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Washington, D.C. 20202-5335

APPLICATION FOR GRANTS
UNDER THE

Office of Elementary and Secondary Education (OESE): Charter School Program (CSP): CSP Grants t

CFDA # 84.282A

PR/Award # S282A240007

Grants.gov Tracking#: GRANT14182365

OMB No. , Expiration Date:

Closing Date: Jun 13, 2024

PR/Award # S282A240007

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There were problems converting one or more of the attachments. These are: 1240-Appendix D - Proof of Nonprofit Status.pdf, 1238-Appendix E - Proprietary Information.pdf, 1237-Appendix B - Resumes.pdf

Application for Federal Assistance SF-424

* 1. Type of Submission:

- ☐ Preapplication
☒ Application
☐ Changed/Corrected Application

* 2. Type of Application:

- ☒ New
☐ Continuation
☐ Revision

* If Revision, select appropriate letter(s):

* Other (Specify):

* 3. Date Received:

06/12/2024

4. Applicant Identifier:

5a. Federal Entity Identifier:

5b. Federal Award Identifier:

State Use Only:

6. Date Received by State:

7. State Application Identifier:

NY

8. APPLICANT INFORMATION:

* a. Legal Name: New York State Education Department

* b. Employer/Taxpayer Identification Number (EIN/TIN):

* c. UEI:

d. Address:

* Street1: 89 Washington Avenue

Street2:

* City:

Albany

County/Parish:

* State:

NY: New York

Province:

* Country:

USA: UNITED STATES

* Zip / Postal Code: 12234-1000

e. Organizational Unit:

Department Name:

Division Name:

f. Name and contact information of person to be contacted on matters involving this application:

Prefix:

* First Name:

David

Middle Name:

* Last Name:

Frank

Suffix:

Title:

Organizational Affiliation:

* Telephone Number:

Fax Number:

* Email:

PR/Award # S282A240007

Page e3

Application for Federal Assistance SF-424

* 9. Type of Applicant 1: Select Applicant Type:

A: State Government

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

* Other (specify):

* 10. Name of Federal Agency:

Department of Education

11. Catalog of Federal Domestic Assistance Number:

84.282

CFDA Title:

Charter Schools

* 12. Funding Opportunity Number:

ED-GRANTS-042424-006

* Title:

Office of Elementary and Secondary Education (OESE): Charter School Program (CSP): CSP Grants to State Entities, Assistance Listing Number 84.282A

13. Competition Identification Number:

84-282A2024-1

Title:

Office of Elementary and Secondary Education (OESE): Charter School Program (CSP): CSP Grants to State Entities, Assistance Listing Number 84.282A

14. Areas Affected by Project (Cities, Counties, States, etc.):

Add Attachment

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* 15. Descriptive Title of Applicant's Project:

New York State Charter Schools Program (CSP) Grant Project

Attach supporting documents as specified in agency instructions.

Add Attachments

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Application for Federal Assistance SF-424**16. Congressional Districts Of:**

* a. Applicant NY-20

* b. Program/Project NY-A11

Attach an additional list of Program/Project Congressional Districts if needed.

Add Attachment

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17. Proposed Project:

* a. Start Date: 10/01/2024

* b. End Date: 09/30/2029

18. Estimated Funding (\$):

* a. Federal

* b. Applicant

* c. State

* d. Local

* e. Other

* f. Program Income

* g. TOTAL

*** 19. Is Application Subject to Review By State Under Executive Order 12372 Process?**☐ a. This application was made available to the State under the Executive Order 12372 Process for review on .☒ b. Program is subject to E.O. 12372 but has not been selected by the State for review.☐ c. Program is not covered by E.O. 12372.*** 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)**☐ Yes☒ No

If "Yes", provide explanation and attach

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21. *By signing this application, I certify (1) to the statements contained in the list of certifications and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 18, Section 1001)**

☒ ** I AGREE

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

Authorized Representative:

Prefix:

* First Name:

Sharon

Middle Name:

* Last Name:

Cates-Williams

Suffix:

* Title:

Executive Deputy Commissioner

* Telephone Number:

Fax Number:

* Email:

* Signature of Authorized Representative:

Valerie Kowalski

* Date Signed:

06/12/2024

CERTIFICATION REGARDING LOBBYING

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Statement for Loan Guarantees and Loan Insurance

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions. Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

* APPLICANT'S ORGANIZATION

New York State Education Department

* PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE

Prefix: * First Name: Middle Name:
* Last Name: Suffix:
* Title:

* SIGNATURE:

* DATE:

Abstract

An abstract is to be submitted in accordance with the following:

1. Abstract Requirements

- Abstracts must not exceed one page and should use language that will be understood by a range of audiences.
- Abstracts must include the project title, goals, and expected outcomes and contributions related to research, policy, and practice.
- Abstracts must include the population(s) to be served.
- Abstracts must include primary activities to be performed by the recipient.
- Abstracts must include subrecipient activities that are known or specified at the time of application submission.

For research applications, abstracts also include the following:

- Theoretical and conceptual background of the study (i.e., prior research that the investigation builds upon and that provides a compelling rationale for this study).
- Research issues, hypotheses and questions being addressed.
- Study design including a brief description of the sample including sample size, methods, principals, and dependent, independent, and control variables, as well as the approach to data analysis.

[Note: For a non-electronic submission, include the name and address of your organization and the name, phone number and e-mail address of the contact person for this project.]

You may now Close the Form

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* Attachment: 1234-Abstract Narrative.pdf

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New York's charter schools are engines of equity. In 2022-23, 82% of the 175,000 students enrolled across the State's 343 charter schools were economically disadvantaged and 89% were historically under-represented. These schools have produced remarkable results. A 2023 national study conducted by the Center for Research on Educational Outcomes found that students attending New York's charter schools had the nation's second largest gains in both Reading (gaining the equivalent of an additional 75 days of learning annually) and Math (73 additional days of learning) relative to their "virtual twins" attending traditional public schools. A recent state ranking of charter school performance on the NAEP exam found New York to be the fifth highest performing charter sector in the country. In New York City, where over 79% of New York's charter school students are located, Black and Hispanic students outperformed their district school counterparts on 2023 State assessments by 19 and 16 points respectively in ELA and by 27 and 25 points respectively in Math.

The New York CSP project will support the opening of 25 new or replication schools and the expansion of 25 additional high-quality schools, adding 18,750 new seats within schools that have historically served high-need student populations in disproportionately large numbers. Notably, New York will administer an integrated charter authorization / CSP application process that ensures subgrants are awarded to high-quality applicants while minimizing administrative burdens on both schools and authorizers. This streamlined process takes advantage of two key features of New York's charter school landscape: an authorizing environment renowned for its rigor and a cohesive statewide system of oversight and support that allows CSP to be woven seamlessly into existing monitoring and technical assistance frameworks. Sector-wide capacity building through

governance training and dissemination of effective instructional, financial, and student support practices through webinars, presentations, case studies, and videos will support improved student achievement outcomes. And through a micro-grant initiative that will provide funding, third-party facilitation, and dissemination support for mutually beneficial cross-sector collaborations, NYSED will build on an existing infrastructure for using charter school best practices to improve struggling schools.

New York's CSP project will address the Absolute Priority, all five Competitive Preference Priorities, and the Invitational Priority. New York has established four overriding objectives that it will pursue over the course of its CSP project period: (1) increase the number of high-quality charter school seats in New York State, especially within charter schools serving students who are at greatest risk of not meeting State academic standards; (2) improve student academic outcomes in New York State charter schools, particularly for students who are at greatest risk of not meeting State academic standards, through high-quality charter authorizing and technical assistance; (3) promote the dissemination of effective practices that lead to improved academic achievement for students attending both charter schools and traditional public schools across New York State; and (4) strengthen the overall quality of New York State charter authorizing and CSP grant administration. Key performance measures include year-over-year increases in the proficiency gap between charter school students and comparable students attending traditional public schools on the NYSTP 3–8 assessments, 80% of micro-grant recipients meeting their goals related to the academic impact of their cross-sector collaboration projects, and 90% of authorizer staff reporting an increased capacity to use community-based authorizing practices.

Project Narrative File(s)

* **Mandatory Project Narrative File Filename:**

Add Mandatory Project Narrative File

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To add more Project Narrative File attachments, please use the attachment buttons below.

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Absolute Priority

The New York State Charter Schools Act of 1998 (Education Law §§ 2850–2857) permits charter schools to be authorized either by the New York State Board of Regents, as administered by the New York State Education Department (NYSED), or by the State University of New York (SUNY) Board of Trustees, as administered by the SUNY Charter Schools Institute (the Institute). The New York City Department of Education (NYC-DOE) and Buffalo Public Schools also authorize a limited number of schools within the geographic boundaries of their districts but are no longer able to authorize new charter schools.¹ The statute reserves for the Board of Regents limited review authority over all charter agreements in the State, a construct that allows the two statewide authorizers, as well as the two district authorizers, to engage in robust conversations regarding strategies for ensuring at-risk students have broad access to high-quality educational opportunities through outstanding charter school options. Accordingly, NYSED has played, and continues to play, a central role in creating a statewide authorizing landscape broadly considered to be among the nation’s strongest.

Pursuant to a prior Charter Schools Program (CSP) award, NYSED catalyzed the formation of the New York State Quality Charter School Authorizer Partnership (NYSQCAP), which entailed a commitment on the part of all authorizers to implement best practices in accordance with the National Association of Charter School Authorizers (NACSA) *Principles and Standards*.² NYSED and the Institute have both adopted a nationally recognized Charter School Performance Framework aligned with

¹ The Charter Schools Act was amended in 2010 to prohibit local educational agencies (LEAs) from authorizing new charter schools. Education Law § 2851(5) provides a mechanism through which these LEA-authorized schools may apply to be overseen by one of the two statewide authorizers.

² https://qualitycharters.org/wp-content/uploads/2023/03/Principles-and-Standards_2023.pdf

NACSA guidelines, ensuring the approval of high-quality applications and the renewal of high-quality schools. Accordingly, federal CSP monitors have observed that NYSED “demonstrates high-quality authorizing practices and supports the development of high-quality authorizing practices of other authorizers in the State.” These monitors have also identified a number of authorizing practices that are worthy of examination and/or replication by other CSP grantees including the development of high-quality authorizing oversight tools and the publication of a regularly updated Charter School Audit Guide and a Fiscal Oversight Guidebook for Charter School Leaders, Employees, and Boards of Trustees. Additional evidence that New York has implemented best practices in charter school authorization includes:

- Through the National Charter Schools Institute’s 2019 CSP Dissemination Grant Program (“A-GAME”), NYSED and the Institute have disseminated best practices to dozens of authorizers focused on their work overseeing alternative charter schools that are serving the State’s most vulnerable students.
- The Institute was identified by NACSA as one of five exemplary authorizers at the heart of its 2018 Quality Practice Project. NACSA selected the Institute based on its strong student and public interest outcomes and produced a case study (Appendix F-1) that explored the Institute’s organizational capacity, organizational culture, application processes, and performance management systems in order to “dramatically accelerate the adoption of practices that lead to stronger outcomes for students and communities.”
- NYSED and the Institute have been invited to present on authorization best practices at the National Charter Schools Conference, the International School Choice and Reform Conference, and the NACSA Leadership Conference.

- The Institute partnered with NACSA and the Council of Chief of State School Officers to implement best practices in performance management, replication, and closure through a National Charter School Leadership Activities Grant.
- The Institute approved and implemented the nation’s first policy on the replication of high-quality charter schools, received NACSA’s Award for Excellence in Improving Authorizer Practice, and has been recognized by NACSA for employing the “Best Application Process” for new charter school applicants.
- Authorizers from other states and countries consistently visit New York to study and emulate the practices adopted by NYSED and the Institute.

As outlined in Section (c).3, NYSED will leverage technical assistance funds to build on its trailblazing incorporation of community-based authorizing practices in its new charter school application (Appendix F-5) by supporting the further integration of such practices into existing authorizer oversight frameworks for new and expanding schools.

Competitive Preference Priorities

CPP1 – At Least One Authorizer Other than a Local Educational Agency

New York’s two active authorizers are both statewide public entities — the New York State Board of Regents (supported by staff from NYSED) and the SUNY Board of Trustees (supported by staff from the Institute) (Education Law § 2851(3)).

CPP2 – Equitable Financing

New York leads the country in equitable per-pupil spending.³ Charter schools in NYC, where 274 of the State’s 343 operational charter schools are located, received base per-pupil allocations of \$ [REDACTED] in 2023–24. New York’s statutory funding formula

³ <https://www.census.gov/data/tables/2022/econ/school-finances/secondary-education-finance.html>

ties per-pupil allocations for charter schools to changes in district expenditures over a running three-year average (Education Law § 2856(1)). Districts are required to remit per-pupil payments in a timely fashion; Education Law § 2856(1)(b) and NYSED Charter School Regulation 119.1(d)(1) provide that six substantially equal installment payments must be made on the first business days of July, September, November, January, March, and May based on the charter school's enrollment from the prior month. When a district fails to make required payments to a charter school, the Commissioner of Education instructs the State Comptroller to deduct the allocable amount from State aid payments due to such district (NYSED Charter School Regulation 119.1(a)).

Districts are required by law to pay charter schools the state and federal aid attributable to a student with disabilities served by the charter school (Education Law § 2856(1)(b); NYSED Charter School Regulation 119.1(d)(3)). State law also requires school districts to provide charter schools with student transportation and health services and provides grants for textbooks, library books, and software, thereby significantly reducing the strain on charter school operating budgets. To ensure even greater funding parity, New York provides supplemental tuition payments to charter schools; the approved FY25 State budget allocates [REDACTED] for this purpose.

In New York, charter schools are considered LEAs for the purpose of accessing federal funds. NYSED publishes both preliminary and final Title allocation amounts for all LEAs, including charter schools, on our Grants Finance website. New York's Title allocation processes are specifically designed to ensure equitable access to federal funds for charter schools by (a) tying entitlement payments to *actual* current-year enrollment figures in a manner that does not disadvantage schools whose enrollment

dramatically increased, and (b) making allocations available up to five months prior to the opening of a new school. NYSED informs charter schools about the federal funding streams to which they have access through our website, via email blasts, and during regional meetings concerning all special education and entitlement grant programs.

Pursuant to the 2014 Facilities Access Law, NYC charter schools have access to free co-location in DOE facilities or, in the event that space is unavailable, supplemental facilities funding. Additional information is provided in New York’s response to CPP4.

CPP3 – Best Practices to Improve Struggling Schools and LEAs

NYSED and the Institute routinely and systematically disseminate best practices from charter schools throughout New York to improve struggling schools and LEAs. Education Law 2857(5) requires the Board of Regents on an annual basis to “review and make available to school districts best educational practices employed by charter schools.” NYSED’s charter school application provides space for schools to discuss how they will “partner with low performing public schools in the area to share best educational practices and innovations” and evaluates responses based on the extent to which an applicant evinces an “understanding of factors that contribute to low academic performance” and provides evidence that “plans to share best practices and innovations have been collaboratively developed with the low-performing public school.” Similarly, the Institute requires charter school developers to identify struggling schools in their target communities and to “explain how [they] might partner with those schools to share best practices and innovations.” The Institute also awards preference points to schools that propose district partnerships that include a detailed plan with specific strategies for establishing an ongoing relationship, evidence of support from the district, and detailed

plans with ongoing resources and supports for sharing best educational practices and innovations with low-performing public schools in the area.

Through the New York City District-Charter Collaborative — which aimed to improve educator practices and student outcomes, strengthen school capacity, address inequities, and leverage expertise to share best practices that can help both district and charter schools improve on shared issues and establish a culture of collaboration — several of the nation’s highest-performing charter networks have provided training to DOE and charter school personnel alike. Uncommon Schools, Achievement First, KIPP NYC, and high-performing independent charter schools such as Hellenic Classical Charter School have participated, sharing best practices in instruction, assessment, and community support. An evaluation of the Collaborative revealed that 85% of participants agreed that they had developed a community of cross-sector colleagues outside their school with whom they can collaborate, while over 70% of respondents reported learning instructional strategies from cross-sector schools.⁴ The impact on children of this collaborative ethos has been clear: within one group of DOE and charter schools that focused on “innovative math instruction,” proficiency rates on New York State exams rose by at least 10 percentage points at each participating school.⁵

Other examples of such beneficial collaborations are legion. Uncommon has trained over 1,000 NYC-DOE teachers, leaders, and central office personnel from low-income communities in strategies to support evidence-based literacy instruction. NYC-DOE officials attended KIPP’s College Counseling Institute and received training in how to

⁴ Litt, J., & Fishel, G. (2017). *District-charter partnerships: Collaboration to advance teaching and learning in New York City, Year 1 evaluation results (2016-17)*. New York City Department of Education.

⁵ Williams, C. P. (2019, October 6). In New York City, a district-charter collaboration that puts kids first and offers a fresh perspective on the political divide. *The74*.

increase the likelihood that seniors will choose the correct “match” school that meets their academic needs and provides the support necessary to persist until graduation. Brooklyn Emerging Leaders Academy Charter High School provides counseling services both to its own students and to students attending co-located DOE schools, and Genesee Community Charter School has partnered with the Rochester City School District to share effective literacy practices with Roberto Clemente School 8.⁶

New York has also been a pioneer in leveraging successful charter schools to improve educational outcomes at persistently low-performing charter schools. One year after the Institute oversaw the restructured renewal of Harlem Day Charter School under Democracy Prep management, the school improved from the third percentile on the NYC-DOE Progress Report to the 96th. To ensure vulnerable students attend schools that are well-equipped to support them, NYSED and the Institute have also facilitated turnaround partnerships between successful charter schools serving over-age/under-credited students and schools struggling to serve those students effectively.

New York’s plan to use CSP funding to strengthen the infrastructure for supporting cross-sector collaborations is provided in the Invitational Priority and Section (c).3.

CPP4 – Charter School Facilities

State law was amended in 2014 to afford NYC charter schools a statutory right to facilities access. Education Law § 2853(3)(e) provides that new charter schools and schools adding grades have the right to request co-located space in an NYC-DOE building at no cost and, upon such request, “*shall be provided access to facilities.*” In the event that the NYC-DOE determines that space is not available, it is required to provide

⁶ Murphy, J. (2018). Teachers find RCSD, charter school partnership rejuvenating. *Democrat & Chronicle*.

rental assistance for the charter school to be housed in a private facility in an amount equal to their actual rental costs or [REDACTED] of their per pupil funding, whichever is lesser.

Education Law § 2853(3)(c) also requires school districts to make available upon request “a list of vacant and unused school buildings and vacant and unused portions of school buildings, including private school buildings, within the school district that may be suitable for the operation of a charter school.” The Office of General Services must similarly publish an annual list of vacant and unused buildings and portions of buildings that are owned by the State, and which may be suitable for charter school operation.

Across the State, charter schools have access to the New York State Stimulus Fund (SSF), which provides discretionary grants to charter schools for costs associated with facility construction, renovation, financing, leasehold improvements, and other facility-related expenses.⁷ During the most recent competition cycle, the Institute made \$ [REDACTED] [REDACTED] in funding available to eligible charter schools irrespective of their authorizer.

New York law defines charter schools as public agents that are eligible to obtain tax-exempt financing, including bond financing, through various local industrial development agencies (Education Law § 2853(1)(d)). Charters that are located in private space have used this flexibility to issue bonds and to seek loans to develop their facilities. According to a 2024 study from the Local Initiatives Support Corporation (LISC), New York charter schools have issued 53 tax-exempt bonds to finance their facilities since 2002, with the total par amount of \$ [REDACTED] ranking sixth nationwide.⁸ New York’s authorizers routinely work with bond issuers to support charter school bond financing applications, engaging in lengthy conversations and providing data to support underwriting efforts.

⁷ <https://www.newyorkcharters.org/resource-center/school-leaders/compliance/nys-stimulus-funds-grant/>

⁸ <https://report.lisc.org/charter-school-bond-study/>

Notably, New York was the only state to allocate a portion of its SEA set-aside under its American Rescue Plan Elementary and Secondary School Emergency Relief (ARP-ESSER) State Plan to support charter school facilities.⁹ In reserving [REDACTED] to expand facilities funding for charter schools that increased enrollment during the Covid-19 pandemic, NYSED explained that charter schools in New York City “serve a high number of economically disadvantaged students who were disproportionately impacted by the pandemic.” With demand for these schools having increased during the pandemic, NYSED noted that additional facilities funding would enable charter schools “to equitably access facilities as they shift back to in-person learning and must accommodate the increased number of students.”

CPP5 – Serving At-Risk Students

Among the enumerated purposes of charter schools in New York State is to “increase learning opportunities for all students, with special emphasis on expanded learning opportunities for students who are at-risk of academic failure” (Education Law § 2850(2)(b)). Education Law § 2854(2) explains that State law permits the establishment of charter schools “designed to provide expanded learning opportunities for students at-risk of academic failure or students with disabilities and English language learners” notwithstanding the statute’s broad prohibition against the use of discriminatory admissions practices. In fact, when reviewing charter applications, authorizers are explicitly “encouraged to give preference to applications that demonstrate the capability to provide comprehensive learning experiences to students identified by the applicants as at risk of academic failure” (Education Law § 2852(2)(d)). Applicants have flexibility

⁹ <https://www.nysed.gov/sites/default/files/programs/federal-education-covid-response-funding/nysed-arp-esser-plan.pdf>

to define “at-risk of academic failure” as encompassing students with disabilities, economically disadvantaged students, English Language Learners (ELLs), homeless and migratory students, and over-age/under-credited students.

To implement these provisions of the Charter Schools Act, New York’s authorizers have taken a series of concrete steps to support charter schools serving at-risk students. Authorizers have prioritized and approved schools that specialize in working with children in the child welfare system (e.g., Mott Haven Academy, Broome Street Academy High School, and Cardinal McCloskey Community Charter School), and immigrant youth (e.g., Central Queens Academy and American Dream Charter School). VOICE Charter School in Queens has received national recognition for serving over 260 migrant children, supporting language acquisition and social-emotional development while providing innovative family supports such as on-site washer-dryers.¹⁰

Moreover, ten alternative “transfer” charter high schools that provide non-traditional learning environments for over-age/under-credited students were in operation during the 2023–24 instructional year. These transfer schools — which include New Dawn Charter High Schools I & II, New Visions AIM Charter High Schools I & II, and Urban Dove Team Charter High Schools I & II — provide personalized academic support, facilitate paid internships, and offer comprehensive postsecondary and career planning in academic settings that allow students to progress at their own pace. New York has supported these schools through the development of differentiated oversight frameworks that recognize the unique needs of schools working with disenfranchised student populations. After a 2019 revision to the Charter School Performance

¹⁰ McMurdock, M. (2023, October 31). Scenes from a NYC school serving 267 migrant children. *The74*.

Framework (Appendix F-2), New York takes into account six-year persistence and graduation rates (rather than the four- and five-year graduation rates) and examines the percentage of fourth-year high school students who have passed at least three exit “Regents” exams (as opposed to the percentage of third-year high school students). As noted in the Absolute Priority, NYSED and the Institute are active participants in the A-GAME initiative, which brings together charter schools serving over-age/under-credited students, authorizers, school districts, and boards of trustees to reimagine how stakeholders can best support these vulnerable populations. A-GAME provides NYSED and the Institute with technical support and guidance around equitable, rigorous, and transparent oversight of schools with alternative models, allowing authorizers to ensure broad access to schools that provide these essential supports.

New York has also been at the forefront of developing alternative evaluations for schools whose models serve at-risk populations beyond over-age/under-credited students. In 2017, the Institute launched a pilot designed to promote holistic assessment of schools’ impact on student learning and wellness. This “Active Ingredients” project, in which NYSED participated, has led to the integration of mission-aligned goals, performance measures, and metrics into schools’ Accountability Plans. For example, this *multiple measures* approach has resulted in student-centered oversight of New York City Charter Schools for Autism, which has locations in the Bronx and East Harlem and which serves students with severe-to-moderate Autism Spectrum Disorder. To evaluate the success of students beyond review of state assessment data, the school and the Institute co-constructed goals related to students demonstrating progress in target skill acquisition, reducing levels of challenging behavior, securing

family involvement in their child's education, ensuring the schools' teachers and instructors demonstrate proficiency in interventions and terminology related to applied behaviors, and sharing best practices with the broader community. Each of these goals includes a series of related measures and metrics.

Invitational Priority

As described in our response to CPP3, New York is committed to fostering mutually beneficial collaborations between charter schools and traditional public schools.

Since 2013, NYSED has issued 19 dissemination grants to support the transmission of best practices from charter schools to traditional public schools in areas including school leadership structures, co-teaching models, professional development programs, tutoring and intervention systems, new teacher support systems, and positive approaches to school culture. In addition to hosting a Dissemination Conference, NYSED has facilitated joint school visits, participated in joint professional development convenings between districts and charter schools, hosted team calls to discuss problems of practice and to facilitate relationship-building, developed press releases with the charter and district schools to highlight the work being done to promote improved outcomes for students, and prepared vignettes for publication on our website.

NYSED will reserve a portion of our CSP technical assistance funds to award micro-grants to charter schools that propose projects that include a new collaboration with at least one traditional public school or school district. Charter schools applying for these micro-grants will articulate 2–3 discrete project goals to be accomplished over a 1–2-year project period, at least one of which must be related to improving outcomes for educationally disadvantaged students. NYSED will partner with a statewide nonprofit

with deep expertise and credibility within New York’s charter school community to facilitate and support these cross-sector collaborations, to guide continuous improvement efforts that ensure progress toward fulfillment of micro-grant project goals, and to coordinate dissemination activities highlighting the benefits of these partnerships.

Selection Criterion (a) – Quality of the Project Design

(a).1 – Extent to Which the Proposed Project Demonstrates a Rationale

New York’s charter schools are engines of equity. In 2022-23, 82% of the 175,000 students enrolled across the State’s 343 charter schools were economically disadvantaged, a rate that exceeded the statewide average at traditional public schools by 24 percentage points. Moreover, 89% of these students were historically under-represented,¹¹ a rate that more than doubled the statewide average of 43%.¹² These schools have produced remarkable results. A 2023 national study conducted by the Center for Research on Educational Outcomes (CREDO) at Stanford University found that students attending New York State’s charter schools had the nation’s second largest gains in both Reading (gaining the equivalent of an additional 75 days of learning annually) and Math (73 additional days of learning) relative to their “virtual twins” attending the State’s traditional public schools.¹³ A recent state ranking of average charter school performance on the National Assessment of Educational Progress (NAEP) exam found New York to be the fifth highest performing charter sector in the country.¹⁴ NAEP data also revealed the performance gaps between white

¹¹ Historically under-represented students are Black, Hispanic, or Native American.

¹² The rates of students with disabilities and English Language Learners enrolled at charter schools are within two percentage points of the respective statewide averages.

¹³ Raymond, M. E., Woodworth, J. L., Lee, W. F., & Bachofer, S. (2023). *As a matter of fact: The national charter school study III*. Center for Research on Education Outcomes (CREDO) at Stanford University.

¹⁴ Peterson, P. E., & Shakeel, M. D. (2024). The nation’s report card. *Education Next*, 24(1).

students and students of color attending charter schools to be among the nation's narrowest, with the third smallest gap between white and Black student scores and the seventh smallest gap between white and Hispanic student scores.

Over 79% of New York's charter school students attend charter schools in New York City. In 2023, the rate at which these students tested at proficient levels on state exams was 13 percentage points higher than their peers attending NYC-DOE schools in Math and seven percentage points higher in ELA. Black and Hispanic students account for 90% of enrolled students at NYC charter schools; in 2023, they outperformed their district counterparts by 19 and 16 points respectively in ELA and by 27 and 25 points respectively in Math. Institute-authorized charter schools also have a lengthy track record of driving student learning gains. In 2022, 80% of Institute-authorized charter schools outperformed their local district in Math, and 81% did so in ELA. Additionally, 41 Institute-authorized charter schools scored in the top 10% of public schools statewide in Math, and 32 did so in ELA. Economically disadvantaged students, students with disabilities, and ELL students at Institute schools all posted average proficiency rates in ELA and Math that surpassed their statewide peers. Remarkably, 17 Institute-authorized charter schools have been recognized as National Blue Ribbon Schools, an honor reserved for fewer than 25 charter schools nationwide annually.

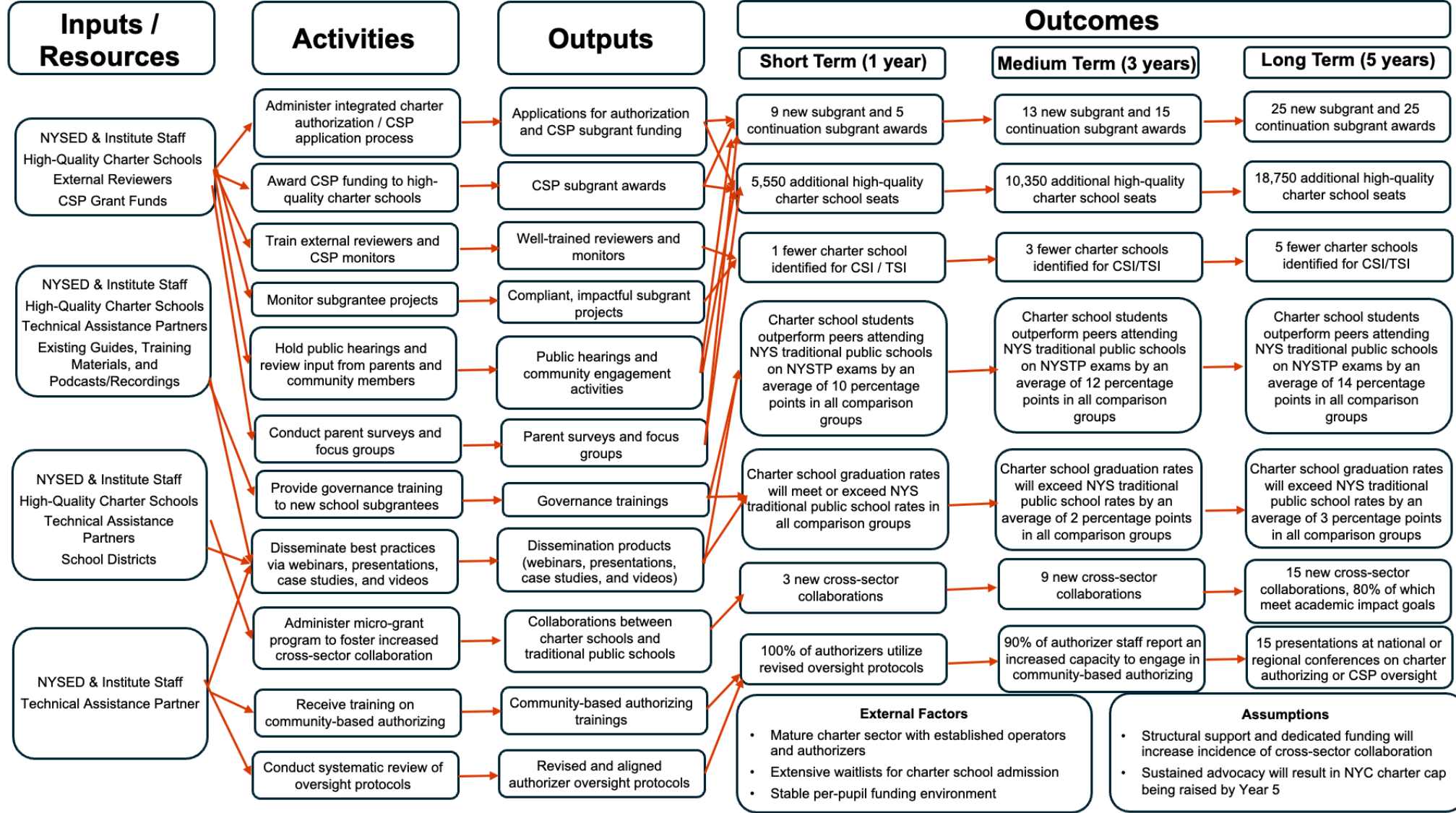
Charter schools are overwhelmingly located within New York's 132 *Target Districts* (i.e., school districts with material concentrations of schools identified under New York's ESSA Plan for Comprehensive or Targeted Support and Improvement). Peer-reviewed research has demonstrated that New York's charter schools not only raise the achievement levels of their own students *but also* drive improvement within neighboring

traditional public schools. A noteworthy 2018 study explored the “spillover effects” of charter schools on academic performance at NYC-DOE schools and found that the prevalence of charter schools led to significant *increases* in student achievement data among students enrolled in nearby traditional public schools in both ELA and Math.¹⁵ The study found that these effect sizes increased in proportion to proximity and were largest in NYC-DOE schools co-located in district facilities alongside charter schools.

New York’s CSP project will strengthen this cohesive statewide system by supporting the opening of 25 new or replication schools and the expansion of 25 additional high-quality schools, adding 18,750 new seats within schools that have historically served high-need student populations in disproportionately large numbers relative to traditional public schools. As noted in our response to CPP3, both NYSED and the Institute require charter schools to identify struggling schools in their target communities and to explain how they will seek to work collaboratively with those schools to improve outcomes for all students within a given community. Through a micro-grant initiative that will provide funding, third-party facilitation, and dissemination support for mutually beneficial cross-sector collaborations, NYSED will build on this existing infrastructure for using charter school best practices to improve struggling schools. Sector-wide capacity building through governance training and dissemination of effective instructional, financial, and student support practices through webinars, presentations, case studies, and videos will support improved student achievement outcomes. The New York CSP logic model (Figure 1), which is grounded in this research and data, demonstrates how this project will achieve its core objectives.

¹⁵ Cordes, S. A. (2018). In pursuit of the common good: The spillover effects of charter schools on public school students in New York City. *Education Finance and Policy*, 13(4), 484–512.

Figure 1. NY CSP Logic Model



(a).2 – Objective Performance Measures

New York has established four overriding objectives that it will pursue over the course of its CSP project period: (1) increase the number of high-quality charter school seats in New York State, especially within charter schools serving students who are at greatest risk of not meeting State academic standards; (2) improve student academic outcomes in New York State charter schools, particularly for students who are at greatest risk of not meeting State academic standards, through high-quality charter authorizing and technical assistance; (3) promote the dissemination of effective practices that lead to improved academic achievement for students attending both charter schools and traditional public schools across New York State; and (4) strengthen the overall quality of New York State charter authorizing and CSP grant administration. To assess the extent to which the project is fulfilling these objectives, New York will monitor progress against a series of key performance measures that are clearly related to intended outcomes (Table 1). The majority of these measures — which are specific, measurable, achievable, relevant, and timely — are susceptible of annual reporting; Measures 3.a and 4.c implicate the collection of qualitative data that will inform project implementation and continuous improvement efforts.

Table 1. Project Goals, Objectives, Outcomes, and Performance Measures

Measure	Data Source	Outcomes
<i>Objective 1: Increase the number of high-quality charter school seats in New York State, especially within those charter schools serving students who are at greatest risk of not meeting State academic standards</i>		
1.a. Subgrants for New & Replicating Charter Schools	NYSED CSP Administrative Data	By the end of the CSP project period, New York will issue 25 planning and implementation subgrants to new and replicating high-quality charter schools that foster high-quality independent options for all students, especially ELLs, students with disabilities, and economically disadvantaged students.

Measure	Data Source	Outcomes
1.b. Subgrants for High-Quality Charter Schools Expanding to Add New Seats	NYSED CSP Administrative Data	By the end of the CSP project period, New York will issue 25 planning and implementation subgrants to high-quality charter schools that are expanding in order to offer additional high-quality seats for all students, especially ELLs, students with disabilities, and economically disadvantaged students.
1.c. New High-Quality Charter School Seats	BEDS (Basic Educational Data System) Enrollment Data	By the end of the CSP project period, New York will support the creation of 18,750 additional high-quality charter school seats that expand access to high-quality independent options for all students, especially ELLs, students with disabilities, and economically disadvantaged students.
<i>Objective 2: Improve student academic outcomes in New York State charter schools, particularly for students who are at greatest risk of not meeting State academic standards, through high-quality charter authorizing and technical assistance</i>		
2.a. Student Achievement	BEDS Data	During each year of the project period, the performance gap between charter school students and comparable students in traditional New York State public schools on the NYSTP 3-8 Assessments will increase. Comparisons will be made for the following subgroups: ELLs, students with disabilities, economically disadvantaged, and historically under-represented.
2.b. Graduation Rates	BEDS Data	During each year of the project period, the graduation rates of charter school students will exceed those of comparable students in traditional New York State public schools. Comparisons will be made for the following subgroups: ELLs, students with disabilities, economically disadvantaged, and historically under-represented.
2.c. Charter Schools Identified for CSI/TSI	NYSED Accountability Data	During each year of the CSP project period, the number of charter schools identified as in need of comprehensive or targeted support and improvement will decrease by at least one.
<i>Objective 3: Promote the dissemination of effective practices that results in improved academic achievement for students attending both charter schools and traditional public schools across New York State</i>		
3.a. Governance Training	NYSED CSP TA Data	NYSED will provide governance training to 100% of new school subgrantees during the project period with 90% of participants expressing satisfaction with the quality, usefulness, and relevance of trainings.
3.b. Cross-Sector Collaboration	Micro-Grants Awarded	During the project period, NYSED will award at least 15 micro-grants to charter schools that propose projects featuring a new collaboration with at least one traditional public school or district.

Measure	Data Source	Outcomes
3.c. Cross-Sector Collaboration Impact	Micro-Grant Project Goals	80% of micro-grant recipients meet their self-identified goals related to the impact of their cross-sector collaboration projects on academic outcomes within both charter schools and traditional public schools.
<i>Objective 4: Strengthen the overall quality of New York State charter school authorizing and CSP grant administration</i>		
4.a. Charter School Oversight	Internal Authorizer Review Data	By June 30, 2025, NYSED will successfully complete a systematic review and alignment of oversight protocols and guidelines.
4.b. Best Practice Dissemination	Conference Participation	During each year of the project period, at least three representatives of a New York State charter authorizing entity will be invited to present on best practices related to charter authorizing and/or CSP grant oversight at a national or regional conference.
4.c. Community-Based Authorizing	NYSED CSP TA Data	By Year 2 of the project period, 90% of authorizer staff report an increased capacity to utilize community-based authorizing practices.

(a).3 – Ambitiousness of NYSED CSP Project Objectives

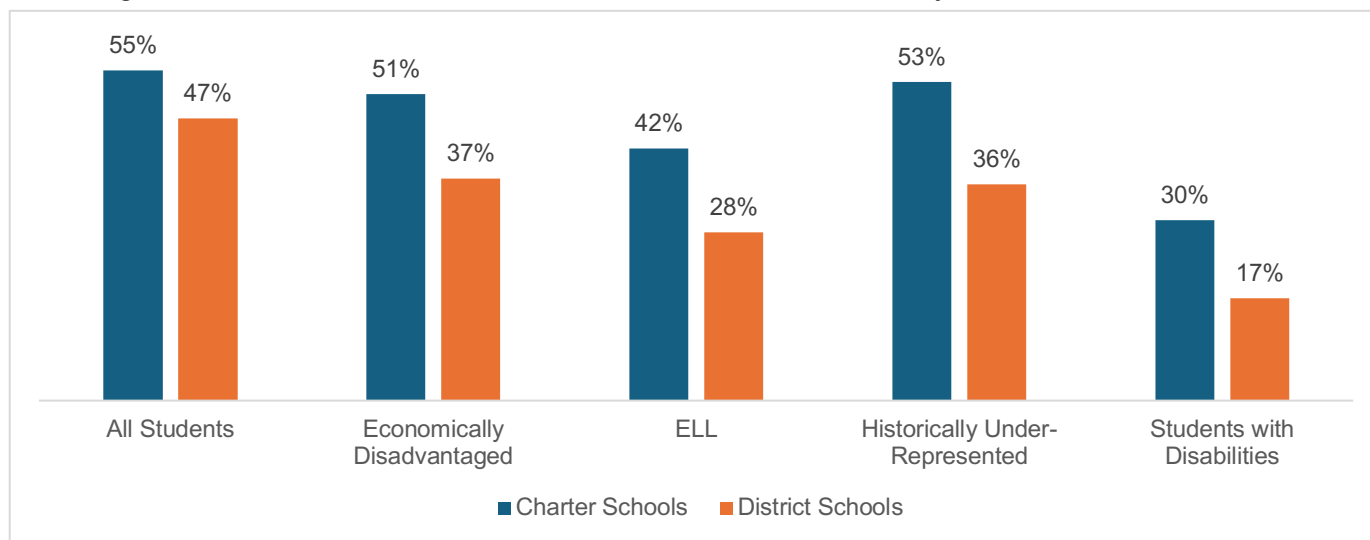
Drawing on our experience having administered six CSP grant awards totaling nearly \$ [REDACTED] since 1999, NYSED has carefully selected performance measures that are aligned both to this CSP project and to the State’s overarching vision for public education. Targets are attainable in light of New York’s strong authorizer environment, its cohesive statewide system, and the human capital and financial resources that will be devoted to the CSP project. Baseline data reveal that these targets are also ambitious; successful execution of the project logic model will meaningfully increase access, opportunity, and achievement for at-risk students across the State.

NYSED’s targets for subgrants awarded and seats added (Measures 1.a–1.c) are simultaneously realistic and transformative. The calculation methodology we used to determine the pipeline of high-quality schools likely to become eligible for new, expansion, or replication subgrants over the five-year project period — which hinges on

a historical analysis of past awards, legislative developments that have unlocked new growth, and critical investments in innovative models for which statewide demand continues to increase — is detailed in Section (a).4. Adding 18,750 seats (an estimated 450 seats created at each of the 25 new and replication schools and 300 new seats at each of the 25 expansion schools) would result in a 10.7% increase in the number of charter school seats in New York, a significant investment in seat growth in a State whose 175,000 charter school students already ranks in the top five nationwide.¹⁶

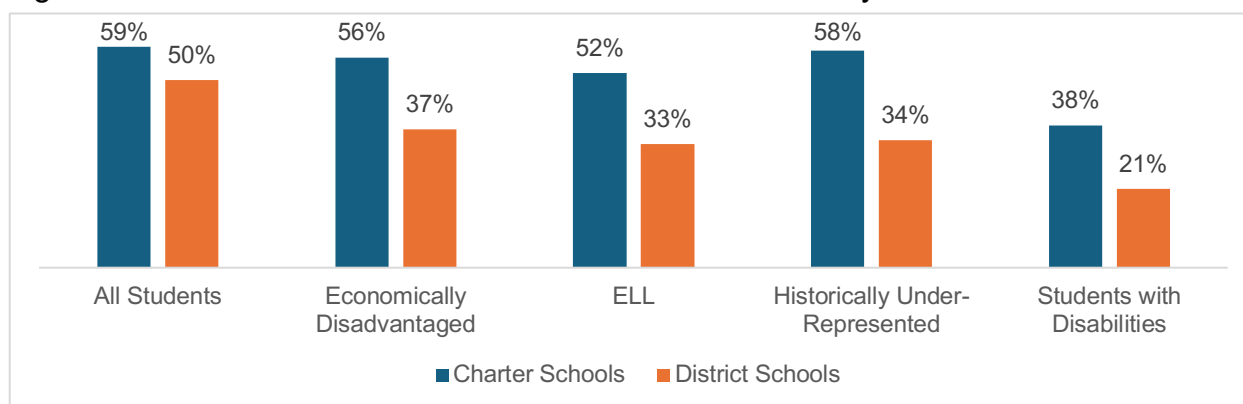
In 2023, students attending New York charter schools outperformed their district school peers on year-end ELA and Math assessments both on an overall basis and within each ESEA subgroup (Figures 2 and 3). By supporting the launch of high-quality charter school models tailored to the specific needs of their communities and by building the capacity of operators and authorizers to promote student learning outcomes, NYSED will aim to improve upon the baseline performance gaps depicted in Figures 2 and 3 during each year of the project period (Measure 2.a).

Figure 2. 2023 NYSTP 3–8 Assessments — ELA Proficiency



¹⁶ <https://data.publiccharters.org/digest/tables-and-figures/charter-enrollment-state-year>

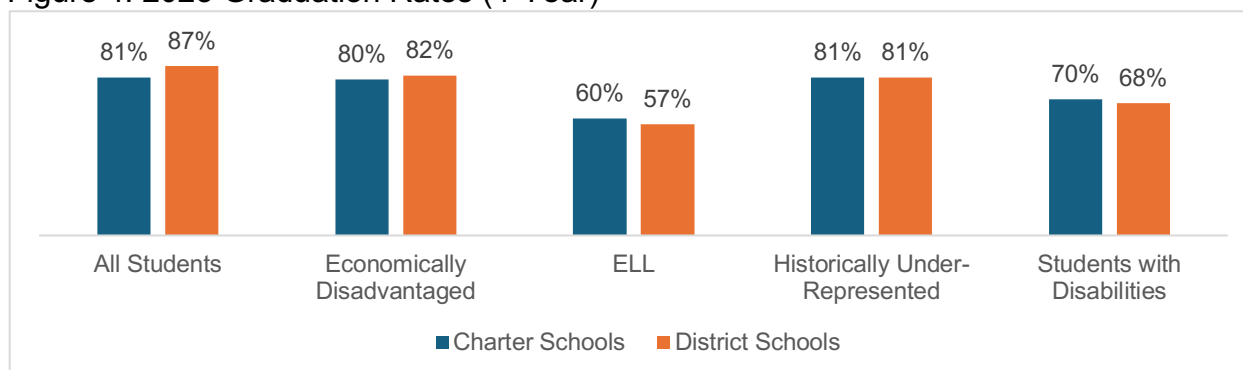
Figure 3. 2023 NYSTP 3–8 Assessments — Math Proficiency*



* Includes 7th and 8th grade Algebra I Regents' Exam results in lieu of NYSTP data in some cases

The four-year graduation rates at district and charter high schools were comparable in 2023 (Figure 4). As described in Section (a).4, NYSED anticipates charter school growth during the CSP project period to include a number of high schools that feature innovative models who have disconnected from their education. Accordingly, Measure 2.b contemplates a year-over-year improvement in these comparative graduation rates.

Figure 4. 2023 Graduation Rates (4-Year)



Twenty-three charter schools in New York State are currently identified as Comprehensive or Targeted Support and Improvement (Measure 2.c); lowering that number by one school annually would result in a 22% decrease in the number of charter schools struggling to set their at-risk students up for academic success.

Through NY-RISE (**R**esources, **I**nformation, **S**upport & **E**ngagement), the technical assistance resource center developed in connection with New York’s FY18 CSP grant, NYSED partnered on the creation of 24 governance webinars that were well-received and well-attended during a particularly busy, difficult period for charter schools. Because we have identified effective governance as a critical lever in charter school success, we will condition each new school subgrant award on active participation in board trainings (Measure 3.a). NYSED issued 19 dissemination grant awards between 2013 and 2024; the prospect of funding 15 new cross-sector collaborations during the CSP project period through our proposed micro-grant initiative (a ~50% increase in the number of new NYSED-supported collaborations annually) will further catalyze the dissemination of effective practices that drive academic outcomes for students in both charter and district schools (Measures 3.b and 3.c).

NYSED adopted a new performance framework in 2019 that established rigorous academic, operational and financial benchmarks. Since that time, charter renewal site visits, reports, and decisions have been made using these updated protocols. NYSED will undertake another comprehensive systems review in Year 1 of the project period to ensure alignment, integration of authorization and subgrant activities, and adherence to best practices (Measure 4.a). With NYSED staff having presented at both the 2023 NACSA and New York Charter Schools Association conferences, we have set the dissemination target for authorizers at three presentations annually (Measure 4.b). Finally, NYSED and the Institute will partner with a quality service provider to build their capacity to incorporate community input into their oversight processes. The 90% target for authorizer staff reporting an increased capacity to utilize community-based

authorizing practices (Measure 4.c) represents an ambitious attempt to strengthen the State’s inclusion of stakeholder voice in charter school operation and implementation.

(a).4 – Evidence of Demand and Need

New York anticipates making 25 subgrant awards to new and replicating schools and an additional 25 subgrant awards to expanding schools over the five-year project period. NYSED also plans to make five continuation awards in Year 1 to existing subgrantees that will be unable to complete their approved projects prior to the expiration of our FY18 CSP grant. The projected number of subgrant awards depicted in Table 2 is rooted in historical data, evidence of unmet demand, and a careful analysis of how and where charter school growth is likely to occur over the next five years.

Table 2. Total Estimated Subgrants (Years 1–5)

Award Type	Year 1	Year 2	Year 3	Year 4	Year 5	Totals
New School / Replication	9	2	2	2	10	25
Expansion	5	5	5	5	5	25
Total [New Subgrants]	14	7	7	7	15	50
Continuation Subgrants	5	0	0	0	0	5
Total	19	7	7	7	15	55

Evidence of Demand. Between 2019–20 and 2022–23, charter school enrollment across New York State increased by nearly 16,000 students (a 9.96% increase) while traditional public school enrollment decreased by nearly 170,000 students (6.94%).¹⁷ During that same time period, enrollment of Black and Hispanic students in charter schools increased by 3,632 (4.40%) and 8,727 (14.91%) students while Black and Hispanic student enrollment in traditional public schools decreased by 50,614 (14.20%)

¹⁷ Jacobs, D., & Veney, D. (2023). Believing in education: A demographic and state-level analysis of public charter school and district public school enrollment trends. *National Alliance for Public Charter Schools*.

and 24,581 (3.59%) students respectively. In New York City, where 274 of the State's 343 charter schools are located, charter school enrollment grew by 4.1% in 2023–24, significantly exceeding the district's growth rate of 0.7% and increasing the percentage of NYC public school students attending charter schools to 15%. Nearly 37% of Black kindergarten students in New York City now attend a charter school. Demand exceeds supply: there are currently more than 173,000 students on waitlists for Institute charter schools, a testament to the need for additional high-quality educational options.

New Opportunities for Growth. New York State law permits the issuance of 460 charters (Education Law § 2852(9)). As of 2024, 84 charters remain available for issuance outside of New York City. Until 2023, a sub-limit on the number of charters eligible to be issued in NYC had prevented a number of provisionally approved schools from opening. New York State's 2023–24 Enacted Budget, however, authorized the re-issuance of any charter that had previously been awarded to a charter school that subsequently went on to close after July 1, 2015, due to surrender, revocation, termination, or non-renewal. These so-called “zombie charters” had previously counted against the State's charter school cap notwithstanding their closure. The 2023 legislation resulted in the availability of 22 additional charters in New York State including 14 in New York City. The Institute awarded five of the newly available NYC charters in 2023, leaving nine additional charters remaining to be reissued in the City (Appendix F-3). Several provisionally approved schools have been waiting to open for nearly a decade; Achievement First Charter School 11 and Success Academy Charter School - NYC 5, for example, were both authorized by the Institute in 2014. As evidenced in Table 2, NYSED anticipates these nine new NYC charter schools to

become eligible for subgrants in Year 1 of the CSP project period. The nine new school awards contemplated for Year 5 reflect our assumption that a sustained advocacy push will result in another legislative measure that allows for new charters to be awarded in NYC. Given that it will have been five years since the 2023 legislation that authorized the re-issuance of the “zombie charters” and that demand for charter school seats shows no signs of abating, our award cadence includes the possibility of additional new schools being permitted to open in NYC toward the end of the project period.

Historical Precedent. Since 2018, 95 charter schools have either opened or expanded in New York State. Seventy-four of these schools adding seats in recent years are located in NYC while others are in Buffalo (7 schools), Rochester (5 schools), Central Islip, Homer, Mt. Vernon, Poughkeepsie, Rensselaer, Schenectady, Syracuse, Uniondale, and Wyandanch. Through our FY18 CSP-SE grant, NYSED issued 39 subgrants to new and replicating schools and an additional 23 subgrants to high-quality schools expanding to serve students in new grade levels. NYSED had originally budgeted for 13 expansion subgrants but sought and received approval from the Department of Education to award an additional 10. This adjustment reflected an unforeseen demand for established schools to add grade bands in order for parents to be able to send their children to a single, successful charter school for the entirety of their K–12 educational experiences.

Our projections for the next CSP project period reflect this understanding of how charter school seat growth is likely to occur in New York, particularly in NYC where expansions are again likely to be the only feasible mode of growth for several years once the additional nine newly available charters have been issued. In addition to the

schools we expect to open in NYC in the first year of the project period, we anticipate making subgrant awards to schools that will open in Westchester County (Yonkers, Mt. Vernon, and White Plains), as well as in Buffalo and Rochester, communities in which academic outcomes continue to fall well below State averages.

Diverse Models. Education Law § 2850(2)(b) charges New York’s charter schools with providing “expanded learning experiences for students who are at-risk of academic failure.” NYSED and the Institute both encourage applications from developers seeking to serve vulnerable populations. With students in at-risk subgroups continuing to lag their peers on key academic measures, we anticipate that applications submitted during the project period will feature one or more of the following innovative, evidence-based design elements that are aligned with the strategic priorities of New York’s Board of Regents and which will be tailored to the specific needs of the students being served:

- *Bilingual and/or dual language.* New York has seen a marked increase in asylum seekers with over 183,000 people entering NYC’s shelter system between Spring 2022 and June 2024.¹⁸ While charter schools have played a key role in serving the needs of these vulnerable populations by enrolling migrant students in sizable numbers,¹⁹ the magnitude of the need will necessitate additional bilingual/dual language options.

- *Career and technical education (CTE).* Charter schools were actively involved in NYSED’s Grad Measures Project, which reemphasized the importance of CTE and project-based learning models.²⁰ NYSED is working with numerous stakeholders to

¹⁸ <https://comptroller.nyc.gov/services/for-the-public/accounting-for-asylum-seeker-services/asylum-seeker-census/>

¹⁹ Hogan, B., & Campanile, C. (2023, Aug. 17). NYC charter schools enroll wave of kids from migrant families: “We want to help.” *New York Post*.

²⁰ <https://www.nysed.gov/grad-measures>

create additional CTE opportunities in line with the Department’s strategic priorities, and we anticipate emerging networks such as Science Academies of New York (with campuses in Rochester, Syracuse, and Utica) that fit well within this paradigm to be at the forefront of sector-wide growth over the project period. NYSED has also worked with emerging charter schools such Innovation Charter High School and the NYC Charter High School for Architecture, Engineering, and Construction Industries to expand their programmatic offerings and their footprints to meet the needs of students seeking a more hands-on and career-aligned high school experience. With CTE programs continuing to extend their reach in New York,²¹ these models represent a promising area of potential charter growth over the next five years.

- *Innovative special education models.* New York serves the nation’s largest share of disabled students, with 20.5% of public school students qualifying for services.²² Innovative, high-performing charter schools such as the NYC Autism Charter School and the Neighborhood Charter of Harlem that focus on the provision of services to specific low-incidence disability groups are generating noteworthy results. NYSED has obtained letters of support from these schools indicating that the availability of CSP funding would be a key factor in allowing them to expand to offer seats to additional students with low-incidence disabilities before the end of the decade (Appendix C).

- *Alternative models for high school students.* As noted in our response to CPP5, New York currently has 10 alternative “transfer” charter high schools that provide non-traditional learning environments for disconnected youth. During the CSP project period,

²¹ <https://steinhardt.nyu.edu/research-alliance/research/spotlight-nyc-schools/how-has-supply-career-and-technical-education>

²² Schaeffer, K. (2023). What federal education data shows about students with disabilities in the U.S. *Pew Research Center*.

we anticipate receiving applications from schools where at least two-thirds of students will be identified in one or more of these growing populations that are ill-served by traditional models: adjudicated or gang-involved youth; students in the foster care system; interrupted education; living in temporary housing; McKinney-Vento eligible; over-age/under-credited; and students with mental health or substance use diagnoses.

A Letter of Support from Momentum, which partnered with the National Charter Schools Institute to lead the A-GAME initiative that drove the development of novel resources and authentic data tools that help authorizers provide more effective support for alternative charter schools, is attached in Appendix C.

Award Size Calculation Methodology. NYSED is requesting funding to award [REDACTED] subgrants to new, replicating, and expanding schools. As explained in Section (b), all subgrantees will be eligible for a base award amount of \$ [REDACTED] with an additional \$ [REDACTED] available to schools that meet one or more key program design priorities. During NYSED's FY18 CSP-SE project period, [REDACTED] of the charter schools awarded a subgrant met one or more of their authorizer's program design priorities; accordingly, we project the average award amount for subgrantees to be [REDACTED].

New York's methodology for calculating these average and maximum subgrant award amounts is based on empirical data and rigorous analysis. Awarding [REDACTED] to each applicant group in New York is not just a matter of equity and opportunity for students attending charter schools, but a necessity driven by the unique economic landscape of the State and the evolving educational needs of our communities. Stated simply, New York is expensive. New and expanding schools that received subgrants under NYSED's FY18 CSP-SE grant had little difficulty exhausting the full \$ [REDACTED]

for which they were eligible. While delivering technical assistance to subgrantees, we routinely identified eligible expenses that schools could conceivably have pursued had they been awarded more money, thus illuminating the need for additional funding.

Increasing the maximum subgrant amount to [REDACTED] is therefore a strategic imperative driven by the economic realities of New York and the critical need to provide adequate financial support for schools developing innovative educational models.

In New York City in particular, start-up costs come at a premium compared to charter schools in other regions. New York's real estate market is notoriously challenging. Charter schools receiving CSP funding from NYSED have historically allocated significant portions of their budgets to pre-opening rental costs associated with securing suitable facilities in competitive markets and to repairs required to bring their facilities up to code. Moreover, New York's high cost of construction is well-documented. According to industry reports and economic analyses, construction costs in New York consistently rank among the highest in the nation. This is particularly true for major urban centers like New York City, where real estate prices are significantly inflated compared to national averages. Therefore, any educational initiative requiring physical infrastructure, such as the establishment of welding bays or nursing practicum facilities, necessarily demands a higher level of investment in New York compared to other regions. We note that while construction and capital improvement costs are ineligible for reimbursement under federal CSP guidelines, they necessarily erode schools' start-up budgets in a way that makes it meaningfully more difficult for them to afford other essential start-up purchases that can, in fact, be covered by CSP funds.

Finally, the educational models we anticipate funding during the upcoming CSP project period are capital-intensive. Schools that promote CTE, while incredibly effective in preparing students for real-world careers and fostering critical thinking skills, often require substantial upfront investments in specialized equipment, materials, and facilities. For example, outfitting a school with state-of-the-art welding bays or equipping a nursing program with essential practicum materials entails significant costs that cannot be overlooked. Recruiting, training, and compensating administrators and key instructional personnel — particularly those leading schools whose specialized models demand rare skill sets — all require significant pre-opening outlays as experienced staff command higher salaries within New York’s fiercely competitive labor market.

Selection Criterion (b) – Quality of Eligible Applicants Receiving Subgrants

New York will administer an integrated charter authorization / CSP application process that ensures subgrants are awarded to high-quality applicants while minimizing administrative burdens on both schools and authorizers. This streamlined process takes advantage of two key features of New York’s charter school landscape: an authorizing environment renowned for its rigor and a cohesive statewide system of oversight and support that allows CSP to be woven seamlessly into existing monitoring and technical assistance frameworks. As a precondition to receiving CSP funding, a school must first receive approval from either NYSED or the Institute to open, expand, or replicate. Both authorizers maintain application processes that are rigorous and aligned with federal CSP requirements. Accordingly, NYSED considers the authorization process to be the *competitive* component of our CSP program. Once a school has cleared that rigorous

quality bar, it is considered presumptively eligible for a subgrant and is invited to complete a subgrant application for administrative review and approval.

The benefits of this integrated model are clear. Education Law § 2852(9-a) requires NYSED and the Institute to issue Requests for Proposals (RFPs) annually and to make approval decisions no later than December 31 of a given year. This timeframe allows for a thorough peer review process and permits successful applicants to access essential planning funds for up to 18 months of their overall 36-month subgrant periods. Afforded timely access to critical start-up support, charter school founding groups are able to focus their energies on key planning and early implementation activities rather than on fundraising to defray costs incurred prior to the receipt of per-pupil allocations. Moreover, this process is uniquely holistic as it links eligibility for a CSP grant with an authorizer's overall assessment of a school's capacity to create high-quality seats.

New and Replication Schools. NYSED and the Institute work in partnership to ensure that only governing boards with the will, skill, and capacity to sustain quality schools are awarded charters, and they diligently monitor the academic and operational programs of the charter schools in the State. The Institute, a recipient of NACSA's Award for Excellence in Improving Authorizer Practice, is nationally regarded as a model authorizer. Its charter school oversight architecture and its innovative approach to calibrating accountability and support have inspired the development of authorizer practices across the country. The Institute's RFP process (Appendix F-4) includes an academic, operational, legal, and fiscal review by both staff and external experts in the fields of education and finance; interviews of the founding team and board by Institute

staff and members of the SUNY Trustees' Education Committee; and a thorough due-diligence review and interview of any proposed management organization.

NYSED's charter application process (Appendix F-5) is similarly intense. It includes a two-stage comprehensive written application reviewed by expert peer reviewers (including charter and district school faculty, administrators, and board of trustees members, along with other educational professionals) and NYSED staff; a panel discussion among peer reviewers; a face-to-face interview of the proposed school's founding group regarding capacity; and careful consideration of public opinion, including direct solicitation of comment from the host district's superintendent.

Table 3 provides a crosswalk demonstrating how New York's authorizer evaluation protocols are aligned with the required components of CSP subgrant applications as detailed in the Every Student Succeeds Act.

Table 3. Crosswalk between CSP Subgrant Application Requirements and NYS Charter School Authorizer Application Requirements

CSP Subgrant Application Requirement	NYSED Charter Application Requirement	Institute Charter Application Requirement
A description of the roles and responsibilities of eligible applicants, partner organizations, and charter management organizations including administrative and contractual roles and responsibilities	III.C – Management and Staffing Attachments 6a–6c – CMO Information, Management Contract, Business Plan Attachment 7 – Partnership Information	R-11ab – School Management & Leadership R-13a – Partner Organizations R-14ad – Governance Business Plan
A description of the quality controls agreed to between the eligible applicant and the authorizer, how a school's performance in the State's accountability system and impact on student achievement will be one of the most important factors for renewal or revocation of the school's charter, and how the State entity and the authorizer involved	III.E – Evaluation Charter Agreement	R-06g – Accountability Plan Charter Agreement (Appendix F-6)

will reserve the right to revoke or not renew a school's charter based on financial, structural, or operational factors		
A description of how the autonomy and flexibility granted to a charter school is consistent with the definition of charter school in Section 4310 of the ESEA	Education Law § 2853(c) Charter Agreement	Education Law § 2853(c) Charter Agreement
A description of how the eligible applicant will solicit and consider input from parents and other members of the community on the implementation and operation of each charter school that will receive funds under the State entity's program	I.E – Public Outreach Attachment 2b-c – Evidence of Public Review Process, Evidence of Community Support Table 2 – Public Outreach Information	R-04abc – Community Outreach, Support, and Demand
A description of how the eligible applicant will support the use of effective parent, family, and community engagement strategies to operate its charter school	III.I – Family and Community Involvement	R-02ab – Addressing Need R-04abc – Community Outreach, Support, and Demand
A description of how the eligible applicant has considered and planned for the transportation needs of the school's students	III.H – Non-Academic Operations	R-19 – Transportation
A needs analysis and description of the need for the proposed project, including how the proposed project would serve the interests and meet the needs of students and families in the communities the charter school intends to serve	I.C – Community and Students to Be Served	R-01ac – Community Need and Proposed School Impact R-02ab – Addressing Need
A description of how the eligible applicant will implement a community-centered approach that includes meaningful engagement	I.C – Community and Students to Be Served I.E – Public Outreach III.I – Family and Community Involvement	R-02ab – Addressing Need R-13a – Partner Organizations R15 – District Relations

Schools that receive approval to open or replicate will be invited to complete a CSP subgrant application that includes the following elements:

- A Project Narrative that describes how CSP funds will support preparing for the operation and opening of a new charter school;

- An eligibility verification to ensure that the applicant meets the federal definition of a charter school and has not already received CSP funding directly from the U.S. Department of Education under another program;
- Project SMART Goals, including at least one goal that concerns academic outcomes for educationally disadvantaged students;
- A budget, budget narrative, and sustainability plan that detail how the applicant intends to spend subgrant funds, how expenditures are aligned with project goals, and how the school intends to maintain quality programming once the grant has lapsed; and
- CSP certifications and assurances signed by the school's board chair.

The subgrant application will be reviewed for completeness and permissibility of proposed expenses by experienced NYSED CSP grant administrators.

Expansion schools. The CSP process will be differentiated for applicants that meet the federal definition of an expansion school (i.e., a school that has added one or more grade levels or which has significantly increased its enrollment). Schools pursuing an expansion must seek approval from their authorizer for a material revision to their charter agreements, a process that functionally supplements the initial quality screen that takes place during the application process. The Institute's material revision process (Appendix F-7) requires schools seeking expansions to provide a *community analysis* detailing how the school would provide a "needed alternative" for families as well as updates to the school's educational program, staffing plan, and budget. NYSED's material revision process requires schools seeking expansions to provide evidence of demand, an analysis of the projected programmatic and fiscal impact of the school on the district of location, and revised budgets and staffing plans (Appendix F-8).

The CSP subgrant application for expansion schools will differ from the application for new and replicating schools in three essential ways. First, verification of eligibility will include an assessment of whether the school satisfies the State and federal definitions of “high-quality.” New York defines a “high-quality” school as one that (a) meets or exceeds the standards of the NYSED Charter School Performance Framework, and (b) meets the definition of “high-quality charter school” pursuant to ESEA §4310(8)(a)-(d) (i.e., has a demonstrated track record of academic success, organizational viability, and financial soundness). Second, applicants will be asked to provide a Proposal Narrative that includes additional information about the specific academic, social-emotional, and community needs to be addressed through the proposed project; the manner in which the school’s expansion strategy will allow it to fulfill its project goals; and evidence that the school has the organizational capacity to successfully manage the expansion effort.

Third, because neither the Institute’s nor NYSED’s material revision review process includes outside experts, the expansion subgrant application will be reviewed by two peer reviewers. At least one peer reviewer will possess financial expertise in order to perform a cost analysis and budget review to ensure that expenditures proposed for the CSP grant are necessary, reasonable, and allocable under federal cost principles. Should the peer reviewers identify fiscal, operational, or governance concerns, NYSED will engage in risk-based monitoring as mandated under 2 CFR § 200.332(b) and will impose corrective action plans whose satisfactory completion will be required to avoid progressively escalating consequences up to and including grant termination.

Although the NYC-DOE and the Buffalo City School District are no longer empowered to authorize new schools, active schools within their existing portfolios may

seek approval to expand. These authorizers utilize material revision processes comparable to NYSED, and their decisions must be ratified by the Board of Regents. Accordingly, schools that receive approval to expand from one of these two authorizers and the Board of Regents during the project period will be invited to apply for an expansion subgrant through the peer-reviewed process described in this subsection.

Publicizing the Availability of Subgrants. Information about CSP funding is included in the new school RFPs issued by both NYSED and the Institute. NYSED maintains a dedicated landing page on our website exclusively for the purpose of calling attention to state-administered public funding opportunities for which charter schools are eligible.²³ In addition to posting CSP materials on our website, NYSED disseminates information about the program through our statewide and charter school listservs. Finally, NYSED leverages our longstanding partnerships with the New York Charter Schools Association and the NYC Charter School Center to transmit information about the grant to eligible applicants, broadening awareness among early-stage developers considering a new school proposal as well as successful schools undertaking expansion efforts.

Peer Review. New school applications are assessed by peer review panels composed of individuals with expertise in educational administration, finance, instruction, governance, law, and community engagement. Peer reviewers are sourced through recommendation of school leaders, other charter school authorizers, and school support organizations, as well as through professional affinity groups such as the National Association of Charter School Authorizers. Interested peer reviewers submit a résumé, complete a questionnaire and a Conflict of Interest form, and sign a

²³ <https://www.nysed.gov/charter-schools/finance-funding-opportunities-charter-schools>

confidentiality agreement. NYSED and the Institute review these applications and assemble diverse review teams that reflect a range of backgrounds and areas of expertise. Peer reviewers independently score each application before meeting as a group to discuss in a panel setting. Reviewers then participate in capacity interviews with applicants' founding board members and school leaders before making final approval recommendations.

Prior to being assigned applications, reviewers receive training that includes information on the charter school application process, application phases, the review cycle, the review panel and evaluation process, rubric scoring criteria, written feedback guidance, and reviewer expectations. NYSED and the Institute establish inter-rater reliability on their respective charter school scoring rubrics during these trainings through norming exercises using sample responses evaluated against a numeric scoring rubric with clearly defined score thresholds. Peer reviewers assigned CSP expansion subgrant applications for review will receive additional training, including inter-rater reliability exercises, that covers the unique elements of those submissions. Staff are also available to work with peer reviewers on a one-to-one basis as needed.

Prioritizing Diverse and Innovative Models. All subgrantees will be eligible for a base award amount of \$ [REDACTED]. An additional \$ [REDACTED] will be awarded to charter schools that meet one or more of the following program design priorities:

- The school is specifically designed to meet the learning needs and raise the achievement of students with disabilities or English Language Learners;
- The school is a high school whose mission is specific to the needs of over-age and under-credited students;

- The school will serve students who are at-risk of academic failure because they reside in a community that is served by a persistently low-achieving school;
 - The school will provide a distinctive educational option for students in rural communities with limited educational options; and/or
 - The school's program will promote racial, ethnic, and linguistic diversity.
- Eligibility for funding under the program design priorities will be assessed at the subgrant application stage by NYSED program administrators.

Selection Criterion (c) – State Plan

(c).1 – Adequately Monitor Eligible Applicants Receiving Subgrants

NYSED's CSP Monitoring Plan aligns with the seven discrete components embedded within Indicator 2.4 (Subgrantee Monitoring) of the Department of Education's Monitoring Handbook for State Entity Grantees.²⁴

(1) *Regularly Monitoring Subgrantee Projects.* In general, CSP monitoring is integrated seamlessly into existing authorizer reporting frameworks. NYSED and the Institute conduct ongoing oversight via desk audits and site visits that align with CSP requirements in domains such as financial controls, governance policies, and enrollment practices. NYSED's Charter School Monitoring Plan (Appendix F-9) sets forth the manner in which we collect and review evidence aligned to key areas of our Charter School Performance Framework (Educational Success, Organizational Soundness, and Faithfulness to Charter and Law). The Institute differentiates reporting requirements based on a school's relative maturity (Pre-Opening, First-Year, Operational) and the frequency with which reports are due (Each School Year, Throughout School Year, As

²⁴ <https://charterschoolcenter.ed.gov/sites/default/files/upload/toolkits/CSP-SE-Monitoring-Handbook-FY18-Grantees.pdf>

Necessary),²⁵ and it conducts routine site visits according to a protocol that includes interviews, observations, and document reviews (Appendix F-10).

Furthermore, New York's Charter School Audit Guide (Appendix F-11) includes guidance on specific procedures required for CSP subgrantees. All subgrantees that expend at least \$ [REDACTED] in CSP funds during a given fiscal year must include an *Agreed-Upon Procedures (AUP) Report* in their audit. The independent auditor completing this report must (a) obtain the detail of expenditures incurred for the period under review relating to the CSP grant from the subgrantee's accounting software and reconcile to the grant revenue recorded by the subgrantee; (b) obtain the NYSED-approved CSP grant award information, including the budget and any amendments, to determine if the revenue and expenditures recorded for the period appear reasonable; (c) select a sample of expenditures and test them to determine whether they comported with the purpose of the grant (i.e., to support the educational needs of all students), fell into an approved budget category, and were charged to the appropriate period; and (d) obtain FS-25 Forms submitted to NYSED during the review period and confirm that items requested for reimbursement had previously been expended. AUP Reports, along with Corrective Action Plans for any findings, are due annually on November 1.

Finally, as explained at greater length in the response to Component 4 below, all subgrantees are required to submit CSP Annual Reports.

(2) *Selecting Subgrantees to be Monitored using a Risk-Based Approach.* The most salient factor in determining a subgrantee's risk level is the AUP Report. Additional risk factors include (a) academic performance concerns, (b) authorizer concerns from

²⁵ <https://www.newyorkcharters.org/resource-center/school-leaders/compliance/reporting-requirements/>

ongoing oversight activities, (c) financial statement or single audit findings, (d) management letter observations, (e) CSP Annual Report information that raises concerns, (f) failure to submit mandated reports, and (g) increased media presence. Subgrantees that exhibit these risk factors will receive additional training and/or be subjected to additional reporting requirements as required to mitigate these risks.

(3) *Using Trained Monitors to Monitor Subgrantee Projects.* NYSED and the Institute employ highly trained personnel to monitor subgrantees. Monitors develop inter-rater reliability through training sessions that include an overview of all required submissions, guidance on specific sources of evidence for each requirement, and examples of exemplary and non-exemplary responses assessed using a four-tier scoring rubric (Inadequate / Approaches / Meets / Exceeds). Monitors who are new to the review process also attend a specialized training session to ensure there is ample opportunity to understand the application materials and the appropriate lens for analysis.

(4) *Maintaining Systematic Monitoring Processes that Assess Progress in Meeting Programmatic Components Outlined in the Subgrant Application.* NYSED requires all subgrantees regardless of authorizer to submit performance reports at the close of each project year. The performance report presents an opportunity for subgrantees to provide updates on implementation of key grant-related activities, progress toward grant goals, and the impact-to-date of grant funds. Subgrantees are also required to provide updates on (a) the status of any Corrective Action Plan opened during the project period, and (b) the sustainability plan they submitted in their CSP subgrant applications including whether additional sources of funding have been identified and whether the school has built the internal capacity to perform tasks that initially necessitated external providers.

(5) *Monitoring that Subgrantees are Making School Data Publicly Available.* At least once annually, the CSP Project Director conducts a formal review of each subgrantee's website to verify that all required information has been publicly posted. In the event that any such data (i.e., CSP monitoring findings and Corrective Action Plans, information on the educational program, support services, parent requirements, financial obligations, enrollment criteria, and annual performance and enrollment data) has not been made publicly available, NYSED will issue a *Notice of Concern* and afford the school a 30-day cure period. Should the website remain out of compliance, NYSED will send a *Notice of Deficiency With Request for a Corrective Action Plan* detailing the finding along with the required next steps to remedy the deficiency.

(6) *Maintaining Systematic Monitoring Processes that Assess Subgrantee Financial Procedures and Use of Funds.* Fiscal monitoring is conducted through reviews of AUP Reports, audited financial statements (including internal controls reports), and desk reviews of quarterly financial reports. These monitoring activities are designed to accomplish the following objectives: (a) to verify the presence of adequate internal controls that ensure subgrant expenses are compliant with federal requirements and assets are safeguarded and used exclusively for permissible purposes; (b) to confirm that expenditures were compliant with federal cost principles; and (c) to assess the extent to which expenditures were aligned with approved subgrant budgets. Identified issues will lead to the issuance of either a *Notice of Concern* or a *Notice of Deficiency With Request for a Corrective Action Plan* as set forth below.

(7) *Conducting Effective Follow-Up or Utilizing Corrective Action Plans for Identified Deficiencies.* NYSED issues two types of notifications to schools that have fallen out of

compliance with CSP monitoring requirements. *Notices of Concern* are issued when a school begins to, or is at risk of, failing to meet one or more subgrant conditions (including performance standards, reporting expectations, and adherence to sound administrative and financial practices). *Notices of Deficiency With Requests for a Corrective Action Plan* are issued when for more egregious instances of non-compliance or when a school fails to rectify a Notice of Concern within the provided cure period. Notices of Deficiency are designed to spur immediate and urgent school improvement strategies that will improve outcomes for students and compliance with applicable laws, regulations, and policies. The issuance of a Notice of Deficiency requires a school to develop a Corrective Action Plan (CAP) and to submit it to NYSED for approval. In addition, NYSED's Charter School Audit Guide requires charter school Corrective Action Plans created in response to audit findings to include a management plan that covers all corrective activities; an implementation timeline; and ownership assigned. Grant funds may be frozen until issues are satisfactorily resolved.

NYSED and the Institute meet quarterly to discuss monitoring findings related to active CSP subgrantees and to monitor compliance with Corrective Action Plans.

(c).2 – Avoid Duplication of Work

Sections (b) and (c).1 outline the manner in which New York's CSP subgrant application and monitoring processes are deliberately woven into the State's existing charter school authorization and oversight systems. These integrated processes minimize duplication of effort for charter schools by allowing them to compete for subgrants without having to submit redundant proposals and to fulfill a significant percentage of federal compliance requirements through existing accountability

mandates. Similarly, these processes mitigate undue burdens on authorizers by allowing them to condition eligibility for growth funding on a comprehensive assessment of a school's capacity to add high-quality seats and by enabling them to fulfill their congruent charter school oversight and CSP monitoring responsibilities concurrently.

(c).3 – Provide Technical Assistance and Support for Eligible Applicants and Quality Authorizing Efforts

Having conducted rigorous oversight of the schools in their respective portfolios over the past 25 years, NYSED and the Institute are uniquely attuned to the needs of charter schools across the state. Accordingly, New York provides high-impact technical assistance that builds the capacity of key stakeholders within domains that have been assessed as central to a high-performing statewide system that provides a range of excellent opportunities for students and families.

Opening and Operating New Charter Schools. Technical assistance activities begin prior to eligible applicants receiving planning and implementation subgrants. To support the creation of high-quality charter school proposals that draw on evidence-based practices to meet community need, NYSED makes available an integrated application kit, informational webinars, and slideshow presentations for developers to review. NYSED also provides direct CSP technical assistance to all new, expansion, or replication schools regarding reporting requirements, financial oversight activities, and subgrant fiscal procedures. The Institute's website contains a wealth of resources for incipient charter schools including Preopening Guidance, a Quick Guide to Governance and Compliance, a Top Ten Year Zero Action Items guide, and an episode of the Institute's "More Great Seats 4 Kids" podcast titled *Starting a SUNY Authorized Charter School: Best Practices for Application Success*. Both NYSED and the Institute conduct

pre-opening visits to identify potential technical assistance needs based on a pre-opening procedures checklist and provide guidance regarding how schools can build appropriate costs to address key start-up needs into their CSP subgrant budgets.

Building Sector-Wide Capacity. Through NY-RISE (**R**esources, **I**nformation, **S**upport & **E**ngagement), NYSED has provided a wide range of technical assistance webinars and professional development workshops to build the individual and collective capacities of charter sector stakeholders within four key content areas: Home-to-School Connections, Special Education, Financial Operations, and Governance. Trainings emphasize the autonomies that charter schools possess under New York law and provide guidance to board members and leaders on how to structure their programs and use their resources strategically. Sessions are recorded, transcribed, and archived on the NYSED website along with accompanying implementation materials.

Home-to-School Connections trainings cover best practices in establishing and maintaining engagement strategies that help families support student learning. Among the sessions that have supported the development of recruitment, enrollment, and retention practices that promote the inclusion of all students include Planning for Family Engagement in the Charter Life Cycle, Beginning School Year Strategies to Engage Families, Creating Culturally Responsive School Environments, Leading Authentic and Sustainable Family Engagement, Recent Research Studies in Family Engagement, and How Taking Care of Educators is Core to a Healthy School Community.

Special Education sessions have addressed Special Education 101, Managing IEP Caseloads, Reducing the Overuse of Exclusionary Discipline Through Positive Behavior Interventions, Setting up Structures for Effective Co-Teaching, Nurturing Caregiver

Partnerships, Building Inclusive Programs, Creating Specially Designed Instruction, Creating Functional Behavior Assessments and Behavior Intervention Plans, Preparing for Manifestation Determination Hearings, and Transitions for Students with Disabilities.

Financial Operations trainings have covered Finance 101, Planning for Financial Success and Sustainability, Evaluating and Sustaining the Use of Grant Funds, a Deep Dive on Federal Funding Sources, Allocating Resources to Support Student and School Needs, Setting and Meeting Enrollment Targets, Internal Controls, Promising Strategies for Teacher Retention, Promising Strategies for Teacher Recruitment and Hiring, and Financial Metrics and Support for Institute- and NYSED-Authorized Charter Schools.

Governance trainings aim to ensure that New York’s charter school trustees possess the skills and ability to create the conditions that maximize student performance. Workshops have included New Board Member Basics 101 (a four-session course), Best Practices in School Leader Evaluation, Best Practices for Board Self-Evaluation, Voting and Executive Sessions, Preparing for Renewal, Legal Compliance, Analyzing Academic Data, Analyzing Financial Data, Leading with Equity for Students with Disabilities, Making Sense of the Open Meetings Law, and Preventing and Undoing Internal Conflict on Charter School Boards.

Through this CSP project, NYSED will build on this existing technical assistance infrastructure to continue strengthening the governance capacity of New York’s charter school boards. NYSED will hire a Charter School Governance Specialist as a new 1.0 FTE who will provide mandatory board training for all new school subgrantees. This new team member will be a licensed attorney with prior experience working with charter

school boards. Subgrantees will be required to submit documentation verifying board member participation in required trainings in connection with their CSP Annual Reports.

Fostering District-Charter Collaboration. As noted in the Invitational Priority, NYSED will consummate a technical assistance partnership to support the creation of cross-sector collaborations that bring a community's collective resources to bear for all children regardless of whether they attend a charter school or a traditional public school. Through a micro-grant process, NYSED will evaluate applications from charter schools that propose projects featuring a new collaboration with at least one traditional public school or district. To access funds, schools must propose projects that are aligned with the New York State performance standards, supported by research, and designed to accomplish 2–3 project goals (at least one of which must be related to improving student achievement for educationally disadvantaged students). NYSED will evaluate proposals based on evidence of need, traditional public school involvement in the creation of the project plan, the reasonableness of budget requests in light of proposed activities, and the quality of an applicant's plan to monitor progress toward project goals.

To facilitate these projects, NYSED will partner with a statewide nonprofit with deep expertise and credibility within New York's charter school community. This contracted partner will be responsible for monitoring adherence to project plans, guiding continuous improvement efforts in light of formative monitoring, and coordinating statewide dissemination activities in a range of formats (including online and in-person) highlighting the benefits of these partnerships. Collaboration grant projects will culminate in a written document authored by the micro-grant recipient describing the collaboration with a focus on how effective practices can be scaled further to encourage

broader adoption by a wider audience. Barriers to implementation in district schools will also be discussed alongside strategies for mitigating these hurdles. These documents will be posted on the NYSED website for the benefit of all schools in the State, even those who did not participate directly in the dissemination project.

Supporting Quality Authorizing Efforts. As explained in the Absolute Priority, NYSED and the Institute are nationally recognized for their embrace of best practices in charter school authorization. Both entities have extensive track records of adhering to NACSA's *Principles and Standards* in areas such as assessing annual performance data (see Annual Report Guidelines, Appendix F-12); assisting with annual audits (see Charter School Audit Guide, Appendix F-11); holding charter schools accountable to their performance agreements (see Charter School Performance Framework, Appendix F-2); reviewing processes related to renewal, non-renewal, or revocation (see Renewal Benchmarks, Appendix F-13); and establishing clear plans and procedures to assist students enrolled in a charter school that closes to attend other high-quality charter schools (see Closing Procedures Checklist, Appendix F-14).

Nevertheless, NYSED and the Institute remain committed to continuous improvement and have jointly determined that a key lever for improving student outcomes during the CSP project period will be the further integration of community-based authorizing practices. A 2023 WestEd issue brief describes community-based authorizing as “a new field within the charter sector” and defines it as “the intentional solicitation of community input across the charter life cycle and the use of data about community assets and needs to inform authorizing practices and decisions.”²⁶ In

²⁶ <https://www.wested.org/wp-content/uploads/2023/03/Community-Based-Authorizing-Current-and-Evolving-Strategies.pdf>

partnership with a quality service provider, NYSED and the Institute will build their capacity to incorporate community input into their respective oversight processes.

Education Law § 2852(9-a)(b)(ii) requires NYSED and the Institute to prescribe a “thorough and meaningful public review process” through which applicants “solicit community input regarding the proposed charter school and [] address comments received from the impacted community concerning the educational and programmatic needs of students.” Among the goals of this partnership will be to strengthen these public outreach processes and build authorizer capacity to ensure the perspectives of students, families, residents, school officials, local nonprofits, and elected/appointed officials have been appropriately considered. Such work may also entail national landscape scans and training in best practices utilized by other authorizers; support for schools struggling to engage with non-native English speakers, refugees, or homeless and migratory families; the refinement of application materials, scoring rubrics, survey instruments, focus group protocols, and site visit frameworks; and the development of advisory councils and the inclusion of community experts as external reviewers.

Disseminating Effective Charter School Practices. To support the proliferation of effective charter school practices, NYSED and the Institute prominently post technical assistance resources on their websites. The Institute, for example, shares guides and templates related to accountability, applications and admissions, governance, finance, compliance, and renewal. In addition to pre-opening and NY-RISE training materials, NYSED’s website contains a dedicated landing page that spotlights *Successful Charter School Practices*. This page includes profiles of schools that have taken innovative steps to broaden access for high-need students (including Tapestry Charter School’s

establishment of grade-level “Crews” to support high school graduation in Buffalo and Community Roots Charter School’s use of flexible co-teaching models in Brooklyn), highlights from schools that piloted novel practices to support learning during the pandemic, and videos featuring effective practices from four schools across the State.

Through NY-RISE, NYSED facilitated “Best Practice Showcases” and presentations from leaders of schools implementing effective family engagement strategies. The project also produced several “PD on the Go” podcasts that provide bite-sized training on family engagement topics for school leaders, teachers, and staff. In addition to the aforementioned dissemination activities related to the cross-sector collaboration micro-grant initiative, NYSED will maintain our commitment to knowledge-sharing during the CSP project period by adding new case studies and videos to our Successful Charter School Practices page, by presenting at statewide and national conferences, and by sharing authorization practices through A-GAME and other initiatives focused on supporting schools whose diverse models are tailored to the needs of at-risk students.

(c).4 – Solicit and Consider Input from Parents and Community Members on the Implementation and Operation of Charter Schools

Please see Section (b) for an explanation of how New York enforces the requirement embedded in Education Law § 2852(9-a)(b)(ii) that charter schools solicit input from parents and community members, Section (c).1 for a description of how the CSP Project Director verifies that each subgrantee is making required information publicly available to parents, and Section (c).3 for an overview of how NYSED will leverage technical assistance set-aside funds to strengthen community-based authorization practices. NYSED’s Charter School Parent Guide and Statement of Community Authorizing Practices are attached as Appendix F-15 and F-16.

Education Law § 2857(1) and NYSED Charter School Regulation 119.4 require public hearings to be held in connection with an application to open a new charter school or for an existing school to revise or renew its charter. These hearings are conducted in the proposed district of location to solicit public comments, thus providing authorizers with another means of evaluating a charter school’s community and family support. When making renewal determinations, authorizers must take into consideration indicia of parent and student satisfaction. Charter schools frequently conduct surveys of parents and families to gauge school satisfaction levels. In New York City, where the majority of the State’s charter schools are located, the NYC-DOE conducts annual surveys of parents, staff, and students at all public schools in the LEA including charter schools. The results of the surveys inform each school’s annual School Quality Snapshot, which is available on the NYC-DOE’s website.²⁷

To generate a more comprehensive understanding of how stakeholders across the State — including in communities not currently served by charter schools — might benefit from a diverse range of educational models, NYSED will partner with a quality service provider to conduct two community surveys and two rounds of focus groups during the CSP project period. These methodologically sound data-collection activities will strengthen the charter school developer pipeline by allowing NYSED and the Institute to encourage prospective founders to consider launching in communities where their models will be particularly responsive to stakeholder needs and preferences. The New York State Charter Parent Council will be responsible for creating a working group to interpret and reflect on the survey and focus group findings and for developing

²⁷ <https://www.schools.nyc.gov/about-us/reports/school-quality>

recommendations regarding charter school implementation and operation across the State. Findings and recommendations will be shared on the Charter Parent Council’s website in Years 3 and 5 of the CSP project period.

Table 4. Timeline of Parent and Community Engagement Activities

Activity	Timeline
Authorizers review community outreach, support, and demand information provided in charter applications and material revision requests	Ongoing (Years 1–5)
Public hearings conducted in connection with charter applications, renewals, and revision requests	Ongoing (Years 1–5)
Project Director systematically reviews subgrantee websites to verify publication of required information	Years 1–5
NYSED engages with high-quality technical assistance partner to strengthen community-based authorizing practices	Year 1
NYSED engages with high-quality service provider to conduct methodologically sound surveys and focus groups of parents and community members across New York State	Year 1
NYSED and the Institute receive technical assistance related to community-based authorizing practices and built capacity to ensure community input is authentically informing charter school policies and practices	Years 2–5
New York State Charter Parent Council forms working group to interpret stakeholder survey and focus group data and to make recommendations	Year 1
Stakeholder surveys conducted	Years 2 & 4
Stakeholder focus groups conducted	Years 3 & 5
Charter Parent Council working group meets to reflect on data	Years 2–5 (2x annually)
Charter Parent Council posts key findings and recommendations on website	Years 3 & 5

(c).5 – Maximize the Flexibility Provided to Charter Schools Under New York Law

New York defines charter schools as “independent and autonomous” public schools whose boards of trustees “shall have final authority for policy and operational decisions” (Education Law §§ 2853(1)(c), 2853(1)(f)). Education Law § 2854(1)(b) broadly exempts New York charter schools from all “state and local laws, rules, regulations or policies governing public or private schools, boards of education, school districts and political subdivisions, including those relating to school personnel and students” aside from those related to health and safety, civil rights, and student assessment. The National Alliance for Public Charter Schools has noted that New York’s charter school statute

“includes all of the model law’s provisions for fiscally and legally autonomous schools with independent public charter school boards.”

Charter schools possess critical flexibilities with respect to staffing, budgeting, and scheduling. Notwithstanding prevailing teacher licensure requirements, Education Law §2854(3)(a-1) permits charter schools to employ a select number of uncertified teachers with at least three years of elementary, middle, or secondary classroom teaching experience; tenured or tenure-track college faculty; individuals with two years of satisfactory experience through Teach for America; and individuals who possess exceptional business, professional, artistic, athletic, or military experience. The total number of teachers who fall within these categories that a charter school is permitted to employ is significant: (a) 30% of the school’s staff or five teachers, whichever is less; plus (b) an additional five STEM, Computer Science, or Career and Technical Education teachers; plus (c) five additional teachers. Notably, New York does not impose conventional licensure requirements on charter school administrators, allowing boards to hire the individual best-suited for the role while being held accountable for school performance under that individual’s leadership. Moreover, New York charter schools that enroll 250 students or fewer during their first two years of operation are exempt from existing collective bargaining agreements (Education Law §2854(3)(b-1)).²⁸

New York charter schools are fiscally autonomous. Boards are responsible for approving a school’s annual budget, determining how resources are allocated, and monitoring school finances. State law requires charter applications to include “a proposed budget and fiscal plan for the school including evidence that the fiscal plan is

²⁸ Education Law § 2854(1)(e) states that charter schools are subject to the provisions of Article 6 (Freedom of Information Law) and Article 7 (Open Meetings Law) of the Public Officers Law.

sound and that sufficient startup funds will be available to the charter school” (Education Law § 2851(2)(e)). In exchange for this autonomy, charter schools are subject to annual independent fiscal audits (whose procedures must be consistent with generally accepted government accounting and auditing standards) as set forth in their charter agreements (Education Law § 2854(1)(c)). Additionally, although charter schools must meet the State’s minimum instructional time in their calendars (Education Law § 2851(2)(n)), they determine the length of the school day and year and have the flexibility to fashion novel models that feature instruction on Saturdays or during the summer.

To help charter school leaders and board members understand how to maximize these autonomies, NYSED provides technical assistance (see Section (c).3) that includes explanations of how New York charter schools can meet the unique needs of their students and families through creative program design and resource allocation.

Selection Criterion (d) – Quality of the Management Plan

(d).1 – Adequacy of the Management Plan to Achieve Proposed Project Objectives

NYSED’s Management Plan (Table 5) establishes well-defined responsibilities, clear timelines, and milestones that are realistic, appropriate for the objectives of the grant, and adequate to ensure project success. Project personnel possess the requisite expertise and experience to ensure the CSP project achieves its ambitious aims.

Valerie Martin Kowalski will remain in her role as New York’s CSP Project Director. Having served in this capacity on NYSED’s FY11 and FY18 CSP grants, Valerie brings a wealth of relevant experience related to subgrant application administration, subgrantee monitoring, federal reporting, and oversight of contracted partners. Valerie will devote 50% of her time to the CSP project (75% Admin, 25% TA).

Dr. Lisa Long is the Executive Director of NYSED's Charter School Office. Lisa has been at NYSED since 2000, serving as a senior member of the Accountability, Policy, and Administration Team in NYSED's Office of Accountability and Office of NYC School Improvement and Community Services. Lisa has a robust background in authorizing and supporting charter schools and has deep content knowledge in school improvement, governance, and accountability. Lisa will devote 50% of her time to the CSP project (50% Admin, 50% TA).

David Frank is the Chief of Staff to New York's Commissioner of Education and the Assistant Commissioner in the Office of Education Policy. David previously served as the Executive Director of NYSED's Charter School Office and was the NYC-DOE's Director of Charter School Policy. At NYSED, David oversees a portfolio of non-district schools including Boards of Education Cooperative Services, non-public schools, homeschooling, and Indigenous Education. A member of NACSA's national advisory board, David has managed numerous federal, state, and private grants to support charter school growth, replication, and the dissemination of effective educational practices. David will devote 5% of his time to the CSP project (100% TA).

Barbara Moscinski is NYSED's Performance Oversight Coordinator. Leading a Performance Oversight team that consists of five full-time School Liaisons, Barbara oversees the evaluation of all NYSED-authorized charter schools in accordance with the NYS Charter School Performance Framework and provides support for systematic program improvement that leads to improved outcomes for charter school students. Barbara will devote 50% of her time to the CSP project (50% Admin, 50% TA).

Jennifer Albright is NYSED's Charter School Office Counsel. Jennifer provides guidance and legal advice to NYSED staff on charter school operations, renewals, revisions, mergers, and dissolutions and provides support for the development of effective and compliance policies and governance practices at the school level. Jennifer will devote 50% of her time to the CSP project (50% Admin, 50% TA).

Dr. Janet Kline is NYSED's Program Research Specialist. In this capacity, Janet conducts rigorous statistical analyses of charter school enrollment, performance, and graduation data. By comparing charter and district school outcomes, disaggregating data by student group, and assessing year-over-year trends, Janet provides the empirical underpinning for NYSED's approach to pipeline cultivation and TA provision. Janet will devote 50% of her time to the CSP project (50% Admin, 50% TA).

NYSED will add three new team members to manage this CSP project, which will result in a significant expansion in the number of high-quality charter schools in operation throughout New York State. A Dissemination and Professional Development Coordinator (██████████ 100% TA) will promote dissemination of charter school best practices throughout the State and will help lead the micro-grant initiative that will support mutually beneficial cross-sector collaborations. A Charter School Governance Specialist (██████████ 100% TA) will coordinate and deliver board training to all new school subgrantees. And a Fiscal Oversight Specialist (██████████ 100% Admin) will conduct financial monitoring of all subgrantees across the State.

Resumes of key project personnel are attached as Appendix B. Job descriptions for the Dissemination and Professional Development Coordinator, Charter School Governance Specialist, and Fiscal Oversight Specialist are included in Appendix F.

Table 5. Management Plan

Milestone	Responsible ²⁹	PY 1 ³⁰				PY 2				PY 3				PY 4				PY 5			
		Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3
Objective 1																					
Publicize availability of CSP funding	PD, CSI, NYCSA, NYCCSC	✓		✓		✓		✓		✓		✓		✓		✓		✓		✓	
Publish RFP for new charter school applicants	POC, CSI		✓				✓				✓				✓				✓		
Review new school charter applications (Y1 reviews will be of applications submitted pursuant to 2024 RFP)	ED, POC, PR, CSI	✓				✓				✓				✓				✓			
Review material revision requests from high-quality charter schools seeking expansions (immediate & ongoing)	POC, SL, CSI	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Invite schools approved to open or expand to complete subgrant applications	PD, CSI			✓			✓				✓				✓				✓		
Verify eligibility of new and expanding schools	POC, CSI			✓			✓				✓				✓				✓		
Recruit and train peer reviewers	POC, CSI			✓			✓				✓				✓				✓		
Review new school subgrant applications for completeness, permissibility of expenses, and alignment with program design priorities	PD, CSI				✓			✓				✓				✓					✓
Conduct peer review of expansion school CSP applications	PD, PR, CSI				✓			✓				✓				✓					✓
Train CSP monitors	POC, CSI				✓			✓				✓				✓					✓
Monitor subgrantees via desk audits and site visits that are integrated into existing authorizer reporting frameworks	PD, SL, FOS, CSI	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Review quarterly financial reports, audited financial statements, and CSP Agreed-Upon Procedures Reports	PD, SL, FOS, CSI	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

²⁹ PD = Project Director; POC = Performance Oversight Coordinator; ED = NYSED Charter Schools Office Executive Director; SL = School Liaisons; CO = Charter Schools Office Counsel; AC = Assistant Commissioner; PRS = Program Research Specialist; DPDC = Dissemination and Professional Development Coordinator; CSGS = Charter School Governance Specialist; FOS = Fiscal Oversight Specialist; CSI = SUNY Charter Schools Institute; NYCSA = New York Charter Schools Association; NYCCSC = New York City Charter School Center; TAP = Technical Assistance Partner; CS = Charter Schools; SD = School Districts; PR = Peer Reviewers; NYSCPC = New York State Charter Parent Council

³⁰ Q4 = Oct.–Dec. | Q1 = Jan.–Mar. | Q2 = Apr.–June | Q3 = July–Sept. NYSED anticipates this CSP project beginning on 10/1/24.

Systematically review subgrantee websites to verify publication of required information	PD				✓				✓				✓			✓			✓
Review subgrantee CSP Annual Reports	PD, SL, CSI				✓				✓				✓			✓			
Issue Notices of Concern & Notices of Deficiency With Request for a Corrective Action Plan and monitor CAPs for satisfactory resolution	ED, CSI				✓				✓				✓			✓			
Assign required trainings or additional reporting requirements to high-risk subgrantees	ED, CSI				✓				✓				✓			✓			
Meet quarterly to discuss monitoring findings and Corrective Action Plans	PD, CSI	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Objective 2																			
Hold public hearings in connection with charter applications, renewals, and revision requests	CO, CSI	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Review community outreach, support, and demand information provided in new charter school applications and material revision requests	CO, CSI	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Conduct surveys and focus groups of parents and community members across NYS	PRS, TAP				✓				✓				✓			✓			
Form working group to interpret community survey/focus group data and to make recommendations	PRS, NYSCPC				✓														
Convene working group to reflect on community data from surveys and focus groups	PRS, NYSCPC					✓		✓		✓		✓		✓		✓		✓	✓
Share key findings and recommendations for charter school operation and implementation based on review of community survey/focus group data with NYSED and post them on Parent Council website	PRS, NYSCPC											✓						✓	
Track and analyze charter school student enrollment, achievement, and graduation rates	PRS				✓				✓				✓			✓			
Support growth within diverse charter schools (bilingual/dual language, CTE, low-incidence special education, transfer high schools) whose models are designed to promote academic outcomes within specific at-risk student groups	POC, SL	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Provide supplemental support to CSI charter schools through Coaching for Excellence, HS Redesign, Enhancing Principal Leadership, and Asst. Principal Mentoring	POC, SL	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

Objective 3																				
Disseminate charter school best practices via webinars, case studies, presentations, & videos	DPDC	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Provide governance training to new school subgrantees	CSGS, CO	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Create micro-grant competition to fund high-impact cross-sector collaboration projects	PD, DPCD		✓																	
Issue micro-grants to charter schools that propose projects featuring a new collaboration with a traditional public school or school district	PD, CS, SD			✓				✓				✓				✓				✓
Engage with high-quality TA partner to facilitate cross-sector collaboration projects	DPDC, TAP		✓																	
Monitor progress toward micro-grant project goals and guide continuous improvement efforts	PD, DPDC, TAP				✓				✓				✓				✓			✓
Disseminate collaboration project summaries authored by micro-grant recipients	DPDC, TAP, CS, SD							✓				✓				✓			✓	
Objective 4																				
Engage with high-quality TA partner to strengthen community-based authorizing	ED, POC		✓																	
Receive TA related to community-based authorizing practices and build capacity to ensure community input is informing charter school policies and practices	ED, PD, POC, CL, CSI, TAP			✓		✓		✓		✓		✓		✓		✓		✓		✓
Complete systematic review and alignment of oversight protocols and guidelines	POC, SL				✓															
Utilize revised oversight protocols and guidelines when conducting charter renewal site visits, drafting reports, and making high-stakes decisions	SL					✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Survey staff to assess impact of authorizer TA	PRS, TAP					✓				✓				✓				✓		
Present at least 3x annually at national or regional conferences on best practices in charter school authorizing or CSP oversight	ED, AC, CO	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Participate in national authorizer community of practice related to oversight of alternative charter schools	ED, AC, CSI	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Provide statewide guidance and technical assistance to charter authorizers and school groups.	ED, AC	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

(d).2 – Adequacy of Procedures for Ensuring Feedback and Continuous Improvement

Guided by the logic model and aligned to the performance objectives in Table 1, NYSED will engage in evidence-based improvement cycles throughout the project period. Informed mid-course corrections will be made after careful review of qualitative and quantitative data from the following sources:

Subgrantee Annual Reports. NYSED will review subgrantee performance reports submitted at the close of each subgrant year and will analyze trends related to project implementation, goal fulfillment, and budget utilization.

Statewide Databases. NYSED will review statewide, sector-specific, and subgrantee-level enrollment, performance, and graduation data on an annual basis.

Family and Community Surveys. The NYS Charter Parent Council will form a working group to interpret family and community survey and focus group data and will make recommendations regarding charter school operation and implementation across the State directly to NYSED twice during the project period.

Micro-Grant Formative Assessments. NYSED's technical assistance partner will monitor the cross-sector collaboration projects funded through the micro-grant initiative and will provide annual reports to NYSED summarizing progress toward project goals, barriers to implementation, and responsive improvement efforts.

Authorizer Check-Ins. NYSED and Institute staff will meet quarterly to discuss monitoring findings and the status of any outstanding Corrective Action Plan.

Authorizer Surveys. NYSED and Institute staff will annually complete surveys that measure their self-efficacy related to the use of community-based authorizing practices.

On an annual basis, the Project Director will compile and synthesize this data and feedback when preparing NYSED's Annual Performance Report for the Department of Education. In consultation with key personnel, the Project Director will identify and report on any shifts to be made during the ensuing grant period. Such improvements may include the delivery of topic-based TA in identified areas of need (e.g., subgrant budgeting, support for at-risk students, or community engagement); revisions to the subgrantee pipeline that bring projections in line with evolving conditions on the ground; or the creation of new case studies, webinars, or exemplar materials for dissemination.

(d).3 – Appropriateness and Adequacy of Time Commitments of Key Personnel

NYSED has administered six CSP grants since 1999 and has a deep appreciation for the institutional commitment necessary to bring these projects to fruition. NYSED has budgeted for [REDACTED]s to execute the Management Plan outlined in Table 5. Please see Section (d).1 and the Budget Narrative for descriptions of how key personnel, including the Project Director, will ensure the project meets its objectives.

Waivers

NYSED requests a waiver to provide continued support for five existing subgrantees that received awards pursuant to our FY18 CSP-SE project but which will be unable to complete their subgrant activities prior to the expiration of the grant. These continuation subgrantees will be required to complete a peer-reviewed application that consists of a Project Narrative, Project SMART Goals, an updated budget narrative and sustainability plan, and CSP certifications and assurances. NYSED also seeks a waiver under Section 4303(d)(5) of the ESEA permitting us to award these continuation subgrants without requiring eligible applicants to demonstrate three years of improved educational results as otherwise required under Section 4303(e)(2) of the ESEA.

Application Requirements

Application Requirement	Location(s) in Project Narrative
(a)(1)(i) Support the opening, expansion, and replication of high-quality charter schools	Section (a).1 [pp.13–17]
(a)(1)(ii) Inform eligible applicants of available funds	Section (b) [p. 36]
(a)(1)(iii) Work with charter schools to ensure they receive commensurate share of federal funds, participate in federal programs for which they are eligible, and meet the needs of students served under such programs	CPP2 [pp. 4–5] Section (a).2 [pp. 17–18] Section (c).1 [p. 39] Section (c).3 [p. 45]
(a)(1)(iv) Establish closure plans and procedures	Section (c).3 [p. 47]
(a)(1)(v) Work with SEA to operate CSP program	N/A
(a)(1)(vi)(A) Ensure subgrantees use funds for appropriate purposes	Section (c).1 [pp. 38–42]
(a)(1)(vi)(B) Ensure subgrantees are preparing for post-grant sustainability of quality programming	Section (b) [p. 34] Section (c).1 [p. 40] Section (c).3 [p. 45] Waiver Request [p. 60]
(a)(1)(vii)(A) Support charter schools in LEAs with a significant number of CSI schools	Section (a).1 [pp. 14–15] Section (a).2 [p. 18] Section (a).3 [p. 21]
(a)(1)(vii)(B) Support use of charter schools to improve or turn around struggling schools	CPP3 [pp. 5–7] Section (a).1 [13–17]
(a)(1)(viii)(A) Work with charter schools to support inclusion in recruitment and enrollment	Section (c).3 [p. 44]
(a)(1)(viii)(B) Work with charter schools to support student retention and reduce overuse of exclusionary disciplinary practices	Section (c).3 [pp. 44–45]
(a)(1)(ix) Share best practices between charter schools and other public schools	CPP3 [pp. 5–7] Invitational Priority [pp. 12–13] Section (a).1 [p. 16] Section (a).2 [pp. 18–19] Section (a).3 [p. 22] Section (c).3 [pp. 46–47]
(a)(1)(x) Ensure charter schools meet the educational needs of all students including students with disabilities and English learners	Absolute Priority [pp. 1–3] CPP5 [pp. 9–12] Section (a).4 [pp. 26–28]

	Section (c).1 [pp. 38–42] Section (c).3 [pp. 43–49]
(a)(1)(xi) Support efforts to increase charter school quality initiatives including quality charter school authorizing	Section (a).2 [pp. 18–19] Section (a).3 [p. 22] Section (c).3 [pp. 43–49]
(a)(1)(xii)(A) Provide oversight of authorizing activity	Absolute Priority [pp. 1–3] Section (a).2 [p. 19] Section (a).3 [pp. 22–23] Section (c).3 [pp. 47–48]
(a)(1)(xiii) Support the opening of high schools	CPP5 [pp. 9–12] Section (a).4 [pp. 26–27, 30] Section (b) [p. 37]
(a)(2)(i) Meet Competitive Preference Priorities 1–5	CPP1–CPP5 [pp. 3–12]
(a)(2)(ii) Strengthen cohesive statewide system to support the opening, expansion, and replication of high-quality charter schools	Section (a).1 [pp. 13–17] Section (a).4 [pp. 23–30] Section (b) [pp. 30–38]
(a)(2)(iii) Strengthen cohesive strategy to encourage collaboration between charter schools and LEAs on the sharing of best practices	CPP3 [pp. 5–7] Invitational Priority [pp. 12–13] Section (a).1 [p. 16] Section (a).2 [pp. 18–19] Section (a).3 [p. 22] Section (c).3 [pp. 46–47]
(a)(3)(i) How subgrant applications will be reviewed	Section (b) [pp. 30–38]
(a)(3)(ii) Contents of the subgrant application	Section (b) [pp. 30–38]
(a)(3)(iii) Give priority to eligible applicants that propose projects that are developed with meaningful and ongoing engagement with current or former teachers and other educators and using a community-centered approach	Section (a).1 [p. 16] Section (a).2 [p. 19] Section (a).3 [pp. 22–23] Section (b) [pp. 32–33] Section (c).3 [pp. 47–48] Section (c).4 [pp. 49–51]
(a)(4) Partner organization roles and responsibilities	Section (d).1 [pp. 53–59] Budget Narrative
(a)(5) Ensure each subgrantee has considered and planned for the transportation needs of students	Section (b) [p. 33]
(a)(6) A description of how New York addresses charter schools in the State’s open meetings and open records laws	Section (c).5 [p 52, fn.28]
(a)(7) Support diverse charter school models including models that serve rural communities	Section (a).4 [pp. 26–28] Section (b) [pp. 37–38]

(a)(8) Evidence to support the requested funds and projected enrollment	Section (a).4 [pp. 23–30]
(a)(9) Monitor and report on subgrant performance and address and mitigate subgrantee risk	Section (c).1 [pp. 38–42]

Other Attachment File(s)

* Mandatory Other Attachment Filename: 1236-Appendix A - Assurances.pdf

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Appendix A - Expanding Opportunity Through Quality Charter Schools Program (CSP)
Grants to State Entities
Charter Schools Program Assurances

Pursuant to section 4303(f)(2) of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act (ESEA), and sections 200.302(a) and 200.331(d) of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance), recipients of CSP Grants to State Entities must provide the assurances described below.

As the duly authorized representative of the grantee, I certify to the following:

- (1) Each charter school receiving funds through the State entity's program will have a high degree of autonomy over budget and operations, including autonomy over personnel decisions (4303(f));
- (2) The State entity will support charter schools in meeting the education needs of their students, including children with disabilities and English learners (4303(f));
- (3) The State entity will ensure that the authorized public chartering agency of any charter school that receives funds under the State entity's program adequately monitors each charter school under the authority of such agency in recruiting, enrolling, retaining, and meeting the needs of all students, including children with disabilities and English learners (4303(f));
- (4) The State entity will provide adequate technical assistance to eligible applicants to meet the objectives described in application requirement (a)(1)(8) (4303(f));
- (5) The State entity will promote quality authorizing, consistent with State law, such as through providing technical assistance to support each authorized public chartering agency in the State to improve such agency's ability to monitor the charter schools authorized by the agency, including by--
 - (i) Assessing annual performance data of the schools, including, as appropriate, graduation rates, student academic growth, and rates of student attrition;
 - (ii) Reviewing the schools' independent, annual audits of financial statements prepared in accordance with generally accepted accounting principles and ensuring that any such audits are publicly reported; and
 - (iii) Holding charter schools accountable to the academic, financial, and operational quality controls agreed to between the charter school and the authorized public chartering agency involved, such as renewal, non-renewal, or revocation of the school's charter (4303(f));
- (6) The State entity will work to ensure that charter schools are included with the traditional public schools in decision-making about the public school system in the State (4303(f));
- (7) The State entity will ensure that each charter school receiving funds under the State entity's program makes publicly available, consistent with the dissemination requirements of the annual State report card under section 1111(h) of the ESEA, including on the website of the school, information to help parents make informed decisions about the education options available to their children, including--
 - (i) Information on the educational program;
 - (ii) Student support services;
 - (iii) Parent contract requirements (as applicable), including any financial obligations or fees;
 - (iv) Enrollment criteria (as applicable); and

- (v) Annual performance and enrollment data for each of the subgroups of students, as defined in section 1111(c)(2) of the ESEA, except that such disaggregation of performance and enrollment data shall not be required in a case in which the number of students in a group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student (4303(f)).
- (8) The State entity will ensure that each charter school receiving CSP funding has not and will not enter into a contract with a for-profit management organization, including a nonprofit management organization operated by or on behalf of a for-profit entity, under which the management organization, or its related entities, exercises full or substantial administrative control over the charter school and, thereby, the CSP project (2022 NFP).
- (9) Each charter school receiving CSP funding will provide an assurance that any management contract between the charter school and a for-profit management organization, including a nonprofit CMO operated by or on behalf of a for-profit entity, guarantees or will guarantee that--
- (i) The charter school maintains control over all CSP funds, makes all programmatic decisions, and directly administers or supervises the administration of the subgrant;
 - (ii) The management organization does not exercise full or substantial administrative control over the charter school (and, thereby, the CSP project), except that this does not limit the ability of a charter school to enter into a contract with a management organization for the provision of services that do not constitute full or substantial control of the charter school project funded under the CSP (e.g., food services or payroll services) and that otherwise comply with statutory and regulatory requirements;
 - (iii) The charter school's governing board has access to financial and other data pertaining to the charter school, the management organization, and any related entities; and
 - (iv) The charter school is in compliance with applicable Federal and State laws and regulations governing conflicts of interest, and there are no actual or perceived conflicts of interest between the charter school and the management organization (2022 NFP).
- (10) Each charter school receiving CSP funding will post on its website, on an annual basis, a copy of any management contract between the charter school and a for-profit management organization, including a nonprofit management organization operated by or on behalf of a for-profit entity, and report information on such contract to the State entity, including--
- (i) A copy of the existing contract with the for-profit organization or a detailed description of the terms of the contract, including the name and contact information of the management organization, the cost (i.e., fixed costs and estimates of any ongoing cost), including the amount of CSP funds proposed to be used toward such cost, and the percentage such cost represents of the charter school's total funding, the duration, roles and responsibilities of the management organization, and the steps the charter school is taking to ensure that it makes all programmatic decisions, maintains control over all CSP funds, and directly administers or supervises the administration of the grant or subgrant in accordance with 34 CFR 76.701;
 - (ii) A description of any business or financial relationship between the charter school developer or CMO and the management organization, including payments, contract terms, and any property owned, operated, or controlled by the management organization or related individuals or entities to be used by the charter school;
 - (iii) The names and contact information for each member of the governing boards of the charter school and a list of management organization's officers, chief administrator, and other administrators, and any staff involved in approving or executing the management contract; and a description of any actual or perceived conflicts of interest, including financial interests, and how the

applicant resolved or will resolve any actual or perceived conflicts of interest to ensure compliance with 2 CFR 200.318(c); and

(iv) A description of how the charter school ensured that such contract is severable and that a change in management companies will not cause the proposed charter school to close (2022 NFP).

(11) Each charter school receiving CSP funding will disclose, as part of the enrollment process, any policies and requirements (e.g., purchasing and wearing specific uniforms and other fees, or requirements for family participation), and any services that are or are not provided, that could impact a family's ability to enroll or remain enrolled in the school (e.g., transportation services or participation in the National School Lunch Program) (2022 NFP).

(12) Each charter school receiving CSP funding will hold or participate in a public hearing in the local community in which the proposed charter school would be located to obtain information and feedback regarding the potential benefit of the charter school, which shall at least include information about how the proposed charter school will increase the availability of high-quality public school options for underserved students, promote racial and socio-economic diversity in such community or have an education mission to serve primarily underserved students, and not increase racial or socio-economic segregation or isolation in the school districts from which students would be drawn to attend the charter school (consistent with applicable laws). Applicants must ensure that the hearing (and notice thereof) is accessible to individuals with disabilities and limited English proficient individuals as required by law, actively solicit participation in the hearing (i.e., provide widespread and timely notice of the hearing), make good faith efforts to accommodate as many people as possible (e.g., hold the hearing at a convenient time for families or provide virtual participation options), and submit a summary of the comments received as part of the application. The hearing may be conducted as part of the charter authorizing process, provided that it meets the requirements above. (2022 NFP).

(13) No eligible applicant receiving funds under the State entity's program will use implementation funds for a charter school until after the charter school has received a charter from an authorized public chartering agency and has a contract, lease, mortgage, or other documentation indicating that it has a facility in which to operate. Consistent with sections 4303(b)(1), 4303(h)(1)(B), and 4310(6) of the ESEA, an eligible applicant may use CSP planning funds for post-award planning and design of the educational program of a proposed new or replicated high-quality charter school that has not yet opened, which may include hiring and compensating teachers, school leaders, and specialized instructional support personnel; providing training and professional development to staff; and other critical planning activities that need to occur prior to the charter school opening when such costs cannot be met from other sources. (2022 NFP).

(14) Within 120 days of the date of any subgrant award notifications, the grantee will post on its website:

(i) A list of the charter schools slated to receive CSP funds, including the following for each school:

(A) The name, address, and grades served.

(B) A description of the education model.

(C) If the charter school has contracted with a for-profit management organization, the name of the management organization, the amount of CSP funding the management organization will receive from the school, and a description of the services to be provided.

(D) The award amount, including any funding that has been approved for the current year and any additional years of the CSP grant for which the school will receive support.

(E) The grant or subgrant application (redacted as necessary).

(F) The peer review materials, including reviewer comments and scores (redacted as necessary) from the subgrant competition (2022 NFP).

Daniel Morton Bentley
NAME OF AUTHORIZED OFFICIAL

Counsel and Deputy Commissioner for
TITLE Legal Affairs

6/11/24

DATE

New York State Education Department
APPLICANT ORGANIZATION

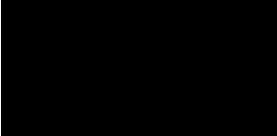
6/12/2024

DATE SUBMITTED

LISA LONG

EXECUTIVE DIRECTOR

CONTACT



EDUCATION

COLUMBIA UNIVERSITY
TEACHERS COLLEGE
Doctor of Education '99
Organization & Leadership

GEORGIA STATE UNIVERSITY
Master of Education '94

SPELMAN COLLEGE
B.A. Psychology '87

SKILLS

Organization

Leadership

Interpersonal

Logistics

Staff/Office Management

Coaching

Planning

Computer

Administrative

ABOUT ME

Lisa Long is an accomplished leader with over twenty years of experience at the New York State Education Department (NYSED). Currently the Executive Director of the Charter School Office, she is dedicated to advancing high-quality educational opportunities and ensuring equity and access for all students. Lisa has a robust background in authorizing and supporting charter schools, overseeing compliance under New York's Accountability System, and managing high-performing teams. She is an active member of Delta Sigma Theta Sorority, Inc., a sustaining volunteer with the Junior League of the City of New York, and serves on the board of Oliver Scholars. A native of Albany, Georgia, Lisa holds degrees from Spelman College, Georgia State University, and a doctorate in Educational Leadership from Columbia University Teachers College.

EXPERIENCE

New York State Education Department (NYSED), 2010 – PRESENT

Charter School Office, Brooklyn and Albany, NY

Executive Director

- Authorize 95 charter schools on behalf of the NYS Board of Regents and direct the implementation of the Board of Regents policies relating to charter schools.
- Oversee all aspects of new charter awarding, charter contracting, the school renewal process, performance/accountability agreements with schools, and ongoing school performance evaluation.
- Ensure the charter school initiative aligns with the strategic direction of the Board of Regents, providing viable, quality choice options for families, students, and the community.
- Oversee the implementation of New York's Charter School Program (CSP) Grant.
- Direct the work of the sixteen (16) Charter School Office staff.
- Develop and oversee the implementation of protocols and procedures to operationalize Board of Regents charter school policies.
- Develop recommendations for the Deputy Commissioner and Senior Deputy Commissioner regarding legislative policies and programs related to charter schools.

Office of Accountability, Brooklyn, NY

Supervisor of Education Programs

- Managed APA team (6 staff) and TIPS team (6 staff) in both Albany and Brooklyn.
- Implemented and supported initiatives of the NYS Board of Regents.
- Assisted in the development and implementation of federal accountability plans.
- Collaborated on accountability decisions for various school designations, including Comprehensive Support and Improvement Schools and Targeted Support and Improvement Schools.
- Assisted in the development of regulations, legislation, and evaluation systems.
- Registered new public schools.
- Led recruitment and hiring of new staff and organized administrative activities for office operations.
- Supported the annual School Comprehensive Education Plans (SCEP) and District Comprehensive Improvement Plans (DCIP) improvement planning process.
- Developed and implemented support options for identified schools and districts.
- Oversaw the review of School Improvement Grants.

LISA LONG

L I C E N C E S

New York State Certification
School District Administrator
(SDA) - Permanent

A F F I L I A T I O N S

Oliver Scholars, Board
Member & Program
Committee Chair

Past Board Memberships:
YWCA of New York City,
Manhattan Charter School,
and Harlem Educational
Activities Fund

The Junior League of the
City of New York,
Volunteer Sustainer and
*Past Multicultural
Committee Co-Chair*

Delta Sigma Theta
Sorority, Incorporated,
North Manhattan Alumnae
Chapter, Protocol &
Traditions Chairperson

P U B L I C A T I O N S

January 2009, Forum:
Revista d'Organitzacio I
Gestio Educativa. *The
Management Model of
Charter Schools: An
Innovative Proposal in New
York.*

E X P E R I E N C E C O N T .

NYSED, 2007 – 2010

Office of NYC School Improvement and Community Services, Brooklyn, NY
Supervisor of Education Programs

Managed and Supervised the APA team (10 staff), which had broad responsibilities that included the implementation and support of initiatives for the NYS BOR.

- Coordinated and conducted the review of applications submitted to operate charter schools in New York State (led team in the authorization/support of over 110 NYC charter schools);
- Assisted with the development of approved federal accountability plans such as ESEA, Race to the Top, NCLB, etc.;
- Provided oversight and technical assistance at NYC charter schools;
- Served as a liaison to charter school principals;
- Assessed and evaluated charter schools' performance to ensure compliance with applicable federal and state laws and Commissioner's Regulations, and verified that charter agreements were being executed.
- Additional responsibilities included supervising the APA team's support staff and Graduate Student Intern Program.

NYSED, May 2000 – 2007

Office of NYC School Improvement and Community Services, Brooklyn, NY
Associate in Education Improvement Services

Senior member of the Accountability, Policy and Administration team:

- Assisted in the development of processes and procedures for the implementation of the New York State Charter Schools Act of 1998;
- Reviewed applications submitted to operate charter schools in New York State;
- Provided oversight and technical assistance at NYC charter schools;
- Collaborated with chartering entities and charter school support organizations;
- Drafted Regents Items for consideration of policy decisions pertaining to charter schools;
- Supervised the initial charter school process in NYC as the team expanded;
- Held primary responsibility for management of the office's successful graduate internship program.

United States Department of Education, Washington D.C., August 2011

Charter School Program Non-SEA Planning Program Design and Implementation Competition
Peer Reviewer

- Read, scored and provided written comments for charter school grant applications.

United States Department of Education, Washington D.C., May 2005

School Leadership Program (SLP) Grant Reviewer

- Reviewed competitive grants to assist high-need local educational agencies (LEA) with recruiting, training, and retaining principals and assistant principals.

LISA LONG

CONFERENCES & SEMINARS

A-GAME Convening,
National Charter Schools
Institute – Chicago, IL
(Presenter)

NYSED ESSA Accountability
Regional Roadshow
(Presenter) 2018-19

Forum of European
Educational Administrators in
Catalonia – Barcelona,
Spain (Presenter) 2008

National Charter Schools
Conference – New Orleans
(Presenter) 2008

New York Charter Schools
Conference – 8th Annual
(Presenter) 2004

PASE Fundraising Academy
(Student/Participant) 2003

Teachers College,
Transformation of Urban
Schools (Visiting Instructor)
2003

CORO: Leadership New
York (Presenter) 2001

Brooklyn College, School
Curriculum Development &
Evaluation (Visiting
Instructor) 2001

American Association of
University Women
(Presenter) 2001

AERA Montreal (Presenter)
1999

EXPERIENCE CONT.

National Center for Restructuring Education Schools and Teaching, New York, NY 1997 - 1999
Columbia University
Researcher

- Designed research instruments;
- Observed, interviewed and surveyed administrators, teachers, and students in a formative evaluation of a federally funded technology program, The Eiffel Project, in the New York City Public School System; and
- Presented research at American Educational Research Association (AERA) Conference in Montreal.

Teachers College, Columbia University, New York, NY 1996 - 1997
Graduate Assistant

- Assisted with the organization, planning and logistical implementation of the college's 53rd annual Superintendents' Work Conference for a group of approximately 50 school superintendents from across the country.
- Supported the overall daily management of the schedule, correspondence, and office organization for the Christian A. Johnson Professor of Outstanding Educational Practice.

Dekalb County School System, Atlanta, GA, 1990 - 1994
Henderson Mill Elementary School
Classroom Teacher

- Prepared lesson plans and educated elementary students at all levels;
- Maintained accurate records of student progress and development;
- Planned and executed educational activities and events; and
- Served as grade level chairperson, Leadership Team representative, Human Relations Representative, yearbook Staff supervisor, Sponsor of the 4H Club and mentor of Henderson Mill Elementary Students.

REFERENCES



David M. Frank

Professional Summary:

Highly dedicated, innovative, and resourceful Chief of Staff with significant experience in supporting teams and educational organizations to create high-quality educational opportunities in partnership with marginalized communities for all students, writing and managing large grants, turning-around underperforming schools, program evaluation, managing complex organizations, school innovation, and oversight, accountability, non-profit governance, grant management, policy creation, and educational intervention strategies. Proven record of fostering equity and agency in vulnerable populations, organizational growth, strong management and collaboration with large multi-disciplinary teams.

Combining my background in early childhood, strong leadership and communication skills, and a commitment to diversity, equity, and inclusion, has supported my goal of creating educational opportunities for communities and children to break the vicious cycle of poverty. The foundation, and constant theme, of this work has been developing, researching, and implementing effective operational, financial, and pedagogical practices from across the country in the service of all children and diverse communities.

Professional Experience:

Assistant Commissioner, Office of Education Policy and Chief of Staff to the Commissioner of Education
NYS Education Department August 2022 – Present

- Strategic advisor to Department leadership on implementation of teaching and learning strategies
- Serves at the strategic intersection of strategy, policy, and funding to lead the reimagining of educational opportunities for New York's 2.1 million students, with a special focus on supporting school turnaround and advanced course access initiatives
- Leads P-20 educational, operational, and finance teams to implement the Department's guiding principles of a service-orient approach to supporting educators through a lens of diversity, equity, and inclusion
- Leads non-district school offices including Indigenous, Independent, and Religious schools
- Manages a cross-disciplinary team to manage internal budget and human capital development
- Provides support to NYSED Senior Leadership on a variety of high-level programs and projects including those relating to higher education, P-12 instructional and operational supports, intergovernmental, relations, and communications
- Oversees the NYSED Communications team to develop external strategic outreach strategies, draft remarks for senior leadership, develop press releases, and respond to complex time driven press inquiries
- Primary point of contact for BOCES District Superintendents and Special Act School District Boards
- Develops policy agendas with internal and external stakeholders

Executive Director of Educational Innovation and Strategic Initiatives

NYS Education Department
May 2016 – August 2022

- Led a large multi-disciplinary team to create a state-wide plan to secure and spend over [REDACTED] in federal funding to address unprecedented academic and social-emotional needs of students and schools
- Developed a [REDACTED] initiative that led to NY being one of only 11 states to be awarded an Education Stabilization Fund Rethink K12 grant to support educators in district, charter, and non-public schools develop effective pedagogical practices in response to the COVID-19 pandemic
- Authorized 99 charter schools on behalf of the 17 member NYS Board of Regents that includes replication, network, and independent charter schools with a focus on community-based schools that utilize innovative models to best serve vulnerable communities
- Lead a dynamic team of 23 full time staff and over 25 consultants to carry out the mission and vision of NYSED to foster strong academic and operational/fiscal outcomes for all schools through individualized and customized services.
- Managed the relationship between the Board of Regents and the NYS Education Department to achieve successful outcomes for Department initiatives
- Built strong collaborative relationships to work effectively across the myriad of NYS Education Department programs such as special and bilingual education that results in the realization of key goals
- Spearhead the first in the nation community-focused accountability process that fosters high quality student outcomes within the context of diversity, equity, and inclusion, identifies schools in need of improvement, and upholds rigorous performance standards
- Supported the NYS Board of Regents to add over 15,000 new high-quality seats for students from marginalized communities while improving academic outcomes in the entire charter school portfolio through additional monitoring, oversight, transparency, and technical assistance

- Obtained the largest Charter School Program grant award in the United States, of over \$ [REDACTED] in multi-year grant funding from the federal government and developed the process and criteria for the distribution of awards to fund innovative planning, implementation, and technical assistance support to new and expanding schools with over 50 sub-grantees receiving \$ [REDACTED] in funding each
- Facilitated the creation of a special education effective practice collaborative in Western New York and obtained \$ [REDACTED] in seed funding from national and local philanthropies to improve outcomes for students with disabilities in charter, parochial, and independent schools in collaboration with local colleges, universities, related service providers, parents, and other stakeholders
- Developed and disbursed a fund of over \$ [REDACTED] improve board governance and fiscal capacity of schools statewide
- Collaborated with key policy makers, advocacy organizations, and schools to develop legislative priorities and secure and expend over [REDACTED] in funding per year for charters through the state budget process
- Participated in the NYS regulatory, communications, and teacher certification working groups to draft and roll out the state's ESSA plan, alternative accountability for alternative schools, and other state policies
- Partnered with local, statewide, and national philanthropic organizations to obtain over \$ [REDACTED] in funding to provide technical assistance to charter schools to best serve at-risk students, foster board governance capacity building, and promote strong fiscal health at little to no cost to charter schools

Director of Charter Policy and Analytics

New York City Department of Education
December 2014 – April 2016

- Authorized a large portfolio of charter schools
- Developed charter specific DOE policies, identified their impact on the DOE portfolio and charter sector, and made recommendations to senior organizational leadership regarding charter issues
- Collaborated with governmental agencies to deliver and interpret regulatory guidance to schools
- Managed internal cross-functional policy issue teams and working groups related to district and charter initiatives regarding special education, enrollment, facilities, accountability and evaluation, and others as the need arose
- Responsible for evaluation of more than 20 new school applications through collaboration with other NYS authorizers to align the new school pipeline to district needs
- Directed a large interdisciplinary team to achieve departmental priorities such as the disbursement of over [REDACTED] dollars per year in charter school rental assistance
- Featured speaker for a variety of operational, financial, regulatory, and advocacy events
- Supervised 10 members of the charter authorizing and operations teams on a variety of projects

Director of School Supports

New York City Charter School Center
October 2011 – December 2014

- Supported the academic, operational, and financial development of 197 charter schools
- Assisted in the development and implementation of a national program funded through the Michael and Susan Dell Foundation to support *Replicating Quality Schools*
- Utilized sector-wide data to develop multi-year strategic plans and programs giving schools the information needed to succeed
- Collected national and local best-practice exemplars to improve school best practices
- Ensured that pre-authorized and new schools had the tools necessary for success through programs, resource development, and 1:1 consultations
- Managed a program assisting over 5,000 teachers in 120 participating schools to meet state and federal teacher certification requirements
- Supervised city-wide test scoring consortia with 150+ schools scoring over 50,000 exams
- Organized an annual job fair with 60+ schools, 800+ job seekers, and 25 volunteers
- Assisted schools in using data-driven decision making and promoting data transparency to improve educational and operational outcomes

Department of Epidemiology

Research Foundation for Mental Hygiene

Project Director - Consultant

May 2011 – October 2011

- Assisted in field trials to determine the impact of new DSM-V classification on students with disabilities
- Developed resources to educate team members on project priorities
- Created project specific instruments for querying mental health issues

Project Coordinator/Data Coordinator and Analyst

April 2003 – April 2011

- Oversaw and evaluated academic programs and the implementation of whole school reform initiatives in Texas, Pennsylvania, and Michigan
- Developed inquiry-based science curriculum for at-risk youth
- Engaged in quantitative and qualitative data analysis and publication of peer-review reports
- Created public relations materials and campaigns to promote the interests of our work group

Data Analysis Consultant

Governor Edward G. Rendell Re-election Campaign (PA)

May 2006 – November 2006

- Analyzed polling and voter data to facilitate the creation of re-election field plans
- Supported a fast-paced organization achieve its goals with data-driven decision making

Education:

Master of Science, Applied Developmental Psychology in Education

University of Pittsburgh

Graduated April 2006

- Thesis title: The Effects of School Quality on Positive Social Skills Among Low-income Boys
- Specialization: Policy, Learning Science, and Quantitative Methods and Evaluation

Bachelor of Science in Psychology, Minors in Sociology and Political Science
Program in Comparative Politics - Sydney, Australia

University of Pittsburgh

Graduated April, 2003

**Selected
Awarde
d Grants**

- 2020-2023: USDOE Rethink K-12 Education Models Grant - \$ [REDACTED]
- 2018 - 2023: USDOE Expanding Opportunities Through Quality Charter Schools Program (CSP) Grants to State Entities (CFDA Number: 84.282A) - [REDACTED]
- 2018 - 2021: USDOE National Dissemination Grant, Strengthening Charter School Authorizing Nationally (CFDA Number: 84.282T with the National Association of Charter School Authorizers) [REDACTED]
- 2018 - 2021: USDOE National Dissemination Grant, Advancing Great Authorizing & Modeling Excellence – The “A-Game” (CFDA Number: 84.282T with the Institute for Excellence in Education) - [REDACTED]
- 2019: Tower Foundation and the Children’s Guild of Western NY, Seed Funding for the Opportunities Collaborative for Differently Abled Students in Erie and Niagara Counties - \$ [REDACTED]

**Leadership &
Service**

- Board Member, Boys and Girls Club of the Capital Region, Board Development Committee Chair
- United States Department of Education Charter School Program Authorizer Advisory Group
- Invited Participant in Charter School COVID-19 National Advisory Group and COVID 19 Working Group: School Quality & Accountability
- Selected as a “40 Under 40 Albany Rising Star”
- Invited participant - [REDACTED] federal “A-Game” – Advancing Great Authorizing & Modeling Excellence
- National Association of Charter School Authorizers Leadership Program
- Member, National Charter School Resource Center (NCSRC) Technical Working Group
- Invited speaker at the NYS Data Analysis Technical Assistance Group Conference, the Alternative Accountability Policy Forum, the National Association of Charter School Authorizers Conference, the National Charter School Alliance Conference, the Diverse Charter School’s Collation Symposium, and the NYS Charter Schools Conference,
- Former Junior Board Member, Advocates for Children of New York
- Volunteer, YAI Network for Children and Adults with Developmental Disabilities

**Selected
Publications**

- Authorizer Conversations: David Frank on the Sprints, Strolls, and Marathon of Authorizing Through a Pandemic: <https://soundcloud.com/user-959610162/authorizer-conversations-david-frank>
- Conversations with school leader on responding to the COVID-19 Pandemic: <http://www.p12.nysed.gov/psc/aboutcharterschools/COVID-19ForEducators.html>
- Supporting High Quality Education Options for At-Risk Students By Replicating Success: <https://vimeo.com/398947911> and <https://vimeo.com/398947918>
- Forbes Magazine: Using alternative measures of accountability to promote socio-emotional development in at-risk youth: <https://www.forbes.com/sites/tomvanderark/2019/01/28/now-that-schools-are-promoting-broader-definitions-of-success-how-do-we-measure-progress/#4405adb0f153>
- Forbes Magazine: Good Governance: The Foundation For Good Schools: <https://www.forbes.com/sites/tomvanderark/2019/02/27/good-governance-the-foundation-for-good-schools/#493dfe85f11b>

Valerie Kowalski



Work Experience:

March 2013 – Present New York State Education Department
Charter School Office

- Project Director, FY2011 and FY2018 Charter Schools Program (CSP) State Grants
 - Prepare two 2018 State applications for competitive CSP funding and submit through grants.gov.
 - Completed the process to award competitive subgrants to charter schools for 1) expansion activities and 2) dissemination of best practices to school districts.
 - Completed the competitive procurement process to retain 1) an external evaluator for the dissemination program and 2) a contractor to build and operate the NY-RISE initiative to provide professional development to charter schools.
 - Award CSP planning and implementation grants to new charter schools, working with the Contract Administration Unit to obtain approval of the grants and the contracts through which the grants are awarded, and working with the M/WBE Unit to obtain approved M/WBE plans for each grant.
 - Monitor grantees' and contractors' performance, ensuring compliance with federal and State law, regulations and guidance.
 - Participate in federal monitoring of CSP.
 - Prepare Department expenditure plans.
 - Prepare federal performance reports.
- Charter School/School District Tuition Billing and Payment
 - Work with Office of Counsel and the State Aid Office to resolve complex issues related to tuition payments to charter schools for regular and special education instruction.
 - Produce guidance and provide technical assistance to school district and charter school staff.
 - Mediate disputes between charter schools and school districts, working to resolve them before resorting to the State aid intercept process.
- Charter Renewals
 - Analyze charter schools' annual financial statements and calculate key metrics of financial health.
 - Provide ratings for two of the ten performance benchmarks that guide charter renewal process.
 - Operationalize fiscal dashboard.
- Administrative Duties
 - Prepare BFM-201s to retain numerous consultants; receive and submit invoices; track payments.
 - Prepare requests/justifications to procure goods, services and memberships.
 - Retain and supervise temporary employees.
 - Participate in staff hiring process (interviews, justifications, performance evaluation programs/appraisals).

