

STATE OF NEW YORK

10658

IN SENATE

June 22, 2026

Introduced by Sen. WEIK -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the education law, in relation to the approval of applications of charter schools and 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. 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 to read as follows:

5 3. An applicant shall submit the application to a charter entity for
6 approval; provided, however, that in a city with one million or more
7 inhabitants, such applicant shall first apply to the community district
8 education council for approval where such charter school is proposed to
9 be located by February first of the school year two school years prior
10 to the school year when the charter school is planning to commence oper-
11 ations. Such community district education council shall conduct public
12 hearings on such proposed application at the regularly scheduled March
13 and April board meetings, where residents of such community district
14 shall have the opportunity to speak in person or via electronic means,
15 or submit comments regarding the consideration of such application. The
16 community district education council shall deny or certify such applica-
17 tion at the regularly scheduled May meeting. An application shall be
18 deemed certified for transmission to and consideration by the appropri-
19 ate charter entity if there is a majority vote in favor of the applica-
20 tion of the members of the community district education council present
21 at a meeting at which there is a quorum present. Within seven days of
22 denying or certifying an application for a new charter, the community
23 district education council shall forward notice of such denial or
24 certification to the department, the New York city department of educa-
25 tion, and the board of regents along with a form to be developed by the
26 commissioner which states that the community district education council
27 has acted to deny or certify such application for a new charter. Such

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

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notice shall include factual findings, specific to the application, stating the reasons for such denial or certification. Notwithstanding any provision of law to the contrary, the denial of an application shall be considered final and shall not be eligible for reconsideration by any other charter entity. A charter entity shall not act on an application for a new charter unless the vote of the community district education council where the charter school is proposed to be located has certified such charter application. For all school districts located outside of a city with a population of one million or more, such applicant shall first submit their full application to the board of education of the school district where the charter school is proposed to be located by February first of the school year two school years prior to the school year when the charter school is planning to commence operations. Such board of education shall conduct public hearings on such proposed application at the regularly scheduled March and April board meetings, where residents of such school district shall have the opportunity to speak in person or via electronic means, or submit comments regarding the consideration of such application. Qualified voters of such school district shall deny or certify such application on the next scheduled school budget vote date. Such public vote shall be held in accordance with the provisions of part one of article forty-one of this chapter. Such application shall be deemed certified for transmission to and consideration by the appropriate charter entity if a majority of the votes cast thereon by eligible voters are in the affirmative. Within seven days of denying or certifying an application for a new charter, the school district shall forward notice of such denial or certification to the department, and the board of regents along with a form to be developed by the commissioner which states that the voters of the school district have acted to deny or certify such application for a new charter. Such notice shall include factual findings, specific to the application, stating the reasons for such denial or certification. Notwithstanding any provision of law to the contrary, the denial of an application shall be considered final and shall not be eligible for reconsideration by any other charter entity. A charter entity shall not act on an application for a new charter unless the voters of the school district where the charter school is proposed to be located have certified such charter application. 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; or

(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]~~ serve as the primary statewide authority responsible for vetting charter school applications and ensuring compliance with the educational, governance, financial, and community impact standards established pursuant to this article.

The board of trustees of the state university of New York shall no longer serve as a charter entity or charter authorizer under this article.

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

1 Notwithstanding any provision of this subdivision to the contrary, an
2 application for the conversion of an existing public school to a charter
3 school shall be submitted to, and may only be approved by, the charter
4 entity set forth in paragraph (a) of this subdivision. Notwithstanding
5 any law, rule or regulation to the contrary, any such application for
6 conversion shall be consistent with this section ~~[but shall not be~~
7 ~~subject to the process pursuant to subdivision nine a of section twen-~~
8 ~~ty-eight hundred fifty-two of this article]~~, and the charter entity
9 shall require that the parents or guardians of a majority of the
10 students then enrolled in the existing public school vote in favor of
11 converting the school to a charter school. Notwithstanding any
12 provision of law to the contrary, no charter school approved pursuant to
13 this subdivision shall receive or be eligible to receive any school
14 district funds unless such charter school application has first been
15 certified as required by this subdivision. If a charter school applica-
16 tion has been certified pursuant to this subdivision, the school
17 district shall be authorized to distribute public education funds to
18 such charter school pursuant to this article. If the application has
19 been denied, the charter school shall not receive school district funds
20 within that district.

