§ 1950. Establishment of boards of cooperative educational services pending the creation of intermediate districts. 1. The boards of education and school trustees of a supervisory district which is not part of an intermediate district, meeting at a time and place to be designated by the district superintendent of schools, may, by a majority vote of their members present and voting, file with the commissioner of education a petition for the establishment of a board of cooperative educational services for the purpose of carrying out a program of shared educational services in the schools of the supervisory district and for providing instruction in such special subjects as the commissioner may approve. The commissioner, by order, may establish such a board with membership of not less than five nor more than fifteen, upon such application and when a vacancy occurs in the office of district superintendent of schools shall establish such a board, unless the commissioner shall issue an order pursuant to section twenty-two hundred one redistricting the county so as to provide for a lesser number of supervisory districts. The commissioner, by order, may authorize a board, established prior to July second, nineteen hundred sixty-five, to increase its membership to not less than five nor more than fifteen.

2. Upon the establishment by the commissioner of such a board, boards of education and school trustees, by a vote pursuant to subdivision two-a of this section shall elect a board of cooperative educational services. Except for elections conducted pursuant to subdivision two-a of this section, and the adoption of a public resolution regarding the approval or disapproval of the tentative administrative budget pursuant to subparagraph five of paragraph b of subdivision four of this section, component districts having more than five board of education members shall be limited to five votes on any matters relating to the district superintendency or board of cooperative educational services. A full term shall be three years to serve from July first next following election. It shall be the duty of such meeting by order of such meeting to divide into a sufficient number of classes the terms of the members of the board of cooperative educational services so that as nearly as possible an equal number of members shall be elected to the board each year. Notwithstanding any other provision of this subdivision, upon the decrease of the full term of members from five to three years, the board

of cooperative educational services shall direct that one or more members be elected for a term of one, two or four years in order to assure, as nearly as possible, that an equal number of members will be elected to the board each year. Members of such board shall be reimbursed for necessary expenses for attending meetings of such boards. The district superintendent shall be the executive officer of the board, and where a board of cooperative educational services comprises two or more supervisory districts the district superintendents, together with the president of the board of cooperative educational services, shall act as an executive committee.

2-a. a. Notwithstanding any other provision of law, commencing on and after the first day of November, nineteen hundred ninety-three, the members of a board of cooperative educational services shall be elected in accordance with the provisions of this subdivision.

b. Not later than the first day of February of each year the president of the board of cooperative educational services shall designate a single date on or after the sixteenth day and on or before the thirtieth day of April on which each component board, other than the board of education of a central high school district, shall conduct a public meeting which may be a regular or special meeting, for the purpose of electing members of the board of cooperative educational services and adopting a public resolution concerning the approval or disapproval of the tentative administrative budget. In the case of a central high school district, such public meeting shall be held on the regular business day next following the date designated by the president of the board of cooperative educational services. Nomination of a person to be elected to a board of cooperative educational services shall be made by at least one component district by board resolution. Such resolution shall be transmitted in writing to the clerk of the board of cooperative educational services at least thirty days prior to the date of the election as designated by the president of the board of cooperative educational services. No nomination of a person to be elected to a board of cooperative educational services from a component district which currently has a resident serving on such board shall be accepted unless such member's office is to expire at the end of the current year, unless

the size of such board exceeds the number of component school districts or unless an unrepresented district declines to make a nomination. For purposes of this subdivision, any such person or board member nominated by a special act school district, a central high school district or any district which is a component of a central high school district shall be deemed a resident of the district that nominated him or her only. Furthermore, it shall be the duty of the board of cooperative educational services to encourage the nomination of persons residing in component districts not currently represented on such board. The clerk shall include the name and address of each person nominated on the election ballot to be distributed in accordance with paragraph c of this subdivision.

c. Members of the boards of cooperative educational services shall be elected by resolution of the component boards on a ballot prepared by the clerk of the board of cooperative educational services. Such ballot shall be mailed to each component district no later than fourteen days prior to the date designated as the day of the election by the president of the board of cooperative educational services. Each component district shall be entitled to one vote for each vacant office to be filled. A component board may not cast more than one vote for any candidate. The candidates receiving a plurality of the votes cast for the several offices shall be elected, provided, however, that no more than one person residing in a particular component district may be elected to serve as a member of a board of cooperative educational services at one time unless the number of seats on such board exceeds the number of component districts or unless an unrepresented district declines to make a nomination, provided further that a person nominated by a special act school district, a central high school district or a component of a central high school district shall be deemed a resident of the nominating district only for this purpose. Where more than one position is to be filled by such election and there is a variance in the length of the terms for which such offices are to be filled as authorized by this subdivision, or one or more persons are to be elected for a full term or terms and one or more persons are to be elected for the unexpired portion of a term or terms, or both, the candidate receiving the greatest number of votes shall be entitled to the longest

term and candidates receiving the next highest number of votes, to the several offices in decreasing order of the length of such terms or unexpired portions of such terms. Each component school district shall mail or deliver its completed ballot to the clerk of the board of cooperative educational services no later than one business day after the election.

d. In the event that more eligible persons than the number remaining to be elected receive an equal number of votes sufficient that fewer persons receiving such number of votes would be elected, the president of the board of cooperative educational services shall call a run-off election to be conducted in accordance with the provisions of paragraph c of this subdivision and to be held on a date within twenty days of the initial vote. The only persons who shall be deemed nominated for such run-off election shall be the candidates who have received such equal number of votes. In the event that equal numbers of votes are received by eligible candidates for offices with a variance in the length of the term of office but the number of votes received by such candidates is sufficient to elect each of the candidates to the board of cooperative educational services, the candidates receiving such equal number of votes shall draw lots to determine who of them shall fill each such office.

e. Notwithstanding any other provision of this subdivision to the contrary, in the event a component school district will be transferred to a new supervisory district as of July first next succeeding the date designated for the annual election of the board of cooperative educational services, and such component district, as of April fifteenth of the current year, does not have a resident who is a member of the board of cooperative educational services of the supervisory district of which it is a component in the current year, such component district shall be eligible to nominate candidates and vote in the annual board election of the boards of cooperative educational services to which the component district will be transferred, as if such transfer had already occurred.

f. In the event of a vacancy in the membership of a board of

cooperative educational services, such board of cooperative educational services may fill such vacancy by appointment, provided that notification be provided to all component boards of such vacancy and that the component boards are given ten days to provide any comments and/or objections to fill the vacancy by appointment, and the person so appointed shall hold office until the next annual election of the board of cooperative educational services.

2-b. Where the commissioner of education has established or hereafter establishes a board of cooperative educational services for the purpose of carrying out a program of shared educational services in the schools of two or more supervisory districts, the commissioner may by order designate the number of members of such board which shall not be less than five nor more than fifteen, or may by order increase the number of members of such board to a maximum of fifteen or decrease the number of members to a minimum of five. Except for elections conducted pursuant to subdivision two-a of this section, and the adoption of a public resolution regarding the approval or disapproval of the tentative administrative budget pursuant to subparagraph five of paragraph b of subdivision four of this section, component districts having more than five board of education members shall be limited to five votes on any matters relating to the district superintendency or board of cooperative educational services.

Boards of education and school trustees, shall elect the members of such board of cooperative educational services pursuant to subdivision two-a of this section. A full term shall be three years to serve from July first next following election. It shall be the duty of such meeting by order of such meeting to divide into a sufficient number of classes the terms of the members of the board of cooperative educational services so that as nearly as possible an equal number of members shall be elected to the board each year. Notwithstanding any other provision of this subdivision, upon the decrease of the full term of members from five to three years, the board of cooperative educational services shall direct that one or more members be elected for a term of one, two or four years in order to assure, as nearly as possible, that an equal number of members will be elected to the board each year. Members of

boards of cooperative educational services shall be reimbursed for necessary expenses for attending meetings of such board. Where the board of cooperative educational services comprises two or more supervisory districts, the district superintendents, together with the president of the board of cooperative educational services, shall act as an executive committee.

2-c. a. Each board of cooperative educational services shall have one or more ex officio student members. Supervisory districts with ten or fewer component districts shall have at least one ex officio student member; supervisory districts with more than ten and fewer than or equal to twenty component districts shall have at least two ex officio student members; and supervisory districts with more than twenty component districts shall have at least three ex officio student members.

b. Each supervisory district shall establish a process for determining which component district or districts shall select the ex officio student members each school year. Such process shall take into consideration the number of component districts within the supervisory district and provide for a mechanism which allows for fair representation among the component districts. Each supervisory district shall also establish a process by which such component district or districts shall select the ex officio student member or members, provided that such members shall be students who have attended a high school within their component district for at least one year and who participate in a program administered by the supervisory district.

c. The ex officio student members of the board shall be entitled to sit with board members at all public meetings and hearings of the board and may participate in other board activities and responsibilities at the discretion of the board.

d. The ex officio student members of the board shall not be allowed to vote, shall not be allowed to attend executive session or any other meetings or hearings not open to the public, and shall not be entitled to receive compensation of any form for participating at board meetings.

3. The boards of cooperative educational services in any two or more supervisory districts may cooperate in the provision of any of the services authorized by subdivision four of this section. In such cases, the district superintendents of the respective supervisory districts shall serve as an executive committee to carry out the decision of the boards of cooperative educational services in their respective districts. Agreements may be made by such boards arranging for such cooperative services on such terms and conditions as may be agreed upon and providing the method of allocation of the cost thereof. Such agreements may be made for such period as may be approved by the commissioner but not to exceed ten years. The terms of such agreement shall be binding upon such boards and their component districts for the period specified in such agreement.

4. The board of cooperative educational services shall have the power and duty to:

a. (1) Appoint a district superintendent of schools in the manner provided in section twenty-two hundred four of this chapter, and in its discretion to provide for the payment of supplementary salary to the district superintendent of schools by the supervisory district. The term of any employment contract or agreement between a district superintendent and the board of cooperative educational services that is entered into or amended on or after the effective date of this subparagraph shall not exceed three years. Copies of employment contracts and amendments to such contracts entered into pursuant to this paragraph shall be filed with the commissioner within five days of execution.

(2) Notwithstanding any inconsistent provision of law in no event shall the total salary including amounts paid pursuant to section twenty-two hundred nine of this chapter for district superintendents for the two thousand nineteen--two thousand twenty school year or any subsequent school year exceed: (i) one hundred six percent of the salary cap applicable in the preceding school year, or (ii) ninety-eight percent of that earned by the commissioner in the two thousand thirteen--two thousand fourteen state fiscal year, whichever is less. In no event shall any district superintendent be permitted to accumulate

vacation or sick leave credits in excess of the vacation and sick leave credits managerial/confidential employees of the state are permitted to accumulate pursuant to regulations promulgated by the state civil service commission, nor may any district superintendent at the time of separation from service be compensated for accrued and unused vacation credits or sick leave, or use accrued and unused sick leave for retirement service credit or to pay for health insurance in retirement, at a rate in excess of the rate permitted to managerial/confidential employees of the state pursuant to regulations of the state civil service commission. In addition to the payment of supplementary salary, a board of cooperative educational services may provide for the payment of all or a portion of the cost of insurance benefits for the district superintendent of schools, including but not limited to health insurance, disability insurance, life insurance or any other form of insurance benefit made available to managerial/confidential employees of the state; provided that any such payments for whole life, split dollar or other life insurance policies having a cash value shall be included in the total salary of the district superintendent for purposes of this subparagraph, and provided further that any payments for the employee contribution, co-pay or uncovered medical expenses under a health insurance plan also shall be included in the total salary of the district superintendent. Notwithstanding any other provision of law, payments for such insurance benefits may be based on the district superintendent's total salary or the amount of his or her supplementary salary only. Any payments for transportation or travel expenses in excess of actual, documented expenses incurred in the performance of duties for the board of cooperative educational services or the state, and any other lump sum payment not specifically excluded from total salary pursuant to this subparagraph, shall be included in the total salary of the district superintendent for purposes of this subparagraph. Nothing herein shall prohibit a district superintendent from waiving any rights provided for in an existing contract or agreement as hereafter prohibited in favor of revised compensation or benefit provisions as permitted herein. In no event shall the terms of the district superintendent's contract, including any provisions relating to an increase in salary, compensation or other benefits, be contingent upon the terms of any contract or collective bargaining agreement between the

board of cooperative educational services and its teachers or other employees. The commissioner may adopt regulations for the purpose of implementing the provisions of this paragraph.

