

# STATE OF NEW YORK

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6567

2017-2018 Regular Sessions

## IN SENATE

June 4, 2017

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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 purs-

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 numerical  
6 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 pursuant  
19 to paragraph (a) of this subdivision by the board of regents either  
20 upon application directly to the board of regents or on the recommendation  
21 of the board of trustees of the state university of New York pursuant  
22 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 elementary,  
53 middle or secondary classroom teaching experience; (ii) tenured or  
54 tenure track college faculty; (iii) individuals with two years of satisfactory  
55 experience through the Teach for America program; and (iv) individuals  
56 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, subdivi-  
9 sion 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.