

# 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:

1 Section 1. Subparagraph 1 of paragraph (e) of subdivision 3 of section  
2 2853 of the education law, as added by section 5 of part BB of chapter  
3 56 of the laws of 2014, is amended to read as follows:

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

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18 section 2853 of the education law are REPEALED and subparagraph 6 of  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

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

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

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1 (d) Notwithstanding any other provision to the contrary, in a city  
2 school district in a city having a population of one million or more  
3 inhabitants, the chancellor must first authorize in writing any proposed  
4 capital improvements or facility upgrades in excess of five thousand  
5 dollars, regardless of the source of funding, made to accommodate the  
6 co-location of a charter school within a public school building. For any  
7 such improvements or upgrades that have been approved by the chancellor,  
8 capital improvements or facility upgrades shall be made in an amount  
9 equal to the expenditure of the charter school for each non-charter  
10 public school within the public school building. For any capital  
11 improvements or facility upgrades in excess of five thousand dollars  
12 that have been approved by the chancellor, regardless of the source of  
13 funding, made in a charter school that is already co-located within a  
14 public school building, matching capital improvements or facility  
15 upgrades shall be made in an amount equal to the expenditure of the  
16 charter school for each non-charter public school within the public  
17 school building within three months of such improvements or upgrades.  
18 Any capital improvement required to be made for a non-charter public  
19 school pursuant to the provisions of this paragraph shall be paid for by  
20 the state.

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

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

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

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

31 § 6. This act shall take effect immediately.