HAVE RESPONSIBILITY FOR THE
35 OPERATION, SUPERVISION AND MAINTENANCE OF THE REGIONAL HIGH SCHOOL, AS
36 SHALL BE DESIGNATED IN THE CONTRACT,
37 B. THE CONTRACT SHALL SPECIFY THAT THE STUDENTS OF EACH PARTICIPATING
38 SCHOOL DISTRICT SHALL REMAIN AS STUDENTS OF THEIR RESPECTIVE PARTICIPAT-
39 ING SCHOOL DISTRICTS, AND THEY SHALL BE TREATED AND COUNTED AS SUCH FOR
40 PURPOSES OF ALL STATE AID CALCULATIONS PURSUANT TO THIS CHAPTER,
41 C. THE REGIONAL HIGH SCHOOL SHALL OPERATE ITS OWN EXTRA-CURRICULAR
42 ACTIVITIES AND INTERSCHOLASTIC ATHLETICS AND THE STUDENTS ATTENDING SUCH
43 REGIONAL HIGH SCHOOL SHALL BE ELIGIBLE TO PARTICIPATE IN SUCH ACTIVITIES
44 AND ATHLETICS AND SHALL NOT BE ELIGIBLE TO PARTICIPATE IN SUCH ACTIV-
45 ITIES AND ATHLETICS OF THEIR PARTICIPATING SCHOOL DISTRICT,
46 D. THE CONTRACT SHALL PROVIDE THAT ALL TEACHERS AND OTHER STAFF
47 MEMBERS OF THE PARTICIPATING SCHOOL DISTRICTS, EXCEPT THE SUPERINTENDENT
48 OF SCHOOLS, WHOSE SERVICES IN THE PARTICIPATING SCHOOL DISTRICTS ARE NO
49 LONGER NEEDED BECAUSE OF THE CREATION OF A REGIONAL HIGH SCHOOL OR THE
50 TRANSFERENCE OF STUDENTS TO AN EXISTING REGIONAL HIGH SCHOOL, SHALL BE
51 GRANTED EMPLOYMENT RIGHTS IN THE HOST SCHOOL DISTRICT IN ACCORDANCE WITH
52 THE PROVISIONS OF THIS SUBDIVISION,
53 E. IN ANY CASE IN WHICH A PARTICIPATING SCHOOL DISTRICT SENDS
54 STUDENTS TO A REGIONAL HIGH SCHOOL OPERATED BY A HOSTING SCHOOL
55 DISTRICT, EACH TEACHER AND ALL OTHER EMPLOYEES PREVIOUSLY EMPLOYED IN
56 THE EDUCATION OF SUCH STUDENTS BY SUCH PARTICIPATING SCHOOL DISTRICT

1 PRIOR TO THE TIME THAT SUCH COMPONENT DISTRICT SENDS ITS STUDENTS TO THE
2 REGIONAL HIGH SCHOOL SHALL BE CONSIDERED EMPLOYEES OF THE HOSTING SCHOOL
3 DISTRICT, WITH THE SAME TENURE STATUS HELD IN SUCH COMPONENT DISTRICT.
4 FOR PURPOSES OF THIS SECTION, WHEN A PARTICIPATING SCHOOL DISTRICT TAKES
5 BACK STUDENTS THAT IT SENT TO ANOTHER DISTRICT ON A TUITION BASIS AND
6 SENDS SUCH STUDENTS TO A REGIONAL HIGH SCHOOL OPERATED PURSUANT TO THIS
7 ARTICLE, THE HOSTING SCHOOL DISTRICT OF THE REGIONAL HIGH SCHOOL SHALL
8 BE DEEMED TO BE THE SENDING DISTRICT FOR PURPOSES OF THE RIGHTS AND
9 PROTECTIONS PROVIDED IN SECTION THREE THOUSAND FOURTEEN-C OF THIS CHAP-
10 TER,

