

**NEW YORK § 1950. Establishment of boards of cooperative educational services pending the creation of intermediate districts**

1. The boards of education and school trustees of a supervisory district which is not part of an intermediate district, meeting at a time and place to be designated by the district superintendent of schools, may, by a majority vote of their members present and voting, file with the commissioner of education a petition for the establishment of a board of cooperative educational services for the purpose of carrying out a program of shared educational services in the schools of the supervisory district and for providing instruction in such special subjects as the commissioner may approve. The commissioner, by order, may establish such a board with membership of not less than five nor more than fifteen, upon such application and when a vacancy occurs in the office of district superintendent of schools shall establish such a board, unless the commissioner shall issue an order pursuant to section twenty-two hundred one redistricting the county so as to provide for a lesser number of supervisory districts. The commissioner, by order, may authorize a board, established prior to July second, nineteen hundred sixty-five, to increase its membership to not less than five nor more than fifteen. board exceeds the number of component school districts or unless an unrepresented 2. Upon the establishment by the commissioner of such a board, [fig 1] boards of education and school trustees, by a [fig 2] vote [fig 3] pursuant to subdivision two-a of this section shall elect a board of cooperative educational services. Except for elections conducted pursuant to subdivision two-a of this section, and the adoption of a public resolution regarding the approval or disapproval of the tentative administrative budget pursuant to subparagraph five of paragraph b of subdivision four of this section, component [fig 4] districts having more than five board of education members shall be limited to five votes on any matters relating to the district superintendency or board of cooperative educational services. [fig 5] A full term shall be [fig 6] three years to serve from July first next following election. It shall be the duty of such meeting by order of such meeting to divide into a sufficient number of classes the terms of the members of the board of cooperative educational services so that as nearly as possible an equal number of members shall be elected to the board each year. Notwithstanding any other provision of this subdivision, upon the decrease of the full term of members from five to three years, the board of cooperative educational services shall direct that one or more members be elected for a term of one, two or four years in order to assure, as nearly as possible, that an equal number of members will be elected to the board each year. Members of such board shall be reimbursed for necessary expenses for attending meetings of such boards. The district superintendent shall be the executive officer of the board, and where a board of cooperative educational services comprises two or more supervisory districts the district superintendents, together with the president of the board of cooperative educational services, shall act as an executive committee. 2-a. a. Notwithstanding any other provision of law, commencing on and after the first day of [fig 1] November, nineteen hundred [fig 2] ninety-three, the members of a board of cooperative educational services shall be elected in accordance with the provisions of this subdivision. b. Not later than the first day of February of each year the president of the board of cooperative educational services shall designate a single date on or after the sixteenth day and on or before the thirtieth day of April on which each component board, other than the board of education of a central high school district, shall conduct a public meeting which may be a regular or special meeting, for the purpose of electing members of the board of

cooperative educational services and adopting a public resolution concerning the approval or disapproval of the tentative administrative budget. In the case of a central high school district, such public meeting shall be held on the regular business day next following the date designated by the president of the board of cooperative educational services. Nomination of a person to be elected to a board of cooperative educational services shall be made by at least one component district by board resolution. Such resolution shall be transmitted in writing to the clerk of the board of cooperative educational services at least thirty days prior to the date of the election as designated by the president of the board of cooperative educational services. No nomination of a person to be elected to a board of cooperative educational services from a component district which currently has a resident serving on such board shall be accepted unless such member's office is to expire at the end of the current year [fig 1] , unless the size of such district declines to make a nomination. For purposes of this subdivision, any such person or board member nominated by a special act school district, a central high school district or any district which is a component of a central high school district shall be deemed a resident of the district that nominated him or her only. Furthermore, it shall be the duty of the board of cooperative educational services to encourage the nomination of persons residing in component districts not currently represented on such board. The clerk shall include the name and address of each person nominated on the election ballot to be distributed in accordance with paragraph c of this subdivision. c. Members of the boards of cooperative educational services shall be elected by resolution of the component boards on a ballot prepared by the clerk of the board of cooperative educational services. Such ballot shall be mailed to each component district no later than fourteen days prior to the date designated as the day of the election by the president of the board of cooperative educational services. Each component district shall be entitled to one vote for each vacant office to be filled. A component board may not cast more than one vote for any candidate. The candidates receiving a plurality of the votes cast for the several offices shall be elected, provided, however, that no more than one person residing in a particular component district may be elected to serve as a member of a board of cooperative educational services at one time unless the number of seats on such board exceeds the number of component districts or unless an unrepresented district declines to make a nomination, provided further that a person nominated by a special act school district, a central high school district or a component of a central high school district shall be deemed a resident of the nominating district only for this purpose. Where more than one position is to be filled by such election and there is a variance in the length of the terms for which such offices are to be filled as authorized by this subdivision, or one or more persons are to be elected for a full term or terms and one or more persons are to be elected for the unexpired portion of a term or terms, or both, the candidate receiving the greatest number of votes shall be entitled to the longest term and candidates receiving the next highest number of votes, to the several offices in decreasing order of the length of such terms or unexpired portions of such terms. Each component school district shall mail or deliver its completed ballot to the clerk of the board of cooperative educational services no later than one business day after the election. d. In the event that more eligible persons than the number remaining to be elected receive an equal number of votes sufficient that fewer persons receiving such number of votes would be elected, the president of the board of cooperative educational services shall call a run-off election to

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

number of classes the terms of the members of the board of cooperative educational services so that as nearly as possible an equal number of members shall be elected to the e. (Added, L 1994) Notwithstanding any other provision of this subdivision to the contrary, in the event a component school district will be transferred to a new supervisory district as of July first next succeeding the date designated for the annual election of the board of cooperative educational services, and such component district, as of April fifteenth of the current year, does not have a resident who is a member of the board of cooperative educational services of the supervisory district of which it is a component in the current year, such component district shall be eligible to nominate candidates and vote in the annual board election of the boards of cooperative educational services to which the component district will be transferred, as if such transfer had already occurred.

