

# Regionalization Concerns

Developments and Next Steps

# State Government Primer

## Regulations vs. Statutes

- Statutes require approval by Assembly, Senate and Governor
- Regulations require approval by agency governing body
- Regulations cannot supersede statute

## Emergency vs. Ordinary Regulations

- Emergency can take effect immediately.
- Both require a comment period before permanent adoption.

## The Powers and Duties of School Boards are contained in statute, they cannot be removed by regulation

- [§1709](#) – Union Free School Districts (example: Jericho)
- [§1804](#) – Central School Districts (ex: Syosset)

# NYSED Regionalization Initiative

## No new authority for District Superintendent (BOCES Superintendent)

Already in law: [§2216.14](#)

- *“To make such investigations and to make such reports to the commissioner of education upon any matter or act as said commissioner shall from time to time request.”*

## No forced mergers

Controlled by law [§2218 Ed.L.](#) (not regulation)

- Requires both BOEs to vote in favor, and...
- Requires 2 affirmative public votes by each affected community (§2218.3.d)

## No required participation

“Upon completion of the regional plan, school districts need only pursue implementation of activities they have agreed or consented to for their local context in the final plan.”

-- [NYSED FAQ](#)

# Today's Regents Meeting in Albany

- Regent Roger Tilles (Long Island) asked for amendments to the Regulation that would clarify that no district would be required to participate against their will.
  - NYSED Staff Attorney Daniel Morton Bentley said, “I expect the Department (NYSED) will make a recommendation on that next month.” (i.e. December meeting)
  - No Regents spoke in opposition to Regent Tilles’ suggestion.
- Current Emergency Regulation cannot be permanently adopted until the January Board of Regents meeting.

# Regionalization Recommendations

- Regents should refine regulatory language to be consistent with their messaging:
    - Remove language implying “compel”
    - Make opt-out provision explicit in the regulation
  - Regents should clarify:
    - Criteria for “approval” of regional plans
  - Plans should highlight
    - Need for State to pay for special education services until age 22
    - Need for State to approve more preschool special education seats
    - Need for State to develop more in-patient & out-patient mental health supports for students
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- Our “red line”?
    - No loss of local control
    - No compulsory participation in regional plans