

3961

2011-2012 Regular Sessions

I N S E N A T E

March 10, 2011

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

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 amended by chapter 101 of the laws of 2010, is amended
3 to read as follows:
4 (b-1) An education corporation operating a charter school shall be
5 authorized to operate more than one school or house any grade at more
6 than one site, provided that a charter must be issued for each such
7 additional school or site in accordance with the requirements for the
8 issuance of a charter pursuant to this article and that each such addi-
9 tional school or site shall count as a charter issued pursuant to subdivi-
10 sion nine of section twenty eight hundred fifty-two of this article [;
11 and provided further that:
12 (A) a]. NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER, APPROVAL
13 OF REVISIONS TO A CHARTER OR CHARTERS TO AUTHORIZE AN EDUCATION CORPO-
14 RATION TO HOUSE ANY GRADE OR GRADES AT MORE THAN ONE SITE, INCLUDING THE
15 MERGER OR CONSOLIDATION OF EXISTING EDUCATION CORPORATIONS OPERATING
16 CHARTER SCHOOLS TO A SINGLE EDUCATION CORPORATION, SHALL BE MADE IN
17 ACCORDANCE WITH PARAGRAPH (A) OF SUBDIVISION SEVEN OF SECTION
18 TWENTY-EIGHT HUNDRED FIFTY-TWO OF THIS ARTICLE. UPON SUCH MERGER OR
19 CONSOLIDATION, THE SURVIVING OR CONSOLIDATED EDUCATION CORPORATION, PLUS
20 ANY SUCH ADDITIONAL SITES, SHALL EACH BE COUNTED AS A CHARTER ISSUED FOR
21 THE PURPOSES OF SUBDIVISION NINE OF SECTION TWENTY-EIGHT HUNDRED FIFTY-
22 TWO OF THIS ARTICLE. IF A CHARTER SCHOOL HAS EMPLOYEES WHO ARE MEMBERS
23 OF A COLLECTIVE BARGAINING ORGANIZATION PURSUANT TO ARTICLE FOURTEEN OF
24 THE CIVIL SERVICE LAW THAT MERGES OR CONSOLIDATES WITH A CHARTER SCHOOL
25 WHOSE EMPLOYEES ARE NOT MEMBERS OF A COLLECTIVE BARGAINING ORGANIZATION,

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

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