

STATE OF NEW YORK

3938--A

2017-2018 Regular Sessions

IN SENATE

January 30, 2017

Introduced by Sen. YOUNG -- read twice and ordered printed, and when printed to be committed to the Committee on Education -- recommitted to the Committee on Education in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to authorizing the establishment of regional high schools in certain supervisory districts

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The education law is amended by adding a new article 39-A
2 to read as follows:

ARTICLE 39-A

REGIONAL HIGH SCHOOLS

Section 1920. Regional high school; establishment.

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6 § 1920. Regional high school; establishment. The establishment of a
7 regional high school shall be commenced upon the adoption of a resolu-
8 tion proposing the establishment of such a high school, by majority
9 vote, of each of the boards of education of two or more school
10 districts, which are city school districts in cities having a population
11 of less than one hundred twenty-five thousand inhabitants, central
12 school districts, union free school districts and/or common school
13 districts, provided that all such school districts are wholly contained
14 within the Cattaraugus-Allegany-Erie-Wyoming board of cooperative educa-
15 tional services supervisory district, the Erie 2 Chautauqua-Cattaraugus
16 board of cooperative educational services supervisory district, or the
17 Greater Southern Tier board of cooperative educational services supervi-
18 sory district. Thereafter, if two or more school districts adopt such a
19 resolution, the board of education of each school district proposing to
20 establish the regional high school shall, not less than thirty days
21 prior to any vote of its electors upon the resolution, conduct a meeting
22 open to the public upon the terms and conditions of such resolution. The

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

LBD09261-02-8

adoption of the resolution for the establishment of a regional high school shall be subject to approval thereof, by majority vote, of all electors of the school districts proposing to establish a regional high school, such election being conducted within each school district and the votes therein being compiled at a central location by a board of canvass established by the boards of education of such school districts. Upon approval by the electors of the school districts the boards of education of such school districts shall jointly establish a proposed contract for the operation of a regional high school. Upon establishment of a proposed contract for the operation of a regional high school, such contract shall be submitted to the commissioner. Every proposed contract for a regional high school shall be subject to approval by the commissioner who shall, as a condition of such approval, certify that the creation of a regional high school will expand and improve the educational services available to all students of such high school and that it can result in administrative efficiencies for all participating districts. If the commissioner approves the proposed contract, the regional high school shall be deemed to have been established, except that nothing in this section shall prevent the high school which would serve as the host of the regional high school so established to continue to operate as a legal entity until the end of the school year. Except as otherwise provided in this article, the provisions of this chapter as to the courses of study, the qualifications and employment of teachers, non-instructional employees and other staff, and the maintenance, conduct and supervision of public schools in central school districts shall apply to a regional high school. Every regional high school and the contract therefor shall meet the following requirements:

1. the contract shall be for a period of not less than five school years and, with the approval of the commissioner, may be renewed by mutual agreement of the boards of education;

2. the regional high school shall commence operations on the first of July, and shall not cease operations before the thirtieth of June in any school year;

3. the contract shall state that the regional high school will be operated by one of the participating school districts, hereinafter referred to in this article as the "hosting school district";

4. the contract shall specify the manner in which the students of each participating school district shall be transported to the regional high school, and the cost of such transportation shall be a charge against each such participating school district and be funded in the same manner as transportation provided pursuant to section thirty-six hundred thirty-five of this chapter;

5. if the regional high school is operated by a hosting school district, the regional high school and the contract shall meet the following requirements:

a. the contract shall designate the site of the regional high school, which shall be within the boundaries of one of the participating school districts. The hosting school district and the board of education of such school district shall have responsibility for the operation, supervision and maintenance of the regional high school, as shall be designated in the contract,

b. the contract shall specify that the students receiving instruction from the regional high school shall be deemed to be enrolled in the regional high school, except to the extent that their enrollment and attendance shall be included in the enrollment and attendance counts of the participating districts for the purposes of state aid, and they

1 shall be treated and counted as such for purposes of all state aid
2 calculations pursuant to this chapter,

3 c. the regional high school shall operate its own extracurricular
4 activities and interscholastic athletics and the students attending such
5 regional high school shall be eligible to participate in such activities
6 and athletics and shall not be eligible to participate in such activ-
7 ities and athletics of their participating school district, except to
8 the extent that if the activities or athletics of their participating
9 district are designed or intended to accommodate joint participation
10 between students from the junior high school of the participating
11 district and the regional high school including, but not limited to,
12 modified athletic teams, mixed grade music and band programs, and joint
13 grade extra-curricular programs, then the students from the regional
14 high school may jointly participate in such activities or athletics in
15 their participating school district,

