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

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I N A S S E M B L Y

June 8, 2015

Introduced by M. of A. NOLAN, CAHILL, COLTON, GOTTFRIED, GUNTHER, MAGNARELLI, MILLER, O'DONNELL, RUSSELL, SILVER, SIMON, TITONE, ZEBROWSKI -- Multi-Sponsored by -- M. of A. ABBATE, GLICK, MAGEE, McDONALD -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to agreements for the administration, management or operation of charter schools

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

Section 1. Subdivision 5 of section 2852 of the education law, as amended by chapter 101 of the laws of 2010, is amended to read as follows:

5. Upon approval of an application by a charter entity, the applicant and charter entity shall enter into a proposed agreement allowing the applicants to organize and operate a charter school. Such written agreement, known as the charter, shall include (a) the information required by subdivision two of section twenty-eight hundred fifty-one of this article, as modified or supplemented during the approval process, (b) in the case of charters to be issued pursuant to subdivision nine-a of this section, information required by such subdivision, (c) A PROVISION PROHIBITING THE CHARTER SCHOOL FROM ENTERING INTO, RENEWING OR EXTENDING ANY AGREEMENT WITH A FOR-PROFIT OR NOT-FOR-PROFIT CORPORATE OR OTHER BUSINESS ENTITY FOR THE ADMINISTRATION, MANAGEMENT OR OPERATION OF THE CHARTER SCHOOL UNLESS THE AGREEMENT REQUIRES SUCH ENTITY TO PROVIDE STATE AND LOCAL OFFICERS HAVING THE POWER TO AUDIT THE CHARTER SCHOOL PURSUANT TO THIS ARTICLE WITH ACCESS TO THE ENTITY'S RECORDS RELATING TO THE COSTS OF, AND FEES FOR, PROVIDING SUCH SERVICES TO THE SCHOOL, (D) any other terms or conditions required by applicable laws, rules and regulations, and [(d)] (E) any other terms or conditions, not inconsistent with law, agreed upon by the applicant and the charter entity. In addition, the charter shall include the specific commitments of the charter entity relating to its obligations to oversee and supervise the

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

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charter school. Within five days after entering into a proposed charter, the charter entity other than the board of regents shall submit to the board of regents a copy of the charter, the application and supporting documentation for final approval and issuance by the board of regents in accordance with subdivisions five-a and five-b of this section.

S 2. Notwithstanding any general, special or local law to the contrary, no charter school having a charter that was issued and approved on or before the effective date of this act shall enter into, renew or extend the duration of any agreement with a for-profit or not-for-profit corporate or other business entity for the administration, management or operation of the charter school unless the agreement requires such entity to provide state and local officers having the power to audit the charter school pursuant to article 56 of the education law with access to the entity's records relating to the costs of, and fees for, providing such services to the school. Any agreement entered into, renewed or extended in violation of this section shall be null, void and wholly unenforceable, and a violation of this section shall be grounds for revocation or termination of a charter pursuant to section 2855 of the education law.

S 3. This act shall take effect immediately.