

Guide to

*Charter Schools
in New York State*





Edited by The Office of Innovative School Models

2011

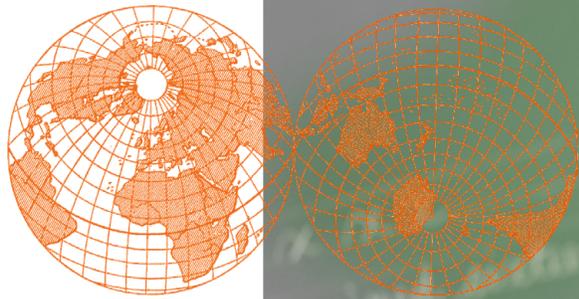
Guide to

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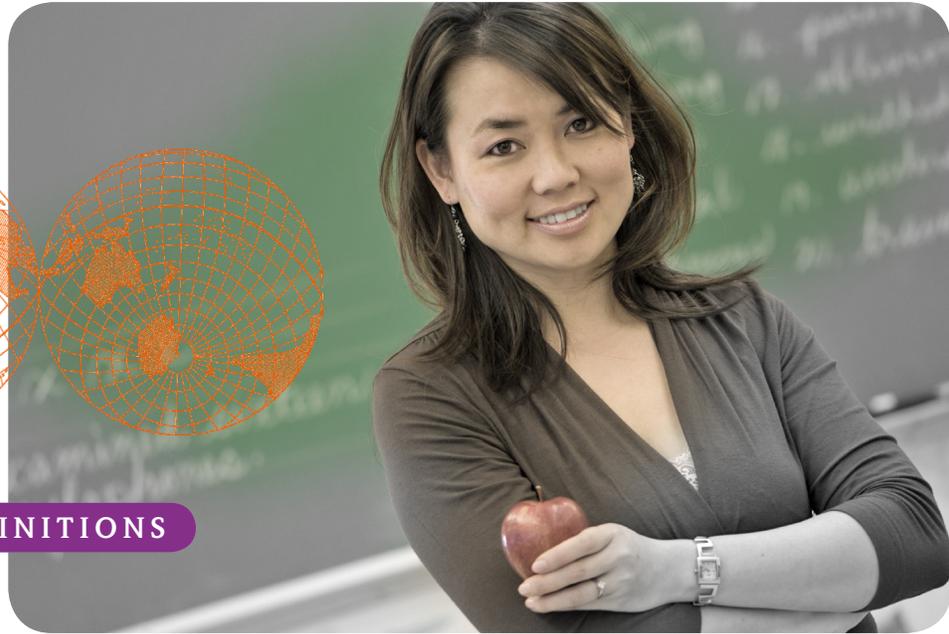


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I. DEFINITIONS



what is a charter school?

A charter school is a public school. They are financed through public local, State and federal funds, but are independent of local school boards. The authority of the charter school to provide education is through a “charter,” a type of contract, between the charter school board of trustees and one of the chartering entities. The charter is issued by the Board of Regents. Charter schools typically focus on innovative curricula, new approaches to school organization or instruction, or some other feature that differentiates them from regular public schools. Students may choose to attend any charter school and are accepted through an impartial application procedure.



what are the purposes of charter schools?

Charter schools as defined in New York State law may be created to:

- ⇒ Improve student learning and achievement
- ⇒ Increase learning opportunities for students who are at risk of academic failure
- ⇒ Encourage the use of different and innovative teaching methods
- ⇒ Create new professional opportunities for educators
- ⇒ Provide parents and students with expanded choices in the types of educational opportunities that are available within the public school system
- ⇒ Provide schools with a method to change from rule-based to performance-based accountability systems



how long have charter schools been in existence?

Charter schools surfaced as a concept in 1974, but 1991 marked the first passage of a state charter school law (Minnesota). New York was the 35th state (including the District of Columbia) to enact charter school legislation. At the beginning of the 2010–2011 school year, there are more than 5,000 charter schools operating in the United States.

what is a charter entity?

A charter entity is authorized to approve charter school applications. In New York State, boards of education of school districts, the Board of Trustees of the State University of New York, and the Board of Regents are the charter entities to which applicants may submit charter school applications.





