S T A T E O F N E W Y O R K

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, BRENNAN, 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 ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Paragraph (a) of subdivision 2 of section 2854 of the education law, as amended by chapter 101 of the laws of 2010, is amended to read as follows:

(a) A charter school shall be nonsectarian in its programs, admission policies, employment practices, and all other operations and shall not charge tuition or fees; provided that a charter school may require the payment of fees on the same basis and to the same extent as other public schools. A charter school shall not discriminate against any student, employee or any other person on the basis of ethnicity, national origin, gender, or disability or any other ground that would be unlawful if done by a school. Admission of students shall not be limited on the basis of intellectual ability, measures of achievement or aptitude, athletic ability, disability, race, creed, gender, national origin, religion, or ancestry; provided, however, that nothing in this article shall be construed to prevent the establishment of a single-sex charter school or a charter school designed to provide expanded learning opportunities for students at-risk of academic failure or students with disabilities and English language learners; and provided, further, that [the] A charter school [shall demonstrate good faith efforts to attract and retain a comparable or greater enrollment of] MUST ENROLL THE SAME OR A GREATER PERCENTAGE OF students with disabilities, English language learners, and 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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lunch program when compared to the enrollment figures for such students in the school district in which the charter school is located. FAILURE TO COMPLY FOR TWO CONSECUTIVE YEARS SHALL BE DEEMED GROUNDS FOR REVOCATION OF THE CHARTER. A charter shall not be issued to any school that would be wholly or in part under the control or direction of any religious denomination, or in which any denominational tenet or doctrine would be taught.

S 2. This act shall take effect immediately.