(3) Notwithstanding any provision of law to the contrary, any employee of a board of cooperative educational services who is appointed as the district superintendent of schools shall vacate his or her prior position with the board of cooperative educational services upon appointment as district superintendent, and no district superintendent shall have a contract of employment with the board of cooperative educational services other than a contract entered pursuant to this paragraph.

b. (1) Prepare, prior to the annual meeting of members of the boards of education and school trustees, held as provided in paragraph o of this subdivision, a tentative budget of expenditures for the program costs, a tentative budget for capital costs, and a tentative budget for the administration costs of the board of cooperative educational services. Such budgets shall include the proposed budget for the upcoming school year, the previous school year's actual costs and the current school year's projected costs for each object of expenditure. Such program, capital and administrative budgets shall be separately delineated in accordance with the definition of program, capital and administrative costs which shall be promulgated by the commissioner after consultation with school district officials and the director of the budget. Personal service costs for each budget shall include the number of full-time equivalent positions funded and total salary and, except as noted herein, fringe benefit costs for such positions by program. Each program budget shall also include the local and statewide unit costs of such programs and services proposed for the upcoming school year, such actual unit costs for the previous school year, and the current school year's projected unit costs, all established in accordance with paragraph d of this subdivision. The capital budget shall include facility construction and lease expenditures authorized pursuant to paragraphs p, t and u of this subdivision, payments for the repayment of indebtedness related to capital projects, payments for the acquisition or construction of facilities, sites or additions, provided that such budget shall contain a rental, operations and maintenance

section that will include base rent costs, total rent costs, operations and maintenance charges, cost per square foot for each facility rented or leased by such board of cooperative educational services, and any and all expenditures associated with custodial salaries and benefits, service contracts, supplies, utilities, maintenance and repairs for such facilities, and that such budget shall include the annual debt service and total debt for all facilities financed by bonds or notes of the component districts, annual rental and lease payments and total rental and lease costs for all facilities rented by such board; such capital budget shall also include expenditures resulting from court judgments and orders from administrative bodies or officers, and, to the extent a board's administrative budget has been adopted, one-time costs incurred in the first year in which an employee retires. The administrative budget shall include, but need not be limited to, office and central administrative expenses, traveling expenses and salaries and benefits of supervisors and administrative personnel necessary to carry out the central administrative duties of the supervisory district, any and all expenditures associated with the board, the office of district superintendent, general administration, central support services, planning, and all other administrative activities. Such administrative budget shall also specify the amount of supplementary salary and benefits, if any, which the board determines should be paid to the district superintendent of schools and the board shall append to such budget a detailed statement of the total compensation to be paid the district superintendent of schools by the board, including a delineation of the salary, annualized cost of benefits and any in-kind or other form of remuneration to be paid, plus, commencing with the presentation of the budget for the nineteen hundred ninety-seven--ninety-eight school year, a list of items of expense eligible for reimbursement on expense accounts in the ensuing school year and a statement of the amount of expenses paid to the district superintendent of schools in the prior year for purposes of carrying out his or her official duties.

(2) The board of cooperative educational services shall provide copies of such tentative budgets and attachments to the trustees or board of education of each component school district of the board of cooperative educational services at least ten days prior to the annual meeting held pursuant to paragraph o of this subdivision. Such trustees or boards of

education shall make such budgets available to the residents of their respective school districts upon request.

(3) The board of cooperative educational services shall comply with any reasonable requests for additional information not contained in such budgets which may be requested prior to the annual meeting held pursuant to paragraph o of this subdivision.

(4) The board of cooperative educational services shall give public notice of the annual meeting held pursuant to paragraph o of this subdivision by publishing a notice once each week within the two weeks preceding the annual meeting held as provided in paragraph o of this subdivision, the first publication to be at least fourteen days before such meeting, in two newspapers if there be two, or in one newspaper if there shall be but one, having general circulation within the board of cooperative educational services. If no newspaper shall have general circulation therein, said notice shall be posted in at least twenty of the most public places in the board of cooperative educational services at least fourteen days before such meeting. Such notice shall state that the tentative budgets will be presented by the board of cooperative educational services to the trustees or board of education of each component school district of the board of cooperative educational services in attendance at such meeting. Such notice shall also include a summary of the tentative administrative, capital and program budgets in a form prescribed by the commissioner. The summary of the administrative budget shall include, but shall not be limited to, the salary and benefits of supervisors and administrative personnel of the board of cooperative educational services and the total compensation payable to the district superintendent of schools. Such notice shall also indicate when a copy of the tentative budgets will be available for inspection by the public during regular business hours at one or more locations specified in the notice.

(5) The trustees or board of education of each component school district of the board of cooperative educational services shall adopt a public resolution which shall approve or disapprove such tentative administrative budget at a regular or special meeting to be held within the component district on the date designated pursuant to subdivision two-a of this section as the date for election of members of the board of cooperative educational services, or in the case of the board of

education of a central high school district on the regular business day next following such designated date.

If the resolutions adopted by the trustees or boards of education of a majority of the component school districts of the board of cooperative educational services actually voting approve the tentative administrative budget, the board of cooperative educational services may adopt the tentative administrative budget without modification. If a majority of the component school districts actually voting fail to adopt resolutions approving such tentative administrative budget, or if the number of component school districts approving the budget equals the number of school districts disapproving the budget, the board of cooperative educational services shall prepare and adopt a contingency administrative budget which shall not exceed the amount of the administrative budget of the board of cooperative educational services for the previous school year except to accommodate expenditure increases attributable to supplemental retirement allowances payable pursuant to section five hundred thirty-two of this chapter and section seventy-eight of the retirement and social security law.

(6) Notwithstanding any other provision of this section, any component school district which will be transferred to a new supervisory district as of July first next succeeding the date designated for the vote on the tentative administrative budget shall vote on the administrative budget of the board of cooperative educational services to which it will be transferred, as if such transfer had already occurred. Where the commissioner has issued an order for the merger of two or more supervisory districts to take effect on July first, in the school year immediately preceding the merger, the boards of cooperative educational services to be merged shall jointly prepare a program, administrative and capital budget for the merged board of cooperative educational services and shall jointly conduct a vote on the tentative administrative budget of the merged board of cooperative educational services in accordance with this paragraph as if the merger was already in effect. In the event such a merger does not take effect on July first, the commissioner shall be authorized to order the boards of cooperative educational services to be merged to develop program, administrative and capital budgets and conduct a vote on administrative

budgets in the manner prescribed by this section on dates other than those specified in this section.

(7) Each component school district shall transmit the resolution either approving or disapproving the board of cooperative educational services' tentative administrative budget no later than one business day after the adoption of such resolution. The board of cooperative educational services shall, no later than the fifteenth day of May, adopt the final program, capital and administrative budgets for the ensuing year. Except as provided in paragraph d of this subdivision, subparagraph (a) of paragraph p of this subdivision, and subdivision one of section nineteen hundred fifty-one of this article, such administrative and capital budgets, when so adopted, after deducting state aid applicable thereto, shall be a charge against all of the component school districts in the supervisory district and each component school district's proportionate share shall be determined by the board of cooperative educational services according to weighted average daily attendance or according to true valuation or according to resident public school district enrollment as defined in paragraph n of subdivision one of section thirty-six hundred two of this chapter except that only one method shall be applied among the component districts of a board of cooperative educational services in any year, unless otherwise provided by law. In a merged supervisory district in the county of Suffolk each component school district's proportionate share of such administrative and capital budgets may be determined according to weighted average daily attendance, according to true valuation, or according to using the weighted average daily attendance for a certain percentage of the cost and true valuation for a certain percentage of administrative and capital costs. Such costs, in a merged supervisory district in the county of Suffolk, apportioned by using weighted average daily attendance and true valuation shall be subject to adjustment by the board of cooperative educational services in a manner that will minimize the annual change in costs for the greatest number of component districts. Such percentages shall be established by the board of cooperative educational services upon the approval of the component districts subject to the final approval of the commissioner. It is further provided that such administrative budget approved by the board shall be subject to review by the commissioner to determine: (i) the

level of administrative savings achieved by the merger and (ii) if such administrative savings equals or exceeds the level identified by the merger planning task force appointed by the district superintendent. If the board of cooperative educational services determines to change the method of apportioning administrative costs and capital expenses from that followed in the previous year, such determination may be made only if the board of cooperative educational services has conducted a hearing at a regular or special meeting of such board which all members of boards of education and school trustees have been invited to attend, such hearing to be held at least thirty days prior to the annual meeting of members of boards of education and school trustees. In the Putnam/North Westchester board of cooperative educational services, each component district's proportionate share of such administrative and capital budgets may also be determined by using the weighted average daily attendance for a certain percentage and the true valuation for a certain percentage. Such percentages shall be applied according to clause (i) of this subparagraph.

(i) The three methods of apportionment of administrative and capital expenses are as follows: (1) in accordance with the ratio which the component school district's total full or true valuation in effect at the time of the adoption of the budget bears to the total true or full valuation of all of the component school districts within the board of cooperative educational services, (2) by dividing the total amount of such administrative and capital expenses by the total weighted average daily attendance of pupils residing in all component school districts contained within the board of cooperative educational services and attending a public school and multiplying by the weighted average daily attendance of such resident pupils in each of the component school districts, or (3) by dividing the total amount of such administrative and capital expenses by the total resident public school district enrollment of all component school districts contained within the board of cooperative educational services and multiplying by the resident public school district enrollment of the component school districts. In addition, in a merged supervisory district in the county of Suffolk, where a combination of the first and second methods could be applied as provided in the opening paragraph of this subparagraph may be utilized. In the Putnam/North Westchester board of cooperative educational

services, where a combination of the first and second methods is utilized, the percentages shall be used as follows: for the two thousand five-two thousand six school year, ninety percent using true valuation and ten percent using the weighted average daily attendance; for the two thousand six-two thousand seven school year, eighty percent using true valuation and twenty percent using the weighted average daily attendance; for the two thousand seven-two thousand eight school year, seventy percent using true valuation and thirty percent using the weighted average daily attendance; for the two thousand eight-two thousand nine school year, sixty percent using true valuation and forty percent using the weighted average daily attendance; and for the two thousand nine-two thousand ten school year and any school year thereafter, fifty percent using true valuation and fifty percent using the weighted average daily attendance.

