

STATE OF NEW YORK

9568--A

IN SENATE

March 25, 2026

Introduced by Sens. MAYER, HARCKHAM -- read twice and ordered printed, and when printed to be committed to the Committee on Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 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, the board of regents and the board of trustees of the state
26 university of New York along with a form to be developed by the commis-

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

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1 sioner which states that the community district education council has
2 acted to deny or certify such application for a new charter. Such notice
3 shall include factual findings, specific to the application, stating the
4 reasons for such denial or certification. Notwithstanding any provision
5 of law to the contrary, the denial of an application shall be considered
6 final and shall not be eligible for reconsideration by any other charter
7 entity. A charter entity shall not act on an application for a new char-
8 ter unless the vote of the community district education council where
9 the charter school is proposed to be located has certified such charter
10 application. For all school districts located outside of a city with a
11 population of one million or more, such applicant shall first submit
12 their full application to the board of education of the school district
13 where the charter school is proposed to be located by February first of
14 the school year two school years prior to the school year when the char-
15 ter school is planning to commence operations. Such board of education
16 shall conduct public hearings on such proposed application at the regu-
17 larly scheduled March and April board meetings, where residents of such
18 school district shall have the opportunity to speak in person or via
19 electronic means, or submit comments regarding the consideration of such
20 application. Qualified voters of such school district shall deny or
21 certify such application on the next scheduled school budget vote date.
22 Such public vote shall be held in accordance with the provisions of part
23 one of article forty-one of this chapter. Such application shall be
24 deemed certified for transmission to and consideration by the appropri-
25 ate charter entity if a majority the votes cast thereon by eligible
26 voters are in the affirmative. Within seven days of denying or certify-
27 ing an application for a new charter, the school district shall forward
28 notice of such denial or certification to the department, the board of
29 regents and the board of trustees of the state university of New York
30 along with a form to be developed by the commissioner which states that
31 the voters of the school district have acted to deny or certify such
32 application for a new charter. Such notice shall include factual find-
33 ings, specific to the application, stating the reasons for such denial
34 or certification. Notwithstanding any provision of law to the contrary,
35 the denial of an application shall be considered final and shall not be
36 eligible for reconsideration by any other charter entity. A charter
37 entity shall not act on an application for a new charter unless the
38 voters of the school district where the charter school is proposed to be
39 located have certified such charter application. For purposes of this
40 article, a charter entity shall be:

41 (a) The board of education of a school district eligible for an appor-
42 tionment of aid under subdivision four of section thirty-six hundred two
43 of this chapter, provided that a board of education shall not approve an
44 application for a school to be operated outside the school district's
45 geographic boundaries and further provided that in a city having a popu-
46 lation of one million or more, the chancellor of any such city school
47 district shall be the charter entity established by this paragraph;

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

49 (c) The board of regents.

50 The board of regents shall be the only entity authorized to issue a
51 charter pursuant to this article. Notwithstanding any provision of this
52 subdivision to the contrary, an application for the conversion of an
53 existing public school to a charter school shall be submitted to, and
54 may only be approved by, the charter entity set forth in paragraph (a)
55 of this subdivision. Notwithstanding any law, rule or regulation to the
56 contrary, any such application for conversion shall be consistent with

1 this section [~~but shall not be subject to the process pursuant to subdi-~~
2 ~~vision nine a of section twenty eight hundred fifty two of this arti-~~
3 ~~cle~~], and the charter entity shall require that the parents or guardians
4 of a majority of the students then enrolled in the existing public
5 school vote in favor of converting the school to a charter school.

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

1 certifying an application for renewal of a charter, the school district
2 shall forward notice of such denial or certification to the department,
3 the board of regents and the board of trustees of the state university
4 of New York along with a form to be developed by the commissioner which
5 states that the voters of the school district have acted to deny or
6 certify such application for renewal of a charter. Such notice shall
7 include factual findings, specific to the application, stating the
8 reasons for such denial or certification. Notwithstanding any provision
9 of law to the contrary, the denial of an application shall be considered
10 final and shall not be eligible for reconsideration by any other charter
11 entity. A charter entity shall not act on an application for renewal of
12 a charter unless the voters of the school district where the charter
13 school is located have certified such charter renewal application. Such
14 renewal application shall include:

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

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

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

26 (d) Indications of parent and student satisfaction.

