

STATE OF NEW YORK

846--A

2017-2018 Regular Sessions

IN SENATE

January 5, 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 regional secondary schools

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

1 Section 1. Legislative intent. The legislature hereby finds and
2 declares that given the current fiscal climate in this state, many
3 school districts, particularly small, rural districts, are threatened by
4 a decline in educational opportunities and programs for their students.
5 School districts are seeking new models of delivering services to
6 students that are most cost-effective and efficient, in order to sustain
7 or enhance the quality of services to maintain or expand the scope of
8 services offered to students.
9 The legislature recognizes that many secondary schools in the state
10 are experiencing financial limitations that may impair their ability to
11 offer students the same range or quality of courses that other secondary
12 schools may provide. In order to ensure that these districts continue to
13 offer their students advanced course work, districts should be afforded
14 the opportunity to establish a regional secondary school.
15 Under this new model of delivering services, districts will be able to
16 streamline programs and services, increase resources and increase their
17 purchasing power through shared services. These resultant cost savings
18 will allow money to flow into educational programs and services for
19 students which will, in turn, help to improve student performance and
20 meet college and career readiness.
21 § 2. The education law is amended by adding a new article 39-A to read
22 as follows:

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

LBD06198-02-8

ARTICLE 39-AREGIONAL SECONDARY SCHOOLSSection 1920. Definitions.

1921. Establishment of a regional secondary school operated by a board of education.

1922. Establishment of a regional secondary school operated by a board of cooperative educational services.

1923. State aid for regional secondary schools.

1924. Regional secondary school advisory committee.

§ 1920. Definitions. For purposes of this article, the following terms shall have the following meanings:

1. The term "regional secondary school" shall mean a secondary school established by participating districts within a region of New York state.

2. The term "secondary school" shall mean:

a. A high school containing grades nine through twelve;

b. A junior high school containing grades six through eight;

c. A combined junior/senior high school containing grades six through twelve;

d. A combined junior/senior high school containing grades seven through twelve; or

e. A combined junior/senior high school containing grades eight through twelve.

3. The term "region" shall mean the combined area of all the participating districts that establish a regional secondary school.

4. The term "participating district" shall mean an eligible school district whose board of education has adopted a resolution to establish a regional secondary school with one or more other eligible school districts.

5. The term "eligible school district" shall mean:

a. A city school district,

b. A central school district,

c. A union free school district, and/or

d. A common school district, which is eligible to establish a regional secondary school.

6. The term "hosting district" shall mean the participating district which hosts the regional secondary school.

7. The term "regional referendum" shall mean a referendum, presented simultaneously on the ballot of all the participating districts, and determined by a majority vote of the participating electors of the region collectively.

8. The term "proposed contract" shall mean the contract adopted by all the boards of education of the participating districts for the establishment and operation of the regional secondary school.

9. The term "governing board of the regional secondary school" shall mean the governing board of the regional secondary school as designated by the proposed contract.

§ 1921. Establishment of a regional secondary school operated by a board of education. 1. A regional secondary school may be established pursuant to this section.

2. A regional secondary school may be established by two or more eligible school districts.

3. The establishment of a regional secondary school shall be subject to the approval of the commissioner, in a manner and time frame, as set forth within this section.

4. A regional secondary school:

1 a. Shall be wholly contained within the supervisory district of a
2 board of cooperative educational services, unless:

3 (i) Upon application of the boards of education seeking to establish a
4 regional secondary school, the commissioner agrees to waive this
5 requirement; or

6 (ii) The participating school district is a central high school
7 district, which subject to approval of its voters, entered into an
8 agreement with school districts other than its component school
9 districts, that are wholly contained within the supervisory district of
10 a board of cooperative educational services.

11 b. Shall not be a component school district of a central high school
12 district, or a special act school district, as defined in section four
13 thousand one of this chapter.

14 5. A regional secondary school shall serve all or some of the students
15 in each of the participating districts in grades of a secondary school
16 as determined by the agreement between the participating districts.

17 6. Upon the establishment of a regional secondary school, each partic-
18 ipating district shall cease operation of at least one secondary school,
19 except that the hosting district may continue to operate a secondary
20 school as a regional secondary school, pursuant to the conditions of
21 this article.

22 7. Pursuant to this section, the regional secondary school may be
23 operated by:

24 a. One of the participating districts, constituting the hosting
25 district, which shall assume the responsibility to operate, supervise
26 and maintain the regional secondary school and the administration of
27 such regional secondary school; or

28 b. A joint board of education established pursuant to this section.

