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

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I N A S S E M B L Y

May 28, 2010

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Nolan, Silver, Benjamin, Bing, Camara, Clark, Espaillat, Galef, Gottfried, Hikind, Hoyt, Jeffries, Morelle, Powell) -- (at request of the Governor) -- read once and referred 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:

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

1. An application to establish a charter school may be submitted by teachers, parents, school administrators, community residents or any combination thereof. Such application may be filed in conjunction with a college, university, museum, educational institution, not-for-profit corporation exempt from taxation under paragraph 3 of subsection (c) of section 501 of the internal revenue code or for-profit business or corporate entity authorized to do business in New York state. PROVIDED HOWEVER, FOR-PROFIT BUSINESS OR CORPORATE ENTITIES SHALL NOT BE ELIGIBLE TO SUBMIT AN APPLICATION TO ESTABLISH A CHARTER SCHOOL PURSUANT TO SUBDIVISION NINE-A OF SECTION TWENTY-EIGHT HUNDRED FIFTY-TWO OF THIS ARTICLE, OR OPERATE OR MANAGE A CHARTER SCHOOL FOR A CHARTER ISSUED PURSUANT TO SUBDIVISION NINE-A OF SECTION TWENTY-EIGHT HUNDRED FIFTY-TWO OF THIS ARTICLE. For charter schools established in conjunction with a for-profit business or corporate entity, the charter shall specify the extent of the entity's participation in the management and operation of the school.

S 2. Paragraph (c) of subdivision 2 of section 2851 of the education law, as added by chapter 4 of the laws of 1998, is amended to read as follows:

(c) The proposed governance structure of the school, including a list of members of the initial board of trustees, a description of the qualifications, terms and method of appointment or election of trustees, the organizational structure of the school, A PROCEDURE FOR CONDUCTING AND PUBLICIZING MONTHLY BOARD OF TRUSTEE MEETINGS AT EACH CHARTER SCHOOL,

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

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and the processes to be followed by the school to promote parental and staff involvement in school governance.

S 3. Paragraph (v) of subdivision 2 of section 2851 of the education law, as added by chapter 4 of the laws of 1998, is amended to read as follows:

(v) A code of ethics for the charter school, setting forth for the guidance of its trustees, officers and employees the standards of conduct expected of them INCLUDING STANDARDS WITH RESPECT TO DISCLOSURE OF CONFLICTS OF INTEREST REGARDING ANY MATTER BROUGHT BEFORE THE BOARD OF TRUSTEES.

S 4. Paragraph (p) of subdivision 2 of section 2851 of the education law, as added by chapter 4 of the laws of 1998, is amended to read as follows:

(p) The term of the proposed charter, which shall not exceed five years; PROVIDED HOWEVER, IN THE CASE OF CHARTERS ISSUED PURSUANT TO SUBDIVISION NINE-A OF SECTION TWENTY-EIGHT HUNDRED FIFTY-TWO OF THIS ARTICLE THE TERM OF SUCH PROPOSED CHARTER SHALL NOT EXCEED FIVE YEARS IN WHICH INSTRUCTION IS PROVIDED TO PUPILS PLUS THE PERIOD COMMENCING WITH THE EFFECTIVE DATE OF THE CHARTER AND ENDING WITH THE OPENING OF THE SCHOOL FOR INSTRUCTION.

S 5. Subdivision 3 of section 2851 of the education law, as added by chapter 4 of the laws of 1998, paragraph (a) as amended by section 6 of part B of chapter 57 of the laws of 2008, is amended to read as follows:

3. An applicant shall submit the application to a charter entity for approval. For purposes of this article, a charter entity shall be:

(a) The board of education of a school district eligible for an apportionment of aid under subdivision four of section thirty-six hundred two of this chapter, provided that a board of education shall not approve an application for a school to be operated outside the school district's geographic boundaries and further provided that in a city having a population of one million or more, the chancellor of any such city school district shall be the charter entity established by this paragraph;

(b) The board of trustees of the state university of New York; or

(c) The board of regents.

The board of regents shall be the only entity authorized to issue a charter pursuant to this article. Notwithstanding any provision of this subdivision to the contrary, an application for the conversion of an existing public school to a charter school shall be submitted to, and may only be approved by, the charter entity set forth in paragraph (a) of this subdivision. [Any] NOTWITHSTANDING ANY LAW, RULE OR REGULATION TO THE CONTRARY, ANY such application for conversion shall be consistent with this section BUT SHALL NOT BE SUBJECT TO THE PROCESS PURSUANT TO SUBDIVISION NINE-A OF SECTION TWENTY-EIGHT HUNDRED FIFTY-TWO OF THIS ARTICLE, and the charter entity shall require that the parents or guardians of a majority of the students then enrolled in the existing public school vote in favor of converting the school to a charter school.

S 6. Subdivision 4 of section 2851 of the education law is amended by adding a new paragraph (e) to read as follows:

(E) THE MEANS BY WHICH THE CHARTER SCHOOL WILL MEET OR EXCEED ENROLLMENT AND RETENTION TARGETS AS PRESCRIBED BY THE BOARD OF REGENTS OR THE BOARD OF TRUSTEES OF THE STATE UNIVERSITY OF NEW YORK, AS APPLICABLE, OF STUDENTS WITH DISABILITIES, ENGLISH LANGUAGE LEARNERS, AND STUDENTS WHO ARE ELIGIBLE APPLICANTS FOR THE FREE AND REDUCED PRICE LUNCH PROGRAM WHICH SHALL BE CONSIDERED BY THE CHARTER ENTITY PRIOR TO APPROVING SUCH CHARTER SCHOOL'S APPLICATION FOR RENEWAL. WHEN DEVELOPING SUCH TARGETS, THE BOARD OF REGENTS AND THE BOARD OF TRUSTEES OF THE STATE UNIVERSITY

OF NEW YORK SHALL ENSURE (1) THAT SUCH ENROLLMENT TARGETS ARE COMPARABLE TO THE ENROLLMENT FIGURES OF SUCH CATEGORIES OF STUDENTS ATTENDING THE PUBLIC SCHOOLS WITHIN THE SCHOOL DISTRICT, OR IN A CITY SCHOOL DISTRICT IN A CITY HAVING A POPULATION OF ONE MILLION OR MORE INHABITANTS, THE COMMUNITY SCHOOL DISTRICT, IN WHICH THE CHARTER SCHOOL IS LOCATED; AND (2) THAT SUCH RETENTION TARGETS ARE COMPARABLE TO THE RATE OF RETENTION OF SUCH CATEGORIES OF STUDENTS ATTENDING THE PUBLIC SCHOOLS WITHIN THE SCHOOL DISTRICT, OR IN A CITY SCHOOL DISTRICT IN A CITY HAVING A POPULATION OF ONE MILLION OR MORE INHABITANTS, THE COMMUNITY SCHOOL DISTRICT, IN WHICH THE PROPOSED CHARTER SCHOOL WOULD BE LOCATED.

