

STATE OF NEW YORK

4886

2021-2022 Regular Sessions

IN SENATE

February 17, 2021

Introduced by Sen. ADDABBO -- 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 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
23 charter entity relating to its obligations to oversee and supervise the
24 charter school. Within five days after entering into a proposed charter,
25 the charter entity other than the board of regents shall submit to the

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

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1 board of regents a copy of the charter, the application and supporting
2 documentation for final approval and issuance by the board of regents in
3 accordance with subdivisions five-a and five-b of this section.

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

18 § 3. This act shall take effect immediately.