

## **NYSED 2011 Charter School Full Application**

### ***Questions and Answers***

Updated March 16, 2011

The information below is provided in response to questions raised during the 2011 Charter School Application cycle to the NYSED Charter School Office. Additional questions can be sent to [charterschools@mail.nysed.gov](mailto:charterschools@mail.nysed.gov).

### **APPLICATION GUIDELINES**

1. *Please discuss page limits for the Full Application.*

The formatting requirements (Application Kit, page 11) have been revised. The Full Application narrative to establish a charter school is limited to 40 pages, exclusive of the Cover Sheet, Table of Content and Charter School Application Statement of Assurances (described in March 16, 2011 memo Modifications to the 2011 Charter School Application Kit).

The required attachments may not exceed 75 pages, exclusive of required Attachment 7 (Resumes/CVs of Prospective Founding Board Members) and required Attachment 9 (Requests for information from Prospective Charter School Board Members).

2. *How much information should be included when describing the founding board members and their capacity?*

Applicants should include information that will enable reviewers to assess the ability of founding group members to effectively launch and oversee the start up of a high quality charter school. Included should be information about the educational background and relevant expertise that each member brings to the group. Please be mindful that the Full Applications (inclusive of attachments and the resumes of founding group members) are public documents that will be posted as submitted to the NYSED website. Please ensure that personal information—such as phone numbers, street addresses, and email addresses—that you do not want posted publicly are not included in the Full Application. However, please be sure that sufficient information such as town of residence is provided so that reviewers can assess the founding group members' connection to the community to be served.

3. *Who should plan on attending the capacity interviews?*

Based on the review of the Full Application, applicant groups may be invited to participate in a face-to-face capacity interview, which is the final phase of the formal

application process. The primary purpose of the interview is to assess the capacity of the founding board to effectively oversee the school's academic program and organizational and fiscal stability, as well as to clarify any questions raised by the reviewers. Applicants will be notified by the end of April whether they are invited to participate in capacity interviews. Interviews will take place during the month of May, in New York City and Albany.

4. *Are lead applicants who submitted applications as part of the 2010 cycle required to go through the fingerprinting/criminal background clearance process again?*

Yes, based upon statutory requirements. During the month of April, lead applicants will be contacted by Charter School Office staff to arrange an appointment for fingerprinting to initiate the process.

5. *Will applicants be provided with an opportunity to revise the Full Application based on reviewer comments? Will Charter School Staff accept clarifications on certain aspects of the proposal? If the application is not recommended for approval by the Board of Regents, do applicants have to wait an entire year to resubmit a revised request?*

The Charter School Office will not be contacting applicant groups to request additional information or clarifications. If the applicant group is invited to a capacity interview, questions and clarifications may be addressed. Lead applicants that submit applications that are not recommended for approval will be provided with a summary of reviewer comments and may choose to reapply during the 2012 application cycle.

6. *Is an applicant required to commit to the grade levels initially proposed in their prospectus, or can this information be changed in the full application. For example - if an organization proposed to serve grades K-1 during the initial year of operation in the prospectus, can this be changed to serving only grade K during the first year?*

Minimum changes that do not substantially change the school design as described in the prospectus may be made. The example cited above would not be an allowable change because, according to the Charter School Act, a charter school must serve one or more of the grades one through twelve..." (Section 2854(2)(c) ).

7. *Section F.1 Joint Applications: Can you please provide clarification regarding what types of organizations fall into this category?*

Please refer to Application Kit (p. 33) for examples of the types of partner organizations to be addressed in this section.

8. *Are we to submit the Excel budget template or just the two PDF files?*

Full Applications are to be submitted electronically in two PDF files. The first file should include the narrative section of the application. The second should combine all the required attachments, including the budget template, into a single PDF file.

## PUBLIC HEARINGS

9. *Will all proposed schools have a public hearing in order for the district of location to solicit public comment? What is the protocol for the public hearing?*

By law, the school district of location for the proposed charter school is required to hold a public hearing, for the purpose of soliciting public comment on the proposed charter school. The public hearing must be noticed and conducted in accordance with Open Meeting Law and protocols. The school district of location is required to submit a summary of the testimony and comments to the Charter School Office. This information is included in the final stages of application evaluation.

10. *Is the school district of location required to invite the proposed charter school to this hearing?*

The school district of location is not required to formally invite representatives of the proposed charter school to participate in the public hearing. Founding group members may attend and participate in the public hearing, however, as any other members of the public.

11. *What is the responsibility of the school district of location for questioning, civility and equal opportunity for attendees to express opinions?*

The public hearing must be conducted in accordance with Open Meeting Law and protocols.

