



To: Governor Andrew Cuomo

From: Julie M. Marlette, Director of Governmental Relations

Re: New York State School Boards Association 2016-17 Budget Recommendations

Date: November 4, 2015

**Cc: Jim Malatras
Mary Beth Labate
Jere Hochman
Joseph Conroy
Cara Palumbo Schrantz
Katie Codey**

For the 2016-17 fiscal year the New York State School Boards Association (NYSSBA) requests a minimum increase in support for public school districts of **\$2.3 billion** over 2015-16 to support current offerings as well as new and expanded investments in specific programs and services. With a property tax cap at or near zero, allowing little to no growth of funds at the local level, this additional state aid represents a total revenue increase of less than four percent. The majority of that increase (\$1.9 billion) should be distributed through the state's current basic operating aid mechanisms: GEA Restoration and a functioning Foundation Aid formula. In addition to general operating aid, we ask that the 2016-17 budget fully fund expense-based aids, programs for unaccompanied minors, career and technical education initiatives, and prekindergarten services. In addition, the state budget should repeal the out-of-date building aid recalculation provision, fully reimburse school districts for approved prior year aid claims, more effectively reflect the long-term needs of English language learners, and allocate additional resources to improve the state assessment program.

The state has made notable progress towards restoring billions of dollars in school aid that were cut, withheld, or otherwise lost during the recent recession. However, nearly a third of the state's school districts are still receiving less aid than they did in 2009. In addition, school districts are faced with many more cost pressures than pre-recession, including a property tax cap, implementation of new learning standards and increased requirements for English language learners.

School Aid

Foundation Aid

The state's Foundation Aid formula enacted in the 2007-08 budget represented significant progress in implementing an equitable and predictable funding model that considered pupil counts and regional cost factors as well as local ability to pay. Unfortunately, the multi-year phase in of this formula was only funded for two years before the recession forced the state to pause implementation. Since then, schools have grappled with cuts, freezes and moderate off-formula increases in Foundation Aid. At the same time districts have seen their ability to generate local revenue limited by the property tax cap, with little relief from major cost drivers. At this time, New York State is more than \$4.2 billion behind in the full implementation of Foundation Aid.

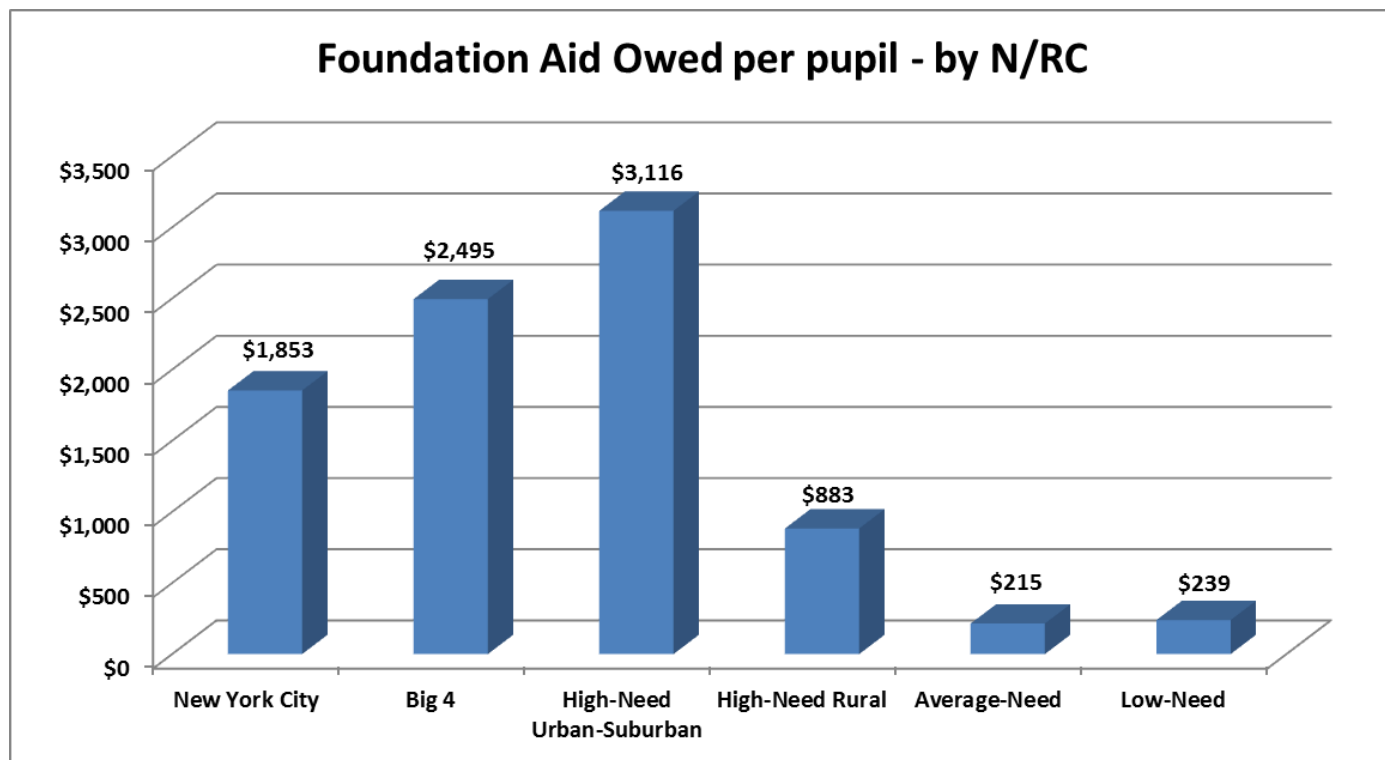
Under nearly every commonly-used metric, the districts with the greatest student need and lowest local capacity are the most severely underfunded. Despite efforts to increase Foundation Aid funding above 2008-09 funding levels, districts that are categorized as high-need, urban-suburban are underfunded by more than \$3,000 per pupil (detailed in the graph on the next page). Districts with a Combined Wealth Ratio (CWR) of less than 0.5, meaning they are at least 50% poorer than the state average, are underfunded by nearly \$2,500 per pupil. Districts with a Free and Reduced Priced Lunch (FRPL) student percentage of at least 60% are owed nearly \$2,000 per pupil. And districts with a limited English proficiency (LEP) student rate of at least 10% are owed more than \$2,600 per pupil. These underfunded amounts are often four to five times greater than the rest of the state's districts. The funding gap for these districts, and their students, must be closed quickly.

For the 2016-17 budget, we propose a formulaic framework that transitions the state to a restart of the Foundation Aid formula, while recognizing the inequities that have developed as a result of the Foundation Aid formula freeze in 2009-10. To do so, we propose that the state restart the stalled Foundation Aid phase in over the next three fiscal years. Such a plan is ambitious but would guarantee full current law funding of all school districts by 2018-19. For those districts that are underfunded (based on a comparison between their 2015-16 Foundation Aid allocation and fully-funded Foundation Aid levels), a two-tiered formula should be used to provide **\$1.5 billion in Foundation Aid** increases. This level of additional funding, if repeated (at a minimum) in 2017-18 and 2018-19, would position the state to fully-fund Foundation Aid under current law within the three year timeframe. Such a distribution should also require that all districts are at a minimum held harmless to 2015-16 funding levels in 2016-17.

The increases in Foundation Aid in years two and three should follow the same methodology as detailed below, where funding would be focused towards the districts that are the most underfunded, until all districts are fully-funded. Adjustments will need to be made in each year of the phase in to reflect current year data.

Under the first tier, districts that are receiving 75% or less of their fully-funded Foundation Aid amount would receive higher increases. The remaining districts that are receiving less than their current law Foundation Aid amount, but more than 75% of that amount, would receive the remaining funds allocated for Foundation Aid increases. In addition, in order to bridge any disconnect between GEA Restoration and Foundation Aid, the

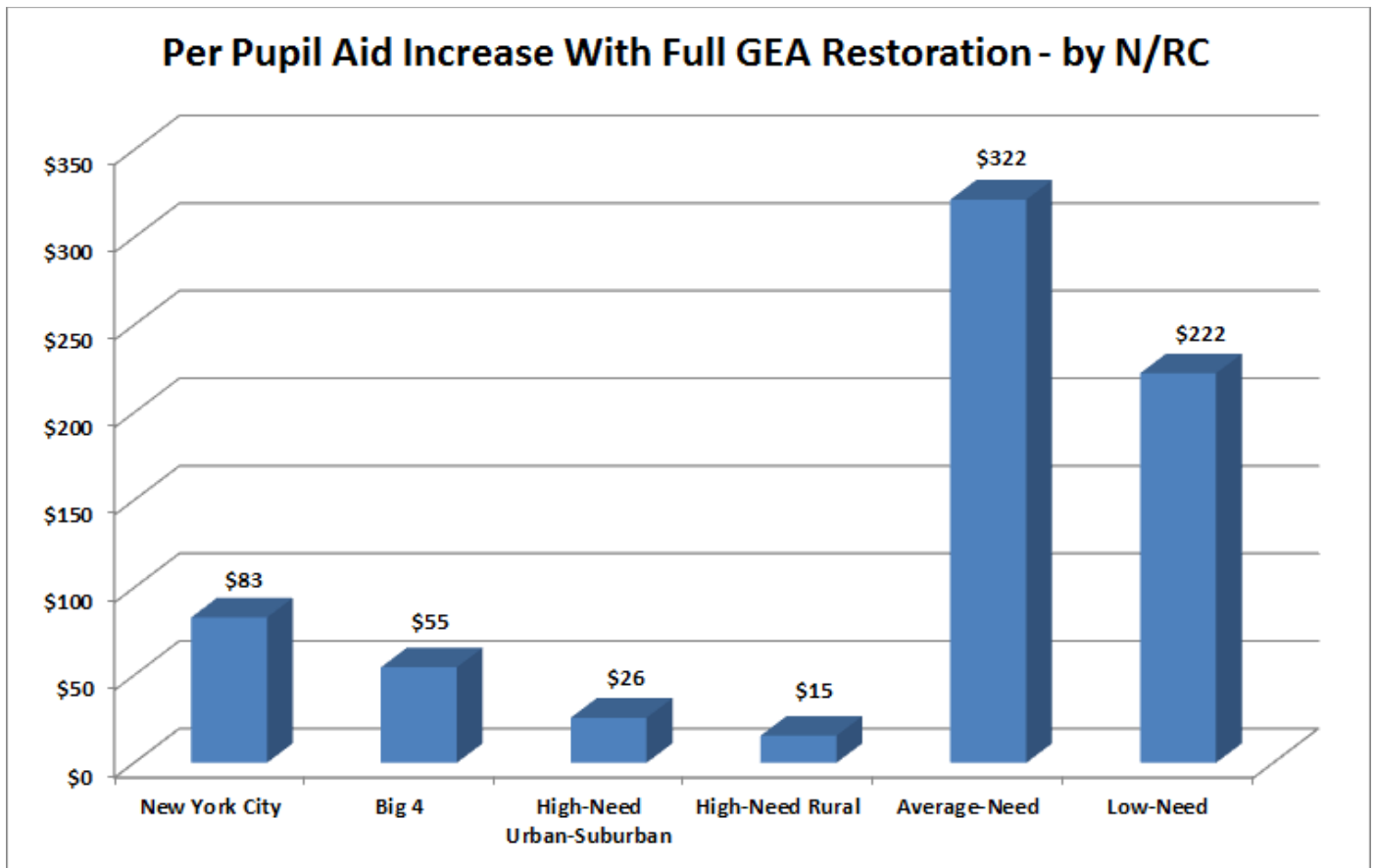
least wealthy districts would be guaranteed a minimum increase in operating aid (Foundation Aid plus GEA Restoration).



