

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, SCHI-MEL, 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:

1 Section 1. Paragraph h of subdivision 4 of section 1950 of the educa-
2 tion law is amended by adding a new subparagraph 10 to read as follows:
3 (10) TO ENTER INTO CONTRACTS OF NO MORE THAN TWO YEARS AND SUBJECT TO
4 THE SUNSET DATE OF THIS SUBPARAGRAPH, WITH OUT-OF-STATE SCHOOL DISTRICTS
5 FOR SPECIAL EDUCATION AND/OR CAREER AND TECHNICAL EDUCATION SERVICES OR
6 FOR THE USE OF EXISTING PRODUCTS THAT DEMONSTRATE HOW TO MAP THE COMMON
7 CORE STANDARDS TO ASSESSMENTS AND/OR PROVIDE ACCESS TO EXISTING WEBINARS
8 OR ONLINE COURSES RELATING TO IMPLEMENTATION OF THE COMMON CORE STAND-
9 ARDS. ANY CONTRACT SHALL BE APPROVED BY THE COMMISSIONER, THE BOARD OF
10 COOPERATIVE EDUCATIONAL SERVICES AND THE DISTRICT SUPERINTENDENT OF
11 SCHOOLS, PROVIDED SUCH SERVICES ARE MADE AVAILABLE TO ANY SCHOOL
12 DISTRICT WITHIN THE SUPERVISORY DISTRICT AND THAT THE REQUIREMENTS OF
13 THIS SUBPARAGRAPH ARE MET. CONTRACTS MUST BE EXECUTED BY THE BOARD OF
14 COOPERATIVE EDUCATIONAL SERVICES AND THE TRUSTEES OR BOARDS OF EDUCATION
15 OF SUCH OUT-OF-STATE SCHOOL DISTRICTS AND SHALL ONLY AUTHORIZE
16 OUT-OF-STATE STUDENTS TO PARTICIPATE IN AN INSTRUCTIONAL PROGRAM IF SUCH
17 SERVICES ARE AVAILABLE TO ALL ELIGIBLE STUDENTS IN NEW YORK STATE
18 SCHOOLS IN THE COMPONENT DISTRICTS AND THE NUMBER OF PARTICIPATING OUT-
19 OF-STATE STUDENTS ONLY COMPRISES UP TO FIVE PERCENT OF THE TOTAL NUMBER
20 OF THE TOTAL ENROLLED STUDENTS IN THE INSTRUCTIONAL PROGRAM AT THE BOARD
21 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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1 EDUCATIONAL SERVICES SPENDS NO MORE THAN THIRTY PERCENT OF ITS EMPLOY-
2 EES' TIME ON SERVICES TO OUT-OF-STATE DISTRICTS PURSUANT TO THIS SUBPAR-
3 AGRAPH. TO BE APPROVED BY THE COMMISSIONER, THE CONTRACT AND ANY BUSI-
4 NESS PLAN, SHALL DEMONSTRATE THAT ANY SERVICES PROVIDED TO OUT-OF-STATE
5 SCHOOLS PURSUANT TO THIS SUBPARAGRAPH SHALL NOT RESULT IN ANY ADDITIONAL
6 COSTS BEING IMPOSED ON COMPONENT SCHOOL DISTRICTS AND THAT ANY PAYMENTS
7 RECEIVED BY THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES FOR SERVICES
8 PROVIDED IN THIS SUBPARAGRAPH THAT EXCEED ANY COST TO THE BOARD OF COOP-
9 ERATIVE EDUCATIONAL SERVICES FOR PROVIDING SUCH SERVICES SHALL BE
10 APPLIED TO REDUCE THE COSTS OF AIDABLE SHARED SERVICES ALLOCATED TO
11 COMPONENT SCHOOL DISTRICTS PURSUANT TO PARAGRAPH D OF THIS SUBDIVISION
12 AND SHALL ALSO BE APPLIED TO REDUCE THE APPROVED COST OF SERVICES PURSU-
13 ANT TO SUBDIVISION FIVE OF THIS SECTION. SERVICES PROVIDED BY A BOARD OF
14 COOPERATIVE EDUCATIONAL SERVICES TO COMPONENT DISTRICTS AT THE TIME OF
15 APPROVAL OF A CONTRACT UNDER THIS PARAGRAPH SHALL NOT BE REDUCED OR
16 ELIMINATED SOLELY DUE TO A BOARD OF COOPERATIVE EDUCATIONAL SERVICES'
17 PERFORMANCE OF SERVICES TO OUT-OF-STATE DISTRICTS PURSUANT TO THIS PARA-
18 GRAPH.

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

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

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

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

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