



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK

CHARTER SCHOOL OFFICE
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April 4, 2014

To: Boards of Trustees of Charter Schools Authorized by the NYS Board of Regents

From: Leslie E. Templeman, Assistant Counsel
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NYS Education Department

Subject: New York Non-profit Revitalization Act of 2013

On December 18, 2013, Governor Cuomo signed into law the New York Non-profit Revitalization Act of 2013, which made changes to the New York State Not-for-Profit Corporation Law and other laws, which affect non-profit organizations. Some provisions of this new law, most of which become effective on July 1, 2014, apply to NYS education corporations, including charter schools.

Charter school Boards of Trustees should consult with their legal counsel to determine what, if any, action(s) may need to be taken by the Board between now and July 1, 2014, to ensure compliance with this new law. Of particular interest to charter schools is Section 75 of the law which addresses conflict of interest and whistleblower policies. Adopting or revising policies to address the requirements of the law will not constitute material charter revisions that require approval by the Regents or the Commissioner but copies of any new or revised policies adopted by the Board of Trustees should be provided to the School's liaison in the Charter School Office.

[Here is the full text of the legislation \(A.8072\), which was signed into law as Chapter 549 of the Laws of 2013.](#)

Please note: Pursuant to Section 2854(1)(e) of the NYS Charter Schools Act, charter schools are specifically subject to Article 6 (Freedom of Information Law) and Article 7 (Open Meetings Law) of the NYS Public Officers Law. To the extent that there may be inconsistencies between some provisions of the Not-For-Profit Corporation Law and those sections of the Public Officers Law, the provisions of the Public Officers Law govern and are controlling.