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FREQUENTLY ASKED QUESTIONS BY APPLICANT GROUPS SEEKING TO ESTABLISH A CHARTER SCHOOL AUTHORIZED BY THE NYS BOARD OF REGENTS

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The information below provides responses to specific questions asked by prospective charter school applicant groups and the general public. Applicant groups are advised and the public is encouraged to become familiar with New York State Education Law, Article 56: Charter Schools Act and all related regulatory provisions. To submit an application to establish a new charter school authorized by the Board of Regents, applicant groups should review thoroughly the requirements for submission as contained in the 2015 Request for Proposals to Establish Charter Schools Authorized by the Board of Regents posted at <http://www.p12.nysed.gov/psc/startcharter.html>

Additional questions may be submitted to the New York State Education Department Charter School Office at charterschools@mail.nysed.gov.

QUESTIONS SPECIFIC TO THE 2015 RFP AND APPLICATION

1. After the Letter of Intent is submitted, may the applicant continue to add individuals to the applicant group and the proposed school's founding board for the Full Application submission?

Yes. If not previously identified in the Letter of Intent, the applicant group may identify additional members and submit the required background information for each new member when submitting the submission of the Full Application.

2. In the Full Application, may we add an individual (not included in the Letter of Intent) to the proposed school's founding board? May we remove an individual that was named as a founding board member in the Letter of Intent?

As stated above, it is reasonable and acceptable to provide names of additional founding board and founding group members in the submission of the Full Application. Where individuals who were identified as founding board members in the Letter of Intent are no longer proposed to serve, a brief explanation should be provided in the Full Application. If a stable core group of at least five members proposed as board members remains constant throughout the application process, some change in members would not be a significant concern. However, if the core group of founding board members appears to be unstable and uncommitted throughout the application process, the capacity of the board could become a question raised in the application review process.

3. How should the applicant group member submit their letters of reference or any other background materials? Should applicants mail the letters directly to the NYSED office or upload them with the letter of intent and/or application?

In the Draft 2015 RFP and Application Kit, the instructions state that all application materials (including letters of intent, full application, and attachments) must be uploaded into the online submission portal.

Instructions specific to uploading Attachment 5a are embedded in the portal. Please be mindful that any materials submitted via email or by postal or special delivery carriers will not be accepted.

4. Will the Department post on its webpage the transcripts or related documentation, personal references, or reference letters submitted for applicant group members?

No. The Department will NOT make available to the public the transcripts, names of personal references, and reference letters submitted for members of applicant groups.

As a general rule and practice, the Department will make Letters of Intent and Full Applications (including resumes and the completed applicant/proposed trustee background information sheets) available to the public. Personal information such as home or business phone numbers, home or business addresses, and email addresses will be redacted in the public postings.

5. A member of the proposed board of trustees graduated 20 years ago and is unable to get degree transcripts. What can be done?

Each applicant group member is advised to make every effort to obtain a transcript from the institution where they received their highest degree. If the member cannot obtain a transcript after reasonable effort, they may submit an official letter from the institution detailing the date of graduation, and the diploma, certification, or degree obtained from the institution. If neither a transcript nor an official letter can be obtained, the member may provide a scanned copy or photograph of the actual diploma, certification, or degree, along with proof of their efforts to obtain a transcript and letter from the institution. The National Student Clearinghouse offers a degree verification service at <http://www.studentclearinghouse.org/verifiers/> and members may submit a watermarked report from the Clearinghouse.

6. The RFP states that the Letter of Intent is "limited to 5 pages of text, excluding all attachments." What attachments may be included at this stage? Can applicants submit attachments which reflect the community outreach that the applicant group has conducted?

Applicant groups are required at the Letter of Intent stage to submit Attachment 5a documents for each member of the applicant group, including proposed trustees and proposed employees. The Attachment 5a documents are excluded from the page limitation.

Applicants are not permitted to attach documents other than those that are requested. Enrollment policies, by-laws, or letters of support are not requested at the Letter of Intent stage but are required at the Full Application stage.

