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

334

2009-2010 Regular Sessions

I N  S E N A T E

(PREFILED)

January 7, 2009

Introduced by Sens. BRESLIN, ADAMS, HASSELL-THOMPSON, ONORATO -- 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 suspending the granting of charters for proposed charter schools not acted upon prior to April 1, 2009; 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. Legislative findings. Due to a devastating fiscal crisis not seen since the great depression, New York state faces staggering budget gaps for the foreseeable future. Furthermore, local governments face the prospect of reduced state revenue sharing and local school districts face flat or reduced education aid, putting even greater pressure on beleaguered property taxpayers.

Chapter 4 of the laws of 1998, which enacted the state's charter school law, created a funding scheme that requires the public school district of a student who enrolls in a charter school to pay the charter school 100% of the district's prior year average approved per pupil operating expense. School property taxes are by far the highest local tax burden for New York state residents and redirecting precious resources at a time of fiscal crisis will place additional burdens on local taxpayers. Moreover, charter schools have primarily been established in urban areas that face eroding tax bases and declining populations. Small city school districts are especially hard hit by the establishment of charter schools.

The legislature therefore finds that it is in the best interest of students and taxpayers throughout New York state to suspend the charter school application process as of April 1, 2009. Furthermore, a proposed

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

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charter school shall have its charter revoked if it has not commenced classes prior to August 31, 2009.

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 TO THE CONTRARY, ON AND AFTER APRIL FIRST, TWO THOUSAND NINE, NO APPLICATION TO ESTABLISH A CHARTER SCHOOL SHALL BE ACCEPTED OR ACTED UPON BY A CHARTER GRANTING ENTITY. PROVIDED, FURTHER, THAT A PROPOSED CHARTER SCHOOL THAT HAS BEEN GRANTED A CHARTER AND HAS NOT COMMENCED CLASSES PRIOR TO SEPTEMBER SECOND, TWO THOUSAND NINE SHALL HAVE SUCH CHARTER REVOKED AND NO FURTHER ACTION SHALL BE TAKEN BY A CHARTER GRANTING ENTITY ON SUCH APPLICATION.

S 3. This act shall take effect April 1, 2009 and shall expire April 1, 2011 when upon such date the provisions of this act shall be deemed repealed.