

STATE OF NEW YORK

825

2017-2018 Regular Sessions

IN SENATE

January 5, 2017

Introduced by Sen. FUNKE -- 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 school access to unused school facilities, property or land

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 3 of section 2853 of the education law is
2 amended by adding a new paragraph (f) to read as follows:

3 (f) In districts with an existing charter school as of September
4 first, two thousand seventeen, except those lying in or coterminous with
5 cities having a population of one million or more, and in all other
6 small city school districts operating pursuant to article fifty-one of
7 this chapter, charter schools and charter school applicants shall be
8 granted the right of first refusal prior to any sale, lease, transfer,
9 or other disposition of school facilities, property or land. Addi-
10 tionally charter schools and charter school applicants shall be granted
11 access to unused school facilities, property or land.

12 Notwithstanding any provision of law to the contrary, the right of
13 first refusal shall be granted prior to commencing any action in accord-
14 ance with sections four hundred two, four hundred three-a, four hundred
15 three-b, and four hundred five of this chapter. A party conceiving
16 itself aggrieved by a dispute over the application of this paragraph,
17 including procedures pertaining to and ultimate decisions over granting
18 access, shall be settled by appeal to the commissioner of education
19 pursuant to section three hundred ten of this chapter.

20 (1) A city, municipality or board of education of a school district
21 shall implement and administer the provisions of this paragraph in a
22 public and transparent manner.

23 (2) The use of school facilities, property or land shall be offered to
24 charter schools or charter school applicants at no cost or for a nominal
25 fee of one dollar per year. A city, municipality or board of education

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

LBD04269-01-7

1 of a school district and a charter school shall negotiate an agreement
2 for access to and use of school facilities, property or land. The agree-
3 ment shall identify the party responsible for maintenance and operations
4 and associated costs.

5 (3) A charter school that has been granted access to a school facili-
6 ty, property or land in accordance with this paragraph shall be allowed
7 uninterrupted access for as long as the school has an active charter
8 agreement.

9 (4) If a charter school or charter school applicant has been granted
10 access to a school facility, property or land and has not begun using it
11 for the purpose of educating students within one year, the school facil-
12 ity, property or land shall be deemed unused and the agreement may be
13 terminated. If the school facility, property or land requires substan-
14 tial renovation or other reasonable delays impede its use for the
15 purpose of educating students, then, by mutual agreement, an additional
16 year shall be granted before such school facility, property or land is
17 deemed unused.

18 If a charter school no longer needs or wants the school facility,
19 property or land, or the charter applicant group is not granted a char-
20 ter, the agreement may be terminated. A charter school may not sell,
21 lease, transfer or otherwise dispose of a school facility that has been
22 accessed in accordance with this paragraph without the written consent
23 of the city, municipality or board of education from which the property
24 was transferred.

25 § 2. This act shall take effect immediately.