S 7. Subdivision 1 of section 2852 of the education law, as amended by section 2 of part D-2 of chapter 57 of the laws of 2007, is amended to read as follows:

1. A charter entity that receives an application for approval of a charter school shall act on each request received prior to July first of a calendar year on or before January first of the succeeding calendar year, and a proposed charter between the applicant and the charter entity resulting from such application shall be executed on or before February first of such succeeding year. Nothing in this subdivision shall be construed to prevent a charter entity from receiving or acting upon an application at any time. THIS SUBDIVISION SHALL NOT APPLY TO APPLICATIONS THAT ARE SUBMITTED PURSUANT TO SUBDIVISION NINE-A OF THIS SECTION.

S 8. Subdivision 5 of section 2852 of the education law, as added by chapter 4 of the laws of 1998, is amended to read as follows:

5. Upon approval of an application by a charter entity, the applicant and charter entity shall enter into a proposed agreement allowing the applicants to organize and operate a charter school. Such written agreement, known as the charter, shall include (a) the information required by subdivision two of section twenty-eight hundred fifty-one of this article, as modified or supplemented during the approval process, (b) IN THE CASE OF CHARTERS TO BE ISSUED PURSUANT TO SUBDIVISION NINE-A OF THIS SECTION, INFORMATION REQUIRED BY SUCH SUBDIVISION, (C) any other terms or conditions required by applicable laws, rules and regulations, and [(c)] (D) any other terms or conditions, not inconsistent with law, agreed upon by the applicant and the charter entity. In addition, the charter shall include the specific commitments of the charter entity relating to its obligations to oversee and supervise the charter school. Within five days after entering into a proposed charter, the charter entity other than the board of regents shall submit to the board of regents a copy of the charter, the application and supporting documentation for final approval and issuance by the board of regents in accordance with subdivisions five-a and five-b of this section.

S 9. Subdivision 5-a of section 2852 of the education law, as amended by section 2 of part D-2 of chapter 57 of the laws of 2007, is amended to read as follows:

5-a. Upon receipt of a proposed charter submitted by a charter entity, the board of regents shall review such proposed charter in accordance with the standards set forth in subdivision two of this section, AND ANY OTHER APPLICABLE SPECIFICATIONS REQUIRED BY THIS ARTICLE. The board of regents shall either (a) approve and issue the charter as proposed by the charter entity or (b) return the proposed charter to the charter entity for reconsideration with the written comments and recommendations of the board of regents. If the board of regents fails to act on such proposed charter within ninety days of its submission to the board of regents in accordance with the previous sentence, the proposed charter

shall be deemed to have been approved and issued by the board of regents at the expiration of such period.

S 10. Intentionally omitted.

S 11. Subdivision 9 of section 2852 of the education law, as amended by section 2 of part D-2 of chapter 57 of the laws of 2007, is amended to read as follows:

9. The total number of charters issued pursuant to this article shall not exceed [two] FOUR hundred SIXTY. (A) One hundred of such charters shall be issued on the recommendation of the charter entity described in paragraph (b) of subdivision three of section twenty-eight hundred fifty-one of this article[, and]; (B) one hundred of such charters shall be issued on the recommendation of the other charter entities set forth in subdivision three of section twenty-eight hundred fifty-one of this article[, provided that]; (C) up to fifty of the additional charters authorized to be issued by the chapter of the laws of two thousand seven which amended this subdivision effective July first, two thousand seven shall be reserved for a city school district of a city having a population of one million or more; (D) ONE HUNDRED THIRTY CHARTERS SHALL BE ISSUED BY THE BOARD OF REGENTS PURSUANT TO A COMPETITIVE PROCESS IN ACCORDANCE WITH SUBDIVISION NINE-A OF THIS SECTION, PROVIDED THAT NO MORE THAN FIFTY-SEVEN OF SUCH CHARTERS SHALL BE GRANTED TO A CHARTER FOR A SCHOOL TO BE LOCATED IN A CITY HAVING A POPULATION OF ONE MILLION OR MORE; (E) ONE HUNDRED THIRTY CHARTERS SHALL BE ISSUED BY THE BOARD OF REGENTS ON THE RECOMMENDATION OF THE BOARD OF TRUSTEES OF THE STATE UNIVERSITY OF NEW YORK PURSUANT TO A COMPETITIVE PROCESS IN ACCORDANCE WITH SUBDIVISION NINE-A OF THIS SECTION, PROVIDED THAT NO MORE THAN FIFTY-SEVEN OF SUCH CHARTERS SHALL BE GRANTED TO A CHARTER FOR A SCHOOL TO BE LOCATED IN A CITY HAVING A POPULATION OF ONE MILLION OR MORE. The failure of any body to issue the regulations authorized pursuant to this article shall not [effect] AFFECT the authority of a charter entity to propose a charter to the board of regents or the board of regents' authority to grant such charter. A conversion of an existing public school to a charter school or the renewal or extension of a charter shall not be counted toward the numerical limits established by this subdivision.

S 12. Section 2852 of the education law is amended by adding a new subdivision 9-a to read as follows:

9-A. (A) THE BOARD OF REGENTS IS HEREBY AUTHORIZED AND DIRECTED TO ISSUE TWO HUNDRED SIXTY CHARTERS PURSUANT TO A COMPETITIVE REQUEST FOR PROPOSALS PROCESS.

(I) COMMENCING ON AUGUST FIRST, TWO THOUSAND TEN, THE BOARD OF REGENTS AND THE BOARD OF TRUSTEES OF THE STATE UNIVERSITY OF NEW YORK SHALL EACH ISSUE A REQUEST FOR PROPOSALS IN ACCORDANCE WITH THIS SUBDIVISION AND THIS SUBPARAGRAPH:

(1) EACH REQUEST FOR PROPOSALS TO BE ISSUED BY THE BOARD OF REGENTS AND THE BOARD OF TRUSTEES OF THE STATE UNIVERSITY OF NEW YORK ON AUGUST FIRST, TWO THOUSAND TEN SHALL BE FOR A MAXIMUM OF THIRTY-TWO CHARTERS TO BE ISSUED FOR CHARTER SCHOOLS WHICH WOULD COMMENCE INSTRUCTIONAL OPERATION BY THE SEPTEMBER OF THE NEXT CALENDAR YEAR.

(2) EACH REQUEST FOR PROPOSALS TO BE ISSUED BY THE BOARD OF REGENTS AND THE BOARD OF TRUSTEES OF THE STATE UNIVERSITY OF NEW YORK ON JANUARY FIRST, TWO THOUSAND ELEVEN SHALL BE FOR A MAXIMUM OF THIRTY-THREE CHARTERS TO BE ISSUED FOR CHARTER SCHOOLS WHICH WOULD COMMENCE INSTRUCTIONAL OPERATION BY THE SEPTEMBER OF THE NEXT CALENDAR YEAR.

