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I N   S E N A T E

January 21, 2016

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Introduced by Sen. MARCELLINO -- 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.  
26    THESE POWERS SHALL ALSO INCLUDE THE ABILITY TO PROVIDE SPECIAL EDUCATION  
27    AND ENGLISH LANGUAGE LEARNER PROGRAMS AND SERVICES TO STUDENTS ENROLLED  
28    AT CHARTER SCHOOLS OPERATED BY OTHER CHARTER SCHOOL EDUCATION CORPO-

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

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1 RATIONS. The powers of the trustees of the charter school shall include  
2 those powers specified in section two hundred twenty-six of this chap-  
3 ter.

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

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

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

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

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

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

55 S 5. This act shall take effect immediately; provided, however, that  
56 the amendments to paragraph (a) of subdivision 4 of section 2853 of the

1 education law made by section four of this act shall not affect the  
2 expiration and reversion of such paragraph and shall expire and be  
3 deemed repealed therewith, when upon such date the provisions of section  
4 four-a of this act shall take effect.