

4029

2013-2014 Regular Sessions

I N A S S E M B L Y

January 30, 2013

Introduced by M. of A. MAISEL, JACOBS, COLTON, GIBSON, ROBERTS, TITONE,
ROBINSON, WEPRIN -- Multi-Sponsored by -- M. of A. BRAUNSTEIN, BREN-
NAN, MARKEY, PEOPLES-STOKES, SCHIMEL -- 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
2 education law, as amended by chapter 101 of the laws of 2010, is amended
3 to read as follows:
4 (a) A charter school shall be nonsectarian in its programs, admission
5 policies, employment practices, and all other operations and shall not
6 charge tuition or fees; provided that a charter school may require the
7 payment of fees on the same basis and to the same extent as other public
8 schools. A charter school shall not discriminate against any student,
9 employee or any other person on the basis of ethnicity, national origin,
10 gender, or disability or any other ground that would be unlawful if done
11 by a school. Admission of students shall not be limited on the basis of
12 intellectual ability, measures of achievement or aptitude, athletic
13 ability, disability, race, creed, gender, national origin, religion, or
14 ancestry; provided, however, that nothing in this article shall be
15 construed to prevent the establishment of a single-sex charter school or
16 a charter school designed to provide expanded learning opportunities for
17 students at-risk of academic failure or students with disabilities and
18 English language learners; and provided, further, that [the] A charter
19 school [shall demonstrate good faith efforts to attract and retain a
20 comparable or greater enrollment of] MUST ENROLL THE SAME OR A GREATER
21 PERCENTAGE OF students with disabilities, English language learners, and
22 students who are eligible applicants for the free and reduced price

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

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1 lunch program when compared to the enrollment figures for such students
2 in the school district in which the charter school is located. FAILURE
3 TO COMPLY FOR TWO CONSECUTIVE YEARS SHALL BE DEEMED GROUNDS FOR REVOCATION
4 OF THE CHARTER. A charter shall not be issued to any school that
5 would be wholly or in part under the control or direction of any religious
6 denomination, or in which any denominational tenet or doctrine
7 would be taught.

8 S 2. This act shall take effect immediately.