

STATE OF NEW YORK

10925

IN ASSEMBLY

April 9, 2026

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

AN ACT to amend the education law, in relation to removing the board of
trustees of the state university of New York as a charter entity for
purposes of the charter school approval process

The People of the State of New York, represented in Senate and Assem-
bly, 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 pursuant to this article. Notwithstanding any provision of this
17 subdivision to the contrary, an application for the conversion of an
18 existing public school to a charter school shall be submitted to, and
19 may only be approved by, the charter entity set forth in paragraph (a)
20 of this subdivision. Notwithstanding any law, rule or regulation to the
21 contrary, any such application for conversion shall be consistent with
22 this section but shall not be subject to the process pursuant to subdi-
23 vision nine-a of section twenty-eight hundred fifty-two of this article,
24 and the charter entity shall require that the parents or guardians of a
25 majority of the students then enrolled in the existing public school
26 vote in favor of converting the school to a charter school.

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

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1 § 2. Subdivisions 9 and 9-a of section 2852 of the education law, as
2 amended by section 2 of subpart A of part B of chapter 20 of the laws of
3 2015, paragraph (b-1) of subdivision 9 as added by section 4 of part A
4 of chapter 56 of the laws of 2023, are amended to read as follows:

5 9. The total number of charters issued pursuant to this article state-
6 wide shall not exceed four hundred sixty. (a) All charters issued on or
7 after July first, two thousand fifteen and counted toward the numerical
8 limits established by this subdivision shall be issued by the board of
9 regents upon application directly to the board of regents [~~or on the~~
10 ~~recommendation of the board of trustees of the state university of New~~
11 ~~York~~] pursuant to a competitive process in accordance with subdivision
12 nine-a of this section. Fifty of such charters issued on or after July
13 first, two thousand fifteen, and no more, shall be granted to a charter
14 for a school to be located in a city having a population of one million
15 or more. The failure of any body to issue the regulations authorized
16 pursuant to this article shall not affect the authority of a charter
17 entity to propose a charter to the board of regents or the board of
18 regents' authority to grant such charter. A conversion of an existing
19 public school to a charter school, or the renewal or extension of a
20 charter approved by any charter entity, shall not be counted toward the
21 numerical limits established by this subdivision.

22 (b) A charter that has been surrendered, revoked or terminated on or
23 before July first, two thousand fifteen, including a charter that has
24 not been renewed by action of its charter entity, may be reissued pursu-
25 ant to paragraph (a) of this subdivision by the board of regents
26 [~~either~~] upon application directly to the board of regents [~~or on the~~
27 ~~recommendation of the board of trustees of the state university of New~~
28 ~~York~~] pursuant to a competitive process in accordance with subdivision
29 nine-a of this section. Provided that such reissuance shall not be
30 counted toward the statewide numerical limit established by this subdi-
31 vision, and provided further that no more than twenty-two charters may
32 be reissued pursuant to this paragraph.

33 (b-1) A charter that has been surrendered, revoked or terminated after
34 January first, two thousand fifteen, but before July first, two thousand
35 twenty-two, including a charter that has not been renewed by action of
36 its charter entity, may be reissued once pursuant to paragraph (a) of
37 this subdivision by the board of regents [~~either~~] upon application
38 directly to the board of regents [~~or on the recommendation of the board~~
39 ~~of trustees of the state university of New York~~] pursuant to a compet-
40 itive process in accordance with subdivision nine-a of this section.
41 Provided that such reissuance shall not be counted toward the numerical
42 limits established by this subdivision, and provided further that no
43 more than twenty-two charters may be reissued pursuant to this para-
44 graph, provided that fourteen of such reissued charters shall be allo-
45 cated for, and shall not be counted toward the numerical limit in, a
46 city having a population of one million or more established in paragraph
47 (a) of this subdivision. Nothing herein shall be construed to allow more
48 than fourteen such charters to be reissued in a city having a population
49 of one million or more.

50 (c) For purposes of determining the total number of charters issued
51 within the numerical limits established by this subdivision, the
52 approval date of the charter entity shall be the determining factor.

