

6469

I N S E N A T E

January 18, 2010

Introduced by Sen. PERKINS -- read twice and ordered printed, and when printed to be committed to the Committee on Education

AN ACT to amend the education law, in relation to charter schools

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Legislative Intent. New York's charter school law was
2 enacted 11 years ago in an effort to create new learning opportunities
3 for all students, to encourage different and innovative teaching methods
4 and to provide parents and students with expanded choice within the
5 public schools. Eleven years provides the state with enough information
6 to make judgments about changes that are needed in the law to ensure the
7 public knows how their tax dollars are being spent and to ensure public
8 schools serving the majority of students have the resources needed to
9 provide a quality education to all students. This legislation is
10 intended to clarify the transparency and accountability of charter
11 schools and provide fiscal relief to the school districts where charter
12 schools are located.

13 S 2. Subdivision 1 of section 2851 of the education law, as added by
14 chapter 4 of the laws of 1998, is amended to read as follows:

15 1. An application to establish a charter school may be submitted by
16 teachers, parents, school administrators, community residents or any
17 combination thereof. Such application may be filed in conjunction with
18 a college, university, museum, educational institution, not-for-profit
19 corporation exempt from taxation under paragraph 3 of subsection (c) of
20 section 501 of the internal revenue code [or for-profit business or
21 corporate entity authorized to do business in New York state. For char-
22 ter schools established in conjunction with a for-profit business or
23 corporate entity, the charter shall specify the extent of the entity's
24 participation in the management and operation of the school], AND
25 PROVIDED THAT UNDER NO CIRCUMSTANCES SHALL AN APPLICATION TO ESTABLISH A
26 CHARTER SCHOOL OR APPROVAL TO OPERATE A CHARTER SCHOOL BE GRANTED TO A
27 FOR-PROFIT BUSINESS OR CORPORATE ENTITY AUTHORIZED TO DO BUSINESS IN
28 THIS STATE NOR IN ANY MANNER WHATSOEVER SHALL THEY HAVE AN INVOLVEMENT
29 IN THE MANAGEMENT AND OPERATION OF A CHARTER SCHOOL. THE APPLICATION

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets
[] is old law to be omitted.

LBD15479-01-0

1 SHALL INCLUDE THE AMOUNT OF ANY MANAGEMENT FEE TO BE PAID TO ANY
2 NOT-FOR-PROFIT CORPORATION WORKING IN CONJUNCTION WITH THE APPLICANTS.
3 SALARIES OF THE EMPLOYEES OF SUCH NOT-FOR-PROFIT CORPORATION MAY NOT
4 EXCEED THE SALARIES FOR COMPARABLE POSITIONS IN THE SCHOOL DISTRICT OF
5 LOCATION.

6 S 3. Paragraphs (d), (h), (p) and (v) of subdivision 2 of section 2851
7 of the education law, as added by chapter 4 of the laws of 1998, are
8 amended to read as follows:

9 (d) Admission policies and procedures for the school, which shall be
10 consistent with the requirements of subdivision two of section twenty-
11 eight hundred fifty-four of this article. FOR CHARTER RENEWALS, SUCH
12 POLICIES AND PROCEDURES SHALL INCLUDE PLANS FOR ENSURING THE STUDENT
13 ENROLLMENT OF THE CHARTER SCHOOL INCLUDES A COMPARABLE PERCENTAGE OF
14 STUDENTS ON FREE LUNCH, STUDENTS WITH DISABILITIES AND ENGLISH LANGUAGE
15 LEARNERS AS THE SCHOOL DISTRICT IN WHICH THE CHARTER SCHOOL IS LOCATED.

16 (h) The rules and procedures by which students may be disciplined,
17 including but not limited to expulsion or suspension from the school,
18 which shall be consistent with the requirements of due process and with
19 federal laws and regulations governing the placement of students with
20 disabilities. SUCH RULES AND PROCEDURES SHALL INCLUDE THE PROVISION OF
21 EDUCATIONAL SERVICES TO ANY STUDENT ON LONG TERM SUSPENSION OR EXPUL-
22 SION.

23 (p) The term of the proposed charter, which shall not exceed five
24 years DURING WHICH INSTRUCTION IS PROVIDED TO PUPILS.

