

STATE OF NEW YORK

10729

IN ASSEMBLY

March 27, 2026

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

AN ACT to amend the education law, in relation to approval of applications of charter schools

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

1 Section 1. Subdivisions 3 and 4 of section 2851 of the education law,
2 subdivision 3 as amended and paragraph (e) of subdivision 4 as added by
3 chapter 101 of the laws of 2010 and subdivision 4 as added by chapter 4
4 of the laws of 1998, are amended and three new paragraphs 2-a, 3-a, and
5 3-b are added to read as follows:

6 2-a. Prior to submitting an application to a charter entity for
7 approval pursuant to subdivision three of this section:

8 (a) In a city having a population of one million or more inhabitants,
9 such applicant shall first apply to the community district education
10 council for approval where such charter school is proposed to be
11 located. The community district education council shall act on an
12 application within ninety days of receipt of such application. An appli-
13 cation shall be deemed approved for transmission to and consideration by
14 the appropriate charter entity if there is a majority vote of the
15 members of the community district education council present at a meeting
16 at which there is a quorum in favor of the application.

17 (b) For all school districts located outside of a city having a popu-
18 lation of one million or more inhabitants, such applicant shall first
19 apply to the board of education of the school district where the charter
20 school is proposed to be located and request a public vote on such
21 application. Such public vote shall be held in accordance with the
22 provisions of part one of article forty-one of this title, on the next
23 scheduled school budget vote or revote date; provided, however, that for
24 the Buffalo and Rochester city school districts, such vote shall be held
25 on election day or primary day. Such application shall be deemed
26 approved for transmission to and consideration by the appropriate char-
27 ter entity if a majority of eligible voters cast a ballot vote in favor
28 of the application.

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

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3. ~~[An]~~ After approval pursuant to subdivision two-a of this section,
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;

(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 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 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.

3-a. Prior to applying for renewal of a charter pursuant to subdivision four of this section:

(a) In a city having a population of one million or more inhabitants, a charter school application for renewal shall first apply to the community district education council for approval where such charter school is proposed to be located. The community district education council shall act on an application for renewal of a charter within ninety days of receipt of such application. An application shall be deemed approved for transmission to and consideration by the appropriate charter entity if there is a majority vote of the members of the community district education council present at a meeting at which there is a quorum in favor of the application.

(b) For all school districts located outside of a city having a population of one million or more inhabitants, such applicant shall first apply to the board of education of the school district where the charter is proposed to be located and request a public vote on their application. Such public vote shall be held in accordance with the provisions of part one of article forty-one of this title, on the next scheduled school budget vote or revote date; provided, however, that for the Buffalo and Rochester city school districts, such vote shall be held on election day or primary day. Such application shall be deemed approved for transmission to and consideration by the appropriate charter entity if a majority of eligible voters cast a ballot vote in favor of the application.

3-b. (a) In a city having a population of one million or more inhabitants, the application for renewal of a charter school shall be submitted to the community district education council for approval where such charter school is located no later than two months prior to submission to the charter entity. The community district education council shall act on the application within forty-five days from receipt of an application for renewal of a charter school. Within seven days of approving such application for transmission to and consideration by the appropri-

1 ate charter entity, the community district education council shall
2 forward such renewal application to the New York city department of
3 education and the appropriate charter entity along with a form to be
4 developed by the commissioner which states that the community district
5 education council has acted to approve such charter renewal application.
6 An application shall be deemed approved for transmission to and consid-
7 eration by the appropriate charter entity if there is a majority vote of
8 the members of the community district education council present at a
9 meeting at which there is a quorum in favor of the application. Within
10 seven days of denying an application for renewal of a charter school,
11 the community district education council shall forward a notice of
12 denial of such application to the New York city department of education,
13 the board of regents, and the board of trustees of the state university
14 of New York. Such notice shall be in writing and include factual find-
15 ings, specific to the application, stating the reasons for such denial.
16 Notwithstanding any provision of law to the contrary, the denial of an
17 application shall be considered final and shall not be eligible for
18 reconsideration by any other charter entity. A charter entity shall not
19 act on a charter renewal application unless the vote of the community
20 district education council where the charter school is located has
21 approved such charter renewal application.

22 (b) For all school districts located outside of a city having a popu-
23 lation of one million or more inhabitants, the application for renewal
24 of a charter school shall be submitted to the school board where such
25 charter school is located for approval no later than February first,
26 preceding the end of the charter term. The charter school applying for
27 renewal shall pay all actual costs to the school district where such
28 charter school is located for approval to host two public hearings, one
29 in the evening and one during a weekend day, within forty-five days of
30 receiving such application, where residents of such school district
31 shall have the opportunity to speak in person, via electronic means, or
32 submit comments regarding the consideration of such renewal. Such public
33 hearings shall be webcast and conducted in accordance with the public
34 officers law. A public vote shall be held in accordance with the
35 provisions of part one of article forty-one of this title, on the next
36 scheduled school budget vote or revote date; provided, however, that for
37 the Buffalo and Rochester city school districts, such vote shall be held
38 on election day or primary day. Such application for renewal shall be
39 deemed approved for transmission to and consideration by the appropriate
40 charter entity if a majority of eligible voters cast a ballot vote in
41 favor of the renewal application. Within seven days of such public vote
42 to consider such application, the school board shall forward such
43 renewal application to the appropriate charter entity along with a form
44 to be developed by the commissioner, which states that the voters of the
45 school district have acted to approve the charter renewal application.
46 Within seven days of a public vote denying an application for renewal of
47 a charter school, the school board shall forward a written notice of
48 denial of such application to the board of regents and the board of
49 trustees of the state university of New York.