f. In the event of a vacancy in the membership of a board of cooperative educational services which occurs prior to January first in any school year or during the period commencing five days prior to the date designated for submission of nominations of candidates to the board of cooperative educational services and ending on the last day of the school year, a special election to fill such vacancy shall be conducted in accordance with the provisions of paragraphs b, c and d of this subdivision on a date designated by the president of the board of cooperative educational services not late [later]\* than forty-five days after the date the vacancy occurred. In the event of a vacancy in the membership of a board of cooperative educational services which occurs on or after January first and prior to the fifth day preceding the date designated for submission of nominations of candidates the board of cooperative educational services may fill such vacancy by appointment and the person so appointed shall hold office until the next annual election of the board of cooperative educational services. Notwithstanding any other provision of this subdivision, any vacancy which occurs on or after July first, nineteen hundred ninety-three and prior to January first, nineteen hundred ninety-four shall be filled by a special election in accordance with paragraphs b, c and d of this subdivision.

2-b. Where the commissioner of education has established or hereafter establishes a board of cooperative educational services for the purpose of carrying out a program of shared educational services in the schools of two or more supervisory districts, the commissioner may by order designate the number of members of such board which shall not be less than five nor more than fifteen, or may by order increase the number of members of such board to a maximum of fifteen or decrease the number of members to a minimum of five. Except for elections conducted pursuant to subdivision two-a of this section, and the adoption of a public resolution regarding the approval or disapproval of the tentative administrative budget pursuant to subparagraph five of paragraph b of subdivision four of this section, component [fig 1] districts having more than five board of education members shall be limited to five votes on any matters

relating to the district superintendency or board of cooperative educational services. Boards [fig 1] of education and school trustees, [fig 2] shall elect the members of such board of cooperative educational services pursuant to subdivision two-a of this section. A full term shall be [fig 3] three years to serve from July first next following election. It shall be the duty of such meeting by order of such meeting to divide into a sufficient district superintendent at the time of separation from service be compensated for accrued board each year. Notwithstanding any other provision of this subdivision, upon the decrease of the full term of members from five to three years, the board of cooperative educational services shall direct that one or more members be elected for a term of one, two or four years in order to assure, as nearly as possible, that an equal number of members will be elected to the board each year. Members of boards of cooperative educational services shall be reimbursed for necessary expenses for attending meetings of such board. Where the board of cooperative educational services comprises two or more supervisory districts, the district superintendents, together with the president of the board of cooperative educational services, shall act as an executive committee. 3. The boards of cooperative educational services in any two or more supervisory districts may cooperate in the provision of any of the services authorized by subdivision four of this section. In such cases, the district superintendents of the respective supervisory districts shall serve as an executive committee to carry out the decision of the boards of cooperative educational services in their respective districts. Agreements may be made by such boards arranging for such cooperative services on such terms and conditions as may be agreed upon and providing the method of allocation of the cost thereof. Such agreements may be made for such period as may be approved by the commissioner but not to exceed ten years. The terms of such agreement shall be binding upon such boards and their component districts for the period specified in such agreement. 4. The board of cooperative educational services shall have the power and duty to: a. (1) Appoint a district superintendent of schools in the manner provided in section twenty-two hundred four of this chapter, and in its discretion to provide for the payment of supplementary salary to the district superintendent of schools by the supervisory district. The term of any employment contract or agreement between a district superintendent and the board of cooperative educational services that is entered into or amended on or after the effective date of this subparagraph shall not exceed three years. Copies of employment contracts and amendments to such contracts entered into pursuant to this paragraph shall be filed with the commissioner within [fig 1] five days of execution. (2) Notwithstanding any inconsistent provision of law in no event shall the total salary including amounts paid pursuant to section twenty-two hundred nine of this chapter for district superintendents for each school year through the two thousand two--two thousand three school year exceed ninety-eight percent of that earned by the commissioner for state fiscal year nineteen hundred ninety-two--ninety-three, and in no event shall such total salary for a district superintendent for the two thousand three--two thousand four school year or any subsequent school year exceed: (i) one hundred six percent of the salary cap applicable in the preceding school year, or (ii) ninety-eight percent of that earned by the commissioner in the two thousand three--two thousand four state fiscal year, whichever is less. In no event shall any district superintendent be permitted to accumulate vacation or sick leave credits in excess of the vacation and sick leave credits managerial/confidential employees of the state are permitted to accumulate pursuant to regulations promulgated by the state

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

(3) (Added, L 2003) Notwithstanding any provision of law to the contrary, any employee of a board of cooperative educational services who is appointed as the district superintendent of schools shall vacate his or her prior position with the board of cooperative educational services upon appointment as district superintendent, and no district superintendent shall have a contract of employment with the board of cooperative educational services other than a contract entered pursuant to this paragraph.

b. (1) Prepare, prior to the annual meeting of members of the boards of education and school trustees, held as provided in paragraph o of this subdivision, a tentative budget of expenditures for the program costs, a tentative budget for capital costs, and a tentative budget for the administration costs of the board of cooperative educational services. Such budgets shall include the proposed budget for the upcoming school year, the previous school year's actual costs and the current school year's projected costs for each object of expenditure. Such program, capital and administrative budgets shall be separately delineated in accordance with the definition of program, capital and administrative costs which shall be promulgated by the commissioner after consultation with school district

