

STATE OF NEW YORK

6567

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 the surrender, revocation or termination of a charter and requirements for teaching staff of charter schools; to amend chapter 345 of the laws of 2009 amending the education law and other laws relating to the reorganization of the New York city board of education, chancellor, community councils and community superintendents, in relation to extending the expiration and repeal date of certain provisions thereof; and 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 extending the expiration and repeal date of certain provisions 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 [~~Fifty of such charters issued on or after July~~
12 ~~first, two thousand fifteen, and no more, shall be granted to a charter~~
13 ~~for a school to be located in a city having a population of one million~~
14 ~~or more~~]; provided that a city of one million or more shall receive no
15 more than forty percent of the remaining charters available in each
16 year. The failure of any body to issue the regulations authorized pursu-

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

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1 ant to this article shall not affect the authority of a charter entity
2 to propose a charter to the board of regents or the board of regents'
3 authority to grant such charter. A conversion of an existing public
4 school to a charter school, or the renewal or extension of a charter
5 approved by any charter entity, shall not be counted toward the numer-
6 ical limits established by this subdivision.

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

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

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

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

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

44 (a-1) The board of trustees of a charter school shall employ and
45 contract with necessary teachers, administrators and other school
46 personnel. Such teachers shall be certified in accordance with the
47 requirements applicable to other public schools; provided, however, that
48 teachers employed by a high performing public charter school with a
49 rigorous teacher training program will have three school years from
50 their employment start date before they must satisfy certification
51 requirements; provided further that a charter school may employ as
52 teachers (i) uncertified teachers with at least three years of elementa-
53 ry, middle or secondary classroom teaching experience; (ii) tenured or
54 tenure track college faculty; (iii) individuals with two years of satis-
55 factory experience through the Teach for America program; and (iv) indi-
56 viduals who possess exceptional business, professional, artistic,

1 athletic, or military experience, provided, however, that such teachers
2 described in clauses (i), (ii), (iii), and (iv) of this paragraph shall
3 not in total comprise more than the sum of: (A) thirty per centum of the
4 teaching staff of a charter school, or five teachers, whichever is
5 [~~less~~] greater; plus (B) five teachers of mathematics, science, computer
6 science, technology, or career and technical education; plus (C) five
7 additional teachers. A teacher certified or otherwise approved by the
8 commissioner shall not be included in the numerical limits established
9 by the preceding sentence.

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

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

32 § 4. Subdivision 12 of section 17 of chapter 345 of the laws of 2009
33 amending the education law and other laws relating to the reorganization
34 of the New York city board of education, chancellor, community councils
35 and community superintendents, as amended by section 2 of part O of
36 chapter 73 of the laws of 2016, is amended to read as follows:

37 12. any provision in sections one, two, three, four, five, six, seven,
38 eight, nine, ten and eleven of this act not otherwise set to expire
39 pursuant to section 34 of chapter 91 of the laws of 2002, as amended, or
40 section 17 of chapter 123 of the laws of 2003, as amended, shall expire
41 and be deemed repealed June 30, [~~2017~~] 2018.

42 § 5. Section 34 of chapter 91 of the laws of 2002, amending the educa-
43 tion law and other laws relating to reorganization of the New York city
44 school construction authority, board of education and community boards,
45 as amended by section 1 of part O of chapter 73 of the laws of 2016, is
46 amended to read as follows:

47 § 34. This act shall take effect July 1, 2002; provided, that sections
48 one through twenty, twenty-four, and twenty-six through thirty of this
49 act shall expire and be deemed repealed June 30, [~~2017~~] 2018 provided,
50 further, that notwithstanding any provision of article 5 of the general
51 construction law, on June 30, [~~2017~~] 2018 the provisions of subdivisions
52 3, 5, and 8, paragraph b of subdivision 13, subdivision 14, paragraphs
53 b, d, and e of subdivision 15, and subdivisions 17 and 21 of section
54 2554 of the education law as repealed by section three of this act,
55 subdivision 1 of section 2590-b of the education law as repealed by
56 section six of this act, paragraph (a) of subdivision 2 of section

1 2590-b of the education law as repealed by section seven of this act,
2 section 2590-c of the education law as repealed by section eight of this
3 act, paragraph c of subdivision 2 of section 2590-d of the education law
4 as repealed by section twenty-six of this act, subdivision 1 of section
5 2590-e of the education law as repealed by section twenty-seven of this
6 act, subdivision 28 of section 2590-h of the education law as repealed
7 by section twenty-eight of this act, subdivision 30 of section 2590-h of
8 the education law as repealed by section twenty-nine of this act, subdi-
9 vision 30-a of section 2590-h of the education law as repealed by
10 section thirty of this act shall be revived and be read as such
11 provisions existed in law on the date immediately preceding the effec-
12 tive date of this act; provided, however, that sections seven and eight
13 of this act shall take effect on November 30, 2003; provided further
14 that the amendments to subdivision 25 of section 2554 of the education
15 law made by section two of this act shall be subject to the expiration
16 and reversion of such subdivision pursuant to section 12 of chapter 147
17 of the laws of 2001, as amended, when upon such date the provisions of
18 section four of this act shall take effect.

19 § 6. This act shall take effect immediately.