(ii) If the board of cooperative educational services chooses to apportion administrative costs and capital expenses according to full or true valuation, special school districts authorized to receive state aid in accordance with chapter five hundred sixty-six of the laws of nineteen hundred sixty-seven, as amended, shall have their full value for purposes of this section computed by multiplying the resident weighted average daily attendance by the state average full valuation per pupil as established by the commissioner for the year in which the budget is adopted. The school authorities of each component school district shall add such amount to the budget of such component districts and shall pay such amount to the treasurer of the board of cooperative educational services and shall be paid out by the treasurer upon the orders of the board of cooperative educational services issued and executed in pursuance of a resolution of said board.

c. Make or cause to be made surveys to determine the need for cooperative educational services in the supervisory district and present the findings of their surveys to local school authorities. Each board of cooperative educational services shall prepare long range program plans, including special education and career education program plans, to meet the projected need for such cooperative educational services in the supervisory district for the next five years as may be specified by the commissioner, and shall keep on file and make available for public

inspection and review by the commissioner such plans and thereafter annual revisions of such plans on or before the first day of December of each year, provided that such plans may be incorporated into a board of cooperative educational services district-wide comprehensive plan.

d. (1) Aidable shared services. At the request of component school districts, and with the approval of the commissioner, provide any of the following services on a cooperative basis: school nurse teacher, attendance supervisor, supervisor of teachers, dental hygienist, psychologist, teachers of art, music, physical education, career education subjects, guidance counsellors, operation of special classes for students with disabilities, as such term is defined in article eighty-nine of this chapter; pupil and financial accounting service by means of mechanical equipment; maintenance and operation of cafeteria or restaurant service for the use of pupils and teachers while at school, and such other services as the commissioner may approve. Such cafeteria or restaurant service may be used by the community for school related functions and activities and to furnish meals to the elderly residents of the district, sixty years of age or older. Utilization by elderly residents or school related groups shall be subject to the approval of the board of education. Charges shall be sufficient to bear the direct cost of preparation and serving of such meals, exclusive of any other available reimbursements.

* (2) Certain services prohibited. Commencing with the nineteen hundred ninety-seven--ninety-eight school year, the commissioner shall not be authorized to approve as an aidable shared service pursuant to this subdivision any cooperative maintenance services or municipal services, including but not limited to, lawn mowing services and heating, ventilation or air conditioning repair or maintenance or trash collection, or any other municipal services as defined by the commissioner. On and after the effective date of this paragraph, the commissioner shall not approve, as an aidable shared service, any new cooperative maintenance or municipal services for the nineteen hundred ninety-six--ninety-seven school year, provided that the commissioner may approve the continuation of such services for one year if provided in the nineteen hundred ninety-five--ninety-six school year. No service provided to an out-of-state school district pursuant to subparagraph ten

of paragraph h of this subdivision shall be eligible for aid.

* NB Effective until July 1, 2029

* (2) Certain services prohibited. Commencing with the nineteen hundred ninety-seven--ninety-eight school year, the commissioner shall not be authorized to approve as an aidable shared service pursuant to this subdivision any cooperative maintenance services or municipal services, including but not limited to, lawn mowing services and heating, ventilation or air conditioning repair or maintenance or trash collection, or any other municipal services as defined by the commissioner. On and after the effective date of this paragraph, the commissioner shall not approve, as an aidable shared service, any new cooperative maintenance or municipal services for the nineteen hundred ninety-six--ninety-seven school year, provided that the commissioner may approve the continuation of such services for one year if provided in the nineteen hundred ninety-five--ninety-six school year.

* NB Effective July 1, 2029

(2-a) Cost effectiveness of instructional and non-instructional technology. Notwithstanding any other provision of this section to the contrary, expenditures incurred pursuant to purchase and/or installation contracts entered into on or after January fifteenth, two thousand, for the following categories of instructional and non-instructional technology purchase and installation:

(i) computer equipment,

(ii) conduits,

(iii) wiring,

(iv) powering and testing of hardware installations,

(v) all costs associated with lease or purchase of local or wide area network hardware located on district property, and

(vi) incidental costs for original purchase and installation of hardware, including installation of basic operating systems software required for hardware testing,

shall not be considered an aidable shared service unless the component school district is able to demonstrate that such shared service would be more cost-effective than would otherwise be possible if such services were to be purchased without the involvement of a board of cooperative educational services. Any aid that may be payable for such shared service pursuant to subdivision five of this section shall be excluded

in the demonstration and determination of cost-effectiveness and cost savings pursuant to this subdivision. The commissioner shall issue guidelines to advise component school districts in their determination of cost-effectiveness. Notwithstanding any other provision of law, if a component school district determines that any instructional and non-instructional technology purchase and installation from the board of cooperative educational services are not cost effective, as determined pursuant to this paragraph, the commissioner shall, upon request, assist the school district to enter into a cooperative service agreement (CO-SER) with another BOCES, which is cost effective in the provision of such technology purchases and installations.

(3) Requests for shared services; operating plan; required notice. Requests for such shared services shall be filed by component school districts with the board of cooperative educational services not later than the first day of February of each year, provided that such requests shall not be binding upon the component school district. The board of cooperative educational services shall submit its proposed annual operating plan for the ensuing school year to the department for approval not later than the fifteenth day of February of each year. Such board shall, through its executive officer, notify each component school district on or before the tenth day of March concerning the services which have been approved by the commissioner to be made available for the ensuing school year. Such notice shall set forth the local uniform cost of each such service, based on (i) anticipated participation in the ensuing school year, or (ii) participation in the current year, or (iii) a two or three year average including participation in the current year, which unit cost shall be the same for all participating component districts and shall be based upon a uniform methodology approved annually by at least three-quarters of the participating component school districts after consultation by local school officials with their respective boards; provided, however, such unit cost shall be subject to final adjustment for programs for students with disabilities based on actual participation in accordance with regulations of the commissioner. Notwithstanding the determination of the local uniform unit cost methodology selected in accordance with this paragraph, each board of cooperative education services shall annually report to the commissioner the budgeted unit cost and, when available, the actual unit cost of such

programs and services, in accordance with both the local uniform unit cost methodology and a statewide uniform unit cost methodology prescribed by the commissioner by regulation, where the budgeted statewide unit cost shall be based on the anticipated participation in the ensuing year and the actual statewide unit cost shall be based on actual participation through the end of each year.

(4) Contracts for shared services; allocation of costs. Each component school district shall on or before the first day of May following such notification notify the board of cooperative educational services of its intention to participate or not to participate in such shared services and the specific services which such district elects to utilize. Each participating component school district shall be required to pay the board of cooperative educational services for the cost of the services set forth in such notification, except for adjustments caused by subsequent unanticipated changes in the district's enrollment. The board of cooperative educational services shall enter into contracts with its component school districts for such requested services. A copy of each executed contract for such purpose shall be filed with the commissioner by the board of cooperative educational services on or prior to the first day of August of each year. Notwithstanding the provisions of paragraph b of this subdivision, any component school district which does not elect to participate in any such specific cooperative services authorized under this paragraph shall not be required to pay any share of the moneys provided in the budget as salaries of teachers or other personnel employed in providing such service, for equipment and supplies for such service or for transportation of pupils to and from the place where such service is maintained. Provided, further, that a board of cooperative educational services may allocate the cost of such services to component school districts in accordance with terms agreed upon between such board and three-quarters of the boards of education and trustees of local school districts participating in the service.

(5) Operating plan and budget; unanticipated shared services. The board of cooperative educational services shall submit to the commissioner on or before the first day of June an operating plan and budget based upon the request for services which it has received from its component school districts. Such submission shall include the budgeted unit cost of programs and services based on both the local and

the statewide uniform unit cost methodologies for each program and service offered by the board of cooperative educational services. A board of cooperative educational services which receives requests for unanticipated shared services subsequent to the adoption of its budget shall submit an amended operating plan including such additional shared services to the commissioner, together with a statement from the chief school administrator of each school district which has requested such services indicating the availability of funds in the budget of the school district to pay for such district's share of the cost of such additional services. Such amended plan shall be submitted in the manner and form prescribed by regulations of the commissioner. The board of cooperative educational services shall allocate the cost of providing such additional shared services among the component school districts which have requested such services, and shall contract with the component school districts for such services. A copy of each contract for this purpose shall be filed by the board of cooperative educational services with the commissioner not more than thirty days from its execution. An annual program report and evaluation for each school year as prescribed by the commissioner, shall be submitted by the board of cooperative educational services to the commissioner on or before the first day of September following such school year.

e. Upon the recommendation of the district superintendent, employ such administrative assistants, teachers, supervisors, clerical help and other personnel as may be necessary to carry out its program.

f. Receive all reimbursements from public funds on account of the cooperative educational services performed under its jurisdiction, and allocate the costs of cooperative educational activities and shared services including administrative and clerical costs against the component school districts and receive and disburse the same, and to apportion surpluses and assessments for services on the basis of participation to those components and to those school districts outside the board of cooperative educational services contracting for such programs, and to apportion surpluses and assessments for administrative expenses to all component districts. All such apportionments shall be made annually.

g. Borrow money in anticipation of revenue due the board of cooperative educational services.

h. (1) Arrange cooperative educational services with and if necessary make contracts covering same with other public agencies for shared services and to produce educational television materials and programs, and to own or lease television facilities and to enter into appropriate contracts concerning the same.

(2) To enter into contracts with the United States of America, the State of New York, any school district, community college, public institution of higher education, independent institution of higher education eligible for aid under section sixty-four hundred one of this chapter, public libraries, or public agency in relation to the program of the board of cooperative educational services, and any such school district, community college, institution of higher education, or public agency is hereby authorized and empowered to do and perform any and all acts necessary or convenient in relation to the performance of any such contracts.

(3) To enter into contracts with school districts which are component districts in the board of cooperative educational services for the education by such component school district or districts of children who reside within the board of cooperative educational services in the program of the board of cooperative educational services, and for all purposes of this chapter in such event such children shall be deemed attending classes maintained by the board of cooperative educational services. School districts are hereby authorized and empowered to do and perform any and all acts necessary or convenient in relation to the performance of any such contracts.

(4) To enter into contracts with nonpublic schools to provide data processing services for pupil personnel records and other administrative records of the nonpublic schools and the processing of fingerprints utilized in criminal history record checks for those nonpublic schools that elect to require such criminal history record checks pursuant to paragraph (a) of subdivision thirty of section three hundred five of this chapter.

(5) To enter into contracts with the United States of America, the

state of New York, any community college, agricultural and technical college or other public agency for the purpose of providing career education programs to such agencies. Any such proposed contract shall be subject to the review and approval of the commissioner, who may only approve such proposed contract when, in his opinion, such contract will result in a more economical utilization of existing career and career education resources than would be achieved were such contract not approved. The commissioner shall issue a finding in writing in making all determinations pursuant to this article.

(6) To enter into contracts with not-for-profit corporations to participate in federal programs relating to career training and experience. Any such proposed contract shall be subject to review and approval of the commissioner, who may approve such proposed contract only when in his opinion such contract will result in increased or improved career opportunities. The commissioner shall issue a finding in writing in making all determinations pursuant to this subparagraph.

