

AMENDMENT TO THE RULES OF THE BOARD OF REGENTS

Pursuant to sections 101, 206, 207, 305 and 2857 of the Education Law

Section 3.16 of the Rules of the Board of Regents is amended, effective October 6, 2010, as follows:

§3.16 Delegation of authority with respect to charter schools.

(a) Complaints against charter schools. The Board of Regents delegates to the Commissioner of Education the authority to receive, investigate and respond to complaints presented to the Board of Regents pursuant to Education Law section 2855(4), the authority to issue appropriate remedial orders pursuant to Education Law section 2855(4), and the authority to place a charter school on probationary status and to develop and impose a remedial action plan pursuant to Education Law section 2855(3).

(b) Hearings. The Board of Regents delegates to the Commissioner of Education the authority to conduct and hold public hearings to solicit comments from the community in connection with the issuance, revision or renewal of a charter pursuant to Education Law section 2857(1-a).

(c) Charter revisions.

(1) The Board of Regents delegates to the Commissioner of Education the authority to approve, on behalf of the Board of Regents, proposed revisions of a charter pursuant to Education Law section 2852(7), except for proposed revisions relating to:

(i) educational philosophy, mission or vision;

(ii) governance or leadership structure;

(iii) the curriculum model or school design changes that are inconsistent with that approved in the current charter;

(iv) hiring or termination of a management company;

(v) school name;

(vi) location, if such revision results in relocation to another school district;

(vii) maximum enrollment, as set forth in the current charter; and/or

(viii) grades served, as set forth in the current charter.

(2) Notwithstanding the provisions of paragraph (1) of this subdivision, revisions relating to subparagraphs (i) through (iii) of such paragraph that are determined by the commissioner not to be significant may be approved by the commissioner pursuant to this delegation of authority.