16 d. the regional high school shall be responsible for the evaluation
17 and grading of the academic performance of all students attending the
18 regional high school, and shall award students their diplomas upon grad-
19 uation,

20 e. the contract shall provide that all school principals, assistant
21 principals, other supervisory employees, teachers, non-instructional
22 employees and other staff members of the participating school districts,
23 except the superintendent of schools, whose services in the participat-
24 ing school districts are no longer needed because of the creation of a
25 regional high school or the transference of students to an existing
26 regional high school, shall be granted employment rights in the host
27 school district in accordance with the provisions of this subdivision,
28 and in the same manner as is provided in sections three thousand four-
29 teen-a and three thousand fourteen-b of this chapter,

30 f. in any case in which a participating school district sends students
31 to a regional high school operated by a hosting school district, each
32 school principal, assistant principal, supervisory employee, teacher,
33 non-instructional employee and all other employees previously employed
34 in the education of such students by such participating school district
35 prior to the time that such participating district sends its students to
36 the regional high school shall become members of the employee organiza-
37 tions representing the employees of the hosting district at the time of
38 creation of the regional high school until such time as a successor
39 agreement has been negotiated, and shall provide that the determination
40 of bargaining unit status and representation rights shall be in accord-
41 ance with article fourteen of the civil service law and the rules of
42 procedure of the public employment relations board. Upon termination of
43 the regional high school the school principals, assistant principals,
44 supervisory employees, teachers, non-instructional employees and all
45 other employees shall revert back to the contract currently in effect at
46 the sending school district to which they are sent. For purposes of this
47 section, when a participating school district takes back students that
48 it sent to another district on a tuition basis and sends such students
49 to a regional high school operated pursuant to this article, the hosting
50 school district of the regional high school shall be deemed to be the
51 sending district for purposes of the rights and protections provided in
52 section three thousand fourteen-c of this chapter and/or article five of
53 the civil service law,

54 g. if the number of supervisory, teaching, non-instructional and other
55 positions needed to provide the educational services required by a
56 regional high school is less than the number of school principals,

1 assistant principals, supervisory employees, teachers, non-instructional
2 employees and other employees eligible to be considered employees of the
3 hosting school district of such regional high school as provided by
4 paragraph f of this subdivision, the services of the school principals,
5 assistant principals, supervisory employees, teachers, non-instructional
6 employees and other employees having the least seniority in the partic-
7 ipating school districts within the tenure area or civil service status,
8 as the case may be, of the position shall be discontinued. Such school
9 principals, assistant principals, supervisory employees, teachers, non-
10 instructional employees and other employees shall be placed on a
11 preferred eligible list of candidates for appointment to a vacancy that
12 may thereafter occur in an office or position under the jurisdiction of
13 the participating school district, the "receiving district" as defined
14 in section three thousand fourteen-c of this chapter, from which a
15 participating school district has taken back students, and the hosting
16 school district of the regional high school similar to the one such
17 school principal, assistant principal, supervisory employee, teacher or
18 other employee filled in such component district. The school princi-
19 pals, assistant principals, supervisory employees, teachers, non-in-
20 structional employees and other employees on such preferred lists shall
21 be reinstated or appointed to such vacancies in such corresponding or
22 similar positions under the jurisdiction of the participating school
23 district or the hosting school district of the regional high school in
24 the order of their length of service in such participating school
25 district, within seven years from the date of the placement of the
26 employee on said list, and

27 h. for any such school principal, assistant principal, supervisory
28 employee, teacher, non-instructional employee or other employee as
29 described in paragraphs e and f of this subdivision, for salary, sick
30 leave and any other purposes, the length of service credited in such
31 participating school district shall be credited as employment time with
32 the hosting school district if such employees have become employees of
33 the hosting school district pursuant to subdivision fifteen of this
34 section;

35 6. the contract shall specify the cost of the operation of the
36 regional high school for each participating school district and an item-
37 ized listing of the cost savings for each participating school district;

38 7. the contract shall specify the current and proposed future supervi-
39 sory, teaching, non-instructional and all other employee staffing levels
40 and plans of the regional high school;

41 8. the contract shall specify the curricula and curriculum plans
42 offered and provided by the regional high school, and shall require the
43 regional high school to document and demonstrate the provision of an
44 improved scope of educational services to students in comparison to the
45 sending school districts;

