

10135

I N A S S E M B L Y

May 9, 2012

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

AN ACT to amend the education law, in relation to requiring certain  
procedures for charter school students facing suspension

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

1 Section 1. Paragraph (d) of subdivision 2 of section 2854 of the  
2 education law, as added by chapter 4 of the laws of 1998, is amended to  
3 read as follows:

4 (d) A student may withdraw from a charter school at any time and  
5 enroll in a public school. A charter school may refuse admission to any  
6 student who has been expelled or suspended from a public school until  
7 the period of suspension or expulsion from the public school has  
8 expired, consistent with the requirements of due process. A STUDENT MAY  
9 ONLY BE SUSPENDED FROM A CHARTER SCHOOL IN ACCORDANCE WITH THE  
10 PROVISIONS OF SUBDIVISION THREE OF SECTION THIRTY-TWO HUNDRED FOURTEEN  
11 OF THIS CHAPTER.

12 (I) THE TERMS "SUPERINTENDENT", "SUPERINTENDENT OF SCHOOLS", "DISTRICT  
13 SUPERINTENDENT OF SCHOOLS" OR "COMMUNITY SUPERINTENDENT", AS USED IN  
14 SUBDIVISION THREE OF SECTION THIRTY-TWO HUNDRED FOURTEEN OF THIS CHAP-  
15 TER, AS THEY RELATE TO CHARTER SCHOOLS SHALL MEAN THE CHAIRPERSON OF THE  
16 BOARD OF TRUSTEES OF THE CHARTER SCHOOL.

17 (II) THE TERMS "BOARD OF EDUCATION" OR "BOARD" AS USED IN SUBDIVISION  
18 THREE OF SECTION THIRTY-TWO HUNDRED FOURTEEN OF THIS CHAPTER, AS THEY  
19 RELATE TO CHARTER SCHOOLS, SHALL MEAN THE BOARD OF TRUSTEES OF THE CHAR-  
20 TER SCHOOL.

21 S 2. This act shall take effect immediately.

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

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