

S T A T E   O F   N E W   Y O R K

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8002--B

2011-2012 Regular Sessions

I N   A S S E M B L Y

May 25, 2011

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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:

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     S 1920. REGIONAL HIGH SCHOOL; ESTABLISHMENT. THE ESTABLISHMENT OF A  
7     REGIONAL HIGH SCHOOL SHALL BE COMMENCED UPON THE ADOPTION OF A RESOL-  
8     UTION PROPOSING THE ESTABLISHMENT OF SUCH A HIGH SCHOOL, BY MAJORITY  
9     VOTE, OF EACH OF THE BOARDS OF EDUCATION OF 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 CATTARAUGUS-ALLEGANY-ERIE-WYOMING BOARD OF COOPERATIVE EDUCA-  
15    TIONAL SERVICES SUPERVISORY DISTRICT, THE ERIE 2 CHAUTAUQUA-CATTARAUGUS  
16    BOARD OF COOPERATIVE EDUCATIONAL SERVICES SUPERVISORY DISTRICT, OR THE  
17    GREATER SOUTHERN TIER BOARD OF COOPERATIVE EDUCATIONAL SERVICES SUPERVI-  
18    SORY DISTRICT. THEREAFTER, IF TWO OR MORE SCHOOL DISTRICTS ADOPT SUCH A  
19    RESOLUTION, THE BOARD OF EDUCATION OF EACH SCHOOL DISTRICT PROPOSING TO  
20    ESTABLISH THE REGIONAL HIGH SCHOOL SHALL, NOT LESS THAN THIRTY DAYS  
21    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.

LBD10142-19-2

1 OPEN TO THE PUBLIC UPON THE TERMS AND CONDITIONS OF SUCH RESOLUTION. THE  
2 ADOPTION OF THE RESOLUTION FOR THE ESTABLISHMENT OF A REGIONAL HIGH  
3 SCHOOL SHALL BE SUBJECT TO APPROVAL THEREOF, BY MAJORITY VOTE, OF ALL  
4 ELECTORS OF THE SCHOOL DISTRICTS PROPOSING TO ESTABLISH A REGIONAL HIGH  
5 SCHOOL, SUCH ELECTION BEING CONDUCTED WITHIN EACH SCHOOL DISTRICT AND  
6 THE VOTES THEREIN BEING COMPILED AT A CENTRAL LOCATION BY A BOARD OF  
7 CANVASS ESTABLISHED BY THE BOARDS OF EDUCATION OF SUCH SCHOOL DISTRICTS.  
8 UPON APPROVAL BY THE ELECTORS OF THE SCHOOL DISTRICTS THE BOARDS OF  
9 EDUCATION OF SUCH SCHOOL DISTRICTS SHALL JOINTLY ESTABLISH A PROPOSED  
10 CONTRACT FOR THE OPERATION OF A REGIONAL HIGH SCHOOL. UPON ESTABLISHMENT  
11 OF A PROPOSED CONTRACT FOR THE OPERATION OF A REGIONAL HIGH SCHOOL, SUCH  
12 CONTRACT SHALL BE SUBMITTED TO THE COMMISSIONER. EVERY PROPOSED CONTRACT  
13 FOR A REGIONAL HIGH SCHOOL SHALL BE SUBJECT TO APPROVAL BY THE COMMIS-  
14 SIONER WHO SHALL, AS A CONDITION OF SUCH APPROVAL, CERTIFY THAT THE  
15 CREATION OF A REGIONAL HIGH SCHOOL WILL EXPAND AND IMPROVE THE EDUCA-  
16 TIONAL SERVICES AVAILABLE TO ALL STUDENTS OF SUCH HIGH SCHOOL AND THAT  
17 IT CAN RESULT IN ADMINISTRATIVE EFFICIENCIES FOR ALL PARTICIPATING  
18 DISTRICTS. IF THE COMMISSIONER APPROVES THE PROPOSED CONTRACT, THE  
19 REGIONAL HIGH SCHOOL SHALL BE DEEMED TO HAVE BEEN ESTABLISHED, EXCEPT  
20 THAT NOTHING IN THIS SECTION SHALL PREVENT THE HIGH SCHOOL WHICH WOULD  
21 SERVE AS THE HOST OF THE REGIONAL HIGH SCHOOL SO ESTABLISHED TO CONTINUE  
22 TO OPERATE AS A LEGAL ENTITY UNTIL THE END OF THE SCHOOL YEAR. EXCEPT AS  
23 OTHERWISE PROVIDED IN THIS ARTICLE, THE PROVISIONS OF THIS CHAPTER AS TO  
24 THE COURSES OF STUDY, THE QUALIFICATIONS AND EMPLOYMENT OF TEACHERS,  
25 NON-INSTRUCTIONAL EMPLOYEES AND OTHER STAFF, AND THE MAINTENANCE,  
26 CONDUCT AND SUPERVISION OF PUBLIC SCHOOLS IN CENTRAL SCHOOL DISTRICTS  
27 SHALL APPLY TO A REGIONAL HIGH SCHOOL. EVERY REGIONAL HIGH SCHOOL AND  
28 THE CONTRACT THEREFOR SHALL MEET THE FOLLOWING REQUIREMENTS:

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

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

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

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

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

47 A. THE CONTRACT SHALL DESIGNATE THE SITE OF THE REGIONAL HIGH SCHOOL,  
48 WHICH SHALL BE WITHIN THE BOUNDARIES OF ONE OF THE PARTICIPATING SCHOOL  
49 DISTRICTS. THE HOSTING SCHOOL DISTRICT AND THE BOARD OF EDUCATION OF  
50 SUCH SCHOOL DISTRICT SHALL HAVE RESPONSIBILITY FOR THE OPERATION, SUPER-  
51 VISION AND MAINTENANCE OF THE REGIONAL HIGH SCHOOL, AS SHALL BE DESIG-  
52 NATED IN THE CONTRACT,

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

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

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

17 D. THE REGIONAL HIGH SCHOOL SHALL BE RESPONSIBLE FOR THE EVALUATION  
18 AND GRADING OF THE ACADEMIC PERFORMANCE OF ALL STUDENTS ATTENDING THE  
19 REGIONAL HIGH SCHOOL, AND SHALL AWARD STUDENTS THEIR DIPLOMAS UPON GRAD-  
20 UATION,

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

28 F. IN ANY CASE IN WHICH A PARTICIPATING SCHOOL DISTRICT SENDS STUDENTS  
29 TO A REGIONAL HIGH SCHOOL OPERATED BY A HOSTING SCHOOL DISTRICT, EACH  
30 TEACHER, NON-INSTRUCTIONAL EMPLOYEE AND ALL OTHER EMPLOYEES PREVIOUSLY  
31 EMPLOYED IN THE EDUCATION OF SUCH STUDENTS BY SUCH PARTICIPATING SCHOOL  
32 DISTRICT PRIOR TO THE TIME THAT SUCH PARTICIPATING DISTRICT SENDS ITS  
33 STUDENTS TO THE REGIONAL HIGH SCHOOL SHALL BECOME MEMBERS OF THE EMPLOY-  
34 EE ORGANIZATIONS REPRESENTING THE EMPLOYEES OF THE HOSTING DISTRICT AT  
35 THE TIME OF CREATION OF THE REGIONAL HIGH SCHOOL UNTIL SUCH TIME AS A  
36 SUCCESSOR AGREEMENT HAS BEEN NEGOTIATED, AND SHALL PROVIDE THAT THE  
37 DETERMINATION OF BARGAINING UNIT STATUS AND REPRESENTATION RIGHTS SHALL  
38 BE IN ACCORDANCE WITH ARTICLE FOURTEEN OF THE CIVIL SERVICE LAW AND THE  
39 RULES OF PROCEDURE OF THE PUBLIC EMPLOYMENT RELATIONS BOARD. UPON TERMI-  
40 NATION OF THE REGIONAL HIGH SCHOOL THE TEACHERS, NON-INSTRUCTIONAL  
41 EMPLOYEES AND ALL OTHER EMPLOYEES SHALL REVERT BACK TO THE CONTRACT  
42 CURRENTLY IN EFFECT AT THE SENDING SCHOOL DISTRICT TO WHICH THEY ARE  
43 SENT. FOR PURPOSES OF THIS SECTION, WHEN A PARTICIPATING SCHOOL DISTRICT  
44 TAKES BACK STUDENTS THAT IT SENT TO ANOTHER DISTRICT ON A TUITION BASIS  
45 AND SENDS SUCH STUDENTS TO A REGIONAL HIGH SCHOOL OPERATED PURSUANT TO  
46 THIS ARTICLE, THE HOSTING SCHOOL DISTRICT OF THE REGIONAL HIGH SCHOOL  
47 SHALL BE DEEMED TO BE THE SENDING DISTRICT FOR PURPOSES OF THE RIGHTS  
48 AND PROTECTIONS PROVIDED IN SECTION THREE THOUSAND FOURTEEN-C OF THIS  
49 CHAPTER AND/OR ARTICLE FIVE OF THE CIVIL SERVICE LAW,