25 (v) A code of ethics for the charter school, setting forth for the
26 guidance of its trustees, officers and employees the standards of
27 conduct expected of them. SUCH CODE OF ETHICS SHALL BE IN COMPLIANCE
28 WITH SECTION EIGHT HUNDRED SIX OF THE GENERAL MUNICIPAL LAW.

29 S 4. Paragraph (a) of subdivision 4 of section 2851 of the education
30 law, as added by chapter 4 of the laws of 1998, is amended to read as
31 follows:

32 (a) A report of the progress of the charter school in achieving the
33 educational objectives set forth in the charter. SUCH REPORT SHALL
34 INCLUDE DISAGGREGATED STUDENT PERFORMANCE DATA FOR ALL STUDENT
35 SUBGROUPS.

36 S 5. Paragraph (d) of subdivision 2 of section 2852 of the education
37 law, as added by section 2 of part D-2 of chapter 57 of the laws of
38 2007, is amended to read as follows:

39 (d) in a school district where the total enrollment of resident
40 students attending charter schools in the base year is greater than five
41 percent of the total public school enrollment of the school district in
42 the base year [(i) granting the application would have a significant
43 educational benefit to the students expected to attend the proposed
44 charter school or (ii) the school district in which the charter school
45 will be located consents to such application]. FOR PURPOSES OF THIS
46 PARAGRAPH, IN A CITY HAVING A POPULATION OF ONE MILLION OR MORE, THE
47 SCHOOL DISTRICT SHALL BE THE COMMUNITY SCHOOL DISTRICT.

48 S 6. Subdivision 2 of section 2852 of the education law is amended by
49 adding two new paragraphs (e) and (f) to read as follows:

50 (E) THE APPLICATION FOR THE CHARTER SCHOOL IS APPROVED BY THE BOARD OF
51 EDUCATION OF THE SCHOOL DISTRICT WHERE THE CHARTER SCHOOL IS TO BE
52 LOCATED; AND

53 (F) THE CHARTER ENTITY SHALL NOT APPROVE AN APPLICATION THAT WOULD
54 HAVE THE EFFECT OF INCREASING THE RACIAL ISOLATION OF A SCHOOL DISTRICT.

55 S 7. Subdivision 5-b of section 2852 of the education law, as added by
56 chapter 4 of the laws of 1998, is amended to read as follows:

1 5-b. If the board of regents returns a proposed charter to the charter
2 entity pursuant to the provisions of subdivision five-a of this section,
3 such charter entity shall reconsider the proposed charter, taking into
4 consideration the comments and recommendation of the board of regents.
5 Thereafter, the charter entity shall resubmit the proposed charter to
6 the board of regents with modifications, provided that the applicant
7 consents in writing to such modifications, resubmit the proposed charter
8 to the board of regents without modifications WITH AN EXPLANATION WHY
9 THE MODIFICATIONS ARE NOT BEING MADE, or abandon the proposed charter.
10 The board of regents shall review each such resubmitted proposed charter
11 in accordance with the provisions of subdivision five-a of this
12 section[; provided, however, that it shall be the duty of the board of
13 regents to approve and issue a proposed charter resubmitted by the char-
14 ter entity described in paragraph (b) of subdivision three of section
15 twenty-eight hundred fifty-one of this article within thirty days of the
16 resubmission of such proposed charter or such proposed charter shall be
17 deemed approved and issued at the expiration of such period].

18 S 8. Subdivision 7 of section 2852 of the education law is amended by
19 adding a new paragraph (c) to read as follows:

20 (C) WHEN A REVISION OF A CHARTER INVOLVES AN INCREASE IN ENROLLMENT
21 WHICH BRINGS TOTAL ENROLLMENT IN CHARTER SCHOOLS IN THE SCHOOL DISTRICT
22 OF LOCATION ABOVE FIVE PERCENT THE REVISION SHALL BE DENIED UNLESS THE
23 SCHOOL DISTRICT OF LOCATION APPROVES THE REVISION OR THE RESIDENTS OF
24 THE SCHOOL DISTRICT APPROVE THE REVISION THROUGH A REFERENDUM OF THE
25 ELIGIBLE VOTERS TO BE HELD IN CONJUNCTION WITH THE ANNUAL BUDGET VOTE.
26 FOR PURPOSES OF THIS PARAGRAPH IN A CITY HAVING A POPULATION OF ONE
27 MILLION OR MORE THE SCHOOL DISTRICT OF LOCATION SHALL BE THE COMMUNITY
28 SCHOOL DISTRICT WHERE THE CHARTER SCHOOL IS LOCATED.