21 4. Charters may be renewed, upon application, for a term of up to five
22 years in accordance with the provisions of this article for the issuance
23 of such charters pursuant to section twenty-eight hundred fifty-two of
24 this article; provided, however, that ~~[a]~~ in a city having a population
25 of one million or more, such applicant shall first submit their renewal
26 application for review to the community district education council where
27 such charter school is located by February first of the year the charter
28 is set to expire. Such community district education council shall
29 conduct public hearings on such renewal application at the regularly
30 scheduled March and April board meetings, where residents of such commu-
31 nity district shall have the opportunity to speak in person or via elec-
32 tronic means, or submit comments regarding the consideration of such
33 renewal application. The community district education council shall deny
34 or certify such renewal application at the regularly scheduled May meet-
35 ing. An application shall be deemed certified for transmission to and
36 consideration by the appropriate charter entity if there is a majority
37 vote in favor of the renewal application of the members of the community
38 district education council present at a meeting at which there is a
39 quorum present. Within seven days of denying or certifying an applica-
40 tion for renewal of a charter, the community district education council
41 shall forward notice of such denial or certification to the department,
42 the New York city department of education, and the board of regents
43 along with a form to be developed by the commissioner which states that
44 the community district education council has acted to deny or certify
45 such application for renewal of a charter. Such notice shall include
46 factual findings, specific to the application, stating the reasons for
47 such denial or certification. Notwithstanding any provision of law to
48 the contrary, the denial of an application shall be considered final and
49 shall not be eligible for reconsideration by any other charter entity. A
50 charter entity shall not act on an application for renewal of a charter
51 unless the vote of the community district education council where the
52 charter school is located has certified such charter renewal applica-
53 tion. For all school districts located outside of a city having a popu-
54 lation of one million or more, such applicant shall first submit their
55 renewal application to the board of education of the school district
56 where the charter is located by February first of the year the charter

1 is set to expire. Such board of education shall conduct public hearings
2 on such renewal application at the regularly scheduled March and April
3 board meetings, where residents of such school district shall have the
4 opportunity to speak in person or via electronic means, or submit
5 comments regarding the consideration of such renewal application. Quali-
6 fied voters of such school district shall deny or certify such renewal
7 application on the next scheduled school budget vote date. Such public
8 vote shall be held in accordance with the provisions of part one of
9 article forty-one of this chapter. Qualified voters residing in the
10 Buffalo, Rochester and Yonkers city school districts shall vote to deny
11 or certify such renewal application on general election day. Such appli-
12 cation shall be deemed certified for transmission to and consideration
13 by the appropriate charter entity if a majority of the votes cast there-
14 on by eligible voters are in the affirmative. Within seven days of deny-
15 ing or certifying an application for renewal of a charter, the school
16 district shall forward notice of such denial or certification to the
17 department, and the board of regents along with a form to be developed
18 by the commissioner which states that the voters of the school district
19 have acted to deny or certify such application for renewal of a charter.
20 Such notice shall include factual findings, specific to the application,
21 stating the reasons for such denial or certification. Notwithstanding
22 any provision of law to the contrary, the denial of an application shall
23 be considered final and shall not be eligible for reconsideration by any
24 other charter entity. A charter entity shall not act on an application
25 for renewal of a charter unless the voters of the school district where
26 the charter school is located have certified such charter renewal appli-
27 cation. Such renewal application shall include:

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

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

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

39 (d) Indications of parent and student satisfaction.

40 (e) The means by which the charter school will meet or exceed enroll-
41 ment and retention targets as prescribed by the board of regents [~~or the~~
42 ~~board of trustees of the state university of New York, as applicable,~~]
43 of students with disabilities, English language learners, and students
44 who are eligible applicants for the free and reduced price lunch program
45 [~~which shall be considered by the charter entity prior to approving such~~
46 ~~charter school's application for renewal~~]. When developing such targets,
47 the board of regents [~~and the board of trustees of the state university~~
48 ~~of New York~~] shall ensure: (1) that such enrollment targets are compara-
49 ble to the enrollment figures of such categories of students attending
50 the public schools within the school district, or in a city school
51 district in a city having a population of one million or more inhabit-
52 ants, the community school district, in which the charter school is
53 located; and (2) that such retention targets are comparable to the rate
54 of retention of such categories of students attending the public schools
55 within the school district, or in a city school district in a city

1 having a population of one million or more inhabitants, the community
2 school district, in which the proposed charter school would be located.

