

5184

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

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:

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 CATTARAUGUS-ALLEGANY-ERIE-WYOMING BOARD OF COOPERATIVE EDUCA-
15 TIONAL SERVICES SUPERVISORY DISTRICT, THE ERIE 2 CHAUTAUQUA-CATTAUGUS
16 BOARD OF COOPERATIVE EDUCATIONAL SERVICES SUPERVISORY DISTRICT, OR THE
17 GREATER SOUTHERN TIER BOARD OF COOPERATIVE EDUCATIONAL SERVICES SUPERVI-
18 SORY DISTRICT. EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE, THE
19 PROVISIONS OF THIS CHAPTER AS TO THE COURSES OF STUDY, THE QUALIFICA-
20 TIONS AND EMPLOYMENT OF TEACHERS AND OTHER STAFF, AND THE MAINTENANCE,
21 CONDUCT AND SUPERVISION OF PUBLIC SCHOOLS IN CENTRAL SCHOOL DISTRICTS
22 SHALL APPLY TO A REGIONAL HIGH SCHOOL. ANY CONTRACT FOR A REGIONAL HIGH
23 SCHOOL SHALL BE SUBJECT TO APPROVAL BY THE COMMISSIONER, AND THE

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

LBD10142-04-1

1 REGIONAL HIGH SCHOOL AND THE CONTRACT SHALL MEET THE FOLLOWING REQUIRE-
2 MENTS:

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

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

9 3. THE CONTRACT SHALL STATE THAT THE REGIONAL HIGH SCHOOL WILL BE
10 OPERATED BY THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES PURSUANT TO A
11 CONTRACT AUTHORIZED BY SECTION NINETEEN HUNDRED TWENTY-ONE OF THIS ARTI-
12 CLE;

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

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

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

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

41 1. UPON ENTRY INTO SUCH CONTRACT, THE BOARD OF COOPERATIVE EDUCATIONAL
42 SERVICES SHALL TAKE OVER ALL OF THE EDUCATIONAL PROGRAMS OF THE REGIONAL
43 HIGH SCHOOL, AND ANY EMPLOYEES OF THE REGIONAL HIGH SCHOOL OR OF THE
44 PARTICIPATING SCHOOL DISTRICTS, AS THE CASE MAY BE, SHALL BECOME EMPLOY-
45 EES OF THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES AND THE PROVISIONS
46 OF SECTION THREE THOUSAND FOURTEEN-A OF THIS CHAPTER SHALL APPLY. SUCH
47 EMPLOYEES SHALL BE EMPLOYEES OF THE BOARD OF COOPERATIVE EDUCATIONAL
48 SERVICES AND SHALL NOT BE DEEMED EMPLOYEES OF THE REGIONAL HIGH SCHOOL
49 OR THE PARTICIPATING SCHOOL DISTRICTS FOR ANY PURPOSE. UPON TERMINATION
50 OF THE CONTRACT, THE REGIONAL HIGH SCHOOL OR THE PARTICIPATING SCHOOL
51 DISTRICTS, AS THE CASE MAY BE, SHALL TAKE OVER THE EDUCATIONAL PROGRAMS
52 AND THE EMPLOYEES SHALL BECOME EMPLOYEES OF THE HOSTING SCHOOL DISTRICT
53 OF THE REGIONAL HIGH SCHOOL, AND THE PROVISIONS OF SECTION THREE THOU-
54 SAND FOURTEEN-B OF THIS CHAPTER SHALL APPLY.

55 2. NOTWITHSTANDING ANY PROVISIONS OF SECTION NINETEEN HUNDRED FIFTY OF
56 THIS TITLE OR ANY OTHER LAW TO THE CONTRARY, THE PROGRAM AND ADMINISTRA-

1 TIVE EXPENSES ATTRIBUTABLE TO THE PROGRAMS OF THE REGIONAL HIGH SCHOOL
2 SHALL BE A CHARGE UPON THE SCHOOL DISTRICTS PARTICIPATING IN THE
3 REGIONAL HIGH SCHOOL, AND THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES
4 SHALL PORTION SUCH EXPENSES TO THE SCHOOL DISTRICTS PARTICIPATING IN THE
5 REGIONAL HIGH SCHOOL IN THE MANNER PRESCRIBED IN THE CONTRACT BETWEEN
6 THE PARTICIPATING SCHOOL DISTRICTS AND THE BOARD OF COOPERATIVE EDUCA-
7 TIONAL SERVICES. THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES SHALL NOT
8 CHARGE ANY PORTION OF THE PROGRAM OR ADMINISTRATIVE EXPENSES INCURRED
9 PURSUANT TO THIS SUBDIVISION TO ITS OTHER COMPONENT SCHOOL DISTRICTS.
10 SUCH ADMINISTRATIVE AND PROGRAM EXPENSES SHALL NOT BE ELIGIBLE FOR AID
11 PURSUANT TO SUBDIVISION FIVE OF SECTION NINETEEN HUNDRED FIFTY OF THIS
12 TITLE, BUT SHALL BE ELIGIBLE FOR AID PURSUANT TO SECTION THIRTY-SIX
13 HUNDRED TWO OF THIS CHAPTER TO THE SAME EXTENT AS THE EXPENSES OF ANY
14 OTHER HIGH SCHOOL EDUCATION PROGRAM. NOTHING IN THIS SUBDIVISION SHALL
15 BE CONSTRUED TO PREVENT THE PARTICIPATING SCHOOL DISTRICTS FROM
16 CONTRACTING WITH THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES FOR AIDA-
17 BLE SHARED SERVICES IN THE SAME MANNER AND UNDER THE SAME CONDITIONS AS
18 ANY OTHER COMPONENT SCHOOL DISTRICT, AND THE COST OF SUCH AIDABLE SHARED
19 SERVICES SHALL BE ELIGIBLE FOR AID PURSUANT TO SUBDIVISION FIVE OF
20 SECTION NINETEEN HUNDRED FIFTY OF THIS TITLE.

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

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

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

55 S 2. This act shall take effect immediately.