GEA Restoration

The Gap Elimination Adjustment reached its peak in 2011-12, totaling a \$2.6 billion reduction in school aid that year. In the four years since, the state has slowly but steadily “restored” that reduction, leaving districts with **\$434 million** in GEA reductions to absorb in the 2015-16 school year. Given the state’s healthy fiscal condition, the state is now in a position to fully eliminate the GEA for all school districts. We call on the state to do exactly that in the 2016-17 fiscal year.

While fully eliminating the GEA is essential, it is also important to recognize that not all districts would benefit equally from this restoration. The state has made a concerted effort in recent years to focus GEA Restoration funding towards the state’s high need districts, which experienced the greatest impact from GEA reductions. Elimination of the GEA would provide a financial benefit to mostly average-need districts and some low-need districts, while high-need districts (including the Big 5) would receive gains of well less than \$100 per pupil in additional state aid. NYSSBA calls for the elimination of the GEA in the 2016-17 budget, in combination with the Foundation Aid increase as referenced above.



Expense-Based Aids

NYSSBA requests the continued full-funding of expense-based aids, which provides school districts with reimbursement of approved expenses. These funds, already expended in prior years, cover transportation, special education, capital costs related to school construction and renovation, BOCES and instructional material costs. School districts expended these funds, in some cases to provide mandated services, with the understanding that the state would meet their obligation to reimburse them based on set formulas. Based on recent trends, full current year reimbursement of these aids would require an estimated **\$250 million** increase over 2015-16. Release of the state's updated database in November will provide us with more accurate estimates. In addition, the state should repeal the recalculation of interest rates for the purposes of building aid. Recalculating rates would result in the loss of approximately \$40 million for school districts.

Transportation Aid Forgiveness

When school districts have made errors relating to claiming transportation aid, they have become ineligible to recover such lost aid even though the state had budgeted for that expense. While recent efforts to secure statutory approval for these aid claims have been unsuccessful, there is a precedent for approving them. The 2012-13 enacted budget provided transportation aid forgiveness to districts that would otherwise lose aid as a result of inadvertent, minor, technical or clerical errors for certain contract entered into prior to the 2011-12

school year. We request that this provision be updated to capture contracts entered into prior to the 2015-16 school year. Doing so will make the process more efficient by not only eliminating the need for standalone bills but also making it easier for districts to collect their reimbursements. Language to accomplish this recommendation is attached. (*See Appendix 1 – Page 10*)

New and Expanded Investments

Prekindergarten

NYSSBA recommends the streamlining and expansion of prekindergarten funding. Recent significant investments have been made in prekindergarten, providing more than \$350 million in new competitive grants. However, those investments have provided limited benefit to school districts outside the City of New York. In addition, there is great anxiety at the district level about the sustainability of programs funded through grant streams, contingent on annual appropriations and applications. Moreover, the existence of multiple funding streams, each with different programmatic and reporting requirements, is resulting in increased administrative burdens.

We request that existing grant awards be allowed to run down. Rather than funding new grants, we request that all four year old prekindergarten seats transition to existing operational and expense based funding lines. Districts who choose to operate a prekindergarten program should be eligible for the same per pupil Foundation Aid formula (with a .5 allocation for half day program participants) that they would receive for any K-12 student. For this transition to be successful, the funding mechanism must recognize the enrollment of these students and not be subject to freezes on enrollment counts.

We are not recommending that the state take money back or reduce awards. Instead we request that as current prekindergarten grants expire, funding for those programs, as well as any new funding, should be phased-in through the current law Foundation Aid formula. In order to provide ongoing support for these programs, we also call for expenses associated with prekindergarten transportation to be aidable to the same extent as all other K-12 transportation. Legislation has been advanced that would accomplish this goal (A.1103, Fahy).

English Language Learners

Students who are English language learners present districts with a challenging and varying set of educational needs. State support is critical as school districts strive to meet these needs. Changes to part 154 of the Commissioner's regulations increase requirements in reporting and delivery of ELL and bilingual education services at the building level. Adjustments must be made to state aid to ensure that non-native English speakers receive the programs and supports they are entitled to. The Foundation Aid formula includes a moderate and indirect pupil count adjustment for ELL students, but that has proven to be insufficient, especially while the formula is not running. In addition, the formula's pupil count adjustment does not adequately reflect the costs associated with meeting student need. NYSSBA recommends a formulaic change based on the same principles as the former limited English proficiency aid category to more effectively account for students classified as

English language learners. Based on the most recent data available, this would result in approximately **\$8 million** in additional funding.

We also request that districts be allowed flexibility in staffing decisions, ensuring that they are able to keep staff with the needed language skills in place if reductions in staff are required. Language to effectuate this goal as well as an explanation of the calculation of the funding are attached. *(See Appendices 2 and 3 – Pages 11 and 18)*

Unaccompanied Minors and Enrollment Spikes

Many school districts have experienced recent and dramatic increases in enrollment. In some instances these spikes have been driven by the arrival of unaccompanied minors presenting for enrollment in their schools. In other instances these enrollment spikes are driven by population shifts throughout the state.

The Office of Refugee Resettlement reports more than 8,000 youths have been placed with sponsors since federal fiscal year 2014. More than 3,900 of those are located in suburban Long Island districts. This number only accounts for those students that have been placed with a sponsor. Youths who are with family or friends may not be accounted for.

In addition to those districts serving unaccompanied minors, nearly 200 districts, more than a quarter of those in the state, have experienced enrollment growth from 2013-14 to 2014-15. This growth totaled more than 20,000 students in that year alone. While a functioning Foundation Aid formula would normally adjust state aid to account for these additional students, the formula has not fully done so since 2008-09. In order to adequately support these students until Foundation Aid is fully-funded, NYSSBA calls on the state to resurrect the former growth aid formula. Using the most recent data available, the threshold used in the growth aid formula would provide approximately **\$120 million** to more than 100 of these districts. Language explaining this calculation and distribution is attached. *(See Appendix 4 – Page 19)*

Career and Technical Education

Regulatory changes enacted by the Board of Regents allow students to attain a Regents diploma by successfully completing an approved industry based exam in lieu of one Regents exam. Creating the framework for these programs is only part of the equation. For an increase in student access and participation, resources will be required.

NYSSBA requests that the aidable cap on BOCES salaries for career and technical education teachers be raised above the current cap of \$30,000, with a simultaneous increase in special services aid to allow aid to flow to the Big 5 and non-component districts with similar programs. The BOCES aid reimbursement adjustment would have no fiscal impact in fiscal year 2016-17. Legislation increasing the aidable cap and increases special services aid has been introduced in both houses (A.3885, Nolan/S.3697, Ritchie).

In addition to BOCES and district based programs the Executive has recognized the incredible potential of P-Tech Early College High Schools. These programs provide both an avenue for high quality career and technical education (CTE) and allow students to attain college credits while still in high school. The support that the Executive and the legislature have provided for this program over the last several years has been appreciated. We call for the Executive to propose a new round of P-Tech grants to make this successful model of education available in more districts throughout the state.

Struggling Schools

The 2015-16 state budget included \$75 million for 20 schools deemed “persistently struggling.” The funds are intended to support these schools for the development and implementation of their required turnaround plans. Unfortunately, the state did not provide any additional funding for the 124 schools designated as “struggling.” These schools must show demonstrable improvement against performance goals set in their improvement plan within two years, but do not have any additional resources to assist them in doing so. If these schools fail to show such improvement within the two years, they will be placed into independent receivership.

NYSSBA requests that funds be made available for these schools to help implement and execute their turnaround plans. Based on the budgetary support provided to the 20 “persistently struggling” schools, a proportionate level of funds should be provided to the 124 “struggling” schools to assist in their turnaround efforts.

State Assessments

NYSSBA requests an appropriation of **\$8.4 million** to fund the release of more test items and eliminate stand-alone field testing. At the end of the 2015 legislative session, the legislature and the Governor provided an appropriation of \$8.4 million to the State Education Department. We are extremely grateful that state leaders recognized the importance of this appropriation. If this appropriation is not continued, inadequate funding will once again limit the versions of these tests that can be created. These funds should be used to increasing the release of 90% of the grade 3-8 test questions and the elimination of stand-alone multiple choice field testing. By increasing transparency while reducing time spent on testing, this investment will allow educators to better utilize the information gathered from assessments to inform instruction. Appropriation language for this purpose is attached. (*See Appendix 5 – Page 23*)

Prior Year Claims

NYSSBA requests elimination of the backlog of prior year claims in 2016-17. Expense-based aids are not always paid to districts on the expected schedule. There are a variety of reasons that this may happen, but frequently the misfiling of a form or submission of updated cost data is to blame.

The State Education Department has an approval process for authorizing these payments and the state has committed to honoring them. However, obligations greatly outweigh need. Upon approval, these “prior year

claims” are placed on a list for payment in the order they were received and approved. That list currently includes more than 4,000 individual claims, totaling more than \$300 million. Unfortunately, recent budgets have included less than \$20 million per year to make those payments. As a result, at the current rate, districts that are added to the list this year will have to wait more than fifteen years before receiving these payments for expenses already incurred.

Legislation enacted at the end of the 2015 legislative session (Chapter 19 of the Laws of 2015) provided for \$250 million in funds to the state’s non-public schools for past claims, including aid for the taking of attendance. We ask that the state provide equitable treatment to public school districts and the millions of students they serve. A one-time appropriation of **\$330 million** in the 2016-17 budget, separate from and in addition to traditional formula-based state aid, would zero out that list and provide much needed relief to many high-need school districts and allow the state and districts to start fresh without a backlog in 2017-18.

Article VII Proposals

Reform the Triborough Amendment and Last In First Out Requirements

The legislature and the Governor have provided some moderate mandate relief to school districts in recent years. However, none of these changes have provided school districts with an opportunity to make significant structural changes that will reduce costs and aid districts in improving educational outcomes.

NYSSBA recommends that the Executive introduce legislation that would modify the Triborough amendment of the Taylor Law. The Triborough amendment should be modified to level the playing field at the negotiating table. School districts are at a massive disadvantage when bargaining for salary, benefits and work schedules because collective bargaining units are assured that if they do not reach an agreement, the employees will continue to collect step increases, be able to change salary lanes, and receive the same benefits with no increased contribution rates for health insurance and changes in work schedules. A moderate modification to the Triborough amendment to eliminate the continuation of step and lane increases after the expiration of a collective bargaining agreement would provide leverage to districts to negotiate more effectively for those changes that would most benefit students.

Similarly, the legally mandated seniority based layoff system forces school districts to consider only one factor when forced to make reductions in force. District leaders should have the managerial flexibility to retain the staff that best meets the needs of their school community, and consider all factors, including performance and the best interests of students when making lay-off decisions.

