

This notification is submitted in accordance with the provisions of section 101-a of the Executive Law.

The Commissioner of Education proposes to add a new section 124 and subpart 124-2 of the Regulations of the Commissioner of Education relating to the development and implementation of regionalization plans.

A Notice of Proposed Rule Making will be published in the State Register on September 25, 2024. It is anticipated that the proposed amendment will be presented for permanent adoption at the January Regents meeting, after publication of the proposed amendment in the State Register and expiration of the 60-day public comment period required under the State Administrative Procedure Act. If adopted at the January meeting, the proposed rule will become effective on January 29, 2025.

Communications regarding the proposed action may be submitted to David Frank, Assistant Commissioner of the Office of Education Policy, Room 115 Education Building, 89 Washington Avenue, Albany, NY 12234 (REGCOMMENTS@nysed.gov). Comments must be received by the State Education Department on or before Monday, November 25, 2024.

The text of the proposed rule follows:

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 207, 215, 305, 1950, and 2204 of the Education Law.

Part 124 Board of Cooperative Educational Services

Subpart 124-2 Regionalization Plans

Section 124-2.1 Purpose and applicability

The purpose of this Part is to establish a framework for the development and implementation of regionalization plans by component school districts in collaboration with district superintendents. The goal of regionalization plans is to increase opportunities for students, build upon the existing strengths and capacity in communities across New York, address enrollment challenges, and manage fiscal constraints by fostering equitable educational environments through regional collaboration.

Section 124-2.2 Definitions

As used in this Part:

(a) District superintendent means the executive officer of a board of cooperative educational services.

(b) Regionalization means the process of creating equitable educational opportunities for all students through collaborative partnerships among school districts, BOCES, and other stakeholders.

(c) Regionalization plan means a strategic plan for a supervisory district where each component school district works with the district superintendent in the development of the plan, and the plan is designed to improve student opportunities and operational efficiencies through shared resources.

(d) Supervisory district means a specific type of educational administrative division responsible for providing shared educational services to multiple school districts within its jurisdiction, including special education, career and technical education, and various support services. Supervisory districts shall facilitate cooperation and efficiency among school districts, ensuring that they have access to resources and programs that might be difficult to provide individually.

(e) Stakeholder means a group that has a vested interest in the education of students and is involved in, or the potential beneficiary of, regionalization. Stakeholders include, but are not limited to, parents/guardians, business groups, collective bargaining units, professional education organizations, Indigenous nations, institutions of higher education, community groups, cultural institutions, and elected officials, where applicable.

Section 124-2.3 Regionalization plan development

(a) Each component school district of a supervisory district shall work with the district superintendent, or an individual designated by the Commissioner in the event of a vacancy in the district superintendent position, to develop and implement a regionalization plan at least every ten years that shall include, but not be limited to, initiatives for enhancing educational opportunities, strategies for operational efficiencies, mechanisms for ongoing evaluation, and other information as prescribed by the Commissioner.

(b) There shall be one regionalization plan for each supervisory district.

(c) The regionalization planning process shall at a minimum include the district superintendents facilitating the completion of the following activities by the component school districts:

(1) a strengths and needs tool on a form prescribed by the Commissioner;

(2) convenings with school districts and stakeholders;

(3) an interim progress report on a form prescribed by the Commissioner; and

(4) the regionalization plan on a form prescribed by the Commissioner.

(d) Neighboring non-component school districts, including the big five city school districts, as well as charter schools and nonpublic schools, shall be invited by the district superintendent to voluntarily participate in the regionalization planning process, where applicable.

Section 124-2.4 Deadlines and approval process

(a) For the initial and subsequent regionalization plans:

(1) each component school district shall submit the strengths and needs tool to the Department on or before November 1, 2024, and on or before each November 1

every 10 years thereafter;

(2) the district superintendent shall launch the first convening with school districts and stakeholders on or before November 1, 2024, and on or before each November 1 every 10 years thereafter;

(3) the district superintendent shall submit the interim progress report to the Department on or before April 1, 2025, and on or before each April 1 every 10 years thereafter; and

(4) the district superintendent shall submit the regionalization plan for the supervisory district to the Department on or before October 1, 2025, and on or before each October 1 every 10 years thereafter.

