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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:

1 Section 1. Subparagraph 1 of paragraph d of subdivision 4 of section
2 1950 of the education law, as amended by chapter 474 of the laws of
3 1996, is amended to read as follows:

4 (1) [*Aidable shared services*] COOPERATIVE SERVICES (COSERS). (I) At
5 the request of TWO OR MORE component school districts, and with the
6 approval of the commissioner, provide any of the following AIDABLE COOP-
7 ERATIVE services [*on a cooperative basis*] (COSERS): school nurse teach-
8 er, attendance supervisor, supervisor of teachers, dental hygienist,
9 psychologist, teachers of art, music, physical education, career educa-
10 tion subjects, guidance counsellors, operation of special classes for
11 students with disabilities, as such term is defined in article eighty-
12 nine of this chapter; pupil and financial accounting service by means of
13 mechanical equipment; maintenance and operation of cafeteria or restau-
14 rant service for the use of pupils and teachers while at school, and
15 such other AIDABLE OR NONAIDABLE services as the commissioner may
16 approve. Such cafeteria or restaurant service may be used by the commu-
17 nity for school related functions and activities and to furnish meals to
18 the elderly residents of the district, sixty years of age or older.
19 Utilization by elderly residents or school related groups shall be
20 subject to the approval of the board of education. Charges shall be
21 sufficient to bear the direct cost of preparation and serving of such
22 meals, exclusive of any other available reimbursements.

23 (II) THE COMMISSIONER SHALL BY REGULATION ESTABLISH THE PROCESS FOR
24 CONSIDERING AND APPROVING AIDABLE AND NONAIDABLE COOPERATIVE SERVICES
25 (COSERS). SUCH REGULATIONS SHALL ESTABLISH CRITERIA TO BE APPLIED BY THE
26 COMMISSIONER IN APPROVING PROPOSED COSERS. SUCH CRITERIA SHALL INCLUDE:
27 CONSIDERATION OF THE POTENTIAL FOR PARTICIPANT SCHOOL DISTRICTS TO
28 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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1 EFFICIENTLY; NEED FOR SUCH SERVICES WITHIN THE LOCAL AREA OR REGION TO
2 BE SERVED; THE OPPORTUNITIES FOR STUDENTS, INCLUDING THOSE WITH DISABIL-
3 ITIES, TO EARN CREDIT FOR ACADEMIC SUBJECTS; THE OPPORTUNITIES FOR
4 STUDENTS TO BE PREPARED TO PARTICIPATE IN SOCIETY OR THE WORKFORCE; AND
5 ANY OTHER MATTERS WHICH WOULD ENCOURAGE AND FOSTER COOPERATION.

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

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

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

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

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

27 S 4. This act shall take effect immediately.