

S. 1768

A. 1213

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

IN ASSEMBLY -- Introduced by M. of A. ENGLEBRIGHT -- read once and referred to the Committee on Education

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 component to the development of the Long Island region of New York state
15 and a necessary link to fostering the development and advancement of
16 emerging technologies. This school will advance the interests of the
17 Suffolk area and New York state by engaging students in rigorous and
18

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

LBD06125-01-3

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

17 S 2. Definitions. 1. "Eastern Suffolk BOCES" shall mean the Eastern
18 Suffolk board of cooperative educational services, and any successor
19 entity.

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

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

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

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

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

50 3. The institute shall be subject to the oversight of the board of
51 regents and shall obtain financial audits in a manner consistent with
52 provisions of law and regulations that are applicable to other programs
53 of a board of cooperative educational services.

54 4. The Suffolk School of Math, Science & Engineering Regional Technol-
55 ogy Institute shall be jointly operated by the Eastern Suffolk BOCES and
56 Western Suffolk BOCES pursuant to an inter-municipal sharing agreement

entered into pursuant to section 119-o of the general municipal law. The governing boards of the Eastern Suffolk BOCES and Western Suffolk BOCES shall be combined to form a joint board that will operate the institute in accordance with the provisions of such sharing agreement and this act. Persons newly hired to provide services in the institute shall be deemed joint employees of such joint board, and not employees of either corporation or board.

Provided however, that the Eastern Suffolk BOCES and Western Suffolk BOCES may establish as part of the inter-municipal sharing agreement an operational board to operate the Suffolk School of Math, Science & Engineering Regional Technology Institute on behalf of the two BOCES in accordance with this act and such sharing agreement. This operational board shall be provided powers and duties consistent with the governing board provided for in this act and in such inter-municipal sharing agreement. Provided that if an operational governing board is established it shall be organized as follows. The operational board shall consist of eight members appointed on the following basis: four members shall be members of the governing board of the Eastern Suffolk BOCES and shall be appointed by the governing board of the Eastern Suffolk BOCES; four members shall be members of the governing board of Western Suffolk BOCES and shall be appointed by the governing board of Western Suffolk BOCES; all appointments to the governing board of the Suffolk School of Math, Science & Engineering Regional Technology Institute shall be for three years with a term which shall commence on July first next succeeding the appointment, provided that vacancies on the board shall be filled by an appointment made by the original appointing authority, and such appointment shall be deemed effective immediately and shall be for a period of the remaining unexpired term.

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

S 4. Powers and duties of the board. The board shall have the following powers and duties:

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

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

3. To contract with and enter into cooperative arrangements with private for profit and not-for-profit entities as the board may deem prudent in furtherance of the institute's supplemental innovative tech-

1 nological activities and related educational programs to implement the
2 purposes of this act, provided that all components of the curriculum
3 shall be taught or supervised by a certified teacher or certified teach-
4 ing assistant under the supervision of a certified teacher; and

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

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

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

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

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

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

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

51 S 7. Admission to the institute. 1. Any student eligible for enroll-
52 ment in grades nine through twelve of the public schools, residing with-
53 in a component school district of the Eastern Suffolk BOCES or Western
54 Suffolk BOCES that elects to participate in the institute or a non-com-
55 ponent school district located within the area served by the Eastern
56 Suffolk BOCES, or Western Suffolk BOCES which enters into a memorandum

1 of understanding with the board to enroll students in the Suffolk School
2 of Math, Science & Engineering Regional Technology Institute shall be
3 eligible to apply for admission to the institute.

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

8 3. To the extent that the number of qualified applicants may exceed
9 the number of available spaces, the institute shall grant admission on a
10 random selection basis, provided that an enrollment preference shall be
11 provided to pupils returning to the institute in the second or any
12 subsequent year. The institute shall determine the tentative enrollment
13 roster, notify the parents, or those in parental relation to those
14 students, and the resident school district by April first of the school
15 year preceding the school year for which the admission is granted. To
16 determine the enrollment roster for the first year of operation, the
17 institute shall notify the parents, or those in parental relation to
18 those students, and the resident school district by June thirtieth of
19 the school year preceding the school year for which the admission is
20 granted.

