

STATE OF NEW YORK

6568

2017-2018 Regular Sessions

IN SENATE

June 4, 2017

Introduced by Sen. FLANAGAN -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the education law, in relation to charter schools; to amend chapter 91 of the laws of 2002, amending the education law and other laws relating to reorganization of the New York city school construction authority, board of education and community boards, in relation to the effectiveness thereof; and to amend chapter 345 of the laws of 2009, amending the education law and other laws relating to the New York city board of education, chancellor, community councils and community superintendents, in relation to the effectiveness thereof

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 9 of section 2852 of the education law, as
2 amended by section 2 of subpart A of part B of chapter 20 of the laws of
3 2015, is amended to read as follows:
4 9. The total number of charters issued pursuant to this article state-
5 wide shall not exceed four hundred sixty. (a) All charters issued on or
6 after July first, two thousand fifteen and counted toward the numerical
7 limits established by this subdivision shall be issued by the board of
8 regents upon application directly to the board of regents or on the
9 recommendation of the board of trustees of the state university of New
10 York pursuant to a competitive process in accordance with subdivision
11 nine-a of this section; provided that a city of one million or more
12 shall receive no more than forty percent of the remaining charters
13 available in each year. [~~Fifty of such charters issued on or after July~~
14 ~~first, two thousand fifteen, and no more, shall be granted to a charter~~
15 ~~for a school to be located in a city having a population of one million~~
16 ~~or more.~~] The failure of any body to issue the regulations authorized
17 pursuant to this article shall not affect the authority of a charter
18 entity to propose a charter to the board of regents or the board of

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

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1 regents' authority to grant such charter. A conversion of an existing
2 public school to a charter school, or the renewal or extension of a
3 charter approved by any charter entity, shall not be counted toward the
4 numerical limits established by this subdivision.

5 (a-1) A charter school whose charter has been surrendered, revoked or
6 terminated, including a charter that has not been renewed by action of
7 its charter entity, shall not be counted toward the numerical limits
8 established by this subdivision and instead shall be returned to the
9 pool it was originally issued from and may be reissued by the board of
10 regents either upon application directly to the board of regents or on
11 the recommendation of the board of trustees of the state university of
12 New York pursuant to a competitive process in accordance with subdivi-
13 sion nine-a of this section.

14 (b) A charter that has been surrendered, revoked or terminated [~~on or~~
15 ~~before July first, two thousand fifteen~~], including a charter that has
16 not been renewed by action of its charter entity, may be reissued pursu-
17 ant to paragraph (a) of this subdivision by the board of regents either
18 upon application directly to the board of regents or on the recommenda-
19 tion of the board of trustees of the state university of New York pursu-
20 ant to a competitive process in accordance with subdivision nine-a of
21 this section. Provided that such reissuance shall not be counted toward
22 the statewide numerical limit established by this subdivision[~~, and~~
23 ~~provided further that no more than twenty-two charters may be reissued~~
24 ~~pursuant to this paragraph~~].

25 (c) For purposes of determining the total number of charters issued
26 within the numerical limits established by this subdivision, the
27 approval date of the charter entity shall be the determining factor.

28 (d) Notwithstanding any provision of this article to the contrary, any
29 charter authorized to be issued by chapter fifty-seven of the laws of
30 two thousand seven effective July first, two thousand seven, and that
31 remains unissued as of July first, two thousand fifteen, may be issued
32 pursuant to the provisions of law applicable to a charter authorized to
33 be issued by such chapter in effect as of June fifteenth, two thousand
34 fifteen[~~, provided however that nothing in this paragraph shall be~~
35 ~~construed to increase the numerical limit applicable to a city having a~~
36 ~~population of one million or more as provided in paragraph (a) of this~~
37 ~~subdivision, as amended by a chapter of the laws of two thousand fifteen~~
38 ~~which added this paragraph~~].

39 § 2. Paragraph (a-1) of subdivision 3 of section 2854 of the education
40 law, as amended by section 1 of subpart A of part B of chapter 20 of the
41 laws of 2015, is amended to read as follows:

42 (a-1) The board of trustees of a charter school shall employ and
43 contract with necessary teachers, administrators and other school
44 personnel. Such teachers shall be certified in accordance with the
45 requirements applicable to other public schools; provided, however, that
46 teachers employed by a high-performing public charter school with a
47 rigorous teacher training program will have three school years from
48 their employment start date before they must satisfy certification
49 requirements; and a charter school may employ as teachers (i) uncerti-
50 fied teachers with at least three years of elementary, middle or second-
51 ary classroom teaching experience; (ii) tenured or tenure track college
52 faculty; (iii) individuals with two years of satisfactory experience
53 through the Teach for America program; and (iv) individuals who possess
54 exceptional business, professional, artistic, athletic, or military
55 experience, provided, however, that such teachers described in clauses
56 (i), (ii), (iii), and (iv) of this paragraph shall not in total comprise

1 more than the sum of: (A) thirty per centum of the teaching staff of a
2 charter school, or five teachers, whichever is [~~less~~] greater; plus (B)
3 five teachers of mathematics, science, computer science, technology, or
4 career and technical education; plus (C) five additional teachers. A
5 teacher certified or otherwise approved by the commissioner shall not be
6 included in the numerical limits established by the preceding sentence.

