S T A T E O F N E W Y O R K

5255--C

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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- 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 counties

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.

S 1920. REGIONAL HIGH SCHOOL; ESTABLISHMENT. A REGIONAL HIGH SCHOOL MAY BE FORMED BY A CONTRACT ENTERED INTO BY 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 SAME BOARD OF COOPERATIVE EDUCATIONAL SERVICES SUPERVISORY DISTRICT, AND IS WHOLLY CONTAINED WITHIN ANY COUNTY HAVING BETWEEN ONE HUNDRED THIRTY-FOUR THOUSAND NINE HUNDRED THREE AND ONE HUNDRED THIRTY-FOUR THOUSAND NINE HUNDRED SEVEN INHABITANTS ACCORDING TO THE TWO THOUSAND TEN DECENNIAL FEDERAL CENSUS. EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE, THE PROVISIONS OF THIS CHAPTER AS TO THE COURSES OF STUDY, THE QUALIFICATIONS AND EMPLOYMENT OF TEACHERS AND OTHER STAFF, AND THE MAIN-

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

LBD10142-13-1

TENANCE, CONDUCT AND SUPERVISION OF PUBLIC SCHOOLS IN CENTRAL SCHOOL DISTRICTS SHALL APPLY TO A REGIONAL HIGH SCHOOL. ANY CONTRACT FOR A REGIONAL HIGH SCHOOL SHALL BE SUBJECT TO APPROVAL BY THE COMMISSIONER AND SHALL NOT BE SUBJECT TO APPROVAL BY THE ELECTORS OF THE SCHOOL DISTRICTS ELECTING TO FORM THE REGIONAL HIGH SCHOOL, AND THE REGIONAL HIGH SCHOOL AND THE CONTRACT 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 CHAPTER;

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. SUCH REGIONAL HIGH SCHOOL SHALL OPERATE ITS OWN EXTRA-CURRICULAR ACTIVITIES AND INTER-SCHOLASTIC 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;

6. 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 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 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 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,

F. IF THE NUMBER OF TEACHING AND OTHER POSITIONS NEEDED TO PROVIDE THE EDUCATIONAL SERVICES REQUIRED BY A REGIONAL HIGH SCHOOL IS LESS THAN THE NUMBER OF TEACHERS 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 AND OTHER EMPLOYEES HAVING THE LEAST SENIORITY IN THE PARTICIPATING SCHOOL DISTRICTS WITHIN THE TENURE AREA OF THE POSITION SHALL BE DISCONTINUED. SUCH TEACHERS 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 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 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;

7. 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

8. 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 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 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 2. This act shall take effect immediately.