March 2013 – July 2019 New York State Education Department
Office of School Innovation

- Title I School Improvement 1003(g) (SIG) Grant Program
 - Monitored [REDACTED] in State awards, subgrants and expenditures.
 - Worked with Grants Finance to ensure the Department maintains access to unspent SIG funds; requested obligation/liquidation extensions from the U.S. Department of Education as needed.
 - Prepared federal performance reports and participated in federal monitoring of SIG.

January 2007 – New York State Education Department
February 2013 Grants Finance

- Oversaw fiscal processes and performance of grant programs - including CSP, Title I School Improvement 1003(a) and 1003(g), and selected State programs. Monitor spending levels, ensure that contracts and other financial instruments are appropriately completed and processed, and ensure compliance with applicable laws, regulations, and policies.
- Provided technical assistance to staff in program offices as well as local educational agencies.
- Retrieved and analyzed data from Department data systems. Prepare reports that monitor workflow and performance in Grants Finance and in program offices, identify risks, evaluate the effectiveness of business practices, and respond to special requests.
- Developed and maintained Grants Finance website with an increased capacity to provide reports, news and guidance to internal and external users that enhance understanding of government finance.

February 2001 - New York State Education Department
January 2007 Office of P-12 Education

- Determined allocations for NCLB formula grant programs, working with staff in Education Finance and Grants Finance.
- Determined eligibility for NCLB competitive and formula programs using State, federal and local data.
- Provided technical assistance to school districts, charter schools and nonpublic schools regarding NCLB eligibility and funding.
- Researched federal and State statute, regulations and policy. Provided technical assistance to P-12 offices so that grant programs were in compliance.
- Collected and analyzed data from school districts for use in federal reports and to responded to internal and external requests for information.
- Webmaster for P-12 websites, including formatting and posting all grant applications, requests for proposals, and NCLB allocations, guidance and news.
- Prepared responses to correspondence referred to P-12 from the Commissioner's and Governor's offices, using writing and research skills.

September 1996 - New York State Education Department
January 2001 Child Nutrition Program

- Administered National School Lunch, School Breakfast, and Special Milk programs, with responsibility for all participating school districts, charter schools and nonpublic schools on Long Island.
- Performed Coordinated Review Effort (CRE) and School Meals Initiatives (SMI) audits.
- Trained program participants at workshops and individual meetings.
- Collaborated with Department offices and a contractor to build a web-based reimbursement system.

March 1996 - New York State Department of Health
September 1996 Bureau of Environmental Radiation Protection

September 1994 - New York State Department of Health
March 1996 Bureau of Budget Management

Education: Bachelor's in Business, Boston University May 1989

BARBARA JEAN MOSCINSKI



EXPERIENCES:

- **NYS EDUCATION DEPARTMENT, Albany, NY (6/06-Current)**
 - **Performance Oversight Coordinator, Charter School Office (10/17- Current)**
 - ✓ Organize monitoring and oversight of all NYS Board of Regents-authorized charter schools
 - ✓ Coordinate and participate in oversight activities with CSO staff and consultants to ensure practices are implemented with fidelity
 - ✓ Prepare extensive writing, editing, and quality control for evaluative reports disseminated to schools, the public, the Board of Regents, and the NYS Education Department
 - ✓ Oversee the evaluation of all NYS Board of Regents-authorized charter schools in accordance with the NYS Charter School Performance Framework
 - ✓ Supervise the work of professional and support staff
 - **Associate in Education Improvement Services, School Turnaround Office, Office of Innovative School Models (08/12 – 10/17)**
 - ✓ Served as office liaison to six focus districts for the SIG, SIF, and SSDST grants
 - ✓ Served as the School Innovation Fund Grant manager
 - ✓ Participated in the design and development of protocols, reporting documents, RFPs, online toolkits, and other grant administration tools
 - ✓ Served as the Community School Grant manager
 - **Associate in Education Improvement Services, Charter School Office, Office of Innovative School Models (03/10 – 8/12)**
 - ✓ Served as Functional Lead for Governance and Charter Revisions
 - ✓ Served as Functional Lead for Governance and Complaints
 - ✓ Participated in Legal and Compliance Focus group
 - ✓ Participated in the SIG application review process
 - ✓ Served as Project Director of federal CSP federal grant
 - ✓ Served as liaison to Syracuse-area SED-authorized charter schools
 - ✓ Provided general supervision for a Grade 14, Grade 22, and 3 Albany Law student interns
 - ✓ Represented the Charter School Office on the Commissioner's Advisory Panel on Special Education
 - **Team Leader, Public School Choice Programs (08/09 – 03/10)**
 - ✓ Managed all day-to-day aspects of the Public Schools Choice Program

- office
 - ✓ Supervised professional and support staff
 - ✓ Developed office policy
 - ✓ Developed guidelines for technical assistance relating to charter schools
 - ✓ Reviewed charter school initial and renewal applications
 - ✓ Managed the issues around all established charter schools
 - ✓ Project Director of the federal Charter School Program grant
 - ✓ Prepared correspondence and reports for the Governor, the Board of Regents, the Commissioner of Education, the New York State Legislature, and others
 - ✓ Coordinated efforts within NYSED relative to charter schools
 - ✓ Coordinated efforts with other charter entities in NYS
 - ✓ Charter School representative to the Commissioner's Advisory Panel on Special Education
- **Associate in Education Improvement Services, Public School Choice Programs (11/07- 08/09)**
 - ✓ Liaison to Charter Schools in the Rochester and Syracuse areas
 - ✓ Provided technical assistance to charter schools
 - ✓ Reviewed and approved funding applications for charter schools
 - ✓ Interpreted Article 56, in consultation with Office of Counsel
 - ✓ Participated in comprehensive monitoring and site visits for charter schools
 - ✓ Managed state and federal grant activities
- **Assistant in Education Improvement Services, Public School Choice Programs (6/06-11/07)**
 - ✓ Liaison to Charter Schools in the Rochester and Syracuse areas
 - ✓ Provided technical assistance to charter schools
 - ✓ Reviewed and approved funding applications for charter schools
 - ✓ Interpreted Article 56, in consultation with Office of Counsel
 - ✓ Participated in comprehensive monitoring and site visits for charter schools
 - ✓ Reviewed Magnet School grants

■ **KELLY SERVICES INC., Albany, NY (4/05-6/06: Part-time)**

- **Senior Reader, Measured Progress Regional Assessment Office at Rensselaer Technology Park**
 - ✓ Read and evaluated responses to non-multiple choice questions in Reading, Mathematics, Writing and Science (Grades 3 –11)
 - ✓ Assigned scores to responses according to rubrics
 - ✓ Set read behinds and reviewed embedded questions set for the readers
 - ✓ Coached readers on adjacent and discrepant responses
 - ✓ Completed reports on reader rates and other required information
 - ✓ Provided input to improve the scoring process

■ **OCM BOCES, Syracuse, NY (9/97-10/04)**

- **Educational Consultant, Student Support Services Center (1/04-10/04)**
 - ✓ Wrote and Managed the development of the drafts of Creating Tobacco-Free Healthy Schools: Tips for Success
- **Educational Consultant, Mid-State Coordinated School Health Network (3/00-6/03)**
 - ✓ Designed, Created, and Managed the CSHN Resource Room, including a Microsoft ACCESS database of over 1600 entries
 - ✓ Co-Developed and Wrote the Health Careers resource guide
 - ✓ Developed and Wrote A Middle-School Resource Guide for an Alcohol and Drug-Free Life
 - ✓ Developed and Wrote An Elementary Resource Guide for a Tobacco-Free Life
- **Educational Consultant, Regional School Support Center (10/02-2/03)**
 - ✓ Wrote an 84-page booklet highlighting quality picture books correlating to specific skills and topics in ELA K-12, for use by Syracuse CSD teachers
 - ✓ Wrote a 50-page booklet highlighting quality picture books correlating to the seven key ideas in Mathematics K-12, for use by Syracuse CSD teachers
- **Educational Consultant, Special Programs (Spring/Summer 2000)**
 - ✓ Co-Wrote the *Drug-Free Communities Support Program Grant* awarded to OCM BOCES for the period during 10/1/00-9/30/03, and funded by the Office of National Drug Control Policy and the Office of Juvenile Justice and Delinquency Prevention
- **Coordinator, Goals 2000: Shared Decision Making (9/97-6/99)**
 - ✓ Coordinated the development and delivery of statewide workshops, including meetings with regional shared decision making liaisons to offer the workshops on curriculum, assessment, and the standards, especially in ELA and MST
 - ✓ Developed and Wrote an interactive CD-ROM for SDM teams to become adept at using a variety of research-based quality problem-solving strategies; and to reinforce the teams' involvement in issues related to raising standards
 - ✓ Developed the agenda and Co-Wrote the script for a teleconference focusing on the biennial review of CR100.11, and improving student achievement.
 - ✓ Chaired and Coordinated the statewide advisory committee's activities
 - ✓ Reviewed the NYSED website for SDM and Recommended updates
 - ✓ Coordinated the development, production, and distribution of SDM resource materials, including revising the SDM Resource Manual

- ✓ Developed the concept for 3 newsletters and Coordinated their production
- ✓ Developed the concept for the statewide conference and Organized the event
- ✓ Monitored the budget and Wrote necessary reports
- ✓ Liaison to NYSED representatives regarding grant activities
- ✓ Developed a Power Point presentation highlighting available SDM resources

■ **CONTACT COMMUNITY SERVICES, INC., Syracuse, NY (9/01-1/02)**

● **Educational Consultant**

- ✓ Reviewed existing PPYD (Partners for Positive Youth Development) resource room procedures, Recommended revisions, Created the new structure, and Organized the resources
- ✓ Co-Wrote a Baldwinsville CSD grant to obtain safe and drug-free schools' monies

■ **AMERICAN LUNG ASSOCIATION, Syracuse, NY (4/01-12/01)**

● **Educational Consultant**

- ✓ Developed and Wrote the draft A Tobacco Cessation Guide for Health and Human Service Professionals for clinicians in Onondaga County

■ **CAPITAL REGION BOCES, Albany, NY (Summer 2001)**

● **Educational Consultant, Capital Region Coordinated School Health Network**

- ✓ Developed and Wrote a preliminary listing of drug prevention and school safety programs; and a preliminary listing of resources to be used as a reference for drug prevention and school safety activities, both in order to begin implementation of the Principles of Effectiveness consistent with the Safe and Drug-Free Schools Program

■ **NYS EDUCATION DEPARTMENT, Albany, NY (1/87-4/95)**

● **Assistant in Education Improvement Services, Mid-State School Support Services Team (1/95-4/95)**

- ✓ Managed and Coordinated staff development, parent involvement, and technology integration projects and activities for the SED Mid-State team and the Syracuse CSD
- ✓ Delivered presentations on technology integration in the classroom
- ✓ Participated in regional planning activities

● **Assistant in Education Improvement Services, Syracuse Field Services Team (11/92-1/95)**

- ✓ Chaired the team's staff development, and technology integration subcommittees
- ✓ Co-Coordinated regional activities for three SED field services teams
- ✓ Reviewed grants and proposals

- ✓ Managed technology integration, parent involvement, and staff development activities
 - ✓ Participated in Syracuse CSD's site-based planning for technology use in schools
 - ✓ Managed the team's procedural and clerical operations
 - ✓ Member of the Elementary, Middle, Secondary & Continuing Education Technology Cabinet
 - ✓ Liaison to the Syracuse CSD's Research, Evaluation & Technology Office, Staff Development Office, and Parent Involvement Office
- **Assistant in Educational Planning and Evaluation, Bureau of Technology Applications (11/88-11/92)**
 - ✓ Managed the Youth At-Risk Electronic Clearinghouse, including delivering regional training workshops on e-mail, computer-based conferencing, and database search and retrieval; developing a training package; conducting monthly meetings; delivering presentations; developing the database and conferencing content; and writing articles for the bureau's newsletter
 - ✓ Reviewed school proposals focusing on technology initiatives
 - ✓ Managed the Secondary School 1995 Partnership (a Data General, SED, BOCES, and selected secondary schools' multimedia and international communications pilot), including conducting meetings; coordinating classroom technology integration efforts with school personnel; developing the international component; developing evaluation components; and recommending classroom project ideas
 - ✓ Managed the *Compact for Learning* technology focus group activities
 - ✓ Co-Managed the development and distribution of SED's Computers in Schooling manual
 - ✓ Previewed and Recommended software for a software preview guide
- **Elementary, Secondary, Continuing Education Specialist, Division for Program Development (1/87-11/88)**
 - ✓ Coordinated the development of the original manuscript and field test editions of the Design and Drawing for Production syllabus, including conducting meetings for pilot teachers, SED staff, and the design team; and developing the evaluation instruments for the pilot
 - ✓ Managed the development, implementation, and evaluation of the statewide Staff and Curriculum Development Network, including designing a template for a training manual; organizing meetings for the executive committee and regional reps; developing procedures for curriculum and content bureaus to follow for training the regional reps; and participating in the executive committee meetings

■ **HELPLINE DENTAL OFFICE SERVICES, Woodland Hills, CA (Fall 1986)**

- **Systems Training Consultant, East Coast**
 - ✓ Delivered management software training sessions to dental and support staff

- ✓ Provided customer support

■ **COMPU*TECH EDUCATIONAL SERVICES, Pasadena, CA (9/84-5/86)**

- **Training Coordinator/Teacher: Grades 3-8, Adults**
 - ✓ Chaired the Curriculum Evaluation Committee, including writing a report on the teachers' concerns and recommendations
 - ✓ Coordinated the Apple Software Evaluation Project
 - ✓ Member of the Teacher Competency, Teacher Manual Revision, and Early Childhood Program Committees
 - ✓ Coordinated and Delivered monthly staff training sessions
 - ✓ Interviewed, Trained, Observed, Evaluated and Supervised teachers
 - ✓ Organized nationwide teacher development efforts
 - ✓ Taught BASIC programming, LOGO, and word processing

■ **WATERFORD-HALFMOON UFSD, Waterford, NY (9/83-6/84)**

- **Chapter I Assistant Reading Teacher: Grades 1-6**
 - ✓ Developed, Implemented, and Evaluated instructional programs
 - ✓ Incorporated Computer Assisted Instruction in individual reading lessons
 - ✓ Taught BASIC programming as an Adult Education course (Spring 1984)
 - ✓ Provided remedial reading lessons to individuals and groups
 - ✓ Assisted with the evaluation and testing of individuals
 - ✓ Tested kindergarten students incoming to the district

■ **EAGLE HILL SCHOOL, Hardwick, MA (Summer 1983)**

- **Teacher: Learning Disabled Students: Ages 8-16**
 - ✓ Administered and Interpreted standardized tests
 - ✓ Wrote IEPs and summary reports
 - ✓ Taught Writing Skills, Reading and Language Arts

■ **ST. JUDE'S SCHOOL, Wynantskill, NY (9/81-6/82)**

- **Teacher: Grade 4**

■ **ALL SAINTS' SCHOOL, Buffalo, NY (9/80-6/81)**

- **Teacher: Grade 3**

Continuing Education Units:

- 4/15/11 - NYSED Office of Human Resources: Supervisory Skills Certificate Program for completion of 12 courses
- 1/27/99 - HTML, Level I - 6 hours
- 7/07/98 - Microsoft PowerPoint 97/Windows - 5 hours
- 5/22/98 - Windows 95, Level I - 5 hours
- 6/15/93 - The Americans with Disabilities Act: "It's the Law" - 3 hours

- 4/11/89 - Parenting & Parent Education, Changing Families, Critical Concerns and Building Strengths - 1 credit
- 2/03/84 - The Child with Learning Disabilities: Medical, Psychological, and Educational Aspects - 1 credit

CERTIFICATION:

- 9/01/83 - NYS Permanent Teaching Certificate: Grades N-6

EDUCATION:

■ HARVARD UNIVERSITY, Cambridge, MA (9/82-6/83)

- Ed.M.: Human Development
 - ✓ Coursework in Reading, Child Development, and Interactive Technology
 - ✓ Phi Delta Kappa - Harvard Chapter

■ DAEMEN COLLEGE, Amherst, NY (9/76-12/79)

- B.S.: Elementary Education N-6 (Elementary Education/Reading)
 - ✓ Summa Cum Laude, Kappa Delta Pi, Gamma Epsilon Sigma

JENNIFER ALBRIGHT

BAR ADMISSION

New York State, Third Department, January 2007

EDUCATION

Albany Law School of Union University, Albany, NY

Juris Doctor, May 2006

- GPA: 3.1, Dean's List: Fall 2004
- *Note & Comment Editor*, ALBANY LAW JOURNAL OF SCIENCE & TECHNOLOGY

Cornell University, Ithaca, NY

- College of Human Ecology, BS Policy Analysis and Management, December 2002
GPA: 3.5

PUBLICATION

Jennifer Albright, Comment, *Free Your Mind: The Right of Minors in New York to Choose Whether or Not to Be Treated With Psychotropic Drugs*, ALB. L.J. SCI. & TECH. (Volume 16.1, 2006).

EXPERIENCE

Assistant Counsel

New York State Education Department

Charter School Office, March, 2024 - Present

Providing guidance and legal advice to Charter School Office staff on charter school operations, renewals, revisions, mergers and dissolutions. Preparing items for submission to the Board of Regents on all matters related to charter schools. Investigating and responding to complaints received from external stakeholders.

Project Coordinator

New York State Education Department

Office of ESSA Funded Programs, December, 2021 - March, 2024

Administering and monitoring of federal stimulus funds under the CARES Act, CRRSA and ARP. Providing technical assistance to LEAs to ensure compliance with federal requirements.

Project Assistant

New York State Education Department

Office of ESSA Funded Programs, September 2021 - December, 2021

Attorney

Jennifer Albright, Esq., Clifton Park, New York, August, 2013- September, 2021

Engaged in all phases of the practice of matrimonial and family law.

Attorney - 18-B Panel

Albany County, March, 2012- October, 2016

Member of the Albany County 18-B panel. Representing indigent clients in Family Court proceedings involving custody, family offense, support, paternity, neglect and abuse.

Attorney for the Child

Albany County, March, 2012- October, 2016

Member of the Albany County panel of Attorneys for Children. Representing children in Supreme Court and Family Court in custody, family offense, neglect and juvenile delinquency proceedings.

Attorney

Law Office of Shawn D. Flaherty, Albany, NY, August 2006- December 2007; August 2008- 2016

Engaged in all aspects of the practice of matrimonial and family law, including preparation of statements of net worth, completion of discovery, drafting of pleadings, motions and memoranda, negotiation and preparation of settlement agreements, court appearances and trial work.

Attorney

Law Office of Robert H. Moses, New York, NY, December 2007- August 2008

Engaged in the practice of matrimonial and family law. Drafted pleadings, motions, discovery demands and responses, memoranda and correspondence. Represented clients in family court proceedings.

Attorney

Law Office of Robert Preston, P.C., New York, NY, January 2008- August 2008

Engaged in the practice of matrimonial and family law. Drafted pleadings, motions, discovery demands and responses, memoranda and correspondence. Represented clients in supreme court proceedings.

Professional Experience

1/2020 – current Associate in Education Research, NYSED, Charter School Office

- Communicate with internal and external constituencies re: data reporting of charter schools according to state and federal laws and regulations; answer general and specific questions.
- Manage and perform the annual data analysis and meta-analysis of multiple student level data files to create summaries for use in the CSO Dashboard and metrics for the evaluation of charter schools.
- Provide revisions, edits, and proofreading of reports and Regent's Items with regard to the sections containing discussions of data.
- Collaborate with both internal and external partners on projects leading to the improvement of charter schools, including: development of state-level data policies; protocols; collections; analysis.
- Support other CSO staff conducting school evaluation site-visits.
- Undertake special assignments as required by Director or Supervisor, including management of workflow, oversight, and evaluation of staff below grade G-26 on the data team.

4/2018 – 1/2020 Assistant in Education Research, NYSED, Charter School Office

- Worked with CSO staff to create site visit reports and Regents-items;
- Developed graphical representations of accountability and outcome measures;
- Analyzed the effectiveness of educational programs, supports, and interventions;
- Supported the development of the Charter School Performance Framework;
- Assisted in operationalizing new accountability metrics for public reporting and communication;
- Provided analytic and data management support to the CSO;
- Conducted research in support of developing policies and answering key questions from internal and external stakeholders;
- Provided technical assistance to charter schools;
- Used quantitative and statistical tools to support accountability determinations of Board of Regents-authorized charter schools;
- Utilized statistical software and statistical programming to perform advanced quantitative analyses from very large data sets;
- Assisted in interpretation and communication of the results of quantitative analyses through written reports and oral presentations; and
- Engaged in analytic work that arose in response to real-time issues.

7/2015 – 4/2018 Program Research Specialist II, NYSED, Office of Postsecondary Access, Support, and Success
Albany, NY

- Designed data collection, analysis, evaluation, and reporting on NYSED opportunity programs;

- Created and maintained business rules and other documentation related to data collection and reporting;
- Evaluated program areas including policy, procedure, legislation, objective, and cost effectiveness;
- Measured the progress toward and determined the soundness of program objectives;
- Analyzed, merged, and manipulated large data sets to ensure validity, applicability, efficiency, and accuracy;
- Performed descriptive statistical analyses of education data, using SAS Enterprise Guide and prepared tables, graphs, fact sheets, and written reports summarizing research results;
- Explained regulations and guidelines, and provided general information as it relates to data collection and evaluation to various groups, such as institutional research staff, grants officers, project coordinators, and program directors; and,
- Coordinated data analysis and presented findings as directed by managers in response to requests from Department staff, the Board of Regents, the Legislature, the Governor, and the public.

9/2014 – 7/2015 Program Research Specialist II, NYSED, Office of Accountability Albany, NY

- Assisted in managing communication and inquiries from the field related to State-provided growth scores by maintaining systems for tracking and reporting on growth communications
- Assisted in implementing and updating business rules and related programming to conduct quality control tests on State-provided growth score data;
- Assisted in implementing and updating business rules and related programming to determine accountability status and progress of school districts;
- Developed report templates and materials to communicate results of quality control tests to the field;
- Evaluated Department data sources to determine limitations in terms of reliability or usability; and,
- Provided analytic support specifically related to Title III.

2/2014 – 9/2014 Education Program Assistant I, NYSED, Office of Post-Secondary Access, Support, and Success Albany, NY

- Designed data collection, analysis, evaluation, and reporting on NYSED programs;
- Evaluated program areas including policy, procedure, legislation, objective, and cost effectiveness;
- Performed descriptive statistical analyses of education data, using computer software and prepared tables, graphs, fact sheets, and written reports summarizing research results;
- Explained regulations and guidelines, and provided general information as it relates to data collection and evaluation to various groups, such as institutional research staff, grants officers, project coordinators, and program directors; and,
- Coordinated data analysis and presented findings as directed by managers in response to requests from Department staff, the Board of Regents, the Legislature, the Governor, and the public.

Advanced Training

- | | | |
|---|--|--------------|
| September 2015 | Creating Graphs and Reports with SAS Enterprise Guide | New York, NY |
| <ul style="list-style-type: none">• how to enhance reports by using task options and modifying the generated SAS code; how to create and customize bar charts, map charts, histograms, box plots, scatter plots, line plots, and bar-line charts | | |
| November 2014 | SAS Enterprise Guide 2: Advanced Tasks and Querying | New York, NY |
| <ul style="list-style-type: none">• manipulating character, numeric, and date values; converting variable type; and building conditional expressions using the Expression Builder. This course also addresses efficiency issues, such as joining tables and using a single query to group, summarize, and filter data | | |

Education

- | | | | | |
|---|---------------------------------|------|--------------------------------------|----------|
| • | Doctor of Philosophy in Biology | 2005 | Rensselaer Polytechnic Institute | Troy, NY |
| • | Bachelor of Science in Biology | 1999 | Rensselaer Polytechnic Institute | Troy, NY |
| • | Associate in Science | 1997 | Schenectady County Community College | |



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK

CHARTER SCHOOL OFFICE
ROOM 5N EB Mezzanine, 89 WASHINGTON AVENUE, ALBANY NY, 12234

Appendix E

New York State's CSP application includes no proprietary information.

Appendix F

- F-1:** NACSA Case Study — *A Look at the State University of New York Charter Schools Institute*
- F-2:** New York Charter School Performance Framework
- F-3:** New York Charter School Fact Sheet
- F-4:** SUNY Charter Schools Institute RFP for New Charter Schools
- F-5:** NYSED RFP for New Charter Schools
- F-6:** SUNY Charter Schools Institute Model Charter Agreement
- F-7:** SUNY Charter Schools Institute Material Revision Guidelines
- F-8:** NYSED Charter School Revision Guidelines
- F-9:** NYSED Charter School Monitoring Plan
- F-10:** SUNY Charter Schools Institute Evaluation Visit Guide
- F-11:** New York Charter School Audit Guide
- F-12:** New York Charter School Annual Report Guidelines
- F-13:** SUNY Charter Schools Institute Renewal Benchmarks
- F-14:** New York Charter School Closing Procedures Guide and Checklist
- F-15:** New York Charter School Parent Guide
- F-16:** New York Statement of Community Authorizing Practices
- F-17:** Dissemination and Professional Development Coordinator Job Description
- F-18:** Charter School Governance Specialist Job Description
- F-19:** Fiscal Oversight Specialist Job Description



A LOOK AT STATE UNIVERSITY OF NEW YORK CHARTER SCHOOLS INSTITUTE

*Case Study Analysis for the
Quality Practice Project*

The authors would like to thank the authorizing board members and staff, charter school operators, advocacy organizations, and other local actors who provided valuable data, feedback, and insight for this case study. We are also grateful to staff from Public Impact who were thought partners from the beginning of this project, led the data collection and analysis efforts on academic performance, participated in advisory panel meetings, participated in multi-day site visits with NACSA staff, and assisted in making sense of the findings. All content, errors, omissions, and conclusions are solely those of the report's authors.

We encourage the free use, reproduction, and distribution of our materials, but **we require attribution for all use.**

Please cite this report as:

Rausch, M. K., Conlan, S., Brooks-Uy, V. & Smith, N. (2018). *A Look at State University of New York (SUNY) Charter Schools Institute: Case Study Analysis for the Quality Practice Project*. Chicago, IL: National Association of Charter School Authorizers. Retrieved from <http://www.qualitycharters.org/research/quality-practice-project/>

ABOUT NACSA

The National Association of Charter School Authorizers (NACSA) is working to double the number of students in great public charter schools by advancing policies and practices that promote quality, autonomy, and choice. As an independent voice for quality charter school authorizing, NACSA uses data and evidence to encourage smart charter school growth. NACSA works with authorizers and partners to create the gold standard for authorizing and build authorizers' capacity to make informed decisions. NACSA also provides research and information that help policymakers and advocates move past the rhetoric to make evidence-based policy decisions. More at www.qualitycharters.org.

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ABOUT THIS CASE STUDY

The Quality Practice Project (QPP), an initiative of the National Association of Charter School Authorizers (NACSA), is designed to build a stronger evidence base linking authorizing practices and student outcomes. The purpose of the QPP is to test, broaden, and deepen our knowledge of how and why authorizers do their work and, above all, what authorizing perspectives and practices correlate with strong student and public interest outcomes. By studying the practices of authorizers with a range of performance profiles—with a focus on authorizers with very strong student and public interest outcomes—NACSA hopes to dramatically accelerate the adoption of practices that lead to stronger outcomes for students and communities.

Outcome-Based Selection

This case study is one of five analyses of authorizers with strong student and public interest outcomes. It represents a description of authorizing perspectives and practices across a number of key domains. The State University of New York's Charter Schools Institute (the Institute) authorizing office was chosen to participate in the QPP and is the focus of this case study. It met a range of rigorous student and public interest outcomes. A complete description of the authorizer selection process, assessment methodology—including the measures and metrics used to assess performance—and case study process can be found [here](#).

In general, authorizers meeting those outcomes have:

- More academically high-performing schools (and associated students) than average-performing schools
- A small proportion of low-performing schools (and students in low-performing schools)
- Schools that are financially viable
- Student enrollment of key socio-demographic groups in the charter school portfolio that is similar or higher than a similarly situated group of schools
- No widespread instances of unethical behavior among schools in their portfolio;
- Publicly available data on the academic, financial, and operational performance of individual schools
- No instances of first-year closures
- Closed schools with egregious academic, operational, financial, or unlawful practices
- Closed schools in the bottom 5 percent of academic performance
- Schools with high academic performance that have expanded their enrollment or have replicated to serve more students

Case Study Generation Process

After the assessment of student and public interest outcomes and authorizer selection, a deep investigation of authorizer perspectives and practices ensued. Following the case study process as outlined by Yin (2015), researchers from NACSA and Public Impact engaged in a range of activities designed to provide a comprehensive description of the approach to authorizing, including:

- **Case Study Protocol:** Building from the domains used by NACSA to evaluate the practices of authorizers as well as the advice of an expert advisory group, researchers created a case study protocol and specific domains of inquiry. Key questions and domains of inquiry can be found [here](#).
- **Document and Artifact Review.** Researchers reviewed a range of documents and artifacts (see [here](#) for documents analyzed). This data was used both to describe authorizing practices and to more clearly focus individual interviews.
- **Interviews and Site Visits:** Researchers spent two days at each QPP site interviewing authorizers and other key stakeholders. The purpose of the site visits was to (a) get clarification on authorizing practices after examining documents and artifacts and (b) more clearly understand how and why authorizers engage in specific practices. Individual and small group interviews were conducted at each site. The majority of interviews were with authorizers (e.g., day-to-day decision makers, board members), but researchers also interviewed other key stakeholders (e.g., school operators, charter support organizations) to deepen and triangulate data analysis. The site visit for the Institute was August 24-25, 2016.

- **Member Check:** Draft case studies were shared with authorizers and other key stakeholders at each site. Changes were made to the case study based on feedback received from stakeholders.

Purpose and Use of this Case Study

This is a case study of practices and perspectives of one authorizer that has a portfolio of schools achieving strong results, and caution should be used in making strong claims—good or bad—from it exclusively. Drawing causal inferences between authorizer practices and outcomes based solely on this case study are inappropriate; a high-performing sector of charter schools is inclusive of, not exclusively determined by, authorizer perspectives and practices. In addition, this case study is intentionally descriptive, not evaluative. It is not designed to evaluate authorizer practices against any standard of performance, and the case study does not comment on the degree to which an authorizer’s practices are “good” or “bad.” While this case study may be instructive to the field on its own, it is best used in conjunction with other case studies of authorizers with strong practices. We strongly encourage readers to also view NACSA’s summary of similarities and differences across QPP authorizers, found [here](#).

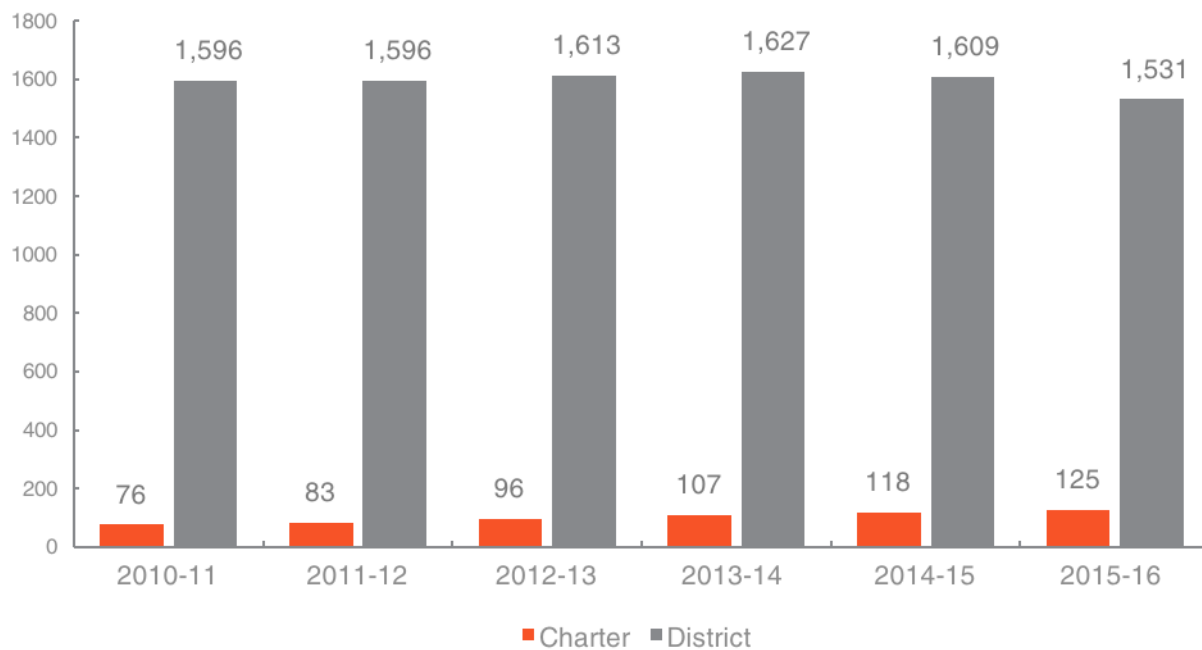
Descriptions of practices are current as of the development of this case study, typically 3-6 months after the site visit. Changes in authorizing philosophy, staff, and practices made after that time are not reflected in this case study.

ABOUT THE AUTHORIZER

State University of New York

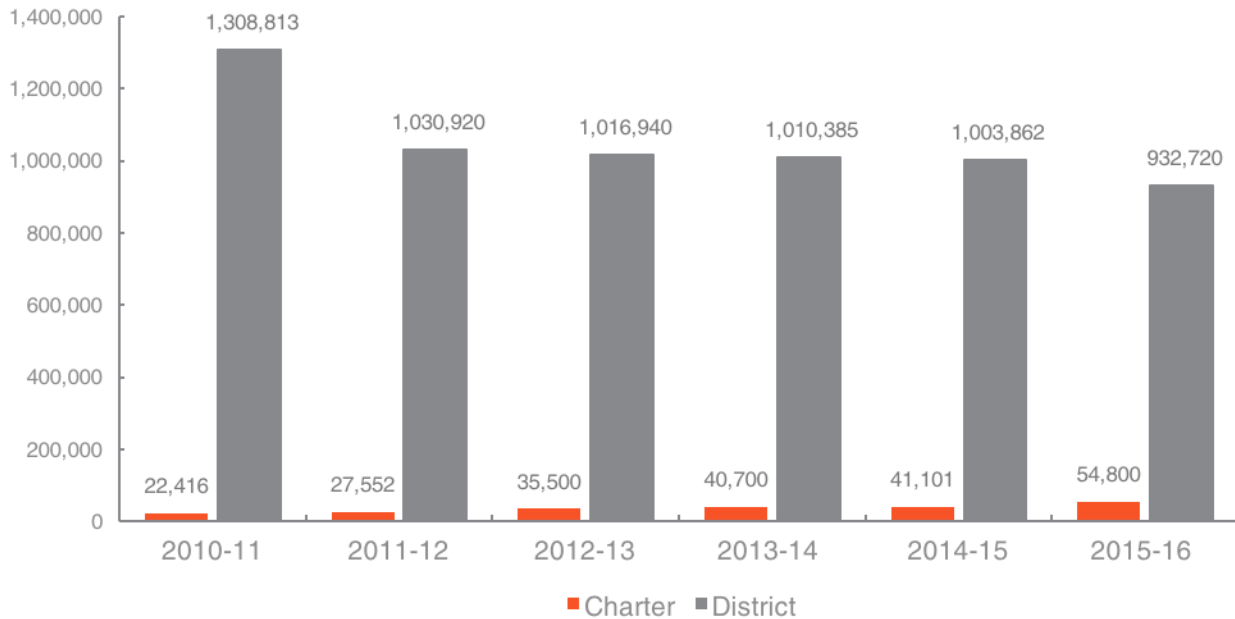
NEW YORK AUTHORIZERS	SCHOOLS (2015–16)
State University of New York Charter Schools Institute	125
New York City Chancellor's Office	65
New York State Education Department	65
Buffalo Public Schools	2

SUNY CHARTERS AND DISTRICT SCHOOLS



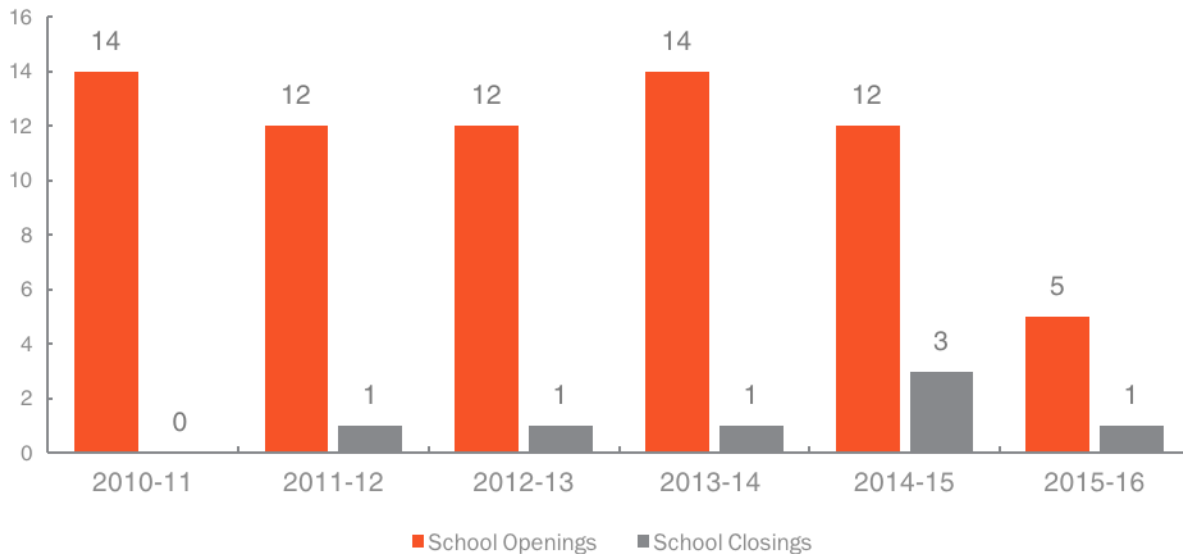
Note: The number of district schools includes the count of district-run schools in the districts where SUNY-authorized schools are present.

SUNY CHARTER AND DISTRICT ENROLLMENT



Note: The number of students in district-run schools includes the count of students in district-run schools in the districts where SUNY-authorized schools are present.

SUNY OPENINGS AND CLOSINGS



Key Facts on Authorizing and Policy Context

- New York State has a cap on the number of new charter schools that can open. In 2010 and again in 2015, the charter cap was expanded in such a way that only the New York State Board of Regents and SUNY may approve new-start charter schools.
- State law allows for the State Comptroller to evaluate the work of authorizers and can, if violations of state law and policy are found, levy sanctions against that authorizer.

- State law requires a charter contract and a performance framework but not a specific performance framework. It requires “a description of the student achievement goals for the school’s educational program and the chosen methods of evaluating that students have attained the skills and knowledge specified for those goals.”¹ The law does not explicitly encourage or address replication of successful schools.
- State law does not provide for default closure for failure to meet minimum academic, organizational, or fiscal standards.

¹ NY Education Law § 2851(2)(b)

ORGANIZATIONAL CAPACITY

Organizational Structure

The State University of New York (SUNY) is governed by an 18-member Board of Trustees (15 of which are appointed by the Governor), which is the final decision maker on charter school authorizing issues. All charter decisions, including high-stakes decisions, and other authorizing responsibilities have been delegated to a four-member Board committee—the Charter Schools Committee—and to the Executive Director of the Charter Schools Institute (the Institute), which handles some charter revisions and extensions. This structure was ratified in 2012. In addition, administrative responsibilities and other authorizing functions are led by staff of the Institute.

The Institute was created by SUNY in 1999 to assist the SUNY Board of Trustees with its functions under the New York Charter Schools Act of 1998. Importantly, for decision making and different than many other Higher Education Institution authorizers, the Institute functionally is not a sub-unit within another entity within SUNY (e.g., not functionally a part of the School of Education, School of Business) nor does the Institute's Executive Director interact frequently with SUNY's Chancellor. For all intents and purposes, the Institute reports directly to SUNY's Board of Trustees (primarily through the Charter Schools Committee).

The Institute currently has 26 total staff positions, 20 based in Albany, New York, next to SUNY's statewide administrative offices, with remaining staff based in the Institute's New York City offices. The Institute organizes its work around three teams: (a) the academic team, which includes new school and existing school accountability functions and analysis; (b) the legal, finance, and compliance team; and (c) the newly formed best practices/research team.

Planning and Priority Setting

The Institute, in collaboration with the SUNY Board of Trustees, has developed its own mission and operational principles:

The Charter Schools Institute assists the Board of Trustees of the State University of New York (SUNY) in meeting its responsibilities under the New York Charter

Schools Act of 1998 and in furthering SUNY's leading role in strengthening public education across the State.

Guided by the Board of Trustees' rigorous standards, the Institute:

- Recommends for charter approval only those schools that have a high likelihood of significantly improving student achievement, especially for students at risk of academic failure;
- Provides ongoing oversight of schools that centers on progress made by schools in improving student achievement, while also reviewing their organizational and fiscal performance; the Institute's oversight serves as a catalyst for improvement, informs the public of each school's performance, and protects the health and safety of students enrolled in each school;
- Vigorously respects, defends, and advocates for each school's independence and autonomy;
- Recommends renewal of only those charter schools that have shown they can improve student performance and operate in a fiscally and organizationally sound manner; and
- Strives to become a nationally recognized repository and disseminator of research, training, and best practices for charter schools, public school choice, and charter authorizing.

The Institute's programmatic operations are guided by important unifying principles and strategically selected activities rather than by a written, multi-year strategic plan. As stated consistently and frequently by staff, their organizational principle is to create "more great seats for kids" and to implement the New York Charter Schools Act as faithfully as possible. Each of the three Institute organizational teams create aligned tactical activities in how work will be achieved. The operating principle of "more great seats for kids" and success in achieving it are not quantified. There is no set number of new great seats the Institute sets at the beginning of each year or across years. Part of the reason the Institute may not set goals around an increase in the number of quality seats may be due to historically having a healthy number of applications

each year: from 2010 to 2015, Institute has received an average of 34 applications each year.

Staff pointed to all-staff retreats as one important method for defining and organizing the Institute's activities. These meetings occur twice a year and are used for team building, skill building, and mapping out work for the next six months. Staff spend time specifically charting—month-by-month—key activities and decisions that need to be made to determine work flow, months where the workload will be heavy and how they will align organizationally to get tasks effectively accomplished.

In addition, specific, measurable, achievable, relevant and time bound (SMART) goals and staff longevity substantially contribute to how the Institute organizes itself to create more great seats for kids. The Institute employs a set of organizational SMART goals that helps to organize key activities and demonstrate success annually. In addition, the Institute has had consistency and longevity at multiple levels of the organization, senior leadership in particular. The Institute has had only four Executive Directors since its founding in 1999. In addition, the current Executive Director has been with the Institute for eight years; the Executive Deputy Director and General Counsel has been with the Institute for 12 years; the Managing Director of Operations and Finance has served the Institute for six years.² Such tenure allows the core of relatively new staff members (four have been with the Institute for fewer than three years) to learn how the Institute functions from experienced, veteran leadership at all levels of the organization.

The Institute's operations are funded through the state budget, developed annually, and do not include an administrative fee from authorized charter schools. The majority of the Institute's budget is devoted to personnel and benefits (70 percent). General services, including any external assistance the organization uses (e.g., site visits, application reviews) (17 percent) and indirect/administrative costs (5 percent), make up the next two highest line items. Travel and building expenses make up roughly 2.5 percent (each) of the annual budget. All other expenses make up less than 1 percent of the Institute's annual budget and include supplies/equipment, leases/services equipment, publishing and postage, telephone and mobile data, and tuition and fees.

Human Capital Identification and Development

Talent Identification and Selection. The Institute has a very robust talent identification process, managed by its Director of Administration. When the opportunity arises to hire new staff, the Institute has developed a list of sources (most of them state- or region-wide) to which it posts jobs. Personal networks and career sites are also used to source candidates. All resumes received are screened for minimum qualifications. The Director of Administration conducts phone screens with applicants and makes a recommendation to the hiring manager and Executive Director on which candidates should advance to the next step of the hiring process. Candidates advancing to this stage interview with the hiring manager and Executive Director and are asked to complete a job-related task (customized to the job they are seeking) and a second task specific to evaluating the degree to which the candidate will be a good culture fit for the Institute. The Director of Administration checks references and makes a recommendation to the hiring manager and Executive Director (between one and three viable candidates). The hiring manager and Executive Director make the final hiring decision jointly. While charter school experience is preferred but not required, new hires in the last five years have almost universally had prior charter school experience.

For purposes of human resource administrative needs, the Institute functions under the rules and policies of SUNY. Salaries and benefits (including any salary increases) are approved by SUNY. For all new hires, SUNY must approve the request for a new hire and the salary range that may be offered prior to the candidate search process. Institute staff indicated that while this structure has added additional time to the front end of the hiring process, they have never felt that this structure has prevented them from acquiring the talent they have identified and desired. Staff also indicated that they have never been (or felt) pressured to hire any internal candidates or candidates favored by non-Institute SUNY staff members.

Onboarding. The Institute has a well-developed and deliberate onboarding process, managed by the Director of Administration. Among the key tenets of that system,

² The Director of Administration recently left this Institute after 12 years of service.

according to staff, are cross-function training and knowledge. Staff relayed that they strongly believe that new hires need to have more than just knowledge of their job and responsibilities, and it is equally important for staff to understand how their role fits into the larger authorizing functions. They believe the best way to accomplish that goal is by actually doing parts of the work of other teams and positions. Thus, part of the onboarding process is job shadowing other staff members and actually doing some parts of the work of other staff members. That work develops organically depending on what is happening at the time; staff provided examples of cross-functional work on application processes if hiring occurs during the application season (even if staff roles will not be related to applications long term) or taking on specific parts of school reviews during renewal season. In addition, new staff spend meaningful time with longer tenured staff. “Car rides between [Albany] and New York City” with senior staff were noted as an intentional and important onboarding function to acquaint new staff with organizational history and culture, as well as accompanying the Executive Director on school visits.

Professional Development. Internal Institute activities and dialogue with education leaders form the basis of most Institute professional development activities. Staff activities, including book studies, relevant articles, and discussion of news clips, were provided as examples. In addition, the Institute has developed its “Noodle & Nosh” program that takes advantage of key leaders and important people visiting New York. The Executive Director stays abreast of people that have pre-existing trips to New York and attempts to cultivate presentations and informal meetings between those visitors and Institute staff. If individual staff members have specific professional development requests, those are taken up individually and in relation to organizational importance and budgeted resources.

Some professional development opportunities are due to the Institute’s relationship with SUNY. Staff take advantage of SUNY-offered training programs, such as a recent active-shooter training, ethics training, transgender legal issues training, and changes to New York laws.

Performance Evaluation and Development. As part of SUNY staff requirements, all Institute staff have individual performance goals and plans. Those goals and plans are individualized and driven by staff member-and-supervisor

jointly agreed-upon work goals. Institute managers conduct annual performance evaluations of staff. There is a formalized process for these performance evaluations. When a staff member is not successful in meeting their individual performance goals, as part of policies required by SUNY, there are a menu of options, including the development of performance improvement plans and specific training.

Senior leadership sees it as a positive development when staff move on to positions of responsibility in other organizations. They noted at least three instances when staff members moved on from the Institute to other authorizing organizations with much greater responsibility, including as Executive Directors. In fact, senior leadership indicated that they encourage conversations between senior leadership and staff should staff desire to grow into roles of more responsibility than the Institute is able to offer. As indicated by one senior staffer, “If folks are interested in the next big thing, tell me so we can make that happen.”

Relationships with Entities Outside the Authorizing Office

A number of entities in New York—including governmental, philanthropic, new school development, and community organizations—were noted as being instrumental to the strong positive outcomes observed among charter schools across the state and especially in New York City. Some of those entities and organizations intersect with the Institute’s authorizing work and were noted by stakeholders, described below.

SUNY. As an autonomous entity within SUNY, Institute staff noted a number of benefits of being affiliated with SUNY: “They are great partners when we need them.” Staff noted the relationship increases visibility across the state, given SUNY’s strong statewide reputation. Staff also noted some instances where its relationship with SUNY has benefited Institute-authorized schools. There have been some SUNY student teachers in Institute-authorized charters, some early college high schools that have worked with SUNY, and at least one professor working with two schools on curriculum re-development. Stakeholders—both staff and schools—were quick to point out that there has never been any actual or implied mandate to do any work with SUNY and that the Institute has no infrastructure, goals, or plans to intentionally foster

relationships between SUNY and Institute-authorized schools.

New York City Department of Education (NYCDOE).

The NYCDOE plays a unique role in charter schools in New York City (NYC) authorized by the Institute. The NYCDOE is the legal Local Education Agency (LEA) for all charter schools operating in NYC for purposes of special education administration, funding, and in some cases, food service and transportation. It is also the landlord for a number of schools and the financial pass through for state- and city-provided facility funding. For most of these functions, the NYCDOE works directly with charter schools and not the Institute. In some ways, therefore, the NYCDOE serves a charter support and oversight function in specific areas. In other settings across the country—specifically when each charter school is its own LEA—such roles are filled by external charter support organizations, and/or authorizers are required to create more robust oversight systems. That is not to say the Institute does not have oversight systems for these functions (described in other parts of this case study). Rather, the presence of the NYCDOE as the LEA for Institute-authorized charters in NYC creates different kinds of oversight relationships between the Institute and NYC-based charters in those areas.

The NYCDOE also provides other voluntary services for all charter schools in NYC, including Institute-authorized charters. Those include the creation of professional learning communities for teachers and school leaders, as well as the facilitation of partnerships between charter schools and district-run schools. For example, the NYCDOE has recently created a partnership with Uncommon Schools, Inc. (a large and successful charter management organization operating on the East Coast and including many SUNY-authorized charters) and district-run schools on school leadership development and effective teaching practices.

New York City Charter School Center. The relationship between the Institute and the New York City Charter School Center (Center) is multifaceted. The CEO of the Center (present in this capacity since 2007) has a close working relationship with the Institute and its Executive Director. The Center CEO was a staff member at the Institute at its inception in 1999 and spent seven years at the Institute, including five years as its Executive Director.

The Center is not a charter school membership organization and sees as its mission to advocate for the charter school model—not necessarily for individual schools—and provide comprehensive support systems for those seeking to open new schools, as well as for existing school operators in New York City. The Center offers a suite of resources for schools in operation, including special education resources. In addition, the Center's Apply Right program has enabled a number of potential school operators to receive meaningful feedback on their new school plans prior to applying for a charter. The Apply Right program provides start-up services and advice; will read charter school applications prior to them being submitted to an authorizer; and, unlike some other organizations focused exclusively on leadership development, the Center focuses on capacity building at multiple levels of organizational leadership (staff, school leaders, board members, etc.) as part of the application and new school development process.

By advocating for the charter model and typically not for individual schools, the Center supports difficult and high-stakes decisions made by the Institute—including non-renewals and closures—and this has positioned the Center to be an important organization for policymakers. While the Center does not advocate for specific legislation, it is frequently asked for (and provides) its opinions and information to state policymakers.

Charter Management Organizations. As noted by multiple stakeholders, the role and influence of large, high-performing and growing charter management organizations (CMOs) on the charter sector in New York, New York City in particular, cannot be underestimated. While the Institute's portfolio contains many independent charter schools and the vast majority of CMOs started with a single school, a slight majority of the Institute's portfolio contains network-affiliated schools: as of June 2016, 58 percent of Institute-authorized schools were affiliated with a school network. Multiple stakeholders noted that New York's charter sector would have a dramatically greater need for a much more robust human capital, school development, and school support infrastructure were it not for the presence of CMOs. Stated differently, because such functions are typically managed by the CMO networks internally—and an increasing number of independent charter and district-run schools are collaborating with those networks—the result has been less need for such services. "There isn't

as much need for human capital and development work [as in the past] because CMOs are doing it and innovating around it themselves...In some cases, they are competing directly with other well-known human capital providers,” noted one stakeholder. Most of the networks “have their stuff together,” as stated by one NYCDOE stakeholder, noting that they spend the vast majority of their time troubleshooting and problem solving special education, funding, and transportation issues with independent charter schools compared to CMO-managed schools.

ORGANIZATIONAL CULTURE

Basic Values

The State University of New York (SUNY) Charter Schools Institute's (the Institute) official mission statement is longer and more detailed than most, with five dense bullets addressing approval, oversight, autonomy, research, and other facets of its stated purposes.

But according to the Institute's senior leadership, the real mission statement is simply "more great seats for kids." This is a driving message for the organization and was repeated verbatim by several other staff members during the site visit. According to one of the Institute's external partners, it's also the lens through which any new initiative is viewed—from considering whether to set retention targets to dealing with schools that want to transfer from another authorizer.

From the Institute's origins, the commitment to expanding quality options has been fostered by its structure of political accountability. The Institute is not part of the State Education Department, home of New York's other statewide authorizer, and the Governor appoints SUNY's Trustees (the final decision makers on high-stakes authorizing functions and decisions) to seven-year terms. The arrangement provides the Institute with a layer of electoral accountability, as well as some insulation from influences and agendas unrelated to the Institute's mission.

There is a balance of accountability and freedom to act in the Institute's DNA. Although fostered by a Republican administration in 1998, the Institute was not intended as a free-market venture. An early Institute executive explained that by the time New York's charter law was passed, "the Arizona model was already being discredited," referring to that state's relatively wide-open approach to chartering. The state's GOP leadership, beginning with then-Gov. George Pataki, "was about decentralization but not necessarily deregulation."

Finally, transparency has been a hallmark of the Institute since its early days. A researcher could find on its website not only clear and well-defined standards and processes but also voluminous documentation about its decisions—for example, renewal recommendations that ran to scores of pages of data and narrative. Although those documents

have been streamlined, the Institute is still clear that everything they publish is public.

How Values and Intentions are Communicated

Internally, the Institute makes its mission and values explicit and reinforces them among staff with a high degree of intentionality. There is an annual staff retreat with required readings—this year it was *Smarter, Better, Faster* and *Charter Schools in Action*—which guided staff conversations on both the current urgency of chartering well and a refresher course on the original purposes of chartering.

Historic perspective seems quite present in current Institute operations. Looking at the original "charter bargain" of increased autonomy for high accountability is a vital matter for the staff. As one member explained, they are constantly weighing that balance, for example, by asking whether they're making too many document requests of schools. And if Trustees are having a hard time making the call on a difficult non-renewal, as explained by staff, staff direct them back to the original purposes of a five-year performance contract: "It's in the law and part of our job."

Externally, SUNY and the Institute sent a loud and clear message early in its existence with several high-profile closures. Several interviewees stressed that signaled SUNY and the Institute would put the interests of students above all else and that both Trustees and staff were serious about upholding standards. These early moves helped improve the quality of their portfolio in another way: stronger operators who value tough but supportive oversight have flocked to them, while those desiring to fly under the radar or not interested in strong accountability have tended not to apply to the Institute for a charter.

View of Charters and Relationship to Schools

Schools appear to regard the Institute highly, and that perspective appears to be mutual. A support-organization executive characterized the Institute's attitude: "We have

the best schools in the state! We are the best club.” And a school-network official echoed: “They view us with pride.”

One official at the New York City Department of Education (NYCDOE), who formerly worked for an Education Management Organization (EMO) and dealt with several authorizers, said the Institute’s feedback on their school’s performance was so clear that “the school board was able to run with it.” Unlike the “finger-wagging approach” of some other authorizers, this official said the Institute focused on what next steps could be taken: “We want you to win.” This sentiment was underscored in a remark by the Institute’s current Executive Director: “More communication is better than less communication,” especially when bad news has to be delivered.

For a statewide agency, the Institute makes a point of being modest about its own wisdom and deferential and supportive with its schools. “I was a teacher; we’re all learners,” explained a senior staff member. “Our schools know we’re abundantly focused on the kids.” That senior staff member noted that sometimes s/he will “just pop in,” perhaps to show support for the leader in a tough school.

External vs. Internal Focus

Like other successful authorizers, the Institute benefits from external partnerships, although their functions and roles have changed somewhat over time. The most important is the New York City Charter School Center (Center), which originally focused on incubation and technical support but is increasingly the linchpin for advocacy, at least in relation to the city’s charters. The Center is an important ally in political challenges but is careful to note that “we advocate for the [charter] model, not for schools.” As a result, the Center does not second-guess the authorizer and supports difficult decisions, including school closure.

In terms of developing their practice, Institute staff are frequent participants in national conferences and use trainings offered by other organizations (including NACSA).

Although the Institute is nominally part of SUNY’s research arm, it has actually not made research *per se* a significant part of its work, except to the extent that looking at data has been useful in adjusting its own course. As the portfolio grows, staff may consider making data more

available to external researchers and examining best practices in high-performing schools.

Role Of Leadership

The Institute has two tiers of leadership, and both have had important effects on its direction. When one early Executive Director opted to forgo serious due diligence, that person was reined in by the then-chair of the SUNY Board of Trustees and eventually replaced. Since then, there has been a series of able and savvy administrators, one a former aide to the Governor, another who has gone on to head a national leadership-development program. The current Executive Director has helped bolster support from the SUNY Board of Trustees by taking members on tours of schools. The fact that the Institute has among the strongest portfolio of any district in the state is a compelling argument for the validity of its practice, and staff knows how to leverage that asset.

Growth Mindset

The rate of growth has been tempered somewhat by a succession of caps, so the Institute’s portfolio has experienced periods of rapid expansion—but not for its own sake. Because the Institute is the authorizer of several nationally recognized charter management organizations (CMOs), there is something of the misconception that the Institute is just a CMO authorizer and approves only “safe” applications. But staff stress that they’ve always been open to independent operators (i.e., operators not affiliated with a management company) and allow them to come back in subsequent application rounds armed with articulate feedback.

Entrepreneurial vs. Compliance-driven

Attitude

As stated by the Executive Director, Institute staff see themselves as “venture bureaucrats.” One staff member explained that “the charter is a plan—it’s not carved in stone.” So the Institute sets a relatively high threshold for amendments, describing many potential charter changes as “non-material” and letting schools make their own decisions wherever feasible.

A school network executive said the Institute’s political independence gives the organization a kind of nimbleness; they avoid the “silly or intrusive questions” that come from other authorizers they have had experience with. If the

Institute uncovers a deficiency, they'll send a letter, but it won't be accompanied by a "threat to shut us down."

One observer at a school-support organization said, "The Institute is usually on the right side of the autonomy issues." And, as an Institute staffer put it, "We've evolved. We have made a conscious effort to strip out nonessential reporting, reducing the duration of the site visits, and putting more focus on schools that need it."

Process vs. Professional Judgment

The Institute has some of the best-developed oversight architecture of any authorizer in the country—including detailed benchmarks for site reviews and innovations, such as the initial statements of readiness for financial self-management. Indeed, many of the systems the Institute has developed have been used by a number of other authorizers. But as one of their external partners observed, "You have to have a playbook, but you also have to make tough decisions."

Teamwork and longevity are key to making sound decisions. As one staffer put it, "The way we function as a team is more important than specific goals." So part of the onboarding process is giving new staff an opportunity to work in all phases of authorizing. Longevity of some key staff is one important way in which the Institute has built "judgment capital." As previously noted, the average staff tenure is fairly long, especially among senior leadership. As one staffer said, there is a balance between "youthful curiosity and more experienced staff with commitment to the mission."

APPLICATION SYSTEMS AND PROCESSES

The Application Process

The State University of New York (SUNY) Charter Schools Institute's (the Institute) charter application review is a rigorous, multi-step process, including an in-depth academic, financial, and legal review by Institute staff; a review by a panel of external experts; two separate interviews with the founding team and proposed board (with Institute staff and later with members of SUNY's Board of Trustees); a final recommendation to the Board of Trustees; and a vote on that recommendation by the Board. The SUNY Board of Trustees has charged the Institute with recommending for their consideration only those proposals with the highest likelihood of success. Interviews highlighted the importance of both strong practice and expert staffing in the success of the Institute's authorizing work. One external stakeholder noted that the Institute "has the strongest authorizing team and schools [in the state]."

Priorities for New Charter School Authorization/

Application Philosophy. The Institute does not currently set priorities for particular school models, replications, or school locations. "Excellence is the priority," said one staff member. They treat all applicants as though they have the potential to open a charter school, whether those applications come from new or existing operators. Individual Trustees may emphasize the arts or safety or mindfulness, but academic outcomes are the first and foremost priority driving application decision making. In the past several years, the Institute has approved applications from new operators, first-time replicators, and existing network operators. While 58 percent of the Institute's portfolio is made up of schools affiliated with school networks, this pattern does not reflect a deliberate decision-making strategy on the part of the Institute. Interviewees suggested that existing operators apply for new charters at a higher rate than potentially new operators. Existing operators have also already demonstrated that they can open successful charter schools and are consequently more predictable and straightforward to evaluate. In addition, the Institute's renewal process and application process tend to overlap. As a consequence, what is learned about successful schools in their portfolio may influence Trustee decision making, leading to higher approval rates for known models and operators. The Institute's philosophy is to "seed the

ground and create the environment for great schools to thrive." They are focused on quality and are hesitant to encourage schools in their portfolio to grow too quickly. They don't let operators that are not "knocking it out of the park" grow until they are ready.

Resources for Applicants/Initial Conversations.

The Institute provides charter applicants with a range of resources to support application development and submission. The Institute treats every applicant as if it has the potential to be a successful school. Institute staff are generous with their time and respond to informal inquiries from charter applicants on a regular basis. The Institute's general counsel also gives guidance to potential charter boards and replicating boards as they ask for it. The Institute also works closely with the New York Charter Center (Center). The Center has regular contact with Institute staff about applicants, what they are looking for in applicants, and where applicants need to improve. According to one stakeholder, the Institute has shifted from simply approving or denying an application with little feedback, and now provides denied applicants with helpful information to enhance the chances those applicants can be successful in a future application cycle.

The Institute's 2016 *Request for Proposal (RFP) Guidance Handbook* provides detailed information to guide applicants in developing their responses to the Institute's RFP. The Handbook is organized by individual questions contained in the RFP and provides specific guidance to applicants regarding how to respond to each RFP question. Guidance provided distinguishes between new applicants and replicators, often allowing replicators to incorporate responses by reference if there are no changes from the original charter.

The Institute's RFP and supporting documents are very detailed, providing step-by-step guidance for operators applying to open a charter school. The RFP is posted online in draft form for several weeks so that the public can comment on it and suggest changes. Those comments and suggestions are posted online, and changes are incorporated into the final document, as appropriate. The Institute also redacts and posts every received application online for the public to read and comment on. When applicants withdraw, their applications are generally

removed from the website. Successful applications remain online and become part of the school's record. Consistent with its orientation of continuous improvement, when particular issues or problems occur during an application cycle, Institute staff modify the guidance provided to address those issues. Institute staff review guidance documents in an attempt to ensure that the guidance is comprehensive and clear.

Letter of Intent (LOI). Groups interested in applying for a charter with the Institute are required to submit a LOI. The LOI requirement ensures that Institute staff are aware of the number of applications they are likely to receive during a given application cycle. The Letter of Intent is not a “mini-application.” It consists of a letter with key school design details and evidence of community outreach efforts. Applicants are required to provide basic information about the applicant, the founding group, any proposed CMO partner, school location, school opening date, planned grades and enrollment, a description of the school model, initial facilities plans, a description of academic performance of existing schools, and an analysis of community outreach. Applicants can be denied at the LOI stage. The primary criterion for moving forward during the LOI stage is demonstration by the applicant that they have begun to engage with the community the school plans to serve; this is an absolute statutory requirement. In addition to providing evidence of community outreach, if an applicant is in a district with 5 percent or more of its students enrolled in charters, the applicant has to either provide evidence of district support or prove why the school would create a significant educational benefit for the students expected to attend the school. Institute staff review LOIs and community outreach documentation to determine if submissions meet the requirements specified in the LOI requirements section. If the applicant does not meet the requirement of beginning outreach, Institute staff cannot recommend the applicant submit a full application. The Institute will inform applicants whose letters do not meet the requirements that they may not submit a proposal for review during the current cycle. The determination of the adequacy of the LOI is at the sole discretion of the Institute. There is no appeal of a negative determination. Institute staff invite applicants whose letters meet LOI requirements to submit full proposal(s). Later in the application process, Institute staff look for evidence that the applicant has made progress toward incorporating community feedback into the final proposal. Institute staff

provide brief feedback to denied applicants at this stage. Nothing prohibits applicants who submit an unsuccessful LOI from submitting a new LOI in response to any future review rounds.

Standard vs. Replication Proposal. The Institute's application process distinguishes between standard proposals and replication proposals. Standard proposals address 23 different areas related to the establishment of a successful school, covering a wide and detailed range of issues related to school operations, academics, and finances. The Institute's response requirements are described in detail in its *2016 Request for Proposals* and related *Guidance Handbook*.

Applicants may submit a replication proposal if the replication is a SUNY-approved school that the applicant already operates but only if the SUNY Board of Trustees approved the initial application after August 2010 and if the proposed school will replicate all or a vast majority of the academic program of the existing school. The standard proposal is used when there is not yet a SUNY-approved charter to replicate or the conditions have changed significantly enough since the Institute reviewed the existing charter that there are likely to be material changes. Proposals for replication are significantly streamlined. Replication proposals address all statutorily required elements of a new school proposal but emphasize the following replication specific issues:

- A SUNY-approved charter school seeking to replicate already has one or more SUNY-approved charters, which contain exhibits describing the replicating school's academic program and organizational structure. If there are no material changes to the exhibits, applicants may respond to some requests by incorporating by reference the applicable documents on file at the Institute. The Institute's Replication Checklist describes detailed information about the responses that must be provided compared to those that can be incorporated by reference.
- With replications, the Institute's application reviewers can utilize qualitative data about the strength of the existing schools collected through the Institute's school evaluation process, and quantitative data collected through the analysis of the replicating school's (or network's) academic

outcomes instead of detailed plans submitted as part of a proposal.

- The Institute's due diligence regarding fiscal and human capital capacity also becomes more rigorous when considering the award of multiple charters to one charter school operator.

Business Plan Requirement. Institute staff and, at the Institute's discretion, external experts review applicant groups' business plans along with their proposals to gauge the organizational and fiscal capacity of the existing school(s) and partner organizations to effectively fulfill their obligations to the proposed school(s). SUNY-approved charter schools seeking to add one or more new charter schools that will contract with a charter management organization (CMO) to manage the proposed school(s) may have to submit two business plans in conjunction with the proposal: one completed by the CMO, and one completed by the education corporation. If the plans overlap, only one plan need be submitted.

Application as Detailed Blueprint. Staff noted that the application is designed to be a comprehensive description of every facet of the school rather than a broad description of school plans. Both the quantity of information and the level of detail required of respondents are significant. The average application submitted to the Institute is approximately 500 pages in length, and schools have been approved with applications ranging from 300 to 1,100 pages. In those pages, the Institute expects more than a collection of ideas about a new school. Instead, Institute staff expect to "visualize the school in the reading of the application." They require applicants to think through and present many details of school operation from teacher schedules to food services. Successful SUNY applicants are expected to have thought through most details of school operation. According to staff, by the end of the process, applicants are more prepared to open a new school. According to interviews, the rigor of the application process sets up new schools to succeed. According to the Institute's *2016 Request for Proposals*, "The hard work up front translates into greater autonomy for schools once chartered."

Initial Staff Review. Invited applicants must submit their application four to six weeks after submitting the Letter of Intent. Upon receipt, each application is reviewed for completeness and a preliminary review is conducted to confirm that all necessary content has been included.

When applicable, an in-depth analysis of student performance data from the applicant's existing schools is conducted to identify areas of strength and deficiency, and to gauge the proposed program's likelihood of producing exemplary academic outcomes. This analysis includes, but is not limited to, a review of the past three years of student performance data on state assessments, with an emphasis on growth percentile scores; student attrition rates from year to year; graduation rates; and authorizer evaluation, renewal, and regulatory compliance reports.

External Expert Review. The Institute hires external reviewers to evaluate each submitted application, whether that application is from a new operator or an operator seeking to replicate. The Institute has a bench of expert reviewers from which a review panel is selected. Reviewers may be other authorizers, leaders from successful charter schools, or finance experts. In some cases, Institute staff will identify specialized reviewers (e.g., applied behavior analysis experts to review an application from an operator who wants to open a school for students with autism). The more specialized the school program, the more work Institute staff do to identify appropriate expert reviewers. Many application reviewers also consult for the Institute in other capacities, including staff professional development and site visits. Each reviewer individually reviews the application. Following the individual review by external reviewers, Institute staff schedule panel calls with all of the reviewers. During these calls, reviewers discuss the strengths and weaknesses of the application and are asked to provide questions to ask applicants during the capacity interview. Individual reviewers are also asked to give their recommendation regarding whether or not an applicant should move to the interview stage. Those recommendations are taken into consideration but are not binding. According to Institute staff, "You learn so much from watching them [the reviewers] debate. The external reviewers add a lot of value to the process."

Staff Meeting. After panel calls are concluded, Institute staff members involved in application review meet to decide whether the applicant group should move forward in the process. At this stage, staff members try to err on the side of giving the applicant the benefit of the doubt: applicant groups "on the edge" are typically allowed to come for interviews.

Interview by Institute Staff. If a proposal is deemed strong enough to move on in the review process, members of the school's founding team, proposed board, and representatives of any proposed CMO and/or other partner organizations are interviewed by Institute staff. Multiple staff members participate in each interview, including the Executive Director, a lawyer, a staff member focused on finances, the Director of New Charters, and other Institute staff.

The Institute does not rely on a formal rubric or bank of questions to evaluate the applicant during the interview. Staff members use professional judgment to create a customized interview protocol based on each applicant's written application and circumstances. Institute staff construct an agenda along with capacity interview questions. Answers to questions in areas of concern may lead to detailed questioning with an eye toward either future requests for amendment or elimination of the application. Interviews typically take place in the geographic region where the applicant seeks to open. Interviews typically last one-and-a-half to two hours.

Institute staff have identified several red flags at this stage in application evaluation. Some applicant groups may hire external consultants to write a charter application. Interviews allow Institute staff to evaluate the experience and capacity of the applicant group and board directly, without guidance from consultants. One staffer said, "What's on paper can look really great, but then in person, folks aren't ready." School leadership issues are often a red flag. Institute staff will specifically ask board members hard questions about how to hold school leaders accountable. If the school leader has not yet been identified and the applicant group is heavily invested in finding "a magical person" to lead the school, that is a sign that the school may not have the capacity to succeed. If the school leader is identified and present but answers all questions and the board members aren't answering anything, it's clear that the school may be too dependent on one person. If they don't have a clear description of their intended culture, that's also a red flag.

Following each interview, Institute staff meet again to establish consensus regarding whether the applicant is ready to move on to the next stage in the application process.

Request for Amendments. Proposals of sufficient strength may then undergo a Request for Amendments (RFA) process to resolve Institute concerns and assure compliance with all applicable laws and regulations. Institute staff review and redline the school's bylaws, policies, budget, and other areas of deficiency and provide the applicant group with a summary document. The Institute gives applicants seven to 10 business days to submit revisions. Sometimes there are multiple rounds of the amendment process. After the applicant group has answered all questions posed by the Institute, staff meet to come to consensus regarding a recommendation to SUNY Trustees. Applicants not recommended for further interviews are contacted by phone, provided high-level reasoning for the decision, and given an opportunity to withdraw their application.

Preference Scoring. SUNY's 2016 RFP includes preference criteria to prioritize proposals that the Institute intends to recommend to the SUNY Board of Trustees at the conclusion of the review process. Preference scoring does not occur until the conclusion of a review process and applies to only the proposals that the Institute determines could result in academically, fiscally, and legally sound charter schools. Institute staff conduct a norming session, and two staff members score each application. Only one scorer may be a member of the New Charters team. If the application scores are close, a third staff scorer is required. While required by statute, preference scoring applies only when there are more viable applications than available charters under the state or New York City charter cap. Because the cap has not been reached, preference scoring has not been a factor in application decision making. However, Institute staff still complete the scoring as a part of every application cycle and report on the scores within each summary of findings report.

SUNY Charter Schools Committee Meeting. If the RFA process yields an application that the Institute identifies as strong enough to move on in the process, a representative of the Charter Schools Committee (Committee) will meet with the applicant(s) and proposed education corporation trustees. As described previously, the Charter Schools Committee is a 4-member subcommittee of the SUNY Board of Trustees (composed of members of the SUNY Board of Trustees) that oversees SUNY-authorized charter schools. Institute staff provide a Summary of Findings. The Summary of Findings provides a detailed summary of

the application, reviewing school mission and key design elements, calendar and schedule, academic program, school culture and discipline plans, and the organizational capacity of the applicant group. The Summary of Findings also includes a review of whether the applicant meets statutory requirements and provides summary evidence that the proposed school is likely to be academically, organizationally, and financially successful. For applications with less typical educational plans, Institute staff may provide additional briefing documents to the Committee.

SUNY Charter Schools Committee Vote. After completing the review process, the Institute makes any positive recommendations to the Charter Schools Committee, which renders the final determination. There is no appeal of a negative determination at any stage of the process. Committee Trustees review the Summary of Findings and any additional information but typically do not examine in detail the full application; the full application is available, however, online. If Trustees have any remaining questions or concerns, the Institute's senior leadership is available to respond. Applicants are encouraged to attend the meetings. Trustees have significant experience in charter school authorizing and have "learned a lot over the years" and are not "rubber stamps." During the Committee meeting, Trustees often ask questions of applicants and Institute staff. Applicants that the Institute will not recommend for approval are permitted to withdraw their application rather than publicly receive a recommendation for non-approval. The vast majority of those applicants choose to withdraw their application.

Feedback to Denied Applicants. After the conclusion of the application cycle, all rejected applicants receive letters of justification regardless of the stage in the application process at which their application was cut or withdrawn. Institute staff are generous with their time and discuss applications with denied applicants. Institute staff strive to help applicants understand the strengths and weaknesses of their application and how much additional development is required for a given application to be approved. Institute staff reported that "there is no shame in waiting [and applying again later]."

Continuous Improvement/Learning from Experience

The Institute's application process reveals an orientation toward continuous improvement and learning from past experience. This orientation is reflected both in its charter practice and in its attitude toward charter applicants. When appropriate, the Institute removes components of its charter application that are not required by law. The Institute has also revised and enhanced its charter application review process over time to reflect lessons learned. The Institute provides significant support to new charter applicants during the charter application process with staff open to informal inquiries, robust written guidance, and support to applicants that fail to receive a charter. The Institute does not view a denied or withdrawn application as a failure on the part of the applicant. Instead, they often view them as applicants with potential who need more guidance and time to develop.

Access and Equity Issues in the Application Process

The Institute focuses on what is required by law and allows as much school autonomy within those boundaries as possible. Amendments to the Charter Schools Act in 2010 require all charter schools to meet enrollment and retention targets for students with disabilities, English Learners, and students eligible for the federal free and reduced-price lunch program. Targets must be comparable to the population of students attending public schools in the district where the charter school is located. The Institute's philosophy is that if a school has programming for special student populations (e.g., special education and English Learners), the school will attract those students. To that end, in the review of applications, Institute staff require clear explanations of English Learner and special education programming in applications. In their proposals, applicants are required to describe how the school will identify and serve struggling students, students with disabilities, English Learners, and gifted and advanced students. The Institute identifies enrollment targets for its schools, but those targets are not "hard and fast."

PERFORMANCE MANAGEMENT

Pre-Opening Systems and Practices

During a new charter school's planning year, the school is required to finalize its draft Accountability Plan developed as part of its charter application, as well as the State University of New York (SUNY) Charter Schools Institute's (the Institute) pre-opening checklist.

The Accountability Plan lays out the specific student achievement goals that a school agrees to meet and the specific measures that define what constitutes meeting these goals. These plans establish a common set of goals and outcome measures that represent expectations the Institute and the SUNY Board of Trustees hold for student learning and achievement. Progress in meeting the Accountability Plan is used in evaluating whether a school receives approval to continue operating. The initial Accountability Plan is finalized during a school's first year of operation and covers the initial "Accountability Period," the first four years of its charter term. At the end of the Accountability Period, schools develop a new Accountability Plan as part of their application for renewal.

The Institute requires that the Accountability Plans for all SUNY-authorized charter schools contain a common set of goals with specific measures for each school. These required outcome measures for student performance represent the Institute's expectations for student learning. In addition to these required academic measures, schools may also choose optional goals to include in their Accountability Plan—both academic and non-academic goals and measures.

New schools must also complete the Prior Action Checklist (often referred to as a Pre-opening Checklist by other authorizers) in preparation for opening. Schools are required to have the Checklist substantially completed at least 10-15 days before the school is scheduled to commence instruction. The Checklist includes eight categories (described below). Each category has multiple deliverables that the school must provide to ensure it is ready to begin operation. Institute staff conduct a site visit in August or September to collect the required pre-opening deliverables and determine if the school can open.

1. **Compliance:** The Institute requires schools to provide the name and contact information for

the person on staff who will be responsible for providing compliance documentation.

2. **Finance:** Includes deliverables related to the school's internal controls and fiscal management. For example, the Institute requires evidence that an accountant or bookkeeper is employed and copies of the payroll contract or other provision for payroll.
3. **Facilities and Fixtures:** Includes deliverables related to the space where students will attend classes. For example, a copy of the certificate of occupancy must be provided unless the school is located in occupied district school space.
4. **Operations:** Includes deliverables related to student safety, transportation, and food safety. For example, the Institute requires written assurance that each student has had proper immunizations, a copy of the transportation service provider contract, and a copy of the food service provider agreement.
5. **Students and Parents:** Includes deliverables related to student discipline, the Family Educational Rights and Privacy Act (FERPA), and the Student and Family Handbook. For example, the Institute requires a copy of FERPA procedures, as well as a copy of the Student and Family Handbook. The Institute also requires a summary roster of students with individual education plans (IEPs) and any information related to their settings or related services that are known at the time of the pre-opening visit.
6. **Curriculum and Instruction:** Includes deliverables related to curriculum and compliance with special education laws. For example, the Institute requires curricula being selected and documentation that the school is adequately prepared to identify students with disabilities, as well as a copy of the school's 504 policy.
7. **Staffing:** Includes deliverables related to readiness of the school's staff to be responsible for students. For example, the Institute requires proof of certification for teachers, as well as copies of fingerprint clearance for all staff that will interact with students.

8. **Governance and Management:** Includes deliverables related to the charter board's ability to operate. For example, the Institute requires proof of ratified bylaws and written notice that a head of school has been named.

The Institute does not consider the pre-opening activities to be evaluative. However, failure to complete certain pre-opening requirements can lead to delays for a school's opening and an increase in monitoring. There is not a formal list of which deliverables are most prioritized—Institute staff uses professional judgment to make this determination. For example, the Institute team referenced an instance in which a charter leader had failed to verify that teachers at the school had been fingerprinted and background checks had been completed. The Institute did not allow teachers in classrooms until this was addressed, so the students participated in team- and culture-building activities for the first days of school instead. Due to this, Institute staff monitored the school closely during the first semester, including organizing additional site visits.

While the Prior Action Checklist is a compliance-based document, the Institute views the overall planning phase for charters, including the pre-opening phase, as a time to provide schools with support. One team member explained that they maintain an “open door and phone policy” for new schools and that they don't want the schools to feel that they need to hire a lawyer or other staff just to complete the pre-opening process.

Performance Framework

In order to determine whether a school has met a high standard of performance, each school that SUNY authorizes is required to enter into a performance agreement. This agreement's purpose is to lay out the specific student achievement goals that a school needs to meet and the specific outcome measures that define what constitutes meeting these goals. This agreement, known as the Accountability Plan, becomes part of the school's charter. The Institute requires that the Accountability Plans for all SUNY-authorized charter schools contain a common set of goals, along with specific measures, that set the same criteria for success for each school. In addition to the required measures, schools can also choose to include optional academic and organizational goals and measures in their Accountability Plan.

The academic indicators measure performance across absolute, growth, and comparative metrics.

- Absolute measures use fixed criteria to measure the school's performance. The target is an absolute standard, meaning that a certain level of mastery of knowledge or a skill must be attained. SUNY-authorized charter schools are required to set their absolute measures for success at 75 percent mastery. This means that 75 percent of students should be proficient on state assessments.
- Comparative measures measure the school's performance against the performance of other selected schools. For example, SUNY-authorized charter schools must compare their students' performance on the state tests to that of the school district that students would have attended if they were not enrolled in that charter school, as well as to schools across the state with similar demographic factors.
- Growth measures show progress towards an absolute target based on year-to-year growth of the same students.

Elementary and Middle Schools. English language arts and math are the most important subjects for elementary and middle school students. These subjects are tested every year between Grade 3 and Grade 8. There are five required outcome measures for each of those subjects. Science is tested in Grades 4 and 8 and has two required outcome measures, one absolute and one comparative.

GOAL	REQUIRED OUTCOME MEASURES FOR K-8 SCHOOLS				
	<i>Absolute</i>		<i>Comparative</i>		<i>Growth</i>
	75% Proficiency on State Exam	Performance Level Index (PLI) Meets Annual Measurable Objective (AMO)	Percent Proficient Greater Than That of Local School District	School Exceeds Its Predicted Level of Performance Compared to Similar Schools	The School's Mean Growth Percentile Exceeds the State's Median Growth Percentile
English Language Arts	×	×	×	×	×
Mathematics	×	×	×	×	×
Science	×		×		

High Schools. Accountability Plans for charter high schools include the same academic subject goals as elementary and middle schools: English language arts, math, and science, with the addition of social studies. Charter high schools are held accountable for student performance on Regents exams. High school Accountability Plans must also have a graduation goal, and any high schools with a college preparatory mission must additionally have a college prep goal. High school accountability in academic subjects is based on the performance of a student cohort—a group of students who entered Grade 9 at the same time.

GOAL	REQUIRED OUTCOME MEASURES FOR HIGH SCHOOLS					
	<i>Absolute</i>				<i>Comparative</i>	
	65% of Students Demonstrate College-Ready Proficiency on Regents Exams After 4 Years	65% of Students Not Proficient in 8th Grade Demonstrate College-Ready Proficiency on Regents Exams After 4 Years	75% of Students Passing Regents Exams After 4 Years	Accountability Performance Level (APL) Meets Annual Measurable Objective (AMO)	Accountability Performance Level (APL) Exceeds That of Local School District	Percent Passing Regents Exams After 4 Years Is Greater Than That of Local School District
English Language Arts	×	×		×	×	
Mathematics	×	×		×	×	
Science			×			×
Social Studies			×			×
Graduation	<ul style="list-style-type: none"> 75 percent of students in first-and second-year high school graduation cohorts must earn ten credits (if 44 needed for graduation) or five credits (if 22 needed for graduation) each year. 75 percent of students in the second-year high school graduation cohort must score proficient on at least three different New York State Regents exams required for graduation. 75 percent of students in the fourth-year high school graduation cohort and 95 percent of students in the fifth-year high school graduation cohort must graduate. The percent of students in the high school graduation cohort graduating after the completion of their fourth year must exceed that of the cohort from the local school district. 					

College Prep (Only if Applicable)	<ul style="list-style-type: none"> • The average performance of students in Grade 10 must perform above the state average on the PSAT tests in critical reading and mathematics. • The average performance of students in Grade 12 must perform above the state average on the SAT or the ACT test in reading and mathematics. • The percent of graduating students meeting the aspirational performance measure (APM), currently defined as the percent of students in a cohort who graduate with a score of 80 or better on a Math Regents exam and 75 or better on the English Regents exam, must exceed the statewide average. • The percent of students will graduate with a Regents diploma with advanced designation must exceed that of the local district. Charter Schools Institute Guidelines for Creating an Initial Charter School Accountability Plan May 7, 2013.³ • 75 percent of graduating students must demonstrate their preparation for college by passing an Advanced Placement (AP) exam or a College Level Examination Program (CLEP) exam or by passing a college-level course. • 75 percent of graduating students must matriculate at a college or university in the year after graduation.
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Institute staff explained that using these kinds of measures “gives schools multiple opportunities to meet goals and set high standards via different points of view.” Neither the required academic indicators nor the optional academic and/or operational indicators “roll up” into an overall performance grade or rating for schools. Instead, at the time of renewal, the Institute organizes schools into three bands, based primarily on academic performance. The bands are not shared publicly but are used to determine which schools are struggling and may need a “closer look.” To determine the bands, the accountability team uses a set of heuristics. The comparative data is most important, with growth data and absolute indicators being secondary. For each indicator, they also look at subgroup performance—particularly, special education and English Learners.

As mentioned above, schools can choose to include optional academic and organizational goals and measures in their Accountability Plan. To the extent that assessments other than the state exams have been rigorously developed and scored, are aligned with state performance standards, and can demonstrate meaningful student progress, the Institute will consider this evidence along with state exams in determining if the school has improved student learning and achievement. The burden is on the school to demonstrate that these other assessment measures provide notable and reliable evidence of achievement.

Organizational goals, including parent and student satisfaction, legal compliance, and fiscal soundness, are optional components of the Accountability Plan. Unique aspects of a school’s non-academic program may also be included as optional measures.

The Accountability Plan remains in effect for the duration of a school’s charter. However, it may be amended upon request and with the Institute’s permission.

³ Charter Schools Institute Guidelines for Creating an Initial Charter School Accountability Plan May 7, 2013

Performance Accountability

Multiple stakeholders mentioned that the Institute is seen as a “tough” authorizer, meaning one that has very high standards for entry and then holds schools accountable to a very high standard. This reputation is clearly something that the Institute staff are proud of, and it seems to drive their desire to regularly revisit and improve their practices.

In order to monitor their portfolio, the Institute requires their authorized schools to submit reports and documents throughout the school year. The Institute provides a reporting deadline calendar so it is clear what documentation is due and when.

School Visits. Additionally, the Institute conducts site visits at each SUNY-authorized charter in its first year of operation and potentially at other times throughout the charter term (at least once in subsequent charter terms). The site visit teams interview school leaders, board members, staff, and students, observe classroom instruction, and review school documents and student work to determine the effectiveness of the school in certain areas.

The Institute examines SUNY-authorized charter schools through the lens of the SUNY Charter School Renewal Benchmarks during all site visits. These visits provide evidence to the Institute and feedback to the schools regarding the extent to which schools are meeting SUNY’s Qualitative Evaluation Benchmarks at the time of the visit. After school site visits, the Institute generates letters and reports that summarize the conclusions of the site visit team regarding the school’s performance. The reports focus on various benchmarks in more detail depending on the strengths and weaknesses of the school.

Because the Institute respects and values charter autonomy, the Institute does not make direct recommendations about changes a school should make in response to the site visit evaluation data. Evidence documented in site visit letters and reports, including actions a school has taken in response to Institute feedback, is used along with other data to inform the Institute’s Renewal Recommendation Reports.

School Renewal Visits. In order to continue operating, a charter school must apply to renew its charter at the end of each charter term. To be renewed, SUNY-authorized charter schools must provide to the SUNY Board of

Trustees conclusive evidence that the school has met its benchmarks and accountability goals.

A renewal visit is conducted in the last year of the charter term. These visits are typically in the fall and are more intensive than other school visits. Institute teams generally conduct renewal visits over the course of one to three days, depending on the size and structure of the school. The Institute team conducting the site visit collects and reviews documents, observes classrooms, and interviews a variety of school leaders and teachers.

Typically, the Institute school renewal visits follow the process below:

1. Before the Renewal Visit
 - » Submission of Pre-visit Documents: According to Institute staff, they use pre-visit documents in order to gain familiarity with the organizational structure and programs of each school prior to the site visit. This practice allows the site visit team to maximize time spent in classrooms and speaking with school leaders and teachers during the visit.
2. During the Renewal Visit
 - » Document Review: Visit team members examine a broad range of documents during the visit. Schools are asked to have those documents labeled and organized for the site visit team upon arrival.
 - » Classroom Observations: Members of the visit team often begin visiting classrooms at the start of the visit. They attempt to observe a representative sample of classrooms, particularly those in the core areas of instruction.
 - » Interviews: The school evaluation team conducts interviews with a variety of school stakeholders. Those interviews always include the school’s governing board. Interviews typically take 45-60 minutes.
 - » Debrief with School Leaders: At the end of the renewal visit, the evaluation team typically generates preliminary conclusions based on the information collected during the visit and shares them with school leaders.

3. After the Renewal Visit

- » Interview with School Board: Generally, the Institute staff members, including site visit team members, a lawyer, and a fiscal representative, interview the school board regarding governance, legal issues, and school finances. Key findings from the site visit are also shared with the school's board but not the renewal recommendation.
- » Renewal Recommendation Report: After a renewal visit, the Institute produces a draft Renewal Recommendation Report, based on the cumulative evidence collected over the course of the charter term, including the renewal visit and previous evaluation visits, as well as Accountability Plan data. The draft report also contains a preliminary renewal recommendation. Schools have an opportunity to provide factual corrections and to comment on the draft report. The Institute then generates a final report. The Institute submits this final Renewal Recommendation Report to the SUNY Board of Trustees (copies also go to the chair of the school's board and the school leader).

Here is a sample schedule for a school renewal visit.

<i>Team Member Focus Area</i>	<i>Academics</i>	<i>Academics</i>	<i>Academics</i>	<i>Legal</i>	<i>Fiscal</i>
DAY ONE (HALF DAY)					
12:00–12:15	Team Arrives				
12:15–12:45	Document Review				
12:45–1:45	Interview School Leader				
1:45–3:00	Classroom Observations			Interview School Nurse	Interview Director of Operations
3:00–4:00	Interview School Education Coordinator	Interview Director of Instruction		Interview Special Education Coordinator	Interview CMO Finance Liason
4:00–4:45	Follow-up with School Leader	Interview Data Coordinator	Interview Dean of Students	Document review	
4:45–5:45	Team Meeting				

DAY TWO (FULL DAY)					
7:30–7:45	Team Arrival				Off-site
7:45–8:45	Interview ELL Coordinator	Interview Teacher	Classroom Observations	Interview ELL Coordinator	
8:45–10:00	Interview Teacher	Classroom Observations	Interview Special Education Teacher	Document Review	
10:00–11:00	Interview ELL Teacher	Interview Reading Specialist	Interview Teacher	Interview Dean of Students	
11:00–12:30	Classroom Observations			Interview Director of Operations	
12:30–1:30	Lunch and Follow-Up with School Leader				
1:30–3:30	Classroom Observations				
3:30–4:30	Interview Director of Staff Development		Interview Special Education Teacher	Document Review	
4:30–5:30	Team Meeting				
DAY THREE (FULL DAY)					
7:30–7:45	Team Arrival			Off-site	
7:45–8:45	Interview Social Worker	Interview Teacher	Classroom Observations		
8:45–10:00	Classroom Observations				
10:00–11:00	Interview Teacher	Interview Teacher	Interview Teacher		
11:00–12:00	Classroom Observations				
12:00–1:00	Lunch and Follow-up with School Leader				
1:00–4:30	Team Meeting: Preliminary Conclusions and Report Drafting				
4:30–5:00	Debrief with School Leader	Off-site			

Performance Accountability Systems and Perspectives.

The Institute uses professional judgment throughout their performance management processes. For example, when asked how they determine which schools are in need of intervention or should be considered for non-renewal, one staffer said:

We use professional judgment in conjunction with quantitative analysis. When making big decisions about schools, like at renewal, there is an ‘all-hands-on-deck’ meeting that includes all of our staff. We look at the school’s fiscal/ financial health, how that affects performance, legal compliance, and regulatory compliance, all of the qualitative side of the school’s academic program (transitions in teachers, robust supports for at-risk students, stability of board). Then we sit around a table and hash this out.

While professional judgment is used extensively in the performance management processes at the Institute, they try to create norms across staff and external consultants in order to reduce subjectivity and bias and increase inter-rater reliability. For example, Institute staff and external consultants conduct renewal site visits. The consultants are typically from other authorizing organizations or leaders from successful charter schools. The Institute will also sometimes ask former Institute employees to serve as consultants or find content experts to serve on the teams. To ensure that everyone on the visits are informed and as objective as possible, SUNY hosts internal norming meetings on Fridays where staff watch video observations of classroom visits and then debrief together: “What did you see? How did you rate it? Why?” Consultants are invited to participate in at least one of these meetings. Additionally, the Institute uses their first-year site visits as an opportunity for norming, bringing in new consultants and new staff to observe how the visits are done.

As previously mentioned, Institute staff visit all new schools in their first year of operation and again before renewal. Schools that are struggling may be visited more often and monitored more intensely. When asked whether struggling schools are provided technical assistance, Institute staff were quick to point out that they do not consider that as part of their job as it relates to academics. One staffer put it this way:

We don’t give TA [technical assistance] on the program side. We are there to hold up the mirror. We will give you [the school] the analysis against standards, but we won’t give specific recommendations. We have done governance and organization (training) stuff. Those are the things that would show up in a corrective action plan. Most of the time, we draw the line on academics.

If the Institute determines that a charter is not progressing toward its goals or that the charter is not in compliance with the terms and conditions of its charter agreement, then Institute staff, in consultation with the charter’s board, may develop and require the school to implement a corrective plan. Should the Institute determine that one of the grounds for termination or revocation has occurred or is occurring, the Institute can then decide to recommend the Charter Schools Committee take one of the following actions:

- Terminate the charter or terminate the charter school education corporation’s authority to operate one or more programs, schools, or sites or any combination thereof.
- Place the charter on probationary status and require them to implement a remedial action plan.

Extension, Renewal, and Revocation

There are three possible outcomes when a school applies for an initial renewal, meaning the first time that a school applies for renewal. These include full-term renewal, short-term renewal, or non-renewal.

Full-term renewal is for the maximum term of five years. It is awarded to schools that have a strong record of student performance (as measured by students’ test scores) and an effective academic program, along with being organizationally and fiscally sound organizations.

Short-term renewal is awarded to schools whose evidence regarding students’ test scores is mixed or ambiguous. This type of renewal is awarded to schools that demonstrate insufficient student academic performance yet have in place a strong educational program and strong board governance. In addition, schools that have demonstrated strong student performance but have inadequate educational programs at the time of the renewal visit may receive a short-term renewal. As with

full-term renewal, schools that are granted short-term renewal are required to show that they are organizationally and fiscally sound. Short-term renewal is usually, but not always, for a term of three years.

In cases where the school fails to present sufficient evidence for renewal, the Institute will recommend non-renewal. If the SUNY Trustees accept this recommendation, the school will generally close at the end of the current school year.

The renewal process begins with the submission of the charter's application for renewal. The application is an opportunity for SUNY-authorized charter schools to answer the four questions comprising SUNY's renewal process:

1. Is the school an academic success?
2. Is the school an effective, viable organization?
3. Is the school fiscally sound?
4. If the school's charter is renewed, what are its plans for the next charter term and are they reasonable, feasible, and achievable?

The application includes an executive summary; a statistical overview—enrollment and demographic numbers, retention rates, number of faculty and staff, etc.; an analysis of academic success—a report on the school's progress towards its current Accountability Plan; an analysis of organizational viability—including parent and student satisfaction survey results, Student Handbook, and various assurances; as well as an assessment of fiscal soundness—copies of the fiscal policies manual and other financial management documentation. It also requires the school to discuss its future plans.

After receiving a school's renewal application, the Institute allows public comment on its website. Institute staff then review the application, as well as the existing data and records in its files collected on the school over the life of the charter term. The Institute also prepares a summary of issues and questions to address during the renewal visit.

The Institute notifies public and non-public schools in the same geographic area as the charter school of the receipt of an application for renewal. The Charter Schools Committee must consider comments from the school district in which the charter school is located and forward

those comments to SUNY Trustees if it approves any type of renewal. The Committee also reviews a summary of public comments.

As described above, the Institute conducts a renewal site visit to the school and produces a written draft report of findings that ultimately include a recommendation.

When the Institute makes a preliminary recommendation of non-renewal, it provides the school with an opportunity to provide written comments in opposition to the recommendation. If the Institute's preliminary recommendation remains non-renewal, at the school's invitation, the Institute will appear at the school to listen to a presentation of evidence in opposition to the preliminary non-renewal recommendation.

Upon completion of the prior activities, the Institute prepares its final recommendation report for the Charter Schools Committee of the SUNY Board of Trustees. The Institute sends the final report to the Committee and the school, along with any comments received from the local school district where the school is located. When the Institute's renewal report recommends non-renewal, the school may petition the Committee for an opportunity to make its case in opposition to the recommendation. If the petition is granted, the school may present evidence as well as any legal arguments to the Committee. The Charter Schools Committee determines the form, time, manner, and place, as well as other practices related to the appeal. At its sole discretion, the Charter Schools Committee may but is not required to appoint a subcommittee to act for it in a manner that is consistent with the SUNY Trustees' by-laws.

The Charter Schools Committee takes final action (by vote during a public meeting) to renew a school for any term or not renew a school based on its discretion. The Committee acts on behalf of the full SUNY Board of Trustees, and the Committee's action is final.

The SUNY Board of Trustees use a set of "general guidelines and methods" that define what evidence a charter school must meet and how to evaluate and weigh the various sources of evidence the Institute gathers during the renewal inquiry. The guidelines are intentionally broad and are "neither self-defining nor self-executing," meaning that a great deal of professional judgment and interpretation is needed. The following guidelines are taken from the SUNY Renewal Policies:

1. Full-Term Renewal: available to a school in its fifth year of operation for the maximum term of five years. In order for a school to be eligible for full-term renewal, a school must during the Accountability Period either
 - a. have compiled a strong and compelling record of meeting or coming close to meeting its academic Accountability Plan goals and have in place at the time of the renewal review an educational program that, as assessed using the Qualitative Education Benchmarks, is generally effective or
 - b. have made progress toward meeting its academic Accountability Plan goals and have in place at the time of the renewal review an educational program that, as assessed using the Qualitative Education Benchmarks, is particularly strong and effective.
2. Short-Term Renewal: available to a school in its fifth year of operation, typically for a term of three years. In order for a school to be eligible for short-term renewal, a school during the Accountability Period must either
 - a. have compiled a mixed or limited record of educational achievement in meeting its academic Accountability Plan goals but have in place and in operation at the time of the renewal inspection visit (1) an academic program of sufficient strength and effectiveness, as assessed using the Qualitative Education Benchmarks, which will likely result in the school's being able to meet or come close to meeting those goals with the additional time that renewal would permit and (2) a governing board and organizational structures that have demonstrated the capacity to meet the school's academic Accountability Plan goals and to operate the school in an educationally and fiscally sound fashion or
 - b. have compiled an overall record of meeting its academic Accountability Plan goals but, at the time of the renewal inspection visit, have in place an educational program that, as assessed using the Qualitative Education Benchmarks, is inadequate in multiple and material respects.
3. Renewal with Conditions: available to a school that
 - a. meets the standards for full-term renewal or short-term renewal with regard to its educational program but that has material legal, fiscal, or organizational deficiencies that cannot be fully corrected by the time of renewal—so long as such deficiencies are not fatal to making each and every other required finding or
 - b. meets the standards for full-term renewal or short-term renewal with regard to some portion of its educational program but requires conditions to improve the academic program. Such conditions may include but are not limited to restrictions on the number of students and grades served. Conditions may also be imposed that are consonant with the requirements of No Child Left Behind as to schools requiring corrective action. Where appropriate, conditions may be imposed which if not met by the education corporation shall be deemed a substantial and material violation of the charter and therefore expose the education corporation to probation or charter revocation.
4. Non-Renewal: where a school does not apply for renewal (voluntarily surrenders its charter) or fails to meet the criteria for any other type of renewal, the charter will not be renewed, the charter will be terminated upon its expiration, and the education corporation will be dissolved.

There are no limits on the number of times that a charter school's charter can be renewed. However, taking into account the fact that schools that have been renewed at least once have been in existence for a longer time, the SUNY Board of Trustees have established different outcomes and criteria for schools that are applying for renewal in their second, third, or later charter periods (subsequent renewals). A school that has been previously renewed must either show that it has performed well enough to merit being renewed for a full term of five years (full-term renewal) or it will face non-renewal.

Replication and Growth

Institute staff shared that while they are pleased to expand high-quality seats for more students, growth is not a priority focus. Such an orientation could be due, in part, to the steady growth they have seen over the years and healthy number of applications for new and replicating schools they receive each year. While the Institute is very much interested in continuing to serve more students with quality seats, having a fairly robust growth pipeline allows their focus and systems to be primarily on quality and capacity for growth. To be sure, if excellent schools approach them with intentions to grow, then they focus on helping them do so.

While there is not a separate process for schools seeking to replicate, numerous schools within SUNY's portfolio have replicated and become charter management organizations (CMOs). One staffer described the Institute's orientation well:

Sometimes you're surprised about who comes for more schools and how many they want. We have to keep our sense of possibility. So we have to ask, 'Is there capacity?' Do they have the means and capacity to grow? For us, it's not anything we've sought, but it's more about the schools [that] are coming to us and wanting this...We've had conversations with growth and venture funders. They want to know where we think the money should go. But we're hesitant to encourage people to grow too quickly. We work really hard to make sure that schools have real plans for pipelines. And we don't let schools that ask for more schools who aren't knocking it out of the park grow until they're ready.



Charter School Performance Framework

**New York State Board of Regents
State Education Department**

Charter School Office

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2019

Overview

In June of 2010, the New York State Board of Regents (Regents), and the New York State Education Department (NYSED) embarked on a new approach to charter school authorizing, aligning the Regents' and NYSED's work with the best practices of the highest quality authorizers nationally.¹ A key pillar of this work is the Charter School Performance Framework. The Performance Framework outlines the evaluative benchmarks for Board of Regents-authorized charter schools that represent the high level of performance necessary to support student success and earn charter renewal.

The Charter School Performance Framework, which is part of the Oversight Plan included in the Charter Agreement for each school, outlines ten performance benchmarks in three key areas of charter school performance:

- Educational Success
- Organizational Soundness
- Faithfulness to Charter and Law

The Regents and NYSED evaluate these areas of charter school performance by analyzing quantitative and qualitative data and evidence compiled over the course of the school's charter term. Though each performance benchmark is important, the Regents and NYSED consider increases in student academic achievement (for all students in the aggregate, students with disabilities [SWDs], English language learners [ELLs]/multi-lingual learners [MLLs], and educationally disadvantaged [ED] students) as the most important factor when determining to renew, revoke, or non-renew a school's charter.² Measures reflecting this priority are incorporated into Benchmark 1: Student Performance.

NYSED conducted an extensive period of research and review to develop a Charter School Performance Framework that draws from the best of what is available nationally. While the development of the Charter School Performance Framework was iterative, NYSED staff adhered to the key guiding principles below throughout the process.

The Board of Regents is an outcomes-based authorizer with a focus on schools providing community-based supports for the academic and socio-emotional development of at-risk students. We seek to proactively work with Board of Regents-authorized charter schools to hold them accountable to the standards set forth in the NYSED Charter School Performance Framework. It is our hope that by holding schools accountable to these rigorous standards, they will engage in continual reflection and improvement of academic, operational, and fiscal practices. In addition, Board of Regents-authorized charter schools are afforded a wide degree of autonomy pursuant to the NYS Education Law. To ensure real autonomy, schools must be held to real and rigorous accountability standards.

The mission and vision of the New York State Education Department Charter School Office can be found on the NYSED website at <http://www.p12.nysed.gov/psc/>.

¹ See <http://www.regents.nysed.gov/meetings/2010Meetings/June2010/0610emscd1.htm>.

² This is a required program assurance of NYSED's proposed 2018 federal Charter Schools Program grant to support the expansion of high-quality public charter schools and disseminate the best practices of existing charter schools.

Guiding Principles of the Charter School Performance Framework

- **Focuses on performance over compliance.** Each performance benchmark serves to highlight how a successful school should perform and operate in a key area. The Regents and NYSED recognize that compliance is a minimum expectation and, through the Performance Framework, places the focus on student performance. Charter schools enter into an autonomy-for-accountability, performance-based contract with the Board of Regents, and the Charter School Performance Framework establishes the Regents' expectations for high performance.
- **Preserves operational autonomy.** Each performance benchmark focuses on outcomes rather than process. The Regents and NYSED must protect the building-level autonomies that allow charter schools to exercise the freedom to determine the means by which they achieve student outcomes.
- **Facilitates transparent feedback to schools through clear standards that schools are expected to meet.** The Charter School Performance Framework is structured to ensure that clear and transparent feedback about performance can be conveyed to charter schools throughout the charter term. Based on this feedback and other data, charter schools should be able to make adjustments to their operations and academic programs to improve performance. Standards presented in the Charter School Performance Framework are metrics that schools are expected to meet. These metrics are constructs that schools have the ability to attain through the autonomy provided to them in the Education Law.
- **Aligns to the ongoing accountability and effectiveness work for all public schools.** NYSED re-developed the Charter School Performance Framework during a period of broader educational innovation in New York. To the greatest extent possible, NYSED aligned the Charter School Performance Framework with its overall educator and institutional accountability and school effectiveness work, but also incorporated additional performance metrics that capture the unique aspects of charter school autonomy and accountability.

Using the Performance Framework during the Charter Term

Charter schools are encouraged to refer to the Charter School Performance Framework on a continuing basis to inform planning and as a means of self-assessing their overall health and viability throughout their charter terms. NYSED has clarified the academic indicators in Benchmark 1 so charter schools can better assess their progress toward achievement of these targets.

Using the Performance Framework for Charter Renewal Decision-Making

This version of the Charter School Performance Framework will apply to all Board of Regents-authorized charter schools authorized or renewed during the 2019-2020 school year and thereafter.

Every charter school authorized by the Regents undergoes a rigorous renewal process during the final year of its charter term to determine whether or not the school should continue to operate. The renewal process is triggered when a school submits a renewal application. Throughout the charter term, the charter school board of trustees should be continually evaluating the performance of the school based on all ten Charter School Performance Framework benchmarks. **Before applying for renewal, the school's board of trustees should carefully consider whether the school has met the criteria for renewal as set forth in the Regent's Oversight**

Plan, including but not limited to, the Charter School Renewal Policy and the Performance Framework. If the school is not meeting these criteria, the school's board of trustees is not required to submit an application for renewal of the charter. If the board does not apply for renewal, the charter will not be renewed, and the school will close on June 30th of the final year of its current charter term.

If a renewal application has been submitted, the renewal process includes a renewal site visit, as well as an analysis of all quantitative and qualitative evidence collected through NYSED's charter school performance oversight process over the course of the charter term. NYSED's recommendation to the Regents will be based on the guidelines outlined in the Regents' Charter School Renewal Policy³ and section 119.7 of the Regulations of the Commissioner. In addition, the Charter School Performance Framework provides: the lens of inquiry for the renewal site visit and for subsequent NYSED analysis; a summary of key findings; and will include an assessment of whether the charter school meets, approaches, or falls far below each performance benchmark (see scale below).

Level	Description
Meets	The school generally meets or exceeds the performance benchmark; few concerns are noted. May be a potential exemplar, if noted.
Approaches	The school does not meet the performance benchmark; a number of concerns are noted.
Falls Far Below	The school falls far below the performance benchmark; significant concerns are noted.

³ Presented to the New York State Board of Regents at their November 5, 2012 meeting. <http://www.regents.nysed.gov/common/regents/files/documents/meetings/2012Meetings/November2012/1112p12a1.pdf>

**New York State Education Department
Charter School Performance Framework⁴**

Performance Benchmark	
Educational Success	Benchmark 1: Student Performance: The school has met or exceeded achievement indicators for academic proficiency, trends toward proficiency, similar schools, college and career readiness, and high school graduation, if applicable. Proficiency at the elementary/middle school level shall be defined as achieving a performance level of 3 or higher on Grade 3-8 state assessments in ELA, math, and science. At the high school level, passing shall be defined as obtaining a Regents exam score of 65 or higher.
	Benchmark 2: Teaching and Learning: School leaders have systems in place designed to cultivate shared accountability and high expectations and that lead to students' well-being, improved academic outcomes, and educational success. The school implements research-based practices and has rigorous and coherent curriculum and assessments that are aligned to New York State Learning Standards for all students. Teachers engage in strategic practices and decision-making in order to address the gap between what students know and need to learn so that all students experience consistent high levels of engagement, thinking and achievement.
	Benchmark 3: Culture, Climate, and Student and Family Engagement: The school has systems in place to support students' social and emotional health and to provide for a positive, safe, and respectful learning environment that prepares all students for college and career. Families, community members and school staff work together to share in the responsibility for student academic progress and social-emotional growth and well-being. Families and students are satisfied with the school's academics and the overall leadership and management of the school.
Organizational Soundness	Benchmark 4: Financial Condition: The school is in sound and stable financial condition as evidenced by performance on key financial indicators.
	Benchmark 5: Financial Management: The school operates in a fiscally sound manner with realistic budgets pursuant to a long-range financial plan, appropriate internal controls, and procedures, and in accordance with State law and generally accepted accounting practices.
	Benchmark 6: Board Oversight and Governance: The board of trustees provides competent stewardship and oversight of the school while maintaining policies, establishing performance goals, and implementing systems to ensure academic success, organizational viability, board effectiveness and faithfulness to the terms of its charter.
	Benchmark 7: Organizational Capacity: The school has established a well-functioning organizational structure and has clearly delineated roles for staff, management, and board members. The school has systems and protocols that allow for the successful implementation, evaluation, and improvement of its academic program and operations.
Faithfulness to Charter & Law	Benchmark 8: Mission and Key Design Elements: The school is faithful to its mission and has implemented the key design elements included in its charter.
	Benchmark 9: Enrollment, Recruitment, and Retention: The school is meeting or making annual progress toward meeting the enrollment plan outlined in its charter and its enrollment and retention targets for students with disabilities, English language learners, and students who are eligible applicants for the free and reduced priced lunch program; or has demonstrated that it has made extensive good faith efforts to attract, recruit, and retain such students. High schools are meeting persistence rates commensurate with the NYSED target.
	Benchmark 10: Legal Compliance: The school complies with applicable laws, regulations, and the provisions of its charter.

⁴ For all Charter School Performance Framework indicators that compare the charter school's performance to that of the district of location, in instances where the average performance of the district of location exceeds the State average, the minimum expectation will be meeting the performance of the district of location and the target outcome will be to exceed the performance of the district of location.

Benchmark 1: Student Performance

The school has met or exceeded achievement indicators for academic trends toward proficiency, proficiency and high school graduation. Proficiency at the elementary/middle school level shall be defined as achieving a performance level of 3 or higher on all Grade 3-8 assessments. At the high school level, proficiency shall be defined as obtaining a Regents exam score of 65 or higher.

Important Notes:

- The period of evaluation for the indicators and measures presented below generally⁵ spans from the beginning of the charter term through the end of the penultimate year of the charter term. For example, if a school's charter term runs from July 1, 2019 through June 30, 2024, the data under consideration will end with the academic results through the end of the 2022-2023 school year (including Regents testing in August 2023, if available). For renewal terms, the last year of the prior charter term will generally be considered as a baseline for the next renewal term. Any data point or prior report for the charter school, since the school commenced operation, can be presented and used for evaluative purposes.
- The source of all elementary, middle, and high school data used for evaluative purposes in this Framework shall only be from NYSED data.
- All Benchmark 1 indicators are based on New York State 3-8 ELA and math assessments or Regents examinations for all tested subjects at all grade levels and all accountability subgroups⁶, unless otherwise indicated. NYSED reserves the right to revise these measures in order to accommodate changes in State assessments, metrics, or accountability requirements, including any new U.S. Department of Education requirements that may be enacted during the charter term.
- For the purposes of Benchmark 1, for both district and charter school data, NYSED will use former and current SWDs and ELL/MLL students as defined in the most recent NYSED SIRS manual.
- While NYSED may consider other assessment data submitted by the school as supplementary evidence for a school's performance, NYSED will not supplant State assessment results with other assessments such as interim assessment data.
- Pursuant to NYSED's policy of allowing for the elimination of double testing in mathematics or science for certain Grade 7 and 8 students⁷, applicable Grade 7 and 8 students who sit for a mathematics and/or science Regents exam, for the purposes of the Charter School Performance Framework only, will included in the school's Grade 7 and 8 mathematics and/or science proficiency rates as applicable. If the student sits for both the 3-8 and Regents exams, the student's higher performance will be counted. Regents exam results in Grades 7 or 8 may also be reported out in a separate table and compared to similar grade levels.
- Charter schools are held accountable to performance outcomes compared to their district of location. In New York City, the district of location is the community school district (CSD). Charter schools that

⁵ NYSED's renewal policy permits an examination of data from previous charter terms in making a renewal recommendation to the Regents, since multiple short-term renewals are generally discouraged.

⁶ Subgroups include students with disabilities, English language learners/multi-lingual learners, and economically disadvantaged students.

⁷ See <http://www.p12.nysed.gov/accountability/ESEAFlexibilityWaiver.html>.

have a mission or key design element to serve students in a particular school district will also be compared to that school district. In addition, charter schools with more than 40% of enrolled students residing in districts other than the district of location, or the school district(s) they are mandated to serve, may also be compared to the next highest district(s) where students reside regardless of the percentage of students in the next highest district(s). Additionally, for charters with less than 25% enrollment from the district of location, comparison may be made to an additional sending district(s).

- Students labeled as “ungraded”, for both district and charter schools are included in the analysis as applicable.
- Charter high schools serving overage/under-credited students may develop alternative accountability metrics outside of those set forth in the Performance Framework, at their discretion, that can be submitted as supplementary evidence, in addition to all applicable Performance Framework metrics set forth, at the time of renewal in collaboration with NYSED. NYSED and the Board of Regents will consider this supplementary information at their sole discretion. Charter schools that are held to the standards for overage/under-credited students are defined as having a key design element or language in their mission/charter that specifically references serving overage/under-credited students.
- Charter schools are held accountable to performance outcomes compared to their district of location. In New York City, the district of location is the community school district (CSD). Charter schools that have a mission or key design element to serve students in a particular school district will also be compared to that school district. In addition, charter schools with more than 40% of enrolled students residing in districts other than the district of location, or the school district(s) they are mandated to serve, may also be compared to the next highest district(s) where students reside regardless of the percentage of students in the next highest district(s). Additionally, for charters with less than 25% enrollment from the district of location, comparison may be made to an additional sending district(s).

Benchmark 1 Indicators

Renewal is based on evidence that the following targets are generally met:

Indicator	Measure		Description	Minimum Expectations ⁸	Target Outcome ⁹
1. All Schools					
1a.	Accountability				
All Students & Subgroups	(i)	ESEA Accountability Designation	Recognition, Good Standing, Targeted Support and Improvement, and Comprehensive Support and Improvement Schools.	Good Standing	Recognition

1b.	Similar Schools Comparison				
All Students & Subgroups	(i)	Comparative Proficiency	Comparison of the performance of all schools in NYS with similar grade configurations and similar population of students identified as students with disabilities, English language learners/multi-lingual learners, and economically disadvantaged students. Performance is based on charter schools' aggregate proficiency compared to similar schools (district schools and/or charter schools) on 3-8 ELA, math, and science assessments and/or high school cohort graduation rate outcomes.	At least the mean	Greater than the mean

2. Elementary/Middle School Outcomes					
2a.	Trending Toward Proficiency (Growth)				
All Students	(i)	Aggregate Standards-Based Trend Toward Proficiency – Math and ELA	The % of students in the school maintaining a proficient testing level (3 or 4) or trending toward proficiency from one year's test administration to the next.	Maintenance or increase in 60% of total tested students' proficiency levels	Maintenance or increase in 80% of total tested students' proficiency levels
Schools can track students' annual growth by determining the percent of the total student population who: a) moved from level 1 → 2, 3 or 4; b) moved from level 2 → 3 or 4; or c) remained proficient at either a level 3 or 4.					
Subgroups	(ii)	Subgroup Standards-Based Trend Toward Proficiency – Math and ELA	The % of students with disabilities, English language learners/multi-lingual learners, and economically	Maintenance or increase in 60% of total	Maintenance or increase in 80% of total tested

⁸ With limited exception, all Board of Regents-authorized charter schools are expected to meet the minimum expectations as set forth in this document. Failure to do so may adversely affect the renewal outcome up to and including non-renewal. Meeting minimum expectations is not a guarantee of renewal.

⁹ Failure to progress toward target outcomes may adversely affect the renewal outcome.

			disadvantaged students in the school maintaining a proficient testing level (3 or 4) or trending toward proficiency from one year's test administration to the next.	tested subgroup proficiency levels	students' subgroup proficiency levels
Schools can track students' annual growth by determining the percent of the total student population who: a) moved from level 1 → 2, 3 or 4; b) moved from level 2 → 3 or 4; or c) remained proficient at either a level 3 or 4.					

2b. Proficiency					
All Students	(i)	Aggregate School Level Proficiency – Math, ELA, and Science	The % of students who score proficiently on 3-8 State assessments for all students at the school level.	District Proficiency Rate	State Proficiency Rate
Subgroups	(ii)	Subgroup School Level Proficiency – Math, ELA, and Science	The % of students who score proficiently on 3-8 State assessments by subgroup at the school level compared to the subgroup. Includes students with disabilities, English language learners/multi-lingual learners, and economically disadvantaged students.	District Proficiency Rate	State Proficiency Rate
All Students	(iii)	Aggregate Grade Level Proficiency – Math, ELA, and Science	The % of students who score proficiently on 3-8 State assessments for all students by grade level. ¹⁰	District Proficiency Rate	State Proficiency Rate
Subgroups	(iv)	Subgroup Grade Level Proficiency – Math, ELA, and Science	The % of students who score proficiently on 3-8 State assessments for each subgroup by grade level. ¹¹	District Proficiency Rate	State Proficiency Rate

Indicator	Measure	Description	Target	
3. High School Outcomes				
3a.	Regents Exam Outcomes			
All Students	(i)	Aggregate Total Cohort Regents Testing Outcomes	4-year, 5-year, and 6-year cohort Regents testing outcomes for ELA, Mathematics, Science, Global History and Geography, and US History and Government, or a NYSED approved equivalent, for all students with an emphasis on the final testing outcome for students. ¹² Passing shall be defined as obtaining a Regents exam score of 65 or higher.	State Passing Rate

¹⁰ Inclusive of annual Regents outcomes for 7th and 8th grade students, when applicable, as described in the Notes above.

¹¹ Inclusive of annual Regents outcomes for 7th and 8th grade students, when applicable, as described in the Notes above.

¹² Annual Regents exam outcomes will be substituted for Aggregate Total Cohort Regents Testing Outcomes when cohort outcomes are not available. Annual Regents exam outcome tables may still be provided to schools for informational purposes only.

Subgroups	(ii)	Subgroup Total Cohort Regents Testing Outcomes	4-year, 5-year, and 6-year cohort Regents testing outcomes for ELA, Mathematics, Science, Global History and Geography, and US History and Government, or a NYSED approved equivalent, by subgroup with an emphasis on the final testing outcome for students. ¹³ Passing shall be defined as obtaining a Regents exam score of 65 or higher.	State Passing Rate
All Students	(iii)	Aggregate College and Career Readiness	4-year cohort Regents testing outcomes for ELA and Mathematics, or a NYSED approved equivalent, for graduating students. ¹⁴ College and career readiness shall be defined as obtaining a Regents exam score of 75 or higher on the ELA Regents test and 80 or higher on any Regents Math test. ¹⁵	State College and Career Readiness Rate
Subgroups	(iv)	Subgroup College and Career Readiness	4-year cohort Regents testing outcomes for ELA and Mathematics, or a NYSED approved equivalent, for graduating student subgroups. ¹⁶ College and career readiness shall be defined as obtaining a Regents exam score of 75 or higher on the ELA Regents test and 80 or higher on any Regents Math test. ¹⁷	State College and Career Readiness Rate

3b. Graduation Outcomes				
All Students	(i)	Aggregate Cohort Graduation Rate	4-year (August), 5-year (August), and 6-year (June) graduation rate for all students with an emphasis on the final graduation outcome for students.	State Graduation Rate
Subgroups	(ii)	Subgroup Cohort Graduation Rate	4-year (August), 5-year (August), and 6-year (June) graduation rate for students identified as students with disabilities, English language learners/multi-lingual learners, and economically disadvantaged students with an emphasis on the final graduation outcome for students.	State Graduation Rate
All Students	(iii)	Aggregate On-Track to Graduate	% of all students in a cohort who have passed 3 out of 5 Regents exams, or a NYSED approved equivalent, required for graduation by August of the end of the student's 3 rd year of high school (overage/under-credited school cohorts will be measured by their 4 th year of high school in passing 3 out of 5 Regents exams by August of that year).	State Graduation Rate Percent
Subgroups	(iv)	Subgroup On-Track to Graduate	% of cohort by subgroup that has passed 3 out of 5 Regents exams, or a NYSED approved equivalent, required for graduation by the end of the student's 3 rd year of high school (overage/under-credited school cohort subgroups will be measured by their 4 th year of high school in passing 3 out of 5 Regents exams).	State Graduation Rate Percent

¹³ Annual Regents exam outcomes will be substituted for Aggregate Total Cohort Regents Testing Outcomes when cohort outcomes are not available.

¹⁴ Annual Regents exam outcomes will be substituted for Aggregate Total Cohort Regents Testing Outcomes when cohort outcomes are not available. Annual Regents exam outcome tables may still be provided to schools for informational purposes only.

¹⁵ Based on College and Career Readiness metrics of the City University of New York.

¹⁶ Annual Regents exam outcomes will be substituted for Subgroup Total Cohort Regents Testing Outcomes when cohort outcomes are not available. Annual Regents exam outcome tables may still be provided to schools for informational purposes only.

¹⁷ Based on College and Career Readiness metrics of the City University of New York.

Benchmark 1 Data Guide

Academic information is most useful to schools when they can track, compare and predict their own data. Benchmark 1 is designed with this in mind and is intended to be a tool that schools can use to make programmatic decisions as well as track their academic standing each year of the charter term leading to renewal. Below is a guide for accessing these data indicators. While a school may be able to access school-level data reports, district and statewide data needed for comparisons may not be available until a later date. Schools should closely monitor public data release dates from the Office of Information and Reporting Services and the IRS Portal announcements as this will determine when comparative data can be accessed. The NYSED Charter School Office may update these links periodically as data reporting information changes.

1a.(i) ESEA Accountability Designation

<http://www.p12.nysed.gov/accountability/ESEADesignations.html>

School Data

1b.(i) Comparative Proficiency

<http://www.p12.nysed.gov/irs/statistics/enroll-n-staff/home.html>

NYS Report Card Data data.nysed.gov

*School Data &
Similar Schools*

2a.(i) Aggregate Standards-Based Trend Toward Proficiency – Math and ELA

L2RPT Report SIRS-301: Tested/Not Tested Confirmation Report
(Student Level)

http://www.p12.nysed.gov/irs/level2reports/SIRS_301-TNT_Guide.pdf

School Data

2a.(ii) Subgroup Standards-Based Trend Toward Proficiency – Math and ELA

L2RPT Report SIRS-301: Tested/Not Tested Confirmation Report
(Student Level)

http://www.p12.nysed.gov/irs/level2reports/SIRS_301-TNT_Guide.pdf

School Data

2b.(i) Aggregate School Level Proficiency – Math, ELA, and Science

L2RPT Report SIRS-301: Tested/Not Tested Confirmation Report

http://www.p12.nysed.gov/irs/level2reports/SIRS_301-TNT_Guide.pdf

School Data

NYS Report Card Data data.nysed.gov or

NYS 3-8 Data Release <http://www.p12.nysed.gov/irs/ela-math/>

*District/State
Data*

2b.(ii) Subgroup School Level Proficiency – Math, ELA, and Science

L2RPT Report SIRS-301: Tested/Not Tested Confirmation Report

http://www.p12.nysed.gov/irs/level2reports/SIRS_301-TNT_Guide.pdf

School Data

NYS Report Card Data data.nysed.gov or

NYS 3-8 Data Release <http://www.p12.nysed.gov/irs/ela-math/>

*District/State
Data*

2b.(iii)	Aggregate Grade Level Proficiency – Math, ELA, and Science <i>L2RPT Report SIRS-301: Tested/Not Tested Confirmation Report</i> http://www.p12.nysed.gov/irs/level2reports/SIRS_301-TNT_Guide.pdf <i>NYS Report Card Data</i> data.nysed.gov or <i>NYS 3-8 Data Release</i> http://www.p12.nysed.gov/irs/ela-math/	<i>School Data</i> <i>District/State Data</i>
2b.(iv)	Subgroup Grade Level Proficiency – Math, ELA, and Science <i>L2RPT Report SIRS-301: Tested/Not Tested Confirmation Report</i> http://www.p12.nysed.gov/irs/level2reports/SIRS_301-TNT_Guide.pdf <i>NYS Report Card Data</i> data.nysed.gov or <i>NYS 3-8 Data Release</i> http://www.p12.nysed.gov/irs/ela-math/	<i>School Data</i> <i>District/State Data</i>
3a.(i)	Aggregate Total Cohort Regents Exam Outcomes <i>L2RPT Report SIRS-202: Total Cohort – Assessment Summary</i> http://www.p12.nysed.gov/irs/level2reports/SIRS_202-TCAssessmentSummaryL2RPT.pdf <i>NYS Report Card Data</i> data.nysed.gov	<i>School Data</i> <i>State Data</i>
3a.(ii)	Aggregate Total Cohort Regents Exam Outcomes <i>L2RPT Report SIRS-202: Total Cohort – Assessment Summary</i> http://www.p12.nysed.gov/irs/level2reports/SIRS_202-TCAssessmentSummaryL2RPT.pdf <i>NYS Report Card Data</i> data.nysed.gov	<i>School Data</i> <i>State Data</i>
3a.(iii)	College and Career Readiness <i>L2RPT Report SIRS-202: Total Cohort – Assessment Summary</i> http://www.p12.nysed.gov/irs/level2reports/SIRS_202-TCAssessmentSummaryL2RPT.pdf <i>NYS Report Card Data</i> data.nysed.gov	<i>School Data</i> <i>State Data</i>
3a.(iv)	College and Career Readiness <i>L2RPT Report SIRS-202: Total Cohort – Assessment Summary</i> http://www.p12.nysed.gov/irs/level2reports/SIRS_202-TCAssessmentSummaryL2RPT.pdf <i>NYS Report Card Data</i> data.nysed.gov	<i>School Data</i> <i>State Data</i>
3b.(i)	Aggregate Cohort Graduation Rate <i>L2RPT Report SIRS-201: Total Cohort –Summary</i> http://www.p12.nysed.gov/irs/level2reports/SIRS_201-	<i>School Data</i>

[TCsummaryL2RPT.pdf](#) or NYS Report Card Data data.nysed.gov

3b.(ii) Subgroup Cohort Graduation Rate

L2RPT Report SIRS-201: Total Cohort –Summary

School Data

http://www.p12.nysed.gov/irs/level2reports/SIRS_201-TCsummaryL2RPT.pdf or NYS Report Card Data data.nysed.gov

3b.(iii) Aggregate On-Track to Graduate

L2RPT Report SIRS-202: Total Cohort – Assessment Summary (Student Level)

School Data

http://www.p12.nysed.gov/irs/level2reports/SIRS_202-TCAssessmentSummaryL2RPT.pdf

3b.(iv) Subgroup On-Track to Graduate

L2RPT Report SIRS-202: Total Cohort – Assessment Summary (Student Level)

School Data

http://www.p12.nysed.gov/irs/level2reports/SIRS_202-TCAssessmentSummaryL2RPT.pdf

Benchmark 2: Teaching and Learning

School leaders have systems in place designed to cultivate shared accountability and high expectations and that lead to students' well-being, improved academic outcomes, and educational success. The school implements research-based practices and has rigorous and coherent curriculum and assessments that are aligned to New York State Learning Standards for all students. Teachers engage in strategic practices and decision-making in order to address the gap between what students know and need to learn so that all students experience consistent high levels of engagement, thinking and achievement.