29 S 9. Subdivision 10 of section 2852 of the education law, as added by
30 section 3 of part D-2 of chapter 57 of the laws of 2007, is amended to
31 read as follows:

32 10. Except in the case of a charter school formed by a school district
33 as a charter entity pursuant to paragraph (a) of subdivision three of
34 section twenty-eight hundred fifty-one of this article, a charter school
35 formed by approval of the regents or by operation of law on or after
36 [March] JANUARY fifteenth in any school year shall not commence instruc-
37 tion until July of the second school year next following.

38 S 10. Subdivision 2 of section 2853 of the education law, as added by
39 chapter 4 of the laws of 1998, is amended to read as follows:

40 2. The board of regents and charter entity shall oversee each school
41 approved by such entity, and may visit, examine into and inspect any
42 charter school, including the records of such school, under its over-
43 sight. Oversight by a charter entity and the board of regents shall be
44 sufficient to ensure that the charter school is in compliance with all
45 applicable laws, regulations and charter provisions. THE DEPARTMENT
46 SHALL INCLUDE CHARTER SCHOOLS IN ANY REVIEW OR AUDIT OF STATE ASSESSMENT
47 ADMINISTRATION OR SCORING.

48 S 11. Paragraph (a) of subdivision 3 of section 2853 of the education
49 law, as amended by section 4 of part D-2 of chapter 57 of the laws of
50 2007, is amended is to read as follows:

51 (a) A charter school may be located in part of an existing public
52 school building, in space provided on a private work site, in a public
53 building or in any other suitable location, PROVIDED, HOWEVER, A CHARTER
54 SCHOOL SHALL NOT BE LOCATED IN ANY PART OF AN EXISTING SCHOOL BUILDING
55 WHEN SUCH SHARING WOULD IMPACT THE PUBLIC SCHOOL'S ABILITY TO MEET THE
56 CLASS SIZE TARGETS ESTABLISHED PURSUANT TO SECTION TWO-HUNDRED ELEVEN-D

1 OF THIS CHAPTER. Provided, however, before a charter school may be
2 located in part of an existing public school building, the charter enti-
3 ty shall provide notice to the parents or guardians of the students then
4 enrolled in the existing school building and shall hold a public hearing
5 for purposes of discussing the location of the charter school. A charter
6 school may own, lease or rent its space. For purposes of local zoning,
7 land use regulation and building code compliance, a charter school shall
8 be deemed a nonpublic school.

9 S 12. Subdivision 3 of section 2853 of the education law is amended by
10 adding two new paragraphs (d) and (e) to read as follows:

11 (D) NOTWITHSTANDING ANY LAW TO THE CONTRARY, ANY CAPITAL FACILITY, OR
12 OTHER IMPROVEMENTS MADE IN PUBLIC SCHOOL BUILDINGS OR EQUIPMENT WITH A
13 PERIOD OF PROBABLE USEFULNESS OF FIVE OR MORE YEARS, WITH PUBLIC OR
14 PRIVATE FUNDS, TO ACCOMMODATE CHARTER SCHOOLS, SHALL REQUIRE MATCHING OR
15 COMPARABLE IMPROVEMENTS BE MADE FOR OTHER DISTRICT SCHOOLS LOCATED IN
16 THE SAME BUILDING.

17 (E) NOTWITHSTANDING ANY LAW TO THE CONTRARY, ANY CONSTRUCTION OR CAPI-
18 TAL IMPROVEMENT MADE IN ACCORDANCE WITH THIS ARTICLE SHALL BE MADE IN
19 ACCORDANCE WITH AND SUBJECT TO THE PROVISIONS OF ARTICLES EIGHT AND NINE
20 OF THE LABOR LAW.

