

5050

2009-2010 Regular Sessions

I N S E N A T E

April 27, 2009

Introduced by Sen. SMITH -- 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 incorporation of charter schools

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

1 Section 1. Paragraph (a) of subdivision 1 of section 2853 of the
2 education law, as added by chapter 4 of the laws of 1998, is amended to
3 read as follows:
4 (a) Upon the approval of a charter by the board of regents, the board
5 of regents shall incorporate the charter school as an education corpo-
6 ration for a term not to exceed five years IN WHICH INSTRUCTION IS
7 PROVIDED TO PUPILS. Such certificate of incorporation shall not modify
8 or limit any terms of the charter approved by the board of regents. Upon
9 approval of an application to renew a charter, the board of regents
10 shall extend the certificate of incorporation for a term not to exceed
11 five years. Upon termination or nonrenewal of the charter of a charter
12 school pursuant to section twenty-eight hundred fifty-five of this arti-
13 cle, the certificate of incorporation of the charter school shall be
14 revoked by the board of regents pursuant to section two hundred nineteen
15 of this chapter, provided that compliance with the notice and hearing
16 requirements of such section twenty-eight hundred fifty-five of this
17 article shall be deemed to satisfy the notice and hearing requirements
18 of such section two hundred nineteen. It shall be the duty of the trus-
19 tees of the charter school to obtain federal tax-exempt status no later
20 than one year following approval of a charter school by the board of
21 regents. For purposes of this article, "certificate of incorporation"
22 shall mean the provisional charter issued by the board of regents to
23 form the charter school as an educational corporation pursuant to
24 sections two hundred sixteen and two hundred seventeen of this chapter.

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

LBD06201-02-9

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

4 (p) The term of the proposed charter, which shall not exceed five
5 years IN WHICH INSTRUCTION IS PROVIDED TO PUPILS.

6 S 3. This act shall take effect on the ninetieth day after it shall
7 have become a law.