STATE OF NEW YORK

10622

IN ASSEMBLY

March 13, 2026

Introduced by M. of A. O'PHARROW, GIGLIO, RAMOS -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to establishing the board of regents as the primary charter school vetting and oversight authority

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

Section 1. Subdivision 3 of section 2851 of the education law, as amended by chapter 101 of the laws of 2010, is amended to read as follows:

3. An applicant shall submit the application to a charter entity for approval. For purposes of this article, a charter entity shall be:

(a) The board of education of a school district eligible for an apportionment of aid under subdivision four of section thirty-six hundred two of this chapter, provided that a board of education shall not approve an application for a school to be operated outside the school district's geographic boundaries and further provided that in a city having a population of one million or more, the chancellor of any such city school district shall be the charter entity established by this paragraph; **or**

(b) [~~The board of trustees of the state university of New York; or~~ ~~(c)~~] The board of regents.

The board of regents shall [~~be the only entity authorized to issue a charter~~] ***serve as the primary statewide authority responsible for vetting charter school applications and ensuring compliance with the educational, governance, financial, and community impact standards established*** pursuant to this article.

The board of trustees of the state university of New York shall no longer serve as a charter entity or charter authorizer under this article.

The board of regents shall be the only entity authorized to issue a charter pursuant to this article.

Notwithstanding any provision of this subdivision to the contrary, an application for the conversion of an existing public school to a charter school shall be submitted to, and may only be approved by, the charter

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

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entity set forth in paragraph (a) of this subdivision. Notwithstanding any law, rule or regulation to the contrary, any such application for conversion shall be consistent with this section but shall not be subject to the process pursuant to subdivision nine-a of section twenty-eight hundred fifty-two of this article, and the charter entity shall require that the parents or guardians of a majority of the students then enrolled in the existing public school vote in favor of converting the school to a charter school. **Notwithstanding any provision of law to the contrary, no charter school approved pursuant to this subdivision shall receive or be eligible to receive any school district funds unless such charter school has first been approved by a majority vote of the registered voters of the school district in which the charter school is proposed to operate. Such vote shall occur at the next scheduled school district budget vote or at a special election called for such purpose. If a majority of voters casting ballots vote in favor of the charter school, the school district shall be authorized to distribute public education funds to such charter school pursuant to this article. If the voters reject the proposal, the charter school shall not receive school district funds within that district.**

§ 2. Paragraph (e) of subdivision 4 of section 2851 of the education law, as added by chapter 101 of the laws of 2010, is amended to read as follows:

(e) The means by which the charter school will meet or exceed enrollment and retention targets as prescribed by the board of regents [~~or the board of trustees of the state university of New York, as applicable,~~] of students with disabilities, English language learners, and students who are eligible applicants for the free and reduced price lunch program [~~which shall be considered by the charter entity prior to approving such charter school's application for renewal~~]. When developing such targets, the board of regents [~~and the board of trustees of the state university of New York~~] shall ensure**:** (1) that such enrollment targets are comparable to the enrollment figures of such categories of students attending the public schools within the school district, or in a city school district in a city having a population of one million or more inhabitants, the community school district, in which the charter school is located; and (2) that such retention targets are comparable to the rate of retention of such categories of students attending the public schools within the school district, or in a city school district in a city having a population of one million or more inhabitants, the community school district, in which the proposed charter school would be located. Such renewal application shall be submitted to the charter entity no later than six months prior to the expiration of the charter; provided, however, that the charter entity may waive such deadline for good cause shown. **No charter renewal shall permit the continued receipt of school district funds unless the charter school receives approval by a majority vote of the registered voters of the school district in which the charter school operates.**

§ 3. Section 2852 of the education law is amended by adding a new subdivision 11 to read as follows:

11. The board of regents shall serve as the primary statewide oversight authority responsible for monitoring charter schools for compliance with the terms of their charters and all applicable state and federal laws.

Such oversight shall include but not be limited to:

a. Annual academic performance reviews;

b. Financial audits;

c. Monitoring compliance with enrollment and retention requirements;
d. Investigating complaints or violations; or
e. Recommending probation, corrective action, or revocation of a charter where substantial noncompliance is identified.

§ 4. This act shall take effect immediately.