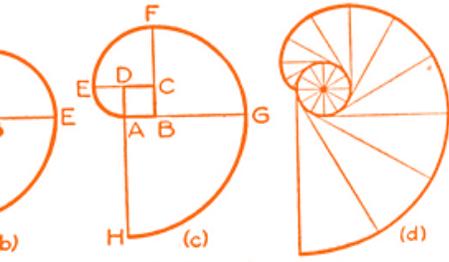
II. CREATING A CHARTER SCHOOL

is there a limit on the number of charter schools that can be established in new york?

The new limit, as of 2010, is 460 charter schools. However, conversion charter schools are not included in the count, but charter schools that have closed are included.

who can apply to open a charter school in new york?

An application to establish a charter school may be submitted by teachers, parents, school administrators, community residents or any combination thereof. Such an application may be filed in conjunction with a college, university, museum, educational institution, not-for-profit corporation, or for-profit business, but may also be filed independently.



may a religious group start up a charter school?

Churches or other religious denominations or groups may not control or direct a charter school, so that their involvement in the management or operation of the charter school is not allowed. Individual members of the clergy or other religious leaders are not prohibited from serving on charter

school boards of trustees merely because they are clergy. A charter school must be nonsectarian in its programs, admissions policies, employment practices, and other operations and may not provide or allow the use of its funds or resources to support religious instruction.

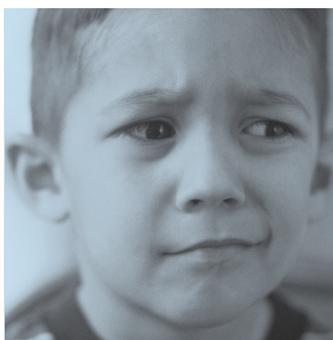
can an existing school convert to a charter school?

The law also allows a local school district to convert an existing public school to a charter school, subject to the approval of both the Board of Regents and a majority of the parents of the students enrolled in the existing public school. However, the law specifically prohibits an existing non-public school from converting to a charter school.

what grade levels can charter schools offer?

Charter schools may offer instruction in one or more grades between grade 1 and grade 12, and may also offer kindergarten. Secondary level charter schools may offer Regents diplomas to the same extent as other public schools. Charter schools are not allowed to offer pre-school or pre-K classes.



