

STATE OF NEW YORK

9568

IN SENATE

March 25, 2026

Introduced by Sen. MAYER -- read twice and ordered printed, and when printed to be committed 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 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. The community district education council shall act on an
10 application within ninety days of receipt of such application. An appli-
11 cation shall be deemed approved for transmission to and consideration by
12 the appropriate charter entity if there is a majority vote in favor of
13 the application of the members of the community district education coun-
14 cil present at a meeting at which there is a quorum. For all school
15 districts located outside of a city with one million or more, such
16 applicant shall first apply to the board of education of the school
17 district where the charter school is proposed to be located and request
18 a public vote on such application. Such public vote shall be held in
19 accordance with the provisions of part one of article forty-one of this
20 chapter, on the next scheduled school budget vote or revote date with
21 the exception of the Buffalo and Rochester city school districts, which
22 shall be held on election day or primary day. Such application shall be
23 deemed approved for transmission to and consideration by the appropriate
24 charter entity if a majority of eligible voters cast a ballot vote in
25 favor of the application. For purposes of this article, a charter entity
26 shall be:

27 (a) The board of education of a school district eligible for an appor-
28 tionment of aid under subdivision four of section thirty-six hundred two
29 of this chapter, provided that a board of education shall not approve an
30 application for a school to be operated outside the school district's
31 geographic boundaries and further provided that in a city having a popu-

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

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1 lation of one million or more, the chancellor of any such city school
2 district shall be the charter entity established by this paragraph;

3 (b) The board of trustees of the state university of New York; or

4 (c) The board of regents.

5 The board of regents shall be the only entity authorized to issue a
6 charter pursuant to this article. Notwithstanding any provision of this
7 subdivision to the contrary, an application for the conversion of an
8 existing public school to a charter school shall be submitted to, and
9 may only be approved by, the charter entity set forth in paragraph (a)
10 of this subdivision. Notwithstanding any law, rule or regulation to the
11 contrary, any such application for conversion shall be consistent with
12 this section [~~but shall not be subject to the process pursuant to subdi-~~
13 ~~vision nine a of section twenty eight hundred fifty two of this arti-~~
14 ~~cle~~], and the charter entity shall require that the parents or guardians
15 of a majority of the students then enrolled in the existing public
16 school vote in favor of converting the school to a charter school.

17 4. Charters may be renewed, upon application, for a term of up to five
18 years in accordance with the provisions of this article for the issuance
19 of such charters pursuant to section twenty-eight hundred fifty-two of
20 this article; provided, however, that [a] in a city having a population
21 of one million or more, a charter school application for renewal shall
22 first apply to the community district education council for approval
23 where such charter school is proposed to be located. The community
24 district education council shall act on an application within ninety
25 days of receipt of such application. An application shall be deemed
26 approved for transmission to and consideration by the appropriate char-
27 ter entity if there is a majority vote in favor of the application of
28 the members of the community district education council present at a
29 meeting at which there is a quorum. For all school districts located
30 outside of a city having a population of one million or more, such
31 applicant shall first apply to the board of education of the school
32 district where the charter is proposed to be located and request a
33 public vote on their application. Such public vote shall be held in
34 accordance with the provisions of part one of article forty-one of this
35 chapter, on the next scheduled school budget vote or revote date with
36 the exception of the Buffalo and Rochester city school districts, which
37 shall be held on election day or primary day. Such application shall be
38 deemed approved for transmission to and consideration by the appropriate
39 charter entity if a majority of eligible voters cast a ballot vote in
40 favor of the application. Such renewal application shall include:

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

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

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

52 (d) Indications of parent and student satisfaction.