Reforms to the Triborough amendment and seniority based layoffs are long overdue. We have provided draft language for these legislative changes. *(See Appendices 6 and 7 – Pages 24 and 25)*

Annual Professional Performance Review Negotiations

NYSSBA recommends the inclusion of language to repeal the APPR compliance penalty. While losing an increase in school aid for any district will have a drastic negative impact on the education of students, the constant threat that this penalty causes for district negotiations impedes all aspects of school district management. The school district management negotiation team is placed at a considerable disadvantage when bargaining with teachers and principals on any issue because the collective bargaining units hold the trump card in negotiations thanks to the yearly compliance deadline. A loss of state aid for the districts is much more painful for students and taxpayers than it is for teachers and principals. Removing annual APPR compliance deadlines will lead to better evaluation plans and more balanced contracts. Boards of education are committed to compliance with all laws, regardless of penalty provisions. The penalty provision only weakens district negotiating positions.

Regional High Schools

NYSSBA requests language that would allow for the creation of regional high schools. By allowing school districts to partner to combine resources with each other or through their BOCES, students across the state could have access to much richer academic programs. Small districts and districts in remote settings struggle to offer students with the diversity of offerings compared to their wealthier peers in more geographically concentrated areas. The New NY Education Reform Commission recommended the creation of these schools in their January 2014 report. The proposal should provide an efficient process to establish regional high schools. Draft language to establish regional high schools is attached. This draft differs from previous versions in that it streamlines the process in the establishment of these schools. *(See Appendix 8 – Page 31)*

Conclusion

As the economy continues to improve and state budget surpluses are reported, this is a critical time for New York's school districts. Years of aid freezes and marginal increases have limited the opportunities our schools are able to afford their students. The state is now in the position to continue to make investments in our public school districts that will pay dividends for years to come. NYSSBA looks forward to working with state leaders to help make that a reality.

Transportation Aid Forgiveness Draft

AN ACT to amend the unconsolidated laws, in relation to transportation aid forgiveness.

Section 1. Subdivisions 1 and 2 of section 16-a of chapter 57 of the laws of 2012 are amended to read as follows:

16-a. 1. Notwithstanding any other provision of law to the contrary, where the education department denies or has denied transportation aid for a school district transportation contract or has recovered overpayments of such aid relating thereto, the actions or omissions of all officers, employees or agents of an eligible school district relating to or in connection with transportation contracts for the 2004-05 school year through the 2014~~5~~-12~~6~~ school year and for contracts and contract extensions entered into prior to the 2004~~15~~-05~~16~~ school year for which expenses were incurred in the 2004-05 school year or thereafter, and, where a district can demonstrate to the satisfaction of the commissioner that such actions or omissions involve only inadvertent and minor clerical or technical errors, all acts incidental thereto are hereby legalized, validated, ratified and confirmed, notwithstanding any failure to comply with the filing provisions of the education law, the general municipal law or any other law, rule or regulation other than those filing provisions defined in paragraph a of subdivision 5 of section 3604 of the education law, in relation to any omission, error, defect, irregularity or illegality in such proceeding had and taken.

2. The education department is hereby directed to consider the contracts legalized, ratified, validated and confirmed pursuant to subdivision 1 of this section for transportation aid as a valid and proper obligation of the school district for aid payable for expense incurred in the 2004-05 school year and thereafter; provided that such school district submits to the education department the applicable contract number or numbers, school year and upon request, a copy of the contract, on or before December 31, 2012~~6~~ and the contract is approved by the commissioner of education, and provided further that any amount due and payable for school years prior to the 2012~~5~~-13~~6~~ school year as a result of this act shall be paid pursuant to the provisions of paragraph c of subdivision 5 of section 3604 of the education law.

Section 2. This act shall take effect immediately.

Proposed LEP/ELL Growth Aid - \$8 million

Annual Growth in LEP Enrollment x 0.2 weighting x Selected Foundation Aid Per Pupil

SCHOOL DISTRICT	2013-14 EST. UNWTD LEP PUPILS	2014-15 EST. UNWTD LEP PUPILS	Growth	.2 weighting	SELECTED FOUNDATION AID/PUPIL	LEP/ELL Growth Aid
HEMPSTEAD	1750	2,150	400	80	\$15,066	\$1,205,304
CENTRAL ISLIP	1679	1,891	212	42	\$13,457	\$570,559
BUFFALO	4400	4,604	204	41	\$11,711	\$477,800
ROOSEVELT	585	700	115	23	\$14,201	\$326,618
YONKERS	2620	2,844	224	45	\$7,191	\$322,170
PEEKSKILL	600	750	150	30	\$9,752	\$292,564
UTICA	1650	1,775	125	25	\$10,717	\$267,919
WYANDANCH	360	450	90	18	\$14,451	\$260,121
EAST RAMAPO	2100	2,350	250	50	\$4,696	\$234,810
ALBANY	715	850	135	27	\$7,889	\$213,003
SYRACUSE	2875	2,964	89	18	\$11,503	\$204,756
WESTBURY	1475	1,550	75	15	\$11,626	\$174,385
RIVERHEAD	775	975	200	40	\$4,294	\$171,759
COPIAGUE	660	750	90	18	\$9,151	\$164,717
ROCHESTER	3532	3,592	60	12	\$12,458	\$149,492
SCHENECTADY	411	465	54	11	\$11,263	\$121,639
BAY SHORE	360	450	90	18	\$6,414	\$115,460
FREEPORT	1300	1,350	50	10	\$9,987	\$99,867
SACHEM	201	285	84	17	\$4,823	\$81,023
FALLSBURGH	100	140	40	8	\$10,029	\$80,230
OSSINING	506	606	100	20	\$3,958	\$79,158
EAST MEADOW	246	334	88	18	\$3,927	\$69,114
MIDDLETOWN	840	868	28	6	\$11,434	\$64,028
NEW ROCHELLE	1080	1,169	89	18	\$3,366	\$59,917
LONGWOOD	406	450	44	9	\$6,210	\$54,649
LIBERTY	89	113	24	5	\$10,325	\$49,558
MARYVALE	50	93	43	9	\$5,361	\$46,105
SOUTH COUNTRY	290	325	35	7	\$6,190	\$43,327
TROY	72	95	23	5	\$8,499	\$39,093
GLEN COVE	405	450	45	9	\$3,451	\$31,063
HAMPTON BAYS	375	423	48	10	\$3,123	\$29,978
CHESTER	0	30	30	6	\$4,963	\$29,780
SHENENDEHOWA	103	149	46	9	\$3,224	\$29,662

SCHOOL DISTRICT	2013-14 EST. UNWTD LEP PUPILS	2014-15 EST. UNWTD LEP PUPILS	Growth	.2 weighting	SELECTED FOUNDATION AID/PUPIL	LEP/ELL Growth Aid
GUILDERLAND	153	200	47	9	\$3,149	\$29,598
GENEVA	132	150	18	4	\$7,970	\$28,691
MIDDLE COUNTRY	375	400	25	5	\$5,566	\$27,831
WILLIAM FLOYD	345	360	15	3	\$9,149	\$27,446
BETHPAGE	28	68	40	8	\$3,356	\$26,849
AMSTERDAM	120	133	13	3	\$8,314	\$21,617
CARMEL	102	130	28	6	\$3,794	\$21,246
DUNKIRK	216	225	9	2	\$11,133	\$20,040
NYACK	156	190	34	7	\$2,792	\$18,983
SPENCERPORT	68	85	17	3	\$5,404	\$18,372
RAMAPO	121	150	29	6	\$3,100	\$17,978
ELLENVILLE	60	70	10	2	\$8,602	\$17,205
DEER PARK	185	200	15	3	\$5,619	\$16,858
PENFIELD	41	67	26	5	\$3,227	\$16,778
EASTCHESTER	173	213	40	8	\$2,091	\$16,729
WARWICK VALLEY	35	57	22	4	\$3,793	\$16,690
SIDNEY	0	9	9	2	\$8,952	\$16,114
MOUNT MORRIS	40	47	7	1	\$11,318	\$15,846
PHELPS-CLIFTON	18	28	10	2	\$7,782	\$15,563
LIVERPOOL	120	135	15	3	\$5,160	\$15,481
WILSON	0	12	12	2	\$6,317	\$15,160
HALF HOLLOW HI	160	190	30	6	\$2,485	\$14,907
SOUTH COLONIE	85	105	20	4	\$3,545	\$14,179
SMITHTOWN	70	95	25	5	\$2,770	\$13,852
HUNTINGTON	614	638	24	5	\$2,820	\$13,537
MONTICELLO	121	130	9	2	\$7,197	\$12,954
PENN YAN	0	13	13	3	\$4,947	\$12,863
PATCHOGUE-MEDF	860	870	10	2	\$6,232	\$12,464
WEST HEMPSTEAD	138	156	18	4	\$3,454	\$12,435
CONNETQUOT	80	95	15	3	\$4,132	\$12,395
DOVER	40	50	10	2	\$6,130	\$12,260
WEST GENESEE	42	55	13	3	\$4,623	\$12,019
PERRY	0	7	7	1	\$8,488	\$11,883
CLYDE-SAVANNAH	0	5	5	1	\$11,329	\$11,329
LANSINGBURGH	42	48	6	1	\$9,005	\$10,806
COMSEWOGUE	185	195	10	2	\$5,284	\$10,568
CORNING	35	45	10	2	\$5,232	\$10,464
SOMERS	38	61	23	5	\$2,219	\$10,208

SCHOOL DISTRICT	2013-14 EST. UNWTD LEP PUPILS	2014-15 EST. UNWTD LEP PUPILS	Growth	.2 weighting	SELECTED FOUNDATION AID/PUPIL	LEP/ELL Growth Aid
WESTFIELD	12	18	6	1	\$8,377	\$10,052
WAPPINGERS	98	110	12	2	\$4,075	\$9,781
KINGSTON	222	230	8	2	\$6,081	\$9,730
MARLBORO	31	43	12	2	\$4,042	\$9,701
WANTAGH	11	24	13	3	\$3,689	\$9,591
BREWSTER	152	166	14	3	\$3,364	\$9,420
WILLIAMSVILLE	234	250	16	3	\$2,922	\$9,352
LYNDONVILLE	0	5	5	1	\$9,351	\$9,351
BINGHAMTON	220	225	5	1	\$9,347	\$9,347
SWEET HOME	104	115	11	2	\$4,177	\$9,188
MONROE WOODBUR	230	240	10	2	\$4,581	\$9,163
NIAGARA WHEATF	14	23	9	2	\$5,056	\$9,100
GENESE0	16	25	9	2	\$4,943	\$8,898
WATERVLIET	38	43	5	1	\$8,712	\$8,712
GREAT NECK	262	349	87	17	\$500	\$8,700
SCHUYLERVILLE	20	28	8	2	\$5,369	\$8,590
ITHACA	231	245	14	3	\$3,021	\$8,460
FRONTIER	18	27	9	2	\$4,564	\$8,215
FRANKLIN SQUAR	45	55	10	2	\$3,996	\$7,992
SOUTHERN CAYUG	17	24	7	1	\$5,484	\$7,678
RENSSELAER	65	70	5	1	\$7,596	\$7,596
LISBON	0	4	4	1	\$9,338	\$7,470
FULTON	13	17	4	1	\$9,275	\$7,420
WHITESBORO	19	27	8	2	\$4,590	\$7,344
GREENPORT	65	80	15	3	\$2,407	\$7,221
HUDSON	129	135	6	1	\$5,905	\$7,086
VICTOR	39	48	9	2	\$3,804	\$6,848
BROCTON	0	3	3	1	\$11,347	\$6,808
BRIGHTON	100	110	10	2	\$3,244	\$6,488
OTEGO-UNADILLA	0	4	4	1	\$8,055	\$6,444
CLINTON	15	24	9	2	\$3,495	\$6,292
BEDFORD	473	534	61	12	\$500	\$6,100
AVON	3	8	5	1	\$5,998	\$5,998
OSWEGO	35	41	6	1	\$4,892	\$5,871
SPRINGS	66	115	49	10	\$593	\$5,812
PLAINEDGE	27	34	7	1	\$4,117	\$5,764
PORT WASHINGTO	425	450	25	5	\$1,148	\$5,738
NORTHEAST	33	40	7	1	\$3,990	\$5,586

