

8003

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

AN ACT to amend the education law, in relation to authorizing the estab-  
lishment of regional high school districts

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-  
BLY, 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. EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE, THE PROVISIONS  
16    OF THIS CHAPTER AS TO THE COURSES OF STUDY, THE QUALIFICATIONS AND  
17    EMPLOYMENT OF TEACHERS AND OTHER STAFF, AND THE MAINTENANCE, CONDUCT AND  
18    SUPERVISION OF PUBLIC SCHOOLS IN CENTRAL SCHOOL DISTRICTS SHALL APPLY TO  
19    A REGIONAL HIGH SCHOOL. ANY CONTRACT FOR A REGIONAL HIGH SCHOOL SHALL BE  
20    SUBJECT TO APPROVAL BY THE COMMISSIONER AND SHALL NOT BE SUBJECT TO  
21    APPROVAL BY THE ELECTORS OF THE SCHOOL DISTRICTS ELECTING TO FORM THE  
22    REGIONAL HIGH SCHOOL, AND THE REGIONAL HIGH SCHOOL AND THE CONTRACT  
23    SHALL MEET THE FOLLOWING REQUIREMENTS:

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

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

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

7 3. THE CONTRACT SHALL STATE WHETHER THE REGIONAL HIGH SCHOOL WILL BE  
8 OPERATED BY ONE OF THE PARTICIPATING SCHOOL DISTRICTS, HEREINAFTER  
9 REFERRED TO IN THIS ARTICLE AS THE "HOSTING SCHOOL DISTRICT," OR BY THE  
10 BOARD OF COOPERATIVE EDUCATIONAL SERVICES PURSUANT TO A CONTRACT AUTHOR-  
11 IZED BY SECTION NINETEEN HUNDRED TWENTY-ONE OF THIS CHAPTER;

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

18 5. SUCH REGIONAL HIGH SCHOOL SHALL OPERATE ITS OWN EXTRA-CURRICULAR  
19 ACTIVITIES AND INTER-SCHOLASTIC ATHLETICS, AND THE STUDENTS ATTENDING  
20 SUCH REGIONAL HIGH SCHOOL SHALL BE ELIGIBLE TO PARTICIPATE IN SUCH  
21 ACTIVITIES AND ATHLETICS AND SHALL NOT BE ELIGIBLE TO PARTICIPATE IN  
22 SUCH ACTIVITIES AND ATHLETICS OF THEIR PARTICIPATING SCHOOL DISTRICT;

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

26 A. THE CONTRACT SHALL DESIGNATE THE SITE OF THE REGIONAL HIGH SCHOOL,  
27 WHICH SHALL BE WITHIN THE BOUNDARIES OF ONE OF THE PARTICIPATING SCHOOL  
28 DISTRICTS. THE HOSTING SCHOOL DISTRICT SHALL HAVE RESPONSIBILITY FOR THE  
29 OPERATION, SUPERVISION AND MAINTENANCE OF THE REGIONAL HIGH SCHOOL, AS  
30 SHALL BE DESIGNATED IN THE CONTRACT,

31 B. THE CONTRACT SHALL SPECIFY THAT THE STUDENTS OF EACH PARTICIPATING  
32 SCHOOL DISTRICT SHALL REMAIN AS STUDENTS OF THEIR RESPECTIVE PARTICIPAT-  
33 ING SCHOOL DISTRICTS, AND THEY SHALL BE TREATED AND COUNTED AS SUCH FOR  
34 PURPOSES OF ALL STATE AID CALCULATIONS PURSUANT TO THIS CHAPTER,

35 C. THE REGIONAL HIGH SCHOOL SHALL OPERATE ITS OWN EXTRA-CURRICULAR  
36 ACTIVITIES AND INTERSCHOLASTIC ATHLETICS AND THE STUDENTS ATTENDING SUCH  
37 REGIONAL HIGH SCHOOL SHALL BE ELIGIBLE TO PARTICIPATE IN SUCH ACTIVITIES  
38 AND ATHLETICS AND SHALL NOT BE ELIGIBLE TO PARTICIPATE IN SUCH ACTIV-  
39 ITIES AND ATHLETICS OF THEIR PARTICIPATING SCHOOL DISTRICT,

