

STATE OF NEW YORK

953

2019-2020 Regular Sessions

IN SENATE

January 9, 2019

Introduced by Sen. YOUNG -- 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 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
23 adoption of the resolution for the establishment of a regional high
24 school shall be subject to approval thereof, by majority vote, of all
25 electors of the school districts proposing to establish a regional high

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

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1 school, such election being conducted within each school district and
2 the votes therein being compiled at a central location by a board of
3 canvass established by the boards of education of such school districts.
4 Upon approval by the electors of the school districts the boards of
5 education of such school districts shall jointly establish a proposed
6 contract for the operation of a regional high school. Upon establishment
7 of a proposed contract for the operation of a regional high school, such
8 contract shall be submitted to the commissioner. Every proposed contract
9 for a regional high school shall be subject to approval by the commis-
10 sioner who shall, as a condition of such approval, certify that the
11 creation of a regional high school will expand and improve the educa-
12 tional services available to all students of such high school and that
13 it can result in administrative efficiencies for all participating
14 districts. If the commissioner approves the proposed contract, the
15 regional high school shall be deemed to have been established, except
16 that nothing in this section shall prevent the high school which would
17 serve as the host of the regional high school so established to continue
18 to operate as a legal entity until the end of the school year. Except as
19 otherwise provided in this article, the provisions of this chapter as to
20 the courses of study, the qualifications and employment of teachers,
21 non-instructional employees and other staff, and the maintenance,
22 conduct and supervision of public schools in central school districts
23 shall apply to a regional high school. Every regional high school and
24 the contract therefor shall meet the following requirements:

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

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

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

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

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

43 a. the contract shall designate the site of the regional high school,
44 which shall be within the boundaries of one of the participating school
45 districts. The hosting school district and the board of education of
46 such school district shall have responsibility for the operation, super-
47 vision and maintenance of the regional high school, as shall be desig-
48 ated in the contract,

49 b. the contract shall specify that the students receiving instruction
50 from the regional high school shall be deemed to be enrolled in the
51 regional high school, except to the extent that their enrollment and
52 attendance shall be included in the enrollment and attendance counts of
53 the participating districts for the purposes of state aid, and they
54 shall be treated and counted as such for purposes of all state aid
55 calculations pursuant to this chapter,

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

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

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

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

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

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

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

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

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

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

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

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

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

54 12. the contract shall specify the procedures for discipline of
55 students attending the regional high school, including the applicable
56 code of conduct and procedures for superintendents' hearings and appeals

1 to the board of education pursuant to section thirty-two hundred four-
2 teen of this chapter;

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

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

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

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

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

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

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

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

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

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

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

22 § 3. This act shall take effect immediately.