29 8. a. To establish a regional secondary school, two or more partic-
30 ipating school districts must initially adopt, by majority vote of the
31 board of education of each participating district, a resolution propos-
32 ing the establishment of the regional secondary school.

33 b. The resolution to establish a regional secondary school shall indi-
34 cate:

35 (i) The proposed participating school districts;

36 (ii) Whether the school would be governed by a proposed hosting
37 district or a joint board of education;

38 (iii) A listing of the grades that would be included in the regional
39 secondary school;

40 (iv) The proposed location of the regional secondary school;

41 (v) The proposed term of the contract governing the regional secondary
42 school.

43 c. The resolution to establish the regional secondary school shall be
44 voted on by each board at a meeting held no later than October first of
45 the school year prior to the school year in which the regional secondary
46 school is proposed to commence operation.

47 9. a. If two or more school districts adopt such a resolution as
48 provided in subdivision eight of this section, the resolution shall be
49 presented in a regional referendum by means of a regional vote, before
50 the electors of all of the proposed participating districts.

51 b. Approval of the regional referendum shall be upon a majority vote
52 of the participating electors in the region encompassing all of the
53 proposed participation districts.

54 c. In the event the voters do not approve the regional referendum, it
55 may be presented for a re-vote, but in no event any more than two votes
56 be held in any school year.

10. Upon the approval of the voters in the regional referendum, presented pursuant to subdivision nine of this section, the participating school districts shall collectively enter into a proposed contract for the establishment of a regional secondary school.

11. With the consent of each of the participating boards of education and approval of the commissioner, additional school districts, otherwise eligible to establish the regional secondary school, may join the regional secondary school in the second or a subsequent year of operation, by adopting a board resolution and obtaining voter approval upon a majority vote of the electors of such additional district.

12. a. Upon receipt of voter approval in the regional referendum held pursuant to subdivision nine of this section, the participating school districts shall adopt, by a majority vote of the boards of education of each participating school district, a proposed contract for the operation of the regional secondary school.

b. The proposed contract for the operation of the regional secondary school shall include the plan of formation and operation of the regional secondary school and shall be submitted to the commissioner for his or her approval, in a time and manner prescribed by the commissioner.

c. The proposed contract for the operation of the regional secondary school shall be an inter-municipal sharing agreement pursuant to article five-G of the general municipal law that complies with the requirements of this section.

13. The proposed contract for the operation of the regional secondary school, and the regional secondary school that would be established thereunder, shall meet the following requirements:

a. The proposed contract shall provide the name of the regional secondary school, which shall be subject to the commissioner's approval.

b. The term of the proposed contract shall be specified therein, and shall be for a term not less than five nor more than seven school years.

c. The proposed contract shall establish a governing board of the regional secondary school, that will operate the regional secondary school on behalf of all participating districts, as follows:

(i) The governing board of the regional secondary school shall be designated by the proposed contract to be either the board of education of the hosting district, or a joint board of education established by the participating districts.

(ii) In the event the proposed contract designates a joint board of education as the governing board of the regional secondary school:

(1) Such joint board shall consist of at least five members, with not less than one member appointed by the board of education of each participating school district, and with any remaining members being jointly appointed by the boards of education of the participating school districts collectively;

(2) The proposed contract, consistent with the provisions of this section, shall specify the number, term, and procedures for appointment of the joint board members; and

(3) The joint board shall have the same powers and duties with respect to the regional secondary school as a board of education of a union free school district has with respect to its schools under this chapter, except as modified by the terms of the proposed contract.

(iii) The governing board shall have responsibility for the operation, supervision and maintenance of the regional secondary school and shall be responsible for the administration of the school, including the curriculum, grading, staffing and the issuance of diplomas for all

1 students that attend the regional secondary school, as shall be desig-
2 nated in the proposed contract.

3 (iv) The regional secondary school shall be deemed a school of the
4 governing board for accountability purposes.

5 d. The proposed contract may provide that the student's school
6 district of residence may issue the student's diploma, upon certifi-
7 cation by the governing board that all graduation requirements of the
8 regional secondary school have been met.

9 e. The proposed contract shall designate the grades of instruction
10 intended to be served by the regional secondary school.

