S T A T E O F N E W Y O R K

7122

I N S E N A T E

April 30, 2012

Introduced by Sen. FLANAGAN -- 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 providing special education services

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

Section 1. Subparagraph 2 of paragraph h of subdivision 4 of section 1950 of the education law, as amended by chapter 474 of the laws of 1996, is amended to read as follows:

(2) To enter into contracts with the United States of America, the State of New York, any school district, community college, public institution of higher education, independent institution of higher education eligible for aid under section sixty-four hundred one of this chapter, CHARTER SCHOOL AUTHORIZED BY ARTICLE FIFTY-SIX OF THIS CHAPTER, or public agency in relation to the program of the board of cooperative educational services, and any such school district, community college, institution of higher education, CHARTER SCHOOL, or public agency is hereby authorized and empowered to do and perform any and all acts necessary or convenient in relation to the performance of any such contracts.

S 2. Subparagraphs (A) and (B) of paragraph (b-1) of subdivision 1 of section 2853 of the education law, as amended by chapter 101 of the laws of 2010, are amended and a new subparagraph (C) is added to read as follows:

(A) a charter school may operate in more than one building at a single site; [and]

(B) a charter school which provides instruction to its students at different locations for a portion of their school day shall be deemed to be operating at a single site[.]; AND

(C) A CHARTER SCHOOL THAT PROVIDES PROGRAMS AND SERVICES TO ITS STUDENTS AT DIFFERENT LOCATIONS PURSUANT TO PARAGRAPH (A) OF SUBDIVISION FOUR OF THIS SECTION SHALL BE DEEMED TO BE OPERATING AT A SINGLE SITE.

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

LBD15484-01-2

S 3. Paragraph (a) of subdivision 4 of section 2853 of the education law, as amended by chapter 378 of the laws of 2007, is amended to read as follows:

(a) For purposes of sections seven hundred one, seven hundred eleven, seven hundred fifty-one and nine hundred twelve of this chapter, a charter school shall be deemed a nonpublic school in the school district within which the charter school is located. Special education programs and services shall be provided to students with a disability attending a charter school in accordance with the individualized education program recommended by the committee or subcommittee on special education of the student's school district of residence. The charter school may arrange to have such services provided by such school district of residence or by the charter school directly or by contract with another provider, WHICH MAY INCLUDE ANOTHER CHARTER SCHOOL OR A BOARD OF COOPERATIVE EDUCATIONAL SERVICES. A CHARTER SCHOOL MAY PROVIDE SUCH PROGRAMS AND SERVICES, INCLUDING PROGRAMS AND SERVICES FOR STUDENTS WHO ARE ENGLISH LANGUAGE LEARNERS, ON-SITE OR ARRANGE TO HAVE SUCH SERVICES PROVIDED AT ANOTHER SITE. Where the charter school arranges to have the school district of residence provide such special education programs or services, such school district shall provide services in the same manner as it serves students with disabilities in other public schools in the school district, including the provision of supplementary and related services on site to the same extent to which it has a policy or practice of providing such services on the site of such other public schools.

S 4. Paragraph (a) of subdivision 4 of section 2853 of the education law, as added by chapter 4 of the laws of 1998, is amended to read as follows:

(a) For purposes of sections seven hundred one, seven hundred eleven, seven hundred fifty-one and nine hundred twelve of this chapter, a charter school shall be deemed a nonpublic school in the school district within which the charter school is located. Special education programs and services shall be provided to students with a disability attending a charter school in accordance with the individualized education program recommended by the committee or subcommittee on special education of the student's school district of residence. The charter school may arrange to have such services provided by such school district of residence or by the charter school directly or by contract with another provider, WHICH MAY INCLUDE ANOTHER CHARTER SCHOOL OR A BOARD OF COOPERATIVE EDUCATIONAL SERVICES. A CHARTER SCHOOL MAY PROVIDE SUCH PROGRAMS AND SERVICES, INCLUDING PROGRAMS AND SERVICES FOR STUDENTS WHO ARE ENGLISH LANGUAGE LEARNERS, ON-SITE OR ARRANGE TO HAVE SUCH SERVICES PROVIDED AT ANOTHER SITE.

S 5. This act shall take effect immediately, provided that the amendments to paragraph (a) of subdivision 4 of section 2853 of the education law made by section three of this act shall be subject to the expiration and reversion of such paragraph pursuant to subdivision d of section 27 of chapter 378 of the laws of 2007, as amended, when upon such date the provisions of section four of this act shall take effect.