

6251

2011-2012 Regular Sessions

I N A S S E M B L Y

March 10, 2011

Introduced by M. of A. MAISEL -- read once and referred to the Committee
on Education

AN ACT to amend the education law, in relation to requiring charter
schools to enroll children with disabilities and English language
learners in comparable numbers to those enrolled in public schools

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

1 Section 1. Paragraph a of subdivision 2 of section 2854 of the educa-
2 tion law, as amended by chapter 101 of the laws of 2010, is amended to
3 read as follows:
4 2. Admissions; enrollment; students. (a) A charter school shall be
5 nonsectarian in its programs, admission policies, employment practices,
6 and all other operations and shall not charge tuition or fees; provided
7 that a charter school may require the payment of fees on the same basis
8 and to the same extent as other public schools. A charter school shall
9 not discriminate against any student, employee or any other person on
10 the basis of ethnicity, national origin, gender, or disability or any
11 other ground that would be unlawful if done by a school. Admission of
12 students shall not be limited on the basis of intellectual ability,
13 measures of achievement or aptitude, athletic ability, disability, race,
14 creed, gender, national origin, religion, or ancestry; provided, howev-
15 er, that nothing in this article shall be construed to prevent the
16 establishment of a single-sex charter school or a charter school
17 designed to provide expanded learning opportunities for students at-risk
18 of academic failure or students with disabilities and English language
19 learners; and provided, further, that [the] A charter school [shall
20 demonstrate good faith efforts to attract and retain a comparable or
21 greater enrollment of] **MUST ENROLL THE SAME OR A GREATER PERCENTAGE OF**
22 students with disabilities, English language learners, and students who
23 are eligible applicants for the free and reduced price lunch program
24 when compared to the enrollment figures for such students in the school

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

LBD08002-01-1

1 district in which the charter school is located. FAILURE TO COMPLY FOR
2 TWO CONSECUTIVE YEARS SHALL BE DEEMED GROUNDS FOR REVOCATION OF THE
3 CHARTER. A charter shall not be issued to any school that would be whol-
4 ly or in part under the control or direction of any religious denomi-
5 nation, or in which any denominational tenet or doctrine would be
6 taught.

7 S 2. This act shall take effect immediately.