(3) EACH REQUEST FOR PROPOSALS TO BE ISSUED BY THE BOARD OF REGENTS AND THE BOARD OF TRUSTEES OF THE STATE UNIVERSITY OF NEW YORK ON JANUARY

FIRST, TWO THOUSAND TWELVE SHALL BE FOR A MAXIMUM OF THIRTY-TWO CHARTERS TO BE ISSUED FOR CHARTER SCHOOLS WHICH WOULD COMMENCE INSTRUCTIONAL OPERATION BY THE SEPTEMBER OF THE NEXT CALENDAR YEAR.

(4) EACH REQUEST FOR PROPOSALS TO BE ISSUED BY THE BOARD OF REGENTS AND THE BOARD OF TRUSTEES OF THE STATE UNIVERSITY OF NEW YORK ON SEPTEMBER FIRST, TWO THOUSAND THIRTEEN SHALL BE FOR A MAXIMUM OF THIRTY-THREE CHARTERS TO BE ISSUED FOR CHARTER SCHOOLS WHICH WOULD COMMENCE INSTRUCTIONAL OPERATION BY THE SEPTEMBER OF THE NEXT CALENDAR YEAR.

(II) NOTWITHSTANDING THE PROVISIONS OF CLAUSES ONE, TWO, THREE AND FOUR OF SUBPARAGRAPH (I) OF THIS PARAGRAPH, IF FEWER CHARTERS ARE ISSUED THAN WERE REQUESTED IN THE REQUEST FOR PROPOSALS, THE DIFFERENCE MAY BE ADDED TO THE NUMBER OF CHARTERS REQUESTED IN THE REQUEST FOR PROPOSALS IN THE SUCCEEDING YEAR.

(III) THE BOARD OF REGENTS SHALL MAKE A DETERMINATION TO ISSUE A CHARTER PURSUANT TO A REQUEST FOR PROPOSALS NO LATER THAN DECEMBER THIRTY-FIRST OF EACH YEAR.

(B) THE BOARD OF REGENTS AND THE BOARD OF TRUSTEES OF THE STATE UNIVERSITY OF NEW YORK SHALL EACH DEVELOP SUCH REQUEST FOR PROPOSALS IN A MANNER THAT FACILITATES A THOUGHTFUL REVIEW OF CHARTER SCHOOL APPLICATIONS, CONSIDERS THE DEMAND FOR CHARTER SCHOOLS BY THE COMMUNITY, AND SEEKS TO LOCATE CHARTER SCHOOLS IN A REGION OR REGIONS WHERE THERE MAY BE A LACK OF ALTERNATIVES AND ACCESS TO CHARTER SCHOOLS WOULD PROVIDE NEW ALTERNATIVES WITHIN THE LOCAL PUBLIC EDUCATION SYSTEM THAT WOULD OFFER THE GREATEST EDUCATIONAL BENEFIT TO STUDENTS. APPLICATIONS SHALL BE EVALUATED IN ACCORDANCE WITH THE CRITERIA AND OBJECTIVES CONTAINED WITHIN A REQUEST FOR PROPOSALS. THE BOARD OF REGENTS AND THE BOARD OF TRUSTEES OF THE STATE UNIVERSITY OF NEW YORK SHALL NOT CONSIDER ANY APPLICATIONS WHICH DO NOT RIGOROUSLY DEMONSTRATE THAT THEY HAVE MET THE FOLLOWING CRITERIA:

(I) THAT THE PROPOSED CHARTER SCHOOL WOULD MEET OR EXCEED ENROLLMENT AND RETENTION TARGETS, AS PRESCRIBED BY THE BOARD OF REGENTS OR THE BOARD OF TRUSTEES OF THE STATE UNIVERSITY OF NEW YORK, AS APPLICABLE, OF STUDENTS WITH DISABILITIES, ENGLISH LANGUAGE LEARNERS, AND STUDENTS WHO ARE ELIGIBLE APPLICANTS FOR THE FREE AND REDUCED PRICE LUNCH PROGRAM. WHEN DEVELOPING SUCH TARGETS, THE BOARD OF REGENTS AND THE BOARD OF TRUSTEES OF THE STATE UNIVERSITY OF NEW YORK, SHALL ENSURE (1) THAT SUCH ENROLLMENT TARGETS ARE COMPARABLE TO THE ENROLLMENT FIGURES OF SUCH CATEGORIES OF STUDENTS ATTENDING THE PUBLIC SCHOOLS WITHIN THE SCHOOL DISTRICT, OR IN A CITY SCHOOL DISTRICT IN A CITY HAVING A POPULATION OF ONE MILLION OR MORE INHABITANTS, THE COMMUNITY SCHOOL DISTRICT, IN WHICH THE PROPOSED CHARTER SCHOOL WOULD BE LOCATED; AND (2) THAT SUCH RETENTION TARGETS ARE COMPARABLE TO THE RATE OF RETENTION OF SUCH CATEGORIES OF STUDENTS ATTENDING THE PUBLIC SCHOOLS WITHIN THE SCHOOL DISTRICT, OR IN A CITY SCHOOL DISTRICT IN A CITY HAVING A POPULATION OF ONE MILLION OR MORE INHABITANTS, THE COMMUNITY SCHOOL DISTRICT, IN WHICH THE PROPOSED CHARTER SCHOOL WOULD BE LOCATED; AND

(II) THAT THE APPLICANT HAS CONDUCTED PUBLIC OUTREACH, IN CONFORMITY WITH A THOROUGH AND MEANINGFUL PUBLIC REVIEW PROCESS PRESCRIBED BY THE BOARD OF REGENTS AND THE BOARD OF TRUSTEES OF THE STATE UNIVERSITY OF NEW YORK, TO SOLICIT COMMUNITY INPUT REGARDING THE PROPOSED CHARTER SCHOOL AND TO ADDRESS COMMENTS RECEIVED FROM THE IMPACTED COMMUNITY CONCERNING THE EDUCATIONAL AND PROGRAMMATIC NEEDS OF STUDENTS.