7. The Letter of Intent asks about whether the applicant has applied for district facilities, which is required by law to begin the process to receive rental assistance. Can applicants assume either district space or rental assistance in their full application budgets?

In the Letter of Intent, the applicants are required to identify a proposed school location, specifically the school district or community school district of location and indicate whether the applicant group has requested to be sited in school district facilities.

In the Full Application, applicants are advised to review carefully the prompts in the evaluation criteria; express their intent to seek public space, private space, or rental assistance; and present a facility plan reflecting the school mission, school design, and student needs—based on the knowledge available at the time of submission.

8. How is charter school tuition calculated?

Pursuant to paragraph (a) of subdivision 1 of section 2856 of the Education Law, as amended by Chapter 57 of the Laws of 2014, total 2014-15 charter school basic tuition is the sum of:

Charter School Basic Tuition is calculated as the lesser of:

- a. 2010-11 charter school basic tuition, or
- b. 2014-15 charter school basic tuition calculated by multiplying the 2012-13 approved operating expense per pupil (AOE/TAPU) by the percentage increase between the 2013-14 statewide total approved operating expense and the 2011-12 statewide total approved operating expense (1.090 %)

Plus

Supplemental Basic Tuition, which is \$250 for districts with a 2014-15 charter school basic tuition (b. above) greater than or equal to the 2010-11 charter school basic tuition(a. above). For all other districts, the supplemental basic tuition equals the 2010-11 charter school basic tuition less the 2014-15 charter school basic tuition.

The final per pupil charter school tuition for each district is calculated based on data on file with the commissioner as of the date upon which an electronic data file was created for the purpose of compliance with paragraph b of subdivision twenty-one of section three hundred five of the New York State Education Law on May 15, 2014.

9. Where should applicants go to find the actual per pupil charter school tuition for each district?

Charter School Basic Tuition information for the year your school plans to open is not available. Please consult the “2014-15 Charter School Basic Tuition” posted on the Departments’ Office of State Aid webpage at https://stateaid.nysed.gov/charter/html_docs/charter_1415_rates.htm to prepare Attachment 9: Budget and Cash Flow Template.

10. Section I.F. Programmatic and Fiscal Impact: What is meant by “programmatic impact?”

Education Law requires that applicants provide an assessment of the projected programmatic and fiscal impact of the proposed school on other public and nonpublic schools in the area. A response to this section should include a discussion of the potential impact of the proposed new school on total and/or grade level enrollment and programs in other public and private schools in the area.

11. Section II.A. Achievement Goals: Please provide clarity about the level of specificity required in this section. Should achievement goals be broad, as in goals regarding graduation from high school, or are we asked to specify grade by grade goals, such as “90% of our 8th graders will pass the Algebra Regents Exam?”

Applicant groups are free to present achievement goals for the proposed school as they see fit, the goals should be measureable and reflect the mission and vision of the proposed school. Applicant groups should keep in mind that at renewal as set forth in the New York State Charter School Performance Framework Benchmark 1: Student Performance, the school is expected to meet or exceed growth and achievement goals based on the New York State assessments (elementary and middle school) or Regents examinations (high school), as well as college and career readiness measures.

12. May we use the discipline policy of the school district in which our charter school is located or another school district’s discipline policy (i.e., the NYCDOE or Rochester City School District’s discipline policy)?

Yes, you may adapt or adopt a school district’s discipline policy if the policy fully addresses all components described on page 30 of the application kit and is in compliance with all applicable laws and

regulations. When developing your discipline policy please also be aware of the charter school complaint process described in the NYS Charter School Act (Education Law §2855(4)).

13. May the sample promotion/exit standards be provided as an attachment rather than embedded in the narrative?

No, the sample promotion/exit standards must be included in the 60 page Full Application narrative.

14. What will happen if there are technical difficulties in uploading the application materials?

We do not anticipate that there will be technical difficulties, but if you experience any problems using the submission portal, you may contact this office for assistance. Please make sure that you create your FluidSurveys (formerly ReviewRoom) account well in advance of the deadline so that any difficulties can be addressed before you start the submission process. If you have any questions about the process, you may contact the Department's Charter School Office via email at: charterschools@nysed.gov. If you have any technical questions about how to use the site, please contact support@fluidreview.com and the software application providers will address your questions.

