STATE OF NEW YORK

8133

2023-2024 Regular Sessions

IN ASSEMBLY

October 13, 2023

Introduced by M. of A. SMULLEN -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to establishing interregional enrollment of students in multiple school districts (Part A); and to amend the education law, in relation to the provision of cooperative and individualized educational services for students who are enrolled in multiple school districts (Part B)

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

Section 1. Short title. This act shall be known and may be cited as the "EmpowerED Act: Empowering students and enhancing educational opportunities in New York".

§ 2. Legislative findings and intent. According to the Census Bureau, New York consistently allocates the highest per-student expenditure in the nation. However, despite this significant investment, a substantial number of our students are performing at or slightly below the national average in state assessments. It is imperative that we prioritize providing our students with every available opportunity to raise these educational standards. To truly empower our education system, we must enable school districts and students to embrace innovative educational approaches that go beyond traditional norms. Students should have the freedom to choose educational opportunities that best suit their individual needs and aspirations. The "EmpowerED Act" aims to strengthen New York's education system by granting students the ability to access classes in any educational setting, be it a neighboring school district or through remote learning. Furthermore, it expands itinerant teaching services that BOCES programs offer to allow individual schools to more efficiently allocate resources according to the unique needs of their own district. This legislation will provide vital support to foster collaboration among districts, benefiting students and improving the

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

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overall education system in New York, while empowering students, parents, and educators to shape their educational journey.

§ 3. This act enacts into law major components of legislation necessary to implement the "EmpowerED Act". Each component is wholly contained within a Part identified as Parts A through B. The effective date for each particular provision contained within such Part is set forth in the last section of such Part. Any provision in any section contained within a Part, including the effective date of the Part, which makes a reference to a section "of this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the Part in which it is found. Section five of this act sets forth the general effective date of this act.

PART A

Section 1. Section 3202 of the education law is amended by adding a new subdivision 9 to read as follows:

9. Interregional student enrollment. a. (i) Notwithstanding subdivision two of this section or any other law to the contrary, nonresidents of a district may be admitted into the school or schools of a district or city, upon the consent of the trustees or the board of education as part of an interregional student enrollment program. The trustees or the board of education shall establish an open enrollment application process, during which nonresident students can access such application to apply for enrollment in offered classes whether the student is part-time or full-time. As used in this subparagraph, the term "part-time" shall mean a nonresident student enrolled in a set of classes, whether such classes are in-person or via distance learning, that are offered by a school district where such student does not reside, and who also takes classes in the school district where such student resides.

(ii) Participating districts shall provide transportation, as mandated by the individualized education program of a student with a disability, to the location necessary to receive required services specified in such program.

b. The school district of a nonresident student shall be subject to a maximum tuition as determined by the commissioner. The maximum tuition shall vary based on the number of classes taken by the student and whether such student is part-time or full-time. The maximum tuition rates shall be set regionally to account for cost variations and ensure fairness across participating school districts.

c. Nonresident students seeking enrollment shall submit applications during the open enrollment window, as determined by the participating school districts. The application process shall be facilitated by the school districts, ensuring accessibility and fairness. Eligibility for enrollment shall be based on factors, including but not limited to available space, academic performance, and the needs of the student. Priority shall be given to students who would benefit from specialized programs or services not available in their resident district.

d. Participating school districts shall collaborate to ensure a seamless transfer of student records, including academic transcripts, health records, and other relevant documentation necessary for such student's educational continuity. School districts shall provide nonresident students with access to appropriate educational programs, resources, and support services, on par with those provided to resident students.

§ 2. This act shall take effect immediately.

PART B

Section 1. Subparagraph 3 of paragraph bb of subdivision 4 of section 1950 of the education law, as amended by section 2 of part A of chapter 60 of the laws of 2000, is amended to read as follows:

(3) Such programs and services may include, but shall not be limited to (a) expansion of itinerant teaching services in **any courses of study required under subdivision three of section thirty-two hundred four of this chapter or** advanced academic subject courses**, provided that no limitation shall exist that restricts or confines the length of time that an itinerant teacher is authorized to provide such teaching services pursuant to this paragraph**; (b) academic course offerings at regular board of cooperative educational services centers or at leased sites during the school year or summer school periods, as requested by component districts; (c) block scheduling to enable students to attend classes at a board of cooperative educational services center for an entire school day; (d) satellite offerings of specific concentrations or specializations sponsored by boards of cooperative educational services at local schools, with cross-contracting for services; (e) expanded use of interactive television and other technologies to offer academic courses on site or at component school districts; and (f) programs of academic intervention services approved by the commissioner designed to fulfill the academic intervention services requirement imposed by the regulations of the commissioner, provided that in approving such programs and services for the two thousand--two thousand one school year or thereafter, the commissioner shall assure that the program or service results in a cost savings to all participating districts, disregarding any aid pursuant to subdivision five of this section.

§ 2. This act shall take effect immediately.

§ 4. Severability clause. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

§ 5. This act shall take effect immediately; provided, however, that the applicable effective date of Parts A through B of this act shall be as specifically set forth in the last section of such Parts.