

SUMMARY OF THE NEW YORK CHARTER SCHOOLS ACT OF 1998

I. PURPOSES OF CHARTER SCHOOLS

- A. Improve Student Learning and Achievement.
- B. Increase Learning Opportunities for all Students, Especially At-Risk.
- C. Encourage Innovative Teaching Methods.
- D. Create New Professional Opportunities for Educators.
- E. Provide School Choice.
- F. Provide Schools with Opportunities to Change from Rule-based to Performance-Based Accountability Systems.

II. APPLICATION

- A. Who May Submit?
Teachers, parents, school administrators, community residents. A college, museum, educational institution, not-for-profit corporation (501[c][3]) or for-profit corporation may join in application. If for-profit corporation involved, application must state extent of participation in management and operation.
- B. What Must Application Contain?
 - 1. Mission statement and description of educational program.
 - 2. Student achievement goals and method of evaluation. Must meet or exceed state student performance standards.
 - 3. Governance structure, including members of initial Board of Trustees, qualifications, terms and methods of appointment or election. Organizational structure of school and methods to promote parental and staff involvement in governance.
 - 4. Admission policies and procedures. See also, III.G.
 - 5. Proposed budget and fiscal plan, including evidence that plan is sound and availability of sufficient start-up funds.
 - 6. Requirement and procedures for annual independent fiscal audits, comparable to those conducted in public schools.
 - 7. Hiring and personnel policies, including qualifications for teachers and school administrators and a description of staff responsibilities.
 - 8. Disciplinary procedures, which must comply with due process and protect federal rights of students with disabilities.
 - 9. Number of students. Minimum of 50 students and 3 teachers at site. (This standard may be waived for the first year, if compelling justification such as geographic isolation.)
 - 10. Information about facilities, location, if known, and means of transportation. If location not known must notify Charter Entity within 10 business days of acquiring. Must obtain certificate of occupancy before instruction is to commence.
 - 11. Name, which shall include words, "Charter School." May not include name of for-profit business or corporate entity.
 - 12. Ages and grade levels to be served.
 - 13. Identification and background information about applicants and proposed members of Board of Trustees.
 - 14. School calendar and day schedule, which shall provide as much instruction time during school year as public schools.
 - 15. Type and amount of insurance coverage.
 - 16. Term, which shall not exceed 5 years.

17. Evidence of community support and interest, sufficient to meet enrollment goals.
18. Assessment of projected programmatic and fiscal impact on public and private schools in area.
19. Health and food services provided.
20. Methods and strategies for serving students with disabilities, in compliance with federal law.
21. Procedures in case of dissolution, including transfer of records to district in which school located and disposition of assets to district or another charter school within district.
22. Requirements for diploma.
23. Code of ethics, including standards of conduct for trustees, officers and employees.
24. Residential facilities, if any.
25. Individual applicants must submit a full set of fingerprints, for state and federal records check.
26. Other relevant information required by the charter entity.

C. To Whom Must it be Submitted?

1. Board of Education of School District in which located or Chancellor of New York City Schools must consider all public school conversions and may consider others;
2. Trustees of SUNY; or
3. Board of Regents.

D. May a Private School Apply for a Charter? No.

E. Standards for Approval

1. Complies with all laws.
2. Demonstrated ability to operate school in educationally and fiscally sound manner.
3. Grant is likely to improve student learning and achievement and further one or more of stated purposes. (See I.)
4. Charter entity encouraged to give preference to applications of schools to serve at-risk students.

F. Procedures

1. The charter entity may approve, approve subject to modification or supplementation of the application or deny. Denial in writing and states reasons for denial. Denial not subject to administrative or judicial review.
2. Upon grant, applicant and charter entity enter proposed written charter, which must contain application information, as modified by approval process, terms and conditions required by applicable law, specific commitment of charter entity to oversee and supervise charter school, and other terms or conditions agreed upon by charter entity and applicant.
3. Charter entered by other than Board of Regents submitted to Board of Regents within 5 days, along with application and supporting documentation.
4. Board of Regents issues charter or returns with written comments for reconsideration. If no action within 60 days, deemed approved.
5. If Charter returned, charter entity considers modifications. Charter entity may resubmit to Regents with agreed modifications, resubmit without modifications, or abandon application. Regents reconsider, although it appears that the Regents must

approve an application resubmitted by SUNY. Approval deemed to have occurred if no action within 30 days.