(C) THE BOARD OF REGENTS AND THE BOARD OF TRUSTEES OF THE STATE UNIVERSITY OF NEW YORK SHALL GRANT PRIORITY BASED ON A SCORING RUBRIC TO THOSE APPLICATIONS THAT BEST DEMONSTRATE HOW THEY WILL ACHIEVE THE FOLLOWING OBJECTIVES, AND ANY ADDITIONAL OBJECTIVES THE BOARD OF REGENTS

AND THE BOARD OF TRUSTEES OF THE STATE UNIVERSITY OF NEW YORK, MAY PRESCRIBE:

(I) INCREASING STUDENT ACHIEVEMENT AND DECREASING STUDENT ACHIEVEMENT GAPS IN READING/LANGUAGE ARTS AND MATHEMATICS;

(II) INCREASING HIGH SCHOOL GRADUATION RATES AND FOCUSING ON SERVING SPECIFIC HIGH SCHOOL STUDENT POPULATIONS INCLUDING, BUT NOT LIMITED TO, STUDENTS AT RISK OF NOT OBTAINING A HIGH SCHOOL DIPLOMA, RE-ENROLLED HIGH SCHOOL DROP-OUTS, AND STUDENTS WITH ACADEMIC SKILLS BELOW GRADE LEVEL;

(III) FOCUSING ON THE ACADEMIC ACHIEVEMENT OF MIDDLE SCHOOL STUDENTS AND PREPARING THEM FOR A SUCCESSFUL TRANSITION TO HIGH SCHOOL;

(IV) UTILIZING HIGH-QUALITY ASSESSMENTS DESIGNED TO MEASURE A STUDENT'S KNOWLEDGE, UNDERSTANDING OF, AND ABILITY TO APPLY, CRITICAL CONCEPTS THROUGH THE USE OF A VARIETY OF ITEM TYPES AND FORMATS;

(V) INCREASING THE ACQUISITION, ADOPTION, AND USE OF LOCAL INSTRUCTIONAL IMPROVEMENT SYSTEMS THAT PROVIDE TEACHERS, PRINCIPALS, AND ADMINISTRATORS WITH THE INFORMATION AND RESOURCES THEY NEED TO INFORM AND IMPROVE THEIR INSTRUCTIONAL PRACTICES, DECISION-MAKING, AND OVERALL EFFECTIVENESS;

(VI) PARTNERING WITH LOW PERFORMING PUBLIC SCHOOLS IN THE AREA TO SHARE BEST EDUCATIONAL PRACTICES AND INNOVATIONS;

(VII) DEMONSTRATING THE MANAGEMENT AND LEADERSHIP TECHNIQUES NECESSARY TO OVERCOME INITIAL START-UP PROBLEMS TO ESTABLISH A THRIVING, FINANCIALLY VIABLE CHARTER SCHOOL;

(VIII) DEMONSTRATING THE SUPPORT OF THE SCHOOL DISTRICT IN WHICH THE PROPOSED CHARTER SCHOOL WILL BE LOCATED AND THE INTENT TO ESTABLISH AN ONGOING RELATIONSHIP WITH SUCH SCHOOL DISTRICT.

(D) NO LATER THAN NOVEMBER FIRST, TWO THOUSAND TEN, AND OF EACH SUCCEEDING YEAR, AFTER A THOROUGH REVIEW OF APPLICATIONS RECEIVED, THE BOARD OF TRUSTEES OF THE STATE UNIVERSITY OF NEW YORK SHALL RECOMMEND FOR APPROVAL TO THE BOARD OF REGENTS THE QUALIFIED APPLICATIONS THAT IT HAS DETERMINED RIGOROUSLY DEMONSTRATE THE CRITERIA AND BEST SATISFY THE OBJECTIVES CONTAINED WITHIN A REQUEST FOR PROPOSALS, ALONG WITH SUPPORTING DOCUMENTATION OUTLINING SUCH DETERMINATION.

(E) UPON RECEIPT OF A PROPOSED CHARTER TO BE ISSUED PURSUANT TO THIS SUBDIVISION SUBMITTED BY A CHARTER ENTITY, THE BOARD OF REGENTS OR THE BOARD OF TRUSTEES OF THE STATE UNIVERSITY OF NEW YORK, SHALL REVIEW, RECOMMEND AND ISSUE, AS APPLICABLE, SUCH CHARTERS IN ACCORDANCE WITH THE STANDARDS ESTABLISHED IN THIS SUBDIVISION.

(F) THE BOARD OF REGENTS SHALL BE THE ONLY ENTITY AUTHORIZED TO ISSUE A CHARTER PURSUANT TO THIS ARTICLE. THE BOARD OF REGENTS SHALL CONSIDER APPLICATIONS SUBMITTED DIRECTLY TO THE BOARD OF REGENTS AND APPLICATIONS RECOMMENDED BY THE BOARD OF TRUSTEES OF THE STATE UNIVERSITY OF NEW YORK.

(G) EACH APPLICATION SUBMITTED IN RESPONSE TO A REQUEST FOR PROPOSALS PURSUANT TO THIS SUBDIVISION SHALL ALSO MEET THE APPLICATION REQUIREMENTS SET OUT IN THIS ARTICLE AND ANY OTHER APPLICABLE LAWS, RULES AND REGULATIONS.

(H) DURING THE DEVELOPMENT OF A REQUEST FOR PROPOSALS PURSUANT TO THIS SUBDIVISION THE BOARD OF REGENTS AND THE BOARD OF TRUSTEES OF THE STATE UNIVERSITY OF NEW YORK SHALL EACH AFFORD THE PUBLIC AN OPPORTUNITY TO SUBMIT COMMENTS AND SHALL REVIEW AND CONSIDER THE COMMENTS RAISED BY ALL INTERESTED PARTIES.

S 13. Paragraph (a) of subdivision 1 of section 2853 of the education law, as added by chapter 4 of the laws of 1998, is amended to read as follows:

(a) Upon the approval of a charter by the board of regents, the board of regents shall incorporate the charter school as an education corporation for a term not to exceed five years, PROVIDED HOWEVER IN THE CASE OF CHARTERS ISSUED PURSUANT TO SUBDIVISION NINE-A OF SECTION TWENTY-EIGHT HUNDRED FIFTY-TWO OF THIS ARTICLE THE BOARD OF REGENTS SHALL INCORPORATE THE CHARTER SCHOOL AS AN EDUCATION CORPORATION FOR A TERM NOT TO EXCEED FIVE YEARS IN WHICH INSTRUCTION IS PROVIDED TO PUPILS PLUS THE PERIOD COMMENCING WITH THE EFFECTIVE DATE OF THE CHARTER AND ENDING WITH THE OPENING OF THE SCHOOL FOR INSTRUCTION. Such certificate of incorporation shall not modify or limit any terms of the charter approved by the board of regents. Upon approval of an application to renew a charter, the board of regents shall extend the certificate of incorporation for a term not to exceed five years. Upon termination or nonrenewal of the charter of a charter school pursuant to section twenty-eight hundred fifty-five of this article, the certificate of incorporation of the charter school shall be revoked by the board of regents pursuant to section two hundred nineteen of this chapter, provided that compliance with the notice and hearing requirements of such section twenty-eight hundred fifty-five of this article shall be deemed to satisfy the notice and hearing requirements of such section two hundred nineteen. It shall be the duty of the trustees of the charter school to obtain federal tax-exempt status no later than one year following approval of a charter school by the board of regents. For purposes of this article, "certificate of incorporation" shall mean the provisional charter issued by the board of regents to form the charter school as an educational corporation pursuant to sections two hundred sixteen and two hundred seventeen of this chapter.