21 S 13. Paragraphs (c) and (e) of subdivision 1 of section 2854 of the
22 education law, paragraph (c) as amended by chapter 267 of the laws of
23 2005, and paragraph (e) as added by chapter 4 of the laws of 1998, are
24 amended to read as follows:

25 (c) A charter school shall be subject to the financial audits, the
26 audit procedures, and the audit requirements set forth in the charter
27 and [shall be subject to audits of the comptroller as set forth in
28 section thirty-three of the general municipal law] MAY BE SUBJECT TO
29 AUDITS BY THE STATE COMPTROLLER OR BY THE CHARTER ENTITY. Such proce-
30 dures and standards shall be consistent with generally accepted account-
31 ing and audit standards. Independent fiscal audits shall be required at
32 least once annually.

33 (e) A charter school shall be subject to the provisions of articles
34 six and seven of the public officers law IN THE SAME MANNER AS PUBLIC
35 SCHOOL DISTRICTS.

36 S 14. Subdivision 1 of section 2854 of the education law is amended by
37 adding a new paragraph (f) to read as follows:

38 (F) A CHARTER SCHOOL SHALL BE SUBJECT TO THE PROVISIONS OF SECTION
39 EIGHT HUNDRED SIX OF THE GENERAL MUNICIPAL LAW.

40 S 15. Subdivision 2 of section 2854 of the education law, as added by
41 chapter 4 of the laws of 1998, paragraphs (a) and (b) as amended by
42 section 5 of part D-2 of chapter 57 of the laws of 2007, is amended to
43 read as follows:

44 2. Admissions; enrollment; students. (a) A charter school shall be
45 nonsectarian in its programs, admission policies, employment practices,
46 and all other operations and shall not charge tuition or fees; provided
47 that a charter school may require the payment of fees on the same basis
48 and to the same extent as other public schools. A charter school shall
49 not discriminate against any student, employee or any other person on
50 the basis of ethnicity, national origin, gender, or disability or any
51 other ground that would be unlawful if done by a school. Admission of
52 students shall not be limited on the basis of intellectual ability,
53 measures of achievement or aptitude, athletic ability, disability, race,
54 creed, gender, national origin, religion, or ancestry; provided, howev-
55 er, that nothing in this article shall be construed to prevent the
56 establishment of a single-sex charter school or a charter school

1 designed to provide expanded learning opportunities for students at-risk
2 of academic failure; and provided, further, that the charter school
3 shall [demonstrate good faith efforts to] attract and retain a compara-
4 ble or greater enrollment of students with disabilities and limited
5 English proficient students when compared to the enrollment figures for
6 such students in the school district in which the charter school is
7 located. IF A CHARTER SCHOOL IS NOT SUCCESSFUL IN ATTRACTING A COMPARA-
8 BLE OR GREATER ENROLLMENT OF STUDENTS WITH DISABILITIES AND LIMITED
9 ENGLISH PROFICIENT STUDENTS AS COMPARED TO THE ENROLLMENT FIGURES FOR
10 SUCH STUDENTS IN THE SCHOOL DISTRICT IN WHICH THE CHARTER SCHOOL IS
11 LOCATED SUCH CHARTER SCHOOL SHALL PROVIDE THE CHARTERING ENTITY WITH A
12 PLAN FOR IMPROVING THE ENROLLMENT OF SUCH STUDENTS IN THE FOLLOWING
13 YEAR. FAILURE TO COMPLY WITH THIS REQUIREMENT FOR TWO CONSECUTIVE YEARS
14 SHALL BE SUBJECT TO REVOCATION IN ACCORDANCE WITH SUBDIVISION ONE OF
15 SECTION TWO THOUSAND EIGHT HUNDRED FIFTY-FIVE OF THIS ARTICLE. A charter
16 shall not be issued to any school that would be wholly or in part under
17 the control or direction of any religious denomination, or in which any
18 denominational tenet or doctrine would be taught.

