





**TO:** P-12 Education Committee

**FROM:** Jeffrey Matteson 

**SUBJECT:** Proposed Addition of Part 124 and Subpart 124-2 to Subchapter E of the Regulations of the Commissioner of Education Relating to Regionalization Plans

**DATE:** August 29, 2024

**AUTHORIZATION(S):** 

**SUMMARY**

**Issue for Decision**

Should the Board of Regents adopt the addition of Part 124 and Subpart 124-2 to Subchapter E of the Regulations of the Commissioner of Education relating to regionalization plans?

**Reason(s) for Consideration**

Review of policy.

**Proposed Handling**

The proposed amendment is submitted to the P-12 Education Committee for discussion and recommendation to the Full Board for adoption as an emergency rule at its September 2024 meeting. A copy of the proposed rule (Attachment A) and a statement of facts and circumstances justifying emergency action (Attachment B) are included.

**Procedural History**

If adopted as an emergency rule at the September 2024 meeting, a Notice of Emergency Adoption and Proposed Rule Making will be published in the State Register on September 25, 2024 for a 60-day public comment period. Supporting materials are available upon request to the Secretary of the Board of Regents.

## **Background Information**

The Department recognizes the need for a strategic approach to addressing educational disparities, fiscal constraints, and operational inefficiencies across school districts in New York State. Challenges faced by districts include:

- **Student Access to High-Quality Educational Opportunities:** Many districts struggle to provide comprehensive educational programs, particularly in areas with limited resources.
- **Fiscal Constraints:** Budget limitations make it challenging for districts to maintain or expand educational offerings. Although ultimately not enacted, the recent proposal to reduce "save harmless" provisions in New York's foundation aid formula underscores the fiscal uncertainty that many districts across the state face.
- **Graduation Measures Initiative:** As the Department develops recommendations for the Board of Regents regarding graduation measures, districts must adapt to ensure students are prepared.

Regionalization can help solve these challenges, creating equitable educational opportunities through partnerships among school districts, Boards of Cooperative Educational Services (BOCES), and other stakeholders. This model focuses on shared or "pooled" resources, such as utilizing shared staff, extracurricular programs, and support services to provide students with broader educational opportunities. It also encourages partnerships with regional businesses and other school districts to enhance curriculum and student experiences, which will help meet the demands of new graduation measures.

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 collaboration.

The regionalization initiative is grounded in principles that emphasize the need for local solutions and collaboration in addressing educational challenges. The proposed regulations are designed to ensure that regionalization efforts are tailored to the specific needs of each district while fostering a collective approach to problem-solving. While regionalization is distinct from school district reorganization, some districts may also choose to reorganize in response to their local situation.

The Department is committed to ensuring stable district funding, even if anticipated adjustments to the foundation aid formula are enacted. These proposed regulations facilitate regionalization conversations and emphasize the need for districts to proactively plan for equitable access to academic opportunities for students and operational efficiency.

The Department has engaged with stakeholders including districts and BOCES across the state in the development of the regionalization initiative. These discussions have highlighted existing regionalization efforts and identified areas where additional support from outside district boundaries is needed. For example, superintendents and school board members have requested additional resources and guidance to build upon the existing regionalization work and implement new educational opportunities and operational efficiencies. The proposed regulations address these requests by providing a structured framework that leverages the strengths of existing efforts while fostering new opportunities for collaboration and improvement.

### **Proposed Amendment**

The proposed amendment first creates a new part 124 of the Commissioner's regulations regarding Boards of Cooperative Educational Services and a separate subpart for regionalization plans. The latter requires that each component school district of a supervisory district work with the District Superintendent to develop and implement a regionalization plan at least every ten years. This plan is designed to improve student opportunities and operational efficiencies through shared resources and must include initiatives for enhancing educational opportunities, strategies for operational efficiencies, mechanisms for ongoing evaluation, and other information as required by the Commissioner. This would result in 37 plans, one for each supervisory district.

The regionalization planning process must, at minimum, include the District Superintendents facilitating: (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.

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.

Additionally, the proposed amendment: (1) sets forth deadlines and the approval process for initial and subsequent regionalization plans as well as requirements for implementation, amendments, and monitoring of such regionalization plans; (2) identifies the responsibilities of the Department, District Superintendents, and component school districts in relation to such regionalization plans; and (3) provides that all activities carried out by the District Superintendent and BOCES pursuant to the proposed amendment qualify as part of the BOCES administrative costs. Component school districts and supervisory districts would begin implementing the approved regionalization plans no later than the start of the 2026-2027 school year.

### **Related Regents Items**

Not applicable.

### **Recommendation**

It is recommended that the Board of Regents take the following action:

VOTED: That Part 124 and Subpart 124-2 of Subchapter E of the Regulations of the Commissioner of Education be added, as submitted, effective September 10, 2024, as an emergency rule upon a finding by the Board of Regents that such action is necessary for the preservation of the general welfare to ensure component school districts in each supervisory district timely begin the regionalization planning process in an effort to provide students with equitable access to educational opportunities and address operational efficiencies.

### **Timetable for Implementation**

If adopted as an emergency rule at the September 2024 Regents meeting, the emergency rule will become effective September 10, 2024. It is anticipated that the proposed amendment will be presented to the Board of Regents for permanent adoption at the January 2025 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. Because the emergency action will expire before the January 2025 Regents meeting, it is anticipated that an additional emergency action will be presented for adoption at the November 2024 meeting. If adopted at the January 2025 meeting, the proposed amendment will become effective on January 29, 2025.

## Attachment A

### 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.

STATEMENT OF FACTS AND CIRCUMSTANCES WHICH NECESSITATE  
EMERGENCY ACTION

The Department recognizes the need for a strategic approach to addressing educational disparities, fiscal constraints, and operational inefficiencies across school districts in New York State. Regionalization can help solve these challenges, creating equitable educational opportunities through partnerships among school districts, Boards of Cooperative Educational Services (BOCES), and other stakeholders.

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 collaboration. The proposed amendment requires that each component school district of a supervisory district work with the District Superintendent to develop and implement a regionalization plan at least every ten years. This would result in 37 plans, one for each supervisory district.

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Since the Board of Regents meets at fixed intervals, the earliest the proposed amendment could be adopted by regular (nonemergency) action after expiration of the 60-day public comment period provided for in the State Administrative Procedure Act

(SAPA) sections 201(1) and (5) would be the January 2025 Regents meeting.

Furthermore, pursuant to SAPA 203(1), the earliest effective date of the proposed rule, if adopted at the January meeting, would be January 29, 2025, the date the Notice of Adoption would be published in the State Register.

Therefore, emergency action is necessary at the September 2024 meeting, effective September 10, 2024, for the preservation of the general welfare to ensure component school districts in each supervisory district timely begin the regionalization planning process in an effort to provide students with equitable access to educational opportunities and address operational efficiencies.

It is anticipated that the proposed rule will be presented to the Board of Regents for adoption as a permanent rule at the January 2025 Regents meeting, which is the first scheduled meeting after expiration of the 60-day public comment period mandated by SAPA for state agency rulemaking. However, since the emergency action will expire before the January Regents meeting, it is anticipated that an additional emergency action will be presented for adoption at the November 2024 Regents meeting.