53 (e) The means by which the charter school will meet or exceed enroll-
54 ment and retention targets as prescribed by the board of regents or the
55 board of trustees of the state university of New York, as applicable, of
56 students with disabilities, English language learners, and students who

1 are eligible applicants for the free and reduced price lunch program
2 which shall be considered by the charter entity prior to approving such
3 charter school's application for renewal. When developing such targets,
4 the board of regents and the board of trustees of the state university
5 of New York shall ensure (1) that such enrollment targets are comparable
6 to the enrollment figures of such categories of students attending the
7 public schools within the school district, or in a city school district
8 in a city having a population of one million or more inhabitants, the
9 community school district, in which the charter school is located; and
10 (2) that such retention targets are comparable to the rate of retention
11 of such categories of students attending the public schools within the
12 school district, or in a city school district in a city having a popu-
13 lation of one million or more inhabitants, the community school
14 district, in which the proposed charter school would be located.

15 Such renewal application shall be submitted to the charter entity no
16 later than six months prior to the expiration of the charter; provided,
17 however, that the charter entity may waive such deadline for good cause
18 shown.

19 In a city having a population of one million or more inhabitants, the
20 application for renewal of a charter school shall be submitted to the
21 community district education council for approval where such charter
22 school is located no later than two months prior to submission to the
23 charter entity. The community district education council shall act on
24 the application within forty-five days from receipt of an application
25 for renewal of a charter school. Within seven days of approving such
26 application for transmission to and consideration by the appropriate
27 charter entity, the community district education council shall forward
28 such renewal application to the New York city department of education
29 and the appropriate charter entity along with a form to be developed by
30 the commissioner which states that the community district education
31 council has acted to approve such charter renewal application. An appli-
32 cation shall be deemed approved for transmission to and consideration by
33 the appropriate charter entity if there is a majority vote in favor of
34 the application of the members of the community district education coun-
35 cil present at a meeting at which there is a quorum. Within seven days
36 of denying an application for renewal of a charter school, the community
37 district education council shall forward a notice of denial of such
38 application to the New York city department of education, the board of
39 regents, and the board of trustees of the state university of New York.
40 Such notice shall be in writing and include factual findings, specific
41 to the application, stating the reasons for such denial. Notwithstanding
42 any provision of law to the contrary, the denial of an application shall
43 be considered final and shall not be eligible for reconsideration by any
44 other charter entity. A charter entity shall not act on a charter
45 renewal application unless the vote of the community district education
46 council where the charter school is located has approved such charter
47 renewal application. For all school districts located outside of a city
48 having a population of one million or more inhabitants, the application
49 for renewal of a charter school shall be submitted to the school board
50 where such charter school is located for approval no later than the
51 first of February, preceding the end of the charter term. The charter
52 school applying for renewal shall pay all actual costs to the school
53 district where such charter school is located for approval to host two
54 public hearings, one in the evening and one during a weekend day, within
55 forty-five days of receiving such application, where residents of such
56 school district shall have the opportunity to speak in person, via elec-

1 tronic means, or submit comments regarding the consideration of such
2 renewal. These public hearings shall be webcast and conducted in accord-
3 ance with the public officers law. A public vote shall be held in
4 accordance with the provisions of part one of article forty-one of this
5 chapter, on the next scheduled school budget vote or revote date with
6 the exception of the Buffalo and Rochester city school districts, which
7 shall be held on election day or primary day. Such application for
8 renewal shall be deemed approved for transmission to and consideration
9 by the appropriate charter entity if a majority of eligible voters cast
10 a ballot vote in favor of the renewal application. Within seven days of
11 such public vote to consider such application, the school board shall
12 forward such renewal application to the appropriate charter entity along
13 with a form to be developed by the commissioner, which states that the
14 voters of the school district have acted to approve the charter renewal
15 application. Within seven days of the public vote denying an application
16 for renewal of a charter school, the school board shall forward a writ-
17 ten notice of denial of such application to the board of regents and the
18 board of trustees of the state university of New York. Notwithstanding
19 any provision of law to the contrary, such denial shall be considered
20 final and shall not be eligible for reconsideration by any other charter
21 entity. A charter entity shall not act on a charter renewal application
22 unless the public vote of the school district or the community district
23 education council where the charter school is located has approved such
24 charter renewal application.