Renewal is based on evidence that the following indicators are generally present:

1. Curriculum:
 - a. The school has a documented curriculum that is aligned to current New York State learning standards.
 - b. The curriculum is aligned horizontally across classrooms at the same grade level and vertically between grades.
 - c. The curriculum and corresponding materials are differentiated to provide opportunities for all students to master grade-level skills and concepts, including students with disabilities, English language learners/multi-lingual learners, economically disadvantaged students, and other subgroups.
 - d. The curriculum is systematically reviewed and revised.
2. Instruction:
 - a. The school staff has a shared understanding of high-quality instruction that supports all learners and observed instructional practices align to this understanding.
 - b. Instructional delivery fosters engagement with all students.
 - c. The school differentiates instruction to ensure equity and access for all students.
 - d. The school provides staff with professional development opportunities that promote best practices and improves all students' success, including sub-groups.
3. Assessment and Program Evaluation:
 - a. The school uses a system of formative, diagnostic, and summative assessments.
 - b. The school uses qualitative and quantitative data to inform instruction and improve student outcomes.
 - c. The school uses qualitative and quantitative data to evaluate the quality and effectiveness of the academic program and modifies the program accordingly for both individual students as well as subgroups.
 - d. The school uses multiple measures to assess student progress toward State learning standards.
4. Supports for Diverse Learners:
 - a. The school follows the NYSED approved identification process for students with disabilities and English language learners/multi-lingual learners.
 - b. The school provides supports to meet the academic needs for all students including, but not limited to: students with disabilities; English language learners/multi-lingual learners; and economically disadvantaged students.
 - c. The school has systems to monitor the progress of individual students and to facilitate communication between interventionists and classroom teachers regarding the needs of individual students.

Benchmark 3: Culture, Climate, and Student and Family Engagement

The school has systems in place to support students' social and emotional health and to provide for a positive, safe, and respectful learning environment that prepares all students for college and career. Families, community members and school staff work together to share in the responsibility for student academic progress and social-emotional growth and well-being. Families and students are satisfied with the school's academics and the overall leadership and management of the school.

Renewal is based on evidence that the following indicators are generally present:

1. Measures of Culture, Climate, and Student Engagement:
 - a. The school has processes and procedures in place to address chronic absenteeism for all students and sub-groups such that all students are fully engaged within the school community and have access to the educational program. Given the increased autonomy to engage students, chronic absenteeism rates are expected to be equal to or less than those of the district of location. In New York City, the district of location is the community school district. Charter schools that have a mission or key design element to serve students in a particular school district will also be compared to that school district. In addition, charter schools with more than 40% of enrolled students residing in districts other than the district of location, or the school district they are mandated to serve, will also be compared to the next highest district where students reside.¹⁸
 - b. The school has processes and procedures in place to address out of school suspension rates for all students and sub-groups such that all students are fully engaged within the school community and have access to the educational program. Given the increased autonomy to engage students, out of school suspension rates are expected to be equal to or less than those of the district of location. In New York City, the district of location is the community school district. Charter schools that have a mission or key design element to serve students in a particular school district will also be compared to that school district. In addition, charter schools with more than 40% of enrolled students residing in districts other than the district of location, or the school district they are mandated to serve, will also be compared to the next highest district where students reside.¹⁹
 - c. The school has an NYSED approved process in place to measure and evaluate school climate and culture.
2. Behavior Management and Safety:
 - a. The school has a clear approach to behavioral management, including a written discipline policy that is applicable to all students, includes a policy that addresses a school's stance toward in and out of school suspensions, and is implemented throughout the school by all school staff with fidelity.
 - b. The school uses a tiered approach to behavioral interventions that support student social-emotional development.
 - c. The school appears safe and all school constituents are able to articulate how the school community maintains a safe environment.

¹⁸ See <https://www.regents.nysed.gov/common/regents/files/P-12%20New%20York%20State%20Safe%20Schools%20Task%20Force%20Recommendations%20Status%20Update%20.pdf>.

¹⁹ Student Suspension rate is determined by dividing the number of students who were suspended from school (not including in-school suspensions) for one full day or longer anytime during the school year by the Basic Educational Data System (BEDS) day enrollments for that school year. A student is counted only once, regardless of whether the student was suspended one or more times during the school year. Data Source: L2RPT Report SIRS-351: Student Attendance Summary Report - http://www.p12.nysed.gov/irs/level2reports/documents/SIRS_351-360-361-370AttndnceAbsenceandDayCalRprtGuiderev3.6.18.pdf.

- d. The school has systems in place to ensure that the environment is free from bullying, harassment, and discrimination in accordance with the Dignity for All Students Act (DASA). The school has a DASA Coordinator that staff can identify.
 - e. Classroom environments are conducive to learning and generally free from disruption.
3. Family Engagement and Communication:
- a. The school communicates with families in their preferred language to discuss students' strengths, progress, and needs and engages them as part of the school community.
 - b. The school uses multiple methods of family engagement for all communication with all parents, in their preferred language, regardless of the disability status or language ability of their children.
 - c. The school assesses family satisfaction using strategies such as surveys, feedback sessions, community forums, or participation logs, and considers results when making schoolwide decisions.
 - d. The school has a systematic and transparent process for responding to family or community concerns.
 - e. The school shares NYSED school report card data with parents and the broader school community to promote transparency and accountability.
 - f. The school shares its New York State exam participation rate compared to the district of location.
4. Social-Emotional and Mental Health Supports:
- a. The school has systems, programs, and curriculum in place to support the social-emotional and mental health needs of all students.
 - b. School leaders collect and use data to track the social-emotional needs of all students, including students in subgroups.
 - c. School leaders collect and use data regarding the impact of programs designed to support the social and emotional health of all students.
 - d. The school provides staff with professional development opportunities to support the social-emotional and mental health of students in a culturally responsive manner.
 - e. The school has processes and procedures in place to address the learning and social-emotional needs of McKinney-Vento eligible students such that all students are fully engaged within the school community and have access to the educational program. The school has a McKinney-Vento Coordinator that staff can identify.

Benchmark 4: Financial Condition

The school is in sound and stable financial condition as evidenced by performance on key financial indicators.

Important Notes:

- The key financial indicators used to evaluate this benchmark will be presented within a separate fiscal dashboard instrument that will provide context for the school's performance on each of the following metrics, outline the specific targets for each metric, and also provide additional subsidiary detail on each calculation:

1. Near-Term Indicators:	
1a.	Current Ratio
1b.	Unrestricted Days Cash
1c.	Enrollment Variance
1d.	Composite Score
2. Sustainability Indicators:	
2a.	Total Margin
2b.	Debt-to-Asset Ratio
2c.	Debt Service Coverage Ratio

- Unless otherwise indicated, financial data is derived from the school's annual independently audited financial statements.

Benchmark 5: Financial Management

The school operates in a fiscally sound manner with realistic budgets pursuant to a long-range financial plan, appropriate internal controls and procedures, and in accordance with State law and generally accepted accounting practices.

Renewal is based on evidence that the following indicators are generally present:

- The school has financial professionals assigned to manage school finances.
- The school has an accurate and functional accounting system that includes monthly budgets.
- The school sets budget objectives and regularly analyzes its budget, including detailed assumptions within the budget, in relation to those objectives.
- The school has allocated budget surpluses in a manner that is fiscally sound and directly attends to the social and academic needs of the students attending the school.
- The school has and follows a written set of fiscal policies.
- The school has complied with State and federal financial reporting requirements.
- The school has and is maintaining appropriate internal controls and procedures.
- The school has procedures in place to ensure that programmatic and independent fiscal audits occur at least once annually, with such audits being comparable in scope to those required of other public schools. Audits will be undertaken by auditing firms with experience working with New York State charter schools and are peer reviewed.
- The school follows generally accepted accounting principles as evidenced by independent financial audits with an unqualified audit opinion, a limited number of findings that are quickly corrected, and the absence of a going concern disclosure.

Benchmark 6: Board Oversight and Governance

The board of trustees provides competent stewardship and oversight of the school while maintaining policies, establishing performance goals, and implementing systems to ensure academic success, organizational viability, board effectiveness and faithfulness to the terms of its charter.

Renewal is based on evidence that the following indicators are generally present:

1. The board utilizes an annual written performance-based evaluation process for evaluating school leadership, itself, and providers.
2. The board recruits and selects board members with a diverse set of skills and expertise that meet the needs of the school and represent the community in which the school serves.
3. The board demonstrates active oversight of the charter school's management, comprehensive service provider(s), if applicable, fiscal operations, and progress toward meeting academic and other school goals through written evaluation processes.
4. The board engages in strategic and continuous improvement planning by setting priorities and goals that are aligned with the school's mission and charter.
5. The board regularly updates school policies when needed and receives NYSED approval prior to applicable policy implementation.
6. The board engages in ongoing professional development.
7. The board demonstrates full awareness of its governance role, its legal obligations to the school and stakeholders, and requirements of the school's charter.
8. The board is familiar with NYSED Charter School Performance Framework standards and has a plan to ensure that the school meets these standards.

Benchmark 7: Organizational Capacity

The school has established a well-functioning organizational structure and clearly delineated roles for staff, management, and board members. The school has systems and protocols that allow for the successful implementation, evaluation, and improvement of its academic program and operations.

Renewal is based on evidence that the following indicators are generally present:

1. School Leadership:
 - a. The school has an effective school leadership team that communicates a clearly defined mission and set of goals to staff and the school community.
 - b. The school has clear and well-established communication systems and decision-making processes in place to ensure effective communication across the school.
 - c. The school successfully recruits, hires, and retains key personnel that meets the needs of all students and subgroups, and makes decisions – when warranted – to remove ineffective staff members.
 - d. School leadership is familiar with NYSED Charter School Performance Framework standards and has a plan to ensure that the school meets these standards.
2. Professional Climate:
 - a. Roles and responsibilities for leaders, staff, management, and the board of trustees are clearly defined and adhered to.
 - b. The school ensures that staff has the requisite skills, expertise, and professional development necessary to meet all students' needs, including students in subgroups.

- c. The school is fully staffed with personnel who are able to meet all operational needs, including finance, human resources, and communications.
- d. The school has established procedures for effective collaboration among teachers.
- e. The school has systems to monitor and maintain organizational and instructional quality through a formal evaluation process for teacher and other staff.
- f. The school has mechanisms to solicit teacher and staff feedback and to gauge their satisfaction.

3. Contractual Relationships (If Applicable):

- a. Changes in the school's charter management or comprehensive service provider contract comply with required charter amendment procedures.
- b. The school monitors the efficacy of contracted service providers or partners and has established an effective working relationship.

Benchmark 8: Mission and Key Design Elements

The school is faithful to its mission and has implemented the key design elements outlined in its charter.

Renewal is based on evidence that the following indicators are generally present:

- 1. School stakeholders share a common and consistent understanding of the school's mission and key design elements outlined in the charter, including in public-facing materials.
- 2. The school has fully implemented the key design elements in the approved charter and in any subsequently approved revisions.

Benchmark 9: Enrollment, Recruitment, and Retention

The school is meeting or making annual progress toward meeting the enrollment plan outlined in its charter and its enrollment and retention targets for students with disabilities, English language learners, and students who are eligible applicants for the free and reduced priced lunch program; or has demonstrated that it has made extensive good faith efforts to attract, recruit, and retain such students. High schools are meeting persistence rates commensurate with the NYSED target.

Important Notes:

- For the purposes of Benchmark 9, for both the district and charter school data, NYSED will use former and current SWDs and ELL/MLL students²⁰.
- Charter schools are held accountable to performance outcomes compared to their district of location. In New York City, the district of location is the community school district (CSD). Charter schools that have a mission or key design element to serve students in a particular school district will also be compared to that school district. In addition, charter schools with more than 40% of enrolled students residing in districts other than the district of location, or the school district(s) they are mandated to serve, may also be compared to the next highest district(s) where students reside regardless of the

²⁰ Former English-language learners/multilingual learners shall be defined by 8 CRR-NY 154-2.2(i). Those students who have been declassified as students with a disability shall be defined as "former students with a disability" for the same time period as the timeline set forth in 8 CRR-NY 154-2.2(i) for English-language learners/multilingual learners.

percentage of students in the next highest district(s). Additionally, for charters with less than 25% enrollment from the district of location, comparison may be made to an additional sending district(s).

- Students labeled as “ungraded” in L2RPT, for both district and charter school data are included in the analysis as applicable.

Indicator	Measure		Description	Minimum Expectations	Target Outcome
1.All Schools					
1a.	Enrollment				
All Students	(i)	Aggregate Enrollment	Comparison of a charter school's reported enrollment vs. their contracted enrollment for that year.	At least 85% and no more than 100% of contracted enrollment	100% of contracted enrollment
Subgroups	(ii)	Subgroup Enrollment	Comparison of a charter school's enrollment of students with disabilities, ELL/MLLs, and economically disadvantaged students with the district of location's enrollment of the same subgroups.	No less than 5 percentage points lower than the district of location, or other focus district when applicable	
1b.	Retention				
All Students	(i)	Aggregate Retention	Percentage of students who have been retained in the charter school from BEDS Day in one year to the next BEDS Day.	No less than 5 percentage points lower than the district of location, or other focus district when applicable	
Subgroups	(ii)	Subgroup Retention	Percentage of students with disabilities, ELL/MLLs and economically disadvantaged students who have been retained in the charter school from BEDS Day in one year to the next BEDS Day.	No less than 5 percentage points lower than the district of location, or other focus district when applicable	
1c.	High School Persistence ²¹				
All Students	(i)	Aggregate Cohort Graduation Persistence Rate	The % of students who start in the 9 th grade in the 4-year (August), 5-year (August), and 6-year (June) graduation cohort and remain enrolled in the school until they graduate from the high school program.	85%	

²¹ Persistence is defined as any students who enters the cohort in the 9th grade and remains enrolled in the school until graduating from the high school program.

Subgroups	(ii)	Subgroup Cohort Graduation Persistence Rate	The % of students in sub-groups who start in the 9 th grade in the 4-year (August), 5-year (August), and 6-year (June) graduation cohort and remain enrolled in the school until they graduate from the high school program.	85%
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Benchmark 10: Legal Compliance

The school has complied with applicable laws, regulations, and the provisions of its charter.

Renewal is based on evidence that the following indicators are generally present:

1. The school has compiled a record of substantial compliance with applicable State and federal laws and regulations and the provisions of its charter including, but not limited to: those related to student admissions and enrollment; FOIL and Open Meetings Law; protecting the rights of students and employees; addressing complaints; financial management and oversight; governance and reporting; and health, safety, civil rights, and student assessment requirements.
2. The school has undertaken appropriate corrective action when required, and/or as requested by the Board of Regents and/or the NYSED Charter School Office and has implemented necessary safeguards to maintain compliance with all legal requirements.
3. The school has a plan to ensure that teachers are certified in accordance with applicable laws and regulations.
4. The school has sought Board of Regents and/or the NYSED Charter School Office approval for material and non-material revisions.
5. The school maintains sufficient enrollment demand for the school to meet the expectations detailed in the enrollment plan outlined in the charter and within the parameters set forth in the charter agreement.
6. The school seeks guidance from its legal counsel when updating documents and handling issues that arise.

New York Charter School Fact Sheet

The New York Charter Schools Act of 1998 (the Act) and its amendments in 2007, 2010, 2015 and 2023 established limits (caps) on the number of charters that may be issued. As set forth in the Act, charter entities are certain school districts, the Board of Trustees of the State University of New York (SUNY) and the Board of Regents (BOR) (see Education Law §2851[3]).

- In **1998**, the numerical limit was 100, with 50 charters to be issued by the BOR on the recommendation of SUNY and 50 to be issued on the recommendation of the other charter entities described in the Act. All authorizers reached the 1998 cap. Conversion of an existing public school to a charter school or the renewal or extension of a charter approved by any charter entity is not counted toward the numerical limits.
- Pursuant to the **2007** amendments, the limit on the number of charters was increased to 200, with 100 to be issued by the BOR on the recommendation of SUNY and 100 to be issued on the recommendation of the other charter entities described in the Act. Up to 50 of the additional charters were reserved for New York City. SUNY has one remaining charter under the 2007 cap; the other charter entities reached the 2007 cap.
- Pursuant to the **2010** amendments, the limit on the number of charters to be issued was set at 460 - 200 from the 2007 cap plus an additional 260, with 130 to be issued on the recommendation of SUNY and 130 to be issued by the BOR. Limits were placed on the number of charters issued to charter schools in New York City.
- The **2015** amendments retain the numerical limit of 460 charters, provide that the charters be issued on the recommendation of SUNY or the BOR, and limit to no more than 50 the number of charters that can be issued to charter schools in New York City on or after July 1, 2015. After the 2015 amendments to the Education Law, there are 84 remaining charters that may be issued.
- The **2015** amendments also provide for the reissuance on the recommendation of the BOR or SUNY of up to 22 charters that have been surrendered, revoked, terminated or not renewed.
- The **2023** amendments retain the numerical limit of 460 charters but provides for the reissuance on the recommendation of the BOR or SUNY of up to 22 charters that have been surrendered, revoked, terminated or not renewed after January 1, 2015 and before July 1, 2022. No more than 14 of the 22 charters may be issued to charter schools in New York City, and new charters shall not be approved in a New York City geographic district where 55 percent or more students are enrolled in charter schools.

New York State Charter School Fact Sheet

January 2024

Charters Authorized in New York State

Charter Authorizer	Open with Students in SY2023-24	Scheduled to Open in SY2024-25 or Later	Closed	Total Authorized
Board of Regents	93	2	14	109
SUNY	210	15	27	252***
NYCDOE	38	0	11	49
Buffalo BOE	2	0	0	2
Total	343	17	52**	412*

* Nine of the 412 authorized to date were conversion charter schools.

** Four of the 52 charter schools closed were conversion charter schools.

*** SUNY-authorized charter schools that have been approved by SUNY but have not gone into effect via operation of law are not included in this figure.

Charters Authorized in New York City

Charter Authorizer	Open with Students in SY2023-24	Scheduled to Open in SY2024-25 or Later	Closed	Total Authorized
Board of Regents	61	2	6	69
SUNY	175	15	11	201
NYCDOE	38	0	11	49
Total	274	17	28**	319*

* Eight of the 319 authorized to date were conversion charter schools.

** Four of the 28 charter schools closed were conversion charter schools.

Charters to be Issued

Total Number of Charters Permitted Statewide Under 2015 Legislation	Total Number of Charters Permitted in New York City Under 2015 Legislation	Charters Remaining Under 2015 Legislation**	
460*	50	Outside of NYC	NYC
		84	0 (of 50)***

* A conversion of an existing public school to a charter school is not counted toward the numerical limits established by Article 56 of Education Law.

** This is exclusive of the 22 “reissued” charters in 2015 and the 22 “reissued” charters in 2023.

*** Of the 50 charters to be issued in New York City pursuant to 2015 amendments to Education Law, to date, 50 have been issued (25 by the BOR and 25 by SUNY).

Reissued Charters Permitted Under 2015 Legislation	Reissued Charters Remaining to be Issued
22	0

Reissued Charters Permitted Under 2023 Legislation	Reissued Charters Remaining to be Issued Statewide	Reissued Charters Remaining to be Issued in NYC
22	17	9



2024 REQUEST FOR PROPOSALS

TO AUTHORIZE NEW CHARTER SCHOOLS

FOR SUBMISSION TO THE STATE UNIVERSITY OF NEW YORK BOARD OF TRUSTEES
PURSUANT TO NEW YORK EDUCATION LAW §§ 2852(9-A) AND 2853(1)(B-1)
RELEASE DATE: DECEMBER 6, 2023

2024 REQUEST FOR PROPOSALS TIMELINE

At the time of the release of the 2024 Request for Proposals (“RFP”), the SUNY Charter Schools Institute (the “Institute”) intends to hold two review cycles for applications: one round for applications to open charter schools inside New York City, and one round for applications to open charter schools outside New York City. SUNY, in its sole discretion, reserves the right to modify the 2024 RFP schedule; hold additional round(s) in the year and/or incorporate any new statutory or regulatory requirements into this RFP. SUNY also reserves the right not to review applications that fail to meet minimum eligibility requirements.

ACTION	ROUND 1 (NYC)	ROUND 2 (OUTSIDE NYC)
Draft RFP Public Comment Period	October 16 – November 10, 2023	
Release of Final 2024 RFP	December 6, 2023	
Notify the Institute via email of Intent to Apply and Request Epicenter Login	December 18, 2023	April 4, 2024
Intent to Apply Form Due	January 11, 2024, at 12:00 PM	April 18, 2024, at 12:00 PM
Final Proposals, Strategic Growth Narratives (if applicable), and Business Plans (if applicable) Due	February 8, 2024, at 12:00 PM	June 3, 2024, at 12:00 PM
Proposal Review	February-March 2024	June – July 2024
Applicant Notification	April 2024	August 2024
Anticipated Charter Schools Committee Meeting	June 2024	September/October 2024
Charter Transmittal Preparation	June 2024	October 2024
Proposed Charter Transmittal to New York State Board of Regents	July 2024	October 2024
Board of Regents' Action on Charters Approved by SUNY Trustees	August 2024	November 2024
Earliest Potential Opening Date for Approved Applications	Fall 2025	Fall 2025

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DEFINITION OF TERMS

Education Corporation: A charter school education corporation is a New York not-for-profit education corporation that comes into existence through the issuance of a charter and the subsequent formation of a corporation by the New York State Board of Regents (the “Board of Regents”). Each charter school education corporation is entitled to operate one school in one or more sites for each charter issued to it.

School: A school is a vehicle for the delivery of a complete educational program to students that has independent leadership; dedicated staff; and, defined facilities. An education corporation may have the authority to operate more than one school so long as a charter has been issued for each such school. Note that a school may be housed in more than one physical site. A school is its own Local Educational Agency (“LEA”) for federal program purposes except for the education of students with disabilities, and its own accountability unit for purposes of the federal Elementary and Secondary Education Act of 1965 (“ESEA”) as amended by the Every Student Succeeds Act (“ESSA”).

Charter Management Organization (“CMO”): CMO describes any not-for-profit charter management organization, educational service provider, or partner organization providing a majority of the educational management services at a charter school.

Site: A site is one of a number of facility locations for a single charter school. Sites are typically grouped by grade range (e.g., Kindergarten – 4th-grade site, 5th – 8th-grade site, or 9th – 12th-grade site). A site would not be its own LEA, ESSA unit or State Accountability Designation. More than one charter school building tightly clustered (i.e., a campus) would also be a “single site” under New York Education Law. Without receiving an additional charter, an education corporation may not educate students of the same grade level in more than one site. The number of charters issued to an education corporation will determine the maximum number of sites it may have for any particular grade.

Applicant group: An “applicant group” refers collectively to the individuals and entities involved in developing and submitting a proposal for a new charter school and/or involved in school startup and management if the school is approved, and includes, but is not limited to, the founding team members, proposed board members, and any partner organizations or CMOs.

Partner Organization: A partner organization is a non-profit entity, such as a community-based organization, college, university, museum, educational institution, or other organization authorized to do business in New York that would provide space or support to the proposed school or be responsible for managing and/or providing services to the proposed school whether or not such goods, services, facilities, etc. would be provided free of charge or pursuant to a contract or shared service agreement with the education corporation.

SUNY Charter Schools Committee (the “Committee”): The SUNY Charter Schools Committee is a committee of the State University of New York Board of Trustees (the “SUNY Trustees”) that has been delegated the authority to act on behalf of the full SUNY Board of Trustees regarding approval of new SUNY authorized charters.

SUNY AS A CHARTER AUTHORIZER

The New York Charter Schools Act of 1998 (the “Act”) designates the SUNY Trustees as one of two statewide chartering entities, or “authorizers,” along with the New York State Board of Regents. Each authorizer has the authority to grant charters for the purpose of organizing new charter school education corporations to operate one or more independent and autonomous public charter schools or adding new charters to existing education corporations. SUNY is the largest charter school authorizer in New York State and largest university-based authorizer in the country. SUNY currently authorizes 225¹ charter schools across New York State serving approximately 110,000 students.

The Institute supports the SUNY Trustees’ commitment to the guiding principles of the Act through its rigorous processes for reviewing new charter applications, monitoring charter school performance, and holding charters accountable for high academic achievement.

The Institute has been recognized by organizations including the CfBT Education Trust, World Bank, and National Association of Charter School Authorizers (“NACSA”), for the quality of its authorizing practices and its new charter application process. The rigorous new charter application process helps establish consistently high-performing charter schools, as demonstrated by the established track record of high academic achievement among SUNY-authorized charter schools.

The SUNY Trustees support diversity and innovative program designs in the charter schools they authorize, and support schools designed to increase equity and diversity in proposed charter school founding board of trustee members, founding teams, teachers, and staff. The SUNY Trustees set a high bar of expectations for student achievement realizing there is more than one way to meet that bar.

Among the portfolio of SUNY-authorized charter schools are: schools with a particular focus on English language learners (“ELLs”); schools implementing the Diploma Programmes of the International Baccalaureate Programme; single-gender schools; schools that offer intensive foreign language instruction; schools implementing a diverse by design model; schools devoted to students who are or have been enrolled in the child welfare system, or are temporarily housed; a school infusing the principles of sustainability throughout the curriculum; schools designed specifically to serve the needs of students with autism; a rural school with a focus on agriculture; a Montessori school; schools with specific thematic foci such as basketball and nursing; and, many more.

The SUNY Trustees and the Institute recognize the significant time and effort required to develop a quality proposal. Institute staff members look forward to working with each applicant group throughout the process and strongly encourage prospective applicants to contact the Institute in the early stages of proposal development.

¹ This includes five new charters approved by the SUNY Trustees in October 2023. As of the publishing date of this RFP, those charters are awaiting action by the Board of Regents.

INTRODUCTION

CRITICAL INFORMATION FOR ALL APPLICANT GROUPS

AVAILABLE CHARTERS AND APPLICANT GROUP ELIGIBILITY

At the time of the 2024 RFP's publication, the SUNY Trustees and the Board of Regents may together award a maximum of 92 charters statewide outside New York City, and a maximum of nine charters inside New York City.

Applications approved by the Committee pursuant to the 2019 RFP that have not yet received charters must, in the event new charters become available in New York City, submit updates to application materials to the Institute for review. These applications will receive priority in preference scoring as identified in the statutorily required preference scoring rubric included in this RFP below.

The SUNY Trustees reserve the right to grant no more than one charter each to applicant group and/or education corporation. The SUNY Trustees also reserve the right to restrict the eligibility of applicant groups who have requested to delay, or are delaying, the opening of already issued charters.

DIVERSITY, EQUITY, AND INCLUSION

SUNY's commitment to diversity, equity, and inclusion is foundational to its original mission. SUNY's mission statement begins as follows:

*"The mission of the state university system shall be to provide to the people of New York education services of the highest quality, **with the broadest possible access, fully representative of all segments of the population...**"*

The SUNY Trustees and the Institute are committed to promoting diversity, equity, and inclusion through our policies and practices, and support schools designed to promote equity and diversity in school leadership, staffing, and board membership from historically underrepresented communities.

REPLICATING APPLICANTS

The Act permits a charter school education corporation to have more than one charter issued to it, thus allowing it to operate more than one charter school.

Institute evaluators rely on qualitative data about the strength of the existing schools collected through the Institute's school evaluation process and quantitative data collected through the analysis of the replicating school's academic outcomes. This assumes that the proposed school model is not materially different from the model used in one or more schools in which an existing education corporation operates.

INTRODUCTION

By making the replication option available, SUNY in no way suggests that applicants attempt to take on more schools than they have the capacity to manage. In fact, SUNY's due diligence regarding fiscal and human capital capacity becomes more rigorous when considering the award of multiple charters to one education corporation or applicant group.

BUSINESS PLANS AND STRATEGIC GROWTH PLAN NARRATIVES

In addition to the standard RFP responses, the Institute requires certain applicant groups to submit a Business Plan or Strategic Growth Plan Narrative. Applicant groups submitting a *proposal in conjunction with an organization that would be responsible for managing and/or providing significant portions of the school's academic program or organizational structure (e.g., a partner organization or CMO)* must submit a Business Plan in addition to the standard RFP responses. The Institute reserves the right to request a Business Plan from any organization that would play a substantial role in the management or operation of the proposed school(s). Guidance on what to submit for the Business Plan may be found in Appendix C, below.

Applicant groups *submitting a proposal seeking the authority to operate an additional school (i.e. to replicate) that would not be managed by a CMO or partner organization* must submit a Strategic Growth Plan Narrative. The required content of the Strategic Growth Plan Narrative is detailed with the other RFP responses below.

Institute staff and, at the Institute's discretion, external experts, review applicant groups' Business Plans and Strategic Growth Plan Narratives in tandem with their proposals to gauge CMOs', partner organizations', and education corporations' organizational and fiscal capacity to fulfill their obligations to the proposed school(s) effectively.

NOTE: Applicant groups should contact the Institute at Charter.NewApp@suny.edu in the early stages of planning to determine whether a Business Plan or Strategic Growth Plan Narrative is required.

LEGISLATIVE REQUIREMENTS

- New York Education Law § 2852(9-a) requires authorizers to use an RFP process to award new charters. Education Law § 2853(1)(b-1) allows existing education corporations to seek authority to operate one or more additional charter schools “provided that a charter must be issued for each such additional school in accordance with the requirements for the issuance of a charter.”
- Education Law § 2852(9-a) requires SUNY to review proposals in accordance with the criteria and objectives in the RFP and to not consider applications that do not demonstrate: i) they can meet enrollment and retention targets for students with disabilities, ELLs, and students eligible for free and reduced-price lunch (“FRPL”) under the National School Lunch Program;

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and, ii) the applicant has conducted public outreach to solicit community input regarding the application and “to address comments received from the impacted community concerning the educational and programmatic needs of students.”

- Education Law § 2852(2)(e) prohibits applications from proposing to open in a New York City Community School District (“CSD”), where the total enrollment of students attending charter schools within the community school district in which the charter school would be located exceeds fifty-five percent of the total public school enrollment.
- Education Law § 2851(1) prohibits RFP applicants from contracting with a for-profit entity to operate a charter school.

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PUBLIC DISCLOSURE

SUNY takes its statutory responsibilities to disclose information about new proposals seriously.

- The Institute, shortly after receipt of a proposal, will release to the public via its website a “Public List,” containing the name of the proposed charter school education corporation (or, for a replicator, the name of the education corporation), name of the proposed school, name of the applicants and public contact information, proposed enrollment and grades served, charter management or partner organization (if any), and the school district or New York City CSD in which the school proposes to locate.
- The Institute will post copies of complete proposals, redacted of all personally identifiable information, within several weeks of receipt.
- As required by the Act, SUNY will, within 30 days of receipt of a proposal, officially notice the district in which the proposed school would be located and all public and non-public schools in the surrounding geographic area² based on information filed with the New York State Education Department (“NYSED”).
- The district must hold a public hearing to solicit public comments on the proposal within 30 days of receipt of notice of a proposal from the Institute.³
- SUNY carefully considers all comments about the application as part of the proposal review process. The Institute presents school district comments and a written summary of public comments to the SUNY Trustees when recommending proposals. The Institute is committed to capturing community feedback and strongly requests all stakeholders submit their comments at least two weeks prior to the Committee meeting to approve applications in order for comments to be included in the summary of public comments.

² Education Law § 2857(1).

³ Regulations of the Commissioner of Education, 8 N.Y.C.R.R. § 119.4, require school districts to hold a public hearing regarding application(s) within 30 days of receipt of the notice of the application(s) from SUNY, and to forward the hearing notices and comments regarding same to the Institute and NYSED”). More information is available at <http://www.nysed.gov/charter-schools/charter-school-regulations-1194>).

SUNY'S REVIEW PROCESS

SUNY's review of submitted proposals is a progressive, multi-step process. The SUNY Trustees have charged the Institute with recommending for their consideration only those proposals deemed to have the highest likelihood of success.

SUNY-authorized schools indicate the process adds value to the proposed program as applicants emerge from the process with a strong blueprint to build their schools.

The Institute's review process includes the following:

1. Intake of each proposal to ensure each component is materially and substantively complete and meets minimum eligibility requirements, thereby meriting a full review.
2. Review of the proposal by Institute staff from academic, operational, legal, and fiscal perspectives.
3. When applicable, in-depth analysis of student performance data from the applicant's existing schools to identify areas of strength and deficiency to gauge the proposed program's likelihood of producing exemplary academic outcomes including, but not limited to:
 - Review of past three years of student performance data on state and/or standardized assessments with an emphasis on growth percentile scores;
 - Student attrition rates from year to year;
 - Graduation rates; and,
 - Authorizer evaluation, renewal, and regulatory compliance reports.
4. At the Institute's discretion, an external panel of education expert(s) may review proposals and, where applicable, accompanying Business Plans.
5. For proposals deemed strong enough to move forward in the review process, an interview by Institute staff (and possibly member(s) of an external review panel) of the proposed school's lead applicant(s), proposed or actual education corporation trustees, and representatives of any proposed or actual CMO and/or other partner organization.
6. Proposals of sufficient strength may undergo a Request for Amendments ("RFA") process to resolve Institute concerns and assure compliance with all applicable laws and regulations.
7. If the RFA process yields an application that the Institute identifies as strong enough to move on in the process, a representative of the Committee may interview the applicant(s) and proposed education corporation trustees.

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8. After completing the review process, the Institute makes any positive recommendations to the Committee, which renders the final determination at a public meeting. There is no appeal of a negative determination at any stage of the process.

A NOTE TO APPLICANTS REGARDING PROPOSED TRUSTEES

The Institute understands that applicants may add trustees to the education corporation's board in the future but expects applicants to have at least **five board members** at the time of application submission and identify four officers including a Chair, Vice-Chair, Secretary, and Treasurer.

All proposed board officers as well as the lead applicant(s) **must undergo background checks and fingerprinting** in order for the Institute to recommend the charter for approval. Institute staff will send instructions for completing the fingerprint process to the lead applicant(s) and proposed/actual board officers as necessary according to the timeline for application review. Failure to complete fingerprinting in a timely manner may delay the application review process.

Additionally, the Institute expects all proposed trustees to participate in the applicant interview.

CRITERIA FOR RECOMMENDING PROPOSALS FOR APPROVAL

When the Institute receives a proposal, it first determines whether applicants meet minimum eligibility requirements as solely determined by the Institute, for example:

- Proposals must be sufficiently complete;
- Proposals must comport fully with formatting and submission conventions described within the RFP; and,
- Proposals must be accompanied by complete Strategic Growth Plan Narratives or Business Plans, where required.

The Institute reserves the right not to review proposals that fail to meet minimum eligibility requirements.

The Institute then determines whether a proposal meets minimum statutory requirements, for example:

- The proposal includes a viable plan to meet the enrollment and retention targets established by the SUNY Trustees for students with disabilities, ELLs, and students who are eligible for FRPL.
- The proposal provides evidence of public outreach that conforms to the Act and the process prescribed by the SUNY Trustees for the purpose of soliciting and incorporating community input regarding the proposed charter school and its academic program.
- The applicant demonstrates the ability to operate the school in an educationally and fiscally sound manner.
- Approving the proposal is likely to materially further the purposes of the Act, which are to:

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- Improve student learning and achievement;
 - Increase learning opportunities for all students, with special emphasis on expanded learning experiences for students who are at risk of academic failure;
 - Encourage the use of different and innovative teaching methods;
 - Create new professional opportunities for teachers, school administrators, and other school personnel;
 - Provide parents and students with expanded choices in the types of educational opportunities that are available within the public school system; and,
 - Provide schools with a method to change from rule-based to performance-based accountability systems by holding charter schools accountable for meeting measurable student achievement results.⁴
- The proposal meets all the requirements set out in the Act and all other applicable laws, rules, and regulations as well as meets any additional requirements established by the SUNY Trustees as part of their commitment to student achievement.

The Institute reserves the right, in its sole discretion, to discontinue its review if it becomes apparent that a proposal does not meet these minimum statutory requirements.

For proposed schools intending to locate in a school district where more than five percent of the students residing in the district attend charter schools, the Institute will evaluate whether approving the proposal would have a significant educational benefit to the students likely to attend the proposed charter school, or whether the school district of location consents to the proposal.

Further to the above, the strongest proposals are ones where all aspects of the proposed school from staffing and scheduling to finances and facility align with and support the implementation of the school's mission and key design elements. Applicants should seek to develop a proposal in which all aspects demonstrate continuity and consistency (for instance, there should be no discrepancies between the proposed academic program and the school's proposed budget).

The Institute's ultimate decision to recommend or not recommend proposals for approval is based on a holistic evaluation of all evidence and information presented by the applicant group throughout the review process, including information about the academic, fiscal, and operational performance of any schools currently or ever operated by the applicant group or education corporation.

⁴ Education Law § 2850(2).

PREFERENCE SCORING

SUNY's 2024 RFP includes preference criteria to prioritize proposals the Institute intends to recommend to the SUNY Trustees at the conclusion of the review process⁵. Preference scoring does not occur until the conclusion of the review process. Should the Institute be in a position to recommend more proposals than available charters, the Institute will recommend the SUNY Trustees provide the remaining charters in an order to be determined by each charter application's preference score.

The Institute bases preference scoring on nine criteria detailed in the scoring guidance chart below for which the proposal can earn up to a total of 39 points. In addition to those 39 points, proposals may be eligible to receive additional preference points in accordance with the following criteria:

- Proposals submitted by applicant groups who have not requested to delay the opening of already issued charters and are not currently in additional planning years for already issued charters that required Authorizer approval, shall receive 3 additional preference points.
- Applications approved pursuant to the 2019 RFP that have not yet received a charter shall receive a new preference score pursuant to the criteria in the 2024 RFP. These previously approved applications will receive up to 30 additional preference points in descending order consistent with the scores they received based on the 2019 preference scoring criteria. For example, the highest-scoring application based on 2019 preference scoring criteria will receive 30 additional preference points, the second highest scoring will receive 29 additional preference points, and so on.

⁵ Education Law § 2852(9-a)(c)

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SUNY PREFERENCE SCORING GUIDANCE

PREFERENCE CATEGORY	PRIMARY INDICATORS	POSSIBLE POINTS
1. Community Need, Outreach, and Involvement	The proposed charter school board of trustees and charter school founding team consists of individuals with demonstrated ties to the intended community or CSD where the school would be located.	3
	The proposal presents strong and credible evidence of a compelling need for this school model in the specific community or CSD where the school would be located.	
	The proposed school would be located in a community with a limited choice of high-performing public schools (in New York City this refers to specific CSD).	
	The proposal includes evidence of effective efforts to inform the intended community about the proposed charter school.	3
	The proposal describes explicit efforts and concrete evidence of soliciting and receiving feedback from the community where the school intends to locate as to how the school will address the educational and programmatic needs of students.	
	The proposal explains how the applicant incorporated community feedback into the proposal.	
2. District Relations and Partnerships	The proposal includes a detailed plan with specific strategies for establishing an ongoing relationship with the district. ⁶	3
	The proposal includes support from the school district (in New York City this could include the Community Education Council (“CEC”)) where the school seeks to locate. ⁷	
	The proposal includes detailed plans with ongoing resources and supports for sharing best educational practices and innovations with low-performing public schools in the area. ⁸	

⁶ Education Law § 2852(9-a)(c)(viii).

⁷ Education Law § 2852(9-a)(c)(viii).

⁸ Education Law § 2852(9-a)(c)(vi).

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PREFERENCE CATEGORY	PRIMARY INDICATORS	POSSIBLE POINTS
3. Curriculum and Instruction	The school will acquire, adopt, and use local, state, and/or national instructional improvement systems (e.g., curriculum selection and revision, formative and summative assessments, student data analysis systems, etc.) to provide teachers and school leaders with the information and resources needed to inform and improve instructional practices, decision-making, and overall effectiveness ⁹ and raise student achievement with the students they seek to serve.	3
	The school will increase student achievement and decrease student achievement gaps in reading/ELA and mathematics. ¹⁰	
4. High-Quality Assessment System	The school has a well-developed, high-quality assessment system designed to measure students' knowledge, understanding of, and ability to apply critical concepts through the use of a variety of item types and formats. ¹¹ The system includes specific actionable plans for using results to support teachers' work in improving student achievement.	3
5. Special Populations	The school has specific staffing structures, strategies, ongoing supports, and oversight to accelerate the achievement of at-risk students including students with disabilities, ELLs, and students struggling academically, and proposes a strong, high-quality educational program for at-risk students.	3
6. School Leadership	The school has a coherent professional development program with explicit plans to evaluate its effectiveness.	3
	The school's leadership structure provides high-quality teacher supports including sustained coaching and comprehensive professional development that is likely to contribute to student achievement.	
7. Success for Every Student	The school has a coherent and detailed plan for creating an environment that promotes the positive social-emotional development and overall wellness of students and the adults that support them.	3

⁹ Education Law § 2852(9-a)(c)(v).

¹⁰ Education Law § 2852(9-a)(c)(i).

¹¹ Education Law § 2852(9-a)(c)(iv).

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PREFERENCE CATEGORY	PRIMARY INDICATORS	POSSIBLE POINTS
8. Organizational Capacity and Fiscal Soundness	The school has the capacity to implement quality management, leadership, and governance systems necessary to overcome initial startup problems, and the ability to establish an academically, organizationally, and financially viable new school or schools. ¹²	3
	The proposed or current education corporation board has the professional experience, skill sets, structures, and procedures to provide rigorous oversight and support for a startup organization or additional school(s).	3
	The proposal contains a reasonable, feasible, and achievable financial plan and a budget to sustain the creation or addition of a new school or schools.	3
9. Increase Quality Options	The school will open in its first year serving elementary grades (e.g. K – 5 th grade) or middle school grades (e.g., 6 th – 8 th grade) and presents a detailed and viable plan for a successful transition to middle or high school for those students, as applicable. ¹³	3
	The school will open in its first year serving high school grades (e.g., 9 th – 12 th grade) with a strong plan for increasing high school graduation rates, a focus on serving specific high school student populations including but not limited to students at risk of not obtaining a high school diploma, re-enrolled high school dropouts, and/or students with academic skills below grade level. ¹⁴	3

¹² Education Law § 2852(9-a)(c)(vii).

¹³ Education Law § 2852(9-a)(c)(iii).

¹⁴ Education Law § 2852(9-a)(c)(ii).

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APPLICATION REQUIREMENTS

Applicants submit up to three sets of different materials in response to the SUNY Request for Proposals.

- **Intent to Apply Form:** All applicants must submit an Intent to Apply Form that includes information about the proposed school, the founding team, and the board.
- **Proposal:** All applicants must submit a proposal that includes all required and applicable responses to the RFP requests as detailed below.
- **Business Plan or Strategic Growth Plan Narrative:** Some applicants must complete a Business Plan or Strategic Growth Plan Narrative. See the Business Plan section above and Appendix C for additional information.

RESOURCES

The Institute's website includes links to [multiple documents providing guidance to applicants](#). The Institute periodically updates this site with additional, sometimes critical, guidance. Applicants should check the website regularly. If you have any questions, please email charter.newapp@suny.edu.

FORMATTING AND SUBMITTING PROPOSALS AND BUSINESS PLANS

INTENT TO APPLY FORM NOTIFICATION AND SUBMISSION

Applicants must contact the Institute by emailing Charter.NewApp@suny.edu per the timeline above to set up credentials to submit an Intent to Apply Form. Please include the lead applicant's full name, email address, and the proposed name and district of location for the proposed school(s). Intent to Apply Form templates are available on [our resource page](#). Applicants must upload Intent to Apply forms to Epicenter (see below for additional information).

SUBMITTING MATERIALS TO THE INSTITUTE

Applicants must upload digital files to Epicenter, the online system the Institute uses for document management. The Institute will provide each applicant with Epicenter login credentials for this purpose. Note that this is the only system applicants may use to submit proposals including the Intent to Apply Form and that the Institute will not accept materials submitted via email.

DOCUMENT FORMATTING

- Applicants must use the electronic file conventions included in both the RFP and the Business Plan Requirements.
- Each submitted file should include a heading on the first page indicating the request and number the response pertains to (e.g., "R02ab - Addressing Need").
- Responses should include page numbers at the bottom of the page. The notation should be the response number followed by the page number for that response. For example, the 4th page of the 11th RFP request would be numbered "Response 11-4."
- The Institute does not have specific text formatting requirements. The Institute recommends but does not require an 11 or 12-point sans-serif font (e.g., Calibri, Arial, etc.).

NOTE: For requests containing templates provided on the Institute's website, such as the budget template, applicants must use the most current version available on the website as of the RFP year. The Institute will not accept submissions using outdated templates.

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FILE STRUCTURE

- The Institute will assign applicants all relevant requests in Epicenter. Applicants must organize files as follows:
 - Do not upload multiple files to a single submission in Epicenter. If your submission for a particular request has multiple files, combine them into a single document or file before submitting.
 - For each response, use the file name and file type indicated in the Proposal Electronic File Conventions table. Acceptable electronic formats for the files are MS Word®, MS Excel®, or Adobe Acrobat®.
 - MS Word® files should contain no track changes and the track changes setting must be off prior to submission.
 - MS Excel® print settings must enable printing to letter-sized paper.
 - Please optimize scanned Adobe Acrobat® files to minimize the file size.

NOTE: The Institute will not accept edited or updated application materials after the application deadline. Applicants must ensure that all materials reflect accurate information at the time of submission.

HOW TO ADDRESS REQUESTS THAT DO NOT REQUIRE A DIRECT RESPONSE

Applicants must submit a file responding to every request, including those that are not applicable. If the request does not apply, applicants should submit an appropriately formatted file for the request that states, “The request is not applicable.”

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PROPOSAL ELECTRONIC FILE CONVENTIONS

REQUEST	REQUIRED FILE NAME	FILE TYPE
Transmittal and Summary	R-00a - Transmittal and Summary Form	Adobe Acrobat®
Statistical Overview	R-00b - Statistical Overview	MS Excel®
Request 1	R-01ac - Community Need and Proposed School Impact	MS Word®
Request 2	R-02ab - Addressing Need	MS Word®
Request 3	R-03ad - Proposal History	MS Word®
	R-03e - Letters of Justification	MS Word® or Adobe Acrobat®
	R-03f - Founding Team Resumes	MS Word® or Adobe Acrobat®
	R-03g – Probationary Status of Affiliated Charter School(s)	MS Word® or Adobe Acrobat®
Request 4	R-04abc – Community Outreach, Support, and Demand	MS Word®
	R-04d – Evidence of Outreach	MS Word® or Adobe Acrobat®
	R-04e - Evidence of Support	MS Word® or Adobe Acrobat®
	R-04f - Evidence of Demand	MS Word® or Adobe Acrobat®
Request 5	R-05ac - Enrollment	MS Word®
	R-05d - Admissions Policy	MS Word®
Request 6	R-06af - Curriculum and Instruction	MS Word®
	R-06g - Draft Accountability Plan	MS Word®
Request 7	R-07ac - Calendar and Schedules	MS Word® or MS Excel®
Request 8	R-08ad - Specific Populations	MS Word®
Request 9	R-09ad - Instructional Leadership	MS Word®
Request 10	R-10a - Culture and Discipline	MS Word®
	R-10b - Discipline Policy	MS Word®
	R-10c - Special Education Policy	MS Word®
	R-10d - Dress Code	MS Word®
Request 11	R-11ab - School Management and Leadership	MS Word®

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Request 12	R-12ac - Personnel	MS Word®
	R-12d - Personnel Policies	MS Word®
Request 13	R-13a - Partner Organizations	MS Word®
	R-13b - Partner Commitment	MS Word® or Adobe Acrobat®
Request 14	R-14ad - Governance	MS Word®
	R-14e - Bylaws	MS Word®
	R-14f - Code of Ethics and Conflict of Interest Policy	MS Word®
	R-14g - Complaint Policy	MS Word®
	R-14h - Board Member Resumes	MS Word® or Adobe Acrobat®
	R-14i - Board Member RFI Forms	Adobe Acrobat®
Request 15	R-15 - District Relations	MS Word®
Request 16	R-16ac - Facilities	MS Word®
	R-16d - Facilities Documents	MS Word® or Adobe Acrobat®
Request 17	R-17 - Food Services	MS Word®
Request 18	R-18 - Health Services	MS Word®
Request 19	R-19 - Transportation	MS Word®
Request 20	R-20 - Insurance	MS Word®
Request 21	R-21ad - Fiscal Soundness	MS Word®
	R-21e - Budget Template	MS Excel®
	R-21f - Letters of Commitment	MS Word® or Adobe Acrobat®
	R-21g - Non-SUNY Financials	MS Word® or Adobe Acrobat®
Request 22	R-22 - Action Plan	MS Excel®
Request 23	R-23a - Supplemental Narrative	MS Word®
	R-23b - Supplemental Attachments	MS Word® or Adobe Acrobat®
Request 24	R-24 - Full Merged Application	Adobe Acrobat®
Strategic Growth Plan Narrative	Strategic Growth Plan Narrative	MS Word® or Adobe Acrobat®
Business Plan	Refer to the Business Plan Requirements in Appendix C for file conventions.	

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Request for Proposals (2024)

APPLICATION REQUESTS

Some applicants must also complete a Business Plan or Strategic Growth Plan Narrative. Refer to the Business Plan and Strategic Growth Plan Narrative section of the Introduction for more information, and to Appendix C below. If you are unsure whether you must submit a Business Plan and/or Strategic Growth Plan Narrative, please contact the Institute at Charter.NewApp@suny.edu.

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PROPOSAL TRANSMITTAL AND SUMMARY FORM

All applicants must submit a signed Transmittal and Summary Form with the proposal.

Applicants may submit a valid digital signature or a physically signed scanned copy. The Transmittal and Summary Form is available from the Institute's website on [our resource page](#).

NOTES:

- ***Please ensure the enrollment numbers provided on the Transmittal and Summary Form are consistent with the enrollment numbers provided in all other responses, such as Response 5 – Enrollment, and Response 21–Fiscal Soundness.***
- ***In the case of existing New York charter school education corporations applying for authority to operate additional schools, the preferred lead applicant is the board chair as the existing charter school education corporation is applying per Education Law f2853(1)(b-1). The board may also designate another person as lead applicant.***

What to Submit:

Submit the completed electronic copy of the Proposal Transmittal and Summary Form as an Adobe Acrobat® file named: **R-00a - Transmittal and Summary Form**.

STATISTICAL OVERVIEW FORM

Applicants associated with one or more current operating education corporations should complete the Statistical Overview – Existing Schools chart available on [our resource page](#).

Non-replicators/first-time applicants should submit a document indicating that this request is not applicable.

What to Submit:

Submit the completed electronic copy of the Statistical Overview Form as a Microsoft Excel® file named: **R-00b - Statistical Overview Form**.

SCHOOL ESTABLISHMENT

1. Community Need and Proposed School Impact

a. Community Description and Need

Provide a narrative analysis of the community and target population for the school including:

- Describe the applicant’s rationale for selecting the community;
- Describe founding team members’ connections and ties to the proposed community of location;
- Provide evidence demonstrating that the proposed school would provide an educational program aligning with the goals and needs of the community. (In other words, explain why this school and why this place?);
- A description of the community from which the proposed school intends to draw students. Applicants should consider the “community” as those areas from which the school intends to recruit a majority of its students, which may or may not be the school district (or in New York City, the CSD) of location alone;
- A description of community demographics, including the demographic statistics of the student populations (e.g. race/ethnicity, poverty, students with disabilities and English language learners (“ELLs”)), as well as an analysis of demographic trends. Applicants may find some of this information at [NYSED’s Data Site](#), and may include other current, reliable sources;
- Performance of local schools in meeting the community’s needs, including discussion of the strengths and weaknesses of the public and nonpublic school options in the intended community of location;
- How the proposed school would provide a needed alternative for the community, including discussion of any existing charter schools in the area and how the proposed school’s program is different and would provide greater educational benefit to students who would attend the proposed school; and,

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b. Programmatic Impact

The Act requires applicants to provide an assessment of the projected programmatic impact the proposed charter school would have on existing public and nonpublic schools in the same geographic area as the proposed school location.¹⁵ Responses should include:

- A table listing the existing educational options and grades served available to the target population including all district, charter, and private schools in the geographic area, including whether these schools have open enrollment options for students and if so at which grade levels;
- Information demonstrating a thorough analysis of existing educational options for the community and target population that considers ongoing demographic changes and trends and attempts to project their impact on enrollment at nearby public and nonpublic schools;
- Analysis of how the proposed school's enrollment plan would impact the academic programs, enrollment, and overall viability of the public and non-public schools; and,
- If proposing to replicate and add a school to an existing education corporation, also discuss the programmatic impact on the existing school(s) within the education corporation including if the new school would facilitate or necessitate changes to the existing school(s)' academic program, enrollment, or overall viability.

c. Fiscal Impact

The Act requires an applicant to provide “an assessment of the projected programmatic and fiscal impact of the school on other public and nonpublic schools in the area.”¹⁶ Complete the fiscal impact table in the budget template (found in the [Applicant Resource Center of the Institute's website](#)) and include a copy with this response. Discuss the fiscal impact of the school on other public and non-public schools in the area including:

- Enrollment expectations;
- Per Pupil Allocation assumptions using the most recent school per pupil aid, available on [NYSED's website](#);
- Dollar amounts the proposed school anticipates receiving from each anticipated sending district in per pupil funding;

¹⁵ NY Education Law SS 2851(2)(q)

¹⁶ NY Education Law SS 2851(2)(q)

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- Other projected revenue the proposed school anticipates receiving from the district (special education, grants, etc.);
- Projected budget for the school district of location (please note the source and year for this figure); and,
- Yearly projected impact as a percentage of each sending district's budget (for districts projected to send at least ten students).

What to Submit:

Submit the narrative response to Request 1 as a Microsoft Word® file named:
R-01ac - Community Need and Proposed School Impact.

2. Addressing the Need

d. Mission

Provide the mission statement for the proposed school. The mission statement should be brief, clear, and communicate the purpose of the proposed school to its stakeholders and the public.

e. Key Design Elements

Provide a clear and concise overview of the proposed school's key design elements, which are the most important, non-negotiable aspects of the school critical to its success. This may include elements such as a specific subject focus or theme (e.g. the arts, environmental science, social justice, etc.), specific targeted student population the school would serve (e.g. students with autism, multi-language learners, overage and under-credited students, etc.), specific programs (e.g. career and technical education, International Baccalaureate, etc.), unique staffing models, schedules, assessment systems, and so forth.

In addition to a list of the proposed key design elements, please include:

- an analysis of any research, evidence of effectiveness, or examples of existing programs that support the selection of these key design elements with appropriate citations;
- discussion of how the school will determine if it is effectively executing its key design elements in a way that is aligned with its mission; and

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- discussion of how the key design elements address the specific needs identified in Request 1.

If the key design elements for the proposed school differ from those submitted to the Institute as part of the most recent application, or application for renewal, of an education corporation or one of its schools, please describe why any element changed.

NOTE: This response should not exceed five pages in length, and the key design elements discussed should match those included in the Transmittal and Summary Form.

What to Submit:

Submit the narrative response, not exceeding five pages in length, to Request 2(a-b) as a Microsoft Word® file named: **R-02ab - Addressing Need.**

3. Proposal History

a. Applicant Information

Indicate whether the applicant is a parent, teacher, administrator, and/or community resident as required by the Act or, if a board chair of an existing SUNY-authorized education corporation, indicate “Education Corp./Charter School.” Provide a brief biographical description for the applicant(s) including relevant background experience and educational background. Provide a description of the applicant's knowledge of and relationship to the community in which the proposed school would be located.

Notes:

- The Institute requests that proposals identify no more than 1-2 persons as lead applicants.
- As noted above, the lead applicant(s) and proposed board officers must undergo fingerprinting and criminal background check as part of the application review process.

b. Proposal History

Describe the genesis of the proposal, how the applicant team formed, and the relationship of its members to each other. Clearly describe the process that the founding group used to develop the proposal.

If the proposed school is similar to or a replication of an existing school inside or outside of New York State, the response should address how the founding group made the decision to replicate the school and address any changes proposed from the original school model.

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c. List of Founding Team Members

Provide a table that lists all key individuals involved in developing the application along with a brief biography (approximately one paragraph) for each founding team member. Founding team members include individuals who would play significant roles in the development and launch of the proposed school. This response should also identify the overall leader(s) of the effort to develop the proposal and primary author(s) of the proposal.

Do not include proposed board members on this list (applicants will submit board member information as part of Request 14 - Governance).

d. Withdrawn, Rejected, and Concurrent Proposals (SUNY and/or Other Authorizers)

Indicate whether this proposal, or any substantially similar proposal, was previously withdrawn from consideration or rejected by the SUNY Trustees and/or any other charter authorizer in any state or location (e.g., the New York State Board of Regents). If yes, provide:

- The name of the proposed school(s) when previously submitted;
- The date(s) of the previous submission(s); and,
- A detailed summary of what has changed in the proposal since its previous submission(s) and the rationale for these changes.

Indicate whether the applicant and/or founding team is currently applying for a charter from a charter entity other than the SUNY Trustees (e.g., the Board of Regents). This includes applications to charter entities in other states. If yes, provide:

- The name of the charter entity;
- The state where the application was submitted (if not New York);
- The name(s) of the proposed school(s) and the date(s) when the application(s) were submitted;
- The status of the application(s);

Indicate if any of the lead applicants have ever had a charter school application granted by any charter authorizing entity in any state or location, but that school is no longer in existence. If yes, provide:

- The name of the school,
- The city and state where the school operated;
- The date the school opened and date the school closed;

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- The name of the authorizing charter entity for the school; and
- An explanation of the circumstances that led to the school ending operations.

NOTES:

- ***Failure to disclose previous applications by the same or a similarly constituted founding group for a substantially similar school to an authorizing entity in any state may result in the application's disqualification for review by the Institute.***
- ***Applications submitted simultaneously to multiple charter authorizers in New York State will generally not be considered for review by the Institute. Simultaneous submission refers to a substantially similar proposal with a substantially similar applicant team and/or location contemporaneously under review by the Board of Regents.***

e. Letters of Justification for Previously Denied Applications

If a charter entity in any state has provided any formal documentation to explain a decision not to not move forward an application for a substantially similar school (resulting in an applicant withdrawal, or denial of the application), attach the document(s) as part of this Response.

f. Founding Team Resumes

Submit a current resume or biography for all founding team members (not including board members, as board member resumes are submitted in Response 14).

g. Probationary Status of Affiliated Charter School(s)

If any currently operating charter school within the proposed education corporation, or associated with the proposed charter management organization, or associated with the lead applicant(s) or founding team members, has been in violation of the terms of its charter or been placed on probationary status or any other corrective action within the current charter term, please provide written confirmation from the existing authorizing entity that the conditions related to the violation or probationary status have been satisfied and lifted. ***Failure to disclose this information may result in the application's disqualification for review.***

What to Submit:

- Submit the narrative response to Request 3(a-e) as a Microsoft Word® file named:
R-03ad - Proposal History.

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- Attach any letters of justification as Microsoft Word® or Adobe Acrobat® files named: **R-03e - Letters of Justification.**
- Attach founding team resumes as Microsoft Word® or Adobe Acrobat® files named: **R-03f - Founding Team Resumes.**
- Attach probationary status of affiliated charter school(s) as Microsoft Word® or Adobe Acrobat® files named: **R-03g – Probationary Status of Affiliated Charter School(s).**

4. Community Outreach, Engagement, Support, and Demand

a. Description and Analysis of Community Outreach and Engagement

In order for the SUNY Trustees to consider any application for approval, the proposal must “rigorously demonstrate” that the applicant has conducted public outreach “in conformity with a thorough and meaningful public review process” designed “to solicit community input regarding the proposed school and address comments received from the impacted community concerning the educational and programmatic needs of students.”¹⁷ In order for the Institute to recommend any proposal to the SUNY Trustees for approval, the proposal must include evidence of the following three criteria:

- The applicant informed the community of the intent to develop a school proposal in a timely fashion, including how to provide comment;
- The community had meaningful opportunities for input on that proposal; and,
- There was a thoughtful process for considering community feedback and incorporating it into the final proposal, especially regarding the educational program of the proposed school, and the educational needs of students.

Provide a narrative description describing efforts taken to demonstrate the three criteria listed above, including:

- The strategies used to solicit community input regarding the educational and programmatic needs of students and the plan to meet those needs;
- The form and nature of feedback received from community stakeholders and the process for incorporating that feedback into the submitted proposal; and,
- The extent to which, if at all, the proposal incorporates community input regarding the educational and programmatic needs of students.

¹⁷ Education Law SS 2852(9-a)(b)(ii)

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The narrative should explain how comprehensive efforts were made to engage with community members that are fully representative of the overall community demographics described in Response 1.

In addition to the narrative description, this response may also include a table, bulleted list, etc. with information about outreach efforts. Concrete artifacts and evidence related to community outreach and engagement should be submitted in response R-04d, Evidence of Community Outreach and Engagement.

b. Description and Analysis of Community Support

Provide a narrative description of support for the proposal from community stakeholders or others including a candid analysis of both the depth of support and opposition to the school from stakeholders such as community members, civic organizations, and elected officials. Concrete artifacts and evidence related to community support should be submitted in response R-04e, Evidence of Community Support.

Please note that the content for this response differs from R-04a in that this response should focus on analyzing community interest and support for the school, any known opposition that may exist, and how that support and opposition will affect the school's ability to open successfully. In contrast, R-04a should focus on efforts to inform and engage with the community through the planning and development of the proposal.

c. Description and Analysis of Student Demand

Provide a narrative description of student demand including an analysis of evidence indicating that families with age-appropriate students would consider enrolling them in the school. Explain how this evidence supports the school's ability to meet its proposed enrollment. If using existing waitlists as evidence of demand, provide an estimate based on the experience of how many waitlist entries it takes to fill a seat. Concrete artifacts and evidence related to student demand should be submitted in response R-04f, Evidence of Student Demand.

Note for Replicators: If using the number of students on the waitlist of an existing school as evidence of demand for an additional school, be sure to clearly explain the relationship between that waitlist and the location of the proposed school.

d. Evidence of Community Outreach and Engagement

Submit documents that provide evidence of community outreach (e.g., flyers, websites, social media pages, in-person or virtual meeting announcements including dates and times, online survey results, media articles and advertisements, email outreach, etc.).

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Evidence should demonstrate use of multiple strategies to solicit community input, and might include partnering with community-based organizations to host meetings, holding planning meetings with community members, addressing local elected officials or education stakeholder groups such as school boards, community boards, or (in New York City) Community Education Councils (“CECs”). In all cases, applicants should include a description of the outcome of any meeting requests of community stakeholders, even if the request was denied.

Include a cover sheet with a table that identifies each document included with the evidence for this request, its page number(s), and a brief description of the document.

e. Evidence of Community Support

Submit documents that provide evidence of community support (e.g., letters of support from community stakeholders, emails with evidence of support, petitions, online survey results, etc.). Evidence of support should be concrete and specific to the proposed school. Generic support for charter schools or educational choice and innovation in general is not sufficient.

Include a cover sheet with a table that identifies each document included with the evidence for this request, its page number(s), and a brief description of the document.

f. Evidence of Student Demand

Submit documents that provide evidence of demand for the school (e.g., petitions that clearly indicate signers have students of age to enroll in the school and would consider enrolling them in the school, etc.).

Include a cover sheet with a table that identifies each document included with the evidence for this request, its page number(s), and a brief description of the document.

NOTE: If evidence of community outreach, support, and/or demand overlaps, it is not necessary to duplicate documents. Describe how any specific evidence of one demonstrates evidence of another in the applicable narrative description.

What to Submit:

- Submit the response to Requests 4(a-b) as a Microsoft Word® file named: **R-04abc - Community Outreach, Support, and Demand.**
- Attach evidence of community outreach as a Microsoft Word® or Adobe Acrobat® file named: **R-04d - Evidence of Outreach.**
- Attach evidence of community support as a Microsoft Word® or Adobe Acrobat® file named: **R-04e - Evidence of Support.**

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- Attach evidence of demand as a Microsoft Word® or Adobe Acrobat® file named:
R-04f - Evidence of Demand.

5. Enrollment

a. Enrollment Plan

Provide a narrative description of the following aspects of the school's enrollment plan including:

- The extent to which the proposed school's grade configuration aligns with the school district of location and how any misalignment may impact the school;
- Any differences in eligible or minimum age in the same grades between the proposed charter school and district schools;
- The pattern of growth over the charter term including anticipated student attrition, the rationale for the attrition rate, and plans to replace or limit the intake of students (i.e., the proposed school's "backfill" policy); and
- A statement about any growth that the applicants may seek in a future charter period if the school is renewed.

NOTES:

- ***A charter school may not open serving only Kindergarten unless it is an existing SUNY authorized education corporation seeking to open an additional school.***
- ***Unless there is a compelling reason, a charter school must enroll a minimum of 50 students at a single site by its second year of operation. If you believe there is a compelling need for an exemption to this requirement, contact the Institute before submitting your application.***
- ***If a school's enrollment at any point in its first two years of operation exceeds 250 students, all employees of the school would be deemed members of a separate bargaining unit of the same employee organization that represents similar employees of the school district of location.***
- ***The school district of location or NYSED reviews applications for pre-K programs. Applicants may not submit an application for pre-K until the SUNY Trustees approve the charter.***

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b. Target Population Enrollment

Explain how the school will meet or exceed the enrollment and retention targets established by the SUNY Trustees for students with disabilities, ELLs, and FRPL students. The response should:

- Cite the proposed school's enrollment and retention targets as determined through the [enrollment and retention calculator](#) found on our website;
- Describe the recruitment strategies the school will employ to attract each target population to the school;
- Describe any at-risk admissions factors, set-asides, or "preferences" the school would offer to increase the likelihood of enrolling targeted students;
- Provide a brief explanation of the efforts, resources, structures, or programs that the school will employ to retain these students and how the school will monitor the efficacy of such efforts including disaggregation of student performance data for each subgroup; and,
- Any replicator that is not currently meeting targets at any of its schools must provide an explanation as to why it is not meeting the targets, efforts made to meet the targets, and what new strategies the applicant intends to employ to meet the targets.

Note: Including preferences beyond one extra weight (ticket) in the lottery may make the proposed school ineligible to receive federal Charter School Program ("CSP") grant funding.¹⁸

c. Student Enrollment Table

Complete the student enrollment table provided in the budget template and include a copy of it with this request. The proposed enrollment should be entered in exact absolute numbers (e.g. 135) and not as a range (e.g. 130-140).

Note for replicators: Include separate enrollment charts for both the proposed new school and for the overall education corporation.

d. Admissions Policy

Describe the admissions policy for the school including any at-risk designations or set-asides, and how the school intends to apply the statutory preferences for returning students, siblings, students residing in the school district or CSD of the location of the proposed school,

¹⁸ See Appendix A of this document for further information.

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and employees of the education corporation or CMO (up to a 15% set aside) in accordance with the Act. The admissions policy should also indicate in which grades the school would admit students, whether it would fill seats vacated by enrolled students (i.e. “backfill”), and if applicable, the date after which the school would no longer accept students.

Further [Institute guidance relating to school admissions](#), including the new employee and CMO employee preference, is available on our website.

Note for replicators: (1) Education corporations operating an existing Universal Full-Day pre-Kindergarten may provide a preference to those students in admission to the Kindergarten of a new school(s), but should do so consistently across all schools. This preference does not extend to pre-Kindergarten programs operated by community based organizations related to the charter school(s). (2) In the case of an existing education corporation proposing to operate an additional school, note that each school may have its own distinct admissions policy; they do not need to be uniform across schools.

Information for Replicators:

- Submit the response to Request 5(a-d) as a Microsoft Word® file named:
R-05ac - Enrollment.
- Attach the school’s admissions policy as a Microsoft Word® file named:
R-05d - Admissions Policy.

What to Submit:

- Submit the response to Request 5(a-d) as a Microsoft Word® file named:
R-05ac - Enrollment.
 - Attach the school’s admissions policy as a Microsoft Word® file named:
R-05d - Admissions Policy.
-

ACADEMIC SUCCESS

6. Curriculum and Instructional Design

NOTE: The responses to Requests 6(a-f) together may not exceed a total of 50 pages in length. This does NOT include Request 6(g) - Draft Accountability Plan. The Institute encourages applicants to use Requests 6(a-f) to develop a narrative explaining in detail the proposed school's academic program and use Request 23 – Supplemental Information to provide any supporting curricular artifacts (e.g., planning templates, pacing calendars, evaluation rubrics, etc.).

a. Curriculum Selection Process

Summarize the school's curriculum, by subject, and the rationale for all curriculum decisions including:

- Research-based evidence of effectiveness, particularly in meeting the needs of the school's target population, including proper citations;
- Discussion of how the school's curriculum is aligned to New York State standards;
- An explanation of how the curriculum aligns with the school's educational philosophy and furthers its specific mission, key design elements, and unique themes;
- How teachers will know what to teach and when to teach it including the curriculum resources that will support instructional planning (e.g., curriculum maps, scope and sequence documents, pacing guides, etc.), and specifically address who will be responsible for creating or selecting these resources; and,
- The processes and procedures the school will use to review, evaluate, and revise the curriculum to ensure its effectiveness for all students, alignment to state standards, and alignment from grade to grade including who will be responsible for these processes and how teachers will be involved.

b. Assessment System

Describe the diagnostic, formative, and summative assessments the school will use to evaluate student knowledge and skills. This response should:

- Describe each assessment's purpose, design, format, and rationale for its selection;
- Describe key considerations in the selection or creation of any assessments not yet identified including as it relates to ascertaining the impact of student learning loss;

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- Describe how the school will collect and analyze assessment results;
- Explain how the school will ensure assessment results are valid and reliable;
- Describe who will be responsible for administering assessments and collecting and analyzing the results;
- Explain how school leaders and teachers will ensure student work products resulting from instruction indicate student preparation for success on state assessments;
- Explain how the following stakeholders will have access to and be able to use assessment results: teachers, school leaders, the education corporation's board of trustees, and students and parents; and
- Describe how the school will inform parents and students about academic achievement and progress including the timing, frequency, and nature of the information.

c. Instructional Methods

Describe the pedagogical approach the school will use to implement its curriculum including:

- The instructional methods or techniques to be employed in the school including any specific requirements for implementing this pedagogical approach (e.g., co-teaching or aides, technology, physical space, approaches to classroom management, etc.);
- Research or existing models that support the use of these instructional methods, especially considering the school's target population and curricular choices outlined in Response 6(a) – Curriculum Selection Process; and,
- An explanation of how the instructional methods align with the school's educational philosophy and further its specific mission, key design elements, and unique themes.

d. Course or Subject Overview

Provide course descriptions for **every subject and grade level** the school will serve **within the initial five years of operation**, accounting for both core and non-core subject areas including all courses identified in Request 7 – Calendar and Schedules and specials (e.g., physical education, art, etc.). This should include, at a minimum:

- A general description of the specific content and skills that would be addressed in the course, if known;

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- The curricular programs (e.g., Core Knowledge, Singapore Math, FOSS, etc.) that would be used in each course;
- Essential course-specific assessments (e.g., the state's 3rd – 8th grade assessments/Regents exams, end-of-course portfolios or performances, etc.); and,
- If serving students in grades 9-12, provide an outline of course sequences and credits awarded for course completion that would lead to graduation.

e. Promotion and Graduation Policy

Explain the school's policies for promoting students from one grade to the next including specific descriptions of the academic and nonacademic criteria the school will consider in making promotion decisions, including early promotion. Address when and how the school will inform students and parents about promotion and graduation policies and decisions.

If the school will offer high school grades within the proposed charter term:

- Describe the types of diplomas the school will offer along with the credit and other requirements for each in accordance with [NYSED guidance](#);
- Explain how students will meet the requirements set forth by New York State for the granting of each relevant type of diploma; and,
- Include a description of any additional specific graduation requirements and the rationale for their selection.

f. Programmatic Audits

Describe a plan for annual programmatic audits of the implementation and effectiveness of the school's education program. Programmatic audits should include an evaluation of the effectiveness of the school's academic program, governance, and operations. Note that the programmatic audit is not simply a cost/benefit audit as conducted by some school districts. The plan should include, but is not limited to, the:

- Purpose and objectives;
- Areas to be audited;
- Schedule of events;
- Responsible persons, who may include outside consultants;
- Description of the written end product; and,

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- How and to whom such written end product will be disseminated.

g. Draft Accountability Plan

Complete the [Accountability Plan Template](#) available on the Institute's website. The web page includes additional details to assist the applicant in drafting the required SUNY Accountability Plan. This response should serve as a draft based on the applicant's understanding of the Institute's accountability requirements and align with the proposed school model. Institute staff will work with successful applicants in the school's first year of operation to finalize the plan.

NOTE: Much of the Institute's Accountability Plan template centers on the results of annual state exams. The Institute encourages applicants to consider additional means of accountability and be prepared to discuss them if invited to participate in an interview.

Information for Replicators

- If any elements of the curriculum and instructional design laid out in response 6(a-f) will be different from the original school, specifically describe the changes and rationale.

What to Submit:

- Submit the response to Request 6(a-f) as a Microsoft Word® file named:
R-06af - Curriculum and Instruction. This response may not exceed 50 pages in length.
- Attach a draft accountability plan as a Microsoft Word® file named: **R-06g - Accountability Plan.**

7. Calendar and Schedules

a. School Calendar

Provide a copy of the school's proposed calendar for its first year of operation that clearly articulates the following, and which demonstrates compliance with New York State [requirements for minimum instructional hours](#), which all schools must provide:

- Total number of **days** of instruction for the school year including whole and half days;
- Total number of **hours** of instruction for the school year including and not including additional instructional time outside school hours such as tutoring;
- First and last day of classes;
- Organization of the school year (i.e., semesters, trimesters, quarters, etc.);

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- All planned holidays and other days off, as well as planned half days; and,
- Dates for summer school, orientation, and other activities outside of the core academic calendar, if planned.

Provide a narrative to explain any aspects of the calendar that are not evident on the first-year calendar or where further explanation is necessary.

b. Sample Student Schedule

For each division of the school (e.g., lower elementary, upper elementary, middle, high) provide the following for a typical week of instruction:

- A narrative describing the typical school day (including the approximate start and dismissal times and any regular variations; for example, one day a week early dismissal for teacher professional development), components of the school day devoted to core academics; components of the school day devoted to before or after school electives; and, remediation or other non-core academic components of the proposed school design;
- A table that clearly identifies the minimum number of weekly minutes the school will devote to individual core academic subjects in each grade (e.g., ELA, mathematics, science, and social studies), and the total number of instructional minutes the school would offer per week (exclusive of lunch, recess, study hall, etc.); and,
- A sample student schedule for a typical week.

c. Sample Teacher Schedule

For each division of the school, provide a sample teacher schedule for a typical week of instruction including:

- Length of teachers' workday; and,
- Time devoted to core teaching assignments, planning, and other activities.

What to Submit:

Submit the response to Request 7 as a Microsoft Word® file named:

R-07ac - Calendar and Schedules.

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8. Specific Populations

Responses to Request 8 should reference and address the needs of the school’s target population and demonstrate a detailed understanding of the population of students to be served, as well as the fit between the proposed school design and the specific at-risk students the school seeks to serve. Responses should demonstrate an understanding of legal requirements and also articulate a clear theory of action as to how the school will meet the needs of at-risk students in a way that reflects the proposed school design, curricula, and personnel.

a. Struggling Students

Discuss the school’s methods and strategies for identifying and serving students who are struggling academically and at risk of academic failure including:

- How the school will determine and identify which students are struggling including within the context of a Response to Intervention (“RTI”) program. The applicant should clearly define the term “struggling student” as it would be applied in the school;
- The strategies, programs, specific curricula, and resources (including personnel) the school will devote to assisting struggling students both within general education classrooms and in other settings (e.g., planning time, small group instruction, tutoring, targeted assistance, technology, staff, and consultants, etc.);
- Any research or evidence that supports the appropriateness of the proposed approach; and,
- The process that the school will use to evaluate the efficacy of the program and ensure that the school is meeting the needs of these students.

b. Students with Disabilities

Discuss the school’s methods and strategies for identifying and serving students with disabilities in compliance with all federal laws and regulations. Please refer to Appendix B – Assurances Regarding the Provision of Special Education Services when creating this response as, if approved, the final charter will incorporate the assurances found in this document. The Institute strongly recommends that applicants refer to [NYSED’s Guidance on Charter Schools and Special Education](#) in developing responses. This response must include:

- A statement agreeing to abide by all of the assurances found in Appendix B of this RFP – Special Education Assurances;
- Discussion of the relationship between the school and the district Committee on Special Education (“CSE”);

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- The process for identifying students with disabilities (child find), especially within the context of the school's RTI process;
- The resources, personnel (including administrative responsibilities), and direct and related services the school is likely to provide both within general education classrooms and in other settings (e.g., collaborative team teaching ("CTT"), Special Education Teacher Support Services ("SETSS"), speech therapy, physical therapy, occupational therapy, counseling, planning time, instructional materials, technology, professional development, staff and consultants, etc.) and a brief discussion about how specifically the school would ensure that students entitled to these services would continue to receive them in a remote setting;
- The services or settings that will be provided by the school district of the student's residency or through a third-party contract (pursuant to the Act);
- Any research or evidence that supports the appropriateness of the school's approach to serving students with disabilities;
- The process for coordination between general education teachers and special education teachers and service providers;
- The process that will be used to monitor the achievement and progress of students with disabilities in the general context of the program in addition to the goals and objectives provided in the student's IEP;
- Specific professional development provided to the instructional staff for identifying, supporting, and evaluating the progress of special education students including the implementation of RTI and behavioral intervention plans ("BIPs") in the classroom; and,
- The process that will be used to evaluate the efficacy of the program and ensure that the needs of these students are being met.

c. English Language Learners

Discuss the school's methods and strategies for identifying and serving ELLs in compliance with all federal laws and regulations including:

- The process for identifying students whose first language is not English consistent with [New York State required procedures](#) and the methods for determining the scope of assistance that these students may need including how the school will ensure that they are not inappropriately identified as students with special education needs;

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- The approach, resources, and personnel (including qualifications and associated administrative responsibilities) the school will use to meet the needs of ELLs (both within general education classrooms and in other settings);
- The research and evidence that supports the appropriateness of this approach;
- The process for coordination between general education teachers and staff serving ELLs and professional development for general education teachers serving ELLs;
- The process that will be used to monitor the achievement and progress of ELLs including exit criteria;
- How the school will make all necessary materials available to parents of ELLs in a language that they can understand;
- How the school will make after-school and other extra-curricular programming accessible to ELLs; and,
- The process that will be used to evaluate the efficacy of the program and instructors and ensure that the needs of ELL students are being met.

d. Gifted and Advanced Students

Discuss the school's methods and strategies for identifying and serving students who are academically advanced and/or gifted including:

- How the school will identify advanced and/or gifted and talented students; and,
- Strategies and programs the school will use within general education classrooms and in other settings to accelerate learning for advanced and gifted and/or talented students including how the school would implement these strategies in a remote setting.

What to Submit:

Submit the response to Request 8(a-d) as a Microsoft Word® file named:

R-08ad - Specific Populations.

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9. Instructional Leadership

Proposals should include strategies to promote and prioritize diversity and equity within the operational, instructional, and administrative leadership and staff.

a. Instructional Leadership Roles

Describe instructional leadership (i.e. individuals supervising implementation of the academic program) in the school over the first five years of operation including:

- Specific roles and responsibilities of the personnel who would provide instructional leadership in the proposed school including a delineation of which instructional staff each instructional leader is responsible for supporting;
- The process and criteria for identifying and selecting instructional leaders including how such criteria align with the school's educational philosophy and mission; and,
- How instructional leaders will monitor the effectiveness of the academic program and at-risk students' academic performance.

b. Teacher Support and Supervision

Describe the school's approach to ongoing individual teacher supervision and support including (but not limited to) coaching and feedback systems and supports to ensure high-quality instructional planning and implementation. The response should include a clear outline of how and when specific school leaders will conduct their support of individual teachers explaining the frequency of different forms of support teachers can expect on a regular basis (e.g. the frequency of classroom observations and feedback, length and substance of other development meetings such as one-on-ones). This response differs from 10c in that this response should focus on supports individual teachers receive to foster their instructional development, as opposed to 10c which focuses on supports that all teachers or particular groups of teachers will receive.

c. Professional Development

Describe how the schoolwide professional development program (i.e. all staff PD sessions, specific group PD sessions such as planning meetings, new teacher trainings, etc.) will assist teachers in meeting all students' academic needs and school goals including:

- An overview of the frequency and format of professional development;
- Who will be responsible for leading and providing professional development;
- How the school will identify professional development topics;

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- How the school's professional development plans support the school's mission, key design elements, and the target and special populations' needs;
- How the professional development program will meet the needs of all teachers, including novice teachers, teachers new to the school, highly effective teachers, and teachers of all subjects, including teachers of students with disabilities and ELLs; and,
- The process for evaluating the efficacy of the professional development program.

d. Teacher Evaluation and Accountability

Describe how the school will formally evaluate teachers and hold them accountable for student achievement. If established teacher evaluations systems (e.g., Danielson rubric) would be used, the response should explain how the particular system was chosen and how it aligns with the overall proposed mission and academic program. This response should also include:

- An explanation of how expectations for teacher performance and student achievement will be established, communicated to, and instilled in staff members; and,
- A description of the school's process and criteria for evaluating teacher performance and holding teachers and leaders accountable for student achievement.

What to Submit:

Submit the response to Request 9(a-d) as a Microsoft Word® file named: **R-09ad - Instructional Leadership**.

10. School Culture and Discipline

a. School Culture

Explain how the school will establish and maintain a culture that supports learning and achievement including:

- The school's general approach to school culture and rationale for this approach;
- Any specific programs and methods the school intends to implement to support the social and emotional development in students and rationale for their selection;

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- Any specific programs and methods the school intends to implement to support teachers and other staff in creating and sustaining an equitable school culture and the rationale for their selection;
- How the school will maintain a safe and orderly environment; and,
- How the school will instill the culture and expectations with board members, staff, students, and families.

b. Discipline Policy

Provide the school's discipline policy for general education students. The policy must:

- Clearly specify (i) the substantive acts for which a child may be disciplined; (ii) the consequences resulting from committing each such act; (iii) the due process procedures the school will follow in applying its disciplinary policy (in accordance with federal law); and, (iv) the individuals responsible for carrying out the discipline policy and any appeals;
- Explain the procedures for providing alternative instruction to students who are suspended or expelled (whether in-school or out-of-school) in full compliance with state requirements;
- Include specific methods that comply with the federal Gun Free Schools Act, including reference to mandatory penalties required by the law; and,
- Set forth the 14th Amendment due process protections for both short-term suspension of 10 or fewer days and longer term suspensions of greater than 10 days based on U.S. Supreme Court case law (*Goss v. Lopez*, 419 U.S. 565 (1975)).

c. Discipline Policy – Students with Disabilities

Provide the school's discipline policy for students with disabilities with assurances that it is in conformity with the federal Individuals with Disabilities Education Act ("IDEA") and regulations. The policy should address topics such as the discipline of students who have a behavioral intervention plan ("BIP") in their IEP and detail how classroom teachers would be knowledgeable about such plans.

d. Dress Code Policy

If the school would implement a dress code policy, describe the policy and the rationale for its selection. Include a description of how the school would subsidize the cost of uniforms for parents unable to afford them.

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What to Submit:

- Submit the response to Request 10(a) as Microsoft Word® file named:
R-10a - Culture and Discipline.
 - Attach the school's Discipline Policies for general education students as a Microsoft Word® file named: **R-10b - Discipline Policy.**
 - Attach the school's Discipline Policies for special education students as a Microsoft Word® file named: **R-10c - Special Education Policy.**
 - Attach the school's Dress Code as a Microsoft Word® file named: **R-10d - Dress Code Policy.**
-

ORGANIZATIONAL VIABILITY

11. School Management and Leadership

a. Organizational Chart

Provide organizational charts for both the first and fifth years of operation clearly showing reporting structures between the school leader(s), the board of trustees, and staff. If the school intends to contract or partner with an entity for management or educational services, the organizational charts should also reflect that relationship.

b. School Leadership and Management Structure

Include a narrative explaining the lines of reporting and accountability, the rationale for choosing this structure, and the roles of any management or partner organizations. The narrative should:

- Describe the proposed management practices and procedures (e.g., how the school will set priorities and make key organizational decisions);
- Outline the evaluation procedures for staff in management positions; and,
- Describe recruitment plans for the school leader including:
 - The overall process and criteria the school will use to select the school leader;
 - Processes, policies, and strategies the school would implement to ensure hiring processes for school leaders are open and fair with outreach to a broad and robust pool of candidates, including underserved and unrepresented communities;
 - Who has been or will be involved in the selection process; and,
 - The role of any CMO or partner organization (if any) in the selection process.

What to Submit:

Submit the response to Request 11 as a Microsoft Word® or Adobe Acrobat® file named:
R-11ab - School Management and Leadership.

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12. Personnel

a. Staffing Chart and Rationale

Complete the table provided in the budget template to list every position (both instructional and non-instructional, and including part-time positions) during the first five years of operation and include a copy of the table in this response. Provide a narrative that explains the rationale for the staffing structure and numbers and identifies a specific comparative source for staff salaries (e.g., a document with teacher salaries from the school district of location). Please note all positions outlined within the application should be reflected in the staffing chart.

b. Qualifications and Responsibilities

Provide a list of qualifications and responsibilities for each position including all instructional, non-instructional, and administrative positions as well as any part-time positions.

c. Staff Recruitment and Retention

Describe plans to recruit and retain staff members, particularly high-quality teachers including:

- Processes, policies, and strategies the school would implement to ensure hiring processes for teachers and staff are open and fair with outreach to a broad and robust pool of candidates, including underserved and unrepresented communities;
- Description of processes and policies to recruit and hire qualified teachers and other staff members that consider the specific quality and availability of talent in the proposed geographic area; and,
- Description of strategies for retaining high-quality teachers.

NOTE: If a Business Plan submitted in conjunction with this proposal fully addresses this request, applicants may reference the Business Plan response in lieu of addressing these questions in full in the proposal.

d. Personnel Policies

Submit a copy of the proposed education corporation's personnel policies. The policies should include Act requirements for personnel such as fingerprint supported criminal background checks and receipt of the Code of Ethics, Conflict of Interest Policy (if separate), and Whistleblower Policy, and ensure compliance with applicable state and federal employment laws and regulations.

APPLICATION REQUESTS

The hiring procedures described in the personnel policies must include (in addition to other anti-discrimination language that may be required by law) specific reference to the fact that the school will not discriminate on the basis of gender in compliance with Title IX of the Education Amendments of 1972, 20 USC § 1641, and 34 CFR § 106.9, and list the name, office address, and telephone number of the employee or employees appointed to provide information and investigate complaints pursuant to 34 CFR § 106.8.

What to Submit:

- Submit the response to Request 12(a-c) as a Microsoft Word® file named: **R-12ac - Personnel.**
- Attach Personnel Policies as a Microsoft Word® file named: **R-12d - Personnel Policies.**

13. Partner Organization(s)

a. Partner Information

Describe any partner organization(s) that will have a significant relationship with the proposed school. Explain the due diligence process used to select the partner(s) and its role in the development of this proposal. Include the following information in relation to the partner organization:

- The name of the partner organization(s);
- The name, address, phone number, and e-mail of a contact person(s);
- A description of the nature and purpose of the relationship;
- Names of proposed school board members affiliated with the organization(s); and,
- Evidence of the organization's ability to do business in New York.

NOTE: Applicants submitting a proposal in conjunction with a CMO do not need to include information about the CMO in this response, as such applicants must submit a separate Business Plan in conjunction with the proposal.

Not all non-CMO partner organizations are required to submit a Business Plan with the school proposal. Please refer to the Business Plan Requirements section in the Introduction as well as Appendix C herein for further information. The Institute encourages applicants to contact our office well in advance of the application submission deadline to ensure a full understanding of the proposed legal structure and operational aspects.

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b. Partner Commitment

For each new proposed partnership, provide a letter of intent or commitment from a bona fide representative of the partner organization(s) indicating the terms and extent of the organization's involvement with the proposed school.

If the school would provide compensation to the partner(s) for any goods or services (e.g., a lease or fee), provide a copy of the term sheet or draft contract and include an explanation about how such services will be provided to the school at or below fair market value.

What to Submit:

- Submit the response to Request 13(a) as Microsoft Word® file named: **R-13a - Partner Organizations**
 - Attach the letter(s) of commitment from the partner organization(s) as a Microsoft Word® or Adobe® Acrobat file named: **R-13b - Partner Commitment**
-

14. Governance

a. Board Members

Provide a brief narrative describing the methods used to recruit and select board members. The response should describe the process applicants used and will use to recruit well-qualified proposed board members who bring relevant experience that will support effective governance and should also describe steps that were taken and will be taken to recruit board members who are representative of the interests of the students and families the school proposes to serve. Use the Proposed Board Members table (see below) to identify a minimum of five proposed board members. In circumstances where one or two persons affiliated with a CMO will serve on the education corporation board, a total of at least six or seven trustees must be identified when the proposal is submitted. Refer to the Guidance Handbook for more details.

- Under the heading "Position on the Board," please note any leadership and/or affiliations that proposed board members would hold. For example: "Board Chair," "Treasurer," "CMO Representative," "Parent Representative," etc.
- Under the heading "Committee Affiliations (if any)," please note any committees on which a proposed trustee would serve (e.g., "Academic Committee," "Finance Committee," etc.).

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- Include any currently vacant seats that the board would fill at a later date and specify the date. For example, if the board intends to add the head of the school's parent teacher organization as an *ex-officio* member after PTO elections in December of the first year, that member should appear in the table below as: Name – TBD; Position on the Board – PTO Representative; Committee Affiliations – TBD; Area of Expertise and/or Additional Role at School – Parent; and, indicate whether the role would be "Voting" or "Non-Voting and/or "Ex-Officio."

NOTE: Paid employees of the school, including administrators and teachers generally may not serve as voting members of the board, except in limited circumstances.

TRUSTEE NAME	POSITION ON THE BOARD (OFFICER OR CONSTITUENT REPRESENTATIVE)	COMMITTEE AFFILIATIONS (IF ANY)	EXPERTISE AND/OR ROLE AT SCHOOL (PARENT, STAFF, ETC.)	VOTING	EX-OFFICIO
1.					
2.					
3.					
4.					
5.					

b. Education Corporation Board Roles and Responsibilities

Describe the roles and responsibilities of the education corporation's board of trustees including:

- Selecting school leader(s) (and partner or management organizations, if any);
- Monitoring school performance including fiscal performance, specifically detailing what that monitoring will entail and what sources of data it will use to assess that the school is meeting its mission, accountability, fiscal, and operations goals; and,
- Evaluating school leaders (and partner or management organizations including CMOs, if any) and holding them accountable for the achievement of the school's mission and goals.

c. Education Corporation Board Design

Describe the rationale for the proposed design of the education corporation's board of trustees including:

- *Ex-officio* members (voting and non-voting);

APPLICATION REQUESTS

- Information to be received from the CMO, partner, school leadership, staff, or contractors as applicable;
- New trustee orientation process; and,
- Board/trustee training and development including the self-evaluation tool the board intends to use.

d. Stakeholder Participation

Explain how the board will effectively collaborate with parents, the community, and school staff in the governance of the educational corporation.

e. Bylaws

Provide a draft of the proposed education corporation's governing bylaws. Applicants should reference the [Institute's Board Governance Guide](#) in developing bylaws.

f. Code of Ethics and Conflict of Interest Policy

Provide a draft of the proposed education corporation's code of ethics and conflict of interest policy. The code of ethics must include a comprehensive and formal conflict of interest policy with specific procedures for implementing the policy and assuring compliance with the policy. The Code of Ethics and conflict of interest policy (which may be one document) must be written to apply not only to trustees but also to officers and employees of the school in conformity with N.Y. General Municipal Law. Please see the [Board Governance Guide](#) for more details.

g. Complaint Policy

Provide a draft of the proposed school's complaint policy. The complaint policy must include procedures for handling formal and informal complaints under the Act including from staff, parents, employees, and contractors. It may also include procedures for handling informal complaints. Please refer to the [Guidelines for Complaint Policies and Procedures](#) available on our website.

h. Board Member Resumes

Submit current resumes for all board members that include each board member's professional experience and educational background.

i. Board Members Request for Information Forms

Each proposed board trustee must complete, sign, and attach the [Request for Information Prospective Charter School Trustees](#) ("RFI") form available on the Institute's website.

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NOTE: Existing SUNY-authorized education corporations submitting an application to open a new school are not required to submit RFI forms for existing trustees.

What to Submit:

- Submit the response to Request 14(a-d) as Microsoft Word® file named: **R-14ad - Governance.**
 - Attach Board Bylaws as a as Microsoft Word® file named: **R-14e - Bylaws.**
 - Attach the Code of Ethics as a Microsoft Word® file named: **R-14f - Code of Ethics.**
 - Attach Complaint Policy as a as a Microsoft Word® file named: **R-14g - Complaint Policy.**
 - Attach board member resumes as Microsoft Word® or Adobe Acrobat® files named: **R-14h - Board Member Resumes.**
 - Attach board member RFI forms as Microsoft Word® or Adobe Acrobat® files named: **R-14i - Board Member RFI Forms.**
-

15. District and School Relations

a. Relationship Strategies

Provide strategies for establishing and maintaining an ongoing relationship with the local school district including any foreseen opportunities or challenges. Include any evidence of efforts taken to establish a relationship with the district and the results of such outreach.

b. School Partnerships

Provide a description of low-performing schools in the area where the proposed school intends to be located and explain how the school might partner with those schools to share best practices and innovations.

What to Submit:

Submit the response to Requests 15(a-b) as a Microsoft Word® file named: **R-15 - District Relations.**

APPLICATION REQUESTS

16. Facility

Locating a suitable school facility is a critical and significant task. The Institute encourages all applicants to consult the following resources as you develop your responses to each portion of Request 16:

- [NYSED'S Facilities Planning Website](#)
- [The Institute's Facilities Planning Webpage and Reporting Guidance](#)
- [NYC Charter Center's Guide to the Facility Access Process for Co-location and Private Space](#) (for NYC applicant groups)

a. Facility Needs

Describe the facility needs of the proposed school for each year of the charter term including any unique features necessary to implement the school design and academic program including:

- The desired location of the school facility;
- The number of general education classrooms required each year;
- Any additional classroom space required for special education or ELL services, labs, specialty classes, and intervention or enrichment programs;
- Space requirements for administrative functions, food services, a nurse's office, and physical education; and,
- If the applicants intend to offer a residence program for students, describe the facility requirements to support this program including overnight staffing, and include specific and detailed information regarding the number of residence rooms, configuration, restrooms, food service, and other facility-related needs.

b. Facility Selection

Describe the efforts to date to secure a facility for the school including:

- If the applicants have identified a facility, a description of the facility and how it meets the school's needs including its location and whether it is new construction, part of an existing public or private school building, or must be renovated for use;
- How the proposed facility will be able to meet NYSED (outside of NYC), or New York City Department of Buildings School Use (sometimes denoted as use "G"), and state sanitary specifications by the commencement of the first year of operation;

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- If the applicants have not identified a facility, explain the plans for securing a suitable facility and preparing it for use by the time the school would open (including assuring that it meets specifications). Also, explain any contingency planning including the associated costs;
- If an applicant seeks to be located in any public school facility as a primary option, he or she must clearly state these plans and indicate that a facility has *not* been located *unless* all necessary governmental approvals for the facility have been obtained;
- If co-located space is the primary facility plan and the budget template has been completed under that assumption, but the applicant would also investigate other options, discuss the alternative plans in a narrative. If the Institute deems it necessary, a budget reflecting the secondary assumptions may be requested; and,
- If another organization is assisting the applicants in obtaining facilities, provide information about the organization.

c. Facility-Related Conflicts of Interest

If the charter school education corporation or its CMO or partner organization would own or lease a facility, provide a description of the ownership or lease arrangement indicating specifically any potential conflicts of interest and arrangements by which the education corporation would manage or avoid such conflicts. Note that in cases where there is a potential conflict, the Institute will likely require a fair market valuation of the cost of the facility supported by independent appraisers. Additionally, no education corporation trustee may have an ownership interest in a facility.

d. Additional Facility Information

Provide Information such as blueprints, maps, certified estimates, etc., as well as documentation of any commitment (e.g., a deposit, written assurance, lease, etc.), to use a particular facility, as part of this response.

NOTE: If the applicant has identified a facility, include certification from an architect that the proposed facility meets NYSED or NYC specifications, as applicable, by the date the school would commence instruction and the cost of bringing the facility into compliance with the specifications. These costs must be accounted for in the proposed startup budget.

What to Submit:

- Submit the response to Request 16(a-c) as a Microsoft Word® file named: **R-16ac - Facilities.**

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- Attach supporting documents as Microsoft Word® or Adobe Acrobat® files named:
R-16d - Facility Documents.
-

17. Food Services

Describe the plans for food services the school will provide. Indicate if the school will participate in the Federal school lunch and/or breakfast program. While food service plans are at the discretion of the school, please note that many school districts allow charter schools to participate in district food service contracts or programs.

What to Submit:

Submit the response to Request 17 as a Microsoft Word® file named: **R-17 - Food Services.**

18. Health Services

Describe the plans for health services the school will provide including provision for a school nurse, medical space and equipment, procedures for proper collection and storage of immunization and medical records, immunization records checks, and procedures for provision of medication to students who require it within applicable law. Applicants may wish to refer to [NYSED's School Health Services information](#) in developing this response.

What to Submit:

Submit the response to Request 18 as a Microsoft Word® file named: **R-18 - Health Services.**

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19. Transportation

Describe the transportation arrangements for students including arrangements for students who would not qualify for public school transportation under Education Law § 3635. Also, describe any supplemental transportation arrangements planned with sending school districts. Include a discussion of any transportation that does not align with district options including days when the proposed school would be in session but the district schools would not be in session. This response should also include discussion of how the school would communicate the requirement that parents of students seeking transportation services must submit a written request no later than April 1st to the school district in which they reside, including how this would be ensured in light of the identified admissions lottery date from Response 5.

What to Submit:

Submit the response to Request 19 as a Microsoft Word® file named: **R-19 - Transportation.**

20. Insurance

Describe the insurance coverage the charter school education corporation will carry for the school including the name of the insured and amounts of insurance for liability, property loss, personal injury, and any school-owned or leased vehicles or other property. Please include the costs for annual premiums in the proposal budget(s).

What to Submit:

Submit the response to Request 20 as a Microsoft Word® file named: **R-20 - Insurance.**

21. Fiscal Soundness

a. Budget Narrative

Discuss in narrative form how the startup budget plan, the first-year operational budget and cash flow, and the five-year budget plans are fiscally sound and that sufficient startup funds would be available to the proposed school. Provide the rationale for, or source of, the assumptions upon which the budgets rest, noting specifically which expenses rely on funding from soft money and when the funding for these expenses will transfer to recurring revenue

APPLICATION REQUESTS

streams, and explain how the budgets support the implementation of the academic program described in the proposal.

Due to ongoing uncertainty of economic conditions and enrollment pattern shifts, the Institute encourages applicants to consider multiple revenue sources, prepare for revenue receipt timing issues, and incorporate backstop strategies. Discussion of these and any other safeguards should be included in this response.

NOTE: Schools that include at-risk designations, “preferences,” or set-asides in their admissions policies (with the exception of one extra weight in the lottery) may not be eligible for federal CSP grant funding. Additional information on [funding opportunities](#) is available on NYSED’s website. IMPORTANT: Timing delays of start-up funds can cause significant obstacles for new charters. Recent CSP grant awards have experienced significant delays in the flow of payments to approved charter recipients. As a precaution, SUNY advises new charter applicants to take steps that include proactive planning of financial backstop measures to ensure financial stability.

b. Financial Planning

Explain the process the school will use to develop its annual budget including:

- Who will be involved;
- How needs will be identified and weighed;
- The timeline for creating and approving budgets; and,
- Procedures for monitoring and modifying budgets and on what interval.

c. Fiscal Audits

Describe the school’s plans for at least annual independent fiscal audits conducted by a certified public accountant or certified public accounting firm licensed in New York State. Please note that specific assurances as to fiscal audits are included in the attached Assurances Regarding the Provision of Fiscal Audits and Dissolution.

d. Dissolution Procedures

Provide a brief narrative of the procedures that the school would follow, in addition to the SUNY Closure Plan, in the event of closure and dissolution. Applicants should refer to and incorporate elements of the [Institute’s Closure Plan](#), in developing this response.

Please note that specific assurances as to dissolution are included in Appendix B: Assurances Regarding the Provision of Fiscal Audits and Dissolution.

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e. Budget Template

Complete the 2024 RFP Budget Template which can be downloaded from [our resource page](#).

Newly formed applicant groups should submit one budget for each proposed school. Applicant groups that currently operate one or more SUNY authorized charter school(s) and are applying for authority to operate additional SUNY authorized charter schools must submit two five year budget templates, one for the new proposed school, and one for the overall education corporation should the new school(s) be approved.

Applicants should submit a budget that reflects the most likely facility cost scenario when the school is to begin operation. If a proposal includes a budget that assumes a district-provided facility, and applicants later secure a private facility, the Institute will require a revised budget.

NOTE: The Institute updates the budget template as changes are made to per-pupil aid funding rates. Please ensure that the application submitted includes the most current template and contact the Institute with any questions or concerns.

NOTE: As a financial safeguard, the Institute requires any CSP grant award funds be conservatively budgeted at a maximum of \$ [REDACTED]

f. Letters of Commitment

Attach letters of commitment for any funding from private contributions, grant funds, or other philanthropic sources included in the school budget. List the amounts and the anticipated uses for the funding.

g. Non-SUNY Financials

This Request pertains only to applicants associated with one or more private or charter schools that SUNY does not authorize. All other applicants should indicate, "Request is not applicable" in response to this Request.

Attach the following documents covering the last five years for each private or charter school that SUNY did not authorize including any out-of-state school that is currently associated with a replicating applicant:

- IRS Forms 990;
- Audited financial statements; and,
- Management or Advisory Letters from the independent auditor (if applicable).

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NOTE: This Request seeks charter-level information about individual charters. Applicants seeking to replicate under a larger network should submit a Business Plan completed by the network in conjunction with the proposal, which requests similar information at the network level. See the Business Plan Overview and Requirements for Applicants located in Appendix C. If information responsive to this Request is contained in a Business Plan, reference the Business Plan in this Response.

Note for Replicators:

- SUNY authorized charter schools applying for the authority to operate one or more additional SUNY authorized charter schools must submit two five-year budgets for response 21-e: one budget reflecting only the new proposed school, and one budget reflecting the five year projected budget for the entire education corporation should the new school(s) be approved.

What to Submit:

- Submit the response to Requests 21(a-d) as a Microsoft Word® file named: **R21ad - Fiscal Soundness.**
- Attach the Budget Template as a Microsoft Excel® file named: **R-21e - Budget Template.**
- Attach Letters of Commitment as a Microsoft Word® or Adobe Acrobat® file named: **R-21f - Letters of Commitment.**
- Attach Non-SUNY Financials as an Adobe Acrobat® file named: **R-21g - Non-SUNY Financials.**

22. Action Plan

Provide a detailed action plan outlining the steps the founding group will undertake to ensure a successful startup. In a well-organized chart, the action plan should include:

- All projected key steps in the pre-opening period (from SUNY approval through the commencement of instruction) including, but not limited to securing a facility inclusive of any necessary construction; hiring personnel; setting up organizational, legal, and financial structures; securing funding; and, selecting or developing critical aspects of the school's academic program including the curriculum;
- The start date and projected completion date of each task; and,

APPLICATION REQUESTS

- The person(s) responsible for each task.

The Institute encourages applicants to take into account potential challenges (e.g., procurement delays, availability of materials, etc.) in the development of the action plan.

What to Submit:

Submit the response to Request 22 as a Microsoft Word® or Excel® file named: **R-22 - Action Plan.**

SUPPLEMENTAL INFORMATION

23. Supplemental Information

a. Supplemental Narrative

If there is any additional information that would help the Institute and SUNY Trustees evaluate the proposal, please describe it here and provide a rationale for its inclusion. If no supplementary information is necessary, please indicate that this Request is not applicable.

b. Supplemental Attachments

Submit attachments, documents, etc., discussed in response to (a) above. If no supplemental documents are necessary, please indicate that this Request is not applicable.

What to Submit:

- Submit the response to Request 23(a) as a Microsoft Word® file named: **R-23a - Supplemental Narrative.**
- Attach Supplemental and Support Documents as a Microsoft Word® or Excel, or Adobe Acrobat® file(s) named: **R-23b - Supplemental Attachments.**

FULL MERGED APPLICATION

24. Applicants must combine all the individual documents and/or files included in the proposal (Requests 00 – 23) and submit them as a single Adobe Acrobat® document. Please ensure all individual requests are included in the merged document, as missing requests may delay application review or invalidate the application altogether.

What to Submit:

Submit the response to Request 24 as an Adobe Acrobat® file named: **R-24 - Full Merged Application.**

STRATEGIC GROWTH PLAN NARRATIVE

Applicant groups who operate an existing charter school or schools and are applying for authority to operate one or more additional schools, *and who would not be managed by a CMO or partner organization*, must provide a Strategic Growth Plan Narrative. The narrative response should not exceed 30 pages, though applicant groups are welcome to submit additional exhibits to support the narrative. **Strategic Growth Plan Narratives are only used for Institute analysis purposes.**

In the response, applicants should provide an overall narrative explaining how the organization is preparing systems and structures to support growth such that all schools in the education corporation, including proposed new ones, can operate in an academically, fiscally, and operationally sound manner. Specifically, this must include:

- A description of the education corporation's greenlighting process to determine preparedness to apply to open additional schools;
- Discussion of how the education corporation assesses need and demand and analyzes community demographic trends to identify a proposed location that is likely to support the proposed enrollment for both the new proposed school as well as maintain enrollment at existing schools;
- Chart(s) demonstrating the proposed enrollment growth pattern across the entire education corporation for 5 years if the new school(s) were to be approved;
- A description of how student pathways through grade levels would be implemented across the education corporation if the new school(s) were to be approved;
- A reflection on the existing education corporation's successes and challenges in meeting requirements for hiring certified teachers as required by the Act, and what existing or new systems and supports would be in place to support ongoing compliance with this requirement;
- An analysis of opportunities and potential challenges in staffing an additional location, including discussion of strategies to support a robust talent pipeline for teachers as well as instructional and operational leaders;

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- A description of what services would be shared across schools in the education corporation, including a shared services team if applicable, including what shared services would be applicable, who would be responsible for providing them, how the organization would provide development and planning to support these shared services, and methods by which the effectiveness of shared services would be assessed;
 - A reflection on prior academic performance across existing schools within the education corporation which discusses key strengths and key growth areas, the opportunities and challenges associated with opening more schools as relates to academic performance, and plans to address the identified growth areas;
 - Discussion of how the board's approach to governance would shift to ensure effective oversight if the new school(s) were approved;
 - Discussion of any key efficiencies the education corporation believes it would realize if the new schools were to be approved; and,
 - Discussion of any key challenges the education corporation has identified related to replication, and what steps will be taken to address those potential challenges if the new schools were to be approved.
-

NOTE: In addition to the Strategic Growth Plan Narrative, applicant groups that currently operate one or more SUNY authorized charter school(s) and are applying for authority to operate additional SUNY authorized charter schools must also submit two five year budget templates in Response 21e, one for the new proposed school, and one for the overall education corporation should the new school(s) be approved.

What to Submit:

Submit the response, not exceeding 30 pages, to Strategic Growth Plan Narrative as a Microsoft Word® or Adobe Acrobat® file named: **Strategic Growth Plan Narrative.**

Appendices

Appendix A Charter School Applicant Eligibility Information for Federal Charter School Program (“CSP”) Grants

Appendix B Assurances Regarding Special Education, Fiscal Audits, and Dissolution

Appendix C Business Plan Requirements

APPENDIX A: CHARTER SCHOOL APPLICANT ELIGIBILITY INFORMATION FOR FEDERAL CHARTER SCHOOL PROGRAM (“CSP”) GRANTS

CHARTER SCHOOL APPLICANT ELIGIBILITY INFORMATION FOR FEDERAL CSP GRANTS

NOTE: NYSED independently administers CSP grants and provides information on [funding and finance opportunities](#) on its website. The following is provided for informational purposes only. CSP grants are awarded from New York State’s 2018 \$ [REDACTED] federal CSP grant award. CSP funding in any amount is not guaranteed and is contingent upon availability of funds.

The Charter Schools Program (“CSP”) is a federally funded program designed to increase the number of high-quality charter schools throughout the country by supporting new charter schools during the planning year and first two years of operation. NYSED is the sole administrator of the CSP grant in New York State; however, grant funds are available to all applicants, regardless of the authorizer. After the SUNY Trustees approve a charter request, NYSED will contact applicants about the CSP grant. Applicants should be aware that NYSED will require additional information in order to allow access to the grant funds.

Note that while any school that the SUNY Trustees approve is likely to be eligible to apply for CSP funds, the following factors may cause the school to be ineligible:

- **Applicants who offer admissions set-asides, absolute preferences, or separate lotteries for at-risk students.**

Charter schools receiving CSP grants may weight admission lotteries as long as they only weigh one of the following subgroups: ELLs, students with disabilities, or students who are economically disadvantaged. Schools incorporating an at-risk preference into their lottery may only do so using the NYSED Weighted Lottery Generator. Additional information is available in the Guidance Handbook and in the [Institute’s Lottery Guidance](#). The U.S. Department of Education’s 2013 interpretation of federal non-regulatory guidance may preclude applicants from offering certain admissions preferences to at-risk students while receiving funds from the CSP grant.

- **Applicants partnering with a CMO that has received federal replication grant funds.**

Pursuant to an opinion by the U.S. Department of Education, certain schools seeking to partner with a CMO that has been awarded federal replication grant funds may be ineligible for supplemental CSP Grant funds.

Applicants should direct all questions about CSP grants to NYSED.

APPENDIX A: CHARTER SCHOOL APPLICANT ELIGIBILITY INFORMATION FOR FEDERAL CHARTER SCHOOL PROGRAM (“CSP”) GRANTS

STANDARD CSP GRANT AND SUPPLEMENTAL FUNDING

Timing delays of start-up funds can cause significant obstacles for new charters. Recent CSP grant awardees have experienced significant delays in receipt of payments. As a precaution, SUNY advises new charter applicants to take steps that include proactive planning of financial backstop measures to ensure financial stability. Because CSP grant funding in any amount is not guaranteed, SUNY encourages any CSP grant award funds to be conservatively budgeted at no more than \$[REDACTED]

Applicants potentially qualify for two types of CSP grants:

Standard CSP Grant

The standard grant award is \$[REDACTED] which is distributed over three years. SUNY encourages any CSP grant award funds included in the proposed budget to be conservatively budgeted at no more than \$[REDACTED]. Applicants should also closely review the restrictions on these funds and be sure to propose using them appropriately. Failure to do so may result in the Institute finding that the proposed school is not likely to operate in a fiscally sound manner.

Supplemental CSP Funding

Applicants may be eligible for supplemental CSP funding for an amount up to \$[REDACTED] based on whether a school satisfies either of two priorities: the Underserved Student Populations Priority or one of the Authorizer Program Design Priorities. Note that applicants may only receive supplemental funding once even if they meet more than one priority. While there are multiple Authorizer Program Design Priorities, the maximum total supplemental funding award remains \$[REDACTED]. For example, if an applicant receives the full standard grant of \$[REDACTED] they could qualify for a one-time supplemental funding of up to \$[REDACTED].

NOTE: Applicants may not include Supplemental CSP Funding in their proposed budget even if they believe that they would qualify for the funding.

SUPPLEMENTAL CSP GRANT ELIGIBILITY CRITERIA

Currently, the two supplemental CSP grant priorities are:

- 1. Underserved student populations priority (supplemental funding of \$[REDACTED])** NYSED will provide up to \$[REDACTED] in supplemental CSP grant funding to those charter schools that have met one or more of the enrollment targets for students with disabilities, ELLs, or students who are eligible for the FRPL program, as prescribed by the SUNY Trustees and as required by Education Law § 2852(9-b) by the October Basic Education Data System (“BEDS”) student data reporting date in their first year of operation.

APPENDIX A: CHARTER SCHOOL APPLICANT ELIGIBILITY INFORMATION FOR FEDERAL CHARTER SCHOOL PROGRAM (“CSP”) GRANTS

2. **Authorizer program design priority (supplemental funding of \$ [REDACTED]** At SUNY’s recommendation, NYSED will provide \$ [REDACTED] in supplemental CSP grant funding to charter schools that meet one or more of the following design priorities:

- **Applicants that would lease or purchase the proposed facility for a minimum of three years of operation.** The proposal must include a draft lease or purchase agreement, or lease OR applicants must forward a draft lease or purchase agreement or lease to the Institute by April in the same year in which the school would open.
- **Applicants that include at least one or more key design elements incorporating the arts (visual arts, music, theatre, dance, or other related) into the school design.** The proposal must support the implementation of the arts as a key design element, for example through adequate staffing, funding, facilities plans, curricular materials, strategic partnerships, etc. Applicants that simply offer classes in the arts will not qualify for this authorizer preference. The arts must be a key component of the academic program design.
- **Applicants who partner with a persistently low-performing district school to phase out that low-performing school while establishing the proposed school.**
- **Applicants replicating an existing SUNY-authorized charter school that meets the following academic performance criteria at the time of proposed school approval:¹⁹**
 - **Replicating a single K-8 school.** The replicating school has achieved a 0.3 effect size²⁰ in ELA and mathematics in two of the previous three years based on the Institute’s regression analysis of New York State assessment data.

If the replicating school does not have three years of state testing data, it could qualify if the Institute’s school evaluation findings indicate that the replicating school is on track to successfully meet the SUNY qualitative charter renewal benchmarks by the end of the charter term. The benchmarks are available on the [Institute’s website](#).

¹⁹ Note that once the SUNY Trustees approve a replication, the Institute will use the most recent data available to assess an applicant’s eligibility for supplemental funding.

²⁰ Charter schools authorized by the SUNY Trustees have in their Accountability Plans a measure of student performance on the state ELA and mathematics exams called Effect Size that compares the school’s achievement to that of similar public schools statewide. It reflects the difference between a school’s attained and predicted performance in each tested grade, relative to other schools with similar economically disadvantaged statistics and tested grades. The Institute conducts a regression analysis to compare predicted and actual school performance. An effect size of 0.3 demonstrates the school is performing higher than expected to a meaningful degree.

APPENDIX A: CHARTER SCHOOL APPLICANT ELIGIBILITY INFORMATION FOR FEDERAL CHARTER SCHOOL PROGRAM (“CSP”) GRANTS

- **Replicating a high school.** Replicating high schools must meet all of the following requirements to be eligible for supplemental funding:
 - At least 75% of students in the second year of a cohort (typically the 10th grade) have passed three or more Regents examinations in two of the three previous school years for which data are available;
 - At least 75% of the students in the most recent graduation cohort must have graduated by the end of their 4th year in the cohort; and,
 - The school must have procedures and systems in place to assist students in gaining admittance into college, track the matriculation of students into college,²¹ and support students as they transition to college.²² If the replicating high school does not yet have a graduating cohort, it could qualify if the qualitative data collected during the Institute’s school evaluation visits indicate that the replicating school is on track to meet these criteria.

Should the SUNY Trustees approve a single existing SUNY-authorized school for replication, the Institute will notify the applicant of its status related to this requirement prior to moving final paperwork to NYSED for finalization of the charter and in relation to processing CSP paperwork.

- **Replicating as part of a network of schools:**²³ The network’s record of student achievement must have met the standard for a single school listed above. If a network includes one or more schools that do not have three years of applicable data, those schools must demonstrate meeting the criteria during each of the years for which data are available.

²¹ Examples may include high rates of completion of college entrance requirements, such as the Free Application for Federal Student Aid, individual applications for college entrance, and systems to monitor student matriculation.

²² Examples may include structured alumni programs that provide formal support structures for graduates, formal dialogue between school staff and college advisors regarding the academic performance of admitted students, etc.

²³ The definition of a “network” for this purpose is broader than, but includes, the Institute’s definition of an Educational Service Provider as set forth in SUNY’s Charter Agreement. While CMOs and educational management organizations (“EMOs”) (other than for-profit organizations) would be included, shared service groups, and schools under common governance or affiliation, schools under a common licensing agreement may all be considered as one network. If a network had particular branding, strands or sub-organizational units, each one of those could also be considered a network. At this time, only schools operated in New York State will be considered part of a network.

APPENDIX B: ASSURANCES REGARDING SPECIAL EDUCATION, FISCAL AUDITS, AND DISSOLUTION

ASSURANCES REGARDING SPECIAL EDUCATION

The education corporation provides the following assurances regarding the provision of special education and other services to students to be enrolled in the proposed charter school.

- The education corporation will adhere to all provisions of federal law relating to students with disabilities including IDEA, Section 504 of the Rehabilitation Act of 1973 (“Section 504”), and Title II of the Americans with Disabilities Act (“ADA”) which are applicable to it.
- The Education Corporation will, consistent with applicable law, work with Local Educational Agency (“LEA”) school districts to ensure that all students with disabilities that qualify under the IDEA:
 - Have available to them a free, appropriate, public education (“FAPE”);
 - Are appropriately evaluated;
 - Are provided with an Individualized Education Program (“IEP”);
 - Receive an appropriate education in the least restrictive environment (“LRE”);
 - Are involved in the development of and decisions regarding the IEP, along with their parents; and,
 - Have access to appropriate procedures and mechanisms, along with their parents, to resolve any disputes or disagreements related to the school’s or school district’s provision of FAPE.
- The Education Corporation will employ, at a minimum, a properly certified individual as the school’s special education coordinator, whose responsibilities will include coordinating with Committees on Special Education (“CSEs”); providing information to and obtaining information from CSEs as needed throughout the year; determining if entering students have IEPs; and, working with CSEs and school districts to ensure that all required special education and related services are being provided and that all IEPs are appropriate in the context of the charter school setting. The education corporation may permit the special education coordinator to take on additional administrative duties to the extent that they do not interfere with the coordinator’s responsibilities to ensure the school’s compliance with the IDEA, Section 504, and Title II of the ADA.
- The education corporation will make available, as required by law, a student’s regular and special education teachers (and other required school personnel) for meetings convened by such student’s CSE and provide such teachers and personnel with copies of the student’s IEP.

APPENDIX B: ASSURANCES REGARDING SPECIAL EDUCATION, FISCAL AUDITS, AND DISSOLUTION

- The education corporation will ensure that parents of children with special needs are informed of how their children are progressing on annual IEP goals and in the general curriculum at least as frequently as parents of regular education children.
- The education corporation will abide by the applicable provisions and regulations of the IDEA and the Family Educational Rights Privacy Act (“FERPA”) as they relate to students with disabilities including, but not limited to, having procedures for maintaining student files in a secure and locked location with limited access.
- The school’s special education coordinator will retain such data and prepare such reports as are needed by each disabled student’s school district of residence or NYSED in order to permit such entities to comply with federal law and regulations.
- The education corporation will comply with its obligations under the Child Find requirements of IDEA including 34 C.F.R. § 300.111 and will provide appropriate notification to parents in connection therewith as applicable including notifying them prior to providing a child’s name to a CSE for potential evaluation.
- The education corporation will not convene its own CSE, make IDEA evaluations of children suspected of being disabled, create IEPs, reevaluate or revise existing IEPs, or conduct due process hearings. The education corporation understands that these responsibilities are left solely to the CSE of the student’s district of residence and will implement IEPs as written.
- Appropriate education corporation personnel will attend such training and technical assistance seminars regarding the education and servicing of special education students as is required by the SUNY Trustees including those sponsored by the NYSED.

APPENDIX B: ASSURANCES REGARDING SPECIAL EDUCATION, FISCAL AUDITS, AND DISSOLUTION

ASSURANCES REGARDING THE PROVISION OF FISCAL AUDITS AND DISSOLUTION

The education corporation provides the following assurances regarding the provision of fiscal audits and dissolution of the education corporation.

FISCAL AUDITS

The Education Corporation will provide for an annual independent fiscal audit conducted by a certified public accountant or certified public accounting firm licensed in New York State.

The Education Corporation will ensure such consolidated audited financial statements include:

- A statement of income and expenditures and a balance sheet for the most recent fiscal year for each school of the education corporation for which the Education Corporation has received approval to operate. A separate income and expenditure statement and balance sheet should be included for each approved school or site in a startup phase, and for schools or sites for which opening has been delayed;
- A statement of income and expenditures and a balance sheet for the most recent fiscal year for any central or regional back-office component;
- A statement of income and expenditures and a balance sheet for the most recent fiscal year for any other distinct component of the Education Corporation;
- A consolidated statement of income and revenues and a consolidated balance sheet for the Education Corporation; and,
- A federal single audit report, if applicable.

An education corporation with the authority to operate multiple schools must provide specific procedures for conducting independent audits of consolidated financial statements for the education corporation and all of its schools.

DISSOLUTION PROCEDURES

The education corporation will:

- Create a communication plan for students, families, and staff. The communication plan shall take into account timing to ensure students are able to take advantage of other school choice options that may be available.

APPENDIX B: ASSURANCES REGARDING SPECIAL EDUCATION, FISCAL AUDITS, AND DISSOLUTION

- Provide the Institute with the parent names and addresses of all students enrolled in the school, at the time, by grade to enable the Institute to communicate directly with families regarding the process as necessary.
- Transfer all student records, testing materials, etc. to the school district of location of the charter school and make available a copy of such records to each student's parent or legal guardian.
- Designate one or more trustees and/or employees to assist in the closure of the school, from an operational and financial perspective.
- Transfer the education corporation's fixed assets (if any, after the payment of all debts) in accordance with the law at the time of dissolution.
- Provide the procedures that the school would follow in the event of the closure and dissolution of the education corporation including the transfer of students and student records, execution of a SUNY Closure Plan, and for the disposition of school assets.
- Establish an escrow account, in the case of a single-school education corporation, of no less than \$ [REDACTED] to pay for the legal, final audit, and other wind-down expenses associated with a dissolution should it occur. The budget shall reflect this commitment and include funding of \$ [REDACTED] increments in the school's first three years of instruction. (Note that a separate reserve fund does need to be established and be reflected separately in the financial statements and notes to the financial statements.)
- In the case of an education corporation operating multiple charter schools, the education corporation must follow the dissolution reserve fund provisions in its charter agreement and reserve the appropriate amount of funds accordingly.

The education corporation understands that the above provisions largely apply to an education corporation operating one charter school and that the above provisions must be modified in the case where the Education Corporation operates multiple charter schools and some, but not all, of those schools close.

APPENDIX C: BUSINESS PLAN REQUIREMENTS

INTRODUCTION

Who Must Submit a Business Plan?

Any applicant proposing to partner with an organization that would be responsible for managing and/or providing significant portions of the school's academic program (e.g., a CMO), organizational structure (e.g. managing several key functions such as finance, HR, operations, marketing, etc.), or other programming support (e.g. a partner organization that will supply wraparound and afterschool services) must submit a Business Plan completed by the organization in conjunction with the proposal. Note that engaging with a service provider around a specific discrete operational need such as an organization that provides contracted finance management services does not necessarily require submission of a Business Plan.

Notwithstanding the above, the Institute reserves the right to request a business plan from any organization that would play a substantial role in the management of the proposed school(s). If you are uncertain about whether you must include a Business Plan, contact charter.newapp@suny.edu.

Note: Business Plan submissions are used only for purposes of Institute analysis.

Notes on Business Plan Submissions:

Fully Merged Submission and Duplicate RFP and Business Plan Requirements

Fully Merged Submission: Applicants must combine all the individual documents included in the Business Plan and submit them as a complete, single Adobe Acrobat® file. Please ensure all individual files and sections, both narrative and attachments, are included in the merged document, as missing Requests may delay application review or invalidate the application altogether.

Duplicate RFP and Business Plan Requirements: Depending on the school oversight model, some Business Plan requirements may duplicate information requested in the RFP. In such cases, applicants should not repeat the information, but should instead reference the relevant RFP response. For example, an education corporation might provide the following Business Plan response in lieu of attaching a duplicate copy of its by-laws: "Please refer to RFP Response 14e, By-laws, for the [education corporation name] by-laws."

APPENDIX C: BUSINESS PLAN REQUIREMENTS

DOCUMENT CHECKLIST

The Business Plan is divided into nine sections, and all sections require narrative responses. **All narrative responses should be combined and submitted as a single MS Word or Adobe Acrobat file.** Sections II, V, VI, VIII, and IX also require submission of associated attachments, which are submitted individually in Epicenter.

In addition, applicants must combine all documents from the Business Plan into a single Adobe Acrobat file and submit this as well. Applicants must submit the Business Plan materials electronically via Epicenter, the Institute's document management system.

BUSINESS PLAN SUBMISSIONS CHECKLIST

Section I. Business Plan Respondent Information

<input type="checkbox"/>	BPA S01 - Narrative	MS Word® or Adobe Acrobat®
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Section II. Mission, Vision, and Growth Plan Attachments

<input type="checkbox"/>	BPA S02 - Narrative	MS Word® or Adobe Acrobat®
<input type="checkbox"/>	BPA S02a - Current and Planned Schools	MS Word® or MS Excel®
<input type="checkbox"/>	BPA S02b – Demographics Data	MS Word® or MS Excel®

Section III. Prior and Current Academic Performance

<input type="checkbox"/>	BPA S03 – Narrative	MS Word® or Adobe Acrobat®
<input type="checkbox"/>	BPA S03a - School Performance Data	MS Word® or MS Excel®

Section IV. Market Analysis

<input type="checkbox"/>	BPA S04 – Narrative	MS Word® or Adobe Acrobat®
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Section V. Organizational Leadership and Governance

<input type="checkbox"/>	BPA S05 – Narrative	MS Word® or Adobe Acrobat®
<input type="checkbox"/>	BPA S05a – Leadership Capacity	MS Word® or Adobe Acrobat®
<input type="checkbox"/>	BPA S05b - Board Capacity	MS Word® or Adobe Acrobat®
<input type="checkbox"/>	BPA S05c - Disclosures	MS Word® or Adobe Acrobat®
<input type="checkbox"/>	BPA S05d – Certificate of Incorporation	MS Word® or Adobe Acrobat®

APPENDIX C: BUSINESS PLAN REQUIREMENTS

BUSINESS PLAN SUBMISSIONS CHECKLIST

Section VI. Organizational Structure and Management

<input type="checkbox"/>	BPA S06 – Narrative	MS Word® or Adobe Acrobat®
<input type="checkbox"/>	BPA S06a - Organizational Charts	MS Word® or Adobe Acrobat®

Section VII. Human Capital

<input type="checkbox"/>	BPA S07 – Narrative	MS Word® or Adobe Acrobat®
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Section VIII. Financial Plan and Financial Capacity

<input type="checkbox"/>	BPA S08 - Narrative	MS Word® or Adobe Acrobat®
<input type="checkbox"/>	BPA S08a - Five Year Financial Model	MS Excel®
<input type="checkbox"/>	BPA S08b - Philanthropic Support	MS Word® or Adobe Acrobat®
<input type="checkbox"/>	BPA S08c - Consolidated Financial Reports	MS Word® or Adobe Acrobat®
<input type="checkbox"/>	BPA S08d - Audited Financial Statements	MS Word® or Adobe Acrobat®
<input type="checkbox"/>	BPA S08e - Forms 990	MS Word® or Adobe Acrobat®

Section IX. Organizational Background Attachments

<input type="checkbox"/>	BPA S09 – Narrative	MS Word® or Adobe Acrobat®
<input type="checkbox"/>	BPA S09a - NYS Authorization	MS Word® or Adobe Acrobat®
<input type="checkbox"/>	BPA S09b - Not-for-Profit Status	MS Word® or Adobe Acrobat®
<input type="checkbox"/>	BPA S09c - Annual Reports	MS Word® or Adobe Acrobat®
<input type="checkbox"/>	BPA S09d - Client List	MS Word® or Adobe Acrobat®
<input type="checkbox"/>	BPA S09e - Litigation	MS Word® or Adobe Acrobat®

Section X. Fully Merged Business Plan

<input type="checkbox"/>	BPA S10 - Business Plan – [Name of Organization] Fully Merged Document	Adobe Acrobat®
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APPENDIX C: BUSINESS PLAN REQUIREMENTS

SECTION I. BUSINESS PLAN RESPONDENT INFORMATION

For this document, "organization" refers to the entity that is the focus of this Business Plan, i.e. the partner organization, CMO, network, etc.

SECTION I. NARRATIVE RESPONSES:

Include the following information about the organization completing this Business Plan:

- Organization name;
- Organization's role in managing the proposed school describing specific services to be provided;
- State in which organization is incorporated;
- State(s) in which organization operates;
- Year organization was founded; and/or,
- Primary contact name, address, phone number, and email address.

SECTION I. ATTACHMENTS:

None

APPENDIX C: BUSINESS PLAN REQUIREMENTS

SECTION II. MISSION, VISION, AND GROWTH PLAN

This section focuses on a high level overview of the organization's strategic vision for expansion, the specific timeline for opening new schools, and an assessment of the risks associated with growth.

SECTION II. NARRATIVE RESPONSE REQUESTS:

-
- Describe the organization's mission, strategic vision, and desired impact on the proposed communities to be served (i.e. what is the organization working to achieve and for whom).
 - Explain how the organization developed the proposed five-year growth plan. Include discussion of how the organization determined the pace and scope of the proposed growth and how the organization assessed its capacity to implement the growth plan.
 - Identify the key opportunities associated with the growth plan. Describe any organizational efficiencies that may be gained, potential increases to impact, or other advantages the organization anticipates being able to realize if the proposed school(s) were to be approved.
 - Identify the key risks associated with the growth plan and describe the steps the organization may take to mitigate these risks. The response should demonstrate an understanding of the challenges of replication both in general and related specifically to their organization.
 - Discuss lessons learned during past replication efforts. For example, identify particular challenges encountered and how the organization addressed them, as well as how the organization would minimize such challenges for the proposed new school(s).

SECTION II. ATTACHMENTS:

a. Current and Planned Schools (Filename: BPA S02a - Current and Planned Schools)

Provide a table or spreadsheet that lists and provides information about all existing and proposed or planned schools in the organization's portfolio that currently exist or that are planned over the next five years. This should include schools that are authorized but not yet open, as well as any schools the organization plans to apply for authorization of, even if applications have not yet been submitted to the relevant authorizing body. The table should include the following information, with actual information for existing schools, and planned/proposed information for schools that are not yet authorized:

- Indicate if the school is directly operated by the organization or if the organization provides services to the school by contract;

APPENDIX C: BUSINESS PLAN REQUIREMENTS

- Grades served (or proposed grades served)
- Chartered enrollment (or proposed chartered enrollment)
- Year opened or year proposed to open;
- Location or proposed location; and,
- Authorizer or proposed authorizer.

