

1861

2009-2010 Regular Sessions

I N A S S E M B L Y

January 12, 2009

Introduced by M. of A. NOLAN, O'DONNELL -- 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:

1 Section 1. Subdivision 3 of section 2851 of the education law, as
2 added by chapter 4 of the laws of 1998 and paragraph (a) as amended by
3 section 6 of part B of chapter 57 of the laws of 2008, is amended to
4 read as follows:
5 3. An applicant shall submit the application to a charter entity for
6 approval. For purposes of this article, a charter entity shall be:
7 (a) The board of education of a school district eligible for an appor-
8 tionment of aid under [subdivision four of] section thirty-six hundred
9 two of this chapter, provided that a board of education shall not
10 approve an application for a school to be operated outside the school
11 district's geographic boundaries and further provided that in a city
12 having a population of one million or more, the chancellor of any such
13 city school district shall be the charter entity established by this
14 paragraph;
15 (b) The BOARD OF REGENTS, FOR CHARTERS WHERE THE ORIGINAL CHARTER
16 ENTITY WAS THE board of trustees of the state university of New York; or
17 (c) The board of regents.
18 The board of regents shall be the only entity authorized to issue a
19 charter pursuant to this article. Notwithstanding any provision of this
20 subdivision to the contrary, an application for the conversion of an
21 existing public school to a charter school shall be submitted to, and
22 may only be approved by, the charter entity set forth in paragraph (a)
23 of this subdivision. Any such application for conversion shall be
24 consistent with this section, and the charter entity shall require that
25 the parents or guardians of a majority of the students then enrolled in

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

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1 the existing public school vote in favor of converting the school to a
2 charter school.

3 S 2. Subdivision 5-b of section 2852 of the education law, as added by
4 chapter 4 of the laws of 1998, is amended to read as follows:

5 5-b. If the board of regents returns a proposed charter to the charter
6 entity pursuant to the provisions of subdivision five-a of this section,
7 such charter entity shall reconsider the proposed charter, taking into
8 consideration the comments and recommendation of the board of regents.
9 Thereafter, the charter entity shall resubmit the proposed charter to
10 the board of regents with modifications, provided that the applicant
11 consents in writing to such modifications, resubmit the proposed charter
12 to the board of regents without modifications, or abandon the proposed
13 charter. The board of regents shall review each such resubmitted
14 proposed charter in accordance with the provisions of subdivision five-a
15 of this section[; provided, however, that it shall be the duty of the
16 board of regents to approve and issue a proposed charter resubmitted by
17 the charter entity described in paragraph (b) of subdivision three of
18 section twenty-eight hundred fifty-one of this article within thirty
19 days of the resubmission of such proposed charter or such proposed char-
20 ter shall be deemed approved and issued at the expiration of such peri-
21 od].

22 S 3. This act shall take effect on the first of July next succeeding
23 the date on which it shall have become a law.