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I N S E N A T E

April 30, 2012

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

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

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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,
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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.