

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

S. 1768--A

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2013-2014 Regular Sessions

S E N A T E - A S S E M B L Y

(PREFILED)

January 9, 2013

IN SENATE -- Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

IN ASSEMBLY -- Introduced by M. of A. ENGLEBRIGHT -- 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 establish the Suffolk School of Math, Science & Engineering Regional Technology Institute to provide instruction to students in the Eastern Suffolk BOCES and the Western Suffolk BOCES in a technology based learning process of core academic areas

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Legislative intent. The purpose of this act is to establish
2 the Suffolk School of Math, Science & Engineering Regional Technology
3 Institute. The Suffolk School of Math, Science & Engineering Regional
4 Technology Institute shall provide a high school course of instruction
5 for grades nine through twelve, dedicated to providing expanded learning
6 opportunities to students residing in the Eastern Suffolk BOCES, the
7 Western Suffolk BOCES, and in the school districts of such adjoining
8 BOCES districts as who request to participate through agreement between
9 the BOCES superintendent and the board hereinafter established, the
10 areas of technology as well as the core academic areas required for the
11 issuance of high school diplomas in accordance with the rules and regulations promulgated by the board of regents. The legislature hereby
12 finds and declares that the establishment of the Suffolk School of Math,
13 Science & Engineering Regional Technology Institute is a necessary
14

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

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1 component to the development of the Long Island region of New York state
2 and a necessary link to fostering the development and advancement of
3 emerging technologies. This school will advance the interests of the
4 Suffolk area and New York state by engaging students in rigorous and
5 enriching educational experiences focused on emerging technologies,
6 project-based learning and collaboration and by providing that experi-
7 ence within the context of a business and learning community for the
8 purpose of directly connecting student learning with real world experi-
9 ence in advanced technical facilities. It is expressly found that the
10 establishment and operation of such school pursuant to this act is a
11 public purpose. The legislature further finds that the establishment of
12 a school business leaders alliance that shall serve as a forum in which
13 regional businesses can work together with the board and school to
14 create opportunities for students consistent with this act shall be
15 deemed as a necessary feature to the successful operation of the Suffolk
16 School of Math, Science & Engineering Regional Technology Institute. The
17 board is directed to establish and facilitate the ongoing operation of a
18 school business leaders alliance for the specific benefit of the
19 students attending the Suffolk School of Math, Science & Engineering
20 Regional Technology Institute.

21 S 2. Definitions. 1. "Eastern Suffolk BOCES" shall mean the Eastern
22 Suffolk board of cooperative educational services, and any successor
23 entity.

24 2. "Western Suffolk BOCES" shall mean the Western Suffolk board of
25 cooperative educational services and any successor entity.

26 3. "Suffolk School of Math, Science & Engineering Regional Technology
27 Institute" or "Institute" shall mean a new regional educational program
28 operated jointly by the Eastern Suffolk BOCES and Western Suffolk BOCES,
29 but not a part, or subsidiary of either corporation which may be located
30 at more than one location within the corporate boundaries of Eastern
31 Suffolk BOCES or Western Suffolk BOCES as established by this act.

32 4. "The board" shall mean, except where the context indicates other-
33 wise, the governing board established pursuant to section three of this
34 act.

35 S 3. Organization and governance. 1. Notwithstanding any other
36 provision of law to the contrary, the Eastern Suffolk BOCES and Western
37 Suffolk BOCES shall be authorized to jointly operate an educational
38 program in accordance with this act, to be known as the Suffolk School
39 of Math, Science & Engineering Regional Technology Institute. Such
40 institute is not a part of either corporation and is a new corporate
41 entity that will provide a high school course of instruction for grades
42 not lower than nine and including through grade twelve designed to
43 afford expanded learning opportunities to students residing in the areas
44 served by the Eastern Suffolk BOCES and the Western Suffolk BOCES in the
45 areas of technology as well as the core academic areas required for
46 issuance of a high school diploma.

47 2. The institute shall be subject to all laws, rules and regulations
48 which are applicable to a board of cooperative educational services
49 unless otherwise provided for in this act. The institute shall comply
50 with the rules and regulations of the board of regents and the commis-
51 sioner of education applicable to a high school program leading to a
52 diploma, including but not limited to course of study, academic content
53 and achievement standards.

54 3. The institute shall be subject to the oversight of the board of
55 regents and shall obtain financial audits in a manner consistent with

1 provisions of law and regulations that are applicable to other programs
2 of a board of cooperative educational services.

3 4. The Suffolk School of Math, Science & Engineering Regional Technol-
4 ogy Institute shall be jointly operated by the Eastern Suffolk BOCES and
5 Western Suffolk BOCES pursuant to an inter-municipal sharing agreement
6 entered into pursuant to section 119-o of the general municipal law. The
7 governing boards of the Eastern Suffolk BOCES and Western Suffolk BOCES
8 shall be combined to form a joint board that will operate the institute
9 in accordance with the provisions of such sharing agreement and this
10 act. Persons newly hired to provide services in the institute shall be
11 deemed joint employees of such joint board, and not employees of either
12 corporation or board.