25 § 2. Subdivisions 1, 3 and 7 of section 2852 of the education law,
26 subdivision 1 as amended by chapter 101 of the laws of 2010, subdivision
27 3 as added by chapter 4 of the laws of 1998 and subdivision 7 as amended
28 by section 2 of part D-2 of chapter 57 of the laws of 2007, are amended
29 to read as follows:

30 1. A charter entity shall not act on an application unless the local
31 school board of the school district where the charter school is to be
32 located or the community district education council has voted and
33 approved the charter application and transmitted such approval documen-
34 tation to such charter entity. Each school district or the community
35 district education council that receives an application for approval of
36 a charter school shall act on each request received prior to February
37 first of a calendar year. Within seven days of approving a charter
38 application for transmission to and consideration by the appropriate
39 charter entity, the local school board or the community district educa-
40 tion council shall forward the application to the appropriate charter
41 entity along with a form to be developed by the commissioner which
42 states that the school district by public vote or the community district
43 education council has acted to approve the charter application. The
44 denial of an application for a charter school by a school district
45 public vote or the community district education council shall be in
46 writing and include written factual findings, specific to the applica-
47 tion and state the reasons for such denial. Notwithstanding any
48 provision of law to the contrary, such denial is final and shall not be
49 reviewable in any court or by any administrative body or charter entity.

50 A charter entity that receives an application for approval of a charter
51 school which has been approved by a local school board by public vote or
52 the community district education council shall act on each [~~request~~]
53 charter school application received from a school board or the community
54 district education council prior to July first of a calendar year on or
55 before January first of the succeeding calendar year, and a proposed
56 charter between the applicant and the charter entity resulting from such

1 application and the local school board or the community district educa-
2 tion council shall be executed on or before February first of such
3 succeeding year. Nothing in this subdivision shall be construed to
4 prevent a charter entity from receiving or acting upon an application at
5 any time[~~, This subdivision shall not apply to applications that are~~
6 ~~submitted pursuant to subdivision nine-a of this section~~]; provided,
7 however, that such application shall have the approval of a public vote
8 of the school district where the charter school is to be located or the
9 community district education council.

10 3. A charter entity is not required to approve a charter and may
11 require an applicant to modify or supplement an application as a condi-
12 tion of approval. Any modification or supplement shall first be approved
13 by the school board where the charter school is to be located or the
14 community district education council before the charter entity may act
15 on the charter school application. An existing private school shall not
16 be eligible to convert to a charter school. In determining whether an
17 application involves the conversion of an existing private school, the
18 charter entity and the board of regents shall consider such factors as:
19 (a) whether the charter school would have the same or substantially the
20 same board of trustees and/or officers as an existing private school;
21 (b) whether a substantial proportion of employees of the charter school
22 would be drawn from such existing private school; (c) whether a substan-
23 tial portion of the assets and property of such existing private school
24 would be transferred to the charter school; (d) whether the charter
25 school would be located at the same site as such existing private
26 school; (e) upon renewal only, whether such private school closed within
27 one year of establishment of the charter school; and (f) upon renewal
28 only, whether a substantial portion of the charter school's students
29 were drawn from such existing private school.

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

35 (b) When a revision of a charter involves the relocation of a charter
36 school to a different school district, the proposed new school district
37 shall be given at least [~~forty-five~~] seventy days notice of the proposed
38 relocation. In addition, the applicant shall provide an analysis of the
39 community support for such relocation and of the projected programmatic
40 impact and an independent fiscal impact statement of the charter school
41 on the proposed new school district of location and other public and
42 nonpublic schools in the area, and shall pay all actual costs to the
43 school district where such charter school is proposed to be relocated
44 for approval to host two public hearings, one in the evening and one
45 during a weekend day, within forty-five days of receiving such applica-
46 tion, where residents of such school district shall have the opportunity
47 to speak in person or via electronic means, or submit comments regarding
48 the consideration of such renewal. These public hearings shall be
49 webcast and conducted in accordance with the public officers law. The
50 approval of the school district voters on the next school budget vote or
51 revote date, with the exception of the Buffalo and Rochester city school
52 districts, which shall be held on election day or primary day, where
53 such charter school is relocating or the community district education
54 council shall be required pursuant to the provisions of subdivision one
55 of this section.

56 § 3. This act shall take effect immediately.