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

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I N S E N A T E

January 21, 2016

Introduced by Sen. MARCELLINO -- 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 the powers and duties of boards of cooperative educational services

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

Section 1. Subparagraph 1 of paragraph d of subdivision 4 of section 1950 of the education law, as amended by chapter 474 of the laws of 1996, is amended to read as follows:

(1) [Aidable shared services] COOPERATIVE SERVICES (COSERS). (I) At the request of TWO OR MORE component school districts, and with the approval of the commissioner, provide any of the following AIDABLE COOPERATIVE services [on a cooperative basis] (COSERS): school nurse teacher, attendance supervisor, supervisor of teachers, dental hygienist, psychologist, teachers of art, music, physical education, career education subjects, guidance counsellors, operation of special classes for students with disabilities, as such term is defined in article eighty-nine of this chapter; pupil and financial accounting service by means of mechanical equipment; maintenance and operation of cafeteria or restaurant service for the use of pupils and teachers while at school, and such other AIDABLE OR NONAIDABLE services as the commissioner may approve. Such cafeteria or restaurant service may be used by the community for school related functions and activities and to furnish meals to the elderly residents of the district, sixty years of age or older. Utilization by elderly residents or school related groups shall be subject to the approval of the board of education. Charges shall be sufficient to bear the direct cost of preparation and serving of such meals, exclusive of any other available reimbursements.

(II) THE COMMISSIONER SHALL BY REGULATION ESTABLISH THE PROCESS FOR CONSIDERING AND APPROVING AIDABLE AND NONAIDABLE COOPERATIVE SERVICES (COSERS). SUCH REGULATIONS SHALL ESTABLISH CRITERIA TO BE APPLIED BY THE COMMISSIONER IN APPROVING PROPOSED COSERS. SUCH CRITERIA SHALL INCLUDE: CONSIDERATION OF THE POTENTIAL FOR PARTICIPANT SCHOOL DISTRICTS TO ACHIEVE COST SAVINGS OR TO UTILIZE RESOURCES, INCLUDING FACILITIES, MORE

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

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EFFICIENTLY; NEED FOR SUCH SERVICES WITHIN THE LOCAL AREA OR REGION TO BE SERVED; THE OPPORTUNITIES FOR STUDENTS, INCLUDING THOSE WITH DISABILITIES, TO EARN CREDIT FOR ACADEMIC SUBJECTS; THE OPPORTUNITIES FOR STUDENTS TO BE PREPARED TO PARTICIPATE IN SOCIETY OR THE WORKFORCE; AND ANY OTHER MATTERS WHICH WOULD ENCOURAGE AND FOSTER COOPERATION.

S 2. Paragraph h of subdivision 4 of section 1950 of the education law is amended by adding two new subparagraphs 12 and 13 to read as follows:

(12) TO ENTER INTO CONTRACTS AS NECESSARY TO CARRY OUT THE PURPOSES OF THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES AS OUTLINED IN THIS SECTION.

(13) TO ENTER INTO CONTRACTS WITH CHARTER SCHOOLS AUTHORIZED BY ARTICLE FIFTY-SIX OF THIS CHAPTER, TO PROVIDE SERVICES AS AUTHORIZED BY THIS SECTION.

S 3. Subparagraph 2 of paragraph bb of subdivision 4 of section 1950 of the education law, as added by chapter 53 of the laws of 1984, is amended to read as follows:

(2) The commissioner may approve such programs and services AS COOPERATIVE SERVICES (COSERS) AS PROVIDED BY SUBPARAGRAPH ONE OF PARAGRAPH D OF THIS SUBDIVISION only if they (a) are requested by two or more component school districts; AND (b) [will provide additional opportunities for pupils; (c)] will be expected to result in a cost savings to the two or more component school districts requesting the programs and services[; (d) will provide greater opportunity for pupils, including those with handicapping conditions, to earn credit for academic subjects and (e) will insure a greater or more appropriate use of facilities by boards of cooperative educational services].

S 4. This act shall take effect immediately.