13 Provided however, that the Eastern Suffolk BOCES and Western Suffolk
14 BOCES may establish as part of the inter-municipal sharing agreement an
15 operational board to operate the Suffolk School of Math, Science & Engi-
16 neering Regional Technology Institute on behalf of the two BOCES in
17 accordance with this act and such sharing agreement. This operational
18 board shall be provided powers and duties consistent with the governing
19 board provided for in this act and in such inter-municipal sharing
20 agreement. Provided that if an operational board is established it
21 shall be organized as follows. The operational board shall consist of
22 seven members appointed on the following basis: three members shall be
23 members of the governing board of the Eastern Suffolk BOCES and shall be
24 appointed by the governing board of the Eastern Suffolk BOCES; three
25 members shall be members of the governing board of Western Suffolk BOCES
26 and shall be appointed by the governing board of Western Suffolk BOCES;
27 one at large member shall be appointed by those members appointed to the
28 operational board by the Eastern Suffolk BOCES and the Western Suffolk
29 BOCES; all appointments to the governing board of the Suffolk School of
30 Math, Science & Engineering Regional Technology Institute shall be for
31 three years with a term which shall commence on July first next succeed-
32 ing the appointment, provided that vacancies on the board shall be
33 filled by an appointment made by the original appointing authority, and
34 such appointment shall be deemed effective immediately and shall be for
35 a period of the remaining unexpired term.

36 5. The board shall appoint an advisory council consisting of represen-
37 tatives of the greater Long Island business community who have expertise
38 in the training needs of high-tech and emerging industries and represen-
39 tatives of institutions of higher education located within the area
40 served by Eastern Suffolk BOCES and the Western Suffolk BOCES and any
41 adjoining BOCES district who have a working knowledge of the science and
42 technology curricula offerings in the region. The advisory council shall
43 advise the board on the course of study of the institute; means of
44 providing students with educational experiences focused on emerging
45 technologies, project-based learning and collaboration within the
46 context of the business and learning community that directly connect
47 student learning with real world experience in advanced technical facil-
48 ities; and other matters relating to operation of the institute.

49 S 4. Powers and duties of the board. The board shall have the follow-
50 ing powers and duties:

51 1. To prescribe and operate a full-time course of study by which
52 students attending the institute shall become eligible to receive a high
53 school diploma to be awarded by their school district of residence. This
54 course of study shall be supplemented by such innovative technological
55 and related programs as may be deemed suitable by the board to implement
56 the purposes of this act;

1 2. Based upon a joint recommendation of the district superintendents
2 of Eastern Suffolk BOCES and Western Suffolk BOCES and upon a majority
3 vote of the board, to contract with and employ administrative officers
4 and joint employees as the board deems prudent;

5 3. To contract with and enter into cooperative arrangements with
6 private for profit and not-for-profit entities as the board may deem
7 prudent in furtherance of the institute's supplemental innovative tech-
8 nological activities and related educational programs to implement the
9 purposes of this act, provided that all components of the curriculum
10 shall be taught or supervised by a certified teacher or certified teach-
11 ing assistant under the supervision of a certified teacher; and

12 4. To determine the school calendar and school day schedule, which at
13 a minimum, shall be equal to the instruction time required to be
14 provided by public high schools.

15 S 5. General requirements. The annual budget of the institute shall be
16 subject to the approval of the governing board of the Eastern Suffolk
17 BOCES and Western Suffolk BOCES. The proposed budget shall be submitted
18 to the boards of education of Eastern Suffolk BOCES and Western Suffolk
19 BOCES by May first of the year preceding the year for which the budget
20 shall apply. The proposed budget shall not take effect unless a majority
21 of members of each BOCES board shall approve the annual budget of the
22 institute. If a majority of either BOCES board fails to adopt resol-
23 utions approving such tentative budget, the administrators of the insti-
24 tute shall prepare a contingency budget which shall not exceed the
25 amount of the budget of the Suffolk School of Math, Science & Engineer-
26 ing Regional Technology Institute for the previous school year except to
27 accommodate expenditure increases attributable to supplemental retire-
28 ment allowances payable pursuant to section 532 of the education law and
29 section 78 of the retirement and social security law. The BOCES boards
30 shall vote on approval of the proposed budget by a date determined by
31 the commissioner of education. For purposes of development of a budget
32 for the first year of operation, the BOCES board shall present the
33 proposed budget to the commissioner of education by a date the commis-
34 sioner of education shall determine and shall submit it to the commis-
35 sioner of education for approval. Upon approval of the commissioner of
36 education, the proposed budget shall be deemed the budget of the Suffolk
37 School of Math, Science & Engineering Regional Technology Institute for
38 that school year. Upon adoption of a budget for the institute for a
39 school year, costs shall be allocated between the Eastern Suffolk BOCES
40 and Western Suffolk BOCES in the manner provided in the municipal shar-
41 ing agreement and shall be included in the budgets of the two BOCES.