(4) (Added, L 1993) The board of cooperative educational services shall give public include the number of full-time equivalent positions funded and total salary and, except

as noted herein, fringe benefit costs for such positions by program. Each program budget shall also include [fig 1] the local and statewide unit costs of such programs and services proposed for the upcoming school year, such actual unit costs for the previous school year, and the current school year's projected unit costs, all established in accordance with paragraph d of this subdivision. The capital budget shall include facility construction and lease expenditures authorized pursuant to paragraphs p, t and u of this subdivision, payments for the repayment of indebtedness related to capital projects, payments for the acquisition or construction of facilities, sites or additions, provided that such budget shall contain a rental, operations and maintenance section that will include base rent costs, total rent costs, operations and maintenance charges, cost per square foot for each facility rented or leased by such board of cooperative educational services, and any and all expenditures associated with custodial salaries and benefits, service contracts, supplies, utilities, maintenance and repairs for such facilities, and that such budget shall include the annual debt service and total debt for all facilities financed by bonds or notes of the component districts, annual rental and lease payments and total rental and lease costs for all facilities rented by such board; such capital budget shall also include expenditures resulting from court judgments and orders from administrative bodies or officers, and, to the extent a board's administrative budget has been adopted, one-time costs incurred in the first year in which an employee retires. The administrative budget shall include, but need not be limited to, office and central administrative expenses, traveling expenses and salaries and benefits of supervisors and administrative personnel necessary to carry out the central administrative duties of the supervisory district, any and all expenditures associated with the board, the office of district superintendent, general administration, central support services, planning, and all other administrative activities. Such administrative budget shall also specify the amount of supplementary salary and benefits, if any, which the board determines should be paid to the district superintendent of schools and the board shall append to such budget a detailed statement of the total compensation to be paid the district superintendent of schools by the board, including a delineation of the salary, annualized cost of benefits and any in-kind or other form of remuneration to be paid, plus, commencing with the presentation of the budget for the nineteen hundred ninety-seven--ninety-eight school year, a list of items of expense eligible for reimbursement on expense accounts in the ensuing school year and a statement of the amount of expenses paid to the district superintendent of schools in the prior year for purposes of carrying out his or her official duties. (2) (Added, L 1993) The board of cooperative educational services shall provide copies of such tentative budgets and attachments to the trustees or board of education of each component school district of the board of cooperative educational services at least ten days prior to the annual meeting held pursuant to paragraph o of this subdivision. Such trustees or boards of education shall make such budgets available to the residents of their respective school districts upon request. (3) (Added, L 1993) The board of cooperative educational services shall comply with any reasonable requests for additional information not contained in such budgets which may be requested prior to the annual meeting held pursuant to paragraph o of this subdivision. three--ninety-four school year. notice of the annual meeting held pursuant to paragraph o of this subdivision by publishing a notice once each week within the two weeks preceding the annual meeting held as provided in paragraph o of this subdivision, the first publication to be at least fourteen days before such meeting, in two newspapers if

there be two, or in one newspaper if there shall be but one, having general circulation within the board of cooperative educational services. If no newspaper shall have general circulation therein, said notice shall be posted in at least twenty of the most public places in the board of cooperative educational services at least fourteen days before such meeting. Such notice shall state that the tentative budgets will be presented by the board of cooperative educational services to the trustees or board of education of each component school district of the board of cooperative educational services in attendance at such meeting. Such notice shall also include a summary of the tentative administrative, capital and program budgets in a form prescribed by the commissioner. The summary of the administrative budget shall include, but shall not be limited to, the salary and benefits of supervisors and administrative personnel of the board of cooperative educational services and the total compensation payable to the district superintendent of schools. Such notice shall also indicate when a copy of the tentative budgets will be available for inspection by the public during regular business hours at one or more locations specified in the notice. (5) The trustees or board of education of each component school district of the board of cooperative educational services shall adopt a public resolution which shall approve or disapprove such tentative administrative budget at a regular or special meeting to be held within the component district on the date designated pursuant to subdivision two-a of this section as the date for election of members of the board of cooperative educational services, or in the case of the board of education of a central high school district on the regular business day next following such designated date. If the resolutions adopted by the trustees or boards of education of a majority of the component school districts of the board of cooperative educational services actually voting approve the tentative administrative budget, the board of cooperative educational services may adopt the tentative administrative budget without modification. If a majority of the component school districts actually voting fail to adopt resolutions [fig 1] approving such tentative administrative budget, or if the number of component school districts approving the budget equals the number of school districts disapproving the budget, the board of cooperative educational services shall prepare and adopt a contingency administrative budget which shall not exceed the amount of the administrative budget of the board of cooperative educational services for the previous school year except to accommodate expenditure increases attributable to supplemental retirement allowances payable pursuant to section five hundred thirty-two of this chapter and section seventy-eight of the retirement and social security law. For purposes of development of a budget for the nineteen hundred ninety-four--ninety-five school year, each board of cooperative educational services shall separate its program, capital and administrative costs for the nineteen hundred ninety-three--ninety-four school year in the manner prescribed by the commissioner, and shall submit the resulting separate administrative budget to the commissioner for approval. Upon approval of the commissioner, such separate administrative budget shall be deemed the administrative budget of the board of cooperative educational services for the nineteen hundred ninety-savings equals or exceeds the level identified by the merger planning task force appointed (6) (Added, L 1994) Notwithstanding any other provision of this section, any component school district which will be transferred to a new supervisory district as of July first next succeeding the date designated for the vote on the tentative administrative budget shall vote on the administrative budget of the board of cooperative educational services to which it will be