(b) The regionalization plan shall be reviewed by the Department within 30 days. The Department shall grant approval of regionalization plans based on criteria determined by the Commissioner. Plans that do not meet these criteria shall be returned to the district superintendent with comments. For returned plans, the district superintendent shall work collaboratively with their component school districts to address any concerns and resubmit such plan with edits no later than 30 days. Such review cycle shall continue until the plan is approved by the Department.

(c) The regionalization planning process shall occur on a 10-year cycle with required activities identified by the Department in consultation with district superintendents, component school districts, and stakeholders.

Section 124-2.5 Implementation, amendments, and monitoring

(a) Component school districts and supervisory districts shall begin the implementation of approved regionalization plans no later than the start of the 2026-

2027 school year.

(b) District superintendents may submit amendments to the regionalization plan on behalf of the component school districts to the Department for review and approval at any time after the Department's approval of the initial final plan. Such amendments shall be reviewed by the Department pursuant to the process set forth in section 125-2.4(b) of this Subpart.

(c) The district superintendent and component school districts shall review the regionalization plan initiatives and outcomes on occasion throughout the 10-year implementation cycle.

(d) The Department and district superintendent shall monitor the implementation of the regionalization plans by component school districts, and may conduct site visits and review performance metrics, to ensure outcomes meet the strategic objectives outlined in the plan as related to preparing students for college, career, and civic readiness opportunities and enacting operational efficiencies. If such metrics are not being met, the Department or district superintendent shall compel the component district to amend its section of the regionalization plan to achieve desired outcomes as set forth by the component school district pursuant to subdivision (b) of this section.

Section 124-2.6 Responsibilities

(a) Department responsibilities:

(1) Provide technical assistance, data, guidance, and templates to support supervisory districts in developing regionalization plans.

(2) Review, approve, and provide feedback on submitted interim progress reports, regionalization plans, and amendments.

(3) Share effective practices regarding regionalization from school districts across the state.

(4) Provide ongoing support through technical assistance and evaluative metrics during the implementation of the regionalization plans and conduct site visits, where applicable.

(b) District superintendent responsibilities:

(1) Facilitate the development and implementation of regionalization plans by the component school districts in their supervisory district, including leading convenings and collecting, analyzing, and disseminating data.

(2) Ensure all component school districts actively participate in the planning process and adhere to the Department's guidelines. Work closely with stakeholder groups, neighboring districts, neighboring supervisory districts, non-component school districts, charter schools, and nonpublic schools, among other educational entities, where applicable, to ensure multiple perspectives and the needs of all students are considered.

(3) Serve as a point of contact for the Department regarding regionalization, submit comprehensive regionalization plans and interim progress reports to the Department by the specified deadlines, and provide the Department with updates pertaining to adherence with the requirements of this Subpart.

(4) Support component school districts in the implementation of the approved plans and submit any necessary amendments on their behalf.

(5) Work with other district superintendents to share effective practices across regions.

(c) Component school district responsibilities:

(1) Collaborate with the district superintendent and other component school districts in the development of the regionalization plan for the supervisory district, including collecting and summarizing needs of the district and addressing feedback from the Department on the plan.

(2) Participate in all convenings scheduled by the district superintendent and adhere to the Department's guidelines.

(3) Implement the approved regionalization plans, identify any necessary amendments to the plan, and engage in continual improvement.

(d) The Department, district superintendents, and component school districts shall undertake any other responsibilities needed to develop or implement regionalization plans or as otherwise directed by the Commissioner.

Section 124-2.7 Administrative costs

Any activities carried out by the district superintendent or the BOCES, pursuant to this Part, shall qualify as part of the BOCES administrative costs.