27 (e) The means by which the charter school will meet or exceed enroll-
28 ment and retention targets as prescribed by the board of regents or the
29 board of trustees of the state university of New York, as applicable, of
30 students with disabilities, English language learners, and students who
31 are eligible applicants for the free and reduced price lunch program
32 which shall be considered by the charter entity prior to approving such
33 charter school's application for renewal. When developing such targets,
34 the board of regents and the board of trustees of the state university
35 of New York shall ensure (1) that such enrollment targets are comparable
36 to the enrollment figures of such categories of students attending the
37 public schools within the school district, or in a city school district
38 in a city having a population of one million or more inhabitants, the
39 community school district, in which the charter school is located; and
40 (2) that such retention targets are comparable to the rate of retention
41 of such categories of students attending the public schools within the
42 school district, or in a city school district in a city having a popu-
43 lation of one million or more inhabitants, the community school
44 district, in which the proposed charter school would be located.

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

49 § 2. Subdivisions 1, 3 and 7 of section 2852 of the education law,
50 subdivision 1 as amended by chapter 101 of the laws of 2010, subdivision
51 3 as added by chapter 4 of the laws of 1998 and subdivision 7 as amended
52 by section 2 of part D-2 of chapter 57 of the laws of 2007, are amended
53 to read as follows:

54 1. A charter entity shall not act on an application unless the commu-
55 nity district education council or the voters of the school district
56 where the charter is located or is proposed to be located has voted on

1 and certified such charter application and transmitted such certifi-
2 ication documentation to such charter entity. A charter entity that
3 receives an application for approval of a charter school which has been
4 certified by the community district education council or the voters of
5 the school district where the charter is located or is proposed to be
6 located shall act on each [~~request~~] charter school application received
7 from a community district education council or a school district prior
8 to July first of a calendar year on or before January first of the
9 succeeding calendar year, and a proposed charter between the applicant
10 and the charter entity resulting from such application shall be executed
11 on or before February first of such succeeding year. Nothing in this
12 subdivision shall be construed to prevent a charter entity from receiv-
13 ing or acting upon an application at any time[~~. This subdivision shall~~
14 ~~not apply to applications that are submitted pursuant to subdivision~~
15 ~~nine-a of this section~~]; provided, however, that such application shall
16 have been certified by the community district education council or by
17 the voters of the school district where the charter is located or is
18 proposed to be located.

19 3. A charter entity is not required to approve a charter and may
20 require an applicant to modify or supplement an application as a condi-
21 tion of approval. Any modification or supplement shall first be certi-
22 fied by the community district education council or by the voters of the
23 school district where the charter is located or is proposed to be
24 located before the charter entity may act on such charter application,
25 pursuant to the provisions established in subdivisions three and four of
26 section twenty-eight hundred fifty-one of this article. An existing
27 private school shall not be eligible to convert to a charter school. In
28 determining whether an application involves the conversion of an exist-
29 ing private school, the charter entity and the board of regents shall
30 consider such factors as: (a) whether the charter school would have the
31 same or substantially the same board of trustees and/or officers as an
32 existing private school; (b) whether a substantial proportion of employ-
33 ees of the charter school would be drawn from such existing private
34 school; (c) whether a substantial portion of the assets and property of
35 such existing private school would be transferred to the charter school;
36 (d) whether the charter school would be located at the same site as such
37 existing private school; (e) upon renewal only, whether such private
38 school closed within one year of establishment of the charter school;
39 and (f) upon renewal only, whether a substantial portion of the charter
40 school's students were drawn from such existing private school.

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

46 (b) When a revision of a charter involves the relocation of a charter
47 school to a different school district, the proposed new school district
48 shall be given [~~at least forty-five days notice~~] by February first
49 of the proposed relocation. In addition, the applicant shall provide an
50 analysis of the community support for such relocation and of the
51 projected programmatic impact and an independent fiscal impact statement
52 of the charter school on the proposed new school district of location
53 and other public and nonpublic schools in the area.

54 § 3. This act shall take effect immediately.