STATE OF NEW YORK

5763

2023-2024 Regular Sessions

IN ASSEMBLY

March 23, 2023

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

AN ACT to amend the education law, in relation to reimbursing charter schools for leasing certain facilities, and prohibiting charter school employee contracts from including a non-disclosure agreement; and to repeal certain provisions of such law relating thereto

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

Section 1. Subparagraph 1 of paragraph (e) of subdivision 3 of section 2853 of the education law, as added by section 5 of part BB of chapter 56 of the laws of 2014, is amended to read as follows:

(1) Notwithstanding any other provision of law to the contrary, within the later of (i) five months after a charter school's written request for co-location and (ii) thirty days after the charter school's charter is approved by its charter entity, the city school district shall either: (A) offer at no cost to the charter school a co-location site in a public school building approved by the board of education as provided by law, or (B) offer the charter school space in a privately owned or other publicly owned facility at the expense of [~~the city school district and at no cost to~~] the charter school**. The city school district shall not reimburse a charter school which rents or leases space in a private facility**. The space must be reasonable, appropriate and comparable and in the community school district to be served by the charter school and otherwise in reasonable proximity.

§ 2. Subparagraphs 4 and 5 of paragraph (e) of subdivision 3 of section 2853 of the education law are REPEALED and subparagraph 6 of such paragraph is renumbered subparagraph 4.

§ 3. Paragraph (d) of subdivision 3 of section 2853 of the education law, as added by chapter 101 of the laws of 2010, is amended to read as follows:

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

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(d) Notwithstanding any other provision to the contrary, in a city school district in a city having a population of one million or more inhabitants, the chancellor must first authorize in writing any proposed capital improvements or facility upgrades in excess of five thousand dollars, regardless of the source of funding, made to accommodate the co-location of a charter school within a public school building. For any such improvements or upgrades that have been approved by the chancellor, capital improvements or facility upgrades shall be made in an amount equal to the expenditure of the charter school for each non-charter public school within the public school building. For any capital improvements or facility upgrades in excess of five thousand dollars that have been approved by the chancellor, regardless of the source of funding, made in a charter school that is already co-located within a public school building, matching capital improvements or facility upgrades shall be made in an amount equal to the expenditure of the charter school for each non-charter public school within the public school building within three months of such improvements or upgrades**. Any capital improvement required to be made for a non-charter public school pursuant to the provisions of this paragraph shall be paid for by the state**.

§ 4. Subdivision 3 of section 2854 of the education law is amended by adding a new paragraph (e) to read as follows:

(e) No charter school shall include a non-disclosure agreement as part of a contract with any employee or as a condition of employment.

§ 5. Subdivision 4 of section 2853 of the education law is amended by adding a new paragraph (f) to read as follows:

(f) In a city school district in a city with a population of one million or more, the comptroller of the city of New York shall conduct annual audits, which shall include but not be limited to any matching funds spent on charter schools.

§ 6. This act shall take effect immediately.