transferred, as if such transfer had already occurred. Where the commissioner has issued an order for the merger of two or more supervisory districts to take effect on July first, in the school year immediately preceding the merger, the boards of cooperative educational services to be merged shall jointly prepare a program, administrative and capital budget for the merged board of cooperative educational services and shall jointly conduct a vote on the tentative administrative budget of the merged board of cooperative educational services in accordance with this paragraph as if the merger was already in effect. In the event such a merger does not take effect on July first, the commissioner shall be authorized to order the boards of cooperative educational services to be merged to develop program, administrative and capital budgets and conduct a vote on administrative budgets in the manner prescribed by this section on dates other than those specified in this section. (7) Each component school district shall transmit the resolution either approving or disapproving the board of cooperative educational services' tentative administrative budget no later than one business day after the adoption of such resolution. The board of cooperative educational services shall, no later than the fifteenth day of May, adopt the final program, capital and administrative budgets for the ensuing year. Except as provided in paragraph d of this subdivision, subparagraph (a) of paragraph p of this subdivision, and subdivision one of section nineteen hundred fifty-one of this article, such administrative and capital budgets, when so adopted, after deducting state aid applicable thereto, shall be a charge against all of the component school districts in the supervisory district and each component school district's proportionate share shall be determined by the board of cooperative educational services according to weighted average daily attendance or according to true valuation or according to resident public school district enrollment as defined in paragraph n of subdivision one of section thirty-six hundred two of this chapter except that [fig 1] only one method shall be applied [fig 2] among the component districts of a board of cooperative educational services [fig 3] in any year, unless otherwise provided by law. In a merged supervisory district in the county of Suffolk each component school district's proportionate share of such administrative and capital budgets may be determined according to weighted average daily attendance, according to true valuation, or according to using the weighted average daily attendance for a certain percentage of the cost and true valuation for a certain percentage of administrative and capital costs. Such costs, in a merged supervisory district in the county of Suffolk, apportioned by using weighted average daily attendance and true valuation shall be subject to adjustment by the board of cooperative educational services in a manner that will minimize the annual change in costs for the greatest number of component districts. Such percentages shall be established by the board of cooperative educational services upon the approval of the component districts subject to the final approval of the commissioner. It is further provided that such administrative budget approved by the board shall be subject to review by the commissioner to determine: (i) the level of administrative savings achieved by the merger and (ii) if such administrative commissioner, and revised annually. by the district superintendent. If the board of cooperative educational services determines to change the method of apportioning administrative costs and capital expenses from that followed in the previous year, such determination may be made only if the board of cooperative educational services has conducted a hearing at a regular or special meeting of such board which all members of boards of education and school trustees have been invited to attend, such hearing to be



held at least thirty days prior to the annual meeting of members of boards of education and school trustees. (i) The [fig 1] three methods of apportionment of administrative and capital expenses are as follows: (1) in accordance with the ratio which the component school district's total full or true valuation in effect at the time of the adoption of the budget bears to the total true or full valuation of all of the component school districts within the board of cooperative educational services, [fig 2] (2) by dividing the total amount of such administrative and capital expenses by the total weighted average daily attendance of pupils residing in all component school districts contained within the board of cooperative educational services and attending a public school and multiplying by the weighted average daily attendance of such resident pupils in each of the component school districts, or (3) by dividing the total amount of such administrative and capital expenses by the total resident public school district enrollment of all component school districts contained within the board of cooperative educational services and multiplying by the resident public school district enrollment of the component school districts. In addition, in a merged supervisory district in the county of Suffolk, [fig 3] where a combination of [fig 4] the first and second methods could be applied as provided in the opening paragraph of this subparagraph may be utilized. (ii) If the board of cooperative educational services chooses to apportion administrative costs and capital expenses according to full or true valuation, special school districts authorized to receive state aid in accordance with [fig 1] chapter five hundred sixty-six of the laws of nineteen hundred sixty-seven, as amended, shall have their full value for purposes of this section computed by multiplying the resident weighted average daily attendance by the state average full valuation per pupil as established by the commissioner [fig 2] for the year in which the budget is adopted. The school authorities of each component school district shall add such amount to the budget of such component districts and shall pay such amount to the treasurer of the board of cooperative educational services and shall be paid out by the treasurer upon the orders of the board of cooperative educational services issued and executed in pursuance of a resolution of said board. c. Make or cause to be made surveys to determine the need for cooperative educational services in the supervisory district and present the findings of their surveys to local school authorities. Each board of cooperative educational services shall prepare long range program plans to meet the projected need for such cooperative educational services in the supervisory district for the next five years as may be specified by the commissioner, and shall submit such plans and thereafter annual revisions of such plans to the commissioner on or before the first day of December of each year, except that special education and [fig 1] career education program plans, in a form specified by the commissioner, shall be submitted every two years, no later than the date specified by the commissioner shall issue guidelines to advise component school districts in their d. (1) Aidable shared services. At the request of component school districts, and with the approval of the commissioner [fig 1] , provide any of the following services on a cooperative basis: school nurse teacher, attendance supervisor, supervisor of teachers, dental hygienist, psychologist, teachers of art, music, physical education, career education subjects, guidance counsellors, operation of special classes for [fig 2] students with disabilities, as such term is defined in article eighty-nine of this chapter; pupil and financial accounting service by means of mechanical equipment; maintenance and operation of cafeteria or restaurant service for the use of pupils and teachers while at school, and such other services as the commissioner [fig 3]