46 9. the contract shall specify the current and future enrollment levels
47 and plans of the regional high school;

48 10. the contract shall specify the current and future building and
49 capital construction plans for the regional high school;

50 11. the contract shall specify plans for delivery of special education
51 programs and services to students with disabilities attending the
52 regional high school, including the roles and responsibilities of the
53 committees on special education of the hosting school district and the
54 student's school district of residence where that is different from the
55 hosting school district;

1 12. the contract shall specify the procedures for discipline of
2 students attending the regional high school, including the applicable
3 code of conduct and procedures for superintendents' hearings and appeals
4 to the board of education pursuant to section thirty-two hundred four-
5 teen of this chapter;

6 13. the contract shall specify the fiscal implications of the estab-
7 lishment and operation of the regional high school, including the
8 current and expected state aid changes, expenditures and property tax
9 levies;

10 14. the contract shall specify the plan and procedures for participat-
11 ing districts with regard to the administrative structure and staffing
12 plans of each such participating district, together with the administra-
13 tive structure and staffing plans of the regional school district, and
14 such contract shall further contain provisions whereby the boards of the
15 participating school districts, upon a joint resolution adopted by a
16 majority vote of each of the boards of the participating districts, and
17 upon the approval of the commissioner, shall be authorized to make
18 amendments to the contract, in order that the regional high school shall
19 be operated effectively in accordance with the intent of this article;

20 15. the contract shall specify that each school principal, assistant
21 principal, supervisory employee, teacher, non-instructional employee and
22 all other employees previously employed in the education of such
23 students by such participating school district prior to the time that
24 such participating district sends its students to the regional high
25 school shall become members of the employee organizations representing
26 the employees of the hosting district at the time of creation of the
27 regional high school until such time as a successor agreement has been
28 negotiated, and shall provide that the determination of bargaining unit
29 status and representation rights shall be in accordance with article
30 fourteen of the civil service law and the rules of procedure of the
31 public employment relations board. Upon termination of the regional high
32 school the school principals, assistant principals, supervisory employ-
33 ees, teachers, non-instructional employees and all other employees shall
34 revert back to the contract currently in effect at the sending school
35 district to which they are sent;

36 16. the contract shall specify that the regional high school shall be
37 solely responsible for the implementation and completion of all academic
38 achievement standards for the students of participating school
39 districts; and

40 17. this section shall in no way be construed to limit the rights of
41 any of such school principals, assistant principals, supervisory employ-
42 ees, teachers or other employees described in this section granted by
43 any other provision of law.

44 18. for purposes of this article the "hosting district" shall mean the
45 school district which operates the regional high school, a "sending
46 district" shall mean a district which participates in the regional high
47 school but that does not operate the regional high school, and a
48 "participating district" shall mean a hosting district or a sending
49 district.

50 § 2. Subdivision 14 of section 3602 of the education law is amended by
51 adding a new paragraph k to read as follows:

52 k. Incentive operating aid for regional high schools. Notwithstanding
53 the provisions of paragraphs a through j of this subdivision, whenever
54 two or more school districts are parties to an agreement to operate a
55 regional high school pursuant to article thirty-nine-A of this chapter,
56 and whenever after July first, two thousand eighteen, all such school

1 districts so scheduled do enter into an agreement to operate a regional
2 high school pursuant to such article thirty-nine-A, and

3 (1) whenever such proposed regional high school agreement includes at
4 least two school districts, each of which previously maintained its own
5 high school, and does not maintain its own high school following the
6 establishment of the regional high school, or

7 (2) wherever such proposed regional high school agreement includes at
8 least one school district which previously maintained its own high
9 school, and does not maintain its own high school following the estab-
10 lishment of the regional high school, and in addition thereto, includes
11 at least one additional school district employing eight or more teach-
12 ers: in each year in which a school district is party to such agree-
13 ment, such district shall be entitled to an apportionment equal to forty
14 percent of the apportionment computed in accordance with the provisions
15 of paragraph d-1 of this subdivision; but in no case shall the sum of
16 such apportionment under this paragraph plus the selected operating aid
17 per pupil be more than a total of ninety-five per centum of the year
18 prior to the base year approved operating expense. School districts
19 which receive an apportionment under this paragraph shall not be eligi-
20 ble for an apportionment under paragraph c, f or j of this subdivision.

21 (3) Not less than fifty percent of the aid received by a sending
22 school district pursuant to this paragraph shall be used to improve its
23 grades pre-kindergarten through eight educational programs.

24 § 3. This act shall take effect immediately.