11 F. IF THE NUMBER OF TEACHING AND OTHER POSITIONS NEEDED TO PROVIDE THE
12 EDUCATIONAL SERVICES REQUIRED BY A REGIONAL HIGH SCHOOL IS LESS THAN THE
13 NUMBER OF TEACHERS AND OTHER EMPLOYEES ELIGIBLE TO BE CONSIDERED EMPLOY-
14 EES OF THE HOSTING SCHOOL DISTRICT OF SUCH REGIONAL HIGH SCHOOL AS
15 PROVIDED BY PARAGRAPH E OF THIS SUBDIVISION, THE SERVICES OF THE TEACH-
16 ERS AND OTHER EMPLOYEES HAVING THE LEAST SENIORITY IN THE PARTICIPATING
17 SCHOOL DISTRICTS WITHIN THE TENURE AREA OF THE POSITION SHALL BE DISCON-
18 TINUED. SUCH TEACHERS AND OTHER EMPLOYEES SHALL BE PLACED ON A PREFERRED
19 ELIGIBLE LIST OF CANDIDATES FOR APPOINTMENT TO A VACANCY THAT MAY THERE-
20 AFTER OCCUR IN AN OFFICE OR POSITION UNDER THE JURISDICTION OF THE
21 PARTICIPATING SCHOOL DISTRICT, THE "RECEIVING DISTRICT" AS DEFINED IN
22 SECTION THREE THOUSAND FOURTEEN-C OF THIS CHAPTER, FROM WHICH A PARTIC-
23 IPATING SCHOOL DISTRICT HAS TAKEN BACK STUDENTS, AND THE HOSTING SCHOOL
24 DISTRICT OF THE REGIONAL HIGH SCHOOL SIMILAR TO THE ONE SUCH TEACHER OR
25 OTHER EMPLOYEE FILLED IN SUCH COMPONENT DISTRICT. THE TEACHERS AND OTHER
26 EMPLOYEES ON SUCH PREFERRED LISTS SHALL BE REINSTATED OR APPOINTED TO
27 SUCH VACANCIES IN SUCH CORRESPONDING OR SIMILAR POSITIONS UNDER THE
28 JURISDICTION OF THE PARTICIPATING SCHOOL DISTRICT OR THE HOSTING SCHOOL
29 DISTRICT OF THE REGIONAL HIGH SCHOOL IN THE ORDER OF THEIR LENGTH OF
30 SERVICE IN SUCH PARTICIPATING SCHOOL DISTRICT, WITHIN SEVEN YEARS FROM
31 THE DATE OF THE PLACEMENT OF THE EMPLOYEE ON SAID LIST, AND

32 G. FOR ANY SUCH TEACHER OR OTHER EMPLOYEE AS DESCRIBED IN PARAGRAPHS D
33 AND E OF THIS SUBDIVISION, FOR SALARY, SICK LEAVE AND ANY OTHER
34 PURPOSES, THE LENGTH OF SERVICE CREDITED IN SUCH PARTICIPATING SCHOOL
35 DISTRICT SHALL BE CREDITED AS EMPLOYMENT TIME WITH THE HOSTING SCHOOL
36 DISTRICT;

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

41 8. THIS SECTION SHALL IN NO WAY BE CONSTRUED TO LIMIT THE RIGHTS OF
42 ANY OF SUCH TEACHERS OR OTHER EMPLOYEES DESCRIBED IN THIS SECTION GRANT-
43 ED BY ANY OTHER PROVISION OF LAW.

44 S 1921. OPERATION BY BOARD OF COOPERATIVE EDUCATIONAL SERVICES.
45 NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE BOARDS
46 OF EDUCATION WHICH ARE PARTIES TO AN AGREEMENT TO OPERATE A REGIONAL
47 HIGH SCHOOL, WITH THE APPROVAL OF THE COMMISSIONER, MAY CONTRACT WITH
48 THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES OF THE SUPERVISORY
49 DISTRICT IN WHICH THEY ARE LOCATED FOR THE MANAGEMENT AND OPERATION OF
50 THE REGIONAL HIGH SCHOOL. SUCH CONTRACT SHALL BE FOR A PERIOD OF NOT
51 LESS THAN TWO SCHOOL YEARS AND, WITH THE APPROVAL OF THE COMMISSIONER,
52 MAY BE RENEWED BY MUTUAL AGREEMENT OF THE BOARDS OF EDUCATION AND THE
53 BOARD OF COOPERATIVE EDUCATIONAL SERVICES. EVERY SUCH CONTRACT SHALL
54 PROVIDE FOR THE COMMENCEMENT OF OPERATIONS OF THE REGIONAL HIGH SCHOOL
55 ON THE FIRST OF JULY, AND SHALL ONLY CEASE OPERATIONS ON THE THIRTIETH
56 OF JUNE OF ANY SCHOOL YEAR.