6. Time limits. If application received by October 1, must be acted upon by January 1 and proposed charter, if any, must be signed by February 1.

G. How Many Charters May Be Issued?

1. 100: 50 recommended by SUNY; 50 recommended by Regents and local Boards of Education.
2. Conversion from public school – unlimited, but must be approved by Board of Education and majority vote of parents of students in existing public school.
3. Renewals – unlimited.

H. May a Fee Be Charged? No fee may be charged for application or oversight.

III. ORGANIZATION AND OPERATION

- A. Charter school becomes an education corporation. Powers include general powers of education corporation.
- B. Trustees must obtain federal tax-exempt status within one year after charter issues. Charter school exempt from tax on earnings and property to same extent as other school.
- C. As a general rule, a charter school must be housed at one site, but may provide instruction at different locations for a portion of the day.
- D. Board of Regents, charter entity and school district, in which school located, provide oversight, sufficient to assure compliance with charter and applicable law. May visit, examine operations and inspect school and records as part of oversight function. If school district is not charter entity, evidence of violations forwarded to charter entity and Regents for action.
- E. Size. Minimum of 50 students at a single site, but fewer for first year of operation, or if compelling justification.
- F. Facilities. May occupy part of public school or other suitable location. For purposes of zoning, deemed a nonpublic school. Cannot pledge or assign operating aid for physical plant.
- G. Admissions
 1. Nonsectarian in programs, admissions policies, employment practices. May not issue a charter to school that would be “wholly or in part under the control or direction of any religious denomination or in which any denominational tenant or doctrine would be taught.”?
 2. No tuition charged. May charge fees to same extent as public schools.
 3. May not discriminate on intellectual ability, measures of achievement or aptitude, athletic ability, disability, race, creed, gender, national origin, religion, ancestry, but may establish single-sex schools and schools for students at-risk of academic failure.
 4. Must accept any child who submits timely application. If applications exceed places, must be a random selection process, except priority to returning students, students residing in district and siblings.
 5. May refuse admission student expelled or suspended from public school for duration of disciplinary action.
- H. Withdrawals. Enrolled student may withdraw at any time and return to public school.
- I. Teachers

1. Teacher credentials
 - a. General Rule. Certified.

- b. Exception. Up to lesser of 30% or 5 teachers May be:
 - i. uncertified with at least 3 years teaching experience at one level;
 - ii. tenured or tenure track college faculty;
 - iii. two years with Teach for America; or
 - iv. people with exceptional business, professional, artistic, athletic, or military experience.
 - c. Teachers certified “or otherwise approved” by Commissioner not counted in numerical limits of b.
 - 2. Number of Teachers. Minimum of 3, except in first year of operation or with compelling justification.
 - 3. Teacher leave from public schools. May apply to Board of Education for extended leave to teach in charter schools and leave of two years or less shall not be unreasonably withheld. If return within two-year period, rights and benefits under collective bargaining agreement retained. If no position available, placed on preferred eligible list.
- J. Employee Relations and Benefits
 - 1. Collective Bargaining Agreements
 - a. Public school conversions. Employees deemed to be in negotiating unit and subject to collective bargaining agreement of district but majority of employees within the bargaining unit may modify existing agreement with approval of Trustees.
 - b. Large charter schools. Large charter schools (250 on first day or “average daily enrollment” at any point during first year of operation). Instructional employees deemed to be represented by same bargaining unit as represents similar public school employees. This provision may be waived in up to 10 charters granted by SUNY. Agreements in public schools not applicable, but charter school may offer the terms of an existing agreement to its employees.
 - c. Other charter schools. Not covered by existing bargaining units or agreements, but may organize pursuant to Article XIV Civil Service Law (Taylor Law), and charter schools may not engage in certain improper labor practices.
 - 2. Retirement. Charter school may contribute to retirement program of local school district for benefit of employees.
- K. School Calendar. Hours and days of operation determined by charter, but total instructional time must be at least as great as that offered by public schools.
- L. Academic Services
 - 1. Must meet or exceed student performance standards adopted by Regents and contained in charter.
 - 2. Regents – students must take Regents exams to same extent other public school students must take.
- M. Special Education Services. CSE of school district of residence develops IEP, which is blueprint for programs and services. Services provided in accordance with IEP. Charter school may arrange to have services provided directly by school district of residence, by charter school or by contract with another provider.