S 14. Paragraph (b-1) of subdivision 1 of section 2853 of the education law, as added by chapter 4 of the laws of 1998, is amended to read as follows:

(b-1) An education corporation operating a charter school shall [not] be authorized to operate more than one school or house any grade at more than one site, provided that A CHARTER MUST BE ISSUED FOR EACH SUCH ADDITIONAL SCHOOL OR SITE IN ACCORDANCE WITH THE REQUIREMENTS FOR THE ISSUANCE OF A CHARTER PURSUANT TO THIS ARTICLE AND THAT EACH SUCH ADDITIONAL SCHOOL OR SITE SHALL COUNT AS A CHARTER ISSUED PURSUANT TO SUBDIVISION NINE OF SECTION TWENTY EIGHT HUNDRED FIFTY-TWO OF THIS ARTICLE; AND PROVIDED FURTHER THAT:

(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.

S 15. Paragraph (a) of subdivision 3 of section 2853 of the education law, as amended by section 4 of part D-2 of chapter 57 of the laws of 2007, is amended and five new paragraphs (a-1), (a-2), (a-3), (a-4) and (a-5) are added to read as follows:

(a) A charter school may be located in part of an existing public school building, in space provided on a private work site, in a public building or in any other suitable location. Provided, however, before a charter school may be located in part of an existing public school building, the charter entity shall provide notice to the parents or guardians of the students then enrolled in the existing school building and shall hold a public hearing for purposes of discussing the location of the charter school. A charter school may own, lease or rent its

space. [For purposes of local zoning, land use regulation and building code compliance, a charter school shall be deemed a nonpublic school.]

(A-1) (I) FOR CHARTERS ISSUED PURSUANT TO SUBDIVISION NINE-A OF SECTION TWENTY-EIGHT HUNDRED FIFTY-TWO OF THIS ARTICLE LOCATED OUTSIDE A CITY SCHOOL DISTRICT IN A CITY HAVING A POPULATION OF ONE MILLION OR MORE INHABITANTS, THE DEPARTMENT SHALL APPROVE PLANS AND SPECIFICATIONS AND ISSUE CERTIFICATES OF OCCUPANCY FOR SUCH CHARTER SCHOOLS. SUCH CHARTER SCHOOLS SHALL COMPLY WITH ALL DEPARTMENT HEALTH, SANITARY, AND SAFETY REQUIREMENTS APPLICABLE TO FACILITIES AND SHALL BE TREATED THE SAME AS OTHER PUBLIC SCHOOLS FOR PURPOSES OF LOCAL ZONING, LAND USE REGULATION AND BUILDING CODE COMPLIANCE. PROVIDED HOWEVER, THAT THE DEPARTMENT SHALL BE AUTHORIZED TO GRANT SPECIFIC EXEMPTIONS FROM THE REQUIREMENTS OF THIS PARAGRAPH TO CHARTER SCHOOLS UPON A SHOWING THAT COMPLIANCE WITH SUCH REQUIREMENTS CREATES AN UNDUE ECONOMIC HARDSHIP OR THAT SOME OTHER GOOD CAUSE EXISTS THAT MAKES COMPLIANCE WITH THIS PARAGRAPH EXTREMELY IMPRACTICAL. A DEMONSTRATED EFFORT TO OVERCOME THE STATED OBSTACLES MUST BE PROVIDED.

(II) IN A CITY SCHOOL DISTRICT IN A CITY WITH A POPULATION OF ONE MILLION OR MORE, ALL CHARTERS AUTHORIZED TO BE ISSUED BY THE CHAPTER OF THE LAWS OF TWO THOUSAND TEN WHICH AMENDED THIS SUBDIVISION SHALL BE OBLIGATED TO COMPLY WITH THE DEPARTMENT'S HEALTH, SAFETY AND SANITARY REQUIREMENTS APPLICABLE TO FACILITIES TO THE SAME EXTENT AS NON-CHARTER PUBLIC SCHOOLS IN SUCH A CITY SCHOOL DISTRICT.

(A-2) A CHARTER SCHOOL SHALL BE DEEMED A NONPUBLIC SCHOOL FOR PURPOSES OF LOCAL ZONING, LAND USE REGULATION AND BUILDING CODE COMPLIANCE IF IT HAS BEEN GRANTED AN EXEMPTION BY THE DEPARTMENT PURSUANT TO PARAGRAPH (A-1) OF THIS SUBDIVISION OR IF ITS CHARTER WAS NOT ISSUED PURSUANT TO SUBDIVISION NINE-A OF SECTION TWENTY-EIGHT HUNDRED FIFTY-TWO OF THIS ARTICLE.

(A-3)(1) BEFORE A CHARTER SCHOOL MAY BE LOCATED OR CO-LOCATED IN AN EXISTING PUBLIC SCHOOL BUILDING IN A CITY SCHOOL DISTRICT IN A CITY HAVING A POPULATION OF ONE MILLION OR MORE INHABITANTS, THE CHANCELLOR SHALL IDENTIFY WHICH PUBLIC SCHOOL BUILDINGS MAY BE SUBJECT TO LOCATION OR CO-LOCATION, PROVIDE THE RATIONALE AS TO WHY SUCH PUBLIC SCHOOL BUILDING IS IDENTIFIED FOR LOCATION OR CO-LOCATION AND SHALL MAKE ALL SUCH INFORMATION PUBLICLY AVAILABLE, INCLUDING VIA THE CITY BOARD'S OFFICIAL INTERNET WEBSITE. IN ADDITION, THE CHANCELLOR SHALL PROVIDE WIDESPREAD NOTICE OF SUCH INFORMATION INCLUDING TO THE COMMUNITY SUPERINTENDENT, COMMUNITY DISTRICT EDUCATION COUNCIL AND THE SCHOOL-BASED MANAGEMENT TEAM. AFTER A PUBLIC SCHOOL BUILDING HAS BEEN SELECTED FOR A PROPOSED LOCATION OR CO-LOCATION, THE CHANCELLOR SHALL DEVELOP A BUILDING USAGE PLAN IN ACCORDANCE WITH THIS PARAGRAPH.