SCHOOL DISTRICT	2013-14 EST. UNWTD LEP PUPILS	2014-15 EST. UNWTD LEP PUPILS	Growth	.2 weighting	SELECTED FOUNDATION AID/PUPIL	LEP/ELL Growth Aid
AMHERST	75	83	8	2	\$3,477	\$5,563
MAHOPAC	95	102	7	1	\$3,957	\$5,540
E. IRONDEQUOIT	110	115	5	1	\$5,462	\$5,462
CALEDONIA MUMF	4	8	4	1	\$6,811	\$5,449
WAYLAND-COHOCT	0	3	3	1	\$9,054	\$5,432
MT MARKHAM CSD	8	11	3	1	\$9,026	\$5,415
EAST QUOGUE	32	51	19	4	\$1,400	\$5,319
SAUGERTIES	41	46	5	1	\$5,315	\$5,315
OWEGO-APALACHI	10	14	4	1	\$6,398	\$5,118
PLAINVIEW	55	65	10	2	\$2,516	\$5,032
GLENS FALLS	0	5	5	1	\$5,010	\$5,010
HERRICKS	190	200	10	2	\$2,460	\$4,921
CAMBRIDGE	0	4	4	1	\$6,095	\$4,876
N. TONAWANDA	36	40	4	1	\$5,993	\$4,794
SAYVILLE	8	14	6	1	\$3,971	\$4,765
NORTHPORT	90	102	12	2	\$1,975	\$4,739
VALLEY STR CHS	145	150	5	1	\$4,675	\$4,675
WINDSOR	4	7	3	1	\$7,584	\$4,550
HERKIMER	0	3	3	1	\$7,483	\$4,490
SUSQUEHANNA VA	1	5	4	1	\$5,605	\$4,484
V STR THIRTEEN	125	130	5	1	\$4,438	\$4,438
RED HOOK	35	40	5	1	\$4,327	\$4,327
PORT JERVIS	23	25	2	0	\$10,521	\$4,208
ISLIP	130	135	5	1	\$4,183	\$4,183
WESTHILL	8	13	5	1	\$4,151	\$4,151
LEWISTON PORTE	0	6	6	1	\$3,354	\$4,024
HARRISON	270	310	40	8	\$500	\$4,000
SODUS	40	42	2	0	\$9,695	\$3,878
PERU	0	3	3	1	\$6,437	\$3,862
HORNELL	1	3	2	0	\$9,515	\$3,806
JERICHO	56	90	34	7	\$558	\$3,792
COBLESKL-RICHM	1	4	3	1	\$6,276	\$3,766
PAWLING	43	50	7	1	\$2,663	\$3,728
CROTON HARMON	30	40	10	2	\$1,850	\$3,701
SOUTHAMPTON	179	215	36	7	\$500	\$3,600
VALLEY-MONTGMR	37	40	3	1	\$5,749	\$3,449
BALDWIN	250	254	4	1	\$4,293	\$3,434
LAURENS	1	3	2	0	\$8,524	\$3,410

SCHOOL DISTRICT	2013-14 EST. UNWTD LEP PUPILS	2014-15 EST. UNWTD LEP PUPILS	Growth	.2 weighting	SELECTED FOUNDATION AID/PUPIL	LEP/ELL Growth Aid
ROCKVILLE CENT	53	61	8	2	\$2,129	\$3,406
BELLMORE-MERRI	33	38	5	1	\$3,338	\$3,338
TONAWANDA	6	9	3	1	\$5,484	\$3,291
OLEAN	1	3	2	0	\$8,165	\$3,266
DE RUYTER	4	6	2	0	\$8,121	\$3,248
WESTHAMPTON BE	75	106	31	6	\$500	\$3,100
ONTEORA	29	38	9	2	\$1,716	\$3,089
MOHONASEN	17	20	3	1	\$4,761	\$2,856
CLARENCE	20	25	5	1	\$2,853	\$2,853
MIDDLEBURGH	0	2	2	0	\$7,119	\$2,848
GREENBURGH	125	142	17	3	\$831	\$2,827
CLEVELAND HILL	8	10	2	0	\$6,897	\$2,759
PHOENIX	1	3	2	0	\$6,896	\$2,758
LYNCOURT	8	10	2	0	\$6,760	\$2,704
AUBURN	15	17	2	0	\$6,747	\$2,699
ARLINGTON	129	132	3	1	\$4,497	\$2,698
BLIND BROOK-RY	15	24	9	2	\$1,484	\$2,672
ELMONT	192	194	2	0	\$6,671	\$2,668
MILLER PLACE	20	23	3	1	\$4,358	\$2,615
BALLSTON SPA	22	25	3	1	\$4,335	\$2,601
STARPOINT	8	11	3	1	\$4,269	\$2,561
LE ROY	5	7	2	0	\$6,336	\$2,535
SENECA FALLS	4	6	2	0	\$6,034	\$2,414
VOORHEESVILLE	0	4	4	1	\$2,843	\$2,275
BEACON	73	75	2	0	\$5,669	\$2,268
TUCKAHOE	49	55	6	1	\$1,681	\$2,017
SARATOGA SPRIN	40	44	4	1	\$2,451	\$1,961
WHEATLAND CHIL	8	10	2	0	\$4,794	\$1,918
PANAMA	0	1	1	0	\$9,316	\$1,863
BALDWINVILLE	22	24	2	0	\$4,616	\$1,846
YORKSHIRE-PIONE	2	3	1	0	\$9,030	\$1,806
HARBORFIELDS	40	43	3	1	\$2,997	\$1,798
EDEN	0	2	2	0	\$4,462	\$1,785
LAKELAND	73	75	2	0	\$4,291	\$1,716
HUNTER TANNERS	2	6	4	1	\$2,117	\$1,693
DUNDEE	0	1	1	0	\$8,391	\$1,678
MADISON	2	3	1	0	\$8,320	\$1,664
S. JEFFERSON	2	3	1	0	\$8,286	\$1,657

SCHOOL DISTRICT	2013-14 EST. UNWTD LEP PUPILS	2014-15 EST. UNWTD LEP PUPILS	Growth	.2 weighting	SELECTED FOUNDATION AID/PUPIL	LEP/ELL Growth Aid
SCHODACK	1	3	2	0	\$3,936	\$1,574
ISLAND PARK	40	45	5	1	\$1,557	\$1,557
THOUSAND ISLAN	0	2	2	0	\$3,871	\$1,548
SOUTH SENECA	0	1	1	0	\$7,680	\$1,536
BATAVIA	15	16	1	0	\$7,548	\$1,510
ARKPORT	0	1	1	0	\$7,432	\$1,486
CANTON	0	1	1	0	\$7,339	\$1,468
WARRENSBURG	1	2	1	0	\$7,228	\$1,446
BROCKPORT	27	28	1	0	\$7,101	\$1,420
GARDEN CITY	7	15	8	2	\$841	\$1,345
JORDAN ELBRIDG	1	2	1	0	\$6,629	\$1,326
PINE BUSH	75	76	1	0	\$6,604	\$1,321
POTSDAM	10	11	1	0	\$6,314	\$1,263
COOPERSTOWN	0	2	2	0	\$2,862	\$1,145
EAST ROCHESTER	9	10	1	0	\$5,614	\$1,123
SAUQUOIT VALLE	6	7	1	0	\$5,613	\$1,123
GREENWICH	0	1	1	0	\$5,506	\$1,101
OYSTER BAY	82	93	11	2	\$500	\$1,100
SOUTHOLD	65	76	11	2	\$500	\$1,100
CHAZY	0	1	1	0	\$5,402	\$1,080
BROADALBIN-PER	1	2	1	0	\$5,231	\$1,046
MECHANICVILLE	2	3	1	0	\$5,170	\$1,034
FREDONIA	33	34	1	0	\$5,166	\$1,033
WAYNE	16	17	1	0	\$4,701	\$940
BYRAM HILLS	0	9	9	2	\$500	\$900
GREENWOOD LAKE	0	1	1	0	\$4,494	\$899
HEWLETT WOODME	118	120	2	0	\$2,246	\$898
MATTTTUCK-CUTC	50	55	5	1	\$896	\$896
MARCELLUS	7	8	1	0	\$4,346	\$869
BELLEVILLE-HEN	1	2	1	0	\$4,302	\$860
NORTH BELLMORE	32	33	1	0	\$4,242	\$848
BRIARCLIFF MAN	4	8	4	1	\$962	\$770
NORTH WARREN	6	9	3	1	\$1,275	\$765
GRAND ISLAND	47	48	1	0	\$3,825	\$765
CAZENOVIA	10	11	1	0	\$3,795	\$759
WINDHAM ASHLAN	5	12	7	1	\$500	\$700
RYE	93	100	7	1	\$500	\$700
LANSING	10	11	1	0	\$3,438	\$688

SCHOOL DISTRICT	2013-14 EST. UNWTD LEP PUPILS	2014-15 EST. UNWTD LEP PUPILS	Growth	.2 weighting	SELECTED FOUNDATION AID/PUPIL	LEP/ELL Growth Aid
IROQUOIS	3	4	1	0	\$3,228	\$646
ORCHARD PARK	15	16	1	0	\$3,061	\$612
AMAGANSETT	0	5	5	1	\$500	\$500
HAUPPAUGE	54	55	1	0	\$2,498	\$500
SHELTER ISLAND	7	11	4	1	\$500	\$400
MAMARONECK	186	190	4	1	\$500	\$400
SKANEATELES	4	5	1	0	\$1,908	\$382
LONG BEACH	144	145	1	0	\$1,706	\$341
KATONAH LEWISB	32	34	2	0	\$833	\$333
EDGEMONT	32	33	1	0	\$1,554	\$311
PORT JEFFERSON	18	20	2	0	\$500	\$200
COLD SPRING HA	10	11	1	0	\$500	\$100
FIRE ISLAND	2	3	1	0	\$500	\$100
QUOGUE	0	1	1	0	\$500	\$100
BRIDGEHAMPTON	20	21	1	0	\$500	\$100
CHAPPAQUA	35	36	1	0	\$500	\$100
STATE TOTAL	45,662	50,824	5,162			\$7,400,253

Seniority Flexibility for Educators with Certain Language Skills

AN ACT to amend the education law, in relation to abolishment of positions and employees that speak multiple languages.