7 § 3. Subdivision 5 of section 2851 of the education law, as added by
8 section 2 of part P of chapter 73 of the laws of 2016, is amended to
9 read as follows:

10 5. Notwithstanding any provision of law, rule or regulation to the
11 contrary [~~for a period of one year from the effective date of this~~
12 ~~subdivision~~], a charter school approved by a charter entity listed in
13 subdivision three of this section may apply at any time during this
14 period to another charter entity, defined in paragraph (a), (b) or (c)
15 of subdivision three of this section to request such other charter enti-
16 ty to oversee and supervise such charter school. All standards and
17 requirements established in the original charter agreement shall remain
18 in effect until the scheduled expiration of such charter agreement and
19 provided however that all obligations of the previous charter entity to
20 oversee and supervise a charter school shall terminate upon the transfer
21 of authorization of such charter school to a new charter entity, as
22 defined in subdivision five of section twenty-eight hundred fifty-two of
23 this article, and the previous charter entity shall provide in a timely
24 fashion information relevant to the charter as requested by such other
25 charter entity. A charter school that seeks to change its charter entity
26 must have met all other requirements of this article and cannot be in
27 violation of any legal requirement, in probationary status, or slated
28 for closure.

29 § 4. Section 34 of chapter 91 of the laws of 2002, amending the educa-
30 tion law and other laws relating to reorganization of the New York city
31 school construction authority, board of education and community boards,
32 as amended by section 1 of part O of chapter 73 of the laws of 2016, is
33 amended to read as follows:

34 § 34. This act shall take effect July 1, 2002; provided, that sections
35 one through twenty, twenty-four, and twenty-six through thirty of this
36 act shall expire and be deemed repealed June 30, [~~2017~~] 2019 provided,
37 further, that notwithstanding any provision of article 5 of the general
38 construction law, on June 30, [~~2017~~] 2019 the provisions of subdivisions
39 3, 5, and 8, paragraph b of subdivision 13, subdivision 14, paragraphs
40 b, d, and e of subdivision 15, and subdivisions 17 and 21 of section
41 2554 of the education law as repealed by section three of this act,
42 subdivision 1 of section 2590-b of the education law as repealed by
43 section six of this act, paragraph (a) of subdivision 2 of section
44 2590-b of the education law as repealed by section seven of this act,
45 section 2590-c of the education law as repealed by section eight of this
46 act, paragraph c of subdivision 2 of section 2590-d of the education law
47 as repealed by section twenty-six of this act, subdivision 1 of section
48 2590-e of the education law as repealed by section twenty-seven of this
49 act, subdivision 28 of section 2590-h of the education law as repealed
50 by section twenty-eight of this act, subdivision 30 of section 2590-h of
51 the education law as repealed by section twenty-nine of this act, subdi-
52 vision 30-a of section 2590-h of the education law as repealed by
53 section thirty of this act shall be revived and be read as such
54 provisions existed in law on the date immediately preceding the effec-
55 tive date of this act; provided, however, that sections seven and eight
56 of this act shall take effect on November 30, 2003; provided further

1 that the amendments to subdivision 25 of section 2554 of the education
2 law made by section two of this act shall be subject to the expiration
3 and reversion of such subdivision pursuant to section 12 of chapter 147
4 of the laws of 2001, as amended, when upon such date the provisions of
5 section four of this act shall take effect.

6 § 5. Subdivision 12 of section 17 of chapter 345 of the laws of 2009,
7 amending the education law and other laws relating to the New York city
8 board of education, chancellor, community councils and community super-
9 intendants, as amended by section 2 of part 0 of chapter 73 of the laws
10 of 2016, is amended to read as follows:

11 12. any provision in sections one, two, three, four, five, six, seven,
12 eight, nine, ten and eleven of this act not otherwise set to expire
13 pursuant to section 34 of chapter 91 of the laws of 2002, as amended, or
14 section 17 of chapter 123 of the laws of 2003, as amended, shall expire
15 and be deemed repealed June 30, [~~2017~~ 2019].

16 § 6. This act shall take effect immediately, provided that if this act
17 shall have become a law after June 23, 2017 section three of this act
18 shall be deemed to have been in full force and effect on and after June
19 23, 2017.