may approve. Such cafeteria or restaurant service may be used by the community for school related functions and activities and to furnish meals to the elderly residents of the district, sixty years of age or older. Utilization by elderly residents or school related groups shall be subject to the approval of the board of education. Charges shall be sufficient to bear the direct cost of preparation and serving of such meals, exclusive of any other available reimbursements. (2) (Added, L 1996) Certain services prohibited. Commencing with the nineteen hundred ninety-seven-ninety-eight school year, the commissioner shall not be authorized to approve as an aidable shared service pursuant to this subdivision any cooperative maintenance services or municipal services, including but not limited to, lawn mowing services and heating, ventilation or air conditioning repair or maintenance or trash collection, or any other municipal services as defined by the commissioner. On and after the effective date of this paragraph, the commissioner shall not approve, as an aidable shared service, any new cooperative maintenance or municipal services for the nineteen hundred ninety-six-ninety-seven school year, provided that the commissioner may approve the continuation of such services for one year if provided in the nineteen hundred ninety-five-ninety-six school year. (2-a) (Added, L 1999) Cost effectiveness of instructional and non-instructional technology. Notwithstanding any other provision of this section to the contrary, expenditures incurred pursuant to purchase and/or installation contracts entered into on or after January fifteenth, two thousand, for the following categories of instructional and non-instructional technology purchase and installation: (i) computer equipment, (ii) conduits, (iii) wiring, (iv) powering and testing of hardware installations, (v) all costs associated with lease or purchase of local or wide area network hardware located on district property, and (vi) incidental costs for original purchase and installation of hardware, including installation of basic operating systems software required for hardware testing, shall not be considered an aidable shared service unless the component school district is able to demonstrate that such shared service would be more cost-effective than would otherwise be possible if such services were to be purchased without the involvement of a board of cooperative educational services. Any aid that may be payable for such shared service pursuant to subdivision five of this section shall be excluded in the demonstration and determination of cost-effectiveness and cost savings pursuant to this subdivision. The does not elect to participate in any such specific cooperative services authorized under determination of cost-effectiveness. Notwithstanding any other provision of law, if a component school district determines that any instructional and non-instructional technology purchase and installation from the board of cooperative educational services are not cost effective, as determined pursuant to this paragraph, the commissioner shall, upon request, assist the school district to enter into a cooperative service agreement (CO-SER) with another BOCES, which is cost effective in the provision of such technology purchases and installations. (3) Requests for shared services; operating plan; required notice. Requests for such shared services shall be filed by component school districts with the board of cooperative educational services not later than the first day of February of each year, provided that such requests shall not be binding upon the component school district. The board of cooperative educational services shall submit its proposed annual operating plan for the ensuing school year to the department for approval not later than the fifteenth day of February of each year. Such board shall, through its executive officer, notify each component school district on or before the tenth day of March concerning the services

which have been approved by the commissioner to be made available for the ensuing school year. Such notice shall set forth the local uniform cost of each such service, based on (i) anticipated participation in the ensuing school year, or (ii) participation in the current year, or (iii) a two or three year average including participation in the current year, which unit cost shall be the same for all participating component districts and shall be based upon a uniform methodology approved annually by at least three-quarters of the participating component school districts after consultation by local school officials with their respective boards; provided, however, such unit cost shall be subject to final adjustment for programs for students with disabilities based on actual participation in accordance with regulations of the commissioner. Notwithstanding the determination of the local uniform unit cost methodology selected in accordance with this paragraph, each board of cooperative education services shall annually report to the commissioner the budgeted unit cost and, when available, the actual unit cost of such programs and services, in accordance with both the local uniform unit cost methodology and a statewide uniform unit cost methodology prescribed by the commissioner by regulation, where the budgeted statewide unit cost shall be based on the anticipated participation in the ensuing year and the actual statewide unit cost shall be based on actual participation through the end of each year. (4) Contracts for shared services; allocation of costs. Each component school district shall on or before the first day of May following such notification notify the board of cooperative educational services of its intention to participate or not to participate in such shared services and the specific services which such district elects to utilize. Each participating component school district shall be required to pay the board of cooperative educational services for the cost of the services set forth in such notification, except for adjustments caused by subsequent unanticipated changes in the district's enrollment [fig 1] . The board of cooperative educational services shall enter into contracts with its component school districts for such requested services. A copy of each executed contract for such purpose shall be filed with the commissioner by the board of cooperative educational services on or prior to the first day of August of each year. Notwithstanding the provisions of paragraph b of this subdivision, any component school district which services. this paragraph shall not be required to pay any share of the moneys provided in the budget as salaries of teachers or other personnel employed in providing such service, for equipment and supplies for such service or for transportation of pupils to and from the place where such service is maintained. Provided, further, that a board of cooperative educational services may allocate the cost of such services to component school districts in accordance with terms agreed upon between such board and three-quarters of the boards of education and trustees of local school districts participating in the service [fig 2] . (5) Operating plan and budget; unanticipated shared services. The board of cooperative educational services shall submit to the commissioner on or before the first day of June an operating plan and budget based upon the request for services which it has received from its component school districts. Such submission shall include the budgeted unit cost of programs and services based on both the local and the statewide uniform unit cost methodologies for each program and service offered by the board of cooperative educational services. A board of cooperative educational services which receives requests for unanticipated shared services subsequent to the adoption of its budget shall submit an amended operating plan including such additional shared services to the commissioner, together with a statement from the chief

school administrator of each school district which has requested such services indicating the availability of funds in the budget of the school district to pay for such district's share of the cost of such additional services. Such amended plan shall be submitted in the manner and form prescribed by regulations of the commissioner. The board of cooperative educational services shall allocate the cost of providing such additional shared services among the component school districts which have requested such services, and shall contract with the component school districts for such services. A copy of each contract for this purpose shall be filed by the board of cooperative educational services with the commissioner not more than thirty days from its execution. An annual program report and evaluation for each school year as prescribed by the commissioner, shall be submitted by the board of cooperative educational services to the commissioner on or before the first day of September following such school year. e. Upon the recommendation of the district superintendent, employ such administrative assistants, teachers, supervisors, clerical help and other personnel as may be necessary to carry out its program. f. Receive all reimbursements from public funds on account of the cooperative educational services performed under its jurisdiction, and allocate the costs of cooperative educational activities and shared services including administrative and clerical costs against the component school districts and receive and disburse the same, and to apportion surpluses and assessments for services on the basis of participation to those components and to those school districts outside the board of cooperative educational services contracting for such programs, and to apportion surpluses and assessments for administrative expenses to all component districts. All such apportionments shall be made annually. g. Borrow money in anticipation of revenue due the board of cooperative educational subparagraph. h. (1) Arrange cooperative educational services with and if necessary make contracts covering same with other public agencies for shared services and to produce educational television materials and programs, and to own or lease television facilities and to enter into appropriate contracts concerning the same. (2) To enter into contracts with the United States of America, the State of New York, any school district, community college, [fig 1] public institution of higher education, independent institution of higher education eligible for aid under section sixty-four hundred one of this chapter, or [fig 2] public agency in relation to the program of the board of cooperative educational services, and any such school district, community college, [fig 3] institution of higher education, or [fig 4] public agency is hereby authorized and empowered to do and perform any and all acts necessary or convenient in relation to the performance of any such contracts. (3) To enter into contracts with school districts which are component districts in the board of cooperative educational services for the education by such component school district or districts of children who reside within the board of cooperative educational services in the program of the board of cooperative educational services, and for all purposes of this chapter in such event such children shall be deemed attending classes maintained by the board of cooperative educational services. School districts are hereby authorized and empowered to do and perform any and all acts necessary or convenient in relation to the performance of any such contracts. (4) To enter into contracts with nonpublic schools to provide data processing service for pupil personnel records and other administrative records of the nonpublic schools. (5) To enter into contracts with the United States of America, the state of New York, any community college, agricultural and technical college or other public

