

6265

2009-2010 Regular Sessions

I N S E N A T E

November 4, 2009

Introduced by Sen. SMITH -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the education law, in relation to the 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 SCHOOL years IN WHICH INSTRUCTION
7 IS PROVIDED TO PUPILS, PLUS THE PERIOD COMMENCING WITH THE EFFECTIVE
8 DATE OF THE CHARTER AND ENDING WITH THE OPENING OF THE SCHOOL FOR
9 INSTRUCTION. Such certificate of incorporation shall not modify or
10 limit any terms of the charter approved by the board of regents. Upon
11 approval of an application to renew a charter, the board of regents
12 shall extend the certificate of incorporation for a term not to exceed
13 five SCHOOL years, PLUS THE PERIOD, IF ANY, COMMENCING WITH THE EFFEC-
14 TIVE DATE OF THE RENEWAL CHARTER AND ENDING WITH THE FIRST DAY OF THE
15 FIRST FULL SCHOOL YEAR IN WHICH INSTRUCTION IS PROVIDED UNDER THE
16 RENEWAL CHARTER. Upon termination or nonrenewal of the charter of a
17 charter school pursuant to section twenty-eight hundred fifty-five of
18 this article, the certificate of incorporation of the charter school
19 shall be revoked by the board of regents pursuant to section two hundred
20 nineteen of this chapter, provided that compliance with the notice and
21 hearing requirements of such section twenty-eight hundred fifty-five of
22 this article shall be deemed to satisfy the notice and hearing require-
23 ments of such section two hundred nineteen. It shall be the duty of the
24 trustees of the charter school to obtain federal tax-exempt status no
25 later than one year following approval of a charter school by the board

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

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1 of regents. For purposes of this article, "certificate of incorporation"
2 shall mean the provisional charter issued by the board of regents to
3 form the charter school as an educational corporation pursuant to
4 sections two hundred sixteen and two hundred seventeen of this chapter.

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

8 (p) The term of the proposed charter, which shall not exceed five
9 SCHOOL years IN WHICH INSTRUCTION IS PROVIDED TO PUPILS, PLUS ANY ADDI-
10 TIONAL PERIOD AUTHORIZED PURSUANT TO PARAGRAPH (A) OF SUBDIVISION ONE OF
11 SECTION TWENTY-EIGHT HUNDRED FIFTY-THREE OF THIS ARTICLE.

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