STATE OF NEW YORK

6757

2021-2022 Regular Sessions

IN ASSEMBLY

March 29, 2021

Introduced by M. of A. GRIFFIN -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to admission to charter schools

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

Section 1. Paragraph (b) of subdivision 2 of section 2854 of the education law, as amended by section 3 of subpart A of part B of chapter 20 of the laws of 2015, is amended to read as follows:

(b) [~~Any~~] **(i) In cities with a population of one million or more, any** child who is qualified under the laws of this state for admission to a public school is qualified for admission to a charter school.

(ii) Any child who is qualified under the laws of this state for admission to a public school building not in good standing with the department is qualified for admission to a charter school.

(iii) Any child who is qualified under the laws of this state for admission to a public school building in good standing with the department is not qualified for admission to a charter school unless a parent in a parental relationship with such child provide a justification and educational-based reasoning to the superintendent of the public school district which such school building is located in. The department shall create a document to help a parent in a parental relationship with a child provide such justifications and educational-based reasons and distribute such document to all public school buildings in good standing with the department. No charter school shall admit a student from a public school building in good standing with the department until the justification and educational-based reasoning document has been submitted to the superintendent of such public school district pursuant to this subparagraph. This subparagraph shall not apply to school buildings in good standing with the department which are located in cities with a population of one million or more.

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

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(b-1) Applications for admission to a charter school shall be submitted on a uniform application form created by the department and shall be made available by a charter school in languages predominately spoken in the community in which such charter school is located. The school shall enroll each eligible student who submits a timely application by the first day of April each year, unless the number of applications exceeds the capacity of the grade level or building. In such cases, students shall be accepted from among applicants by a random selection process, provided, however, that an enrollment preference shall be provided to pupils returning to the charter school in the second or any subsequent year of operation and pupils residing in the school district in which the charter school is located, and siblings of pupils already enrolled in the charter school. Preference may also be provided to children of employees of the charter school or charter management organization, provided that such children of employees may constitute no more than fifteen percent of the charter school's total enrollment. The commissioner shall establish regulations to require that the random selection process conducted pursuant to this paragraph be performed in a transparent and equitable manner and to require that the time and place of the random selection process be publicized in a manner consistent with the requirements of section one hundred four of the public officers law and be open to the public. For the purposes of this paragraph and paragraph (a) of this subdivision, the school district in which the charter school is located shall mean, for the city school district of the city of New York, the community district in which the charter school is located.

§ 2. This act shall take effect on the first of July next succeeding the date on which it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.