## SUPPORT OF THE SCHOOL DISTRICT OF LOCATION

12. *If the school district of location for the proposed charter school does not support the proposed charter school, what impact will that have on the recommendations made to the Board of Regents to issue a charter?*

The Charter School will consider district and community support when forming our recommendation to the Board of Regents.

13. *What documentation is necessary to demonstrate support from school district of location, board of education and/or superintendent? What constitutes sufficient documentation?*

The Full Application may include information about substantive meetings or planning discussions that have taken place with the district of location board or administration. Formal letters or statements of support may be included as part of the application narrative or submitted as part of the public comment process to [charterschools@mail.nysed.gov](mailto:charterschools@mail.nysed.gov). The Charter School Office will separately invite comment directly from school district of location superintendents.

## FOUNDING BOARDS AND BOARD OF TRUSTEES

14. . *Who manages a charter school - is it the founding group, the Board of Trustees or an external management organization?*

Ultimately it is the responsibility of the Board of Trustees of the Charter School to manage and operate the school. The Board of Trustees may (but is not required to) contract with a not-for-profit Management Provider for comprehensive school management or operations services (all or a substantial portion of the services necessary to manage and operate the school). The terms and conditions of a partnership with a Management Provider are explained in the Charter Agreement. A Management Provider is subject to all terms and conditions of the Charter for the school.

15. *Please clarify the difference between the 'Founding Group' and the 'Governing Board'?*

The founding group is a group of teachers, parents and community members that have come together to develop and present the proposal for a charter school. They act as representatives for the school prior to approval and issuance of the charter. Founding group members may remain involved as members of the board of trustees, may become employees of the school or may remain involved in another less formal capacity after the school is launched.

The governing board or board of trustees is the formal governing body for the charter school, after the application has been approved and a charter is issued.

The Full Application should clearly indicate whether founding group members are proposed to become members of the board of trustees, school employees or continue on in some other capacity.

16. *Must founding group members be community residents, or may some or all members of this group be non-residents?*

Founding group members and members of the proposed board of trustees are not required to be residents of the community of location. Proposed trustees must be geographically able to attend Board meetings and must be present to participate in Board actions requiring a formal vote.

17. *Are there a minimum number of individuals that must serve on the proposed charter school board?*

It has been Department policy that the charter school board of trustees be comprised of no fewer than five members. It is the responsibility of the founding group and the board of trustees to decide what constitutes an appropriate number of individuals to effectively govern a school and to establish by-laws accordingly.

18. *Do proposed board members need to be identified by the time the full charter application is submitted, or can an organization have a plan for recruiting these individuals at a later date?*

The names of founding board members are to be submitted as part of the Full Application. After issuance of the charter, the founding board may add members in accordance with the approved application, the charter school by-laws and Department protocol for approval of new members of the board.

19. *May an out-of-state individual serve as the lead applicant for a charter granted by Board of Regents?*

There is no legal requirement that members of the founding group or the lead applicant be New York State residents. However, the charter school application will be evaluated for the founding group's knowledge and presence in the community to be served.

20. *How many board of trustee meetings need to be conducted per year?*

The Board of Trustees must have procedures for conducting and publicizing monthly meetings (Section 2851 (2) (c) of the School Act (Chapter 101 of the Laws of 2010 as amended by Chapter 102 of the Laws of 2010).

## ENROLLMENT

21. *May founding group members be allowed enrollment preference?*

Children of founding group members, trustee members, and employees do not receive enrollment preference based upon their parent's role or relationship to the charter school. Section 2854 (2) (b) of Article 56, Charter Schools Act of 1998 (and as amended in 2007 and 2010) states that "enrollment preference shall be provided to pupils returning after their second year or any subsequent year and pupils residing in the district in which the charter school is located, and siblings of those pupils already attending the charter school.

22. *Under what circumstances are waivers to the enrollment process granted?*

As enrollment preference is defined in the Charters Schools Act, there are no circumstances under which waivers to the enrollment process are granted.

23. *What is the appropriate process for conducting a lottery?*

Section 2854 (2)(b) of Article 56, Charter Schools Act of 1998 as amended 2010 requires the State Education Department to establish regulations regarding the random selection process (or lottery process) of students in New York State charter schools. These regulations are forthcoming, but the absence of such, should not impede the development or completion of the charter school application.