Please provide a separate explanation for any known or anticipated growth in the number of schools beyond five years.

b. Demographics Data (Filename: BPA S02b - School Demographics)

Provide a second table or an additional spreadsheet tab (or tabs) with the following information for every operating school in the organization's portfolio:

- Most recent verified actual total student enrollment and total student enrollment at the beginning and end of the school year for the last three school years, reported for all students, and also disaggregated for the following subgroups:
 - Students with disabilities;
 - English language learners;
 - Economically Disadvantaged students (for schools in New York); and,
 - For schools outside of New York State also provide:
 - Students eligible to receive Federal Reduced-price Lunch; and,
 - Students eligible to receive Federal Free Lunch (excluding Reduced-price Lunch).

APPENDIX C: BUSINESS PLAN REQUIREMENTS

SECTION III. PRIOR AND CURRENT ACADEMIC PERFORMANCE

This section provides an overview of current and past academic performance of the organization's schools.

SECTION III. NARRATIVE RESPONSE REQUESTS:

- Provide an overview of prior academic performance and student outcomes across all schools ever operated by the organization.
- Provide a description and analysis of any shortcomings in student achievement experienced by schools that contract for services with, or are otherwise supported by, the organization. Describe any programmatic or operational adjustments that have been made as a result.
- Select one or more of the consistently high-performing schools that the organization operates and discuss the school's academic performance. Explain the organization's assessment of the conditions that have led to that school's success and any efforts underway to transfer effective practices from that school to others.
- Select one or more of the organization's schools whose performance is relatively low or not satisfactory and discuss the school's academic performance. Explain the organization's assessment of conditions that have led to that school's underperformance and any efforts underway to improve outcomes.
- Discuss current efforts the organization is taking to scale and build on performance strengths, as well as to mitigate critical performance weaknesses.

SECTION III. ATTACHMENTS:

a. School Performance Data (Filename: BPA S03a - School Performance Data)

Provide a spreadsheet or tables with the following information for every operating school in the organization's portfolio:

- Existing school performance for elementary and middle school grades: for the last three years, provide a summary of state assessment results in English language arts, mathematics, science, and social studies (both aggregated and disaggregated by grade level) and/or given disruptions to state exams due to COVID, applicants may also submit results of other nationally normed exams such as NWEA MAP, iReady, etc. to demonstrate performance of existing schools.

APPENDIX C: BUSINESS PLAN REQUIREMENTS

- Existing school performance for high school grades: for the last three years, provide a summary of four-year graduation rates and results for any available summative assessments demonstrating post-secondary readiness, e.g., AP, IB, SAT, statewide exit exams, etc.
- Comparable state assessment and high school graduation results for the district in which each school is located, as available.

SECTION IV. MARKET ANALYSIS

This section describes the organization's target market selection and an assessment of the market viability.

SECTION IV. MARKET ANALYSIS:

-
- Describe the organization's target communities in New York State and elsewhere and explain how the organization identifies areas for potential growth/selects target markets.
 - If the existing portfolio does not include schools in New York, discuss the rationale for entering New York.
 - Discuss the organization's understanding of opportunities and potential challenges in recruiting students in the target market.
 - Discuss the organization's understanding of opportunities and potential challenges in recruiting staff and leadership in the target market.

SECTION IV. ATTACHMENTS:

None

SECTION V. ORGANIZATION LEADERSHIP AND GOVERNANCE

This section assesses the current and future capacity of the organization's leadership team and governing board to open and operate new schools in accordance with the growth plan.

SECTION V. ORGANIZATION LEADERSHIP AND GOVERNANCE:

- Identify the organization's leadership team and describe each member's specific roles and responsibilities. Describe critical experiences that demonstrate that this team has the collective capacity to implement the growth plan and operate academically and operationally successful schools.
- Identify the organization's board of directors or trustees (the "board") and, describe the responsibilities of the board for oversight of the organization.
- Discuss the capacity of the board to govern and ensure its obligations (contractual and non-contractual) to the proposed school mission is met. Highlight the collective experience and expertise of the organization's board as it relates to the organization's mission, vision and strategic growth plan.
- Provide a narrative overview of the organization's planned staffing over the next five years and evidence of organizational capacity to open and operate high quality schools in accordance with the overall growth plan.
- Describe any proposed staffing of centralized services that would serve the schools, as well as anticipated growth or change in staffing over the next five years to support growth described elsewhere in the Business Plan.
- Discuss the organization's greenlighting procedures for opening schools including a description of any circumstances or conditions which, if not met, would result in the organization delaying or not opening a school.

SECTION V. ATTACHMENTS:

a. Leadership Capacity (Filename: BPA S05a - Leadership Capacity)

Provide a resume or detailed biographical statement for each member of the leadership team.

APPENDIX C: BUSINESS PLAN REQUIREMENTS

b. Board Capacity (Filename: BPA S05c - Board Capacity)

Provide a list of members of the above organization's governance board as well as each member's resume or bio.

c. Disclosures (Filename: BPA S05d - Disclosures)

Provide disclosure regarding the extent to which any members of the organization's board of trustees or directors also serves on the boards of trustees of, or is affiliated with, schools under management, the CMO, or other related entity, as the case may be.

d. Certificate of Incorporation (Filename: BPA S05g - Certificate of Incorporation)

Include the organization's charter (if a NY-based non-SUNY authorized education corporation) or certificate of incorporation together with amendments to date.

SECTION VI. ORGANIZATIONAL STRUCTURE AND MANAGEMENT

This section highlights the role of the organization in relation to the services, facilities, and/or goods it will provide to schools, as well as the management and oversight of the schools.

SECTION VI. ORGANIZATIONAL STRUCTURE AND MANAGEMENT:

-
- Provide a detailed description of the organizational structure.
 - Provide a comprehensive description of the role of any national, state-wide, regional and/or local offices or personnel in the operation of the organization and in the provision of services/goods to the proposed New York charter school(s). Identify which services and costs are included in any management contract as well as services and costs billed in addition to the management contract fee. In the case of separately billed services/goods shared across schools, please explain how costs will be distributed among schools.
 - If the organization does not partner with a CMO (or substantially similar organization), then describe which centralized services the partner organization would offer, how costs would be allocated to the various schools, and how the schools will pay for those services.
 - Describe the systems and structures that the organization has in place to support the effective operation of its schools including academic support, student data, technology, recruitment and human relations, financial, back office, real estate, and any planned subcontracting or use of key licensed intellectual property.

APPENDIX C: BUSINESS PLAN REQUIREMENTS

- Describe the performance metrics used by the organization and its board to monitor the effectiveness of centralized support services. Describe how the organization will know whether or not it is successfully delivering these services.
- Provide a summary of the organization-level and school-level decision making authority and responsibility with respect to key educational and operational functions including, but not limited to, the following:
 - Selection of the school leader;
 - Performance goals;
 - Curriculum;
 - Professional development;
 - Data management;
 - Promotion and graduation criteria;
 - School culture;
 - Student recruitment;
 - School staff recruitment and hiring;
 - Budgeting and resource allocation;
 - Human relations services;
 - Fundraising;
 - Information technology;
 - Facilities management; and,
 - Community relations.
- Describe the key non-negotiable aspects of the proposed school model(s) including details about the critical elements that are constant across the organization's schools and those school design elements that may vary from school to school.
- Describe the organization's approach to school performance management across the network and with individual schools including the systems used to measure and evaluate both academic and non-academic performance of each school and of the network as a whole. Explain how the organization addresses school underperformance.

APPENDIX C: BUSINESS PLAN REQUIREMENTS

- Describe the conditions that would cause the organization to close, or, if applicable, urge the education corporation to close, a consistently low performing school. Be specific about threshold metrics the organization would use to inform its decision.

SECTION VI. ATTACHMENTS:

a. Organizational Charts (Filename: BPA S06a - Organizational Charts)

Provide organizational charts for the following timeframes:

- First year of proposed charter term; and
- Final year of proposed charter term.

SECTION VII. HUMAN CAPITAL

In this section, the Institute seeks to understand how the organization intends to identify, recruit, develop, and retain the organizational and school level staff necessary to realize the planned growth.

SECTION VII. NARRATIVE RESPONSE REQUESTS:

- Discuss the specific measures and timelines the organization will employ to identify and develop organizational and school leaders. For example, explain:
 - How the organization plans to identify leadership internally and externally;
 - Who will be responsible for hiring leaders;
 - Formal and informal systems that will prepare leaders for their responsibilities;
 - The organization's philosophy regarding internal promotions;
 - The timing for identifying leaders in relation to the launch of a new school; and,
 - Internal or external leadership training programs.
- Identify the number of staff the organization plans to hire each year and who is responsible for recruitment and hiring at the organizational and school levels. Address how the organization will ensure that there are highly qualified candidates for all positions.
- Explain the proposed compensation strategy and salary ranges for organization and school level staff. Discuss how the compensation structure enables the organization to attract and retain high quality staff and describe possible incentives such as bonuses or merit pay.

APPENDIX C: BUSINESS PLAN REQUIREMENTS

Compare the proposed salary ranges to other organizations, charter schools, and local districts, as applicable.

SECTION VII. ATTACHMENTS:

None

SECTION VIII. FINANCIAL PLAN AND FINANCIAL CAPACITY

This section requests information necessary to evaluate the organization's financial health, and the viability of the proposed growth plan.

SECTION VIII. FINANCIAL PLAN AND FINANCIAL CAPACITY:

-
- Provide a high-level summary of the budgets, and descriptions of all major budget assumptions. The narrative should address contingency plans if revenues are lower or expenses are higher than anticipated in the financial model.
 - Provide a five-year development plan that addresses the annual and cumulative fundraising need at the network and school levels including a description of the staff dedicated to development. The plan should include a history of the organization's fundraising outcomes and identify committed funds toward fundraising goals. If funds are raised at the partner organization level, describe the methodology to be used in allocating funds to schools, especially in relation to the proposed New York schools. If the budget does not include any fundraising activity, please indicate this in your response.
 - Describe the responsibilities of school, education corporation and the organization in the financial management and oversight of the proposed school(s) including, but not limited to, their respective roles in overseeing or implementing internal controls and in making financial management decisions including budget development. Describe the organization's strategy for securing, financing, and maintaining school facilities in the short and long-term including, any existing facilities that need to be financed or re-financed in the next five years.
 - Identify the entity responsible for acquiring and maintaining school facilities and describe the entity's relationship to both the school and the organization. If the proposed school's education corporation will bear costs related to the facility, the response should identify the level of capital support the organization (or related party) is willing to provide to the education corporation.

APPENDIX C: BUSINESS PLAN REQUIREMENTS

SECTION VIII. ATTACHMENTS:

a. Five Year Financial Model (Filename: BPA S08a – Five Year Financial Model)

Provide a five-year financial model detailing financial projections to support the organization's growth plan. Applicants must prepare a five-year budget using the Institute's budget template from the RFP. The model should include the following:

- A consolidated budget summary for the organization, including any affiliated entities (real estate and/or equipment leasing entities), and the education corporations or school(s) in its portfolio (including the school(s) proposed in this application and Business Plan).
- A central office services budget from the organization specifically outlining any national or regional organizations that will support the proposed school(s). This budget should detail the core functions and personnel costs associated with network (non-school) level only. The organization should use conservative and realistic revenue growth assumptions planning the five year budget. The school level and central office budgets should detail all major assumptions including, but not limited to: projected enrollment; revenues from state sources; revenues from federal funding; revenues from local and other sources; other revenues; committed philanthropy; student fees; personnel costs (administrative, instructional, non-instructional); annual salary increases; benefits and payroll tax expenses; contracted services; school operation costs; facility operations and maintenance; detailed breakout of all non-personnel expenses and associated assumptions; management fees; and, reserve accounts and capitalized expenditures including dissolution reserve funds.

b. Philanthropic Support (Filename: BPA S08b - Philanthropic Support)

- Provide a detailed list of donor organizations, along with the dollar amount contributed, for the past three years.
- If philanthropic funding is included in the Business Plan budget, provide commitment letters from the top five contributors. Note, letters should include a statement that the contributor plans to continue the relationship with the organization. Specifically note any restrictions on the funds.

c. Consolidated Financial Reports (Filename: BPA S08c - Consolidated Financial Reports)

Provide copies of the organization's three most recent annual consolidated audited financial reports including management or advisory letters and related notes. Provide the same

reports for related entities, subsidiaries, real estate or other service entities that would provide goods or services to the charter school or the organization.

d. Audited Financial Statements (Filename: BPA S08d - Audited Financial Statements)

Provide copies of all audited financial statements and all management or advisory letters issued during the previous three years by any independent auditors who prepared the audited financial statements for any non-SUNY authorized charter school education corporations operating a school currently managed by the organization. This should include any charter school audited financial statements for schools outside of New York State

e. Forms 990 (Filename: BPA S08e - Forms 990)

Provide copies of all IRS Forms 990 filed during the previous three years by the organization including any non-SUNY authorized charter school education corporations operating a school currently managed by the organization.

SECTION IX. ORGANIZATIONAL BACKGROUND

This section provides an overview of the organization's background.

SECTION IX. ORGANIZATIONAL BACKGROUND:

- Provide a brief overview of the organization's history.
- List all charter revocations or surrenders, bankruptcies, school closures, non-renewals, shortened or conditional renewals, or compliance violations that have led to formal authorizer intervention for any of the schools operated by the organization and provide explanations. Provide details as to how such deficiencies were resolved.

SECTION IX ATTACHMENTS:

a. Authorization to do Business in New York State (Filename: BPA S09a - NYS Authorization)

Provide evidence the organization is authorized to do business in New York State (New York corporate formation documents from the Secretary of State or copy of approved application for authority to do business in New York from the Secretary) or the Board of Regents.

APPENDIX C: BUSINESS PLAN REQUIREMENTS

b. Not-for-profit Status (Filename: BPA S09b - Not-for-profit Status)

Provide evidence of the organization's not-for-profit state and federal status including tax-exempt status under section 501(c)(3) or other provision of the Internal Revenue Code, if applicable.

c. Annual Reports (Filename: BPA S09c - Annual Reports)

Provide the most recent annual reports, if applicable, and any related entities, and any non-SUNY authorized charter schools it operates.

d. Client List (Filename: BPA S09d - Client List)

Provide a list of clients with whom the organization has contracted over the preceding four years. Include clients with which the organization has severed the relationship, and clients that have severed the relationship with the organization for financial deficiencies or malfeasance, charter revocation or non-renewal, statutory, regulatory, or charter compliance deficiencies, conflict of interest or other reasons, and explain the reason(s) for the severance of each relationship

e. Litigation (Filename: BPA S09e - Litigation)

Provide a list of any current or past litigation, including arbitration proceedings, that has involved the organization, its related entities, or any of the charter schools it operates. If applicable, provide the results of the arbitration or litigation including any final order.

SECTION X. FULLY MERGED BUSINESS PLAN

Provide a single Adobe Acrobat® file which contains all responses and attachments merged together.



Charter Schools Institute
The State University of New York

www.newyorkcharters.org

H. Carl McCall SUNY Building
353 Broadway
Albany, New York 12246
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New York State Education Department

2020 Request for Proposals (RFP) and Charter School Application Kit

Standard Version:

***Accepting Applications for New Operator Applicant Groups to Establish New
Charter Schools***

The Regents of The University of the State of New York
Charter School Office
89 Washington Avenue
Albany, New York 12234
(518) 474-1762

Email: charterschools@nysed.gov

Website: <http://www.p12.nysed.gov/psc/>

Application Submission Portal:

https://nysed-cso.smapply.io/prog/new_charter_school_applications

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INTRODUCTION

All applicants must carefully read each of the sections below for critical information regarding the 2020 RFP and are strongly encouraged to contact the New York State Education Department (NYSED) Charter School Office (CSO) at CharterSchools@nysed.gov with any questions or concerns about this information prior to completing a proposal.

LEGISLATIVE HISTORY

In 1998, the New York State Legislature established the opportunity for the creation of new, performance-based public schools, including conversions¹ of existing traditional public schools, through the charter process. In May of 2010, the State Legislature increased the number of charter schools that may be authorized under the law, created a clear pathway for existing education corporations to operate multiple charter schools, and required charter entities to solicit new charter school applications through a competitive Request for Proposals (RFP) process. Additional changes to the Charter Schools Act were made in subsequent years.

Accordingly, the Department has updated the *Request for Proposals (RFP) to Establish New York State Charter Schools Authorized by the Board of Regents* for the 2020 application cycle. **The RFP and Application Kit was further differentiated for the 2019, and subsequent, RFPs: applicant groups who are new operators, or operators of schools not authorized by the Board of Regents (BOR), wishing to open a new Board of Regents-authorized charter school will use the standard version, and existing education corporations wishing to replicate an existing charter school authorized by the BOR will use the replicator version.** Both RFP kits contain information about the charter process and provide requests for applicant groups to address when constructing applications for new public charter schools and evaluation criteria that reviewers will use to rate the applications. Applicants are encouraged to direct any questions about which application they should prepare to NYSED CSO staff at CharterSchools@nysed.gov well in advance of the specified due date for Letter of Intent.

See additional information about the replication of high-quality charter school models, including an assortment of characteristics that strong applicant groups will possess, below.

While the RFP and Application Kit reference the New York State Charter Schools Act² (the “Act”) and other relevant statutory citations, it is not a guide to charter school law and other laws that govern the operation of public charter schools. It is the sole responsibility of the applicant to fully understand and address the requirements of all relevant laws and to present a coherent and viable school design that both complies with the laws and is likely to improve student learning and achievement in New York State.

¹ N.Y. Education Law §2851(3)(c)

² N.Y. Education Law Article 56

CHARTER SCHOOL FACTS AND TERMS

Tuition-Free Public Schools

Charter schools are secular, tuition-free public schools that operate as independent education corporations. New York’s charter school legislation offers students, families, and educators more choices in public education, allows schools autonomy and flexibility in how they operate, and requires performance-based accountability standards.

Authorizers

Charter schools are created by application to a designated charter entity (also known as a charter school authorizer). The Board of Regents of The University of the State of New York (Board of Regents) is a designated charter entity under State law. The Board of Regents has directed the Commissioner of Education and the New York State Education Department (NYSED) to develop and issue this RFP, to conduct an application review process on its behalf, and to recommend action on charter school applications.

Applicant Group

The term “applicant group” includes those actively participating in the planning of the application to establish the proposed charter school; those individuals who will comprise the initial board of trustees; and those individuals (if any) who will become school employees.

Key Design Elements

Key design elements are those general aspects of the school that are innovative or unique to the school’s mission and goals, are core to the school’s overall design, and critical to its success. They may be elements of the education or organizational plan and may include a specific content area focus; unique student populations to be served; specific educational programs or pedagogical approaches; unique calendar, schedule, or configurations of students and staff; and/or innovative organizational structures and systems. The Charter Schools Act allows, to the extent consistent with federal Law, “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 (SWD) and English Language Learners/Multilingual Learners (ELLs/MLLs).

All applicants applying to this RFP shall meet the federal definition of a charter school pursuant to Every Student Succeeds Act (ESEA) §4301(2).

One or more key design elements for applications submitted pursuant to this RFP should pertain to the identified priority school design(s) as identified in the LOI.

Charter Schools Authorized by the Board of Regents

As of January 2020, the Board of Regents has authorized 95 charter schools serving over 36,000 students across New York State. A full list of all charter schools in New York State can be found at [Charter Schools Directory](#).

The grade levels served by these charter schools in the 2018-2019 school year are:

- 11 serving kindergarten through grade 12;
- 29 serving only elementary grades;
- 9 serving elementary and middle grades;
- 8 serving only middle grades;
- 9 serving middle and high school grades; and
- 18 serving high school grades.

Among the portfolio of Board of Regents authorized charter schools are schools with a particular focus on: English Language Learners/Multilingual Learners (“ELLs/MLLs”); unique learning needs of students on the autism spectrum; charter schools serving over-age and under and under-credited students; career and technical education (CTE) programs; the arts; the social-emotional development of students through intensive coaching or community development; environmental/ecology programs; single gender schools; and intensive foreign language instruction. **The variety of school models within the Board of Regents charter portfolio speaks to its deep commitment to equity and access for all students and innovation in education.**

Furthermore, the expectation for all Board of Regents-authorized charter schools is a strong demonstrated commitment to fostering high-quality independent options for all students, including ELLs/MLLs, students with disabilities (SWDs), and economically disadvantaged students (EDs). Successful applicants will demonstrate thorough consideration of each category of students throughout all programmatic elements.

Governance

Charter schools are overseen by a governing board of trustees. High performing charter schools are characteristically governed by a board with a mixture of backgrounds and expertise relevant to a public, not-for-profit educational organization. While boards that do not possess each of the following skill sets are not explicitly precluded from authorization, CSO staff strongly encourage applicants to be thoughtful in sourcing potential trustees with relevant experience to oversee and govern the school during the incubation, start up and ongoing operation phases.

Such experience optimally includes:

- K-12 teaching;
- School administration;
- Legal expertise;
- Real estate and facilities;
- Financial management, budgeting and accounting;

- Fundraising and development;
- Community engagement;
- Family involvement; and
- Charter school experience.

Autonomy

Charter schools operate with substantial autonomy and flexibility in comparison to traditional public schools. Charter school operators have the opportunity and responsibility to decide the best ways to allocate resources, such as time, people and money, to best meet the needs of their students within the bounds of New York State’s Charter Schools Act and are free of some of the legal and regulatory constraints that apply to other public schools. **In exchange for this increased autonomy, charter schools are held to specific performance standards, as discussed in more detail in the following section.**

Accountability: Charter School Performance Framework

Performance-based accountability is a central component of charter school policy in New York State, and all charter schools must apply to renew their charter contract at least every five years. The Charter Schools Act requires that schools have clear, measurable academic performance standards under which they will operate and be evaluated. In addition, schools must be financially accountable and comply with the same health and safety, federal special education laws, civil rights, and student assessment requirements applicable to other public schools. In November 2012, with an update in 2018, the Board of Regents endorsed the use of a Charter School Performance Framework (Framework) for Regents-authorized charter schools. The Framework, which is organized into three broad performance areas—Educational Success, Organizational Soundness, and Faithfulness to the Charter and Law—outlines ten key benchmark categories as well as specific performance indicators for each category. The State Education Department and the Board of Regents use the Performance Framework to evaluate school performance over time and to inform all charter renewal decisions. Although the Framework is a comprehensive lens for charter school performance evaluation, not all benchmarks are given equal weight; student academic achievement (Benchmark 1: Student Performance) is the most important factor when determining whether to renew or to revoke a charter. All Benchmark 1 growth and achievement measures are based on New York State assessments or Regents examinations for all tested subjects at all applicable grade levels. Charter schools are encouraged to refer to the Framework on a continuing basis to align their charter goals and to evaluate the overall health and viability of the school throughout the charter term. All Board of Regents-authorized charter schools will also report on their progress towards meeting the Performance Framework benchmarks in annual reports as well as during formative mid charter term site visits. **All charter applicants are expected to demonstrate familiarity with the [NYSED Charter School Performance Framework](#) and its measures, at both the application and capacity interview stage, if applicable.**

APPLICANT ELIGIBILITY

NYSED will only consider applications if charters are available for issuance in the applicant group's proposed district of location pursuant to the Education Law at the time the RFP Full Application is due as set forth in this RFP. If charters are not available for issuance in the proposed district of location, then applications received in such jurisdictions may be terminated and may not be considered in the applicable new charter school application round. Likewise, if, at any point during the RFP cycle charters become unavailable for issuance in the district of location requested by the applicant group, NYSED reserves the option to terminate such applications.

Round 1:

Applications will only be accepted for applicant groups seeking to implement one or more of the following **priority school designs** that align with New York State's Approved Every Student Succeeds Act Plan³ and the strategic priorities of the Board of Regents⁴:

- Bilingual and/or dual-language models⁵;
- Innovative special education models that focus on the provision of services to a specific low incidence disability group;
- Models that will provide students with career and technical education (CTE) certification(s), or a pathway to such credentials, through a program that has or will seek NYSED CTE program approval⁶;
- Models where at least two thirds of students will qualify as being identified in one or more of the following categories:
 - Court involved or adjudicated youth
 - Gang involved youth
 - In the foster care system
 - Interrupted formal education
 - Living in temporary housing
 - McKinney Vento eligible
 - Over-age and under credited
 - Students with mental health or substance use diagnoses
- Partnerships with existing community-based organizations (CBOs) and/or institution of higher education in the school district or region in which the CBO and/or institution of higher education is established; and/or

³ New York State's Approved Every Student Succeeds Act Plan can be found at <http://www.nysed.gov/essa/nys-essa-plan>.

⁴ The most recent strategic priorities of the Board of Regents as of the publication of this RFP can be found at <https://www.regents.nysed.gov/common/regents/files/State%20Aid%20-%202020-2021%20Regents%20State%20Aid%20Proposal%202.0%20Billion.pdf>.

⁵ Information on bilingual education, including definitions, can be found at <http://www.nysed.gov/bilingual-ed>.

⁶ More information on the NYSED CTE program approval application process can be found at <http://www.p12.nysed.gov/cte/>.

- Replications of existing high-quality school models⁷ that have a track record of providing a significant educational benefit to students at-risk for academic failure as defined by Education Law §2854(2)(a). Note that applicant groups seeking to replicate existing Board of Regents-Authorized Education Corporations should refer to the 2020 Request for Proposals (RFP) and Charter School Application for Existing Board of Regents-Authorized Education Corporations Seeking to Replicate and Operate Additional Schools.

Replicating applicants with one or more unopened charter schools in New York State that have requested to delay, or are delaying, the opening of a school or schools from the date indicated at the time of proposal submission are not eligible to apply for a new charter under the 2020 RFP.

Additional Application Rounds:

While there is currently only one new school RFP application round scheduled for 2020, NYSED reserves the right to schedule additional RFP rounds in 2020 at its sole discretion. Should another is scheduled, the timing and RFP requirements for such a round, whether they are the same or different from this RFP, will be publicized on the NYSED website at [Starting a Charter School - 2020](#). Should charters become available for issuance in 2020 in New York City, an application round for groups that applied for a charter in New York City through the 2019 RFP, that were not approved or denied, will be held pursuant to the requirements of this paragraph.

⁷ A high-quality school model is one that meets or exceeds the standards of the NYSED Charter School Performance Framework as well as meets the definition of “high-quality charter school” pursuant to ESEA §4310(8)(a)-(d). Applicants applying for replication must meet all criteria under ESEA §4310(8) (i.e., 4310(8)(a) through (d)).

OVERVIEW OF THE APPLICATION PROCESS

Education Law §2851(1) states “An application to establish a charter school may be submitted by teachers, parents, school administrators, community residents or any combination thereof.” An application for a new charter school must be submitted by one or more of these eligible individuals. The term “applicant group” includes those actively participating in the planning of the application to establish the proposed charter school; those individuals who will comprise the initial board of trustees; and those individuals (if any) who will become school employees. Organizations and entities cannot serve as applicants for charter school education corporations, though, if eligible, not-for-profit entities with federal tax-exempt status under Internal Revenue Code §501(c)(3), museums, colleges, universities, and educational institutions can submit a proposal in conjunction with eligible applicants.

The NYSED charter school application process is designed to ensure that any charter school application presented to the Board of Regents for consideration demonstrates that the applicant group:

1. Possesses a clear understanding of the New York State Charter Schools Act and what it means to comply with the Act;
2. Proposes a school that is clearly aligned with the purpose and objectives of the Act;
3. Has conducted outreach to inform the community about the charter school proposal and solicited and incorporated input from the community;
4. Proposes a coherent and practical design for the proposed school; and
5. Demonstrates the necessary capacity, experience, skill, and will to manage the challenging and dynamic process of opening and operating public charter schools.

To assess application quality, NYSED will review and evaluate Letters of Intent and invited Full Applications against the criteria outlined in this RFP. NYSED may conduct a Capacity Interview with members of the applicant group, including the initial proposed board of trustees. In addition, NYSED will invite and consider the comments of the public related specifically to the proposed school. At the conclusion of the process, NYSED will prepare a formal recommendation to the Board of Regents.

Whether the application is from a new or existing education corporation, all application submissions must address the statutorily required elements to establish new charter schools, as outlined in the 2020 RFP and Application Kit. Any additional requirements are noted throughout the application.

Some applications may not meet the required criteria to advance through each stage of the application, i.e., letter of intent, full application, capacity interview. NYSED reserves the right, and sole discretion, to end the review of an application that does not meet the minimum statutory requirements in whole or in part. Such applicants will be considered terminated.

Please note: Due to the competitive nature of the process, NYSED cannot extend an opportunity for applicant groups to address any deficiencies at any stage of the process during a single application cycle. All decisions are final and made at the sole discretion of NYSED and/or the Board of Regents. There is no appeal of an adverse determination at any stage of the process.

Unsuccessful applicants will receive feedback on the most significant deficiencies in their application after the active RFP round has concluded so that they may revise and resubmit their application by the due date of a subsequent application round or cycle. For a list of common application deficiencies, please refer to [Frequently Asked Questions \(FAQ\)](#) and **Appendix F**.

Public Outreach

Education Law Section 2852(9-a)(b)(ii) states that the Board of Regents shall not consider any applications that do not rigorously demonstrate that the applicant has conducted public outreach, in conformity with a thorough and meaningful public review process prescribed by the Board of Regents. Applicants should record and present evidence of their attempts to engage with each of the following groups:

- 1. Students, families, and community members (please do not submit petitions);**
- 2. Existing district and charter schools;**
- 3. Community based organizations and stakeholders; and**
- 4. Elected and/or appointed officials.**

The public review process should include, but is not limited to, the following components:

- 1. Informing the community about the proposed charter school, including the intended location, the target student population, the grades to be served, and a description of the educational program(s) to be offered.** This should include reasonable notice to stakeholders in the community, and may be achieved through several means, including but not limited to: community letters and flyers, news and/or web articles, advertisements, community meetings, meetings with stakeholders, and other means employed by the applicant;
- 2. Providing stakeholders in the community the opportunity to submit comment on the proposed charter school.** This may be achieved through the means listed above, the provision of an email or website for comment submission, as well as other means employed by the applicant;
- 3. At least one public meeting with stakeholders in the community in the school district in which the proposed charter school is to be located.** Reasonable public notice should be provided to community stakeholders; and
- 4. Addressing comments received from the impacted community concerning the educational and programmatic needs of students.** This may be achieved through discussions at community and stakeholder meetings, interviews, written responses to written comments received, as well as other means employed by the applicant.

Charter Application Cycles

In the *2020 Request for Proposals* (RFP), the State Education Department has scheduled one opportunity for applicants to submit applications to establish new charter schools to open in 2021. The Department's online portal for submission of application materials will open for the submission of required materials as outlined below and in the **Application Review Process and Timeline** section of the RFP and Application Kit.

2020 Application Cycle ⁸			
Submission Rounds	Letter of Intent Due	Full Application Due	Proposed Regents Action
Round 1	April 3	May 1	September 14-15
Additional Rounds	While there is currently only one new school RFP application round scheduled for 2020, NYSED reserves the right to schedule additional RFP rounds in 2020 at its sole discretion. Should another RFP be scheduled, the timing and RFP requirements for such a round, whether they are the same or different from this RFP, will be publicized on the NYSED website at Starting a Charter School - 2020 . Should charters become available for issuance in 2020 in New York City, an application round open to only applicant groups who previously applied for a		

⁸ This timeline is subject to change at the discretion of NYSED and/or the Board of Regents. Any adjustments will be communicated via the CSO website as early as possible.

	charter in New York City in the 2019 RFP, will be held pursuant to the requirements of this paragraph.
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Applicant groups whose submission materials are not accepted in Round 1 may begin the process again in a future round. Simultaneous submissions to multiple authorizers in New York State is not permitted under the terms of this RFP. Applications submitted to multiple authorizers can be terminated at any stage of the RFP process.

The CSO anticipates that formal action by the Board of Regents to approve/reject applications and issue charters will occur in September 2020 for Round 1 submissions, subject to change. Applications submitted in Round 1 must address the requests and criteria set forth in this *2020 Request for Proposals to Establish Charter Schools Authorized by the Board of Regents and Charter School Application Kit*. Charter schools that are authorized by the Board of Regents in 2020 should plan to open for instruction in the fall of 2021.⁹

Plagiarism

Applicants seeking authorization to utilize public funds to educate public school students must be held accountable to the highest standards of academic integrity. The reproduction of content from other charter applications, or sources in response to requests that require original narrative (e.g., the education plan), will result in the immediate disqualification of the application from consideration, evaluation, or advancement for action to the Board of Regents. Accommodation is provided for applications replicating existing charter schools and application sections where boilerplate information is reasonable for inclusion, such as by-laws, discipline policies, etc. Applications found to contain plagiarism can be terminated at any stage of the RFP process at the sole determination and discretion of NYSED.

The following provides a more detailed explanation of each phase of the application process:

Phase I: Letter of Intent

All applicants—new applicant groups or existing education corporations seeking to replicate—must submit a Letter of Intent. The Letter of Intent is designed to solicit basic school design information about the applicant group, school mission and model, and target population. The Letter of Intent requires applicant groups to address questions that directly align to some, but not all, of the requirements stated in the Act. Applicants invited to the next phase will be required to address all the requirements stated in the Act in the Full Application.

In the Letter of Intent, applicants must provide:

⁹ Board of Regents-authorized charter schools can request a planning year after authorization if needed but the applicant group should plan to commence instruction in the fall of 2021.

- If a previous application was denied by NYSED or the Board of Regents only, include changes the applicant group has made to the LOI and plan to make to the Full Application since an LOI or application was last submitted;
- A brief description of the mission and school design and how the proposed school design one or more of the priority school designs enumerated in the Applicant Eligibility section of this RFP;
- A description of the proposed student population (including plans to meet enrollment and retention goals for target populations);
- Proposed grade levels and the number of students to be enrolled;
- Initial evidence of community outreach efforts, practices used or to be used, and community support;
- A proposed location and/or proposed facility; and
- Background information about the applicant group and anticipated members of the board of trustees.

The Letter of Intent for new operator applicant groups may not exceed 6 pages, excluding all attachments, and must be submitted to the NYSED Charter School Office **by 3:00 p.m. EST on the due date specified in the timeline for the applicable RFP cycle**. Please see Submission Instructions for full details and refer to the [FAQ](#) located on the NYSED website for additional information.

NYSED staff will review all submitted Letters of Intent to ensure that each Letter of Intent is complete, provides thorough and robust information, and is likely to address the rigorous standards in the Full Application. Letters of Intent that are incomplete and do not provide all the requested information and reflect the formatting instructions will not be accepted, and applicant groups will not be invited to submit Full Applications in that round. The information provided in the Letters of Intent will be used by NYSED staff to plan and coordinate peer review panels with appropriate expertise to evaluate Full Applications.

Phase II: Full Application

All applicant groups invited to submit a Full Application to establish a new charter school are expected to fully address the set of requests and evaluation criteria that directly align to the requirements and priorities stated in the Charter Schools Act. These applications allow the Department to assess the will, skill, and capacity of the proposed board to launch and sustain a quality public charter school in New York State and demonstrate educational alignment and operational compliance with the requirements and educational priorities of the Act. This information becomes part of the approved charter and sets the conditions under which an education corporation may operate a school.

Applicant groups must submit the applications by **3:00 p.m. EST on the due date specified on the timeline for the applicable RFP cycle**. The application narrative to establish a charter school may not exceed **75 pages** and the required attachments may not exceed **an additional 75 pages**,

with certain exceptions outlined in the attachment information. Upon submission, NYSED staff will screen the Full Applications for compliance with submission requirements.

Please note: Applications will not be evaluated or advanced for action by the Board of Regents if they:

- ***Exceed the established page limits;***
- ***Omit sections;***
- ***Do not follow formatting requirements;***
- ***Plagiarize or duplicate the narrative¹⁰ from the submission of another applicant group or source; and/or***
- ***Are received after the established deadline.***

Please see Application Submission Instructions and the [FAQ](#) document for full submission details.

All Letters of Intent and Full Applications will be posted at the NYSED Charter School Office website at [Starting a Charter School](#). Personal information will be redacted; however, designated public contact information for each submission will be posted separately.

Evaluation of Applications: Review panels (referred to as peer reviewers) with expertise in charter school operations, and when appropriate, knowledge that is relevant to the proposed school design, will evaluate Full Applications. Each reviewer will independently evaluate and rate how well the applicant group's responses address the evaluation criteria articulated in each section of the application. Reviewers will rate the response to each criterion as **Meets the Standard, Approaches the Standard, or Does Not Meet the Standard**, as defined in the sample evaluation rubric in Appendix A. The review panelists will develop a summary rating for each application section, as well as for the Full Application.

Note Regarding Criminal Background Check/Fingerprint Scan: 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. **The inability or unwillingness of any member of the applicant group to promptly undergo the required criminal background checks via fingerprint scans within the timeframe requested in advance of the Board of Regents meeting shall be grounds for denying a charter recommendation, and termination of the application.**

Phase III: Capacity Interview

Applications that are considered to substantially meet the evaluation criteria and demonstrate the required skills to operate a high-quality charter school will be invited to a Capacity Interview

¹⁰ This does not apply to replications of existing schools or boilerplate attachments for by-laws, code of ethics, etc.

in Albany, New York. NYSED officials conduct the Capacity Interview foremost to assess the capacity of the applicant group to effectively launch and oversee the proposed charter school. NYSED staff use the interview to evaluate the applicant group and initial board members' understanding of academic and operational accountability as well as the characteristics of the community where the proposed school will be located. The interview also provides the applicant group (and specifically the proposed board of trustees) with the opportunity to present and elaborate on the information provided in the Full Application and respond to any technical questions that may have been generated by peer reviewers during the application review process as well as other questions that may have emerged during the public hearing and comment process. Please see the applicable RFP timeline for the dates during which NYSED anticipates it will conduct the Capacity Interviews in Albany, New York.

Note Regarding Capacity Interviews: Applicant groups that cannot obtain the in-person participation of all proposed board members at the Capacity Interview **in Albany, New York**, may be disqualified from further consideration.

Phase IV: Request for Modifications¹¹

For applicant groups that the Department is recommending to the Board of Regents for authorization, the Department may require that applicant groups make technical modifications to their applications following the Capacity Interviews. Such requests would be made to technically align the information contained in the Full Application with the NYSED initial charter agreement template and/or comply with relevant laws and regulations. Please see the applicable RFP timeline for the dates during which NYSED will request modifications and during which applicants will submit responses. Other than modifications of a technical nature as determined by the Department, applicants are not given the opportunity to substantially revise or augment their application once it has been submitted.

Phase V: NYSED Recommendation for Approval or Denial of the Application

Based on the review of the Full Application and Capacity Interview as well as information collected by NYSED during a public comment process, NYSED will determine whether to recommend approval of the charter application to the Board of Regents. Applications that do not meet the rigorous standards required will not receive a recommendation for Board of Regents approval. An application that is recommended to the Board of Regents for approval will provide a detailed and complete school design plan that:

- Demonstrates the ability to operate the school in an educationally and fiscally sound manner;
- Is likely to improve student learning and achievement and materially further the purposes of the Act;

¹¹ N.Y. Education Law § 2852(3)(a)

- Includes clear strategies to meet or exceed enrollment and retention targets for students with disabilities, students who are English Language Learners/Multilingual Learners, and economically disadvantaged students;
- Provides evidence of public outreach that conforms to the process prescribed by the Regents for soliciting and incorporating community input regarding the proposed charter school;
- Meets all requirements set forth in the Charter Schools Act as well as all other applicable laws, rules, and regulations; and
- Would have a significant educational benefit to the students expected to attend the proposed charter school.

In addition to all the above, the applicant group and proposed board of trustees must demonstrate appropriate knowledge, capacity, and ability to effectively create, maintain, and oversee a high-quality charter school. For applications that meet all these conditions, NYSED will recommend that the Board of Regents approve the application and issue a charter. If the number of applications meeting the evaluation criteria in this RFP exceeds the total maximum number of charters available or the maximum available within New York City in this RFP cycle, the application will also be reviewed and scored by NYSED on the eight priority objectives set forth in the Charter Schools Act,¹² outlined in Appendix C, to determine which charters will be recommended.

If recommended for approval, NYSED will provide the applicants and proposed board members with an opportunity to review the terms and conditions of the initial charter agreement (contract) between the proposed school and the Board of Regents, and to sign said agreement. This will occur in preparation for the Board of Regents meeting at which the Regents will act to approve or deny new charters. Please see the applicable RFP timeline for specific dates. **The inability or unwillingness of the proposed board chair to promptly sign the initial charter agreement within the timeframe requested in advance of materials being advanced to the Board of Regents meeting shall be grounds for denying a charter recommendation.**

If the application is not recommended for approval by the Board of Regents, NYSED will provide the applicant group with a summary of the areas in which the application is deemed deficient. In some cases, the applicant group may be encouraged to address deficiencies discovered during the application review process and re-submit the application in a subsequent application cycle.

Phase VI: Board of Regents Action to Approve or Deny the Application

Although informed by NYSED evaluations and recommendations, all final charter issuance decisions are made by the Board of Regents. At the applicable meeting, the Board of Regents will act to approve or deny recommended charter school applications, and in the case of those approved, issue a provisional charter (i.e., a certificate of incorporation) for the school. In the

¹² N.Y. Education Law § 2852(9-a)(c)(i-viii)

case of those charter applications that are denied, the decisions are final and may not be appealed.

Withdrawal of Applications: Applications that do not demonstrate a clear plan and compelling capacity to launch and sustain a quality public charter school in New York State will not be recommended to the Board of Regents for approval and will not be permitted to proceed in the application process. Prior to a determination by the Board of Regents, applicants may choose to withdraw an application at any time (i.e., during any phase) for any reason. NYSED has sole discretion in moving applications from phase to phase (e.g., Letter of Intent, Full Application, Capacity Interview) and may stop review of the application at any point in the process, terminating the application. To avoid termination, applicant groups are encouraged to withdraw applications that NYSED will not move forward in the review process and will not recommend to the Board of Regents for approval. There is no penalty for doing so and the decision to withdraw will not affect consideration of subsequent applications.

Some applications may not meet the required criteria to advance through the application process at various stages of the process. NYSED reserves the right, and sole discretion, to end the review of an application that does not meet the minimum statutory requirements in whole or in part. Such applicants will be considered terminated. Applications that advance to the capacity interview stage of the process will be recommended by the Department, not recommended, or have the option of withdrawing their application.

Please note: At no point does progress to a certain stage of the process ensure a positive recommendation.

Federal Charter Schools Program (CSP) Planning and Implementation Grant¹³: As part of New York State's 2018 \$ [REDACTED] federal CSP grant award, NYSED may provide grant funds to all applicants who are issued a charter by the Board of Regents, *except those applications affiliated with CMOs that have received federal CSP funds through the Charter Schools Program (CSP) Grants for and Expansion of High-Quality Charter Schools (CFDA 84.282M), since accessing both funding streams is not permitted by the U.S. Department of Education.* All successful applicants may expect to receive a base amount of \$ [REDACTED] over the planning period and first two implementation years of the school's first charter term, contingent on the completion of additional grant-specific budget information and other requirements that will be requested from those applicants who are granted a charter. The [CSP Planning and Implementation Grant](#) is designed to:

- Serve high-need student groups such as students with disabilities, students who are English Language Learners/Multilingual Learners, students who are over-age and under-credited or at risk of not graduating from high school, and students who are at-risk of

¹³ Subject to grant funding availability.

academic failure because they would otherwise be served by a low-achieving district school;

- Serve students who live in underserved rural communities;
- Promote racial, ethnic and linguistic diversity;
- Improve productivity and effectiveness using technology (including blended instructional programs); and
- Replicate existing high-quality charter school models.

Using the 2020 application kit, all applicants are simultaneously applying for a public-school charter and a CSP Grant (**assuming such funds are available**), as the eligibility requirements of the grant application are integrated into the overall application process for a public-school charter. NYSED will further evaluate the applications recommended for charter issuance by the Board of Regents to determine eligibility to receive, based upon the availability of funds, an enhanced federal Charter Schools Program (CSP) Planning and Implementation Grant. See Appendix D for full details.

Opening the School for Instruction: The issuance of the charter by the Board of Regents does not indicate final authorization to open the school. The Full Application does **not** require applicants to create all the documents that the school will need once it becomes operational (e.g., full curriculum or the human resources handbook). During the start-up (or pre-opening) phase of the school, NYSED will work closely with the charter school's proposed board and school leaders to establish key policies and ready the school program and facility to serve students. This work will be guided by the terms of the charter agreement and the *Pre-Opening Procedures for New York State Charter Schools Authorized by the Board of Regents* (which may be found on the Department website at [Board of Regents Oversight Plan](#)). New charter schools will be authorized to open for instruction only upon the issuance of a *Consent to Commence Instruction* letter issued by the Department.

SUBMISSION INSTRUCTIONS

Format	<p>Both the Letter of Intent and the Full Application must be submitted via upload to the Charter School Office web portal in .PDF format suitable for reproduction on 8 1/2 x11 inch paper showing:</p> <ul style="list-style-type: none"> • One-inch margins • 12-point or larger font size using Times New Roman or Calibri font • Page numbers in the bottom right hand corner of each page <p>Full Applications must include a table of contents identifying page numbers for each section and all attachments.</p>
Page Limits	<p>The Letter of Intent is limited to 6 pages of text, excluding all attachments. The Full Application is limited to no more than 75 pages, excluding the Application Summary, Certification and Assurances Statement, and the required attachments. Attachments are limited to 75 pages, with certain exceptions outlined in the attachment information. Brevity, specificity, and clarity are strongly encouraged. (Please do not submit petitions; however, keep for your own records).</p>
<p>Submit Via Web Portal Only</p> <p>-----</p> <p>Do <u>Not</u> Submit Via Email, Postal or Special Delivery Mail</p>	<p>All submissions for both the Letter of Intent and Full Application must be by upload to https://nysed-cso.smapply.io/prog/new charter school applications.</p> <p>Note: The Letter of Intent and Full Application, when submitted to the State Education Department, will be made available to the public.</p> <p>Successful submission of the Letter of Intent and Full Application using the web portal will automatically generate an email to the applicant. If a confirmation email is not received, the applicant should conclude that the submission was <u>not</u> received.</p>
Deadlines	<p>All application materials must be <u>submitted</u> to the portal via upload to https://nysed-cso.smapply.io/prog/new charter school applications by 3:00 PM on the specified due date. It may take one hour or longer for all materials to successfully upload via the web portal. Applicants are strongly encouraged to upload and submit all materials the day before the deadline. Materials submitted via email or by postal or special delivery carriers will <u>not</u> be accepted.</p>

**PLEASE NOTE: FAILURE TO COMPLY WITH THESE SUBMISSION INSTRUCTIONS
WILL AUTOMATICALLY DISQUALIFY THE APPLICATION FROM FURTHER CONSIDERATION.**

2020 APPLICATION REVIEW PROCESS AND TIMELINE¹⁴

2020 Application Review Process Activity	Timeline
<p>Draft 2020 Request for Proposals (RFP) and Application Kit posted for comment at the NYSED-CSO website at Starting a Charter School</p> <p>The public may submit comments on applications by email to charterschools@nysed.gov or by mail to NYSED Charter School Office, 89 Washington Ave., Albany, NY 12234.</p>	DRAFT RFP and Application Kit—by February 28, 2020
<p>Final 2020 Request for Proposals (RFP) and Application Kit posted on the NYSED-CSO website at Starting a Charter School.</p>	FINAL RFP and Application Kit—March 9, 2020
<p>Phase I: Letter of Intent</p> <p>Submission is by upload to https://nysed-cso.smapply.io/prog/new charter school applications. Letters of Intent that do not provide all requested information and meet submission requirements will not be accepted.</p>	<p style="text-align: center;"><u>Deadline</u> April 3, 2020 3:00 p.m.</p>
<p>Phase II: Full Application</p> <p>Submission is by upload to https://nysed-cso.smapply.io/prog/new charter school applications. Each Full Application submitted (by invitation only) must adhere to page and formatting limitations and must be uploaded before 3:00 p.m. EST. The Certification and Assurances Statement must include the electronic signature of a designated member of the applicant group.</p>	<p style="text-align: center;"><u>Deadline</u> May 1, 2020 3:00 p.m.</p>
<p>Public Hearings</p> <p>Public hearings on charter school applications must be conducted by the districts of location within 30 days of notification of receipt of an application by the NYSED Charter School Office.</p>	May – June 2020
<p>Evaluation of Full Application</p> <p>The Full Application will be screened by NYSED for completeness before being accepted and sent for full</p>	May – June 2020

¹⁴ This timeline is subject to change at the discretion of NYSED and/or the Board of Regents.

2020 Application Review Process Activity	Timeline
evaluation by review panels. (<i>Incomplete applications will not be accepted</i>).	
Phase III: Capacity Interviews NYSED conducts interviews in Albany with invited applicant groups and proposed boards of trustees.	July 2020
Background Checks via Fingerprint Scans NYSED will contact the applicant group members to arrange for the required fingerprint scans. All members of the applicant group must be available to undergo a finger scan.	July - August 2020
Phase IV: Request for Modifications Following the capacity interviews, NYSED may request that applicant groups/proposed boards make technical modifications to charter applications.	July - August 2020
Phase V: Charter Agreement Calls NYSED and the proposed boards of the charter schools recommended for Board of Regents approval preview/discuss the terms and conditions of the proposed charter agreement with the Board of Regents.	August 2020
Phase VI: Proposed Board of Regents Action The Board of Regents will review recommendations from staff and vote to approve or deny the application at its regularly scheduled meeting. Only those applicant groups whose applications are approved by the Board of Regents will be issued a charter. Prior to action by the Board of Regents, applicant groups will be informed of the department's recommendation. This timeline is subject to change at the discretion of NYSED and/or the Board of Regents.	September 14-15 2020
Reviewer Feedback to Applicants NYSED prepares written recommendations to the Board of Regents and provides applicants not recommended for Board of Regents approval with comments and summative feedback from reviewers.	After Final Regents Action for Round 1

The remainder of this Application Kit is dedicated to the specific requests that applicant groups must address to apply to establish a charter school to the Board of Regents for consideration. All necessary forms, requirements, and deadlines related to the initial application process are

contained within this Application Kit. Local school districts or applicant groups interested in converting an existing public school into a charter school should contact the NYSED Charter School Office at [REDACTED].

Please note: The Board of Regents will only approve applications that clearly demonstrate a strong capacity for establishing and operating a high-quality charter school. This standard requires a sound educational program, organizational plan and financial plan; and a strong governing board with the demonstrated capacity to implement the proposal effectively and in compliance with State and Federal laws. The Department and staff look forward to reviewing your proposal to launch a new, high-quality, public charter school in New York State.

Letter of Intent

Standard Version:

***For New Operator Applicant Groups to Establish New Board of Regents-
Authorized Charter Schools***

LETTER OF INTENT TO APPLY

All applicant groups seeking to establish a charter school authorized by the Board of Regents to open in 2021 must submit a Letter of Intent, not to exceed 6 pages in length (excluding any summary pages and attachments) by the specified due date. Department staff review all Letters of Intent to assess whether the requested information is complete and indicates the applicant group is likely to meet the rigorous standards required in the Full Application. A Letter of Intent that does not thoroughly address all the information requested below will not be moved forward in the application process and the applicant group will not be invited to submit a Full Application during that application cycle. Unsolicited applications will not be accepted or reviewed under any circumstances.

Requests:

I. Applicant Group Information¹⁵

- a. **Applicant Group:** Using Table 1, provide the name, contact information, current employment, current or prospective role, and relevant experiences, skills, and/or qualifications for each member of the applicant group, which includes those proposed as initial board of trustees and school employees.
- b. **Public Contact:** Please provide a phone number and/or email address to which public inquiries about the proposed charter school may be addressed. This contact information will be public and available on the NYSED Charter School Office website.
- c. **Application History:** Identify whether any member of the current applicant group has ever applied to this or another charter entity to open this proposed school or another charter school, either in New York State or outside of New York State. Indicate the date on which the application(s) was/were submitted and to which charter entity; briefly describe the outcome of the charter entity's decision; and provide a concise description of significant modifications made in this LOI and application (if applicable).

Required Attachments:

- ☐ **Table 1: Application Group Information.**
- ☐ **Attachment 5a:** For each member of the applicant group submit the following:
 - **New Applicant and Prospective School Trustee Background Information Form:** Include a signed Statement of Assurance and a signed Statement of Intent which is included at the bottom of the Assurance statement. See Background Information Sheet at [Starting a Charter School - 2020](#).

¹⁵ N.Y. Education Law § 2851(2)(m)

- **Resume or Curriculum Vitae:** Provide a resume that includes all experience and expertise relevant to the founding, managing and governing of a charter school.
- **Education Credentials:** If an individual has a high school diploma, GED or equivalent, an undergraduate or graduate degree from a higher education institution or a transcript, please provide a copy of such documentation from their highest level of education attained.
 - If an individual has education credentials but cannot provide such documentation, please submit a signed and notarized letter stating the highest level of education obtained and the reason why the documentation cannot be provided.
 - **Note:** Individuals are not required to have any of the above referenced education credentials to serve on a charter school's Board of trustees. To the extent available, such documentation is used for identity verification.

Note Regarding Criminal Background Check/Fingerprint Scan: Proposed members of the board of trustees will be required to undergo criminal background checks via fingerprint scans.¹⁶ If advanced to the Capacity Interview phase, NYSED will provide the planning team with specific background check/fingerprint information. **The inability or unwillingness of any member of the applicant group to promptly undergo the required criminal background checks via fingerprint scans within the timeframe requested in advance of the Board of Regents meeting shall be grounds for denying a charter recommendation.**

II. Proposed Charter School Information

- Proposed school name** (must include the words "charter school" in the name);
- Proposed school mission statement;**
- Proposed school location** that at minimum identifies school district or community school district in New York City and may also specify a specific neighborhood or community within that district. Indicate whether the applicant group is requesting to be co-located in public school district facilities;
- Target population/community served:** Briefly describe the school's target population and the community that the school intends to serve;
- Priority School Design:** A description of which priority school design(s) the application meets based on the priority school designs enumerated in the Applicant Eligibility section of this RFP;

¹⁶ N.Y. Education Law § 2852(4)

- f. **Planned grades and enrollment, using the required chart below to indicate grades, ages, and enrollment** for each of year of the initial charter term;

Projected Enrollment Table Over the Charter Term ¹⁷						
Grades	Ages	2021-22	2022-23	2023-24	2024-25	2025-26
K						
1 st						
2 nd						
3 rd						
4 th						
5 th						
6 th						
7 th						
8 th						
9 th						
10 th						
11 th						
12 th						
Ungraded						
Totals						

- g. **Proposed management and/or partner organization(s):** If the proposed school will be affiliated with a charter management organization or a significant partner organization, describe the organization(s) and the rationale for their selection;
- h. **Replication:** An applicant group not associated with an existing operator may seek to replicate in part an existing school model. If the proposed school will replicate an existing school model, provide a brief description of the model school's success; and discuss why replication of the model school is needed or provides a high-quality option for the intended population of students or community; and why this applicant group is uniquely situated to develop its proposed school based on this existing model. Provide a description and rationale as to how the model being replicated meets the definition of a high-quality school model using the following definition:
- Meeting or exceeding the standards set forth in the NYSED Charter School Performance Framework criteria; and
 - Meeting the definition of "high-quality charter school" pursuant to ESEA §4310(8)(a)-(d). Applicants applying for replication must meet all criteria under ESEA §4310(8) (i.e., 4310(8)(a) through (d)):

¹⁷ N.Y. Education Law § 2851(2)(p)

- (a) Shows evidence of strong academic results, which may include strong student academic growth, as determined by a State assessment;
 - (b) Has no significant issues in the areas of student safety, financial and operational management, or statutory or regulatory compliance;
 - (c) Has demonstrated success in significantly increasing student academic achievement, including graduation rates where applicable, for all students served by the charter school; and
 - (d) Has demonstrated success in increasing student academic achievement, including graduation rates where applicable, for each of the subgroups of students, as defined in section 6311(c)(2) of [Title 20 of ESEA], except that such demonstration is not required in a case in which the number of students in a group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student.
- i. **School overview:** A brief description of the design of the proposed school, including key design elements and any additional innovative design elements that might require specific expertise to evaluate during the review process.

III. Enrollment and Retention Strategies

- a. Describe the school's strategies to recruit and enroll its students, specifically:
 - i. Those identified in the school's mission;
 - ii. Students with disabilities;
 - iii. English Language Learners/Multilingual Learners; and
 - iv. Economically disadvantaged students.
- b. Describe the school's strategies to retain its students, specifically:
 - i. Those identified in the school's mission;
 - ii. Students with disabilities;
 - iii. English Language Learners/Multilingual Learners; and
 - iv. Economically disadvantaged students.

IV. Public Outreach and Community Support

- a. Describe the public outreach conducted to date to solicit community input regarding the proposed school using the attached **Table 2**.
- b. Describe your initial assessment of parent interest in and/or demand for your proposed charter school, which will allow the school to reach its anticipated enrollment. Include in your response a description or analysis of any data you have collected to support the initial assessment of interest.

Required Attachments:

- ☐ **Table 2: Public Outreach Information.**
- ☐ **Attachment 2a: Initial Samples of Public Outreach;** Provide **ONE** sample of evidence from **EACH** of the following categories that supports the applicant group's outreach attempts:
 1. The group has informed the community about the proposed charter school, including the intended location, the target student population, the grades to be served, and a description of the educational program(s) to be offered;
 2. Stakeholders in the community were given the opportunity to provide input into the design of the proposed charter school; and
 3. At least one public meeting with stakeholders in the community in the school district in which the proposed charter school is to be located. Reasonable public notice should be provided to community stakeholders.

Samples of evidence may include but are not limited to: a public meeting flyer with sign-in sheet and signatures; minutes of discussions with community parents, stakeholders or organizations and feedback obtained; public awareness campaigns (emails, social media postings, media, etc.) with documented results; and/or surveys distributed with statistical analysis. For a more complete list of sample evidence, refer to the Public Outreach section of the Full Application. **Please DO NOT submit any signed petitions; keep all petitions for your own records.**

Please be aware that the Board of Regents will not consider an application if the applicant group does not sufficiently demonstrate that the extensive public outreach process described above has been conducted. Since public outreach activities are expected to be ongoing throughout the application review process, additional information about public outreach activities is expected in the Full Application and at the capacity interview with additional input provided throughout the NYSED public comment period.

V. Proposed Board Chair Signature and Date

The last page of the Letter of Intent must be signed and dated by the proposed board chair of the new school before uploading the document into the portal.

Please be advised that the submitted Letter of Intent (and all other charter school application materials) is a public record, and NYSED will post all Letters of Intent received on its website. Personal contact information of all members of the applicant group will be redacted from the document, but all other information will become public.

Table 1: Applicant Group Information

Table 1 is not counted toward the page limits

***Minimum of 5** members of applicant group must be designated as Trustees

Applicant Group Member Name/Phone/Email Address	Current Employment	Relevant Experience/Skills and Role on Applicant Group (key words)	Proposed Role(s) in School (e.g., trustee, employee, none)	Proposed Position on the Board (e.g., officer, trustee, or constituent representative)
John Smith (555) 555-5555 email@gmail.edu	NYU Education Professor	Curriculum Development Education Plan Committee	Trustee	President

Table 2: Public Outreach Information

Table 2 is not counted toward the page limits
Add more rows and/or rotate page as necessary

Date(s) of Outreach (mm/dd/yy)	Target Stakeholder Group	Description of the Outreach	Location of Outreach	Input Obtained	Action Taken on Input	Number of Attendees
01/16/2017 meeting date	Families of students with disabilities, community members	Sent flyers to community-based organizations serving children and families with special needs. Hosted a meet/greet to introduce team and solicit feedback on application.	ABC Community Center 1000 Avenue A NYC CSD 5	Need for family partners	Add a family liaison to the staff who is bi-lingual	22 families of students in grades Pre-Kindergarten and Kindergarten

FULL APPLICATION

Standard Version:

For New Operator Applicant Groups to Establish New Charter Schools

FULL APPLICATION SUMMARY

Proposed Charter School Name ¹⁸			
Application History			
Proposed Board Chair Name			
Proposed Board Chair Email Address			
Proposed Board Chair Telephone Number			
Public Contact Name			
Public Contact Email Address			
Public Contact Telephone Number			
District of Location			
Opening Date			
Proposed Charter Term ¹⁹	Initial 5-year term		
Proposed Management Company or Partner Organizations			
Priority School Design Elements			
Projected Enrollment and Grade Span for Indicated Years	Year	Grades	Enrollment
	1		
	2		
	3		
	4		
	5		
Mission Statement:			

Please complete the table above and provide a two-page summary of the proposed school. Include a discussion of the mission; objectives; key design elements; other unique characteristics of the program (if any); identification of student communities to be served or targeted; curriculum and instructional features; plan for instructional staffing and leadership/management design; plans for relationships with management or other partner organizations; and any other relevant information.

The Application Summary is intended to provide the public with a concise description of the proposed school and may be shared to respond to public inquiries and used for documents prepared for the consideration of the Board of Regents. **Please limit the Summary to two pages.** This section

¹⁸ N.Y. Education Law § 2851(2)(k)

¹⁹ N.Y. Education Law § 2851(2) (p). Typically, the charter term requested should be five years of operation.

of the application will not count against Full Application page limitations. The Application Summary will not be formally evaluated by peer reviewers, but the information provided must be consistent with information provided elsewhere in the Full Application.

CERTIFICATION AND ASSURANCES STATEMENT

Proposed Charter School Name:	
Proposed School Locations (District):	
Name of Existing Ed. Corporation (If applicable):	

I hereby certify that the applicant group/prospective Board of Trustees have all read Article 56 of the New York State Education Law and understand the relationship between a charter school and the authorized chartering entity as defined in that statute. By submitting a charter school application to the Board of Regents, the applicant group/prospective Board of Trustees understands that the Board of Regents is the authorized chartering entity with the authority to approve our application to establish the proposed charter school and enter into a charter agreement setting forth the terms and conditions under which the Board of Trustees will operate the charter school. The applicant group/prospective Board of Trustees also understands that this charter school application serves as the first component of an application for a federal Charter Schools Program (CSP) Planning and Implementation Grant. We understand that if the charter application is approved and a charter is issued by the Board of Regents, the school is qualified to receive a CSP grant, pending available funding and final approval of additional materials – including budget materials - by NYSED and by the New York State Office of the Comptroller. We agree to complete all required budget information and assurances according to forthcoming instructions and a revised timeframe to be issued by NYSED.

I hereby certify that the information submitted in this application is true to the best of my knowledge and belief; and further I understand that, if awarded a charter, the proposed school shall be open to all students on a space available basis, and shall not discriminate or limit the admission of any student on any unlawful basis, including on the basis of ethnicity, race, creed, national origin or ancestry, gender, sexual orientation, disability, intellectual ability, measures of achievement or aptitude, athletic ability, age, religion, proficiency in the English language or a foreign language, or academic achievement. I understand that the Charter Schools Act allows, to the extent consistent with Federal law, “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/Multilingual Learners.”²⁰

The applicant group also makes the following assurances pursuant to Section 7221b of the United States Code (USC), which will be incorporated into, and made a part of, the Charter School’s charter, if granted, and be binding on the Charter School itself:

- An assurance that the charter school will annually provide the Secretary of the U.S. Department of Education and the State Education Department such information as may be required to

²⁰ N.Y. Education Law § 2854(2)(a)

determine if the charter school is making satisfactory progress toward achieving the objectives described in this application;²¹

- An assurance that the charter school will cooperate with the Secretary of the U.S. Department of Education and the State Education Department in evaluating the program assisted;²² and
- That the charter school will provide such other information and assurances as the Secretary of the U.S. Department of Education and the State Education Department may require.²³
- That the school will follow any additional procedures required by NYSED to ensure an orderly closure and dissolution process, including compliance with the applicable requirements of Education Law §§2854(2)(t), 219 and 220 and any Closing Procedures specified by NYSED.

I, enter name of Proposed Board Chair, hereby certify that the information submitted in this Full Application to establish Enter Name of Proposed Charter School is true to the best of my knowledge and belief, realizing that any misrepresentation could result in disqualification from the application process or revocation after issuance of the charter.

Signature of Proposed BOT Chair:

Date:

²¹ 20 USC § 7221b(b)(3)(J)

²² 20 USC § 7221b (b)(3)(K)

²³ 20 USC § 7221b (b)(3)(N)

I. MISSION, KEY DESIGN ELEMENTS, ENROLLMENT, AND COMMUNITY

A. MISSION STATEMENT, OBJECTIVES AND GOALS

General Overview: Charter schools should be mission-driven organizations designed to accomplish the objectives established in Education Law §2850(2):

- a) Improve student learning and achievement;
- b) Increase learning opportunities for all students, with special emphasis on expanded learning experiences for students who are at-risk of academic failure;
- c) Encourage the use of different and innovative teaching methods;
- d) Create new professional opportunities for teachers, school administrators and other school personnel;
- e) Provide parents and students with expanded choices in the types of educational opportunities that are available within the public-school system; and
- f) Provide schools with a method to change from rule-based to performance-based accountability systems by holding the schools established under this article accountable for meeting measurable student achievement results.

A school's mission statement provides the foundation for the entire charter application and for the full term of the school's charter. All elements of the school design should align with and support achievement of the proposed mission. Schools must also determine how they will evaluate and be held accountable for achievement of their mission. Schools must present the goals they intend to use to measure student achievement, the overall educational program, and the key components of the school design in alignment with the mission. Charter renewal recommendations will ultimately be based on progress toward and achievement of the benchmarks in the Charter School Performance Framework as well as the school's mission-specific goals. 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 progress/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.

Requests:

1. Present the school's mission statement.
2. Explain how the school will materially further one or more of the objectives specified in the Charter Schools Act.
3. Present the school's mission-specific goals and explain the rigor and ambitiousness of those goals. At a minimum these must include academic performance goals, but may also include operational, governance, financial or other types of goals. Schools proposed to serve non-state testing grades, i.e., grades K-2, must include specific academic performance goals for those grades.

Evaluation Criteria:

A response that meets the standard will:

1. Present a concise mission statement, which establishes clear and measurable outcomes that are desired as a result of implementing the school program.
2. Present a mission statement that defines the purpose and key values of the proposed charter school, informs the public about the students the school intends to serve and incorporates language regarding the priority school design(s)²⁴.
3. Present a mission that is consistent with high academic standards set forth in the Charter School Performance Framework.
4. Present a mission that is reflected throughout all sections of the application.
5. Clearly demonstrate how the proposed school will further at least one of the objectives specified in Education Law §2850(2).
6. Present measurable goals that reflect the school's mission, including academic performance goals, particularly for grades K-2 if applicable, and provide compelling rationale for the rigor and ambitiousness of those goals, including evidence and/or data.

B. KEY DESIGN ELEMENTS

General Overview: Key design elements are those aspects of the school that are innovative or unique to the school's mission and goals, are core to the school's overall design, and critical to its success. They may be elements of the education or organizational plan and may include a specific content area focus; unique student populations to be served; specific educational programs or pedagogical approaches; unique calendar, schedule, or configurations of students and staff; and/or innovative organizational structures and systems. The Charter Schools Act allows, to the extent consistent with Federal Law, "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/Multilingual Learners."²⁵ The key design elements should fit together into a cohesive school design that is supported by the proposed budget. While it is important to provide a rationale for the key design elements that is grounded in research and precedent, applicants may also present and refer to supporting information in subsequent sections that focus on specific aspects of the school, e.g., curriculum and instruction, culture or management and staffing. Approved schools will be accountable for implementation of the key design elements included in their charter (see Charter School Performance Framework Benchmark 8).

Requests:

1. Provide a list and description of the proposed school's key design elements.

²⁴ N. Y. Education Law § 2851(2)(a)

²⁵ N. Y. Education Law § 2854(2)(a)

2. Describe the rationale for selecting these key design elements and provide any supporting research, evidence of effectiveness or examples of existing programs that serve a similar target student population that support the use of these key design elements in this school.
3. If applicable, provide a request and justification for waivers of any federal statutory or regulatory provisions that the applicant believes are necessary for the successful operation of the charter school, and a description of any state or local rules, generally applicable to public schools, that the applicant proposes to be waived or otherwise do not apply to the school.²⁶

Evaluation Criteria:

A response that meets the standard will:

1. Provide a concise (generally no more than 3 pages) description of critical and/or unique features that are core to the school's overall design.
2. Demonstrate clear alignment with the school's mission and all aspects of the Full Application, including educational, organizational, and fiscal plans.
3. Present evidence of success if drawing on existing models and/or present research or other information that demonstrates the efficacy of each proposed design element if it does not have a precedent.
4. Demonstrate how the key design elements will serve the diverse needs of all students.

C. COMMUNITY AND STUDENTS TO BE SERVED

General Overview: The characteristics and demographics of the community to be served are essential factors that inform the design of a successful charter school, ultimately driving support for student enrollment and community involvement in the school. At a minimum, applicants must demonstrate knowledge of any community school district (CSD) in which the school will be located and from which it will draw students. Applicants may also highlight narrower communities or neighborhoods within a CSD or discuss plans for drawing students from across multiple CSDs. Likewise, the academic program must reflect the needs of the specific target student population to be served.

Successful charter schools are typically embedded in their community and leverage community assets to help start and sustain the school. Community support may involve student recruitment, the academic program, professional development, facility assistance, fundraising or any other aspect of the school design. Applicant groups should cultivate community support and provide evidence of specific commitments in their charter application.

Requests:

1. Describe the community to be served by the proposed school.

²⁶ 20 USC § 7221b(b)(3)(G)

2. Describe the educational options in the community, including the number, type and academic performance of local public and private schools. Provide academic data about the sending district's performance for the grade levels the proposed school will serve, including relevant NYS assessment outcomes and graduation rates, if applicable.
3. Describe the target student population to be served within the proposed school community, including the anticipated percentages of students meeting priority key design criteria, students with disabilities, English Language Learners/Multilingual Learners, and economically disadvantaged students.
4. Describe the needs of the community that will be met by the proposed school.
5. Explain the rationale for selecting the school community and target population.
6. Explain how this school will enhance or expand educational options, including whether the educational program or innovative methods to be used by the proposed school differ from the district or districts from which the charter school is expected to enroll students.
7. Provide an assessment of the depth and commitment of community support and/or opposition within the proposed sending district(s)/region for the proposed school. Explain how community assets will be leveraged and any challenges presented by opposition will be overcome.
8. Describe how the school will engage with, enroll, and retain students who meet the criteria of the school's chosen priority school design(s).

Attachments:

- ❑ **Required Attachment 2c: Evidence of Community Support;** Provide letters of support or other evidence of community support for the proposed school. Support must reflect the specific proposed school and should not be merely support for charter schools or education reform in general.
- ❑ **Optional Attachment 2d: Evidence of District Support for Restart/Turnaround;** Proposed charter schools that are intended to operate as a restart or turnaround school or to provide an option for students who are at risk of academic failure because they reside in a community served by a school that is persistently low-achieving must provide a Letter of Support from the school district.

Evaluation Criteria:

A response that meets the standard will:

1. Demonstrate clear knowledge of the community and understanding of its needs. At minimum this must include an analysis of the CSD in which the proposed school will be located, including demographics of the community and description of local schools.
2. Demonstrate clear knowledge of the target student population and understanding of its needs.
3. Present a compelling rationale for selecting the school community and target student population and explain the applicant group's ability to serve this community.
4. Demonstrate how the proposed school increases options and innovation in the community.

5. Demonstrate concrete community support that will help to open and sustain the school, i.e., specific commitments rather than general overtures of support.
6. Identify any known opposition and demonstrate capacity to successfully overcome it.
7. Include a letter of support from the school district if the proposed charter school is intended to operate as a restart or turnaround school or is intended to provide an option for students who are at risk of academic failure because they reside in a community served by a school that is persistently low-achieving.
8. Describe in detail how the school will engage with, enroll, and retain students who meet the described priority school design(s).

D. APPLICANT GROUP HISTORY AND CAPACITY

General Overview: The applicant group consists of those participating in the planning of the application to establish the proposed charter school, those individuals who will comprise the initial board of trustees, and those individuals who will become school employees. The applicant group must include at least one qualified applicant (teachers, parents, school administrators, community residents) and at minimum five proposed members of the school's board of trustees.

Requests:

1. Identify and provide a brief description of each member of the applicant group.
2. Describe the process by which the applicant group formed, any pre-existing relationships among members, how the school design and application were developed, and how public outreach was conducted.
3. Identify the primary author(s) of the final application. Provide the names of any paid consultants or organizations that were involved in the development, fiscal planning or writing of the application.

Required Attachments:

- ☐ **Table 1: Applicant Group Information;** If any applicant group members have been added between the Letter of Intent and Application phases, please update and resubmit Table 1 to reflect the additional members.

Evaluation Criteria:

A response that meets the standard will:

1. Present an applicant group that includes one qualified applicant and a minimum of five proposed board members.
2. Provide all requested information about applicant group members in Table 1.
3. Present an applicant group that possesses the range of expertise necessary for successful founding of a charter school.
4. Demonstrate applicant group involvement in and ownership of the charter school proposal, including development of the application and public outreach.

Note Regarding a Criminal Background Check/Fingerprint Scan: All members of the applicant group are required to undergo criminal background checks via fingerprint scans.²⁷ NYSED will contact any members of the applicant group added after submission of the Letter of Intent to arrange for the required fingerprint scans.

E. PUBLIC OUTREACH

General Overview: N.Y. Education Law Section 2852(9-a)(b)(ii) states that the Board of Regents shall not consider any applications that do not rigorously demonstrate that the applicant has conducted public outreach, in conformity with a thorough and meaningful public review process prescribed by the Board of Regents. Applicants should record and present evidence of their attempts to engage with each of the following groups:

- 1. Students, families, and community members;**
- 2. Existing district and charter schools;**
- 3. Community based organizations and companies; and**
- 4. Elected or appointed officials.**

The public review process should include, but is not limited to, the following components:

- 1. Informing the community about the proposed charter school, including the intended location, the target student population, the grades to be served, and a description of the educational program(s) to be offered.** This should include reasonable notice to stakeholders in the community, and may be achieved through several means, including but not limited to: community letters and flyers, news and/or web articles, advertisements, community meetings, meetings with stakeholders, and other means employed by the applicant;
- 2. Providing stakeholders in the community the opportunity to submit comment on the proposed charter school.** This may be achieved through the means listed above, the provision of an email or website for comment submission, as well as other means employed by the applicant;
- 3. At least one public meeting with stakeholders in the community in the school district in which the proposed charter school is to be located.** Reasonable public notice should be provided to community stakeholders; and
- 4. Addressing comments received from the impacted community concerning the educational and programmatic needs of students.** This may be achieved through discussions at community and stakeholder meetings, interviews, written responses to written comments received, as well as other means employed by the applicant.

Applicants were asked to complete and submit *Table 2: Public Outreach Information* with their Letter of Intent to demonstrate initial public outreach. The Full Application should demonstrate fulfillment of all four components. **However, public outreach can and should continue after**

²⁷ N.Y. Education Law § 2852(4)

submission of the application and additional evidence may be presented during the capacity interview and through the public comment process.

Requests:

1. Describe who participated in public outreach on behalf of the founding group.
2. Provide a summary of public outreach activities.
3. Describe any notable public input that significantly shaped the school design.

Required Table and Attachments:

- ❑ **Table 2: Public Outreach Information;** Resubmit Table 2 from the Letter of Intent and update the information contained therein to include outreach conducted to date.
- ❑ **Attachment 2b: Evidence of Public Review Process;** This attachment should provide a sampling of documentary evidence related to the public review process. Attachments should be limited to documents that provide meaningful and relevant information about the community outreach and public input. Please do not submit photocopied form letters of support or petitions containing signatures and addresses. Include any evidence that the school informed the community about the proposed charter school and invited comments and input and provide evidence that comments/input were addressed. Examples of evidence may include, but are not limited to:
 - Attendance lists from meetings and events;
 - Public meeting flyer with sign-in sheet and signatures;
 - Minutes or summaries of public meetings and meetings with stakeholders (school boards, school district administrators, elected officials, community leaders, parent organizations, etc.);
 - Surveys distributed and resulting statistical analysis;
 - Public awareness campaigns (emails, social media postings, media, etc.) with documented results;
 - Responses sent to members of the public who submitted comments/input concerning the proposed charter school;
 - Copies of received letters or emails;
 - Invitations sent for meetings and events; and
 - Media announcements or articles.

Evaluation Criteria:

A response that meets the standard will:

1. Demonstrate that the community has been well-informed about the proposed charter school, including the intended location (whether in private or public building space), the target student population, the grades to be served, and a description of the educational program(s) to be offered.
2. Demonstrate that the public had adequate opportunity to comment on the proposed school.
3. Include evidence that the applicant group held at least one public meeting with stakeholders in the community in the school district in which the proposed charter school

is to be located, and that reasonable public notice was provided to community stakeholders.

4. Demonstrate that the applicant group was responsive to comments received from community stakeholders and ensured that those comments were considered and addressed in the school proposal.

Please be aware that the Board of Regents will not consider an application that does not sufficiently demonstrate that the public review process described above has been thoroughly conducted. Since public outreach activities are expected to be ongoing throughout the application review process, additional information about public outreach activities is expected at the Capacity Interview and/or through the NYSED public comment period. Public outreach must be specific and original to the proposed school and cannot be transferred from a replicated school. Each application, even if the applicant group has previously responded to a new school RFP or currently operates a charter school, requires updated community outreach specific to each application (i.e., the community needs to be informed and provided with another opportunity to comment on the current proposal).

F. ENROLLMENT, RECRUITMENT, AND RETENTION

General Overview: Charter schools are schools of choice that are thus accountable directly to parents. Charter schools must recruit their students and retain adequate numbers to be financially viable. They must also demonstrate how the charter school will meet or exceed enrollment and retention targets set by their authorizer. The minimum number of students shall be at least fifty at a single site, or, if less than fifty students are to be served by the school, the response must include a compelling justification for the enrollment projection. NYSED is unlikely to recommend for approval charters with enrollment plans that terminate in grades in the middle of logical grade spans at the end of the charter period, e.g., a grades 6-10 school. Instead it is recommended that applicants propose distinct elementary, middle or high school programs and approved schools can request to add grades mid-charter with evidence of strong enrollment and academic performance, e.g., propose a grade 6-8 school and then, once the school has demonstrated success, request to add high school grades in the fourth year of operation.

Requests:

1. Complete the Projected Enrollment Table provided below, including the number of students and the ages and grade levels to be served in each year of the proposed charter term.
2. Explain the rationale for this enrollment plan, including school and grade sizes, growth patterns, alignment with grade configurations of other local schools, and assumptions about student attrition and retention of students from grade to grade.²⁸ If the school will continue to grow after the first charter term, present the ultimate grade span goal and the year in which this would occur.

²⁸ Please note N.Y. Education Law § 2854(3)(b-1) requirements regarding negotiating unit representation for employees in a charter school that enrolls more than 250 students at any point during the first two years after the charter school commences student instruction.

3. Describe the student recruitment plan, including how families in the community will be informed about the charter school and any community assets that will be leveraged to recruit students. Practices used, or to be used, to enroll and retain a comparable number of students with disabilities, English Language Learners/Multilingual Learners, and economically disadvantaged students should be provided.
4. Provide evidence of interest in and demand for the proposed school.
5. Describe the proposed application, admissions, and enrollment process, including a plan for a public lottery.
6. Identify and explain enrollment preferences, including any preferences for students the applicant group has defined as at-risk of academic failure.
7. Describe how any vacancies created during the school year will be filled (backfilling) and any date by which the school will no longer fill such vacancies.
8. Complete the **Enrollment and Retention Targets Table** provided **below** using the [Charter School Enrollment and Retention Targets](#) resources on the NYSED webpage.
9. Describe the school's plans to meet or exceed the enrollment and retention targets established by the Board of Regents for students with disabilities, English Language Learners/Multilingual Learners, and economically disadvantaged students.

Evaluation Criteria:

A response that meets the standard will:

1. Provide a reasonable and sustainable enrollment plan that aligns with other application sections, including the education, staffing and budget plans.
2. Provide a student recruitment plan that specifically addresses students with disabilities, English Language Learners/Multilingual Learners, and economically disadvantaged students, is likely to achieve the school's enrollment targets, and demonstrates how students will be given an equal opportunity to attend the charter school. Practices used, or to be used, that have demonstrated success with comparable populations, or in the school(s) being replicated, should be included.
3. Provide a fair and equitable admissions process with a clear rationale for any enrollment preferences.
4. Provide evidence of adequate demand for and interest in the charter school sufficient to reach its anticipated enrollment.
5. Provide a reasonable approach to meeting enrollment and retention targets.
6. Provide a clear plan for filling vacancies and/or provide a strong rationale for leaving seats vacant.

Required Attachment:

- ☐ **Attachment 1: Admissions Policy and Procedures;** *(Policy should state how any vacancies created during the school year will be filled and any date by which the school will no longer fill such vacancies).*

Projected Enrollment Table Over the Charter Term ²⁹						
Grades	Ages	2021-2022	2022-2023	2023-2024	2024-2025	2025-2026
K						
1 st						
2 nd						
3 rd						
4 th						
5 th						
6 th						
7 th						
8 th						
9 th						
10 th						
11 th						
12 th						
Ungraded						
Totals						

Enrollment and Retention Targets		
	Enrollment # / %	Retention # / %
Economically Disadvantaged		
Students with Disabilities		
English Language Learners/Multilingual Learners		

G. PROGRAMMATIC AND FISCAL IMPACT

General Overview: The Charter Schools Act requires applications to include “Evidence of... an assessment of the projected programmatic and fiscal impact of the school on other public and nonpublic schools in the area.” Applicants should use this section to describe the possible positive and negative impact of their proposed school on local schools during the charter term.

Requests:

1. Provide an assessment of the projected programmatic impact of the proposed school on other public and nonpublic schools in the area.
2. Provide an assessment of the projected fiscal impact of the proposed school on other public and nonpublic schools in the area using the **Fiscal Impact Table** below.

Required Table:

²⁹ N.Y. Education Law § 2851(2)(p)

- ☐ **Fiscal Impact Table:** Complete the fiscal impact table below and include in the narrative

Evaluation Criteria:

A response that meets the standard will:

1. Demonstrate a reasonable assessment of programmatic impact on other public and non-public schools in the area.
2. Demonstrate a reasonable assessment of fiscal impact on other public and nonpublic schools in the area. **(Please footnote your sources and assumptions.)**

Projected Fiscal Impact upon District of Location							
Year	Number of Enrolled Students	Charter School Basic Per Pupil Tuition Rate	Total Charter School Per Pupil Cost to District	Estimated Additional Costs to District (e.g. SPED funds)	Total Projected Funding from District	Total District General Fund Budget	Projected Impact on District Budget
2021-22							
2022-23							
2023-24							
2024-25							
2025-26							

II. EDUCATIONAL PLAN

A. EDUCATION PHILOSOPHY

General Overview: Undergirding the academic program design should be a set of beliefs about teaching and learning that inform choices about curriculum, instruction, and assessment.

Requests:

1. Briefly describe the applicant group's education philosophy, including core beliefs and values about teaching and learning.
2. Provide a short summary of research or theories that substantiate this philosophy.

Evaluation Criteria:

A response that meets the standard will:

1. Present a clear and coherent education philosophy that informs the design of the academic program.
2. Provide specific research and theories that support the school's approach to teaching and learning.

B. CURRICULUM

General Overview: The application must include a description of the school's proposed curriculum.³⁰

Requests:

1. Describe the school's processes for selecting and/or developing curriculum.
2. Describe the school's processes for horizontally aligning curriculum across subjects and vertically aligning curriculum across grades, and for reviewing and revising curriculum. In this response, please include timelines, who will be involved, and the role of teachers in these processes. Explain how these processes will ensure that the curriculum is aligned to state standards and tests and meets the needs of all students, including students with disabilities, English Language Learners/Multilingual Learners, students below grade level, and advanced students.
3. Describe how the school's curriculum will be organized and the curriculum resources that will be used to determine what teachers should teach and when they should teach it (e.g., curriculum maps, scope and sequences, pacing guides, etc.). Explain who will create/select, evaluate and revise these resources.
4. Describe the materials that will be used to deliver the curriculum, including any textbooks, commercial programs, software and/or teacher developed materials. Explain who will create/select, evaluate and modify these resources.

³⁰ 20 USC § 7221b(b)(3)(A)(iii)

5. Describe any unique or innovative aspects of the curriculum and explain how the proposed curriculum aligns with the school's educational philosophy and furthers the school's mission and applicable key design elements.
6. Describe any research or existing models that support the use of the proposed curriculum.
7. Explain how the proposed curriculum will allow the school to meet Benchmark 1: Student Performance of the [Charter School Performance Framework](#).
8. Describe any supplemental curriculum that will be developed and/or selected for interventions, students meeting the identified priority school design criteria, special populations, and/or social emotional development or character education that will meet the needs of all students, including special populations.

Attachments:

- ☐ **Required Attachment 3: Course Descriptions;** Provide brief course descriptions for each subject at each grade level the school would serve within the initial charter term, including both core and non-core subject areas. These should include an overview of content and skills addressed by each course and any known curriculum programs or materials planned for the course. For high school proposals, provide an outline of course sequences leading to graduation.
- ☐ **Required Attachment 3a: Student and Teacher "Day in the Life";** Provide a brief narrative no more than 4 pages total describing a typical student and teacher day.
- ☐ **Optional Attachment 3b; *Please note:*** Applicants have the option to submit up to **10 pages** of curricular documentation for consideration. All supplemental material must relate directly to the Curriculum response and be labeled as **Attachment 3b** in the appendix. Such material can include, for example, framework or scope and sequence documents, unit or lesson plan templates, pacing calendars, or other means of cross-walking various curricula that may be essential to reviewers' understanding of the proposed school model.

Evaluation Criteria:

A response that meets the standard will:

1. Present a comprehensive curriculum that is consistent with the school's mission, target population, identified priority school design, key design elements, approach to serving at-risk students, staffing plan and other relevant components of the proposal and will meet the needs of all students, including special populations.
2. Present a reasonable plan for developing and implementing the school's curriculum, particularly in the core academic areas of English language arts, mathematics, science and social studies.
3. Ensure curriculum alignment with New York State Learning Standards and the New York State Testing Program;
4. Ensure the curriculum meets the anticipated needs of all students in the school, including special populations.
5. Present credible research and models that demonstrate the efficacy of the proposed curriculum design.
6. Ensure the curriculum will generate academic results that meet Benchmark 1: Student Performance of the Charter School Performance Framework.

C. INSTRUCTION

General Overview: The application must include a description of the school's proposed instructional practices.³¹

Requests:

1. Describe the specific instructional strategies and practices that will be used to deliver the curriculum and explain how these instructional methods will meet the needs of all students, including those with special needs, English Language Learners/Multilingual Learner and those at risk of academic failure.
2. Describe fully any unique or innovative aspects of the school's pedagogical approach and explain how the proposed instructional methods align with the school's educational philosophy and furthers the school's mission and applicable key design elements.
3. Explain how the school will define, support and ensure rigorous and engaging instruction.
4. Describe any research or existing models that support the use of these instructional methods.

³¹ 20 USC § 7221b(b)(3)(A)(iii)

Evaluation Criteria:

A response that meets the standard will:

1. Describe instructional methods that align with the school's education philosophy, mission and goals.
2. Describe instructional methods that are likely to meet the needs of the school's target population.
3. Provide precise definitions of instructional rigor and engagement and present a plan that is likely to ensure rigorous and engaging instruction.
4. Explain how the proposed instructional methods will provide special student populations with full and meaningful access to the curriculum.
5. Present credible research and models that demonstrate the efficacy of the proposed instructional methods.

D. SPECIAL STUDENT POPULATIONS AND RELATED SERVICES

General Overview: Charter schools have enrollment and retention targets for at-risk students and must demonstrate the capacity to identify and meet the needs of special student populations, which include the identified priority school design population, students with disabilities, English Language Learners/Multilingual Learners, struggling students and gifted/advanced students. **Please respond to questions in Attachment 13 to provide specific information about the school's English Language Learners/Multilingual Learners.**

Requests:

1. Unless covered in Attachment 13, describe the proposed school's specific processes, methods, strategies and/or programs for identifying and serving students who are struggling academically and are at risk of academic failure, those who qualify for the identified priority school design, students with disabilities, English Language Learners/Multilingual Learners, and gifted and advanced students.
2. Unless covered in Attachment 13, provide a rationale for these approaches and explain how they align with the school's mission and education philosophy.
3. Unless covered in Attachment 13, provide any research or evidence that supports the appropriateness of the school's approach to serving special populations.
4. Unless covered in Attachment 13, describe the staff members who will be responsible for meeting the needs of special populations and their responsibilities and qualifications.
5. Explain how services for special populations will be coordinated with general education instruction.
6. Unless covered in Attachment 13, describe any ancillary and support services the school expects to offer students and their families, such as counseling, family outreach, and/or relationships with community organizations or service agencies.
7. Unless covered in Attachment 13, describe the process used to evaluate the effectiveness of the programs employed to support special student populations and how the school will ensure that it is meeting the needs of these students.

Attachments:

- ❑ **Required Attachment 13:** English Language Learners/Multilingual Learners Plan: Please provide more specific information including the school's vision of support and instruction for English Language Learners/Multilingual Learners by responding to questions in Attachment 13 on page 78.

Evaluation Criteria:

A response that meets the standard will:

1. Unless covered in Attachment 13, provide specific plans for meeting the needs of special populations both within general education classrooms and in other settings.
2. Unless covered in Attachment 13, provide specific plans for meeting the needs of special populations that align with other application sections, including target population, curriculum, instruction, assessment, staffing and budget.
3. Unless covered in Attachment 13, describe a Response to Intervention (RTI) process for identifying and meeting the needs of struggling students.
4. Demonstrate a clear understanding of law and regulations regarding identification and services for special populations, including the role of the Committee on Special Education (CSE) and Individualized Education Programs (IEPs).
5. Describe the specific special education services that will be offered with a compelling rationale for selecting those services.
6. Explain how the school will work with the districts of residence to ensure that eligible students receive services consistent with their IEPs and comparable to services provided in other public schools in the district.
7. Describe how the school will manage IEP record-keeping, including the processes for providing copies of the IEPs to teachers and service providers.
8. Unless covered in Attachment 13, demonstrate how the general education classroom environment and instructional approach will be responsive to the needs of special student populations and explain how they will be effectively coordinated with other interventions and services for special populations.
9. Unless covered in Attachment 13, provide compelling research or evidence that demonstrates the appropriateness and effectiveness of the school's approach to serving special populations.

E. ASSESSMENT SYSTEM

General Overview: Successful charter schools are data-driven organizations that regularly assess performance and adjust as part of a process of continuous improvement.

Requests:

1. Describe the school's use of diagnostic, formative, interim, and summative assessments to evaluate academic progress and achievement, including each assessment's purpose, design, and format.
2. Explain how assessments will be selected and/or created and who will be involved in this process.
3. Provide an annual assessment calendar to demonstrate the frequency of assessments.
4. Explain how the school will ensure the validity and reliability of its assessments.
5. Describe the school's processes for administering assessments and collecting, storing and analyzing data.
6. Explain how the following stakeholders will use data: teachers, administrators, board members, families and students.
7. Explain how individual student, student cohort and school-wide results will be used.
8. Explain any goal-setting practices for students, teachers and administrators.
9. Describe how the school will inform families and students about academic progress and achievement.

Evaluation Criteria:

A response that meets the standard will:

1. Present a comprehensive assessment plan likely to meet the needs of all stakeholders.
2. Present an assessment plan that aligns with the school's mission, goals, and education philosophy.
3. Present an assessment plan that aligns with the calendar, curriculum, staffing, budget and other sections of the application.
4. Demonstrate the ability to ensure valid and reliable assessments.
5. Demonstrate understanding of and commitment to assessment requirements applicable to all public schools consistent with state law³² and relevant policies of the Board of Regents, including the New York State Testing Program.
6. Present a clear and credible plan for sharing relevant data with students, families and the school community.

³² N.Y. Education Law § 2854(1)(b)

F. PERFORMANCE, PROMOTION, AND GRADUATION STANDARDS

General Overview: Charter schools must meet the same performance standards and assessment requirements set by the Board of Regents for students in other public schools but may also set their own unique promotion and graduation requirements in line with their mission and goals.

Requests:

1. Describe the proposed school's policies and standards for promoting students to the next grade, achievement level, or grouping level.
2. Explain what the school will do for students who do not meet its promotion and/or graduation standards.
3. If the proposed school will serve the 12th grade, provide the school's requirements to obtain a high school diploma.

Required Attachment:

- ☐ **Attachment 3c: Exit Standards;** Provide sample exit standards for English language arts, mathematics, and one other subject area for each level (i.e., elementary, middle, high) that the school intends to operate.

Evaluation Criteria:

A response that meets the standard will:

1. Demonstrate that promotion and graduation standards are aligned with the school's mission, goals, educational program, and assessment system.
2. Demonstrate adequately rigorous performance standards that will allow the school to achieve the benchmarks in the Charter School Performance Framework and mission-specific goals.
3. For high schools, demonstrate that the school's graduation standards are aligned with state requirements for obtaining a high school diploma.
4. Describe a viable plan for meeting the needs of failing students.

G. SCHOOL CULTURE AND CLIMATE

General Overview: School culture is critical not only to the academic success of charter schools, but to student and staff retention as well. Applicant groups must have a clear vision of their school culture and a detailed plan for realizing that vision. The school may employ schoolwide, grade-wide or class-based strategies and applicants should address the social-emotional development of their students as well as their approach to behavior management and discipline.

Requests:

1. Present a vision of school culture that aligns with the school's mission and education philosophy.
2. Provide any research or proof of effective existing models that support the proposed

approach to school culture and discipline.

3. Explain who has primary responsibility for school culture and discipline.
4. Describe the strategies and staff the school will employ to develop and sustain this school culture.
5. Explain how the school will establish a safe and orderly school environment that is conducive to learning.
6. Explain how the school will promote, monitor and assess the social-emotional development of its students.
7. Explain the school's approach to student behavior management and discipline for both the general student population and for students with disabilities.
8. Explain how the school will monitor and evaluate the efficacy of school culture and discipline.

Required Attachment:

- ☐ **Attachment 4: Student Discipline Policy;** Provide a student discipline policy that includes rules and procedures by which students may be disciplined up to and including expulsion or suspension from the school, which are consistent with (a) the requirements of due process and with federal laws and regulations governing the placement of students with disabilities³³, and (b) the requirements of the Dignity for All Students Act (Education Law Article 2) relating to the creation of policies intended to create a school environment that is free from discrimination or harassment.³⁴

³³ N.Y. Education Law § 2851(2)(h)

³⁴ N.Y. Education Law Article 2

Evaluation Criteria:

A response that meets the standard will:

1. Present a clear and detailed vision of school culture.
2. Present a credible plan for creating and sustaining a school culture that aligns with the school's mission and education philosophy and supports academic achievement and social emotional development.
3. Present a reasonable plan for establishing a school environment that is safe and conducive to learning and describes specific and age-appropriate behavior management strategies that are either school-wide, grade-wide or class-based.
4. Present age-appropriate strategies for the social-emotional development of its students with a reasonable plan for monitoring and assessing student growth.
5. Provide a student discipline policy that reflects the mission and culture of the school. The discipline policy must specify: the substantive acts for which a child may be disciplined, the consequences (or range of consequences) resulting from committing each such act, the due process procedures that the school will follow in applying its discipline policy (in accordance with federal law), and the individuals responsible for carrying out the discipline policy and any appeals.
6. Describe practices to be used that will promote retention and reduction in discipline practices that remove students from the classroom.
7. Demonstrate a clear understanding of the law regarding due process and procedures for disciplining students with disabilities.
8. Provide compelling research or evidence that demonstrates the appropriateness and effectiveness of the school's approach to school culture and discipline.

H. SCHOOL SCHEDULE AND CALENDAR

General Overview: The Charter Schools Act requires applicants to submit "The school calendar and school day schedule, which shall provide at least as much instruction time during a school year as required of other public schools." In addition to the information included in the narrative as per the evaluation criteria, three attachments are required for this section.

Requests:

1. Provide a brief explanation of the school calendar, noting any unique or innovative aspects and how it aligns or differs from the district calendar. Address the number of instructional days, organization of the school year (e.g., quarters, semesters, trimesters), professional development days, and summer programming and/or instruction for students and/or teachers.
2. Provide a brief account of the instructional day, from three student perspectives: on-grade level, at risk for academic failure, and above grade level.
3. Provide a brief explanation of the student weekly schedule, noting any unique or innovative aspects and how it supports implementation of the academic program and school culture.

Address core and non-core classes, intervention and remediation programs, electives, and other relevant key design elements.

4. Provide a brief explanation of the teacher weekly schedule, noting any unique or innovative aspects and describing the length of the teacher's workday, supervisory time, planning periods, professional development, and any other duties the teacher performs in each day.
5. Provide any research or other evidence that supports the school's calendar and schedules.

Required Attachments:

- ☐ **Attachment 4a: Sample Weekly Student Schedule;** Provide a sample weekly student schedule for at least one grade that is representative of each level the school intends to operate (elementary, middle, and/or high school). If scheduling structures are unique to each grade, please provide a sample schedule for each grade.
- ☐ **Attachment 4b: Sample Weekly Teacher Schedule;** Provide a sample weekly teacher schedule for at least one grade that is representative of each level the school intends to operate. If scheduling structures are unique to each grade, please provide a sample schedule for each grade.
- ☐ **Attachment 4c: Proposed First Year Calendar;** Provide a copy of the proposed school calendar for year one of the school's operations that clearly demonstrates:
 - Days that school is in session;
 - Holidays, days off, and half days;
 - Professional development days;
 - Summer programming and/or instruction;
 - First and last days of class; and
 - Organization of the school year (quarters, semesters, trimesters) including the beginning and ending for each segment.

Evaluation Criteria:

A response that meets the standard will:

1. Demonstrate how the proposed daily instructional schedule will meet the needs of students of all levels and abilities.
2. Present a calendar that demonstrates the required number of instructional days and aligns with the school's mission and school design.
3. Present student and teacher schedules that align with each other and the proposed education program.
4. Present student schedules that provide adequate time to achieve the school's academic performance and other goals.
5. Present teacher schedules that provide adequate time for instruction, planning and professional development.
6. Present compelling research or models that demonstrate the efficacy of the school's calendar and schedules.

III. ORGANIZATIONAL AND FISCAL PLAN

A. ORGANIZATIONAL STRUCTURE

General Overview: Charter schools are unique institutions that must be effectively structured and organized to support their education, operations and financial plans. Applicants should present an organizational chart that clearly outlines how they will structure their school to meet the myriad needs of stakeholders and achieve their mission and goals. An effective organizational chart does not need to represent all individual staff members, and instead should focus on the types of positions the school will employ. In addition, the organizational chart should show how the school's structure will change over time to reflect growth in student and staff sizes. This can be accomplished with multiple charts or a single chart with footnotes indicating when specific positions are added to the organization.

Requests:

1. Provide an organizational chart that shows the staffing structure and lines of reporting for the board, administration, and staff over the charter term. Include management and/or partner organizations if applicable.
2. Explain and provide a rationale for the organizational structure of the school.

Evaluation Criteria:

A response that meets the standard will:

1. Present an organizational chart with clear lines of accountability and reasonable supervision responsibilities over the course of the charter term.
2. Present an organizational chart that aligns with the school's mission, program design, staffing plan, budget and other relevant sections of the application.
3. Demonstrate a clear understanding of the administrative relationship between the charter school and the Board of Regents as the chartering entity.

B. BOARD OF TRUSTEES AND GOVERNANCE

General Overview: The board of trustees of the charter school education corporation has final authority for policy and operational decisions of the school, but the board may delegate decision making authority to officers and employees of the school in accordance with the provisions of the charter. The proposed initial board as identified in Table 1 must consist of a minimum of five members and no more than 25 members.³⁵

Requests:

1. Describe the roles and responsibilities of the school's board of trustees.
2. Describe the proposed governance practices of the school, including:

³⁵ N.Y. Education Law §226(1)

- Board size
 - Qualifications for board membership
 - Board member recruitment and selection
 - Board member appointment or election
 - Member terms
 - Ex officio and/or representative positions
 - Structure of the board, including officers and committees
 - Conduct of board and committee meetings
 - Process to govern multiple schools under one educational corporation
 - Process to promote parental and staff involvement in school governance
 - Adherence to Open Meetings Law
 - Board training and development and for new and veteran members
3. Describe the expertise and backgrounds of the proposed members of the initial board of trustees and any vacant positions that will be filled between charter approval and school opening.
 4. Describe what authority the board of trustees will retain and what authority it will delegate to school employees or others.
 5. Explain how the board of trustees will hold school management (and management or partner organizations if applicable) accountable for achieving the school's mission and goals.

Required Attachments:

- ☐ **Table 1: Applicant Group Information;** If any Board of Trustee members *have been added or removed* between the Letter of Intent and Application phases, please update in Table 1 to reflect these changes.
- ☐ **Attachment 5a:** For each new member or proposed trustees of the applicant group, please submit the following:
 - **New Applicant and Prospective School Trustee Background Information Form:** Include a signed Statement of Assurance and a signed Statement of Intent which is included at the bottom of the Assurance statement. See Background Information Sheet at [Starting a Charter School - 2020](#).
 - **Resume or Curriculum Vitae:** Provide a resume that includes all experience and expertise relevant to the founding, managing and governing of a charter school.
 - **Education Credentials:** If an individual has a high school diploma, GED or equivalent, an undergraduate or graduate degree from a higher education institution or a transcript, please provide a copy such documentation from their highest level of education attained.
 - If an individual has education credentials but cannot provide such documentation, please submit a signed and notarized letter stating the highest level of education obtained and the reason why the documentation cannot be provided.
 - **Note:** Individuals are not required to have any of the above referenced education credentials to serve on a charter school's board of trustees. To the extent available, such documentation is used for identity verification.
- ☐ **Attachment 5b: By-Laws;** Submit a draft of proposed by-laws for the board of trustees.

- ☐ **Attachment 5c: Code of Ethics;** Submit a draft of a proposed Code of Ethics for the charter school.

Evaluation Criteria:

A response that meets the standard will:

1. Demonstrate a clear understanding of the key roles and responsibilities of a charter school board of trustees and its officers, including the administrative relationship between the charter school governing board and the Board of Regents as the chartering entity.
2. Present governance practices likely to produce effective oversight and accountability for the school, including effective recruitment of members with relevant expertise, conduct of monthly meetings at the school, ongoing board training and development, and reasonable delegation of authority to school employees.
3. Present proposed by-laws that meet the requirements of Education Law and all applicable laws and regulations governing education corporations in the State of New York.
4. Present a proposed Code of Ethics for the charter school that set rigorous standards of conduct for the school's trustees, officers and employees, including standards with respect to disclosure of conflicts of interest regarding any matter brought before the board of trustees.

C. MANAGEMENT AND STAFFING

General Overview: Charter schools have flexibility in deciding how to manage and staff their organization and many use innovative roles and structures to meet the needs of staff, students and families.

Requests:

1. Complete and include in the narrative the staffing table below for all positions employed over the first charter term.
2. Explain the staffing plan, including delegation of responsibilities and relationships with key stakeholders, and provide a rationale for the proposed staffing plan.
3. Describe the roles, responsibilities and desired qualifications of the school leader (i.e., the person who is responsible for management of the school and reports to the board of trustees).
4. If a proposed school leader has been identified, describe that person's experience and qualifications. If a school leader has not yet been selected, describe the plans for the recruitment and selection of that individual.
5. Explain the management roles and responsibilities of key administrators with respect to the education program, school operations and finance.
6. Describe management and staffing plans for identifying and serving students with disabilities and English Language Learners/Multilingual Learners.
7. Explain how the school will recruit and retain high quality teachers, including plans for compensation and benefit.

Required Attachments:

- ☐ **Attachment 8a: Hiring and Personnel Policies and Procedures;** Present a hiring plan and complete the proposed staffing chart. The hiring plan, which should include:
 - Job descriptions, including qualifications and responsibilities, used in the hiring of school administrators, teachers and other school employees.
 - Hiring processes for administrators, teachers and other staff members.
 - Evaluation processes for administrators, teachers and other staff members.
 - Complaint process for staff.
- ☐ **Attachment 8b: Resume for Proposed School Leader** if one has been identified.

Proposed Staffing Chart						
Positions	Avg. Starting Salary	FTE				
		Year 1	Year 2	Year 3	Year 4	Year 5
e.g., Principal		1	1	1	1	1
e.g., Director of Operations		1	1	1	1	1
e.g., English Teachers		2	4	6	6	6

Evaluation Criteria:

A response that meets the standard will:

1. Present a comprehensive staffing plan that is aligned with the school's enrollment projections, key design elements, education plan, and budget and is likely to achieve the school's mission and goals. The staffing plan should present a thorough understanding of how the school will be operated and managed and provide a clear picture of the school's operating structure and priorities.
2. Describe a proposed school leader with the qualifications to effectively manage the school or, if a leader has not been proposed, describe an effective process for identifying and recruiting such a leader.
3. Demonstrate an understanding of management needs with respect to curriculum and instruction, assessment, special populations, teacher development and evaluation, operations, finance, facility, health services, food services, transportation, and security.
4. Describe an effective plan for administration and implementation of special education and ESL programs.
5. Present job descriptions of all key positions, including qualifications and responsibilities, that align with the school's mission, design and education philosophy.
6. Provide a recruitment and hiring plan that is likely to yield high quality teachers in all subjects, especially hard-to-fill subjects (e.g., special education) and positions requiring unique expertise (e.g., co-teaching, blended learning, dual language).
7. Present personnel policies that address background checks, discrimination, harassment, Code of Ethics, and other key responsibilities of employers.
8. Present a plan that is reasonably likely to retain effective staff, including information pertaining to the school's working conditions and compensation packages and increases.
9. Describe how the school will address potential human resource challenges as the school grows to scale over the course of the charter term.

C.1. CHARTER MANAGEMENT ORGANIZATION

General Overview: Schools may contract with a not-for-profit charter management organization (CMO) to provide substantially all the educational or management services for the proposed school. Pursuant to recent amendments to the Charter Schools Act, for-profit business or corporate entities are not eligible to operate or manage a charter school created pursuant to this RFP.³⁶ If the applicant group is **not** part of an existing education corporation but still intends to contract with a CMO, please complete the following section. Otherwise, write "Not Applicable" and skip to the next section.

Schools that intend to employ a management organization but have not yet identified one are unlikely to be able to provide sufficient information for the authorizer to evaluate this section and conclude that the school has an adequate management plan.

³⁶ N.Y. Education Law § 2851(1)

Note: Existing education corporations seeking to operate additional schools should use the Replicator Version of the 2020 RFP and Application Kit.

Requests:

1. If a management organization has been identified, describe the process for selecting that organization and the rationale for this choice. Also describe the role of the management organization in the charter application process.
2. If a management organization has not been identified, explain the process that will be used to select that organization, including individual roles and responsibilities as well as a timeline and decision criteria for selecting the organization.
3. Explain the fee structure for employing the management organization over the term of the charter, and how the applicant group evaluated the appropriateness of the fee structure.
4. Describe the proposed roles and responsibilities of the management organization in the school and the relationships between school staff and the management organization.
5. Describe the relationship between the management organization and the school's board of trustees, including whether any employees or board members of the management organization will serve on the proposed school's board of trustees.
6. Explain how the school's board of trustees will provide oversight and hold the management organization accountable for achieving the school's mission and goals.

Attachments (if applicable):

- ☐ **Attachment 6a: Charter Management Organization information;** If a management organization has been identified, provide the following:
 - A list of any other schools managed by the organization in New York and in other states, including contact information;
 - Academic performance data from all schools managed by the organization for the past three years;
 - A summary of the organization's fiscal performance for the past three years and a description of the organization's current financial plan;
 - A description of services to be provided by the organization; and
 - A description of the management structure and a summary of key personnel at the organization.
- ☐ **Attachment 6b: Proposed Management Contract;** If applicable, submit a copy of the management contract or term sheet.
- ☐ **Attachment 6c: Management Organization Business Plan;** If applicable, submit a business plan for the management organization using the format outlined in **Appendix E**.

Evaluation Criteria:

A response that meets the standard will:

1. Present a clear description of the contractual relationship and accountability between the management organization and the school's governing board that is consistent with the school's mission and educational program.
2. Present a persuasive rationale for selecting and contracting with a management organization, in general, and the specific provider, in particular;
3. Provide a clear description of the services to be provided by the management organization.
4. Present a coherent delineation of the roles and responsibilities between the school's governing board, management and the management organization.
5. Provide evidence of the capacity of the board to conduct a thorough and independent evaluation of the management organization that is consistent with the school's accountability requirements; and
6. Present rigorous performance expectations for the management organization and how the board will hold the management organization accountable for meeting those expectations.

C.2. PARTNER ORGANIZATION(S)

General Overview: The statute permits an application to establish a charter school to be submitted by teachers, parents, school administrators, community residents or any combination thereof. Such application may also be filed in conjunction with a college, university, museum, educational institution, or not-for-profit corporation exempt from taxation under paragraph 3 of subsection (c) of section 501 of the internal revenue code.³⁷ If this application is being filed in partnership with one of the entities described above, please complete this section in its entirety for each partner organization. Otherwise, write "Not Applicable" and skip to the next section.

Please note: This section is intended only for affiliations with organizations that are committed to providing a substantial benefit to the charter school. It is not necessary to list as institutional partners organizations that will provide the same services to the charter school as the organization provides to other public schools and/or the general public, e.g., museums that provide tours or sports teams that provide tickets to all public schools. Please also note that due to recent amendments to the Charter Schools Act, this application may not be filed in conjunction with a for-profit business or corporate entity.³⁸

Requests:

For each proposed partner organization, address the following:

1. Provide the name of the organization.
2. Provide public contact information (name, address, phone number, and e-mail address) for a contact person at the affiliated organization.

³⁷N.Y. Education Law § 2851(1)

³⁸ N.Y. Education Law § 2851(1)

3. Describe the nature and purpose of the proposed affiliation (e.g., teacher training and staff development, curriculum and assessment, access to physical facilities, etc.).
4. Provide the rationale for the affiliation.
5. Describe the benefit that the school expects to receive from the affiliation.
6. Describe any associated fees that will be assessed to the school.
7. Explain how the school will coordinate the services of the partner organization with the school program.
8. Explain how the school will monitor and evaluate the partnership to ensure the school is deriving sufficient value.

Attachment (if applicable):

- ☐ **Attachment 7: Partnership Information;** If applicable, submit a Letter of intent/commitment or an agreement/contract from a bona fide representative of each partner organization indicating that the organization is undertaking the affiliation and the terms and extent of the undertaking, including evidence that the organization has legal standing to do business in New York and has tax-exempt status under Internal Revenue Code section 501(c)(3).

Evaluation Criteria:

A response that meets the standard will:

1. Provide all the required information about each partner organization, including specific terms and costs, if any.
2. Demonstrate the value of each partnership and its likeliness to support achievement of the school's mission.
3. Describe how the relationship with each partner will be effectively managed and coordinated.
4. Demonstrate the capacity of the school to evaluate each partnership on an ongoing basis to ensure value to the school.

C.3. NETWORKED SCHOOLS

General Overview: Some schools are replications or affiliates of existing schools, often under one education corporation, and share staff and services without employing a separate management organization. Existing education corporations seeking to operate additional schools should use the Replicator Version of the 2020 RFP and Application Kit. Otherwise, write "Not Applicable" and skip to the next section.

D. STAFF SUPERVISION AND DEVELOPMENT

General Overview: Successful charter schools provide robust instructional leadership to support ongoing pedagogical improvement.

Requests:

1. Describe the school's instructional leadership roles and responsibilities for teacher supervision, support, and professional development.
2. Describe the school's professional development plan for administrators, teachers and other staff, including how schoolwide and individual staff needs will be identified and how the plan will address these diverse needs.
3. Explain how and by whom professional development will be delivered and differentiated based on the experience level and subject area expertise of teachers.
4. Explain how this plan will be implemented and evaluated within the context of the proposed charter school's design.
5. Explain how the school intends to establish a professional climate that results in purposeful teaching and learning and leads to reasonable rates of retention for school administrators and teachers.
6. Describe any formal and/or scheduled opportunities and the frequency of such opportunities for teacher planning and collaboration.

Evaluation Criteria:

A response that meets the standard will:

1. Describe specific roles and responsibilities of school staff and any other individuals or organizations involved in providing teacher support and professional development that align with the school's education model and staffing plan.
2. Present a credible plan for identifying both school-wide needs and the individual needs of administrators and teachers.
3. Describe a comprehensive professional development and training plan that is likely to produce effective administrators and teachers who enable the school to achieve its mission and goals and meet the needs of all students, particularly those students identified as at-risk of academic failure, students with disabilities, and English Language Learners/Multilingual Learners.
4. Provide a reasonable plan for monitoring and evaluating the professional development program.
5. Provide adequate planning and collaboration time to effectively develop curriculum and assessments and implement purposeful, rigorous and engaging instruction.

E. EVALUATION

General Overview: Successful charter schools regularly monitor the performance of their board, management, staff and programs to support continuous improvement.

Requests:

1. For each of the following stakeholders, describe the school's evaluation processes and procedures, including key roles and responsibilities, and explain how the results will be used:
 - A. Board of trustees and individual board members

- B. School leader(s)
 - C. Key management positions
 - D. Teachers
 - E. Non-academic staff
2. Explain how teachers will be held accountable for quality instruction and student performance.
 3. Describe the processes and procedures that will be used to evaluate the school's operational effectiveness and fiscal soundness.
 4. Describe the school's requirements and procedures for programmatic audits.
 5. Explain how the school will monitor progress towards achievement of its mission and goals as well as the benchmarks in the Charter School Performance Framework and share those results with the school community. Describe the steps that will be taken when the school is not meeting expectations.
 6. Describe how family and student satisfaction will be evaluated and the results used to improve the school.
 7. Explain how the school will evaluate family and community involvement.
 8. If relevant, discuss how the school will evaluate the effectiveness of organizational partnerships or management service agreements.

Evaluation Criteria:

A response that meets the standard will:

1. Provide rigorous evaluation processes and procedures for all stakeholders that are likely to identify valid strengths and areas for improvement.
2. Present a credible plan for using evaluation results to ensure improvement and achievement of the school's mission and goals and the benchmarks in the Charter School Performance Framework.
3. Demonstrate the capacity to hold stakeholders accountable for school performance.
4. Present a reasonable plan for programmatic audits that take place at least annually.

F. FACILITIES

General Overview: Facilities are consistently one of the greatest challenges for charter schools.

Applicant groups must demonstrate the capacity to find, secure and maintain a suitable facility for their school, often for an organization that is growing over time. Applicant groups need not have secured a facility to receive a charter but must have a clear plan for securing one by the time the school is scheduled to begin serving students. If the applicant group is proposing to incubate or locate in NYCDOE public space, the applicant group must still provide an alternate plan to secure private facilities by responding to all the requests below.

Please note: If the facilities to be used by the proposed school are not known at the time the application is submitted, the applicant must notify the Board of Regents within ten business days of

acquiring facilities for such school. The charter school must also obtain a certificate of occupancy for such facilities prior to the date on which instruction is to commence at the school.³⁹

Requests:

1. Complete the facilities table below regarding minimum facility requirements over the charter term. Applicants may add additional types of space that are necessary for the implementation of their proposed program.
2. Explain the school's facility needs over the charter term, including any community resources the school will need to implement its program, e.g., off-site physical education, arts, science labs, etc.
3. If facilities have been identified for part or all the charter term, describe their location, condition, and capacity for meeting the school's needs. Include any renovation requirements and timelines.
4. If facilities have not been identified for the entire charter term, describe the school's plan for identifying and securing a facility, including who will be involved in this process and the timeline.
5. Explain the school's funding plan for its facility, including all related revenue and costs, e.g., rental assistance, utilities, maintenance, renovations, etc.

	Year 1	Year 2	Year 3	Year 4	Year 5
General Education Classrooms					
Special Education Classrooms					
Counseling/Guidance Offices					
Administrative Offices					
Cafeteria					
Gymnasium					
Auditorium					
Conference Rooms					
Nurse's Office					
Other:					
Other:					
Other:					

Insert additional lines as needed.

³⁹ N.Y. Education Law § 2851(2)(j)

Evaluation Criteria

A response that meets the standard will:

1. Demonstrate a sound understanding of the school's facility needs over the entire charter period that reflects the school's enrollment and staffing plan, program design and budget.
2. Demonstrate an understanding of school facility requirements, including applicable health, safety, and occupancy requirements and accessibility for students and adults with disabilities.
3. Present a clear and credible plan for identifying, securing and maintaining appropriate and adequate facilities for the entire charter term and demonstrate the capacity to carry out the plan.
4. If facilities have been identified, demonstrate their ability to meet the school's needs, including necessary permitting and safety requirements.
5. If facilities have not been identified, identify viable potential locations and provide detailed information about selecting, securing, renovating (if appropriate), and taking occupancy of a suitable facility.
6. Demonstrate a clear understanding of charter school facility revenues and costs as well as co-location and funding processes, if applicable, and present a viable funding plan for the school's facilities, including evidence to support facilities-related budget assumptions.
7. If applicable, present a clear plan and timeline for renovating facilities and demonstrate the capacity to fund and manage the process.
8. If the school intends to lease facilities from a school district or co-locate in an existing public school building pursuant to statute, provide evidence of any district commitment and provide the school's alternate plan to secure a facility should public space and/or co-location in the school district be unavailable.

G. INSURANCE

General Overview: Provide information that demonstrates a solid plan to acquire insurance for the school including the types required, the costs involved, and the proven ability to obtain it.

Requests:

1. Describe the types and amounts of insurance coverage to be obtained by the school, including insurance for liability, property loss and the personal injury of students.
2. Explain the types and amounts of insurance proposed for the school.

Evaluation Criteria:

A response that meets the standard will:

1. Describe adequate insurance coverage that aligns with school enrollment, staffing, program design, facilities, and budget.
2. Provide evidence of ability and preparation to obtain the appropriate insurance coverage.
3. Present evidence to support the budget expense assumptions related to insuring the school.

H. NON-ACADEMIC OPERATIONS

General Overview: Charter schools must meet the same health and safety, civil rights, and student assessment requirements applicable to other public schools, except as otherwise specifically provided in the Charter Schools Act. Provide a description of the health services and food services to be provided to students attending school. Additionally, discuss the school's plans for transportation of students, including how the school will arrange for transportation for students who do not qualify for public school transportation under Education Law Section 3635, and any other supplemental transportation arrangements.⁴⁰

Requests:

1. Describe the school's plans for health services, addressing staffing, record-keeping, administration of medications, health services and programs, and facility requirements.
2. Describe the school's plans for food services. Indicate whether the charter school will participate in the Federal school lunch or school breakfast programs and/or whether the charter school will participate in the local school district's food service programs and whether food will be prepared on or off site.
3. Describe the school's plans for transportation of students, including how the school will arrange for transportation for students who do not qualify for public school transportation under Education Law Section 3635, and any other supplemental transportation arrangements.⁴¹
4. Explain how the school will manage other non-academic operations, including facility, technology, student information and other record-keeping, procurement, compliance and reporting, security, and custodial services. Address relevant staffing, resources, systems and procedures.

⁴⁰ 70 N.Y. Education Law § 2851(2)(j); 2853(4)(b);

⁴¹ N.Y. Education Law § 2851(2)(j); 2853(4)(b);

Evaluation Criteria

A response that meets the standard will:

1. Present reasonable plans for providing health services that meet legal requirements and align with the school's program, staffing and budget.
2. Present reasonable plans for providing food services that meet requirements and align with the school's mission, program, target student population, staffing and budget.
3. If the school will provide transportation to students, present a thorough, realistic, and cost-effective transportation plan; provide specific evidence of third-party readiness and terms for providing transportation services consistent with the school's budget assumptions, including an assurance that it will provide special transportation and accommodations that are included in a student's IEP or 504 plans.
4. If the school will not provide transportation to students, present a clear statement of the school's intent not to provide transportation services; describe viable transportation options for students; and describe contingency plans to provide transportation services that are included in a student's IEP or 504 Plan.
5. Present a reasonable plan for managing non-academic operations (including facility, technology, student information and other record-keeping, procurement, compliance and reporting, security, and custodial services) that demonstrates anticipation of challenges and capacity to meet school, student and family needs.

I. FAMILY AND COMMUNITY INVOLVEMENT

General Overview: Charter schools are schools of choice, designed to provide families with opportunities to send their children to innovative and high performing public schools. Charter schools are also embedded in local communities and expected to respond to community needs. Thus, they should have clear plans for involving families and the community in the life of the school.

Requests:

1. Explain how the school will involve families and the community in the school during its pre-opening phase, i.e., between charter approval and opening to serve students.
2. Describe the school's plan for communicating with the families of enrolled students.
3. Describe the school's plan for family involvement in the school once it opens.
4. Explain how the school will support families in helping their child to grow and achieve.
5. Describe the school's plan for community involvement in the school, including any plans for leveraging community resources to support implementation of the school's program and achievement of its mission and goals (Note: Significant partnerships should also be addressed in Section C2: Partner Organization(s)).
6. Describe any research or successful models that support the school's approach to family and community involvement.
7. If applicable, discuss how the school will partner with low performing public schools in the area to share best educational practices and innovations.

Evaluation Criteria:

A response that meets the standard will:

1. Present a vision and plan for family and community involvement that is achievable and reasonably likely to further the school's mission and program.
2. Present effective strategies for supporting families that align with the school design, staffing plan and budget.
3. Provide evidence of specific community organizations or resources with which the school is either already working or likely to partner, e.g., letters of commitment, and demonstrate how anticipated community involvement is realistic and achievable.
4. Provide credible research and successful models that demonstrate the efficacy of its approach to family and community involvement.

J. FINANCIAL MANAGEMENT

General Overview: Charter schools are multi-million-dollar organizations responsible for the appropriate and effective use of public funds. Applicant groups must demonstrate the capacity to establish and maintain the financial viability of the school over the entire charter term.

Requests:

1. Describe the school's annual budgeting process.
2. Describe the policies, procedures and systems for managing the school's finances and identify the staff position(s) that will be responsible for financial management.
3. If the school will contract for any financial services, explain the role of the contractor(s) and describe their proposed relationship with the school.
4. Explain how the school will provide financial oversight and ensure meeting fiscal compliance and reporting requirements.
5. Explain how the school will maintain and protect student and financial records.
6. Describe the school's process for conducting independent fiscal audits.

Evaluation Criteria:

A response that meets the standard will:

1. Demonstrate a keen understanding of the financial management needs and obligations of a charter school.
2. Present a budgeting process that will ensure financial viability of the school.
3. Demonstrate capacity to provide effective financial management and oversight, including development of adequate fiscal policies and procedures.
4. Present evidence that the school is prepared to adhere to generally accepted accounting practices.
5. Present a credible plan for selecting an independent financial auditor and conducting an independent audit at least annually.
6. Present evidence that the school will have the capacity to develop adequate policies and processes for tracking enrollment and attendance eligibility, eligibility for free- and reduced-priced lunch, and special education services and other services for special populations of students.

K. BUDGET AND CASH FLOW

General Overview: The statute requires the applicant to include a proposed budget and fiscal plan for the school, including supporting evidence that the fiscal plan is sound and that sufficient start-up funds will be available to the charter school. The plan should present a clear picture of the school's revenue projections and expenditure requirements that address all aspects of the proposed school during the pre-opening and operational phases, including staffing, facility needs, transportation and food service plans.

Applicants must use the Budget and Cash Flow Template to detail the school's estimated revenues and expenditures for the proposed term of the charter including the pre-operational start-up year, as well as a cash flow analysis for the start-up year. An active version of the template (including accompanying worksheets) may be downloaded at [Starting a Charter School - 2020](#). The templates structure may not be modified.

For each revenue and expenditure line item the template provides space for assumptions and applicants should make extensive use of this opportunity to annotate their budget, including assumptions on which line item numbers are based, evidence on which assumptions are based, and description of calculations used to arrive at line item numbers. The five-year budget should explain the changes in line items from year to year.

Include an explanation and discussion of key budget assumptions underlying the budget projections and explain how the budget aligns with and supports implementation of the educational program. If the school anticipates incurring debt for any reason, such as for acquisition of its facility, the budget must address the schedule for debt repayment and the budget discussion should elaborate on the repayment assumptions and plan.

As discussed in the Overview of the Application Process, applicants are eligible, upon Board of Regents approval and issuance of a charter and based upon the availability of funds, to receive a **Charter School Program (CSP) Planning and Implementation Grant**. The charter authorization process serves as the substantive review process for CSP grant funds. Applicants, except *those affiliated with CMOs that have received federal CSP funds through the Charter Schools Program (CSP) Grants for Replication and Expansion of High-Quality Charter Schools (CFDA 84.282M) (accessing both CSP funding streams is not permitted by the U.S. Department of Education)*, may include a grant amount of between \$[REDACTED] and \$[REDACTED] over a three year period (planning year, implementation year 1, implementation year 2) in the overall charter school budget and cash flow template. **Inclusion of CSP grant amounts greater than the \$[REDACTED] base award in the budget should be considered carefully, as enhanced funding levels are not guaranteed.**

Requests:

1. Provide narrative description of the budget, including a summary of key revenue and expenditure categories and net income each year, including during the pre-opening period.
2. Explain how the proposed budget supports implementation of the key design elements.
3. Describe the school's contingency plans for cash flow challenges, a budget shortfall, lower than expected student enrollment or other financial challenges that may occur in the early years of operation.

Attachments:

- ☐ **Required Attachment 9: Budget and Cash Flow Template;** Microsoft Excel Template can be found at [Starting a Charter School - 2020](#). All budget lines in the budget template are required to include assumptions.
- ☐ **Optional Attachment 10: Evidence of Financial Support;** If the proposed budget relies on contributions, provide evidence of commitment for those contributions.

Evaluation Criteria:

A response that meets the standard will:

1. Present a balanced budget that is sound and reasonably likely to support start-up and operation of the school throughout the charter period.
2. Present realistic, evidence-based revenue and expenditure assumptions, including any plan to incur and repay debt.
3. Demonstrate ability to plan for cash flow during the first year of operation such that the school can cover its monthly costs.
4. Present budget priorities that are consistent with and support key parts of the plan, including the school's mission, educational program, staffing and facility.
5. Demonstrate concrete commitments for contributions necessary to achieve a balanced budget.
6. Provide for the establishment of an escrow account of no less than [REDACTED] per academic year for the first 5 years of operation) to pay for legal and audit expenses that would be associated with dissolution should it occur. The school may provide for the full amount in its first-year budget, or provide for a minimum of \$ [REDACTED] per year for the first five years of its charter term
7. Present viable strategies for meeting potential budget and cash flow challenges, particularly for the first year of operation.
8. Budget lines in the budget template include detailed and understandable budget assumptions.

L. PRE-OPENING PLAN

General Overview: Applicant groups must demonstrate a deep understanding of the complexity of founding a charter school and the many tasks that must be completed prior to serving students. The Pre-Opening Plan is an opportunity to present a comprehensive plan that addresses all key components of start-up and the order in which they will be completed. The Pre-Opening Plan attachment does not count against the application narrative page limit.

Required Attachment:

- ☐ **Attachment 11: Pre-Opening Plan;** Provide a Pre-Opening Plan with a timeline that documents the start and end dates of key tasks to be completed between approval of the application and the opening of the school and the person(s) responsible for each task.

Evaluation Criteria:

A response that meets the standard will:

1. Demonstrate understanding of key pre-opening responsibilities consistent with the school's education, organizational and financial plans.
2. Present a detailed plan with reasonable start and end dates for each task.
3. Present a plan that includes the person(s) responsible for each task and aligns with the pre-opening budget and staffing plans.
4. Present a plan that addresses implementation of the school's key design elements and any other unique aspects of the school design.

M. DISSOLUTION PLAN

General Overview: A major component of the charter school bargain of flexibility in exchange for accountability is the possibility of school closure if the school does not meet its goals and the Charter School Performance Framework benchmarks. Applicant groups must recognize the possibility of school closure and have a detailed plan for dissolution of the school that incorporates the NYSED Closing Procedures Guide found at [Charter School Closing Procedures](#).

Required Attachment:

- ☐ **Attachment 12: Dissolution Plan;** Present a Dissolution Plan that describes the procedures to be followed in the event of closure or dissolution of the school.

Evaluation Criteria:

A response that meets the standard will:

1. Identify detailed and reasonable procedures to be followed in the case of the closure or dissolution of the charter school the incorporates the NYSED Closing Procedures Guide, including provisions for the transfer of students and student records to the school district in which the charter school is located and for the disposition of the school's assets to the school district in which the charter school is located or another charter school located within the school district.⁴²

⁴² N.Y. Education Law § 2851(2)(t)

IV. TABLE OF REQUIRED AND OPTIONAL ATTACHMENTS

Note: Attachments are limited to 75 pages, excluding those marked with an asterisk (*). Page limits are suggested for each attachment below to help applicants keep within the total 75-page limit.

Attachment #	Title	Suggested Page Limits
Attachment 1	Admissions Policies and Procedures	5 pages
Attachment 2a	Initial Samples of Public Outreach (Please do not submit signed petitions in any stage of the appl.)	15 pages
Attachment 2b*	Evidence of Public Review Process	No limit, excluded from total attachment page limit
Attachment 2c*	Evidence of Community Support	No limit, excluded from total attachment page limit
Attachment 2d*	Evidence of District Support for Restart/Turnaround - Optional	No limit, excluded from total attachment page limit
Attachment 3*	Course Descriptions	No limit
Attachment 3a	Student and Teacher “Day in the Life”	4 pages maximum
Attachment 3b	Optional Curricular Materials	10 pages maximum
Attachment 3c	Exit Standards	2 pages
Attachment 4	Student Discipline Policy	5 pages
Attachment 4a	Sample Weekly Student Schedule (ES, MS, and/or HS)	3 pages
Attachment 4b	Sample Weekly Teacher Schedule (ES, MS, and/or HS)	3 pages
Attachment 4c	Proposed First Year Calendar	2 pages
Attachment 5a*	New Applicant and School Trustee Background Information Form (including educational, employment history or attached resume, Statement of Intent, and Statement of Assurance)	No limit, excluded from total attachment page limit
Attachment 5b	By-Laws	10 pages
Attachment 5c	Code of Ethics	5 pages
Attachment 6a*	If applicable: CMO Information	No limit, excluded from total attachment page limit
Attachment 6b*	If applicable: Proposed Management Contract or Term Sheet	No limit, excluded from total attachment page limit
Attachment 6c*	If applicable: Management Organization Business Plan using format outlined in Appendix E	No limit, excluded from total attachment page limit
Attachment 7*	If applicable: Partnership Information	No limit, excluded from total attachment page limit

Attachment 8a	Hiring and Personnel Policies and Procedures	15 pages
Attachment 8b	Resume for Proposed School Leader, if identified	5 pages
Attachment 9*	Budget and Cash Flow Template	No limit, Excel Template
Attachment 10*	Evidence of Financial Support, if applicable.	No limit, excluded from total attachment page limit
Attachment 11	Pre-Opening Plan	5 pages
Attachment 12	Dissolution Plan	3 pages
Attachment 13	ELLs/MLLs Plan	5 pages, excluded from total page limit
Table 1*	Applicant Group Information	No limit, use Table provided
Table 2*	Public Outreach Information	No limit, use Table provided

ATTACHMENT 13: PLAN TO ADDRESS ENGLISH LANGUAGE LEARNERS/MULTILINGUAL LEARNERS

General Overview: Describe the implementation of the school's programs and services for students who are English Language Learners/Multilingual Learners. *Please explain your vision for the support and instruction of Multilingual Learners/ English Language Learners.*

Identification/Programs

1. Who will administer and oversee the supervision of ELLs/MLLs programs and faculty?
2. Explain the ELLs/MLLs identification and placement process at your school.
3. Who will oversee your school's ELLs/MLLs Identification Process?
4. Describe the programs that will be available to the ELLs/MLLs population in your school (e.g. transitional bilingual education, one-way or two-way dual language).
5. Describe the Identification, evaluation and placement for ELLs/MLLs who may be SWDs or who enter with an IEP.