19 (b) Any child who is qualified under the laws of this state for admis-
20 sion to a public school is qualified for admission to a charter school.
21 The school shall enroll each eligible student who submits a timely
22 application by the first day of April each year, unless the number of
23 applications exceeds the capacity of the grade level or building. In
24 such cases, students shall be accepted from among applicants by a random
25 selection process, provided, however, that an enrollment preference
26 shall be provided to pupils WHEN THE CHARTER SCHOOL IS LOCATED WITHIN
27 ONE MILE OF THE PUPILS' RESIDENCE, PUPILS returning to the charter
28 school in the second or any subsequent year of operation and pupils
29 residing in the school district in which the charter school is located,
30 and siblings of pupils already enrolled in the charter school AND
31 STUDENTS ON FREE LUNCH, AND STUDENTS WITH DISABILITIES, AND STUDENTS
32 WITH LIMITED ENGLISH PROFICIENCY. For the purposes of this paragraph
33 and paragraph (a) of this subdivision, the school district in which the
34 charter school is located shall mean, for the city school district of
35 the city of New York, the community district in which the charter school
36 is located. THE CHARTER ENTITY IS RESPONSIBLE FOR ENSURING THE
37 SELECTION PROCESS IS CONDUCTED IN ACCORDANCE WITH THIS PARAGRAPH. IF THE
38 CHARTER ENTITY DETERMINES THE PROCESS IS NOT IN COMPLIANCE WITH THIS
39 PARAGRAPH, THE CHARTER ENTITY SHALL CONDUCT THE PROCESS.

40 (c) A charter school shall serve one or more of the grades one through
41 twelve, and shall limit admission to pupils within the grade levels
42 served. Nothing herein shall prohibit a charter school from establishing
43 a kindergarten program.

44 (d) A student may withdraw from a charter school at any time and
45 enroll in a public school. A CHARTER SCHOOL MUST PROVIDE A REPORT TO THE
46 CHARTERING ENTITY EACH YEAR INDICATING THE NUMBER OF STUDENTS LEAVING
47 THE CHARTER SCHOOL, THE MONTHS IN WHICH THE STUDENTS LEAVE THE SCHOOL,
48 THE REASON THE STUDENTS LEAVE THE SCHOOL AND THE SCHOOL THE STUDENT IS
49 CURRENTLY ATTENDING. A charter school may refuse admission to any
50 student who has been expelled or suspended from a public school until
51 the period of suspension or expulsion from the public school has
52 expired, consistent with the requirements of due process.

53 S 16. Paragraphs (b-1), (c) and (c-1) of subdivision 3 of section 2854
54 of the education law, paragraph (b-1) as amended by section 6 of part
55 D-2 of chapter 57 of the laws of 2007, and paragraphs (c) and (c-1) as
56 added by chapter 4 of the laws of 1998, are amended to read as follows:

1 (b-1) The employees of a charter school that is not a conversion from
2 an existing public school shall [not] be deemed members of [any] THE
3 existing collective bargaining unit representing employees of the school
4 district in which the charter school is located, and the charter school
5 and its employees shall [not] be subject to any existing collective
6 bargaining agreement between the school district and its employees.
7 [Provided, however, that (i) if the student enrollment of the charter
8 school on the first day on which the charter school commences student
9 instruction exceeds two hundred fifty or if the average daily student
10 enrollment of such school exceeds two hundred fifty students at any
11 point during the first two years after the charter school commences
12 student instruction, all employees of the school who are eligible for
13 representation under article fourteen of the civil service law shall be
14 deemed to be represented in a separate negotiating unit at the charter
15 school by the same employee organization, if any, that represents like
16 employees in the school district in which such charter school is
17 located; (ii) the provisions of subparagraph (i) of this paragraph may
18 be waived in up to ten charters issued on the recommendation of the
19 charter entity set forth in paragraph (b) of subdivision three of
20 section twenty-eight hundred fifty-one of this article; (iii) the
21 provisions of subparagraph (i) of this paragraph shall not be applicable
22 to the renewal or extension of a charter; and (iv) nothing in this
23 sentence shall be construed to subject a charter school subject to the
24 provisions of this paragraph or its employees to any collective bargain-
25 ing agreement between any public school district and its employees or to
26 make the employees of such charter school part of any negotiating unit
27 at such school district. The charter school may, in its sole discretion,
28 choose whether or not to offer the terms of any existing collective
29 bargaining to school employees.] PROVIDED, HOWEVER, THAT A MAJORITY OF
30 THE MEMBERS OF A NEGOTIATING UNIT WITHIN A CHARTER SCHOOL MAY MODIFY, IN
31 WRITING, A COLLECTIVE BARGAINING AGREEMENT FOR THE PURPOSES OF EMPLOY-
32 MENT IN THE CHARTER SCHOOL WITH THE APPROVAL OF THE BOARD OF TRUSTEES OF
33 THE CHARTER SCHOOL.