(7) To enter into contracts with the state of New York, any community college, agricultural and technical college, or public agency for the purpose of providing electronic data processing services to such agencies. Any such proposed contract shall be subject to the review and approval of the commissioner, who may only approve such proposed contract when, in his opinion, such contract will not disrupt the level of services provided to component school districts and will result in a more economical utilization of existing board of cooperative educational services computer facilities. The commissioner shall issue a finding in writing in making all determinations pursuant to this subparagraph.

(8) To enter into contracts with the commissioner of the office of children and family services pursuant to subdivision six-a of section thirty-two hundred two of this chapter to provide to such office, for the benefit of youth in its custody, any special education programs, related services, career and technical education services and music, art and foreign language programs provided by the board of cooperative educational services to component school districts. Any such proposed contract shall be subject to the review and approval of the commissioner to determine that it is an approved cooperative educational service. Services provided pursuant to such contracts shall be provided at cost, and the board of cooperative educational services shall not be

authorized to charge any costs incurred in providing such services to its component school districts.

* (10) To enter into contracts of no more than five years and subject to the sunset date of this subparagraph, with out-of-state schools for: (a) special education; and/or (b) career and technical education services; and/or (c) for the use of existing products that demonstrate how to map the next generation standards to assessments; and/or (d) providing access to existing webinars or online courses relating to implementation of the next generation standards; for providing professional development to educators; and/or (e) technology products developed for the use of school districts located in New York state, including computer programs and software packages that help students learn and assist districts in achieving greater efficiencies. For purposes of this subparagraph, an out-of-state school shall mean a public elementary or secondary school or a degree granting institution of higher education, located outside of New York state; provided further for purposes of providing services authorized in clauses (c), (d) and (e) of this subparagraph, out-of-state shall also include schools located outside the continental United States. Any contract shall be approved by the commissioner, the board of cooperative educational services and the district superintendent of schools, provided such services are made available to any school district within the supervisory district and that the requirements of this subparagraph are met. Contracts must be executed by the board of cooperative educational services and the trustees or boards of education of such out-of-state schools and shall only authorize out-of-state students to participate in an instructional program if such services are available to all eligible students in New York state schools in the component districts and the number of participating out-of-state students only comprises up to five percent of the total number of the total enrolled students in the instructional program at the board of cooperative educational services and that the board of cooperative educational services spends no more than thirty percent of its employees' time on services to out-of-state schools pursuant to this subparagraph. To be approved by the commissioner, the contract and any business plan, shall demonstrate that any services provided to out-of-state schools pursuant to this subparagraph shall not result in any additional costs being imposed on

component school districts and that any payments received by the board of cooperative educational services for services provided in this subparagraph that exceed any cost to the board of cooperative educational services for providing such services shall be applied to reduce the costs of aidable shared services allocated to component school districts pursuant to paragraph d of this subdivision and shall also be applied to reduce the approved cost of services pursuant to subdivision five of this section. Services provided by a board of cooperative educational services to component districts at the time of approval of a contract under this paragraph shall not be reduced or eliminated solely due to a board of cooperative educational services' performance of services to out-of-state schools pursuant to this paragraph.

* NB Repealed July 1, 2029

(11) To enter into contracts with individual public libraries or public library systems for the purpose of providing high-speed telecommunications services including, but not limited to, high-speed internet services. Any such proposed contract shall be subject to the review and approval of the commissioner, who may only approve such proposed contract when, in such commissioner's opinion, such contract: (a) will result in a more economical utilization of existing boards of cooperative educational services high-speed telecommunications services or resources than would be achieved were such contract not approved; (b) will not disrupt the level of services to component school districts; and (c) will result in a more economical utilization of existing library resources. The commissioner shall issue a finding, in writing, making any determination pursuant to this subparagraph. Such services to public libraries and library systems shall be provided at cost and shall not be eligible for aid pursuant to subdivision five of this section.

(12) To enter into contracts with preschool special education program providers approved pursuant to section forty-four hundred ten of this chapter to process services relating to online application systems for educators.

(13) To establish, upon local interest from one or more component school districts and subject to approval by the BOCES board of education, an agriculture program that is designed to provide students with the skills required to work in, and help sustain New York's

agriculture industry. Such program may include, but not be limited to, a partnership with farms and other agriculture entities in the state that provide students with hands-on experience combined with other educational opportunities.

i. Make such reports as are required by the commissioner of education.

j. Appoint one of its members as president, one of its members or another qualified voter in a district within the supervisory district as clerk and another qualified voter in a district within the supervisory district as treasurer. The duties of the clerk and treasurer shall be the same as those established by statute and regulations of the commissioner of education for clerks and treasurers of union free school districts.

k. Designate a depositary within the territorial limits of any component district for the deposit of money in the manner provided by section ten of the general municipal law. The receipt, deposit, investment and disbursement of moneys, and all procedures relating thereto, including, but not limited to the requirements for signatures, the appointment of a claims auditor to approve claims for purchases, and the optional use of claim forms, and the establishment of an internal audit function, shall be subject to the laws relating to union free school districts.

m. At the request of officials of school districts, created by legislative act, within the territory of a board of cooperative educational services, provide services as outlined in paragraph d of this subdivision. For such districts, there shall be apportioned from state funds to the board of cooperative educational services a sum equal to one-half the total cost of the approved services provided to such school district.

n. In those counties where taxes other than those on real property are applied to school purposes, the tax rate shall be deemed to be that which would result if such taxes had not been applied to school purposes.

o. A meeting of members of the boards of education and school trustees of the component districts shall be held during the month of April on or before the fifteenth day of April, on a date and at a place and hour designated by the president of the board of cooperative educational services. The tentative administrative capital and program budgets of the board of cooperative educational services shall be available for inspection of the boards of education and school trustees at such meeting. Notice of the date, time and place of such meeting shall be given to each of the members of the boards of education and trustees and to the clerk of each of the component school districts by mail addressed to the last known address of such persons at least fourteen days prior to the meeting.

p. * (a) To rent suitable land, classrooms, offices or buildings upon or in which to maintain and conduct such cooperative educational services and administrative offices for a period not to exceed ten years for leases entered into with public entities and twenty years for leases entered into with non-public entities and to improve, alter, equip and furnish such land, classrooms, offices or buildings in a suitable manner for such purposes, provided that: (1) before executing any lease, the board shall adopt a resolution determining that such agreement is in the best financial interests of the supervisory district and stating the basis of that determination; (2) the rental payment shall not be more than the fair market value as determined by the board and provided to the commissioner; (3) The board discloses any conflict of interest pursuant to subparagraph (c) of this paragraph, or any other potential or perceived conflict of interest, to the commissioner, and in the event of a conflict of interest or a potential or perceived conflict of interest, provides detailed documentation to the commissioner demonstrating that the cost of the lease is not more than fair market value; and (4) upon the consent of the commissioner, renewal of such lease may be made for a period of up to ten years. Nothing contained herein shall prevent the board from entering into a lease agreement which provides for the cancellation of the same by such board upon: (i) a substantial increase or decrease in pupil enrollment; or (ii) a substantial change in the needs and requirements of a board of

cooperative educational services with respect to facilities; or (iii) any other change which substantially affects the needs or requirements of a board of cooperative educational services or the community in which it is located. No lease or other contract for the occupancy of such land, classrooms, offices or buildings shall be enforceable against the board of cooperative educational services unless and until the same shall have been approved in writing by the commissioner. In the case of a lease longer than ten years, the commissioner's written approval must include a finding that the proposed lease complies with all requirements of this paragraph and would be more cost-effective than a lease of ten years or fewer.

* NB Effective until July 1, 2029

* (a) To rent suitable land, classrooms, offices or buildings upon or in which to maintain and conduct such cooperative educational services and administrative offices for a period not to exceed ten years and to improve, alter, equip and furnish such land, classrooms, offices or buildings in a suitable manner for such purposes (1) before executing any lease, the board shall adopt a resolution determining that such agreement is in the best financial interests of the supervisory district and stating the basis of that determination; (2) the rental payment shall not be more than the fair market value as determined by the board; and (3) upon the consent of the commissioner, renewal of such lease may be made for a period of up to ten years. Nothing contained herein shall prevent the board from entering into a lease agreement which provides for the cancellation of the same by such board upon: (i) a substantial increase or decrease in pupil enrollment; or (ii) a substantial change in the needs and requirements of a board of cooperative educational services with respect to facilities; or (iii) any other change which substantially affects the needs or requirements of a board of cooperative educational services or the community in which it is located. No lease or other contract for the occupancy of such land, classrooms, offices or buildings shall be enforceable against the board of cooperative educational services unless and until the same shall have been approved in writing by the commissioner.

* NB Effective July 1, 2029

(b) To lease unneeded facilities to public or private agencies, individuals, partnerships, or corporations, with the approval of the

commissioner of education, and for a term not to exceed five years, which shall be renewable with the approval of the commissioner of education.

* (c) if any member of the board of education of the board of cooperative educational services, officer or employee of the board of cooperative educational services has a financial interest, either direct or indirect, in any lease to which the board of cooperative educational services is, or is to be, a party, such interest shall be disclosed to the board of education of such board of cooperative educational services in writing and shall be set forth in the minutes of the board of education of the board of cooperative educational services. The member, officer or employee having such interest shall not participate in any action by the board of cooperative educational services with respect to such lease.

* NB Repealed July 1, 2029

q. To provide transportation for pupils to and from classes maintained by such board of cooperative educational services at the request of one or more school districts. School districts and boards of cooperative educational services are authorized to enter into contracts with one or more school districts, private contractors, and one or more boards of cooperative educational services and any municipal corporation and authority to provide such transportation. Boards of cooperative educational services may operate joint or regional transportation systems for the transportation authorized by articles seventy-three and eighty-nine of this chapter. Such transportation, except when provided by a political subdivision or a board of cooperative educational services, shall be subject to the requirements of subdivision fourteen of section three hundred five of the education law.

r. With the approval of the district superintendent of schools and of the commissioner of education to furnish any of the educational services provided for in this section or any other section of law which authorizes such board to provide services to school districts outside of the supervisory district, upon such terms as may be agreed upon pursuant to contracts executed by such board of cooperative educational services and the trustees or boards of education of such school districts.

s. Provide workmen's compensation coverage as provided in the workmen's compensation law for all teachers and other employees for injuries incurred in actual performance of duty.

t. When authorized by the qualified voters of the board, to purchase or otherwise acquire buildings, sites or additions thereto, to purchase or otherwise acquire real property for any lawful purpose and to construct buildings thereon.

u. To purchase necessary furniture, equipment, implements, apparatus and supplies.

v. To accept gifts of real and personal property.

w. To furnish any of the services provided for in this section or any other section of law which authorizes such board to provide services to school districts outside of the board of cooperative educational services, with the approval of the commissioner of education and of the district superintendent of schools or superintendents of schools having jurisdiction of such school districts for a period of not to exceed five years, upon such terms as may be agreed upon pursuant to contracts executed by the board of cooperative educational services and the trustees or boards of education of such school districts.

x. To sell, when authorized by the qualified voters of the board of cooperative educational services, any real property the title of which is vested in the board of cooperative educational services and buildings thereon and appurtenances or any part thereof at such price and upon such terms as shall be prescribed in such resolution; also, when so authorized, to exchange real property belonging to the board of cooperative educational services for the purpose of improving or changing school sites. The proceeds of such sale shall be applied as provided by the resolution authorizing such sale.