(2) THE BUILDING USAGE PLAN SHALL BE DEVELOPED BY THE CHANCELLOR FOR EACH SCHOOL THAT HAS BEEN DEFINITIVELY IDENTIFIED FOR A LOCATION OR CO-LOCATION. THE BUILDING USAGE PLAN SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, THE FOLLOWING INFORMATION:

(A) THE ACTUAL ALLOCATION AND SHARING OF CLASSROOM AND ADMINISTRATIVE SPACE BETWEEN THE CHARTER AND NON-CHARTER SCHOOLS;

(B) A PROPOSAL FOR THE COLLABORATIVE USAGE OF SHARED RESOURCES AND SPACES BETWEEN THE CHARTER SCHOOL AND THE NON-CHARTER SCHOOLS, INCLUDING BUT NOT LIMITED TO, CAFETERIAS, LIBRARIES, GYMNASIUMS AND RECREATIONAL SPACES, INCLUDING PLAYGROUNDS WHICH ASSURES EQUITABLE ACCESS TO SUCH FACILITIES IN A SIMILAR MANNER AND AT REASONABLE TIMES TO NON-CHARTER SCHOOL STUDENTS AS PROVIDED TO CHARTER SCHOOL STUDENTS;

(C) JUSTIFICATION OF THE FEASIBILITY OF THE PROPOSED ALLOCATIONS AND SCHEDULES SET FORTH IN CLAUSES (A) AND (B) OF THIS SUBPARAGRAPH AND HOW

SUCH PROPOSED ALLOCATIONS AND SHARED USAGE WOULD RESULT IN AN EQUITABLE AND COMPARABLE USE OF SUCH PUBLIC SCHOOL BUILDING;

(D) BUILDING SAFETY AND SECURITY;

(E) COMMUNICATION STRATEGIES TO BE USED BY THE CO-LOCATED SCHOOLS; AND

(F) COLLABORATIVE DECISION-MAKING STRATEGIES TO BE USED BY THE CO-LOCATED SCHOOLS INCLUDING THE ESTABLISHMENT OF A SHARED SPACE COMMITTEE PURSUANT TO PARAGRAPH (A-FOUR) OF THIS SUBDIVISION.

(3) A BUILDING USAGE PLAN DEVELOPED BY THE CHANCELLOR IN ACCORDANCE WITH THIS PARAGRAPH SHALL BE INCLUDED WITHIN THE EDUCATIONAL IMPACT STATEMENT REQUIRED BY PARAGRAPH (B) OF SUBDIVISION TWO-A OF SECTION TWENTY-FIVE HUNDRED NINETY-H OF THIS TITLE AND BE SUBJECT TO THE REQUIREMENTS OF SUBDIVISION TWO-A OF SUCH SECTION PRIOR TO APPROVAL BY THE BOARD OF EDUCATION PURSUANT TO PARAGRAPH H OF SUBDIVISION ONE OF SECTION TWENTY-FIVE HUNDRED NINETY-G OF THIS TITLE.

(4) A BUILDING USAGE PLAN DEVELOPED BY THE CHANCELLOR IN ACCORDANCE WITH THIS PARAGRAPH MAY BE REVISED AND SUCH REVISION SHALL REQUIRE BOARD OF EDUCATION APPROVAL CONSISTENT WITH THE REQUIREMENTS PURSUANT TO SUBDIVISION SEVEN OF SECTION TWENTY-FIVE HUNDRED NINETY-G OF THIS TITLE.

(5) THE BUILDING USAGE PLAN SHALL BE MADE PUBLICLY AVAILABLE BY THE CHANCELLOR, INCLUDING VIA THE CITY BOARD'S OFFICIAL INTERNET WEBSITE, AND A COPY SHALL ALSO BE FILED WITH THE CITY BOARD, THE IMPACTED COMMUNITY DISTRICT EDUCATION COUNCIL, COMMUNITY BOARDS, COMMUNITY SUPERINTENDENT, AND SCHOOL BASED MANAGEMENT TEAM.

(A-4) IN A CITY SCHOOL DISTRICT IN A CITY HAVING A POPULATION OF ONE MILLION OR MORE INHABITANTS, A SHARED SPACE COMMITTEE SHALL BE ESTABLISHED IN EACH PUBLIC SCHOOL BUILDING IN WHICH ONE OR MORE CHARTER SCHOOLS ARE LOCATED OR CO-LOCATED WITHIN A PUBLIC SCHOOL BUILDING WITH NON-CHARTER PUBLIC SCHOOLS. THE SHARED SPACE COMMITTEE SHALL BE COMPRISED OF THE PRINCIPAL, A TEACHER, AND A PARENT OF EACH CO-LOCATED SCHOOL. SUCH COMMITTEE SHALL CONDUCT REGULAR MEETINGS, AT LEAST FOUR TIMES PER SCHOOL YEAR, TO REVIEW IMPLEMENTATION OF THE BUILDING USAGE PLAN DEVELOPED PURSUANT TO PARAGRAPH (A-THREE) OF THIS SUBDIVISION.

(A-5) NOTWITHSTANDING ANY PROVISION TO THE CONTRARY, IN A CITY SCHOOL DISTRICT IN A CITY HAVING A POPULATION OF ONE MILLION OR MORE INHABITANTS, THE DETERMINATION TO LOCATE OR CO-LOCATE A CHARTER SCHOOL WITHIN A PUBLIC SCHOOL BUILDING AND THE IMPLEMENTATION OF AND COMPLIANCE WITH THE BUILDING USAGE PLAN DEVELOPED PURSUANT TO PARAGRAPH (A-THREE) OF THIS SUBDIVISION THAT HAS BEEN APPROVED BY THE BOARD OF EDUCATION OF SUCH CITY SCHOOL DISTRICT PURSUANT TO PARAGRAPH (H) OF SUBDIVISION ONE OF SECTION TWENTY-FIVE HUNDRED NINETY-G OF THIS TITLE AND AFTER SATISFYING THE REQUIREMENTS OF SUBDIVISION TWO-A OF SECTION TWENTY-FIVE HUNDRED NINETY-H OF THIS TITLE MAY BE APPEALED TO THE COMMISSIONER PURSUANT TO SECTION THREE HUNDRED TEN OF THIS CHAPTER. PROVIDED FURTHER, THE REVISION OF A BUILDING USAGE PLAN APPROVED BY THE BOARD OF EDUCATION CONSISTENT WITH THE REQUIREMENTS PURSUANT TO SUBDIVISION SEVEN OF SECTION TWENTY-FIVE HUNDRED NINETY-G OF THIS TITLE MAY ALSO BE APPEALED TO THE COMMISSIONER ON THE GROUNDS THAT SUCH REVISION FAILS TO MEET THE STANDARDS SET FORTH IN CLAUSE (B) OF SUBPARAGRAPH TWO OF PARAGRAPH (A-3) OF THIS SUBDIVISION. FOLLOWING A PETITION FOR SUCH APPEAL PURSUANT TO THIS PARAGRAPH, SUCH CITY SCHOOL DISTRICT SHALL HAVE TEN DAYS TO RESPOND. THE PETITION MUST BE DISMISSED, ADJUDICATED OR DISPOSED OF BY THE COMMISSIONER WITHIN TEN DAYS OF THE RECEIPT OF THE CITY SCHOOL DISTRICT'S RESPONSE.