50 (c) Notwithstanding any provision of law to the contrary, a denial of
51 a charter renewal shall be considered final and shall not be eligible
52 for reconsideration by any other charter entity. A charter entity shall
53 not act on a charter renewal application unless the public vote of the
54 school district or the community district education council where the
55 charter school is located has approved such charter renewal application.

4. Charters may be renewed, upon application, for a term of up to five years in accordance with the provisions of this article for the issuance of such charters pursuant to section twenty-eight hundred fifty-two of this article[~~; provided, however, that a~~]. Such renewal application shall include:

(a) A report of the progress of the charter school in achieving the educational objectives set forth in the charter.

(b) A detailed financial statement that discloses the cost of administration, instruction and other spending categories for the charter school that will allow a comparison of such costs to other schools, both public and private. Such statement shall be in a form prescribed by the board of regents.

(c) Copies of each of the annual reports of the charter school required by subdivision two of section twenty-eight hundred fifty-seven of this article, including the charter school report cards and the certified financial statements.

(d) Indications of parent and student satisfaction.

(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.

§ 2. Subdivisions 1, 3 and 7 of section 2852 of the education law, subdivision 1 as amended by chapter 101 of the laws of 2010, subdivision 3 as added by chapter 4 of the laws of 1998 and subdivision 7 as amended by section 2 of part D-2 of chapter 57 of the laws of 2007, are amended to read as follows:

1. (a) A charter entity shall not act on an application unless the school board of the school district where the charter school is to be located has transmitted approval documentation of the public vote or the community district education council has voted and approved the charter application and transmitted such approval documentation to such charter entity. Each school district or community district education council that receives an application for approval of a charter school shall act on each request received prior to February first of a calendar year. Within seven days of approving a charter application for transmission to and consideration by the appropriate charter entity, the school board or the community district education council shall forward such application to the appropriate charter entity along with a form to be developed by

1 the commissioner, which states that the school district by public vote
2 or the community district education council has acted to approve the
3 charter application. The denial of an application for a charter school
4 by a school district public vote or the community district education
5 council shall be in writing and include written factual findings specif-
6 ic to the application, stating the reasons for such denial. Notwith-
7 standing any provision of law to the contrary, such denial shall be
8 considered final and shall not be reviewable in any court or by any
9 administrative body, or charter entity.

10 (b) A charter entity that receives an application for approval of a
11 charter school which has been approved by a local school board by public
12 vote or the community district education council shall act on each
13 ~~[request]~~ charter school application received from a school board or the
14 community district education council prior to July first of a calendar
15 year on or before January first of the succeeding calendar year, and a
16 proposed charter between the applicant and the charter entity resulting
17 from such application transmitted by the local school board or the
18 community district education council shall be executed on or before
19 February first of such succeeding year. Nothing in this subdivision
20 shall be construed to prevent a charter entity from receiving or acting
21 upon an application at any time; provided, however, that such applica-
22 tion shall have the approval of a public vote of the school district
23 where the charter school is to be located or the community district
24 education council. ~~[This subdivision shall not apply to applications~~
25 ~~that are submitted pursuant to subdivision nine-a of this section.]~~

26 3. A charter entity is not required to approve a charter and may
27 require an applicant to modify or supplement an application as a condi-
28 tion of approval. Any modification or supplement to an application
29 shall first be approved by the school board where the charter school is
30 to be located or the community district education council before the
31 charter entity may act on the modified or amended charter school appli-
32 cation. An existing private school shall not be eligible to convert to a
33 charter school. In determining whether an application involves the
34 conversion of an existing private school, the charter entity and the
35 board of regents shall consider such factors as: (a) whether the charter
36 school would have the same or substantially the same board of trustees
37 and/or officers as an existing private school; (b) whether a substantial
38 proportion of employees of the charter school would be drawn from such
39 existing private school; (c) whether a substantial portion of the assets
40 and property of such existing private school would be transferred to the
41 charter school; (d) whether the charter school would be located at the
42 same site as such existing private school; (e) upon renewal only, wheth-
43 er such private school closed within one year of establishment of the
44 charter school; and (f) upon renewal only, whether a substantial portion
45 of the charter school's students were drawn from such existing private
46 school.

47 7. (a) A revision of a charter shall be made only upon the approval of
48 the charter entity and the board of regents in accordance with the
49 provisions of subdivisions five-a and five-b of this section after
50 approval by the voters of the school district where the charter school
51 is to be located or the community district education council.

52 (b) When a revision of a charter involves the relocation of a charter
53 school to a different school district, the proposed new school district
54 shall be given at least ~~[forty-five]~~ seventy days notice of the proposed
55 relocation. In addition, the applicant shall provide an analysis of the
56 community support for such relocation and of the projected programmatic

1 impact and an independent fiscal impact statement of the charter school
2 on the proposed new school district of location and other public and
3 nonpublic schools in the area. The applicant shall pay all actual costs
4 to the school district where such charter school is proposed to be relo-
5 cated for approval to host two public hearings, one in the evening and
6 one during a weekend day, within forty-five days of receiving such
7 application, where residents of such school district shall have the
8 opportunity to speak in person or via electronic means, or submit
9 comments regarding the consideration of such relocation. Such public
10 hearings shall be webcast and conducted in accordance with the public
11 officers law. The approval of the school district voters on the next
12 school budget vote or revote date where such charter school is relocat-
13 ing or the community district education council shall be required pursu-
14 ant to the provisions of paragraph (a) of subdivision one of this
15 section; provided, however, that for the Buffalo and Rochester city
16 school districts, such vote shall be held on election day or primary
17 day.

18 § 3. This act shall take effect immediately.