Section 1. The education law is amended by adding new section 3038 to read as follows:

1. Notwithstanding any other provision of law to the contrary, whenever a board of education or board of cooperative educational services abolishes or reduces a position or positions under this chapter, and the teacher or teaching assistant whose position would be abolished based on length of service speaks a second language commonly spoken by students and parents in the community, as determined by the superintendent, the school district or board of cooperative educational services shall terminate the employee with the least seniority in the tenure area to be abolished that does not possess a second language commonly spoken by such students and parents.

Section 2. This action will take effect immediately.

Proposed Enrollment Growth Aid - \$120 million

Annual Enrollment Growth greater than 4% x Selected Foundation Aid Per Pupil

School District	2013-14 Est Enrollment	2014-15 Est Enrollment	Growth	.04% Threshold	Eligible Growth	SELECTED FOUNDATION AID/PUPIL	Growth Aid
NEW YORK CITY	1044496	1057106	12610	4178	8432	\$6,695	\$56,450,829
HEMPSTEAD	7699	8479	780	31	749	\$14,992	\$11,232,426
BUFFALO	40161	40984	823	161	662	\$11,717	\$7,760,872
BRENTWOOD	17879	18471	592	72	520	\$14,238	\$7,410,620
CENTRAL ISLIP	6672	7078	406	27	379	\$13,449	\$5,101,409
ROOSEVELT	3261	3501	240	13	227	\$14,241	\$3,232,180
ROCHESTER	32533	32915	382	130	252	\$12,458	\$3,137,678
WYANDANCH	2174	2341	167	9	158	\$14,410	\$2,281,188
FREEPORT	6636	6877	241	27	214	\$9,959	\$2,135,836
WESTBURY	4960	5113	153	20	133	\$11,817	\$1,573,558
MOUNT VERNON	8505	8733	228	34	194	\$7,998	\$1,551,456
YONKERS	25941	26256	315	104	211	\$7,191	\$1,519,061
EAST RAMAPO	8356	8696	340	33	307	\$4,696	\$1,439,742
LACKAWANNA	2254	2369	115	9	106	\$11,460	\$1,214,535
COPIAGUE	5051	5198	147	20	127	\$9,151	\$1,160,300
UTICA	10004	10152	148	40	108	\$10,711	\$1,156,614
UNIONDALE	6690	6858	168	27	141	\$7,773	\$1,097,816
PEEKSKILL	3138	3214	76	13	63	\$9,713	\$616,264
TROY	4698	4783	85	19	66	\$8,504	\$563,020
OSSINING	4521	4675	154	18	136	\$3,952	\$537,192
ALBANY	10665	10770	105	43	62	\$7,882	\$491,353
RIVERHEAD	5248	5380	132	21	111	\$4,291	\$476,352
PORT CHESTER	4499	4583	84	18	66	\$6,214	\$410,134
VALLEY STR UF	1489	1560	71	6	65	\$5,169	\$336,181
SALMON RIVER	1473	1508	35	6	29	\$11,096	\$322,972
LONGWOOD	9160	9241	81	37	44	\$6,210	\$275,483
MIDDLETOWN	7253	7304	51	29	22	\$11,440	\$251,549
ANDOVER	322	344	22	1	21	\$11,316	\$234,378
HAMPTON BAYS	2082	2159	77	8	69	\$3,123	\$214,443
N. ROSE-WOLCOT	1250	1278	28	5	23	\$8,891	\$204,492
HUNTINGTON	4454	4543	89	18	71	\$2,818	\$200,604
MOUNT MORRIS	527	544	17	2	15	\$11,356	\$169,112

School District	2013-14 Est Enrollment	2014-15 Est Enrollment	Growth	.04% Threshold	Eligible Growth	SELECTED FOUNDATION AID/PUPIL	Growth Aid
FORT EDWARD	520	542	22	2	20	\$8,273	\$164,796
MCGRAW	522	540	18	2	16	\$10,034	\$159,659
RED CREEK	910	928	18	4	14	\$11,116	\$159,628
ALEXANDER	833	855	22	3	19	\$8,509	\$158,852
HINSDALE	432	448	16	2	14	\$11,087	\$158,231
BROCTON	552	568	16	2	14	\$11,472	\$158,224
OP-EPH-ST JHNS	740	758	18	3	15	\$10,375	\$156,033
SCHOHARIE	828	858	30	3	27	\$5,828	\$155,533
SAUQUOIT VALLE	1014	1045	31	4	27	\$5,609	\$151,121
LONG BEACH	3604	3696	92	14	78	\$1,706	\$132,367
V STR TWENTY-F	1069	1099	30	4	26	\$5,127	\$131,884
SENECA FALLS	1264	1291	27	5	22	\$5,954	\$130,653
LIVINGSTON MAN	460	478	18	2	16	\$7,462	\$120,584
ROSCOE	251	275	24	1	23	\$5,087	\$116,977
SHERBURNE EARL	1341	1357	16	5	11	\$10,844	\$115,338
ARDSLEY	2027	2081	54	8	46	\$2,285	\$104,866
BYRON BERGEN	982	999	17	4	13	\$7,498	\$98,011
JOHNSBURG	314	336	22	1	21	\$4,510	\$93,552
DE RUYTER	399	412	13	2	11	\$8,130	\$92,710
NORTH BABYLON	4770	4805	35	19	16	\$5,725	\$91,143
JAMESVILLE-DEW	2919	2958	39	12	27	\$3,308	\$90,379
SALEM	493	508	15	2	13	\$6,830	\$88,986
MECHANICVILLE	1366	1388	22	5	17	\$5,166	\$85,425
WAVERLY	1601	1617	16	6	10	\$8,796	\$84,404
S. KORTRIGHT	363	378	15	1	14	\$5,991	\$81,161
SHENENDEHOWA	9758	9822	64	39	25	\$3,224	\$80,499
HIGHLAND FALLS	980	996	16	4	12	\$6,119	\$73,917
SANDY CREEK	783	794	11	3	8	\$8,361	\$65,783
PULASKI	1094	1105	11	4	7	\$9,878	\$65,432
BAY SHORE	5986	6020	34	24	10	\$6,414	\$64,504
NORTH COLLINS	597	608	11	2	9	\$7,185	\$61,881
ALLEGANY-LIMES	1160	1173	13	5	8	\$7,281	\$60,866
NORWOOD NORFOL	1015	1025	10	4	6	\$10,204	\$60,615
MALVERNE	1710	1730	20	7	13	\$4,406	\$57,986
BOLIVAR-RICHBG	794	802	8	3	5	\$11,843	\$57,129
PLAINVIEW	4881	4923	42	20	22	\$2,516	\$56,555
BELFAST	343	349	6	1	5	\$12,000	\$55,534

School District	2013-14 Est Enrollment	2014-15 Est Enrollment	Growth	.04% Threshold	Eligible Growth	SELECTED FOUNDATION AID/PUPIL	Growth Aid
WYNANTSKILL	308	324	16	1	15	\$3,738	\$55,206
LA FAYETTE	840	852	12	3	9	\$6,119	\$52,865
LYNCOURT	319	328	9	1	8	\$6,774	\$52,325
NEW ROCHELLE	10737	10795	58	43	15	\$3,366	\$50,667
VICTOR	4268	4298	30	17	13	\$3,804	\$49,184
LYONS	886	894	8	4	4	\$10,822	\$48,225
BATH	1528	1539	11	6	5	\$9,622	\$47,035
CANTON	1244	1255	11	5	6	\$7,356	\$44,315
CHAZY	456	466	10	2	8	\$5,412	\$44,251
AVOCA	438	445	7	2	5	\$8,365	\$43,901
FLORAL PARK	1458	1478	20	6	14	\$3,052	\$43,241
NYACK	2992	3018	26	12	14	\$2,792	\$39,172
MINEOLA	2653	2680	27	11	16	\$2,252	\$36,911
NORTH BELLMORE	2102	2119	17	8	9	\$4,232	\$36,361
VAN HORNSVILLE	192	197	5	1	4	\$8,338	\$35,285
OAKFIELD ALABA	823	830	7	3	4	\$9,167	\$33,991
GREENBURGH	1721	1768	47	7	40	\$832	\$33,377
BEMUS POINT	705	716	11	3	8	\$4,072	\$33,313
HEUVELTON	495	500	5	2	3	\$10,209	\$30,832
BALDWINVILLE	5589	5618	29	22	7	\$4,616	\$30,669
CANASERAGA	225	229	4	1	3	\$9,858	\$30,560
MORAVIA	976	984	8	4	4	\$7,153	\$29,299
DELHI	756	765	9	3	6	\$4,869	\$29,099
LANSING	1161	1174	13	5	8	\$3,446	\$28,793
EASTCHESTER	3173	3199	26	13	13	\$2,091	\$27,828
MADISON	470	475	5	2	3	\$8,334	\$26,003
NORTHVILLE	440	449	9	2	7	\$3,503	\$25,364
SHARON SPRINGS	275	279	4	1	3	\$8,149	\$23,632
OSWEGO	3871	3891	20	15	5	\$4,892	\$22,093
MARGARETVILLE	352	363	11	1	10	\$2,259	\$21,666
NORTH WARREN	526	542	16	2	14	\$1,275	\$17,714
ELLENVILLE	1738	1747	9	7	2	\$8,593	\$17,598
WHEELERVILLE	123	131	8	0	8	\$2,331	\$17,500
MAMARONECK	5143	5195	52	21	31	\$500	\$15,714
RHINEBECK	1103	1116	13	4	9	\$1,776	\$15,250
CLYMER	432	436	4	2	2	\$6,617	\$15,033
LYNDONVILLE	602	606	4	2	2	\$9,336	\$14,863

School District	2013-14 Est Enrollment	2014-15 Est Enrollment	Growth	.04% Threshold	Eligible Growth	SELECTED FOUNDATION AID/PUPIL	Growth Aid
EDGEMONT	1905	1922	17	8	9	\$1,554	\$14,575
SPRINGS	706	732	26	3	23	\$593	\$13,733
SCHENEVUS	351	354	3	1	2	\$7,974	\$12,727
LETCHWORTH	895	900	5	4	1	\$8,915	\$12,659
RYE	3311	3347	36	13	23	\$500	\$11,378
MANHASSET	3313	3348	35	13	22	\$500	\$10,874
CLINTON	1293	1301	8	5	3	\$3,498	\$9,894
NORTH COLONIE	5373	5398	25	21	4	\$2,445	\$8,576
SCARSDALE	4801	4836	35	19	16	\$500	\$7,898
WESTHAMPTON BE	1836	1856	20	7	13	\$500	\$6,328
LAKE GEORGE	854	870	16	3	13	\$500	\$6,292
S. GLENS FALLS	3185	3199	14	13	1	\$4,975	\$6,269
MINERVA	113	117	4	0	4	\$1,727	\$6,126
GENERAL BROWN	1502	1509	7	6	1	\$5,381	\$5,338
MONTAUK	332	342	10	1	9	\$500	\$4,336
EDINBURG	77	83	6	0	6	\$729	\$4,147
GREENPORT	656	660	4	3	1	\$2,409	\$3,314
BRIDGEHAMPTON	140	147	7	1	6	\$500	\$3,220
EAST QUOGUE	435	439	4	2	2	\$1,400	\$3,163
WESTHILL	1810	1818	8	7	1	\$4,151	\$3,154
TOWN OF WEBB	270	277	7	1	6	\$500	\$2,960
REMSENBURG	157	161	4	1	3	\$500	\$1,686
KEENE	169	172	3	1	2	\$500	\$1,162
BOLTON	180	183	3	1	2	\$500	\$1,140
OYSTERPONDS	68	70	2	0	2	\$500	\$864
LAKE PLACID	658	662	4	3	1	\$500	\$684
STATE TOTAL	1448236	1468984	20748				\$119,982,501

Appropriation Language Supporting the State Assessment Programs

EDUCATION DEPARTMENT STATE OPERATIONS 2015-16

For the purpose of carrying out the provisions of subdivision 51-a of section 305 of the education law and in order to create and print more forms of state assessments in order to eliminate stand-alone multiple choice field tests and release 90% of test questions on the grade 3-8 assessments required under the Elementary and Secondary Education Act. Such funding shall be payable on the audit and warrant of the comptroller on vouchers certified or approved by the division of the budget as submitted by the commissioner of education in the manner prescribed by law.