- N. Athletics and Extra-curricular Activities. School district of residence may, but is not required to, allow athletic and extra-curricular participation.
- O. Transportation. Students may be eligible for transport from school district of residence. For those not eligible, Charter must specify how students will be transported and transportation provided by charter must meet same standards as public school transportation.
- P. Student Rights. Must meet health and safety, civil rights, student assessment, due process in discipline, and special disciplinary requirements for disabled students.
- Q. Nondiscrimination. May not discriminate against students or employees based on ethnicity, national origin, gender, disability or any other ground that would be unlawful if done by a public school.
- R. All Federal Laws Apply.
- S. Freedom of Information Law and Open Meetings Law apply.

IV. FINANCE

- A. Operating Aid
 - 1. School district of residence pays to Charter School in 6 installments, beginning July 1 and every 2 months thereafter. In first year of operation, payments on basis of initial-year enrollment projections in Charter. Reconciled with actual at end of first year and adjustment during second year of operation.
- B. Same right to receive assorted assistance as students in non-public schools. Transportation, textbooks, library materials, computer software, health services from school district of residence.
- C. Special Education Services. School district of residence finances if provides directly. If does not provide directly, school district must pay state and federal aid for disabled students under applicable formulas.
- D. Amounts paid may be reduced by agreement between charter school and charter entity.

V. ANNUAL REPORT

- A. Submitted to charter entity and Regents by August 1.
- B. Contents
 - 1. Report card, which must contain measures of academic and fiscal performance of school, including graduation rates, dropout rates, performance on standardized tests, college entry rates, total spending per pupil, and administrative spending per pupil.
 - 2. Discussion of progress toward Charter goals.
 - 3. Certified financial statement and most recent independent fiscal audit.

VI. BOARD OF REGENTS ANNUAL REPORT TO GOVERNOR, ASSEMBLY AND SENATE.

Describes the number, distribution and description of new charter schools for year, current and projected programmatic and fiscal impact of charter schools on delivery of services by public schools, and academic progress of charter schools, compared to comparable public and nonpublic schools.

VII. REVOCATION OR TERMINATION OF CHARTER

- A. Grounds
 - 1. Outcome on Regents' student assessment measures falls to level which would allow Commissioner to revoke registration of public school, and student achievement measures have not shown improvement over preceding 3 years.

2. Serious violations of the law.
3. Material and substantial violations of Charter, including fiscal mismanagement.
4. PERB determines pattern and practice of egregious and intentional interference with employee rights.

B. Procedures

1. Notice of grounds at least 30 days prior to revocation with right to cure.
2. Hearing, consistent with due process.

C. Probationary Status as an Alternative to Dissolution. Placed on probation by charter entity or Regents to allow implementation of remedial action plan. Failure to comply with plan may result in summary revocation.

D. Dissolution – consistent with provisions of charter and under direction of charter entity and Regents.

V. RENEWALS

A. What Must Application Contain?

1. Report on progress in achieving educational objectives.
2. Financial statement which will allow comparison of cost with cost of public and private schools.
3. Copies of annual reports, including annual report cards and financial statements.
4. Indications of student and parent satisfaction.

B. For up to 5 years.

VI. REGENTS 2003 REPORT. Review effectiveness and effect on public schools and make recommendations for change in legislation. Report shall include data for each charter school.

VII. PUBLIC INPUT

A. Subject to Freedom of Information Law and Open Meetings Law.

B. Complaints

1. Individual or group may bring.
2. Allege violations of law or charter.
3. Brought to Trustees of Charter School. If complaint not adequately addressed, bring to charter entity, which must investigate and respond. If complaint not adequately addressed by charter entity, present to Regents, which must investigate and respond. Charter entity and Regents have power to issue remedial orders.

C. Notice. At each significant phase of chartering process, charter entity and Regents shall give notice to school district in which charter school is to be located and public and nonpublic schools in same geographic area. School district has right to comment to charter entity before grant or renewal of charter. School district may hold public hearing.