

2132

2015-2016 Regular Sessions

I N S E N A T E

January 21, 2015

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 and English Language Learner 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 422 of the laws of
3 2012, 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 public libraries, CHARTER SCHOOL AUTHORIZED BY ARTICLE FIFTY-SIX OF THIS
9 TITLE, or public agency in relation to the program of the board of coop-
10 erative educational services, and any such school district, community
11 college, institution of higher education, CHARTER SCHOOL, or public
12 agency is hereby authorized and empowered to do and perform any and all
13 acts necessary or convenient in relation to the performance of any such
14 contracts.
15 S 2. Paragraph (b) of subdivision 1 of section 2853 of the education
16 law, as added by chapter 4 of the laws of 1998, is amended to read as
17 follows:
18 (b) An education corporation organized to operate a charter school
19 shall have all corporate powers necessary and desirable for carrying out
20 a charter school program in accordance with the provisions of this arti-
21 cle, other applicable laws and regulations and the terms of the charter,
22 including all of the powers of an education corporation formed to oper-
23 ate an elementary or secondary school and those powers granted under the
24 provisions of the not-for-profit corporation law that are made applica-
25 ble to charter schools by section two hundred sixteen-a of this chapter.

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

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1 THESE POWERS SHALL ALSO INCLUDE THE ABILITY TO PROVIDE SPECIAL EDUCATION
2 AND ENGLISH LANGUAGE LEARNER PROGRAMS AND SERVICES TO STUDENTS ENROLLED
3 AT CHARTER SCHOOLS OPERATED BY OTHER CHARTER SCHOOL EDUCATION CORPO-
4 RATIONS. The powers of the trustees of the charter school shall include
5 those powers specified in section two hundred twenty-six of this chap-
6 ter.

7 S 3. Paragraph (b-1) of subdivision 1 of section 2853 of the education
8 law is amended by adding a new subparagraph (C) to read as follows:

9 (C) A CHARTER SCHOOL THAT PROVIDES PROGRAMS AND SERVICES TO ITS
10 STUDENTS AT DIFFERENT LOCATIONS PURSUANT TO PARAGRAPH (A) OF SUBDIVISION
11 FOUR OF THIS SECTION SHALL BE DEEMED TO BE OPERATING AT A SINGLE SITE.

12 S 4. Paragraph (a) of subdivision 4 of section 2853 of the education
13 law, as amended by chapter 378 of the laws of 2007, is amended to read
14 as follows:

15 (a) For purposes of sections seven hundred one, seven hundred eleven,
16 seven hundred fifty-one and nine hundred twelve of this chapter, a char-
17 ter school shall be deemed a nonpublic school in the school district
18 within which the charter school is located. Special education programs
19 and services shall be provided to students with a disability attending a
20 charter school in accordance with the individualized education program
21 recommended by the committee or subcommittee on special education of the
22 student's school district of residence. The charter school may arrange
23 to have such services provided by such school district of residence or
24 by the charter school directly or by contract with another provider,
25 WHICH MAY INCLUDE ANOTHER CHARTER SCHOOL OR A BOARD OF COOPERATIVE
26 EDUCATIONAL SERVICES. CHARTER SCHOOLS SHALL NOT BE ELIGIBLE FOR AID
27 PURSUANT TO SUBDIVISION FIVE OF SECTION NINETEEN HUNDRED FIFTY OF THIS
28 TITLE. A CHARTER SCHOOL MAY PROVIDE THESE PROGRAMS AND SERVICES, OR
29 PROGRAMS AND SERVICES FOR STUDENTS WHO ARE IDENTIFIED AS ENGLISH
30 LANGUAGE LEARNERS, ON SITE OR ARRANGE TO HAVE SUCH SERVICES PROVIDED AT
31 ANOTHER SITE. Where the charter school arranges to have the school
32 district of residence provide such special education programs or
33 services, such school district shall provide services in the same manner
34 as it serves students with disabilities in other public schools in the
35 school district, including the provision of supplementary and related
36 services on site to the same extent to which it has a policy or practice
37 of providing such services on the site of such other public schools.

38 S 4-a. Paragraph (a) of subdivision 4 of section 2853 of the education
39 law, as added by chapter 4 of the laws of 1998, is amended to read as
40 follows:

41 (a) For purposes of sections seven hundred one, seven hundred eleven,
42 seven hundred fifty-one and nine hundred twelve of this chapter, a char-
43 ter school shall be deemed a nonpublic school in the school district
44 within which the charter school is located. Special education programs
45 and services shall be provided to students with a disability attending a
46 charter school in accordance with the individualized education program
47 recommended by the committee or subcommittee on special education of the
48 student's school district of residence. The charter school may arrange
49 to have such services provided by such school district of residence or
50 by the charter school directly or by contract with another provider,
51 WHICH MAY INCLUDE ANOTHER CHARTER SCHOOL OR A BOARD OF COOPERATIVE
52 EDUCATIONAL SERVICES. CHARTER SCHOOLS SHALL NOT BE ELIGIBLE FOR AID
53 PURSUANT TO SUBDIVISION FIVE OF SECTION NINETEEN HUNDRED FIFTY OF THIS
54 TITLE. A CHARTER SCHOOL MAY PROVIDE THESE PROGRAMS AND SERVICES, OR
55 PROGRAMS AND SERVICES FOR STUDENTS WHO ARE IDENTIFIED AS ENGLISH

1 LANGUAGE LEARNERS, ON SITE OR ARRANGE TO HAVE SUCH SERVICES PROVIDED AT
2 ANOTHER SITE.

3 S 5. This act shall take effect immediately; provided, however, that
4 the amendments to paragraph (a) of subdivision 4 of section 2853 of the
5 education law made by section four of this act shall not affect the
6 expiration and reversion of such paragraph and shall expire and be
7 deemed repealed therewith, when upon such date the provisions of section
8 four-a of this act shall take effect.