S 16. Subdivision 3 of section 2853 of the education law is amended by adding a new paragraph (d) to read as follows:

(D) NOTWITHSTANDING ANY OTHER PROVISION TO THE CONTRARY, IN A CITY SCHOOL DISTRICT IN A CITY HAVING A POPULATION OF ONE MILLION OR MORE INHABITANTS, THE CHANCELLOR MUST FIRST AUTHORIZE IN WRITING ANY PROPOSED CAPITAL IMPROVEMENTS OR FACILITY UPGRADES IN EXCESS OF FIVE THOUSAND DOLLARS, REGARDLESS OF THE SOURCE OF FUNDING, MADE TO ACCOMMODATE THE CO-LOCATION OF A CHARTER SCHOOL WITHIN A PUBLIC SCHOOL BUILDING. FOR ANY SUCH IMPROVEMENTS OR UPGRADES THAT HAVE BEEN APPROVED BY THE CHANCELLOR, CAPITAL IMPROVEMENTS OR FACILITY UPGRADES SHALL BE MADE IN AN AMOUNT EQUAL TO THE EXPENDITURE OF THE CHARTER SCHOOL FOR EACH NON-CHARTER PUBLIC SCHOOL WITHIN THE PUBLIC SCHOOL BUILDING. FOR ANY CAPITAL IMPROVEMENTS OR FACILITY UPGRADES IN EXCESS OF FIVE THOUSAND DOLLARS THAT HAVE BEEN APPROVED BY THE CHANCELLOR, REGARDLESS OF THE SOURCE OF FUNDING, MADE IN A CHARTER SCHOOL THAT IS ALREADY CO-LOCATED WITHIN A PUBLIC SCHOOL BUILDING, MATCHING CAPITAL IMPROVEMENTS OR FACILITY UPGRADES SHALL BE MADE IN AN AMOUNT EQUAL TO THE EXPENDITURE OF THE CHARTER SCHOOL FOR EACH NON-CHARTER PUBLIC SCHOOL WITHIN THE PUBLIC SCHOOL BUILDING WITHIN THREE MONTHS OF SUCH IMPROVEMENTS OR UPGRADES.

S 17. Paragraph (c) of subdivision 1 of section 2854 of the education law, as amended by chapter 267 of the laws of 2005, is amended to read as follows:

(c) A charter school shall be subject to the financial audits, the audit procedures, and the audit requirements set forth in the charter and shall be subject to audits of the comptroller [as set forth in section thirty-three of the general municipal law] OF THE STATE OF NEW YORK AT HIS OR HER DISCRETION. Such procedures and standards shall be consistent with generally accepted accounting and audit standards. Independent fiscal audits shall be required at least once annually.

S 18. Subdivision 1 of section 2854 of the education law is amended by adding a new paragraph (f) to read as follows:

(F) A CHARTER SCHOOL SHALL BE SUBJECT TO THE PROVISIONS OF SECTIONS EIGHT HUNDRED, EIGHT HUNDRED ONE, EIGHT HUNDRED TWO, EIGHT HUNDRED THREE, EIGHT HUNDRED FOUR, EIGHT HUNDRED FOUR-A, EIGHT HUNDRED FIVE, EIGHT HUNDRED FIVE-A, EIGHT HUNDRED FIVE-B AND EIGHT HUNDRED SIX OF THE GENERAL MUNICIPAL LAW TO THE SAME EXTENT SUCH SECTIONS APPLY TO SCHOOL DISTRICTS.

S 19. Paragraph (b) of subdivision 2 of section 2854 of the education law, as amended by section 5 of part D-2 of chapter 57 of the laws of 2007, is amended to read as follows:

(b) Any child who is qualified under the laws of this state for admission to a public school is qualified for admission to a charter school. APPLICATIONS FOR ADMISSION TO A CHARTER SCHOOL SHALL BE SUBMITTED ON A UNIFORM APPLICATION FORM CREATED BY THE DEPARTMENT AND SHALL BE MADE AVAILABLE BY A CHARTER SCHOOL IN LANGUAGES PREDOMINATELY SPOKEN IN THE COMMUNITY IN WHICH SUCH CHARTER SCHOOL IS LOCATED. The school shall enroll each eligible student who submits a timely application by the first day of April each year, unless the number of applications exceeds the capacity of the grade level or building. In such cases, students shall be accepted from among applicants by a random selection process, provided, however, that an enrollment preference shall be provided to pupils returning to the charter school in the second or any subsequent year of operation and pupils residing in the school district in which the charter school is located, and siblings of pupils already enrolled in the charter school. THE COMMISSIONER SHALL ESTABLISH REGULATIONS TO REQUIRE THAT THE RANDOM SELECTION PROCESS CONDUCTED PURSUANT TO THIS PARAGRAPH BE PERFORMED IN A TRANSPARENT AND EQUITABLE MANNER AND TO REQUIRE THAT THE TIME AND PLACE OF THE RANDOM SELECTION PROCESS BE

PUBLICIZED IN A MANNER CONSISTENT WITH THE REQUIREMENTS OF SECTION ONE HUNDRED FOUR OF THE PUBLIC OFFICERS LAW AND BE OPEN TO THE PUBLIC. For the purposes of this paragraph and paragraph (a) of this subdivision, the school district in which the charter school is located shall mean, for the city school district of the city of New York, the community district in which the charter school is located.

S 20. Paragraph (a) of subdivision 2 of section 2854 of the education law, as amended by section 5 of part D-2 of chapter 57 of the laws of 2007, is amended to read as follows:

(a) A charter school shall be nonsectarian in its programs, admission policies, employment practices, and all other operations and shall not charge tuition or fees; provided that a charter school may require the payment of fees on the same basis and to the same extent as other public schools. A charter school shall not discriminate against any student, employee or any other person on the basis of ethnicity, national origin, gender, or disability or any other ground that would be unlawful if done by a school. Admission of students shall not be limited on the basis of intellectual ability, measures of achievement or aptitude, athletic ability, disability, race, creed, gender, national origin, religion, or ancestry; provided, however, that nothing in this article shall be construed to prevent the establishment of a single-sex charter school or a charter school designed to provide expanded learning opportunities for students at-risk of academic failure OR STUDENTS WITH DISABILITIES AND ENGLISH LANGUAGE LEARNERS; and provided, further, that the charter school shall demonstrate good faith efforts to attract and retain a comparable or greater enrollment of students with disabilities [and limited], English [proficient] LANGUAGE LEARNERS, AND students WHO ARE ELIGIBLE APPLICANTS FOR THE FREE AND REDUCED PRICE LUNCH PROGRAM when compared to the enrollment figures for such students in the school district in which the charter school is located. A charter shall not be issued to any school that would be wholly or in part under the control or direction of any religious denomination, or in which any denominational tenet or doctrine would be taught.

