

6266

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 housing of grades
at charter schools

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

1 Section 1. Paragraph (b-1) 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 (b-1) An education corporation operating a charter school shall not be
5 authorized to operate more than one school [or] BUT MAY BE AUTHORIZED TO
6 house any grade at more than one site[, provided that:

7 (A) a]. A CHARTER SCHOOL HOUSING TWO OR MORE GRADES AT MORE THAN ONE
8 SITE SHALL HAVE EACH SUCH ADDITIONAL SITE DEEMED AS A CHARTER ISSUED FOR
9 THE PURPOSES OF SUBDIVISION NINE OF SECTION TWENTY-EIGHT HUNDRED FIFTY-
10 TWO OF THIS ARTICLE. NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAP-
11 TER, APPROVAL OF REVISIONS TO A CHARTER OR CHARTERS TO AUTHORIZE AN
12 EDUCATION CORPORATION TO HOUSE ANY GRADE OR GRADES AT MORE THAN ONE
13 SITE, INCLUDING THE MERGER OR CONSOLIDATION OF EXISTING EDUCATION CORPO-
14 RATIONS OPERATING CHARTER SCHOOLS TO A SINGLE EDUCATION CORPORATION,
15 SHALL BE MADE IN ACCORDANCE WITH PARAGRAPH (A) OF SUBDIVISION SEVEN OF
16 SECTION TWENTY-EIGHT HUNDRED FIFTY-TWO OF THIS ARTICLE. UPON SUCH MERGER
17 OR CONSOLIDATION, THE SURVIVING OR CONSOLIDATED EDUCATION CORPORATION,
18 PLUS ANY SUCH ADDITIONAL SITES, SHALL EACH BE COUNTED AS A CHARTER
19 ISSUED FOR THE PURPOSES OF SUBDIVISION NINE OF SECTION TWENTY-EIGHT
20 HUNDRED FIFTY-TWO OF THIS ARTICLE. IF A CHARTER SCHOOL HAS EMPLOYEES WHO
21 ARE MEMBERS OF A COLLECTIVE BARGAINING ORGANIZATION PURSUANT TO ARTICLE
22 FOURTEEN OF THE CIVIL SERVICE LAW THAT MERGES OR CONSOLIDATES WITH A
23 CHARTER SCHOOL WHOSE EMPLOYEES ARE NOT MEMBERS OF A COLLECTIVE BARGAIN-
24 ING ORGANIZATION, EMPLOYEES OF THE MERGED OR CONSOLIDATED CHARTER SCHOOL
25 SHALL BE MEMBERS OF THE COLLECTIVE BARGAINING ORGANIZATION THAT REPRES-

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

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1 ENTERED LIKE POSITIONS, IF ANY, PRIOR TO THE MERGER OR CONSOLIDATION. A
2 charter school may operate in more than one building at a single site;
3 and
4 [(B)] a charter school which provides instruction to its students at
5 different locations for a portion of their school day shall be deemed to
6 be operating at a single site; AND A CHARTER SCHOOL OPERATING AT MORE
7 THAN ONE SITE BUT WHICH HOUSES EACH GRADE AT A SINGLE SITE SHALL BE
8 DEEMED TO BE OPERATING AT A SINGLE SITE.
9 S 2. This act shall take effect on the ninetieth day after it shall
10 have become a law.