53 (d) Notwithstanding any provision of this article to the contrary, any
54 charter authorized to be issued by chapter fifty-seven of the laws of
55 two thousand seven effective July first, two thousand seven, and that
56 remains unissued as of July first, two thousand fifteen, may be issued

1 pursuant to the provisions of law applicable to a charter authorized to
2 be issued by such chapter in effect as of June fifteenth, two thousand
3 fifteen; provided however that nothing in this paragraph shall be
4 construed to increase the numerical limit applicable to a city having a
5 population of one million or more as provided in paragraph (a) of this
6 subdivision, as amended by [~~a~~] subpart A of part B of chapter twenty of
7 the laws of two thousand fifteen [~~which added this paragraph~~].

8 9-a. (a) The board of regents is hereby authorized and directed to
9 issue four hundred sixty charters statewide upon either applications
10 submitted directly to the board of regents [~~or upon the recommendation~~
11 ~~of the board of trustees of the state university of New York~~] pursuant
12 to a competitive request for proposals process.

13 The board of regents shall make a determination to issue a charter
14 pursuant to a request for proposals no later than December thirty-first
15 of each year.

16 (b) The board of regents [~~and the board of trustees of the state~~
17 ~~university of New York~~] shall [~~each~~] develop such request for proposals
18 in a manner that facilitates a thoughtful review of charter school
19 applications, considers the demand for charter schools by the community,
20 and seeks to locate charter schools in a region or regions where there
21 may be a lack of alternatives and access to charter schools would
22 provide new alternatives within the local public education system that
23 would offer the greatest educational benefit to students. Applications
24 shall be evaluated in accordance with the criteria and objectives
25 contained within a request for proposals. The board of regents [~~and the~~
26 ~~board of trustees of the state university of New York~~] shall not consid-
27 er any applications which do not rigorously demonstrate that they have
28 met the following criteria:

29 (i) that the proposed charter school would meet or exceed enrollment
30 and retention targets, as prescribed by the board of regents [~~or the~~
31 ~~board of trustees of the state university of New York, as applicable~~],
32 of students with disabilities, English language learners, and students
33 who are eligible applicants for the free and reduced price lunch
34 program. When developing such targets, the board of regents [~~and the~~
35 ~~board of trustees of the state university of New York,~~] shall ensure (1)
36 that such enrollment targets are comparable to the enrollment figures of
37 such categories of students attending the public schools within the
38 school district, or in a city school district in a city having a popu-
39 lation of one million or more inhabitants, the community school
40 district, in which the proposed charter school would be located; and (2)
41 that such retention targets are comparable to the rate of retention of
42 such categories of students attending the public schools within the
43 school district, or in a city school district in a city having a popu-
44 lation of one million or more inhabitants, the community school
45 district, in which the proposed charter school would be located; and

46 (ii) that the applicant has conducted public outreach, in conformity
47 with a thorough and meaningful public review process prescribed by the
48 board of regents [~~and the board of trustees of the state university of~~
49 ~~New York~~], to solicit community input regarding the proposed charter
50 school and to address comments received from the impacted community
51 concerning the educational and programmatic needs of students.

52 (c) The board of regents [~~and the board of trustees of the state~~
53 ~~university of New York~~] shall grant priority based on a scoring rubric
54 to those applications that best demonstrate how they will achieve the
55 following objectives, and any additional objectives the board of regents

1 [~~and the board of trustees of the state university of New York,~~] may
2 prescribe:

3 (i) increasing student achievement and decreasing student achievement
4 gaps in reading/language arts and mathematics;

5 (ii) increasing high school graduation rates and focusing on serving
6 specific high school student populations including, but not limited to,
7 students at risk of not obtaining a high school diploma, re-enrolled
8 high school drop-outs, and students with academic skills below grade
9 level;

10 (iii) focusing on the academic achievement of middle school students
11 and preparing them for a successful transition to high school;

12 (iv) utilizing high-quality assessments designed to measure a
13 student's knowledge, understanding of, and ability to apply, critical
14 concepts through the use of a variety of item types and formats;

15 (v) increasing the acquisition, adoption, and use of local instruc-
16 tional improvement systems that provide teachers, principals, and admin-
17 istrators with the information and resources they need to inform and
18 improve their instructional practices, decision-making, and overall
19 effectiveness;

20 (vi) partnering with low performing public schools in the area to
21 share best educational practices and innovations;

22 (vii) demonstrating the management and leadership techniques necessary
23 to overcome initial start-up problems to establish a thriving, finan-
24 cially viable charter school;

25 (viii) demonstrating the support of the school district in which the
26 proposed charter school will be located and the intent to establish an
27 ongoing relationship with such school district.