42 S 6. Employees of the institute. 1. The joint instructional employees
43 shall be subject to Part 30 of the Rules of the Board of Regents.

44 2. Persons employed in connection with the educational program of the
45 institute shall be certified in accordance with the requirements appli-
46 cable to other programs of a board of cooperative educational services.

47 3. Any teacher employed in the public schools of New York may make
48 written application for a leave of absence to teach at the institute.
49 If such approval is granted, the teacher may return to teach in the
50 school district during such period of leave without the loss of any
51 right, seniority, salary status or any other benefit provided by law or
52 by collective bargaining agreement.

53 4. All persons employed by the institute shall be considered public
54 employees and shall receive all rights and privileges accorded thereto.

1 5. Section 3014 of the education law shall be applicable to all
2 employees who would be governed by such section in a public school
3 building.

4 S 7. Admission to the institute. 1. Any student eligible for enroll-
5 ment in grades nine through twelve of the public schools, residing with-
6 in a component school district of the Eastern Suffolk BOCES or Western
7 Suffolk BOCES that elects to participate in the institute or a non-com-
8 ponent school district located within the area served by the Eastern
9 Suffolk BOCES, or Western Suffolk BOCES which enters into a memorandum
10 of understanding with the board to enroll students in the Suffolk School
11 of Math, Science & Engineering Regional Technology Institute shall be
12 eligible to apply for admission to the institute.

13 2. The criteria for admission shall not be limited based on intellec-
14 tual ability, measures of academic achievement or aptitude, athletic
15 aptitudes, disability, race, creed, gender, national origin, religion,
16 ancestry, or location of residence.

17 3. To the extent that the number of qualified applicants may exceed
18 the number of available spaces, the institute shall grant admission on a
19 random selection basis, provided that an enrollment preference shall be
20 provided to pupils returning to the institute in the second or any
21 subsequent year. The institute shall determine the tentative enrollment
22 roster, notify the parents, or those in parental relation to those
23 students, and the resident school district by April first of the school
24 year preceding the school year for which the admission is granted. To
25 determine the enrollment roster for the first year of operation, the
26 institute shall notify the parents, or those in parental relation to
27 those students, and the resident school district by June thirtieth of
28 the school year preceding the school year for which the admission is
29 granted.

30 4. Students attending the institute shall continue to be enrolled in
31 their school district of residence, and each school district of resi-
32 dence shall be responsible for issuance of a high school diploma to
33 their resident students who attended the institute based on such
34 students' successful completion of the institute's educational program,
35 as certified by the institute, provided that such diploma shall contain
36 an annotation indicating the student's successful completion of the
37 institute's program. The commissioner of education may establish special
38 procedures for program review and accountability of the institute.

39 S 8. Financing of the institute. 1. The board shall establish in its
40 municipal sharing agreement a methodology for the apportionment of oper-
41 ational and administrative costs including capital costs between the
42 Eastern Suffolk BOCES and the Western Suffolk BOCES and the allocation
43 of costs to non-component school districts located within the area
44 served by either BOCES or located in a BOCES district which adjoins the
45 area served by the Eastern Suffolk BOCES or the Western Suffolk BOCES
46 which have entered into a memorandum of understanding with the board to
47 enroll students in the Suffolk School of Math, Science & Engineering
48 Regional Technology Institute. The board is hereby authorized to provide
49 in the municipal sharing agreement that Eastern Suffolk BOCES or Western
50 Suffolk BOCES, or both entities act as a fiscal agent for the institute.

51 2. Notwithstanding any other provision of law, rule or regulation to
52 the contrary, the commissioner of education shall be authorized to
53 approve the educational services and programs deemed necessary to carry
54 out the institute as aidable shared services pursuant to section 1950 of
55 the education law, and to approve cooperative services agreements
56 ("CO-SERS") limited in scope to the institute. Program and administra-

1 tive costs, including capital costs, allocated to component school
2 districts in accordance with this act and section 1950 of the education
3 law shall be eligible for BOCES aid as an aidable shared service pursu-
4 ant to section 1950 of the education law and costs allocated to a
5 participating non-component school district pursuant to a memorandum of
6 understanding shall be aidable pursuant to subdivision 5 of section 1950
7 of the education law to the same extent and on the same basis as costs
8 allocated to a component school district.