* y. To enter into agreements for the lease of personal property. Before executing any such agreement, the board shall adopt a resolution determining that such agreement is in the best financial interests of

the board of cooperative educational services, which resolution shall state the basis for that determination. Such agreements shall be subject to the bidding requirements of the general municipal law. No agreement for the lease of personal property may be made for a term in excess of five years, beginning with the time of receipt of possession of the subject of the lease.

* NB There are 2 par. y's

* y. Notwithstanding any other provision of this section and with the consent of the commissioner, the board of cooperative educational services of the county of Oswego may enter into contracts with the county of Oswego to provide transportation for handicapped children in the county of Oswego to and from any facility or institution for educating handicapped children within or without such county.

* NB There are 2 par. y's

z. To furnish, with the approval of the commissioner of education, for an amount not less than the cost thereof, any of the instructional support services provided to component school districts, including but not limited to audio-visual materials and related media services, curricular materials, in-service education programs and pupil personnel services for the diagnosis of handicapping conditions, to any nonpublic, not-for-profit elementary or secondary school in the state of New York which provides the instruction required by section thirty-two hundred four and article seventeen of this chapter, and which is chartered by the regents or registered with or subject to examination and inspection by the state education department.

aa. Notwithstanding any other provision of law, a board of cooperative educational services may, with the prior written approval of the commissioner, contract to accept from a leasing company which has qualified as lowest bidder pursuant to the provisions of the general municipal law a sum sufficient to purchase data processing equipment from the manufacturer thereof, pay such sum to the manufacturer of said equipment, receive the equipment and title thereto and convey the same to the leasing company with a simultaneous lease of the equipment from such leasing company to the board of cooperative educational services for a specified period of years. Before any such agreement shall be

executed, the board of cooperative educational services shall adopt a resolution determining that such agreement is in the best financial interest of the board. Such lease may be renewed for a further specified period of years with the prior approval of the commissioner of education.

bb. Boards of cooperative educational services may provide academic and other programs and services in the school year on a cooperative basis, including summer programs and services. (1) Requests to provide such programs and services shall be filed annually with the commissioner for approval.

(2) The commissioner may approve such programs and services only if they (a) are requested by two or more component school districts; (b) will provide additional opportunities for pupils; (c) will be expected to result in a cost savings to the two or more component school districts requesting the programs and services; (d) will provide greater opportunity for pupils, including those with handicapping conditions, to earn credit for academic subjects and (e) will insure a greater or more appropriate use of facilities by boards of cooperative educational services.

(3) Such programs and services may include, but shall not be limited to (a) expansion of itinerant teaching services in advanced academic subject courses; (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.

(4) Such programs or services if approved by the commissioner, shall be eligible for aid pursuant to subdivision five of this section.

(5) A teacher whose position in a school district is abolished as the result of a takeover of an academic program by a board or boards of cooperative educational services shall be accorded the rights provided by section thirty hundred fourteen-a of this chapter.

(6) To implement a program or service approved under this paragraph, a school district may transport pupils to the site of a board of cooperative educational services program in those cases where a pupil otherwise would be entitled to transportation but for the fact that the program is at the board of cooperative educational services and not at a school of the district. Under these circumstances, for those purposes of article seventy-three of this chapter, the board of cooperative educational services site shall be considered a school.

cc. Upon approval by a vote of the board of cooperative educational services, establish and maintain a program of reserves not to exceed three per centum of the annual budget of the district to cover property loss and liability claims. Separate funds shall be established for property losses and for liability claims, and the separate identity of each such fund shall be maintained whether its assets consist of cash or investments or both. The money in such funds shall be deposited and secured in the manner provided by section ten of the general municipal law. The moneys so deposited shall be accounted for separate and apart from all other funds of the district, in the same manner as provided in subdivision ten of section six-c of the general municipal law. The moneys in such funds may be invested in the manner provided by section eleven of the general municipal law. Any interest earned or capital gain realized on the money so deposited shall accrue and become part of such funds. Such reserve funds shall not be reduced to amounts less than the total of the amounts estimated to be necessary to cover incurred but unsettled claims or suits including expenses in connection therewith other than by payments for losses for which such reserve amounts were established, except that such board may authorize use of such funds other than amounts allocated for unsettled claims or suits including

expenses in connection therewith to pay premiums for insurance policies purchased to insure subsequent losses in areas previously self-insured, in the event of dissolution of the self-insurance plan.

dd. Provide for activities and services pertaining to the arts at the request of one or more school districts. Such activities and services shall be eligible for aid and shall include, but not be limited to, programs with, and performances by, artists or organizations approved by the commissioner of education. Boards of cooperative educational services are authorized to enter into contracts with one or more school districts, or boards of cooperative educational services.

ee. Upon approval by a vote of the board of cooperative educational services and of the boards of education of a majority of the school districts participating in the instructional program of such board, establish a career education instructional equipment reserve fund for the replacement and purchase of advanced technology equipment used in instructional programs conducted by the board of cooperative educational services. Subject to a limitation imposed by regulation of the commissioner on the amount of money which may be maintained in equipment reserve funds established pursuant to this paragraph, moneys for such funds shall be obtained by including depreciation expenses for the career education instructional equipment used in providing instructional services on a cooperative basis in the computation of the cost of such services pursuant to paragraph d of this subdivision. Proceeds from the sale of career education instructional equipment used in the instructional programs of the board and any income earned on money deposited in a reserve fund shall become part of such fund. The moneys in such funds shall be deposited and secured in the manner provided by section ten of the general municipal law. The moneys so deposited shall be accounted for separate and apart from all other funds of the district, in the same manner as provided in subdivision ten of section six-c of the general municipal law. The moneys in such funds may be invested by the board of cooperative educational services in the manner provided by section eleven of the general municipal law. In the event a career education instructional equipment reserve fund is liquidated, the moneys in such fund shall be allocated to the school districts

participating in the instructional programs of the board of cooperative educational services in proportion to the value of the contributions to the fund made by the participating districts. The commissioner may promulgate regulations pertaining, but not limited, to the amount of money to be retained in such reserve funds, the types of equipment for which depreciation expenses may be charged and for which expenditures may be made from the reserve fund, and required documentation of transactions relating to such funds.

ff. In its discretion, to purchase insurance against personal injuries incurred by an authorized participant in a school volunteer program, including but not limited to, those authorized participants who assist on school buses, school sponsored transportation to and from school, or on school sponsored field trips or any other school sponsored activity; provided, however, that the injuries were incurred while the authorized participant was functioning either within the scope of his or her authorized volunteer duties or under the direction of the board of education, trustee, or board of cooperative educational services, or both.

gg. Notwithstanding any other provision of law, a board of cooperative educational services may provide training for employment to adults on a space available basis, with consideration given to occupations and industries in demand, and establish reduced adult tuition rates for such training. For the purposes of this section, training for employment for adults shall be offered through state approved sequences or parts thereof of secondary career education instruction. Adults may participate in such instruction and be awarded certificates of completion, but they may not earn credit based on their participation towards a high school diploma. Pursuant to section forty-six hundred two of this chapter, a board of cooperative educational services may establish such reduced rates for participation of adults provided that participation is limited to assigned instructional staff and currently used facilities in scheduled secondary career education programs, and provided further that such rates may not be less than fifty percent of the tuition rates charged to school districts for the participation of secondary students in the same programs, unless waived by the

commissioner based on application of the board of cooperative educational services. This participation of adults at reduced tuition rates shall be in accordance with terms agreed upon by the board of cooperative educational services and the component school districts receiving such services but in no case shall such rates result in extraordinary costs assigned to such component school districts. Boards of cooperative educational services which provide such training to adults shall submit to the commissioner annually a report which shall include but not be limited to the number of adults served, referral source, training sequences or parts thereof taken by adult participants, the tuition rates charged to them, and the gross revenues realized therefrom. For the purpose of this paragraph, "adult" shall mean any person under the age of twenty-one who has received a high school diploma or any person twenty-one years of age or older, whether or not they have received a high school diploma.

hh. Provide for activities and services pertaining to environmental education at the request of more than one school district. Such activities and services each of which shall not exceed three weeks duration to be eligible for aid and shall include programs with and performances by individuals or organizations with special skills essential to the activity or service, but not appropriate to full time boards of cooperative educational services staff. Boards of cooperative educational services are authorized to enter into contracts with individuals, public agencies, and not-for-profit corporations to carry out the provisions of this paragraph, subject to the approval of the commissioner.

ii. Enter into agreements with one or more financing agencies to provide for the acceptance by such board of credit cards as a means of payment of course fees or tuition when required for instructional programs offered by such board of cooperative educational services. Any such agreement shall govern the terms and conditions upon which a credit card proffered as a means of payment of such fees or tuition shall be accepted or declined and the manner in and conditions upon which the financing agency shall pay to such board the amount of such fees or tuition paid by means of a credit card pursuant to such agreement. Any

such agreement may provide for the payment by such board to such financing agency of fees for the services provided by such financing agency. For purposes of this paragraph, the following terms shall have the following meanings:

(1) "Credit card" means any credit card, credit plate, charge plate, courtesy card, debit card or other identification card or device issued by a person to another person which may be used to obtain a cash advance or a loan or credit or to purchase a lease property or services on the credit of the person issuing the credit card or a person who has agreed with the issuer to pay obligations arising from the use of a credit card issued to another person.

(2) "Financing agency" means any agency defined as such in subdivision eighteen of section four hundred one of the personal property law;

(3) "Person" means an individual, partnership, corporation or any other legal or commercial entity.

jj. To contract to furnish any of the services provided for in this section to component school districts of the board of cooperative educational services, with the approval of the commissioner, for a period not to exceed five years, upon such terms as may be agreed upon pursuant to such contracts executed by the board of cooperative educational services and the trustees or boards of education of such school districts, provided that any such contract entered into, extended or amended on or after July first, nineteen hundred ninety-six shall be consistent with the requirements of paragraph d of this subdivision and subdivision one of section nineteen hundred fifty-one of this article regarding the allocation of costs to component school districts based upon the local uniform unit cost of each such service.

kk. For the nineteen hundred ninety-seven--ninety-eight school year and thereafter, the board of cooperative educational services (BOCES) shall prepare a BOCES report card, pursuant to regulations of the commissioner, and shall make it publicly available by transmitting it to local newspapers of general circulation, appending it to copies of the proposed administrative budget made publicly available as required by law, making it available for distribution at the annual meeting, and otherwise disseminating it as required by the commissioner. Such report

card shall include measures of the academic performance of the board of cooperative educational services, on a school by school or program by program basis, and measures of the fiscal performance of the supervisory district, as prescribed by the commissioner. Pursuant to regulations of the commissioner, the report card shall also compare these measures to statewide averages for all boards of cooperative educational services. Such report card shall include any information required by the commissioner.

ll. a. Shall require, for purposes of a criminal history record check, the fingerprinting of all prospective employees pursuant to section three thousand thirty-five of this chapter, who do not hold valid clearance pursuant to such section or pursuant to section three thousand four-b of this chapter or section five hundred nine-cc or twelve hundred twenty-nine-d of the vehicle and traffic law. Prior to initiating the fingerprinting process, the prospective employer shall furnish the applicant with the form described in paragraph (c) of subdivision thirty of section three hundred five of this chapter and shall obtain the applicant's consent to the criminal history records search. Every set of fingerprints taken pursuant to this paragraph shall be promptly submitted to the commissioner for purposes of clearance for employment.