BASIC FACTS

15. What is a charter school?

Charter schools are secular, tuition-free public schools that are operated as independent education corporations formed for this purpose. Charter schools typically focus on innovative curricula, a new approach to school organization or some other feature that differentiates them from traditional district schools. Charter schools are financed primarily through the local, state, and federal funds from the school district in which a student resides; however, charter schools are independent of public school district boards of education. Charter schools may also accept private donations.

16. What is a charter authorizer?

The authority of a charter school to provide public education is through a 'charter agreement', a type of contract between the charter school board of trustees and its chartering entity or authorizer. The New York State Board of Regents is one of the two statewide chartering authorizers – the other being the State University of New York Board of Trustees - which may issue new charters.

17. Who may attend a public charter school?

Students who are residents of New York State may choose to apply to any charter school and are enrolled through an impartial, fair and transparent application procedure.

18. Who can enroll in a charter school?

Any child who is qualified under the laws of this State for admission to a public school is qualified for admission to a charter school. Immunization requirements for enrollment in the public schools, as health and safety requirements, will apply to charter school students.

19. On what basis may a charter school select students?

In general, a charter school may establish no admissions requirements except that students meet the age or grade level requirements specified in its charter. According to New York State law¹, a charter school must

¹ N.Y.S. Education Law § 2854(2)(b); 8 NYCRR 119.5

provide admissions preference to enrolled students who will be returning to the school, to siblings of children enrolled in the school, and to students who reside in the school district of location. In addition, a charter school may be designed specifically to provide expanded learning opportunities for certain categories of students at-risk of academic failure, students with disabilities, and English language learners. In such circumstances a charter school may provide admissions preferences to such students, consistent with the requirements of State and federal law.

20. What if more students apply than a charter school can enroll?

If the number of applicants exceeds the number of available seats, a random public lottery must be held, in accordance with the Commissioner’s Regulations (8 NYCRR 119.5), *Random Selection Process for Charter School Student Applicants*.

21. Are charter schools required to enroll children with special needs?

Yes. A charter school may not discriminate against or limit the admission of children on any unlawful basis, including on the basis of ethnicity, national origin, gender, disability, intellectual ability, measures of achievement or aptitude, athletic ability, race, creed, religion or ancestry.

22. Can a charter school operate as a single sex institution?

Single-sex schools are permissible under State law and supported by the USDOE. The Regents authorized a single-gender charter school in Rochester a year ago, and the school receives CSP funding.

23. If a charter school receives a Statewide Full Day Universal Pre-K Grant, can the charter school enroll pre-kindergarten students?

No. A charter school may not enroll or serve pre-kindergarten students. Education Law provides that a charter school may enroll or serve one or more of the grades Kindergarten through 12. If awarded a Universal Pre-K grant, a charter school may enroll pre-kindergarten students in that program, which is separate and independent of the charter school.

24. What are enrollment and retention targets?

In accordance with the 2010 revisions to the Charter Schools Act, the Board of Regents and the State University of New York have worked collaboratively to establish targets for the enrollment and retention of students with disabilities, English language learners and students who are eligible for the free and reduced price lunch program. The targets are comparable to the figures for these categories of students within the public school district of location.

The Letter of Intent and Full Application should include detailed information about the school’s planned strategies to recruit, serve and retain these targeted populations. As part of the evaluation of the charter school application, reviewers and NYSED staff will give careful consideration to the likelihood that the proposed school design will support the ability to meet or exceed these targets.

APPLYING FOR A REGENTS-AUTHORIZED CHARTER SCHOOL

25. Who is eligible to apply to establish a charter school in New York State?

An application to establish a charter school must be submitted by one or more individuals who are teachers, parents, school administrators, community residents or any combination thereof.² The charter

² N.Y. Education Law § 2851(1)

school application may be filed in conjunction with a college, university, museum, educational institution or not-for-profit corporation, but may also be filed independently. Corporate entities and organizations may not be applicants.

