

NYSED 2011 Charter School Full Application

Questions and Answers

Updated March 24, 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.

Note: Updates made since the March 16, 2011 version of this document include revisions and additional information provided for Questions 1, 7, 10, 17, and 23, and new Questions 11a, 23a, 37.

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), Attachment 8 (Statement of Assurances for Each Board Member Applicant) 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. *Can you provide clarification regarding what types of organizations fall into the "Joint Application" category reference in Section F.1 on page 33 of the Kit and how these may differ from CMOs referenced in Section C.1 on page 30?*

An organization that will provide school management or operation services for the proposed school via a formal management services contract is considered a CMO, and should be addressed as such in section C.1. of the application. Outside organizations or partners may provide other types of services that support the

proposed school's program but do not rise to the CMO level, and these partnerships and related services should be addressed in section F.1 of the application. The level of justification for the partnership and evidence that the planned affiliation is likely to support achievement of the school's mission should be commensurate with the level of services and/or depth of partnership proposed. Please refer to Application Kit (p. 33) for examples of the types of partner organizations to be addressed in the Joint Application 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? When should we expect to get notification of our scheduled public 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. For the 2011 application cycle, you can anticipate that public hearings will be scheduled in April or May. In accordance with statute [EL Article 56 Section 2857(1)], within thirty days of the receipt of the charter school application on March 31, 2011, the NYSED Charter School Office will formally notify the superintendents of the school districts of location that a charter school is proposed within their communities. Public and private schools in the region will be included in these notifications. In this letter, Superintendents will be formally informed of the obligation to conduct a public hearing to solicit comments from the community. Charter School Office staff will follow up with the districts of location to assure compliance with the public hearing requirement.

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.

- 11a. *Should applicants submit a copy of the charter application to the district in which the charter school will be located or will NYSED do that?*

All submitted charter school applications will be posted on the NYSED website at www.p12.nysed.gov/psc/startcharter. The Charter School Office will not directly provide copies of the charter application to the districts of location. Applicants are free to share copies of the charter application with district officials. You may wish to make copies of the application or copies of an abstract available at the public hearing.

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. 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?*

The number of board of trustee members is fixed by the by-laws, but shall not be less than three (Not-for-Profit Corporation Law, Article 7, Section 702). It has been Department policy that the charter school board of trustees be comprised of no fewer than five members, but 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. Education Law Article 56, Section 2854 (2) (b) 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? May we add an additional preference category to the enrollment and/or lottery process in order to fulfill the enrollment targets described in our school design?

Education Law Article 56, Section 2854(2)(a) states, in part, that "Admission of students shall not be limited on the basis of intellectual ability, measures of achievement or aptitude, athletic ability, disability, race, creed, gender, national origin, religion, or ancestry; provided, however, that nothing in this article shall be construed to prevent the establishment of a single-sex charter school or a charter school designed to provide expanded learning opportunities for students at-risk of academic failure or students with disabilities and English language learners; and provided, further, that the charter school shall demonstrate good faith efforts to attract and retain a comparable or greater enrollment of students with disabilities and limited English proficient students when compared to the enrollment figures for such students in the school district in which the charter school is located." Education Law, Article 56, Section 2854 (2)(b) requires the State Education Department to establish regulations regarding the random selection process (or lottery process) of students in New York State charter schools to assure that enrollment lotteries are conducted in a "transparent and equitable manner and...require that the time and place of the random selection process be publicized...[as per Public Officers Law, Article 7, Section]." These regulations and guidance are forthcoming, and specific detail about how preferences or procedures may be applied to reach enrollment targets for at-risk students is still under development. Applicants should make a good faith effort to describe their proposed enrollment and recruitment process that is aligned with the statute and their school's mission and target population. This description should

allow reviewers to assess knowledge and understanding of obligations under law and the likelihood that the proposed charter school will be successful in recruitment. The full technical details of how the lottery will be conducted does not need to be described in the application, and may be deferred to the issuance of regulations and guidance and the pre-opening planning period should a charter be awarded.

23a. Has the uniform enrollment application has been created so we can reference it in our application? Section 19 of the recently enacted New York State charter law (Act 11310) requires that, as of January 1, 2011, applications to a charter school in the State of New York shall be submitted on a uniform application to be created by (NYSED)

As noted above, guidance is not yet available for uniform application and random lottery provisions of statute, but will be made available by NYSED in the coming months, in time for schools that are issued charters in the 2011 application cycle to conduct recruitment activities.

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.

CHARTER TERM

37. *Based on the five year budget and cash flow worksheet: ****NOTE: If a Planning Year is Taken in the Beginning of the Charter, the Charter Will Be Extended to Encompass Five Years of Operation. Projected Five Year Budget on this Tab Should***

Be For the First Five Years of Actual Operations." Does this mean we have a total of six years in the first charter period, one of which is planning and the other five operational? Do you apply for renewal in charter year four/operational year 3?

In accordance with statute [Article 56, Section 2851 (2)(p)], 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. Applications that are submitted in the 2011 cycle are anticipated to commence instruction by September 2012, with the term of the charter running through June 30, 2017. The renewal application would be due during the summer of 2016, after the completion of operation year 4.