b. Upon the recommendation of the district superintendent, the board may conditionally appoint a prospective employee. A request for conditional clearance shall be forwarded to the commissioner along with the prospective employee's fingerprints, as required by paragraph a of this subdivision. Such appointment shall not commence until notification by the commissioner that the prospective employee has been conditionally cleared for employment and shall terminate forty-five days after such notification of conditional clearance or when the prospective employer is notified of a determination by the commissioner to grant or deny clearance, whichever occurs earlier, and may not be extended or renewed unless the commissioner issues a new conditional clearance after finding that there was good cause for failing to obtain clearance within such period, provided that if clearance is granted, the appointment shall continue and the conditional status shall be removed. Prior to commencement of such conditional appointment, the prospective employer

shall obtain a signed statement for conditional appointment from the prospective employee, indicating whether, to the best of his or her knowledge, he or she has a pending criminal charge or criminal conviction in any jurisdiction outside the state.

c. Upon the recommendation of the district superintendent, the board may make an emergency conditional appointment when an unforeseen emergency vacancy has occurred. When such appointment is made, the process for conditional appointment pursuant to paragraph b of this subdivision must also be initiated. Emergency conditional appointment may commence prior to notification from the commissioner on conditional clearance but shall terminate twenty business days from the date such appointment commences or when the prospective employer is notified by the commissioner regarding conditional clearance, whichever occurs earlier, provided that if conditional clearance is granted, the appointment shall continue as a conditional appointment. Prior to the commencement of such appointment, the prospective employer must obtain a signed statement for emergency conditional appointment from the prospective employee, indicating whether, to the best of his or her knowledge, he or she has a pending criminal charge or criminal conviction in any jurisdiction. An unforeseen emergency vacancy shall be defined as: (i) a vacancy that occurred less than ten business days before the start of any school session, including summer school, or during any school session, including summer school, without sufficient notice to allow for clearance or conditional clearance; (ii) when no other qualified person is available to fill the vacancy temporarily; and (iii) when emergency conditional appointment is necessary to maintain services which the district is legally required to provide or services necessary to protect the health, education or safety of students or staff. The provisions of subparagraph (i) of this paragraph shall not apply if the board finds that the district has been unable to fill the vacancy despite good faith efforts to fill such vacancy in a manner which would have allowed sufficient time for clearance or conditional clearance.

d. Shall develop a policy for the safety of the children who have contact with an employee holding conditional appointment or emergency

conditional appointment.

mm. Shall upon commencement and termination of employment of an employee by the board, provide the commissioner with the name of and position held by such employee.

nn. Notwithstanding any other provision of this section and with the consent of the commissioner, the Madison-Oneida board of cooperative educational services may enter into a contract or contracts not to exceed a total period of two years with the Madison Cortland ARC to provide transportation maintenance and repair services on buses owned and operated by the Madison Cortland ARC. The Madison-Oneida board of cooperative educational services shall not charge any portion of costs incurred pursuant to this paragraph to its component school districts.

oo. Notwithstanding any other provision of law, a board of cooperative educational services is authorized to enter into a memorandum of understanding with the trustees or board of education of a non-component school district, including city school districts of cities with one hundred twenty-five thousand inhabitants or more, to participate in a recovery high school program operated by the board of cooperative educational services for a period not to exceed five years upon such terms as such trustees or board of education and the board of cooperative educational services may mutually agree, provided that such agreement may provide for a charge for administration of the recovery high school program including capital costs, but participating non-component school districts shall not be liable for payment of administrative expenses as defined in paragraph b of this subdivision. Costs allocated to a participating non-component school district pursuant to a memorandum of understanding shall be aidable pursuant to subdivision five of this section to the same extent and on the same basis as costs allocated to a component school district.

4-a. The board of cooperative educational services shall develop a plan to ensure that all instructional materials to be used in the programs of the board of cooperative educational services are available in a usable alternative format for each student with a disability, as

defined in section forty-four hundred one of this chapter, and for each student who is a qualified individual with a disability as defined in the rehabilitation act of nineteen hundred ninety-three (29 U.S.C. 701) as amended, in accordance with his or her educational needs and course selection, at the same time as such instructional materials are available to non-disabled students. As part of such plan, the board of cooperative educational services shall amend its procurement policies to give a preference in the purchase of instructional materials to vendors who agree to provide materials in alternative formats. For purposes of this subdivision, "alternative format" shall mean any medium or format for the presentation of instructional materials, other than a traditional print textbook, that is needed as an accommodation for a disabled student enrolled in a program of the board of cooperative educational services, including but not limited to Braille, large print, open and closed captioned, audio, or an electronic file in an approved format, as defined in the regulations of the commissioner. When an electronic file is provided, the plan shall specify how the format will be accessed by students and/or how the district shall convert to an accessible format. Such plan shall identify the needs of students enrolled in a program of the board of cooperative educational services for alternative format materials. Such plan shall also specify ordering timelines to ensure that alternative format materials are available at the same time as regular format materials. Such plans shall include procedures to address the need to obtain materials in alternative format without delay for disabled students who enroll in a program of a board of cooperative educational services during the school year.

5. a. Upon application by a board of cooperative educational services, there shall be apportioned and paid from state funds to each board of cooperative educational services an amount which shall be the product of the approved cost of services actually incurred during the base year multiplied by the sharing ratio for cooperative educational services aid which shall equal the greater of: (i) an amount equal to one minus the quotient expressed as a decimal to three places without rounding of eight mills divided by the tax rate of the local district computed upon the actual valuation of taxable property, as determined pursuant to subdivision one of section thirty-six hundred two of this chapter and

notwithstanding section three thousand six hundred three, expressed in mills to the nearest tenth as determined by the commissioner, provided, however, that where services are provided to a school district which is included within a central high school district or to a central high school district, such amount shall equal one minus the quotient expressed as a decimal to three places without rounding of three mills divided by the tax rates, expressed in mills to the nearest tenth, of such districts, as determined by the commissioner or (ii) the aid ratio of each school district for the current year, which shall be such component school district's board of cooperative educational services aid ratio and which shall be not less than thirty-six percent converted to decimals and shall be not more than ninety percent converted to decimals. For the purposes of this paragraph, the tax rate of the local district computed upon the actual valuation of taxable property shall be the sum of the amount of tax raised by the school district plus any payments in lieu of taxes received by the school district pursuant to section four hundred eighty-five of the real property tax law, divided by the actual valuation of the school district, provided, however that the tax rate for a central high school district shall be the sum of the amount of tax raised by the common and union free school districts included within the central high school district for the support of the central high school district plus any payments in lieu of taxes received for the support of the central high school district pursuant to section four hundred eighty-five of the real property tax law, divided by the actual valuation of the central high school district. The tax rate for each common or union free school district which is included within a central high school district shall be the sum of the amount raised for the support of such common or union free school district plus any payments in lieu of taxes received for the support of the school district pursuant to section four hundred eighty-five of the real property tax law, exclusive of the amount raised for the central high school district, divided by the actual valuation of such common or union free school district.

b. The cost of services herein referred to shall be the amount allocated to each component school district by the board of cooperative educational services to defray expenses of such board, including

approved expenses from the testing of potable water systems of occupied school buildings under the board's jurisdiction as required pursuant to section eleven hundred ten of the public health law provided that such expenses for testing of potable water systems are not reimbursable from another state or federal source, except that that part of the salary paid any teacher, supervisor or other employee of the board of cooperative educational services which is, (i) for aid payable in the two thousand twenty-five--two thousand twenty-six school year and prior school years in excess of thirty thousand dollars, (ii) for aid payable in the two thousand twenty-six--two thousand twenty-seven school year in excess of forty thousand dollars, (iii) for aid payable in the two thousand twenty-seven--two thousand twenty-eight school year in excess of fifty thousand dollars, and (iv) for aid payable in the two thousand twenty-eight--two thousand twenty-nine school year and thereafter, in excess of sixty thousand dollars, shall not be such an approved expense, and except also that administrative and clerical expenses shall not exceed ten percent of the total expenses for purposes of this computation. Any gifts, donations or interest earned by the board of cooperative educational services or on behalf of the board of cooperative educational services by the dormitory authority or any other source shall not be deducted in determining the cost of services allocated to each component school district. Any payments made to a component school district by the board of cooperative educational services pursuant to subdivision eleven of section six-p of the general municipal law attributable to an approved cost of service computed pursuant to this subdivision shall be deducted from the cost of services allocated to such component school district. The expense of transportation provided by the board of cooperative educational services pursuant to paragraph q of subdivision four of this section shall be eligible for aid apportioned pursuant to subdivision seven of section thirty-six hundred two of this chapter and no board of cooperative educational services transportation expense shall be an approved cost of services for the computation of aid under this subdivision. Transportation expense pursuant to paragraph q of subdivision four of this section shall be included in the computation of the ten percent limitation on administrative and clerical expenses.

c. The "tax rate" as herein referred to shall not include a special tax levied for debt service in an existing district of a central school district or a consolidated district.

d. Nothing in this act shall prevent school districts or boards of cooperative educational services with the approval of the commissioner of education from providing cooperative educational services for which no application for state aid is to be made.

e. Any aid apportioned in accordance with section two hundred thirteen of the education law to a board of cooperative educational services in connection with the production of educational television materials and programs, or the acquisition by purchase, lease or otherwise of television facilities or operational expenses in connection therewith shall not be utilized in connection with computing the apportionment to such board of cooperative educational services. Any aid apportioned or paid by the state to a board of cooperative educational services for experimental or special programs shall not be utilized in connection with computing the apportionment to such board of cooperative educational services.

f. The sum of the amounts determined for each component school district as the apportionment to the board of cooperative educational services pursuant to the provisions of this section shall not be less than the amount which would have been apportioned during the nineteen hundred sixty-seven--sixty-eight school year under the provisions of this subdivision as in effect on December thirty-first, nineteen hundred sixty-six to the board of cooperative educational services of which the district was a component member for which such apportionment was made, except that such minimum apportionment shall be reduced in any year in which the expenditures of the component district for board of cooperative educational purposes fall below the expenditure on which the nineteen hundred sixty-seven--sixty-eight apportionment to the board of cooperative educational services was based, such reduction to be made on a proportionate basis.

g. Any payment required by a board of cooperative educational services

to the dormitory authority or any payment required by a board of cooperative educational services to acquire or construct a school facility of the board of cooperative educational services, and any payments for rental of facilities by a board of cooperative educational services shall, for the purposes of apportionment of public moneys to the board of cooperative educational services by the state of New York, be deemed to be an administrative or capital expense, as designated by the commissioner, but the entire amount of such payment shall be utilized in making such apportionment and the limitation of ten percent of the total expenses contained in this subdivision shall not be applicable. Any expense designated by the commissioner as a capital expense shall be included in the capital budget of the board of cooperative educational services and, except as otherwise provided in this paragraph, shall be aided in the same manner as an administrative expense. Any such payment shall not be considered part of the total expenses of the board for purposes of determining the administrative and clerical expenses not to exceed ten percent otherwise eligible for aid under this subdivision, and such payments shall be considered for the purpose of apportionment during the current school year such payment is made. The apportionment for such payments shall be determined by multiplying the amount of such payment allocated to each component school district in the board of cooperative educational services by the aid ratio, and shall be not more than ninety percent converted to decimals, of each such component computed pursuant to subdivision three of section thirty-six hundred two and used to apportion aid to that district in that current school year; provided, however, the apportionment for the construction, acquisition, reconstruction, rehabilitation, or improvement of board of cooperative educational services facilities, including payments to the dormitory authority and payments under any lease agreement, shall be based upon the cost of the board of cooperative educational services school facilities but not to exceed the cost allowance set forth in subdivision six of section thirty-six hundred two of the education law and payments for rental facilities shall be subject to the approval of the commissioner.

h. Each board of cooperative educational services receiving a payment pursuant to paragraph a of this subdivision and section thirty-six

hundred nine-d of this chapter shall be required to set aside from such payment an amount not less than the amount of state aid received pursuant to paragraph a of this subdivision in the base year that was attributable to cooperative services agreements (CO-SERs) for career education, as determined by the commissioner, and shall be required to use such amount to support career education programs in the current year.