34 (c) The employees of the charter school [may] SHALL be deemed employ-
35 ees of the local school district for the purpose of providing retirement
36 benefits, including membership in the teachers' retirement system and
37 other retirement systems open to employees of public schools. The finan-
38 cial contributions for such benefits shall be the responsibility of the
39 charter school and the school's employees. The commissioner, in consul-
40 tation with the comptroller, shall develop regulations to implement the
41 provisions of this paragraph in a manner that allows charter schools to
42 provide retirement benefits to its employees in the same manner as other
43 public school employees.

44 (c-1) Reasonable access. (i) If employees of the charter school are
45 not represented, any charter school chartered pursuant to this article
46 must afford reasonable access to any employee organization during the
47 reasonable proximate period before any representation question is raised
48 IN THE SAME MANNER AS ANY PUBLIC EMPLOYER; or

49 (ii) If the employee organization is a challenging organization,
50 reasonable access must be provided to any organization seeking to repre-
51 sent employees beginning with a date reasonably proximate to a challenge
52 period. Reasonableness is defined, at a minimum, as access equal to that
53 provided to the incumbent organization.

54 S 17. Subdivision 1 of section 2855 of the education law, as added by
55 chapter 4 of the laws of 1998, is amended to read as follows:

1 1. The charter entity, or the board of regents, [may] SHALL terminate
2 a charter upon any of the following grounds:

3 (a) When a charter school's outcome on student assessment measures
4 adopted by the board of regents falls below the level that would allow
5 the commissioner to revoke the registration of another public school,
6 and student achievement on such measures [has not shown improvement] HAS
7 NOT MET ANNUAL YEARLY PROGRESS over the preceding three school years[:];

8 (b) Serious violations of law;

9 (c) Material and substantial violation of the charter, including
10 fiscal mismanagement AND FAILURE TO MEET STUDENT PERFORMANCE TARGETS;
11 [or]

12 (d) When the public employment relations board makes a determination
13 that the charter school demonstrates a practice and pattern of egregious
14 and intentional violations of subdivision one of section two hundred
15 nine-a of the civil service law involving interference with or discrimi-
16 nation against employee rights under article fourteen of the civil
17 service law; OR

18 (E) FAILURE TO ENROLL A COMPARABLE PERCENTAGE OF STUDENTS QUALIFYING
19 FOR FREE LUNCH, STUDENTS WITH DISABILITIES AND ENGLISH LANGUAGE LEARNERS
20 FOR TWO CONSECUTIVE YEARS.

21 S 18. Subdivision 1 of section 2856 of the education law, as amended
22 by chapter 378 of the laws of 2007, paragraph (a) as amended by section
23 12 of part A of chapter 57 of the laws of 2009, is amended to read as
24 follows:

25 1. (a) The enrollment of students attending charter schools shall be
26 included in the enrollment, attendance, membership and, if applicable,
27 count of students with disabilities of the school district in which the
28 pupil resides. The charter school shall report all such data to the
29 school districts of residence in a timely manner. Each school district
30 shall report such enrollment, attendance and count of students with
31 disabilities to the department. The school district of residence shall
32 pay directly to the charter school for each student enrolled in the
33 charter school who resides in the school district the charter school
34 basic tuition, which shall be an amount equal to one hundred percent of
35 the amount calculated pursuant to paragraph f of subdivision one of
36 section thirty-six hundred two of this chapter for the school district
37 for the year prior to the base year increased by the percentage change
38 in the state total approved operating expense calculated pursuant to
39 paragraph t of subdivision one of section thirty-six hundred two of this
40 chapter from two years prior to the base year to the base year;
41 provided, however, that for the two thousand nine--two thousand ten
42 school year, the charter school basic tuition shall be the amount paya-
43 ble by such district as charter school basic tuition for the two thou-
44 sand eight--two thousand nine school year. FOR THE TWO THOUSAND
45 TEN--TWO THOUSAND ELEVEN SCHOOL YEAR AND THEREAFTER THE STATE SHALL
46 REIMBURSE SCHOOL DISTRICTS FOR THE LOCAL SHARE OF THE CHARTER SCHOOL
47 TUITION PAYMENT OF ANY STUDENTS ATTENDING A CHARTER SCHOOL IN THE JUNE
48 PAYMENT REQUIRED BY SECTION THREE THOUSAND SIX HUNDRED NINE-A OF THIS
49 CHAPTER. SUCH LOCAL SHARE SHALL BE CALCULATED BY DEDUCTING FROM THE
50 CHARTER SCHOOL TUITION PAYMENT THE PER PUPIL FOUNDATION AID AMOUNT
51 ATTRIBUTABLE TO SUCH PUPIL.