11 f. The proposed contract shall designate the site of the regional
12 secondary school, which shall be within the boundaries of one of the
13 participating districts, and where possible, should use existing build-
14 ings and/or infrastructure.

15 g. Notwithstanding any other provision of law to the contrary, the
16 proposed contract shall provide that each participating school district
17 shall be responsible for providing or arranging for transportation to
18 its resident students attending the regional secondary school in accord-
19 ance with its school district policy, but without regard to any maximum
20 mileage limitation.

21 h. The proposed contract may provide that student transportation may
22 be provided by contract for transportation services, including but not
23 limited to a contract with one or more participating districts or a
24 board of cooperative educational services.

25 i. The proposed contract shall specify:

26 (i) That the students of each participating school district shall
27 remain enrolled as students of their respective participating school
28 districts;

29 (ii) That the students shall be treated and counted as students of
30 their respective participating school districts for purposes of all
31 state aid calculations pursuant to this chapter;

32 (iii) The current enrollment of all participating school districts;
33 and

34 (iv) The projected total enrollment numbers of the regional secondary
35 school;

36 j. The proposed contract must demonstrate how the regional secondary
37 school will provide increased educational opportunities for students,
38 including courses and programs in science, technology, engineering and
39 math, to prepare students for college and career readiness and improve
40 student performance.

41 k. That employment issues of the regional secondary school shall be
42 resolved as follows:

43 (i) That all teachers, teaching assistants and teacher aides of the
44 participating school districts, whose services in the participating
45 school districts are no longer needed because of the establishment of a
46 regional secondary school, or the transfer of students to an existing
47 regional secondary school, or as a result of a new participating school
48 district joining the regional secondary school, shall immediately become
49 employees of the governing board designated in the proposed contract,
50 and shall retain their tenure and/or employment status and the seniority
51 gained in the participating district.

52 (ii) That in the event that the number of teaching, teaching assistant
53 or teacher aide positions needed to provide the educational services
54 required by a regional secondary school is less than the number of
55 teachers, teaching assistants, and teacher aides eligible to be consid-
56 ered employees of the designated governing board of such regional

1 secondary school, the services of the teachers, teaching assistants and
2 teacher aides having the least seniority in the participating school
3 district within the tenure area or civil service status, as the case may
4 be, of the position shall be discontinued.

5 (iii) That any such employees who are teachers, teaching assistants or
6 teacher aides shall be placed on a preferred eligible list of candidates
7 for appointment to a vacancy that may thereafter occur in an office or
8 position under the jurisdiction of the participating school district in
9 accordance with the provisions of section twenty-five hundred ten or
10 three thousand thirteen of this chapter.

11 (iv) That for any such teacher, teaching assistant or teacher aide who
12 is retained by the governing board, for salary, sick leave and any other
13 purposes, the length of service credited in such participating school
14 district prior to its participation in the regional secondary school
15 shall be credited as employment time with the designated governing
16 board.

17 (v) That upon termination of the proposed contract pursuant to this
18 section and the return of students from the regional secondary school to
19 the former participating school district, the teachers, teaching assist-
20 ants and teacher aides employed by the governing board to serve in the
21 regional secondary school shall have the same employment rights in the
22 participating school districts as teachers would have upon takeover of a
23 board of cooperative educational services program by such school
24 districts pursuant to section three thousand fourteen-b of this chapter.

25 (vi) That all school principals, assistant principals, supervisory
26 employees, and non-instructional employees of the participating school
27 districts, whose services in the participating school districts are no
28 longer needed because of the establishment of a regional secondary
29 school, or the transfer of students to an existing regional secondary
30 school, or as a result of a new participating school district joining
31 the regional secondary school, shall immediately become employees of the
32 governing board designated in the proposed contract, and shall have
33 employment rights identical to teachers, teaching assistants or teacher
34 aides provided in this section and the existing relevant sections of
35 this chapter.

36 1. The proposed contract shall specify the process for development of
37 the budget for the regional secondary school by the designated governing
38 board and how operating and administrative costs and the local share of
39 capital expenses attributable to the regional secondary school will be
40 allocated amongst the participating districts.

41 m. The proposed contract shall specify the costs of the regional
42 secondary school, staffing, current and future capital construction
43 plans and for the delivery of special education programs.

44 n. The proposed contract shall specify the procedures for discipline
45 of students attending the regional secondary school, including the
46 applicable code of conduct provided that such code of conduct meets the
47 requirements of section twenty-eight hundred one of this chapter and
48 procedures for superintendents' hearings and appeals to the board of
49 education pursuant to section thirty-two hundred fourteen of this chap-
50 ter.