Quality of Instruction

6. Describe how your school will ensure that ELLs/MLLs will meet or exceed the academic standards as set forth in your proposed charter application.
7. Explain the instructional strategies, methods, and materials to be used in both English and the Home Language to move ELLs/MLLs toward English proficiency and content area mastery.
8. Explain how instruction and materials will be differentiated to support various ELLs/MLLs subpopulations. (Students with Interrupted Formal Education, Long Term ELLs, Newcomers, ELLs with Disabilities, Former ELLs)
9. Describe how the Home Language will be used to support advanced literacy across the content areas.
10. How will the school ensure that materials for ELLs/MLLs are high-quality, culturally appropriate and research-based?
11. Explain how the school will deliver instruction that is rigorous and research-based, includes all language domains (reading, writing, listening and speaking).

Support

12. Explain the process that your school will use to provide translated materials and/or interpretation services to parents of ELLs/MLLs (or persons in parental relation) who request them.

13. Elaborate on the intervention and support services that will be available to ELLs/MLLs in both English and the Home Language.
14. Describe how the social emotional needs of students in each ELLs/MLLs subpopulation (Students with Interrupted Formal Education, Long Term ELLs, Newcomers, ELLs with Disabilities, Former ELLs) be addressed by the school.
15. Explain how the school will engage parents of ELLs/MLLs families in order to share and receive information about their children's progress and language development.

Professional Development/Teacher Certification

16. Describe professional learning opportunities your teachers will receive that build their capacity to support ELLs/MLLs.
17. How will the school scout, attract and retain quality ESOL and Bilingual pedagogues?
18. Explain how administrators will program formal, consistent collaboration time to communicate and collaborate around supporting ELLs/MLLs.
19. How will the school establish systems and structures that allow teachers to communicate information about ELLs/MLLs needs?

Data/Assessment

20. In addition to the NYSESLAT, describe the assessments and data that teachers will use in both English and the Home language to plan for instruction to ensure the unique educational needs of ELLs/MLLs are being met.
21. If applicable to the grade levels served in the proposed application, describe your plan to monitor and provide guidance and support for students to meet or exceed State graduation requirements.
22. Describe how the school will continuously use data to identify, monitor, and respond to ELLs/MLLs needs.

For more information about English Language Learners/Multilingual Learners in NYS visit www.nysed.gov/bilingual-ed

APPENDIX A: REVIEWER EVALUATION GUIDANCE AND RUBRIC

Reviewer Information: The evaluation rubric is designed to guide the review of charter school applications submitted to the Board of Regents. The evaluation rubric is aligned to each section and subsection of the application and list the evaluation criterion by which the reviewers are to evaluate each section and sub-section, mirroring the RFP. Throughout the evaluation, reviewers determine whether the applicant group has responded to all evaluation criterion and rate how well the applicant group's responses address the evaluation criterion. Reviewers are to rate the responses as **Does Not Meet the Standard, Approaches the Standard, or Meets the Standard** as defined below:

Rating Definitions

Does Not Meet the Standard	The response lacks meaningful detail; demonstrates lack of preparation; or otherwise raises substantial concerns about the applicant's understanding of the issue in concept and/or ability to meet the requirement in practice.
Approaches the Standard	The response addresses most of the selection criteria but lacks some meaningful detail and requires important additional information to be reasonably comprehensive.
Meets the Standard	The response reflects a thorough understanding of key issues and indicates capacity to open and operate a quality charter school. It addresses the topic with specific and accurate information that shows thorough preparation and presents a clear, realistic picture of how the school expects to operate.

At the end of each sub-section, reviewers note key strengths and identify questions and areas of concern. Reviewers explain and elaborate on their respective ratings, providing summative ratings and comments for each section of the application and the application. Reviewer comments are essential and used to prepare feedback to the applicants, to prepare NYSED staff for the Capacity Interviews, and to inform final recommendations.

Reviewer Instructions:

- Read the relevant sub-section of the application and the corresponding bulleted evaluation criteria and indicate the rating that best fits your assessment of the response (*Does Not Meet, Approaches, or Meets the Standard*).
- Use the sub-section text boxes to identify key strengths and questions or concerns to identify areas of concern that impede your ability to have a full understanding of the proposed plan. Reference specific sections, page numbers, and evaluation criteria.
- Use the summary text boxes at the end of each section to highlight the key strengths and concerns that you have for that section of the application.
- At the end of the application, provide an overall rating for the application and insert your comments into the text boxes to support the rating. Reference the relevant sections, page numbers, and attachments.

APPENDIX B: SAMPLE PAGE FROM THE REVIEWER EVALUATION RUBRIC

Proposed School Name:

Reviewer Name:

Review Date:

G. Programmatic and Fiscal Impact

Requests:

1. Provide an assessment of the projected programmatic impact of the proposed school on other public and nonpublic schools in the area.
2. Provide an assessment of the projected fiscal impact of the proposed school on other public and nonpublic schools in the area using the **Fiscal Impact Table** below.

Required Table:

- ☐ **Fiscal Impact Table:** Complete the fiscal impact table below and include in the narrative

Evaluation Criteria:

A response that meets the standard will:

1. Demonstrate a reasonable assessment of programmatic impact on other public and nonpublic schools in the area.
2. Demonstrate a reasonable assessment of fiscal impact on other public and nonpublic schools in the area. **(Please footnote your sources and assumptions).**

Rating of Section I.G: Programmatic and Fiscal Impact

Initial Application Interview		
Meets the Standard	Approaches the Standard	Does Not Meet the Standard
Strengths: <div style="margin-left: 20px;">•</div>	Questions or Concerns: <div style="margin-left: 20px;">•</div>	
After Capacity Interview		
Meets the Standard	Approaches the Standard	Does Not Meet the Standard
Strengths: <div style="margin-left: 20px;">•</div>	Questions or Concerns: <div style="margin-left: 20px;">•</div>	

APPENDIX C: NEW YORK STATE STATUTORY PRIORITY SCORING RUBRIC

Priority Objective (1 – 4 Points Each)	Weight	Key Indicators	Primary Evidence Sources
1. The school will increase student achievement and decrease student achievement gaps in reading/language arts and mathematics. ⁴³	2	<ul style="list-style-type: none"> The academic program (curriculum, instructional design, and pedagogy) has strong potential to build student mastery in reading, literacy and mathematics concepts and skills. The academic program explicitly defines strategies to identify and accelerate the achievement of students who are below-level in reading and mathematics. The school's assessment framework supports the implementation of accelerated instruction with valid and reliable information about student need and progress. The organizational structure of the school provides strong student support services. 	I.A. Achievement Goals II. EDUCATIONAL PLAN II.B & II.C Curriculum and Instruction II.E Assessment
2. The school will increase high school graduation rates and focus on serving specific high school student populations including, but not limited to, students at risk of not obtaining a high school diploma, re-enrolled high school drop-outs and students with academic skills below grade level. ⁴⁴	2	<ul style="list-style-type: none"> Recruitment and retention strategies are specific to students who are at risk of dropping out or have dropped out of school. The core content and pedagogy of the academic program has the potential to meet the learning needs of at-risk high school students. The school culture and student support services have the strong potential to engage and meet the needs of at-risk high school students. 	I.A Mission I.B Key Design Elements I.F Enrollment, Recruitment II. EDUCATIONAL PLAN III.C Management and Staffing III.E Professional Development III.I Family and Community Involvement
3. The school will focus on the academic achievement of middle school students and prepare them for a successful transition to high school. ⁴⁵	1	<ul style="list-style-type: none"> The school will serve middle school students. The academic program (curriculum, instructional design and pedagogy) has strong potential to engage and increase the academic achievement of middle-school students. The school culture and program support the social-emotional needs of young adolescents. The proposal includes explicit programs and approaches that are likely to support the effective transition to high school. 	I.A Mission I.B Key Design Elements I.F Enrollment, Recruitment II. EDUCATIONAL PLAN III.C Management and Staffing III.E Professional Development
4. The school will use high-quality assessments designed to measure a student's knowledge, understanding of and ability to apply critical concepts using a variety	1	<ul style="list-style-type: none"> The school's assessment framework is comprehensive and includes a variety of screening, diagnostic, formative and summative measures of student learning. The assessments selected are valid and reliable measures. The proposal describes how assessments will provide student and classroom level information to teachers and administrators and how this information will be used to inform instruction. 	I.A. Achievement Goals II.E Assessment II.F Performance, Promotion, and Graduation Standards

⁴³ N.Y. Education Law § 2852(9-a)(c)(i)

⁴⁴ N.Y. Education Law § 2852(9-a)(c)(ii)

⁴⁵ N.Y. Education Law § 2852(9-a)(c)(iii)

Priority Objective (1 – 4 Points Each)	Weight	Key Indicators	Primary Evidence Sources
of item types and formats. ⁴⁶		<ul style="list-style-type: none"> The proposal describes how assessment information will be used to evaluate the effectiveness of the educational program by school leaders. 	
5. The school will acquire, adopt and use local instructional improvement systems that provide teachers, principals and administrators with the information and resources they need to inform and improve their instructional practices, decision-making and overall effectiveness. ⁴⁷	1	<ul style="list-style-type: none"> The proposal describes a process for review and revision of curriculum. The proposal describes a systematic process by which student achievement information will be presented, analyzed and reviewed at classroom, grade and school levels. The proposal describes a process for teacher and administrative performance evaluations based on objective information about instructional effectiveness. The proposal describes the process for the development and ongoing evaluation of a professional development plan, based on objective student and school performance information. The proposal describes an objective process for evaluation of progress toward achievement of school mission and goals. 	I.A. Achievement Goals II.B & II.C. Curriculum and Instruction II.D. Assessment III.E Evaluation & Professional Development
6. The school will partner with low-performing public schools in the area to share best educational practices and innovations. ⁴⁸	2	<ul style="list-style-type: none"> Low-performing public schools in the geographic area are identified. The applicant demonstrates understanding of factors that contribute to low academic performance including feeder school patterns. The proposal describes concrete partnership initiatives to share best practices and innovations. Evidence that plans to share best practices and innovations have been collaboratively developed with the low-performing public school. 	I.C Community to be Served III.E Professional Development III.I Family and Community Partnerships
7. The school will have the management and leadership techniques necessary to overcome initial start-up problems to establish a thriving, financially viable charter school. ⁴⁹	1	<ul style="list-style-type: none"> Applicant group and proposed trustees provide evidence of experience in charter school launch and operation. Applicant group and proposed trustees provide evidence of expertise in charter school finance. A qualified school leader is identified to launch and lead the school. The board by-laws embed a systematic approach by which the board of trustees will oversee school leadership and operation. 	I.D Applicants Group Capacity III.B Board of Trustees and Governance III.J Financial Management III.K Budget and Cash Flow
8. The application demonstrates that the school has the support of the school district in which the school will be located and the intent to establish an ongoing relationship with such district. ⁵⁰	2	<ul style="list-style-type: none"> Concrete evidence of school district support is provided. Promising efforts and plans to establish an ongoing relationship with the school district are described. 	I.C Community to be Served I.E Public Outreach III.I Family and Community Partnerships

⁴⁶ N.Y. Education Law § 2852(9-a)(c)(iv)

⁴⁷ N.Y. Education Law § 2852(9-a)(c)(v)

⁴⁸ N.Y. Education Law § 2852(9-a)(c)(vi)

⁴⁹ N.Y. Education Law § 2852(9-a)(c)(vii)

⁵⁰ N.Y. Education Law § 2852(9-a)(c)(viii)

**APPENDIX D: NEW YORK STATE CSP GRANT PRIORITIES
(CONTINGENT UPON AVAILABILITY OF FUNDS)**

The following is provided for informational purposes only and should be used when making budgetary assumptions for the application.

As part of New York State's 2018 [REDACTED] federal Charter Schools Program (CSP) grant award, NYSED may award CSP Planning and Implementation grants to all applicants who are issued a charter by the Board of Regents, *except those applications affiliated with CMOs that have received federal CSP grants through the Charter Schools Program Grants for Replications and Expansion of High-Quality Charter Schools (CFDA 84.282M), since receipt of both grants is not permitted by the U.S. Department of Education.* All successful applicants may expect to receive a base amount of \$[REDACTED] over the planning period and first two implementation years of the school's first charter term, contingent on the completion of additional grant-specific budget information and other requirements that will be requested from those applicants who are issued a charter. For reference, see [Funding Opportunities for Charter Schools](#).

In addition, New York State encourages the development of high-quality charter schools that meet specific needs, especially those of educationally disadvantaged students, and will make available the award of significantly increased start-up funding amounts for such programs. NYSED may provide enhanced awards for charter schools that meet one of two types of incentive priorities:

1. **Underserved student populations priority:** New York State will provide awards of up to \$[REDACTED] total to those charter schools that, by the October Basic Education Data System (BEDS) student data reporting date in their first year of operation, have met one or more of the enrollment targets for students with disabilities, English Language Learners/Multilingual Learners, and economically disadvantaged students prescribed by the Board of Regents as required by §2852(9-b) of the Act.
2. **Authorizer program design priority:** As part of the integrated charter authorization and grant review process, NYSED may provide awards of up to \$[REDACTED] total to charter schools that meet one or more program design priorities specified below. (Schools that meet more than one incentive priority may not receive more than \$[REDACTED] of total CSP grant funding). Continuation funding at the enhanced incentive level during the implementation years of the Planning and Implementation grant will be dependent on NYSED's assessment of the school's success in implementing the program design priority. Applications which meet one of the following program design priorities outlined below will be considered for the \$[REDACTED] enhanced CSP funding level.

Design Priority	Indicators
<p>1. The school is specifically designed to meet the learning needs and raise the achievement of students who are English Language Learners/Multilingual Learners.</p>	<ul style="list-style-type: none"> • The mission is specific to the needs of English Language Learners/Multilingual Learners. • Recruitment and retention strategies are specific to families of students who are English Language Learners/Multilingual Learners. • The academic program (curriculum, instructional design, pedagogy) has strong potential to accelerate learning for English Language Learners/Multilingual Learners. • The staffing plan, including teacher qualifications and skills, is likely to support the learning needs of English Language Learners/Multilingual Learners.
<p>2. The school is specifically designed to meet the learning needs and raise the achievement of students with disabilities.</p>	<ul style="list-style-type: none"> • Mission is specific to the needs of students with identified or probable disabilities. • Recruitment and retention strategies are specific to students with identified or probable disabilities. • The academic program (curriculum, instructional design, pedagogy) has strong potential to be effective with the target population(s). • The staffing plan, including teacher qualifications and skills, is likely to support the learning needs of the target population(s).
<p>3. The school is specifically designed to meet the learning needs and raise the achievement of over-age and under-credited students.</p>	<ul style="list-style-type: none"> • The school's mission is specific to the needs of over-age and under-credited students. • Recruitment and retention strategies are specific to over-age and under-credited students. • The academic program (curriculum, instructional design, pedagogy) has strong potential to be effective with the target population(s). • The staffing plan, including teacher qualifications and skills, is likely to support the learning needs of the target population(s).

Design Priority	Indicators
	<ul style="list-style-type: none"> • The school is designed to offer an individualized learning environment; rigorous academic standards; student-centered instruction; support to meet students' academic and developmental goals; and explicit connections to college and career readiness.
<p>4. The school will serve students who are at-risk of academic failure because they reside in a community that is served by a persistently low-achieving school.</p>	<ul style="list-style-type: none"> • The applicant identifies persistently low-achieving schools in the targeted community. • The application includes a letter of support from the school district indicating support of the proposed school as a high-quality educational option for students in at least one of the district's low performing schools. • The school's enrollment and retention plan targets students who are at-risk of academic failure because they are attending a low-achieving school. • The academic program (curriculum, instructional program, pedagogy) is designed to meet the learning needs of students who are likely to have below-level mastery in reading/ELA, mathematics and academic core subjects.
<p>5. The school is approved by the public-school district to operate as a turnaround or restart school.</p>	<ul style="list-style-type: none"> • The school will serve as a successor to a low-achieving school that is being phased out, closed, transformed, turned around or restarted by the district. • The application includes a letter of verification from the superintendent of the district of location.
<p>6. The school will provide an educational option for students in rural geographic areas.</p>	<ul style="list-style-type: none"> • The school will locate in a rural community with limited educational options. • The school will provide a program that is distinctive from other educational options in the area.

Design Priority	Indicators
7. Improving productivity through innovative use of technology to provide blended learning.	<p>The school provides evidence of a carefully designed blended or online program that:</p> <ul style="list-style-type: none"> • Outlines how students will complete a unit of study and demonstrate mastery of the learning outcomes for the subject, including passing the Regents examination in the subject or other assessment required for graduation, if applicable. • Demonstrates that: (a) courses are aligned with the applicable New York State Learning Standards for the subject area, (b) courses provide for documentation of student mastery of the learning outcomes for the subjects, (c) instruction is delivered by and/or under the direction/ supervision of a qualified teacher with appropriate expertise in both the subject area and the instructional modality, and (d) the program includes regular and substantive interaction between the student and the teacher providing direction and/or supervision.
8. The school's program will promote a racially, ethnically, and linguistically diverse student population.	<ul style="list-style-type: none"> • The school demonstrates a comprehensive outreach plan, using multiple languages and strategies, to fully and deliberately inform families of diverse racial, ethnic and linguistic groups about the school. • The school will provide specialized program designs (e.g., arts-infused, democratic education) likely to promote a racially diverse student population, by appealing to a variety of racial, ethnic and linguistic groups. • The school provides a compelling demographic and geographic analysis that supports the likelihood that the proposed school location is likely to promote a racially diverse student population. • The school provides a plan for an organizational or transportation model that would encourage students to cross boundaries of racially distinct neighborhoods (more robust and more specific

Design Priority	Indicators
	beyond the statutory requirements in the Charter Schools Act).
9. The school will replicate an existing, high-quality school model.	<ul style="list-style-type: none"> • The application includes information about the market need for the new school and the impact on the existing school. • The school to be replicated has met student achievement indicators for academic growth, proficiency and college and career readiness on State standards and achievement goals outlined in the school's charter over the initial or prior charter term. • The governance, staffing, operational and financial plan for the proposed school supports the likelihood that the proposed school and the existing school will have the capacity to open and meet performance expectations.

APPENDIX E: BUSINESS PLAN

General Overview: The existing education corporation or charter management organization that seeks to operate multiple charter schools and/or add to a network of existing charter schools, whether these schools are in New York State or another state, is required to include a strategic business/growth plan with the Full Application to demonstrate capacity to take on additional schools.

Most new operator applicant groups are not required to submit a business plan with the standard application. Applicants are encouraged to contact CSO staff to ascertain if a business plan is required based on any proposed affiliations with charter schools authorized by any entity other than the Board of Regents.

Charter schools that replicate can implement a variety of organization structures to ensure the efficient operation of multiple schools. These structures may include, but are not limited to, the creation of a charter management organization (CMO), a shared services team, or merging education corporations. For the purposes of the new school RFP, these entities are referred to collectively as a Comprehensive Management Organizations. For reference, see [Definition of an Entity that Provides Comprehensive Management Services](#).

The business plan should provide the following information: If an applicant believes that a question in this section is not applicable to their situation, the applicant should so state and explain why the applicant believes the question does not apply.

A. Comprehensive Management Organization Information:

1. Name of the Comprehensive Management Organization;
2. Role of the Comprehensive Management Organization;
3. State of incorporation;
4. State(s) in which the Comprehensive Management Organization(s) operates;
5. Year founded; and
6. The contact name, address, phone number, and email address for each member of the Comprehensive Management Organization leadership team;

B. Comprehensive Management Organization History and Growth Plan:

1. Describe the Comprehensive Management Organization's mission, strategic vision, and desired impact.

2. Provide a brief overview of the organization's history. List all charter revocations or surrenders, bankruptcies, school closures, non-renewals, or shortened or conditional renewals for any of the schools operated by the organization and provide explanations. Explain any performance deficits or compliance violations that have led to formal authorizer intervention with any school operated by the organization. Provide details as to how such deficiencies were resolved.
3. List and describe all schools currently operated by the Comprehensive Management Organization.
4. List and describe all future schools the Comprehensive Management Organization plans to operate (excluding the school described in the current RFP application).
5. Describe the Comprehensive Management Organization's five-year growth plan for developing new schools in New York and other states.
6. Provide a rationale for the proposed five-year growth plan; for example, how the organization determined the appropriate pace and scope of the proposed growth and why the organization is well-positioned to implement the growth plan.
7. Specifically identify the key risks associated with this growth plan and describe the steps the organization is taking to mitigate these risks. Respondents should demonstrate an understanding of the challenges of replication in general and as they relate specifically to their organization's growth plans. The response should detail specific risks and explain how the organization will minimize the impact of each of these risks, and ideally provide contingency plans for them. Examples may include:
 - Inability to secure facilities/facilities financing;
 - Difficulty raising philanthropic funding;
 - Insufficient leadership pipeline/difficulty recruiting school leaders; and
 - Ambiguous student performance outcomes and the need to curtail expansion if performance drops.
8. Discuss lessons learned during any past replication efforts. For example, identify challenges encountered and how the organization addressed them, as well as how the organization would minimize such challenges for the proposed schools.

C. Performance of Existing Schools:

1. Provide an overview of prior performance across all schools ever operated by the Comprehensive Management Organization, including closed schools and schools that moved away from the organization.
2. Select one or more of the consistently high-performing schools that the organization operates and discuss the school's academic performance.

3. Select one or more of the organization's schools whose performance is relatively low or not satisfactory and discuss the school's academic performance and efforts to improve it.

D. Market Analysis and Selection of Target Communities:

1. Describe how the target communities in New York State were identified and selected as attractive markets to the Comprehensive Management Organization. If the existing portfolio does not include schools in New York, provide the rationale for entering New York.
2. Discuss the Comprehensive Management Organization's competition for students and staff in the target communities, assess student demand, and describe the organization's competitive advantages.

E. Attachments:

Provide the following documentation with the business plan narrative:

- A. **By-laws:** Include the organization's current by-laws.
- B. **Meeting schedule:** Provide a copy of the Comprehensive Management Organization's board meeting schedule for the current year or school year, and a proposed schedule for the first year of operation of the proposed new school.
- C. **Organizational Chart:** Provide an Organizational Chart that shows the staffing structure and reporting responsibilities for the organization's board, administration, and staff.
- D. **Management Contracts:** Identify which services and costs are included in any management contract as well as services and costs billed in addition to the management contract fee. In the case of separately billed services/goods shared across schools, please explain how costs will be distributed among schools. If the organization does not partner with a Charter Management Organization (CMO), then describe which centralized services the organization would offer, how costs would be allocated to the various schools, and how the schools will pay for those services. If there would be a contract or a shared services agreement, provide the most recent executed agreement as well as any new proposed agreement. If the parties are still negotiating some provisions, provide a draft agreement.
- E. **Philanthropic Support:** Provide a detailed list of donor organizations, along with the dollar amount contributed, for the past three years. If philanthropic funding is included in the budget, then provide commitment letters from the top five contributors. Note, letters should include a statement that the contributor plans to continue the relationship with the organization and note any restrictions on the funds but does not need to cite actual funding amounts.

- F. **Consolidated Financial Reports:** Provide copies of, or other access to, the three most recent annual consolidated audited financial reports, including management or advisory letters and related notes. Provide the same information for related entities, subsidiaries, real estate or other service entities that would provide goods or services to the charter school or the organization.
- G. **Audited Financial Statements:** For the Comprehensive Management Organization and all charter schools operated by the Comprehensive Management Organization, provide copies of, or other access to, all audited financial statements and all management or advisory letters issued during the previous three years by any independent auditors who prepared the audited financial statements or any governmental agency (i.e. the NYC or NYS Comptroller) that conducted an audit. Be sure to include any out of state charter school audited financial statements.
- H. **Form 990s:** Provide copies of, or other access to, all IRS Form 990s filed during the previous three years by the organization including any non-SUNY authorized charter school education corporations operating a school presently managed by the organization.
- I. **Authorization to do Business in New York State:** Provide evidence that the organization is authorized to do business in New York State (New York corporate formation documents from the Secretary of State or copy of approved application for authority to do business in New York from the Secretary or from the New York State Board of Regents.
- J. **Not-for-Profit Status:** Provide evidence of the organization's not-for-profit state and federal status, including tax-exempt status under section 501(c)(3) or other provision of the Internal Revenue Code, if applicable.
- K. **Client List:** Provide a list of clients with whom the organization has contracted over the preceding four years. Include clients with which the organization has severed the relationship, and clients that have severed the relationship with the organization for financial deficiencies or malfeasance, charter revocation or non-renewal, statutory, regulatory, or charter compliance deficiencies, conflict of interest or other reasons, and explain the reason(s) for the severance of each relationship.
- L. **Litigation:** Provide a list of any current or past litigation, including arbitration proceedings, that has involved the organization, its related entities, or any of the charter schools it operates. If applicable, provide demand, any response to the demand, and results of the arbitration or litigation.

APPENDIX F: LIST OF MOST COMMON PITFALLS

1. Failure to conduct sufficient public outreach to community and stakeholder groups.
2. Failure to continue public outreach throughout the application process.
3. Plagiarizing from applications previously submitted by other applicant groups or other sources for sections that require original content.
4. Resubmission of the applicant's previously rejected application with corrections, instead of submitting a cohesively and thoughtfully revised proposal.
5. Failure to demonstrate knowledge of relevant laws, rules, and regulations.
6. Failure to submit a complete response to every numbered request in each section of the application.
7. Failure to provide a detailed, clear, consistent, and cohesive application that presents not only a clear vision, but also a comprehensive and realistic plan.
8. Failure to follow application instructions, including guidelines for font, formatting, document length, size, and content.
9. Failure to present a balanced budget based on reasonable assumptions and workable cashflow
10. Failure to demonstrate the applicant group's capacity to start, sustain, and renew a successful charter school
11. Failure to have all members of the applicant group review the application, and the RFP to ensure compliance with all requirements, and knowledge and agreement with all aspects of the application.
12. Waiting until the day of the deadline to upload and submit documents.

SECOND RENEWAL CHARTER

**DATED AS OF
, 2022**

BETWEEN

**STATE UNIVERSITY OF NEW YORK
BOARD OF TRUSTEES**

AND

{NAME} CHARTER SCHOOL

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DEFINITION OF TERMS

Education Corporation: as defined further herein, a New York, not-for-profit, charter school education corporation that comes into existence through the issuance of a charter and the formation of a corporation pursuant to Article 56 and §§ 216 and 217 of the New York Education Law, respectively. Each charter school education corporation is entitled to operate one **school** in one or more **sites** for each charter issued to it.

program: an element of an overall educational program that may be shared among schools within the same education corporation without further legal authority beyond the Charter. A program is not created by any provision of New York Education Law.

Provisional Charter: as defined further herein, the certificate of incorporation of a charter school Education Corporation. The Education Corporation has only one provisional charter even though it may have been issued more than one charter in order to operate more than one **school**. The Provisional Charter is issued for a period of five (5) years or less and is not perpetual. The Charter Agreement is not the Provisional Charter. As the term is sometimes used, an Education Corporation has one “Charter,” which consists of the Charter Agreement, including the charter application, and the Provisional Charter.

school: a vehicle for the delivery of a complete educational program to students that has: independent leadership; dedicated staff; and defined facilities. An education corporation may have the authority to operate more than one school so long as a charter has been issued for each such school, which shall be listed in or part of the Charter Agreement and/or reflected in the Provisional Charter. Note a school may be housed in more than one physical **site**. A school is its own Local Educational Agency (LEA) for federal program purposes except the education of students with disabilities and its own accountability unit for purposes of the federal Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA), and the New York State Education Department’s Accountability Designations.

site: one of a number of facility locations for a single charter school typically representing a grade range. (For example, K-4 site, 5-8 site, or 9-12 site.) A site would not be its own LEA, ESSA, or state Accountability Designation unit. More than one charter school building tightly clustered (i.e., a campus) would be a “single site” under New York Education Law. Without receiving an additional charter an education corporation may not educate students of the same grade level in more than one site. The number of charters issued to an education corporation will determine the maximum number of sites it may have for any particular grade.

SECOND RENEWAL CHARTER

This agreement, executed on this ____ day of _____ 2022 by and between the State University of New York Board of Trustees (the "**Trustees**") and the board of trustees of {NAME} CHARTER SCHOOL (the "**Education Corporation**") (collectively, the "**Parties**") an independent and autonomous not-for-profit education corporation under the New York Charter Schools Act of 1998 (as amended, the "**Act**"), codified as Article 56 of the New York Education Law.

WITNESSETH:

WHEREAS the State of New York (the "**State**") enacted the Act; and

WHEREAS pursuant to Education Law §§ 2851 and 2852, the Trustees have the authority to (i) approve applications to establish charter schools in the State, (ii) thereafter to enter into an agreement with applicants setting forth the terms and conditions under which a charter school shall operate, and (iii) to renew a charter for a period of five years; and

WHEREAS an application was submitted to the Trustees for establishment of the Education Corporation pursuant to the Act, which the Trustees approved, and thereafter was approved or deemed approved by the State Board of Regents (the "**Regents**"); and

WHEREAS subsequent thereto the Regents incorporated an education corporation to establish and operate one or more schools and issued a certificate of incorporation pursuant to Education Law § 2853(1) (the "**Provisional Charter**") with a term of five years, which Provisional Charter may have been renewed or extended one or more times by the Trustees and the Regents, or by operation of law; and

WHEREAS the Education Corporation recently submitted an application for charter renewal to the Trustees pursuant to Education Law § 2851(4), which may have been modified or supplemented, and the Trustees thereafter (i) determined that the application for renewal satisfies each and every requirement set forth in Education Law §§ 2851(4) and 2852(2), (ii) approved the application for renewal, and (iii) authorized the renewal of the Education Corporation's current charter, all of the foregoing subject to the limitations, restrictions, and conditions in this agreement; and

WHEREAS pursuant to the Act, the Regents are authorized to approve the proposed renewal charter and extend the Education Corporation's Provisional Charter for the term set forth herein;

NOW, THEREFORE, in consideration of the mutual covenants, representations, warranties, and agreements contained herein, the Parties hereby agree as follows:

SECTION 1. CONTINUATION OF EDUCATION CORPORATION

1.1 Charter. This agreement (the “**Charter Agreement**”), which specifically incorporates the following:

(a) certain terms of operation set forth collectively and attached hereto in **Exhibit A**, and shall incorporate the initial charter applications or proposals of any additional schools that may hereafter be approved by the Trustees, all of which shall be set forth in **Schedule 1**, and which shall be hereafter referred to collectively as the Terms of Operation (the “**Terms of Operation**”);

(b) the Additional Assurances and Terms, if any, set forth in Exhibit A (the “**Additional Assurances and Terms**”);

(c) the Monitoring Plan, attached hereto as **Exhibit B** (the “**Monitoring Plan**”);

(d) the Assurances Regarding Students with Disabilities, attached hereto as **Exhibit C** (the “**Students with Disabilities Assurances**”);

(e) the Assurances Regarding the Provision of Fiscal Audits and Dissolution, attached hereto as **Exhibit D** (the “**Fiscal Audits and Dissolution Assurances**”); and,

(f) the Accountability Plan(s) developed by each school to be operated by the Education Corporation or to be developed during the first year of operation by any additional school the Corporation may be permitted to operate, and further described herein and set forth in Exhibit A, (the “**Accountability Plans**”);

shall constitute, before its approval by the Regents, the proposed charter (the “**Proposed Renewal Charter**”). When approved or deemed approved by the Regents, the Proposed Renewal Charter shall be known as the charter (the “**Charter**”). The Charter, together with the amended or reissued Provisional Charter, shall set forth the terms of operation of, and be binding on, the Education Corporation. Upon its effective date, the Charter supersedes and replaces any other or previous charter agreement between the Parties

1.2 Effective Date; Term.

(a) The Charter shall take effect immediately upon, and only upon, (i) its approval by the Regents or approval by operation of law pursuant to Education law §§ 2852(5-a) or (5-b), and (ii) expiration of the term of the Education Corporation current charter, if any (the “**Effective Date**”). The Charter shall expire after {DATE}, unless earlier terminated or renewed pursuant to the terms hereof or of the Act.

(b) If the Education Corporation is granted additional authority to operate additional schools under the Act, the charter term shall be extended to include a period of five

(5) years in which instruction is provided to pupils in such school(s) plus the period commencing with the new effective date and ending with the opening for instruction of the last school for which the Education Corporation was issued a charter, which may be delayed by planning years as described in section 3.1 hereof.

(c) Notwithstanding any other provision of the Charter Agreement, in the event that the Provisional Charter expires on a date when a new instructional school year has recently commenced, the Education Corporation's school(s) will not be able to provide instruction during that commenced school year unless the Education Corporation applies to the Trustees for, and is granted, a Provisional Charter extension or renewal in accordance with the *Policies for the Renewal of Charter School Education Corporations and Charter Schools Authorized by the Board of Trustees of the State University of New York* or similar policy, as may be in effect at that time, or is given other explicit authority to provide instruction by the Trustees or their designee.

1.3 Amendment of Proposed Renewal Charter. Prior to its issuance, the Proposed Renewal Charter is subject to modification as follows.

(a) The Education Corporation agrees that (i) should the Charter Schools Institute (the "**Institute**") on behalf of the Trustees determine upon further review that one or more exhibits or attachments of the Terms of Operation, or provisions of the Charter Agreement, are inconsistent in one or more respects with applicable laws, rules or regulations, or the Charter Agreement, and (ii) the Regents provide an opportunity for amendment of the Proposed Renewal Charter, the Education Corporation shall make such changes to the Charter Agreement as requested by the Institute such that the Charter Agreement meets such legal requirements; it being understood, however, that such changes shall be required only after the Education Corporation or its designee has had the opportunity to fully discuss any such requested changes with the Institute.

(b) If the Institute determines that the Charter Agreement requires amendment for the reasons indicated immediately above, but the Regents do not permit amendment, and there is no other opportunity for same, and the Charter is issued or reissued as the case may be, the Education Corporation agrees to make such amendments to the Charter Agreement (and seek a revision to same or the Charter to the extent required by law to effect such changes), it being understood that prior thereto, the Institute shall provide the Education Corporation with a full and fair opportunity to discuss any such required changes.

1.4 New Information. The Education Corporation's school(s) shall not continue to provide instruction to any student and the Education Corporation shall not be eligible to receive any funds, or if it has received funds, any further funds, as would otherwise inure to the Education Corporation under Education Law § 2856, if:

(a) the Trustees receive information after the date on which the Proposed Renewal Charter or an amendment thereto is executed that provides substantial reason to

believe either (i) the Terms of Operation contain material misstatements or material omissions of fact or (ii) the Education Corporation and/or any entity with which the Education Corporation intends to contract to provide day-to-day management of any school or schools, is unable to oversee and operate the school or schools in a fiscally and educationally sound manner consistent with the terms of the Provisional Charter, Charter Agreement, Act, and all other applicable laws (the “**New Information**”); and

(b) the Trustees acting on the New Information, issue in writing to the Education Corporation a statement setting forth in particular the New Information and the reasons why the Education Corporation shall not be permitted to provide instruction at a particular school or schools, or to receive the public funds contemplated under the Act. Upon appropriate showing by the Education Corporation, the Trustees may withdraw such statement and permit the Education Corporation’s school(s) to provide instruction to students and permit the Education Corporation to receive public funds contemplated under Education Law § 2856 for such school(s). In the event that the Trustees issue the statement described by this subsection either prior to December 31 of the year that the charter(s) issued to permit operation of said school(s) becomes effective, or, in the case of charter(s) issued on the first business day of a calendar year, and such statement is not withdrawn by the Trustees on or before September 21 of the year immediately succeeding the year in which such charter becomes effective, or on or before September 21, respectively, such charter(s) shall be deemed to be void *ab initio*. It shall be the ongoing obligation of the Applicant(s) (until the Effective Date) and Education Corporation (upon and after the Effective Date) to provide in writing to the Trustees any New Information of which the Applicant(s) or Education Corporation is or are in, or come(s) into, possession.

1.5 Authority to Operate Additional Schools, Sites and Programs.

(a) The Education Corporation shall have the authority to operate the schools set forth in Schedule 1 and described in the Terms of Operation. Each school operated by the Education Corporation shall have its own, separate Accountability Plan, and, when applicable, Enrollment and Retention Targets. The Monitoring Plan shall be applied to each school by the Trustees, and to the Education Corporation, as applicable. Subject to the requirements of the Act and the application or proposal requirements of the Trustees, the Education Corporation may operate such additional schools as the Trustees may approve in accordance with the Act.

(b) The Education Corporation shall have the authority to operate in as many sites as permitted by the Act and as approved pursuant to this Charter Agreement by the Trustees so long as the number of separate sites for any particular grade does not exceed the number of schools the Education Corporation may operate. Notwithstanding the immediately foregoing, restriction, if the Education Corporation has been issued a separate charter for duplicate grade(s) pursuant to the Act, the Education Corporation may operate such additional site(s).

(c) So long as set forth and described in the Terms of Operation, the Education Corporation may share programs, settings, classes and services between and among schools

unless otherwise prohibited by the Act, the Provisional Charter, this Charter Agreement, or applicable law.

(d) The Education Corporation shall have the authority to operate such pre-Kindergarten and other programs specifically authorized by law subject to applicable laws, rules, and regulations.

1.6 School Names. The names of the Education Corporation's school(s) shall be set forth in Schedule 1. The Education Corporation shall have the authority to amend or alter the name of any school it has the authority to operate provided that such school name is not already in use in the State, and further provided that such name change shall become effective only upon the approval of the Institute and upon notice to the Regents or their designee, which may require Charter revision.

SECTION 2. OPERATION OF EDUCATION CORPORATION

2.1 Code of Ethics; Conflicts of Interest. The Education Corporation, its trustees, officers, and employees shall abide by the code of ethics and/or conflicts of interest policy of the Education Corporation set forth in the Terms of Operation, which must conform to those provisions of the Act and New York General Municipal and Not-For-Profit Corporation Laws made applicable by the Act, and include standards with respect to disclosure of conflicts of interest regarding any matter brought before board of trustees of the Education Corporation (the "**Education Corporation Board**"). The Education Corporation shall disseminate the code in written form to each of its trustees, officers, and employees. Modifications to the code of ethics shall require prior written approval of the Trustees.

2.2 Governance; Education Corporation Board; Bylaws. The Education Corporation shall be governed by the Education Corporation Board, which shall consist of those individuals specifically named in the Terms of Operation (the "**Corporate Trustees**") as updated by subsequent election and approval, resignation, removal, or other disposition in accordance with the Bylaws (defined below) and this Charter Agreement. The Education Corporation Board shall have final authority for policy and operational decisions of the Education Corporation and each school although nothing herein shall prevent the Education Corporation Board from delegating decision-making authority to officers, employees, and agents of the Education Corporation. The Education Corporation Board shall operate pursuant to the following requirements and restrictions:

(a) The Education Corporation Board shall initially operate pursuant to the bylaws set forth in the Terms of Operation. The Education Corporation Board shall meet within thirty (30) days of the Effective Date and duly ratify such bylaws. Thereafter, the Education Corporation Board shall operate pursuant to the bylaws of the Education Corporation whether such bylaws be those initially set forth in the Terms of Operation or as amended pursuant to subsection (b) of this section 2.2 (initially or as amended, the “**Bylaws**”), as well as the Act and applicable provisions of the Not-For-Profit Corporation, Education, and General Municipal Laws.

(b) The Bylaws may not be amended in any material respect without the prior written approval of the Trustees, such approval not to be unreasonably withheld, and in no event can they conflict with any term of the Provisional Charter, Charter Agreement or law including provisions of the Education, General Municipal and Not-for-Profit Corporation Laws applicable to charter schools. In seeking modification of the Bylaws, the Education Corporation Board shall submit to the Trustees a duly approved resolution of the Education Corporation Board setting forth the proposed material changes to the Bylaws.

(c) The Education Corporation Board shall have as its members such total number of Corporation Trustees and shall reserve seats on the Education Corporation Board for such specified members or constituent groups in such numbers as is set forth in the Terms of Operation. In no event shall a person with an interest in a for-profit contract with the Education Corporation serve on the Education Corporation Board except to the extent permitted by the General Municipal and the Not-For-Profit Corporation Laws. The Bylaws or code of ethics/conflict of interest policy shall contain provisions consistent therewith.

(d) Notwithstanding any provision to the contrary in the Charter Agreement, Terms of Operation, or Bylaws, in no event shall the Education Corporation Board, at any time, be comprised of voting members of whom more than forty percent (40%) are directors, officers, employees, agents, or otherwise affiliated with any single entity (with the exception of the Education Corporation or of another charter school education corporation), regardless of whether said entity is affiliated or otherwise partnered with the Education Corporation. For the purposes of this subsection, “single entity” shall mean any individual entity, as well as any and all related entities such as parents, subsidiaries, affiliates, and partners. The Trustees may, at their sole discretion, waive this restriction upon a written request from the Education Corporation.

(e) Where the Education Corporation has engaged a not-for-profit educational service provider or other entity that provides comprehensive management services to the Education Corporation or any of its schools pursuant to a contract between such entity and the Education Corporation:

(i) no more than two (2) Corporate Trustees may be affiliated with such not-for-profit entity, or have immediate family members so affiliated; provided, however, that in such case the following restrictions shall apply and be contained in the Bylaws:

(A) termination of the contract with the not-for-profit educational service provider or other entity shall constitute cause for removal of such person(s) from the Education Corporation Board, and upon such termination such person(s) may be removed from the Education Corporation Board by vote of a majority of the Corporate Trustees provided there is a quorum of at least a majority of the entire Education Corporation Board present at the meeting;

(B) such person(s) shall not hold the offices of chair or treasurer of the Education Corporation Board;

(C) when the Education Corporation Board has proper grounds to go into executive session pursuant to the New York Open Meetings Law (as defined herein), and the Education Corporation Board is to discuss or vote upon an issue related to the not-for-profit management company or entity, the personnel of such company or entity, or such person(s), the Education Corporation Board may, after such person(s) has had an opportunity to fully address the Education Corporation Board, continue such executive session outside of the presence of such person(s); and,

(D) the number of Corporate Trustees shall not be less than seven (7) where two (2) Corporate Trustees are affiliated with the not-for-profit entity and not less than six (6) where one (1) Corporate Trustee is affiliated with the not-for-profit entity.

(f) The Education Corporation Board shall notify the Trustees within five (5) business days of any of the following Corporate Trustee actions: removal; resignation; expiration of term without re-election; or, otherwise leaving the Education Corporation Board.

(g) The Education Corporation Board shall require that each Corporate Trustee who has served during a school year shall file annually a disclosure report (the “**School Trustee Disclosure Report**”) with the Trustees, the form and requirements of which shall be provided by the Trustees. The School Trustee Disclosure Report shall set forth and attest to transactions between the Education Corporation, on the one hand, and a Corporate Trustee and/or any entity with which such Corporate Trustee is affiliated on the other, as such transactions may be defined by the Trustees. As set forth in section 6.1 of this Charter Agreement, the School Trustee Disclosure Report for each Corporate Trustee shall be submitted yearly as part of each school's annual report (the “**Annual Report**”). In the event that any Corporate Trustee fails to file a School Trustee Disclosure Report within thirty (30) days of its due date of August 1, or such report is in material respects incomplete, misleading or untruthful, and the Trustees inform the Education Corporation Board of its determination in this regard, the Education Corporation, notwithstanding any provision of its Bylaws, shall in a timely fashion remove such Corporate Trustee pursuant to a vote of the Education Corporation Board and the failure of the Education Corporation Board to so act shall be a material violation of the charter as described in the Act. Should a Corporate Trustee resign from or otherwise leave the Education Corporation Board without having submitted a School Trustee Disclosure Report for any year in which such Corporate Trustee served, the Education Corporation shall provide the Trustees with

a record of the transactions required by the School Trustee Disclosure Report for that Corporate Trustee for each relevant school year, such reports to be signed by the Education Corporation and due on August 1 as part of the Annual Report.

2.3 Selection of New Education Corporation Board Members. All Corporate Trustees shall possess appropriate qualifications for membership on the Education Corporation Board, as such qualifications are set forth in the Terms of Operation, and shall be seated pursuant to the following procedures. Prior to the appointment or final election of any new Corporate Trustee, the Education Corporation Board must submit to the Trustees (pursuant to a duly approved resolution of the Education Corporation Board) the name of the proposed Corporate Trustee and such individual must timely provide to the Trustees, in writing and/or in person, such background information as the Trustees shall require (the “**School Trustee Background Information**”). Within forty-five (45) days of receiving the name of the proposed Corporate Trustee and the School Trustee Background Information, the Trustees shall in writing reject or approve such individual. In the event that the Trustees do not provide in writing an approval or rejection within the forty-five (45) day time period, the proposed Corporate Trustee may be seated so long as such action would be consistent with the Bylaws and any other applicable Terms of Operation. A failure by the Education Corporation or the proposed Corporate Trustee to timely provide the School Trustee Background Information to the Trustees shall be grounds for his or her rejection.

2.4 Contracting with Educational Service Providers. Any entity that provides all or a substantial subset of all services necessary to operate and oversee any school’s educational program on a fee basis and pursuant to a fee-based contract shall be known as an educational service provider (“**Educational Service Provider**”) and the contract under which such services are provided shall be referred to as a management contract (“**Management Contract**”). Any other contractual arrangements including, but not limited to, leases, subleases, lease-purchase agreements, credit facilities, loan agreements, promissory notes, negotiable instruments, and other debt instruments, that are contemplated between the Education Corporation on the one hand and the Educational Service Provider, its partners, parents, subsidiaries, agents, and affiliates (including any entity that holds an economic interest in the Educational Service Provider) on the other, shall be known collectively, together with the Management Contract, as ESP Contracts (“**ESP Contracts**”). The following requirements and provisions relating to Educational Service Providers, Management Contracts and ESP Contracts shall apply.

(a) The Trustees reserve the right to review and disapprove for good cause shown any and all ESP Contracts that the Education Corporation seeks to execute, amend, or renew during the time that the Provisional Charter is in effect. Good cause shown includes, but is in no way limited to, a finding that the ESP Contract(s) at issue does not, under the totality of the circumstances, allow the Education Corporation effective and sufficient means to hold the Educational Service Provider accountable including means to terminate the Educational Service Provider without placing the Education Corporation’s or the subject school(s)’s further existence

in peril. The above terms are in addition to the requirements of sections 3.14 and 3.15 of the Charter Agreement.

(b) To facilitate the Trustees' rights of review and disapproval, the Education Corporation shall provide the Trustees with any proposed ESP Contract or proposed material amendment thereto no later than thirty (30) days prior to the proposed date of execution. In addition to the foregoing, prior to a school's first year of operation, and where no prior Management Contract has been in place for that school, the Education Corporation must submit the proposed Management Contract to the Trustees by no later than May 1 immediately preceding the start of the school year. When submitting an ESP Contract, the Education Corporation must include a written opinion of the Education Corporation Board's legal counsel stating that the ESP Contract has been reviewed by legal counsel to the Education Corporation Board. Within thirty (30) days of receiving the proposed ESP Contract, the Trustees shall notify the Education Corporation Board if the agreement is disapproved, except that the Trustees, at their discretion, may extend the review period an additional thirty (30) days. It is expressly understood that should the Trustees not disapprove an ESP Contract, the Trustees by such action are in no way endorsing or approving the contract, the fee arrangements if any or any other provisions contained therein.

(c) To the extent that the Terms of Operation contemplate that any of the Education Corporation's schools would be operated with the assistance of an Educational Service Provider pursuant to a Management Contract, the Education Corporation shall obtain the prior written approval of the Trustees prior to operating the school without such Educational Service Provider's assistance. Notwithstanding the above, it is understood that circumstances may require the Education Corporation to terminate and/or not renew a Management Contract and thereafter operate a school without the services of the Educational Service Provider identified in the Terms of Operation (or otherwise subsequently approved by the Trustees) prior to obtaining the permission of the Trustees. Where the Trustees determine, at their sole discretion, that such circumstances exist, and the Education Corporation has made good faith efforts to timely inform the Trustees of the circumstances, the Trustees may waive the Education Corporation's breach of the prior permission requirement and allow the Education Corporation to seek permission *ex post facto*.

(d) Management Contracts shall set forth with particularity, *inter alia*, the extent of the Educational Service Provider's participation in the organization, operation and governance of the Education Corporation and any school, and contain a provision requiring the Educational Service Provider to provide the Trustees access to its annual financial statements audit as set forth in section 5.

(e) To further and facilitate their review, the Trustees may require the Education Corporation to submit together with any ESP Contract, additional information or assurances.

(f) Upon the execution of an ESP Contract, and any extension or revision thereto, a copy of such contract or revised contract shall be promptly provided to the Trustees.

2.5 Transactions with Affiliates. In addition to the applicable requirements of the General Municipal and Not-For-Profit Corporation Laws, the Education Corporation shall not, directly or indirectly, enter into or permit to exist any transaction (including the purchase, sale, lease, or exchange of any property or the rendering of any service) with any affiliate of the Education Corporation, any member past or present of the Education Corporation Board, or any employee past or present of the Education Corporation, any immediate family member of the foregoing individuals, or any entity with which any such person is affiliated unless:

(a) the transaction, if with an entity, is with a not-for-profit entity;

(b) the terms of such transaction (considering all the facts and circumstances) are no less favorable to the Education Corporation than those that could be obtained at the time from a person or entity that is not such an affiliate, member or employee or an individual related thereto; and,

(c) the involved Corporate Trustee, officer, or employee must recuse him/herself from voting on or deciding any matters related to such transaction;

it being understood that the Trustees may ask for third-party valuation of such transactions.

SECTION 3. OPERATION OF SCHOOLS

3.1 Planning Years and Prior Actions. The Education Corporation shall continue or commence instruction, as the case may be, in conformity with the schedule set forth in the Terms of Operation for each school it is permitted to operate.

(a) Subject to the foregoing limitation, planning years applicable to any school or schools set forth in the Terms of Operation shall not require further approval of the Trustees or constitute a revision to the Charter.

(b) The Education Corporation may seek the Trustees' approval to take one (1) to two (2) additional planning years for any school(s), which approval shall not be unreasonably withheld.

(c) The Education Corporation may seek the Trustees' approval to take more than (2) planning years in the aggregate, which may be granted in the Trustees' discretion and which may require charter renewal in accordance with the Act.

(d) In the event the Education Corporation is unable to open a school or schools by such date(s) including taking and completing the Prior Actions (as described

immediately below) to the satisfaction of the Trustees to permit the school(s) to open, the charter(s) issued that permitted the Education Corporation to operate such school(s) shall be deemed to be void *ab initio*, and, if necessary, the Education Corporation shall cooperate with the Institute to transfer, re-use, or restructure such charter or right to operate such school(s).

(e) Notwithstanding the foregoing subsections of this section 3.1 of the Charter Agreement, the Education Corporation shall not permit any schools to provide instruction to any student until and unless the Trustees issue a written statement to the Education Corporation, with a copy to the Regents, attesting that said school has completed all or substantially all of the Prior Actions published on the website of the Institute (the “**Prior Actions**”) to the satisfaction of the Trustees with such conditions as they may require. Upon such confirmation, the restrictions on the school(s) set forth in the immediately foregoing sentence shall be of no further force and effect. Notwithstanding the foregoing, in the event that such a school is unable to take and complete all of the Prior Actions to the satisfaction of the Trustees prior to September 21 of the year immediately succeeding the year in which the school commences instruction, the charter issued that permitted the Education Corporation to operate such school shall be deemed to be void *ab initio*. Notwithstanding anything to the contrary in this section, the Prior Actions are in addition to any other condition set forth in the Provisional Charter, Charter Agreement, or the Act.

3.2 Mission Statement. Each school operated by the Education Corporation shall operate under its mission statement set forth in the Terms of Operation. However, the Education Corporation may change, amend, or otherwise modify the mission statement of any school and such changes shall not require the permission of the Trustees or constitute a revision to the Charter Agreement so long as the changes are approved by the Education Corporation Board and generally consistent with the key design elements (the “**Key Design Elements**”) set forth in the Terms of Operation, and the Education Corporation reports the modification to the Trustees as part of the school’s Annual Report as required by section 6.1 of the Charter Agreement. Nothing herein shall require the Education Corporation to adopt the same or similar mission statements for each school it is permitted to operate.

3.3 Age; Grade Range; Number of Students. Each school operated by the Education Corporation shall provide instruction to pupils in such ages, grades, and numbers in each year of operation as set forth in the Terms of Operation (the “**Projected Enrollment Structure**”), and the Education Corporation shall obtain the prior written permission of the Trustees for variances from those terms, except as specifically set forth in subsections (a) and (b) below.

(a) Each school operated by the Education Corporation may enroll a total number of students different from such number as is set forth in the Projected Enrollment Structure (the “**Projected Enrollment**”) for such school so long as (i) the total enrollment of such school does not exceed one hundred and twenty percent (120%) of the Projected Enrollment, or (ii) the total enrollment of such school is not less than eighty percent (80%) of the Projected Enrollment or fifty (50) students, whichever is greater.

(b) The Education Corporation may, with respect to any school it is authorized to operate, vary the number of students in any particular grade and/or number of students within a class from that provided for in the Projected Enrollment Structure for the purpose of accommodating staffing exigencies, attrition patterns and facilities, and such changes shall not require the permission of the Trustees or constitute a revision to the Charter.

(c) Notwithstanding subsection (a) or (b) of this section, the Education Corporation shall not make any change in the Projected Enrollment Structure, with respect to any school it is authorized to operate, without the written permission of the Trustees that results in or has the effect of (i) eliminating or nearly eliminating a grade or grades the school was scheduled to serve under the Projected Enrollment Structure, (ii) not enrolling any returning student scheduled to be served under the Projected Enrollment Structure, or (iii) eliminating any student's seat after the student has been admitted to the school with the understanding that there is no requirement that every returning student must have a seat in the next higher grade level or program so long as same is set forth in the Terms of Operation.

3.4 Admissions; Enrollment; Attendance; Transfer.

(a) Each school the Education Corporation is permitted to operate shall have in place and implement comprehensive policies for admissions, enrollment, and attendance, which policies shall be approved by the Education Corporation Board and shall be consistent with applicable law and regulations. Such policies shall provide in detail the procedures and practices utilized by each school in regards to admission, enrollment, attendance and withdrawal including, *inter alia*, the period in which applications for admission shall be timely, how to obtain an application for admission, the practices in operating the random selection process in accordance with section 119.5 of Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York (8 N.Y.C.R.R. § 119.5), the maintenance of a wait list, the implementation of the preferences required by law and any at-risk school design factors pursuant to Education Law § 2854(2) as set forth in the Terms of Operation, and the taking of attendance pursuant to 8 N.Y.C.R.R. § 104.1. With the exception of any changes in the at-risk school design factors, the Education Corporation Board shall have the authority to make changes to such policies and such changes shall not require the permission of the Trustees or constitute a revision to the Charter Agreement. Such changes, however, must be consistent with applicable law and regulations, and the Education Corporation must report such changes to the Trustees as part of each school's annual report as required by section 6.1 of the Charter Agreement.

(b) The Education Corporation shall utilize reasonable outreach and marketing measures to make potential applicants aware of opportunities for enrollment at each of its schools. The Trustees, upon a finding that the outreach and marketing measures taken by the Education Corporation are inconsistent with applicable law; the Terms of Operation; or the enrollment and retention targets for students with disabilities, English language learners, and students who are eligible applicants for the federal Free and Reduced Price Lunch Program, (i) prescribed by the Trustees for any school to be operated by the Education Corporation, (ii) to be

prescribed by the Trustees for any school during the first year of operation under Trustees' authorization if the Act mandates such targets or, (iii) during the first year such targets are otherwise applicable to such school by the Act (the "**Enrollment and Retention Targets**"), may require the Education Corporation to take remedial action including, but not limited to, requiring the Education Corporation to extend any or all of its schools' enrollment periods, delay or void random selection processes, implement at-risk school design factors, and/or conduct further specified outreach and marketing steps. Only to the extent specifically provided for in the Terms of Operation or the Additional Assurances and Terms shall any school apply an at-risk of academic failure school design factor and/or limit admission to a single sex and any change to such factors as are provided for by the Terms of Operation or the Additional Assurances and Terms shall require the prior written approval of the Trustees, it being understood that such changes may also require a revision to the Charter, such determination to be made by the Trustees.

(c) Applicants that have designated a particular school or schools on an application must be entered into a random selection process for those schools. However, the Education Corporation may offer admission in a different school in addition to, or if the applicant was not selected, in lieu of, admission to the designated school provided that the Education Corporation's or the schools' admissions policies in the Terms of Operation describe such process.

(d) The Education Corporation may transfer students between schools it is authorized to operate, provided the following conditions are met:

(i) the Education Corporation or each involved school has a specific transfer policy set forth in the Terms of Operation;

(ii) the transfer policy treats similarly situated students in a like manner, does not unfairly discriminate against any student or group of students and comports with federal due process in terms of any disciplinary transfers; and,

(iii) the transfer policy does not or does not as applied have the effect of interfering or skewing the student performance results to be reported pursuant to each school's Accountability Plan as further described below.

3.5 Educational Programs.

(a) The Education Corporation shall implement and provide educational programs at its school(s) that are designed to permit and do permit students to meet or exceed the performance standards adopted by the Regents and the goals, and measures of progress towards those goals, of the school(s) as set forth in the Accountability Plan for each school further described below. Subject to the immediately foregoing requirements, the Education Corporation shall have the right to make any modifications to the educational programs of its schools as it deems necessary including, but not limited to, the curriculum, pedagogical approach, and staffing structure, and such modifications shall not require the permission of the Trustees or be deemed

a revision to the Charter Agreement, provided however, that any such modifications shall be generally consistent with the Terms of Operation and applicable law, and the Education Corporation or each school, as the case may be, reports such modifications as part of its annual report as required by section 6.1 of the Charter Agreement.

(b) Subject to any restraints in the Act, Provisional Charter, or this Charter Agreement, the Education Corporation may offer or share programs, settings, classes, and services between and among schools including grade level programs, specialized programs such as programs for students with disabilities or English language learners, and other programs so long as each such program is described in the Terms of Operation, each student participating in such program is included in the enrollment and Accountability Plan of the student's sending school, unless the Trustees, in their sole discretion, otherwise permit.

3.6 Evaluation of Students. The Education Corporation shall implement, for each school, student assessment requirements applicable to other public schools and those set forth in the Terms of Operation except as otherwise specifically provided by applicable law. The Education Corporation shall ensure that each school administers the complete battery of State tests applicable to each grade and Regents examinations or Regents approved alternative assessment, if applicable, to the same extent such examinations are required of other public school students, as well as any standardized or other examinations required by each school's Accountability Plan. In addition, each school shall supplement those assessment tools with the other assessment tools required by the Terms of Operation, if any, or as are required by or set forth in each school's Accountability Plan further described below.

3.7 Accountability Plans. By May 15 of the school year in which any school first commences instruction, the Education Corporation shall ensure that such school creates an Accountability Plan, which plan upon its completion shall be incorporated into the Charter Agreement as a Term of Operation pursuant to section 1.1. The Accountability Plan shall replace and substitute for the assessment measures and educational goals and objectives set forth in the school's charter application in the Terms of Operation, but shall not provide for less stringent assessment measures or educational goals and objectives than those set forth in the school's charter application. The specific terms, form, and requirements of a school's Accountability Plan including any required goals and measures, are set forth in the Accountability Plan Guidelines (the "**Accountability Plan Guidelines**") maintained and disseminated by the Trustees, and currently on the website of the Institute. Such guidelines shall be binding on the Education Corporation. Upon a school's creation of an Accountability Plan, the Education Corporation shall fully implement, maintain, and report progress on, the Accountability Plan pursuant to the requirements of the Accountability Plan Guidelines, the annual reporting guidelines maintained by the Trustees (the "**Annual Reporting Guidelines**") (currently on the website of the Institute), as well as pursuant to section 6.1 of the Charter Agreement. Material amendments to any Accountability Plan shall be approved by the Trustees and shall be consistent with the Accountability Plan Guidelines then in effect. The Education Corporation understands that any school's success in meeting the goals and measures set forth in its Accountability Plan shall be the predominant criterion by which the success of the school's education program will be

evaluated by the Trustees upon the Education Corporation's application for renewal of the authority to operate such school. In addition, the collective success of the Education Corporation's schools in meeting such goals and measures shall be a criterion to be evaluated by the Trustees upon the Education Corporation's application for extension of its Provisional Charter pursuant to Education Law § 2851(4).

3.8 School Calendars; Days and Hours of Operation. The days and hours of operation of each school shall be determined by the Education Corporation at its discretion subject to the following restrictions:

(a) The days and hours of operation shall at all times be sufficient to allow each school to meet the student performance standards set by the Regents and the academic achievement goals and other goals set forth in each school's Accountability Plan and in no event shall any school provide less instructional time during a school year than is required of other public schools with instructional time to be divided generally in equal amounts and over 170 or more days.

(b) To allow parents to determine whether a school's program is appropriate for their child(ren), the Education Corporation shall in each year of the charter term determine the days and hours of operation of each school for the next school year by February 1 of the then current school year and shall make such information readily available to parents seeking to enroll their child(ren) in or return their child(ren) to each school. The Education Corporation shall not thereafter for the next school year make any material changes to the days and hours of operation of any school from those determined on each February 1st date that have the effect of shortening the number of days of instruction or hours in which such instruction is provided without obtaining the prior written permission of the Trustees, it being understood that such permission shall not be forthcoming except for good cause shown.

(c) Notwithstanding subsection (b) above, in the first school year in which a school provides instruction, the days and hours of operation shall be those set forth in the school's charter application in the Terms of Operation, except that the Education Corporation shall have the discretion, and without seeking permission of the Trustees, to (i) provide ten (10) fewer days of instruction than the amount set forth in the Terms of Operation for such school and (ii) lengthen the school day and school year for such school as it deems necessary and appropriate so long as the Education Corporation provides timely notice to parents of such changes and provides the minimum amount of instruction as required under subsection 3.8(a).

3.9 Student Disciplinary Codes. Each school shall maintain and implement written rules and procedures for student discipline including guidelines for suspension and expulsion, and shall disseminate those procedures to students and parents. Such guidelines and procedures must be consistent with applicable law including, but not limited to, requirements for due process, provision of alternative instruction and federal laws and regulations governing the discipline and placement of students with disabilities. In the first year of operation of any school, the school's discipline policy must be consistent with the discipline policy set forth in the

school's charter application in the Terms of Operation. Thereafter, the Education Corporation shall have the authority to make such modifications to the student disciplinary code of any school as it deems necessary and appropriate, and such modifications shall not require the permission of the Trustees or be deemed to constitute a revision to the Charter, except that material modifications of the disciplinary code shall be approved by the Education Corporation Board prior to such modifications becoming effective, and shall be reported as part of each school's annual report as required by section 6.1 of the Charter Agreement.

3.10 Complaint Policies. The Education Corporation shall implement and maintain a complaint policy for each school to receive and handle complaints brought pursuant to Education Law § 2855(4). Initially, such policy shall be that policy set forth in each school's charter application as set forth in the Terms of Operation. The Education Corporation shall have the power to amend each school's complaint policy in any way it deems necessary and appropriate, so long as such amendments are approved by the Education Corporation Board and are consistent with applicable law and due process, and reported as part of each school's annual report as required by section 6.1 of the Charter Agreement. A copy of each school's complaint policy shall be distributed to the parents and/or guardians of students enrolled in the respective school and made readily available to all others requesting a copy. The Education Corporation shall also provide a copy of each school's current complaint policy to the Trustees. Upon resolution of a complaint, the Education Corporation shall provide to the complainant:

- (a) its written determination and any remedial action thereto;
- (b) a written notice to the complainant that he or she may appeal the determination of the Education Corporation to the Trustees; and,
- (c) a copy of the Trustees' grievance policies (as they are posted on the website of the Institute).

3.11 Student Transportation. The Education Corporation shall meet the transportation needs of students ineligible for transportation pursuant to Education Law § 3635 only to the extent provided for in each school's charter application as set forth in the Terms of Operation. The Education Corporation may contract with a school district for the provision of supplemental transportation services to any school. All transportation provided by the Education Corporation shall comply with all safety laws and regulations applicable to other public schools. Notwithstanding the above, the Education Corporation's failure to provide such supplemental transportation as is contemplated in the Terms of Operation for a school where such transportation was to be provided by contract with the school district, shall not be deemed a material or substantial violation of the charter as defined in the Act, where the Education Corporation has attempted to negotiate such contract in good faith with the applicable school district. In such event, the Trustees may require the Education Corporation to provide the contemplated supplemental transportation services by alternate means if such means would be reasonable under the circumstances.

3.12 Health Services. The Education Corporation shall provide health services at each school as are set forth in the Terms of Operation, or their equivalent, so long as the services provided meet applicable law.

3.13 Food Services. The Education Corporation shall provide the food services designated for each school consistent with or equivalent to those outlined in the Terms of Operation so long as the services provided meet applicable law.

3.14 Facilities; Locations. The building(s) in which any school is to be located shall be known as its school facility (the “**School Facility**”).

(a) Prior to May 15 of the year that any school intends to provide instruction for the first time, the Education Corporation shall have:

(i) entered into a lease, purchase agreement or other such agreement that provides the Education Corporation with all rights and permissions necessary to operate the school in the School Facility according to the plan for the school set forth in the Terms of Operation (the “**Facility Agreement**”), which term includes financing agreements related to the facility the Education Corporation will enter into, and any master lease, sublease, or other similar agreement affecting the Facility Agreement or use of the School Facility. The Education Corporation shall provide the Trustees a copy of the Facility Agreement for review and approval, and a letter from counsel attesting counsel has reviewed the Facility Agreement, prior to the May 15 deadline;

(ii) provided to the Trustees for review and approval a detailed schedule setting forth the steps necessary to make the School Facility ready for commencement of instruction, together with the dates upon which such steps will be completed (the “**Facility Completion Schedule**”). The Facility Completion Schedule shall indicate the permits and licenses required to be obtained prior to the Education Corporation being legally able to operate the school in the School Facility (including, but not limited to, a certificate of occupancy or equivalent) (collectively the “**Permits**”) with the dates on which each such Permit shall be obtained, a detailed construction / renovation timeline (if applicable), which describes the work to be completed and the dates when such work will be completed, and an updated and detailed budget for all costs associated with preparing the School Facility for occupancy; and,

(iii) provided to the Trustees for review updated annual budgets (A) for the school for the remainder of the period of the Education Corporation has authority to operate the school, and (B) for the Education Corporation for the remainder of the Provisional Charter term, each reflecting the costs of the Facility Agreement in the form set forth in section 5.5 herein, provided, however, that unless the Trustees specifically request such budgets, same shall be due on the schedule required by section 5.5.

(b) In the event the Education Corporation does not have a Facility Agreement in place by May 15 of the calendar year in which a school intends to first provide instruction at a

School Facility, the school may not commence instruction until the start of the school year succeeding such scheduled start date, subject, however, to having (i) entered into a Facility Agreement, (ii) provided to the Trustees such agreement, attorney review, as well as the Facility Completion Schedule by May 15 of such succeeding year, and (iii) the subsequent approval of the Trustees. Notwithstanding the immediately foregoing sentence, the Trustees may waive the restrictions contained therein upon good cause shown and extend the date upon which the Facility Agreement and Facility Completion Schedule would be otherwise due. A failure to obtain the permission of the Trustees as specified above shall cause any Facility Agreement entered into without such permission to be voidable at the discretion of the Trustees.

(c) In the event that the Trustees find, through their review of the Facility Completion Schedule, the Facility Agreement or any other inquiry or investigation, that it is unlikely that a School Facility will be completed and that all Permits will be obtained in time for the opening of the School Facility on the scheduled opening date, the Trustees may require the Education Corporation to delay the school's commencement of instruction until the next academic year or such other date as the Trustees may designate. In the event that the Trustees require such delay, they shall provide their reasons in writing to the Education Corporation by July 15 of the year in which the school is then scheduled to provide instruction so long as the Education Corporation has complied with the requirements of this section.

(d) Pursuant to Education Law § 2851(2)(j), and notwithstanding any contrary provision of this section, in the event that the Terms of Operation do not identify a School Facility for a particular school, the Education Corporation shall notify the Trustees and the Regents within ten (10) business days of such School Facility having been identified.

(e) The Education Corporation shall take such actions as are necessary to ensure that the Facility Agreement and Permits for each School Facility are valid and in force at all times that the Education Corporation has authority to operate in such School Facility. Approvals of renewals or extensions of Facility Agreements shall follow the procedures set forth in this section or section 3.15, as applicable, provided that the Education Corporation need not provide a letter from counsel if the Facilities Agreement would be renewed on the same terms as the original.

3.15 Changes in Location and/or Expansion Plans. The Education Corporation may change the physical location of a School Facility or obtain additional buildings for a school within the same school district (in the case of the New York City School District, the borough) or obtain additional space in a building a school already occupies provided that the Education Corporation satisfies the provisions of the Act including, but not limited to, Education Law § 2853(1)(b-1) and provided further that:

(a) the Education Corporation notifies the Trustees of the proposed change in location or addition of facilities, in the case of an August or September opening, prior to May 15 of the calendar year in which the school intends to provide instruction in the new or additional School Facility, or, in the case of any other opening, one hundred and twenty (120) days prior to

the proposed commencement of instruction in the new or additional School Facility, and provides the Trustees with (i) a Facility Agreement, (ii) a Facility Completion Schedule, (iii) a letter from legal counsel for the Education Corporation indicating that such counsel has reviewed such Facility Agreement, and (iv) updated annual budgets (A) for the school for the remainder of the period the Education Corporation may operate the school, and (B) for the Education Corporation for the remainder of the Provisional Charter term, each reflecting the costs of the Facility Agreement in the form set forth in section 5.5, provided, however, that unless the Trustees specifically request such budgets in the case of an August or September opening, the budgets may be submitted on the schedule required by section 5.5; and provided further that

(b) the Trustees do not issue a denial to the Education Corporation within sixty (60) days of its receipt of such notification and complete information. The Trustees may issue a denial only for good cause. A failure to provide the Trustees with the notice period and/or Facility Agreement, attorney review, or Facility Completion Schedule for the School Facility required by subsection 3.15(a) within the time frames set forth therein shall constitute good cause. Notwithstanding the foregoing, the Trustees may shorten or otherwise waive the one hundred and twenty (120) day notice or other requirement for good cause shown. A failure to obtain the permission of the Trustees as specified above shall cause any Facility Agreement entered into without such permission to be voidable at the discretion of the Trustees.

3.16 Monitoring Plan and Oversight. The Education Corporation acknowledges that the Trustees, or their authorized agents, and the Regents have the right to visit, examine into and inspect the Education Corporation as well as any school or program the Education Corporation may operate and any records related to any of the foregoing. To permit the Trustees to fulfill their oversight function under the Act and ensure that the Education Corporation and each of its schools is in compliance with all applicable laws, rules and regulations and the terms and conditions of this Charter Agreement and the Provisional Charter, the Education Corporation agrees to abide by the Monitoring Plan that the Institute will implement for the Education Corporation and each school as applicable, the requirements of which are set forth at Exhibit B.

3.17 Education of Students with Disabilities and Funding of Services.

(a) The Education Corporation shall provide services and accommodations to students with disabilities as set forth for each school in the Terms of Operation and in accordance with the Students with Disabilities Assurances set forth in Exhibit C hereto, the Individuals with Disabilities Education Act (20 U.S.C. § 1401 *et seq.*) (the “**IDEA**”), the Americans with Disabilities Act (42 U.S.C. § 12101 *et seq.*) (the “**ADA**”), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794) (“**Section 504**”), all applicable regulations promulgated pursuant to such federal laws, and the individualized education program (“**IEP**”) of each student as determined by the committee or subcommittee on special education of the student's school district of residence or as assigned by such district (“**CSE**”). Pursuant to Education Law § 2853(4)(a), each school shall provide such appropriate and required services either directly, cooperatively with another school operated by the Education Corporation, or by contract with another provider, and, to the extent not otherwise indicated in the Terms of Operation, the Education Corporation may, elect to have

certain services provided by a student's school district of residence. The Education Corporation may seek reimbursement from a student's district of residence for the education of students with disabilities and related services provided by the Education Corporation, pursuant to a student's IEP or Section 504 plan, to the extent permitted under Education Law § 2856 and the New York Laws of 2002, chapter 83, part H, § 102.

(b) The Education Corporation is authorized to receive from a local school district direct payment of any federal or State aid attributable to a student with a disability attending any school in proportion to the level of services for such student with a disability that the school provides directly or indirectly as provided by law, or as set forth in contract.

SECTION 4. PERSONNEL

4.1 Status. The Education Corporation Board shall employ and/or contract with necessary personnel. The Education Corporation shall provide written notice to the Trustees within five (5) business days of the hiring or departure (by resignation or dismissal) of the director, principal or head of any school, however designated, as well as any similarly titled person managing or overseeing multiple schools for the Education Corporation. The organizational structure of the Education Corporation and each school shall be consistent with the structures set forth in the Terms of Operation.

4.2 Personnel Policies; Staff Responsibilities. The Education Corporation shall make available in written form its hiring and personnel policies and procedures for the Education Corporation, and, if applicable, for each school including the qualifications required by the Education Corporation and each school in the hiring of teachers, school administrators, and other school employees as well as a description of staff responsibilities. Such policies and procedures shall be consistent with those set forth in the Terms of Operation, and should clearly indicate that the Trustees have access to all personnel files to the extent permissible by law.

4.3 Instructional Providers. The Education Corporation shall employ or otherwise utilize in instructional positions only those individuals who are certified in accordance with the requirements applicable to other public schools, or who are otherwise qualified to teach under Education Law §§ 2854(3)(a-1)(i)-(iv) and applicable federal law including the federal Every Student Succeeds Act ("ESSA") and the IDEA. For purposes of this section, "instructional positions" means all those positions involving duties and responsibilities that, if otherwise undertaken in the New York public schools, would require teacher certification. At any school, teachers excepted from certification shall not in total comprise more than the number permitted under Education Law § 2854(3)(a-1), and shall have the qualifications required by state and federal law including, but not limited to, those imposed under the ESSA, as applicable. A teacher certified or otherwise approved by the Commissioner of Education of the State (the "Commissioner") shall not be counted against these numerical limits.

4.4 Paraprofessionals. Paraprofessionals employed by the Education Corporation must meet all credentialing requirements imposed by applicable federal law.

4.5 Background Checks; Fingerprinting. The Education Corporation shall establish, maintain, and implement procedures for conducting background checks (including a fingerprint check for a criminal record) of, and appointing on a conditional and/or emergency conditional basis (if applicable), all Education Corporation employees and prospective employees (whether part or full time) who work or would work in any school, as well as any individual who has regular access to the students enrolled in any school (including, but not limited to, employees and agents of any company or organization which is a party to a contract to provide services to the Education Corporation's school(s)) to the extent required by Education Law § 2854(3)(a-2) and the applicable requirements of 8 N.Y.C.R.R. part 87. Such procedures shall contain a specific provision that requires all criminal history reports to be reviewed by two or more employees designated by the Education Corporation Board in its personnel policies or otherwise. The Education Corporation may, but is not required to, conduct any and all other background checks permitted by law.

4.6 Collective Bargaining. In all cases when the Education Corporation is a party to a collective bargaining agreement, the Education Corporation must provide a copy thereof to the Institute including any extensions and side letters, amendments and renewals.

(a) In accordance with Education Law § 2854(3)(b-1), in the event that student enrollment at any school on the first day on which the school commences instruction does not exceed two hundred fifty (250) or the average daily student enrollment of the school does not exceed two hundred fifty (250) at any point during the first two (2) years after the school commences instruction then employees of the Education Corporation employed at such school shall not be deemed members of any existing collective bargaining unit representing employees of the school district in which the school is located, and the Education Corporation and its employees located at such school shall not be subject to any existing collective bargaining agreement between the school district and its employees or be recognized as any particular bargaining unit.

(b) If the conditions in subsections (a) immediately above are not met, then the employees of any school who are eligible for representation under Article 14 of the New York Civil Service Law shall be deemed to be represented in a separate negotiating unit at the school by the same employee organization, if any, that represents like employees in the school district in which the school is located.

(c) The Education Corporation may, in its sole discretion, choose whether or not to offer the terms of any existing collective bargaining agreement to any school or Education Corporation employees. If employees of a school of the Education Corporation are not represented by an existing collective bargaining unit, the Education Corporation shall afford reasonable access to any employee organization during the reasonable proximate period before any representation question is raised. If the employee organization is a challenging organization,

reasonable access shall be provided to any organization seeking to represent employees beginning with a date reasonably proximate to a challenge period.

4.7 Teacher Retirement Systems. To the extent permitted by law, the employees of the Education Corporation may be deemed employees of a local school district for the purpose of providing retirement benefits including membership in the teachers' retirement system and other retirement systems open to employees of public schools. The financial contributions for such benefits shall be the responsibility of the Education Corporation and its employees. Notwithstanding any contrary provision of the Charter Agreement, the parties shall abide by further regulations promulgated by the Commissioner, in consultation with the New York State Comptroller, to implement the provisions of this section including 8 N.Y.C.R.R. § 119.2.

SECTION 5. FINANCIAL OPERATIONS OF EDUCATION CORPORATION

5.1 Management and Financial Controls.

(a) The Education Corporation shall at all times maintain appropriate governance and managerial procedures and financial controls and maintain same at each school, program or other activity operated by the Corporation.

(b) Upon the granting of the authority to operate an additional new school (i.e., authority not acquired through merger) and prior to its opening: (i) the Education Corporation's Treasurer, or an employee or agent acting on behalf of the Education Corporation pursuant to a specific delegation of authority from the Education Corporation Board, shall certify to the Trustees that substantially similar financial controls have been instituted for the new school; or, (ii) the Education Corporation shall comply with the Initial Statement procedures set forth in subsection 5.1(c). Any certification required by this section shall be in the form and manner, and submitted on the schedule, set forth on the website of the Institute.

(c) The Education Corporation shall provide a statement to the Trustees, no later than sixty (60) days from the date the Regents approve the authority of the Corporation to operate a new school (or is approved by operation of law), concerning the status of management and financial controls (the "**Initial Statement**") of the school. The Initial Statement must address whether the Education Corporation has documented adequate controls at that school relating to:

(i) preparing financial statements in accordance with generally accepted accounting principles ("**GAAP**");

(ii) payroll procedures;

(iii) accounting for contributions and grants;

(iv) procedures for the creation and review of quarterly financial statements, which procedures shall specifically identify the individual who will be responsible for preparing and reviewing such financial statements for the Education Corporation and for each school; and,

(v) appropriate internal financial controls and procedures.

The Initial Statement shall be reviewed and ratified by the Education Corporation Board prior to its submission to the Trustees. The Education Corporation shall thereafter, but within the sixty (60) day period, retain an independent certified public accountant or independent certified public accounting firm licensed in the State to perform an agreed-upon procedures engagement (the **“Independent Accountants’ Report”**) in accordance with attestation standards established by the American Institute of Certified Public Accountants. The purpose of the engagement will be to assist the Education Corporation Board and the Trustees in evaluating the Initial Statement and the procedures, policies and practices established there under. The resulting Independent Accountants’ Report should be provided to the Education Corporation Board no later forty-five (45) days after the commencement of such engagement with a copy to the Trustees. In the event that the Independent Accountants’ Report reveals that any of the above management and financial controls (subsections (i)–(v) of this subsection) are not in place, the Education Corporation shall remedy such deficiencies no later than forty-five (45) days from the date the Independent Accountants’ Report was received by the Education Corporation Board and shall provide to the Trustees within that forty-five (45) day period a statement that all deficiencies identified in the Independent Accountants’ Report have been corrected. Such statement shall identify the steps undertaken to correct the identified deficiencies. The Trustees may require additional evidence to verify the correction of all such deficiencies. All documents required to be submitted pursuant to this section 5.1 shall be submitted electronically in accordance with guidance published on the website of the Institute.

5.2 Financial Statements; Interim Reports. All financial statements that the Education Corporation is required to prepare shall be in accordance with GAAP then in effect for not-for-profit corporations. During each year of operation, the Education Corporation shall prepare and submit to the Trustees within forty-five (45) days of the end of each quarter of its fiscal year an unaudited statement of income and expenses for that preceding quarter in such form and electronic format as prescribed and disseminated by the Trustees and currently available through the website of the Institute to include, but not be limited to, certain financial statements for each school operated by the Education Corporation in addition to the aggregated statements for the Education Corporation as determined by the Institute; provided, however, the statement for the fourth quarter shall be due within thirty (30) days.

5.3 Audits.

(a) The Education Corporation shall retain an independent certified public accountant or certified public accounting firm licensed in the State to perform annually an audit of the Education Corporation’s annual financial statements. The independent audit of the Education Corporation’s financial statements must be performed in accordance with generally

accepted auditing standards and *Government Auditing Standards* issued by the Comptroller General of the United States, as well as any additional requirements and guidelines provided by the Trustees to include certain information, schedules and testing related to each school operated by the Education Corporation. The audited financial statements must be submitted to the Trustees by November 1 of each year. In addition, and pursuant to the same timetable, the Education Corporation must require its independent certified public accountant to issue a report on compliance with laws, regulations, contracts and grants and on internal controls over financial reporting, based on its audit of the financial statements. The Education Corporation must submit this report to the Trustees together with a corrective plan addressing any weaknesses or problems identified in the planning and performance of the audit, or management or advisory letters. The corrective plan must address each suggestion for consideration of management contained in the foregoing audit, letters, or compliance report and include a timetable that identifies the date by which each corrective step will have been completed.

(b) An Education Corporation that contracts with an Educational Service Provider must submit to the Trustees, or, at the Trustees' option, provide the Trustees access to, audited financial statements of the Educational Service Providers by November 1 of each year.

All documents required to be submitted pursuant to this section 5.3 shall be submitted electronically in accordance with guidance published on the website of the Institute.

5.4 Fiscal Year. The fiscal year of the Education Corporation shall begin on July 1 of each calendar year of the term of the Provisional Charter and shall end on June 30 of the subsequent calendar year.

5.5 Annual Budgets and Cash Flow Projections.

(a) The Education Corporation shall prepare and provide to the Trustees a copy of its annual budgets and cash flow projections for (i) the Education Corporation as a whole, (ii) each school, and (iii) each program or other activity each fiscal year by no later than June 30 of the immediately preceding fiscal year.

(b) During the Education Corporation's first fiscal year in which its first school(s) provides instruction, the Education Corporation shall provide its annual budget by August 1 of such year in the event that the budget or projection differs in any material respect from that set forth in the Terms of Operation. Thereafter, when a new school of the Education Corporation commences instruction, the Education Corporation must submit its and all of its operating schools' budgets and cash flow projections in accordance with subsection (a) immediately above, but may submit the budget and cash flow projection of the new school by August 1 of such year in the event that the budget or projection differs in any material respect from that set forth in the Terms of Operation for such school.

(c) All annual budgets and cash flow projections shall be in such form and electronic format as prescribed and disseminated by the Trustees, which will be available on the website of the Institute.

5.6 Maintenance of Corporate Status; Tax Exemptions. The Education Corporation shall maintain its status as a not-for-profit New York education corporation and its federal tax-exempt status pursuant to § 501(c)(3) of the Internal Revenue Code. The Education Corporation shall provide the Trustees with copies of all applications and filings relating to its seeking and maintaining its § 501(c)(3) tax-exempt status.

5.7 Insurance. The Education Corporation shall, at its own expense, purchase and maintain the insurance coverage for liability, property loss, and the personal injury of students for the Education Corporation and for each school or site as is described in the Terms of Operation together with any other additional insurance that the Education Corporation deems necessary. Such insurance policies shall continue in effect. In the case of additional schools, the applicable insurance must be in effect prior to employees or students being present in a School Facility. The Education Corporation shall provide the Trustees with certificates of insurance or other satisfactory proof evidencing coverage including, but not limited to, renewal policies within five (5) days of the commencement of each such policy, or additions, riders or amendments thereto covering additional schools. All such insurance policies shall contain a provision requiring notice to the Trustees, at least thirty (30) days in advance, of any material change, nonrenewal or termination. Notwithstanding any provision to the contrary, the Education Corporation shall take all steps necessary to comply with any additional regulations promulgated by the Commissioner and State Superintendent of Insurance to implement Education Law § 2851(2)(o).

SECTION 6. REPORTS

6.1 Annual Reports. No later than August 1 succeeding a school year in which any school provided instruction (or received funding under Education Law § 2856), the Education Corporation, pursuant to Education Law § 2857(2), shall submit to the Trustees and the Regents and cause to be posted on the Education Corporation's or each school's website, an Annual Report for each school setting forth the academic program and performance of each school for the preceding school year. The Annual Report shall be in such form as shall be prescribed by the Commissioner and shall include at least the following components.

(a) A charter school report card, which shall be in such form and provide such data as set forth at 8 N.Y.C.R.R. § 119.3, which shall be easily accessible to the community including making it publicly available by transmitting it to local newspapers of general circulation and making it available for distribution at Education Corporation Board meetings.

(b) A discussion of each school's progress made towards achievement of the goals set forth in the Terms of Operation including its Accountability Plan.

(c) A certified financial statement setting forth, by appropriate categories, the revenues and expenditures for each school for the preceding school year including a copy of the most recent independent fiscal audit of the Education Corporation.

In addition, as part of the Annual Report, the Education Corporation shall provide for each school the following information to the Trustees.

(d) A report on the progress of each school in meeting the goals and measures of the Accountability Plan during the last school year (the “**Accountability Plan Progress Report**”). The Accountability Plan Progress Report must contain data addressing each goal and measure in the school’s Accountability Plan and should report data as required by the Trustees in order for the Trustees to substantiate outcomes. The Accountability Plan Progress Report shall be prepared pursuant to any requirements set forth by the Trustees including the Annual Reporting Guidelines, which will be available on the website of the Institute, and may require the Education Corporation to give the Trustees direct access to State assessment and other student performance data held by state and/or local agencies and/or make the Trustees an agent of the Education Corporation for such purposes. To the extent permitted by the Regents, the Accountability Plan Progress Report may be submitted in satisfaction of the requirement set forth at subsection 6.1(a) of this Charter Agreement. Should the Accountability Plan Progress Report indicate that the school has not met one or more of the goals in its Accountability Plan, the Trustees may require the Education Corporation to submit a corrective plan for the school pursuant to section 8.5 of the Charter Agreement.

(e) The school calendar for the present school year, such calendar to be consistent with subsection 3.8(b) of the Charter Agreement, setting forth the days and hours of operation for the regular school session as well as the summer session in the succeeding calendar year, if any is to be provided.

(f) The statement of assurances relating to compliance with requirements under the Provisional Charter, Charter Agreement and applicable law, the form and requirements of which shall be determined by the Trustees and contained in the Annual Reporting Guidelines.

(g) A School Trustee Disclosure Report for each Corporate Trustee who served on the Education Corporation Board during the preceding year in such form and manner as prescribed by the Trustees and as contained in the Annual Reporting Guidelines.

(h) A statement regarding rates of attrition for both students and teachers during the previous fiscal and school year, the form and requirements of which shall be determined by the Trustees and as contained in the Annual Reporting Guidelines.

(i) A brief statement, as more fully described in the Annual Reporting Guidelines, setting forth changes to the school’s educational program and mission as well as governing and organizational structures, during the previous fiscal and school year.

(j) The school's progress in meeting the Enrollment and Retention Targets, the form and requirements of which shall be determined by the Trustees and contained in the Annual Reporting Guidelines or otherwise posted on the website of the Institute.

6.2 Financial Reports. The Education Corporation shall provide the financial reports required by sections 5.1, 5.2, 5.3 and 5.5 of the Charter Agreement pursuant to the terms and dates specified therein.

6.3 Child Abuse in an Educational Setting. Whenever the Education Corporation makes a determination under Article 23-B of the Education Law that there is a reasonable suspicion to believe that an act of child abuse has occurred at one of its schools (within the meaning of the statute), the Education Corporation must notify the Trustees of the same in addition to the other required statutory notifications. The Trustees shall not re-disclose this information except in accordance with applicable law.

SECTION 7. OTHER COVENANTS AND WARRANTIES

7.1 Compliance with Laws and Regulations. The Education Corporation shall operate at all times in accordance with the Act and other applicable laws, rules and regulations and its schools shall meet the same health and safety, civil rights, and student assessment requirements as are applicable to other public schools, except as otherwise set forth in the Act.

7.2 Freedom of Information and Open Meetings Laws. The Education Corporation shall maintain and implement policies in order to ensure that it is in compliance with Articles Six ("**FOIL**") and Seven ("**Open Meetings Law**") of the New York Public Officers Law and all corresponding regulations.

(a) The Education Corporation shall: (i) issue FOIL "regulations" in accordance with the regulations of the Committee on Open Government; (ii) maintain a FOIL policy for each school accessible to parents; and (iii) post and have accessible the required notices and lists, as applicable, set forth in Article 6 of the Public Officers Law.

(b) The Education Corporation Board shall: (i) promulgate an Open Meetings Law policy that is accessible to parents in each school; (ii) post notices and provide a media advisory in accordance with the Open Meetings Law regarding each Education Corporation Board meeting; and (iii) take and maintain minutes of all meetings and executive sessions of the Education Corporation Board and its committees, if any.

7.3 Non-discrimination. The Education Corporation shall not discriminate against any student, employee or any other person on the basis of ethnicity, national origin, gender (except with respect to students in single-sex schools), or disability or any other ground that would be unlawful if done by any other public school. It shall take all steps necessary to ensure that discrimination does not occur, as required by federal civil rights laws.

SECTION 8. CORPORATE AND SCHOOL RENEWAL; CORRECTIVE PLANS; TERMINATION

8.1 Corporate Renewal Notice. No later than August 1 in the calendar year prior to expiration of the Provisional Charter, which date the Trustees may, at their sole discretion and upon notice, extend, the Education Corporation may provide to the Trustees an application to extend the Provisional Charter in accordance with Education Law § 2851(4) (the “**Extension Application**”). The Trustees may, at their sole discretion, waive the August 1 date restriction upon a written request from the Education Corporation; however, the publication of a later application deadline date on the website of the Institute shall constitute such waiver. The Extension Application shall conform to the Institute’s guidelines and contain:

(a) a report of the progress made by the Education Corporation in achieving the educational objectives set forth in the Charter;

(b) a detailed financial statement disclosing the cost of administration, instruction, and other spending categories for the Education Corporation that will allow a comparison of such costs to other schools, both public and private;

(c) copies of each of the Annual Reports of the schools operated by the Education Corporation including the school report cards and certified financial statements;

(d) evidence of parent and student satisfaction at each school;

(e) the means by which each school will meet or exceed each school’s Enrollment and Retention Targets;

(f) a summary of the current status of any school’s probationary status, closure plan, or corrective action plan; and,

(g) such other material and information as is required by the Trustees.

8.2 Approval or Denial of Charter Extension. The Trustees shall either approve or deny the Extension Application. In the event that the Extension Application is not approved, then the parties to the Charter Agreement shall fulfill their respective obligations hereunder to the end of the term of the Provisional Charter, and the Education Corporation shall follow the procedures for dissolution as set forth in Education Law § 2851(2)(t) as supplemented by section 8.9 of this Charter Agreement. In the event that the Extension Application is granted, the Trustees, pursuant to Education Law §§ 2851(4) and 2852, shall enter into a proposed renewal charter with the Education Corporation and forward the proposed renewal charter and Extension Application to the Regents. Nothing herein shall obligate the Trustees to approve an Extension Application or resubmit a proposed renewal charter.

8.3 School Renewal Notice. No later than August 1 in the calendar year that is the last year of a school's Accountability Period (as defined in the Accountability Plan Guidelines), the Education Corporation may provide to the Trustees an application to extend the authority to operate a school (the "**School Renewal Application**"). The Trustees may, at their sole discretion, waive the August 1 date restriction upon a written request from the Education Corporation; however, the publication of a later application deadline on the website of the Institute shall constitute such waiver. The School Renewal Application shall conform to the Institute's guidelines and contain:

(a) a report of the progress of the school in achieving the educational objectives set forth in the Terms of Operation;

(b) a detailed financial statement disclosing the cost of administration, instruction, and other spending categories for the school that will allow a comparison of such costs to other schools, both public and private;

(c) copies of each of the Annual Reports of the school including the school report cards and certified financial statements;

(d) evidence of parent and student satisfaction at the school;

(e) the means by which the school will meet or exceed its Enrollment and Retention Targets; and,

(f) such other material and information as is required by the Trustees.

8.4 Approval or Denial of School Renewal. The Trustees shall either approve or deny the School Renewal Application. In the event that the School Renewal Application is not approved, the Education Corporation shall close the school at the end of the school year that corresponds with the end of the period the Education Corporation may operate the school, and the Education Corporation shall follow the procedures for school closure as set forth in section 8.10 of this Charter Agreement. In the event that the School Renewal Application is granted in whole or part, the Trustees, pursuant to Education Law § 2852(7), shall enter into a proposed charter revision with the Education Corporation to amend the Terms of Operation to allow the Education Corporation to operate the school for an additional period of time in accordance with the Trustees renewal practices, which will be available on the website of the Institute, and forward the proposed revision to the Regents. In the event the Provisional Charter term does not correspond to the school's renewal period, and the Provisional Charter would expire prior to the expiration of the school's renewal term, the Trustees will, upon application, so extend the charter term unless there is cause to revoke or terminate the Charter at that time pursuant to the Act or this Charter Agreement. Nothing herein shall obligate the Trustees to approve a School Renewal Application or an Extension Application or resubmit a proposed revision to renew the authority to operate a school.

8.5 Corrective Plans. If the Trustees determine that the Education Corporation or any of its schools, programs or sites is not progressing toward one or more of the performance or education goals set forth in the Charter, that the quality of a school's, program's or site's educational program or the Education Corporation's governance practices are not satisfactory, or that the Education Corporation or any of its schools or sites is not in compliance with the terms and conditions of the Provisional Charter or the Charter Agreement including the Monitoring Plan, then the Trustees, in consultation with the Education Corporation, may develop and require the Education Corporation to implement a corrective plan ("**Corrective Plan**"). Nothing contained herein shall require the Trustees to undertake the development of a Corrective Plan or be in derogation of the Trustees' or the Regents' ability to revoke the Provisional Charter, terminate the authority to operate a school, site or program, place the Education Corporation on probationary status, or initiate mandatory remedial action in accordance with the Act and sections 8.6 and 8.7 of the Charter Agreement.

8.6 Grounds for Charter Termination or Revocation. The Charter may be terminated and revoked:

(a) by the Trustees or the Regents in accordance with Education Law § 2855;
or,

(b) by mutual agreement of the Parties hereto.

8.7 Grounds for School Closure. The Education Corporation's authority to operate any school, site, or program may be terminated or revoked:

(a) should the Trustees determine that one of the grounds set forth in Education Law § 2855 apply to such school, site, or program; or

(b) by mutual agreement of the Parties hereto.

8.8 Notice and Procedures.

(a) Should the Trustees determine that one of the grounds for termination or revocation of the Charter as defined under the Act has occurred or is occurring, the Trustees may, at their discretion, elect as follows:

(i) to terminate the Charter; or

(ii) terminate the Education Corporation's authority to operate one or more programs, schools, or sites, or any combination thereof; or,

(iii) to place the Education Corporation on probationary status and prepare and cause the Education Corporation to implement a remedial action plan the terms and conditions of which the Education Corporation must agree to abide by in all respects.

(b) Should the Trustees elect to terminate the Charter, the Trustees shall provide notice of such to the Education Corporation Board at least thirty (30) days prior to the effective date of the proposed termination. Such notice shall include a statement of reasons for the proposed termination. Prior to termination of the Charter, the Education Corporation shall be provided an opportunity to be heard and present evidence in opposition to termination.

(c) Should the Trustees elect to place the Education Corporation on probationary status, such probation shall be effective upon notice to the Education Corporation. In the event that the Education Corporation is placed on probationary status, and does not abide by the terms and conditions of the remedial action plan to the satisfaction of the Trustees, or refuses to implement such plan, the Trustees may declare the Charter terminated with notice of such decision to be given to the Education Corporation Board at least five (5) days prior to the termination date set by the Trustees. The terms and conditions of a remedial plan may include, but are not limited to, the termination of the authority of the Education Corporation to operate a school, site, or program.

(d) Should the Trustees elect to terminate the authority of the Education Corporation to operate a school or site, the Trustees shall provide notice of such to the Education Corporation Board in the same manner as set forth in subsection (b) of this section 8.8.

(e) Should the Trustees elect to terminate the authority of the Education Corporation to operate a program as described in subsection 1.5(c) or (d), the Trustees shall provide notice of such to the Education Corporation, in any manner acceptable under this Charter Agreement.

8.9 Education Corporation Dissolution and Reserve Fund.

(a) In the event of termination of the Charter, whether prematurely or otherwise, the Education Corporation shall establish and follow procedures consistent with those required by Education Law § 2851(2)(t) for the transfer of students and student records to the school district in which each school is located and for the disposition of the Education Corporation's assets to another charter school located within the school district or the school district in which the Education Corporation is located. In addition, in case of such an event, voluntary surrender of the Charter or the closure of all of the schools of the Education Corporation without termination of the Charter, the Education Corporation will follow any additional procedures required by the Trustees or the Regents to ensure an orderly dissolution or transition process, (including the implementation of an education corporation or school closure plan as provided by and/or posted on the website of the Institute; appointment of pupil placement coordinators, a custodian of records, and any other necessary personnel; and

providing the Institute with a parent contact list).

(b) The Education Corporation must create a dissolution reserve fund or account for purposes of school closure and/or dissolution of the Education Corporation in an amount to be determined as follows:

(i) [REDACTED] per school for each of the first two (2) schools operated by the Education Corporation to be funded, at a minimum, by reserving [REDACTED] (\$ [REDACTED] per year during the first three (3) years of operation of each school;

[REDACTED] (\$ [REDACTED] per school for each additional school operated by the Education Corporation to be reserved in the first year of operation of each school up to a maximum of [REDACTED] (\$ [REDACTED]

(c) In the event any of the conditions in sections 8.6 or 8.8 exist or any of the following events:

(i) grounds for termination or revocation of the Charter or of the authority of the Education Corporation to operate any of its schools exist as set forth in the Act or this Charter Agreement, or there is fiscal mismanagement, lack of organizational viability, or lack of educational soundness; or

(ii) when the Trustees make a finding that any school of the Education Corporation is far from meeting most of the goals in its Accountability Plan and not making substantial progress toward meeting those goals;

(iii) when the Trustees deny approval of a charter extension for the Education Corporation or deny school renewal for one or more schools; or

(iv) current or future litigation, or other events that threaten the fiscal soundness of the Education Corporation as determined by the Trustees;

the Trustees may require the escrow or other third-party safeguarding of the funds in the dissolution reserve account, and may require disbursement of funds therefrom to be pursuant to terms and conditions determined by the Trustees or their designee.

(d) In the event the Education Corporation draws down funds from the dissolution reserve fund but does not dissolve, the Education Corporation shall deposit funds into the account to maintain the minimum balance set forth in this Charter Agreement. The Education Corporation shall provide notice to the Trustees anytime funds from the dissolution reserve fund are drawn or used for any purpose not set forth in this section.

(e) The provisions of this section 8.9 shall survive the termination, revocation

or expiration of this Charter Agreement, the Charter, or the Provisional Charter.

8.10 School Closure Procedures and Plan. In the event of non-renewal or closure of one of the schools or sites operated by the Education Corporation, whether prematurely or otherwise, the Education Corporation shall establish and follow procedures consistent with those required by Education Law § 2851(2)(t), implement a school closure plan as published by the Institute at that time and/or on the website of the Institute, and follow any additional procedures required by the Trustees to ensure an orderly closure or transition process to include providing the Institute with a parent contact list. The Education Corporation must put in place procedures to transfer students to other schools operated by the Education Corporation or the school district in which the school is located, and inform parents regarding educational options. In addition, the Education Corporation must retain and safeguard any student records from such school, and forward copies of same to each student's new school or district as appropriate and requested. The Education Corporation shall cooperate with the Trustees in any effort to transfer, re-use, or restructure such charter, or authority to operate such school or site.

SECTION 9. MISCELLANEOUS

9.1 Disclaimer of Liability. The parties acknowledge the Education Corporation is not operating as the agent, or under the direction and control, of the Institute, Trustees, or Regents except as required by law, Provisional Charter, or this Charter Agreement, and that none of the Institute, Trustees, or Regents assumes any liability for any loss or injury resulting from:

(a) the acts and omissions of the Education Corporation, its directors, trustees, agents, or employees;

(b) the use and occupancy of the building or buildings, occupied by the Education Corporation, or any matter in connection with the condition of such building or buildings;

(c) any debt or contractual obligation incurred by the Education Corporation.

The Education Corporation acknowledges that it is without authority to extend the faith and credit of the Institute, Trustees, Regents, or public district schools to any third party.

9.2 Notice of Receipt of Summons, Complaint or Other Litigation. The Education Corporation shall provide written notice to the Trustees within five (5) business days of the receipt or filing of any civil or criminal summons, complaint, arbitration, or other litigation papers in which either the Education Corporation or any Corporate Trustee, officer, or employee (acting in his or her corporate capacity) is a named party to the action or other proceeding.

9.3 Governing Law. This Charter Agreement shall be governed by, subject to and construed under the laws of the State without regard to its conflicts of law provisions.

9.4 Waiver. No waiver of any breach of this Charter Agreement shall be held as a waiver of any other or subsequent breach.

9.5 Counterparts; Signature by Facsimile. This Charter Agreement may be signed in counterparts, which shall together constitute the original Charter Agreement. Signatures received by electronic transmission with legally valid and binding electronic signature by either of the Parties shall have the same effect as original signatures.

9.6 Terms and Conditions of Operation.

(a) The Parties expressly agree that the Terms of Operation set forth overall goals, standards and general operational policies of the Education Corporation and the school(s) and site(s) it is permitted to operate, and that the Terms of Operation are not a complete statement of each detail of the Education Corporation's or the schools' or sites' operations. To the extent that the Education Corporation desires to implement specific policies, procedures, or other specific terms of operation that supplement or otherwise differ from those set forth in the Terms of Operation, the Education Corporation shall be permitted to implement such policies, procedures, and specific terms of operation without seeking the permission of the Trustees or a revision to the Charter Agreement, provided that such policies, procedures and terms of operation and any changes thereto are not otherwise prohibited, circumscribed, or limited by the Act, other applicable law, the Provisional Charter or this Charter Agreement.

(b) Where there is a conflict between the terms of the Charter Agreement and the Terms of Operation, the terms of the Charter Agreement shall govern. Where a provision of the Charter Agreement provides additional terms or conditions as to modifying a specific policy, provision or term of operation, such specific terms and conditions shall govern. Where a provision of the Additional Assurances and Terms conflicts with the general Terms of Operation or the Charter Agreement such provision of the Additional Assurances and Terms shall govern. Where a provision of the Charter Agreement conflicts with the Provisional Charter, the terms of the Provisional Charter shall govern.

9.7 Revision. This Charter Agreement may be revised only by written consent of the Parties hereto and, in the case of material revisions, only pursuant to Education Law § 2852(7).

9.8 Assignment. This Charter Agreement may not be assigned or delegated by the applicant(s) or the Education Corporation under any circumstances, it being expressly understood that the Charter granted hereby runs solely and exclusively to the benefit of the Education Corporation.

9.9 Notices. Any notice, demand, request, or submission from one Party to any other Party or Parties hereunder shall be deemed to have been sufficiently given or served for all purposes if and as of the date, it is delivered by hand, overnight courier, electronic mail as an attachment thereto with a legally valid and binding electronic signature or an electronic image

of a physical signature (.pdf or similar format), or within three (3) business days of being sent by registered or certified mail, postage prepaid, to the Parties at the following addresses:

If to the Education Corporation:

With a copy to:

If to the Trustees: SUNY Charter Schools Institute (Legal Department)
H. Carl McCall SUNY Building
353 Broadway
Albany, New York 12207

9.10 Severability. In the event that any provision of this Charter Agreement or the Terms of Operation thereof to any person or in any circumstances shall be determined to be invalid, unlawful, or unenforceable to any extent, the remainder of this Charter Agreement and the application of such provision to persons or circumstances other than those as to which it is determined to be invalid, unlawful or unenforceable, shall not be affected thereby, and each remaining provision of this Charter Agreement shall continue to be valid and may be enforced to the fullest extent permitted by law.

9.11 Entire Charter. The Charter Agreement supersedes and replaces any and all prior agreements and understandings between the Trustees and the Applicant(s). To the extent that any conflict or incompatibility exists between the Terms of Operation and the other terms of this Charter Agreement, such other terms of this Charter Agreement shall control.

9.12 Construction.

(a) This Charter Agreement shall be construed fairly as to both Parties and not in favor of or against either Party, regardless of which Party prepared the Charter Agreement.

(b) Wherever “charter application” appears herein, it shall be construed and used interchangeably with “proposal” as required by the context and the facts of charter issuance for any particular school or education corporation.

[Remainder of page intentionally left blank]

THE STATE UNIVERSITY OF NEW YORK
BOARD OF TRUSTEES

Date

By: {NAME}, acting for the
State University of New York Board of Trustees

Title: Executive Director, State University of New York,
Charter Schools Institute

{NAME}
CHARTER SCHOOL

Date

By: {NAME}

Title: Chair, Board of Trustees

SCHEDULE 1

The Education Corporation has the authority to operate the following schools (until the stated date):

1. {NAME} Charter School (through July 31, ____).

EXHIBIT A

TERMS OF OPERATION

EXHIBIT B

MONITORING PLAN

Monitoring Plan

As provided in the Charter Agreement, the Education Corporation agrees to abide by a Monitoring Plan, the general components of which are set forth below. The requirements of the Monitoring Plan, are in addition to any notification, record-keeping, or reporting requirements set forth in the Charter Agreement or applicable law including any obligation to receive the written approval of the Trustees of the Institute, and/or to seek approval for revision of the Charter pursuant to Education Law § 2852(7).

- A. The Education Corporation shall maintain the following records in its offices for inspection by the Trustees and the Regents:
1. Records concerning the enrollment and admissions process including all applications received and documents concerning the lottery process if conducted;
 2. Student academic and health records;
 3. Attendance records for students including withdrawals of students from each school and the reason(s) for such withdrawals including, but not limited to, reports made to the Regents regarding withdrawals;
 4. Individual Education Programs and other documentation concerning the Individuals with Disabilities Education Act ("IDEA") as well as documentation concerning section 504 of the Rehabilitation Act of 1973 for children with disabilities enrolled in each school;
 5. Staff rosters including records of hiring, resignation, and termination of employees of the Education Corporation;
 6. Evidence of credentials and/or qualifications for all teachers;
 7. Evidence that required fingerprint supported background checks and emergency conditional appointments, if any, have been conducted for all school employees;
 8. Certificates of occupancy or other facility-related certification or permits;
 9. Lease agreements and/or mortgages or deeds;
 10. Loan documents;
 11. Contracts in excess of \$ [REDACTED] including management contracts;
 12. Education Corporation or school policies in areas such as financial management, personnel, student discipline (including suspension and expulsion), complaints, health

and safety, student privacy and transportation, Freedom of Information Law, Open Meetings Law and other areas required by the Charter Agreement or law;

13. Grievances made by students, parents, teachers, and other employees of the Education Corporation including, but not limited to, complaints received by the Education Corporation Board or designee pursuant to Education Law § 2855(4), together with documentation of all actions taken in response;
 14. Inventory of all assets of the Education Corporation that have been purchased with public funds including grant funds;
 15. Documents sufficient to substantiate each school's progress on the measurable goals set forth in its Accountability Plan; and,
 16. Student level discipline records including, but not limited to, information regarding in-school and out-of-school suspensions, and expulsions for all students (including students with disabilities) available by grade and year reflecting:
 - a. number of suspension/expulsion incidents; and,
 - b. number of different students involved in suspension/expulsion incidents.
- B. To corroborate information submitted by the Education Corporation to the Trustees, and in order to ensure the Education Corporation's full compliance with the Act, the Provisional Charter, and the Charter Agreement, the Trustees will:
1. Make at least one visit to each school in its first year of operation, not including the Prior Action Visit. Such visits may include an inspection of the physical plant, all categories of records set forth in subsection A of the Monitoring Plan, interviews with the director of the school and other personnel, and observation of instructional methods. Visits in later years may decrease in frequency and be conducted by consultants or agents of the Charter Schools Institute;
 2. During the first term of authority to operate a school, make at least one other visit to a school, which may be announced or unannounced. In subsequent terms, the Institute may conduct visits on a sampling basis for schools that demonstrate high levels of academic and fiscal soundness, compliance with applicable laws, rules, and regulations, and whose academic performance makes it likely they will improve student learning and achievement;
 3. Require the Education Corporation to make available necessary information in response to the Trustee's inquiries including information necessary for the Trustees to prepare annual or semi-annual evaluations of each school's financial operations, academic program, future outlook and other areas;

4. Conduct internal investigations as appropriate on its own initiative or in response to (i) concerns raised by students, parents, employees, local school districts and other individuals or groups including, but not limited to, complaints brought pursuant to Education Law § 2855(4). Where appropriate, the Trustees shall issue remedial orders as permitted by Education Law § 2855(4);
 5. Review as necessary the Education Corporation's and its schools' operations to determine whether any changes in such operations require formal revision of the Charter pursuant to Education Law § 2852(7) and, if so, determine whether such revision should be recommended for approval; and
 6. Encourage relevant officers, employees and agents of the Education Corporation to attend conferences, seminars and training sessions identified or sponsored by the Trustees and which are designed to assist the Education Corporation to fulfill its mission.
- C. The Education Corporation Board shall provide the Institute with:
1. a copy of all minutes from each of its meetings, committee meetings and executive sessions within 30 days of the meeting or session regardless of whether same have been ratified or approved;
 2. an updated list of Corporate Trustees and Officers by August 1 each year and within five (5) business days of such person's removal; resignation; expiration of term without re-election; or, otherwise leaving the Education Corporation Board; and,
 3. an updated list of each director, principal or head of school for each site of each school, however designated, by August 1 each year and within five (5) business days of any hire or departure of such person.
- D. The Education Corporation shall track, and maintain information regarding, any and all student-level suspensions (including in-school and out-of-school suspensions of less than one day) and expulsions including, but not limited to:
1. the date the disciplinary action was instituted;
 2. the duration of any suspension;
 3. the reason for such suspension or expulsion;
 4. the student's status as an English Language Learner ("ELL"), a student with a disability under the IDEA or a student who qualifies for the federal Free or Reduced Price Lunch program("FRPL"); and,

5. other student demographic information.

The Education Corporation shall provide the Institute with such information on a quarterly basis in accordance with guidance maintained and disseminated by the Trustees and available on the website of the Institute. Such guidance shall be binding on the Education Corporation.

E. The Education Corporation shall track, and maintain information regarding, any and all student-level enrollment and retention information including, but not limited to:

1. the date of any student withdrawal, transfer or discharge;
2. the reason for each withdrawal, transfer or discharge;
3. the student's status as an ELL, student with a disability under the IDEA or a FRPL student; and,
4. other student demographic information.

The Education Corporation shall provide the Institute with such information on a quarterly basis in accordance with guidance maintained and disseminated by the Trustees and available on the website of the Institute. Such guidance shall be binding on the Education Corporation.

EXHIBIT C

ASSURANCES REGARDING STUDENTS WITH DISABILITIES

Assurances Regarding Students with Disabilities

The Education Corporation provides the following assurances regarding the provision of education and other services to students with disabilities to be enrolled at each proposed charter school.

- The Education Corporation will adhere to all provisions of federal law relating to students with disabilities including the IDEA, Section 504, and Title II of the ADA which are applicable to it.
- The Education Corporation will, consistent with applicable law, work with Local Education Agency (LEA) school districts to ensure that all students with disabilities that qualify under the IDEA:
 - have available a free appropriate public education (“FAPE”);
 - are appropriately evaluated;
 - are provided with an IEP;
 - receive an appropriate education in the least restrictive environment (LRE);
 - are involved in the development of and decisions regarding the IEP, along with their parents; and,
 - have access to appropriate procedures and mechanisms, along with their parents, to resolve any disputes or disagreements related to a school’s or school district’s provision of FAPE.
- Unless otherwise approved by the Trustees, the Education Corporation will employ for each school, at a minimum, **a person properly certified in New York in any Students with Disabilities Certificate Title** as the school’s students with disabilities coordinator, whose responsibilities will include coordinating with CSEs; providing information to and obtaining information from CSEs as needed throughout the year; determining if entering students have IEPs; and working with CSEs and school districts to ensure that all required settings and related services are being provided and that all IEPs are appropriate in the context of the charter school overall setting. The Education Corporation may permit the students with disabilities coordinator to take on additional administrative duties to the extent that they do not interfere with the coordinator’s responsibilities to ensure the school’s compliance with the IDEA, Section 504 and Title II of the ADA.
- Each school will make available, as required by IDEA regulations, a student’s regular and special education teachers (and other required school personnel) for meetings convened by such student’s CSE, and provide such teachers and personnel with copies of the student’s IEP.

- Each school will ensure that parents of children with disabilities are informed of how their children are progressing on annual IEP goals and in the general curriculum at least as frequently as parents of regular education children.
- Each school will abide by the applicable provisions and regulations of the IDEA and the Family Educational Rights and Privacy Act (FERPA) as they relate to students with disabilities including, but not limited to, having procedures for maintaining student files in a secure and locked location with limited access.
- Each school's students with disabilities coordinator will retain such data and prepare such reports as are needed by each disabled student's school district of residence or the State Education Department in order to permit such entities to comply with federal law and regulations.
- Each school will comply with its obligations under the Child Find requirements of IDEA including 34 C.F.R. § 300.111, and will provide appropriate notification to parents in connection therewith as applicable, including notifying them prior to providing a child's name to a CSE for potential evaluation.
- No school or the Education Corporation will convene its own CSE, make IDEA evaluations of children suspected of being disabled, create IEPs, reevaluate or revise existing IEPs or conduct due process hearings. The Education Corporation understands that these responsibilities are left solely to the CSE of the student's district of residence and the Education Corporation will implement IEPs as written.
- Appropriate Education Corporation personnel will attend such training and technical assistance seminars regarding the education and servicing of students with disabilities as is required by the Trustees including those sponsored by the State Education Department.

EXHIBIT D

ASSURANCES REGARDING THE PROVISION OF FISCAL AUDITS AND DISSOLUTION

Assurances Regarding the Provision of Fiscal Audits and Dissolution

The Education Corporation provides the following assurances regarding the provision of fiscal audits and dissolution of the Education Corporation.

Fiscal Audits

- The Education Corporation will provide for an annual independent fiscal audits conducted by a certified public accountant or certified public accounting firm licensed in New York State.
- The Education Corporation will ensure such consolidated audited financial statements include:
 - A statement of income and expenditures and a balance sheet for the most recent fiscal year for each school of the Education Corporation for which the Education Corporation has received approval to operate. A separate income and expenditure statement and balance sheet should be included for each approved school or site in a start-up phase, and for schools or sites for which opening has been delayed;
 - A statement of income and expenditures and a balance sheet for the most recent fiscal year for any central or regional back office component;
 - A statement of income and expenditures and a balance sheet for the most recent fiscal year for any other distinct component of the Education Corporation;
 - A consolidated statement of income and revenues and a consolidated balance sheet for the Education Corporation; and,
 - A federal single audit report, if applicable.
- An Education Corporation with the authority to operate multiple schools must provide specific procedures for conducting independent audits of consolidated financial statements for the Education Corporation and all of its schools.

Dissolution Procedures

The Education Corporation will:

- Create a communication plan for students, families and staff. The communication plan shall take into account timing to ensure students are able to take advantage of other school choice options that may be available.
- Provide the Institute with the parent names and addresses of all students enrolled in the school, at the time, by grade to enable the Institute to communicate directly with families regarding the process as necessary.
- Transfer all student records, testing materials, etc. to the school district of location of the charter school and make available a copy of such records to each student's parent or legal guardian.

- Designate one or more trustees and/or employees to assist in the closure of the school, from an operational and financial perspective.
- Transfer the Education Corporation's fixed assets (if any, after the payment of all debts) in accordance with the law at the time of dissolution.
- Provide the procedures that the school would follow in the event of the closure and dissolution of the Education Corporation including for the transfer of students and student records, execution of a SUNY Closure Plan, and for the disposition of school assets.
- Establish an escrow account, in the case of a single-school education corporation, of no less than \$ [REDACTED] to pay for legal, final audit and other wind up expenses associated with dissolution should it occur. The budget shall reflect this commitment and include funding of \$ [REDACTED] increments in the school's first three years of instruction. (Note that a separate reserve fund does need to be established and be reflected separately in the financial statements and notes to the financial statements.)
- In the case of an education corporation operating multiple charter schools, the Education Corporation must follow the dissolution reserve fund provisions in its charter agreement and reserve the appropriate amount of funds accordingly.

The Education Corporation understands that the above provisions largely apply to an education corporation operating one charter school, and that the above provisions must be modified in the case where the Education Corporation operates multiple charter schools and some, but not all, of those schools close.



GUIDE TO CHARTER REVISIONS

FOR CHARTER SCHOOLS AUTHORIZED BY
THE STATE UNIVERSITY OF NEW YORK BOARD OF TRUSTEES

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DEFINITION OF TERMS

School: A school is a vehicle for the delivery of a complete educational program to students that has independent leadership; dedicated staff; and, defined facilities. An education corporation may have the authority to operate more than one school so long as a charter has been issued for each such school. Note that a school may be housed in more than one physical site. A school is its own Local Educational Agency (“LEA”) for federal program purposes except for the education of students with disabilities, and its own accountability unit for purposes of the federal Elementary and Secondary Education Act of 1965 (“ESEA”) as amended by the Every Student Succeeds Act (“ESSA”).

Site: A site is one of a number of facility locations for a single charter school. Sites are typically grouped by grade range (e.g., Kindergarten – 4th grade site, 5th – 8th grade site, or 9th – 12th grade site). A site would not be its own LEA or ESSA unit. More than one charter school building tightly clustered (i.e., a campus) would also be a “single site” under New York Education Law. Without additional authority, an education corporation may not educate students of the same grade level in more than one site. An education corporation may teach the same grade or grades at an additional site so long as it has obtained additional authority to do so through the issuance of an additional charter. The number of charters issued to an education corporation will determine the maximum number of sites it may have for any particular grade.

Charter School Education Corporation: A charter school education corporation is a New York not-for-profit charter school education corporation that comes into existence through the issuance of a charter and the subsequent formation of a corporation by the New York State Board of Regents (the “Board of Regents”). Each charter school education corporation is entitled to operate one school in one or more sites for each charter issued to it.

Partner Organization: A partner organization is a non-profit entity, such as a community-based organization, college, university, museum, educational institution, or other organization authorized to do business in New York that would provide space or support to the proposed school or be responsible for managing and/or providing services to the school whether or not such goods, services, facilities, etc. are provided free of charge or pursuant to a contract or shared service agreement with the education corporation.

Charter Management Organization (“CMO”): CMO describes any not-for-profit charter management organization, educational service provider, or partner organization providing a majority of the educational management services at a charter school.

SUNY Charter Schools Committee (the “Committee”): The SUNY Charter Schools Committee is a committee of the State University of New York Board of Trustees (the “SUNY Trustees”) that has been delegated the authority to act on behalf of the full SUNY Board of Trustees regarding approval of items related to charter schools authorized by SUNY.

INTRODUCTION

The New York Charter Schools Act of 1998 (the “Act”) designates the SUNY Trustees as one of two statewide chartering entities, or “authorizers,” along with the New York State Board of Regents. Each authorizer has the authority to grant charters for the purpose of organizing new charter school education corporations to operate one or more independent and autonomous public charter schools and the ability to revise the terms of charter agreements with those education corporations.

The SUNY Charter Schools Institute (the “Institute”) supports the SUNY Trustees’ commitment to the guiding principles of the Act through its rigorous processes for reviewing new charter, charter revision, and renewal applications. The new charter application and any subsequent renewal applications are made part of the charter agreement which provides the terms for which SUNY and the charter school education corporation have agreed. The material revision of terms of the charter agreement must be reviewed and approved by the Committee or its Institute. While charter schools enjoy expanded autonomy to operate programs, they must do so within the parameters of the charter agreement.

The following guidelines provide an overview regarding the process and requirements for submitting a charter revision application. Any questions regarding this guidance may be directed to the Institute’s Legal Department at [REDACTED]

Material vs. Non-Material Revisions

The charter agreement provides an overview of when a revision may be considered material or non-material. Where the charter agreement and this guidance are silent as to materiality, the Institute makes all determinations of whether the proposed revision is material or not. If a school has any questions regarding the materiality of a proposed revision, please contact the Institute’s Legal Department for clarification.

Delegated vs. Non-Delegated Revisions

All material revisions must be approved by the SUNY Charter Schools Committee or the Institute. The SUNY Charter Schools Committee approves all revision applications to merge charter school education corporations; add a new elementary, middle, or high school program; or to take more than two planning years to open a charter. Most all other material revisions are delegated to the Institute for approval but the Committee is informed, in writing, of every approved material revision at its next scheduled meeting upon completed successful review.

REVISION REQUEST DEADLINES

It is imperative for planning purposes to submit revision requests in a timely fashion and allow for time to review and, in the case of material revisions, allow the Institute the time to process which may include district and public noticing, opportunity for the district to hold a public hearing, review of materials, and presentation to the SUNY Charter Schools Committee. Therefore, the following provides the due dates for revisions based on type. For more details on how the Institute processes revision applications, please see the Revision Process Timeline beginning on the following page.

ACTION	DATE
Merger Application or Application to Add a New Elementary, Middle, or High School Program	December 15, 2023
Enrollment or Admissions Policy Revisions for the 2024-25 School Year	February 15, 2024
All Other Material Revisions to be Implemented for the 2024-25 School Year	April 1, 2024 or 60 days before implementation
Schools Under Renewal Consideration	With Renewal Application
Non-Material Revision	Ongoing but at least 30 days before implementation

The Institute reserves the right to waive these deadlines upon a showing of *extenuating* circumstances which prevent the education corporation from appropriately planning and submitting a timely application.

REVISION PROCESS TIMELINE

		Merger or Addition of Elementary, Middle, or High School Program	Admissions Policy or All Other Enrollment Revisions	All Other Material Revisions
Submission	A charter school education corporation submits its Application for Charter Revision to the Institute. If the education corporation requires more time for completion, the Institute will review on a case-by-case basis. If the education corporation is anticipating delays in completing the application, then it should reach out to Institute staff members as soon as possible.	December 15, 2023	February 15, 2024	April 1, 2024 or 60 days before implementation
Notice and Opportunity for Public Comment	Pursuant to the Act, within 30 days of receipt of a material Application for Charter Revision, the Institute notifies the district of location about receipt of the application, when SUNY may act on it, and the district's obligation to hold a public hearing. The Institute also posts the notice on its website and invites and considers written comments from the public. The Institute considers all district and public comments. In some cases, the Institute may ask the education corporation to respond to such comments. Within 30 days of the above notice, the district of location holds a hearing to solicit comments from the community.	December-January	February-March	April
Application Review	The Institute reviews the Application as well as the existing data and records in its files collected over the history of the education corporation.	December-March	February-March	April
Application Revision (Request for Amendment Process)	The Institute may ask for amendments to parts of the Application, some of which may be required by statute, because the Institute incorporates parts of the Application into the charter agreement if SUNY grants revision.	December-March	February – March	April
Application Interview	The Institute, at its discretion, may request an interview with the education corporation's board of trustees and school leadership to discuss the Application.	February-March ¹	N/A	N/A

1. Please note: If the merger application is for a Non-SUNY authorized charter school to merge into a SUNY authorized charter school education corporation, the SUNY Charter Schools Committee will not act upon the application until the Board of Regents have decided. For more information regarding the timing of merger please refer to the [Institute's Guide to Mergers](#).

REVISION PROCESS TIMELINE

Action by SUNY	Where applicable, the SUNY Charter Schools Committee will act on material revisions recommended by the Institute. Where a material revision is delegated to the Institute, the Institute will approve or not approve the Application in writing.	February-March	March- April	May- June
Action of the Board of Regents	The Institute sends a proposed revision to the charter agreement to the education corporation for signature and then forwards it to the Board of Regents for action (consisting of either approval or return to the SUNY Trustees for further consideration). The Board of Regents has 90 days to review the proposed charter revision. If the Board of Regents takes no action on the proposed revision, it will be approved by operation of law and the charter will be revised. If the Board of Regents returns the proposed revision, the Committee or the Institute, on behalf of the SUNY Trustees, may either resubmit the proposed revision (with or without modification) or abandon the proposed revision. The education corporation must agree to any modification in writing. If SUNY resubmits the proposed revision, the Board of Regents has 30 days in which to act. If the Board of Regents does not vote to approve the resubmitted revision, the revision will be deemed approved and issued by operation of law on the 31 st day.	Within 90 days of the submission by the Institute		

REVISION SUBMISSION REQUIREMENTS

All revisions must be submitted to the Institute's Legal Department at [REDACTED]. The following provides the submission requirements by area. If the education corporation is proposing a revision that does not appear in this guide, please contact the Institute's Legal Department for further direction.

I. SUBMISSION REQUIREMENTS FOR NON-MATERIAL REVISIONS

For non-material revisions, please submit:

1. A cover letter with a description, rationale, and timeline for implementation of the proposed revision;
2. Evidence of the board of trustees' approval (finalized board meeting minutes or board resolution); and,
3. A copy of the updated document, policy, etc., if applicable.

The following provides additional information or documents required for common non-material revisions.

A. Relocation Within the District or Borough

If the education corporation wishes to temporarily locate/incubate or permanently relocate to a building within the school district or borough (New York City), as currently approved, no additional information is required except for the above and the typical documents required for the approval of any facility. For more information regarding newly acquired facilities, please refer to the Institute's [Facility Guidance](#).

For temporary or permanent relocation of one or more school facilities outside the school district or borough (New York City), as approved, please see below under material revisions.

B. Revisions to Mission, Key Design Elements, or Educational Program

If the education corporation wishes to make changes to the mission, key design elements, or educational programs of its schools including, but not limited to, the curriculum, pedagogical approach, and staffing structure as provided in the original or most recent renewal application and such changes do not fundamentally change the mission, key design elements, or design of the school, and are generally consistent with the terms of operation and applicable law, then the education corporation has the autonomy to make those changes and no additional information is required. Such revisions should be reported in the school's Annual Report. If the revision to the mission, key design elements, or educational program do fundamentally change, then please proceed to the material revision process. If you have a question as to the fundamental nature of the proposed change, please contact the Institute's Legal Department.

Please note that any changes made to the mission statement must be approved by the education corporation's board of trustees and shall be generally consistent with the key design elements set forth in the Terms of Operation of the charter agreement. All such changes should be reported as part of the school's Annual Report as required by section 6.1 of the Charter Agreement.

C. Revisions to School Policies

If the education corporation wishes to make changes to any school policies, including but not limited to bylaws, the code of ethics, conflicts of interest policy, codes of conduct, personnel policies, handbooks, complaint policy, etc., and such changes do not fundamentally change such policy and are generally consistent with the Terms of Operation and applicable law, then the education corporation has the autonomy to make those changes and no additional information is required. Such revisions should be reported in the school's Annual Report and will be submitted to the Institute upon the next renewal application.

D. Revisions to the School Schedule or Calendar

If the education corporation wishes to make a change to the school schedule or calendar and such changes still allow all grade levels to meet the minimum number of instructional hours and days, then the education corporation has the autonomy to make those changes and no additional information is required. Charter schools are required to provide at least as much instructional time as the district public schools. While district public schools must provide at least 180 instructional days, district public schools may use up to four superintendent conference days to count toward the 180 day minimum. Therefore, as long as the charter school provides at least 176 instructional days and a minimum of 900 instructional hours for grades K-6 or 990 instructional hours for grades 7-12, the charter school is in compliance. Please see Education Law §§ 2851(2)(n), 3604(7)-(8); 8 NYCRR § 175.5.

II. SUBMISSION REQUIREMENTS FOR MATERIAL REVISIONS

For all material revisions, please submit:

1. A cover letter with a description, rationale, and timeline for implementation of the requested revision;
2. Evidence of the board of trustees, approval (finalized board meeting minutes or board resolution);
3. A copy of the updated document, policy, etc., if applicable; and,
4. The **additional information** provided below as to specific subject area.

A. Revisions to the Admissions Policies – At-Risk Preferences

Per the charter agreement, the education corporation has the authority to make changes to the admissions policy without SUNY approval except with regard to at-risk preference factors. Please note that any changes to the admissions policy must be consistent with applicable law and regulations. All changes to the admissions policy must be made well in advance of the lottery so families are aware of the policy that applies when applying for enrollment.

If the education corporation would like to add or delete an at-risk preference to its admissions policy, please submit a draft copy of the admissions policy incorporating the requested at-risk preference and provide a rationale for selecting the at-risk preference and research based evidence why the defined student population is at-risk of academic failure.

B. Revisions to Educational Program

While the education corporation has the right to make any modifications to the educational programs of its schools as it deems necessary including, but not limited to, the curriculum, pedagogical approach, and staffing structure, if such modifications are not consistent with the Terms of Operation of the charter agreement or modify the approved key design elements of the school, then the education corporation must seek SUNY approval. In addition to the required elements of a material revision outlined above, the education corporation should also include a rationale for the proposed changes and a summary of the timing for implementation.

C. Planning Years

An education corporation may have difficulty opening an approved charter within the timeline of original approval due to difficulties securing facilities, a school leader, etc. The charter agreement allows an education corporation to request additional planning years. Per the charter agreement, the Institute is delegated the authority to approve up to two planning years. If the education corporation wishes to seek additional planning years past two years, then such approval must be made by the Committee. In addition to the elements of a material revision outlined above, the education corporation must submit the reasoning for the request for additional planning years, specific timeline details for opening, and efforts made to open the charter in a timely fashion.

D. Enrollment Revisions

All enrollment revisions to the grades served or that provide for more than 120% or less than 80% of total chartered enrollment are material revisions requiring the approval of SUNY. Please note the charter agreement allows a school to vary the total amount of students per grade for the purpose of accommodating staffing exigencies, attrition patterns, and facilities without seeking approval as long as the school serves the approved grades and stays within 80% and 120% of the approved chartered enrollment.

i. Enrollment Revision to the Number of Students Served (Grades Served Remains the Same)

An enrollment revision to the number of students being served in the chartered grades, while a material revision, is delegated to the Institute for approval. In addition to the elements of a material revision outlined above, the education corporation must submit the following:

1. An updated enrollment chart for the remainder of the charter term;
2. An updated staffing plan for the remainder of the charter term; and,
3. An updated budget for the remainder of the charter term.

