

STATE OF NEW YORK

7039

2021-2022 Regular Sessions

IN SENATE

May 25, 2021

Introduced by Sen. BENJAMIN -- 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 authorizing the transfer of a charter for charter schools designed to serve students with special needs

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

1 Section 1. Subdivision 5 of section 2851 of the education law, as
2 added by section 2 of part P of chapter 73 of the laws of 2016, is
3 amended to read as follows:

4 5. Notwithstanding any provision of law, rule or regulation to the
5 contrary for a period of one year from the effective date of this subdivi-
6 sion, a charter school approved by a charter entity listed in subdivi-
7 sion three of this section may apply at any time during this period to
8 another charter entity, defined in paragraph (a), (b) or (c) of subdivi-
9 sion three of this section to request such other charter entity to over-
10 see and supervise such charter school. All standards and requirements
11 established in the original charter agreement shall remain in effect
12 until the scheduled expiration of such charter agreement and provided
13 however that all obligations of the previous charter entity to oversee
14 and supervise a charter school shall terminate upon the transfer of
15 authorization of such charter school to a new charter entity, as defined
16 in subdivision five of section twenty-eight hundred fifty-two of this
17 article, and the previous charter entity shall provide in a timely fash-
18 ion information relevant to the charter as requested by such other char-
19 ter entity. A charter school that seeks to change its charter entity
20 must have met all other requirements of this article and cannot be in
21 violation of any legal requirement, in probationary status, or slated
22 for closure; provided, however, a charter school that is designed to
23 serve students with special needs, defined as a school which has at
24 least fifty percent of its student population enrolled with an individ-

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

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1 ualized education plan, approved by a charter entity listed in subdivi-
2 sion three of this section, may apply to another charter entity, defined
3 in paragraph (a), (b) or (c) of subdivision three of this section to
4 oversee and supervise such school at any time and all the obligations of
5 the previous charter entity to oversee and supervise such school shall
6 terminate upon the transfer of authorization of such charter school to a
7 new charter entity.

8 § 2. This act shall take effect immediately.