51 o. The proposed contract shall specify the costs of the operation of
52 the regional secondary school for each participating school district and
53 an itemized listing of the cost savings for each participating school
54 district.

1 p. The proposed contract shall specify how extra-curricular activities
2 and interscholastic athletics will be provided to students of the
3 regional secondary school.

4 q. The proposed contract shall specify the fiscal implications of the
5 regional secondary school including expected state aid and expected
6 changes in expenditures and property tax levies.

7 r. The proposed contract shall specify whether the employees of the
8 regional secondary school shall establish new employee organizations,
9 pursuant to article fourteen of the civil service law, for their repre-
10 sentation, or, where applicable, whether they shall become members of
11 the applicable employee organizations representing the employees of the
12 hosting district.

13 s. The proposed contract shall set forth any other information or
14 analysis as may be required by the regulations of the commissioner.

15 14. If the commissioner approves the proposed contract, the regional
16 secondary school shall be established. The contract, so approved, shall
17 be for a period of at least five and not more than seven school years
18 and, upon the approval of the commissioner, may be renewed pursuant to
19 mutual agreement by means of a majority vote of each of the boards of
20 education of the participating districts. The regional secondary school
21 shall commence operations on the first of July, and shall not cease
22 operations before the thirtieth of June in any school year.

23 § 1922. Establishment of a regional secondary school operated by a
24 board of cooperative educational services. 1. A regional secondary
25 school may be established pursuant to this section.

26 2. A regional secondary school may be established by two or more
27 eligible school districts.

28 3. The establishment of a regional secondary school shall be subject
29 to the approval of the commissioner, in a manner and time frame, as set
30 forth within this section.

31 4. A regional secondary school shall be wholly contained within the
32 supervisory district of the board of cooperative educational services
33 operating the regional secondary school.

34 5. A regional secondary school shall serve all or some of the students
35 in each of the participating districts in grades of a secondary school
36 as determined by the agreement between the participating districts.

37 6. Upon the establishment of a regional secondary school, each partic-
38 ipating district shall cease operation of at least one secondary school,
39 except that the hosting district may continue to operate a secondary
40 school as a regional secondary school, pursuant to the conditions of
41 this article.

42 7. Pursuant to this section, the regional secondary school operated by
43 a board of cooperative educational services, shall have such board of
44 cooperative educational services assume the responsibility to operate,
45 supervise and maintain the regional secondary school and the adminis-
46 tration of such regional secondary school.

47 8. a. To establish a regional secondary school, two or more partic-
48 ipating school districts must initially adopt, by majority vote of the
49 board of education of each participating district, a resolution propos-
50 ing the establishment of the regional secondary school.

51 b. The resolution to establish a regional secondary school shall indi-
52 cate:

53 (i) The proposed participating school districts;

54 (ii) That the regional secondary school shall be operated by a board
55 of cooperative educational services;

1 (iii) A listing of the grades that would be included in the regional
2 secondary school;

3 (iv) The proposed location of the regional secondary school;

4 (v) The proposed term of the contract governing the regional secondary
5 school.

6 c. The resolution to establish the regional secondary school shall be
7 voted on by each board at a meeting held no later than October first of
8 the school year prior to the school year in which the regional secondary
9 school is proposed to commence operation.

10 9. a. If two or more school districts adopt such a resolution as
11 provided in subdivision eight of this section, the resolution shall be
12 presented in a regional referendum by means of a regional vote, before
13 the electors of all of the proposed participating districts.

14 b. Approval of the regional referendum shall be upon a majority vote
15 of the participating electors in the region encompassing all of the
16 proposed participating districts.

17 c. In the event the voters do not approve the regional referendum, it
18 may be presented for a re-vote, but in no event may more than two votes
19 be held in any school year.

20 10. Upon the approval of the voters in the regional referendum,
21 presented pursuant to subdivision nine of this section, the participat-
22 ing school districts shall collectively enter into a proposed contract
23 for the establishment of a regional secondary school.

24 11. With the consent of each of the participating boards of education,
25 and the board of cooperative educational services operating the regional
26 secondary school, and upon the approval of the commissioner, additional
27 school districts, otherwise eligible to establish the regional secondary
28 school operated by a board of cooperative educational services, may join
29 the regional secondary school in the second or a subsequent year of
30 operation, by adopting a board resolution and obtaining voter approval
31 upon a majority vote of the electors of such additional district.