Please use this [template](#) for these additional items.

ii. Enrollment Revision to the Grades Served

An enrollment revision to add additional grades wherein the school would serve a new set of grades (i.e. an elementary program, a middle school program, or a high school program) is to be approved by the Committee. In addition to the elements of a material revision outlined above, the education corporation must submit the following:

1. Community Analysis: A narrative analysis of the community and target population for the school including:
 - a. A description of the community from which the proposed expanded program intends to draw students;
 - b. Community demographics;
 - c. Performance of local schools serving the proposed expanded grade levels in meeting the community's need;
 - d. How the proposed expanded program would provide a needed alternative for the community; and,
 - e. If there are existing charter schools in the area serving the proposed expanded grade levels, the response should explain how the proposed expanded program is different and how it will provide greater educational benefit to students who would attend the proposed expanded program.
2. Mission Statement: Updated mission statement, if applicable.
3. Enrollment: Updated five year enrollment chart.
4. Schedules: Daily student and teacher schedule for expanded grades.
5. Key Design Elements: Updated Key Design Elements, if applicable.
6. Organizational Chart: Updated organizational chart.
7. Staffing Plan: Updated staffing plan for each remaining year of the charter period and an overall organization chart (Exhibit 12 of Renewal Charter). The staffing plan should account for all instructional, non-instructional, and administrative positions for each remaining year, demonstrating how the school's staff would grow over time and should be consistent with the updated budget. The organization chart should clearly outline the reporting structure of all major groups of employees and be accompanied by a narrative that describes this structure.
8. Educational Program: A description of the academic program and how it would be similar to and different from the existing school programs, including curricular materials, assessment system, promotion requirements, and strategies for meeting the needs of at-risk student populations (students with disabilities, English language learners, and those generally at-risk of academic failure) within the context of the proposed program and proposed professional development activities. In addition, the response should describe how the school would ensure that the program is seamless from grade to grade, including the articulation of students from elementary to middle school grades. Please note: If another school under the education corporation already serves these grades and plans to implement the same academic program, the applicant may reference the program for this response.

9. Curriculum Development: A detailed description of the process that would be used to develop curricula for additional grades, including but not limited to the timeline for completion, who would oversee and lead the process, how teachers would be involved, and how the school would ensure continued alignment to the New York State Core Curriculum.
10. Accountability Plan: Updated Accountability Plan using the Institute [template](#) for the applicable grades.
11. Budget: Updated five year budget.
12. Facility Plan: A detailed description of the facility plan. This plan should be consistent with the details of the updated budget. If a draft lease is available, it should also be provided.
13. Updated policies (if applicable): Please provide for any updated school policies. For example, if the school is going to have different discipline policies for the middle and high schools, a copy of the revised policy should be included. Further, if the school board is going to change its oversight in any way (e.g., new committee structure), updated bylaws should be included.

E. Change to Charter Management Organization

A revision to the charter management organization, while a material revision, is delegated to the Institute for approval. In addition to the elements of a material revision outlined above, the education corporation must submit the following:

1. Mission Statement: Updated mission statement, if applicable.
2. Key Design Elements: Updated Key Design Elements, if applicable.
3. Proposed CMO Agreement: Please provide a copy of the proposed management agreement with the new entity. If the education corporation is proposing to provide the services of the current CMO within the organization and not partner with a new charter management organization, please provide a narrative of how the education corporation will provide all services previously provided by the CMO.
4. Organizational Chart: Updated organizational chart.
5. Enrollment: If the school will revise the chartered enrollment, please submit an updated five year enrollment chart, budget, and staffing plan using this [template](#).
6. Board Membership: Please provide a list of the updated board, if applicable. If you are proposing any new board members, the Institute will require them to go through the SUNY approval process.
7. Transition Plan: Please provide a summary of how the school(s) will transition to the proposed new program. Please indicate what work has already been completed. Within your response please indicate how the following areas of school structure will be dealt with:
 - a. Curriculum and Educational Program. Please describe any changes to the curriculum or educational program including areas where branded material of the previous CMO were utilized.
 - b. Staffing. Please describe any changes in the staffing structure.
 - c. Professional Development. Please include the onboarding of staff to new programs, policies, and structures.
 - d. School Culture. Please include the onboarding of staff and students to any culture policy shifts including the discipline policy.

8. Communication Plan: Please provide a summary of how changes have been and will be communicated to families, students, staff, and other stakeholders ensuring any transition for students is provided for in the least disruptive manner.
9. Action Plan: Provide a detailed action plan outlining the steps the education corporation will undertake to ensure a successful transition. In a well-organized chart, the action plan should include:
 - a. All projected key steps in the transition period including, but not limited to: staffing transitions, curriculum or educational programming changes, operational system changes, communication planning, staff on-boarding, and changes to financial structures.
 - b. The start date and projected completion date of each task; and,
 - c. The person(s) responsible for each task.
10. Revisions to Charter Agreement: Please review the exhibits and responses incorporated into the current charter agreement for the education corporation. If the education corporation needs a current copy of the exhibits and responses, please contact the Institute's Legal Department. Provide an updated response for each response and exhibit which will change under the new CMO including but not limited to the educational program.
11. Business Plan: If the education corporations will be contracting with a new charter management organization that is not currently associated with a charter school authorized by SUNY, then the organization will have to submit a business plan. The elements of a business plan may be found page 72 of the 2024 [Request for Proposals](#).

For additional resources or any assistance in process a revision request, please contact the Institute's Legal Department at [REDACTED].



Charter Schools Institute
The State University of New York

www.newyorkcharters.org

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Charter School Revision Guidelines

**New York State Board of Regents
State Education Department**

Charter School Office

**89 Washington Avenue
Albany, New York 12234**
www.nysed.gov/charter-schools

January 2022

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Overview

A revision is a change to the school design as set forth in the school's charter. These revisions may include, but are not limited to, changes to the academic program, governance structure, mission, key design elements, location of the school, and/or certain policies and procedures.

Revisions to a charter may require the approval of either the Board of Regents (for material revisions) or the Commissioner of Education through the New York State Education Department's Charter School Office (CSO) (for non-material revisions), before the school can implement the change.

There are several changes that do not constitute charter revisions, either material or non-material (including some enrollment changes¹). There are also certain changes that are not considered material revisions but that may require other processes and/or approval by the CSO (e.g., adding members to the Board of Trustees). These guidelines are designed to provide general information about the process for requesting revisions to charters.

Please Note: Where redlined documents are required, use the track changes feature in your word processing software to show the modified text (creating a redlined version for CSO review). Please submit actual pages with your tracked changes, not a summation of revised text. This can be limited to the relevant sections of any lengthy documents (that are in excess of 30 pages, like the charter), but should then include the entirety of those sections.

In addition, changes to the school's charter, whether they are material or non-material, may not be implemented until approved by the CSO or the Board of Regents, whichever is applicable. Do not assume that approval has been granted because a denial has not been received. Any proposed revisions or portions thereof that are not specifically approved by the CSO or the Board of Regents are deemed denied. The CSO, on behalf of the Commissioner and the Board of Regents, may require you to submit additional information prior to consideration of the proposal.

Submitting a Revision Request

1. All charter schools authorized by the Board of Regents have a staff member of the CSO designated as their liaison. **The required first step in this process is to contact your CSO liaison** for guidance and clarification regarding whether the revision request is material, non-material, or neither, and to determine whether there are any significant issues the school should consider and address before submitting the proposal. NYSED, not the school,

¹ Schools may go below their authorized enrollment for a given year without CSO or Regents approval, as long as they do not fall below 85% of the authorized enrollment for that year. Keep in mind that a school cannot exceed its authorized enrollment, cannot go below 85% of its authorized enrollment for a particular year, and cannot make any changes to the grades served without prior written approval.

determines if a revision is material, non-material, or neither. The CSO strongly recommends starting this process as soon as possible in the fall prior to the year of implementation of the proposed revision. The school's CSO liaison is a resource that schools should use throughout the charter term, including early on in strategic planning discussions. Strong communication with your liaison throughout the revision process will save your school time. A liaison list is available on the CSO web site: <http://www.nysed.gov/charter-schools/contact-us> or by emailing CharterSchools@nysed.gov.

2. Consider all revisions being sought for the upcoming academic year that can be submitted to the CSO. Submitting all revision requests simultaneously (but as separate requests) will result in faster processing time and a more coherent presentation to the Board of Regents. Revision requests at different times in a single academic year are strongly discouraged.
3. Prepare and submit the revision request(s) to the charter school's board of trustees for approval and prepare a separate board resolution that will be submitted with the board meeting minutes for the applicable meeting.
4. Submit the revision request and all required documents set forth in this document via the NYSED CSO Portal: <https://nysed-cso.smaply.io/>. The CSO will **only accept** revision requests, both material and non-material, through the portal. Upon entering the portal, follow all prompts required for the revision and submit all required documents. If a required document does not apply to your revision request, upload a document that explains why the document is not applicable. **If a charter school is requesting multiple revisions, you must submit them as their own separate submission.** Follow the directions within the portal to do so.
5. Requests for additional information and documents will be sent from the CSO to the school through the portal. If the school fails to respond to such requests and submit all required items within 30 days, the revision request will be considered withdrawn, and will be deleted from the portal.
6. SEDREF must be updated to reflect certain NYSED-approved material and nonmaterial revisions. To determine which revisions require SEDREF updates and to learn how to make those updates, please follow the instructions on our website for [updating your school's SEDREF information](#). When emailing [NYSED Data Support](#), please include a screenshot of the approval message you received from the CSO as proof that the revisions have been authorized.

Revision Deadlines

Charter schools are strongly encouraged to plan ahead, no later than the fall of an academic year, regarding charter revisions, particularly those of a material nature. Therefore, all proposed material charter revisions must be submitted to the [NYSED CSO Portal](#) no later than **December 1st of the year prior to the academic year in which the proposed revision will commence**. For example, if a school wishes to implement a material charter revision in the 2025-2026 school year, the proposed material charter revision request must be submitted to the CSO no later than December 1, 2024. In the **rare** instance that extenuating circumstances preclude the submission of a proposed charter revision by the December 1st deadline (e.g., severe damage from a natural disaster that interrupts operation of the school), the school should promptly contact its CSO liaison to discuss the need for the charter revision and the possibility of an alternative timeline for submitting the revision request. The CSO reserves the sole right to determine if a material revision request will be accepted for consideration after the December 1st deadline, and schools should not rely on revisions submitted after December 1 being approved. Schools are asked to submit non-material revision requests *at least* 30 days prior to the proposed implementation date, with the exception of revision requests to change a school's admissions policy or enrollment processes, which must be submitted by the December 1st deadline for material revisions, to ensure the school has ample time to finalize the approved revisions to the policy and application, and provide notice to the public regarding the changes after CSO review and approval.

If the charter school is in a renewal year, when possible, requests for material and non-material revisions are **required** to be submitted with the school's application for charter renewal. Schools in a renewal year should use these guidelines to inform the inclusion of any revision requests in the renewal application, as directed in the renewal application guidelines.

Requests for changes to the name of charter schools or education corporations authorized by the Board of Regents **will not be considered or recommended** for approval by the Board of Regents except as part of an application for charter renewal or merger/consolidation. The only exceptions to this requirement will be:

1. If a school has the name of a community in its name and is seeking approval to relocate outside of that community. In those cases, the request for a name change should be made at the same time the request is made to relocate the school; or
2. If a school's name reflects [an entity that provides comprehensive management services](#), a Charter Management Organization (CMO), or other partnership relationship that is being terminated. In those cases, the request for a name change should be made at the time the request to terminate the CMO/partnership relationship is made.

Understanding Material versus Non-Material Revisions

NYSED is the sole determinant in identifying a revision request as a material or non-material change. The CSO liaison will review the school's request(s) and determine if a revision meets the criteria for a material revision as specified in the Rules of the Board of Regents ([8 NYCRR §3.16\(c\)](#)). Although there are exceptions, material revisions are considered to be those revisions that result in a significant change to the school's educational philosophy, key design elements, mission or vision, governance or leadership structure, curriculum model, or overall school design changes that are inconsistent with those approved in the current charter. Material revisions also include the hiring or termination of [an entity that provides comprehensive management services](#), a change in school name, a change in location (if such revision results in relocation to another school district or borough in New York City), the maximum authorized enrollment, and/or grade levels served.

Non-material revisions are generally less significant changes to the school's educational philosophy, key design elements, mission or vision, governance or leadership structure, the curriculum model, or overall school design, as determined by the Commissioner. Non-material revisions may also include changes to the school's calendar or schedule, the school's by-laws, code of conduct, and/or major policies and procedures.

Submission Requirements² for ALL Revisions (Material and Non-Material)

All required revision documents must be submitted through the [NYSED CSO Portal](#). The following information is required for each revision:

1. A completed cover letter form including:
 - a) The name and main address of the charter school;
 - b) The name, position, and contact information of the person submitting the revision request;³
 - c) The general details of the revision;
 - d) A justification for the revision, including the educational need and benefits; and
 - e) A proposed timeline for implementation.
2. Finalized board meeting minutes;

² After the initial submission, the CSO may determine that additional materials and/or information not outlined in this document are required.

³ If the person submitting the revision request is not the chairperson of the board of trustees, the revision must include a board resolution signed by the chairperson, indicating that the board of trustees has authorized the individual to submit the revision request on behalf of the board.

3. A signed board resolution⁴ on school letterhead declaring the board's approval of the revision request;
4. A plan to share any proposed revisions with the school, parents/guardians, and community stakeholders, as well as prior and future engagement with such groups applicable to the proposed revision, if they may be impacted; and
5. Any other information that the school deems relevant to the proposed charter revision.

Material Revisions

Common Material Revisions and the *Additional Documents Required*⁵

- A. Revisions that fundamentally alter a school's key design elements, mission or vision, curriculum model, educational philosophy or program, or overall school design** must include the following:
1. A line-by-line "redlined" comparison of changes;
 2. A detailed explanation of how the proposed change has been *interwoven throughout the charter* so that it is a fundamental change for the school. For example, a key design change to serve economically disadvantaged students might include all of the following: free services and amenities for students in the budget, daily counseling and supports, family educational opportunities and resources, professional development to staff regarding the impact of poverty on learning, and partnership with community-based organizations;
 3. A brief narrative detailing whether the revision is expected to have any budgetary implications and if those implications will increase or decrease the school's budget. If a budgetary change is anticipated, a revised budget using the NYSED budget template (see Appendix D) for each year through the end of the charter term must be included. If the charter term ends less than three years after the proposed revision implementation date, the budget must include these additional years, i.e., three years after implementation; and
 4. A revised staffing plan, if applicable, including a summary of the roles and responsibilities for the school's administrative and leadership staff.

⁴ The resolution should be signed by someone on the board (usually the chair or secretary), on school letterhead, and should refer to the board meeting date, the motion or resolution that was made, and the approval by the board. The resolution should also reflect what is set forth in the meeting minutes for the relevant action.

⁵ In the event that a revision requested does not fall into one of these enumerated categories, the CSO will determine what additional materials, if any, are needed from the school.

B. Significant changes in the organizational/leadership structure of the school (e.g., adding or removing a layer of administrative reporting or a significant number of leadership positions) must include the following:

1. A summary of the changes to organizational/leadership structure;
2. The current organizational chart, which must clearly show all reporting relationships;
3. The proposed organizational chart, highlighting any changes;
4. A revised staffing plan, including a summary of the roles and responsibilities for the school's administrative and leadership staff; and
5. A revised budget, using the NYSED budget template (see Appendix D).

C. Temporary or permanent relocation of the school to a new school district, or a new borough in New York City, must include the following:^{6 7 8}

1. A table identifying the current school facility(ies) (including the district or CSD of location), grades served at each location, and the number of students served therein, for each year of the charter term;⁹
2. A table identifying the proposed school facility(ies) (including the district or CSD of location), grades served at each location, and the number of students served therein, starting with the current year, and continuing for at least five years;
3. An analysis of the projected programmatic and fiscal impact of the charter school on the proposed new school district of location, and other public and nonpublic schools in the area (see Appendix E);
4. A copy of the proposed purchasing contract and/or lease agreement, along with a summary detailing the source of funds used for the purchase/lease including but not limited to public funds, new market tax credits, bonds, donations, and loans;
5. A rationale as to why this building purchase/lease is proposed as opposed to other properties and a market analysis showing that the purchase or lease terms are at or below market rate. Any extenuating circumstances regarding the proposed building should be included in the rationale;

⁶ Notice of the revision will be provided to the current school district and the proposed school district of location. Hearings will take place in both districts.

⁷ Charter schools located in NYCDOE public school buildings must also coordinate with the New York City Department of Education on any proposal to expand within a current facility or relocate to another NYCDOE facility.

⁸ Even after the relocation of the school has been approved, schools are not permitted to operate in a new facility until the CSO has provided a written statement granting "consent to open," which is only issued after a CSO inspection of the facility.

⁹ See Appendix B

6. A revised budget for each year through the end of the charter term, using the NYSED budget template (see Appendix D). If the charter term ends less than three years after the proposed revision implementation date, the budget must include these additional years, i.e., three years after implementation;
7. A transportation plan to ensure that existing and future students are able to get to the newly proposed location must be included;
8. Evidence of engagement with parents/guardians of children enrolled in the school as well as the community in the new area of location; and
9. Certificate of Occupancy and Fire Inspection (see [NYSED guidance regarding the Fire Inspection](#)) documents for the facility. For buildings where this is not yet available, the school should submit a detailed timeline as to when these required documents will be obtained which must be prior to occupancy of this building by staff or students.

D. Contracting with [an entity that provides comprehensive management services](#) must include the following:¹⁰

1. A copy of all proposed contracts with the entity that provides comprehensive management services (the contract requires separate CSO approval prior to final execution);
2. A copy of revised by-laws, which must include provisions required by the Charter Agreement. Use the track changes feature in your word processing software to show the modified text (creating a red-lined version for CSO review). Please submit the entirety of the by-laws with your tracked changes, not a summation of revised text;
3. Evidence of a clearly defined, performance-based relationship between the school's board of trustees and proposed entity that provides comprehensive management services;
4. Evidence that the proposed entity that provides comprehensive management services is a not-for-profit entity;
5. Evidence that the proposed entity that provides comprehensive management services is registered with the NY Department of State;
6. Evidence that the proposed entity that provides comprehensive management services has a demonstrated track record of positive academic results and responsible fiscal management;

¹⁰ Please refer to the NYSED [Definition of an Entity That Provides Comprehensive Management Services](#)

7. A revised budget for each year through the end of the charter term using the NYSED budget template (see Appendix D). If the charter term ends less than three years after the proposed revision implementation date, the budget must include these additional years, i.e., three years after implementation; and
 8. A letter from legal counsel retained by the Education Corporation stating that the Management Contract meets such counsel's approval. Such counsel shall not also represent the entity that provides comprehensive management services.
- E. Discontinuing a contract with an [entity that provides comprehensive management services](#)** must include the following:
1. A copy of any amended contracts or agreements with the entity that provides comprehensive management services (may require separate CSO approval);
 2. A line-by-line "redlined" version of the revised by-laws;
 3. Evidence that the school has the capacity to operate independently of the entity that provides comprehensive management services; and
 4. A revised budget for each year through the end of the charter term, using the NYSED budget template (see Appendix D). If the charter term ends less than three years after the proposed revision implementation date, the budget must include these additional years, i.e., three years after implementation.
- F. Changing the name of the school or education corporation** must include the following:¹¹
1. The rationale for the proposed name change.
- G. Increases or decreases to the maximum enrollment and/or grade span**¹² must include the following:
1. The approved enrollment chart for the entire current charter term;¹³
 2. A proposed enrollment chart for the entire current charter term;
 3. Identification of the current location of the school and any plans to secure additional or new space to accommodate the increased enrollment or grades;
 4. Evidence of the demand for additional seats and/or grades at the school;

¹¹ The proposed name must include the words "charter school" and shall not include the name or identification of a for-profit business or corporate entity.

¹² Board of Regents-Authorized charter schools are not permitted to exceed the approved maximum enrollment of the school and may not enroll less than 85% of the approved projected enrollment in a given year.

¹³ See Appendix A

5. A description of whether and how the increased enrollment and/or grade span would affect the distribution of students across grades in the school;
6. A plan for developing curriculum-related information for any new grades being proposed, consistent with what was required in the original application for the charter;
7. A revised budget for each year through the end of the charter term, using the NYSED budget template (see Appendix D). If the charter term ends less than three years after the proposed revision implementation date, the budget must include these additional years, i.e., three years after implementation;¹⁴
8. An analysis of the projected programmatic and fiscal impact of the charter school on the proposed new school district of location, and other public and nonpublic schools in the area (see Appendix E);
9. A revised staffing plan, including a summary of the roles and responsibilities for the school's administrative and leadership staff, if applicable; and
10. If organizational changes are necessary to complement the revised staffing plan (e.g., new reporting positions or administrative positions) provide current and proposed organizational charts (which must clearly show all reporting relationships) with redlined changes for review and approval.

H. Adding or removing a summer school program must include the following:

1. Evidence of demand or need for the program;
2. A description of whether the program will be optional or mandatory, how many students will participate in the program each year, and how those students will be selected;
3. A staffing plan for the program; and
4. A revised budget for each year through the end of the charter term, using the NYSED budget template (see Appendix D). If the charter term ends less than three years after the proposed revision implementation date, the budget must include these additional years, i.e., three years after implementation.

¹⁴ The school's budget may not include student enrollment that exceeds what has been approved by the Board of Regents. However, to budget conservatively, the school may project enrollment that is no greater than 15% below authorized enrollment.

I. Merger/Consolidation of Education Corporation

Please refer to the [Guidelines for Submitting an Application for Merger/Consolidation](#) for complete information.

J. Restructuring of the Education Corporation

Please refer to the [Guidelines on the Submission of Plans to Restructure an Existing Education Corporation/School At-Risk of Non-Renewal/Closure](#) for complete information.

Non-Material Revisions

Common Non-Material Revisions and the *Additional* Documents Required

A. Temporary or permanent relocation of the school within the same school district, or same borough in New York City, or acquisition of a new facility or building, must include the following:^{15 16}

1. A table identifying the current school facility(ies) (including the district or CSD of location), grades served at each location, and the number of students served therein, for each year of the charter term;¹⁷
2. A table identifying the proposed school facility(ies) (including the district or CSD of location), grades served at each location, and the number of students served therein, starting with the current year, and continuing for at least five years;¹⁸
3. A copy of the proposed purchasing contract and/or lease agreement, along with a summary detailing the source of funds used for the purchase/lease including but not limited to public funds, new market tax credits, bonds, donations, and loans;
4. A rationale as to why this building purchase/lease is proposed as opposed to other properties and a market analysis showing that the purchase or lease terms are at or below market rate. Any extenuating circumstances regarding the proposed building should be included in the rationale;
5. A revised budget for each year through the end of the charter term, using the NYSED budget template (Appendix D). If the charter term ends less than three years after the

¹⁵ Charter schools located in NYCDOE public school buildings must also coordinate with the New York City Department of Education on any proposal to expand within a current facility or relocate to another NYCDOE facility.

¹⁶ Even after the relocation of the school has been approved, schools are not permitted to operate in a new facility until the CSO has provided a written statement granting "consent to open," which is only issued after a CSO inspection of the facility.

¹⁷ See Appendix B

¹⁸ See Appendix B

proposed revision implementation date, the budget must include these additional years, i.e., three years after implementation;

6. A transportation plan to ensure that existing and future students are able to get to the newly proposed location must be included;
7. Evidence of engagement with parents/guardians of children enrolled in the school as well as the community in the new area of location; and
8. Certificate of Occupancy and Fire Inspection (see [NYSED guidance regarding the Fire Inspection](#)) documents for the facility. For buildings where this is not yet available, the school should submit a detailed timeline as to when these required documents will be obtained which must be prior to occupancy of this building by staff or students.

B. Changes or corrections that *do not* fundamentally alter a school’s key design elements, mission or vision, curriculum model, educational philosophy or program, or overall school design¹⁹ must include the following:

1. A line-by-line “redline” comparison of changes. Use the track changes feature in your word processing software to show the modified text (creating a red-lined version for CSO review). Please submit actual pages with your tracked changes, not a summation of revised text. This can be limited to the relevant sections of any lengthy documents (over 30 pages, like the charter), but should then include the entirety of those sections.

C. Minor corrections/clarifications to the school’s organizational structure must include the following:

1. A summary of changes to organizational/leadership structure, if applicable;
2. The current organizational chart, which must clearly show all reporting relationships, if applicable;
3. The proposed organizational chart, highlighting any changes, if applicable; and
4. A brief narrative detailing whether the revision is expected to increase or decrease the school’s budget. If a budgetary change is anticipated, a revised budget for each year through the end of the charter term must be included, using the NYSED budget template (see Appendix D). If the charter term ends less than three years after the proposed revision implementation date, the budget must include these additional years, i.e., three years after implementation.

¹⁹ This includes instituting a temporary summer school program lasting not more than one summer, an optional Saturday program, or adding a CTE program. The CSO will only approve CTE program revisions if the school can demonstrate that it has consulted with the [NYSED Career and Technical Education Team](#), and has met the requirements of that team in accordance with the guidelines located at <http://www.nysed.gov/career-technical-education/cte-policy-and-guidance>.

D. Changes in the school’s by-laws, code of conduct, discipline policy, personnel policy, complaint policy, student/family handbook, promotion policy, or teacher/staff handbook, or other policies subject to NYSED approval in accordance with the Oversight Plan must include the following:

1. A line-by-line “redlined” comparison of changes.

E. Changes in the school’s admissions policy or enrollment process must include the following:

1. A line-by-line “redlined” comparison of changes; and
2. A redlined version of the school’s enrollment application, which must align with the revised policy.

Please note: Charter schools that wish to increase the chances of at-risk students obtaining an enrollment offer at their school should first consider their enrollment efforts. Authentic community-based outreach efforts that foster direct connections between prospective parents and the school have been shown to be the most effective for schools across the state. If these do not yield satisfactory results, the school may want to consider a weighted lottery. In the revision request, the school should specify the specific methodology by which the weighting will be determined each year. This should include the timeframe that, for the purposes of transparency, sets the weight being applied each year no later than 30 days prior to the lottery deadline. The specific weight applied each year does not need to be included in the non-material revision request if the methodology for determining the weight each year is included. The school will need to request a new non-material revision regarding lottery weighting only if the methodology by which the weighting is determined each year changes.

Charter schools receiving CSP funds that choose to employ lottery weighting are required by the conditions of NYSED’s grant agreement with the USDOE to use the NYSED Weighted Lottery Generator found at <http://www.nysed.gov/charter-schools/policies-procedures-resources-all-charter-schools>. Schools not receiving CSP funds should devise their own weighted lottery methodology for approval by the CSO.

In addition to utilizing a weighted lottery, schools that have a specific school design that targets a particular population can request approval to employ a lottery preference. Schools that do not have a specific school design, but that wish to add one to utilize a lottery preference instead of a weighted lottery, must submit a material school design revision request (see item C under the Material Revisions section) by the December 1st deadline, along with the non-material enrollment policy revision. Please keep in mind that material revisions to add a specific school design targeting a particular population must include a detailed explanation of how the proposed change has been *interwoven*

throughout the charter so that it is a fundamental change for the school. For example, a key design change to serve economically disadvantaged students might include all of the following: free services and amenities for students in the budget, daily counseling and supports, family educational opportunities and resources, professional development to staff regarding the impact of poverty on learning, and partnership with community-based organizations.

Note: Revision requests to change a school’s admissions policy or enrollment processes must be submitted no later than December 1st, in the year that the lottery will be held. The school must have ample time to finalize the approved revisions to the policy and application, and provide notice to the public regarding the changes after CSO review and approval.

F. Minor changes in the school’s schedule that are consistent with the charter must include the following:

1. A line-by-line “redlined” comparison of changes.

G. Adding a board member to an existing charter school.

Please refer to the guidance for adding members to the board of trustees posted on the CSO website at: <http://www.nysed.gov/charter-schools/add-board-member>

The CSO portal for adding members to the board of trustees is located at: https://nysed-cso.smapply.io/prog/add_a_board_member/

H. Requesting a Planning Year (New Schools Only).

Charter schools are strongly encouraged to submit planning year requests as soon as possible. Ideally, all planning year requests should be submitted to the Charter School Office no later than July 15th of the year in which the school has been approved to open. For example, if a school is scheduled to open in September 2026, the planning year request must be submitted to the CSO no later than July 15, 2026.

In the rare instance that extenuating circumstances preclude the submission of a proposed charter revision by July 15th (e.g., severe facilities damage from fire or flood, an extremely low applicant pool despite substantial recruitment efforts), the school should promptly contact its CSO liaison to discuss the need for the planning year.

Documentation submitted must include the following:

1. A date certain for opening, including a timeline detailing the planning activities to be

conducted during each month of the planning year;²⁰

2. An updated and revised budget, and month-to-month cash flow projections for the pre-opening period, using the NYSED budget template (see Appendix D). The budget must ensure start-up funds are sufficient to support the school until the first per-pupil payment arrives;
3. Written confirmation signed by the chair of the board of trustees, stating that the school will maintain all pre-opening activities, as set forth in **Appendix C**;
4. Written notice to school applicants and staff regarding the pending request for a planning year. The notice must explain the school's plans in the event that the request is granted, and in the event the request is denied. The applicant must also post the notice on the admissions/enrollment page of the school's website, and provide a link to the same; and
5. Any other information that the school deems relevant to the proposed request and any additional information that the CSO may require.

Planning year approvals will not be unreasonably withheld. However, the request for a planning year may be denied if:

1. It does not sufficiently demonstrate the need for a planning year;
2. It is submitted close to the scheduled start of the school year and there are no exigent circumstances warranting a planning year;
3. Two or more planning years have already been granted;²¹ or
4. If the nature of the request, or the circumstances under which the request is made suggests a lack of organizational knowledge and/or capacity to effectively open, maintain, and oversee a high-quality charter school.

I. Other minor changes to the school's charter must include the following:

1. A summary of the changes;
2. A brief narrative detailing whether the revision is expected to increase or decrease the school's budget. If a budgetary change is anticipated, a revised budget for each year through the end of the charter term must be included, using the NYSED budget template

²⁰ The December 1st deadline for the submission of charter school revisions will be excused in cases where the school is requesting a planning year. The NYSED CSO Revision Guidelines are available at: <http://www.nysed.gov/charter-schools/oversight-plan-board-regents-authorized-charter-schools>.

²¹ In very limited circumstances, NYSED may grant a third and final planning year. If the school is requesting a third and final planning year, the school must submit the Assurance in Appendix C2 instead of the Assurance in Appendix C.

(see Appendix D). If the charter term ends less than three years after the proposed revision implementation date, the budget must include these additional years, i.e., three years after implementation;

3. A staffing plan for implementation of the proposed change; and
4. Any other information that the school deems relevant to the proposed request and any additional information that the CSO may require.

Other Changes Not Considered Revisions

Charter schools should always work with the school's CSO liaison to determine which revision type a proposed change falls under or if it is considered a revision at all. There are several changes that do not constitute charter revisions, either material or non-material (including some enrollment changes²²) but which should still prompt a conversation with the school's CSO liaison. Your CSO liaison is a resource that schools should utilize when making the determination of whether or not a change is a revision, and whether or not that revision is material or non-material.

What to Expect After Submission

The CSO, the NYSED Commissioner, and the Board of Regents, where applicable, will consider all relevant information when evaluating a proposed charter revision, including but not limited to: evidence of the success of the school's academic program, viability of the school as an organization, faithfulness of the school to the terms of its charter, capacity of the school to successfully implement the proposed charter revision, and the parent/guardian and community engagement conducted along with any feedback received.

To the extent that the proposed charter revision request provides clear and complete information that addresses the requirements enumerated in this guidance document, the evaluation of a charter revision request will be facilitated and expedited, if possible. The need to request additional information from the school and/or clarify information that has been submitted may occur and could result in prolonging the approval process.

For material charter revisions, the CSO compiles the relevant information on behalf of the Department. The CSO will make a decision on whether or not to recommend the proposed material revision to the Board of Regents and the Board of Regents will make a final decision on whether or not to approve the recommendation. Decisions on non-material revisions are made

²² Schools may go below their authorized enrollment for a given year without CSO or Regents approval, as long as they do not fall below 85% of the authorized enrollment for that year. Keep in mind that a school cannot exceed its authorized enrollment, cannot go below 85% of its authorized enrollment for a particular year, and cannot make any changes to the grades served without prior written approval.

solely by the CSO.

The Charter Schools Act does not specify a deadline by which the CSO and/or the Board of Regents must consider and/or make a decision regarding a proposed charter revision. However, every effort will be made to provide schools with timely decisions. Ongoing and proactive communication with the school's CSO liaison is critical. Material revisions, which require the approval of the Board of Regents, are only considered by the Regents at its regularly scheduled monthly meetings, a schedule of which can be found at <https://www.regents.nysed.gov/meetings/dates>. The CSO will communicate with the school when a decision has been made about a proposed charter revision.

PLEASE NOTE
ANY PROPOSED REVISIONS OR PORTIONS THEREOF
THAT ARE NOT SPECIFICALLY APPROVED IN WRITING ARE DEEMED DENIED.

Common Reasons Revisions Are Denied

1. The school has mixed or poor academic results, or little to no academic data at the time of the request to support the proposed revision.²³
2. The material revision request is submitted after the December 1st deadline, and there are no exigent circumstances warranting an extension of time.
3. The request does not include all required information (e.g., justification, board meeting minutes, board resolution, enrollment charts, NYSED budget template, etc.), and the school fails to respond to requests for additional information and/or documents.²⁴
4. Documents submitted did not include redlined changes.
5. The school fails to enroll and retain students with disabilities, English language learners, and economically disadvantaged students, in percentages comparable to the district of location, and fails to engage in extensive efforts to recruit and retain such students.²⁵
6. The request violates the law, regulations, or CSO policy (e.g., adding a board member employed by the school in violation of the General Municipal Law; adding preferences for student subgroups without a specific school design pursuant to Commissioner's Regulation §119.5).

²³ Refer to the [Charter School Performance Framework](#) for a delineation of minimum academic performance standards expected of all Regents-authorized schools.

²⁴ All such requests will be sent to the school through the portal. If the school fails to respond to such requests and submit all required items within 30 days, the revision request will be considered withdrawn, and will be deleted from the portal.

²⁵ If the school is requesting an enrollment increase or grade expansion, this concern may be addressed by demonstrating the school will couple the admission of additional students with a policy of providing weighting or preferencing to student subgroups. In this case, a redlined version of the revised enrollment policy must be submitted for review and approval.

7. Material changes to the school's key design elements, mission or vision, curriculum model, educational philosophy, or overall school design are not interwoven throughout the charter and/or do not reflect innovative ways of serving the school community. For example, a key design change to serve economically disadvantaged students might include all of the following: free services and amenities for students in the budget, daily counseling and supports, family educational opportunities and resources, professional development to staff regarding the impact of poverty on learning, and partnership with community-based organizations.
8. The school has submitted multiple revisions at different points in the academic year. To the greatest extent possible, charter revisions should be submitted simultaneously as separate submissions within the NYSED CSO Portal, in order to best streamline the process. Please note, the [NYSED Application for Charter Renewal](#) and the [Guidelines for Submitting an Application for Merger/Consolidation](#) both contain sections for revision requests. Schools are strongly encouraged to submit revision requests during renewal and/or merger or consolidation, and to limit revisions submitted during the course of the charter term.
9. The school is in its initial charter term, and requests revisions that would substantially alter the educational design or enrollment plan.
10. The school fails to conduct sufficient community and family engagement regarding the proposed revision.

Revision Best Practices

1. Contact your CSO liaison to discuss the revision request. Please see the "Submitting a Revision Request" section in this document.
2. Be sure that all documents that require a signature have been signed, and that any documents required to be on school letterhead are provided in that format.
3. Be sure to provide only the finalized, approved board minutes, not draft minutes. If you have only draft minutes, wait until you have finalized minutes before submitting the request.
4. The required board resolution document must be separate and apart from the minutes and any other documents submitted with the revision request.
5. Be sure to include all documents required in the revision guidelines. If a particular item does not apply, include a document explaining why it does not apply to your request.
6. Be sure that all board members have received CSO approval.

7. Pay attention to detail. For example, if a monthly tally of hours and instructional days is requested for the calendar, be sure to include that.
8. Proofread and check submitted documents for errors before submitting.
9. Be sure to solicit school community feedback, in some way, for all revisions. Information about the community feedback received will be required as part of your portal submission.
10. Property-related requests must include a preliminary purchase agreement, lease agreement, contract of sale, or similar document.
11. If the lease is with the school's "Friends of" organization, explain why, the benefit(s) to the school, and how the arrangement will work logistically.
12. If you are submitting an organizational chart as part of your revision, be sure to include new staff titles and position descriptions, as necessary, and ensure that the organizational chart clearly shows all reporting relationships. Also keep in mind that the proposed change, like all revisions, cannot be implemented prior to approval by the CSO.
13. Submit the revision well enough in advance to get an approval decision before you need to implement.

FOR ADDITIONAL RESOURCES, PLEASE CONTACT YOUR CSO LIAISON
OR EMAIL CHARTERSCHOOLS@NYSED.GOV

Appendix A: Sample Enrollment/Grade Revision Charts²⁶

**Table 1: Sample Charter School
Approved Enrollment/Grade Configuration**

	20XX-20XX	20XX-20XX	20XX-20XX	20XX-20XX	20XX-20XX
Grade Configuration	K-Grade 3	K-Grade 4	K-Grade 5	K-Grade 5	K-Grade 5
Total Approved Enrollment	100	200	300	300	300

**Table 2: Sample Charter School
Proposed Enrollment/Grade Configuration**

	20XX-20XX	20XX-20XX	20XX-20XX	20XX-20XX	20XX-20XX
Grade Configuration	K-Grade 3	K-Grade 4	K-Grade 5	K-Grade 5	K-Grade 5
Total Proposed Enrollment	100	200	300	400	500

²⁶ List grade and enrollment configurations for each year in the current charter term, even if those years have passed.

Appendix B: Sample Facilities Table²⁷

Table 1: Sample Current Facilities Table

20XX - 20XX	Address	School District /CSD	Grade Levels	Enrollment
1.				
2.				
20XX - 20XX	Address	School District /CSD	Grade Levels	Enrollment
1.				
2.				
20XX - 20XX	Address	School District /CSD	Grade Levels	Enrollment
1.				
2.				
20XX - 20XX	Address	School District /CSD	Grade Levels	Enrollment
1.				
2.				
20XX - 20XX	Address	School District /CSD	Grade Levels	Enrollment
1.				
2.				

Table 2: Sample Proposed Facilities Table²⁸

20XX - 20XX	Address	School District /CSD	Grade Levels	Enrollment
1.				
2.				
20XX - 20XX	Address	School District /CSD	Grade Levels	Enrollment
1.				
2.				
20XX - 20XX	Address	School District /CSD	Grade Levels	Enrollment
1.				
2.				
20XX - 20XX	Address	School District /CSD	Grade Levels	Enrollment
1.				
2.				
20XX - 20XX	Address	School District /CSD	Grade Levels	Enrollment
1.				
2.				

²⁷ List facility information for each year in the current charter term, even if those years have passed.

²⁸ List proposed facility information for **at least five years**, beginning with the current year.

Appendix C: Planning Year Statement of Assurance

I, _____ (Print Name of the Chair of the Board of Trustees) am the Chair of the _____ (Print Charter School Name) Board of Trustees. In the event that the school's _____ (date) request for a planning year **for the 20__ - 20__ academic year** is granted, the charter school's Board of Trustees will continue to engage in all pre-opening activities, including but not limited to:

1. Monthly board of trustee meetings in accordance with the Open Meetings Law;
2. Continued participation in all NYSED CSO pre-opening conference calls;
3. All required fiduciary responsibilities, included but not limited to audits; and
4. Any other activities required by the pre-opening checklist and the New York State Education Department.

In the event that the planning year request is denied, the school will open in 20__ - 20__, in accordance with the originally approved timeline. If the school will not open as required, the Board will formally and immediately surrender the charter. Failure to open and/or surrender the charter as required will be grounds for termination, revocation, and dissolution of the charter.

_____, Board Chair
of _____ Charter School

STATE OF _____)
: ss.:
COUNTY OF _____)

On the ____ day of _____, 20____, before me, the undersigned, a Notary Public in and for said state, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within **Planning Year Statement of Assurance** and acknowledged to me that s/he executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public - State of _____

Appendix C2: Final Planning Year Statement of Assurance

I, _____ (Print Name of the Chair of the Board of Trustees) am the Chair of the _____ (Print Charter School Name) Board of Trustees. In the event that the school's _____ (date) request for a **___[e.g., third]___ and final planning year for the 20__ - 20__ academic year** is granted, the charter school's Board of Trustees will continue to engage in all pre-opening activities, including but not limited to:

1. Monthly board of trustee meetings in accordance with the Open Meetings Law;
2. Continued participation in all NYSED CSO pre-opening conference calls;
3. All required fiduciary responsibilities, included but not limited to audits; and
4. Any other activities required by the pre-opening checklist and the New York State Education Department.

The board further understands and agrees that in the event that the final planning year request is granted, if the school does not open in the 20__ - 20__ academic year, whether due to an event outside of the board's control, failure to satisfactorily complete NYSED pre-opening requirements, or for any other reason, NYSED will not grant any additional planning years. If the school will not open in the 20__ - 20__ academic year as required, regardless of the reason, the Board will formally and immediately surrender the charter. Failure to open and/or surrender the charter as required will be grounds for termination, revocation, and dissolution of the charter.

The board also understands and agrees that in the event that the final planning year request for 20__ to 20__ is *denied*, the school will open in 20__ - 20__, in accordance with the originally approved timeline. If the school will not open as required, the Board will formally and immediately surrender the charter. Failure to open and/or surrender the charter as required will be grounds for termination, revocation, and dissolution of the charter.

_____, Board Chair
of _____ Charter School

STATE OF _____)
: ss.:
COUNTY OF _____)

On the ____ day of _____, 20____, before me, the undersigned, a Notary Public in and for said state, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within **Planning Year Statement of Assurance** and acknowledged to me that s/he executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public - State of _____

Appendix D: NYSED Budget Template

Charter School Name Here Contact Name: <input type="text"/> Contact Email: <input type="text"/> Contact Phone: <input type="text"/> Charter Term: <input type="text"/> (Example) July 1, 20XX to June 30, 20XX						DESCRIPTION OF ASSUMPTIONS Note: The completion of this section is mandatory. Please reference section/page number in application if applicable. For example, student enrollment would reference the page in the application that states enrollment targets.																																																																																						
PROJECTED BUDGET FOR CHARTER PERIOD																																																																																												
Total Revenue	-	-	-	-	-																																																																																							
Total Expenses	-	-	-	-	-																																																																																							
Net Income (Before Cash Flow Adjustments)	-	-	-	-	-																																																																																							
Actual Student Enrollment ²⁹	-	-	-	-	-																																																																																							
Total Paid Student Enrollment	-	-	-	-	-																																																																																							
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PR/Award # S282A240007

²⁹ The school's budget may not include student enrollment that exceeds what has been approved by the Board of Regents. However, to budget conservatively, the school may project enrollment that is no greater than 15% below authorized enrollment.

TOTAL Per Pupil Revenue (Average Districts Per Pupil Funding)		-	-	-	-	-
Special Education Revenue		-	-	-	-	-
Grants						
Other		-	-	-	-	-
TOTAL REVENUE FROM STATE SOURCES		-	-	-	-	-
REVENUE FROM FEDERAL FUNDING						
IDEA Special Needs		-	-	-	-	-
Title I		-	-	-	-	-
Title Funding - Other		-	-	-	-	-
School Food Service (Free Lunch)		-	-	-	-	-
Grants						
TOTAL REVENUE FROM FEDERAL SOURCES		-	-	-	-	-
LOCAL and OTHER REVENUE						
Contributions and Donations		-	-	-	-	-
Fundraising		-	-	-	-	-
Erate Reimbursement		-	-	-	-	-
Earnings on Investments		-	-	-	-	-
Interest Income		-	-	-	-	-
Food Service (Income from meals)		-	-	-	-	-
Text Book		-	-	-	-	-
OTHER		-	-	-	-	-
TOTAL REVENUE FROM LOCAL and OTHER SOURCES		-	-	-	-	-
TOTAL REVENUE		-	-	-	-	-
EXPENSES						
ADMINISTRATIVE STAFF PERSONNEL COSTS						

Executive Management	-	-	-	-	-	-
Instructional Management	-	-	-	-	-	-
Deans, Directors & Coordinators	-	-	-	-	-	-
CFO / Director of Finance	-	-	-	-	-	-
Operation / Business Manager	-	-	-	-	-	-
Administrative Staff	-	-	-	-	-	-
TOTAL ADMINISTRATIVE STAFF	-	-	-	-	-	-
INSTRUCTIONAL PERSONNEL COSTS						
Teachers - Regular	-	-	-	-	-	-
Teachers - SPED	-	-	-	-	-	-
Substitute Teachers	-	-	-	-	-	-
Teaching Assistants	-	-	-	-	-	-
Specialty Teachers	-	-	-	-	-	-
Aides	-	-	-	-	-	-
Therapists & Counselors	-	-	-	-	-	-
Other	-	-	-	-	-	-
TOTAL INSTRUCTIONAL	-	-	-	-	-	-
NON-INSTRUCTIONAL PERSONNEL COSTS						
Nurse	-	-	-	-	-	-
Librarian	-	-	-	-	-	-
Custodian	-	-	-	-	-	-
Security	-	-	-	-	-	-
Other	-	-	-	-	-	-
TOTAL NON-INSTRUCTIONAL	-	-	-	-	-	-

SUBTOTAL PERSONNEL SERVICE COSTS

-	-	-	-	-	-
---	---	---	---	---	---

PAYROLL TAXES AND BENEFITS

Payroll Taxes

-	-	-	-	-
---	---	---	---	---

Fringe / Employee Benefits

-	-	-	-	-
---	---	---	---	---

Retirement / Pension

-	-	-	-	-
---	---	---	---	---

TOTAL PAYROLL TAXES AND BENEFITS

-	-	-	-	-
---	---	---	---	---

TOTAL PERSONNEL SERVICE COSTS

-	-	-	-	-
---	---	---	---	---

CONTRACTED SERVICES

Accounting / Audit

-	-	-	-	-
---	---	---	---	---

Legal

-	-	-	-	-
---	---	---	---	---

Management Company Fee

-	-	-	-	-
---	---	---	---	---

Nurse Services

-	-	-	-	-
---	---	---	---	---

Food Service / School Lunch

-	-	-	-	-
---	---	---	---	---

Payroll Services

-	-	-	-	-
---	---	---	---	---

Special Ed Services

-	-	-	-	-
---	---	---	---	---

Titlement Services (I.e. Title I)

-	-	-	-	-
---	---	---	---	---

Related service provider costs not reimbursed by the district of residence

-	-	-	-	-
---	---	---	---	---

Other Purchased / Professional / Consulting

-	-	-	-	-
---	---	---	---	---

TOTAL CONTRACTED SERVICES

-	-	-	-	-
---	---	---	---	---

SCHOOL OPERATIONS

Board Expenses

-	-	-	-	-
---	---	---	---	---

Classroom / Teaching Supplies & Materials

-	-	-	-	-
---	---	---	---	---

Special Ed Supplies & Materials

-	-	-	-	-
---	---	---	---	---

Textbooks / Workbooks

-	-	-	-	-
---	---	---	---	---

Supplies & Materials other

-	-	-	-	-
---	---	---	---	---

PR/Award # S282A240007

Equipment / Furniture	-	-	-	-	-
Telephone	-	-	-	-	-
Technology	-	-	-	-	-
Student Testing & Assessment	-	-	-	-	-
Field Trips	-	-	-	-	-
Transportation (student)	-	-	-	-	-
Student Services - other	-	-	-	-	-
Office Expense	-	-	-	-	-
Staff Development	-	-	-	-	-
Staff Recruitment	-	-	-	-	-
Student Recruitment / Marketing	-	-	-	-	-
School Meals / Lunch	-	-	-	-	-
Travel (Staff)	-	-	-	-	-
Fundraising	-	-	-	-	-
Other	-	-	-	-	-
TOTAL SCHOOL OPERATIONS	-	-	-	-	-
FACILITY OPERATION & MAINTENANCE					
Insurance	-	-	-	-	-
Janitorial	-	-	-	-	-
Building and Land Rent / Lease	-	-	-	-	-
Repairs & Maintenance	-	-	-	-	-
Equipment / Furniture	-	-	-	-	-
Security	-	-	-	-	-
Utilities	-	-	-	-	-
TOTAL FACILITY OPERATION & MAINTENANCE	-	-	-	-	-

PR/Award # S282A240007

DEPRECIATION & AMORTIZATION

Insert Detail as Applicable

Insert Detail as Applicable

Insert Detail as Applicable

TOTAL DEPRECIATION AND AMORTIZATION

*****TOTAL FUNDS IN DISSOLUTION ESCROW & RESERVES / CONTINGENCY

TOTAL EXPENSES

NET INCOME

Note: Schools currently in their initial charter term must maintain an escrow account of \$100,000 by year 4. Schools renewed after 2019-2020 must add \$25,000 to their existing \$75,000 escrow account by December 31st of YR 2. NYSED may request most recent bank statements to support this entry.

ENROLLMENT - *School Districts Are Linked To Above Entries*

School District 1 (Enter Name)

School District 2 (Enter Name)

School District 3 (Enter Name)

School District 4 (Enter Name)

School District 5 (Enter Name)

School District 6 (Enter Name)

School District - ALL OTHER

TOTAL ENROLLMENT

REVENUE PER PUPIL

EXPENSES PER PUPIL

CASH FLOW ADJUSTMENTS

PR/Award # S282A240007

OPERATING ACTIVITIES					
Example - Add Back Depreciation		-	-	-	-
Other		-	-	-	-
Total Operating Activities		-	-	-	-
INVESTMENT ACTIVITIES					
Example - Subtract Property and Equipment Expenditures		-	-	-	-
Other		-	-	-	-
Total Investment Activities		-	-	-	-
FINANCING ACTIVITIES					
Example - Add Expected Proceeds from a Loan or Line of Credit		-	-	-	-
Other		-	-	-	-
Total Financing Activities		-	-	-	-
Total Cash Flow Adjustments		-	-	-	-
NET INCOME		-	-	-	-
Beginning Cash Balance		-	-	-	-
ENDING CASH BALANCE		-	-	-	-

Appendix E: Fiscal Impact Table

Please complete the table below. Charter schools in NYC should use the entire NYCDOE to gauge fiscal impact. *Please footnote your sources and assumptions.*

Projected Fiscal Impact upon District of Location

Year	Number of Enrolled Students	Charter School Basic Per Pupil Tuition Rate	Total Charter School Per Pupil Cost to District	Estimated Additional Costs to District (e.g. SPED or Transportation Funds)	Total Projected Funding from District	Total District General Fund Budget	Projected Impact on District Budget
<i>Notes:</i>	<i>Your Enrollment from the District</i>	<i>Found at the 4th column at https://stateaid.nysed.gov/charter/html_docs/charter_1920_rates.htm</i>	<i>Column B multiplied by Column C minus any additional aid received by the district from the state as enumerated in the last (6th) column at https://stateaid.nysed.gov/charter/html_docs/charter_1920_rates.htm multiplied by the students from the district.</i>	<i>This amount can be found in the "Calculation of Public Excess Cost Aid Attributable to Parentally-Placed Nonresident and Charter School Students" excel tables found at the bottom of the page at https://stateaid.nysed.gov/charter/ or you can use the total special education funding amount that you received from the district this past academic year.</i>	<i>This would be Column D plus Column E</i>	<i>This can be found on the school district's website</i>	<i>This would be Column F divided column G</i>
20XX-20XX							
20XX-20XX							
20XX-20XX							
20XX-20XX							
20XX-20XX							



New York State Education Department

***Monitoring Plan for New York State Charter Schools
Authorized by the Board of Regents***

January 2021

Updated October 2021

Charter School Office
89 Washington Avenue
Albany, New York 12234
charterschools@nysed.gov
518-474-1762

Overview

The purpose of the Monitoring Plan is to provide internal and external stakeholders with a snapshot of monitoring activities performed by the New York State Education Department (NYSED) Charter School Office (CSO) over the course of a school's charter term. Such activities will support comprehensive oversight of charter schools authorized by the Board of Regents. In accordance with the Board of Regents' Oversight Plan¹, CSO is authorized to oversee all school operations, including (but not limited to) inspecting school functions via site visits, records review, and evaluation.

On behalf of the Board of Regents, CSO will evaluate schools against performance benchmarks presented in the [Charter School Performance Framework](#).² The priorities that will be considered by the CSO and the Board of Regents during the renewal process are set forth in the Renewal Policy³ authorized by the Board of Regents and Section 119.7 of the Regulations of the Commissioner. Evidence collected throughout the charter term—such as annual reports, independent financial audits, state testing data, and all site visit reports—will be used by the CSO to make decisions about the frequency and type of site visits to each school and will be also used to directly inform renewal decisions.

The events outlined in this Monitoring Plan allow the CSO to collect evidence on the school's performance in three areas:

1. The school's academic success and ability to operate in an educationally sound manner;
2. The school's organizational viability and its ability to operate in a fiscally sound manner; and
3. The school's faithfulness to the terms of its charter and adherence to the applicable laws and regulations.

The CSO documents all evaluative findings related to school performance. All documentation contributes to the school's record of performance, which will, in turn, be used to support renewal decision-making.

The goal of the CSO Monitoring plan is to enable the review of Board of Regents-authorized charter school performance as required by statute and to identify high-quality authorizing practices to promote educational excellence in New York State. CSO authorizing objectives include:

1. Setting clear expectations between authorizers and schools regarding performance;
2. Ensuring school and authorizer accountability and the fulfillment of the Education Law and charter contract;
3. Promoting high-quality charter schools and authorizer excellence; and
4. Evaluating school and authorizer performance through a lens of continuous improvement.

Detailed information on CSO oversight and monitoring of Board of Regents-authorized charter schools, including authorizer policies and procedures, can be found on the [CSO website](#).

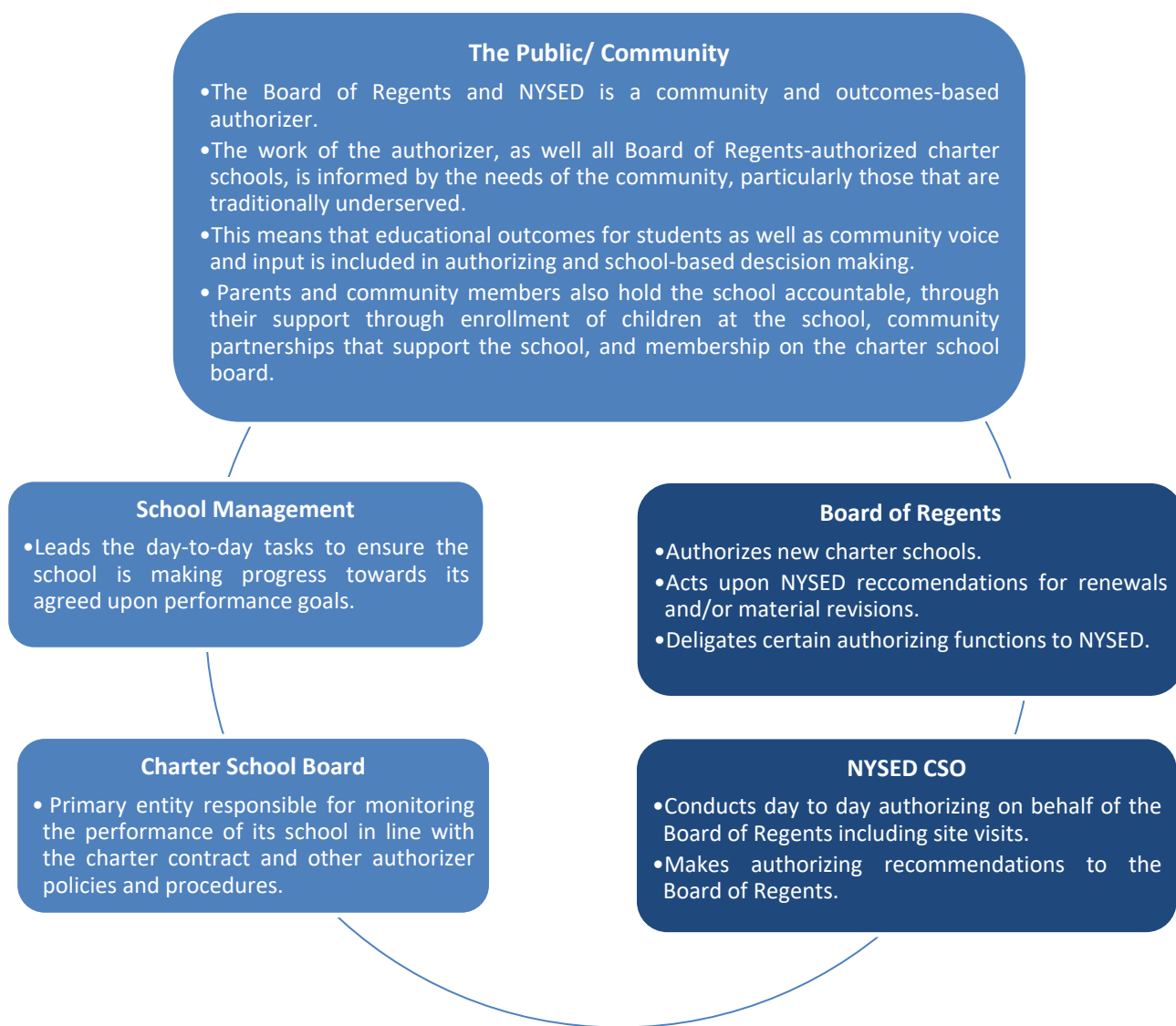
¹ The Board of Regents Oversight Plan is described at <http://www.nysed.gov/charter-schools/oversight-plan-board-regents-authorized-charter-schools>

² Charter schools authorized or renewed beginning in the 2019-2020 school year and thereafter use the 2019 Charter School Performance Framework, and all other charter schools use the 2015 Charter School Performance Framework until renewal. Refer to the appropriate framework for the applicable benchmark standards.

³ The Board of Regents Renewal Policy may be viewed at <http://www.regents.nysed.gov/common/regents/files/documents/meetings/2012Meetings/November2012/1112p12a1.pdf>

Understanding Charter School Oversight

This chart seeks to clarify the roles and responsibilities of key charter school stakeholders. The oversight structure of charter schools loosely parallels that of traditional public schools: ongoing oversight, monitoring, and technical support provided by the CSO; key policy-setting, performance goal setting/monitoring, and decision making by charter school boards; and day-to-day operations managed by charter school leaders or through contracted entities that provide comprehensive management services⁴.



⁴ See the definition of entities that provide comprehensive management services at <http://www.nysed.gov/common/nysed/files/programs/charter-schools/definecsmo.pdf>.

Site Visits

The timing and scope of on site or remote site visits conducted by the CSO and others will depend on a school's track record in meeting Performance Framework benchmarks and other academic, operational, and compliance-related objectives outlined in the charter agreement. In a typical five-year charter term, the CSO will conduct a combination of check-in visits and full site visits. While the CSO will typically visit each school at least once per year, schools may receive fewer site visits or site visits of shorter duration. Additional site visits may be scheduled at CSO discretion and may be unannounced if deemed appropriate.

Full site visits are conducted as a mid-term visit (generally year 3) and a renewal site visit in year 5. However, for those charter schools having short-term renewals, the mid-term site visit may occur in any year of the charter term or may not occur at all depending on the recency of the last renewal visit and the proximity of the upcoming renewal. These visits are generally one to two days in length and are performed by a team of three or more evaluators, who may be internal CSO staff, other NYSED staff, and/or external expert school evaluators. During the site visit, the CSO team may interview school stakeholders, observe classroom instruction, review documents, and evaluate other aspects of the school's operations. All site visits will result in a comprehensive report that summarizes the site visit team's observations and analyses of evidence gathered prior and on site. The site visit report will outline the school's academic and organizational performance relative to Performance Framework benchmarks and indicators.

Prior to the renewal or mid-term site visit, the school will have the opportunity to complete a self-evaluation regarding each of the 10 Performance Framework benchmarks, by rating each benchmark and outlining the school's strengths and challenges. The self-evaluation information will be discussed during the site visit. Following the mid-term and the renewal site visits, the CSO team will send the school its site visit report and an action plan to complete. The action plan will serve as a tool for the school and the CSO to understand the actions that each school will take toward these aims or in the maintenance of effective practices. This action plan will assist the CSO in providing supports to the school as well as connect them with educators across the state who are working on similar problems of practice.

Check-in visits will provide a means for CSO staff to meet with schools and ensure the school is progressing toward meeting Performance Framework benchmarks. Check-in site visits typically occur in years 1, 2, and 4 of a school's five-year charter term, or at the discretion of CSO for schools in shorter charter terms; and will result in a letter or summary memo to the school. Baseline check-in site visits are conducted during year 1 of the school's operation to focus on challenges and progress made toward implementing the school's charter and its alignment to the Performance Framework benchmarks.

All information gathered through site visits, whether full site or check-in, will be compiled into a school's record of performance and used to inform renewal decisions at the end of a school's charter term.

Desk Audits

In addition to site visits, the Monitoring Plan includes desk auditing of documentation and data collected by schools, including records pertaining to students, staff, financials, and general operations. The Board of Regents requires that schools engage in transparent record-keeping practices, and the CSO and other SED staff will monitor and review such documentation throughout the life of a school's charter term.⁵ Similar to the site visit protocols referenced above, the timing and scope of desk audits will depend on federal and state statute, as well as a school's track record and ability to meet goals and objectives outlined in its charter contract.

Notices of Concern and/or Deficiency

The CSO strives to ensure that authorizing standards, as set forth in the NYSED Charter School Performance Framework, are transparent. As such, the CSO utilizes a system of formative notifications to convey to Board of Regents-authorized charter schools that are falling short of one or more of the NYSED Charter School Performance Framework standards or are at risk of doing so. The purpose of these notices is to provide schools with information needed to commence school improvement efforts

Notices of Concern are issued when a school begins to, or is at risk of, failing to meet one or more Performance Framework standards. Notices of Concern are generally issued as an initial formal step of conveying a deficiency and are usually preceded by informal communication through the school's CSO liaison. The development of a formal Corrective Action Plan is not required upon receipt of a Notice of Concern, but the CSO strongly urges that a school receiving such notice takes urgent and immediate steps to address the concerns by engaging in school improvement and avoiding further authorizing action.

Notices of Deficiency are issued when a school's deficiency is more serious in nature; and/or, although not exclusively, when a school repeatedly fails to meet NYSED Charter School Performance Framework standards that may result in a short-term or non-renewal recommendation. Therefore, the CSO issues such notices to spur immediate and urgent school improvement strategies that will improve outcomes for students and compliance with applicable laws, regulations, and policies. Often, Notices of Deficiency are issued after earlier informal and formal conversations with the charter school regarding such deficiencies. The issuance of a Notice of Deficiency requires the charter school to develop a Corrective Action Plan (CAP) using the CSO template and to submit it to the CSO for approval.

Charter Revisions

All Board of Regents-authorized charter schools should refer to NYSED's Charter Revision Guidance for Board of Regents-Authorized Charter Schools regarding the timeline, required materials, and review process for considering both material and non-material revisions. The revision guidance can be found at <http://www.nysed.gov/charter-schools/bor-authorized-charter-school-policies-procedures-resources>.

Revisions to a charter may require the approval of either the Board of Regents (for material revisions) or the Commissioner of Education (for non-material revisions), before the school can implement the change. As a first step in the revision process, please contact your CSO liaison as early as possible for assistance in determining whether a revision is material or non-material, and to determine whether other processes are required at the start of this process.

⁵ See Appendix A for a list of records that must be maintained by schools for inspection by the Regents and/or their agents.

A Note about Charter Term Lengths

For charter schools with terms that are not a full five years, the CSO will work with each school to modify the typical Monitoring Plan outlined below. Generally, schools should expect a full program evaluation sometime during the middle of the charter term, a renewal site visit prior to the end of the charter term, and check-in visits as appropriate.

Monitoring Plan for Charter Schools Authorized by the Board of Regents

Year of Charter Term	Charter Term ⁶	On-Site or Remote Site Visit Type	Purpose	Approximate On-Site or Remote Site Visit Length ⁷	On-Site or Remote Site Visit Deliverable
Pre-Opening	First	Visit will occur prior to school opening	Ensure completion of all SED-required Prior Actions	Half day prior to school opening	Consent to Open letter to school board outlining key findings and school's status regarding final authorization to open
1	First	Baseline Check-in ⁸	Assess progress toward meeting criteria outlined in Performance Framework	Half day	Check-in report to school board outlining key observations
2	First and subsequent	Check-in	Assess progress toward meeting criteria outlined in Performance Framework	Half day	Check-in report to school board outlining key observations
3	First and subsequent	Mid-term site visit	Assess progress toward criteria outlined in Performance Framework	One to two full days	Full site visit report to school board, including all key findings and analysis
4	First and subsequent	Check-in	Assess progress toward criteria outlined in Performance Framework	Half day	Check-in report to school board outlining key observations
5	First and Subsequent	Renewal	Assess attainment of criteria outlined in Performance Framework	One to two full days	Full site visit report to school board, including all key findings and analysis
New Facilities Prior Action Visit: Additionally, a site visit may be conducted when a school moves to a new facility, to verify compliance with all applicable facility-related requirements.					

⁶ For charter schools on a shorter term, CSO will typically conduct a full site visit mid-term.

⁷ Check-in visits are conducted at the discretion of CSO staff.

⁸ Site visit lengths are approximate and will depend on school performance and CSO resources.

Evidence Gathered through Monitoring Process⁹

Area of Performance Framework	Sources of Evidence
Educational Success	<ul style="list-style-type: none"> • CSO analysis of state assessment results¹⁰ • Site visit materials¹¹ and reports • Renewal application (during final year of charter) • Surveys • Focus Groups • Public comments
Organizational Soundness	<ul style="list-style-type: none"> • Pre-opening requirements (during pre-opening year) • Board-approved budget • Quarterly reports and quarterly cash flow statements (pre-opening year) • Annual Reports (year 2 and subsequent years) • Annual audits (year 2 and subsequent years) • Renewal application (during final year of charter) • Board meeting minutes • Public comments • Focus Groups
Faithfulness to Charter and Law	<ul style="list-style-type: none"> • Site visit materials and reports • Annual Reports (year 2 and subsequent years) • Renewal application (during final year of charter) • Public comments • Focus Groups • Notices of Concern/Deficiency • School complaints

⁹ This list is not an exhaustive list of all evidence gathered through the monitoring process. Additional sources of evidence may be requested or obtained by the CSO.

¹⁰ Analysis is performed according to Benchmark 1 of the Performance Framework.

¹¹ CSO will request desk audit materials prior to each site visit. Further requests may be made while on site or throughout the year based on CSO discretion.

Appendix A

Additional Monitoring and Reporting Requirements

Board of Regents-authorized charter schools must ensure a timely response to all NYSED and CSO requests. The charter school's failure to do so will be grounds for action under §2855 of the Education Law.

Further, all Regents-authorized charter schools are required to maintain the following records for inspection by the Regents and/or their agents, including but not limited to CSO staff, throughout a school's charter term:

1. Records concerning the enrollment and admissions process including recruitment and outreach activities, all applications received, and documents concerning the [lottery process](#), if conducted;
2. Student academic and health records;
3. Attendance records for students including withdrawals of students from the school;
4. Individualized Education Programs (IEPs) for students with disabilities enrolled in the school;
5. Staff rosters, including records of hiring and termination of employees of the school;
6. Evidence of credentials for all [teachers including certifications](#);
7. NYSED TEACH fingerprint clearances for all relevant personnel (see the memo at <http://www.nysed.gov/common/nysed/files/programs/charter-schools/employee-fingerprint-oct19.pdf>);
8. Certificates of occupancy; (see more information located online at http://www.p12.nysed.gov/facplan/articles/B08_certificate_of_occupancy_referen.html);
9. Other facility-related certifications, reports, or permits;
10. Lease agreements;
11. Deeds;
12. Loan documents;
13. Records pertaining to the receipt and expenditure of all grants;
14. Contracts in excess of \$ [REDACTED]
15. School policies in areas such as financial management, personnel, student discipline (including suspension and expulsion), health and safety, student records access, enrollment, and transportation;

16. Complaints and/or grievances received by the school, including but not limited to, complaints received by the board of trustees pursuant to §2855(4) of Education Law, together with all documentation of all actions taken in response (see more information online at <http://www.nysed.gov/charter-schools/complaint-process>);
17. Inventory of all assets of the school;
18. Minutes of each meeting of the board of trustees and documentation of [public notifications of such meetings](#); and
19. All records regarding the following events and occurrences:
 - The charter school shall provide a **revision request to NYSED by December 1st** of the year prior to the anticipated implementation of any change to the approved charter, including but not limited to:
 - a change in the school's mission or key design elements;
 - significant changes to the governance or leadership structure;
 - hiring or termination of the management company;
 - a change to school name;
 - a change in district of location; and
 - a change in maximum enrollment or grades served.
 - The charter school shall provide written notice to NYSED within five (5) business days of the occurrence of any of the following:
 - any change of the director/principal of the school;
 - a change in the school's by-laws or code of ethics;
 - execution of contracts or incurring of debt in excess of \$ [REDACTED];
 - receipt of a summons and/or complaint in which either the school or any member of the board of trustees (acting in his or her capacity as a member of the board of trustees) is named a party to the action; and
 - termination, resignation, or removal of a member of the board of trustees.¹²

Note: Additional information and memos can be found on the Charter School Office website: <http://www.nysed.gov/charter-schools/law-regulations-memos>.

¹² Schools must follow the required procedure to add a new member to the board of trustees. The requirements are located on the following website: <http://www.nysed.gov/charter-schools/bor-authorized-charter-school-policies-procedures-resources>



REVISED JANUARY 2019

CHARTER SCHOOL EVALUATION VISIT GUIDE FOR SCHOOL LEADERS

FOR CHARTER SCHOOLS AUTHORIZED BY
THE STATE UNIVERSITY OF NEW YORK BOARD OF TRUSTEES

ABOUT THE INSTITUTE

The Board of Trustees of the State University of New York (the “SUNY Trustees”) established the Charter Schools Institute (the “Institute”) in February 1999 to assist it in carrying out its responsibilities under the New York Charter Schools Act of 1998 (as amended) (the “Act”), which granted the SUNY Trustees the authority to award charters for the purpose of organizing and operating independent and autonomous public charter schools offering instruction in Kindergarten – 12th grade.

SUNY is the largest charter school authorizer in New York and the largest university based authorizer in the country. In 2010, the National Association of Charter School Authorizers recognized SUNY’s new school application process as being the “Best Application Process” for Approving New Charter Schools and in 2011, the CBT Education Trust and the World Bank identified SUNY’s Authorizing Practices as an international model and featured them in a new online toolkit.

SUNY authorized charter schools lead the state’s charter sector in student achievement on state assessments in mathematics and English language arts. Besides its rigorous new school application review process, this success is also attributable to the manner in which SUNY holds schools accountable through its charter term.

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INTRODUCTION

ABOUT THE VISIT GUIDE

School evaluation visits are central to the accountability for autonomy bargain that serves as the foundation for the Act and the high standards and expectations of the SUNY Trustees. Consistent with The Practices, Policies and Procedures for the Renewal of Charter Schools Authorized by the State University of New York Board of Trustees (the “SUNY Renewal Policies”),¹ the Institute may conduct evaluation visits multiple times during each school’s initial charter term and during subsequent charter terms. The cumulative evidence collected during these site visits, renewal evaluation visits, and the school’s record of success at meeting its Accountability Plan goals becomes part of the record that informs the Institute’s renewal recommendation to the SUNY Trustees. The SUNY Trustees’ Charter School Committee makes all final charter renewal decisions.

While the SUNY Trustees have the obligation and authority to hold charter schools accountable through a number of means during the term of operation (including revocation of an education corporation’s charter), the requirement that a school apply and be approved for renewal on a periodic basis is at the core of the Act. The Institute’s renewal review is, therefore, a high stakes process for charter schools. While this document focuses on evaluation and other mid charter term visits, the Renewal Handbook, found on the Institute’s website, is a resource detailing the aspects of a site review for renewal purposes.

Given the close ties between school evaluation and the renewal process, the Institute examines SUNY authorized charter schools through the lens of the SUNY Charter School Renewal Benchmarks (“Renewal Benchmarks”)² during all site visits. These visits provide evidence to the Institute and feedback to the schools regarding the extent to which schools are meeting SUNY’s Qualitative Education Benchmarks relating to the school’s academic program (Renewal Benchmarks 1B -1F) and organizational capacity (Renewal Benchmarks 2C – 2D) at the time of the visit.

As a product of school evaluation visits, the Institute generates letters and reports that summarize the conclusions regarding the school’s performance with regard to the Qualitative Education Benchmarks. Reports will focus on certain benchmarks in more detail depending on the strengths and weaknesses of the school. These reports represent an important mechanism for keeping school boards, staff, families, and community members informed about school performance. In keeping with the philosophy of autonomy in exchange for accountability, the Institute does not make direct recommendations or prescribe which, if any, changes a school should make in response to evaluation results. In addition, the body of evidence documented in these visit letters and reports, including actions a school has taken in response to Institute feedback, is used along with other data to inform the Institute’s Renewal Recommendation Reports for the SUNY Trustees.

The Institute understands the many burdens on a school’s schedule and appreciates the cooperation of school leaders and staff throughout the evaluation process. The Institute has designed this guidance document to provide practical information about school evaluation visits so stakeholders know what to expect and how to prepare. Familiarity with the following procedures and protocols will help to ensure that each visit runs smoothly. A checklist is attached to the end of this document to assist schools in preparing for and participating in the school evaluation visit.

1. The SUNY Renewal Policies are available on the Institute’s website at: www.newyorkcharters.org/wp-content/uploads/SUNY-Renewal-Policies.pdf. The SUNY Trustees last updated the policies on June 25, 2012 to reflect the reconstitution of the SUNY Trustees’ Charter Schools Committee and its authority with respect to renewal.

2. The SUNY Charter School Renewal Benchmarks are available on the Institute’s website at: www.newyorkcharters.org/wp-content/uploads/SUNY-Renewal-Benchmarks.pdf.

TYPES OF VISITS

Although the Qualitative Education Benchmarks provide a consistent frame for every evaluation visit, the Institute may apply its protocols differently based on the age of the school and its track record of performance.

FIRST YEAR VISITS

The Institute visits all SUNY authorized charter schools in their first year of operation. The visit team generally spends one full day at the school. Understanding the challenges a school may face in its start up phase, the Institute collects data that provide evidence for developing systems and processes that will likely lead to student achievement during the initial charter term. Using a streamlined and modified version of the Qualitative Education Benchmarks, Institute team members observe classrooms, review documents, and interview school leaders, the school board, teachers, and other personnel to gather evidence of the strengths and areas for growth at the school. Upon completion of the visit, the visit team drafts a first year report to the school's board chair outlining the Institute's assessment of the school's progress toward fully implementing a program that will likely lead to student achievement.

SCHOOL EVALUATION VISITS

The Institute does not visit all schools on an annual basis but conducts site visits as frequently as it deems necessary to monitor schools' progress toward meeting the Renewal Benchmarks. School evaluation visits generally last between one to two and a half days, depending on the unique circumstances of the school and/or time necessary to address the Institute's questions. Visit teams observe classrooms, review documents, and interview school leaders, the school board, teachers, and other personnel while relying on the Renewal Benchmarks as a framework for gathering evidence. In contrast to first year visits, school evaluation visits focus on the depth, quality, and efficiency of systems in order to evaluate whether or not the academic program is likely to result, or has resulted in, high academic achievement. The reports issued following school evaluation visits highlight some program strengths, but tend to focus more on the areas in which the school will need to improve in order to become a likely candidate for charter renewal. Past reports are available on the Institute's website at: www.newyorkcharters.org/school-performance-reports/.

BOARD MEETING TO REVIEW THE SCHOOL'S PERFORMANCE REVIEW

For some schools, the Institute will schedule time to meet with the education corporation board of trustees to present the school's most recent school performance data through the form of a Performance Review. The Performance Review highlights areas of concern that the Institute has with regard to the school's most recent student achievement data. For schools that are not meeting or coming close to meeting their Accountability Plan goals, the Institute will coordinate time to meet with the board to discuss the Performance Summary and Review and then send a letter to the board chair with an overview of the meeting.

PRE-KINDERGARTEN ANNUAL PROGRAM REVIEW

On an annual basis, the Institute conducts a review of a school's pre-Kindergarten program, utilizing the New York Statewide Universal Full-Day Prekindergarten Program Quality Assurance Protocol.³ These visits include a review of academic, organizational, and financial documentation, classroom observations of the pre-Kindergarten classrooms, and an interview with the program leader.

3. The Institute implements the New York Statewide Universal Full-Day Prekindergarten Program Quality Assurance Protocol with fidelity during pre-K reviews. Refer to page 3 of this protocol for additional information on how this evaluation tool is used. Additional information can be found here: www.p12.nysed.gov/upk/.

PREPARING FOR THE VISIT

SCHEDULING VISIT DATES

The Institute conducts visits throughout the school year. Prior to a visit, the Institute contacts schools with planned visit dates. The Institute considers factors such as holidays, testing, and professional development schedules of the schools, districts, and state as well as the availability of evaluators when selecting visit dates. While the Institute attempts to accommodate schools' schedules, the Institute generally is unable to change visit dates unless a serious conflict exists, namely if a large number of students will not be in attendance or participating in typical instruction. Once a school leader knows the day(s) of the Institute's site visit, the leader should share that information with staff and board members and begin preparations for the visit.

Recognizing that the time of year may have an impact on the quality of instruction and efficiency of operations, the Institute takes timing into consideration when drawing conclusions from evidence collected during a visit. The Institute asks that schools refrain from varying the school's regular daily routine in anticipation of the visit.

POINT OF CONTACT

The Institute's Senior Analyst is the initial point of contact for issues related to school evaluation visits. As the visit date approaches, a visit team leader will be assigned to your school and will work with you to develop a schedule for the day(s) of the visit. The schedule will include classroom observations, interviews, and time for document review. The visit team leader will be a member of the Institute's staff. In the weeks leading up to the visit, the school's primary contact will be the team leader, though schools should always feel free to contact the Senior Analyst with questions or concerns that the team leader is unable to address.

TEAM COMPOSITION

The Institute's Director of School Evaluation is responsible for creating visit teams. Visit teams often include external consultants as well as Institute staff members. The Director of School Evaluation carefully considers multiple factors such as school performance, past visit reports, school size, and location in order to build visit teams with expertise that corresponds to the unique profile of each school.

THE VISIT SCHEDULE

Institute teams generally conduct evaluation visits over the course of one to two and a half days, depending on the size and structure of the school. Using the teacher schedules and the school's organization chart provided by the school leader, the visit team leader drafts a broad visit schedule shortly before the visit. This schedule identifies the times when team members will conduct classroom observations and interview teachers (usually during their preparation periods) but in some instances may not specify particular classes and teachers. The schedule also includes interviews of school leadership, specialists, staff developers, coordinators, operations personnel, and other out-of-classroom staff.

The schedule will include meeting times for evaluation team members to share notes, discuss patterns or trends, identify areas for further inquiry, and develop conclusions. The schedule also includes time for visit team members to meet with school leadership at the end of each day of the visit to ask further questions and/or share preliminary conclusions.

Most days typically run from approximately 8 a.m. to 6 p.m. If this falls outside of the school's normal operating hours, please inform the custodial and security staff of the visit team's expected presence and inform the visit team of special procedures for entering or exiting the building before or after regular school hours.

One Day Visit

	Visit Team Lead	Team Member 2	Team Member 3
7:45-8:15	Team Arrival and Team Meeting		
8:15-9:00	School Leader Interview		
9:00-9:45	Classroom Observations	Teacher Interview	Dean of Students Interview
9:45-10:30	Teacher Interview	Classroom Observations	Classroom Observations
10:30-10:45	Drop Everything and Meet (DEAM)		
10:45-11:30	SETSS Teacher Interview	Document Review	Classroom Observations
11:30-12:30	Team Lunch and Debrief		
12:30-1:15	Interview with Assistant Principal	Teacher Interview	Interview with Director of Operations
1:15-2:00	Classroom Observations	ELL Teacher Interview	Special Education Teacher Focus Group
2:00-2:45	Document Review	Classroom Observations	Document Review
2:45-3:30	Special Education Coordinator Interview		Classroom Observations
3:30-5:15	Team Meeting & Debrief		
5:15-5:30	Reporting Initial Feedback to School Leadership		
5:30-6:30	Board Meeting		

PRE-VISIT DOCUMENTS

SUBMISSION OF PRE-VISIT DOCUMENTS

The Institute uses pre-visit documents in order to gain familiarity with the organizational structure and programs of each school prior to on site review. This practice allows the visit team to maximize time spent in classrooms and speaking with school staff during the visit.

Schools scheduled for an evaluation visit are required to submit all of the following documents three weeks prior to the start of the visit. The Institute understands that program schedules and staffing assignments may be fluid very early in a semester and works with schools to get accurate and timely information.

Please be sure that pre-visit documents provide consistent, up to date information such as teacher room numbers and class names, so the Institute can develop an accurate visit schedule. Again, we recognize that this process takes valuable time, but complete and timely receipt of these documents helps to ensure that the visit runs efficiently. To the extent possible, please feel free to submit existing documents. Please note that while the Institute team reviews all submitted information, team members might not decide to ask questions about specific documents during the visit.

REQUIRED PRE-VISIT DOCUMENTS

Please note that the pre-visit document list below is a sample of some items the Institute will request and not a full list of items. Please refer to the pre-visit document list that the Institute sends to the school with the scheduling e-mail for a school's evaluation visit.

- **At-Risk Programs Charts.** Complete and submit the Institute's form detailing the school's program(s)/ requirement(s) for general education students struggling academically, students with disabilities, and English language learners. Please provide information on the programmatic elements, staff who work with the students, how the school identifies students for services, staff coordination requirements, and the professional development activities the school provides to school staff. The template for this document is available on the Institute's website at: www.newyorkcharters.org/accountability/school-visits/.
- **Statistical Overview.** Complete and submit the Institute's Statistical Overview form requesting student enrollment and discipline data. The template for this document is available on the Institute's website at: www.newyorkcharters.org/accountability/school-visits/.
- **Visit Data Collection Form:** Complete and submit the Institute's Visit Data Collection Form requesting student enrollment and teacher faculty retention data. The template for this document is also available on the Institute's website at: www.newyorkcharters.com/accountability/school-visits/.
- **Staff Member/Employee List Spreadsheet:** Using the Institute's Staffing Information template, complete each tab with the following information:

- **Certification.** This section details each current teacher’s certification, teaching area, and experience. The Institute recognizes that teacher rosters are subject to change at the beginning of the school year and asks that school leaders highlight these changes during pre-visit discussions with the visit team leader. Note too that the list should include any previous surnames that may appear on certification or fingerprint records.
- **Staff Directory and Employee List.** Provide a complete staff directory that includes each person’s room/office number; for teachers, also include grades and subjects taught. The directory should list ALL non-instructional staff, including persons in the school who may not be employees, such as special education contractors, volunteers or cafeteria and security personnel utilized by the school. Please also provide the previous year’s directory.
- **The Institute’s template is available at:** <http://www.newyorkcharters.org/accountability/school-visits/>.
- **Assessment List and Calendar:** Provide a list of all diagnostic, formative, and summative assessments by grade level administered during the year; also provide the current annual calendar of when they are administered.
- **Organizational Chart:** Provide a chart that includes all types of staff members and illustrates the school’s reporting structure. It need not include individual staff members by name, but should reflect all positions in the school and relationships with any management company or charter management organization.
- **Professional Development Calendar and Rationale:** Provide a calendar of all professional development opportunities provided to staff.
- **Teacher Schedules:** Provide schedules that clearly indicate where each teacher will be and what subject and grade he or she will teach throughout the day(s) of the visit. Please also indicate non-instructional time, e.g., prep or planning periods, team meetings, lunch, etc. Again, in order to facilitate scheduling, please be sure to clarify class names and locations. If a teacher’s schedule contains class names for internal purposes such as “Harvard” or “801B,” please provide an explanatory key. The Institute uses this information to schedule teacher interviews with every effort to avoid conflicts with classroom instruction, though situations may arise when the visit team may ask that coverage be provided for a teacher in order to accommodate an interview. The Institute recognizes that teacher schedules are subject to change at the beginning of the school year and asks that school leaders highlight these changes during pre-visit discussions with the visit team leader.

LOGISTICS

The visit team seeks the following accommodations:

- **Coordination:** The school should designate someone, typically a school leader, to serve as a liaison for the visit team. That person should be available throughout the visit to troubleshoot issues with the schedule, help team members locate documents or other evidence, and ensure that the evaluation team has the chance to gather as much information as possible about the school’s program and accomplishments.
- **Meeting Space:** The evaluation team will require a private meeting space (e.g., a small conference room, vacant classroom, or lounge) for the duration of the evaluation visit.
 - The Institute understands that space is often limited in charter schools and recognizes that taking over a space for an entire day may cause disruption to some staff. Notwithstanding, a private meeting space is essential to the successful conduct of the evaluation visit. This space will be used for team discussions, document reviews, and interviews with members of the school community if necessary. Place and clearly label requested documents for review in this room.

- It is essential for the Institute visit team to have a private space for each individual interview as the visit team will discuss topics related to individual staff members and students (i.e., staff evaluation results).
- Note, too, that many of the evaluation team members utilize laptop computers during the visit. Please ensure that adequate power outlets are available in the team's meeting room, which may require providing a power strip and/or extension cords.
- **Meals:** The team, which may ask school staff to accept delivery of meals, will cover all costs. Please note that team members are required to pay for their lunch and that the school should not provide food or beverages for the team members during the school evaluation visit.

DURING THE VISIT

Evaluation team members will observe classrooms, interview teachers, administrative staff, and school board members and review documents during the visit. Team members then analyze the data collected from these activities to generate conclusions about the links between student achievement data, the educational program, and organizational capacity. The team typically shares preliminary conclusions with school leaders at the end of the visit, but these conclusions are subject to change following additional analysis.

DOCUMENT REVIEW

Visit team members also examine a broad range of documents during the visit. The Family Educational Rights and Privacy Act (FERPA) permits the Institute and its staff, as the school's authorizer, to inspect student records including student performance data, Individualized Education Programs (IEPs), and discipline records during an evaluation visit. All external members of the visit team have signed, and are bound by, confidentiality agreements.

All requested documents should be available for review in the team's private meeting space upon its arrival. Please note that the Institute prefers to access documents electronically, so to the extent that curricular and other requested documents are available through a shared server, or flash drive, the school can provide access in this manner to the Institute. Some schools may create a temporary log in for the visit team to utilize during the visit to access school documents. If the school provides the materials in hard copy, please ensure the materials are organized and clearly identified (e.g., in labeled binders or folders). In addition, throughout the visit, the evaluation team may request additional documents to explore a particular line of inquiry. In order to minimize the work in preparing these documents for the visit, and to enable the Institute to understand the school's actual operation, provide only existing documents and do not create anything new for the purpose of the visit. If school leaders have any questions about the requested documents, they should contact the Senior Analyst well before the visit date.

The list below provides a sample of typically requested documents; however, the visit team lead will communicate specific documents for the visit at the time of the pre-visit call:

- **Map of School:** Provide a basic floor plan that evaluators can use to locate classrooms and offices. This does not need to be a formal blueprint.
- **Core Curriculum Documents:** Present documents that demonstrate a comprehensive curriculum aligned to state standards, such as curriculum frameworks or maps, scope and sequences, pacing guides, unit plans and lesson plans. These documents should include the documents that teachers use in their planning. If the school uses commercial curriculum materials (e.g., textbooks or prepared labs) provide examples showing their alignment to the school's curriculum and to state standards.
- **Lesson Plans:** Provide copies of English language arts and mathematics lesson plans from all teachers who will be teaching these subjects during the school evaluation visit.
- **Assessment Documents:** Provide examples of the school's key assessments, such as interim assessments or unit tests. In addition, documents, tools and results should be provided that demonstrate the school's systems for collecting and analyzing data and indicate how the school leader and staff use assessment results. These documents might include sample data binders, rubrics, item analysis, action plans or report cards.

- **Student Writing Samples:** Provide student writing products from each student from one representative class in each grade.
- **Evaluations:** Provide all protocols for evaluations of teachers, administrators, school leaders, the board and management company or partner organization, if applicable. Since leaders will not have completed summative evaluations for the current year by the time of the visit, provide instead evaluations from the previous year. The Institute understands the confidential nature of these documents and will review them in confidence in its meeting room, assuming that it offers adequate privacy. Please make teachers aware that team members may discuss their evaluations with them and/or with school leaders who completed the evaluation.

Please make documents available from each of the following groups of staff and school community members:

- **Teachers:** This can include formal evaluation documents, such as observation checklists/narratives, teacher self-assessments, or summative evaluation documents.
- **Administrators:** Provide all evaluations of instructional leaders and other senior staff and the criteria used, e.g., annual goals, job descriptions, bonus requirements.
- **School Leaders:** Provide the board's evaluation of school leaders who report directly to it and the criteria used to assess leadership performance.
- **Management Company/Organization:** If a school has a management company/organization, provide the board's evaluation of the company.

CLASSROOM OBSERVATIONS

In order to maximize information gathering and ensure an in depth understanding of the school's program, members of the visit team often begin visiting classrooms at the start of the visit. While the visit team is unlikely to visit all classes, evaluation team members do attempt to observe a representative sample of classrooms, particularly those in the core areas of instruction.

During their time in the classroom, evaluation team members observe instruction and review curricular resources and the work of students on display as well as in folders, journals, and written assignments. Evaluators do not interrupt instruction, but may briefly talk to students or teachers at opportune moments.

Teachers should have lesson plans, grade books, and related documents, as well as artifacts of student work available for the visit team. Please inform teachers and students that visitors may be entering and leaving their classes throughout the day, please reassure them that they are not obligated to greet or respond to visitors in any way, and the visit team prefers a 'business as usual approach.' Teachers should refrain from deviating from their typical routine or pedagogical style. Changes to routines and teaching methods often have undesirable consequences, as students are neither accustomed to, nor prepared for, the changes. Furthermore, such practice prevents the evaluation team from accurately assessing the effectiveness of typical and daily instructional activity.

INTERVIEWS

The school evaluation team will conduct interviews with a number of school stakeholders. Interviews typically take 45-60 minutes and may not require all of the time set in the visit schedule. In addition, the Institute may choose to cancel an interview noted in the schedule if team members feel they have sufficient evidence to support a given conclusion. In the event that team members would like to add an interview, the visit team lead will work with the school leader in order to find a mutually suitable time

- **Leadership Interviews:** During the pre-visit video conference meeting, the school leader(s) provides a general orientation to the school, indicating current priorities, immediate challenges, and program changes since the previous visits, as well as the reporting structure and the roles of key personnel. During the visit, the visit team will meet with school leaders at various points. At the end of each day, the visit team will meet with the school leader to ask any clarifying questions and provide initial feedback. The visit team lead will determine which leaders to meet with and may not necessarily elect to meet with every member of a leadership team, depending on the unique circumstances of each school and time available.
- **Teacher Interviews:** The visit team schedules interviews with teachers at random. As noted above, team members make every attempt to schedule interviews with teachers when they are not instructing students; however, the Institute may request coverage for a class so that a particular teacher can participate in an interview.

Please provide accurate teacher schedules for the day(s) of the visit in order to avoid, to the extent possible, any conflicts with classroom instruction. Please let all personnel know about scheduled interview times according to the visit schedule. The visit team prefers to conduct interviews in the teachers' classrooms so that they can readily refer to their curriculum and other materials; however, when that is not possible, please identify another private space such as an unused classroom or office. In such cases, the visit team requests that teachers bring their laptop computer or documents with them such as curriculum guides, grade books, assessment calendars, etc. The Institute's Qualitative Education Benchmarks (in particular Renewal Benchmarks 1B-F, 2C) provide a framework for the types of information the visit team collects during teacher interviews. Please ensure that teachers understand that the purpose of the school visit is to evaluate the overall school program, not individual teachers. The Institute does not use staff member names and minimizes the identification of titles and positions in its evaluation reports. In addition, team members do not provide feedback to individual teachers regarding observed performance in the classroom.

- **Administrator Interviews:** The Institute interviews other school leaders, besides the principal or head of school, generally at the beginning of the visit. Evaluators may follow up with school leaders later in the visit as additional questions emerge and clarification of issues is needed. In addition, the Institute may schedule other key staff members such as the school's special education coordinator, academic intervention coordinators, or curriculum specialists for interviews.
- **Education Corporation Board Interview:** The board interview requires approximately one hour and may occur at the school during the visit or at the Institute's Albany or New York City offices on a separate date from the school visit. As oversight is one of the major responsibilities of the board, the Institute anticipates that all board members will attend. The board interview primarily focuses on governance and the board's plans for the future; it also includes discussion of school performance, legal compliance, and fiscal soundness. While school leaders may be ex-officio, non-voting members of their school's board, the Institute may ask them not to participate in part or all of the board interview.

DEBRIEF WITH SCHOOL LEADERS

At the end of the visit, the evaluation team typically generates preliminary conclusions based on the information collected during the visit and shares them with school leaders. Note that these conclusions are preliminary as the Institute conducts additional analysis of available evidence after the visit. Participation by other school staff members at this briefing is left to the discretion of the school leader; typically, senior school leaders attend and sometimes board members.

AFTER THE VISIT

REPORTS

After the school evaluation visit, the Institute produces a draft School Evaluation Report based on the findings of visit team during the school evaluation visit. Using SUNY's Qualitative Evaluation Benchmarks as a guide, the report focuses substantively on the school's progress in providing students with the academic and organizational program promised in its charter and Accountability Plan. The purpose of the visit is to evaluate the overall school program, not individual teachers or other staff members; thus, as noted above, the Institute does not use names in its reports. However, reports may refer to specific positions when warranted, such as discussion of instructional leadership or coordination of the at-risk program.

The Institute shares School Evaluation Reports with the school's board and school leader. At its discretion, the Institute will accept and post online any response that the education corporation makes in response to the School Evaluation Report. The Institute publishes the final School Evaluation Report on its website about two weeks after the report is sent to the school.

SCHOOL LEADER CHECKLIST

THE SCHOOL LEADER'S RESPONSIBILITIES DURING THE EVALUATION PROCESS

The following checklist is designed to help school leaders prepare for evaluation visits conducted by the Institute. The pre-visit call serves as an opportunity to answer any specific questions and provide additional guidance and instructions for the visit.

TWO TO THREE WEEKS PRIOR TO THE EVALUATION VISIT

- ☐ Share information with the school's board, staff, students, and parents regarding the school evaluation visit.
- ☐ Lead the school in preparing the requested pre-visit documents (the pre-visit document list is shared with school leaders at the time when the school is notified about when the visit will occur).
- ☐ Once documents are submitted, work with Visit Team Lead to clarify any uncertainties Institute staff have regarding Pre-Visit Documents.

TWO WEEKS BEFORE THE VISIT

- ☐ Participate in the pre-visit call with the Institute visit team.
- ☐ Work with the Visit Team Leader to plan for the evaluation visit, including the development of a schedule for the visit.

ONE WEEK BEFORE THE VISIT

- ☐ E-mail with the Visit Team Leader to ensure a final schedule is complete.
- ☐ Communicate the final schedule with the school community.
- ☐ Ensure the requested documents are available for the visit team either via an online source or hard copies.
- ☐ Secure a room that is both private and secure where the visit team may meet for discussions and leave materials without interruption during the course of the school evaluation visit.

THE DAY BEFORE THE VISIT

- ☐ Ensure that the requested materials are available, organized, and clearly labeled in the team's private meeting space. Please be prepared to provide additional documents based upon the visit team's review of materials.
- ☐ Prepare copies of the map of the school.
- ☐ Inform teachers that they should have lesson plans and related documents, as well as artifacts of student work available for review during their interview times. In addition, inform all teachers that the team may also visit their classes unannounced and request to speak to them.
- ☐ Ensure teachers have lesson plans posted in an easily accessible place in each classroom.
- ☐ Make teachers aware that, because of the limited amount of time for the visit, the team may not be able to spend time in each class
- ☐ Finally, please ensure that teachers understand that the Institute visit team is not there to evaluate or provide feedback to each individual teacher and that staff names are not included in the school evaluation report.
- ☐ If necessary, inform custodians, security and other relevant personnel about the arrival and/or departure of the evaluation team before or after regular school hours.

DURING THE VISIT

- ☐ Please note that members of the visit team will pay for lunch; the school should not provide food or beverages for team members during the school evaluation visit.
- ☐ Ensure that the team's meeting room remains private and all requested documents are available and clearly labeled. As needed, provide a power strip and/or extension cords to power laptop computers.
- ☐ Make yourself available to the team leader and other members of the team throughout the visit to ensure the inspection team has the chance to gather as much information about the school's program and accomplishments as possible. Assist the team in securing data, information and documents as needs develop during the visit.
- ☐ Attend an end of visit meeting to listen to the team's preliminary visit conclusions and discuss next steps in the evaluation process. It is left to the discretion of the school leader to decide which school stakeholders attend this meeting.

AFTER THE VISIT

- ☐ Review the School Evaluation Report and share the report with staff members, parents, and the school community. Reach out to the Institute's Director of School Evaluation for any clarifications.



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Charter School Audit Guide



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Planning for 2019

Please submit suggestions for the 2018-19 Audit Guide to the attention of David Frank at

 Items submitted throughout the year will be reviewed in January 2019 by the Audit Guide committee.

What's New in 2018

- SECTION 3 and APPENDIX A: Clarify that both New York State charter school authorizers require an Initial Statement and Independent Accountant's Report; update of the Independent Accountant's Report template.
- APPENDIX B: Update of the Independent Accountant's Report on CSP Funding template.

What Was New in 2017

- SECTION 6 and APPENDIX C: Removal of certificate of occupancy and fire safety inspection documentation from internal control over financial reporting process

Members of the 2018 Audit Guide Committee:

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Introduction

In New York State (“NYS”), charter schools are defined as “independent and autonomous public schools” [Education Law §2853(1)(c)] and are authorized by the New York Charter Schools Act of 1998 (Article 56 of the New York State Education Law, (the” Act”). NYS charter schools are legally organized as not-for-profit education corporations [Education Law §2853(1)] and are subject to the terms of a contractual agreement, or charter, between the school and the chartering entity which approved the school’s application for a charter. Charter schools are non-sectarian, tuition-free, open to all students residing in NYS, governed by the school’s own self-selecting board of trustees, and independent of existing school districts.

The Act authorizes several entities as “chartering entities” or “authorizers” that can receive and approve applications for charters and then conduct oversight and evaluation of the charter schools that the entity has approved. Prior to 2010, the Act authorized the NYS Board of Regents and the Board of Trustees of the State University of New York (“SUNY”) as statewide chartering entities and all local boards of education as chartering entities for their respective school districts [§2853(3)]. Amendments to the Act in 2010 removed the authority of local boards of education to approve applications for new charters although those boards remain the chartering entities for any charter schools they had previously authorized (only the New York City Chancellor, on behalf of the New York City Department of Education (“NYCDOE”) and the Buffalo Board of Education have exercised the option to approve charter schools in their districts). All applications for new charters must now be submitted to either the NYS Board of Regents or the SUNY Board of Trustees. In addition, local boards of education continue to have the authority to approve applications for the conversion of existing public schools to charter schools within their respective school districts.

About the Guide

The New York Charter Schools Act requires that a charter school shall be subject to the financial audits, the audit procedures, and the audit requirements set forth in its charter. Such procedures and standards shall be applied consistent with Generally Accepted Auditing Standards (“GAAS”) and Generally Accepted Government Auditing Standards (“GAGAS”). Independent audits of financial statements shall be required at least once annually. Such audits are required to be comparable in scope to those required of other public schools, keeping in mind that charter schools are required to follow the accounting standards set by the Financial Accounting Standards Board (“FASB”) and school districts are required to follow the accounting standards set by the Government Accounting Standards Board (“GASB”).

This Audit Guide (the “Guide”) was developed to provide assistance to auditors of charter schools authorized by NYS Board of Regents as well as for any charter school receiving Federal Charter School Program (“CSP”) funds through the NYS Education Department (“NYSED”) (see Section 8 and Appendix B of this Guide). This guidance is focused on helping auditors understand the differences between charter schools and other non-profit entities, as well as providing specific guidance to the auditor and charter school management about the form and content of reports and testing required by NYSED and NYS law for Regents-authorized charter schools. Other charter entities are encouraged to adopt the Guide as they see fit.

Charter school officials are encouraged to read the Guide in order to understand the areas their independent auditor will be focusing on in addition to routine financial matters. **THE AUDITOR SHOULD NOT CONSIDER THIS DOCUMENT TO BE ALL-INCLUSIVE OR A SUBSTITUTE FOR PROFESSIONAL JUDGEMENT. FURTHERMORE, THE AUDITOR CLEARLY NEEDS TO FOLLOW PROFESSIONAL STANDARDS THAT ARE REFERENCED BUT NOT REPEATED AS PART OF THIS DOCUMENT.**

NYSED would like to acknowledge the assistance of the staff of the NYCDOE, the SUNY Charter Schools Institute, school officials, and several audit practitioners in preparing this document. Comments or questions regarding this Guide should be directed to the NYSED Charter School Office.

Authoritative Nature

Charter schools authorized by the NYS Board of Regents are required, under the terms of their charter agreement with the Regents, to follow the audit requirements set forth by NYSED. This Guide was written to provide standardized guidance to auditors of Regents-authorized charter schools to ensure that audits of those schools are performed in accordance with the charter agreement requirements. Any charter school, regardless of authorizer, currently receiving funding through the NYSED CSP grant is required to adhere to the terms of the Agreed-Upon Procedures (“AUP”) Report on CSP funds as described in Section 8 and Appendix B of the Guide.

Background

This Guide was developed by NYSED in response to a variety of factors that affect charter schools in NYS including:

- The 2010 statutory increase in the “cap” on the number of charters that can be issued to charter schools to 460
- The award of a [REDACTED] Charter School Program (“CSP”) grant to New York State from the U.S. Department of Education
- Differences found in audit quality and auditor understanding of the charter school environment
- The fiduciary responsibilities of charter schools to be strong fiscal stewards of taxpayer funds

NYSED’s responsibilities for monitoring the use of public funds, including the CSP grant, necessitate a very high level of audit quality. This Guide is intended to enhance the auditor’s understanding of the requirements for charter schools, detail certain specific procedures required by NYSED, standardize reporting of audit results and findings, and provide guidance on matters specific to charter schools in NYS.

As a pass-through entity, NYSED is responsible for monitoring the proper use of funds and compliance with CSP grant requirements by each school awarded funds under this grant. NYSED has determined that the most efficient method of monitoring grant compliance in this area is to allow each charter school’s independent auditor, who is already reviewing records of the charter school, to perform additional procedures as part of the audit and to issue a separate report on those procedures. See Section 8 and Appendix B for further information on this requirement.

Section 1: Audit Requirements and Deadlines

In accordance with the charter school’s charter agreement, the charter school shall retain an independent Certified Public Accountant (“CPA”), licensed in New York State, to perform an audit of the charter school’s annual financial statements in accordance with GAAS and GAGAS issued by the Comptroller General of the United States as well as any additional requirements and guidelines provided by the Board of Regents.

Auditor’s Reports

Some, and possibly all, of the following reports, prepared by the charter school’s independent CPA will be necessary for a charter school and are covered in this Guide:

- A. Agreed-upon Procedures Report on Initial Statement of Controls
- B. Opinion on Audited Financial Statements
- C. Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with Government Auditing Standards (the “Yellow Book” Report)
- D. Agreed-upon Procedures Report on Charter School Program (CSP) Grant
- E. Report on Compliance for Each Major Federal Program; Report on Internal Control Over Compliance; and Report on the Schedule of Expenditures of Federal Awards Required by OMB Uniform Guidelines (the “Single Audit Report”)

Deadlines

The Agreed-Upon Procedures report on the Initial Statement of Controls is due no later than forty-five days (45) after the commencement of the Agreed-Upon Procedures engagement. The engagement shall commence within sixty (60) days after the date on which the charter school has received and disbursed more than \$ [REDACTED] in monies received from payments from school districts, under §2856 of the Education Law, or from grants or other revenue sources.

The audited financial statements must be submitted to NYSED by **November 1** of each fiscal year after the conclusion of the charter school's first year of providing instruction to students. The audit must include a management letter, if applicable, and other reports required by GAGAS. The charter school must submit the management letter along with a corrective action plan addressing any weaknesses or problems identified in the report. No extensions are available.

If the charter school expends \$ [REDACTED] or more in federal funds during the fiscal year, an independent audit as prescribed in the Federal Office of Management and Uniform Guidelines must also be completed and filed with the federal government and NYSED by **November 1**. (See further details on OMB's Uniform Guidelines (Single Audits) in Section 7.) NYSED can approve an extension of the deadline for completion of the Single Audit no later than the federal due date of 9 months after year-end, i.e., March 31 of the following year.

The Agreed-Upon Procedures report on the CSP grant must be submitted to NYSED by **November 1** of each year it is required.

Section 2: Auditor Requirements

An audit in accordance with GAGAS requires the auditor to comply with more stringent independence standards, Continuing Professional Education ("CPE") and peer review requirements, and perform additional procedures beyond those performed in an audit under GAAS. A separate report on internal control over financial reporting and on compliance and other matters based on an audit of financial statements performed in accordance with Government Auditing Standards (the "Yellow Book" report) is issued to provide school management and those charged with school governance with the results of the additional procedures. Full details of Generally Accepted Government Auditing Standards and the most recent version of GAGAS are available on the Government Accountability Office ("GAO") website at <http://www.gao.gov/yellowbook>.

Independence

Audits performed in accordance with GAGAS require the auditor to comply with additional guidelines governing independence and require documentation of the consideration of any threats to independence. The Governmental Audit Quality Center ("GAQC") of the American Institute of Certified Public Accountants ("AICPA") has prepared a comparison of the differences between the AICPA and the Yellow Book or GAGAS independence rules for non-audit services. This comparison is available on the GAQC website (to GAQC members and non-members) at <http://www.aicpa.org/InterestAreas/ProfessionalEthics/Resources/Tools/DownloadableDocuments/2012MayAICPAGAOComparision.pdf>

Continuing Professional Education ("CPE")

Audits performed in accordance with GAGAS require the auditor to obtain CPE that directly relates to government auditing, the government environment, or the specific and unique environment in which the audited entity operates. Auditors performing work in accordance with GAGAS, including planning, directing, performing audit procedures, or reporting on an audit conducted in accordance with GAGAS, are required to obtain at least 24 hours of CPE every two years that meet the requirements above. Auditors who are involved in any amount of planning, directing, or reporting on GAGAS audits and auditors who are not involved in those activities but charge 20 percent or more of their time

annually to GAGAS audits should also obtain at least an additional 56 hours of CPE (for a total of 80 hours of CPE in every 2-year period) that enhances the auditor's professional proficiency to perform audits. Auditors required to take the total 80 hours of CPE should complete at least 20 hours of CPE in each year of the 2-year period. Auditors hired or initially assigned to GAGAS audits after the beginning of an audit organization's two-year CPE period should complete a prorated number of CPE hours.

Peer Review

Audit firms performing audits under GAGAS are required to have an external peer review, performed by reviewers independent of the audit organization being reviewed, at least once every three years.

Section 3: Initial Statement of Controls

Initial Statement of Controls ("Initial Statement") and Agreed Upon Procedures Report on the Initial Statement

In accordance with section 5.1 of a school's charter agreement, the charter school must provide an Initial Statement to its authorizer concerning the status of managerial and financial controls. The Initial Statement must address whether the charter school has documented adequate controls related to:

1. preparing and maintaining financial statements and records in accordance with generally accepted accounting principles ("GAAP");
2. payroll procedures;
3. accounting for contributions and grants;
4. procedures for the creation and review of quarterly financial statements, which shall specifically identify the individual(s) who will be responsible for preparing and reviewing such financial statements; and
5. appropriate internal financial controls and procedures;

A charter school authorized by the Board of Regents must also address the following in its Initial Statement:

6. safeguarding of assets, including cash and equipment;
7. compliance with applicable laws and regulations;
8. ensuring that the purchasing process results in the acquisition of necessary goods and services at the best price;
9. following appropriate guidance related to budget development and administration; and
10. following appropriate guidance related to a code of ethics and cash management and investments.

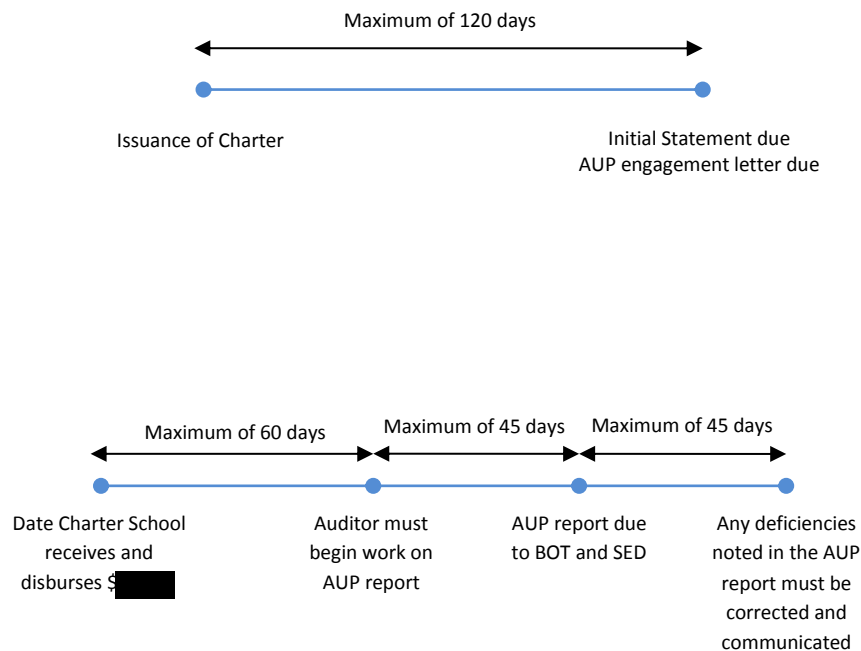
The Initial Statement shall be reviewed and ratified by the charter school's board of trustees prior to submission to its authorizer. Initial Statements from SUNY-authorized charter schools are due to the Charter School Institute within 60 days after the effective date of the charter; Initial Statements from Board of Regents-authorized charter schools are due to the Charter School Office within 120 days.

After completing the Initial Statement, the charter school must retain an independent CPA licensed in New York State to perform an agreed-upon procedures engagement (the "Independent Accountant's Report") in accordance with attestation standards established by the AICPA. The purpose of the engagement is to assist the school's board of trustees and its authorizer in evaluating the Initial Statement and the procedures, policies and practices established in it. The engagement shall commence within 45 days for SUNY-authorized charter schools (or 60 days for those authorized by the Board of Regents) after the date on which the charter school has disbursed more than \$ [REDACTED] in monies received from payments from school districts, under §2856 of the Education Law, or from grants or other revenue

sources. See Appendix A for a standard format for the Independent Accountant's Report. It is meant for Board of Regents-authorized schools but can be easily modified for use with schools authorized by SUNY.

The resulting Independent Accountant's Report should be provided to the school's board of trustees no later than 45 days after the commencement of the engagement, with a copy to its authorizer. In the event that the Independent Accountant's Report reveals that any of the above management and financial controls are not in place, the charter school shall remedy such deficiencies no later than 45 days from the date the Independent Accountant's Report was received by the board of trustees and shall provide to its authorizer within that 45-day period a statement that all deficiencies identified in the Independent Accountant's Report have been corrected. The statement shall identify the steps undertaken to correct the identified deficiencies, including the date they were corrected and who was responsible for implementing the corrections. The school may be required to submit additional evidence to verify the correction. All documents may be submitted electronically.

Timeline of Initial Statement of Controls (for Board of Regents-Authorized Schools)



Section 4: Auditing Charter School Financial Statements

All charter school audits shall be conducted in accordance with GAAS issued by the AICPA and GAGAS issued by the Comptroller General of the United States. The procedures included in the Guide offer additional best practices to provide assistance for independent certified public accountants conducting an audit of a public charter school to ensure that the charter school's financial statements are presented fairly in all material respects. **THE PROCEDURES SHOULD BE VIEWED AS ADDITIONAL PROCEDURES UNIQUE TO CHARTER SCHOOLS AND SHOULD BE CONSIDERED IN ADDITION TO THE AUDIT REQUIREMENTS REQUIRED UNDER GAAS AND GAGAS.**

Cash

As part of the charter agreement, charter schools agree to establish an escrow account of no less than a set dollar amount as determined by NYSED. This amount is established to pay for legal and audit expenses that would be associated with a dissolution should it occur. The auditor should verify that the escrow account has been established and that it is funded at a minimum of the level established in Section 8.5 of the charter school's charter agreement.

Accounts Receivable

In planning and performance of an audit the auditor should consider use of confirmations of accounts receivable balances. AICPA Statement on Auditing Standards AU Section 330 *The Confirmation Process* requires that the auditor use external confirmation procedures for accounts receivable unless: the overall account balance is immaterial, external confirmations would be ineffective, or the auditor's assessed level of risk of material misstatement at the relevant assertion level is low.

Further guidance of confirmations can be found within AICPA Statement on Auditing Standards AU Section 326 *Audit Evidence* and AU section 505 *External Confirmation* at

<http://www.aicpa.org/Research/Standards/AuditAttest/Pages/clarifiedSAS.aspx>

A charter school's primary receivable source is from public funding of basic school tuition due from the school district of residence of the students attending the charter school. Other sources of receivables are, but not limited to, food service through USDA, E-Rate, or federal/state grants (see section 7). See Appendix H for example confirmation that could be used for per-pupil aid receivables from resident districts.

Food service receivable and revenues, if applicable to the charter school, can be obtained through the NYSED Child Nutrition Management System at [http://portal.nysed.gov/pls/cn_port/cn8200\\$.startup](http://portal.nysed.gov/pls/cn_port/cn8200$.startup). The auditor should consider obtaining this free public information to confirm revenue and receivables. The auditor will need the SFA Name and LEA Code to look up the charter school reports that are available to the public (if you click "find" within the search window, a list of all NYS schools will display). The information can be used to verify existence and completeness of the account balances.

Accrued Payroll and Benefits

Accrued payroll for a charter school is unique from other not-for-profit organizations as the teachers and many other staff members are 1- or 11-month employees versus typical 12-month employees at other organizations. Auditors must take into consideration that this expense should be fully accrued as of June 30, even if the teachers are being paid over the summer months, if their services have been completed as of June 30. Be aware of the timeframe of teacher contracts. Some contracts may cover the period from July 1 to June 30; therefore, the summer months pay should not

be accrued as of June 30. In addition, auditors should consider whether other related expenses such as 401(k) contributions, taxes, and other benefits are expensed over the appropriate period.

Pension

As guidance for multiple employer pension plans in the accounting standards set by FASB is not specific, the disclosures are subject to judgment as to what is informative and valuable to the user of the financial statements. We suggest, at a minimum, the following disclosures be made:

- Plan description
- Plan benefits
- Contribution requirements – employees
- Contribution requirements – employer
- Pension expense recognized for period(s) presented

As charter schools are legally organized as not-for-profit education corporations, and they are required to follow the accounting standards set by FASB, GASB Statement No. 68, Accounting and Financial Reporting for Pensions (GASB 68) does not specifically apply. However, information could be included if deemed to be of significance to the users of the financial statements. Those disclosures include:

- Funded status of the plan
- School's allocable % of asset/liability
- Plan investment asset allocation
- Actuarial assumptions
- Discount rate

Investments

Currently, there are no laws or regulations that govern the ability of a charter school to hold investments. The board of trustees of the charter school have the ultimate fiduciary responsibility and should have an approved investment policy that is authorized by the board and included within the board minutes. It is best practice to review this policy regularly and notation of the review should be included in the board minutes, as well.

If the school holds institutional funds or donor restricted funds, at a minimum, the school should be following the provisions and rules enacted in the September 2010 New York Prudent Management of Institutional Funds Act (NYPMIFA) concerning the expenditure of charitable endowment funds. A guide and information on NYPMIFA can be found at [New York State Attorney General's Charities Bureau](#).

The auditor should inquire whether an investment policy exists and if the charter school is performing its fiduciary responsibility to oversee the investments. The auditor should obtain the investment policy, verify if it is being followed as outlined and whether it is comprehensive to address fiduciary responsibility. Potential areas to review for inclusion are: investment philosophy, investment objectives, management (internal or external advisor), risk tolerances, time horizons, allowable or unallowable investment holdings, and portfolio allocations.

Per-Pupil Funding

Charter schools receive public funding based on the number of students the charter school serves and the basic charter school tuition rate for the school district of residence of the students attending the charter school. Calculations must be made of the number of full-time equivalent ("FTE") students from each district of residence. Therefore, it is expected that testing of the revenue associated with student FTEs will comprise a substantial portion of the audit. This testing is generally broken down into two parts:

1. Testing of student existence/enrollment and verification of attendance
2. Verification of funding rate per student (determined by the student's resident district)

Student existence testing

The auditor should test that the school's internal reporting system reconciles to the full time equivalent roster. The auditor has two methods of testing existence: (1) through sending confirmations to districts of residence to confirm FTE and per-pupil aid (see Appendix H for example confirmation) or (2) selecting a sample of students from the full time equivalent roster or similar document and test for proof of existence by looking through student files. Auditors should also verify the reported dates per the FTE report through review of attendance records, especially for any students who have transferred in or out during the year. Auditors can also consider whether report cards or other evidence of student enrollment for the year can provide the documentation needed. The auditor should also test to be sure the student has valid proof of residency, by looking at documents such as a lease or utility bill, and that the proper district is being billed for the services.

Consideration for Special Education ("SPED") students

All students who are identified to need special education services have an Individualized Education Program ("IEP"), formalized for his or her unique needs. Based on this IEP, the student is categorized into one of three levels of service, as defined by §3602(19)(b)(1)-(4) of the Education Law as follows; 0-20% service, 20-60% service, or 60% or more service required. While it is outside the scope of the audit as well as the auditor's expertise to evaluate whether the student has been assessed in the correct tier, auditors should test that the student is being funded at the appropriate level based on the IEP. Although charter schools may provide services to students that go beyond what is required in that student's IEP, it is inappropriate for a charter school to bill for more services than are required under the IEP. The auditor should also test to be sure that the proper district is being billed for the services.

Recalculation of rate

To test the calculation of the core pupil aid received, the auditor should first verify the rate used in the calculation. The charter school basic tuition rate is on the NYSED website at <https://stateaid.NYSED.gov/charter> under tuition by year. Auditors should verify that the charter school is using the student's resident district rate for the correct school year. Auditors should also verify that the appropriate special education funding rate is used. This rate is determined from historical data by school districts on an annual basis. A spreadsheet to determine the rate can be obtained at <https://stateaid.NYSED.gov/speced> under Special Education Aid Information.

The auditor should obtain the charter school's FTE reconciliation or equivalent which details all students and attendance dates (date admitted, date discharged, and FTE). The auditor should select a sample of students from this report in which to perform existence testing, as discussed above. The auditor should recalculate the FTE which essentially calculates the number of days attended between admission date and discharge date divided by total length of the school year. There is also an FTE Calculator at <https://stateaid.NYSED.gov> under State Aid / Attendance and Enrollment / FTE Calculator which can be used to recalculate individual student FTEs. To recalculate the core aid in total, the auditor should multiply the rate by the number of full time equivalents as determined on the FTE reconciliation form or equivalent by the district and compare to the total core pupil aid for the fiscal year being audited.

Auditors should verify that per pupil billing did not exceed the maximum approved enrollment. Maximum approved enrollment can be found within the charter agreement. SUNY charter agreements allow school enrollment to go over or under their chartered enrollment by 20%. All charter schools must not bill above maximum approved enrollment.

The auditor should consider vouching payments received from the funding source (the local school district typically received bi-monthly during the school year) to the bank statements. This total should be reconciled to the total core pupil aid for the fiscal year being audited. Included in the reconciliation will be any amounts due from the funding source included in accounts receivable at year end or any amounts payable to the funding source included in accounts payable at year end as amounts are tried up to actual based on actual numbers submitted at year end. This year-end FTE reconciliation will be prepared subsequent to the year-end date. The New York City Department of Education maintains a website (<https://vendorportal.nycnet.edu>) which provides this information for all NYC charter schools. The auditor should consider requesting this information from the charter school.

Federal Title Grants

Auditors should obtain support for additional funding at <https://www.oms.NYSED.gov/cafe/reports>. The information is arranged by county and school district/charter school and can be obtained for the prior five years. Available information includes a federal and state grant status report, an agency summary report and a federal allocation report. This information should be reconciled to the amounts recognized on the general ledger for the fiscal year being audited. These grants are cost reimbursement grants and therefore revenue should not be recognized in excess of grant funds expended.

Co-Locations

Many charter schools are co-located, meaning they are allowed by the local school district to use what would be otherwise empty space in its under-utilized buildings. Clearly, these charter schools are at a distinct financial advantage over those charter schools who must maintain their own location. When a charter school is co-located within a local school district building, the charter school is not charged rent but typically has an agreement with the local school district for use of that space. The charter school should disclose in its financial statements any agreement in place with the local school district as well as any rent that is charged, including fees charged for after-school or weekend usage. The charter school's financial statements should also disclose any payments related to utilities and maintenance of these facilities. In addition, the note disclosure should include the square footage of space being used by the charter school.

In some cases, a charter school may be co-located within the same building as another charter school. In this situation, expenses to maintain the facility should be allocated between the two schools. The auditor should review this allocation to determine that the method of allocation appears reasonable, whether it is based on FTE students, square footage, or some other reasonable method of allocation.

Management fees

Many charter schools utilize a third party to provide back office support for the charter school such as hiring, continuing professional development, accounting, or public relations and allow it to take advantage of economies of scale in regard to purchases, etc. These management organizations can either be charter management organizations ("CMOs"), which are non-profit organizations, or education management organizations ("EMOs"), which are for-profit organizations. In either case, these organizations typically charge a management fee for the services provided. As with the majority of long term agreements, the auditor should obtain a copy of the agreement between the charter school and the management organization and verify that the school's authorizer approved the agreement. Auditors should consider the materiality of the expense to determine whether recalculation of the expense is deemed necessary and if disclosure is required in the notes to the financial statements.

Operating Reserves

Auditors should inquire if a school has adopted a policy for operating reserves. If a policy has been adopted the auditor should determine if terms of the policy are appropriate and being followed. To be a viable operating reserve there should be a board approved policy about the purpose and use of operating reserves. The purpose of the policy is to define and set goals for reserve funds, clearly describe authorization for use of reserves and outline requirements for reporting and monitoring.

Fraud Considerations

The Statements on Auditing Standards and related Clarified Statements require that an auditor obtain knowledge about the entity's business and the industry in which it operates. In obtaining this knowledge, information may come to the auditor's attention which should be considered in identifying risks of material misstatement due to fraud. As part of these procedures, the auditor should perform the following:

1. Make inquiries of management and others within the entity to obtain their views about the risks of fraud and how they are being addressed.
2. Consider any unusual or unexpected relationships that have been identified in performing analytical procedures in planning the audit.
3. Consider whether one or more fraud risk factors exist.
4. Consider other information that may be helpful in the identification of risks of material misstatement due to fraud.

The United States Government Accountability Office lists the following conditions that might indicate a heightened risk of fraud which should be considered when identifying potential fraud:

1. Economic, programmatic, or entity operating conditions threaten the entity's financial stability, viability or budget;
2. The nature of the entity's operations provide opportunities to engage in fraud;
3. Management's monitoring of compliance with policies, laws, and regulations is inadequate;
4. The organizational structure is unstable or unnecessarily complex;
5. Communication and/or support for ethical standards by management is lacking;
6. Management is willing to accept unusually high levels of risk in making significant decisions;
7. Operating policies and procedures have not been developed or are outdated;
8. Key documentation is lacking or does not exist;
9. Asset accountability or safeguarding procedures is lacking;
10. Improper payments;
11. False or misleading information;
12. A pattern of large procurements in any budget line with remaining funds at year end, in order to "use up all of the funds available";
13. Unusual patterns and trends in contracting, procurement, acquisition, and other activities of the entity or program.

Auditors should consider the following factors that are common areas of fraud risk in charter schools.

1. Heightened risk of misappropriation of assets due to the high use of credits cards (personal and school issued) by employees of the charter school for charter school expenses. The auditor should be cognizant of this risk and develop audit steps to test appropriateness of expenses, if deemed appropriate. In addition, the auditor should consider additional testing related to expense reimbursements testing for proper approval of expenses and authorized signatures on checks.

2. The auditor should inquire regarding the existence of transactions with related parties and examine Board minutes, agreements, conflict of interest statements from Board of Trustees and key employees and other underlying documents to ascertain whether there are any material related party transactions not being disclosed. The auditor should test any material related party transactions, including transactions with management companies (CMOs and EMOs) and gain an understanding of the business purpose of such transaction and the reasonableness of the value of goods or services being provided. In the event there are transactions with a related party with which a member of the Board of Trustees has a conflict of interest, the Board minutes should be examined to ascertain whether there was a recusal from such Board member in relation to voting on procurement of such goods or services in which the member has a conflict of interest. The auditor should also gain an understanding of purchasing and procurement policies to ascertain dollar thresholds and goods and/or services that are required to be procured through a competitive bidding process.

Section 5: Presentation of Charter School Financial Statements

The charter school shall maintain financial statements that are prepared in accordance with GAAP. All statements required by FASB Accounting Standards Codification ("ASC") 958, *Not-for-Profit Entities*, should be presented including a Statement of Financial Position as of the end of the reporting period, Statement of Activities for the reporting period, and Statement of Cash Flows for the reporting period. In addition, the statements shall include the required note disclosures and a supplemental Schedule of Functional Expenses. The Schedule of Functional Expenses must be in the format provided in Appendix D and subject to the auditing procedures applied in the audit of the financial statements. Such supplemental schedule is not a required part of the financial statements and should be included for the purposes of additional analysis. Alternatively, the Schedule of Functional Expenses can be included as part of the basic financial statements.

Statement of Cash Flow

Beginning with 2014-15 audits, the direct method for the Statement of Cash Flow is strongly encouraged. While the direct and the indirect methods of preparing the statement of cash flow are allowable under accounting standards, the direct method is proposed under the FASB not for profit reporting model.

Schedule of Functional Expenses

The Schedule of Functional Expenses must present the nature of the expenses incurred in each category of program and supporting services reported in the Statement of Activities and follow the format provided in Appendix D. Classifications not applicable to the charter school may be eliminated.

If not otherwise presented, charter schools employing management companies should obtain and provide in note disclosure a breakdown of contracted services in a similar format to the Schedule of Functional Expenses to facilitate comparisons among NYSED-authorized schools.

Note on allocation of expenses: Charter schools must use allocation methods that are fair and reasonable to allocate costs for the Schedule of Functional Expenses. Such allocation methods, as well as the statistical basis used to calculate allocation percentages, should be documented and retained for review upon audit. Salaries of employees who perform tasks for more than one program must be allocated among all programs for which they work. The cost of supplies that are purchased for distribution among multiple programs must be allocated among these programs if direct charges are not possible. Allocation percentages and methodology should be reviewed, at a minimum, on an annual basis by both management and the board of trustees and adjusted as necessary.

Education Corporations

Education Corporations - One School

Upon issuance of a charter by the NYS Board of Regents to a charter school, the charter school is incorporated as an education corporation and is issued a provisional charter/certificate of incorporation (see Education Law Section 2853(1)(a)).

Education Corporations - Multiple Schools

The NYS Charter School statute also permits an education corporation to operate more than one charter school (Education Law Section 2853(1)(b-1)). In those cases, each individual charter school is not a separate education corporation; the entity to which the provisional charter/certificate of incorporation is granted is the governing education corporation with the authority to operate those charter schools for which charter agreements were executed between the education corporation and the authorizer. For education corporations that operate more than one charter school, combining schedules (not consolidated statements) must be issued as supplemental information and provide information by charter.

Education Corporations- Mergers

Mergers of education corporations have an effective date that is the first day of a fiscal year or aligned with a quarterly financial date. The preference is for the effective date to be the first day of a fiscal year. For effective dates that fall on a quarterly date, a full accounting must be maintained for each education corporation on the closing date as individual entities. Beginning with the effective date, combined opening financials must be maintained as the merged education corporation. Financials are required the day prior to the effective date to ensure that everything is accounted for and moved into the merged entity. For education corporations that have merged and operate more than one charter school, combining schedules (not consolidated statements) must be issued as supplemental information and provide information by charter.

OMB Single Audit Clarification for Education Corporations That Operate More Than One Charter School

- If the education corporation has received and passed through to their schools \$ [REDACTED] or more in federal funds, the Education corporation would be required to have an audit in accordance with the Uniform Grants Guidance.
- Any separate corporation that expends over \$ [REDACTED] or more in federal funds in total (whether received directly or through a pass-through entity) during the fiscal year would be required to have an audit in accordance with the Uniform Grants Guidance.
- If a consolidated financial statement is being audited (more than one corporation is being consolidated in accordance with GAAP), a consolidated single audit must be conducted if the parent corporation expends \$ [REDACTED] or more in federal funds.

Related Parties

According to FASB ASC 958-810 *Reporting of Related Entities by Not-for-Profit Organizations*, not-for-profit organizations with a controlling financial interest in another not-for-profit organization through direct or indirect ownership of a majority voting interest in that other not-for-profit organization should consolidate with that other organization, unless control does not rest with the majority owner, in which case consolidation is prohibited. Auditors should consider whether the related party and the charter school have the same board members, overlapping members of management, etc. and whether those charged with governance are similar between the two organizations. Auditors need to also consider whether the entities are operating with a shared economic interest. If the answer is yes, then the related party may need to be consolidated with the charter school for financial statement purposes. When there are consolidated statements, a statement of activities broken down by related parties should be included as supplementary information.

Contributed Goods, Services and Other Assets

Charter schools often receive contributions of cash, other assets, and certain services. Other assets contributed to a charter school may include securities, use of facilities, materials and supplies and curriculum materials. In accordance with FASB ASC 958-605, contributions must be recognized as revenues or gains in the period received and as assets, decreases of liabilities, or expenses depending on the form and type of contribution.

Donated Space in School District Facilities

Many charter schools, especially those located in New York City, are provided space in a building owned by the school district at minimal or no charge to the charter school. The value of this space is often very difficult for the charter school to determine and therefore is often not recorded in the financial statements. In order to aid in comparison of financial statements of district-located and non-district located charter schools, the audited financial statements should include a note disclosure describing the current facility arrangement and if any amount has been recorded in the financial statements for donated district space. The note should include the current square footage in use by the charter school. For charter schools located in shared facilities, appropriate allocations of square footage should be made for shared space such as a gymnasium, cafeteria or auditorium. Allocations should be made based on a reasonable allocation methodology, such as a percentage of each school's enrollment to the total enrollment at the shared facility.

Other Services Provided by a School District

Similar to donated district space as described above, often the local school district will provide transportation or other services, such as food service or special education services, at no cost to the charter school. To the extent which the charter school can determine the value, these items should be recorded in the financial statements as in-kind revenues and expenses. To aid in comparison, charter schools recording values for donated transportation or other district-provided services should disclose the amount recorded or the fact that services were received but the charter school was unable to determine a value.

A sample note disclosure for contributions of space and other services is as follows:

The Charter School is located in a New York City Department of Education facility and utilizes approximately _____ square feet at no charge. In addition, the Charter School received donated transportation, food service and special education services from the local district. The Charter School was unable to determine a value for these services.