S 21. Subdivision 1 of section 2855 of the education law, as added by chapter 4 of the laws of 1998, is amended to read as follows:

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

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

(b) Serious violations of law;

(c) Material and substantial violation of the charter, including fiscal mismanagement; [or]

(d) When the public employment relations board makes a determination that the charter school demonstrates a practice and pattern of egregious and intentional violations of subdivision one of section two hundred nine-a of the civil service law involving interference with or discrimination against employee rights under article fourteen of the civil service law[.]; OR

(E) REPEATED FAILURE TO COMPLY WITH THE REQUIREMENT TO MEET OR EXCEED ENROLLMENT AND RETENTION TARGETS OF STUDENTS WITH DISABILITIES, ENGLISH LANGUAGE LEARNERS, AND STUDENTS WHO ARE ELIGIBLE APPLICANTS FOR THE FREE AND REDUCED PRICE LUNCH PROGRAM PURSUANT TO TARGETS ESTABLISHED BY THE BOARD OF REGENTS OR THE BOARD OF TRUSTEES OF THE STATE UNIVERSITY OF NEW

YORK, AS APPLICABLE. PROVIDED, HOWEVER, IF NO GROUNDS FOR TERMINATING A CHARTER ARE ESTABLISHED PURSUANT TO THIS SECTION OTHER THAN PURSUANT TO THIS PARAGRAPH, AND THE CHARTER SCHOOL DEMONSTRATES THAT IT HAS MADE EXTENSIVE EFFORTS TO RECRUIT AND RETAIN SUCH STUDENTS, INCLUDING OUTREACH TO PARENTS AND FAMILIES IN THE SURROUNDING COMMUNITIES, WIDELY PUBLICIZING THE LOTTERY FOR SUCH SCHOOL, AND EFFORTS TO ACADEMICALLY SUPPORT SUCH STUDENTS IN SUCH CHARTER SCHOOL, THEN THE CHARTER ENTITY OR BOARD OF REGENTS MAY RETAIN SUCH CHARTER.

S 22. Subdivision 2 of section 2857 of the education law, as amended by section 7 of part D-2 of chapter 57 of the laws of 2007, is amended to read as follows:

2. Each charter school shall submit to the charter entity and to the board of regents an annual report. Such report shall be issued no later than the first day of August of each year for the preceding school year AND SHALL BE MADE PUBLICLY AVAILABLE BY SUCH DATE AND SHALL BE POSTED ON THE CHARTER SCHOOL'S WEBSITE. The annual report shall be in such form as shall be prescribed by the commissioner and shall include at least the following components:

(a) a charter school report card, which shall include measures of the comparative academic and fiscal performance of the school, as prescribed by the commissioner in regulations adopted for such purpose. Such measures shall include, but not be limited to, graduation rates, dropout rates, performance of students on standardized tests, college entry rates, total spending per pupil and administrative spending per pupil. Such measures shall be presented in a format that is easily comparable to similar public schools. In addition, the charter school shall ensure that such information is easily accessible to the community INCLUDING MAKING IT PUBLICLY AVAILABLE BY TRANSMITTING IT TO LOCAL NEWSPAPERS OF GENERAL CIRCULATION AND MAKING IT AVAILABLE FOR DISTRIBUTION AT BOARD OF TRUSTEE MEETINGS.

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

(c) a certified financial statement setting forth, by appropriate categories, the revenues and expenditures for the preceding school year, including a copy of the most recent independent fiscal audit of the school AND ANY AUDIT CONDUCTED BY THE COMPTROLLER OF THE STATE OF NEW YORK.

S 23. Subdivision 2 of section 2857 of the education law, as amended by section twenty-two of this act, is amended to read as follows:

2. Each charter school shall submit to the charter entity and to the board of regents an annual report. Such report shall be issued no later than the first day of August of each year for the preceding school year and shall be made publicly available by such date and shall be posted on the charter school's website. The annual report shall be in such form as shall be prescribed by the commissioner and shall include at least the following components:

(a) a charter school report card, which shall include measures of the comparative academic and fiscal performance of the school, as prescribed by the commissioner in regulations adopted for such purpose. Such measures shall include, but not be limited to, graduation rates, dropout rates, performance of students on standardized tests, college entry rates, total spending per pupil and administrative spending per pupil. Such measures shall be presented in a format that is easily comparable to similar public schools. In addition, the charter school shall ensure that such information is easily accessible to the community including making it publicly available by transmitting it to local newspapers of

general circulation and making it available for distribution at board of trustee meetings.

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

(c) a certified financial statement setting forth, by appropriate categories, the revenues and expenditures for the preceding school year, including a copy of the most recent independent fiscal audit of the school and any audit conducted by the comptroller of the state of New York.

(D) EFFORTS TAKEN BY THE CHARTER SCHOOL IN THE EXISTING SCHOOL YEAR, AND A PLAN FOR EFFORTS TO BE TAKEN IN THE SUCCEEDING SCHOOL YEAR, TO MEET OR EXCEED ENROLLMENT AND RETENTION TARGETS SET BY THE BOARD OF REGENTS OR THE BOARD OF TRUSTEES OF THE STATE UNIVERSITY OF NEW YORK, AS APPLICABLE, OF STUDENTS WITH DISABILITIES, ENGLISH LANGUAGE LEARNERS, AND STUDENTS WHO ARE ELIGIBLE APPLICANTS FOR THE FREE AND REDUCED PRICE LUNCH PROGRAM ESTABLISHED PURSUANT TO PARAGRAPH (E) OF SUBDIVISION FOUR OF SECTION TWENTY-EIGHT HUNDRED FIFTY-ONE OF THIS ARTICLE.

S 24. Subdivision 3 of section 2857 of the education law is amended by adding a new paragraph (a-1) to read as follows:

(A-1) A LIST INCLUDING THE NUMBER OF CHARTER SCHOOLS CLOSED DURING THE PRECEDING YEAR, AND A BRIEF DESCRIPTION OF THE REASONS THEREFOR INCLUDING, BUT NOT LIMITED TO, NON-RENEWAL OF THE CHARTER OR REVOCATION OF THE CHARTER;

S 25. Section 2857 of the education law is amended by adding a new subdivision 5 to read as follows:

5. THE BOARD OF REGENTS SHALL ON AN ANNUAL BASIS REVIEW AND MAKE AVAILABLE TO SCHOOL DISTRICTS BEST EDUCATIONAL PRACTICES EMPLOYED BY CHARTER SCHOOLS.

S 26. Paragraph (a) of subdivision 15 of section 2590-h of the education law, as amended by chapter 345 of the laws of 2009, is amended to read as follows:

(a) establishing a parents' association or a parent-teachers' association in each PUBLIC school under the chancellor's jurisdiction; and ensuring that the districts AND CHARTER SCHOOLS LOCATED WITHIN THE CITY DISTRICT do the same; the chancellor shall ensure that meetings of such parents' associations or parent-teachers' associations shall comply with section four hundred fourteen of this chapter;

S 27. Severability clause. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

S 28. This act shall take effect immediately; provided, however, that sections six, nineteen, twenty-one and twenty-three of this act shall take effect January 1, 2011; provided, further, however that the amendments to paragraph (a) of subdivision 15 of section 2590-h of the education law made by section twenty-six of this act shall not affect the expiration of such section and shall expire therewith.