32 12. a. Upon receipt of voter approval in the regional referendum held
33 pursuant to subdivision nine of this section, the participating school
34 districts shall adopt, by a majority vote of the boards of education of
35 each participating school district, a proposed contract for the opera-
36 tion of the regional secondary school.

37 b. The proposed contract for the operation of the regional secondary
38 school shall include the plan of formation and operation of the regional
39 secondary school and shall be submitted to the commissioner for his or
40 her approval, in a time and manner prescribed by the commissioner.

41 c. The proposed contract for the operation of the regional secondary
42 school shall be an inter-municipal sharing agreement pursuant to article
43 five-G of the general municipal law that complies with the requirements
44 of this section.

45 13. The proposed contract for the operation of the regional secondary
46 school, and the regional secondary school that would be established
47 thereunder, shall meet the following requirements:

48 a. The proposed contract shall provide the name of the regional
49 secondary school, which shall be subject to the commissioner's approval;

50 b. The term of the proposed contract shall be specified therein, and
51 shall be for a term not less than five nor more than seven school years;

52 c. The proposed contract shall establish:

53 (i) That the board of cooperative educational services as the govern-
54 ing board of the regional secondary school, will operate the regional
55 secondary school on behalf of all participating districts;

1 (ii) That the board of cooperative educational services as the govern-
2 ing board of the regional secondary school, shall have responsibility
3 for the operation, supervision and maintenance of the regional secondary
4 school and shall be responsible for the administration of the school,
5 including the curriculum, grading, staffing and the issuance of diplomas
6 for all students that attend the regional secondary school, as shall be
7 designated in the proposed contract; and

8 (iii) That the board of cooperative educational services as the
9 governing board of the regional secondary school shall be deemed a
10 school district for accountability purposes.

11 d. The proposed contract may provide that the student's school
12 district of residence may issue the student's diploma, upon certif-
13 ication by the governing board that all graduation requirements of the
14 regional secondary school have been met;

15 e. The proposed contract shall designate the grades of instruction
16 intended to be served by the regional secondary school;

17 f. The proposed contract shall designate the site of the regional
18 secondary school, which shall be within the boundaries of one of the
19 participating districts, and where possible, should use existing build-
20 ings and/or infrastructure;

21 g. Notwithstanding any other provision of law to the contrary, the
22 proposed contract shall provide that each participating school district
23 shall be responsible for providing or arranging for transportation to
24 its resident students attending the regional secondary school in accord-
25 ance with its school district policy, but without regard to any maximum
26 mileage limitation;

27 h. The proposed contract may provide that student transportation may
28 be provided by contract for transportation services, including but not
29 limited to a contract with one or more participating districts or a
30 board of cooperative educational services;

31 i. The proposed contract shall specify:

32 (i) That the students of each participating school district shall
33 remain enrolled as students of their respective participating school
34 districts;

35 (ii) That the students shall be treated and counted as students of
36 their respective participating school districts for purposes of all
37 state aid calculations pursuant to this chapter;

38 (iii) The current enrollment of all participating school districts;
39 and

40 (iv) The projected total enrollment numbers of the regional secondary
41 school;

42 j. The proposed contract must demonstrate how the regional secondary
43 school will provide increased educational opportunities for students,
44 including courses and programs in science, technology, engineering and
45 math, to prepare students for college and career readiness and improve
46 student performance;

47 k. That employment issues of the regional secondary school shall be
48 resolved as follows:

49 (i) That all teachers, teaching assistants and teacher aides of the
50 participating school districts, whose services in the participating
51 school districts are no longer needed because of the establishment of a
52 regional secondary school, or the transfer of students to an existing
53 regional secondary school, or as a result of a new participating school
54 district joining the regional secondary school, shall immediately become
55 employees of the board of cooperative educational services designated in

1 the proposed contract, and shall retain their tenure and/or employment
2 status and the seniority gained in the participating district;

3 (ii) That in the event that the number of teaching, teaching assistant
4 or teacher aide positions needed to provide the educational services
5 required by a regional secondary school is less than the number of
6 teachers, teaching assistants and teacher aides eligible to be consid-
7 ered employees of the designated governing board of such regional
8 secondary school, the services of the teachers, teaching assistants and
9 teacher aides having the least seniority in the participating school
10 district within the tenure area or civil service status, as the case may
11 be, of the position shall be discontinued;

