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:

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.
1921. OPERATION BY BOARD OF COOPERATIVE EDUCATIONAL SERVICES.
1922. ADDITIONAL STATE AID.
1923. REGIONAL HIGH SCHOOL ADVISORY COMMITTEE.

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 BOARDS OF EDUCATION OF SUCH SCHOOL DISTRICTS SHALL 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.

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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. IF THE COMMISSIONER APPROVES THE PROPOSED CONTRACT, THE REGIONAL HIGH SCHOOL SHALL BE ESTABLISHED UPON THE APPROVAL OF SUCH CONTRACT, BY MAJORITY VOTE, OF EACH OF THE BOARDS OF EDUCATION OF THE SCHOOL DISTRICTS PROPOSING TO ESTABLISH A REGIONAL HIGH SCHOOL. UPON THE APPROVAL OF TWO OR MORE BOARDS OF EDUCATION, THE REGIONAL HIGH SCHOOL SHALL BE DEEMED TO HAVE BEEN ESTABLISHED. 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 TWO 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 WHETHER 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," OR BY THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES PURSUANT TO A CONTRACT AUTHORIZED BY SECTION NINETEEN HUNDRED TWENTY-ONE OF THIS ARTICLE;

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 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 OF EACH PARTICIPATING SCHOOL DISTRICT SHALL REMAIN AS STUDENTS OF THEIR RESPECTIVE PARTICIPATING SCHOOL DISTRICTS, 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 EXTRA-CURRICULAR 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,

D. 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,

E. 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 COMPONENT DISTRICT SENDS ITS STUDENTS TO THE REGIONAL HIGH SCHOOL SHALL BE CONSIDERED EMPLOYEES OF THE HOSTING SCHOOL DISTRICT, WITH THE SAME TENURE AND/OR CIVIL SERVICE STATUS HELD IN SUCH COMPONENT DISTRICT. 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,

F. 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 E OF THIS SUBDIVISION, THE SERVICES OF THE TEACHERS, NON-INSTRUCTIONAL EMPLOYEES AND OTHER EMPLOYEES HAVING THE LEAST SENIORITY IN THE PARTICIPATING 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

G. FOR ANY SUCH TEACHER, NON-INSTRUCTIONAL EMPLOYEE OR OTHER EMPLOYEE AS DESCRIBED IN PARAGRAPHS D AND E 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;

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;

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 THE SPECIAL EDUCATION SERVICE PLANS AND PLANS FOR STUDENTS WITH HANDICAPPING CONDITIONS;

12. 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;

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

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

15. 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

16. 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.

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

1. UPON ENTRY INTO SUCH CONTRACT, THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES SHALL TAKE OVER ALL OF THE EDUCATIONAL PROGRAMS OF THE REGIONAL HIGH SCHOOL AND ANY AND ALL RESPONSIBILITY FOR COMPLIANCE WITH ACADEMIC ACHIEVEMENT STANDARDS, AND ANY EMPLOYEES OF THE REGIONAL HIGH SCHOOL OR OF THE PARTICIPATING SCHOOL DISTRICTS, AS THE CASE MAY BE, SHALL BECOME EMPLOYEES OF THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES AND THE PROVISIONS OF SECTION THREE THOUSAND FOURTEEN-A OF THIS CHAPTER AND ARTICLE FIVE OF THE CIVIL SERVICE LAW SHALL APPLY. SUCH EMPLOYEES SHALL BE EMPLOYEES OF THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES AND SHALL NOT BE DEEMED EMPLOYEES OF THE REGIONAL HIGH SCHOOL OR THE PARTICIPATING SCHOOL DISTRICTS FOR ANY PURPOSE. UPON TERMINATION OF THE CONTRACT, THE REGIONAL HIGH SCHOOL OR THE PARTICIPATING SCHOOL DISTRICTS, AS THE CASE MAY BE, SHALL TAKE OVER THE EDUCATIONAL PROGRAMS AND THE EMPLOYEES SHALL BECOME EMPLOYEES OF THE HOSTING SCHOOL DISTRICT OF THE REGIONAL HIGH SCHOOL, AND THE PROVISIONS OF SECTION THREE THOUSAND FOURTEEN-B OF THIS CHAPTER AND ARTICLE FIVE OF THE CIVIL SERVICE LAW SHALL APPLY.

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

SHALL PORTION SUCH EXPENSES TO THE SCHOOL DISTRICTS PARTICIPATING IN THE REGIONAL HIGH SCHOOL IN THE MANNER PRESCRIBED IN THE CONTRACT BETWEEN THE PARTICIPATING SCHOOL DISTRICTS AND THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES. THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES SHALL NOT CHARGE ANY PORTION OF THE PROGRAM OR ADMINISTRATIVE EXPENSES INCURRED PURSUANT TO THIS SUBDIVISION TO ITS OTHER COMPONENT SCHOOL DISTRICTS. SUCH ADMINISTRATIVE AND PROGRAM EXPENSES SHALL NOT BE ELIGIBLE FOR AID PURSUANT TO SUBDIVISION FIVE OF SECTION NINETEEN HUNDRED FIFTY OF THIS TITLE, BUT SHALL BE ELIGIBLE FOR AID PURSUANT TO SECTION THIRTY-SIX HUNDRED TWO OF THIS CHAPTER TO THE SAME EXTENT AS THE EXPENSES OF ANY OTHER HIGH SCHOOL EDUCATION PROGRAM. NOTHING IN THIS SUBDIVISION SHALL BE CONSTRUED TO PREVENT THE PARTICIPATING SCHOOL DISTRICTS FROM CONTRACTING WITH THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES FOR AIDABLE SHARED SERVICES IN THE SAME MANNER AND UNDER THE SAME CONDITIONS AS ANY OTHER COMPONENT SCHOOL DISTRICT, AND THE COST OF SUCH AIDABLE SHARED SERVICES SHALL BE ELIGIBLE FOR AID PURSUANT TO SUBDIVISION FIVE OF SECTION NINETEEN HUNDRED FIFTY OF THIS TITLE.

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

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

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

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

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

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

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

(6) where such reorganization includes at least two school districts employing eight or more teachers forming a central high school district pursuant to section nineteen hundred thirteen of this chapter OR FORMING A REGIONAL HIGH SCHOOL PURSUANT TO ARTICLE THIRTY-NINE-A OF THIS CHAPTER, such reorganized district shall be entitled to an apportionment equal to an additional 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; for a period of five years beginning with the first school year of operation as a reorganized district such additional percent shall be forty percent; and thereafter such additional forty percent apportionment to such district shall be reduced by four percentage points each year, beginning with the sixth school year of operation as a reorganized district, and continuing until such additional forty percent apportionment is eliminated; provided, however, that the total apportionment to such reorganized district, beginning with the first school year of operation as a reorganized district, and for a period of fifteen years thereafter, shall be not less than the sum of all apportionments computed in accordance with the provisions of this paragraph plus the apportionment computed in accordance with the provisions of paragraph d-1 of this subdivision that each component school district was entitled to receive and did receive during the last school year preceding such first year of operation. In the event a school district is eligible for incentive operating aid and again reorganizes pursuant to a new plan or reorganization established by the commissioner, and where such new reorganization is again eligible for incentive operating aid, the newly created school district shall be entitled to receive incentive operating aid pursuant to the provisions of this paragraph, based on all school districts included in any such reorganization, provided, however, that incentive operating aid payments due because of any such former reorganization shall cease.

S 3. This act shall take effect immediately.