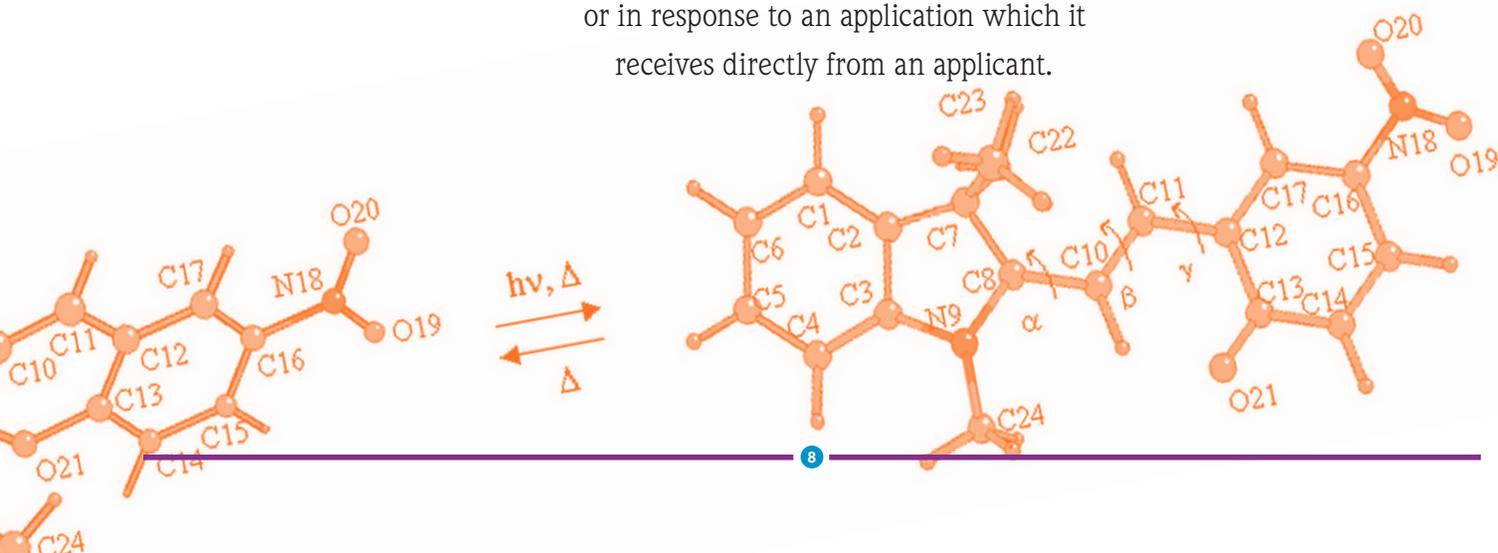


if a
charter entity
rejects a charter
application, can the
applicant appeal?

No. If a charter entity denies an application for a charter school, the denial is final. However, the applicant may apply to another charter entity.

what entity can
issue a charter?

Only the Board of Regents is authorized to issue a charter. It may do so in response to an approved application forwarded by a chartering entity (i.e., a school district or the SUNY Board of Trustees) or in response to an application which it receives directly from an applicant.





III. ACADEMIC PROGRAM

do charter schools have to follow the same laws and regulations as other public schools?



Charter schools have to follow the same health and safety, civil rights, and student assessment requirements as other public schools, but they are exempt from all others, except for Article 56 of the Education Law regarding charter schools.

do charter schools have to address the state learning standards and administer state assessments?

Yes, charter schools must design their educational programs to meet or exceed the State's student performance standards and meet the same student assessment requirements as other public schools.



do charter school students have to take regents exams?

Yes, students attending a charter school are required to take Regents examinations to the same extent that such examinations are required of other public school students. A charter school offering instruction in the high school grades may grant Regents diplomas to the same extent as other public schools.

do charter schools have to meet specific student achievement goals?

Charter schools must have specific student achievement goals in place that reflect academic performance standards and are clearly measurable. The school is accountable for meeting these goals; if they are not met, renewal may be jeopardized.





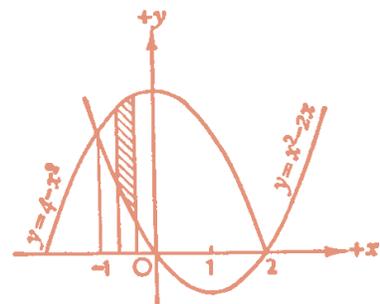
IV. ADMISSIONS/ENROLLMENT

is there a minimum number of students required for a charter school?

Yes, the minimum number is *fifty*, unless the applicant presents a compelling justification for fewer students.

must charter schools be open to all students?

Yes, any student who is qualified under the laws of the State for admission to a public school is qualified for admission to a charter school.



are charter schools required to enroll children with special needs or english language learners?



Yes, a charter school must accept all students within the parameters of its preferences. Preferences include returning students, siblings of enrolled students and students who reside in the district of location of the charter school.

how does a charter school select students?

In general, a charter school may not establish any admissions requirements except that students meet the age or grade level requirements specified in the charter.



A charter school may be established as a single-sex school or as a school designed to serve at-risk students, and in such circumstances may limit admissions, unless such action would constitute discrimination under federal law. A charter school may deny admission to a student who is currently under suspension or expulsion by another public school until the period of suspension or expulsion has expired. A charter school may provide admissions preference to students returning, siblings of children attending the school, and children residing in the school district of location.

do charter schools have flexibility in the number of students they enroll?

The charter spells out the number of students to be enrolled by year and by grade level. Charter schools have enrollment flexibility only within parameters set by the charter authorizer.

can a charter school student be dually enrolled in a charter school and another public school?

no





v. STUDENT SERVICES

*do charter schools offer
special education services?*

Yes, charter schools are required to accept special education students; the school cannot discriminate against them. The school is required to provide the services spelled out in the student's Individualized Education Program (IEP). Charter schools are further required to document that they have met or exceeded enrollment and retention targets for special education students.



*who provides special
education services?*

The charter school may opt to provide some or all of the special education services itself, may contract with a private provider, or may arrange for the student's district of residence to provide services.



do charter schools offer english language learner (ELL) services?

Yes, charter schools are required to accept English language learners; the school cannot discriminate against them. Charter schools are further required to document that they have met or exceeded enrollment and retention targets for English language learners.

how are ELL services provided?

