

10659

I N   A S S E M B L Y

June 13, 2012

---

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Camara) --  
read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to charter schools  
providing special education services

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

1     Section 1. Subparagraph 2 of paragraph h of subdivision 4 of section  
2     1950 of the education law, as amended by chapter 474 of the laws of  
3     1996, is amended to read as follows:  
4     (2) To enter into contracts with the United States of America, the  
5     State of New York, any school district, community college, public institution of higher education, independent institution of higher education  
6     eligible for aid under section sixty-four hundred one of this chapter,  
7     CHARTER SCHOOL AUTHORIZED BY ARTICLE FIFTY-SIX OF THIS CHAPTER, or  
8     public agency in relation to the program of the board of cooperative  
9     educational services, and any such school district, community college,  
10    institution of higher education, CHARTER SCHOOL, or public agency is  
11    hereby authorized and empowered to do and perform any and all acts  
12    necessary or convenient in relation to the performance of any such  
13    contracts.  
14    S 2. Subparagraphs (A) and (B) of paragraph (b-1) of subdivision 1 of  
15    section 2853 of the education law, as amended by chapter 101 of the laws  
16    of 2010, are amended and a new subparagraph (C) is added to read as  
17    follows:  
18    (A) a charter school may operate in more than one building at a single  
19    site; [and]  
20    (B) a charter school which provides instruction to its students at  
21    different locations for a portion of their school day shall be deemed to  
22    be operating at a single site[.]; AND  
23    (C) A CHARTER SCHOOL THAT PROVIDES PROGRAMS AND SERVICES TO ITS  
24    STUDENTS AT DIFFERENT LOCATIONS PURSUANT TO PARAGRAPH (A) OF SUBDIVISION  
25    FOUR OF THIS SECTION SHALL BE DEEMED TO BE OPERATING AT A SINGLE SITE.  
26

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

LBD15484-01-2

1 S 3. Paragraph (a) of subdivision 4 of section 2853 of the education  
2 law, as amended by chapter 378 of the laws of 2007, is amended to read  
3 as follows:

4 (a) For purposes of sections seven hundred one, seven hundred eleven,  
5 seven hundred fifty-one and nine hundred twelve of this chapter, a char-  
6 ter school shall be deemed a nonpublic school in the school district  
7 within which the charter school is located. Special education programs  
8 and services shall be provided to students with a disability attending a  
9 charter school in accordance with the individualized education program  
10 recommended by the committee or subcommittee on special education of the  
11 student's school district of residence. The charter school may arrange  
12 to have such services provided by such school district of residence or  
13 by the charter school directly or by contract with another provider,  
14 WHICH MAY INCLUDE ANOTHER CHARTER SCHOOL OR A BOARD OF COOPERATIVE  
15 EDUCATIONAL SERVICES. A CHARTER SCHOOL MAY PROVIDE SUCH PROGRAMS AND  
16 SERVICES, INCLUDING PROGRAMS AND SERVICES FOR STUDENTS WHO ARE ENGLISH  
17 LANGUAGE LEARNERS, ON-SITE OR ARRANGE TO HAVE SUCH SERVICES PROVIDED AT  
18 ANOTHER SITE. Where the charter school arranges to have the school  
19 district of residence provide such special education programs or  
20 services, such school district shall provide services in the same manner  
21 as it serves students with disabilities in other public schools in the  
22 school district, including the provision of supplementary and related  
23 services on site to the same extent to which it has a policy or practice  
24 of providing such services on the site of such other public schools.

25 S 4. Paragraph (a) of subdivision 4 of section 2853 of the education  
26 law, as added by chapter 4 of the laws of 1998, is amended to read as  
27 follows:

28 (a) For purposes of sections seven hundred one, seven hundred eleven,  
29 seven hundred fifty-one and nine hundred twelve of this chapter, a char-  
30 ter school shall be deemed a nonpublic school in the school district  
31 within which the charter school is located. Special education programs  
32 and services shall be provided to students with a disability attending a  
33 charter school in accordance with the individualized education program  
34 recommended by the committee or subcommittee on special education of the  
35 student's school district of residence. The charter school may arrange  
36 to have such services provided by such school district of residence or  
37 by the charter school directly or by contract with another provider,  
38 WHICH MAY INCLUDE ANOTHER CHARTER SCHOOL OR A BOARD OF COOPERATIVE  
39 EDUCATIONAL SERVICES. A CHARTER SCHOOL MAY PROVIDE SUCH PROGRAMS AND  
40 SERVICES, INCLUDING PROGRAMS AND SERVICES FOR STUDENTS WHO ARE ENGLISH  
41 LANGUAGE LEARNERS, ON-SITE OR ARRANGE TO HAVE SUCH SERVICES PROVIDED AT  
42 ANOTHER SITE.

43 S 5. This act shall take effect immediately, provided that the amend-  
44 ments to paragraph (a) of subdivision 4 of section 2853 of the education  
45 law made by section three of this act shall be subject to the expiration  
46 and reversion of such paragraph pursuant to subdivision d of section 27  
47 of chapter 378 of the laws of 2007, as amended, when upon such date the  
48 provisions of section four of this act shall take effect.