Total Amount Available.....8,400,000

Triborough Reform Draft

AN ACT to amend the civil service law, in relation to continuation of the terms of expired contracts.

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

Section 1. Paragraph (e) of subdivision 1 of section 209-a of the civil service law is amended to read as follows:

§ 209-a. Improper employer practices; improper employee organization practices; application. 1. Improper employer practices. It shall be an improper practice for a public employer or its agents deliberately (a) to interfere with, restrain or coerce public employees in the exercise of their rights guaranteed in section two hundred two of this article for the purpose of depriving them of such rights; (b) to dominate or interfere with the formation or administration of any employee organization for the purpose of depriving them of such rights; (c) to discriminate against any employee for the purpose of encouraging or discouraging membership in, or participation in the activities of, any employee organization; (d) to refuse to negotiate in good faith with the duly recognized or certified representatives of its public employees; (e) to refuse to continue all the terms of an expired agreement until a new agreement is negotiated, **except a public school district or board of cooperative education services may refuse to continue any automatic pay increases based on length of service, educational attainment or any other criteria that would guarantee an employee additional compensation beyond the base salary in the final year of the now expired contract**, unless the employee organization which is a party to such agreement has, during such negotiations or prior to such resolution of such negotiations, engaged in conduct violative of subdivision one of section two hundred ten of this article; (f) to utilize any state funds appropriated for any purpose to train managers, supervisors or other administrative personnel regarding methods to discourage union organization or to discourage an employee from participating in a union organizing drive; or (g) to fail to permit or refuse to afford a public employee the right, upon the employee's demand, to representation by a representative of the employee organization, or the designee of such organization, which has been certified or recognized under this article when at the time of questioning by the employer of such employee it reasonably appears that he or she may be the subject of a potential disciplinary action. If representation is requested, and the employee is a potential target of disciplinary action at the time of questioning, a reasonable period of time shall be afforded to the employee to obtain such representation. It shall be an affirmative defense to any improper practice charge under paragraph (g) of this subdivision that the employee has the right, pursuant to statute, interest arbitration award, collectively negotiated agreement, policy or practice, to present to a hearing officer or arbitrator evidence of the employer's failure to provide representation and to obtain exclusion of the resulting evidence upon demonstration of such failure. Nothing in this section shall grant an employee any right to representation by the representative of an employee organization in any criminal investigation.

Section 2. This act shall take effect immediately.

Seniority Reform Draft

AN ACT to amend the education law, in relation to abolishment of positions and appointments from the preferred eligible list.

Section 1. The education law is amended by adding a new section 3037 to read as follows:

§3037. 1. Notwithstanding any other provision of law to the contrary, whenever a board of education abolishes or reduces a position or positions under this chapter or adds a position from the preferred eligible list, the superintendent of the school district shall recommend which teachers and teaching assistants should be retained. Such recommendation shall be based on an evaluation of the employee's performance and qualifications and the educational needs of the district, including by not limited to:

(a) annual professional performance reviews and annual teacher and principal evaluations conducted pursuant to 3012-c and 3012-d of this chapter, where applicable;

(b) the school needs for particular certification areas, school and community needs, and specific areas of expertise;

(c) failure to obtain permanent certification within prescribed time limits; and

(d) the length of service.

2. The superintendent shall be prohibited from considering employee's salary when making a layoff recommendation.

3. The board of education shall exercise its discretion and shall approve or reject the recommendations of the superintendent, provided that the board of education may not consider the employee's salary when choosing whether to approve or reject the recommendation.

Section 2. A new paragraph (e-1) is added to subdivision 4 of section 1950 of the education law to read as follows:

(e-1) (1). Notwithstanding any other provision of law to the contrary, whenever a board of cooperative educational services abolishes or reduces a position or positions under this chapter or adds a position from the preferred eligible list, the district superintendent of the board of cooperative educational services shall recommend which teachers and teaching assistants should be retained. Such recommendation shall be based on an evaluation of the employee's performance and qualifications and the educational needs of the district, including by not limited to:

(i) annual professional performance reviews and annual teacher and principal evaluations conducted pursuant to 3012-c and 3012-d of this chapter, where applicable;

(ii) the school needs for particular certification areas, school and community needs, and specific areas of expertise;

(iii) failure to obtain permanent certification within prescribed time limits; and

(iv) the length of service.

(2). The district superintendent shall be prohibited from considering the employee's salary when making a layoff recommendation.

(3). The board of cooperative educational services shall exercise its discretion and shall approve or reject the recommendations of the district superintendent, provided that the board of cooperative educational services may not consider the employee's salary when choosing whether to approve or reject the recommendation.

Section 3. Subdivision 2 of section 1505-a of the education law, as added by chapter 871 of the laws of 1982, is amended to read as follows:

2. ~~Any~~ Notwithstanding any other provision of law to the contrary, any such teacher who is unable to obtain a teaching position in any such school district to which territory is added, because the number of positions needed are less than the number of teachers eligible to be considered employees pursuant to subdivision one of this section, shall, in all such school districts to which territory is added, be placed on a preferred eligible list of candidates for appointment to a vacancy that may thereafter occur in a position similar to the one such teacher filled in such former school district. The teachers on such a preferred eligible list shall be appointed to such vacancies in such corresponding or similar positions under the jurisdiction of the school district to which territory is added ~~[in the order of their length of service in such former school district]~~ pursuant to section three thousand thirty seven of this chapter, within seven years from the date of the dissolution of such former school district.

Section 4. Section 1917 of the education law, as added by chapter 732 of the laws of 1981, is amended to read as follows:

§ 1917. Employees; employment rights. ~~[Teachers]~~ Notwithstanding any other provision of law to the contrary, teachers and other staff members of component districts, except the superintendent of schools, whose services in the component districts are no longer needed because of creation of a central high school district, shall be granted employment rights in central high school districts in accordance with ~~[length of service]~~ section three thousand thirty seven of this chapter, in each tenure area.

Section 5. Subdivisions 1 and 4 of section 1917-a of the education law, as added by section 93 of part L of chapter 405 of the laws of 1999, are amended to read as follows:

1. ~~[Teachers]~~ Notwithstanding any other provision of law to the contrary, teachers and other staff members of component districts, except the superintendent of schools, whose services in the component districts are no longer needed because of the creation of a central high school district or the transference of students to an existing central high school district, shall be granted employment rights in central high school districts in accordance with the provisions of this section.

4. If the number of teaching and other positions needed to provide the educational services required by such central high school district is less than the number of teachers and other employees eligible to be considered employees of such central high school district as provided by subdivision three of this section, ~~[the services of the]~~ decisions regarding retention of teachers and other employees ~~[having the least seniority]~~ in the component district within the tenure area of the position shall be ~~[discontinued]~~ made pursuant to section three thousand thirty seven of this chapter. Such teachers and other employees shall be placed on a preferred

eligible list of candidates for appointment to a vacancy that may thereafter occur in an office or position under the jurisdiction of the component district, the "receiving district" as defined in section three thousand fourteen-c of this chapter, from which a component district has taken back students, and the central high school district similar to the one such teacher or other employee filled in such component district. The teachers and other employees on such preferred lists shall be reinstated or appointed to such vacancies in such corresponding or similar positions under the jurisdiction of the component district or the central high school district [~~in the order of their length of service in such component district,~~] within seven years from the date of the abolition of such office or position pursuant to **section three thousand thirty seven of this chapter.**

Section 6. Paragraph f of subdivision 5 of section 2218 of the education law, as added by section 83 of part L of chapter 405 of the laws of 1999, is amended to read as follows:

f. [~~Members~~] **Notwithstanding any other provision of law to the contrary, members** of the teaching and supervisory staff of the pre-existing school district at the time of the reorganization shall have the right to select the school district in which he or she shall be considered an employee, with the same tenure status he or she maintained in the pre-existing school district. Such selection shall be based on each teacher's seniority in the pre-existing school district, with the right of selection passing from such teachers with the most seniority to such teachers with the least seniority. Any such teacher who is unable to obtain a teaching position in the new school district because the number of positions needed is less than the number of teachers eligible to be considered employees pursuant to this paragraph shall, in such new school district and in the remaining school district, be placed on a preferred eligible list of candidates for appointment to a vacancy that may thereafter occur in a position similar to the one such teacher filled in the pre-existing school district. Such teachers shall be appointed to vacancies in such corresponding or similar positions [~~in the order of their length of service in the pre-existing school district~~] pursuant to **section three thousand thirty seven of this chapter** within seven years from the date of the reorganization pursuant to this section. For such teachers, for salary, sick leave or any other purpose, the length of service credited in the pre-existing school district shall be credited as employment time with the new school district or the remaining school district, as applicable.

Section 7. Subdivision 2 and paragraph (a) of subdivision 3 of section 2510 of the education law, subdivision 2 as added by chapter 762 of the laws of 1950 and paragraph (a) of subdivision 3 as amended by chapter 236 of the laws of 1993, are amended to read as follows:

2. [~~Whenever~~] **Notwithstanding any other provision of law to the contrary, whenever** a board of education abolishes a position under this chapter, [~~the services of the teacher having the least seniority in the system within the tenure of the position abolished~~] **decisions regarding retention** shall be [~~discontinued~~] made **section three thousand thirty seven of this chapter.**

(a) If an office or position is abolished or if it is consolidated with another position without creating a new position, the person filling such position at the time of its abolishment or consolidation shall be placed upon a preferred eligible list of candidates for appointment to a vacancy that then exists or that may thereafter occur in an office or position similar to the one which such person filled without reduction in salary or increment, provided the record of such person has been one of faithful, competent service in the office or position he has filled. The persons on such preferred list shall be reinstated or appointed to such vacancies in such corresponding or similar positions [~~in the order of their length of service in the system at any time~~] within seven years from the date of abolition or consolidation of such office or position pursuant to **section three thousand thirty seven of this chapter.** Notwithstanding any other provision of law to the contrary, in the event that a member of the New York state teachers' retirement system, who is receiving a disability retirement allowance,

shall have such disability retirement allowance rescinded, such member shall be placed upon such preferred eligible list as of the effective date of his or her disability retirement.