52 (b) The school district shall also pay directly to the charter school
53 any federal or state aid attributable to a student with a disability
54 attending charter school in proportion to the level of services for such
55 student with a disability that the charter school provides directly or
56 indirectly. Notwithstanding anything in this section to the contrary,

1 amounts payable pursuant to this subdivision from state or local funds
2 may be reduced pursuant to an agreement between the school and the char-
3 ter entity set forth in the charter. Payments made pursuant to this
4 subdivision shall be made by the school district in six substantially
5 equal installments each year beginning on the first business day of July
6 and every two months thereafter. Amounts payable under this subdivision
7 shall be determined by the commissioner. Amounts payable to a charter
8 school in its first year of operation shall be based on the projections
9 of initial-year enrollment set forth in the charter until actual enroll-
10 ment data is reported to the school district by the charter school. SUCH
11 ACTUAL ENROLLMENT SHALL BE REPORTED TO THE SCHOOL DISTRICT PRIOR TO EACH
12 PAYMENT FOLLOWING THE INITIAL JULY PAYMENT WHICH SHALL BE BASED ON
13 PROJECTED ENROLLMENT. Such projections shall be reconciled with the
14 actual enrollment as actual enrollment data is so reported and at the
15 end of the school's first year of operation and each subsequent year
16 based on a final report of actual enrollment by the charter school, and
17 any necessary adjustments resulting from such final report shall be made
18 to payments during the school's following year of operation.

19 (c) Notwithstanding any other provision of this subdivision to the
20 contrary, payment of the federal aid attributable to a student with a
21 disability attending a charter school shall be made in accordance with
22 the requirements of section 8065-a of title twenty of the United States
23 code and sections 76.785-76.799 and 300.209 of title thirty-four of the
24 code of federal regulations.

25 S 19. Subdivisions 2 and 3 of section 2857 of the education law, as
26 amended by section 7 of part D-2 of chapter 57 of the laws of 2007, are
27 amended to read as follows:

28 2. Each charter school shall submit to the charter entity and to the
29 board of regents an annual report. Such report shall be issued no later
30 than the first day of August of each year for the preceding school year
31 AND PROVIDED TO THE SCHOOL DISTRICT WHERE THE CHARTER SCHOOL IS LOCATED
32 FOR DISPLAY ON THE SCHOOL DISTRICT WEB SITE. The annual report shall be
33 in such form as shall be prescribed by the commissioner and shall
34 include at least the following components:

35 (a) a charter school report card, which shall include measures of the
36 comparative academic and fiscal performance of the school, as prescribed
37 by the commissioner in regulations adopted for such purpose. Such meas-
38 ures shall include, but not be limited to, graduation rates, dropout
39 rates, performance of students on standardized tests DISAGGREGATED FOR
40 SUBGROUPS, college entry rates, total spending per pupil and administra-
41 tive spending per pupil. Such measures shall be presented in a format
42 that is easily comparable to similar public schools. In addition, the
43 charter school shall ensure that such information is easily accessible
44 to the community.

45 (b) discussion of the progress made towards achievement of the goals
46 set forth in the charter.