26. What is the applicant group?

The applicant or founding group is a group of individuals who have come together to develop and present the proposal to establish the school. As such, they act as representatives for the proposed school prior to approval and issuance of the charter. Subsequent to the issuance of a charter, some members of the applicant group may become trustees or school employees.

27. May a board of trustees operate more than one charter school?

Yes. Education corporations may operate more than one school, provided a charter is issued for each additional school³. Education Corporations proposing operate multiple schools should clearly describe in the appropriate sections the governance processes that will be used to effectively oversee each school.

28. If an applicant group is applying for multiple schools to be governed by a single board of trustees (a single education corporation), is it necessary to submit a separate application for each proposed school?

No, however, the applicant group is required to provide specificity where applicable (e.g. sections on community to be served, public outreach, facilities).

29. What does it mean that charter school application materials are “public records?”

All Letters of Intent and Full Applications are made available to the public through posting on the NYSED website at <http://www.p12.nysed.gov/psc/startcharter.html>. Names of individual applicant members and proposed trustees are identified, but personal contact information (personal address, phone number, email address) is redacted from the posted materials. Applicant groups are asked to identify a media contact name, email address, and telephone number as a resource for public inquiries about the charter school application.

30. May an application that has been submitted be withdrawn?

Yes. An application may be withdrawn by written request signed by the lead applicant(s) and submitted to the NYSED Charter School Office, prior to final action by the Board of Regents. If an application is withdrawn at any time subsequent to submission, it nonetheless remains a public record.

31. Who will review and evaluate charter school applications and the capacity of founding groups?

NYSED staff will conduct the initial review of the Letter of Intent, to assure that the information provided is technically complete and addresses the requests in the NYSED charter school application kit. Each Full Application is evaluated by a panel of reviewers—both internal and external to the Department—with expertise in teaching and learning, school leadership, school operations and/or other areas relevant to the presented school design.

Review panel members will use the rating categories (Exceeds, Meets, Approaches, or Inadequate) to evaluate each section of the Full Application against the criteria articulated in each section of the application. A summary of the review panel’s ratings is used by Charter School Office staff to assess whether the applicant group will move to the Capacity Interview phase. An application must essentially

³ N.Y. Education Law 2853(1)(b-1)

receive a rating of Meets overall to advance to a Capacity Interview. (See Appendix A: Reviewer Evaluation Guidance and Rubric).

32. Will the Board of Regents give preference to certain kinds of applications and applicant groups?

Preference will be given to those applications and applicant groups that demonstrate the greatest probability of creating public charter schools of the highest quality by meeting the rigorous and comprehensive criteria of the Board of Regents' application process. In the event that the number of high quality applications exceeds the number of available charters, Charter School Office staff will prioritize the applications according to the criteria set forth in Appendix B.

33. On what grounds may a charter application be denied?

Applications that do not meet the criteria outlined in the 2015 charter school application kit will not be recommended to the Board of Regents for approval. Each application and the capacity of the applicant group to establish a successful charter school will be judged on the basis of the written application materials, the capacity interview, and additional research and due diligence conducted by NYSED staff, including criminal background checks and employment references of proposed governing board members and school administrators. Public comments are also taken into consideration. Overall, NYSED will not recommend that the Board of Regents issue charters to applicant groups which do not present a high quality educational program design supported by a sound operational and fiscal plan, as well as the governance capacity to successfully implement the proposed educational program.

34. If the Board of Regents rejects a charter application, can the applicant appeal?

No. If NYSED or the Board of Regents acts to deny an application for a charter school, the denial is final and not reviewable to any authority, including a court of law. The applicant group may revise or further develop the proposed school plan and re-apply to NYSED in a future cycle or may apply to another charter entity.

OPERATING A CHARTER SCHOOL

35. What happens after a school has been approved by the Board of Regents?

Upon issuance of a charter, the Board of Regents establishes the education corporation and enters into a charter agreement with the newly formed education corporation's board members. The signed charter agreement (which includes the initial application) becomes the definitive document outlining the terms and conditions of the relationship between the Board of Regents and the governing board of the charter school.

