

# STATE OF NEW YORK

7115

2025-2026 Regular Sessions

## IN ASSEMBLY

March 20, 2025

Introduced by M. of A. BICHOTTE HERMELYN, STECK, SEAWRIGHT, JACOBSON, SIMONE, OTIS, KELLES -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to charter entities; 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. 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

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

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1 majority of the students then enrolled in the existing public school  
2 vote in favor of converting the school to a charter school.

3 § 2. Subdivision 5 of section 2851 of the education law is REPEALED.

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

7 (e) The means by which the charter school will meet or exceed enroll-  
8 ment and retention targets as prescribed by the board of regents [~~or the~~  
9 ~~board of trustees of the state university of New York, as applicable,~~]  
10 of students with disabilities, English language learners, and students  
11 who are eligible applicants for the free and reduced price lunch program  
12 which shall be considered by the charter entity prior to approving such  
13 charter school's application for renewal. When developing such targets,  
14 the board of regents [~~and the board of trustees of the state university~~  
15 ~~of New York~~] shall ensure (1) that such enrollment targets are compara-  
16 ble to the enrollment figures of such categories of students attending  
17 the public schools within the school district, or in a city school  
18 district in a city having a population of one million or more inhabit-  
19 ants, the community school district, in which the charter school is  
20 located; and (2) that such retention targets are comparable to the rate  
21 of retention of such categories of students attending the public schools  
22 within the school district, or in a city school district in a city  
23 having a population of one million or more inhabitants, the community  
24 school district, in which the proposed charter school would be located.

25 § 4. Subdivision 5-b of section 2852 of the education law, as added by  
26 chapter 4 of the laws of 1998, is amended to read as follows:

27 5-b. If the board of regents returns a proposed charter to the charter  
28 entity pursuant to the provisions of subdivision five-a of this section,  
29 such charter entity shall reconsider the proposed charter, taking into  
30 consideration the comments and recommendation of the board of regents.  
31 Thereafter, the charter entity shall resubmit the proposed charter to  
32 the board of regents with modifications, provided that the applicant  
33 consents in writing to such modifications, resubmit the proposed charter  
34 to the board of regents without modifications, or abandon the proposed  
35 charter. The board of regents shall review each such resubmitted  
36 proposed charter in accordance with the provisions of subdivision five-a  
37 of this section[~~, provided, however, that it shall be the duty of the~~  
38 ~~board of regents to approve and issue a proposed charter resubmitted by~~  
39 ~~the charter entity described in paragraph (b) of subdivision three of~~  
40 ~~section twenty-eight hundred fifty-one of this article within thirty~~  
41 ~~days of the resubmission of such proposed charter or such proposed char-~~  
42 ~~ter shall be deemed approved and issued at the expiration of such peri-~~  
43 ~~od~~].

44 § 5. Subdivision 9 of section 2852 of the education law, as amended by  
45 section 2 of subpart A of part B of chapter 20 of the laws of 2015,  
46 paragraph (b-1) as added by section 4 of part A of chapter 56 of the  
47 laws of 2023, is amended to read as follows:

48 9. The total number of charters issued pursuant to this article state-  
49 wide shall not exceed four hundred sixty. (a) All charters issued on or  
50 after July first, two thousand fifteen and counted toward the numerical  
51 limits established by this subdivision shall be issued by the board of  
52 regents upon application directly to the board of regents [~~or on the~~  
53 ~~recommendation of the board of trustees of the state university of New~~  
54 ~~York~~] pursuant to a competitive process in accordance with subdivision  
55 nine-a of this section. Fifty of such charters issued on or after July  
56 first, two thousand fifteen, and no more, shall be granted to a charter

1 for a school to be located in a city having a population of one million  
2 or more. The failure of any body to issue the regulations authorized  
3 pursuant to this article shall not affect the authority of a charter  
4 entity to propose a charter to the board of regents or the board of  
5 regents' authority to grant such charter. A conversion of an existing  
6 public school to a charter school, or the renewal or extension of a  
7 charter approved by any charter entity, shall not be counted toward the  
8 numerical limits established by this subdivision.

9 (b) A charter that has been surrendered, revoked or terminated on or  
10 before July first, two thousand fifteen, including a charter that has  
11 not been renewed by action of its charter entity, may be reissued pursu-  
12 ant to paragraph (a) of this subdivision by the board of regents either  
13 upon application directly to the board of regents [~~or on the recommenda-~~  
14 ~~tion of the board of trustees of the state university of New York~~]  
15 pursuant to a competitive process in accordance with subdivision nine-a  
16 of this section. Provided that such reissuance shall not be counted  
17 toward the statewide numerical limit established by this subdivision,  
18 and provided further that no more than twenty-two charters may be re-  
19 sued pursuant to this paragraph.