47 (c) a certified financial statement setting forth, by appropriate
48 categories, the revenues FROM ALL SOURCES and expenditures INCLUDING THE
49 SALARY OF THE SCHOOL LEADER AND ANY OTHER SALARIES IN EXCESS OF THE
50 REPORTING REQUIREMENTS FOR PUBLIC SCHOOL DISTRICTS CONTAINED IN SECTION
51 ONE THOUSAND SIX HUNDRED EIGHT OF THIS CHAPTER AND CONTRACTS WITH
52 CONSULTANTS AND VENDORS for the preceding school year, including a copy
53 of the most recent independent fiscal audit of the school.

54 3. The board of regents shall report annually BY DECEMBER FIRST to the
55 governor, the temporary president of the senate, and the speaker of the
56 assembly AND THE PUBLIC the following information:

1 (a) The number, distribution, and a brief description of new charter
2 schools established during the preceding year;

3 (b) The department's assessment of the current and projected program-
4 matic and fiscal impact of charter schools on the delivery of services
5 by school districts;

6 (c) The academic progress of students attending charter schools, as
7 measured against comparable public and nonpublic schools with similar
8 student population characteristics [wherever practicable];

9 (d) A list of all actions taken by a charter entity on charter appli-
10 cation and the rationale for the renewal or revocation of any charters;
11 and

12 (e) Any other information regarding charter schools that the board of
13 regents deems necessary INCLUDING INFORMATION ON BEST PRACTICES OF CHAR-
14 TER SCHOOLS THAT IMPROVE STUDENT PERFORMANCE.

15 The format for this annual report shall be developed in consultation
16 with representatives of school districts and charter school officials.

17 S 20. Paragraph a of subdivision 7 of section 1608 of the education
18 law is amended by adding a new subparagraph (v) to read as follows:

19 (V) THE PROJECTED AMOUNT OF PAYMENTS TO BE MADE TO CHARTER SCHOOLS IN
20 THE NEXT SCHOOL YEAR.

21 S 21. Paragraph a of subdivision 7 of section 1716 of the education
22 law is amended by adding a new subparagraph (v) to read as follows:

23 (V) THE PROJECTED AMOUNT OF PAYMENTS TO BE MADE TO CHARTER SCHOOLS IN
24 THE NEXT SCHOOL YEAR.

25 S 22. Paragraph (t) of subdivision 1 of section 3602 of the education
26 law is amended by adding a new closing paragraph to read as follows:

27 NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW TO THE CONTRARY, IN
28 COMPUTING APPROVED OPERATING EXPENSE PURSUANT TO THIS PARAGRAPH FOR CITY
29 SCHOOL DISTRICTS OF THOSE CITIES HAVING A POPULATION IN EXCESS OF ONE
30 HUNDRED TWENTY-FIVE THOUSAND BUT LESS THAN ONE MILLION; AN AMOUNT EQUAL
31 TO_(I) THE AMOUNT COMPUTED FOR THE SCHOOL DISTRICT FOR THE TWO THOUSAND
32 SIX--TWO THOUSAND SEVEN SCHOOL YEAR PURSUANT TO SUBDIVISION THIRTY-SEVEN
33 OF THIS SECTION AS THIS SECTION EXISTED ON JUNE THIRTIETH, TWO THOUSAND
34 SEVEN, (II) THE STATE FUNDS WHICH SUCH DISTRICT RECEIVED IN THE TWO
35 THOUSAND SIX--TWO THOUSAND SEVEN SCHOOL YEAR FOR MAGNET SCHOOL GRANTS TO
36 PUBLIC SCHOOLS, AND (III) THE STATE FUNDS WHICH SUCH DISTRICT RECEIVED
37 IN THE TWO THOUSAND SIX--TWO THOUSAND SEVEN SCHOOL YEAR FOR TEACHER
38 SUPPORT, SHALL BE ACCOUNTED FOR IN THE SAME WAY AS STATE FUNDS RECEIVED
39 FOR SUCH PURPOSE IN THE TWO THOUSAND SIX--TWO THOUSAND SEVEN SCHOOL
40 YEAR.

41 S 23. This act shall take effect immediately; provided, however, that
42 the amendments to subdivision 1 of section 2856 of the education law
43 made by section eighteen of this act shall not affect the expiration of
44 such subdivision and shall expire therewith.