## TEACHER CERTIFICATION

*24. Must physical education classes be staffed by a Certified Phys Ed teacher?*

At least 70 percent of teachers must be certified. The number of uncertified teachers employed by a charter school may be no more than 30 percent or five teachers, whichever is less. Certified teachers who teach outside of their certification area are not counted in determining the permissible number of uncertified teachers. The permissible exemptions are listed in Article 56 of the Education Law (Section 2854(3)(a-1).

## FACILITY

*25. If the applicant does not yet have a facility identified, will that reflect negatively on the application?*

Not having a facility at the time of submission does not negatively reflect on the application. Further information is available in the Charter School Application Kit.

*26. Are charter schools required to comply with State Education Department facility requirements? If we convert non-school space into a school building, what codes must this space meet?*

As amended in 2010, the Charter School Act requires that the State Education Department approve the use of facilities as schools and issue the certificates of occupancy to charter schools located outside of the city of New York. For charter schools planned for location in New York City, the NYC Department of Buildings approves the use of space and issues certificates of occupancy.

## FUNDING

*27. In addition to the federal CSP grant, what other sources of revenue are available so we can build the planning year budget for the planning year? Are State Stimulus Funds (SSF) available in addition to the CSP funds?*

In addition to any private grants or donations a founding group might secure for start-up costs, charter schools may apply for grant funds through the Charter School State Stimulus fund. Such funds are available through a competitive process and are contingent on State appropriation. SSF grant funds may be used to assist with start-up costs, which may include facilities costs.

*28. We will be borrowing money for the start-up phase of the charter school and we have a repayment plan in place under the current budget. Is it a legitimate use of CSP grant monies to pay back prior loans?*

Repayment on a loan is not an allowable expense under federal CSP guidelines.

## FISCAL MANAGEMENT

*29. Explain the dates on the cash flow template in the application kit.*

The dates included in the 2011 Charter School Application Kit are inaccurate for this application period. The template was copied from the previous application period and the dates were not changed to reflect the current application period.

A new unprotected template has been posted to the Charter School Office website at <http://www.p12.nysed.gov/psc/startcharter.html> - Attachment 17. The dates can be changed to reflect the current application period.

*30. May we leave the E-rate, Title I, and Special Education revenue lines in the budget blank for the application? If no, how do we determine a valid figure for each of these categories without knowing the composition of our future students?*

The applicant should use best judgment and alignment to the application in completing the application budgets. These amounts may be left blank if the school can not make a reasonable estimation of these resources that is aligned with the intended population to be served.

*31. May we include fundraising revenue in the budget? What standard of proof will the budget reviewers require to document the reasonableness of the fund raising amount?*

Fundraising revenue may be included in the budget, but the applicant must provide evidence of fundraising capacity or confirmed commitments (i.e., letters of intent to provide funds, grants already secured) in order for reviewers to assess the reasonableness of budgeted fundraising amounts.

*32. If the school plans to use an outside vendor to supply food, what is the responsibility of the school with respect to federal funds? Does the food supplier receive the funds directly or do they go to the school? Is there a list of state-approved food vendors and where is it available?*

Please refer to the Child Nutrition website at <http://portal.nysed.gov/portal/page/pref/CNKC/> for information on federal funds for food reimbursement.

*33. What is a reasonable amount, per student, to include in the budget to cover food non-payments by the parents and other non reimbursed food costs?*

Please refer to the Child Nutrition website at <http://portal.nysed.gov/portal/page/pref/CNKC/> to determine reimbursable food costs through federal funding. The school should then be able to budget other food related costs accordingly using its own fiscal judgment. Part of the application process is that the school uses its own judgment in determining appropriate costs in the budget.

*34. If issued a charter, is the founding board automatically tax exempt within the*

*meaning of IRS Code 501 (c) 3?*

All charter schools must still apply for the 501(c) 3 status to be eligible for tax exemption. New York charter schools to date have all been granted 501(c) 3 status.

*35. Whose responsibility is it to finance transportation services to children attending charter schools? Is it the responsibility of the district of residence?*

It is the charter school's responsibility to finance transportation services if the school district(s) of residence do not supply transportation to the charter school. Whether a school district of residence provides transportation to a charter school is dependent on the school district's transportation policy.

## WAIVERS

*36. What kinds of waivers are typically requested? Which are usually granted?*

Charter schools are exempt from all other state and local laws, rules, regulations or policies governing public or private schools, except as specifically provided in the school's charter or in the statute. Charter schools shall meet the same health and safety, civil rights and student assessment requirements as public schools [Article 56, Section 2854 (1) (b)]. Thus far, charter schools have not requested such waivers. However, if an applicant wishes to request a waiver, please include the request and a justification within the narrative of the application.