36. What is the allowable extent/duration of a charter?

The term of the charter may not exceed five years in which instruction is provided to pupils plus the period commencing with the effective date of the charter and ending with the opening of the school for instruction.⁴ Applications that are submitted in the 2015 cycle are expected to commence instruction by Summer/Fall 2016, with the term of the charter running through June 30, 2021. In the event that a planning year is requested and approved by NYSED, the term of the charter will end on June 30, 2022.

⁴ N.Y.S. Education Law § 2851(2)(p)

37. Who oversees charter schools?

The charter entity (“authorizer”) that approved the charter school provides oversight throughout the term of the charter. This includes the right to visit, examine and inspect the charter school and its records. To permit the Board of Regents to fulfill this oversight function under the Charter Schools Act and ensure that each charter school is in compliance with all applicable laws and regulations and the terms and conditions of the charter, each Regents-authorized school agrees to abide by and implement an Oversight Plan, which may be viewed at <http://www.p12.nysed.gov/psc/OversightPlan.html>

38. Is a charter school subject to the same laws and regulations as other public schools?

No. The charter school is subject to the same health and safety, civil rights, and student assessment requirements as other public schools, but is exempt from all other State and local laws, rules, regulations, or policies governing public or private schools, other than the provisions of the Charter Schools Act.⁵

39. Do charter school teachers have to be certified?

Yes. However, charter schools may employ uncertified teachers with at least three years of classroom teaching experience or two years of satisfactory Teach for America experience, or who are tenured or tenure-track college faculty, or individuals with exceptional business, professional, artistic, athletic, or military experience. The number of uncertified teachers employed by a charter school may not be more than 30 percent or five teachers, whichever is less.⁶

CHARTER SCHOOL FUNDING

40. How much money do charter schools receive?

The amount depends on the number of students the charter school serves and the approved operating expense (based on local, State, and federal funds) of the various districts of residence of those students. Current information about charter school basic tuition rates paid by districts is available at <https://stateaid.nysed.gov/charter/>. If the charter school provides special education programs and services to its students, rather than have such services provided by the school districts of residence, the charter school will also receive federal, state and local aid in proportion to the level of services provided.

41. Are charter schools entitled to federal funds?

Yes. As public schools, charter schools are eligible for federal funds that are available to traditional public schools, such as IDEA and Title funds.

42. What funds are available to cover the start-up costs of charter schools?

Each charter school application that is approved and issued a charter by the Board of Regents is eligible to receive a federal Charter Schools Program (CSP) Planning and Implementation grant to support school start-up and implementation costs. The base amount of the grant is \$500,000 over a three year period (planning year, implementation year 1 and implementation year 2). Enhanced grants of up to \$750,000 will be available to new schools that meet specified design priorities (see Appendix C for more information). All CSP grant awards are contingent upon the completion of additional grant-specific budget information and other requirements. For reference, information about the current CSP Implementation and Planning Grant may be viewed at: <http://www.p12.nysed.gov/psc/grants.html>.

⁵ N.Y.S. Education Law § 2854(1)(b)

⁶ N.Y.S. Education Law § 2854(3)(a-1)

Contingent on the availability of funds, charter schools may also apply for grants through the Charter School State Stimulus Fund. Information may be found at:
<http://www.newyorkcharters.org/schoolsGrantOpps.htm>.

43. Can charter schools use funds to lease facilities?

Yes. Charter schools may use per pupil funding (charter school basic tuition) to pay for lease payments, mortgage payments, rents and other operational costs bundled or associated with these facilities payments. However, the charter school may not use per pupil funding to directly pay for construction costs.

44. By what point in the application process should an applicant secure a facility?

During the application process, applicant groups must demonstrate the capacity to secure an appropriate facility for the school. Once the charter is issued, the school will formalize facility arrangements and ready the school for opening. NYSED will issue the *Consent to Commence Instruction* letter authorizing the school to open only after all pre-opening requirements are satisfied.