9 3. The trustees or board of education of a non-component school
10 district located within the area served by the two boards of cooperative
11 educational services or in an area served by an adjoining BOCES, may
12 enter into a memorandum of agreement with the board to participate in
13 the institute for a period not to exceed 5 years upon such terms as such
14 trustees or board of education and the board may mutually agree,
15 provided that such agreement may provide for a charge for administration
16 of the institute including capital costs, but participating non-compo-
17 nent school districts shall not be liable for payment of administrative
18 expenses as defined in paragraph b of subdivision 4 of section 1950 of
19 the education law, unless otherwise agreed upon by the board and the
20 non-component school district.

21 4. If educational programs operated by the institute result in the
22 creation of revenue for the institute the receipt and expenditure for
23 such funds shall be deemed lawful, subject only to the requirement that
24 any revenues so created shall be used for the educational betterment of
25 the students through the advancement of the institution's educational
26 and career development activities. The board is authorized to accept
27 gifts, donations or grants of any kind made to the institute and to
28 expend or use such gifts, donations or grants in accordance with the
29 conditions prescribed by the donor; provided, however, that no gift,
30 donation or grant may be accepted if subject to a condition that is
31 contrary to any provision of law or the educational charter. Notwith-
32 standing any inconsistent provisions of paragraph p of subdivision 4 of
33 section 1950 of the education law or any other provision of law to the
34 contrary, the board of the Suffolk School of Math, Science & Engineering
35 Regional Technology Institute may enter into a lease under the condi-
36 tions specified in this act with respect to suitable land, classrooms,
37 offices or buildings upon or in which to maintain and conduct such
38 regional educational program and administrative offices for a period not
39 to exceed thirty years.

40 S 9. Any lease entered into pursuant to this act in excess of ten
41 years shall be subject to the approval of the qualified voters of the
42 component districts within the area served by the Eastern Suffolk BOCES
43 and Western Suffolk BOCES, and the qualified voters of non-component
44 districts that enter into a memorandum of understanding with the board
45 to enroll students in the institute, through a referendum conducted
46 pursuant to the provisions of section 1951 of the education law,
47 provided that the Eastern Suffolk BOCES, the Western Suffolk BOCES and
48 the non-component districts that have entered into a memorandum of
49 understanding with the board and enroll students in the institute, shall
50 be deemed to be a single supervisory district for such purpose, within
51 one year of the effective date of this act. The approved costs of such
52 lease and the plans and specification of the leased facility shall be
53 subject to review and approval by the commissioner of education in order
54 to be eligible for aid pursuant to paragraph g of subdivision 5 of
55 section 1950 of the education law as if it were a construction project
56 with the payments amortized over thirty years, but not to exceed the

1 cost allowance established pursuant to subdivision 6 of section 3602 of
2 the education law, provided that as a condition of receipt of aid, the
3 lease agreement shall provide that upon expiration of the term of the
4 lease, title to the facility shall be conveyed to the BOCES in which the
5 institute is located or successor thereto, for use for
6 elementary/secondary educational purposes.

7 S 10. Service of students who reside in adjoining BOCES districts. It
8 is the intent of the legislature to allow students whose geographic
9 proximity to the Suffolk School of Math, Science & Engineering Regional
10 Technology Institute make it possible to attend the institute notwith-
11 standing the fact that it may be geographically impractical for other
12 students at such BOCES to attend. Such agreements as shall be necessary
13 as to effectuate that intent shall be made as provided for in this act.
14 Further, if there is a demonstrated interest by students at neighboring
15 BOCES districts, the board may elect to formally expand its service area
16 and board by not more than ten new members upon such terms as it shall
17 deem appropriate, provided, however, that such terms must rationally
18 relate to the equitable distribution of costs to such BOCES districts
19 and the component school districts thereof.

20 S 11. 1. All component school districts of Eastern Suffolk BOCES and
21 Western Suffolk BOCES shall be deemed to participate in the institute
22 and shall be eligible to have students enroll in the institute (follow-
23 ing the enrollment processes set forth in this act) and shall share in
24 the costs of the institute as set forth in this act unless any component
25 school district, not later than one year after this act becomes a law
26 shall pass a resolution, which shall be filed with the superintendent of
27 the board of cooperative educational services which the school district
28 is a component of, indicating that such district chooses not to partic-
29 ipate in the institute. No student who resides in a school district that
30 chooses not to participate in the institute may attend the institute nor
31 shall such school district have any liability to the institute nor shall
32 any resident of such school district be a board member of any opera-
33 tional board of the institute.

34 2. In the event any component school district passes the resolution
35 described in subdivision 1 of this section, such school district may
36 later choose to participate in the institute upon the request, via
37 resolution, of the board of such component school district and upon such
38 terms and conditions as may be approved by the operational board of the
39 institute if created and also approved by a majority of the Eastern
40 Suffolk BOCES board and a majority of the Western Suffolk BOCES board.

41 S 12. This act shall take effect on the one hundred eightieth day
42 after it shall have become a law.