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

3277

2009-2010 Regular Sessions

I N A S S E M B L Y

January 23, 2009

Introduced by M. of A. EDDINGTON -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to suspending the granting of charters and establishing a moratorium on charter school applications in the counties of Nassau and Suffolk; and providing for the repeal of such provisions upon expiration thereof

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

Section 1. Moratorium imposed on charter school applications in the counties of Nassau and Suffolk. Notwithstanding any other provision of law, on and after July 31, 2009, no application to establish a charter school in the counties of Nassau and Suffolk shall be accepted or acted upon by a charter granting entity. The purpose of this moratorium is to suspend the charter school application process in such counties. The moratorium shall not affect any proposed charter school in such counties that has been granted a charter and has not commenced classes prior to the school calendar year commencing September, 2009. The moratorium in such counties shall continue in existence until July 31, 2011, or until the local legislative body determines, through legislative action, that the demands for charter schools warrant the removal of such moratorium.

S 2. Section 2851 of the education law is amended by adding a new subdivision 1-a to read as follows:

1-A. NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, ON AND AFTER JULY THIRTY-FIRST, TWO THOUSAND NINE, NO APPLICATION TO ESTABLISH A CHARTER SCHOOL IN THE COUNTIES OF NASSAU AND SUFFOLK SHALL BE ACCEPTED OR ACTED UPON BY A CHARTER GRANTING ENTITY. THE MORATORIUM SHALL NOT AFFECT ANY PROPOSED CHARTER SCHOOL IN SUCH COUNTIES THAT HAS BEEN GRANTED A CHARTER AND HAS NOT COMMENCED CLASSES PRIOR TO THE SCHOOL CALENDAR YEAR COMMENCING SEPTEMBER, TWO THOUSAND NINE. THE MORATORIUM IN SUCH COUNTIES SHALL CONTINUE IN EXISTENCE UNTIL JULY THIRTY-FIRST, TWO THOUSAND ELEVEN, OR UNTIL THE LOCAL LEGISLATIVE BODY DETERMINES, THROUGH

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

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LEGISLATIVE ACTION, THAT THE DEMANDS FOR CHARTER SCHOOLS WARRANT THE REMOVAL OF SUCH MORATORIUM.

S 3. This act shall take effect July 31, 2009 and shall expire July 31, 2011 when upon such date the provisions of this act shall be deemed repealed.