Section 6: Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with Government Auditing Standards (the “Yellow Book” Report)

Audits performed under GAGAS require issuance of a separate report on internal control over financial reporting and on compliance with provisions of laws, regulations, contracts, and grant agreements that could have a material effect on the financial statements (the “Yellow Book” report). The Yellow Book report should be issued for any audit performed in accordance with GAGAS, regardless of the results of the audit and whether or not there are any findings to report.

Internal Control over Financial Reporting

The auditor must describe the scope of their consideration of internal control over financial reporting as part of the audit of the financial statements. The auditor need not provide an opinion on internal control over financial reporting. Any material weaknesses or significant deficiencies in internal control over financial reporting identified during the audit, or continuing from a previous year, must be included in the Yellow Book report. These may include lack of controls in place over financial reporting such that significant audit entries were required or concerns regarding segregation of duties.

When deficiencies in internal control that are not significant are not included in the audit report the written communication to those charged with governance **must be referred** to within the Independent Auditor's Report on Internal Controls Over Financial Reporting. Government Auditing Standards under section 7.19 Deficiencies in Internal Control states "...When auditors detect deficiencies in internal control that are not significant to the objectives of the audit but warrant the attention of those charged with governance, they should include those deficiencies either in the report or communicate those deficiencies in writing to audited entity officials. Auditors should refer to that written communication in the audit report if the written communication is separate from the audit report. When auditors detect deficiencies that do warrant the attention of those charged with governance, the determination of whether and how to communicate such deficiencies to audited entity officials is a matter of professional judgment."

Compliance with Provisions of Laws, Regulations, Contracts and Grant Agreements

As part of the financial statement audit, the auditor will determine whether the audited entity is in compliance with material provisions of laws, regulations, contracts and grant agreements that could impact the financial statements. Any evidence of fraud or noncompliance found throughout the audit should be evaluated to determine if a finding is necessary in the Yellow Book report. 'Standards for Internal Control in the Federal Government', known as the Green Book, contains the federal standards for an effective internal control system. Examples of audit findings to be evaluated include:

- Indications of fraud
- Noncompliance with provisions of laws or regulations (such as the charter contract or NYS laws) – **see further detail below**
- Noncompliance with provisions of contracts or grants that could have a material effect on the financial statements (such as federal or foundation grants or contracts)
- Abuse that is material, either quantitatively or qualitatively

Reporting Findings

If, based on the results of the audit and the above guidance, as well as relevant GAGAS standards, the auditor determines that findings should be reported to management and those charged with governance, the auditor should follow the guidance included in GAGAS in developing written communication of the findings. See the flowchart at Appendix F.

Findings should include the following elements:

1. Criteria
2. Condition
3. Cause
4. Effect or Potential Effect
5. Recommendation
6. Management Response

Corrective Action Plan

The auditee's response to the finding(s) should be included in the report, unless the auditee refuses to provide comments or is unable to provide them in a reasonable period of time. The auditee's response should include what actions will be taken to correct the finding, the date the actions were or will be implemented and who is responsible for implementation. If auditee comments are not provided, the auditor should indicate in the report that the auditee did

not provide a response. In addition, the charter school is responsible for providing a copy of the corrective action plan to NYSED along with the audited financial statements and required reports.

Sample Yellow Book reports are included in Appendix E for reference. These reports have been modified to conform to the presentation applicable to charter schools.

Requirements of Laws, Regulations, Contracts and Grant Agreements to be Tested as Part of the Audit

General Requirements as Detailed in the Charter School's Charter Agreement

Each charter school signs a charter agreement between the school and its charter authorizer to establish a charter school under the New York Charter Schools Act of 1998. The auditor should obtain this charter agreement and consider the charter school's compliance with the requirements as established in the agreement. Many of the specific requirements of all schools are discussed in more detail below. Some general requirements include the following:

1. Operate under the mission statement as set forth in the application.
2. Abide by a code of ethics.
3. Establish a board of trustees, which does not consist of teachers, school administrators, school employees, or persons with an interest in a for-profit contract with the charter school, except to the extent permitted by General Municipal Law.
4. Operate monthly board meetings pursuant to the by-laws of the charter school set forth in the application, which shall be in accordance with the Open Meetings Law.
5. Establish, implement and disseminate a school disciplinary code. The student handbook posted to the web should include the school disciplinary code.
6. Obtain authorizer approval for non-material programmatic changes to the operation of the school and/or the charter and obtain Regents approval for material changes.

The auditor shall obtain the charter agreement and inquire of management if there are policies and procedures in place to ensure the charter school is abiding by the requirements established in the charter agreement. If the auditor determines that the charter school is not in compliance with these requirements, the auditor should consider including such a finding in the Yellow Book report and the communication to those charged with governance.

Age, Grade Range, Number of Students

In the charter school application, the charter school is required to establish grade levels and enrollment goals. As defined by the charter school's charter agreement and the sample charter available from New York State, the charter school must make all reasonable efforts to recruit students but is allowed to enroll a lesser or greater number of students in each grade or from one year to the next without being deemed in material breach of the charter as long as enrollment variation does not substantially alter the charter school's educational design as described in the application. However, the charter school must obtain written approval from its authorizer prior to the following:

1. Enrolling any student, who, if enrolled, would cause the charter school's enrollment to exceed the total maximum enrollment of the charter school as set forth in the application for the charter.
2. Commencing or continuing instruction where the total number of students enrolled is less than eighty-five percent (85%) of the projected enrollment for a given year as set forth in the application or if the total enrollment is less than fifty (50) students.

The charter school should demonstrate good-faith efforts to attract and retain a comparable or greater enrollment of students with disabilities, English language learners and students eligible for free or reduced-price lunch when compared

to the enrollment figure for such students in the school district in which the charter school is located [§2854(2)(a)]. See guidance on enrollment and retention targets at <http://www.p12.nysed.gov/psc/enrollment-retention-targets.html>.

Lottery system

In accordance with Section 2854(2) of the Education Law, charter schools must enroll each eligible student who submits a timely application by the first day of April each year, unless the number of applications exceeds the capacity of the grade level or building. In such cases, students shall be accepted from among applicants by a random selection process, i.e., a lottery.

When a lottery is conducted, the school is required to provide an enrollment preference to pupils returning to the charter school in the second or any subsequent year of operation, pupils residing in the school district in which the charter school is located, and siblings of pupils already enrolled in the charter school. In conducting its lottery, a charter school may not discriminate on the basis of ethnicity, national origin, gender, or disability or any other ground that would be unlawful if done by a traditional public school. Likewise, 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. However, the Education Law permits 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.

The commissioner has established regulations detailing the requirements of the charter school lottery process. See, 8 *NYCRR 119.5*. The independent auditor should obtain a copy of the charter school's approved lottery procedures and should review documentation evidencing the school's actual lottery process to ensure that it complies with the approved procedures and all applicable laws and regulations. If the auditor finds that the charter school has not developed adequate procedures or believes the procedures in place are not being followed or are unlawful, the auditor should consider observing the next live lottery or comparing the applications received with the applications selected in the lottery. See Appendix G for procedures to consider during a live lottery observation. If there is concern regarding a school's lottery procedures, the auditor should also consider including such a finding in the Yellow Book report and in a communication to those charged with governance.

Weighted Lottery

Charter schools receiving CSP funds are allowed to weight their lotteries to favor a specific at-risk student subgroup. Schools receiving CSP funds must request permission from the NYSED Charter School Office to conduct a weighted lottery, regardless of authorizer.

Schools receiving CSP funds must use the NYSED Weighted Lottery Generator (WLG), for the purpose of weighting for an at-risk subgroup, and must retain a copy of the lottery PDF. This PDF is generated after the WLG process is complete. See Appendix G for guidance on using the NYSED WLG. This information can also be found at <http://www.p12.nysed.gov/psc/documents/WeightedLotteryGuidance.pdf>.

Hiring Procedures of the School

According to §2854 (3)(a-2) of the Education Law, the board of trustees of a charter school shall require, for purposes of a criminal history record check, the fingerprinting of all prospective employees as well as consent to a criminal history records search. Results from fingerprint checks must be obtained to ensure clearance for employment. In addition, the employee responsible for obtaining background checks on prospective employees should not perform his/her own background check. The auditor should ensure that this policy is in place at the charter school and is being followed for all potential employees of the charter school. The auditor should consider testing that this evidence is obtained in conjunction with other payroll testing done as part of the audit. If these procedures are not in place or not being

followed, the auditor should include such a finding in the Yellow Book report and the communication to those charged with governance.

Insurance Coverage

According to §2851(2)(o) of the Education Law, the charter school shall obtain insurance which shall include adequate insurance for liability, property loss and personal injury of students. The auditor should obtain evidence that such insurance is in place.

Section 7: OMB Uniform Guidance (Single Audits)

A charter school that expends \$ [REDACTED] or more in federal awards during the fiscal year must have a single audit conducted for that year in accordance with the provisions of Uniform Guidance and GAGAS. The single audit must be submitted to the federal government and NYSED. Federal awards are subject to a single audit whether expended as a direct recipient or a subrecipient. Payments received for goods or services provided as a contractor are not considered federal awards. Subrecipient and contractor determinations set forth the considerations used to determine whether payments are considered federal awards or a payment for contractor goods or services.

Characteristics which support the classification of the entity as a subrecipient or a contractor are as follows:

Subrecipient: (1) Determines who is eligible to receive what federal assistance; (2) Has its performance measured in relation to whether objectives of a federal program were met; (3) Has responsibility for programmatic decision making; (4) Is responsible for adherence to applicable federal program requirements specified in the federal award; and (5) In accordance with its agreement, uses the federal funds to carry out a program for a public purpose specified in authorizing statute, as opposed to providing goods or services for the benefit of the pass-through entity.

Contractor: (1) Provides the goods and services within normal business operations; (2) Provides similar goods or services to many different purchasers; (3) Normally operates in a competitive environment; (4) Provides goods or services that are secondary to the operation of the Federal program; and (5) Is not subject to compliance requirements of the federal program as a result of the agreement, though similar requirements may apply for other reasons.

Federal awards typically expended by a charter school may include, but are not limited to, the following:

- CSP, including replication and expansion grants
- Title I, Part A
- Title II, Part A
- Title III, Part A
- National School Breakfast, Lunch and Snack Program
- Summer Food Service Program

Funding received from the USAC Schools & Libraries Program (E-Rate) is not listed in the CFDA catalogue and is exempt from single audit requirements; therefore, revenue recorded from discounts or reimbursements received under E-Rate should not count towards the \$ [REDACTED] threshold in determining the need for a single audit. Funding received from IDEA (Special Education) grants awarded from a school district are considered a vendor/contractor relationship and therefore also do not count towards reaching the \$ [REDACTED] threshold. A memo regarding vendor status of IDEA funding is available at <http://www.p12.nysed.gov/specialed/finance/2011-12-ASEP-flowthrough.htm>.

Criteria for a Low-Risk Auditee

A charter school that meets all of the following conditions for each of the preceding two audit periods must qualify as a low-risk auditee and is eligible for reduced audit coverage:

- a) Single audits were performed on an annual basis. The data collection form and the reporting package was submitted to the FAC within 30 days after receipt of the audit report, or 9 months after the end of the audit period.
- b) The auditor's opinion on whether the financial statements were prepared in accordance with GAAP, or a basis of accounting required by state law, and the auditor's opinion on the schedule of expenditures of federal awards were unmodified.
- c) There were no deficiencies in internal control which were identified as material weaknesses under the requirements of GAGAS.
- d) The auditor did not report a substantial doubt about the charter school's ability to continue as a going concern.
- e) None of the federal programs had audit findings from any of the following in either of the preceding two audit periods in which they were classified as Type A programs:
 1. Internal control deficiencies that were identified as material weaknesses in the auditor's report on internal control for major programs,
 2. A modified opinion on a major program in the auditor's report on major programs; or
 3. Known or likely questioned costs that exceeded five percent of the total Federal awards expended for a Type A program during the audit period.

If the charter school meets the criteria to be considered a low-risk auditee, the auditor need only audit the major programs and such additional federal programs with federal awards expended that, in aggregate, all major programs encompass at least 20 percent of total federal awards expended. Otherwise, the auditor must audit the major programs and such additional federal programs with federal awards expended that, in aggregate, all major programs encompass at least 40 percent of total federal awards expended.

Major Program Determination

The auditor must use a risk-based approach to determine which federal programs are major programs. This risk-based approach must include consideration of current and prior audit experience, oversight by federal agencies and pass-through entities, and the inherent risk of the federal program. A major program can be identified by performing the following steps:

Step 1: The auditor must identify the larger federal programs, which must be labeled Type A programs. Type A programs are defined as federal programs with federal awards expended during the audit period exceeding the levels outlined in the table below:

Total Federal awards expended		Type A/B threshold	
Equal to or exceed \$	but less than or e		
Exceed	t less than or equal t	Total federal	
Excee	but less than or equa		
Exce	t less than or equal t	Total federal a	

Exceed [REDACTED] but less than or equal to [REDACTED]	[REDACTED]
Exceed [REDACTED]	Total federal awards expended times [REDACTED]

Federal programs not considered Type A above must be classified as Type B programs. All Type A programs classified as high risk must be tested as a major program regardless of the percentage of coverage obtained over federal awards expended.

Step 2: The auditor must identify Type A programs which are low-risk. For a Type A program to be considered low-risk, it must have been audited as a major program in at least one of the two most recent audit periods, and, in the most recent audit period, the program must have not had: (1) internal control deficiencies which were identified as material weaknesses in the auditors' report on internal control for major programs, (2) a modified opinion on the program in the auditors' report on major programs, and (3) known or likely questioned costs that exceed [REDACTED] of the total federal awards expended by the program.

Step 3: The auditor must identify Type B programs which are high-risk using professional judgment and the criteria in for federal program risk. However, the auditor is not required to identify more high-risk Type B programs than at least one fourth the number of low-risk Type A programs identified as low-risk under Step 2. The auditor is not expected to perform risk assessments on relatively small federal programs. Therefore, the auditor is only required to perform risk assessments on Type B programs that exceed 25 of the Type A threshold determined in Step 1.

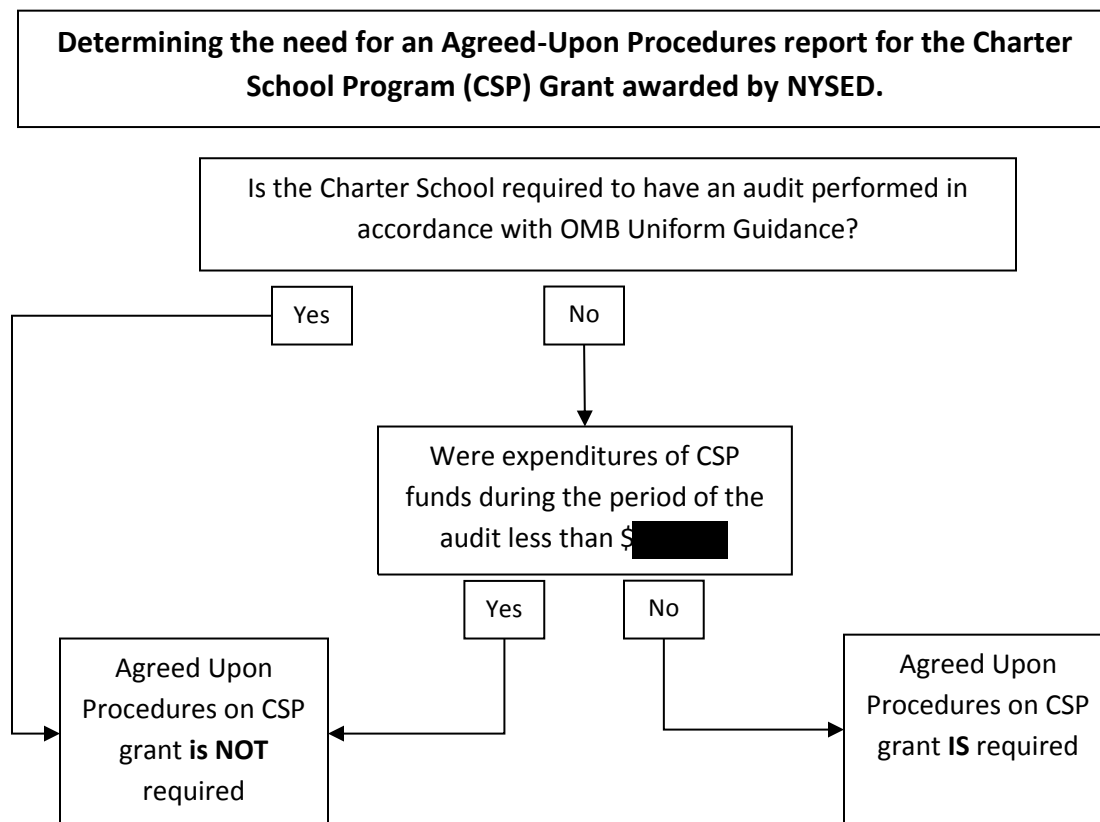
At the conclusion of the single audit, the auditor must issue a report on (1) internal control over financial reporting and on compliance and other matters based on an audit of financial statements performed in accordance with government auditing standards, (2) compliance for each major federal program and report on internal control over compliance in accordance with Uniform Guidance, and (3) an opinion on the Schedule of Federal Expenditures ("SEFA"). Issuance of the opinion on compliance requires the auditor to determine whether the charter school complied with the direct and material compliance requirements for the major program(s) tested in the single audit. Gaining an understanding of internal control over compliance as it relates to each direct and material compliance requirement is necessary as part of the risk assessment process to determine where controls may not be adequate or further procedures are needed in order to determine compliance. If the auditor finds the entity is lacking controls over maintaining compliance with the direct and material requirements of the program, or controls in place are not operating effectively, this must be reported as a finding in the schedule of finding and questioned costs. The auditor must also disclose any questioned costs greater than \$ [REDACTED]. Known questioned costs are those specifically identified by the auditor. In evaluating the effect of questioned costs on the opinion on compliance, the auditor considers the best estimate of total costs questioned (likely questioned costs), not just the questioned costs specifically identified (known questioned costs).

Auditors should refer to OMB Uniform Guidance and the most recent Compliance Supplement (available at www.whitehouse.gov/omb/circulars) for further guidance in performing and reporting on a single audit.

Section 8: Agreed-Upon Procedures Report on CSP Funding

NYSED was awarded a significant CSP grant to pass through to charter schools. To ensure adequate monitoring of CSP funding when expenditures of all federal awards are less than the \$ [REDACTED] threshold for a single audit, NYSED has set forth guidance on specific procedures which are required for charter schools receiving CSP funding through NYSED. If CSP funding is received directly from the U.S Department of Education or through a different source than NYSED, the AUP report on the CSP grant is not required. Please refer to the following flowchart to determine if the

charter school is required to have their auditor perform the additional procedures and submit the specified report to NYSED.



If the Agreed-Up Procedures report is required, the report is due by November 1 of each fiscal year, corresponding to the date the audited financial statements must be submitted to NYSED. The period of the Agreed-Up Procedures report should correspond to the period of the audit. For example, in the initial year of audit, the audit period may cover more than 12 months. In this case, the Agreed-Up Procedures report should cover the same period as the audit, even if it is more than 12 months. In subsequent years this will typically be the fiscal year.

If a single audit is required for the first year the school is in operation, an Agreed-Up Procedures Report on the CSP grant would not be required; however, the single audit only covers the 12-month period ending with the charter school's fiscal year end. If the charter school expended \$██████ or more of CSP funds in its interim period (from inception until the year in which the charter school opened), an Agreed-Up Procedures Report on the CSP grant may be required. If the single audit for the 12-month period of the charter school's first year of operations reported no findings, the Agreed-Up Procedures Report on the CSP grant for the interim period is not required. If any findings are reported as a result of the single audit, an Agreed-Up Procedures Report on the CSP grant is required for the period from inception through the end of its interim period.

Required Agreed-Up Procedures Report for CSP Funding

If the charter school is subject to the above requirements for the Agreed-Up Procedures Report on the CSP grant, the following procedures must be performed by the charter school's independent auditor.

- a. Obtain the detail of expenditures incurred for the period under review relating to the CSP grant from the charter school's accounting software and reconcile to the grant revenue recorded by the charter school. If the CSP grant revenue does not equal the grant expenditures, investigate the differences.
- b. Obtain the NYSED-approved CSP grant award information, including the budget and any amendments, to determine if the revenue and expenditures recorded for the period appear reasonable.
- c. Select a sample of expenditures from the detail obtained in Procedure #1.
 1. Payroll - Select 10 items or ■ of the total number of payroll items charged to the grant, whichever is less
 2. Other expenses – Select 10 items or ■ of the total number of items charged to the grant, whichever is less
 3. Using the above selected items:
 - i. Determine if the expenditure is in accordance with the purpose of the grant and that pre-opening expenditures are charged to pre-opening periods. (See non-regulatory guidance on the CSP grant at <http://www.p12.nysed.gov/psc/grants.html>)
 - ii. Determine if the expenditure falls into an approved budget category
 - iii. Determine if the expenditure was charged to the appropriate fiscal period
- d. Obtain FS-25 form(s) submitted to NYSED during the period under review.
 1. Trace expenditures selected in Procedure #3 to requests for reimbursement. Determine that items requested for reimbursement had previously been expended or were expended within a month following the request for reimbursement. If items have not yet been requested for reimbursement, inquire of responsible charter school officials as to the plan for requesting reimbursement, and determine if a receivable is recorded, if appropriate.
 2. If FS-25 forms include amounts on Line 4 of the FS-25 (Cash Expenditures Anticipated During Next Month), determine if the total of funds expended within one month following the date of the request is at least the amount shown on Line 4.
- e. Subgrantees who wish to weight their lotteries for specific at-risk subgroups must conduct their lottery using the NYSED Weighted Lottery Generator. For schools requiring an Agreed-Upon Procedure Report, the auditor must determine that:
 - The school received permission from the NYSED Charter School Office for the weighted lottery
 - Documentation to support that a weighted lottery was held and adhered to the NYSED Weighted Lottery Guidance (see Appendix G.)

See sample report in Appendix B.

Appendix A – Template for Independent Accountant’s Report on the Initial Statement

CPA letterhead

INDEPENDENT ACCOUNTANT’S REPORT ON APPLYING AGREED UPON PROCEDURES

To the Board of Trustees of ABC Charter School:

We have performed the procedures enumerated below, which were agreed to by the management of ABC Charter School and the New York State Education Department solely to assist the specified parties in evaluating the school’s assertion to the New York State Education Department that it has financial controls in place for transactions as outlined below. The school’s management is responsible for these procedures. The sufficiency of these procedures is solely the responsibility of the parties specified in this report. Consequently, we make no representation regarding the sufficiency of the procedures enumerated below either for the purpose for which this report has been requested or for any other purpose.

1. Preparing and maintaining financial statements and records in accordance with generally accepted accounting principles (“GAAP”);
2. Payroll procedures;
3. Accounting for contributions and grants;
4. Procedures for the creation and review of quarterly financial statements, which shall specifically identify the individual(s) who will be responsible for preparing and reviewing such financial statements;
5. Appropriate internal financial controls and procedures;
6. Safeguarding of assets, including cash and equipment;
7. Compliance with applicable laws and regulations;
8. Ensuring that the purchasing process results in the acquisition of necessary goods and services at the best price;
9. Following appropriate guidance relating to budget development and administration; and
10. Following appropriate guidance relating to a code of ethics, and cash management and investments.

The procedures we performed and the related results are as follows:

Procedure #1: We will obtain a copy of the Financial Policies and Procedures Manual (“FPPM”) of the School and read it to ascertain whether it includes accounting procedures for the preparation of the School’s financial statements in conformity with accounting principles generally accepted in the United States of America.

Result: We observed that...

Procedure #2: We will read the FPPM to ascertain whether it includes payroll procedures for the School and determine whether the School has hired an outside vendor to process the payroll.

Result: We observed that...

Procedure #3: We will read the FPPM to ascertain whether it includes procedures for accounting for contributions and grants.

Result: We observed that...

Procedure #4: We will identify and interview the person(s) responsible for financial management of the School regarding the existence and understanding of procedures for the creation and review of interim and annual financial statements.

Result: We identified (*name, title*) as the person(s) responsible for financial management of the School and (s)he represented that...

Procedure #5: We will read the available trial balance and documentation supporting cash receipts, cash disbursements and payroll expenses on a sample basis to observe the status of implementation of the accounting procedures.

Result: We observed that...

Procedure #6: We will interview the person(s) responsible for financial management of the School regarding the existence and understanding of appropriate internal financial controls and procedures, including procedures related to ensuring that transactions are properly authorized, assets are safeguarded against unauthorized or improper use, and transactions are properly recorded and reported.

Result: We identified (*name, title*) as the person(s) responsible for financial management of the School and (s)he represented that ...

Procedure #7: We will interview the person(s) responsible for financial management of the School regarding compliance with applicable laws and regulations and how they stay current with all laws and regulations. We will also obtain and review a copy of the School's code of ethics.

Result: We identified (*name, title*) as the person(s) responsible for financial management of the School and (s)he represented that ...

Procedure #8: We will review the FPPM to ascertain whether it includes procedures for ensuring the purchasing process results in the acquisition of necessary goods and services at the best price.

Result: We observed that...

Procedure #9: We will interview the person(s) responsible for financial management of the School regarding the existence of procedures for budget development and administration to determine if the School is following appropriate guidance. We will obtain a copy of the most recent budget to determine if the budget was approved by the Board of Trustees of the School.

Result: We identified (*name, title*) as the person(s) responsible for financial management of the School and (s)he represented that ... We observed that...

Procedure #10: We will read the FPPM to ascertain whether it includes procedures for ensuring the School has procedures for cash management and investments, if applicable.

Result: We observed that...

This agreed-upon procedures engagement was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. We were not engaged to and did not conduct an examination or review, the objective of which would be the expression of an opinion or conclusion, on these procedures. Accordingly, we do not express such an opinion or conclusion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

This report is intended solely for the use of ABC Charter School and the New York State Education Department, and it is not intended to be and should not be used by anyone other than the specified parties.

CPA Signature

Date

Appendix B – Template for Independent Accountant’s Report on CSP Funding

CPA letterhead

INDEPENDENT ACCOUNTANT’S REPORT ON APPLYING AGREED UPON PROCEDURES

To the Board of Trustees of ABC Charter School:

We have performed the procedures enumerated below, which were agreed to by the management of ABC Charter School and the New York State Education Department solely to assist the specified parties in evaluating the school’s assertion to the New York State Education Department that it has maintained compliance with the requirements of the CSP grant and Federal and NYSED guidelines in managing the CSP grant. The school’s management is responsible for these procedures. The sufficiency of these procedures is solely the responsibility of the parties specified in this report. Consequently, we make no representation regarding the sufficiency of the procedures enumerated below either for the purpose for which the report has been requested or for any other purpose.

The procedures we performed and the related results are as follows:

Procedure #1: We will obtain the detail of expenditures incurred for the period under review relating to the CSP grant from the Charter School’s accounting software and reconcile to the grant revenue recorded by the Charter School. If the CSP grant revenue does not equal the grant expenditures, we will investigate the differences.

Result:

Procedure #2: We will obtain the NYSED approved CSP grant award information, including the budget and any amendments, to determine if the revenue and expenditures recorded for the period appear reasonable.

Result:

Procedure #3: We will select a sample of expenditures from the detail obtained in Procedure #1.

- a. Payroll – We will select 10 items or [REDACTED] of the total number of payroll items charged to the grant, whichever is less.
- b. Other expenses – We will select 10 items or [REDACTED] of the total number of payroll items charged to the grant, whichever is less
- c. Using the above selected items, we will:
 - i. Determine if the expenditure is in accordance with the purpose of the grant and that pre-opening expenditures are charged to pre-opening periods. (See non-regulatory guidance on the CSP grant at <http://www.p12.nysed.gov/psc/grants.html>)
 - ii. Determine if the expenditure falls into an approved budget category
 - iii. Determine if the expenditure was charged to the appropriate fiscal period

Result:

Procedure #4: We will obtain FS-25 form(s) submitted to NYSED during the period under review and perform the following.

- a. Trace expenditures selected in Procedure #3 to requests for reimbursement. Determine that items requested for reimbursement had previously been expended or were expended within a month following the request for reimbursement. If items have not yet been requested for reimbursement, inquire of responsible charter school officials as to the plan for requesting reimbursement, and determine if a receivable is recorded, if appropriate.
- b. If FS-25 forms included amounts on Line 4 (Cash Expenditures Anticipated During Next Month), we will select one FS-25 and determine if funds were expended within 1 month following the date of the request.

Result:

Procedure #5: For schools with a weighted lottery during the period under review we will

- a. Obtain documentation that the school received permission from the NYSED Charter School Office for the weighted lottery
- b. Obtain the results of the weighted lottery.
 - Note that weighted lotteries must be conducted using the NYSED Weighted Lottery Generator (WLG). When the WLG is used, a copy of the 'lottery PDF' should be observed. (This PDF is generated after the WLG has conducted the lottery.)

Result:

This agreed-upon procedures engagement was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. We were not engaged to and did not conduct an examination or review, the objective of which would be the expression of an opinion or conclusion, on these procedures. Accordingly, we do not express such an opinion or conclusion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

This report is intended solely for the use of ABC Charter School and the New York State Education Department, and it is not intended to be and should not be used by anyone other than the specified parties.

CPA Signature and Date

Appendix C – Auditor Checklist for Audits of Regents-Authorized Charter Schools

SED- Authorized Charter School Audit Compliance Practice Aid

Charter School: _____

Year Ended: _____

Compliance Practice Aid	Yes	No	N/A	Explanation
1. Applicable for schools in their first year of operations:				
a. Has the school provided the initial statement of controls to SED?				
b. Was the initial statement of controls ratified by the Board prior to submission to SED?				
c. Has the auditor prepared and submitted the Agreed-Upon Procedures (AUP) report on the initial statement of controls to the school?				
d. If there were any findings, has the school remedied the findings within 45 days of the auditors' report?				
2. Applicable for both new and continuing schools:				
a. Have the financial statements been prepared on the accrual basis in accordance with GAAP?				
b. Has the audit been conducted in accordance with GAAS, GAGAS, and, if applicable, OMB Uniform Guidance?				
b (1). Have the independence considerations been documented?				
b (2). Has the CPA firm had an independent peer review within the last 3 years?				
b (3). Are all engagement team members compliant with the CPE requirements?				
c. Do the financial statements include a statement of functional expenses that follows Appendix D of the Guide?				
d. Have expense allocations been included as part of the audit, and have the auditors concluded they are reasonable?				
e. Do the financial statements disclose any facilities (including square footage), transportation services, or other services provided by the local district?				
f. Is the required report on internal control over financial reporting and on compliance with provisions of laws, regulations, contracts and grant agreements been prepared?				
g. If the school has expended over \$ [REDACTED] in Federal Funds, has a Single Audit been completed?				
g (1). Has the required report on compliance and internal control over compliance of major programs and the SEFA been prepared?				

Appendix C – Auditor Checklist for Audits of Regents-Authorized Charter Schools, Cont’d

SED- Authorized Charter School Audit Compliance Practice Aid

Charter School: _____

Year Ended: _____

Compliance Practice Aid	Yes	No	N/A	Explanation
3. Areas of compliance with the Charter Agreement, applicable for both new and continuing schools:				
a. Does the school operation the mission as set forth in the application?				
b. Does the school abide by the Code of Ethics?				
c. Has the school established a board of trustees?				
d. Does the school operate pursuant to the by-laws of the charter school as set forth in the application?				
e. Has the school established grade level and enrollment goals and is the school making all reasonable efforts to recruit students to meet these goals?				
e (1). If necessary has the charter school obtained written approval from NYSED if enrollment levels are outside of these parameters?				
f. Has the school established adequate procedures for its lottery system for enrollment?				
g. Has the school established adequate procedures for its personnel hiring system, including criminal history record check and fingerprinting in accordance with the New York Charter Schools Act of 1998?				
h. Has the school obtained adequate insurance for liability, property loss and personal injury of students?				
i. Has the school established and funded an escrow account in accordance with Section 8.5 of the Charter Agreement?				
4. Has an Agreed Upon Procedures Report been prepared for the Charter School Program (“CSP”) Grant awarded by NYSED if expenditures of CSP funds during the period of audit were above \$ [REDACTED] and the charter school is not required to have an audit performed with OMB Uniform Guidance?				

Compliance Practice Aid	Yes	No	N/A	Explanation
5. If the school weights its lottery and receives CSP funds, was the NYSED Weighted Lottery Generator used?				

Appendix D – Sample Schedule of Functional Expenses

		Statement of Functional Expenses as of June 30, ?								?
		Program Services				Supporting Services			Total	
	No. of Positions	Regular Education	Special Education	Other Education	Total	Fund-raising	Management and General	Total	Total	
Personnel Services Costs (12)		\$	\$	\$	\$	\$	\$	\$	\$	\$
Administrative Staff Personnel										
Instructional Personnel										
Non-Instructional Personnel										
Total Salaries and Staff										
Fringe Benefits & Payroll Taxes (1)										
Retirement										
Management Company Fees										
Legal Service										
Accounting / Audit Services										
Other Purchased/Professional/Consulting Services (2)										
Building and Land Rent / Lease										
Repairs & Maintenance (3)										
Insurance										
Utilities (4)										
Supplies / Materials (5)										
Equipment / Furnishings (6)										
Staff Development										
Marketing / Recruitment (7)										
Technology (8)										
Food Service										
Student Services (9)										
Office Expense (10)										
Depreciation										
OTHER (11)										

Total Expenses	\$	\$	\$	\$	\$	\$	\$	\$	\$
----------------	----	----	----	----	----	----	----	----	----

Notes to Schedule of Functional Expense Template

The following detail ties to Statement of Functional Expense line items on prior page:

1. **Fringe Benefits & Payroll Taxes:** Health and Dental, Social Security, Medicare, Unemployment, Other
2. **Other Purchased/Professional /Consulting Services:** SPED Services, Nurse Consultants (Assessment, Technology, Other), Payroll, Security, Background, Public Relations
3. **Repairs and Maintenance:** Facility, Equipment
4. **Utilities:** Electric, Gas, Telephone
5. **Supplies:** Teaching Supplies, Textbooks/Workbooks, Curriculum, Classroom, Maintenance Instruction
6. **Equipment /Furnishings:** Instructional, Non-Instructional, Athletic, Music, Office Equipment
7. **Marketing/Recruitment:** Student , Staff
8. **Technology:** Hardware, Software, Internet, Wiring, Other
9. **Student Services:** Field Trips, Assessment Testing, Transportation, Special Events, Uniforms
10. **Office Expense:** Leases (i.e. copier), Printing, Postage, Copying
11. **Other:** Interest, Board Development, Bad Debt, Misc. Fees (i.e. Licensing), Uniforms, All Other (If you have questions contact school authorizer)
12. **Personnel Services Costs Guidance (see below)**

Administrative Staff Personnel

CEO, Executive Director, Head of School, Founder
Principal, Vice-Principal, Assistant Principal, Deans
Director of curriculum, Instruction, Development, Special Projects
CFO, Controller, Director of finance, Accountant, Bookkeeper
Operations, Business, and HR Managers
Office Manager, Secretary, Receptionist, Clerk
Technology, data, Assessment and Accountability Managers
Parent coordinator, School Culture, Family Engagement

Instructional Personnel

Teachers-Regular, Sped, and specialists
 Teacher assistant, Aide, and Substitutes
 Teachers-Regular, Sped, and specialists
 Teacher assistant, Aide, and Substitutes
 Social Worker, Therapist, and Counselor
 Tutors
 Intervention
 Apprentice

Non-Instructional Personnel

Nurse
 Librarian
 Security
 Custodian
 Food Service worker
 Bus Matron, Monitor

Definitions**Administrative Staff personnel**

Staff involved in establishing and administering policy for operations and business support services. Activities include planning, evaluating and supervising staff, and coordinating instructional activities.

Instructional Personnel

Staff involved in the direct instruction of students and other duties related to the instructional program such as teaching, lesson planning, evaluating student work, monitoring and supervising students.

Non-Instructional Personnel

Positions that do not require a teaching license and are not directly involved with instructional programs and supervision of students

Appendix E –From the AICPA Audit Guide, *Government Auditing Standards and OMB Uniform Guidance (Singe Audits)*

Please refer to the AICPA Audit Guide for further guidance

Sample Report on Internal Control over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with Government Auditing Standards.

Example 1

Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance With *Government Auditing Standards (No Material Weaknesses Identified, No Significant Deficiencies Identified, No Reportable Instances of Noncompliance or Other Matters Identified)*

INDEPENDENT AUDITOR’S REPORT

[Appropriate Addressee]

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of Example Entity, which comprise the consolidated statement of financial position as of June 30, 20X1, and the related consolidated statements of activities, and cash flows for the year then ended, and the related notes to the financial statements, and have issued our report thereon dated August 15, 20X1.¹

Internal Control Over Financial Reporting

In planning and performing our audit of the financial statements, we considered Example Entity’s internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of Example Entity’s internal control. Accordingly, we do not express an opinion on the effectiveness of Example Entity’s internal control.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct

¹ If the auditor expressed a modified opinion on the financial statements (i.e., a qualified opinion, an adverse opinion, or a disclaimer of opinion), the auditor should include a statement describing the nature of the modification. The auditor may include certain additional communications when the auditor included such additional communications in the auditor’s report on the financial statements that are not modifications to the auditor’s opinion. For example, if the auditor included an emphasis-of-matter paragraph in the auditor’s report on the financial statements because of an uncertainty about the entity’s ability to continue, as a going concern for a reasonable period of time, the auditor may also include mention of the additional communication here.

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misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

Compliance and Other Matters^{2 3}

As part of obtaining reasonable assurance about whether Example Entity's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

[Auditor's signature]

[Auditor's city and state]

[Date of the auditor's report]⁴

² *Other matters* are certain findings of fraud or abuse. As per industry practice, the reference to "other matters" in both the heading and the following paragraph typically appears in all reports, even if the report does not present or refer to findings of fraud or abuse or even if the only findings of fraud or abuse are presented in or referred to from the section on internal control over financial reporting.

³ Paragraph 4.26 of *Government Auditing Standards* notes that when auditors detect instances of noncompliance with violations of provisions of contracts or grant agreements or abuse that have an effect on the financial statements or other financial data significant to the audit objectives that are less than material but warrant the attention of those charged with governance, they should communicate those findings in writing to audited entity officials.

⁴ Because this report relates to the audit of the financial statements, and is based on the generally accepted auditing standards audit procedures performed, it is subject to the provisions of [AU-C section 700](#). Therefore, it should be dated the same date as the auditor's report on the financial statements, which according to paragraph .41 of AU-C section 700 is "no earlier than the date on which the auditor has obtained sufficient appropriate audit evidence on which to base the auditor's opinion on the financial statements."

Example 2

Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance With Government Auditing Standards (No Material Weaknesses Identified; Significant Deficiencies Identified; and Reportable Instances of Noncompliance and Other Matters Identified)

INDEPENDENT AUDITOR'S REPORT

[Appropriate Addressee]

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of Example Entity, which comprise the consolidated statement of financial position as of June 30, 20X1, and the related consolidated statements of activities, and cash flows for the year then ended, and the related notes to the financial statements, and have issued our report thereon dated August 15, 20X1.⁵

Internal Control Over Financial Reporting

In planning and performing our audit of the financial statements, we considered Example Entity's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of Example Entity's internal control. Accordingly, we do not express an opinion on the effectiveness of Example Entity's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

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⁵ If the auditor expressed a modified opinion on the financial statements (i.e., a qualified opinion, an adverse opinion, or a disclaimer of opinion), the auditor should include a statement describing the nature of the modification. The auditor may include certain additional communications when the auditor included such additional communications in the auditor's report on the financial statements that are not modifications to the auditor's opinion. For example, if the auditor included an emphasis-of-matter paragraph in the auditor's report on the financial statements because of an uncertainty about the entity's ability to continue, as a going concern for a reasonable period of time, the auditor may also include mention of the additional communication here.

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Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies and therefore, material weaknesses or significant deficiencies may exist that were not identified. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified. We did identify certain deficiencies in internal control, described in the accompanying *[include the title of the schedule in which the findings are reported (e.g., schedule of findings and responses or schedule of findings and questioned costs)]* that we consider to be significant deficiencies. *[List the reference numbers of the related findings, for example, 20X1-1, 20X1-3, and 20X1-4].*

[NOTE: This guide recommends identifying each finding with a reference number. This report can, as an alternative, describe findings rather than refer to a separate schedule. Further, in an audit in accordance with Office of Management Uniform Guidance findings related to the financial statements which are required to be reported in accordance with *Government Auditing Standards* should be reported in the schedule of findings and questioned costs.]

Compliance and Other Matters

As part of obtaining reasonable assurance about whether Example Entity's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards* ⁶ and which are described in the accompanying *[include the title of the schedule in which the findings are reported (e.g., schedule of findings and responses or schedule of findings and questioned costs)]* as items *[list the reference numbers of the related findings, for example, 20X1-2 and 20X1-5].*

[NOTE: The referenced findings in this section include those that are instances of noncompliance and those that are fraud or abuse that are not significant deficiencies.]

Example Entity's Response to Findings

Example Entity's response to the findings identified in our audit are described in the accompanying *[include the title of the schedule in which the findings are reported (e.g., schedule of findings and responses or schedule of findings and questioned costs) "or previously" if findings and responses are included in the body of the report].*

⁶ An audit conducted in accordance with OMB Uniform Guidance, the auditor should apply a financial statement materiality consideration in reporting in the *Government Auditing Standards* report fraud and illegal acts involving federal awards that are subject to Uniform Guidance reporting. That is because those findings already are reported in the Uniform Guidance (Single Audit) report and reporting findings that are not material to the financial statements again in the *Government Auditing Standards* report would be unnecessarily duplicative.

Example Entity's response was not subjected to the auditing procedures applied in the audit of the financial statements and, accordingly, we express no opinion on it.⁷

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the result of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

[Auditor's signature]

[Auditor's city and state]

[Date of the auditor's report]⁴

⁷ Although the auditor does not audit management's responses to identified findings, the auditor does have certain responsibilities related to reporting the views of responsible officials under *Government Auditing Standards*. As noted in paragraph 4.33 of *Government Auditing Standards*, auditors should obtain and report the views of responsible officials concerning the findings, conclusions, and recommendations, as well as planned corrective actions.

Example 3

Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance With Government Auditing Standards (Material Weaknesses and Significant Deficiencies Identified; and Reportable Instances of Noncompliance and Other Matters Identified)

INDEPENDENT AUDITOR'S REPORT

[Appropriate Addressee]

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of Example Entity, which comprise the consolidated statement of financial position as of June 30, 20X1, and the related consolidated statements of activities, and cash flows for the year then ended, and the related notes to the financial statements, and have issued our report thereon dated August 15, 20X1.⁸

Internal Control Over Financial Reporting

In planning and performing our audit of the financial statements, we considered Example Entity's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of Example Entity's internal control. Accordingly, we do not express an opinion on the effectiveness of Example Entity's internal control.

Our consideration of internal control was for the limited purpose described in the preceding paragraph and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies and therefore, material weaknesses or significant deficiencies may exist that were not identified. However, as described in the accompanying [include the title of the schedule in which the findings are reported (e.g., schedule of findings and responses or schedule of findings and questioned costs)], we identified certain deficiencies in internal control that we consider to be material weaknesses and significant deficiencies.

⁸ If the auditor expressed a modified opinion on the financial statements (i.e., a qualified opinion, an adverse opinion, or a disclaimer of opinion), the auditor should include a statement describing the nature of the modification. The auditor may include certain additional communications when the auditor included such additional communications in the auditor's report on the financial statements that are not modifications to the auditor's opinion. For example, if the auditor included an emphasis-of-matter paragraph in the auditor's report on the financial statements because of an uncertainty about the entity's ability to continue, as a going concern for a reasonable period of time, the auditor may also include mention of the additional communication here.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. We consider the deficiencies described in the accompanying *[include the title of the schedule in which the findings are reported (e.g., schedule of findings and responses or schedule of findings and questioned costs)]* to be material weaknesses. *[List the reference numbers of the related findings, for example, 20X1-1, 20X1-3, and 20X1-4].*

A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance. We consider the deficiencies described in the accompanying *[include the title of the schedule in which the findings are reported (e.g., schedule of findings and responses or schedule of findings and questioned costs)]* to be significant deficiencies. *[List the reference numbers of the related findings, for example, 20X1-2, and 20X1-5].*

[NOTE: This guide recommends identifying each finding with a reference number. This report can, as an alternative, describe findings rather than refer to a separate schedule. Further, in an audit in accordance with Office of Management Uniform Guidance, findings related to the financial statements which are required to be reported in accordance with *Government Auditing Standards* should be reported in the schedule of findings and questioned costs.]

Compliance and Other Matters

As part of obtaining reasonable assurance about whether Example Entity's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*⁹ and which are described in the accompanying *[include the title of the schedule in which the findings are reported (e.g., schedule of findings and responses or schedule of findings and questioned costs)]* as items *[list the reference numbers of the related findings, for example, 20X1-2 and 20X1-5].*

[NOTE: The referenced findings in this section include those that are instances of noncompliance and those that are fraud or abuse that are not significant deficiencies.]

⁹ An audit conducted in accordance with OMB Uniform Guidance, the auditor should apply a financial statement materiality consideration in reporting in the *Government Auditing Standards* report fraud and illegal acts involving federal awards that are subject to OMB Uniform Guidance (Single Audit) reporting. That is because those findings already are reported in the OMB Uniform Guidance (Single Audit) report and reporting findings that are not material to the financial statements again in the *Government Auditing Standards* report would be unnecessarily duplicative.

Example Entity's Response to Findings

Example Entity's response to the findings identified in our audit are described in the accompanying [*include the title of the schedule in which the findings are reported (e.g., schedule of findings and responses or schedule of findings and questioned costs) "or previously" if findings and responses are included in the body of the report*]. Example Entity's response was not subjected to the auditing procedures applied in the audit of the financial statements and, accordingly, we express no opinion on it.¹⁰

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the result of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

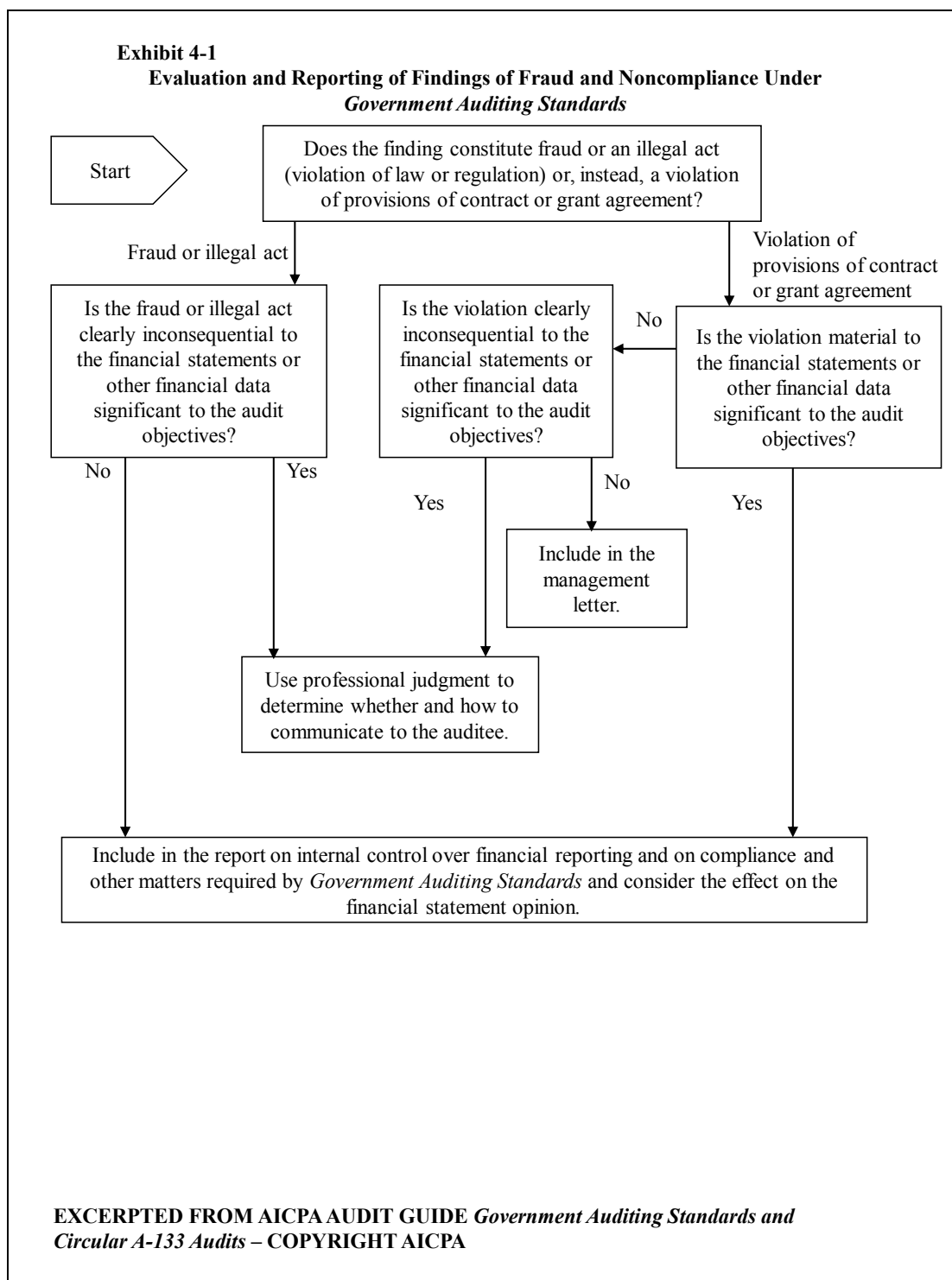
[Auditor's signature]

[Auditor's city and state]

[Date of the auditor's report]⁴

¹⁰ Although the auditor does not audit management's responses to identified findings, the auditor does have certain responsibilities related to reporting the views of responsible officials under Government Auditing Standards. As noted in paragraph 4.33 of Government Auditing Standards, auditors should obtain and report the views of responsible officials concerning the findings, conclusions, and recommendations, as well as planned corrective actions.

Appendix F – Finding Flowchart - From the AICPA Audit Guide, *Government Auditing Standards and Uniform Guidance (Single Audits)*



Appendix G –

A. Procedures to Consider During Lottery Observations

Auditors should consider performing some of the following procedures when observing a Charter School's lottery. These are not required procedures. Not all procedures may be applicable to all lotteries.

Possible Procedures:

Obtain a copy of the Charter School's documented lottery procedures.

Discuss with responsible school personnel if the procedures as documented are in place and will be utilized in the lottery drawing.

Determine if lottery preferences are in alignment with NYS laws and regulations and the Charter School's Charter Agreement.

Determine if management has appropriately grouped applicants according to preferences, including order of preferences. Select a sample of applications to test.

Determine method of lottery (i.e. drawing balls or cards, random number generator, etc).

Attend and observe actual lottery drawing to determine procedures are followed and no personal preferences affect the random nature of the lottery.

Make sure all applicants are given a number (and a waiting list is generated if more students apply than seats are available).

Determine method of communication of lottery results to families.

Make sure confidential information remains confidential during the lottery process (for example, preferences for free/reduced price lunch).

B. NYSED Weighted Lottery Guidance

(also located at: <http://www.p12.nysed.gov/psc/documents/WeightedLotteryGuidance.pdf>)

Introduction

Prior to amendments made to the 2014 Federal Non-Regulatory Charter Schools Program (CSP) Guidance, charter schools receiving CSP funds were not permitted to weight admissions lotteries to favor certain student subgroups.¹¹

With the approval of the US Department of Education, New York State charter schools may now weight admissions through the use of the Weighted Lottery Generator created by the New York State Education Department's Charter School Office.

Please review the guidelines set forth below for use of the NYSED Weighted Lottery Generator. To avoid jeopardizing a CSP award, schools receiving CSP funds must not use weighted lotteries until they obtain permission from the NYSED Charter School Office.

Purpose of the NYSED Weighted Lottery Generator

Consistent with Section 5204(a)(1) of ESEA, the NYSED Weighted Lottery Generator is designed to give slightly better chances for admission to a subset of educationally disadvantaged students.¹² The NYSED Weighted Lottery Generator does not reserve or set aside seats for individual students or sets of students, and may not be used for the purpose of creating schools to exclusively serve a particular subset of students.¹³

All charter schools, including those which use the NYSED Weighted Lottery Generator, must continue to fulfill their existing legal responsibilities related to outreach, recruitment, and retention of students with disabilities, English language learners, and students who are eligible for free or reduced-price lunch.

Guidelines for use of the NYSED Weighted Lottery Generator

PRIOR TO USING THE NYSED WEIGHTED LOTTERY GENERATOR ALL SCHOOLS MUST:

1. Modify the existing enrollment policy, or develop an enrollment policy that specifically refers to the use of the NYSED Weighted Lottery Generator. In addition to items currently required by the school's authorizer, the enrollment policy must:
 - a. Identify the order in which the school will enroll returning students, students who live in the district of location, students who are siblings of currently enrolled students, and children of employees;¹⁴
 - b. Explain the rationale for using the NYSED Weighted Lottery Generator;

¹¹ A charter school with fewer applicants than spaces available does not need to conduct a lottery pursuant to Section 5210(1)(H) of the ESEA. NYS Education Law §2854(2)(b) requires that charter schools conduct a lottery if applications exceed capacity at the grade level or building.

¹² Section 1115(b)(2) of the ESEA describes educationally disadvantaged students as those who are economically disadvantaged, students with disabilities, migrant students, limited English proficient students, neglected or delinquent students, and homeless students.

¹³ See Section 5204(a)(1) of the ESEA.

¹⁴ Education Law §2854 was amended to allow charter schools to admit children of employees provided the total enrollment of this subgroup may not comprise more than 15% of their overall school population. Schools must not exceed the statutory threshold for children of employees, regardless of their position in the lottery.

- c. Articulate a plan that evidences the school's outreach, recruitment and retention of economically disadvantaged students, English language learners, or students with disabilities;
 - d. Identify only ONE at-risk subgroup of educationally disadvantaged students to be weighted (i.e., choose economically disadvantaged students, English language learners, or students with disabilities);
 - e. State that the school will only run the NYSED Weighted Lottery Generator once each academic year, and will obtain NYSED approval to use the Generator should the school's enrollment policy change in any way;
 - f. State that the school will not rollover the lottery waitlist from year to year.
2. Obtain authorizer approval of the school's enrollment policy.
 3. Submit the policy approved by the authorizer to the NYSED Charter School Office by email to [REDACTED] with the subject heading "NYSED Weighted Lottery Generator Approval"
 4. Approval requests for the 2015-16 school year must be received by the NYSED Charter School Office no later than March 18, 2016. All approval requests for subsequent school years must be received no later than December 15th of the year prior to the intended lottery.

Use of the NYSED Weighted Lottery Generator

USING THE NYSED WEIGHTED LOTTERY GENERATOR

1. Develop a list of all student applicants including the following information: student first and last name, at-risk identification and grade level in the upcoming school year.
2. Upon opening the NYSED Weighted Lottery Generator, read the tabs entitled Introduction, Purpose, Guidelines and Use. Click "Confirm."
3. Select ONE at-risk weighting category to weight educationally disadvantaged students: economically disadvantaged, English language learners, or students with disabilities.¹⁵
5. Enter or copy and paste student information into the Applicant Information Worksheet and identify those students who are eligible for weighting criteria (enter "1" for at-risk identification).

¹⁵ Schools that wish to weight for different subgroup in subsequent years categories must revise their enrollment policy to reflect the subgroup being weighted. The policy must then be submitted to the authorizer for approval. Upon receiving authorizer approval the policy must be submitted to the NYSED Charter School Office for final approval.

6. Submit the applicant information worksheet to run the lottery. NOTE: Schools cannot run the lottery more than once to preference for more than one category of at-risk student.
7. Weighting proportions for educationally disadvantaged enrollment will appear.
8. Each weighting strata is given an applied weight based on selected criteria and the composition of the applicant pool.
9. Students are randomly assigned a number which is multiplied by the associated strata weight; the product is linked to the students' information and ranked in a new admissions list in lottery results generated in a PDF. Information linking students to each weighting strata is removed from the PDF for the purposes of public lottery display.
10. Schools must save detailed lottery records, including but not limited to printed and electronic documentation of the process, inputs and results for a period of no less than 3 years after the date of the lottery. Again, lotteries may only be run once for each academic year.
11. Schools should have readily available copies of the saved PDF generated from the lottery as required by the Commissioner's regulations.
12. If the enrollment policy changes in any way schools must obtain approval from its authorizer and the NYSED Charter School Office before using the NYSED Weighted Lottery Generator in future CSP years.

PLEASE NOTE: Failure to strictly follow the procedures set forth above may jeopardize CSP funding.

Appendix H – Accounts Receivable and Per-Pupil Aid Confirmation Template

[Date]

[NAME OF CONTACT]

[RESIDENT SCHOOL]

[ADDRESS]

Our auditors, [CPA FIRM NAME AND ADDRESS] are conducting an audit of our financial statements for the year ended June 30, 20X2. Please confirm or correct the following understanding of information:

(1) Cash payments received by the [NAME OF Charter School] from the [RESIDENT SCHOOLS] for the period of July 1, 20X1 to June 30, 20X2 and FTE for such period:

\$_____ 20X2 Total per pupil aid

\$_____ 20X2 Sp. Ed Revenue

\$_____ 20X2 IDEA, part B

FTE's for per pupil aid: _____

FTE's for Sp. Education per pupil aid: _____

(2) Also, please confirm the amount paid per student for: per pupil aid and per special education aid:

Per Pupil: \$_____

Sp. Education per Pupil: \$_____

(3) Balance due to the [NAME OF Charter School] from the [RESIDENT SCHOOLS] as of June 30, 20X2: \$_____

(4) Balance due from the [NAME OF Charter School] to the [RESIDENT SCHOOLS] as of June 30, 20X2: \$_____

Please confirm any amounts charged to [NAME OF Charter School] for the year ended June 30, 20X2: \$_____. What were the charges for: _____

Upon completion, please return this letter directly to our auditors at the address listed above. Thank you for your time and cooperation.

Sincerely,

[BUSINESS OFFICIAL]

[NAME OF CHARTER SCHOOL]

The amount shown is in agreement with our records, with the following exceptions: _____

Name and Title _____

Signature _____

Date _____

Appendix J - Additional Resources

New York State Education Department Charter School Office <http://www.p12.nysed.gov/psc/>

Generally Accepted Governmental Auditing Standards (GAGAS) <http://www.gao.gov/yellowbook>

AICPA Governmental Audit Quality Center (GAQC)

<http://www.aicpa.org/InterestAreas/GovernmentalAuditQuality/Pages/GAQC.aspx>

AICPA Governmental Audit Quality Center (GAQC) Independence Comparison

http://www.aicpa.org/interestareas/professionalethics/resources/tools/downloadabledocuments/2012mayaicpa_gaocomparision.pdf

OMB Uniform Guidelines:

https://www.whitehouse.gov/sites/default/files/omb/financial/grant_reform/proposed-omb-uniform-guidance-for-federal-financial-assistance.pdf

CSP Budget categories and approved expenditures <http://www.p12.nysed.gov/psc/grants.html>

Initial Charter Agreement Template for Charter Schools Authorized by the Board of Regents

<http://www.p12.nysed.gov/psc/OversightPlan.html>

NYS Education Law Article 56 (The New York Charter Schools Act of 1998, as amended in 2007 and 2010)

<http://codes.lp.findlaw.com/nycode/EDN/II/56>

Charter school basic tuition rates by district <https://stateaid.NYSED.gov/charter>

Charter school special education tuition rate – spreadsheet to calculate by district

<https://stateaid.NYSED.gov/speced>

Student Full-time Equivalent (FTE) Calculator <https://stateaid.NYSED.gov> under State Aid / Attendance and Enrollment / FTE Calculator

New York City Department of Education enrollment and tuition payment website (accessible to charter school personnel) <https://vendorportal.nycenet.edu/vendorportal/Login.aspx>.

New York State Education Funding (Title grants, CSP, IDEA) reports by school:

<http://www.oms.nysed.gov/cafe/reports/>

New York State Education Department enrollment and retention targets

<http://www.p12.nysed.gov/psc/enrollment-retention-targets.html>

Appendix K – Definition of Terms

AICPA - American Institute of Certified Public Accountants

ASC - Accounting Standards Codification

AUP - Agreed-Upon Procedures – Specific set of procedures performed by an independent accountant – typically referred to as the *AUP on the Initial Statement* or *AUP on CSP Grant*

BOT – Board of Trustees

CMO - Charter Management Organization - organized as a non-profit (similar to an EMO)

Compliance Supplement – Issued annually by the GAO, provides guidance in performing a Single Audit

CPA – Certified Public Accountant

CPE - Continuing Professional Education

CSO – Charter School Office

CSP – Charter Schools Program

DOE - Department of Education

EMO - Education Management Organization – organized as a for-profit (similar to a CMO)

FASB – Financial Accounting Standards Board

FTE – Full Time Equivalent

GAAP - Generally Accepted Accounting Principles

GAAS - Generally Accepted Auditing Standards

GAGAS - Generally Accepted Government Auditing Standards

GAO - United States Government Accountability Office

GAQC - Governmental Audit Quality Center – section of the AICPA which provides guidance to auditors in performing Governmental and Single Audits

IEP - Individualized Education Program – prepared for each special education student

Initial Statement – Initial Statement of Controls provided by the Charter School to NYSED concerning the status of management and financial controls

NYCDOE – New York City Department of Education

NYSED – New York State Education Department

SEFA - Schedule of Federal Expenditures – included in financial statements audited in accordance with OMB Uniform Guidance

Single Audit – Audit conducted in accordance with OMB Uniform Guidance

SPED – Special Education

WLG – NYSED Weighted Lottery Generator



2022-2023 Annual Report Guidelines for New York State Charter Schools

Page 6 Updated on 07/12/23

The Regents of the University of the State of New York

Charter School Office
89 Washington Avenue
Albany, New York 12234

Acknowledgements

The Board of Regents (BOR) and the New York State Education Department (NYSED) wish to specifically acknowledge and thank the State University of New York's Charter Schools Institute (SUNY CSI), the New York City Department of Education (NYCDOE), and the Board of Education of Buffalo Public Schools for their contributions and collaborative efforts in creating this Annual Report.

SUNY Charter Schools Institute

H. Carl McCall SUNY Building

353 Broadway

Albany, NY 12246

<http://www.newyorkcharters.org/>

New York City Department of Education

52 Chambers Street

New York, NY 10007

<http://schools.nyc.gov/charters/>

Board of Education of the Buffalo Public Schools

712 City Hall

Buffalo, NY 14202

<http://www.buffaloschools.org/>

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Introduction and Overview

By August 1 of each year, each charter school in New York State is required by law to complete and submit an Annual Report to the New York State Education Department's Charter School Office (NYSED CSO) and to the school's charter entity(authorizer). **Each charter school is required to make the Annual Report publicly available by August 1 and post it on the charter school's website¹. Each school should post an updated and complete version to include accountability data and financial statements that are not or may not be available until after the August deadline (i.e., Repost when financials have been submitted in November).**

The [2022-2023 Annual Report Guidelines](#) include general instructions for submission, report content requirements, and key inquiries that highlight academic, organization, and fiscal performance, as well as the extent to which a school is meeting the requirements of its charter. These Guidelines are intended to walk schools through and supplement the prompts in the online [Annual Report Portal](#). All New York State charter schools, regardless of authorizer, must submit their school's 2022-2023 Annual Report through the online portal by **August 1, 2023** or no later than the dates specified in the applicable sections of the guidance. Schools should make note of individual authorizer requirements in the Guidelines and within the portal.

A charter school's Annual Report provides information about its performance over the prior academic year, as well as a record of progress toward performance goals agreed upon in the charter contract.² The components to be included in each section of the Annual Report are outlined in the Guidelines below. Please note that all required information must be clearly documented to complete this statutory requirement.

Charter schools are not asked and are not required to submit personally identifiable student information. Please DO NOT include or attach this information.

Additionally, all charter schools in New York must comply with reporting requirements set forth in the Regulations of the Commissioner³ and are held accountable for ensuring accurate data sharing through the NYSED's information management systems.

Submission Instructions

All Annual Reports must be submitted through the NYSED's Charter School Office (NYSED CSO) [Annual Report Portal](#). All four authorizers in New York State access their respective annual reports through this portal. Therefore, charter schools are not required to e-mail or submit hard copies of the Annual Report to their respective authorizers. Waivers or extended deadline requests will not be granted.

Schools that changed to another authorizer (through an education corporation merger) during the 2022-2023 school year should follow the submission requirements of the authorizer overseeing the school as of June 30, 2023. There are multiple components to the

¹ [New York State Education Law](#) Section 2857(2).

² [New York State Education Law](#) Section 2857(2)(b).

³ See, 8 NYCRR 119.3.

Annual Report, some of which are required of all schools—regardless of the authorizer—and others which are specific to one or more authorizers. Format specifications and due dates of some information may also vary by authorizer. Therefore, it is important for schools to read these Guidelines and instructions carefully. Schools must ensure that all required components are included as specified in these Guidelines. The information requested of schools is presented as “tasks” within the online system.

A charter school’s Annual Report must be a clear and accessible document for parents, the charter school’s authorizer, NYSED’s Charter School Office, and the general public. Any uploads submitted through the online portal should be clearly labeled. Uploads that consist of narrative must use standard one-inch margins, be clearly paginated, and use a clearly readable font no smaller in type size than 11 point. The text must be grammatically correct and free of jargon, undefined terms, and unexplained references. Please remove password protections from your Excel, Word, or .PDF documents before uploading them to this portal.

All schools must submit the first component of the Annual Report no later than 11:59 p.m. on August 1, 2023 unless otherwise indicated for specific tasks. This submission includes basic school information, board of trustees’ meeting minutes, and membership information (including completed Trustee Financial Disclosure Forms). The specific requirements are described in the section heading labeled “Content Requirements” of the Guidelines.

SUNY-authorized charter schools must download an [Accountability Plan Progress Report template](#) and, after completion, schools must upload the document into the [Annual Report Portal](#) and into the SUNY Epicenter document management system by **September 15, 2023**.

If, after reading the instructions carefully, there are questions about the required information, format, or deadlines for the Annual Report, please contact the school’s authorizer:

- New York State Board of Regents (NYSED): charterschools@nysed.gov
- State University of New York Trustees (SUNY): charters@suny.edu
- New York City Department of Education (NYCDOE): charteroversight@schools.nyc.gov
- Buffalo Board of Education: Ebony Bullock EBullock@buffaloschools.org

Questions about the submission process may be directed to the [Charter School Office](#).

Content Requirements

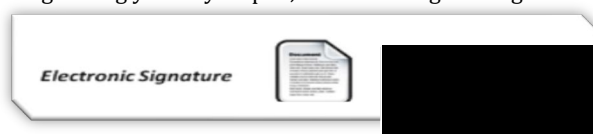
Entry 1 – School Information and Cover Page

Required of ALL Charter Schools

Each Annual Report begins with a completed School Information and Cover Page. The information is collected in a survey format within the [Annual Report Portal](#). When entering information in the portal, some of the following items may not appear, depending on your authorizer and/or your responses to related items.

- a. Official School Name (as chartered) and Popular School Name
- b. Charter Authorizer as of June 30, 2023
- c. School Unionized; Name of Union and Date Unionized
- d. District/CSD of Location
- e. Date of Approved Initial Charter
- f. Date School First Opened for Instruction
- g. Approved School Mission (Regents, NYCDOE and Buffalo BOE authorized schools only) and Key Design Elements (Regents, NYCDOE and Buffalo BOE authorized schools only)
- h. School Website Address
- i. Total Approved Charter Enrollment for 2022-2023 SY
- j. Total Enrollment on June 30, 2023 – excluding Pre-K program enrollment
- k. Grades Served during the 2022-2023 School Year
- l. [Charter Management Organization/Educational Management Organization](#) (if applicable), including contact information (name, email address, telephone number)
- m. Facilities Information: Facilities owned, rented, leased to educate students: physical addresses, phone numbers, district/CSD, and grades served in 2022-2023 and to be served in 2023-2024; Emergency Contact Name, Title, and Phone Number; Public (co-located) or Private Facility; COO and Fire Safety Inspection Documentation for each private site.⁴
 - Fire inspection certificates must be updated annually. For the upcoming school year 2023-2024, submit a current fire inspection certificate.
 - If the fire inspection certificate is dated after the August 1, 2023 submission of the Annual Report, please submit the new certificate with the Annual Report entries due on November 1, 2023.
- n. List of owned, rented, leased facilities not used to educate students.
- o. Summary of Material and Non-Material Charter Revisions approved or pending in 2022-2023 including updates to the school's board of trustees' bylaws, enrollment policy, discipline policy, or complaint policy
- p. Name/ Position of Person Completing/Submitting the 2022-2023 Annual Report
- q. Names and E-Signatures (not digital signature) of the Charter School Leader(s) and Board Chair

E-Sign using your stylus pen, mouse or finger to sign on-line



⁴ See <http://www.nysed.gov/common/nysed/files/programs/charter-schools/fire19.pdf> and <http://www.nysed.gov/charter-schools/policies-procedures-resources-all-charter-schools>.

Entry 2 – Links to Critical Documents on School Website

Required of ALL Charter Schools noting that SUNY-authorized charter schools are not required to submit item 4: Authorizer-approved DASA policy and NYSED-Approved School Discipline Policy

By law, each charter school is required to maintain certain notices and policies listed on its website. Please insert the link from the school's website for each of the items. All links must be readily found on the school's website.

1. Current Annual Report (i.e., 2022-2023 Annual Report);⁵
2. Board meeting notices, agendas, and documents;
3. New York State [School Report Card](#) (Even if there is no school data yet reported, provide a direct web link to the most recent [New York State School Report Card](#) for the charter school. This report captures school-level enrollment and demographic information, staff qualifications, electronic student records, and attendance rates, as prescribed by New York State law);⁶
4. Authorizer-approved DASA Policy and NYSED-Approved School Discipline Policy (**For Regents, NYCDOE, and Buffalo BOE-Authorized Charter Schools ONLY**);
5. District-wide safety plan, not a building level safety plan (as per the September 2021 [Emergency Response Plan Memo](#));
6. Authorizer-approved FOIL Policy; and
7. Subject matter list of FOIL records. (Example: See [NYSED Subject Matter List](#)).

Entry 3 – Progress Toward Goals⁷

SUNY-Authorized Charter Schools ONLY- Complete Template and Upload to Epicenter

SUNY-authorized charter schools must download an Accountability Plan Progress Report template at [Accountability Plan Progress Report](#). After completing, SUNY-authorized charter schools must upload the document into the [Annual Report Portal](#), and into the SUNY Epicenter document management system by **September 15, 2023**.

⁵ Each charter school is required to make the Annual Report publicly available by August 1 and to post on their respective charter school website. Each school should post an updated and complete version to include accountability data and financial statements that are not or may not be available until after the August deadline (i.e., Repost when financials have been submitted in November.)

⁶ SRC data is included in the reporting requirements for New York charter schools in 8 NYCRR 119.3.

⁷ The information requested in the "Goals" tables reflects the information collected through the online portal; however, the format of the table may differ in appearance.

Regents, NYCDOE, and Buffalo BOE-Authorized Charter Schools ONLY

The following tables reflect formatting in the online portal required for Board of Regents, NYCDOE, and Buffalo BOE authorized charter schools only. These charter schools should report all Progress Toward Charter Goals as per their currently approved charters no later than **November 1, 2023**.

Academic Student Performance Goals

2022-2023 Progress Toward Attainment of Academic Charter Goals			
Academic student performance goals	Measure used to evaluate progress toward attainment of goal	2022-2023 progress toward attainment of goal Met/Not Met	If not met, describe efforts the school will take to meet goal.

Organization Goals

2022-2023 Progress Toward Attainment of Organization Charter Goals			
Organization goals	Measure used to evaluate progress toward attainment of goal	2022-2023 progress toward attainment of goal Met/Not Met	If not met, describe efforts the school will take to meet goal.

Financial Goals

2022-2023 Progress Toward Attainment of Financial Charter Goals			
Financial goals	Measure used to evaluate progress toward attainment of goal	2022-2023 progress toward attainment of goal Met/Not Met	If not met, describe efforts the school will take to meet goal.

Entry 4 – Audited Financial Statements

Required of ALL Charter Schools⁸

ALL SUNY-authorized charter schools must upload the financial statements and related documents in PDF format into the [Annual Report Portal](#) and into the SUNY Epicenter document management system no later than **November 1, 2023**. **SUNY-authorized charter schools** are asked to ensure that security features such as password protection are turned off.

ALL Regents, NYCDOE, and Buffalo BOE-authorized charter schools must upload final, audited financial statements to the [Annual Report Portal](#) no later than **November 1, 2023**.

⁸ NOTE: This task appears as visible and optional task in the online portal until August 1, 2023 but will be identified as a required task thereafter and due on November 1, 2023.

Upload the independent auditor's report, any advisory and/or management letter, and the internal controls report as one submission, combined into a PDF file, ensuring that security features such as password protections are removed from all school uploaded documents.

Entry 4a – Audited Financial Report Template

SUNY-Authorized Charter Schools ONLY

SUNY-authorized schools must download the Excel spreadsheet entitled “Audited Financial Statement Template” at <http://www.newyorkcharters.org/fiscal/>. After completing, schools must upload the document into the [Annual Report Portal](#) and into the SUNY Epicenter document management system no later than **November 1, 2023**.

Entry 4b – Audited Financial Report Template

Regents-Authorized Charter Schools ONLY

Regents-authorized schools must download and complete the Excel spreadsheet entitled “Audited Financial Report Template” from the online portal or the [2022-2023 Annual Reports](#) webpage. Upload the completed file in Excel format and submit by **November 1, 2023**.

Please complete one spreadsheet at the Education Corporation level and submit the same spreadsheet for each of the schools.

Entry 4c – Additional Financial Documents

Regents, NYCDOE and Buffalo BOE authorized schools must upload financial documents and submit by **November 1, 2023**. The items listed below should be uploaded, with an explanation if not applicable or available. For example, a “federal Single Audit was not required because the school did not expend federal funds of more than the \$ [REDACTED] Threshold.”

1. Advisory and/or Management letter
2. Federal Single Audit
3. Agreed-Upon Procedure Report
4. Evidence of Required Escrow Account for each school⁹
5. Corrective Action Plan for Audit Findings and Management Letter Recommendations

⁹ Note: For BOR schools chartered or renewed after the 2017-2018 school year, the escrow account per school is \$ [REDACTED]

Entry 4d – Financial Contact Information

Regents, NYCDOE, and Buffalo BOE authorized schools should enter financial contact information directly into the form within the portal by **November 1, 2023**.

Entry 5 – Fiscal Year 2023-2024 Budget

SUNY-authorized charter schools should download the [2023-2024 Budget and Quarterly Report Template and the 2023-2024 Budget Narrative Questionnaire](#) from the SUNY website and upload the completed templates into the [Annual Report Portal](#) and into the Epicenter document management system. **Due November 1, 2023.**

Regents, NYCDOE, and Buffalo BOE authorized charter schools should upload a copy of the school's FY22 Budget using the [2023-2024 Budget Template](#) into the [Annual Report Portal](#) or from the Annual Report website. **Due November 1, 2023.**

The Assumptions column should be completed for all revenue and expense items unless the item is self-explanatory. Where applicable, reference the page number or section in the application narrative that indicates the assumption being made. For instance, student enrollment would reference the applicable page number in Section I, C of the application narrative.

Entry 6 – Board of Trustees Disclosure of Financial Interest Form

Required of ALL Charter Schools

Each member of the charter school's Board of Trustees who served on a charter school education corporation governing one or more charter schools for any period during the 2022-2023 school year must complete and sign a Trustee [Disclosure of Financial Interest Form](#) is due on August 1, 2023. Acceptable signature formats include:

- ☐ Digitally certified PDF signature (i.e., DocuSign)
- ☐ Manual signature (1. download to print, 2. manually sign, 3. scan signed document to PDF, and 4. upload into portal)



All completed forms must be collected and uploaded in .PDF format for each individual member. **The education corporation is responsible for ensuring that each member who served on the board during the 2022-2023 school year completes the form.**

Charter schools **must** submit the latest version of the form. Forms completed from past years will not be accepted.

Trustees serving on an education corporation that governs more than one school are not required to complete a separate disclosure for each school governed by the education corporation. In the Trustee Disclosure of Financial Interest Form, trustees must disclose information relevant to any of the schools served by the governing education corporation.

Entry 7 – Board of Trustees Membership Table¹⁰

ALL charter schools or education corporations governing multiple schools must complete the Board of Trustees Membership Table within the online portal. Please be sure to include and identify parents who are members of the Board of Trustees and indicate whether parents are voting or non-voting members.

¹⁰ The information requested in the “Trustee Membership” table reflects the information collected through the online portal; however, the format of the table may differ in appearance.

INFORMATION ON 2022-2023 VOTING AND NON-VOTING MEMBERS OF THE BOARD OF TRUSTEES FOR ALL CHARTER SCHOOLS								
Voting Trustee Name	Trustee Email Address	Position on the Board (e.g., officers, parent or other constituent representatives)	Committee Affiliation(s)	Voting Member Per By-Laws (Y/N)	Number of Completed Terms Served	Start Date of Current Term (MM/DD/YYYY)	End Date of Current Term (MM/DD/YYYY)	Board Meetings Attended During 2022-2023
All Schools - Board Meetings		Number of board meetings conducted in 2022-2023:						
		Number of board meetings scheduled for the 2023-2024 school year:						
All Schools - Members	Total number of Voting Members on June 30, 2023:							
	Total number of Voting Members added during the 2022-2023 school year:							
	Total number of Voting Members who departed during the 2022-2023 school year:							
	Total Maximum Number of Voting members in 2022-2023, as set by the board in bylaws, resolution, or minutes:							

Regents, NYCDOE, & Buffalo BOE Schools	Total number of Non-Voting Members on June 30, 2023:	
	Total number of Non-Voting Members added during the 2022-2023 school year:	
	Total number of Non-Voting Members who departed during the 2022-2023 school year:	
	Total Maximum Number of Non-Voting members in 2022- 2023, as set by the board in bylaws, resolution or minutes:	
	Board members attending 8 or fewer meetings during 2022- 2023	
All Schools	Total Number of BOT Members on June 30, 2023	
	Total Number of Members Added During 2022-2023	
	Total Number of Members who Departed during 2022-2023	
	Total Number of Members, as set in Bylaws, Resolution or Minutes	

Entry 8 – Board Meeting Minutes

Required of Regents, NYCDOE, and Buffalo BOE Authorized Schools ONLY

Schools must upload a complete set of monthly board meeting minutes (July 2022-June 2023), which should match the number of meetings held during the 2022-2023 school year, as indicated in the above table. The minutes provided must be the final version approved by the school's Board of Trustees and may be uploaded individually or as one single combined file. Board meeting minutes must be submitted by **August 1, 2023**.

Entry 9 – Enrollment and Retention

Required of ALL Charter Schools

Describe the good faith efforts the charter school has made in 2022-2023 toward meeting targets to attract and retain the enrollment of Students with Disabilities (SWDs), English Language Learners (ELLs), and students who are economically disadvantaged. In addition, describe the school's plans for meeting or making progress toward meeting its enrollment and retention targets in 2023-2024.

***SUNY-authorized charter schools**

The education corporation must include a plan for the charter to meet or exceed enrollment and retention targets established by the SUNY Trustees for students with disabilities, ELLs, and students who are eligible to participate in the FRPL program. See the [enrollment and retention target calculator](#) to find specific targets.

Entry 10 – Employee Fingerprint Requirements Attestation

Required of ALL Charter Schools

A. TEACH System – Employee Clearance

Charter schools must ensure that all prospective employees¹¹ receive clearance through [the NYSED Office of School Personnel Review and Accountability](#) (OSPRA) prior to employment. **This includes paraprofessionals and other school personnel who are provided or assigned by the district of location, or related/contracted service providers.** After an

¹¹ Employees who must be cleared include, but are not limited to, teachers, administrative staff, janitors, security personnel and cafeteria workers, and other staff who are present when children are in the school building. **This includes paraprofessionals and other school personnel that are provided or assigned by the district of location, as well as related/contracted service providers.** See NYSED memorandum dated October 1, 2019 at <http://www.nysed.gov/common/nysed/files/programs/charter-schools/employee-fingerprint-19.pdf> or visit the NYSED website at: <http://www.highered.nysed.gov/tsei/ospa/fingerprintingcharts.html> for more information regarding who must be fingerprinted. Also see, 8 NYCRR §87.2.

employee has been cleared, schools are required to maintain proof of such clearance in the file of each employee. For the safety of all students, charter schools must take immediate steps to terminate the employment of individuals who have been denied clearance. Once the employees have been terminated, the school must terminate the request for clearance in the TEACH system.

In the Annual Report, charter schools are asked to confirm that all employees have been cleared through the NYSED TEACH system; and, if denied clearance, confirm that the individual or employee has been removed from the TEACH system, and is not employed by the school.

B. Emergency Conditional Clearances

Charter schools are **strongly discouraged** from using the emergency conditional clearance provisions for prospective employees. This is because the school must request clearance through NYSED TEACH, and the school's emergency conditional clearance of the employee terminates automatically once the school receives notification from NYSED regarding the clearance request. Status notification is provided for all prospective employees through the NYSED TEACH portal within 48 hours after the clearance request is submitted. Therefore, at most, a school's emergency conditional clearance will be valid for only 48 hours after approval by the board.

Schools are not permitted to renew or in any way re-establish a prospective employee's emergency conditional clearance after status notification is sent by NYSED through the TEACH portal.

Schools are asked to attest that they have reviewed and understand these requirements. More information can be found in the memo at [NYSED CSO Employee Clearance and Fingerprint Memo 10-2019](#).

- ☐ I hereby attest that <SCHOOL NAME> has reviewed, understands, and will comply with these requirements.

Entry 11 – Percent of Uncertified Teachers

Required of Regents, NYCDOE, and Buffalo BOE Authorized Charter Schools ONLY

The table below reflects the information collected through the online portal for compliance with New York State Education Law 2854(3)(a-1) for teaching staff qualifications. Uncertified teachers are those not certified pursuant to the State Certification Requirements established by the NYSED Commissioner of Education.

Enter the relevant full-time equivalent (FTE) count of teachers in each column. For example, a school with 20 full-time teachers and 5 half-time teachers would have an FTE count of 22.5.

Uncertified Teaching Staff (June 30,2023)¹² Uncertified Teachers are those not certified pursuant to the State Certification Requirements established by the NYSED Commissioner		
If more than one line applies to a teacher, please count in only one FTE uncertified category. Please do not include paraprofessionals, such as teacher aides.		
A. 30% OR 5 UNCERTIFIED TEACHERS WHICHEVER IS LESS		ENTER TOTAL FROM BELOW >
i.	FTE count of uncertified teachers with at least three years of elementary, middle or secondary classroom teaching experience (June 30, 2023)	
ii.	FTE count of uncertified teachers who are tenured or tenure track college faculty (June 30, 2023)	
iii.	FTE count of uncertified teachers with two years of Teach for America experience (June 30, 2023)	
iv.	FTE count of uncertified teachers with exceptional business, professional, artistic, athletic, or military experience (June 30, 2023)	
B. PLUS FIVE UNCERTIFIED TEACHERS IN DISCIPLINES		ENTER TOTAL FROM BELOW >
i.	Mathematics	
ii.	Science	
iii.	Computer Science	
iv.	Technology	
v.	Career and Technical Education	
C. PLUS 5 ADDITIONAL UNCERTIFIED TEACHERS		ENTER TOTAL FROM BELOW >
i.	FTE count of uncertified teachers with at least three years of elementary, middle or secondary classroom teaching experience (June 30, 2023)	
ii.	FTE count of uncertified teachers who are tenured or tenure track college faculty (June 30, 2023)	
iii.	FTE count of uncertified teachers with two years of Teach for America experience (June 30, 2023)	
iv.	FTE count of uncertified teachers with exceptional business, professional, artistic, athletic, or military experience (June 30, 2023)	
D. NUMBER OF UNCERTIFIED, UNCATEGORIZED TEACHERS		ENTER TOTAL >
SUMMARY TOTALS		
Total Count of Uncertified Teachers	FTE Count of <u>Uncertified</u> Teachers (June 30, 2023) (Sum of Categories A, B AND C)	
Total Count of Uncategorized Teachers	FTE Count of <u>Uncategorized, Uncertified</u> Teachers (June 30, 2023) (Category D)	
Total Count of Certified Teachers	FTE Count of <u>Certified</u> Teachers (June 30, 2023)	
Total	Total Number of Teachers in School	

¹² The information requested in the “Uncertified Teachers” table reflects the information collected through the online portal; however, the format of the table may differ in appearance.

Entry 12 – Organization Chart

Required of Regents, NYCDOE, and Buffalo BOE Authorized Charter Schools ONLY

Upload the 2022-2023 **Organization Chart**. The organization chart should be a graphic representation (A list will not be accepted.) and should include position titles and reporting (hierarchical) relationships. Employee names should not appear on the chart.

Entry 13 – School Calendar

Required of ALL Charter Schools

If the charter school has a tentative calendar based on available information and guidance at the time, please submit with the August 1, 2023 submission. Charter schools must upload a final school calendar into the portal and may do so at any time but no later than **September 15, 2023**.

School calendars must meet the [minimum instructional requirements](#) as required of other public schools “... *unless the school’s charter requires more instructional time than is required under the regulations.*”

Board of Regents-authorized charter schools also are required to submit school calendars that clearly indicate the start and end date of the instructional year AND the number of instructional hours and/or instructional days for each month (also used to align to schools with extended days/years referenced in their mission statements/key design elements). See an example of a calendar showing the requested information. Schools **must** use a calendar format and ensure there is a monthly tally of instructional days.

12 Month Calendar 2021-2022
184 Instructional Days

Month	Mon	Tues	Wed	Thurs	Fri
July					
	1	2	3	4	5
	6	7	8	9	10
	11	12	13	14	15
	16	17	18	19	20
	21	22	23	24	25
	26	27	28	29	30
August					
	1	2	3	4	5
	6	7	8	9	10
	11	12	13	14	15
	16	17	18	19	20
	21	22	23	24	25
	26	27	28	29	30
September (18)					
	1	2	3	4	5
	6	7	8	9	10
	11	12	13	14	15
	16	17	18	19	20
	21	22	23	24	25
	26	27	28	29	30
October (20)					
	1	2	3	4	5
	6	7	8	9	10
	11	12	13	14	15
	16	17	18	19	20
	21	22	23	24	25
	26	27	28	29	30
November (18)					
	1	2	3	4	5
	6	7	8	9	10
	11	12	13	14	15
	16	17	18	19	20
	21	22	23	24	25
	26	27	28	29	30
December (17)					
	1	2	3	4	5
	6	7	8	9	10
	11	12	13	14	15
	16	17	18	19	20
	21	22	23	24	25
	26	27	28	29	30
January (20)					
	1	2	3	4	5
	6	7	8	9	10
	11	12	13	14	15
	16	17	18	19	20
	21	22	23	24	25
	26	27	28	29	30
February (15)					
	1	2	3	4	5
	6	7	8	9	10
	11	12	13	14	15
	16	17	18	19	20
	21	22	23	24	25
March (23)					
	1	2	3	4	5
	6	7	8	9	10
	11	12	13	14	15
	16	17	18	19	20
	21	22	23	24	25
	26	27	28	29	30
April (15)					
	1	2	3	4	5
	6	7	8	9	10
	11	12	13	14	15
	16	17	18	19	20
	21	22	23	24	25
May (21)					
	1	2	3	4	5
	6	7	8	9	10
	11	12	13	14	15
	16	17	18	19	20
	21	22	23	24	25
	26	27	28	29	30
June (17)					
	1	2	3	4	5
	6	7	8	9	10
	11	12	13	14	15
	16	17	18	19	20
	21	22	23	24	25
	26	27	28	29	30

Legend:

- Staff Report - August 23rd
- Superintendent's Conference Day (No School for Students)
- September 8, 2021 All Grade Levels Report
- Early Dismissal Days
- Holiday/Recess (No Students or Staff)
- Regents and School-level Exams
- June 24, 2022 - Last Day of School

Entry 14 – Faculty/Staff Roster Template

Required of Regents and NYCDOE-authorized Charter Schools ONLY

Please click on the MS Excel [Faculty/Staff Roster Template](#) and provide the following information for **ANY and ALL** instructional and non-instructional employees (all faculty and staff employed by the school during the 2022-2023 school year).

Use of the 2022-2023 Annual Report Faculty/Staff Roster Template is required. Each of the data elements, with the exception of the Notes, are required, and use of the drop-down options, when provided, is also required. Reminders: Please use the Notes section provided to add any additional information as deemed necessary. Failure to adhere to the guidelines and validations in the Faculty/Staff Roster Template will result in a resubmission of a fully corrected roster.

Here is the complete list of data elements in the roster template and an explanation of what information is required to correctly complete this task.

Roster Data Elements	Explanations
Authorizer NOTE: MUST BE DONE FIRST	Select your school's authorizer from the drop-down list first , before completing the roster.
School Name and Institution ID	Select your school's name from the drop-down list .
Faculty/Staff First Name	Enter the first name of the Faculty/Staff person.
Faculty/Staff Last Name	Enter the last name of the Faculty/Staff person.
TEACH ID	Enter the 7 digit TEACH ID for the Faculty/Staff person.
Role in School	Select the best choice of role of the Faculty/Staff person from the drop-down list .
CPR/AED Certification Status	Select the appropriate choice from the drop-down list .
Hire Date	Enter the date that the Faculty/Staff person was hired.
Start Date	Enter the date that the Faculty/Staff person actually began employment in this school.
Total Years' Experience in this Role	Enter Total Years of Experience that the Faculty/Staff person has in their current role.
Total Years at this School	Enter the Total Years that the Faculty/Staff person has been employed in this school.
Out-of-Certification Justification	Select the appropriate choice from the drop-down list .
Subject Taught	Select the appropriate choice from the drop-down list .
Notes	Optional



State University of New York Charter Renewal Benchmarks

Version 5.0, May 2012

Introduction

The State University of New York Charter Renewal Benchmarks¹ (the “SUNY Renewal Benchmarks”) serve two primary functions at renewal:

- They provide a framework for the Charter Schools Institute (the “Institute”) to gather and evaluate evidence to determine whether a school has made an adequate case for renewal. In turn, this evidence assists the Institute in deciding if it can make the required legal and other findings in order to reach a positive recommendation for renewal. For example, the various benchmarks that the Institute uses to determine whether the school has had fiscally responsible practices in place during the last charter period allow the Institute to determine with greater precision whether the school will operate in a fiscally sound manner during the next charter period, a finding that the New York Charter Schools Act requires the SUNY Trustees to make.
- At the same time that the SUNY Renewal Benchmarks provide a framework for the Institute to collect and review evidence, they also provide the school with a guide to understanding the Institute’s evaluative criteria. As the Institute uses the SUNY Renewal Benchmarks (or some sub-set of them) as the framework for conducting its ongoing school evaluation visits, school leaders should be fully aware of the content of the Benchmarks at the time of renewal.

The SUNY Renewal Benchmarks are organized into four inter-connected renewal questions that each school must answer when submitting a renewal application. The benchmarks further reflect the interwoven nature of schools from an academic, organizational, fiscal and/or legal perspective. For example, the Institute could reasonably place many of the academic benchmarks under the heading of organizational effectiveness. More generally, some redundancy exists because the Institute looks at the same issue from different perspectives.

Precisely how the Institute uses the SUNY Renewal Benchmarks, during both the renewal process and throughout the charter period, is explained in greater detail in the *Practices, Policies and Procedures for the Renewal of Charter Schools Authorized by the State University of New York* (the “SUNY Renewal Practices”), available on the Institute’s website at: www.newyorkcharters.org/schoolsRenewOverview.htm. Responses to frequently asked questions about the Institute’s use of the SUNY Renewal Benchmarks appear below:

¹ Research on public school reform, known as the effective schools movement, has embraced the premise that, given certain organizing and cultural characteristics, schools can teach all children the intended curriculum and hold them to high academic standards. Over the decades, the accumulated research into effective schools has yielded a set of common characteristics that all effective schools share. These characteristics are so consistently prevalent among successful schools that they have come to be known as the *Correlates of Effective Schools*. The Renewal Benchmarks adapt and elaborate on these correlates.

- Revised May 2012 -

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- The Institute does not have a point system for recommending renewal. A school cannot simply tally up the number of positive benchmark statements in order to determine the Institute's recommendation.
 - Some benchmarks are weighed more heavily than others. In particular, the Institute gives the greatest weight to how well the school has met its academic Accountability Plan goals.
 - Despite the fact that the Accountability Plan comprises only a single benchmark, a school's performance on that benchmark is critical. In fact, it is so important that while the Institute may recommend non-renewal for fiscal and organizational failures (if sufficiently serious), excellence in these areas will not excuse poor academic performance.
- The Institute does not use every benchmark during every kind of renewal review, and how the benchmarks are used differs depending on a school's circumstances. For example, the Qualitative Education Benchmarks (Benchmarks 1B-1F, 2C and 2D) are given far less weight in making a renewal decision on schools that the Institute has previously renewed. Similarly, less weight is accorded to these benchmarks during an initial renewal review where a school has consistently met its academic Accountability Plan goals.
 - The Institute also may not consider every indicator subsumed under a benchmark when determining if a school has met that benchmark, given the school's stage of development or its previous track record.
- Aside from Benchmark 1A on academic Accountability Plan goals (which is singular in its importance), no school should fear that a failure to meet every element of every benchmark means that it is not in a position to make a case for renewal. To the contrary, the Institute has yet to see a school that performs perfectly in every respect. The Institute appreciates that the benchmarks set a very high standard collectively. While the Institute certainly hopes and expects that schools aim high, it is understood that a school's reach will necessarily exceed its grasp in at least some aspects.

In this fifth edition of the SUNY Renewal Benchmarks, the Institute has made some revisions to the Qualitative Educational Benchmarks, namely those benchmarks used for ongoing school evaluation visits, to streamline the collection of evidence. For example, the Institute has incorporated Student Order and Discipline into Pedagogy, and Professional Development into Instructional Leadership. The Institute has rewritten some of the overarching benchmark statements to capture the most salient aspects of school effectiveness, organizational viability, legal compliance, and fiscal soundness. Some of the bulleted indicators within benchmarks have been recast or eliminated. Finally, the Institute has added some indicators to align the benchmarks with changes in the Charter Schools Act (e.g., provisions in meeting enrollment and retention targets when assigned and abiding by the General Municipal Law).

It is important that the entire school community understand the renewal process. All members of a school's leadership team and board should carefully review both the SUNY Renewal Benchmarks and the SUNY Renewal Practices. Note that a renewal overview document for parents, teachers and community members is also available on the Institute's website at: www.newyorkcharters.org/schoolsRenewOverview.htm. Please do not hesitate to contact the Institute with any questions.

State University of New York Charter Renewal Benchmarks

	Renewal Question 1 Is the School an Academic Success?
<u>Evidence Category</u>	<u>SUNY Renewal Benchmarks</u>
SUNY Renewal Benchmark 1A Academic Accountability Plan Goals	<p>Over the Accountability Period, the school has met or come close to meeting its academic Accountability Plan goals.</p> <p>The Institute determines the extent to which the school has met the Accountability Plan goals in the following areas:</p> <ul style="list-style-type: none"> • English language arts; • mathematics; • science; • social studies (high school only); • Every Student Succeeds Act; • high school graduation and college preparation (if applicable); and • optional academic goals included by the school.
SUNY Renewal Benchmark 1B Use of Assessment Data	<p>The school has an assessment system that improves instructional effectiveness and student learning.</p> <p>The following elements are generally present:</p> <ul style="list-style-type: none"> • the school regularly administers valid and reliable assessments aligned to the school’s curriculum and state performance standards; • the school has a valid and reliable process for scoring and analyzing assessments; • the school makes assessment data accessible to teachers, school leaders and board members; • teachers use assessment results to meet students’ needs by adjusting classroom instruction, grouping students and/or identifying students for special intervention; • school leaders use assessment results to evaluate teacher effectiveness and to develop professional development and coaching strategies; and • the school regularly communicates to parents/guardians about their students’ progress and growth.

	Renewal Question 1 Is the School an Academic Success?
<u>Evidence Category</u>	<u>SUNY Renewal Benchmarks</u>
SUNY Renewal Benchmark 1C Curriculum	<p>The school's curriculum supports teachers in their instructional planning.</p> <p>The following elements are generally present:</p> <ul style="list-style-type: none"> the school has a curriculum framework with student performance expectations that provides a fixed, underlying structure, aligned to state standards and across grades; in addition to the framework, the school has supporting tools (i.e., curriculum maps or scope and sequence documents) that provide a bridge between the curriculum framework and lesson plans; teachers know what to teach and when to teach it based on these documents; the school has a process for selecting, developing and reviewing its curriculum documents and its resources for delivering the curriculum; and teachers plan purposeful and focused lessons.
SUNY Renewal Benchmark 1D Pedagogy	<p>High quality instruction is evident throughout the school.</p> <p>The following elements are generally present.</p> <ul style="list-style-type: none"> teachers deliver purposeful lessons with clear objectives aligned to the school's curriculum; teachers regularly and effectively use techniques to check for student understanding; teachers include opportunities in their lessons to challenge students with questions and activities that develop depth of understanding and higher-order thinking and problem solving skills; teachers maximize learning time (e.g., appropriate pacing, on-task student behavior, clear lesson focus and clear directions to students); transitions are efficient; and teachers have effective classroom management techniques and routines that create a consistent focus on academic achievement.
SUNY Renewal Benchmark 1E Instructional Leadership	<p>The school has strong instructional leadership.</p> <p>The following elements are generally present:</p> <ul style="list-style-type: none"> the school's leadership establishes an environment of high expectations for teacher performance (in content knowledge and

	Renewal Question 1 Is the School an Academic Success?
<u>Evidence Category</u>	<u>SUNY Renewal Benchmarks</u>
	<p>pedagogical skills) and in which teachers believe that all students can succeed;</p> <ul style="list-style-type: none"> • the instructional leadership is adequate to support the development of the teaching staff; • instructional leaders provide sustained, systemic and effective coaching and supervision that improves teachers' instructional effectiveness; • instructional leaders provide opportunities and guidance for teachers to plan curriculum and instruction within and across grade levels; • instructional leaders implement a comprehensive professional development program that develops the competencies and skills of all teachers; • professional development activities are interrelated with classroom practice; • instructional leaders regularly conduct teacher evaluations with clear criteria that accurately identify teachers' strengths and weaknesses; and • instructional leaders hold teachers accountable for quality instruction and student achievement.
<p>SUNY Renewal Benchmark 1F</p> <p>At-Risk Students</p>	<p>The school meets the educational needs of at-risk students.</p> <p>The following elements are generally present:</p> <ul style="list-style-type: none"> • the school uses clear procedures for identifying at-risk students including students with disabilities, English language learners and those struggling academically; • the school has adequate intervention programs to meet the needs of at-risk students; • general education teachers, as well as specialists, utilize effective strategies to support students within the general education program; • the school adequately monitors the progress and success of at-risk students; • teachers are aware of their students' progress toward meeting IEP goals, achieving English proficiency or school-based goals for struggling students;

	Renewal Question 1 Is the School an Academic Success?
<u>Evidence Category</u>	<u>SUNY Renewal Benchmarks</u>
	<ul style="list-style-type: none"> the school provides adequate training and professional development to identify at-risk students and to help teachers meet students' needs; and the school provides opportunities for coordination between classroom teachers and at-risk program staff including the school nurse, if applicable.

	Renewal Question 2 Is the School an Effective, Viable Organization?
<u>Evidence Category</u>	<u>SUNY Renewal Benchmarks</u>
SUNY Renewal Benchmark 2A Mission & Key Design Elements	<p>The school is faithful to its mission and has implemented the key design elements included in its charter.</p> <p>The following elements are generally present:</p> <ul style="list-style-type: none"> • the school faithfully follows its mission; and • the school has implemented its key design elements.
SUNY Renewal Benchmark 2B Parents & Students	<p>Parents/guardians and students are satisfied with the school.</p> <p>The following elements are generally present:</p> <ul style="list-style-type: none"> • the school regularly communicates each child's academic performance results to families; • families are satisfied with the school; and • parents keep their children enrolled year-to-year.
SUNY Renewal Benchmark 2C Organizational Capacity	<p>The school organization effectively supports the delivery of the educational program.</p> <p>The following elements are generally present:</p> <ul style="list-style-type: none"> • the school has established an administrative structure with staff, operational systems, policies and procedures that allow the school to carry out its academic program; • the organizational structure establishes distinct lines of accountability with clearly defined roles and responsibilities; • the school has a clear student discipline system in place at the administrative level that is consistently applied; • the school retains quality staff; • the school has allocated sufficient resources to support the achievement of goals; • the school maintains adequate student enrollment; • the school has procedures in place to monitor its progress toward meeting enrollment and retention targets for special education students, ELLs and students who qualify for free and reduced price lunch, and adjusts its recruitment efforts accordingly; and • the school regularly monitors and evaluates the school's programs and makes changes if necessary.

	Renewal Question 2 Is the School an Effective, Viable Organization?
<u>Evidence Category</u>	<u>SUNY Renewal Benchmarks</u>
SUNY Renewal Benchmark 2D Board Oversight	<p>The school board works effectively to achieve the school's Accountability Plan goals.</p> <p>The following elements are generally present:</p> <ul style="list-style-type: none"> • board members possess adequate skills and have put in place structures and procedures with which to govern the school and oversee management of day-to-day operations in order to ensure the school's future as an academically successful, financially healthy and legally compliant organization; • the board requests and receives sufficient information to provide rigorous oversight of the school's program and finances; • it establishes clear priorities, objectives and long-range goals, (including Accountability Plan, fiscal, facilities and fundraising), and has in place benchmarks for tracking progress as well as a process for their regular review and revision; • the board successfully recruits, hires and retains key personnel, and provides them with sufficient resources to function effectively; • the board regularly evaluates its own performance and that of the school leaders and the management company (if applicable), holding them accountable for student achievement; and • the board effectively communicates with the school community including school leadership, staff, parents/guardians and students.
SUNY Renewal Benchmark 2E Governance	<p>The board implements, maintains and abides by appropriate policies, systems and processes.</p> <p>The following elements are generally present:</p> <ul style="list-style-type: none"> • the board effectively communicates with its partner or management organizations as well as key contractors such as back-office service providers and ensures that it receives value in exchange for contracts and relationships it enters into and effectively monitors such relationships; • the board takes effective action when there are organizational, leadership, management, facilities or fiscal deficiencies; or where the management or partner organization fails to meet

	Renewal Question 2 Is the School an Effective, Viable Organization?
<u>Evidence Category</u>	<u>SUNY Renewal Benchmarks</u>
	<p>expectations; to correct those deficiencies and puts in place benchmarks for determining if the partner organization corrects them in a timely fashion;</p> <ul style="list-style-type: none"> the board regularly reviews and updates board and school policies as needed and has in place an orientation process for new members; the board effectively recruits and selects new members in order to maintain adequate skill sets and expertise for effective governance and structural continuity; the board implements a comprehensive and strict conflict of interest policy (and/or code of ethics)—consistent with that set forth in the charter and with the General Municipal Law—and consistently abides by them throughout the term of the charter; the board generally avoids conflicts of interest; where not possible, the board manages those conflicts in a clear and transparent manner; the board implements a process for dealing with complaints consistent with that set forth in the charter, makes the complaint policy clear to all stakeholders, and follows the policy including acting on complaints in a timely fashion; the board abides by its by-laws including, but not limited to, provisions regarding trustee election and the removal and filling of vacancies; and the board holds all meetings in accordance with the Open Meetings Law and records minutes for all meetings including executive sessions and, as appropriate, committee meetings.
SUNY Renewal Benchmark 2F Legal Requirements	<p>The school substantially complies with applicable laws, rules and regulations and the provisions of its charter.</p> <p>The following elements are generally present:</p> <ul style="list-style-type: none"> the school compiles a record of substantial compliance with the terms of its charter and applicable state and federal laws, rules and regulations including, but not limited to, submitting items to the Institute in a timely manner, and meeting teacher certification and background check requirements, FOIL and Open Meetings Law;

	Renewal Question 2 Is the School an Effective, Viable Organization?
<u>Evidence Category</u>	<u>SUNY Renewal Benchmarks</u>
	<ul style="list-style-type: none"> • the school substantially complies with the terms of its charter and applicable laws, rules and regulations; • the school abides by the terms of its monitoring plan; • the school implements effective systems and controls to ensure that it meets legal and charter requirements; • the school has an active and ongoing relationship with in-house or independent legal counsel who reviews and makes recommendations on relevant policies, documents, transactions and incidents and who also handles other legal matters as needed; and • the school manages any litigation appropriately and provides litigation papers to insurers and the Institute in a timely manner.

	Renewal Question 3 Is the School Fiscally Sound?
<u>Evidence Category</u>	<u>SUNY Renewal Benchmarks</u>
SUNY Renewal Benchmark 3A Budgeting and Long Range Planning	<p>The school operates pursuant to a long-range financial plan in which it creates realistic budgets that it monitors and adjusts when appropriate.</p> <p>The following elements are generally present:</p> <ul style="list-style-type: none"> • the school has clear budgetary objectives and budget preparation procedures; • board members, school management and staff contribute to the budget process, as appropriate; • the school frequently compares its long-range fiscal plan to actual progress and adjusts it to meet changing conditions; • the school routinely analyzes budget variances; the board addresses material variances and makes necessary revisions; and • actual expenses are equal to, or less than, actual revenue with no material exceptions.
SUNY Renewal Benchmark 3B Internal Controls	<p>The school maintains appropriate internal controls and procedures.</p> <p>The following elements are generally present:</p> <ul style="list-style-type: none"> • the school follows a set of comprehensive written fiscal policies and procedures; • the school accurately records and appropriately documents transactions in accordance with management's direction, laws, regulations, grants and contracts; • the school safeguards its assets; • the school identifies/analyzes risks and takes mitigating actions; • the school has controls in place to ensure that management decisions are properly carried out and monitors and assesses controls to ensure their adequacy; • the school's trustees and employees adhere to a code of ethics; • the school ensures duties are appropriately segregated, or institutes compensating controls; • the school ensures that employees performing financial functions are appropriately qualified and adequately trained; • the school has systems in place to provide the appropriate information needed by staff and the board to make sound financial decisions and to fulfill compliance requirements;

	Renewal Question 3 Is the School Fiscally Sound?
<u>Evidence Category</u>	<u>SUNY Renewal Benchmarks</u>
	<ul style="list-style-type: none"> • a staff member of the school reviews grant agreements and restrictive gifts and monitors compliance with all stated conditions; • the school prepares payroll according to appropriate state and federal regulations and school policy; • the school ensures that employees, trustees and volunteers who handle cash and investments are bonded to help assure the safeguarding of assets; and • the school takes corrective action in a timely manner to address any internal control or compliance deficiencies identified by its external auditor, the Institute, and/or the State Education Department or the Comptroller, if needed.
SUNY Renewal Benchmark 3C Financial Reporting	<p>The school has complied with financial reporting requirements by providing the SUNY Trustees and the State Education Department with required financial reports that are on time, complete and follow generally accepted accounting principles.</p> <p>The following reports have generally been filed in a timely, accurate and complete manner:</p> <ul style="list-style-type: none"> • annual financial statement audit reports including federal Single Audit report, if applicable; • annual budgets and cash flow statements; • un-audited quarterly reports of income, expenses, and enrollment; • bi-monthly enrollment reports to the district and, if applicable, to the State Education Department including proper documentation regarding the level of special education services provided to students; and • grant expenditure reports.
SUNY Renewal Benchmark 3D Financial Condition	<p>The school maintains adequate financial resources to ensure stable operations. Critical financial needs of the school are not dependent on variable income (grants, donations and fundraising).</p> <p>The following elements are generally present:</p> <ul style="list-style-type: none"> • the school maintains sufficient cash on hand to pay current bills and those that are due shortly;

	Renewal Question 3 Is the School Fiscally Sound?
<u>Evidence Category</u>	<u>SUNY Renewal Benchmarks</u>
	<ul style="list-style-type: none"> • the school maintains adequate liquid reserves to fund expenses in the event of income loss (generally three months); • the school prepares and monitors cash flow projections; • If the school includes philanthropy in its budget, it monitors progress toward its development goals on a periodic basis; • If necessary, the school pursues district state aid intercepts with the state education department to ensure adequate per pupil funding; and • the school accumulates unrestricted net assets that are equal to or exceed two percent of the school's operating budget for the upcoming year.

	Renewal Question 4 If the School's Charter Is Renewed, What Are Its Plans for the Term of the Next Charter Period, and Are They Reasonable, Feasible and Achievable?
<u>Evidence Category</u>	<u>SUNY Renewal Benchmarks</u>
SUNY Renewal Benchmark 4A Plans for the School's Structure	<p>Key structural elements of the school, as defined in the exhibits of the Application for Charter Renewal, are reasonable, feasible and achievable.</p> <p>Based on elements present in the Application for Charter Renewal:</p> <ul style="list-style-type: none"> • the school is likely to fulfill its mission in the next charter period; • the school has an enrollment plan that can support the school program; • the school calendar and daily schedules clearly provide sufficient instructional time to meet all legal requirements, allow the school to meet its proposed Accountability Plan goals and abide by its proposed budget; • key design elements are consistent with the mission statement and are feasible given the school's budget and staffing; • a curriculum framework for added grades aligns with the state's performance standards; and • plans in the other required Exhibits indicate that the school's structure is likely to support the educational program.
SUNY Renewal Benchmark 4B Plans for the Educational Program	<p>The school's plans for implementing the educational program allow it to meet its Accountability Plan goals.</p> <p>Based on elements present in the Application for Charter Renewal:</p> <ul style="list-style-type: none"> • for those grades served during the last charter period, the school has plans for sustaining and (where possible) improving upon the student outcomes it has compiled during the last charter period including any adjustments or additions to the school's educational program; • for a school that is seeking to add grades, the school is likely to meet its Accountability Plan goals and the SUNY Renewal Benchmarks at the new grade levels; and • where the school will provide secondary school instruction, it has presented a set of requirements for graduation that students are likely to meet and that are consistent with the graduation standards set by the Board of Regents.

	Renewal Question 4 If the School's Charter Is Renewed, What Are Its Plans for the Term of the Next Charter Period, and Are They Reasonable, Feasible and Achievable?
<u>Evidence Category</u>	<u>SUNY Renewal Benchmarks</u>
SUNY Renewal Benchmark 4C Plans for Board Oversight and Governance	<p>The school provides a reasonable, feasible and achievable plan for board oversight and governance.</p> <p>Based on elements present in the Application for Charter Renewal:</p> <ul style="list-style-type: none"> • school trustees are likely to possess a range of experience, skills, and abilities sufficient to oversee the academic, organizational and fiscal performance of the school; • plans by the school board to orient new trustees to their roles and responsibilities, and, if appropriate, to participate in ongoing board training are likely to sustain the board's ability to carry out its responsibilities; • if the school plans to change an association with a partner or management organization in the term of a future charter, it has provided a clear rationale for the disassociation and an outline indicating how it will manage the functions previously associated with that partnering organization; and • if the school is either moving from self-management to a management structure or vice-versa, or is changing its charter management organization/educational service provider, its plans indicate that it will be managed in an effective, sound and viable manner including appropriate oversight of the academic and fiscal performance of the school or the management organization.
SUNY Renewal Benchmark 4D Fiscal & Facility Plans	<p>The school provides a reasonable, feasible and achievable fiscal plan including plans for an adequate facility.</p> <p>Based on the elements present in the Application for Charter Renewal:</p> <ul style="list-style-type: none"> • the school's budgets adequately support staffing, enrollment and facility projections; • fiscal plans are based on the sound use of financial resources to support academic program needs; • fiscal plans are clear, accurate, complete and based on reasonable assumptions; • information on enrollment demand provides clear evidence for the reasonableness of projected enrollment; and • facility plans are likely to meet educational program needs.



New York State Education Department

*Closing Procedures Guide and Checklist for New York State Charter Schools
Authorized by the Board of Regents*

Updated February 2020

The Regents of the University of the State of New York

[Charter School Office](#)

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Closing Procedures Checklist Overview

The closure of any school is difficult for all school stakeholders, particularly students, families, and school staff. This process can also adversely impact the community in which the school is located. A charter school may close voluntarily, through non-renewal, or through revocation. The decision of the Board of Regents (Regents) to close a charter school is based on many factors, including a school's inability to meet renewal standards that are typically reflected within academic, organizational, and/or financial goals in a school's charter contract and the [Charter School Performance Framework](#). When making such a determination, the Regents do not make it lightly and are committed to working with the closing school and the district of residence to help students identify high-quality educational alternatives.

The primary purpose of this *Closing Procedures Guide and Checklist for New York State Charter Schools Authorized by the Board of Regents* (checklist) is to provide guidance to both New York State Education Department Charter School Office (NYSED) staff and charter school leadership in order to ensure the orderly closure of a Regents-authorized charter school after a school closure has been determined by the Board of Regents¹ (as required by the school's charter).² **Please note that closing charter schools are responsible for completing all actions in the checklist in accordance with their charter contracts and public responsibilities.** The appendices to the checklist also include template notification documents to support the school's efficient protocols and processes. They include the Sample Parent Letter, Sample Staff Letter, and Sample Press Release.

NYSED and the Regents work to help closing charter schools protect the best interests of families and staff with a focus on the continued education of all students enrolled in the charter school until the last previously scheduled day of instruction as well as assisting successful transitions for all parties involved. An emphasis is placed on ensuring that the resources and assets of the closing school are protected in the best interest of taxpayers, the school community, and that funds are allocated in a fiscally sound manner. School funds must be allocated pursuant to previously planned budgetary projections and assumptions in addition to being used to carry out the tasks in the checklist below. School stakeholders must be notified immediately of an impending closure so that they are able to gain access to options aligned with their individual needs. Additionally, as independent nonprofit organizations, charter schools must manage varying aspects of dissolution of the organization in order to adequately prepare for, and adhere to, legal and statutory requirements. These and other important closure-related actions are outlined in this checklist. Both NYSED and the closing school must address the concerns of many different stakeholders throughout the closure process, including school employees, building landlords, creditors, and – most importantly – students and families. It is essential to focus on ensuring that every student is placed in an appropriate educational setting, while also managing the operational aspects of school closure.

The Charter School Office will work closely with school leadership and board members to leverage resources and coordinate both academic and operational transition tasks. A liaison between the Charter School Office and the school will schedule recurring calls to discuss progress toward completing the action items in the checklist. These calls may be as frequent as weekly, particularly at the start of the closure process. This collaboration will help ensure that student records are handled appropriately, families are educated about educational choices, and partnerships are forged with the local education community to facilitate student transfers.

A number of the tasks listed throughout the checklist represent actions that have proven successful during past charter school closings. Though some tasks are not required by statute, they are meant to provide support and technical guidance to charter schools as they embark on critical closure functions to

¹ Board of Regents can terminate or revoke a school's charter in accordance with Section 2855 of the Education Law or by mutual agreement between the school and the Board of Regents.

² The Appendix also includes template notification documents to support efficient protocols and processes. For schools, these include a Sample Parent Letter, Sample Staff Letter, and Sample Press Release. For NYSED staff, these include a Notification of Waiver/Withdrawal and a Notification of Revocation.

help ensure effective transitioning for students and staff. **Other tasks *are* required by federal and state statute. Such tasks must be finalized by the date listed in the Completion Date column in the checklist.** These and other actions are monitored by Charter School Office staff and can include, but are not limited to:

- Maintenance of Location and Communication: NY Education Law §220(5)
- Transfer of Student Records: NY Education Law § 2851(2)(t); Charter Agreement; NY Education Law §219(4)
- Inventory: NY Education Law §220(1)
- Disposition of Property: NY Education Law §220

Timing of Closure Activities

As noted above, many of the tasks included in the Checklist are considered urgent and must take place within days of the final action to close the charter school whether this final action is undertaken by the school's board or the New York State Board of Regents. Other actions will be ongoing until the school closure is complete. The checklist maps the timing of activities. Several activities are ongoing, including the critical requirement that the board of trustees continue to communicate closely with the authorizer and provide advance copies of materials for board meetings (including agendas, financials, minutes, supporting documents, etc.). The key categories of tasks are summarized below, and fully detailed in the checklist that immediately follows.

1. **Immediate tasks** (Immediately and up to 1 week following the final action to close the school): A transition team dedicated to ensuring the smooth transition of students and staff, and to close down the school's business should be formed to complete urgent tasks immediately. This team is populated by NYSED staff, and board and staff members of the closing charter school. The transition team will prioritize notification of the public and school community, convening meetings with families and staff, and clarifying communication protocols and expectations through the completion of the closing process. Engaging key school stakeholders in this process will help increase trust within the school community. This collaboration will also help encourage families to take advantage of available transitional services.³ Parents and faculty will receive a detailed transition letter. External state and local agencies will receive notifications, as will unions for schools with collective bargaining units.
2. **Ongoing activities** (Through completion of the closure process): Some activities require ongoing maintenance of effort and attention by trustees and school staff. The transition team will ensure instruction continues through closure, provide support for families seeking placement options, and ensure appropriate use of dissolution funds.
3. **Pre-closure tasks** (Within 45 days): These consist of significant priority tasks essential to high-quality and on-time dissolution. Action items include notification of potential creditors, debtors, contractors, vendors, and management companies, if applicable.
4. **Post-closure tasks** (Within one week to 120 days after the last day of instruction): Dissolution tasks during this period after the end of instruction include extensive financial reporting (including a closeout audit), transfer of student records, notification of final report cards, and formal document records transfer. The closing school board chair is responsible for the disposition of records, including (but not limited to) financial documents, contracts, assets, and grants. The school leader is accountable for ensuring that student records are up-to-date and complete and that all records are transferred appropriately. Provisions for the closing school to maintain all school records, including financial and attendance records, should reflect the timelines outlined in the checklist. The Charter School Office should notify the closing charter school of any outstanding liabilities owed to the state. These may include overpayment of apportionments and/or unpaid revolving fund loans or grants. If the Regents believe that the school received state funding for which it was not eligible, the Charter School Office may request an audit conducted by the Office of the New York State Comptroller, or the Office of the New York City Comptroller.

Questions regarding the timing of all activities should be discussed with the NYSED Charter School Office liaison assigned to work with the closing school.

Note: NYSED will only accept electronic copies of records. Hard copies will not be accepted.

³ Transitional services can include, but are not limited to, providing written materials in relevant home languages, hosting school choice fairs, offering meetings that accommodate working parents, providing access to a consistent point of contact to answer questions, oversight of operational and fiscal closure activities, and, ultimately, ensuring that every student is enrolled in an appropriate school.

Immediate Tasks (Immediately and up to 1 week following the final closure action)

Action Item		Responsibility for Action Item (Suggested)	Completion Date	Status
1	Hold Initial Closing Procedures Conference Call with NYSED and School Stakeholders	<ul style="list-style-type: none"> • NYSED Leadership • NYSED Liaison • Charter School Board Chair • Charter School Leadership 	Within 48 hours of final action to close the charter school	
2	Prepare “Charter School Closure: Frequently Asked Questions” Document questions and answers about the closure of the school, providing key information to support the transition of students and staff, and contact information. NYSED will post the FAQ on the NYSED website; the school is required to disseminate the FAQ to its stakeholders, this may include posting on its website.	<ul style="list-style-type: none"> • NYSED Liaison 	Prior to final action to close the charter school	
3	Establish a Transition Team and Assign Roles A team dedicated to ensuring the smooth transition of students and staff and to close down the school’s business. It is populated by NYSED staff, in conjunction with board members and closing charter school staff. The team should include: <ul style="list-style-type: none"> • NYSED Liaison; • Charter school board chair; • Lead administrator from the charter school; • Lead finance person from the charter school; • Lead person from the charter school faculty; • Lead person from the charter school parent organization (if applicable); and • A school closure coordinator should also be established so that families have access to a direct line of support that can provide guidance through the transition. The board chair should consider soliciting the assistance of external partners to fulfill all responsibilities associated with the dissolution. In the event of trustee resignations, disclosure obligations of the board will be borne by the remaining trustees. <i>Until the education corporation is dissolved by a court order or an act of the Board of Regents, the board of trustees of the charter school shall remain in place, and shall facilitate the closure of the school in accordance with Education Law §§219, 220, 2851(2)(t), and in accordance with the charter.</i>	<ul style="list-style-type: none"> • NYSED Liaison • Charter School Board Chair 	Within 48 hours of final action to close the charter school	

Immediate Tasks (Immediately and up to 1 week following the final closure action)

Action Item		Responsibility for Action Item (Suggested)	Completion Date	Status
4	Initial Closure Notification Letter: Parents & School (See Appendix A and B) Distribute letter to faculty, staff and parents outlining: <ul style="list-style-type: none"> Closure decision; Timeline for transition; and Help line and online information to address inquiries pertaining to records, enrollment, lottery procedures, names and locations of other charter schools, etc; and The termination of the summer school instructional program. 	<ul style="list-style-type: none"> NYSED Liaison Charter School Board Chair 	Within 48 hours of final action to close the charter school	
5	Assign Transition Team Action Item Responsibilities Distribute contact information to all transition team members, set calendar for meetings, and assign dates for completion of each charter school closure action item. <ul style="list-style-type: none"> NYSED liaison will meet with the school's transition team to establish common understandings and troubleshoot issues which may arise through the completion of dissolution. The transition team should move quickly to establish a student transition plan that focuses on enrolling students in a new, appropriate school. The plan should establish clear deadlines for key activities and should not be considered complete until every student engaging in transitional services has been enrolled in a new school. 	<ul style="list-style-type: none"> NYSED Liaison Charter School Board Chair 	Within 48 hours of final action to close the charter school	
6	Press Release (See Appendix C) Create and distribute a press release that includes the following: <ul style="list-style-type: none"> History of school; NYSED closure policies; Reason(s) for school closure; Outline of support for students, parents and staff; and Contact information for the NYSED and school media liaison. The school will ensure that the release is comprehensive and comports with the approved closure plan agreed to by the board and the authorizer.	<ul style="list-style-type: none"> NYSED Liaison Charter School Board Chair 	Within 72 hours of final action to close the charter school	
7	Initial Closure Notification Letter: State & Local Agencies Letter to NYSED as well as local school districts (as necessary to inform local districts for purposes of enrolling students from the closing school) to include: <ul style="list-style-type: none"> Notification materials distributed to parents; Notification materials distributed to faculty and staff; 	<ul style="list-style-type: none"> NYSED Liaison Charter School Board Chair 	Within 72 hours of final action to close the charter school	

Immediate Tasks (Immediately and up to 1 week following the final closure action)

Action Item		Responsibility for Action Item (Suggested)	Completion Date	Status
	<ul style="list-style-type: none"> • NYSED decision materials, resolution to close school; • Copy of any termination agreement(s) (if applicable); and • Copy local public school districts 			
8	Talking Points Create talking points for parents, faculty, community, and press. Focus on communicating plans for orderly transition of students and staff. Distribute to transition team.	<ul style="list-style-type: none"> • NYSED Liaison • Charter School Board Chair 	Within 72 hours of final action to close the charter school	
9	Secure Student Records Ensure all student records are maintained in a secure location. An ongoing task will be to ensure that these records are organized, up-to-date, put into an electronic format, and prepared to be sent to the district of location (further details are provided below).	<ul style="list-style-type: none"> • Charter School Administrator Lead 	Within 72 hours of final action to close the charter school	
10	Secure Financial Records Ensure all financial records are maintained in a secure location. An ongoing task will be to ensure that these records are organized, up-to-date, put into an electronic format, and prepared to be sent to NYSED (further details are provided below). Those records shall include all financial records of the school including, but not limited to: <ul style="list-style-type: none"> • Original bank statements for no less than one year; • Vendor invoices and statements; • Records of payments to vendors; and • Payroll documentation, including the method by which tax documents (W-2s) will be provided to employees subsequent to school closure. NOTE: The school will be required to scan and send electronic copies of the records to NYSED after the final audit has been conducted and the Petition for Dissolution has been filed.	<ul style="list-style-type: none"> • Charter School Finance Lead 	Within 72 hours of final action to close the charter school	
11	Parent Contact Information Create parent contact list to include: <ul style="list-style-type: none"> • Student name; student address; • Telephone; and • Email, if possible 	<ul style="list-style-type: none"> • Charter School Administrator Lead 	Within 1 week of final action to close the charter school	

Immediate Tasks (Immediately and up to 1 week following the final closure action)

Action Item		Responsibility for Action Item (Suggested)	Completion Date	Status
	<i>Provide an electronic copy of the contact information to NYSED.</i>			
12	Faculty Contact Information Create faculty contact list that includes: <ul style="list-style-type: none"> • Name; • Position; • Address; • Telephone; and • Email <i>Provide an electronic copy of the list to NYSED.</i>	<ul style="list-style-type: none"> • Charter School Administrator Lead 	Within 1 week of final action to close the charter school	
13	Schedule and Convene Parent Closure Meeting(s) Plan and convene a parent closure meeting. Include: <ul style="list-style-type: none"> • Make copies of "Closure FAQ" document available; • Provide overview of NYSED closure policy and closure decision; • Provide calendar of important dates for parents; • Provide specific remaining school vacation days and date for end of classes; • Present timeline for transitioning students; • Present timeline for closing down of school operations; and • Provide contact and help line information. 	<ul style="list-style-type: none"> • NYSED Liaison • Charter School Administrator lead • Charter School Parent Organization Lead 	Schedule Within 1 week of final action to close the charter school – the meeting may take place within 2 weeks	
14	Schedule and Convene Faculty/Staff Meeting School board chair to communicate: <ul style="list-style-type: none"> • Commitment to continuing coherent school operations throughout closure transition; • Plan to assist students and staff by making closing as smooth as possible; • Reasons for closure; • Timeline for transition details; • Compensation and benefits timeline; and • Contact information for ongoing questions. <i>Provide NYSED with electronic copies of all materials distributed at faculty/staff meeting.</i>	<ul style="list-style-type: none"> • Charter School Board Chair • Charter School Administrator Lead • Charter School Faculty Lead 	Schedule Within 1 week of final action to close the charter school – the meeting may take place within 2 weeks	
15	Terminate Summer Instruction Program Take appropriate action to terminate any summer instruction, such as canceling teaching contracts. If the school had planned to operate a summer program, the school must provide NYSED with evidence that the appropriate parties have	<ul style="list-style-type: none"> • Charter School Board Chair • Administrator 	Within 1 week of final action to close the charter school	

Immediate Tasks (Immediately and up to 1 week following the final closure action)
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Action Item		Responsibility for Action Item (Suggested)	Completion Date	Status
	been officially notified.	Lead		

Ongoing Activities (Through completion of the closure process)

Action Item		Responsibility for Action Item	Completion Date	Status
16	Continue Current Instruction Continue instruction under current education program in accordance with the charter contract until the end of the school calendar for regular school year.	<ul style="list-style-type: none"> Charter School Administrator Lead 	Ongoing after final closure action until end of classes as designated in NYSED resolution	
17	Board Communication Provide advance copies of all meeting agendas, minutes, financials (monthly, or as required by NYSED), all supporting documentation for board of trustees meeting minutes, and all documents as outlined throughout this checklist. <i>Even after closure, the board of trustees of the charter school shall remain in place, and shall facilitate the closure of the school in accordance with Education Law §§219, 220, 2851(2)(t), and in accordance with the charter.</i>	<ul style="list-style-type: none"> NYSED Liaison Charter School Board Chair Charter School Finance Lead 	Ongoing after final closure action until completion of dissolution	
18	Establish Use of Dissolution Escrow Account Identify a plan for the use of dissolution escrow funds to support legal and audit expenses associated with the closure of the school. Hire and consult with legal counsel regarding other closing procedures checklist tasks, including the filing of the Petition for Dissolution . All Board of Regents-authorized charter schools ⁴ are required to have \$ [REDACTED] set aside in dissolution escrow funds in a separate and dedicated bank account to be used only in the event of school closure.	<ul style="list-style-type: none"> NYSED Liaison Charter School Board Chair Charter School Finance Lead 	Ongoing after final closure action until completion of dissolution	
19	Maintain Location and Communication⁵ Until the end of the final previously scheduled last day of school, but no later than June 30 of the last year of the charter and excluding summer school, for the duration of closing out the school's business and legal obligations, the school will maintain the current facility as its locus of operation. Access to the facility must be maintained during this time. In the event the facility is sold or otherwise vacated before concluding the school's affairs, but as required, after the last day of school, the school must relocate its business records and remaining assets to a location, approved by NYSED, where a responsive and knowledgeable party is available to assist with closure operations. The school must maintain operational telephone service with voice message capability, an email address, and maintain	<ul style="list-style-type: none"> Charter School Board Chair 	Ongoing after final closure action until completion of dissolution	

⁴ Board of Regents-authorized charter schools that have yet to be renewed or have been authorized prior to 2019 have a dissolution escrow of \$ [REDACTED]. Upon renewal or authorization in 2019 and thereafter, the dissolution escrow amount will be \$ [REDACTED].

⁵ NY Education Law §220(5).

Ongoing Activities (Through completion of the closure process)

Action Item		Responsibility for Action Item	Completion Date	Status
	<p>custody of all business/financial records until all business/financial transactions are completed and legal obligations are satisfied, including the final audit of the education corporation.</p> <p><i>The school must immediately inform NYSED if any change in location or contact information occurs. A change of location is not permissible until after the regularly scheduled conclusion of the school year as indicated above.</i></p> <p>NOTE: The school must contact NYSED after the final audit has occurred and the Petition for Dissolution has been filed, so that the school's records can be electronically transferred to NYSED.</p>			
20	<p>Maintain Insurance</p> <p>The school's assets and any assets in the school that belong to others must be protected against theft, misappropriation and deterioration. The school should:</p> <ul style="list-style-type: none"> • Maintain existing insurance coverage until the disposal of such assets under the school closure action plan; • Continue existing insurance for the facility, vehicles and other assets until 1) disposal or transfer of real estate or termination of lease; and 2) disposal, transfer, or sale of vehicles and other assets are sold; • Negotiate facility insurance with entities that may take possession of school facility (lenders, mortgagors, bond holders, etc.); • Continue or obtain appropriate security services; • Notify the insurance company and law enforcement in the event of theft; • Plan to move assets to secure storage after closure of the school facility; and • Maintain existing directors and officers' liability (D&O) insurance, if any, until final dissolution of the school. 	<ul style="list-style-type: none"> • Charter School Board Chair • Charter School Finance Lead 	Ongoing after final closure action until completion of dissolution	
21	<p>Reporting of Financial Condition</p> <p>The school must submit the following financial documents (and submit updates on a monthly basis as of the close of the following month until finalization of closure):</p> <ul style="list-style-type: none"> • A current balance sheet as of the month just ended before the closure decision, including accompanying schedules for: (1) all assets and their value; (2) accounts/loans payable or other liabilities that exceed \$ [REDACTED] • A current income statement as of the month just ended before the closure decision; • A grants report indicating the anticipated use of all funds received through federal and state grants, including a plan to return funds as appropriate for 	<ul style="list-style-type: none"> • Charter School Finance Lead 	Within 30 days of final action to close the charter school and ongoing by the close of each month.	