The charter school must provide a plan for offering English language learners a special language instructional program that is designed to teach them English and the general curriculum.

do charter schools have to enroll students who are eligible for the free and reduced price lunch program?

Charter schools must document that they have met or exceeded enrollment and retention targets for students who are eligible for the free and reduced price program.



who provides
transportation
for charter
school students?



For the purposes of transportation, charter schools are considered non-public schools, and students are treated accordingly. If a charter school student resides within a 15 mile radius of the charter school, the district of residence must provide transportation on the same basis as it does for non-public school students.

is a charter school required
to provide breakfast and/or lunch?

No, but it must provide whatever food services are specified in its charter. The charter school may access funds available for meals served to students who meet meal pattern requirements. Students from families whose income is below 185 percent of poverty are eligible to receive free or reduced price meals.



how do charter school students
obtain textbooks?

Charter school students receive textbooks in the same manner as students in nonpublic schools, through a loan program from the district of location.



VI. DISCIPLINE

what kind of discipline plan do charter schools have to have?

Charter schools may establish their own standards for student behavior within the school. However, certain components are required: rules and due process procedures for disciplining, suspending, or expelling students, and the process for providing students of compulsory attendance age with alternative instruction if they are suspended or expelled (until enrolled in another school, or until the end of the school year, whichever comes first).

how are students with disabilities disciplined?

Charter schools must have in place methods and strategies for assuring that students with disabilities are provided with appropriate due process and a free appropriate public education per the requirements of IDEA.





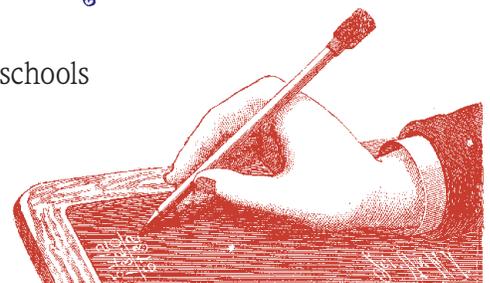
VII. FINANCES

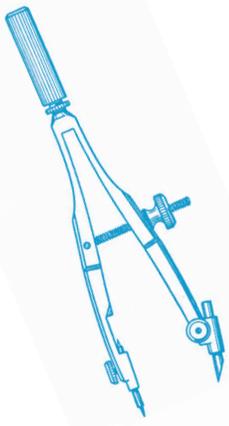
how much money do charter schools receive?

The amount of money charter schools receive depends upon the number of students the charter school enrolls and the approved operating expense of the districts of residence of those students. The charter school has a choice for the provision of services to special education students; if the charter school opts to provide services directly, it will receive any State or local aid in proportion to the level of services provided.

can charter schools charge their students tuition and/or fees?

No, except for fees which public schools are authorized to charge.



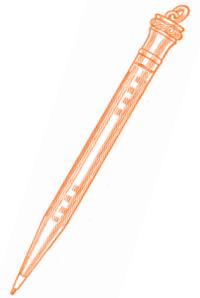


can charter schools solicit and accept private funding? *yes*

can charter schools issue bonds or take on indebtedness?

Yes, the charter school may issue corporate bonds. However, the charter school may not pledge the per pupil funding from the school districts of residence to pay the bonds.

can charter schools use funds to lease facilities? *yes*



are there funds available to help cover the start up costs for charter schools?

In addition to any private donations a charter school might receive for start up costs, charter schools may apply for grants, federal or state. The US Department of Education offers grant funds to states for Planning and Implementation needs of charter schools. These funds are distributed through a competitive RFP process. State funds for facilities are available from time to time.



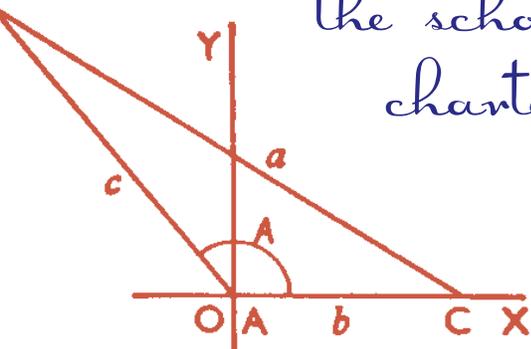


VIII. EMPLOYMENT

do charter school teachers have to be certified by new york state?