12 (iii) That any such employees who are teachers, teaching assistants or
13 teacher aides shall be placed on a preferred eligible list of candidates
14 for appointment to a vacancy that may thereafter occur in an office or
15 position under the jurisdiction of the participating school district in
16 accordance with the provisions of section twenty-five hundred ten or
17 three thousand thirteen of this chapter;

18 (iv) That for any such teacher, teaching assistant or teacher aide who
19 is retained by the governing board, for salary, sick leave and any other
20 purposes, the length of service credited in such participating school
21 district prior to its participation in the regional secondary school
22 shall be credited as employment time with the board of cooperative
23 educational services;

24 (v) That upon termination of the proposed contract pursuant to this
25 section and the return of students from the regional secondary school to
26 the former participating school district, the teachers, teaching assist-
27 ants, and teacher aides employed by the board of cooperative educational
28 services to serve in the regional secondary school shall have the same
29 employment rights in the participating school districts as teachers
30 would have upon takeover of a board of cooperative educational services
31 program by such school districts pursuant to section three thousand
32 fourteen-b of this chapter; and

33 (vi) That all school principals, assistant principals, supervisory
34 employees, and non-instructional employees of the participating school
35 districts, whose services in the participating school districts are no
36 longer needed because of the establishment of a regional secondary
37 school, or the transfer of students in an existing regional secondary
38 school, or as a result of a new participating school district joining
39 the regional secondary school, shall immediately become employees of the
40 board of cooperative educational services designated in the proposed
41 contract, and shall have employment rights identical to teachers, teach-
42 ing assistants or teacher aides provided in this section and the exist-
43 ing relevant sections of this chapter.

44 1. The proposed contract shall specify the process for development of
45 the budget for the regional secondary school by the board of cooperative
46 educational services and how operating and administrative costs and the
47 local share of capital expenses attributable to the regional secondary
48 school will be allocated amongst the participating districts;

49 m. The proposed contract shall specify the costs of the regional
50 secondary school, staffing, current and future capital construction
51 plans and for the delivery of special education programs;

52 n. The proposed contract shall specify the procedures for discipline
53 of students attending the regional secondary school, including the
54 applicable code of conduct provided that such code of conduct meets the
55 requirements of section twenty-eight hundred one of this chapter and
56 procedures for superintendents' hearings and appeals to the board of

1 education pursuant to section thirty-two hundred fourteen of this chap-
2 ter;

3 o. The proposed contract shall specify the costs of the operation of
4 the regional secondary school for each participating school district and
5 an itemized listing of the cost savings for each participating school
6 district;

7 p. The proposed contract shall specify how extracurricular activities
8 and interscholastic athletics will be provided to students of the
9 regional secondary school;

10 q. The proposed contract shall specify the fiscal implications of the
11 regional secondary school including expected state aid and expected
12 changes in expenditures and property tax levies;

13 r. The proposed contract shall specify whether the employees of the
14 regional secondary school shall establish new employee organizations,
15 pursuant to article fourteen of the civil service law, for their repre-
16 sentation, or, where applicable, whether they shall become members of
17 the applicable employee organizations representing the employees of the
18 hosting district; and

19 s. The proposed contract shall set forth any other information or
20 analysis as may be required by the regulations of the commissioner.

21 14. If the commissioner approves the proposed contract, the regional
22 secondary school shall be established. The contract, so approved, shall
23 be for a period of at least five and not more than seven school years
24 and, upon the approval of the commissioner, may be renewed pursuant to
25 mutual agreement by means of a majority vote of each of the boards of
26 education of the participating districts and the supervisory district of
27 the board of cooperative educational services. The regional secondary
28 school shall commence operations on the first of July, and shall not
29 cease operations before the thirtieth of June in any school year.

30 § 1923. State aid for regional secondary schools. 1. Students attend-
31 ing a regional secondary school shall be deemed enrolled in their school
32 district of residence and shall be included in the applicable member-
33 ship, enrollment and attendance counts of their respective school
34 districts of residence for purposes of computation of state aid to such
35 school districts. The costs of educating each such student shall be
36 included in the approved operating expense of the student's school
37 district of residence and except as otherwise provided in this section,
38 the state aid attributable to such student shall be computed in the same
39 manner as aid attributable to other resident students and shall be paya-
40 ble to the school district of residence.