agency for the purpose of providing [fig 1] career education programs to such agencies. Any such proposed contract shall be subject to the review and approval of the commissioner, who may only approve such proposed contract when, in his opinion, such contract will result in a more economical utilization of existing [fig 2] career and [fig 3] career education resources than would be achieved were such contract not approved. The commissioner shall issue a finding in writing in making all determinations pursuant to this article. (6) To enter into contracts with not-for-profit corporations to participate in federal programs relating to [fig 1] career training and experience. Any such proposed contract shall be subject to review and approval of the commissioner, who may approve such proposed contract only when in his opinion such contract will result in increased or improved [fig 2] career opportunities. The commissioner shall issue a finding in writing in making all determinations pursuant to this subparagraph. (7) To enter into contracts with the state of New York, any community college, agricultural and technical college, or public agency for the purpose of providing electronic data processing services to such agencies. Any such proposed contract shall be subject to the review and approval of the commissioner, who may only approve such proposed contract when, in his opinion, such contract will not disrupt the level of services provided to component school districts and will result in a more economical utilization of existing board of cooperative educational services computer facilities. The commissioner shall issue a finding in writing in making all determinations pursuant to this determination; (2) the rental payment shall not be more than the fair market value as i. Make such reports as are required by the commissioner of education. j. Appoint one of its members as president, one of its members or another qualified voter in a district within the supervisory district as clerk and another qualified voter in a district within the supervisory district as treasurer. The duties of the clerk and treasurer shall be the same as those established by statute and regulations of the commissioner of education for clerks and treasurers of union free school districts. k. Designate a [fig 1] depository within the territorial limits of any component district for the deposit of money in the manner provided by section ten of the general municipal law. The receipt, deposit, investment and disbursement of moneys, and all procedures relating thereto, including, but not limited to the requirements for signatures, the appointment of an auditor to approve claims for purchases, and the optional use of claim forms, shall be subject to the laws relating to union free school [fig 2] districts. l. [Repealed] m. At the request of officials of school districts, created by legislative act, within the territory of a board of cooperative educational services, provide services as outlined in paragraph d of this subdivision. For such districts, there shall be apportioned from state funds to the board of cooperative educational services a sum equal to one-half the total cost of the approved services provided to such school district. n. In those counties where taxes other than those on real property are applied to school purposes, the tax rate shall be deemed to be that which would result if such taxes had not been applied to school purposes. o. A meeting of members of the boards of education and school trustees of the component districts shall be held during the month of April on or before the fifteenth day of April, on a date and at a place and hour designated by the president of the board of cooperative educational services [fig 1]. The tentative [fig 2] administrative capital and program budgets of the board of cooperative educational services shall be available for inspection of the boards of education and school trustees at such meeting. Notice of the date, time and place of such meeting shall be given to each of the members of the boards of

education and trustees and to the clerk of each of the component school districts by mail addressed to the last known address of such persons at least [fig 3] fourteen days prior to the meeting. p. (a) To rent suitable land, classrooms, offices or buildings upon or in which to maintain and conduct such cooperative educational services and administrative offices for a period not to exceed ten years [fig 1] and to improve, alter, equip and furnish such land, classrooms, offices or buildings in a suitable manner for such purposes [fig 2] (1) before executing any lease, the board shall adopt a resolution determining that such agreement is in the best financial interests of the supervisory district and stating the basis of that pay any share of the moneys provided in the program budget as salaries of teachers or determined by the board; and (3) upon the consent of the commissioner, renewal of such lease may be made for a period of up to ten years. Nothing contained herein shall prevent the board from entering into a lease agreement which provides for the cancellation of the same by such board upon: (i) a substantial increase or decrease in pupil enrollment; or (ii) a substantial change in the needs and requirements of a board of cooperative educational services with respect to facilities; or (iii) any other change which substantially affects the needs or requirements of a board of cooperative educational services or the community in which it is located. No lease or other contract for the occupancy of such land, classrooms, offices or buildings shall be enforceable against the board of cooperative educational services unless and until the same shall have been approved in writing by the commissioner. (b) To lease unneeded facilities to public or private agencies, individuals, partnerships, or corporations, with the approval of the commissioner of education, and for a term not to exceed five years, which shall be renewable with the approval of the commissioner of education. q. To provide transportation for pupils to and from classes maintained by such board of cooperative educational services at the request of one or more school districts. School districts and boards of cooperative educational services are authorized to enter into contracts with one or more school districts, private contractors, and one or more boards of cooperative educational services and any municipal corporation and authority to provide such transportation. Boards of cooperative educational services may operate joint or regional transportation systems for the transportation authorized by articles seventy-three and eighty-nine of this chapter. Such transportation, except when provided by a political subdivision or a board of cooperative educational services, shall be subject to the requirements of subdivision fourteen of section three hundred five of the education law. r. With the approval of the district superintendent of schools and of the commissioner of education to furnish any of the educational services provided for in this section or any other section of law which authorizes such board to provide services to school districts outside of the supervisory district, upon such terms as may be agreed upon pursuant to contracts executed by such board of cooperative educational services and the trustees or boards of education of such school districts. s. Provide workmen's compensation coverage as provided in the workmen's [workers'] \* compensation law for all teachers and other employees for injuries incurred in actual performance of duty. **§ 1951. Budget of board of cooperative educational services** 1. The final administrative and capital budgets of the board of cooperative educational services as adopted shall be a charge against all of the school districts contained in the board of cooperative educational services, provided, however, that any component school district which does not elect to participate in any specific educational service authorized to be furnished by the board of