1 1. UPON ENTRY INTO SUCH CONTRACT, THE BOARD OF COOPERATIVE EDUCATIONAL
2 SERVICES SHALL TAKE OVER ALL OF THE EDUCATIONAL PROGRAMS OF THE REGIONAL
3 HIGH SCHOOL AND ANY AND ALL RESPONSIBILITY FOR COMPLIANCE WITH ACADEMIC
4 ACHIEVEMENT STANDARDS, AND ANY EMPLOYEES OF THE REGIONAL HIGH SCHOOL OR
5 OF THE PARTICIPATING SCHOOL DISTRICTS, AS THE CASE MAY BE, SHALL BECOME
6 EMPLOYEES OF THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES AND THE
7 PROVISIONS OF SECTION THREE THOUSAND FOURTEEN-A OF THIS CHAPTER SHALL
8 APPLY. SUCH EMPLOYEES SHALL BE EMPLOYEES OF THE BOARD OF COOPERATIVE
9 EDUCATIONAL SERVICES AND SHALL NOT BE DEEMED EMPLOYEES OF THE REGIONAL
10 HIGH SCHOOL OR THE PARTICIPATING SCHOOL DISTRICTS FOR ANY PURPOSE. UPON
11 TERMINATION OF THE CONTRACT, THE REGIONAL HIGH SCHOOL OR THE PARTICIPAT-
12 ING SCHOOL DISTRICTS, AS THE CASE MAY BE, SHALL TAKE OVER THE EDUCA-
13 TIONAL PROGRAMS AND THE EMPLOYEES SHALL BECOME EMPLOYEES OF THE HOSTING
14 SCHOOL DISTRICT OF THE REGIONAL HIGH SCHOOL, AND THE PROVISIONS OF
15 SECTION THREE THOUSAND FOURTEEN-B OF THIS CHAPTER SHALL APPLY.

16 2. NOTWITHSTANDING ANY PROVISIONS OF SECTION NINETEEN HUNDRED FIFTY OF
17 THIS TITLE OR ANY OTHER LAW TO THE CONTRARY, THE PROGRAM AND ADMINISTRA-
18 TIVE EXPENSES ATTRIBUTABLE TO THE PROGRAMS OF THE REGIONAL HIGH SCHOOL
19 SHALL BE A CHARGE UPON THE SCHOOL DISTRICTS PARTICIPATING IN THE
20 REGIONAL HIGH SCHOOL, AND THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES
21 SHALL PORTION SUCH EXPENSES TO THE SCHOOL DISTRICTS PARTICIPATING IN THE
22 REGIONAL HIGH SCHOOL IN THE MANNER PRESCRIBED IN THE CONTRACT BETWEEN
23 THE PARTICIPATING SCHOOL DISTRICTS AND THE BOARD OF COOPERATIVE EDUCA-
24 TIONAL SERVICES. THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES SHALL NOT
25 CHARGE ANY PORTION OF THE PROGRAM OR ADMINISTRATIVE EXPENSES INCURRED
26 PURSUANT TO THIS SUBDIVISION TO ITS OTHER COMPONENT SCHOOL DISTRICTS.
27 SUCH ADMINISTRATIVE AND PROGRAM EXPENSES SHALL NOT BE ELIGIBLE FOR AID
28 PURSUANT TO SUBDIVISION FIVE OF SECTION NINETEEN HUNDRED FIFTY OF THIS
29 TITLE, BUT SHALL BE ELIGIBLE FOR AID PURSUANT TO SECTION THIRTY-SIX
30 HUNDRED TWO OF THIS CHAPTER TO THE SAME EXTENT AS THE EXPENSES OF ANY
31 OTHER HIGH SCHOOL EDUCATION PROGRAM. NOTHING IN THIS SUBDIVISION SHALL
32 BE CONSTRUED TO PREVENT THE PARTICIPATING SCHOOL DISTRICTS FROM
33 CONTRACTING WITH THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES FOR AIDA-
34 BLE SHARED SERVICES IN THE SAME MANNER AND UNDER THE SAME CONDITIONS AS
35 ANY OTHER COMPONENT SCHOOL DISTRICT, AND THE COST OF SUCH AIDABLE SHARED
36 SERVICES SHALL BE ELIGIBLE FOR AID PURSUANT TO SUBDIVISION FIVE OF
37 SECTION NINETEEN HUNDRED FIFTY OF THIS TITLE.