40 D. THE CONTRACT SHALL PROVIDE THAT ALL TEACHERS AND OTHER STAFF  
41 MEMBERS OF THE PARTICIPATING SCHOOL DISTRICTS, EXCEPT THE SUPERINTENDENT  
42 OF SCHOOLS, WHOSE SERVICES IN THE PARTICIPATING SCHOOL DISTRICTS ARE NO  
43 LONGER NEEDED BECAUSE OF THE CREATION OF A REGIONAL HIGH SCHOOL OR THE  
44 TRANSFERENCE OF STUDENTS TO AN EXISTING REGIONAL HIGH SCHOOL, SHALL BE  
45 GRANTED EMPLOYMENT RIGHTS IN THE HOST SCHOOL DISTRICT IN ACCORDANCE WITH  
46 THE PROVISIONS OF THIS SUBDIVISION,

47 E. IN ANY CASE IN WHICH A PARTICIPATING SCHOOL DISTRICT SENDS  
48 STUDENTS TO A REGIONAL HIGH SCHOOL OPERATED BY A HOSTING SCHOOL  
49 DISTRICT, EACH TEACHER AND ALL OTHER EMPLOYEES PREVIOUSLY EMPLOYED IN  
50 THE EDUCATION OF SUCH STUDENTS BY SUCH PARTICIPATING SCHOOL DISTRICT  
51 PRIOR TO THE TIME THAT SUCH COMPONENT DISTRICT SENDS ITS STUDENTS TO THE  
52 REGIONAL HIGH SCHOOL SHALL BE CONSIDERED EMPLOYEES OF THE HOSTING SCHOOL  
53 DISTRICT, WITH THE SAME TENURE STATUS HELD IN SUCH COMPONENT DISTRICT.  
54 FOR PURPOSES OF THIS SECTION, WHEN A PARTICIPATING SCHOOL DISTRICT TAKES  
55 BACK STUDENTS THAT IT SENT TO ANOTHER DISTRICT ON A TUITION BASIS AND  
56 SENDS SUCH STUDENTS TO A REGIONAL HIGH SCHOOL OPERATED PURSUANT TO THIS

1 ARTICLE, THE HOSTING SCHOOL DISTRICT OF THE REGIONAL HIGH SCHOOL SHALL  
2 BE DEEMED TO BE THE SENDING DISTRICT FOR PURPOSES OF THE RIGHTS AND  
3 PROTECTIONS PROVIDED IN SECTION THREE THOUSAND FOURTEEN-C OF THIS CHAP-  
4 TER,

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

26 G. FOR ANY SUCH TEACHER OR OTHER EMPLOYEE AS DESCRIBED IN PARAGRAPHS D  
27 AND E OF THIS SUBDIVISION, FOR SALARY, SICK LEAVE AND ANY OTHER  
28 PURPOSES, THE LENGTH OF SERVICE CREDITED IN SUCH PARTICIPATING SCHOOL  
29 DISTRICT SHALL BE CREDITED AS EMPLOYMENT TIME WITH THE HOSTING SCHOOL  
30 DISTRICT;

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

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

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

51 1. UPON ENTRY INTO SUCH CONTRACT, THE BOARD OF COOPERATIVE EDUCATIONAL  
52 SERVICES SHALL TAKE OVER ALL OF THE EDUCATIONAL PROGRAMS OF THE REGIONAL  
53 HIGH SCHOOL AND ANY AND ALL RESPONSIBILITY FOR COMPLIANCE WITH ACADEMIC  
54 ACHIEVEMENT STANDARDS, AND ANY EMPLOYEES OF THE REGIONAL HIGH SCHOOL OR  
55 OF THE PARTICIPATING SCHOOL DISTRICTS, AS THE CASE MAY BE, SHALL BECOME  
56 EMPLOYEES OF THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES AND THE

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

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

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

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

1 WHERE IN ATTENDANCE AT A HIGH SCHOOL OPERATED BY THE PARTICIPATING  
2 DISTRICT.  
3 S 1922. ADDITIONAL STATE AID. NOTWITHSTANDING ANY OTHER PROVISION OF  
4 LAW TO THE CONTRARY, THE BOARDS OF EDUCATION WHICH ARE PARTIES TO AN  
5 AGREEMENT TO OPERATE A REGIONAL HIGH SCHOOL AND WHICH DO IN FACT OPERATE  
6 A REGIONAL HIGH SCHOOL SHALL BE ELIGIBLE FOR ADDITIONAL STATE AID PURSU-  
7 ANT TO SUBDIVISION FOURTEEN OF SECTION THIRTY-SIX HUNDRED TWO OF THIS  
8 CHAPTER IN THE SAME MANNER AND TO THE SAME EXTENT AS A SCHOOL DISTRICT  
9 WHICH QUALIFIES FOR SUCH AID PURSUANT TO PARAGRAPH J OF SUBDIVISION  
10 FOURTEEN OF SECTION THIRTY-SIX HUNDRED TWO OF THIS CHAPTER.  
11 S 2. This act shall take effect immediately.