41 2. Notwithstanding any other provision of law to the contrary, the
42 school district that owns the facility used to house the regional
43 secondary school shall be the only school district eligible for building
44 aid pursuant to the applicable provisions of subdivision six, six-a,
45 six-c, six-e or six-f of section thirty-six hundred two of this chapter
46 for projects involving the regional secondary school that are approved
47 by the qualified voters of such district after establishment of the
48 regional secondary school, provided that such aid shall be computed
49 using the building aid ratio applicable to projects of the school
50 district that owns the regional secondary school facility under the
51 provisions of paragraphs b and c of subdivision six of section thirty-
52 six hundred two of this chapter. Such aid shall be paid to such school
53 district or to the board of cooperative educational services on behalf
54 of such school district where the board of cooperative educational
55 services operates the regional secondary school. The school district or
56 board of cooperative educational services shall allocate the local share

1 of the costs of such projects to the participating school districts in
2 accordance with its contract entered into pursuant to section nineteen
3 hundred twenty-one or nineteen hundred twenty-two of this article. The
4 costs of such projects shall not be eligible for aid pursuant to subdivi-
5 sion six-b or paragraph c of subdivision fourteen of section thirty-
6 six hundred two of this chapter.

7 3. Notwithstanding any provision of section nineteen hundred fifty or
8 nineteen hundred fifty-one of this title to the contrary, in the case of
9 a regional secondary school operated by a board of cooperative educa-
10 tional services that is housed in a facility owned by a participating
11 school district, the capital expenses for building projects involving
12 the regional secondary school shall be a charge upon the participating
13 school districts only, and such costs shall not be allocated to other
14 component school districts. Such capital expenses shall not be eligible
15 for aid pursuant to subdivision five of section nineteen hundred fifty
16 of this title. Provided, however, that costs of aidable shared services
17 provided by the board of cooperative educational services to supplement
18 the programs of the regional secondary school shall be eligible for aid
19 pursuant to such subdivision five of section nineteen hundred fifty, the
20 administrative expenses attributable to the regional secondary school
21 and the capital expenses attributable to a regional secondary school
22 housed in a facility owned by the board of cooperative educational
23 services shall be allocated to component school districts in accordance
24 with section nineteen hundred fifty or nineteen hundred fifty-one of
25 this title and shall be eligible for aid pursuant to such subdivision
26 five of section nineteen hundred fifty.

27 4. The board of education of each school district participating in a
28 regional secondary school pursuant to this article shall be eligible for
29 additional state aid in accordance with paragraph k of subdivision four-
30 teen of section thirty-six hundred two of this chapter.

31 § 1924. Regional secondary school advisory committee. 1. Each regional
32 secondary school established and operated pursuant to this article shall
33 establish an advisory committee. The advisory committee shall be
34 composed of the president of the board of education of each participat-
35 ing school district, the president of the board of education of each
36 supervisory board of cooperative educational services, where applicable,
37 and the superintendent of each participating school district and the
38 superintendent of the supervisory district in which the regional second-
39 ary school is located. The superintendent of the supervisory district
40 shall be the chair of the advisory committee.

41 2. The advisory committee shall convene, at the call of the chair, not
42 less than four times during each school year during which the regional
43 secondary school operates. During such meetings, the advisory committee
44 shall review the operation of the regional secondary school and make
45 recommendations to the hosting district or the supervisory board of
46 cooperative educational services, as the case may be, on the continued
47 operation of such secondary school.

48 § 3. Subdivision 4 of section 1950 of the education law is amended by
49 adding a new paragraph oo to read as follows:

50 oo. Pursuant to article thirty-nine-A of this title, a board of coop-
51 erative educational services may enter into an agreement with two or
52 more school districts eligible to enter into such an agreement in
53 accordance with section nineteen hundred twenty-two of this title, which
54 may include city school districts, central school districts, central
55 high school districts, union free school districts, and/or common school
56 districts which are wholly contained within the supervisory district of

1 the board of cooperative educational services, to form a regional
2 secondary school to be operated by the board of cooperative educational
3 services. The board of cooperative educational services shall have the
4 same powers and duties with respect to such regional secondary school as
5 the board of education of a union free school district has with respect
6 to its schools, consistent with the terms of its agreement with the
7 participating school districts.