38 3. DURING THE TERM OF A CONTRACT PURSUANT TO THIS SECTION, ALL SCHOOLS
39 AND OTHER FACILITIES OF THE PARTICIPATING SCHOOL DISTRICTS OF THE
40 REGIONAL HIGH SCHOOL WHICH ARE USED BY THE BOARD OF COOPERATIVE EDUCA-
41 TIONAL SERVICES IN THE OPERATION OF THE REGIONAL HIGH SCHOOL SHALL BE
42 DEEMED LEASED TO THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES AT NO
43 COST. SUCH SCHOOLS AND OTHER FACILITIES SHALL REMAIN THE PROPERTY OF THE
44 PARTICIPATING SCHOOL DISTRICTS AND ANY CAPITAL EXPENSES AND BUILDING
45 MAINTENANCE COSTS INCURRED WITH RESPECT TO SUCH FACILITIES SHALL BE A
46 CHARGE UPON THE PARTICIPATING SCHOOL DISTRICTS IN ACCORDANCE WITH THE
47 TERMS OF THE CONTRACT. SUCH CAPITAL EXPENSES AND MAINTENANCE COSTS SHALL
48 NOT BE ELIGIBLE FOR AID PURSUANT TO SUBDIVISION FIVE OF SECTION NINETEEN
49 HUNDRED FIFTY OF THIS TITLE BUT SHALL BE ELIGIBLE FOR AID PURSUANT TO
50 SECTION THIRTY-SIX HUNDRED TWO OF THIS CHAPTER TO THE SAME EXTENT AS
51 SUCH EXPENSES OF ANY OTHER SCHOOL DISTRICT.

52 4. STUDENTS RECEIVING INSTRUCTION FROM THE REGIONAL HIGH SCHOOL SHALL
53 NOT BE DEEMED TO BE ENROLLED IN THE BOARD OF COOPERATIVE EDUCATIONAL
54 SERVICES, EXCEPT TO THE EXTENT THAT THEY ARE PARTICIPATING IN A SHARED
55 SERVICE IN THEIR ENROLLMENT AND ATTENDANCE WHICH SHALL BE INCLUDED IN
56 THE ENROLLMENT AND ATTENDANCE COUNTS OF THE PARTICIPATING SCHOOL

1 DISTRICTS FOR THE PURPOSES OF STATE AID. HIGH SCHOOL DIPLOMAS SHALL BE
2 ISSUED BY THE PARTICIPATING SCHOOL DISTRICTS AND THE BOARD OF EDUCATION
3 OF EACH PARTICIPATING SCHOOL DISTRICT SHALL REMAIN RESPONSIBLE FOR THE
4 PERFORMANCE OF ITS STUDENTS IN THE REGIONAL HIGH SCHOOL UNDER THE STATE
5 ACCOUNTABILITY SYSTEM AS IF THE STUDENTS OF EACH PARTICIPATING DISTRICT
6 WHERE IN ATTENDANCE AT A HIGH SCHOOL OPERATED BY THE PARTICIPATING
7 DISTRICT.

8 S 1922. ADDITIONAL STATE AID. NOTWITHSTANDING ANY OTHER PROVISION OF
9 LAW TO THE CONTRARY, THE BOARDS OF EDUCATION WHICH ARE PARTIES TO AN
10 AGREEMENT TO OPERATE A REGIONAL HIGH SCHOOL AND WHICH DO IN FACT OPERATE
11 A REGIONAL HIGH SCHOOL SHALL BE ELIGIBLE FOR ADDITIONAL STATE AID PURSU-
12 ANT TO SUBDIVISION FOURTEEN OF SECTION THIRTY-SIX HUNDRED TWO OF THIS
13 CHAPTER IN THE SAME MANNER AND TO THE SAME EXTENT AS A SCHOOL DISTRICT
14 WHICH QUALIFIES FOR SUCH AID PURSUANT TO PARAGRAPH J OF SUBDIVISION
15 FOURTEEN OF SECTION THIRTY-SIX HUNDRED TWO OF THIS CHAPTER.

16 S 2. This act shall take effect immediately.