20 (b-1) A charter that has been surrendered, revoked or terminated after  
21 January first, two thousand fifteen, but before July first, two thousand  
22 twenty-two, including a charter that has not been renewed by action of  
23 its charter entity, may be reissued once pursuant to paragraph (a) of  
24 this subdivision by the board of regents either upon application direct-  
25 ly to the board of regents [~~or on the recommendation of the board of~~  
26 ~~trustees of the state university of New York~~] pursuant to a competitive  
27 process in accordance with subdivision nine-a of this section. Provided  
28 that such reissuance shall not be counted toward the numerical limits  
29 established by this subdivision, and provided further that no more than  
30 twenty-two charters may be reissued pursuant to this paragraph, provided  
31 that fourteen of such reissued charters shall be allocated for, and  
32 shall not be counted toward the numerical limit in, a city having a  
33 population of one million or more established in paragraph (a) of this  
34 subdivision. Nothing herein shall be construed to allow more than four-  
35 teen such charters to be reissued in a city having a population of one  
36 million or more.

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

40 (d) Notwithstanding any provision of this article to the contrary, any  
41 charter authorized to be issued by chapter fifty-seven of the laws of  
42 two thousand seven effective July first, two thousand seven, and that  
43 remains unissued as of July first, two thousand fifteen, may be issued  
44 pursuant to the provisions of law applicable to a charter authorized [~~to~~  
45 ~~be issued~~] by [~~such~~] a chapter [~~in effect as of June fifteenth, two~~  
46 ~~thousand fifteen~~] of the laws of two thousand twenty-five that amended  
47 this section; provided however that nothing in this paragraph shall be  
48 construed to increase the numerical limit applicable to a city having a  
49 population of one million or more as provided in paragraph (a) of this  
50 subdivision, as amended by a chapter of the laws of two thousand fifteen  
51 which added this paragraph.

52 § 6. Subdivision 9-a of section 2852 of the education law, as amended  
53 by section 2 of subpart A of part B of chapter 20 of the laws of 2015,  
54 is amended to read as follows:

55 9-a. (a) The board of regents is hereby authorized and directed to  
56 issue four hundred sixty charters statewide upon [~~either~~] applications

1 submitted directly to the board of regents [~~or upon the recommendation~~  
2 ~~of the board of trustees of the state university of New York~~] pursuant  
3 to a competitive request for proposals process.

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

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

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

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

43 (c) The board of regents [~~and the board of trustees of the state~~  
44 ~~university of New York~~] shall grant priority based on a scoring rubric  
45 to those applications that best demonstrate how they will achieve the  
46 following objectives, and any additional objectives the board of regents  
47 [~~and the board of trustees of the state university of New York,~~] may  
48 prescribe:

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

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

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

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

6 (v) increasing the acquisition, adoption, and use of local instruc-  
7 tional improvement systems that provide teachers, principals, and admin-  
8 istrators with the information and resources they need to inform and  
9 improve their instructional practices, decision-making, and overall  
10 effectiveness;

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

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

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

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

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

31 [~~(f)~~] (e) The board of regents shall be the only entity authorized to  
32 issue a charter pursuant to this article. The board of regents shall  
33 consider applications submitted directly to the board of regents [~~and  
34 applications recommended by the board of trustees of the state universi-  
35 ty of New York~~]. Provided, however, that all such recommended applica-  
36 tions shall be deemed approved and issued pursuant to the provisions of  
37 subdivisions five, five-a and five-b of this section.

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

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

47 § 7. Subdivision 10 of section 2852 of the education law, as added by  
48 section 3 of part D-2 of chapter 57 of the laws of 2007, is amended to  
49 read as follows:

50 10. Except in the case of a charter school formed by a school district  
51 as a charter entity pursuant to paragraph (a) of subdivision three of  
52 section twenty-eight hundred fifty-one of this article, a charter school  
53 formed by approval of the regents [~~or by operation of law~~] on or after  
54 March fifteenth in any school year shall not commence instruction until  
55 July of the second school year next following.

1 § 8. Subdivision 2-a of section 2853 of the education law, as added by  
2 chapter 4 of the laws of 1998, is amended to read as follows:

3 2-a. For schools approved by an entity described in paragraph (b) [~~or~~  
4 ~~(e)~~] of subdivision three of section twenty-eight hundred fifty-one of  
5 this article, the school district in which the charter school is located  
6 shall have the right to visit, examine into, and inspect the charter  
7 school for the purpose of ensuring that the school is in compliance with  
8 all applicable laws, regulations and charter provisions. Any evidence of  
9 non-compliance may be forwarded by such school district to the board of  
10 regents [~~and the charter entity~~] for action pursuant to section twenty-  
11 eight hundred fifty-five of this article.

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

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

28 § 10. Paragraph (d) of subdivision 2 of section 2857 of the education  
29 law, as added by chapter 101 of the laws of 2010, is amended to read as  
30 follows:

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

39 § 11. Subdivision 2-a of section 355 of the education law is REPEALED.

40 § 12. Nothing in this act shall revoke or terminate any charters that  
41 have been authorized by the board of trustees of the state university of  
42 New York prior to the effective date of this act unless cause for revo-  
43 cation or termination is warranted pursuant to section 2855 of the  
44 education law and provided further, that all applications for charter  
45 renewals after the effective date of this act shall be approved by the  
46 board of regents.

47 § 13. All obligations to oversee and supervise charters authorized by  
48 the trustees of the state university of New York prior to the effective  
49 date of this act shall be transferred to the board of regents on the  
50 effective date of this act.

51 § 14. This act shall take effect immediately.