5-a. Financial assistance for school districts first joining a board of cooperative educational services (BOCES). a. Eligibility. Any school district first joining a BOCES on or after July first, nineteen hundred ninety-five and prior to July second, nineteen hundred ninety-seven shall be eligible to apply to the commissioner for financial assistance pursuant to the provisions of this subdivision and subdivision five of this section.

b. Financial assistance. Financial assistance shall mean an interest free loan available upon application in the current year which shall not exceed the product of (i) the applicable percent defined in paragraph c of this subdivision and (ii) the sum of the local share and any repayment due for the prior year loan. Such local share shall equal the positive remainder resulting when aid payable on behalf of the district in the current year pursuant to subdivision five of this section is subtracted from the district's BOCES expenses which are or would be aidable in the current year or the next year pursuant to such subdivision five. The annual application for such a loan shall be in a form prescribed by the commissioner and shall accompany the submission of the final set of state aid forms required of the BOCES each year and shall be certified by the district superintendent of the BOCES. The amount of the loan in any year shall be determined by the commissioner and the payment and repayment of the loan shall be in accordance with the provisions of paragraph d of this subdivision.

c. Applicable percent. The applicable percent shall be determined by the number of years that an eligible district has been a component district of a BOCES. In the first year, such percent shall be equal to the district's BOCES and building aid ratio for aid payable in the first

year in which the district joins the BOCES, each year thereafter, such percent shall be reduced by ten percent until such percent would drop below ten percent at which time it shall be deemed to be zero.

d. Payment and repayment. Notwithstanding any inconsistent provisions of section thirty-six hundred nine-a of this chapter, the loan amounts determined by the commissioner pursuant to paragraph b of this subdivision shall be paid to each eligible school district on or before June fifteenth, commencing with the first year of eligibility, but only to the extent that the repayment of the base year loan has been secured. Notwithstanding any inconsistent provision of law, the state comptroller shall deduct the amount of any base year loan from any monies due such school district in March of the current year. Should the amount of any monies due such school district in March be insufficient to repay the total amount of the base year loan to the school district, the state comptroller shall deduct any balance due the state from any other monies payable to such district. Should the total amount of monies due to or on behalf of such school district be insufficient to repay the total amount of the base year loan determined in paragraph b of this subdivision, such school district shall make a direct payment to the state before March first of the current year and such payment shall be credited to the general fund local assistance account of the department.

6. The board of cooperative educational services is hereby created a body corporate. All property which is now vested in, or shall hereafter be transferred to the board of cooperative educational services, shall be held by them as a corporation.

7. In the event that two or more entire supervisory districts for which boards of cooperative educational services have been established shall become a single supervisory district by the redistricting of supervisory districts pursuant to section twenty-two hundred one of this chapter, the boards of cooperative educational services theretofore established shall nevertheless remain in existence until August first next following such redistricting for the purpose of carrying out the programs for the current school year. For all other purposes, from and after the effective date of such redistricting such boards of

cooperative educational services shall constitute a single board of cooperative educational services for the supervisory district as then constituted in the same manner as though such board had been established for such supervisory district pursuant to subdivision one of this section, and shall have all of the powers and duties of such boards under this chapter. The members of such boards shall continue to serve until the expiration of the terms of office for which they were elected. No election shall be held to fill vacancies on such board as the terms of members expire until such date as the terms of sufficient members have expired to cause the membership of such board to be not less than five nor more than fifteen, such number to be determined at the annual meeting of the trustees and members of boards of education of such supervisory district held in the month of April following such redistricting. Thereafter members of such board shall be elected annually to fill vacancies occurring by expiration of term. Notwithstanding any other provision of law, a board of cooperative educational services may fill a vacancy on such board at the annual board election immediately following such annual meeting and may accept nominations pursuant to subdivision two-a of this section in anticipation that one or more vacancies will exist once such annual meeting so establishes the number of the membership of the board, provided that the election ballot shall state that nominations have been accepted in anticipation of possible vacancies and that the clerk of the board of cooperative educational services will advise the component boards in writing of the actual number of vacant offices to be filled at the election, if any, no later than one business day after the annual meeting. Should such a supervisory district for which a board of cooperative educational services has been established be divided by the commissioner in the redistricting thereof, on August first next following such redistricting, after paying all outstanding obligations of such board, any balance of funds remaining in the treasury of such board shall be allocated to the credit of the component school districts in accordance with the ratio which the proportion of the cost allocated to each component school district bears to the total cost of services of such board of cooperative educational services during the last full school year of its operation. In the event that a board of cooperative educational services shall have been established for the supervisory

district of which such component district is then a part, the amount of such balance allocated to such district shall be paid to the board of cooperative educational services established for such supervisory district and any member of the board of cooperative educational services for such divided district who resides in the territory so transferred shall on and after the date of such redistricting become a member of the board of cooperative educational services of the supervisory district to which the school district in which he or she resides has been transferred and shall serve as such member until the expiration of the term of office for which he or she was elected. In the event that there is no board of cooperative educational services for any component district the amount of such balance allocated to such district shall be paid to the treasurer of such district. In such event the state aid authorized by subdivision five of this section for the last year of operation of such board of cooperative educational services shall be distributed to the component school districts in the amounts which would have accrued to such board of cooperative educational services by reason of their participation.

8. Notwithstanding any other provision of this chapter, with the approval of the commissioner of education, at the request of boards of education of union free school districts having a population of four thousand five hundred or more and employing a superintendent of schools, where such school districts lie within towns included in the supervisory district or supervisory districts comprising the territory served by a board of cooperative educational services, such union free school districts may upon the consent of the board of cooperative educational services be included as component districts for the purposes of this section and shall have all of the rights and obligations of such component districts under this section. Notwithstanding any other provision of this chapter, and with the consent of the commissioner, likewise, at the request of the board of education of any city school district, having a population of less than one hundred twenty-five thousand inhabitants, such city school district may, upon the consent of the board of cooperative educational services, be included as a component district for the purpose of this section and shall have all the rights and obligations of such component districts under this

section.

8-a. Notwithstanding any other provision of this section and with the consent of the commissioner, the city school district of the city of Syracuse may, upon consent of the board of cooperative educational services for the sole supervisory district for Onondaga and Madison counties, be included as a component district for the sole purpose of operating a combined program and/or constructing a combined facility for children with developmental disabilities in the city of Syracuse and the county of Onondaga. Such city school district shall add an amount to its budget and levy, collect and pay the same to such board of cooperative educational services to defray the proportional expenses of constructing and operating such facility for such children. Such city school district shall not be liable for payment of administrative expenses as provided for in paragraph b of subdivision four of this section nor shall such city school district be eligible for the payment of state aid under this section except such city school district shall receive state aid based on its proportionate share of building expenses related to this program as determined by the commissioner.

Such city school district shall continue to receive aid under subdivision five of section thirty-six hundred two for the attendance of children in this program.

8-b. Notwithstanding any other provisions of this section and with the consent of the commissioner, city school districts of cities in excess of one hundred twenty-five thousand inhabitants but less than one million inhabitants, upon consent of the board of cooperative educational services approved by the commissioner may be included as a component district of such board of cooperative educational services for the sole purpose of purchasing student information system services consistent with standards established by the commissioner from such board of cooperative educational services. Each such city school district shall add an amount to its budget and shall levy, collect and pay the costs of such program to such board of cooperative educational services to defray their portion of the expenses of such a program. Such city school district shall not be liable for payment of administrative

expenses as provided for in paragraph b of subdivision four of this section nor shall such city school district be eligible for payment of state aid under this section.

8-c. Notwithstanding any other provision of this section, any school district not a component of the board of cooperative educational services of the supervisory district serving its geographic area, including a city school district in a city having a population in excess of one hundred twenty-five thousand inhabitants, upon consent of the board of cooperative educational services and with the approval of the commissioner, may be treated in the same manner as a component school district of the board of cooperative educational services of the supervisory district serving its geographic area, or an adjoining board of cooperative educational services in the case of a city school district in a city having one million inhabitants or more, for the sole purpose of purchasing instructional support services, as defined by the commissioner. Each such school district shall add an amount to its budget and shall levy, collect and pay the costs of such program to such board of cooperative educational services to defray its portion of the expenses of such program, including a charge for administration not to exceed the restricted indirect cost rate, provided that the board of cooperative educational services shall not charge any portion of the administrative costs incurred pursuant to this subdivision to its component school districts. Such school districts shall not be liable for payment of administrative expenses as provided for in paragraph b of subdivision four of this section and subdivision one of section nineteen hundred fifty-one of this article. In the case of city school districts in a city with a population in excess of one hundred twenty-five thousand inhabitants, such participation shall be in addition to the participation authorized by subdivisions eight-a and eight-b of this section. In the case of a city school district in a city with a population of one hundred twenty-five thousand inhabitants or more, in lieu of participation as a component district of an adjoining board of cooperative educational services, the city school district may opt to provide such support services as shared services directly or in collaboration with one or more institutions of higher education. The approved costs of such services shall be eligible for state aid in

accordance with the provisions of subdivision twenty of section thirty-six hundred two of this chapter, and shall not be eligible for aid pursuant to subdivision five of this section.

8-d. Notwithstanding the provision of any law, rule, or regulation to the contrary, the city school district of the city of Rochester, upon the consent of the board of cooperative educational services of the supervisory district serving its geographic region, may purchase from such board as a non-component school district, services required by article nineteen of the education law.

9. No person shall be eligible to be elected to the office of member of a board of cooperative educational services who is an employee of a school district in the supervisory district.

9-a. No person shall be eligible to hold the office of member of a board of cooperative educational services who does not reside within the boundaries of a component school district of any such board.

10. Notwithstanding any other provisions of this chapter or of any other general or special law to the contrary, if and when two or more supervisory districts shall be combined into a new supervisory district pursuant to the provisions of section twenty-two hundred one of this chapter, as a result of which the boards of cooperative educational services for such supervisory districts shall become a single board of cooperative educational services for such redistricted supervisory district, such single board of cooperative educational services for such redistricted supervisory district shall, in such case, allocate the appropriate amounts of payments required to be made to the dormitory authority for rental of facilities or otherwise to the school districts contained, respectively, in such former boards of cooperative educational services for such supervisory districts, as if such boards continued to exist in law for the sole purpose of making such payments.

