

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

The information below provides responses to specific questions asked by 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, most of which are available at. 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 Charter School Office's [2017 Request for Proposals](#).

Additional questions about the application process may be submitted to the Charter School Office at charterschools@nysed.gov. Applicant groups experiencing any difficulties using the submission portal are encouraged contact the Charter School Office at 518-474-1762 or charterschools@nysed.gov with a copy to support@fluidreview.com.

QUESTIONS SPECIFIC TO THE 2017 RFP AND APPLICATION

1. How are Letters of Intent or Application materials submitted?

All Letters of Intent, Full Applications, and related materials must be submitted via upload to the [Charter School Office Web Portal](#) by 3:00 PM on the specified due date.

Applicants are strongly encouraged to upload and submit all materials several hours before the deadline. Materials submitted via email or by postal or special delivery carriers will not be accepted.

Successful submission of the Letter of Intent and Full Application using the web portal will automatically generate an acknowledgement email to the applicant. If a confirmation email is not received, the applicant should conclude that the submission was not received. Log back and ensure that you have clicked the "Submit" button at the end of your task list. If not, please call the Charter School Office well before the 3:00 PM deadline for assistance or further guidance.

2. After the Letter of Intent is submitted, may the applicant continue to add individuals to the applicant group and the proposed 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.

3. 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 by updating Table 1 of the Full Application. Removal of members: Simply draw a line through the name of the individual(s) identified as founding board members in the Letter of Intent who no longer intend to serve. Addition of members: Simply insert new row(s) and add the name and relevant information for the founding board members who now wish to serve.

4. Are member of the applicant group including those proposed to be members of the board of trustees required to submit letters of reference this year?

No, references letters are no longer required.

5. Will the Department post on its webpage the transcripts for applicant group members?

No. The Department will NOT make available to the public the transcripts or names of personal references 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 are redacted in the public postings.

6. 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 may provide a copy of a diploma or a transcript from their highest level of education. If unable to provide such documents, the applicant group member should submit a signed and notarized letter stating the highest level of education obtained and the reason why these documents cannot be provided.

7. When are members of the applicant group required to undergo criminal backgrounds checks via fingerprint scans?

All members of the applicant group will be required to undergo criminal background checks via fingerprint scans. After submission of the Full Application, but prior to the Capacity Interview, NYSED will contact the members of the applicant group to arrange for the required fingerprint scans. The result of the background check may be shared with senior managers at the Department and/or the Board of Regents if a concern is noted.

Please note: The inability or unwillingness of any member of the applicant group to promptly undergo the required criminal background check via fingerprint scans within the timeframe requested in advance of the Board of Regents meeting shall be grounds for denying a charter recommendation.

8. 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?

The following required attachments are excluded from the 5 page Letter of Intent page limitation: Attachment 2: Public Outreach Information; Attachment 2a: Initial Samples of Public Outreach; and Attachment 5a: New Applicant and School Trustee Background Information Sheet. Please note Attachment 5a documents are required for each member of the applicant group, including proposed trustees and proposed employees. **Do not attach documents other than those that are requested.**

9. Must applicants identify a facility in which to house the proposed school in the Letter of Intent?

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 co-located school district facilities.

In the Full Application, applicants are advised to review carefully the prompts in the evaluation criteria; express their intent to seek private space, public 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.

10. 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.

11. The Letter of Intent asks if the applicant has requested co-location space from NYC DOE, which is required by law to begin the process to receive rental assistance. Where can applicants find additional information about the process?

Please go to the [NYC Charter School Center website](#) for guidance.

12. Can applicants assume either district space or rental assistance in their full application budgets?

Yes, applicants may assume either district space or rental assistance in their projected budgets, but should provide some evidence of the likelihood. Absent this, applicants are encouraged to prepare conservative and realistic budget, which considers that neither district space or rental assistance is available.

