

# STATE OF NEW YORK

6934

2019-2020 Regular Sessions

## IN ASSEMBLY

March 27, 2019

Introduced by M. of A. NOLAN, CAHILL, COLTON, GOTTFRIED, MAGNARELLI, SIMON, ZEBROWSKI, GALEF, JAFFEE, WILLIAMS, DICKENS, SAYEGH, ENGLE-BRIGHT, D'URSO, STIRPE, THIELE, COOK -- Multi-Sponsored by -- M. of A. ABBATE, BUTTENSCHON -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to agreements for the administration, management or operation of charter schools

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

1 Section 1. Subdivision 5 of section 2852 of the education law, as  
2 amended by chapter 101 of the laws of 2010, is amended to read as  
3 follows:

4 5. Upon approval of an application by a charter entity, the applicant  
5 and charter entity shall enter into a proposed agreement allowing the  
6 applicants to organize and operate a charter school. Such written agree-  
7 ment, known as the charter, shall include (a) the information required  
8 by subdivision two of section twenty-eight hundred fifty-one of this  
9 article, as modified or supplemented during the approval process, (b) in  
10 the case of charters to be issued pursuant to subdivision nine-a of this  
11 section, information required by such subdivision, (c) a provision  
12 prohibiting the charter school from entering into, renewing or extending  
13 any agreement with a for-profit or not-for-profit corporate or other  
14 business entity for the administration, management or operation of the  
15 charter school unless the agreement requires such entity to provide  
16 state and local officers having the power to audit the charter school  
17 pursuant to this article with access to the entity's records relating to  
18 the costs of, and fees for, providing such services to the school, (d)  
19 any other terms or conditions required by applicable laws, rules and  
20 regulations, and [~~(d)~~] (e) any other terms or conditions, not inconsis-  
21 tent with law, agreed upon by the applicant and the charter entity. In  
22 addition, the charter shall include the specific commitments of the

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

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1 charter entity relating to its obligations to oversee and supervise the  
2 charter school. Within five days after entering into a proposed charter,  
3 the charter entity other than the board of regents shall submit to the  
4 board of regents a copy of the charter, the application and supporting  
5 documentation for final approval and issuance by the board of regents in  
6 accordance with subdivisions five-a and five-b of this section.

7 § 2. Notwithstanding any general, special or local law to the contra-  
8 ry, no charter school having a charter that was issued and approved on  
9 or before the effective date of this act shall enter into, renew or  
10 extend the duration of any agreement with a for-profit or not-for-profit  
11 corporate or other business entity for the administration, management or  
12 operation of the charter school unless the agreement requires such enti-  
13 ty to provide state and local officers having the power to audit the  
14 charter school pursuant to article 56 of the education law with access  
15 to the entity's records relating to the costs of, and fees for, provid-  
16 ing such services to the school. Any agreement entered into, renewed or  
17 extended in violation of this section shall be null, void and wholly  
18 unenforceable, and a violation of this section shall be grounds for  
19 revocation or termination of a charter pursuant to section 2855 of the  
20 education law.

21 § 3. This act shall take effect immediately.