

S. 2226

A. 5464

2009-2010 Regular Sessions

S E N A T E - A S S E M B L Y

February 13, 2009

IN SENATE -- Introduced by Sen. KRUGER -- read twice and ordered printed, and when printed to be committed to the Committee on Education

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

AN ACT to amend the education law, in relation to a corrective action plan

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

1     Section 1. Subdivision 1 of section 5003 of the education law is  
2     amended by adding a new paragraph e to read as follows:  
3     E. (1) IF THE COMMISSIONER FINDS THAT A VIOLATION HAS OCCURRED, IT  
4     SHALL ALLOW THE SCHOOL AN OPPORTUNITY TO DEVELOP A CORRECTIVE ACTION  
5     PLAN THAT WILL REMEDY THE VIOLATION, UNLESS THE COMMISSIONER SEEKS A  
6     DETERMINATION THAT THE SCHOOL SHOULD NOT BE ALLOWED TO DO SO PURSUANT TO  
7     SUBPARAGRAPH TWO OF THIS PARAGRAPH. THE CORRECTIVE ACTION PLAN SHALL BE  
8     DEVELOPED BY THE SCHOOL WITH INPUT FROM THE COMMISSIONER WITHIN THIRTY  
9     DAYS OF WRITTEN NOTICE OF A VIOLATION. THE SCHOOL WILL BE GIVEN A MINI-  
10    MUM OF SIX MONTHS TO IMPLEMENT THE CORRECTIVE ACTION PLAN, STARTING FROM  
11    THE DATE OF RECEIPT OF THE COMMISSIONER'S WRITTEN APPROVAL OF THE PLAN.  
12    IF A SCHOOL'S LICENSE HAS EXPIRED AT THE TIME THE WRITTEN NOTICE OF  
13    VIOLATION IS RECEIVED, THE SCHOOL SHALL CONTINUE OPERATING IN A PROBA-  
14    TIONARY LICENSE STATUS DURING THE PERIOD FOR WHICH IT HAS BEEN AUTHOR-  
15    IZED TO IMPLEMENT THE CORRECTIVE ACTION PLAN. AT THE END OF THE CORREC-  
16    TIVE ACTION PLAN'S IMPLEMENTATION PERIOD, THE COMMISSIONER SHALL  
17    DETERMINE WHETHER THE SCHOOL HAS SUCCESSFULLY IMPLEMENTED THE CORRECTIVE  
18    ACTION PLAN. IF THE SCHOOL FAILS TO MEET SOME OR ALL OF THE TERMS OF THE  
19    CORRECTIVE ACTION PLAN, THE COMMISSIONER CAN EXTEND THE IMPLEMENTATION  
20    PERIOD, INCLUDING ANY PROBATIONARY PERIOD EXTENSION, IF REQUIRED;  
21    REQUIRE ADDITIONS OR MODIFICATIONS TO THE CORRECTIVE ACTION PLAN; INSTI-  
22    TUTE AN ACTION TO TERMINATE THE SCHOOL'S LICENSE; OR, IN THE CASE OF A

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

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1 SCHOOL OPERATING PURSUANT TO A PROBATIONARY LICENSE EXTENSION, REFUSE TO  
2 GRANT A RENEWAL OF THE SCHOOL LICENSE.  
3 (2) IF THE COMMISSIONER DETERMINES THAT THE SCHOOL SHOULD NOT BE  
4 AFFORDED AN OPPORTUNITY TO DEVELOP AND IMPLEMENT A CORRECTIVE ACTION  
5 PLAN, THE COMMISSIONER SHALL IMMEDIATELY INITIATE A PROCEEDING TO DEMON-  
6 STRATE BY CLEAR AND CONVINCING EVIDENCE WHY THE SCHOOL SHOULD NOT BE  
7 ALLOWED TO DO SO. THE HEARING SHALL BE CONDUCTED BY AN IMPARTIAL HEARING  
8 OFFICER DESIGNATED BY THE COMMISSIONER AND FINAL DECISION SHALL BE  
9 RENDERED WITHIN THIRTY DAYS OF SERVICE OF THE NOTICE OF THE HEARING.  
10 THE FINAL DECISION MAY NOT BE APPEALED. THIS PROCEEDING SHALL OTHERWISE  
11 BE GOVERNED BY THE REQUIREMENTS FOR HEARING PROCEDURES SET OUT IN THIS  
12 ARTICLE.  
13 S 2. This act shall take effect immediately.