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

1 IPATING SCHOOL DISTRICTS WITHIN THE TENURE AREA OR CIVIL SERVICE STATUS,  
2 AS THE CASE MAY BE, OF THE POSITION SHALL BE DISCONTINUED. SUCH TEACH-  
3 ERS, NON-INSTRUCTIONAL EMPLOYEES AND OTHER EMPLOYEES SHALL BE PLACED ON  
4 A PREFERRED ELIGIBLE LIST OF CANDIDATES FOR APPOINTMENT TO A VACANCY  
5 THAT MAY THEREAFTER OCCUR IN AN OFFICE OR POSITION UNDER THE JURISDIC-  
6 TION OF THE PARTICIPATING SCHOOL DISTRICT, THE "RECEIVING DISTRICT" AS  
7 DEFINED IN SECTION THREE THOUSAND FOURTEEN-C OF THIS CHAPTER, FROM WHICH  
8 A PARTICIPATING SCHOOL DISTRICT HAS TAKEN BACK STUDENTS, AND THE HOSTING  
9 SCHOOL DISTRICT OF THE REGIONAL HIGH SCHOOL SIMILAR TO THE ONE SUCH  
10 TEACHER OR OTHER EMPLOYEE FILLED IN SUCH COMPONENT DISTRICT. THE TEACH-  
11 ERS, NON-INSTRUCTIONAL EMPLOYEES AND OTHER EMPLOYEES ON SUCH PREFERRED  
12 LISTS SHALL BE REINSTATED OR APPOINTED TO SUCH VACANCIES IN SUCH CORRE-  
13 SPONDING OR SIMILAR POSITIONS UNDER THE JURISDICTION OF THE PARTICIPAT-  
14 ING SCHOOL DISTRICT OR THE HOSTING SCHOOL DISTRICT OF THE REGIONAL HIGH  
15 SCHOOL IN THE ORDER OF THEIR LENGTH OF SERVICE IN SUCH PARTICIPATING  
16 SCHOOL DISTRICT, WITHIN SEVEN YEARS FROM THE DATE OF THE PLACEMENT OF  
17 THE EMPLOYEE ON SAID LIST, AND

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

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

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

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

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

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

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

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

51 13. THE CONTRACT SHALL SPECIFY THE FISCAL IMPLICATIONS OF THE ESTAB-  
52 LISHMENT AND OPERATION OF THE REGIONAL HIGH SCHOOL, INCLUDING THE  
53 CURRENT AND EXPECTED STATE AID CHANGES, EXPENDITURES AND PROPERTY TAX  
54 LEVIES;

55 14. THE CONTRACT SHALL SPECIFY THE PLAN AND PROCEDURES FOR PARTICIPAT-  
56 ING DISTRICTS WITH REGARD TO THE ADMINISTRATIVE STRUCTURE AND STAFFING

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

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

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

27 17. THIS SECTION SHALL IN NO WAY BE CONSTRUED TO LIMIT THE RIGHTS OF  
28 ANY OF SUCH TEACHERS OR OTHER EMPLOYEES DESCRIBED IN THIS SECTION GRANT-  
29 ED BY ANY OTHER PROVISION OF LAW.

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

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

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

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

49 (2) WHEREVER SUCH PROPOSED REGIONAL HIGH SCHOOL AGREEMENT INCLUDES AT  
50 LEAST ONE SCHOOL DISTRICT WHICH PREVIOUSLY MAINTAINED ITS OWN HIGH  
51 SCHOOL, AND DOES NOT MAINTAIN ITS OWN HIGH SCHOOL FOLLOWING THE ESTAB-  
52 LISHMENT OF THE REGIONAL HIGH SCHOOL, AND IN ADDITION THERETO, INCLUDES  
53 AT LEAST ONE ADDITIONAL SCHOOL DISTRICT EMPLOYING EIGHT OR MORE TEACH-  
54 ERS: IN EACH YEAR IN WHICH A SCHOOL DISTRICT IS PARTY TO SUCH AGREE-  
55 MENT, SUCH DISTRICT SHALL BE ENTITLED TO AN APPORTIONMENT EQUAL TO FORTY  
56 PERCENT OF THE APPORTIONMENT COMPUTED IN ACCORDANCE WITH THE PROVISIONS

1 OF PARAGRAPH D-1 OF THIS SUBDIVISION; BUT IN NO CASE SHALL THE SUM OF  
2 SUCH APPORTIONMENT UNDER THIS PARAGRAPH PLUS THE SELECTED OPERATING AID  
3 PER PUPIL BE MORE THAN A TOTAL OF NINETY-FIVE PER CENTUM OF THE YEAR  
4 PRIOR TO THE BASE YEAR APPROVED OPERATING EXPENSE. SCHOOL DISTRICTS  
5 WHICH RECEIVE AN APPORTIONMENT UNDER THIS PARAGRAPH SHALL NOT BE ELIGI-  
6 BLE FOR AN APPORTIONMENT UNDER PARAGRAPH C, E, F OR J OF THIS SUBDIVI-  
7 SION.  
8 (3) NOT LESS THAN FIFTY PERCENT OF THE AID RECEIVED BY A SENDING  
9 SCHOOL DISTRICT PURSUANT TO THIS PARAGRAPH SHALL BE USED TO IMPROVE ITS  
10 GRADES PRE-KINDERGARTEN THROUGH EIGHT EDUCATIONAL PROGRAMS.  
11 S 3. This act shall take effect immediately.