

STATE OF NEW YORK

4959

2021-2022 Regular Sessions

IN ASSEMBLY

February 9, 2021

Introduced by M. of A. GOODELL, J. M. GIGLIO -- Multi-Sponsored by -- M. of A. BARCLAY, BLANKENBUSH, MORINELLO -- read once and referred to the Committee on Education

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

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

3 Section 1920. Regional high school; establishment.

4 1921. Operation by board of cooperative educational services.

5 1922. Additional state aid.

6 § 1920. Regional high school; establishment. A regional high school
7 may be formed by a contract entered into by two or more school
8 districts, which are city school districts in cities having a population
9 of less than one hundred twenty-five thousand inhabitants, central
10 school districts, union free school districts and/or common school
11 districts, provided that all such school districts are wholly contained
12 within the same board of cooperative educational services supervisory
13 district, and is wholly contained within any county having between one
14 hundred thirty-four thousand nine hundred three and one hundred thirty-
15 four thousand nine hundred seven inhabitants according to the two thou-
16 sand ten decennial federal census. Except as otherwise provided in this
17 article, the provisions of this chapter as to the courses of study, the
18 qualifications and employment of teachers and other staff, and the main-
19 tenance, conduct and supervision of public schools in central school
20 districts shall apply to a regional high school. Any contract for a
21 regional high school shall be subject to approval by the commissioner
22 and shall not be subject to approval by the electors of the school
23
24

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

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districts electing to form the regional high school, and the regional high school and the contract shall meet the following requirements:

1. the contract shall be for a period of not less than two 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 whether 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," or by the board of cooperative educational services pursuant to a contract authorized by section nineteen hundred twenty-one of this article;

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. such regional high school shall operate its own extra-curricular activities and inter-scholastic athletics, and the students attending such regional high school shall be eligible to participate in such activities and athletics and shall not be eligible to participate in such activities and athletics of their participating school district;

6. 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 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 of each participating school district shall remain as students of their respective participating school districts, and they shall be treated and counted as such for purposes of all state aid calculations pursuant to this chapter,

c. the regional high school shall operate its own extra-curricular activities and interscholastic athletics and the students attending such regional high school shall be eligible to participate in such activities and athletics and shall not be eligible to participate in such activities and athletics of their participating school district,

d. the contract shall provide that all school principals, assistant principals, other supervisory personnel, teachers and other staff members of the participating school districts, except the superintendent of schools, whose services in the participating school districts are no longer needed because of the creation of a regional high school or the transference of students to an existing regional high school, shall be granted employment rights in the host school district in accordance with the provisions of this subdivision, and in the same manner as is provided in sections three thousand fourteen-a and three thousand fourteen-b of this chapter,

e. in any case in which a participating school district sends students to a regional high school operated by a hosting school district, each school principal, assistant principal, supervisory employee, teacher and all other employees previously employed in the education of such students by such participating school district prior

1 to the time that such component district sends its students to the
2 regional high school shall be considered employees of the hosting school
3 district, with the same tenure status held in such component district,
4 and in the same manner as is provided in sections three thousand four-
5 teen-a and three thousand fourteen-b of this chapter. For purposes of
6 this section, when a participating school district takes back students
7 that it sent to another district on a tuition basis and sends such
8 students to a regional high school operated pursuant to this article,
9 the hosting school district of the regional high school shall be deemed
10 to be the sending district for purposes of the rights and protections
11 provided in section three thousand fourteen-c of this chapter,

12 f. if the number of supervisory, teaching and other positions needed
13 to provide the educational services required by a regional high school
14 is less than the number of school principals, assistant principals,
15 supervisory employees, teachers and other employees eligible to be
16 considered employees of the hosting school district of such regional
17 high school as provided by paragraph e of this subdivision, the services
18 of the school principals, assistant principals, supervisory employees,
19 teachers and other employees having the least seniority in the partic-
20 ipating school districts within the tenure area of the position shall be
21 discontinued. Such school principals, assistant principals, supervisory
22 employees, teachers and other employees shall be placed on a preferred
23 eligible list of candidates for appointment to a vacancy that may there-
24 after occur in an office or position under the jurisdiction of the
25 participating school district, the "receiving district" as defined in
26 section three thousand fourteen-c of this chapter, from which a partic-
27 ipating school district has taken back students, and the hosting school
28 district of the regional high school similar to the one such school
29 principal, assistant principal, supervisory employee, teacher or other
30 employee filled in such component district. The school principals,
31 assistant principals, supervisory employees, teachers and other employ-
32 ees on such preferred lists shall be reinstated or appointed to such
33 vacancies in such corresponding or similar positions under the jurisdic-
34 tion of the participating school district or the hosting school district
35 of the regional high school in the order of their length of service in
36 such participating school district, within seven years from the date of
37 the placement of the employee on said list, and

38 g. for any such school principal, assistant principal, supervisory
39 employee, teacher or other employee as described in paragraphs d and e
40 of this subdivision, for salary, sick leave and any other purposes, the
41 length of service credited in such participating school district shall
42 be credited as employment time with the hosting school district;

43 7. the contract shall specify that the regional high school shall be
44 solely responsible for the implementation and completion of all academic
45 achievement standards for the students of participating school
46 districts; and

47 8. this section shall in no way be construed to limit the rights of
48 any of such school principals, assistant principals, supervisory employ-
49 ees, teachers or other employees described in this section granted by
50 any other provision of law.