cooperative educational services shall not be required to under the provisions of this chapter shall be printed at the rates and for the fees prescribed other personnel employed in providing such service, for equipment and supplies for such service or for transportation of pupils to and from the place where such service is maintained, provided, however, expenditures for the board [fig 1] of cooperative educational services program, including office and central administrative expenses, traveling expenses and salaries and benefits of supervisors and all other central administrative personnel necessary to carry out its program shall be deemed administrative expenses which shall be a charge upon all component school districts notwithstanding the fact that such a component school district elects to not participate in any specific program offered by the board of cooperative educational services. Each school district's proportionate share of administrative and capital expenses shall be determined in accordance with subparagraph seven of paragraph b of subdivision four of section nineteen hundred fifty of this article. The board shall allocate the cost of other services to [fig 2] participating component school districts in accordance with terms agreed upon between such board and the boards of education and trustees of each component school district [fig 3] using the local uniform unit cost of each such service, based on (i) anticipated participation in the ensuing school year, or (ii) participation in the current year, or (iii) a two or three year average including participation in the current year, which unit cost shall be the same for all participating component school districts and shall be computed in accordance with a uniform methodology approved annually by at least three-quarters of the participating component school districts after consultation by local school officials with their respective boards; provided, however, such unit cost shall be subject to final adjustment for programs for students with disabilities based on actual participation in accordance with regulations of the commissioner. The school authorities of each school district in the board of cooperative educational services shall add such amount to the budget of such school district and shall pay such amount to the treasurer of the board of cooperative educational services, and shall be paid out by the treasurer upon orders of the board issued and executed pursuant to the resolution of said board. 2. a. If the board of cooperative educational services determines to submit a proposition to authorize the purchase or acquisition of sites or additions thereto and real property and to construct buildings thereon and to purchase buildings [fig 1] and construct additions thereto to the qualified voters of the board of cooperative educational services, then the board shall call a meeting and submit to the qualified voters of the board of cooperative educational services such a proposition. The board shall cause a notice of such meeting to be given by public notice of the time and place of such meeting once in each week within the four weeks next preceding such meeting, the first publication to be at least twenty-five days before said meeting, in two newspapers if there shall be two, or in one newspaper if there shall be but one, having general circulation within the board of cooperative educational services, but if no newspaper shall then have general circulation therein, the said notice shall be posted in at least twenty of the most public places in said board of cooperative educational services twenty-five days before the time of such meeting. Such notice shall contain a statement of the proposition or propositions to be submitted at such meeting. b. Such notice and all other notices and reports required to be published in newspapers therewith shall be defrayed by the board of cooperative educational services; but such in section eight thousand seven of the civil practice law and rules. In the event that the

publishers of one or both of the newspapers having general circulation in such district shall refuse to print and publish the notices or reports at the rates and for the fees so prescribed, publication in such newspaper or newspapers so refusing may be omitted, in which case the notices or reports shall be posted as required by this section in lieu of such publication. c. A person shall be entitled to vote at any meeting of the voters of the board of cooperative educational services who is: (1) A citizen of the United States. (2) Eighteen years of age. (3) A resident within the board of cooperative educational services for a period of thirty days next preceding the meeting at which he offers to vote. No person shall be deemed to be ineligible to vote at any such meeting, by reason of sex, who has the other qualifications required by this paragraph. d. If a person offering to vote at any meeting of the voters of the board of cooperative educational services shall be challenged as unqualified by any legal voter of such board at such meeting, the chairman presiding at such meeting shall require the person so offering to make the following declaration: "I do declare and affirm that I am, and have been, for the thirty days last past, an actual resident of this board of cooperate educational services and that I am qualified to vote at this meeting." Every person making such declaration shall be permitted to vote on all questions proposed at such meeting; but if any person shall refuse to make such declaration his vote shall be rejected. e. A person who shall wilfully make a false declaration of his right to vote at a meeting of the voters of a board of cooperative educational services after his right to vote thereat has been challenged, shall be deemed guilty of a misdemeanor. Any person not qualified to vote at such meeting, who shall vote thereat, shall thereby forfeit ten dollars, to be sued for by the supervisor for the benefit of the board. f. In all propositions arising at said meeting, the vote thereon shall be by ballot. g. If the board of cooperative educational services shall so determine, voting machines may be used for recording the vote at such meeting. Before any such machine is used at any such meeting, the inspectors of election shall examine it and see that all the counters are set at zero (000) and that the ballot labels are properly placed, and that the machine is in all respects in proper condition for use. The use of such machine shall be deemed a compliance with any provision of law requiring the vote to be by ballot. The board of cooperative educational services may purchase the necessary voting machine or machines; or if the county board of elections shall consent thereto, such machines belonging to the county or belonging to the town in which any part of said board of cooperative educational services shall be located may be used at any such meeting, the expense of delivery and returning and setting up, and any other expense connected marking their ballots. machines belonging to the county shall not be so used at the time or times when they may be required under the election law. h. The board of cooperative educational services shall appoint a qualified voter of the board of cooperative educational services as the chairman of any such meeting. The clerk of the board of cooperative educational services shall give written notice of appointment to the person so appointed. If the person appointed as chairman refuses to accept such appointment, or fails to serve, the board of cooperative educational services may appoint a qualified voter of the board of cooperative educational services to fill the vacancy. The meeting shall be called to order by the chairman. i. If the clerk of the board of cooperative educational services shall not be present, the board may appoint a qualified voter of the board of cooperative educational services to act as clerk of the meeting. The board shall appoint qualified voters of the board of cooperative educational services as assistant clerks of the