13. 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 2016-17 charter school basic tuition is the sum of:

1. Charter School Basic Tuition calculated as the lesser of:

- a. 2010-11 charter school basic tuition,

Or

- b. 2016-17 charter school basic tuition calculated by multiplying the 2014-15 approved operating expense per pupil (AOE/TAPU) by the percentage increase between the estimated 2015-16 statewide total approved operating expense and the 2013-14 statewide total approved operating expense (110.1 %).

Plus

2. Supplemental Basic Tuition.

The supplemental basic tuition is \$500 for districts with a 2016-17 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 2016-17 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, 2016.

14. 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 “2015-16 Charter School Basic Tuition” posted on the Department’s [State Aid Office](#) to prepare Attachment 9: Budget and Cash Flow Template.

15. 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.

16. 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.

17. 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 in Section II (G): School Culture and Climate 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)).

18. 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 within the 75 page Full Application narrative.

BASIC FACTS

19. 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.

20. 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.

21. 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.

22. 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

23. 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.¹ The charter 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.

24. 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.

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

Yes. Education corporations, often referred to as existing operators, may operate more than one school, provided a charter is issued for each additional school². Education Corporations proposing to operate multiple schools should clearly describe in the appropriate sections the governance processes that will be used to effectively oversee each school.

26. If an existing education corporation is applying to operate multiple new schools, is it necessary to submit a separate application for each proposed school?

If the existing education corporation intends to submit a proposal to operation multiple new schools, please call the Charter School Office at 518-474-1762 for guidance.

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

¹ N.Y. Education Law § 2851(1)

² N.Y. Education Law 2853(1)(b-1)

All Letters of Intent and Full Applications are made available to the public on the [Charter School Office's website](#). 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.

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

Yes. An application may be withdrawn by written request to the NYSED Charter School Office at any time, but prior to final action by the Board of Regents.

29. 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 school design.

Review panel members will use the rating categories (Meets Standard, Approaches Standard or Inadequate—Does not Meet Standards) 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 receive an overall rating of Meets to advance to a Capacity Interview. (See Appendix A: Reviewer Evaluation Guidance and Rubric).

30. 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.

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

Applications that do not meet the criteria outlined in the 2017 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.

32. 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 by 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

33. 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.

34. 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.³

For example, Applications submitted in the 2017 cycle are expected to commence instruction by Summer/Fall 2018, with the term of the charter running through June 30, 2023. In the event that a planning year is requested and approved by NYSED, the term of the charter will end on June 30, 2024.

35. 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](#).

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

No. A 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.⁴

37. Do charter school teachers have to be certified?

Yes, however, charter schools have a great deal of flexibility as established in law. 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 the sum of: (A) thirty per centum of the teaching staff of a charter school, or five teachers, whichever is less; plus (B) five teachers of mathematics, science, computer science, technology, or career and technical education; plus (C) five additional teachers.⁵

³ N.Y.S. Education Law § 2851(2)(p)

⁴ N.Y.S. Education Law § 2854(1)(b)

⁵ N.Y.S. Education Law § 2854(3)(a-1)

CHARTER SCHOOL FUNDING

38. 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 the Department's [State Aid Office](#). 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.

39. 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.

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

For each charter school application that is approved and issued a charter by the Board of Regents, the applicant group is eligible to receive a federally-funded [Charter Schools Program \(CSP\) Planning and Implementation Grant](#) to support school start-up and implementation costs. The base amount of the grant is \$550,000 over a three year period (planning year, implementation year 1 and implementation year 2).

Applicant groups submitting new charter school applications with certain specific key design features that meet specified design priorities may also qualify for enhanced CSP funding of resulting in a total maximum CSP grant of up to \$800,000 (Please see Appendix C for more information). All CSP grant awards are contingent upon the completion of additional grant-specific budget information and other requirements.

Contingent on the availability of funds, charter schools may also apply for grants through the **Charter School State Stimulus Fund**. Information may be found on [SUNY's Charter School Institute website](#).

41. Can charter schools use tuition reimbursement 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.