

State Establishes Tech Valley High School to Promote High Tech Education

By Kevin Quinn, Esq. and Carrie Flynn, Esq.

Recently, Governor Pataki signed legislation approving plans for the creation of Tech Valley High School (“Tech Valley”).¹ (Visit <http://www.techvalleyhigh.org> for more information from the institution.) Tech Valley is the concept of Questar III² and Capital Region BOCES³. Tech Valley will teach the general regents curriculum of other public schools but, in addition, provide intensive instruction and mentoring opportunities with local business leaders in the areas of science and technology. Designed as a result of the increased focus on and importance of technology companies in the capital region, the School’s mission is to better equip area students for the ever challenging and competitive world of science and technology.

Technology-focused high schools have been popping up all over the country, with a concentration in California’s own tech valley. Organizations like the New Tech Foundation, which is supported by the Gates Foundation, has opened fourteen such schools across the country and has pledged \$400,000 in grant money to the new Tech Valley High School. New Tech Foundation’s partners include Apple Computer, Canon, Cisco Systems, Hewlett-Packard, Lotus, Microsoft, Pacific Bell, and the California and United States Departments of Education.

Tech Valley is scheduled to open in the Fall of 2007 with a ninth grade class of 50 students from the seven counties served by Questar III and Capital Region BOCES. This design will allow students from forty-eight school districts the opportunity to attend this innovative school. The plan is to serve a total of 400 students in grades nine through twelve. Tech Valley will add a grade each year to serve grades 9-12 by the year 2010. Initially, the school will employ eight to ten teachers eventually employing 30 teachers and one administrator.

The parameters of Tech Valley include:

- Purpose: To expand the learning opportunities for local students to enable them to compete for jobs in capital region technology businesses.
- Tech Valley must obtain a *charter* and registration from the Board of Regents which will be the regulating entity in charge of the school.⁴
- Tech Valley will be statutorily defined as a local educational agency/public school under state and federal law. Therefore, Tech Valley is subject to the laws, rules and regulations applicable to a New York State public high school.⁵
- Governance: The eleven board of directors will serve unpaid for three year terms and will be appointed as follows:
 - Superintendent of Capital Region BOCES.
 - Superintendent of Questar III.

¹ Laws of 2005, Chapter 757.

² BOCES for Rensselaer, Columbia and Greene Counties.

³ BOCES for Albany, Schoharie, Schenectady and Saratoga Counties.

⁴ This is required under Education Law Section 216-a(a)(2).

⁵ The law is unclear as to specific subject areas and their application to the uniqueness of this environment. Further guidance may be required as the School develops and such situations emerge.

- President of the governing board of Capital Region BOCES.
 - President of the governing board of Questar III.
 - Superintendent of component district of Capital Region BOCES.
 - Superintendent of component district of Questar III.
 - Board of Education member from district in Questar III counties.
 - Board of Education member from district in Capital Region BOCES counties.
 - 3 members will be appointed by the Commissioner of Education from the business community who have expertise in the training needs of hi-tech and emerging industries. One of these members is to be a representative of a higher education institution located within the seven counties who has knowledge of the science and technology curricula offerings in the region.
- Powers and Duties of the Board of Directors include:
- Designing a program that allows the achievement and granting of a high school diploma.
 - Entering into contracts for construction/lease of facilities.
 - Establishing reserve funds.
 - Employing a Chief Executive Officer (“CEO”).
 - In conjunction with the CEO, appointing/employing any other necessary officers or employees.
 - In conjunction with the CEO, contracting with teachers and other persons in furtherance of educational goals.
 - Contracting with for-profit and/or nonprofit organizations for supplemental innovative technological activities.⁶
 - Establishing the school calendar and schedule that must, at a minimum, allow for equal instruction time to public schools.
- Budget: The annual budget is to be approved by a majority of the governing board members of Questar III and Capital Region BOCES. If a majority is unable to approve the budget, then the school will adopt a contingency budget. In the first year of operation, the board will submit the budget to the Commissioner of Education for approval at a date prescribed by the Commissioner.
- Employment: Instructional staff are bound by the same rules and certification requirements of a traditional public school.⁷ A teacher from a public school can make application for leave to teach at Tech Valley for two years or less without loss of any right, seniority, salary status or any other benefit provided by law or by collective bargaining agreement. All employees will be considered public employees.
- Admissions:
- Eligible students will include any 9-12 student (when fully enrolled) from any school district in the seven counties where such school district enters into a memorandum of understanding with the Tech Valley Board.
 - Admission will be based on a lottery with a preference only to those students returning to Tech Valley. There will be no sibling preference.
- Transportation: School districts will provide student transportation *regardless* of mileage limits (generally this is at least 1.5 to 15 miles from the school). This is likely to present

⁶ Established through cooperative agreements.

⁷ This includes the provision of Education Law §3214.

a significant cost to a district that may seek to participate, especially if it is anticipated that only a few students will enroll from one district.

- Supplies: Resident school districts will supply textbooks, computer software, library materials, and health examinations in the same manner as it does for nonpublic school students. State Aid will be available as it is for with nonpublic school students.
- Financing:
 - The resident school district will be required to make payments based on a formula adopted by the Board of Directors of the school.
 - All such payments will be eligible for BOCES aid.
 - Expenses for land, construction and leasing of Tech Valley will be apportioned among all the BOCES districts in the seven counties and those that enter into the memorandum of understanding.

The new law also requires Tech Valley to establish a *School Business Leaders Alliance* designed to facilitate Tech Valley and regional business leaders to work together to establish educational and mentoring opportunities for the students. The Alliance already includes many prominent community members. In addition to the support shown by those who have joined the Alliance, many area businesses, schools and associations are supporting this endeavor as evidenced by numerous editorials over the last year and those who have publicly declared their support. A listing of those who have joined the Alliance and/or have publicly declared their support may be accessed at <http://www.techvalleyhigh.org>.

The opinions expressed in this bulletin are intended for general guidance only. They are not intended as recommendations for specific situation. As always, readers should consult a qualified attorney for specific legal guidance.