28 (d) [~~No later than November first, two thousand ten, and of each~~
29 ~~succeeding year, after a thorough review of applications received, the~~
30 ~~board of trustees of the state university of New York shall recommend~~
31 ~~for approval to the board of regents the qualified applications that it~~
32 ~~has determined rigorously demonstrate the criteria and best satisfy the~~
33 ~~objectives contained within a request for proposals, along with support-~~
34 ~~ing documentation outlining such determination.~~

35 (e) Upon receipt of a proposed charter to be issued pursuant to this
36 subdivision submitted by a charter entity, the board of regents [~~or the~~
37 ~~board of trustees of the state university of New York,~~] shall review,
38 recommend and issue, as applicable, such charters in accordance with the
39 standards established in this subdivision.

40 [(f)] (e) The board of regents shall be the only entity authorized to
41 issue a charter pursuant to this article. The board of regents shall
42 consider applications submitted directly to the board of regents [~~and~~
43 ~~applications recommended by the board of trustees of the state universi-~~
44 ~~ty of New York~~]. Provided, however, that all such recommended applica-
45 tions shall be deemed approved and issued pursuant to the provisions of
46 subdivisions five, five-a and five-b of this section.

47 [(g)] (f) Each application submitted in response to a request for
48 proposals pursuant to this subdivision shall also meet the application
49 requirements set out in this article and any other applicable laws,
50 rules and regulations.

51 [(h)] (g) During the development of a request for proposals pursuant
52 to this subdivision the board of regents [~~and the board of trustees of~~
53 ~~the state university of New York~~] shall [~~each~~] afford the public an
54 opportunity to submit comments and shall review and consider the
55 comments raised by all interested parties.

1 § 3. Paragraph (e) of subdivision 1 of section 2855 of the education
2 law, as added by chapter 101 of the laws of 2010, is amended to read as
3 follows:

4 (e) Repeated failure to comply with the requirement to meet or exceed
5 enrollment and retention targets of students with disabilities, English
6 language learners, and students who are eligible applicants for the free
7 and reduced price lunch program pursuant to targets established by the
8 board of regents [~~or the board of trustees of the state university of~~
9 ~~New York, as applicable~~]. Provided, however, if no grounds for terminat-
10 ing a charter are established pursuant to this section other than pursu-
11 ant to this paragraph, and the charter school demonstrates that it has
12 made extensive efforts to recruit and retain such students, including
13 outreach to parents and families in the surrounding communities, widely
14 publicizing the lottery for such school, and efforts to academically
15 support such students in such charter school, then the charter entity or
16 board of regents may retain such charter.

17 § 4. Paragraph (d) of subdivision 2 of section 2857 of the education
18 law, as added by chapter 101 of the laws of 2010, is amended to read as
19 follows:

20 (d) efforts taken by the charter school in the existing school year,
21 and a plan for efforts to be taken in the succeeding school year, to
22 meet or exceed enrollment and retention targets set by the board of
23 regents [~~or the board of trustees of the state university of New York,~~
24 ~~as applicable,~~] of students with disabilities, English language lear-
25 ners, and students who are eligible applicants for the free and reduced
26 price lunch program established pursuant to paragraph (e) of subdivision
27 four of section twenty-eight hundred fifty-one of this article.

28 § 5. This act shall take effect on the first of July next succeeding
29 the date on which it shall have become a law. Effective immediately, the
30 addition, amendment and/or repeal of any rule or regulation necessary
31 for the implementation of this act on its effective date are authorized
32 to be made and completed on or before such date.