

STATE OF NEW YORK

85

2025-2026 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 8, 2025

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

AN ACT to amend the education law, in relation to metered in funding for rental assistance for all New York city charter students

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

1 Section 1. Paragraph (e) of subdivision 3 of section 2853 of the
2 education law, as added by section 5 of part BB of chapter 56 of the
3 laws of 2014, subparagraphs 5 and 6 as amended by section 11 of part A
4 of chapter 54 of the laws of 2016, and clause (B) of subparagraph 5 as
5 amended by section 5 of part YYY of chapter 59 of the laws of 2017, is
6 amended to read as follows:

7 (e) In a city school district in a city having a population of one
8 million or more inhabitants, charter schools that [~~first commence~~
9 ~~instruction or that require additional space due to an expansion of~~
10 ~~grade level, pursuant to this article, approved by their charter entity~~
11 ~~for the two thousand fourteen two thousand fifteen school year or there-~~
12 ~~after and~~] request co-location in a public school building shall be
13 provided access to facilities pursuant to this paragraph for such charter
14 schools that first commence instruction or that require additional
15 space due to an expansion of grade level, pursuant to this article,
16 approved by their charter entity for those grades newly provided.

17 (1) Notwithstanding any other provision of law to the contrary, within
18 the later of (i) five months after a charter school's written request
19 for co-location and (ii) thirty days after the charter school's charter
20 is approved by its charter entity, the city school district shall
21 either: (A) offer at no cost to the charter school a co-location site in
22 a public school building approved by the board of education as provided
23 by law, or (B) offer the charter school space in a privately owned or
24 other publicly owned facility at the expense of the city school district

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

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1 and at no cost to the charter school. The space must be reasonable,
2 appropriate and comparable and in the community school district to be
3 served by the charter school and otherwise in reasonable proximity.

4 (2) No later than thirty days after approval by the board of education
5 or expiration of the offer period prescribed in subparagraph one of this
6 paragraph, the charter school shall either accept the city school
7 district's offer or appeal in accordance with subparagraph three of this
8 paragraph. If no appeal is taken, the city's offer or refusal to make an
9 offer shall be final and non-reviewable. The charter school may appeal
10 as early as issuance of an educational impact statement for the proposed
11 co-location.

12 (3) The charter school shall have the option of appealing the city
13 school district's offer or failure to offer a co-location site through
14 binding arbitration in accordance with subparagraph ~~seven~~ six of this
15 paragraph, an expedited appeal to the commissioner pursuant to section
16 three hundred ten of this chapter and the procedures prescribed in para-
17 graph (a-5) of this subdivision, or a special proceeding pursuant to
18 article seventy-eight of the civil practice law and rules. In any such
19 appeal, the standard of review shall be the standard prescribed in
20 section seventy-eight hundred three of the civil practice law and rules.

21 (4) If the appeal results in a determination in favor of the city
22 school district, the city's offer shall be final and the charter school
23 may either accept such offer and move into the space offered by the city
24 school district at the city school district's expense, or locate in
25 another site at the charter school's expense.

26 (5) ~~[For a new charter school whose charter is granted or for an~~
27 ~~existing charter school whose expansion of grade level, pursuant to this~~
28 ~~article, is approved by their charter entity, if] If the appeal results~~
29 in a determination in favor of the charter school, the city school
30 district shall pay the charter school an amount ~~[attributable to the~~
31 ~~grade level expansion or the formation of the new charter school]~~ that
32 is equal to the lesser of:

33 (A) the actual rental cost of an alternative privately owned site
34 selected by the charter school or

35 (B) thirty percent of the product of the charter school's basic
36 tuition for the current school year and ~~[(i) for a new charter school~~
37 ~~that first commences instruction on or after July first, two thousand~~
38 ~~fourteen,]~~ the charter school's current year enrollment~~[, or (ii) for a~~
39 ~~charter school which expands its grade level, pursuant to this article,~~
40 ~~the positive difference of the charter school's enrollment in the~~
41 ~~current school year minus the charter school's enrollment in the school~~
42 ~~year prior to the first year of the expansion].~~

43 (5-a) For charter schools that were operating schools or grade levels
44 prior to the two thousand fifteen--two thousand sixteen school year and
45 are now eligible for funding pursuant to subparagraph five of this
46 subdivision, funding will be provided on the following schedule such
47 that these charter schools will be eligible to receive full funding
48 pursuant to subparagraph five of this paragraph in the two thousand
49 twenty-nine--two thousand thirty school year and thereafter. In the two
50 thousand twenty-five--two thousand twenty-six school year, the city
51 school district shall pay the charter school twenty percent of the
52 amount owed to the school under subparagraph five of this paragraph. In
53 the two thousand twenty-six--two thousand twenty-seven school year, the
54 city school district shall pay the charter school forty percent of the
55 amount owed to the school under subparagraph five of this paragraph. In
56 the two thousand twenty-seven--two thousand twenty-eight school year,

1 the city school district shall pay the charter school sixty percent of
2 the amount owed to the school under subparagraph five of this paragraph.
3 In the two thousand twenty-eight--two thousand twenty-nine school year,
4 the city school district shall pay the charter school eighty percent of
5 the amount owed to the school under subparagraph five of this paragraph.
6 In the two thousand twenty-nine--two thousand thirty school year, the
7 city school district shall pay the charter school one hundred percent of
8 the amount owed to the school under subparagraph five of this paragraph.

9 (6) An arbitration in an appeal pursuant to this paragraph shall be
10 conducted by a single arbitrator selected in accordance with this
11 subparagraph from a list of arbitrators from the American arbitration
12 association's panel of labor arbitrators, with relevant biographical
13 information, submitted by such association to the commissioner pursuant
14 to paragraph a of subdivision three of section three thousand twenty-a
15 of this chapter. Upon request by the charter school, the commissioner
16 shall forthwith send a copy of such list and biographical information
17 simultaneously to the charter school and city school district. The
18 parties shall, by mutual agreement, select an arbitrator from the list
19 within fifteen days from receipt of the list, and if the parties fail to
20 agree on an arbitrator within such fifteen day period or fail within
21 such fifteen day period to notify the commissioner that an arbitrator
22 has been selected, the commissioner shall appoint an arbitrator from the
23 list to serve as the arbitrator. The arbitration shall be conducted in
24 accordance with the American arbitration association's rules for labor
25 arbitration, except that the arbitrator shall conduct a pre-hearing
26 conference within ten to fifteen days of agreeing to serve and the arbi-
27 tration shall be completed and a decision rendered within the time
28 frames prescribed for hearings pursuant to section three thousand twen-
29 ty-a of this chapter. The arbitrator's fee shall not exceed the rate
30 established by the commissioner for hearings conducted pursuant to
31 section three thousand twenty-a of this chapter, and the cost of such
32 fee, the arbitrator's necessary travel and other reasonable expenses,
33 and all other hearing expenses shall be borne equally by the parties to
34 the arbitration.

35 § 2. This act shall take effect immediately.