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:

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

3. An applicant shall submit the application to a charter entity for approval**; provided, however, that in a city with one million or more inhabitants, such applicant shall first apply to the community district education council for approval where such 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 community district education council shall conduct public hearings on such proposed application at the regularly scheduled March and April board meetings, where residents of such community district shall have the opportunity to speak in person or via electronic means, or submit comments regarding the consideration of such application. The community district education council shall deny or certify such application at the regularly scheduled May meeting. An application shall be deemed certified for transmission to and consideration by the appropriate charter entity if there is a majority vote in favor of the application of the members of the community district education council present at a meeting at which there is a quorum present. Within seven days of denying or certifying an application for a new charter, the community district education council shall forward notice of such denial or certification to the department, the New York city department of education, the board of regents and the board of trustees of the state 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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sioner which states that the community district education council has 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 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 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, the board of regents and the board of trustees of the state university of New York 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;

(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.

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~~] in a city having a population of one million or more, such applicant shall first submit their renewal application for review to the community district education council where such charter school is located by February first of the year the charter is set to expire. Such community district education council shall conduct public hearings on such renewal application at the regularly scheduled March and April board meetings, where residents of such community district shall have the opportunity to speak in person or via electronic means, or submit comments regarding the consideration of such renewal application. The community district education council shall deny or certify such renewal application at the regularly scheduled May meeting. An application shall be deemed certified for transmission to and consideration by the appropriate charter entity if there is a majority vote in favor of the renewal application of the members of the community district education council present at a meeting at which there is a quorum present. Within seven days of denying or certifying an application for renewal of a charter, the community district education council shall forward notice of such denial or certification to the department, the New York city department of education, the board of regents and the board of trustees of the state university of New York along with a form to be developed by the commissioner which states that the community district education council has acted to deny or certify such application for renewal of a 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 renewal of a charter unless the vote of the community district education council where the charter school is located has certified such charter renewal application. For all school districts located outside of a city having a population of one million or more, such applicant shall first submit their renewal application to the board of education of the school district where the charter is located by February first of the year the charter is set to expire. Such board of education shall conduct public hearings on such renewal 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 renewal application. Qualified voters of such school district shall deny or certify such renewal 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. Qualified voters residing in the Buffalo, Rochester and Yonkers city school districts shall vote to deny or certify such renewal application on general election day. 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 renewal of a charter, the school district shall forward notice of such denial or certification to the department, the board of regents and the board of trustees of the state university of New York 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 renewal of a 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 renewal of a charter unless the voters of the school district where the charter school is located have certified such charter renewal application. 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 charter entity shall not act on an application unless the community district education council or the voters of the school district where the charter is located or is proposed to be located has voted on

and certified such charter application and transmitted such certification documentation to such charter entity. A charter entity that receives an application for approval of a charter school which has been certified by the community district education council or the voters of the school district where the charter is located or is proposed to be located shall act on each [~~request~~] charter school application received from a community district education council or a school district prior to July first of a calendar year on or before January first of the succeeding calendar year, and a proposed charter between the applicant and the charter entity resulting from such application shall be executed on or before February first of such succeeding year. Nothing in this subdivision shall be construed to prevent a charter entity from receiving or acting upon an application at any time[~~. This subdivision shall not apply to applications that are submitted pursuant to subdivision nine-a of this section~~]; provided, however, that such application shall have been certified by the community district education council or by the voters of the school district where the charter is located or is proposed to be located.

3. A charter entity is not required to approve a charter and may require an applicant to modify or supplement an application as a condition of approval. Any modification or supplement shall first be certified by the community district education council or by the voters of the school district where the charter is located or is proposed to be located before the charter entity may act on such charter application, pursuant to the provisions established in subdivisions three and four of section twenty-eight hundred fifty-one of this article. An existing private school shall not be eligible to convert to a charter school. In determining whether an application involves the conversion of an existing private school, the charter entity and the board of regents shall consider such factors as: (a) whether the charter school would have the same or substantially the same board of trustees and/or officers as an existing private school; (b) whether a substantial proportion of employees of the charter school would be drawn from such existing private school; (c) whether a substantial portion of the assets and property of such existing private school would be transferred to the charter school; (d) whether the charter school would be located at the same site as such existing private school; (e) upon renewal only, whether such private school closed within one year of establishment of the charter school; and (f) upon renewal only, whether a substantial portion of the charter school's students were drawn from such existing private school.

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

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

§ 3. This act shall take effect immediately.