meeting. The clerk of the board of cooperative educational services shall give a written notice of appointment to the persons so appointed as assistant clerks. If a person appointed as assistant clerk refuses to accept such appointment, or fails to serve, the board may appoint a qualified voter of the board of cooperative educational services to fill the vacancy. Each assistant clerk shall be entitled to compensation at a rate to be fixed by the board for each day actually and necessarily spent upon the duties of his office. The clerk and assistant clerk or clerks of the meeting shall keep an accurate and true written record of all proceedings of the meeting and shall file such written record with the clerk of the board of cooperative educational services within twenty-four hours after the meeting. j. The board shall appoint two qualified voters of the board of cooperative educational services for each ballot box to be used to act as inspectors of election at such meeting. The clerk of the board of cooperative educational services shall give written notice of appointment to the persons so appointed. If a person appointed as inspector of election refuses to accept such appointment, or fails to serve, the board may appoint a qualified voter of the board of cooperative educational services to fill the vacancy. Additional inspectors of election may be appointed in the same manner when, in the opinion of the board, special circumstances exist requiring the services of such additional inspectors. The inspectors of election shall, before the polls are opened, organize by naming one of their number as chief inspector of election. Each inspector of election shall be entitled to compensation at a rate to be fixed by the board for each day actually and necessarily spent upon the duties of his office. k. A poll list containing the name and legal residence of every person whose vote shall be received shall be kept by the clerk and assistant clerk or clerks of the meeting. l. The board shall at the expense of the board of cooperative educational services provide a suitable box or boxes in which the ballots, folded so as to conceal the marking thereon, shall be deposited as they are received, and shall in like manner provide a voting booth or booths and the voters shall be required to enter such booth or booths for the purpose of order a new meeting. m. The board shall cause printed ballots to be prepared, setting forth the proposition or propositions to be voted upon, in the form applicable to the submission of a proposition to the meeting of a union free school district. n. All qualified voters entitled to vote who are in the place where the meeting is held at or before the time of closing the polls shall be allowed to vote. o. Immediately upon the close of the polls the inspectors of election shall canvass the ballots in the same manner as ballots are canvassed at a meeting of a union free school district. The chairman of the meeting shall declare to the meeting the result of each ballot as announced to him by the inspectors of election, and those propositions receiving a majority of the votes of the voters present and voting shall be deemed approved. p. The meeting of the voters of the board of cooperative educational services shall be conducted in the same manner as a meeting of the voters of a union free school district. q. If the board shall so determine it may cause the board of cooperative educational services to be divided into election districts provided that in each such election district the number of qualified voters shall at least equal seven hundred. If such resolution be adopted it shall divide the board of cooperative educational services into such number of election districts as the board may determine, provided that if circumstances will permit there shall be a schoolhouse in each election district or in as many such election districts as possible. The election districts so formed shall continue in existence until modified by resolution of the board. Such resolution shall accurately

describe the boundaries of each such district by street, alley and highway or otherwise. Meetings of the voters of the board of cooperative educational services shall be held thereafter in such election districts. The board shall designate the place within each election district where the meetings shall be held. When the board of cooperative educational services is divided into election districts, the board shall cause the meeting to be held in each election district pursuant to the provisions of this subdivision and shall appoint a chairman of the meeting, clerks and assistant clerks of the meeting and inspectors of election for each election district. The board shall designate the election district in which the clerk of the board of cooperative educational services shall be present. Where the board of cooperative educational services has been divided into election districts, the inspectors of election shall make a written report of the results of the ballot, signed by all such inspectors, to the chief inspector of election of each election district. The chief inspector of election of each election district shall within twenty-four hours file such written report with the clerk of the board of cooperative educational services. The board shall thereupon within twenty-four hours tabulate and declare the results of the ballot. r. All disputes concerning the validity of any meeting of the voters of a board of cooperative educational services or of any of the acts of the officers of such meeting shall be referred to the commissioner of education for determination and his decisions in the matter shall be final and not subject to review. The commissioner may in his discretion

**§ 115C-69. Types of districts defined.** 3. (Added, L 1997) a. For the nineteen hundred ninety-seven--ninety-eight school year and thereafter, the commissioner shall prescribe, in consultation with the comptroller of the state of New York and within the general taxonomy of accounts established by the comptroller pursuant to section thirty-six of the general municipal law, a uniform and specific taxonomy for service programs and activities of boards of cooperative educational services. In developing such prescribed taxonomy, the commissioner shall consider the recommendations of an advisory panel of district superintendents of schools or their representatives as appointed by the commissioner for such purpose. b. In developing and adopting a budget for the nineteen hundred ninety-seven--ninety-eight school year pursuant to this article, each board of cooperative educational services may use the same locally selected specific taxonomy for service programs and activities as used for the nineteen hundred ninety-six--ninety-seven school year within the general taxonomy of accounts established by the comptroller pursuant to section thirty-six of the general municipal law, provided that all such accounts shall be converted to the uniform and specific taxonomy prescribed by the commissioner pursuant to paragraph a of this subdivision by October first, nineteen hundred ninety-seven and provided that copies of the approved program, capital and administrative budgets as converted to such uniform and specific taxonomy shall be submitted to the commissioner on or before October first, nineteen hundred ninety-seven. c. In developing and adopting a budget pursuant to this article for the nineteen hundred ninety-eight--ninety-nine school year and thereafter, each board of cooperative educational services shall use the uniform and specific taxonomy for service programs and activities prescribed by the commissioner pursuant to paragraph a of this subdivision.