8 § 4. Paragraph h of subdivision 4 of section 1950 of the education law
9 is amended by adding three new subparagraphs 12, 13 and 14 to read as
10 follows:

11 (12) To enter into contracts as necessary or convenient to operate a
12 regional secondary school as established pursuant to the provisions of
13 section nineteen hundred twenty-one of this title.

14 (13) To develop core curriculum for students attending a regional
15 secondary school established pursuant to the provisions of section nine-
16 teen hundred twenty-two of this title.

17 (14) To issue regents and other high school diplomas to students who
18 graduate from a regional secondary school established pursuant to the
19 provisions of section nineteen hundred twenty-one of this title, under
20 the same conditions as a school district.

21 § 5. Paragraph b of subdivision 4 of section 1950 of the education law
22 is amended by adding a new subparagraph 8 to read as follows:

23 (8) For regional secondary schools established pursuant to section
24 nineteen hundred twenty-two of this title, the board of cooperative
25 educational services shall prepare and propose a tentative budget of
26 expenditures for program, administrative and capital costs to operate
27 the regional secondary school in the ensuing school year. Such proposed
28 budget shall be provided to the board of education of each participating
29 school district of the regional secondary school, by the date provided
30 in the agreement entered into pursuant to such section nineteen hundred
31 twenty-two. The board of education of each participating school district
32 shall be afforded an opportunity to review and comment on the proposed
33 budget prior to its final adoption by the board of cooperative educa-
34 tional services.

35 § 6. Subdivision 14 of section 3602 of the education law is amended by
36 adding a new paragraph k to read as follows:

37 k. Transition incentive aid for regional secondary schools. (1)
38 Notwithstanding the provisions of paragraphs a through g of this subdi-
39 vision, for aid payable in the two thousand nineteen--two thousand twen-
40 ty school year or thereafter, school districts that are parties to an
41 agreement to establish and operate a regional secondary school pursuant
42 to article thirty-nine-A of this chapter entered into on or after July
43 first, two thousand eighteen and participated in such regional secondary
44 school in the base year shall be eligible for transition incentive aid
45 pursuant to this paragraph provided that the following conditions are
46 met:

47 (i) the regional secondary school agreement includes at least two
48 school districts, each of which previously maintained its own secondary
49 schools, and has ceased district operation of at least one high school
50 or junior high school following the establishment of the regional
51 secondary school, or

52 (ii) the regional secondary school agreement includes at least one
53 school district which previously maintained its own high school or
54 junior high school, and does not maintain its own high school or junior
55 high school following the establishment of the regional secondary
56 school, and in addition thereto, includes at least one additional school

1 district employing eight or more teachers that do not maintain their own
2 high school or junior high school;

3 (2) In each of the first thirteen years in which a school district is
4 party to such agreement, such district shall be entitled to an appor-
5 tionment equal to the product of (i) thirty percent of the apportionment
6 computed in accordance with the provisions of paragraph d-1 of this
7 subdivision, multiplied by (ii) the quotient of the number of pupils
8 within such school district attending the regional secondary school in
9 the base year divided by the resident public school district enrollment
10 of such school district within the grades of the new regional secondary
11 school or schools; provided further that such districts shall be eligi-
12 ble to receive an additional apportionment equal to the product of (i)
13 ten percent of the apportionment computed in accordance with the
14 provisions of paragraph d-1 of this subdivision multiplied by (ii) the
15 quotient of the number of pupils within such school district attending
16 the regional secondary school in the base year divided by the resident
17 public school district enrollment of such school district within the
18 grades of the new regional secondary school or schools upon meeting
19 academic achievement goals as established by the commissioner in accord-
20 ance with a methodology prescribed in the regulations of the commission-
21 er. In no case shall the sum of such apportionments under this paragraph
22 plus the selected operating aid per pupil be more than a total of nine-
23 ty-five per centum of the year prior to the base year approved operating
24 expense. School districts which receive an apportionment under this
25 paragraph shall not be eligible for an apportionment under paragraph c,
26 f or j of this subdivision.

27 (3) The apportionment that a school district shall be entitled to
28 receive pursuant to subparagraph two of this paragraph shall be reduced,
29 after the third year it has received such apportionments, by the amount
30 of ten percent for each year such school district is entitled to receive
31 such apportionment.

32 § 7. This act shall take effect July 1, 2018, provided that if this
33 act becomes a law after such date, it shall take effect immediately and
34 be deemed to have been in full force and effect on and after July 1,
35 2018.