There are exceptions in the law to allow 5 or 30% of the teachers in a charter school to teach without certification, whichever is less. The other charter school teachers must be certified by New York State in some area. Those exempted must meet one of four specific criteria.

must a charter school participate in collective bargaining agreements in the school district in which the charter school is located?



Yes, under certain conditions. If a public school converts to a charter school, the employees who were eligible for representation will still be subject to the collective bargaining agreements for the local school district. Charter schools that are not conversion schools, and which



have more than 250 students enrolled in the first year of operation, will be deemed to be represented by the same employee organization that represents instructional employees in the school district where the charter school is located. Charter schools with fewer than 250 students enrolled during the first year of operation are exempt from mandatory union representation, and are not bound by existing collective bargaining agreements in effect in the school district where the charter school is located.

may charter school employees be represented by a union? *yes*

may a teacher in a public school take a leave of absence to teach in a charter school?

Yes, a teacher employed by a public school may request an extended leave of absence to teach in a charter school. A request for a leave of up to three years may not be unreasonably withheld.

can charter schools offer retirement benefits?

Yes, charter school employees are eligible to join the Teachers' Retirement System or another relevant retirement system open to employees of public schools.





IX. ACCOUNTABILITY

who oversees charter schools?

The charter entity that approved the charter school and the Board of Regents exercise oversight over charter schools.

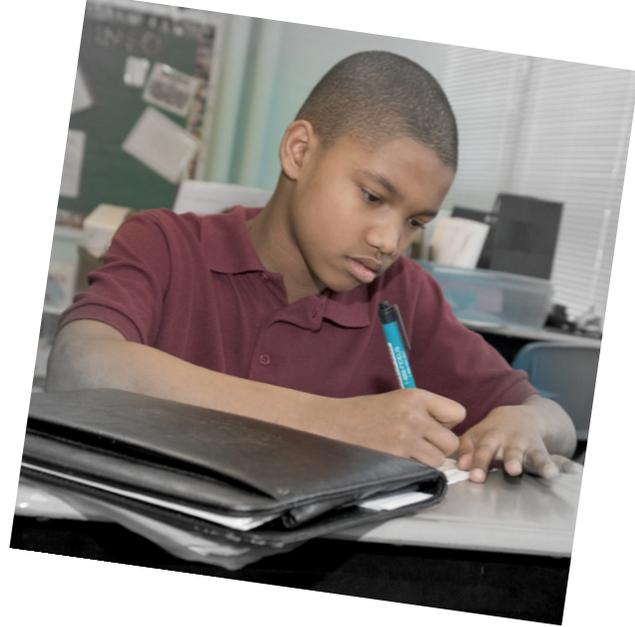
what is the relationship between a charter school and the board of regents?

The Board of Regents is the only entity that can issue a charter, and it has oversight over all charter schools, despite the authorizer.



what reporting requirements do charter schools have to meet?

Charter schools are required to make an annual report to the chartering entity and the Board of Regents. They may be asked to provide information at any time.



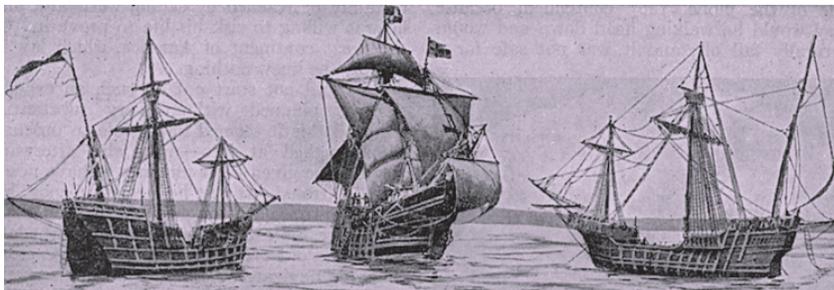
may a charter be revoked?

A charter may be revoked by the Board of Regents or by the SUNY Board of Trustees for student achievement that falls below the level that would allow revocation of the registration of another public school, or for serious violations of law or the charter, including fiscal mismanagement.

This results in dissolution of the charter school.

what happens to students upon the dissolution of a charter school?

Each charter must provide for the dissolution of the charter school, including the transfer of student records to the school district in which the charter school is located.





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