Section 8. Subdivisions 3 and 4 of section 2585 of the education law, subdivision 3 as renumbered by chapter 762 of the laws of 1950 and subdivision 4 as renumbered by chapter 521 of the laws of 1976, are amended to read as follows:

3. ~~[Whenever]~~ **Notwithstanding any provision of law to the contrary, whenever** a board of education abolishes a position under this chapter, ~~[the services of the teacher having the least seniority in the system]~~ **decisions regarding retention** within the tenure of the position abolished shall be ~~[discontinued]~~ **made pursuant to section three thousand thirty seven of this chapter.**

4. If an office or position is abolished or if it is consolidated with another position without creating a new position, the person filling such position at the time of its abolishment or consolidation shall be placed upon a preferred eligible list of candidates for appointment to a vacancy that then exists or that may thereafter occur in an office or position similar to the one which such person filled without reduction in salary or increment, provided the record of such person has been one of faithful, competent service in the office or position he or she has filled. The persons on such preferred list shall be reinstated or appointed to such corresponding or similar positions ~~[in the order of their length of service in the system]~~ **pursuant to section three thousand thirty seven of this chapter.**

Section 9. Subdivision 2 and paragraph (a) of subdivision 3 of section 3013 of the education law, as added by chapter 737 of the laws of 1992, is amended to read as follows:

2. ~~[Whenever]~~ **Notwithstanding any other provision of law to the contrary, whenever** a trustee, board of trustee, board of education or board of cooperative educational services abolishes a position under this chapter, ~~[the services of the teacher having the least seniority in the system within the tenure of the position abolished]~~ **decisions regarding retention** of teachers shall be ~~[discontinued]~~ **made pursuant to section three thousand thirty seven of this chapter.**

(a) If an office or position is abolished or if it is consolidated with another position without creating a new position, the person filling such position at the time of its abolishment or consolidation shall be placed upon a preferred eligible list of candidates for appointment to a vacancy that then exists or that may thereafter occur in an office or position similar to the one which such person filled without reduction in salary or increment, provided the record of such person has been one of faithful, competent service in the office or position he or she has filled. The persons on such preferred list shall be reinstated or appointed to such vacancies in such corresponding or similar positions ~~[in the order of their length of service in the system]~~ **pursuant to section three thousand thirty seven of this chapter,** at any time within seven years from the date of abolition or consolidation of such office or position.

Section 10. Subdivision 2 of section 3014-a of the education law, as amended by chapter 511 of the laws of 1998, is amended to read as follows:

2. ~~[If]~~ **Notwithstanding any other provision of law to the contrary, if** the number of teaching positions needed to provide the services required by such program by the board or boards of cooperative educational services is less than the number of teachers, teaching assistants and teacher aides eligible to be considered employees of such board or boards of cooperative educational services as provided by subdivision one of this section, ~~[the services of the teachers, teaching assistants and teacher aides having the least seniority in the school district or school districts or county vocational education and extension board whose programs are taken over]~~

by the board or boards of cooperative educational services within the tenure area or civil service title of the position] **decisions regarding layoffs and retention of such employees** shall be [discontinued] made pursuant **section three thousand thirty seven of this chapter and paragraph (e-1) of subdivision 4 of section nineteen hundred fifty of this chapter**. Such teachers, teaching assistants and teacher aides shall be placed on a preferred eligible list of candidates for appointment to a vacancy that may thereafter occur in an office or position under the jurisdiction of the board or boards of cooperative educational services similar to the one such teacher, teaching assistant and teacher aide filled in such school district or school districts or such county vocational education and extension board. The teachers, teaching assistants and teacher aides on such preferred list shall be reinstated or appointed to such vacancies in such corresponding or similar positions under the jurisdiction of the board or boards of cooperative educational services [in the order of their length of service in such school district or school districts or in such county vocational education and extension board] **pursuant section three thousand thirty seven and paragraph (e-1) of subdivision 4 of section nineteen hundred fifty of this chapter**, within seven years from the date of the abolition of such office or position.

Section 11. Subdivisions 2 of section 3014-b of the education law, as amended by chapter 511 of the laws of 1998, is amended to read as follows:

2. [H] **Notwithstanding any other provision of law to the contrary, if** the number of teaching positions needed to provide the services required by such program by the school district is less than the number of teachers, teaching assistants and teacher aides eligible to be considered employees of such school district as provided by subdivision one of this section, [the services of the teachers, teaching assistants and teacher aides having the least seniority in the board of cooperative educational services whose programs are taken over by the school district within the tenure area or civil service title of the position] **decisions regarding retention of such employees** shall be [discontinued] **made pursuant section three thousand thirty seven and paragraph (e-1) of subdivision 4 of section nineteen hundred fifty of this chapter**. Such teachers, teaching assistants and teacher aides shall be placed on a preferred eligible list of candidates for appointment to a vacancy that may thereafter occur in an office or position under the jurisdiction of the school district similar to the one such teacher, teaching assistant and teacher aide filled in such board of cooperative educational services. The teachers, teaching assistants and teacher aides on such preferred list shall be reinstated or appointed to such vacancies in such corresponding or similar positions under the jurisdiction of the school district [in the order of their length of service in such board of cooperative educational services, within seven years from the date of the abolition of such office or position] **pursuant section three thousand thirty seven and paragraph (e-1) of subdivision 4 of section nineteen hundred fifty of this chapter**.

Section 12. Subdivision 3 of section 3014-c of the education law, as added by chapter 706 of the laws of 1989, is amended to read as follows:

3. [H] **Notwithstanding any other provision of law to the contrary, if** the number of teaching positions needed to provide the educational services required by such sending district is less than the number of teachers eligible to be considered employees of such sending district as provided by subdivision two of this section, [the services of the teachers having the least seniority in the receiving district whose students are taken back by the sending district within the tenure area of the position] **decisions regarding retention of teachers** shall be [discontinued] **made pursuant section three thousand thirty seven of this chapter**. Such teachers shall be placed on a preferred eligible list of candidates for appointment to a vacancy that thereafter occur in an office or position under the jurisdiction of the sending district and the receiving district similar to the one such teacher filled in such receiving district. The teachers on such preferred list shall be reinstated or appointed to such vacancies in such corresponding or similar positions under the jurisdiction of the sending district or the

receiving district ~~[in the order of their length of service in such receiving district, within seven years from the date of the abolition of such office or position]~~ **pursuant section three thousand thirty seven of this chapter.**

Section 13. Subdivision 3 of section 3014-d of the education law, as added by chapter 706 of the laws of 1989, is amended to read as follows:

3. ~~[H]~~ **Notwithstanding any other provision of law to the contrary, if** the number of teaching positions needed to provide the educational services required by such receiving district is less than the number of teachers eligible to be considered employees of such receiving district as provided by subdivision two of this section, ~~[the services of the teachers having the least seniority in the sending district within the tenure area of the position]~~ **decisions regarding retention** shall be ~~[discontinued]~~ **made pursuant section three thousand thirty seven of this chapter.** Such teachers shall be placed on a preferred eligible list of candidates for appointment to a vacancy that may thereafter occur in an office or position under the jurisdiction of the sending district and the receiving district similar to the one such teacher filled in such sending district. The teachers on such preferred list shall be reinstated or appointed to such vacancies in such corresponding or similar positions under the jurisdiction of the sending district or the receiving district ~~[in the order of their length of service in such sending district]~~ **pursuant section three thousand thirty seven of this chapter,** within seven years from the date of the abolition of such office or position.

Section 14. This act shall take effect immediately.

Regional High Schools Draft

AN ACT to amend the education law, in relation to authorizing regional high schools

Section 1. The education law is amended by adding new article 39-A to read as follows:

ARTICLE 39-A
REGIONAL HIGH SCHOOLS

1920. Establishment of a regional high school operated by a board of education or board of cooperative educational services.

1921. State aid for regional high schools.

1922. Regional high school advisory committee.

§ 1920. Establishment of a regional high school operated by a board of education or a board of cooperative educational services. 1. Notwithstanding any other provision of law to the contrary, for purposes of this article, a regional high school shall mean a high school with grades nine, ten, eleven and twelve serving two or more school districts.

2. A regional high school may be established pursuant to this section by agreement of the boards of education of two or more city school districts, central school districts, union free school districts and/or common school districts that are wholly contained within the supervisory district of a board of cooperative educational services. The regional high school may also be operated by board of cooperative educational services upon agreement by such board. Provided, however, that a component school district of a central high school district and a special act school district, as defined in section four thousand one of this chapter, shall not be authorized to participate in a regional high school. A central high school district also may enter into an agreement with school districts other than its component school districts that are wholly contained within the supervisory district of a board of cooperative educational services to establish a regional high school. Such regional high school shall serve all or some of the students in each of the participating districts in grades nine through twelve, provided that each participating district shall cease district operation of at least one high school. The regional high school may be operated by one of the participating school districts upon the agreement of the other participating districts, and such district shall assume the responsibility to operate, supervise and maintain the regional high school and the administration of such high school. If a board of cooperative educational services is part of the agreement to establish a regional high school, the regional high school shall be operated by the board of cooperative educational services, which shall assume the responsibility to operate, supervise and maintain the regional high school and the administration of such high school. For purposes of this article, the school district or board of cooperative educational services designated as the operating district shall be referred to as the hosting district. Alternatively, the regional high school may be operated by a joint board of education established pursuant to this section. The establishment of a regional high school shall be subject to the approval of the commissioner, in a manner and timeframe, as set forth within this section.

3. To establish a regional high school, two or more participating school districts must initially adopt, by majority vote of the board of education of each participating district, a resolution establishing such regional high school. To establish a regional high school operated by a board of cooperative educational services such board must also adopt such resolution. The resolution shall indicate the participating school districts and whether the school would be governed by a hosting district, a joint board of education, or a board of cooperative educational services and the term of the contract governing the regional high school. If a board of cooperative educational services is operating the regional high school, such board shall govern the regional high school. The resolution shall be voted on by each board at a meeting held no later than October first of the school year prior to the school year in which the regional high school is to commence operation.

4. With the consent of each of the participating boards of education, and board of cooperative education services if applicable, and approval of the commissioner, additional school districts otherwise eligible to establish the regional high school may join the regional high school in the second or a subsequent year of operation by adopting a board resolution substantially in the manner prescribed in subdivision two of this section.

5. (a) Upon receipt of board of education approval in all participating school districts, and board of cooperative education services if applicable, such districts shall submit the proposed contract, together with the plan of formation and operation of the regional high school, to the commissioner for his or her approval, in a time and manner prescribed by the commissioner. Such contract shall be an inter-municipal sharing agreement pursuant to article five-G of the general municipal law that complies with the requirements of this section.