51 § 1921. Operation by board of cooperative educational services.
52 Notwithstanding any other provision of law to the contrary, the boards
53 of education which are parties to an agreement to operate a regional
54 high school, with the approval of the commissioner, may contract with
55 the board of cooperative educational services of the supervisory
56 district in which they are located for the management and operation of

1 the regional high school. Such contract shall be for a period of not
2 less than two school years and, with the approval of the commissioner,
3 may be renewed by mutual agreement of the boards of education and the
4 board of cooperative educational services. Every such contract shall
5 provide for the commencement of operations of the regional high school
6 on the first of July, and shall only cease operations on the thirtieth
7 of June of any school year.

8 1. Upon entry into such contract, the board of cooperative educational
9 services shall take over all of the educational programs of the regional
10 high school and any and all responsibility for compliance with academic
11 achievement standards, and any employees of the regional high school or
12 of the participating school districts, as the case may be, shall become
13 employees of the board of cooperative educational services and the
14 provisions of section three thousand fourteen-a of this chapter shall
15 apply. Such employees shall be employees of the board of cooperative
16 educational services and shall not be deemed employees of the regional
17 high school or the participating school districts for any purpose. Upon
18 termination of the contract, the regional high school or the participat-
19 ing school districts, as the case may be, shall take over the educa-
20 tional programs and the employees shall become employees of the hosting
21 school district of the regional high school, and the provisions of
22 section three thousand fourteen-b of this chapter shall apply.

23 2. Notwithstanding any provisions of section nineteen hundred fifty of
24 this title or any other law to the contrary, the program and administra-
25 tive expenses attributable to the programs of the regional high school
26 shall be a charge upon the school districts participating in the
27 regional high school, and the board of cooperative educational services
28 shall portion such expenses to the school districts participating in the
29 regional high school in the manner prescribed in the contract between
30 the participating school districts and the board of cooperative educa-
31 tional services. The board of cooperative educational services shall not
32 charge any portion of the program or administrative expenses incurred
33 pursuant to this subdivision to its other component school districts.
34 Such administrative and program expenses shall not be eligible for aid
35 pursuant to subdivision five of section nineteen hundred fifty of this
36 title, but shall be eligible for aid pursuant to section thirty-six
37 hundred two of this chapter to the same extent as the expenses of any
38 other high school education program. Nothing in this subdivision shall
39 be construed to prevent the participating school districts from
40 contracting with the board of cooperative educational services for aid-
41 able shared services in the same manner and under the same conditions as
42 any other component school district, and the cost of such aidable shared
43 services shall be eligible for aid pursuant to subdivision five of
44 section nineteen hundred fifty of this title.

45 3. During the term of a contract pursuant to this section, all schools
46 and other facilities of the participating school districts of the
47 regional high school which are used by the board of cooperative educa-
48 tional services in the operation of the regional high school shall be
49 deemed leased to the board of cooperative educational services at no
50 cost. Such schools and other facilities shall remain the property of the
51 participating school districts and any capital expenses and building
52 maintenance costs incurred with respect to such facilities shall be a
53 charge upon the participating school districts in accordance with the
54 terms of the contract. Such capital expenses and maintenance costs shall
55 not be eligible for aid pursuant to subdivision five of section nineteen
56 hundred fifty of this title but shall be eligible for aid pursuant to

1 section thirty-six hundred two of this chapter to the same extent as
2 such expenses of any other school district.

3 4. Students receiving instruction from the regional high school shall
4 not be deemed to be enrolled in the board of cooperative educational
5 services, except to the extent that they are participating in a shared
6 service in their enrollment and attendance which shall be included in
7 the enrollment and attendance counts of the participating school
8 districts for the purposes of state aid. High school diplomas shall be
9 issued by the participating school districts and the board of education
10 of each participating school district shall remain responsible for the
11 performance of its students in the regional high school under the state
12 accountability system as if the students of each participating district
13 where in attendance at a high school operated by the participating
14 district.

15 § 1922. Additional state aid. Notwithstanding any other provision of
16 law to the contrary, the boards of education which are parties to an
17 agreement to operate a regional high school and which do in fact operate
18 a regional high school shall be eligible for additional state aid pursu-
19 ant to subdivision fourteen of section thirty-six hundred two of this
20 chapter in the same manner and to the same extent as a school district
21 which qualifies for such aid pursuant to paragraph j of subdivision
22 fourteen of section thirty-six hundred two of this chapter.

23 § 2. This act shall take effect immediately.