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

3695

2015-2016 Regular Sessions

I N S E N A T E

February 13, 2015

Introduced by Sen. SERINO -- 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

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

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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 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 (a) of paragraph p of subdivision 4 of section 1950 of the education law, as amended by chapter 374 of the laws of 2014, is amended to read as follows:

(a) To rent suitable land, classrooms, offices or buildings upon or in which to maintain and conduct such cooperative educational services and administrative offices for a period not to exceed [ten] TWENTY years for leases entered into with public entities and twenty years for leases entered into with non-public entities and to improve, alter, equip and furnish such land, classrooms, offices or buildings in a suitable manner for such purposes, provided that: (1) before executing any lease, the board shall adopt a resolution determining that such agreement is in the best financial interests of the supervisory district and stating the basis of that determination; (2) the rental payment shall not be more than the fair market value as determined by the board and provided to the commissioner; (3) The board discloses any conflict of interest pursuant to subparagraph (c) of this paragraph, or any other potential or perceived conflict of interest, to the commissioner, and in the event of a conflict of interest or a potential or perceived conflict of interest, provides detailed documentation to the commissioner demonstrating that the cost of the lease is not more than fair market value; and (4) upon the consent of the commissioner, renewal of such lease may be made for a period of up to ten years. Nothing contained herein shall prevent the board from entering into a lease agreement which provides for the cancellation of the same by such board upon: (i) a substantial increase or decrease in pupil enrollment; or (ii) a substantial change in the needs and requirements of a board of cooperative educational services with respect to facilities; or (iii) any other change which substantially affects the needs or requirements of a board of cooperative educational services or the community in which it is located. No lease or other contract for the occupancy of such land, classrooms, offices or buildings shall be enforceable against the board of cooperative educational services unless and until the same shall have been approved in writing by the commissioner. In the case of a lease longer than [ten] TWENTY years, the commissioner's written approval must include a finding that the proposed lease complies with all requirements of this paragraph and would be more cost-effective than a lease of [ten] TWENTY years or fewer.

S 4. Subparagraph (a) of paragraph p of subdivision 4 of section 1950 of the education law, as amended by chapter 602 of the laws of 1994, is amended to read as follows:

(a) To rent suitable land, classrooms, offices or buildings upon or in which to maintain and conduct such cooperative educational services and administrative offices for a period not to exceed [ten] TWENTY years and to improve, alter, equip and furnish such land, classrooms, offices or buildings in a suitable manner for such purposes (1) before executing any lease, the board shall adopt a resolution determining that such agreement is in the best financial interests of the supervisory district and stating the basis of that determination; (2) the rental payment shall not be more than the fair market value as determined by the board; and (3) upon the consent of the commissioner, renewal of such lease may be made for a period of up to ten years. Nothing contained herein shall prevent the board from entering into a lease agreement which provides for the cancellation of the same by such board upon: (i) a substantial increase or decrease in pupil enrollment; or (ii) a substantial change in the needs and requirements of a board of cooperative educational services with respect to facilities; or (iii) any other change which substantially affects the needs or requirements of a board of cooperative educational services or the community in which it is located. No lease or other contract for the occupancy of such land, classrooms, offices or buildings shall be enforceable against the board of cooperative educational services unless and until the same shall have been approved in writing by the commissioner.

S 5. 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 6. This act shall take effect immediately; provided, however, that the amendments to subparagraph (a) of paragraph p of subdivision 4 of section 1950 of the education law made by section three of this act shall be subject to the expiration and reversion of such subparagraph pursuant to section 4 of chapter 374 of the laws of 2014, as amended, when upon such date the provisions of section four of this act shall take effect.