

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:

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

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

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

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

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

20 The board of trustees of the state university of New York shall no
21 longer serve as a charter entity or charter authorizer under this arti-
22 cle.

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

25 Notwithstanding any provision of this subdivision to the contrary, an
26 application for the conversion of an existing public school to a charter
27 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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1 entity set forth in paragraph (a) of this subdivision. Notwithstanding
2 any law, rule or regulation to the contrary, any such application for
3 conversion shall be consistent with this section but shall not be
4 subject to the process pursuant to subdivision nine-a of section twenty-
5 eight hundred fifty-two of this article, and the charter entity shall
6 require that the parents or guardians of a majority of the students then
7 enrolled in the existing public school vote in favor of converting the
8 school to a charter school. Notwithstanding any provision of law to the
9 contrary, no charter school approved pursuant to this subdivision shall
10 receive or be eligible to receive any school district funds unless such
11 charter school has first been approved by a majority vote of the regis-
12 tered voters of the school district in which the charter school is
13 proposed to operate. Such vote shall occur at the next scheduled school
14 district budget vote or at a special election called for such purpose.
15 If a majority of voters casting ballots vote in favor of the charter
16 school, the school district shall be authorized to distribute public
17 education funds to such charter school pursuant to this article. If the
18 voters reject the proposal, the charter school shall not receive school
19 district funds within that district.

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

23 (e) The means by which the charter school will meet or exceed enroll-
24 ment and retention targets as prescribed by the board of regents [~~or the~~
25 ~~board of trustees of the state university of New York, as applicable,~~]
26 of students with disabilities, English language learners, and students
27 who are eligible applicants for the free and reduced price lunch program
28 [~~which shall be considered by the charter entity prior to approving such~~
29 ~~charter school's application for renewal~~]. When developing such targets,
30 the board of regents [~~and the board of trustees of the state university~~
31 ~~of New York~~] shall ensure: (1) that such enrollment targets are compara-
32 ble to the enrollment figures of such categories of students attending
33 the public schools within the school district, or in a city school
34 district in a city having a population of one million or more inhabit-
35 ants, the community school district, in which the charter school is
36 located; and (2) that such retention targets are comparable to the rate
37 of retention of such categories of students attending the public schools
38 within the school district, or in a city school district in a city
39 having a population of one million or more inhabitants, the community
40 school district, in which the proposed charter school would be located.
41 Such renewal application shall be submitted to the charter entity no
42 later than six months prior to the expiration of the charter; provided,
43 however, that the charter entity may waive such deadline for good cause
44 shown. No charter renewal shall permit the continued receipt of school
45 district funds unless the charter school receives approval by a majority
46 vote of the registered voters of the school district in which the char-
47 ter school operates.

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

50 11. The board of regents shall serve as the primary statewide over-
51 sight authority responsible for monitoring charter schools for compli-
52 ance with the terms of their charters and all applicable state and
53 federal laws.

54 Such oversight shall include but not be limited to:

55 a. Annual academic performance reviews;

56 b. Financial audits;

- 1 c. Monitoring compliance with enrollment and retention requirements;
- 2 d. Investigating complaints or violations; or
- 3 e. Recommending probation, corrective action, or revocation of a char-
- 4 ter where substantial noncompliance is identified.
- 5 § 4. This act shall take effect immediately.