(b) The regional high school and the proposed contract shall meet the following requirements:

(i) the contract shall specify its term, which shall not be less than five nor more than seven school years, and shall either designate the board of education of the hosting district as the governing board that will operate the regional high school on behalf of all participating districts, or the joint board of education that will serve as governing board for the regional high school, or the board of cooperative education services shall serve as the governing board of the regional high school if such board is part of the regional high school agreement. The governing board shall have responsibility for the operation, supervision and maintenance of the regional high school and shall be responsible for the administration of the school, including the curriculum, grading, staffing and the issuance of diplomas for all students that attend the regional high school, as shall be designated in the contract. Provided, however, that the contract may provide for issuance of the diploma by the student's school district of residence upon certification by the governing board that all graduation requirements of the regional high school have been met. The regional high school shall be deemed a school of the governing board for accountability purposes;

(ii) the contract shall provide the name of the school, which shall be subject to the commissioner's approval and designate the site of the regional high school, which shall be within the boundaries of one of the participating districts or the boundaries of the supervisory district of the board of cooperative educational services, if applicable, and where possible, should use existing buildings and/or infrastructure;

(iii) notwithstanding any other provision of law to the contrary, the contract shall provide that each participating school district shall be responsible for providing or arranging for transportation to its

resident students attending the regional high school in accordance with its school district policy, but without regard to any maximum mileage limitation. Such transportation may be provided by contract, including but not limited to a contract with one or more participating districts or a board of cooperative educational services and notwithstanding any other provision of law to the contrary, all transportation provided pursuant to this subparagraph shall be aidable and the aid ratio shall be based on the highest aid ratio of a school district forming the regional high school;

(iv) the contract shall specify that the students of each participating school district shall remain enrolled as students of their respective participating school districts, and they shall be treated and counted as such for purposes of all state aid calculations pursuant to this chapter;

(v) the contract shall designate either the board of education of the hosting district to serve as the governing board of the regional high school or shall provide for the establishment of a new joint board of education for the regional high school with at least five members, with representatives appointed by each participating district, provided however, the contract must designate the board of cooperative educational services as the hosting district, if applicable. The contract shall specify the number, term, and procedures for appointment of joint board members. If the districts choose to create a new joint board of education, the board shall have the same powers and duties with respect to the regional high school as a board of education of a union free school district has with respect to its schools under this chapter, except as modified by the terms of the contract;

(vi) the current enrollment of all participating school districts and the projected total enrollment numbers of the regional high school;

(vii) all teachers, teaching assistants and teacher aides of the participating school districts, whose services in the participating school districts are no longer needed because of the establishment of a regional high school or the transfer of students to an existing regional high school, as a result of a new participating school district joining the regional high school shall immediately become employees of the governing board designated in the contract, and shall retain their tenure and/or employment status and the seniority gained in the participating district. If the number of teaching, teaching assistant or teacher aide positions needed to provide the educational services required by a regional high school is less than the number of teachers, teaching assistants, and teacher aides eligible to be considered employees of the designated governing board of such regional high school pursuant to this paragraph, the services of the excess teachers, teaching assistants and teacher aides shall be discontinued at the sole discretion of the governing board, without regard to seniority. Any such employees who are teachers, teaching assistants or teacher aides shall be placed on a preferred eligible list of candidates for appointment to a vacancy that may thereafter occur in an office or position under the jurisdiction of the participating school district in accordance with the provisions of section twenty-five hundred ten or three thousand thirteen of this chapter. For any such teacher, teaching assistant or teacher aide who is retained by the governing board, for salary, sick leave and any other purposes, the length of service credited in such participating school district prior to its participation in the regional high school shall be credited as employment time with the designated governing board;

(viii) upon termination of the contract pursuant to this section and the return of students from the regional high school to the former participating school district, the teachers, teaching assistants, and teacher aides employed by the governing board to serve in the regional high school shall have the same employment rights in the participating school districts as teachers would have upon takeover of a

board of cooperative educational services program by such school districts pursuant to section three thousand fourteen-b of this chapter;

(ix) the contract shall specify the process for development of the budget for the regional high school by the designated governing board and how operating and administrative costs and the local share of capital expenses attributable to the regional high school will be allocated among the participating districts;

(x) the contract shall specify the costs of the regional high school, staffing, current and future capital construction plans and for the delivery of special education programs;

(xi) the contract shall specify the procedures for discipline of students attending the regional high school, including the applicable code of conduct provided that such code of conduct meets the requirements of section twenty-eight hundred one of this chapter and procedures for superintendents' hearings and appeals to the board of education pursuant to section thirty-two hundred fourteen of this chapter;

(xii) the contract shall specify the costs of the operation of the regional high school for each participating school district and an itemized listing of the cost savings, if any, for each participating school district;

(xiii) the contract shall specify the fiscal implications of the regional high school including expected state aid and expected changes in expenditures and property tax levies;

(xiv) the contract shall specify whether the employees of the regional high school shall establish new employee organizations, pursuant to article fourteen of the civil service law, for their representation, or, where applicable, whether they shall become members of the applicable employee organizations representing the employees of the hosting district, and the contract shall provide that the determination of bargaining unit status and representation rights shall be in accordance with article fourteen of the civil service law and the rules of procedure of the public employment relations board.

(xv) the contract shall set forth any other information or analysis as may be required by the regulations of the commissioner.

6. If the commissioner approves the proposed contract, the regional high school shall be established. The contract shall be for a period of at least five and not more than seven school years and, with the approval of the commissioner, may be renewed by mutual agreement of the boards of education of the participating districts. The regional high school shall commence operations on the first of July, and shall not cease operations before the thirtieth of June in any school year.

§ 1921. State aid for regional high schools. 1. Students attending a regional high school shall be deemed enrolled in their school district of residence and shall be included in the applicable membership, enrollment and attendance counts of their respective school districts of residence for purposes of computation of state aid to such school districts. The costs of educating each such student shall be included in the approved operating expense of the student's school district of residence and except as otherwise provided in this section, the state aid attributable to such student shall be computed in the same manner as aid attributable to other resident students and shall be payable to the school district of residence.

2. Notwithstanding any other provision of law to the contrary, the school district that owns the facility used to house the regional high school shall be the only school district eligible for building aid pursuant to the applicable provisions of subdivision six, six-a, six-c, six-e or six-f of section thirty-six hundred two of this chapter for projects involving the regional high school that are approved by the qualified voters of such district after establishment of the regional high school, provided that such aid shall be computed using the building aid ratio applicable to projects of the school district that owns the regional high school facility under the provisions of paragraphs b and c of subdivision six of section thirty-six hundred two of this chapter. Such aid shall be paid to such school district or to the board of cooperative educational services on behalf of such school district where the board of cooperative educational services operates the regional high school. The school district or board of cooperative educational services shall allocate the local share of the costs of such projects to the participating school districts in accordance with its contract entered into pursuant to section nineteen hundred twenty or nineteen hundred twenty-one of this article. The costs of such projects shall not be eligible for aid pursuant to subdivision six-b or paragraph c of subdivision fourteen of section thirty-six hundred two of this chapter.

3. Notwithstanding any provision of section nineteen hundred fifty or nineteen hundred fifty-one of this title to the contrary, in the case of a regional high school operated by a board of cooperative educational services that is housed in a facility owned by a participating school district, the capital expenses for building projects involving the regional high school shall be a charge upon the participating school districts only, and such costs shall not be allocated to other component school districts. Such capital expenses shall not be eligible for aid pursuant to subdivision five of section nineteen hundred fifty of this title. Provided, however, that costs of aidable shared services provided by the board of cooperative educational services to supplement the programs of the regional high school shall be eligible for aid pursuant to such subdivision five, the administrative expenses attributable to the regional high school and the capital expenses attributable to a regional high school housed in a facility owned by the board of cooperative educational services shall be allocated to component school districts in accordance with section nineteen hundred fifty or nineteen hundred fifty-one of this title and shall be eligible for aid pursuant to such subdivision five.

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

§ 1922. Regional high school advisory committee. 1. Each regional high school established and operated pursuant to this article shall establish an advisory committee. The advisory committee shall be composed of the president of the board of education of each participating school district, the president of the board of education of each supervisory board of cooperative educational services, where applicable, and the superintendent of each participating school district and the superintendent of the supervisory district in which the regional high school is located. The superintendent of the supervisory district shall be the chair of the advisory committee.

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

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

oo. Pursuant to article thirty-nine-A of this title, a board of cooperative educational services may enter into an agreement with two or more school districts eligible to enter such an agreement in accordance with section nineteen hundred twenty-one of this title, which may include city school districts, central school districts, central high school districts, union free school districts, and/or common school districts which are wholly contained within the supervisory district of the board of cooperative educational services, to form a regional high school to be operated by the board of cooperative educational services. The board of cooperative educational services shall have the same powers and duties with respect to such regional high school as the board of education of a union free school district has with respect to its schools, consistent with the terms of its agreement with the participating school districts.

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

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

(13) To develop core curriculum for students attending a regional high school established pursuant to the provisions of section nineteen hundred twenty of this title.

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

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

(8) For regional high schools established pursuant to section nineteen hundred twenty of this title, the board of cooperative educational services shall prepare and propose a tentative budget of expenditures for program, administrative and capital costs to operate the regional high school in the ensuing school year. Such proposed budget shall be provided to the board of education of each participating school district of the regional high school, by the date provided in the agreement entered into pursuant to such section nineteen hundred twenty. The board of education of each participating school district shall be afforded to review and comment on the proposed budget prior to its final adoption by the board of cooperative educational services.

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

k. Transition incentive aid for regional high schools. (1) Notwithstanding the provisions of paragraphs a through j of this subdivision, for aid payable in the two thousand sixteen--two thousand seventeen school year or thereafter, school districts that are parties to an agreement to establish and operate a regional high school pursuant to article thirty-nine-A of this chapter entered into on or after July first, two thousand sixteen and participated in such regional high school in the base year shall be eligible for transition incentive aid pursuant to this paragraph provided that the following conditions are met:

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

(ii) the regional high school agreement includes at least one school district which previously maintained its own high school, and does not maintain its own high school following the establishment of the regional high school, and in addition thereto, includes at least one additional school district employing eight or more teachers that do not maintain their own high schools.

(2) In each of the first five years in which a school district is party to such agreement, such district shall be entitled to an apportionment equal to the product of (i) ten percent of the apportionment computed in accordance with the provisions of paragraph d-1 of this subdivision, multiplied by (ii) the quotient of the number of pupils within such school district attending the regional high school in the base year divided by the resident public school district enrollment of such school district within the grades of the new regional high school or schools; provided further that such districts shall be eligible to receive an additional apportionment equal to the product of (iii) five percent of the apportionment computed in accordance with the provisions of paragraph d-1 of this subdivision multiplied by (iv) the quotient of the number of pupils within such school district attending the regional high school in the base year divided by the resident public school district enrollment of such school district within the grades of the new regional high school or schools upon meeting academic achievement goals as established by the commissioner in accordance with a methodology prescribed in the regulations of the commissioner. In no case shall the sum of such apportionments under this paragraph plus the selected operating aid per pupil be more than a total of ninety-five per centum of the year prior to the base year approved operating expense. School districts which receive an apportionment under this paragraph shall not be eligible for an apportionment under paragraph c, f or j of this subdivision.

§ 6. This act shall take effect July 1, 2016, provided that if this act becomes a law after such date, it shall take effect immediately and be deemed to have been in full force and effect on and after July 1, 2016.