11. With the approval of the commissioner, one or more boards of cooperative educational services and one or more school districts may enter into an agreement or agreements to provide for sharing costs of

construction of or leases for facilities acquired for the purpose of housing services to be provided by a board or boards of cooperative educational services for provision of which services such facilities are constructed or leased, provided, however that no new agreements for the sharing of costs of construction or leases of facilities may be entered into pursuant to this subdivision on or after July first, two thousand three. No such agreement may be for a longer term than is required to retire any obligations issued by one or more of the parties to such agreement for the purpose of acquiring such facilities, or to pay the dormitory authority in full for the acquisition of such facilities.

13. a. A board of cooperative educational services and the component school districts of such board of cooperative educational services may enter into an agreement providing for the acquisition from the dormitory authority of facilities designed to house services to be provided by such board of cooperative educational services and for the sharing of the cost of such acquisition. Such agreement in addition to providing for all other matters deemed necessary and proper shall (i) set forth the cost of such acquisition which shall be the amount certified by the dormitory authority as sufficient to pay the principal of, the redemption premium, if any, and interest to the earliest of either the maturity date or the next redemption date on all obligations of the dormitory authority issued in relation to providing such facilities, including all incidental expenses in relation thereto, and (ii) provide for an allocation and apportionment of the cost of such acquisition among the component school districts on such equitable basis as the parties thereto shall determine and agree, and the proportion of the total cost to be provided by each such district in accordance with such allocation and apportionment. In those cases where construction of such facilities shall not have been completed, the amount so certified by the dormitory authority shall include the amount estimated to be necessary by the dormitory authority to complete such construction by it acting for and on behalf of such board of cooperative educational services; provided, however, that such agreement shall provide that such board shall pay to the dormitory authority any additional amounts thereafter determined and certified by the dormitory authority to be necessary in order to complete the construction of such facilities. Existing

contracts awarded by the dormitory authority for the construction of such facilities shall not be modified, nor shall any work not covered thereby be authorized, without the prior consent of an officer of such board authorized to so act by a resolution of such board. Such agreement shall be executed by all the component school districts of such board of cooperative educational services whose allocation of administrative expenses would include a portion of the amounts required to be paid the dormitory authority for the rental of such facilities.

b. The acquisition of such facilities is hereby declared and determined to be a school district purpose and an object or purpose for which each such component school district is hereby authorized to expend money and contract indebtedness. The period of probable usefulness of such object or purpose is hereby determined to be thirty years. Each such component school district is hereby authorized to finance its share of the cost of the acquisition of such facilities together with costs incidental to such financing, including, but not limited to legal fees, printing, engraving and publication of notices, either from any current funds legally available therefor, or by the issuance of obligations pursuant to the local finance law; provided, however, that (i) no approval of the voters of such component school district shall be required, (ii) the voting of a special tax or a tax to be collected in installments shall not be a condition precedent to the adoption of a bond resolution for such object or purpose, (iii) a majority vote of the entire voting strength of the board of education shall be sufficient for adoption of such a bond resolution, which bond resolution may be adopted at a regular meeting, or a special meeting of the board of education called on not less than twelve hours oral or written notice, which may be held either within or outside of such district, (iv) any such bond resolution shall take effect immediately and shall not be subject either to a mandatory or permissive referendum, and (v) no such bond resolution shall be adopted prior to the execution by the board of cooperative educational services and the component school districts of such board of cooperative educational services of the agreement required by paragraph a of this subdivision.

c. Nothing herein contained shall be construed to permit any school

district in a city (as defined in paragraph two-b of section 2.00 of the local finance law) to contract indebtedness for such object or purpose in excess of the limitation prescribed by paragraph b of section 104.00 of such law, without a compliance with the provisions of paragraph c thereof. A school district, other than a school district in a city, may issue bonds or bond anticipation notes for such object or purpose in excess of the limitation prescribed by paragraph d of such section 104.00, without complying with the requirements of subparagraphs one through three of such paragraph. Notwithstanding any other provision of law to the contrary, a special act school district, as defined in subdivision eight of section four thousand one of this chapter, shall not be deemed a component school district of the board of cooperative educational services for purposes of this subdivision.

d. Upon certification by the dormitory authority of the receipt by it of the amount set forth in the agreement as the cost of the acquisition of such facilities, title thereto shall vest in the board of cooperative educational services without any further action or deed or conveyance, which title shall be held by the board of cooperative educational services for the benefit and on behalf of all the component school districts of such board executing such agreement.

e. The validity of any obligations issued by any school district in accordance with this subdivision shall not be affected or impaired by any omission, defect or irregularity in any previous acts or proceedings by the board of cooperative educational services, or by any of the component school districts of such board of cooperative educational services in relation to the authorization of such facilities or the construction and financing thereof by the dormitory authority.

f. State aid on account of the acquisition of such facilities shall be paid to each component school district based upon its respective debt service or share thereof paid pursuant to the agreement herein provided for, and upon its respective aid ratio.

g. Notwithstanding any provision of law, the dormitory authority, any board of cooperative educational services and any component school

district thereof, are all hereby authorized and empowered to perform any and all acts and to enter into any and all agreements necessary or desirable to effectuate the purposes of this subdivision.

14. a. All provisions of this subdivision shall be applicable only if any agreement or agreements referred to herein shall be entered into by a board of cooperative educational services and all of the component school districts of the board of cooperative educational services. A board of cooperative educational services and the component school districts of such board of cooperative educational services may enter into an agreement providing for the acquisition or construction, including new construction, additions or reconstruction of facilities designed to house services to be provided by such board of cooperative educational services and for the sharing of the cost of such acquisition or construction. Such agreement in addition to providing for all other matters deemed necessary and proper shall (i) set forth the cost of such acquisition or construction and costs incidental thereto and (ii) provide for an allocation and apportionment of the costs of such acquisition or construction among the component school districts on such equitable basis as the parties thereto shall determine and agree, and the proportion of the total cost to be provided by each such district in accordance with such allocation and apportionment. Such agreement shall be executed by all the component school districts of such board of cooperative educational services and such board of cooperative educational services. Such agreement may provide that each component school district of such a board of cooperative educational services shall issue an agreed upon amount of its obligations in a total amount sufficient to acquire or construct such facilities, or that all component districts of such board shall together issue joint obligations pledging the full faith and credit for all component districts jointly and that each such district shall pay a specified share of annual debt service on such joint obligations in accordance with the provisions of article five-g of the general municipal law and applicable provisions of the local finance law.

b. The acquisition or construction of such facilities is hereby declared and determined to be a public purpose and a school district

purpose and a specific object or purpose for which each such component school district is hereby authorized to expend money and contract indebtedness. The period of probable usefulness of such specific object or purpose is hereby determined to be thirty years. Each such component school district is hereby authorized to finance its share of the cost of the acquisition or construction of such facilities, together with costs incidental thereto, either from any current funds legally available therefor or by the issuance of obligations pursuant to the local finance law; provided, however, that (i) no approval of the voters of such component school district shall be required, (ii) the voting of a special tax or a tax to be collected in installments shall not be a condition precedent to the adoption of a bond resolution for such specific object or purpose, (iii) a majority vote of the entire voting strength of the board of education shall be sufficient for adoption of such a bond resolution, which bond resolution may be adopted at a regular meeting, or a special meeting of the board of education called on not less than twenty-four hours oral or written notice to the members of such board as provided in section sixteen hundred six of the education law, which meeting may be held either within or outside of such district, (iv) any such bond resolution shall take effect immediately and shall not be subject to either a mandatory or permissive referendum, and (v) no such bond resolution shall be adopted prior to the execution by the board of cooperative educational services and all of the component school districts of such board of cooperative educational services of the agreement required by paragraph a of this subdivision.

c. No further approval of the voters of such board of cooperative educational services or any component district thereof shall be required other than that required by paragraph t of subdivision four of this section.

d. Such agreement shall further provide that title to the facility shall vest in the board of cooperative educational services which title shall be held by the board of cooperative educational services for the benefit and on behalf of all the component school districts of such board executing such agreement.

e. Nothing herein contained shall be construed to permit any school district in a city (as defined in paragraph two-b of section 2.00 of the local finance law) to contract indebtedness for such specific object or purpose in excess of the limitation prescribed by paragraph b of section 104.00 of such law, without complying with the provisions of paragraph c thereof. A school district, other than a school district in a city, may not issue bonds or bond anticipation notes for such specific object or purpose in excess of the limitation prescribed by paragraph d of such section 104.00, without complying with the requirements of subparagraphs one through three of such paragraph. Notwithstanding any other provision of law to the contrary, a special act school district, as defined in subdivision eight of section four thousand one of this chapter, shall not be deemed a component school district of the board of cooperative educational services for purposes of this subdivision.

f. State aid on account of the acquisition or construction of such facilities shall be paid to each component school district based upon its respective debt service or share thereof paid pursuant to the agreement herein provided for, and upon its respective aid ratio. Any such computation of state aid shall further be based upon the cost of such acquisition, or construction, and including incidental costs, to the board of cooperative educational services but not to exceed the cost allowance set forth in subdivision six of section thirty-six hundred two of this chapter.

18. Accountability of personal property. On or before January first, nineteen hundred ninety-seven, each board of cooperative educational services shall develop and adopt a formal policy on personal property accountability, including the acquisition, sale and disposal of personal property. Such policy shall be approved by the commissioner consistent with regulations adopted for such purpose, which shall include but not be limited to (a) procedures for the acquisition of personal property both by purchase and by gift, (b) procedures for the periodic inventory of personal property, and (c) procedures for the sale of valuable personal property to the highest bidder, except however that vehicles received at no cost for use in an authorized welfare to work program may

be transferred at no cost or at cost of repairs, where repairs have been made to the vehicle at the board of cooperative education services, to participants who have met all the program requirements. Each such board shall periodically review and update such policy, provided that any amendments of the policy shall be subject to approval of the commissioner.

19. Where the district has provided transportation to students enrolled in such district to a school sponsored field trip, extracurricular activity or any other similar event, it shall provide transportation back to either the point of departure or to the appropriate school in the district, unless the parent or legal guardian of a student participating in such event has provided the school district with written notice, consistent with district policy, authorizing an alternative form of return transportation for such student or unless intervening circumstances make such transportation impractical. In cases where intervening circumstances make transportation of a student back to the point of departure or to the appropriate school in the district impractical, a representative of the school district shall remain with the student until such student's parent or legal guardian has been (a) contacted and informed of the intervening circumstances which make such transportation impractical and (b) such student had been delivered to his or her parent or legal guardian.

* 20. (a) The use of artificial intelligence systems, as defined by section one hundred three-e of the state technology law, shall not affect the: (i) existing rights of employees pursuant to an existing collective bargaining agreement; or (ii) the existing representational relationships among employee organizations or the bargaining relationships between the employer and an employee organization.

(b) The use of such artificial intelligence systems shall not result in the: (i) discharge, displacement or loss of position, including partial displacement such as a reduction in the hours of non-overtime work, wages, or employment benefits, or result in the impairment of existing collective bargaining agreements; or (ii) transfer of existing duties and functions currently performed by employees of the board of cooperative educational services to an artificial intelligence system.

(c) The use of such artificial intelligence system shall not alter the rights or benefits, and privileges, including but not limited to terms and conditions of employment and civil service status. The collective bargaining unit membership status of all existing employees of the board of education shall be preserved and protected.

* NB Repealed July 1, 2028