3 Such renewal application shall be submitted to the charter entity no
4 later than six months prior to the expiration of the charter; provided,
5 however, that the charter entity may waive such deadline for good cause
6 shown. No charter renewal shall permit the continued receipt of school
7 district funds unless the charter school's application is approved
8 pursuant to this subdivision.

9 § 2. Subdivisions 1, 3 and 7 of section 2852 of the education law,
10 subdivision 1 as amended by chapter 101 of the laws of 2010, subdivision
11 3 as added by chapter 4 of the laws of 1998 and subdivision 7 as amended
12 by section 2 of part D-2 of chapter 57 of the laws of 2007, are amended
13 to read as follows:

14 1. A charter entity shall not act on an application unless the commu-
15 nity district education council or the voters of the school district
16 where the charter is located or is proposed to be located has voted on
17 and certified such charter application and transmitted such certif-
18 ication documentation to such charter entity. A charter entity that
19 receives an application for approval of a charter school which has been
20 certified by the community district education council or the voters of
21 the school district where the charter is located or is proposed to be
22 located shall act on each [~~request~~] charter school application received
23 from a community district education council or a school district prior
24 to July first of a calendar year on or before January first of the
25 succeeding calendar year, and a proposed charter between the applicant
26 and the charter entity resulting from such application shall be executed
27 on or before February first of such succeeding year. Nothing in this
28 subdivision shall be construed to prevent a charter entity from receiv-
29 ing or acting upon an application at any time[~~, This subdivision shall~~
30 ~~not apply to applications that are submitted pursuant to subdivision~~
31 ~~nine-a of this section~~]; provided, however, that such application shall
32 have been certified by the community district education council or by
33 the voters of the school district where the charter is located or is
34 proposed to be located.

35 3. A charter entity is not required to approve a charter and may
36 require an applicant to modify or supplement an application as a condi-
37 tion of approval. Any modification or supplement shall first be certi-
38 fied by the community district education council or by the voters of the
39 school district where the charter is located or is proposed to be
40 located before the charter entity may act on such charter application,
41 pursuant to the provisions established in subdivisions three and four of
42 section twenty-eight hundred fifty-one of this article. An existing
43 private school shall not be eligible to convert to a charter school. In
44 determining whether an application involves the conversion of an exist-
45 ing private school, the charter entity and the board of regents shall
46 consider such factors as: (a) whether the charter school would have the
47 same or substantially the same board of trustees and/or officers as an
48 existing private school; (b) whether a substantial proportion of employ-
49 ees of the charter school would be drawn from such existing private
50 school; (c) whether a substantial portion of the assets and property of
51 such existing private school would be transferred to the charter school;
52 (d) whether the charter school would be located at the same site as such
53 existing private school; (e) upon renewal only, whether such private
54 school closed within one year of establishment of the charter school;
55 and (f) upon renewal only, whether a substantial portion of the charter
56 school's students were drawn from such existing private school.

1 7. (a) A revision of a charter shall be made only upon the approval of
2 the charter entity and the board of regents in accordance with the
3 provisions of subdivisions five-a and five-b of this section after
4 certification by the community district education council or by the
5 voters of the school district where the charter is located.

6 (b) When a revision of a charter involves the relocation of a charter
7 school to a different school district, the proposed new school district
8 shall be given [~~at least forty five days notice~~] by February first of
9 the proposed relocation. In addition, the applicant shall provide an
10 analysis of the community support for such relocation and of the
11 projected programmatic impact and an independent fiscal impact statement
12 of the charter school on the proposed new school district of location
13 and other public and nonpublic schools in the area.

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

16 11. The board of regents shall serve as the primary statewide over-
17 sight authority responsible for monitoring charter schools for compli-
18 ance with the terms of their charters and all applicable state and
19 federal laws. Such oversight shall include but not be limited to:

20 (a) Annual academic performance reviews;
21 (b) Financial audits;
22 (c) Monitoring compliance with enrollment and retention requirements;
23 (d) Investigating complaints or violations; or
24 (e) Recommending probation, corrective action, or revocation of a
25 charter where substantial noncompliance is identified.

26 § 4. This act shall take effect immediately.