21 4. Students attending the institute shall continue to be enrolled in
22 their school district of residence, and each school district of resi-
23 dence shall be responsible for issuance of a high school diploma to
24 their resident students who attended the institute based on such
25 students' successful completion of the institute's educational program,
26 as certified by the institute, provided that such diploma shall contain
27 an annotation indicating the student's successful completion of the
28 institute's program. The commissioner of education may establish special
29 procedures for program review and accountability of the institute.

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

42 2. Notwithstanding any other provision of law, rule or regulation to
43 the contrary, the commissioner of education shall be authorized to
44 approve the educational services and programs deemed necessary to carry
45 out the institute as aidable shared services pursuant to section 1950 of
46 the education law, and to approve cooperative services agreements
47 ("CO-SERS") limited in scope to the institute. Program and administra-
48 tive costs, including capital costs, allocated to component school
49 districts in accordance with this act and section 1950 of the education
50 law shall be eligible for BOCES aid as an aidable shared service pursu-
51 ant to section 1950 of the education law and costs allocated to a
52 participating non-component school district pursuant to a memorandum of
53 understanding shall be aidable pursuant to subdivision 5 of section 1950
54 of the education law to the same extent and on the same basis as costs
55 allocated to a component school district.

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

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

32 S 9. Any lease entered into pursuant to this act in excess of ten
33 years shall be subject to the approval of the qualified voters of the
34 component districts within the area served by the Eastern Suffolk BOCES
35 and Western Suffolk BOCES, and the qualified voters of non-component
36 districts that enter into a memorandum of understanding with the board
37 to enroll students in the institute, through a referendum conducted
38 pursuant to the provisions of section 1951 of the education law,
39 provided that the Eastern Suffolk BOCES, the Western Suffolk BOCES and
40 the non-component districts that have entered into a memorandum of
41 understanding with the board and enroll students in the institute, shall
42 be deemed to be a single supervisory district for such purpose, within
43 one year of the effective date of this act. The approved costs of such
44 lease and the plans and specification of the leased facility shall be
45 subject to review and approval by the commissioner of education in order
46 to be eligible for aid pursuant to paragraph g of subdivision 5 of
47 section 1950 of the education law as if it were a construction project
48 with the payments amortized over thirty years, but not to exceed the
49 cost allowance established pursuant to subdivision 6 of section 3602 of
50 the education law, provided that as a condition of receipt of aid, the
51 lease agreement shall provide that upon expiration of the term of the
52 lease, title to the facility shall be conveyed to the BOCES in which the
53 institute is located or successor thereto, for use for
54 elementary/secondary educational purposes.

55 S 10. Service of students who reside in adjoining BOCES districts. It
56 is the intent of the legislature to allow students whose geographic

1 proximity to the Suffolk School of Math, Science & Engineering Regional
2 Technology Institute make it possible to attend the institute notwith-
3 standing the fact that it may be geographically impractical for other
4 students at such BOCES to attend. Such agreements as shall be necessary
5 as to effectuate that intent shall be made as provided for in this act.
6 Further, if there is a demonstrated interest by students at neighboring
7 BOCES districts, the board may elect to formally expand its service area
8 and board by not more than ten new members upon such terms as it shall
9 deem appropriate, provided, however, that such terms must rationally
10 relate to the equitable distribution of costs to such BOCES districts
11 and the component school districts thereof.

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

26 2. In the event any component school district passes the resolution
27 described in subdivision 1 of this section, such school district may
28 later choose to participate in the institute upon the request, via
29 resolution, of the board of such component school district and upon such
30 terms and conditions as may be approved by the operational board of the
31 institute if created and also approved by a majority of the Eastern
32 Suffolk BOCES board and a majority of the Western Suffolk BOCES board.

33 S 12. This act shall take effect immediately.