Ongoing Activities (Through completion of the closure process)

Action Item		Responsibility for Action Item	Completion Date	Status
	<p>grant projects/programs that will be terminated or not completed. The school cannot use these funds for costs related to closure;⁶ and</p> <ul style="list-style-type: none"> • A comprehensive month-to-month cash flow statement to operate the school through the closure date which accounts for the full disposition of assets and specifically gives priority to and includes: <ul style="list-style-type: none"> ○ Payment of instructional staff to ensure completion of the school's instructional program (including an itemized schedule of current and projected payroll and payroll benefit payments, including payout of any accrued leave/vacation time); ○ Total funds to satisfy all outstanding liabilities including but not limited to all contracts/leases and payoff of all debts; ○ Payments to the New York State Teachers Retirement System on behalf of employees; ○ Payment of any costs associated with transition of students and records; ○ Costs for a complete, close-out financial audit; and ○ All other costs associated with closure. 			

⁶ Contact the NYSED Grants Finance Office for additional information regarding the disposition of grant funds and/or assets purchased therewith.

Pre-Closure Tasks (Within 45 days after the Closure action)

Action Item		Responsibility for Action Item	Completion Date	Status
22	<p>Parent/Guardian Closure Transition Letter Distribute letter with detailed guidance regarding transition plan. Notification should include, but not be limited to:</p> <ul style="list-style-type: none"> • Date of the last day of regular instruction; • Cancellation of any planned summer school; • Notification of mandatory enrollment under New York State law; • Date(s) of any planned school choice fair(s); • Listing of the contact and enrollment information for charter, parochial, public, and private schools in the area; • Information on obtaining student records pursuant to the New York State Freedom of Information Law before the end of classes; and • Contact information for parent/guardian assistance/questions. <p><i>Provide NYSED with an electronic copy of the letter.</i></p>	<ul style="list-style-type: none"> • Charter School Board Chair • Charter School Administrator Lead 	Within 10 days of final action to close the charter school	
23	<p>Staff/Faculty Closure Transition Letter Outline transition plans and timelines for staff, including but not limited to:</p> <ul style="list-style-type: none"> • Commitment of school's board to transitioning staff; • Commitment to positive transition for children into new educational settings; • Any transition to new employment assistance board anticipates providing (such as job fairs); • Timelines for compensation and benefits; * • Timelines for outstanding professional development issues; • COBRA information; • Processing of year-end tax documents (W-2's, 1099's, etc.) • Pertinent licensure information; • Faculty lead contact information; and • Transition team member contact information. <p><i>Provide NYSED with electronic copies of the letter and any accompanying materials.</i></p> <p>*Trustees must be clear about compensation that may be owed to teachers based on their negotiated agreements with the school. For example, if payment for services rendered through the end of the school year are annualized over a 12-month period, the school may be required to pay funds budgeted for the summer after school closure. No additional pay, including bonuses, may be paid to any staff unless it was part of the school's budget prior to non-renewal.</p>	<ul style="list-style-type: none"> • Charter School Board Chair 	Within 10 days of final action to close the charter school	

Pre-Closure Tasks (Within 45 days after the Closure action)

Action Item		Responsibility for Action Item	Completion Date	Status
24	<p>Agencies/Organizational Partners</p> <p>The school must satisfy NYSED's statutory and regulatory obligation to ensure a smooth transition for students. Agency notifications may include:</p> <ul style="list-style-type: none"> • School finance; • Grants management; • General programs office; • New York State teacher retirement system; • Non-instructional staff retirement system; • Local school district superintendent(s); • New York State auditor/comptroller/budget office (depending on revenue flow); • Assessment and testing; • Data reporting (student information); • Child nutrition; • Transportation; and • Organizations and/or institutions with which the school has partnered. 	<ul style="list-style-type: none"> • NYSED Liaison • Charter School Board Chair 	Within 10 days of final action to close the charter school	
25	<p>Union Notification Pursuant to any Collective Bargaining Agreement</p> <p>If applicable, the school should work with legal counsel to notify any unions of termination of collective bargaining agreements (CBAs) and the pending cessation of instruction, pursuant to the notice requirements set forth in any existing CBA or notice requirements of applicable federal, New York State, and local law.</p> <p>The school should:</p> <ul style="list-style-type: none"> • Consult with legal counsel with respect to notice requirements for terminating the CBA and the legal implications with respect to termination of CBAs and the termination of employees connected to the CBAs; • Provide an electronic copy of the latest CBA to NYSED; and • Provide an electronic copy of the notice to NYSED; and keep NYSED informed of the implications, penalties and damages in connection with any termination of a CBA as well as ongoing discussions and negotiations with the union in connection with termination. 	<ul style="list-style-type: none"> • Charter School Board Chair 	Within 10 days of final action to close the charter school	
26	<p>List of Potential Creditors and Debtors</p> <p>Formulate a list of potential creditors and debtors and any amounts accrued and unpaid with respect to such potential creditor or debtor. The list should include:</p> <ul style="list-style-type: none"> • Contractors to whom the school owes payment; 	<ul style="list-style-type: none"> • Charter School Finance Lead 	Within three weeks of final action to close the charter	

Pre-Closure Tasks (Within 45 days after the Closure action)

Action Item		Responsibility for Action Item	Completion Date	Status
	<ul style="list-style-type: none"> • Lenders; • Mortgage holders; • Bond holders; • Equipment suppliers; • Secured and unsecured creditors; • Persons or organizations who owe the school fees or credits; • Lessees or sub-lessees of the school; and • Any person or organization holding property of the school. <p><i>Provide an electronic copy of the list to NYSED with the amount owed to each creditor thereon and the amount owed by each debtor.</i></p>		school	
27	<p>Management Organization Notification and Termination of Contract</p> <p>The school must:</p> <ul style="list-style-type: none"> • Notify management company/organization of termination of education program by the school's board, providing the date of the last day of classes and cancellation of summer school, if applicable; • Provide notice of non-renewal in accordance with management contract; • Request final invoice and accounting to include accounting of retained school funds and grant fund status; • Provide notice that the management company/organization should remove any property lent to the school after the end of classes; and • Request a receipt for such property. <p><i>Provide an electronic copy of this notification to NYSED.</i></p> <p>The trustees <u>should</u> convene a meeting to ensure that areas open to dispute and litigation (e.g., intellectual property, disposition of assets, fees, claims, etc.) are discussed and addressed by counsel to the school and counsel to the management company.</p>	<ul style="list-style-type: none"> • Charter School Board Chair • Charter School Finance Lead 	Within three weeks of final action to close the charter school	
28	<p>Contractors</p> <p>The school must formulate a list of all contractors with contracts in effect and:</p> <ul style="list-style-type: none"> • Notify them regarding school closure and cessation of operations; • Instruct contractors to make arrangements to remove any contractor property from the school by a date certain (copying machines, water coolers, other rented property); • Retain records of past contracts as proof of full payment; and • Maintain telephone, gas, electric, water, insurance, directors' and officers' liability insurance long enough to cover the time period required for all 	<ul style="list-style-type: none"> • Charter School Finance Lead 	Within three weeks of final action to close the charter school	

Pre-Closure Tasks (Within 45 days after the Closure action)

Action Item		Responsibility for Action Item	Completion Date	Status
	necessary closure procedures to be complete. <i>Provide NYSED with an electronic copy of all such notifications.</i>			
29	Audit Engagement The school shall engage, by a vote of the board, an independent auditor subject to NYSED approval, to conduct a final close-out audit of the school. <i>Submit to NYSED a signed and dated copy of the engagement letter and an estimated timeline for the start and completion of the audit.</i>	<ul style="list-style-type: none"> Charter School Board of Trustees Charter School Finance Lead 	Within 30 days of final action to close the charter school	
30	IRS Status If the school has 501(c)(3) status, it must take steps to maintain that status including, but not limited to, the following: <ul style="list-style-type: none"> Notification to IRS regarding any address change of the school corporation; and Filing of required tax returns or reports (e.g., IRS form 990 and Schedule A). <i>If the school corporation proceeds to dissolution, notify the IRS of dissolution of the education corporation and its 501(c)(3) status and provide an electronic copy to NYSED.</i>	<ul style="list-style-type: none"> Charter School Board Chair Charter School Finance Lead 	Within 30 days of final action to close the charter school	
31	Creditors Solicit from each creditor a final accounting of the school's accrued and unpaid debt. Compare the figures provided with the school's calculation of the debt and reconcile. Where possible, negotiate a settlement of debts consummated by a settlement agreement reflecting satisfaction and release of the existing obligations. <i>Provide NYSED with an electronic summary of this completed activity.</i>	<ul style="list-style-type: none"> Charter School Finance Lead 	Within one month of final action to close the charter school	
32	Debtors Contact all debtors and demand payment. If collection efforts are unsuccessful, consider turning the debt over to a commercial debt collection agency. All records regarding such collection or disputes by debtors regarding amounts owed must be retained. <i>Provide NYSED with an electronic summary of this completed activity.</i>	<ul style="list-style-type: none"> Charter School Financial Lead 	Within one month of final action to close the charter school	
33	UCC Search The school should perform a Uniform Commercial Code (UCC) search to determine if there are any perfected security interests and to what assets security interests	<ul style="list-style-type: none"> Charter School Finance Lead 	Within 30 days of final action to close the	

Pre-Closure Tasks (Within 45 days after the Closure action)

Action Item		Responsibility for Action Item	Completion Date	Status
	are attached. <i>Provide an electronic copy of the search to NYSED.</i>		charter school	
34	Employees and Benefit Providers The school should establish an employee termination date and: <ul style="list-style-type: none"> • Notify all employees of termination of employment and/or contracts; • Notify benefit providers of pending termination of all employees; • Notify payroll processor of pending closure of the school; • Notify employees and providers of termination of all benefit programs; and • Terminate all programs as of the last date of service in accordance with applicable law and regulations (e.g., COBRA), including: <ul style="list-style-type: none"> ○ health care/health insurance; ○ life insurance; ○ dental plans; ○ eyeglass plans; ○ cafeteria plans; ○ 401(k), retirement plans; and ○ pension plans. Specific rules and regulations may apply to such programs, especially teacher retirement plans. Therefore, legal counsel should be consulted. <i>Provide NYSED with electronic copies of all materials.</i>	<ul style="list-style-type: none"> • Charter School Board Chair • Charter School Finance Lead 	Within 45 days of final action to close the charter school	
35	Vendors The school must: <ul style="list-style-type: none"> • Create a vendor list; and • Notify vendors of closure and cancel or non-renew agreements as appropriate. <i>Provide NYSED with electronic copies of all documents.</i>	<ul style="list-style-type: none"> • Charter School Finance Lead 	Within 45 days of final action to close the charter school	
36	Inventory⁷ The school must: <ul style="list-style-type: none"> • Create a fixed asset list segregating New York State and federal dollars; • Note source codes for funds and price for each purchase; and • Establish fair market value, initial and amortized for all fixed assets. <i>Provide NYSED with electronic copies of all documents.</i>	<ul style="list-style-type: none"> • Charter School Finance Lead 	Within 45 days of final action to close the charter school	

⁷ NY Education Law §220(1).

Pre-Closure Tasks (Within 45 days after the Closure action)

Action Item		Responsibility for Action Item	Completion Date	Status
37	<p>Disposition of Assets Plan⁸</p> <p>The school must develop a plan for the disposition of all assets, property, and inventory, including assets purchased with federal funds. In closing out any federal grant and accounting for any federal grant funds, property owned by the federal government or property acquired under a federal grant must be distributed in accordance with federal regulations. See 2 CFR Part 200, subpart D.</p> <p>The school's board is required to petition NYSED using the NYSED-approved Petition for Dissolution template.</p> <p>If the Board of Regents declines to dissolve the education corporation, and directs the school to seek judicial dissolution, the school's board must petition the supreme court in the judicial district where the principal office of the corporation is located, directing the disposition of all property belonging to the school. This includes:</p> <ul style="list-style-type: none"> • Statement of assets; • Location of assets; • Estimated value of assets; and • Statement of school debts. <p>This petition must be published in the local newspaper for at least four successive weeks.</p> <p>The school must not auction or otherwise dispose of assets without first consulting with the district of location and potential creditors. The school must:</p> <ul style="list-style-type: none"> • Price items at fair market value, as determined from inventory and fixed assets policy; • After first consulting with the district of location and potential creditors, develop a plan to dispose of the school's assets at or above fair market value in consultation with the school's counsel; • Provide notice of the proposed action to NYSED, and to any potential creditors, including the school district; and • Determine with NYSED/court how to return funds if any remain. <p><i>This petition must be sent to NYSED and the New York State Attorney General at least ten days prior to its submission. Provide NYSED with electronic copies of all</i></p>	<ul style="list-style-type: none"> • NYSED Liaison • Charter School Finance Lead 	Within 45 days of final action to close the charter school	

⁸ NY Education Law §§ 220(1); 220(2); 220(3).

Pre-Closure Tasks (Within 45 days after the Closure action)

Action Item		Responsibility for Action Item	Completion Date	Status
	documents.			
38	Disposition of Real Property Plan (e.g., facilities) Adhere to New York State requirements for real property acquired from a public school district to determine right of first offer and other applicable requirements for disposition.	<ul style="list-style-type: none"> Charter School Finance Lead 	Within 45 days of final action to close the charter school	
39	Payment of Funds The school should work with NYSED to prioritize a payment strategy considering New York State and local requirements. Using available revenue and any funds from disposition* proceeds pay the following entities: <ul style="list-style-type: none"> Retirement systems; Teachers and staff; Employment taxes and federal taxes; Audit preparation; Potential Private creditors; and Overpayments from New York State/district. <p><i>*Charter schools should not auction or otherwise dispose of assets without first consulting with the district of location and potential creditors.</i></p> <p>Provide NYSED with electronic copies of all materials associated with this action.</p>	<ul style="list-style-type: none"> NYSED Liaison Charter School Finance Lead 	Commence within 45 days of final action to close the charter school and ongoing activity until completed	

Post-Closure Tasks (Within one week to 120 days after the last day of instruction)

Action Item		Responsibility for Action Item	Completion Date	Status
40	Final Report Cards and Student Records Notice The school must ensure that: <ul style="list-style-type: none"> All student records and report cards are complete and up to date; Parents/guardians are provided with copies of final report cards and notice of where student records will be sent (with specific contact information); and Parents/ guardians receive a reminder letter or post card reminding them of the opportunity to access student records under Freedom of Information Law. 	<ul style="list-style-type: none"> Charter School Administrative Lead Charter School Faculty Lead 	One week after the last day of instruction	

Post-Closure Tasks (Within one week to 120 days after the last day of instruction)

Action Item		Responsibility for Action Item	Completion Date	Status
	<i>Provide NYSED with an electronic copy of the notice.</i>			
41	Transfer of Testing Materials The school must follow New York State regulations regarding disposition of New York State assessment materials stored at the school and return as required. <i>Provide NYSED with an electronic copy of the letter outlining transference of testing materials.</i>	<ul style="list-style-type: none"> Charter School Administrative Lead 	One week after the last day of instruction	
42	U.S. Dept. of Education Filings File federal form SF-425 if the school was receiving funds directly from the United States Department of Education. See 2 CFR § 200.327.	<ul style="list-style-type: none"> Charter School Finance Lead 	One week after the last day of instruction	
43	Itemized Financials Prepare, review, and make available: <ul style="list-style-type: none"> Fiscal year-end financial statements; Cash analysis; List of compiled bank statements for the year; List of investments; List of payables (and determinations of when a check used to pay the liability will clear the bank); List of all unused checks; List of petty cash; List of bank accounts; and List of all payroll reports including taxes, retirement or adjustments on employee contracts. Additionally, collect and void all unused checks as well as close accounts once transactions have cleared.	<ul style="list-style-type: none"> Charter School Finance Lead 	Within 30 days of the last day of instruction	
44	Payroll and Employment Verification Reports The school must generate a list of all payroll reports (including taxes, retirement or adjustments on employee contracts), and must create an employment verification report for each employee. <ul style="list-style-type: none"> The school must provide evidence of having made payment and arrangements for the timely and complete processing of all payroll documentation (W-2s, 1099's, etc.). Evidence of such will consist of a signed and dated assurance from the provider. The school must provide an employment verification report to each employee 	<ul style="list-style-type: none"> Charter School Administrative Lead Charter School Financial Lead 	Within 30 days of the last day of instruction	

Post-Closure Tasks (Within one week to 120 days after the last day of instruction)

Action Item		Responsibility for Action Item	Completion Date	Status
	<p>at the end of their employment which includes the dates that the individual worked at the school, the position(s) held (including grade and subject taught if a teacher), and salary history, signed by the school leader.</p> <p><i>Provide NYSED with electronic copies of all materials.</i></p>			
45	<p>Transfer of Student Records⁹ As required by New York State statute, the school must transfer all student records to the school district in which the charter is located. In addition, the school may transfer records to the student's new school. Student records include:</p> <ul style="list-style-type: none"> • Grades and any evaluation; • All materials associated with Individual Education Plans; • Immunization records; and • Parent/guardian information. <p>The school must notify the district of how (and when) records — including special education records — will be transferred. In addition, the school must create a master list of all records to be transferred and state their destination(s).</p>	<ul style="list-style-type: none"> • Charter School Administrative Lead • Charter School Faculty Lead • Charter School Parent Organization Lead 	Within one month of the last day of instruction	
46	<p>Documenting Transfer of Student Records¹⁰ Written documentation of the transfer of records must accompany the transfer of all student materials. The written verification must include:</p> <ul style="list-style-type: none"> • The number of general education records transferred; • The number of special education records transferred; • The date of transfer; • The signature and printed name of the charter school representative releasing the records; and • The signature and printed name of the district (or other entity) recipient(s) of the records. <p><i>Provide electronic copies of all materials documenting the transfer of student records to NYSED.</i></p>	<ul style="list-style-type: none"> • Charter School Board Chair • Charter School Administrative Lead 	Within one month of the last day of instruction	
47	<p>Expenditure Reporting Ensure that Federal Expenditure Reports (FER) and the Annual Performance</p>	<ul style="list-style-type: none"> • Charter School Finance Lead 	Within 45 days of the last day of instruction	

⁹ NY Education Law §2851(2)(t); Charter Agreement; NY Education Law §219(4).

¹⁰ NY Education Law §219(4).

Post-Closure Tasks (Within one week to 120 days after the last day of instruction)

Action Item		Responsibility for Action Item	Completion Date	Status
	Report (APR) are completed. <i>Provide NYSED with electronic copies of all materials.</i>			
48	<p>Final Distribution of Assets</p> <p>Final distribution of assets may be directed by the Board of Regents and/or the court as described above. In general, all liabilities and obligations of the school must be paid and discharged to the extent of the school's assets. Any assets held subject to a lien, encumbrance, security interest, or other written conditions or limitations must be disposed of in accordance with and subject to those conditions or limitations.</p> <p>Assets received and held by the school subject to limitations permitting their use only for charitable, benevolent, educational, or similar purposes, but not held upon condition requiring return or with specific disposition instructions, shall be held until dissolution and transferred or conveyed in accordance with Education Law §§219, 220, 2851(2)(t), and the charter.</p> <p>An itemized receipt containing the name, address and telephone number of the recipient must be obtained from each recipient of an asset, in case of later question, audit, or review by federal bankruptcy or state supreme court, or other governmental body.</p> <p>In closing out any federal grant and accounting for any federal grant funds, property owned by the federal government or property acquired under a federal grant must be distributed in accordance with federal regulations. See 2 CFR Part 200, subpart D.</p>	<ul style="list-style-type: none"> Charter School Finance Lead 	Within 60 days of the last day of instruction	
49	<p>Documenting the Disposition of and Transfer of Corporate Records</p> <p>The school's board should follow its records retention policy. No student, personnel, or financial records should be disposed of without the express approval of NYSED.</p> <p>In all cases, the school's board of trustees shall maintain all corporate records related to:</p> <ul style="list-style-type: none"> Employees (background checks, personnel files); Loans, bonds, mortgages and other financing; 	<ul style="list-style-type: none"> Charter School Board Chair Charter School Finance Lead 	Within 60 days of the last day of instruction and ongoing	

Post-Closure Tasks (Within one week to 120 days after the last day of instruction)

Action Item		Responsibility for Action Item	Completion Date	Status
	<ul style="list-style-type: none"> Contracts; Leases; Assets and asset sales; Grants (records relating to federal grants must be kept in accordance with 2 CFR § 200.333.); Governance (minutes, by-laws, policies); Accounting/audit, taxes and tax status; Employee benefit programs and benefits; and Any items provided for in the closure action plan. <p>NOTE: The school must contact NYSED after the final audit has occurred and the Petition for Dissolution has been filed, so that the school's records can be transferred to NYSED. It is the responsibility of the school to transfer all records to electronic formats at the school's expense, and to send NYSED these records electronically as directed by NYSED.</p>			
50	<p>Audit The school must submit a final closeout audit (by an independent CPA firm or New York State auditor, as determined by statute), which documents disposition of all liabilities. <i>Provide an electronic copy of the final audit to NYSED.</i></p>	<ul style="list-style-type: none"> Charter School Board Chair Charter School Finance Lead 	Within 120 days of the last day of instruction	
51	<p>Submission of Final Reports and Data The school must complete all final data reporting requirements, including School Safety Reports, VADIR, Annual Report, etc.</p>	<ul style="list-style-type: none"> Charter School Board and School Operations Lead 	By reporting deadline	
52	<p>File Petition for Dissolution or Consent for Judicial Dissolution It is the responsibility of the school's board to file the Petition for Dissolution or Consent for Judicial Dissolution within a timely manner.</p> <p>Note: It is the personal responsibility for all board members to remain in contact with the school's board chair in order to be available to meet, vote, and approve the Petition when called upon to do so. Board member responsibilities are not discharged until such time as the corporation is fully dissolved.</p>	<ul style="list-style-type: none"> Charter School Board Chair 	Within 2 weeks of receipt of the final audit	

APPENDIX A: Sample Notification Letter - Families

CHARTER SCHOOL NAME AND ADDRESS

DATE

Dear Families of CHARTER SCHOOL NAME,

I want to thank you for entrusting your child's education to the staff and leadership of the CHARTER SCHOOL NAME and for believing in the mission of our school: [INSERT MISSION]. On behalf of the board, leadership, and staff of the school, it has been our honor to serve the students of the CHARTER SCHOOL NAME for the past XX years. We have worked hard over the life of the charter to provide our students with the educational vision contained in our original charter application. As you may be aware, the Board of Regents of the New York State Education Department, which is charged by the state to oversee our school, voted to close CHARTER SCHOOL NAME at its DATE meeting. The Board of Regents determined that the school was unable to meet its goals and has decided that the last day of operation will be DATE.

The CHARTER SCHOOL NAME Board of Trustees is committed to seeing this school year through successfully. We expect our students to engage in our academic program through the last day of our school's operation. We will also be hosting a series of family meetings to assist students and families with the transition to their new school. These meetings will be attended by representatives from area schools; families will have the opportunity to learn more about educational options available to their children. Enrollment information and materials will also be available. The meetings will be held at the following dates and times:

- DAY, DATE, TIME, LOCATION 1
- DAY, DATE, TIME, LOCATION 2
- DAY, DATE, TIME, LOCATION 3

We, in partnership with the New York State Education Department's Charter School Office and the MANAGEMENT COMPANY, IF ANY, are also committed to helping the teaching staff successfully complete the remainder of the school year. We will be providing assistance to the teachers to help them find new positions for the next school year.

Please note that NAME is the point person for any questions that you might have, and S/HE would be happy to meet with you to discuss this process. I again thank you for your faith in the CHARTER SCHOOL NAME, its leadership, teachers, and mission. Let's make the most of the next XX weeks that we have together, stay positive, and focus on giving our students all that we can to prepare them for long-term academic success.

Respectfully,

CHAIRPERSON'S NAME, TITLE

CHARTER SCHOOL NAME

APPENDIX B: Sample Notification Letter - Staff

CHARTER SCHOOL NAME AND ADDRESS

DATE

Dear Staff of CHARTER SCHOOL NAME,

I want to thank you for your hard work and dedication this year on behalf of the children at the CHARTER SCHOOL NAME. Your professionalism is admirable and truly appreciated. We have worked hard over the past XX years to establish the school envisioned in our original charter application. Much of what we have accomplished is a credit to our teaching staff's dedication to the students we serve. As you may know, the Board of Regents voted on DATE to close our school. As such, our school will continue to serve our students through DATE.

The CHARTER SCHOOL NAME Board is committed to seeing this school year through successfully. We expect our students to continue to receive a quality education through the very last day of school. We, in partnership with the Charter School Office at the New York State Education Department and the MANAGEMENT COMPANY, IF ANY, are committed to helping the teaching staff fulfill their duties until the last day of school operation. [Please also note that the school is financially solvent, and that all employees – in accordance with their employment agreements – will continue to be paid through the end of the school year.]

Please also be aware that our students and families are a top concern for CHARTER SCHOOL NAME. Therefore, we will be hosting a series of family meetings to assist students and families with the transition to new schools next year. These meetings will be held at the school at the following dates and times; all teaching staff are welcome to attend:

- DAY, DATE, TIME 1
- DAY, DATE, TIME 2

NAME will be the point person for all staff questions related to the closure, and NAME will be the point person for all families and family issues related to the closure. While the day-to-day operations of the school won't change between now and the last day of school, NAME will forward a timeline to the staff within the next XX days that contains information related to important dates, and the completion of operations following the last day of classes on DATE. I again thank you for your commitment and dedication to the children and community that we serve. Let's make the most of the next XX weeks that we have together, stay positive and focus on giving our students all that we can to prepare them for academic success after this year.

Respectfully,

CHAIRPERSON'S NAME, TITLE
CHARTER SCHOOL NAME

APPENDIX C: Sample Press Release

For Immediate Release: RELEASE DATE

Contact: NAME OF INFORMATION OFFICER, (XXX) XXX-XXXX

**Accountability Continues at the Board of Regents DATE Meeting
The Regents Vote Not to Renew CHARTER SCHOOL NAME.
CHARTER SCHOOL NAME to Close DATE.**

Albany, New York. During the Board of Regents' DATE meeting, upon the recommendation of the New York State Education Department's (NYSED) Charter School Office and confirmation by the [CHARTER SCHOOL RENEWAL COMMITTEE], the Board of Regents voted unanimously today to deny the application for charter renewal submitted by the CHARTER SCHOOL NAME. This decision means that the CHARTER SCHOOL NAME will close DATE at the end of the current school year. The Charter School Office, NYSED's [CHARTER RENEWAL COMMITTEE], and the full Board of Regents were unable to find that the school had posted evidence of success necessary to earn renewal under NYSED's charter contract with CHARTER SCHOOL NAME. Prior to the Board's "final and irrevocable" vote, the school was afforded all avenues of appeal available in statute and [BOARD OF REGENTS POLICY NAME].

Based on the review of evidence gathered over the XX-year term of the charter, during the renewal site visit, the school's application for charter renewal, and through appeals, the Board of Regents was not able to identify findings required under New York State Statute to renew CHARTER SCHOOL NAME's charter contract. Statute requires the Board of Regents to make an explicit finding that the school was likely to improve student achievement and be operated in an educationally sound manner. Based upon the renewal report submitted by NYSED's Charter School Office, the Board of Regents, instead, found [INSERT FINDINGS HERE, e.g., that the educational program, leadership, and governance at the school did not post sufficient academic results, or qualitative evidence to indicate the school would meet, or come close to meeting, the Performance Framework goals included in its charter contract. The school did (NOT) operate in a fiscally, legally, and regulatory sound manner]. Therefore, NYSED's [CHARTER RENEWAL COMMITTEE] voted on DATE to recommend the full Board of Regents deny the school's application for renewal.

The Charter School Office recommendation to the Board of Regents, Regents' policies, and other pertinent information is available online at WEBSITE URL. The Charter School Office will hold an information meeting for CHARTER SCHOOL NAME families on DATE. Charter School Office staff will provide families information on other public school choice options available to students and explain the transition of student records and other pertinent information at that time.

Information on alternative placements for students currently enrolled in XXX Charter School can be found by contacting the student's district of residence or charter school in the area.

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Charter School Parent Guide

**New York State Board of Regents
State Education Department**

Charter School Office

**89 Washington Avenue
Albany, New York 12234**

<http://www.nysed.gov/charter-schools>

charterschools@nysed.gov

518-474-1762

November 2021

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GUIDE TO CHARTER SCHOOLS IN NEW YORK STATE

I. Introduction to Charter Schools

What is a charter school?

So, you've probably read and heard plenty about charter schools by now, but what exactly *is* a charter school?

In New York State, charter schools are tuition-free public schools that receive money from local, state, and federal funds. They are open to **all** students who are eligible for enrollment in traditional district schools, with a special emphasis on students who reside in a school's district of location. (More information on charter school admission lotteries and enrollment is found in [Section II. Admissions/Enrollment.](#))

Charter schools are completely independent of district school boards. What allows a charter school to provide education to the public is a "charter," a type of contract, between the school's board of trustees and a chartering entity (also known as an authorizer). According to the terms of the charter, a school agrees to meet rigorous academic, operational, financial, and legal standards. The authorizer oversees each charter school to ensure it is meeting the terms of its charter.

A significant difference between charter schools and traditional public schools is that charter schools often focus on innovative curricula, new approaches to school organization or instruction, or another feature that traditional public schools wouldn't be able to accomplish without the flexibility given by a charter.

A comprehensive list of all charter schools in New York State can be found at:
<http://www.nysed.gov/charter-schools/charter-schools-directory>

Why do we have charter schools?

Per New York State law, charter schools are created with the following goals:

- 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; and
- Provide schools with a method to change from rule-based to performance-based accountability systems.

How long have charter schools been in existence?

In 1998, New York became the 35th state (including the District of Columbia) to enact charter school legislation. The first charter school opened in New York State in 1999 and is still open today, the Sisulu-Walker Charter School in Harlem. As of 2020, there were more than 3.3 million students attending the 7,500 charter schools operating in the 44 states and the District of Columbia with charter school laws.¹

How many charter schools are in New York State and how many children attend them?

As of the 2020-2021 school year, approximately 183,000 children attended a charter school in New York State. Of these students, 82% were attending a charter school in New York City. As the number of charter schools in the state can change year by year, the most recent and complete look at the number of charter schools can be found online.

An updated list of all charter schools in New York State can be found at:

<http://www.nysed.gov/charter-schools/charter-schools-directory>

More information about charter schools in New York State can also be found at:

<http://www.nysed.gov/charter-schools/about-us>

What is a charter entity (authorizer)?

A charter entity/authorizer is an entity with legal authority to approve (or deny) charter school applications and the responsibility to monitor schools' compliance with charter requirements. In New York State, there are four charter entities/authorizers who oversee the performance of

¹ <https://www.publiccharters.org/our-work/publications/2020-annual-report> (as of 11/2021).

the state's charter schools. However, at this time, the only charter entity/authorizers to which applicants may submit **new** charter school applications are the Board of Regents and SUNY.

The four charter entity/authorizers who oversee charter school performance are:

- The Board of Regents (NYSED Charter School Office): <http://www.nysed.gov/charter-schools>
- The Board of Trustees of the State University of New York (SUNY Charter Schools Institute): <http://www.newyorkcharters.org/>
- The New York City Department of Education Chancellor (NYC DOE Charter School Office): <https://www.schools.nyc.gov/enrollment/enroll-in-charter-schools/learn-about-charter-schools>
- The Buffalo Board of Education: <https://www.buffaloschools.org>





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

Yes, charter schools must follow the same health and safety, civil rights, and student assessment requirements as other public schools, but they are exempt from all other laws and regulations, except for Article 56 of the Education Law.



II. Admissions/Enrollment

Are charter schools open to all students?

Yes, any student who is qualified for admission to a public school is qualified for admission to a charter school. Students may apply to attend any charter school within the state, although charter schools have admissions preferences for, among other things, students residing in the school's district of location. Students are generally admitted to a charter school through an impartial and random lottery.

Are charter schools required to enroll children with special needs or English language learners/multilingual learners?

Yes, a charter school is required to enroll and retain students with disabilities, English language learners/multilingual learners, and economically disadvantaged students in percentages comparable to the district in which the school is located, or demonstrate good faith efforts to do so.

Charter schools may not discriminate against any student, employee or any other person based on ethnicity, national origin, gender, or disability or any other grounds that would be unlawful if done by a district school.

How does a charter school select students?



Charter schools are required to enroll each applicant that submits a timely application by April 1st each year. If the number of applications exceeds the number of seats available, the school must conduct a lottery to decide which students are admitted. When conducting a lottery, charter schools must use certain preferences as is described in the next section.

How can a student apply to enroll in a charter school?

For information about a specific charter school and its enrollment deadline, contact the school directly. Charter law states that the deadline to apply for a charter school cannot be earlier than April 1, but some charters may have a later deadline. For information about a specific charter school and its enrollment deadline, contact the school directly. Contact information for each charter school in New York State can be found in the NYSED New York State Charter Schools Directory at <http://www.nysed.gov/charter-schools/charter-schools-directory>.

If the number of students who apply to a charter school is more than the number of available seats, schools will use a **random selection process**, such as a lottery. If you miss the charter school's deadline, you can still apply, but your child may be placed at the bottom of a waitlist.

Each school has its own application form, but many use the following online application platforms that you can use to apply to charter schools in these two geographic areas:

- New York City Common Online Charter Application:

<https://nyccharterschools.schoolmint.net/welcomeback>

- Rochester Common Online Charter Application:
<https://goodschoolsroc.schoolmint.net/welcomeback>

Charter schools give enrollment preferences to:

- Returning students;
- Siblings of students already enrolled; and
- Students living in the same district (or community school district, in New York City) as the school.

Charter schools may also give preferences to the following groups, among others (if law and the school's authorizer allow):

- English language learners;
- Students with disabilities;
- Students who are eligible for free or reduced-price lunch; and
- Children of the school's employees, as long as the number of those children does not constitute more than fifteen percent of the charter school's total enrollment.

Single-sex charter schools are allowed.

Can a charter school refuse to admit certain students?

Generally, no. However, a charter school may refuse to admit students that do not meet age or grade level requirements specified in the charter.

A charter school designed as a single-sex school, or which serves particular at-risk students, may limit admissions to that category of students, unless such action would constitute discrimination under federal law. A charter school may also deny admission to a student who is currently under suspension by another public school until the period of suspension has expired.

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

The school's charter determines how many students can enroll by year and by grade level. Charter schools have enrollment flexibility only within parameters set by the charter authorizer and must seek approval from their authorizer in order to make enrollment changes that are not specified in their charter.

The minimum number of students enrolled must at least be fifty, unless the applicant presents a compelling justification for fewer students.



Do charter schools have the same flexibility as school districts to determine a student admission cut-off date? For example, if the district only enrolls students who will turn five on or before December 1st, can the charter school enroll students who will turn five on or before December 31st?

Charter schools have the same flexibility as school districts to determine a student admission cut-off date, and may enroll students who will turn five after December 1st, consistent with Education Law § 3202(1). Charter schools are not bound by a particular school district's admission policy.

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

No.



III. Creating a Charter School

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, or not-for-profit corporation, but may also be filed independently.

Can a religious group start up a charter school?

No, churches or other religious denominations or groups cannot control or direct a charter school. By law, charter schools are non-religious and must accept all students, regardless of religious affiliation. A charter school must be nonsectarian in its programs, admissions policies, employment practices, and other operations. Also, it may not provide or allow the use of school

funds or resources to support religious instruction. However, individual members of the clergy or other religious leaders are allowed to serve on charter school boards of trustees.

Is there a limit on the number of charter schools that can be established in New York?

As of 2010, the limit on the number of charter schools that can be established in New York is 460. This count does not include existing public schools that convert to become charter schools (see next question).

Can an existing school convert to a charter school?

Legally, an existing public school can convert to a charter school if it is approved by both the Board of Regents and a majority of parents of the students enrolled in the existing school. However, the law specifically prohibits an existing nonpublic 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 one and grade twelve. They may also offer a kindergarten program. If approved by the charter school's local district, charter schools may offer Pre-K for 4-year-olds. Currently only a handful of charter schools in New York City offer Pre-K.

If a charter entity/authorizer rejects a charter application, can the applicant appeal?

No. If a charter entity/authorizer denies an application for a charter school, the denial is final. However, the applicant may re-apply to the same authorizer in a future application cycle, and/or may apply to another charter entity/authorizer.



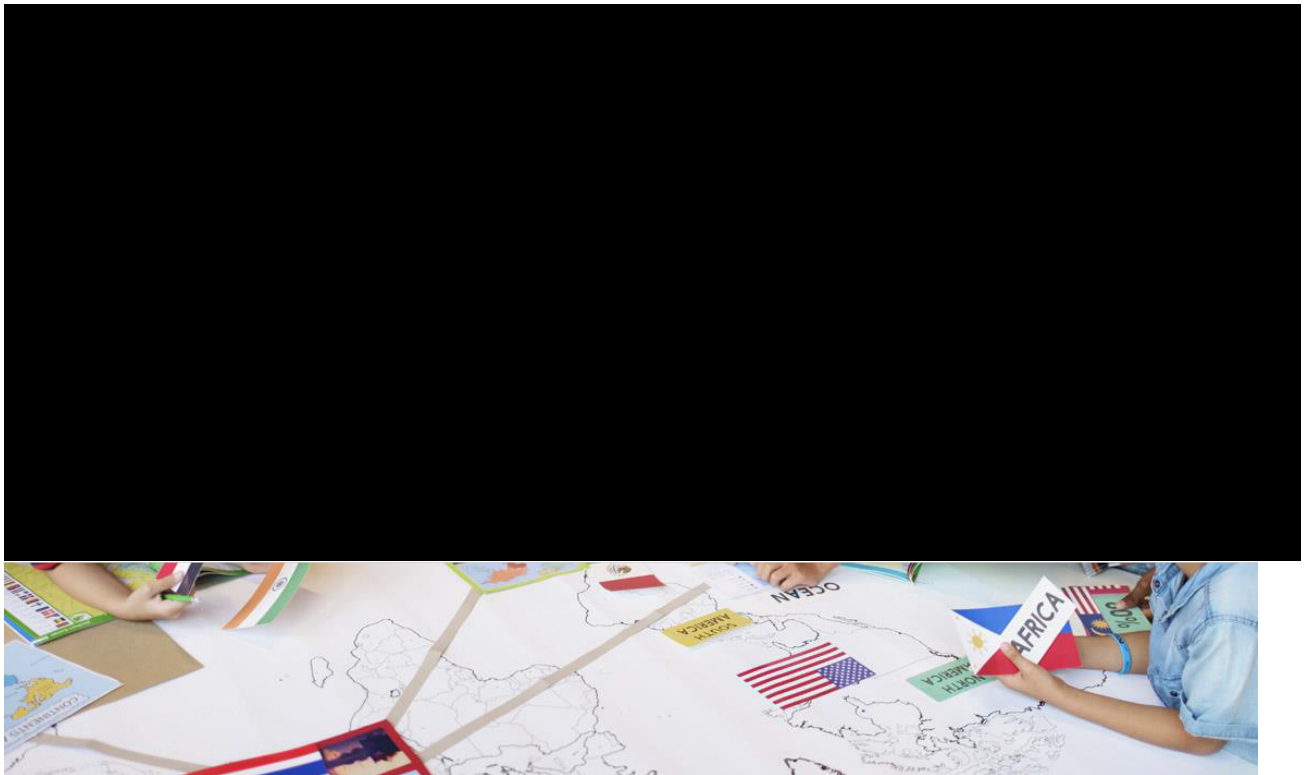
IV. Academic Program

Do charter schools have to address the [state's learning standards](#) and administer state assessments?

Yes, charter schools must design their educational programs to meet or exceed the New York State Learning Standards. Charter schools may also supplement their instruction with additional materials or standards. Charter schools must also give the [same student assessments](#) 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 that are required of other public school students. A charter school offering instruction in the high school grades may grant Regents and local diplomas to the same extent as other public schools.



Do charter schools have to provide a minimum number of days of instruction and a minimum number of hours per day?

Most charter schools provide more instruction time than is required. Charter schools are required to provide at least as much time dedicated to instruction as is required of other public schools.

Do charter schools have to meet specific student achievement goals?

Yes, charter schools must have specific measurable student achievement goals as identified in the school's charter. The school is accountable for meeting these goals; if they are not met, the school's renewal may be jeopardized.



V. Student Services

Do charter schools offer special education services?

Yes, charter schools are required to accept students with disabilities and must provide the services specified in the student's Individualized Education Program (IEP).

Who provides special education services?

It depends. 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 the services.

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

Yes, a charter school must serve a comparable percentage of economically disadvantaged students as the district in which it is located or demonstrate good faith efforts to do so. Charter schools may not discriminate against any student, employee, or any other person.

Who provides transportation for charter school students?

When it comes to transportation, charter schools are treated like nonpublic schools. The district of residence must provide transportation on the same basis as it does for nonpublic school students. For information on how this would affect your family, consult the district where you live.

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

Yes, a charter school must provide food services to all students.

How do charter school students obtain textbooks?

Charter school students receive textbooks in the same way nonpublic school students do, through a loan program from the district where the school is located.



VI. Discipline

What kind of discipline plan must charter schools have?

Charter schools may have their own standards for student behavior within the school. However, certain components are required, such as rules and due process procedures for disciplining, suspending, or expelling students, the process for providing students with alternative instruction, and rules and procedures for disciplining students with disabilities.



How are students with disabilities disciplined?

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

VII. Finances

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

No, charter schools are by law tuition-free for students in New York State. They can only charge fees that traditional public schools can charge.

How much taxpayer/public money do charter schools receive?

The amount of public money a charter school receives depends on the number of students the charter school enrolls. This is called “per pupil funding” (PPF). PPF is determined by the approved operating expense of each student’s district of residence and is set by a formula in state law. If a charter school opts to provide special education services directly, it will receive any state or local aid in proportion to the level of services provided.

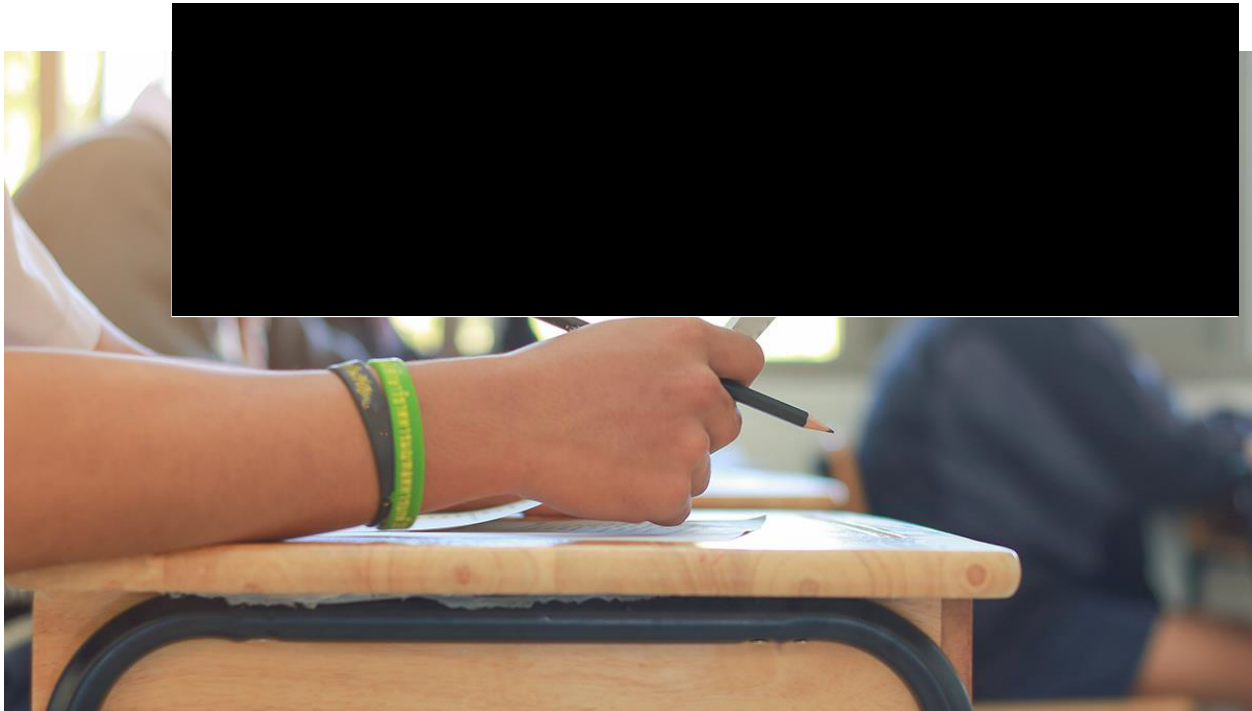
Charter schools receive funding based on each day a student is enrolled in the charter school. If a student enrolls in another school, no matter when in the school year, the charter school no longer receives funding for that student.

Can charter schools solicit and accept private funding?

Charter schools are publicly funded but, like traditional district schools, can engage in fundraising to help supplement public funding. Not all charter schools seek or receive philanthropic/outside funding. Similar to district school, if such funds are obtained by the charter school, many of them use these grants and donations to provide additional resources to students or to provide free after-school activities. Like traditional district schools, many charter schools have parent organizations that raise funds to help support enrichment activities in the school.

Can charter schools use funds to lease facilities?

Yes.



VIII. Employment

Do charter school teachers have to be certified by New York State?

Charter schools have the same certification requirements as traditional public schools. The teachers must be certified by New York State in a particular subject area. However, there are exceptions in the law that allow a charter school to employ up to 15 uncertified teachers who fit within the following three categories:

- 1) five teachers (or 30% of the teachers in a charter school, whichever is less)
- 2) five uncertified teachers of mathematics, science, computer science, technology, or career and technical education; and
- 3) five additional teachers.

Any uncertified teacher working in a charter school under these exemptions must be fingerprinted like any other adult working in the school and must meet one or more of the following criteria:

- 1) Has at least three years of elementary, middle or secondary classroom teaching experience;
- 2) Is tenured or tenure track college faculty;
- 3) Has two years of satisfactory experience through the Teach for America program; and/or
- 4) Has exceptional business, professional, artistic, athletic, or military experience.

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 charter school was converted from a traditional public school through the approval of a majority of parents whose children are enrolled in the school, employees who were eligible for representation will still be subject to collective bargaining agreements for the local school district. Schools that weren't converted from traditional public schools and have more than 250 students enrolled in the first two years of operation will be under the same employee organization that represents instructional employees in the school district. Charter schools that do not meet these criteria are exempt from mandatory union representation but can choose to become unionized.



Can charter school employees be represented by a union?

Yes.

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. Eligibility for benefits is determined by the school's contract with its employees.



IX. Accountability

Who oversees charter schools?

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

Charter schools in New York are more autonomous than traditional public schools, and, in exchange for that freedom, they are held to a higher accountability standard for producing the academic outcomes outlined in their charter.

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, regardless of the authorizer.

What reporting requirements do charter schools have to meet?

Charter schools are required to make an annual report to the charter entity/authorizer and the Board of Regents. They may also be asked by authorizers 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. Each charter school must follow its charter entity/authorizer's **performance framework** agreed upon in the school's charter that outlines the standards it needs to meet. These standards are generally categorized into three key areas of charter school performance:

- 1) Educational Success
- 2) Organizational Soundness
- 3) Faithfulness to Charter and Law

What is the performance framework?

The performance framework is the foundation of the Board of Regents Oversight Plan and covers all Regents-authorized schools. The framework outlines performance benchmarks and indicators in ten key areas for Regents-authorized charter schools. The SUNY Board of Trustees has a similar plan called the Accountability Plan.

More information on SUNY's Accountability Plan:
<https://www.newyorkcharters.org/accountability/>

More information on the Board of Regents' Performance Framework can be found here:
<http://www.nysed.gov/common/nysed/files/programs/charter-schools/performanceframework2019.pdf>

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.

X. Complaint Procedure

Detailed information on the charter school complaint process can be found at <http://www.nysed.gov/charter-schools/complaint-process>. Any questions about the complaint process can be directed to CharterSchools@nysed.gov. All charter school stakeholders, including parents and educators, are encouraged to engage in transparent open dialogue to avoid having to proceed down the formal charter school complaint process.

Resolving Complaints

Often, issues or complaints can be resolved informally between the complainant and the charter school, without the use of the formal complaint process. The informal approach is most appropriate for issues that do not involve a violation of the charter or law and can often result in a faster resolution of the concern. Using the informal route won't prevent you from using the formal complaint process later. However, a school cannot require you to resolve a complaint informally.

Complainants should work with the school and/or the charter entity/authorizer when handling a complaint informally. Complainants may reach out to the NYSED Charter School Office and/or the school's charter entity/authorizer for assistance with a formal complaint.

Formal Complaint Process (for violations of the school's charter or the law)

Step 1: A complaint must first be brought to the school's board of trustees or a designee of the board (as described in the school's complaint/grievance policy). The school is required to provide you with a copy of its complaint policy upon request.

Step 2: If, after making your complaint to the school's board of trustees, you believe that they have not adequately addressed your complaint, or if, after a reasonable period of time, the board of trustees or its designee does not respond to your complaint in writing – or does not respond within the time that the school provides its formal complaint/grievance policy – you then have the right to bring your complaint to the charter entity/authorizer. A list of charter schools and authorizers is available here:

<http://www.nysed.gov/charter-schools/charter-schools-directory>

Step 3: If you are not satisfied after making your complaint to the school's charter entity/authorizer, or if, after a reasonable period of time, the charter entity/authorizer does not respond to your complaint in writing, you have the right to bring your complaint to the Board of Regents. All complaints to the Board of Regents must be submitted in writing to the State Education Department's Charter School Office, either via mail at:

*Charter School Office
NYS Education Department
89 Washington Avenue, EB 5N Mezzanine
Albany, NY 12234*

or via email to: CharterSchools@nysed.gov The subject line should read:

Complaint: [Name of School]

The complaint should include:

1. A detailed statement of the complaint, including the provision of the school's charter or law that you allege has been violated.
2. The response you received from the school's board of trustees (and the school's charter entity/authorizer, in the case of schools not authorized by the Board of Regents).

3. Copies of all relevant correspondence between you and the school and you and the charter entity/authorizer if applicable.
4. What specific action or relief you are seeking.
5. Your contact information, including your name, address, email address, and telephone number.

Investigation

The Charter School Office, on behalf of the Commissioner and the Board of Regents, will conduct any investigation that it determines necessary and appropriate regarding complaints that have been appropriately filed concerning charter schools.

The investigation may include contacting the school and the relevant charter entity/authorizer concerning the complaint, providing a copy of the complaint to the school and the charter entity/authorizer, and requesting additional information or materials from you or the school.

XI. Additional Questions

Where can I obtain additional information about charter schools?

The New York State Education Department Charter School Office website offers additional information and resources regarding charter schools. The office can also be contacted by email at CharterSchools@nysed.gov or by phone at (518) 474-1762.

What resources can I use to learn more about charter schools?

This NPR article goes into the basics of what a charter school is:

<https://www.npr.org/sections/ed/2017/03/01/511446388/just-what-is-a-charter-school-anyway>

The National Association of Charter School Authorizers is another resource:

<https://www.qualitycharters.org/>

The National Alliance for Public Charter Schools conducts studies that track charter school performance records:

<https://www.publiccharters.org/about-charter-schools>

NYSED Statement of Community-Based Authorizing Practices for New Charter School Applicants

NYSED, on behalf of the New York State Board of Regents, is a community-based authorizer committed to principles of equity and access for all students across New York State. Community-based authorizing is based on the principle that community stakeholder voice, and response to community need, is an integral component of charter school decision making at all levels. We hope to see evidence of community voice, as well as a commitment to the principles of diversity, equity, and inclusion, throughout the applications received through this RFP, as well as in the portfolio of the existing Board of Regents-authorized charter schools.

Applicant groups should be familiar with and incorporate aspects of the Board of Regents Diversity, Equity, and Inclusion Framework and Policy Statement throughout their application.¹ As such, all applicant groups and charter schools authorized by the Board of Regents should:

1. Define the community being served (community is more than just the students, staff, and families the school serves). Community includes all the people and groups who are affected by your school activities and outcomes, who have influence or power over the school's direction, or have an interest in its successful or unsuccessful outcomes;
2. Ensure that the perspectives, input, and "voice" of that community are authentically solicited and included in school-level decision making, including on the school's board of trustees; and
3. The school design, both academic and social-emotional, supports the needs of, and is responsive to, the community. This should be a dynamic and ongoing, not static, process.

Requests:

1. Provide a definition of community to be served that includes proposed students who may be enrolled in the school and their parents/guardians but also includes a larger definition of community to be served. This definition should be inclusive of stakeholders in the area in which the proposed school will be located.
2. Describe the processes, practices, and policies by which community input and "voice" will be included in school-level decision making and be represented on the school's board of trustees. Such processes, practices, and policies shall ensure a diverse set of voices are included in the operation of the proposed school and adhere to the principles of diversity, equity, and inclusion.
3. Discuss how the school design, both academic and social-emotional, support the needs of, and are responsive to, the community and how input to determine and respond to changing community need will be determined and implemented. This design should be from a strengths-based perspective where the school is aware of, and responsive to, leveraging the inherent strengths and assets of the community.
4. If the proposed school plans to partner with a Community-Based Organization, applicants must describe how that partnership will bolster or deepen student learning, both academic and social-emotional.
5. How will the proposed school evaluate community partnerships?

¹ Board of Regents Diversity, Equity and Inclusion Framework and Policy Statement: <http://www.nysed.gov/diversityequity-inclusion/diversity-equity-and-inclusion-framework-and-policy-statement>.

Evaluation Criteria

1. Applicant groups demonstrate familiarity with, make mention of, and incorporate aspects of the Board of Regents Diversity, Equity, and Inclusion Framework and Policy Statement throughout their application.
2. A detailed definition of community is provided that demonstrates a clear understanding and connection to the milieu that the school will be situated in and demonstrates a clear picture of the stakeholders to be included. Stakeholders in the community are defined as all the people who are affected by your school activities and outcomes, who have influence or power over the school's direction, or have an interest in its successful or unsuccessful outcomes.
3. The definition of community provided encompasses a community larger than just the school staff, students expected to enroll in the proposed school, and their parents/guardians.
4. Processes, practices, and policies by which community input and "voice" demonstrate inclusion of the community in school-level decision making, are detailed in how such input will impact decision-making, and represent ongoing and inclusive consultation with the defined community.
5. Measures of community partnership evaluation are included in the application.
6. The application includes community representation on the school's board of trustees as well as processes, practices, and policies to continue such representation post-authorization.
7. Aspects of the school's design, both academic and social-emotional, demonstrate that the proposed school will support the needs of, and be responsive to, the community are enumerated. This school design identifies and builds upon the inherent strengths and assets of the community from a strengths-based perspective.
8. Plans for processes, practices, and policies are provided to ensure that academic and social emotional supports are available to students expected to enroll in the school, are responsive to community needs, and are responsive to changing stakeholder needs.
9. Principles of diversity, equity, and inclusion are defined and incorporated in the responses to this section.



David M. Frank, Assistant Commissioner for Education Policy
Education Building, Room 115 EB [REDACTED]
89 Washington Avenue
Albany, NY 12234
[REDACTED]

PROJECT ASSISTANT, SG-23 (PEF)

Dissemination and Professional Development Coordinator

The New York State Education Department's Office of P-12 Education will be seeking candidates for the position of Project Assistant in the Office of Charter Schools (CSO), contingent upon approval for the SE grant. Under the general direction of the Supervisor of Education Programs, the Project Assistant will be responsible for coordinating and implementing the Department's efforts related to the broad dissemination of best practices, innovative designs, and methodologies developed in charter schools to public schools. The incumbent of this position will serve as a resource to staff within the Department, external partners, and key stakeholders involved in New York State's school turnaround efforts. Other duties of this position include, but are not limited to, the following:

- Work collaboratively with charter school authorizing partners in New York to develop and implement the dissemination sub grant competition Request for Proposal and supporting policies and guidance;
- Conduct outreach and training activities to raise awareness among both potential charter school applicants and public school partners;
- Conduct outreach to districts with persistently low-performing schools and districts that close to being identified as low-performing as well as schools that are implementing school improvement transformation, restart, or turnarounds;
- Conduct outreach to charter schools that propose in-depth engagement partnerships, which may include "embedding" key charter school staff members at the school;
- Conduct meetings and presentations with key district and school leaders;
- Coordinate and administer all aspects of the dissemination grant management and review process, program budgeting, monitoring and reporting;
- Develop and coordinate implementation of the formal evaluation of dissemination projects (both from disseminating and partner schools) and student achievement impacts;
- Serve on agency work groups related to school turnaround, innovation, and improvement initiatives, including application review, and
- Serve as the primary CSO liaison to a subset of Regents-authorized charter schools, including the conduct of performance oversight site visits.

- Plan and deliver professional development sessions for charter school staff to support the implementation of best practices and innovative methodologies.
- Develop and maintain professional development materials and resources to assist charter schools in their dissemination efforts.



David M. Frank, Assistant Commissioner for Education Policy
Education Building, Room 115 EB (518) 474-3862
89 Washington Avenue
Albany, NY 12234
[REDACTED]

Charter School Governance Specialist

Job Description

The New York State Education Department's (SEDs) Charter School Office is seeking candidates for the position of Charter School Governance Specialist. It is the responsibility of the Charter School Office to create and sustain excellent educational options for New York State families on behalf of the Board of Regents through high quality charter school authorizing, fair and transparent oversight of all charter schools, and the dissemination of innovative school designs and practices. The incumbent of this position will provide legal support to charter schools, charter school authorizers, school districts, SED staff and managers, members of the Board of Regents, and others concerning New York State Statute, Rules and Regulations. The duties of this position will include, but not be limited to:

- Providing professional development to charter school staff and boards of trustees related to charter school operations and compliance with federal and State requirements;
- Preparing web-based and written material for the field on charter school issues to educate and assist in assuring compliance with federal and State requirements;
- Reviewing and making recommendations on charter renewals and revision requests concerning Regents authorized charter schools and proposed charter renewals and revisions from other charter authorizers;
- Responding to complaints received from external stakeholders, investigating allegations, and preparing a record as necessary to facilitate a decision by the Commissioner of Education; and
- Educating and training Charter School Office staff on the requirements of applicable laws, regulations, and internal policies and procedures.



David M. Frank, Assistant Commissioner for Education Policy
Education Building, Room 115 EB [REDACTED]
89 Washington Avenue
Albany, NY 12234
[REDACTED]

Fiscal Oversight Specialist

Job Duties

Overview: The Fiscal Oversight Specialist will provide comprehensive fiscal oversight and technical assistance for charter schools receiving subgrants under the New York State Education Department's [REDACTED] Charter School Program (CSP) grant. This role involves ensuring compliance with state and federal fiscal regulations, supporting effective financial management practices, and offering expertise in charter school finance.

Key Responsibilities:

- **Fiscal Oversight and Monitoring**
 - Conduct regular reviews and audits of charter school financial reports and budgets.
 - Monitor compliance with state and federal grant regulations.
 - Analyze financial statements and identify areas of concern or potential risks.
 - Ensure proper use and documentation of CSP grant funds.
- **Technical Assistance**
 - Provide expert guidance on fiscal policies, procedures, and best practices.
 - Develop and deliver training sessions for charter school finance staff on budgeting, financial reporting, and compliance.
 - Assist charter schools in developing and implementing financial management systems and internal controls.
- **Financial Reporting**
 - Oversee the preparation and submission of required financial reports and documentation to the New York State Education Department.
 - Ensure accurate and timely reporting of financial data related to the CSP grant.
 - Review and approve budget modifications and grant-related financial transactions.
- **Risk Management**
 - Identify financial risks and recommend corrective actions to mitigate potential issues.
 - Develop strategies to enhance the fiscal health and sustainability of charter schools.
 - Provide support in resolving financial disputes and issues within charter schools.
- **Policy Development and Implementation**

- Contribute to the development and refinement of fiscal policies and guidelines for the Charter School Program.
- Ensure alignment with state and federal regulations and standards.
- Advocate for improvements in fiscal oversight practices and policies.
- **Collaboration and Communication**
 - Serve as a liaison between charter schools, the New York State Education Department, and other stakeholders.
 - Facilitate effective communication regarding fiscal matters, updates, and changes in regulations.
 - Collaborate with other departments to align fiscal oversight with broader program objectives.
- **Data Analysis and Reporting**
 - Collect, analyze, and interpret financial data to inform decision-making and program evaluation.
 - Prepare reports and presentations on the financial status and trends of charter schools.
 - Use data to provide actionable insights and recommendations for improving fiscal practices.
- **Professional Development**
 - Stay current with trends, developments, and best practices in charter school finance and grant management.
 - Participate in relevant training, conferences, and professional organizations.

Qualifications:

- **Education:** Bachelor's degree in Accounting, Finance, Public Administration, or a related field (Master's degree preferred).
- **Experience:** Minimum of 5 years of experience in charter school finance, grant management, or a related area. Prior experience with fiscal oversight in an educational setting is highly desirable.
- **Expertise:** Strong knowledge of charter school funding mechanisms, grant regulations, and financial management practices.
- **Skills:**
 - Proficiency in financial analysis, budgeting, and accounting principles.
 - Excellent communication and interpersonal skills.
 - Ability to provide technical assistance and training effectively.
 - Strong analytical and problem-solving skills.
 - Proficiency in financial management software and tools.
- **Certifications:** CPA or other relevant certifications preferred.



Appendix D

New York State's CSP application is submitted by the New York State Education Department, which is New York State's state educational agency.

Congress of the United States
House of Representatives
Washington, DC 20515-3215

June 7th, 2024

Dr. Bernadine Futrell
Deputy Assistant Secretary
Office of Discretionary Grants and Support Services
U.S. Department of Education
400 Maryland Ave SW
Washington, D.C. 20202

Dear Dr. Futrell,

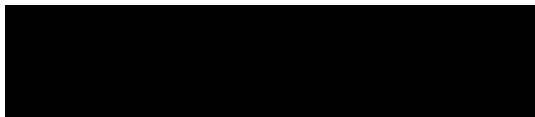
I write in regard to the New York State Education Department's (NYSED) application for funding under the Expanding Opportunities Through Quality Charter Schools Program Grants to State Entities (ALN 84.282A).

For the past decade, the NYSED has been awarded funds by the Department of Education to support new, high-quality, and expanding charter schools. I understand that during this time the NYSED was able to successfully provide micro-grants to charter schools in New York State to assist in board development, effective practice sharing, and improving academic outcomes for students- especially those who are at greatest risk of not meeting state academic standards.

I have learned that the NYSED seeks the CSP Grants to State Entities to meet the state's objectives in providing high-quality education options for students. These objectives include continuing the state's success in increasing the number of high-quality charter schools, improving student academic outcomes in New York charter schools, and strengthening the overall quality of New York State charter authorizing and CSP grant administration. By creating more opportunities for a greater number of students, I believe NYSED can positively impact more families and communities.

Thank you for your time and consideration. I trust that their application will receive full and fair consideration, consistent with agency guidelines.

Sincerely,



Ritchie Torres
Member of Congress



June 4, 2024

Dr. Bernadine Futrell
Deputy Assistant Secretary of
Office of Discretionary Grants and Support Services
U.S. Department of Education
Office of Elementary and Secondary Education
400 Maryland Ave. SW
Washington, DC 20202-6244

Dear Dr. Futrell:

This letter is offered in support of the New York State Education Department's (NYSED) funding application under the Expanding Opportunities Through Quality Charter Schools Program (CSP) Grants to State Entities (ALN 84.282A). As a partner in supporting the creation of additional high-quality charter schools in New York State (NYS), we have reviewed the grant and its project objectives:

- **Project Objective 1: Increase the number of high-quality charter school seats in (NYS), especially for those charter schools serving students who are at greatest risk of not meeting state academic standards.**
- **Project Objective 2: Improve student academic outcomes in NYS charter schools, particularly for students who are at greatest risk of not meeting state academic standards through high-quality charter authorizing and technical assistance.**
- **Project Objective 3: Promote the dissemination of effective practices that result in improved academic achievement for students attending NYS charter, district, and other schools.**
- **Project Objective 4: Strengthen the overall quality of NYS charter authorizing and CSP grant administration.**

As an authorizer, we fully support the plan to streamline and integrate the CSP start-up and expansion grant award review process with the rigorous and high-quality charter authorization process already conducted by the state's charter authorizers. In addition, we are excited about creating additional support, technical assistance resources, and effective practice sharing between schools and charter school authorizers that will be brought to NYS through the CSP grant. We will actively participate in and support this ambitious grant project.

NYSED's heightened focus on collaboration and quality authorizing will help maintain charter excellence amidst rapid expansion as new and existing charter schools serve increasing numbers of previously underserved students. The anticipated objectives and activities proposed in NYSED's FY24 CSP grant

reflect an important shift towards solving the challenges of a mature, high-quality chartering program in NYS. The SUNY Charter Schools Institute will continue to offer assistance to NYSED in order to meet these challenges.

Sincerely,

Kathryn Connell-Espinosa
Executive Director

KCE:ca



Mieasia Edwards
Chief Executive
Office of Nonpublic and
Charter Schools

65 Court Street
Suite 922B
Brooklyn, NY 11201

June 7, 2024

Bernadine Futrell, Ph.D., Deputy Assistant Secretary
Office of Discretionary Grants and Support Services
U.S. Department of Education
Office of Elementary and Secondary Education
400 Maryland Ave. SW
Washington D.C. 20202-6244

Dear Dr. Futrell:

This letter is offered in support of the New York State Education Department's (NYSED) application for funding under the Expanding Opportunities Through Quality Charter Schools Program (CSP) Grants to State Entities (ALN 84.282A). As a partner in supporting the operation of and as authorizer to expanding, high-quality charter schools in the New York State, we have reviewed the grant and its project objectives:

Project Objective 1: Increase the number of high-quality charter school seats in New York State, especially for those charter schools serving students who are at greatest risk of not meeting state academic standards.

Project Objective 2: Improve student academic outcomes in New York State charter schools, particularly for students who are at greatest risk of not meeting state academic standards through high quality charter authorizing and technical assistance.

Project Objective 3: Promote the dissemination of effective practices that results in improved academic achievement for students attending New York State charter, district, and other schools.

Project Objective 4: Strengthen the overall quality of New York State charter authorizing and CSP grant administration.

We are pleased to participate in and support this ambitious grant project. NYC Public Schools will be involved by:

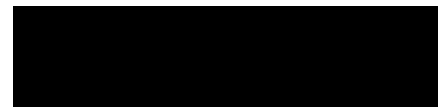
- Supporting the dissemination of effective practices by leveraging existing and identifying new opportunities for district/charter partnerships within New York City;
- Partnering with schools to develop their proposals for serving higher need populations and on soliciting and incorporating community feedback into their plans;



- Attending events and trainings with other NYS authorizers in support of this grant and its objectives.

We are also in full support of the plan to streamline and integrate the CSP start-up and expansion grant award review process with the rigorous and high-quality charter authorization process already conducted by the state's charter authorizers. In addition, we are excited about the creation of additional supports, technical assistance resources, and effective practice sharing between schools and charter school authorizers that will be brought to New York State through the CSP grant. We will actively participate/support this endeavor. NYSED's heightened focus on collaboration and quality authorizing will help maintain charter quality amidst expansion, as new and existing charter schools serve increasing numbers of students with greater need. The projective objectives and activities proposed in NYSED's FY24 CSP grant reflect an important shift towards solving the challenges of a mature, high-quality chartering program in New York. We will continue to offer assistance to NYSED in order to meet these challenges.

Sincerely,



Mieasia M. Edwards
Chief Executive for Nonpublic
and Charter Schools



May 28, 2024

Bernadine Futrell, Ph.D., Deputy Assistant Secretary
Office of Discretionary Grants and Support Services
U.S. Department of Education
Office of Elementary and Secondary Education
400 Maryland Ave. SW
Washington D.C. 20202-6244

Dear Dr. Futrell:

This letter is offered in support of the New York State Education Department's (NYSED) application for funding under the Expanding Opportunities Through Quality Charter Schools Program (CSP) Grants to State Entities (ALN 84.282A). Serving as the unified voice for all of the state's public charter schools, the New York Charter Schools Association (NYCSA) takes very seriously our responsibility to champion the progress and success of our sector for the benefit of children.

As a partner in supporting the creation of additional high-quality public charter schools in New York, we have reviewed the grant and its project objectives:

- **Project Objective 1:** Increase the number of high-quality charter school seats in New York State, especially for those charter schools serving students who are at greatest risk of not meeting state academic standards.
- **Project Objective 2:** Improve student academic outcomes in New York State charter schools, particularly for students who are at greatest risk of not meeting state academic standards through high quality charter authorizing and technical assistance.
- **Project Objective 3:** Promote the dissemination of effective practices that results in improved academic achievement for students attending New York State charter, district, and other schools.
- **Project Objective 4:** Strengthen the overall quality of New York State charter authorizing and CSP grant administration.

We are pleased to participate in and support this ambitious grant project. Our organization will be involved by:

- **Advising and supporting new schools and existing schools looking to expand/replicate.**
NYCSA is committed to supporting all aspects of New York's public charter school community and our team of experts will provide ongoing assistance for schools beginning in their planning year. This includes general school support, operations support, communications support and the identification and introduction of various consultants, as needed.

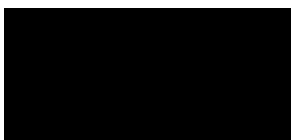
(continued on next page)

- **Convening school leaders to facilitate positive student outcomes.** NYCSA holds a number of events, both statewide and regionally, aimed at convening school leaders to advance the collective mission and success of our sector. These events provide unique access to experts while also providing a space for sharing information and troubleshooting problems.
- **Advocating for the public charter school community at the state and federal level.** Our team of advocates and lobbyists work year-round to advocate at both the state and federal levels for the interests of all charter schools in New York State. In addition, NYCSA routinely shares both authorizer and legislative updates with school leaders and empowers them to advocate on behalf of their individual students and communities.
- **Promoting New York's public charter schools.** NYCSA believes that every family should be empowered to make the best educational decisions possible for their children. To ensure that communities are aware of the myriad public charter school options before them, the Association is committed to promoting the amazing things that schools are doing each and every day to raise awareness of the impact of our schools.

We are also in full support of the plan to streamline and integrate the CSP start-up and expansion grant award review process with the rigorous and high-quality charter authorization process already conducted by the state's charter authorizers. In addition, we are excited about the creation of additional supports, technical assistance resources, and effective practice sharing between schools and charter school authorizers that will be brought to New York through the CSP grant. We will actively participate/support this endeavor.

NYSED's heightened focus on collaboration and quality authorizing will help maintain charter quality amidst rapid expansion, as new and existing charter schools serve increasing numbers of previously underserved students. The projective objectives and activities proposed in NYSED's FY24 CSP grant reflect an important shift towards solving the challenges of a mature, high-quality chartering program in New York. We will continue to offer assistance to NYSED in order to meet these challenges.

Sincerely,



Anna Hall
Chief Executive Officer



May 30, 2024

Bernadine Futrell, Ph.D., Deputy Assistant Secretary
Office of Discretionary Grants and Support Services
U.S. Department of Education
Office of Elementary and Secondary Education
400 Maryland Ave. SW
Washington D.C. 20202-6244

Dear Dr. Futrell:

This letter is offered in support of the New York State Education Department's (NYSED) application for funding under the Expanding Opportunities Through Quality Charter Schools Program (CSP) Grants to State Entities (ALN 84.282A). As a partner in supporting the creation of additional high-quality charter schools in the New York State, we have reviewed the grant and its project objectives:

Project Objective 1: Increase the number of high-quality charter school seats in New York State, especially for those charter schools serving students who are at greatest risk of not meeting state academic standards.

Project Objective 2: Improve student academic outcomes in New York State charter schools, particularly for students who are at greatest risk of not meeting state academic standards through high quality charter authorizing and technical assistance.

Project Objective 3: Promote the dissemination of effective practices that results in improved academic achievement for students attending New York State charter, district, and other schools.

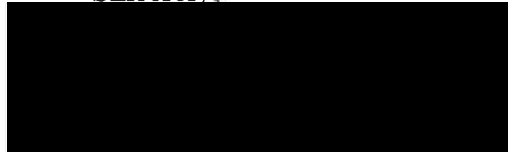
Project Objective 4: Strengthen the overall quality of New York State charter authorizing and CSP grant administration.

We are pleased to participate in and support this ambitious grant project. Our organization, the New York City Charter School Center, works closely with all new charters in New York City. We currently operate two programs (Apply Right and Start Right), where we offer group and individualized sessions to help schools applying to start a new charter (Apply Right). Schools that are approved to open a charter then join the Start Right program, where we provide professional development sessions in the year prior to the school opening. We work closely with NYSED and other state authorizers to ensure new schools are supported. Having worked with new schools since the New York City Charter School Center launched in 2004, we can say with

certainty that without schools receiving CSP planning and start-up funds, many if not all would not be in a position to open.

We are also in full support of the plan to streamline and integrate the CSP start-up and expansion grant award review process with the rigorous and high-quality charter authorization process already conducted by the state's charter authorizers. In addition, we are excited about the creation of additional supports, technical assistance resources, and effective practice sharing between schools and charter school authorizers that will be brought to New York State through the CSP grant. We will actively participate/support this endeavor. NYSED's heightened focus on collaboration and quality authorizing will help maintain charter quality amidst rapid expansion, as new and existing charter schools serve increasing numbers of previously underserved students. The projective objectives and activities proposed in NYSED's FY24 CSP grant reflect an important shift towards solving the challenges of a mature, high-quality chartering program in New York. We will continue to offer assistance to NYSED in order to meet these challenges.

Sincerely,



Chief Executive Officer

Secretary Miguel Cardona

Secretary Miguel Cardona
U.S. Department of Education
400 Maryland Ave SW
Washington, DC 20202

June 11, 2024

Dear Secretary and Application Review Committee:

On behalf of the National Association for Charter School Authorizers (NACSA), please accept this letter of support for the New York application for the Charter Schools Program State Entities grant.

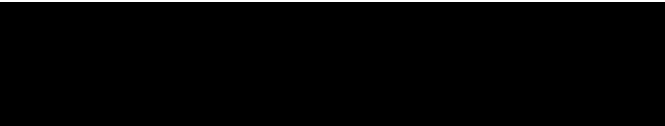
NACSA advances and strengthens the ideas and practices of authorizing so students and communities—especially those who are historically under-resourced—thrive. We are dedicated to promoting excellence in charter school authorizing across the nation.

We believe the New York State Education Department (NYSED) is a high-quality applicant for this federal grant award, with a proven track record of administering this grant.

NACSA supports NYSED's plan to streamline and integrate the CSP start-up and expansion grant award review process with the rigorous and high-quality charter authorization process already conducted by the state's charter authorizers. In addition, we are supportive of the proposed activities to incorporate community centered practices into the new school application process and school oversight systems, which closely align with NACSA's mission and principles.

We highly recommend funding this grant application to help support high quality authorizing for high quality charter schools in New York.

Sincerely,



Dr. Karega Rausch
President & CEO
NACSA



June 5, 2024

Bernadine Futrell, Ph.D., Deputy Assistant Secretary
Office of Discretionary Grants and Support Services
U.S. Department of Education
Office of Elementary and Secondary Education
400 Maryland Ave. SW
Washington D.C. 20202-6244

Dear Dr. Futrell:

On behalf of the National Charter Schools Institute, I want to offer our support for the New York State Education Department's ("NYSED") application for CSP SE funding.

New York is a growing state that continuously strives to create the conditions where educational excellence can flourish. The leadership, guidance, and hands-on support provided by the NYSED plays a pivotal role in this progress and is an ever-present force for quality. The NYSED has consistently demonstrated its unwavering dedication to enhancing the educational landscape of New York as they support the growth and development of high-quality charter schools across the state, providing educational opportunities for all students, particularly those at greatest risk.

The Institute looks forward to supporting and assisting the NYSED team as they seek to accomplish the project objectives outlined below:

- Objective 1: Increase the number of high-quality charter school seats in New York State, especially for those charter schools serving students who are at greatest risk of not meeting state academic standards.
- Objective 2: Improve student academic outcomes in New York State charter schools, particularly for students who are at greatest risk of not meeting state academic standards through high quality charter authorizing and technical assistance.
- Objective 3: Promote the dissemination of effective practices that results in improved academic achievement for students attending New York State charter, district, and other schools.
- Objective 4: Strengthen the overall quality of New York State charter authorizing and CSP grant administration.

We are also in support of the plan to streamline and integrate the CSP start-up and expansion grant award review process with the rigorous and high-quality charter authorization process already conducted by the state's leading authorizers. In addition, we are excited about the creation of additional supports, technical assistance resources, and effective practice sharing between schools and charter school authorizers that will be brought to New York through the CSP grant. We will actively participate/support this endeavor. NYSED's heightened focus on collaboration and quality authorizing will help maintain charter quality amidst rapid expansion, as new and existing charter schools serve increasing numbers of previously underserved students. The projective objectives and activities proposed in NYSED's FY24 CSP grant reflect an important shift towards solving the challenges of a mature, high-quality chartering program in New York.

711 West Pickard, Suite M – Mt. Pleasant, Michigan 48858

www.CharterInstitute.org

PR/Award # S282A240007

Dr. Bernadine Futrell
Page 2
June 5, 2024

Additionally, the NYSED is uniquely positioned to bring New York's charter community together to discuss emerging issues, address current challenges, exchange ideas and share best practices. By targeting these important priorities, the NYSED is demonstrating a clear commitment to fostering a supportive environment conducive to the growth and success of high-quality charter schools.

The importance of this grant cannot be overstated. In a rapidly evolving educational landscape characterized by diverse student needs and challenges, initiatives like the CSP grant program are essential for driving innovation and promoting excellence in education. The NYSED maintains an unwavering commitment to enhance the quality of education in New York, and the CSP grant plays a pivotal role in fostering the development of high-caliber charter schools across their state.

Having worked directly and indirectly with the NYSED team over the years, I can attest that they are committed to excellence and will work tirelessly to ensure all CSP funds are expended to strengthen the three-legged stool – authorizers, boards and schools – for the ultimate beneficiaries of students and families.

If I can offer any additional insights or support as you consider their proposal, please feel free to email me at

[REDACTED]

Sincerely,

[REDACTED]

James N. Goenner, Ph.D.
President & CEO



A-GAME: Measure What Matters
Federal Funded Charter Schools Program Dissemination Grant

May 24, 2024

Bernadine Futrell, Ph.D., Deputy Assistant Secretary
Office of Discretionary Grants and Support Services
U.S. Department of Education
Office of Elementary and Secondary Education
400 Maryland Ave. SW
Washington D.C. 20202-6244

Dear Dr. Futrell:

This letter is offered in support of the New York State Education Department's (NYSED) application for funding under the Expanding Opportunities Through Quality Charter Schools Program (CSP) Grants to State Entities (ALN 84.282A). As a partner in supporting the creation of additional high-quality charter schools in the New York State, we have reviewed the grant and its project objectives:

Project Objective 1: Increase the number of high-quality charter school seats in New York State, especially for those charter schools serving students who are at greatest risk of not meeting state academic standards.

Project Objective 2: Improve student academic outcomes in New York State charter schools, particularly for students who are at greatest risk of not meeting state academic standards through high quality charter authorizing and technical assistance.

Project Objective 3: Promote the dissemination of effective practices that results in improved academic achievement for students attending New York State charter, district, and other schools.

Project Objective 4: Strengthen the overall quality of New York State charter authorizing and CSP grant administration.

We are pleased to participate in and support this ambitious grant project. The A-GAME Community of Changemakers will support this effort through the following work:

- Explore ways of measuring school quality that move beyond standardized testing alone

- Engage in conversations that center on developing measures that capture student social-emotional learning
- Provide opportunities to present methods developed by New York State Charter Schools and NYSED at A-GAME sponsored events

We are also in full support of the plan to streamline and integrate the CSP start-up and expansion grant award review process with the rigorous and high-quality charter authorization process already conducted by the state's charter authorizers. In addition, we are excited about the creation of additional supports, technical assistance resources, and effective practice sharing between schools and charter school authorizers that will be brought to New York State through the CSP grant. We will actively participate/support this endeavor. NYSED's heightened focus on collaboration and quality authorizing will help maintain charter quality amidst rapid expansion, as new and existing charter schools serve increasing numbers of previously underserved students. The projective objectives and activities proposed in NYSED's FY24 CSP grant reflect an important shift towards solving the challenges of a mature, high-quality chartering program in New York. We will continue to offer assistance to NYSED in order to meet these challenges.

Sincerely,

A solid black rectangular box used to redact the signature of Naomi Rubin DeVeaux.

Naomi Rubin DeVeaux



May 6, 2024

Bernadine Futrell, Ph.D., Deputy Assistant Secretary
Office of Discretionary Grants and Support Services
U.S. Department of Education
Office of Elementary and Secondary Education
400 Maryland Ave. SW
Washington D.C. 20202-6244

Dear Dr. Futrell:

This letter is offered in support of the New York State Education Department's (NYSED) application for funding under the Expanding Opportunities Through Quality Charter Schools Program (CSP) Grants to State Entities (ALN 84.282A). As a partner in supporting the creation of additional high-quality charter schools in the New York State and **in particular, ensuring that more students with disabilities can access and succeed in charter schools**, we have reviewed the grant and its project objectives:

Project Objective 1: Increase the number of high-quality charter school seats in New York State, especially for those charter schools serving students who are at greatest risk of not meeting state academic standards.

Project Objective 2: Improve student academic outcomes in New York State charter schools, particularly for students who are at greatest risk of not meeting state academic standards through high-quality charter authorizing and technical assistance.

Project Objective 3: Promote the dissemination of effective practices that results in improved academic achievement for students attending New York State charter, district, and other schools.

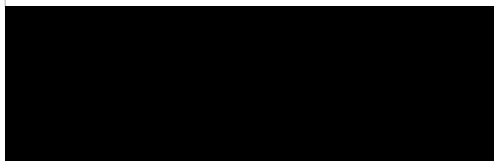
Project Objective 4: Strengthen the overall quality of New York State charter authorizing and CSP grant administration.

We are pleased to participate in and support this ambitious grant project. Our organization will be involved by:

- Developing tools and resources for the education of students with disabilities to expand charter schools' capacity to offer robust supports and services critical to their success.
- Providing robust technical assistance regarding topics such as multi-tiered systems of support, universal designs for learning, co-teaching, and trauma-informed instruction to charter schools in order to ensure more students with disabilities can access and be successful in charter schools across the state of New York.

We are also in full support of the plan to streamline and integrate the CSP start-up and expansion grant award review process with the rigorous and high-quality charter authorization process already conducted by the state's charter authorizers. In addition, we are excited about the creation of additional supports, technical assistance resources, and effective practice sharing between schools and charter school authorizers that will be brought to New York State through the CSP grant. We will actively participate/support this endeavor. NYSED's heightened focus on collaboration and quality authorizing will help maintain charter quality amidst rapid expansion, as new and existing charter schools serve increasing numbers of previously underserved students, including students with a diverse range of disabilities. The projective objectives and activities proposed in NYSED's FY24 CSP grant reflect an important shift towards solving the challenges of a mature, high-quality chartering program in New York. We will continue to offer assistance to NYSED in order to meet these challenges.

Sincerely,



Lauren Morando Rhim, Ph.D.
Executive Director and Co-Founder
Center for Learner Equity



June 3, 2024

Bernadine Futrell, Ph.D., Deputy Assistant Secretary
Office of Discretionary Grants and Support Services
U.S. Department of Education
Office of Elementary and Secondary Education
400 Maryland Ave. SW
Washington D.C. 20202-6244

Dear Dr. Futrell:

This letter is offered in support of the New York State Education Department's (NYSED) application for funding under the Expanding Opportunities Through Quality Charter Schools Program (CSP) Grants to State Entities (ALN 84.282A). As a partner in supporting the creation of additional high-quality, intentionally diverse charter schools in the New York State, we have reviewed the grant and its project objectives to:

- Increase the number of high-quality charter school seats in New York State, especially for those charter schools serving students who are at greatest risk of not meeting state academic standards.
- Improve student academic outcomes in New York State charter schools, particularly for students who are at greatest risk of not meeting state academic standards through high quality charter authorizing and technical assistance.
- Promote the dissemination of effective practices that results in improved academic achievement for students attending New York State charter, district, and other schools.
- Strengthen the overall quality of New York State charter authorizing and CSP grant administration.

Our work at the Diverse Charter Schools Coalition (DCSC), a national coalition of diverse schools, is to intentionally integrate one school at a time. To achieve this goal, we work to **train** educators to lead and launch diverse schools; **convene** leaders of diverse schools to learn with and from each other, allowing them to strengthen their craft and schools; and **educate** policymakers on the power and promise of diverse schools to enhance local education ecosystems to allow for more intentionally diverse charter school seats. DCSC's membership has grown from 14 founding member schools to 106 member schools and networks. Collectively, our members represent 261 individual schools serving over 108,000 students.

The largest area cohort of DCSC members are in New York with 17 members, serving close to 32,000 students across the state. DCSC has actively worked with our NY members to expand and replicate their work

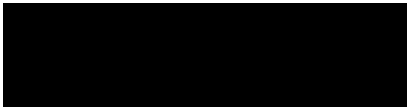
26 Broadway
8th Floor
New York, NY 10004
www.diversecharters.org



in creating more intentionally diverse seats. As New York is considered one of the most segregated public education systems in the country (G. Orfield, [NYC School Segregation](#), 2021), we wholeheartedly support the creation of high-quality, charter schools in New York State, especially those that are intentionally diverse. We look forward to partnering with NYSED in the training of emerging new leaders and, importantly, supporting existing ones through our professional development offerings, such as DCSC's Unified School Launch fellowship and our Communities of Practice.

We are also in full support of the plan to streamline and integrate the CSP start-up and expansion grant award review process with the rigorous and high-quality charter authorization process already conducted by the state's charter authorizers. NYSED's heightened focus on collaboration and quality authorizing will help maintain charter quality amidst rapid expansion, as new and existing charter schools serve increasing numbers of previously underserved students. The projective objectives and activities proposed in NYSED's FY24 CSP grant reflect an important shift towards solving the challenges of a mature, high-quality chartering program in New York. We will continue to offer assistance to NYSED in order to meet these challenges.

Sincerely,



Sonia C. Park
Executive Director
Diverse Charter Schools Coalition



May 23, 2024

Bernadine Futrell, Ph.D., Deputy Assistant Secretary
Office of Discretionary Grants and Support Services
U.S. Department of Education
Office of Elementary and Secondary Education
400 Maryland Ave. SW
Washington D.C. 20202-6244

Dear Dr. Futrell:

This letter is offered in support of the New York State Education Department's (NYSED) application for funding under the Expanding Opportunities Through Quality Charter Schools Program (CSP) Grants to State Entities (ALN 84.282A). As a partner in supporting the creation of additional high-quality charter schools in the New York State, we have reviewed the grant and its project objectives:

Project Objective 1: Increase the number of high-quality charter school seats in New York State, especially for those charter schools serving students who are at greatest risk of not meeting state academic standards.

Project Objective 2: Improve student academic outcomes in New York State charter schools, particularly for students who are at greatest risk of not meeting state academic standards through high quality charter authorizing and technical assistance.

Project Objective 3: Promote the dissemination of effective practices that results in improved academic achievement for students attending New York State charter, district, and other schools.

Project Objective 4: Strengthen the overall quality of New York State charter authorizing and CSP grant administration.

We are pleased to participate in and support this ambitious grant project. Our organization will be involved by:

- Opening MESA 2, a replication of the extremely successful Math, Engineering, and Science Academy (MESA) Charter High School that has operated in Brooklyn, NY, for the past 11 years.
- Operating MESA 2 in NYC Community School District 20, which currently is one of the most over-crowded districts in the entire city. CSD 20 has four large comprehensive high schools, and currently serves 2900 more students than its building has capacity for. MESA

MESA Charter High School ♦ 231 Palmetto Street, 3rd Floor ♦ Brooklyn, NY 11221

frd # 3282A240067 www.mesacharter.org



2 will add another 500 high-quality high school seats to a district sorely in need of those seats.

- This grant will also allow us to add capacity to the organization in the event that MESA opens another high-quality high school or otherwise expands.

We are also in full support of the plan to streamline and integrate the CSP start-up and expansion grant award review process with the rigorous and high-quality charter authorization process already conducted by the state's charter authorizers. In addition, we are excited about the creation of additional supports, technical assistance resources, and effective practice sharing between schools and charter school authorizers that will be brought to New York State through the CSP grant. We will actively participate/support this endeavor. NYSED's heightened focus on collaboration and quality authorizing will help maintain charter quality amidst rapid expansion, as new and existing charter schools serve increasing numbers of previously underserved students. The projective objectives and activities proposed in NYSED's FY24 CSP grant reflect an important shift towards solving the challenges of a mature, high-quality chartering program in New York. We will continue to offer assistance to NYSED in order to meet these challenges.

Sincerely,

[Redacted Signature]

Pagee Cheung

Co-Founder & Co-Executive Director

Arthur Samuels

Co-Founder & Co-Executive Director

May 30, 2024

Bernadine Futrell, Ph.D., Deputy Assistant Secretary
Office of Discretionary Grants and Support Services
U.S. Department of Education
Office of Elementary and Secondary Education
400 Maryland Ave. SW
Washington D.C. 20202-6244

Dear Dr. Futrell:

This letter is offered in support of the New York State Education Department's (NYSED) application for funding under the Expanding Opportunities Through Quality Charter Schools Program (CSP) Grants to State Entities (ALN 84.282A). As a partner in supporting the creation of additional high-quality charter schools in the New York State, we have reviewed the grant and its project objectives:

Project Objective 1: Increase the number of high-quality charter school seats in New York State, especially for those charter schools serving students who are at greatest risk of not meeting state academic standards.

Project Objective 2: Improve student academic outcomes in New York State charter schools, particularly for students who are at greatest risk of not meeting state academic standards through high quality charter authorizing and technical assistance.

Project Objective 3: Promote the dissemination of effective practices that results in improved academic achievement for students attending New York State charter, district, and other schools.

Project Objective 4: Strengthen the overall quality of New York State charter authorizing and CSP grant administration.

We are pleased to participate in and support this ambitious grant project. Our organization will be involved by:

- Applying to NYSED for one of these grants as we will be opening up a second school in August 2024, eventually expanding to have a second 900-scholar school serving grades kindergarten through eight
- Increasing the number of scholars who are proficient in English, mathematics, and science as our school has outperformed our district of residence on every state exam since 2013
- Decreasing the achievement gap
- Promoting the success of our schools and the aspects of our schools that lead to its success
- Promoting the importance of charter schools and these grants with our parent community
- Improving the quality of the charter school sector in New York State

We are also in full support of the plan to streamline and integrate the CSP start-up and expansion grant award review process with the rigorous and high-quality charter authorization process already conducted by the state's charter authorizers. In addition, we are excited about the creation of additional supports, technical assistance resources, and effective practice sharing between schools and charter school authorizers that will be brought to New York State through the CSP grant. We will actively participate/support this endeavor. NYSED's heightened focus on collaboration and quality authorizing will help maintain charter quality amidst rapid expansion, as new and existing charter schools serve increasing numbers of previously underserved students. The projective objectives and activities proposed in NYSED's FY24 CSP grant reflect an important shift towards solving the challenges of a mature, high-quality chartering program in New York. We will continue to offer assistance to NYSED in order to meet these challenges.

Sincerely,

A solid black rectangular box used to redact the signature of Ashish Kapadia.

Ashish Kapadia
Executive Director of Central Queens Academy Charter Schools



May 31, 2024

**Bernadine Futrell, Ph.D., Deputy Assistant Secretary
Office of Discretionary Grants and Support Services
U.S. Department of Education
Office of Elementary and Secondary Education
400 Maryland Ave. SW
Washington D.C. 20202-6244**

Dear Dr. Futrell:

This letter is offered in support of the New York State Education Department's (NYSED) application for funding under the Expanding Opportunities Through Quality Charter Schools Program (CSP) Grants to State Entities (ALN 84.282A). As a partner in supporting the creation of additional high-quality charter schools in New York State, we have reviewed the grant and its project objectives:

Project Objective 1: Increase the number of high-quality charter school seats in New York State, especially for those charter schools serving students who are at the greatest risk of not meeting state academic standards.

Project Objective 2: Improve student academic outcomes in New York State charter schools, particularly for students who are at greatest risk of not meeting state academic standards through high-quality charter authorizing and technical assistance.

Project Objective 3: Promote the dissemination of effective practices that result in improved academic achievement for students attending New York State Charter, district, and other schools.

Project Objective 4: Strengthen the overall quality of New York State charter authorizing and CSP grant administration.

We are pleased to participate in and support this ambitious grant project. Our organization will be involved by promoting and sharing our practices with other schools, especially how we educate our high number of students with IEPs. Our large population of autistic children receives high-quality



educational services each day and we are eager to support the expansion of seats to service more children with specialized needs.

We are also in full support of the plan to streamline and integrate the CSP start-up and expansion grant award review process with the rigorous and high-quality charter authorization process already conducted by the state's charter authorizers. In addition, we are excited about the creation of additional supports, technical assistance resources, and effective practice sharing between schools and charter school authorizers that will be brought to New York State through the CSP grant. We will actively participate in/support this endeavor. NYSED's heightened focus on collaboration and quality authorizing will help maintain charter quality amidst rapid expansion, as new and existing charter schools serve increasing numbers of previously underserved students. The projective objectives and activities proposed in NYSED's FY24 CSP grant reflect an important shift towards solving the challenges of a mature, high-quality chartering program in New York. We will continue to offer assistance to NYSED in order to meet these challenges.

Sincerely,

Daniel McCormick
Executive Director, Neighborhood Charter Schools

May 31, 2024

Bernadine Futrell, Ph.D., Deputy Assistant Secretary
Office of Discretionary Grants and Support Services
U.S. Department of Education
Office of Elementary and Secondary Education
400 Maryland Ave. SW
Washington D.C. 20202-6244

Dear Dr. Futrell:

This letter is offered in support of the New York State Education Department's (NYSED) application for funding under the Expanding Opportunities Through Quality Charter Schools Program (CSP) Grants to State Entities (ALN 84.282A). As a partner in supporting the creation of additional high-quality charter schools in the New York State, we have reviewed the grant and its project objectives:

Project Objective 1: Increase the number of high-quality charter school seats in New York State, especially for those charter schools serving students who are at greatest risk of not meeting state academic standards.

Project Objective 2: Improve student academic outcomes in New York State charter schools, particularly for students who are at greatest risk of not meeting state academic standards through high quality charter authorizing and technical assistance.

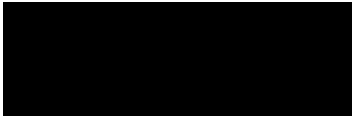
Project Objective 3: Promote the dissemination of effective practices that results in improved academic achievement for students attending New York State charter, district, and other schools.

Project Objective 4: Strengthen the overall quality of New York State charter authorizing and CSP grant administration.

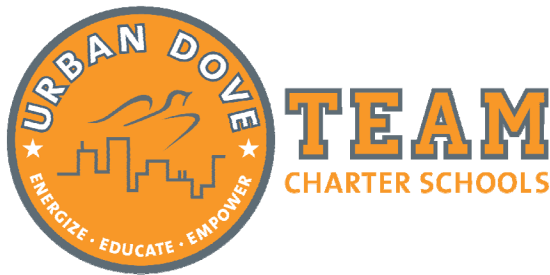
We are pleased to participate in and support this ambitious grant project. NYC Autism Charter Schools are the first charter schools in New York State to exclusively serve children profoundly affected by autism and their families. We do so using a unique and highly individualized model typically found only in non-public programs. Giving families in our local communities of East Harlem and the South Bronx access to schools like ours has been life-changing, and we would not have been able to open and ultimately expand without the support of the Charter School Program. With waitlists in the hundreds, we look forward to future expansion efforts and, we hope, additional support from CSP Grants.

Additionally, we are in full support of the plan to streamline and integrate the CSP start-up and expansion grant award review process with the rigorous and high-quality charter authorization process already conducted by the state's charter authorizers, and are excited about the creation of additional supports, technical assistance resources, and effective practice sharing between schools and charter school authorizers that will be brought to New York State through the CSP grant. NYSED's heightened focus on collaboration and quality authorizing will help maintain charter quality amidst rapid expansion, as new and existing charter schools like ours serve increasing numbers of previously underserved students. The objectives and activities proposed in NYSED's FY24 CSP grant reflect an important shift towards solving the challenges of a mature, high-quality chartering program in New York. We will continue to offer assistance to NYSED in order to meet these challenges.

Sincerely,



Julie Fisher
Executive Director



THE BOARD

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CAA

Patricia Charlemagne
Stoked

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UJ Media, LLC

Patrick Fagan
NYC Dept. of Education

Michael Grandis
Tantalus Systems

Spencer Rothschild
Coalition Space

May 30, 2024

Bernadine Futrell, Ph.D., Deputy Assistant Secretary
Office of Discretionary Grants and Support Services
U.S. Department of Education
Office of Elementary and Secondary Education
400 Maryland Ave. SW
Washington D.C. 20202-6244

Dear Dr. Futrell:

I am writing this letter to offer my full and total support for the New York State Education Department's (NYSED) application for funding under the Expanding Opportunities Through Quality Charter Schools Program (CSP) Grants to State Entities (ALN 84.282A). As an Education Corporation operating two charter schools in New York City, we have a great deal of firsthand experience with the Charter School Planning grant and with NYSED. We have been a partner of NYSED for over a decade in supporting the creation of additional high-quality charter schools in the New York State – specifically those for students who are most at-risk. As a network of Transfer High Schools for Overage / Under-credited students, Urban Dove Team Charter School and Urban Dove Team Charter School II share NYSED's mission and vision that all students can learn and deserve a high quality education in a school that is designed to meet their unique needs. While there are a handful of charter schools serving this population, there is a **great need** for more of these seats in New York City and throughout the state. In New York City alone, tens of thousands of OA/UC students struggle to find seats in transfer schools. While we believe this objective is the highest priority and one NYSED has shown a dedication and commitment to achieving, we believe in the other objectives stated in the grant as well, including improving student outcomes, strengthening the quality of NYS charter authorizing and CSP grant administration and sharing best practices among all schools.

We are pleased to participate in and support this important and ambitious grant project. Urban Dove Team Charter Schools will participate and partner in this project by continuing to seek ways to open more transfer schools and create more quality seats for Overage / Under-credited students, expanding our successful network and model. We will continue to share best practices with other transfer schools – both charter and District as we have done for over ten years and work with authorizers to improve data and outcomes for highly vulnerable and marginalized students.



TEAM
CHARTER SCHOOLS

THE BOARD

Heather Bushong
CAA

Patricia Charlemagne
Stoked

Andrew Ehigiator
UJ Media, LLC

Patrick Fagan
NYC Dept. of Education

Michael Grandis
Tantalus Systems

Spencer Rothschild
Coalition Space

We are also in full support of the plan to streamline and integrate the CSP start-up and expansion grant award review process with the rigorous and high-quality charter authorization process already conducted by the state's charter authorizers. In addition, we are excited about the creation of additional supports, technical assistance resources, and effective practice sharing between schools and charter school authorizers that will be brought to New York State through the CSP grant. We will actively participate/support this endeavor. NYSED's heightened focus on collaboration and quality authorizing will help maintain charter quality amidst rapid expansion, as new and existing charter schools serve increasing numbers of previously underserved students. The projective objectives and activities proposed in NYSED's FY24 CSP grant reflect an important shift towards solving the challenges of a mature, high-quality chartering program in New York. We will continue to offer assistance to NYSED in order to meet these challenges.

If I can provide any additional information or support this important application in any other way, please do not hesitate to reach out. Thank you for your time and consideration.

Sincerely,

Jai Nanda
Founder & Executive Director
Urban Dove



June 3, 2024

Bernadine Futrell, Ph.D., Deputy Assistant Secretary
Office of Discretionary Grants and Support Services
U.S. Department of Education
Office of Elementary and Secondary Education
400 Maryland Ave. SW
Washington D.C. 20202-6244

Dear Dr. Futrell:

This letter is offered in support of the New York State Education Department's (NYSED) application for funding under the Expanding Opportunities Through Quality Charter Schools Program (CSP) Grants to State Entities (ALN 84.282A). As a partner in supporting the creation of additional high-quality charter schools in the New York State, we have reviewed the grant and its project objectives:

Project Objective 1: Increase the number of high-quality charter school seats in New York State, especially for those charter schools serving students who are at greatest risk of not meeting state academic standards.

Project Objective 2: Improve student academic outcomes in New York State charter schools, particularly for students who are at greatest risk of not meeting state academic standards through high quality charter authorizing and technical assistance.

Project Objective 3: Promote the dissemination of effective practices that results in improved academic achievement for students attending New York State charter, district, and other schools.

Project Objective 4: Strengthen the overall quality of New York State charter authorizing and CSP grant administration.

We are pleased to participate in and support this ambitious grant project. Our organization will be involved by:

- Given that English Language Learner communities have historically been underserved, and that there is a growing number of multi-lingual learners in New York State, more bilingual/dual language models, which research shows is a strong model to support the academic and social-emotion development of these students, is needed in New York.
- Create opportunities for expansion for students at our school, in particular students in grades 9-12, as that is a high area of need for students in our community school district

[The American Dream School | 403 Concord Ave. | Bronx, New York 10454](https://www.theamericandreamschool.org)

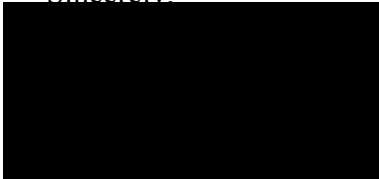
www.theamericandreamschool.org



- Recruit, enroll and retain more English Language Learners in our community school district so that they are exposed to an educational setting that supports language development and will support students as they graduate high school bilingual and biliterate.
- Share best practices with other district, charter or independent schools, specifically around bilingual education, multi-lingual learner best practices.
- Support the Charter School Office by providing feedback in best practices around supporting charter schools operating in New York State.

We are also in full support of the plan to streamline and integrate the CSP start-up and expansion grant award review process with the rigorous and high-quality charter authorization process already conducted by the state's charter authorizers. In addition, we are excited about the creation of additional supports, technical assistance resources, and effective practice sharing between schools and charter school authorizers that will be brought to New York State through the CSP grant. We will actively participate/support this endeavor. NYSED's heightened focus on collaboration and quality authorizing will help maintain charter quality amidst rapid expansion, as new and existing charter schools serve increasing numbers of previously underserved students. The projective objectives and activities proposed in NYSED's FY24 CSP grant reflect an important shift towards solving the challenges of a mature, high-quality chartering program in New York. We will continue to offer assistance to NYSED in order to meet these challenges.

Sincerely,



Founder and Executive Director



June 3, 2024

Bernadine Futrell, Ph.D., Deputy Assistant Secretary
Office of Discretionary Grants and Support Services
U.S. Department of Education
Office of Elementary and Secondary Education
400 Maryland Ave. SW
Washington D.C. 20202-6244

Dear Dr. Futrell,

I hope this letter finds you well. I am reaching out to offer my support for the New York State Education Department's (NYSED) application for funding under the Expanding Opportunities Through Quality Charter Schools Program (CSP) Grants to State Entities (ALN 84.282A). As the leader of a charter school authorized by NYSED that is committed to providing high quality charter school seats to some of our state's most at-risk students, I am extremely aware of the critical need to create additional high-quality charter schools in New York State. I have reviewed the grant and its project objectives:

Project Objective 1: Increase the number of high-quality charter school seats in New York State, especially for those charter schools serving students who are at greatest risk of not meeting state academic standards.

Project Objective 2: Improve student academic outcomes in New York State charter schools, particularly for students who are at greatest risk of not meeting state academic standards through high quality charter authorizing and technical assistance.

Project Objective 3: Promote the dissemination of effective practices that results in improved academic achievement for students attending New York State charter, district, and other schools.

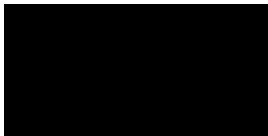
Project Objective 4: Strengthen the overall quality of New York State charter authorizing and CSP grant administration.

My school and I are pleased to participate in and support this ambitious grant project. As a school with a unique, innovative model, we are specifically excited about the opportunity to be involved with this grant through the provision of potential partnership opportunities with other districts (District- Charter Collaboration), as a way to share best practices around implementation of innovative, research proven educational approaches like the Science of Reading. We are also excited about the potential opportunities that the grant would provide a school like ours, one that supports a significantly high percentage of students with disabilities in a high quality environment, as it relates to potential expansion across grades and geographic location- something that is critically needed in our state.



We are also in full support of the plan to streamline and integrate the CSP start-up and expansion grant award review process with the rigorous and high-quality charter authorization process already conducted by the state's charter authorizers. In addition, we are excited about the creation of additional supports, technical assistance resources, and effective practice sharing between schools and charter school authorizers that will be brought to New York State through the CSP grant. We will actively participate/support this endeavor. NYSED's heightened focus on collaboration and quality authorizing will help maintain charter quality amidst rapid expansion, as new and existing charter schools serve increasing numbers of previously underserved students. The projective objectives and activities proposed in NYSED's FY24 CSP grant reflect an important shift towards solving the challenges of a mature, high-quality chartering program in New York. We will continue to offer assistance to NYSED in order to meet these challenges.

Sincerely,



Timothy Castanza
Founder and Executive Director
Bridge Preparatory Charter School





May 23, 2024

Bernadine Futrell, Ph.D., Deputy Assistant Secretary
Office of Discretionary Grants and Support Services
U.S. Department of Education
Office of Elementary and Secondary Education
400 Maryland Ave. SW
Washington D.C. 20202-6244

Dear Dr. Futrell:

This letter is offered in support of the New York State Education Department's (NYSED) application for funding under the Expanding Opportunities Through Quality Charter Schools Program (CSP) Grants to State Entities (ALN 84.282A). As a partner in supporting the creation of additional high-quality charter schools in New York State, we have reviewed the grant and its project objectives:

Project Objective 1: Increase the number of high-quality charter school seats in New York State, especially for those charter schools serving students who are at greatest risk of not meeting state academic standards

Project Objective 2: Improve student academic outcomes in New York State charter schools, particularly for students who are at greatest risk of not meeting state academic standards through high-quality charter authorizing and technical assistance

Project Objective 3: Promote the dissemination of effective practices that result in improved academic achievement for students attending New York State charter, district, and other schools

Project Objective 4: Strengthen the overall quality of New York State charter authorizing and CSP grant administration

We are pleased to participate in and support this ambitious grant project. Our organization will be involved by:

- 1) Providing presentations and collaborative partnerships with other New York State charter schools, and school districts, on:
 - Effective replication strategies and model
 - Designing and implementing aligned curriculum-instruction-assessment-NY state standards practices, lesson plans, interventions, assessments, and professional development
 - Use of data that results in higher academic proficiency
 - STEM-focused instruction and opportunities
 - Comprehensive social-emotional programming and restorative justice
 - Ensuring college preparation and acceptance for all
 - Principal and leadership coaching and apprenticeships
 - Tuition-reimbursement model

- 2) Providing leadership coaching
- 3) Providing academic leadership coaching including assessment and intervention
- 4) Supporting charter schools in recruiting and meaningfully serving immigrant and refugee students and families

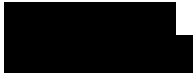
Buffalo Academy of Science Charter School was founded in 2004 and, since then, has expanded to Grades K-12 and replicated twice in two Western New York cities (Buffalo and Rochester). It consistently exceeds the academic proficiency of its district of location, other charter schools in its district of location, and, often, New York State. Nearly 100% of students graduate on time, almost 0% dropout, and 100% are accepted into college/university. It is the highest performing charter school in Western New York. Most importantly, disparities and inequities that urban youth historically experience are eliminated, including students who are at greatest risk of not meeting state academic standards.

We are also in full support of the plan to streamline and integrate the CSP start-up and expansion grant award review process with the rigorous and high-quality charter authorization process already conducted by the state's charter authorizers. In addition, we are excited about the creation of additional supports, technical assistance resources, and effective practice sharing between schools and charter school authorizers that will be brought to New York State through the CSP grant. We will actively participate/support this endeavor. NYSED's heightened focus on collaboration and quality authorizing will help maintain charter quality amidst rapid expansion, as new and existing charter schools serve increasing numbers of previously underserved students. The projective objectives and activities proposed in NYSED's FY24 CSP grant reflect an important shift towards solving the challenges of a mature, high-quality chartering program in New York. We will continue to offer assistance to NYSED in order to meet these challenges.

Sincerely,



Joseph Polat, Ph.D.
Executive Director
Buffalo Academy of Science Charter School
Buffalo Academy of Science Charter School II
Rochester Academy of Science Charter School





REACH ACADEMY CHARTER SCHOOL
115 ASH STREET
BUFFALO, NY 14204

HEAD OF SCHOOL
LINDA A. MARSZALEK

May 23, 2024

Bernadine Futrell, Ph.D., Deputy Assistant Secretary
Office of Discretionary Grants and Support Services
U.S. Department of Education
Office of Elementary and Secondary Education
400 Maryland Ave. SW
Washington D.C. 20202-6244

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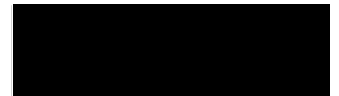
We are pleased to participate in and support this ambitious grant project. Our organization will be involved by:

1. We have increased the number of seats from 480 to 900.
2. We serve 97% Free and Reduced Lunch population
3. We hope to replicate our school in another location outside of Buffalo.



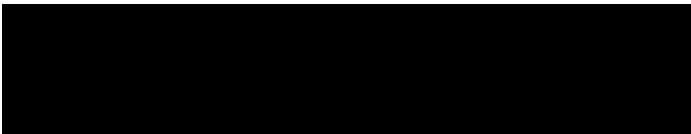
REACH ACADEMY CHARTER SCHOOL
115 ASH STREET
BUFFALO, NY 14204

HEAD OF SCHOOL
LINDA A. MARSZALEK



We are also in full support of the plan to streamline and integrate the CSP start-up and expansion grant award review process with the rigorous and high-quality charter authorization process already conducted by the state's charter authorizers. In addition, we are excited about the creation of additional supports, technical assistance resources, and effective practice sharing between schools and charter school authorizers that will be brought to New York State through the CSP grant. We will actively participate/support this endeavor. NYSED's heightened focus on collaboration and quality authorizing will help maintain charter quality amidst rapid expansion, as new and existing charter schools serve increasing numbers of previously underserved students. The projective objectives and activities proposed in NYSED's FY24 CSP grant reflect an important shift towards solving the challenges of a mature, high-quality chartering program in New York. We will continue to offer assistance to NYSED in order to meet these challenges.

Sincerely,



Linda Marszalek
Head of School
REACH Academy Charter School



SCIENCE ACADEMIES OF NEW YORK
A SYSTEM OF COLLEGE-PREPARATORY CHARTER SCHOOLS

May 22, 2024

Bernadine Futrell, Ph.D., Deputy Assistant Secretary
Office of Discretionary Grants and Support Services
U.S. Department of Education
Office of Elementary and Secondary Education
400 Maryland Ave. SW
Washington D.C. 20202-6244

Dear Dr. Futrell:

This letter is offered in support of the New York State Education Department's (NYSED) application for funding under the Expanding Opportunities Through Quality Charter Schools Program (CSP) Grants to State Entities (ALN 84.282A). As a partner in supporting the creation of additional high-quality charter schools in the New York State, we have reviewed the grant and its project objectives:

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Project Objective 4: Strengthen the overall quality of New York State charter authorizing and CSP grant administration.

WE ARE BUILDING SUCCESS ONE ATOM AT A TIME

District Office Location: 1109 West Genesee Street, Syracuse, NY 13204

0007

info@sany.org | www.sany.org



SCIENCE ACADEMIES OF NEW YORK
A SYSTEM OF COLLEGE-PREPARATORY CHARTER SCHOOLS

We are pleased to participate in and support this ambitious grant project. Our organization will be involved by:

Enhanced Resources: Participation in this grant will enable us to secure additional resources, such as funding for new educational technologies, classroom materials, and enrichment programs, directly benefiting our economically disadvantaged urban students.

Capacity Building: The grant will support our efforts to expand and improve our educational offerings, allowing us to serve more students from underserved communities and meet the growing demand for high-quality charter school seats.

Professional Growth: Our educators will benefit from advanced professional development opportunities, equipping them with the latest pedagogical skills and knowledge to better support student learning.

Improved Educational Outcomes: By aligning with the grant's objectives, SANY Charter Schools will contribute to raising academic standards and outcomes for at-risk students across New York State.

Equitable Access: Our efforts to increase high-quality charter school seats and share best practices will help ensure that more students, regardless of their background, have access to excellent educational opportunities.

Collaborative Advancement: Through our active participation and collaboration, we will strengthen the charter school network and foster a culture of continuous improvement and innovation in education.

We are also in full support of the plan to streamline and integrate the CSP start-up and expansion grant award review process with the rigorous and high-quality charter authorization process already conducted by the state's charter authorizers. In addition, we are excited about the creation of additional supports, technical assistance resources, and effective practice sharing between schools and charter school authorizers that will be brought to New York State through the CSP grant. We will actively participate/support this endeavor. NYSED's heightened focus on collaboration and quality authorizing will help maintain charter quality amidst rapid expansion, as new and existing charter schools serve increasing numbers of previously underserved students. The projective objectives and activities proposed in NYSED's FY24 CSP grant reflect an important shift towards solving the challenges of a mature, high-quality chartering program in New York. We will continue to offer assistance to NYSED in order to meet these challenges.


Dr. Tolga Hayali
Superintendent of SANY Charter Schools

WE ARE BUILDING SUCCESS ONE ATOM AT A TIME



May 30, 2024

Bernadine Futrell, Ph.D., Deputy Assistant Secretary
Office of Discretionary Grants and Support Services
U.S. Department of Education
Office of Elementary and Secondary Education
400 Maryland Ave. SW
Washington D.C. 20202-6244

Dear Dr. Futrell:

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Project Objective 3: Promote the dissemination of effective practices that results in improved academic achievement for students attending New York State charter, district, and other schools.

Project Objective 4: Strengthen the overall quality of New York State charter authorizing and CSP grant administration.

We are pleased to participate in and support this ambitious grant project. Our organization will be involved by:

- Applying to NYSED for one of these grants as we will be opening up a second school in August 2024, eventually expanding to have a second 900-scholar school serving grades kindergarten through eight
- Increasing the number of scholars who are proficient in English, mathematics, and science as our school has outperformed our district of residence on every state exam since 2013
- Decreasing the achievement gap
- Promoting the success of our schools and the aspects of our schools that lead to its success
- Promoting the importance of charter schools and these grants with our parent community
- Improving the quality of the charter school sector in New York State

We are also in full support of the plan to streamline and integrate the CSP start-up and expansion grant award review process with the rigorous and high-quality charter authorization process already conducted by the state's charter authorizers. In addition, we are excited about the creation of additional supports, technical assistance resources, and effective practice sharing between schools and charter school authorizers that will be brought to New York State through the CSP grant. We will actively participate/support this endeavor. NYSED's heightened focus on collaboration and quality authorizing will help maintain charter quality amidst rapid expansion, as new and existing charter schools serve increasing numbers of previously underserved students. The projective objectives and activities proposed in NYSED's FY24 CSP grant reflect an important shift towards solving the challenges of a mature, high-quality chartering program in New York. We will continue to offer assistance to NYSED in order to meet these challenges.

Sincerely,

A solid black rectangular box used to redact the signature of Ashish Kapadia.

Ashish Kapadia
Executive Director of Central Queens Academy Charter Schools

Budget Narrative File(s)

* **Mandatory Budget Narrative Filename:**

Add Mandatory Budget Narrative

Delete Mandatory Budget Narrative

View Mandatory Budget Narrative

To add more Budget Narrative attachments, please use the attachment buttons below.

Add Optional Budget Narrative

Delete Optional Budget Narrative

View Optional Budget Narrative

The New York State Education Department (NYSED) respectfully requests a total of \$ [REDACTED] from the United States Department of Education in order to implement its Charter Schools Program project from 10/1/24 through 9/30/29.

Budget Overview

Tables 1 and 2 provide an overview of NYSED's budget request as well as a budget summary for the five-year project period.

Table 1. NYSED CSP Budget Request

	Year 1	Year 2	Year 3	Year 4	Year 5	Total
Subgrants	[REDACTED]					
Technical Assistance						
Administrative						
Total						

Table 2. NYSED C

Budget Categories	
Personnel	[REDACTED]
Fringe Benefits	
Travel	
Equipment	
Supplies	
Contractual	
Construction	
Other (Subgrants)	
Total Direct Costs	
Total Indirect Costs	
Training	
Total Costs	

New York's budget request consists of (a) expenses related to subgrant awards totaling [REDACTED]

[REDACTED] to administer the project. Tables 3 and 4 show how Personnel, Fringe, Travel, Contractual, and Indirect costs will be allocated to Technical Assistance and Administrative activities.

Table 3. Technical Assistance Costs by Expense Category

Budget Categories	Year 1	Year 2	Year 3	Year 4	Year 5	Total
Personnel						
Fringe Benefits						
Travel						
Contractual						
Indirect						
Total Technical Assistance						

Table 4. Administrative Costs by Expense Category

Budget Categories	Year 1	Year 2	Year 3	Year 4	Year 5	Total
Personnel						
Fringe Benefits						
Travel						
Contractual						
Indirect						
Total Admin						

Line 1 — Personnel

New York will spend \$ [REDACTED] on costs associated with time devoted by nine key NYSED personnel to CSP-related activities. Table 5 shows how Personnel costs will be allocated across key team members who will contribute to the project's success.

Salaries are projected to increase [REDACTED] annually (step increases and negotiated raises).

Table 5. NYSED CSP Personnel Costs

Personnel	Year 1	Year 2	Year 3	Year 4	Year 5	Total
Executive Director (Dr. Lisa Long)						
Assistant Commissioner / Chief of Staff (David Frank)						
Project Director (Valerie Martin Kowalski)						
Performance Oversight Coordinator (Barbara Moscinski)						
CSO Counsel (Jennifer Albright)						
Program Research Specialist (Dr. Janet Kline)						
Dissemination and Professional Development Coordinator (TBD)						
Charter School Governance Specialist (TBD)						
Fiscal Oversight Specialist (TBD)						
Total Personnel						

(1) *Executive Director (Dr. Lisa Long)* – [REDACTED], Y1 base salary [REDACTED], 50% TA / 50% Admin. Lisa has been at NYSED since 2000, serving as a senior member of the Accountability, Policy, and Administration Team in NYSED's Office of Accountability and Office of NYC School Improvement and Community Services. Lisa has a robust background in authorizing and supporting charter schools and has deep content knowledge in school improvement, governance, and accountability. She will support the CSP project by issuing Notices of Concern & Notices of Deficiency With Request for A Corrective Action Plan to subgrantees that are out of compliance on one or more monitoring indicators, assigning required trainings or additional reporting requirements to high-risk subgrantees, identifying a high-quality TA partner to strengthen community-based authorizing practices, delivering TA to charter authorizers and school groups, and participating in dissemination activities at national and regional conferences.

(2) *Assistant Commissioner / Chief of Staff (David Frank)* — [REDACTED], Y1 base salary \$ [REDACTED] 100% TA. David Frank is the Chief of Staff to New York's Commissioner of Education and the Assistant Commissioner in the Office of Education Policy. David previously served as the Executive Director of the NYSED Charter School Office and was the NYC-DOE's Director of Charter School Policy. At NYSED, he oversees a portfolio of non-district schools including Boards of Education Cooperative Services, non-public schools, homeschooling, and Indigenous Education. David has managed numerous federal, state, and private grants to support charter school growth, replication, and the dissemination of effective educational practices. David will be responsible for disseminating best practices in charter authorization and CSP oversight through presentations at national and regional conferences, participating in a national

authorizer community of practice related to oversight of alternative charter schools, and providing statewide guidance and TA to charter authorizers and school groups.

(3) *Project Director (Valerie Martin Kowalski)* — [REDACTED], Y1 base salary \$ [REDACTED] 25% TA / 75% Admin. Valerie Martin Kowalski will remain in her role as New York's CSP Project Director. Having served in this capacity on NYSED's FY11 and FY18 CSP grants, Valerie brings a wealth of relevant experience related to subgrant application administration, subgrantee monitoring, federal reporting, and oversight of contracted partners. Valerie will run the CSP subgrant award process for new, expanding, and replicating schools; monitor subgrantees via desk audits, site visits, website reviews, and financial reports; meet quarterly with Institute representatives to discuss monitoring findings and Corrective Action Plans; interface with the Department of Education Program Officer and submit Annual and Final Performance Reports; and maintain ultimate responsibility for the success of the micro-grant initiative that will support new collaborations between charter schools and traditional public schools.

(4) *Performance Oversight Coordinator (Barbara Moscinski)* — [REDACTED], Y1 base salary \$ [REDACTED] 50% TA / 50% Admin. Barbara Moscinski is NYSED's Performance Oversight Coordinator. Leading a Performance Oversight team that consists of five full-time School Liaisons, Barbara oversees the evaluation of all NYSED-authorized charter schools in accordance with the NYS Charter School Performance Framework and provides support for systematic program improvement that leads to improved outcomes for charter school students. Barbara will supervise the team of School Liaisons reviewing new school charter applications and material revision requests and providing supplemental support to CSI charter schools; verify the eligibility of new and expanding schools seeking CSP subgrants; train peer reviewers and subgrantee monitors; and

conduct a systematic review and alignment of all oversight protocols and guidelines during the first year of the project period.

(5) *CSO Counsel (Jennifer Albright)* — [REDACTED] 50% TA / 50% Admin. Jennifer Albright is NYSED’s Charter School Office Counsel. Jennifer provides guidance and legal advice to NYSED staff on charter school operations, renewals, revisions, mergers, and dissolutions and provides support for the development of effective and compliance policies and governance practices at the school level. Jennifer will oversee the public hearings conducted in connection with charter applications, renewals, and revision requests; review community outreach, support, and demand information provided in new school applications and material revision requests; and support the delivery of governance training in areas that implicate legal compliance to new school subgrantees.

(6) *Program Research Specialist (Dr. Janet Kline)* — [REDACTED], Y1 base salary \$[REDACTED] 50% TA / 50% Admin. Dr. Janet Kline is NYSED’s Program Research Specialist. In this capacity, Janet conducts rigorous statistical analyses of charter school enrollment, performance, and graduation data. By comparing charter and district school outcomes, disaggregating data by student group, and assessing year-over-year trends, Janet provides the empirical underpinning for NYSED’s approach to pipeline cultivation and TA provision. Janet will track and analyze key outcome measures throughout the project period to assess progress toward fulfillment of NYSED’s four overriding CSP objectives and will support the collection and analysis of data from surveys and focus groups of parents and community stakeholders.

(7) *Dissemination and Professional Development Coordinator (TBD)* — [REDACTED] Y1 base salary \$[REDACTED] 100% TA. The Dissemination and Professional Development

Coordinator, a contingent hire who will join the NYSED team upon notification of a CSP grant award, will promote dissemination of charter school best practices throughout the State and will help lead the micro-grant initiative that will support mutually beneficial cross-sector collaborations.

(8) *Charter School Governance Specialist (TBD)* — [REDACTED], Y1 base salary \$[REDACTED] 100% TA. The Charter School Governance Specialist, a contingent hire who will join the NYSED team upon notification of a CSP grant award, will coordinate and deliver board training to all new school subgrantees

(9) *Fiscal Oversight Specialist* — [REDACTED] Y1 base salary \$[REDACTED] 100% Admin. The Fiscal Oversight Specialist, a contingent hire who will join the NYSED team upon notification of a CSP grant award, will conduct financial monitoring of all subgrantees across the State.

[REDACTED] of all Personnel costs (\$[REDACTED]) will be attributable to Technical Assistance activities while the other [REDACTED] of Personnel costs (\$[REDACTED]) will be allocated toward Administration. Tables 6 and 7 provide a breakdown of how Personnel costs will be allocated across the Technical Assistance and Administrative funding categories.

Table 6. Personnel Costs (Technical Assistance)

Personnel	Year 1	Year 2	Year 3	Year 4	Year 5	Total
Executive Director (Dr. Lisa Long)	[REDACTED]					
Assistant Commissioner / Chief of Staff (David Frank)						
Project Director (Valerie Martin Kowalski)						
Performance Oversight Coordinator (Barbara Moscinski)						
CSO Counsel (Jennifer Albright)						
Program Research Specialist (Dr. Janet Kline)						
Dissemination and Professional Development Coordinator (TBD)						

Program Research Specialist (Dr. Janet Kline)						
Dissemination and Professional Development Coordinator (TBD)						
Charter School Governance Specialist (TBD)						
Fiscal Oversight Specialist (TBD)						
Total Fringe						

Consistent with the Technical Assistance/Administrative breakdown in the Personnel expense category, [REDACTED] of Fringe Benefits expenses (\$ [REDACTED]) will be attributable to Technical Assistance while the remaining [REDACTED] of Fringe Benefits expenses (\$ [REDACTED]) will be allocated toward Administration.

Line 3 — Travel

New York will allocate \$187,500 in CSP funds to travel during the project period.

Table 9. NYSED CSP Travel Costs

Travel	Year 1	Year 2	Year 3	Year 4	Year 5	Total
Project Director Conference						
Monitoring Site Visits						
Technical Assistance Partnership Activities						
Technical Assistance (Subgrantee Support)						
Total Travel						

Travel costs will be split between Admin ([REDACTED]) and TA ([REDACTED]) expenses.

Table 10. Administrative Travel

Travel	Year 1	Year 2	Year 3	Year 4	Year 5	Total
Project Director Conference						
Monitoring Site Visits						
Total Travel (Admin)						

In each project year, four team members (the Executive Director, the Assistant Commissioner/Chief of Staff, the Project Director, and the Performance Oversight Coordinator) will attend the CSP Project Directors' Meeting in Washington, DC. Cost per attendee is estimated at roughly \$ [REDACTED] per person based on the June 2024 GSA Rates

of \$[REDACTED] for Meals and Incidentals (3 days) and \$[REDACTED] for Lodging (2 nights) as well as \$[REDACTED] for local transportation each day and \$[REDACTED] for round-trip travel. Travel will also be required as part of risk-based monitoring of subgrantees throughout the state (costs estimated based on expenditures for similar purposes during the FY18 CSP project period).

Table 11. Technical Assistance Travel

Travel	Year 1	Year 2	Year 3	Year 4	Year 5	Total
Technical Assistance Partnership Activities	[REDACTED]					
Technical Assistance (Subgrantee Support)						
Total Travel (TA)						

CSP project staff will travel to provide technical assistance to charter schools. This travel will include visits to charter schools to assist them in making progress toward their performance goals, pre-opening visits to help schools open safely, visits to schools that need assistance with fiscal and operational issues, and meetings with charter school advocacy groups. Travel to charter school hubs, such as NYC, Buffalo and Syracuse, is needed for technical assistance partnership activities. Since a majority of the State's charter schools are located in New York City, the bulk of CSP-related TA travel will occur there. Forecasted costs for these line items are based on actual expenditures during the FY18 CSP project period.

Line 6 — Contractual

New York will allocate \$[REDACTED] of CSP funds to Contractual expenses as follows:

Table 12. NYSED CSP Contractual Costs

Contractual	Year 1	Year 2	Year 3	Year 4	Year 5	Total
External Reviewers	[REDACTED]					
Community-Based Authorizing TA						
Micro-Grants (District-Charter Collaboration)						

Micro-Grant Collaboration Facilitation	
Community Survey/Focus Group Administration	
NYS Charter Parent Council	
Integrated Authorization / CSP Application Workflow Solution	
Total Contractual	

Contractual costs will be split between TA () and Admin ()

Table 13. Technical Assistance Contracts

Contractual	Year 1	Year 2	Year 3	Year 4	Year 5	Total
Community-Based Authorizing TA						
Micro-Grants (District-Charter Collaboration)						
Micro-Grant Collaboration Facilitation						
Community Survey/Focus Group Administration						
NYS Charter Parent Council						
Total Contractual (TA)						

(1) *Community-Based Authorizing TA*. NYSED and the Institute will partner with a quality service provider to build their capacity to incorporate community input into their oversight processes. Among the goals of this partnership will be to strengthen these public outreach processes and build authorizer capacity to ensure the perspectives of students, families, residents, school officials, local nonprofits, and elected/appointed officials have been appropriately considered. Such work may also entail national landscape scans and training in best practices utilized by other authorizers; support for schools struggling to engage with non-native English speakers, refugees, or homeless and migratory families; the refinement of application materials, scoring rubrics, survey instruments, focus group protocols, and site visit frameworks; and the development of advisory councils and the inclusion of community experts as external reviewers. Our goal is that by Year 2 of the project period, 90% of authorizer staff will report an

increased capacity to utilize community-based authorizing practices. Costs are estimated based on the envisioned scope of work and expenses associated with TA partnerships consummated during prior CSP project periods.

(2) Micro-Grants (District-Charter Collaboration). Through a micro-grant process, NYSED will evaluate applications from charter schools that propose projects featuring a new collaboration with at least one traditional public school or district. To access funds, schools must propose projects that are aligned with the New York State performance standards, supported by research, and designed to accomplish 2–3 project goals (at least one of which must be related to improving student achievement for educationally disadvantaged students). NYSED will evaluate proposals based on evidence of need, traditional public school involvement in the creation of the project plan, the reasonableness of budget requests in light of proposed activities, and the quality of an applicant's plan to monitor progress toward project goals. NYSED anticipates making three \$ [REDACTED] awards during each year of the project period. Award sizes are based on NYSED's experience administering a dissemination grant program that has resulted in 19 awards since 2013 to support the transmission of best practices from charter schools to traditional public schools in areas including school leadership structures, co-teaching models, professional development programs, tutoring and intervention systems, new teacher support systems, and positive approaches to school culture.

(3) Micro-Grant Collaboration Facilitation. NYSED will partner with a statewide nonprofit with deep expertise and credibility within New York's charter school community to facilitate these cross-sector collaborations, to guide continuous improvement efforts that ensure progress toward fulfillment of micro-grant project goals, and to coordinate dissemination activities highlighting the benefits of these partnerships.

Costs are estimated based on the envisioned scope of work and expenses associated with TA partnerships consummated during prior CSP project periods.

(4) Community Survey/Focus Group Administration. To generate a more comprehensive understanding of how stakeholders across the State — including in communities not currently served by charter schools — might benefit from a diverse range of educational models, NYSED will partner with a quality service provider to conduct two community surveys and two rounds of focus groups during the CSP project period. These methodologically sound data-collection activities will strengthen the charter school developer pipeline by allowing NYSED and the Institute to encourage prospective founders to consider launching in communities where their models will be particularly responsive to stakeholder needs and preferences. Stakeholder surveys will be conducted during Years 2 and 4 of the project period, while focus groups will be held during Years 3 and 5. Costs are estimated based on the envisioned scope of work and expenses associated with TA partnerships consummated during prior CSP project periods.

(5) New York State Parents Council. The New York State Charter Parent Council will be responsible for creating a working group to interpret and reflect on the survey and focus group findings and for developing recommendations regarding charter school implementation and operation across the State. Findings and recommendations will be shared on the Charter Parent Council's website in Years 3 and 5 of the CSP project period. Costs are estimated based on the envisioned scope of work and expenses associated with TA partnerships consummated during prior CSP project periods.

Table 14. Administrative Contractual Costs

Contractual	Year 1	Year 2	Year 3	Year 4	Year 5	Total
External Reviewers						
SurveyMonkey Apply						
Total Contractual (Admin)						

(1) *External Reviewers*. Individuals will be retained as consultants to participate in (1) reviews and evaluations of applications for new charter schools, (2) reviews of CSP subgrant applications submitted by schools whose material revision requests seeking approval to expand have been approved by their authorizers, and (3) site visits and preparation of reports for existing charter schools that are due for charter renewal. Payment is up to \$ [REDACTED] per application review and up to \$ [REDACTED] per site visit/report (depending on length of visit). Application reviews (estimated [REDACTED])

(2) *SurveyMonkey Apply*. NYSED will purchase annual licenses for the SurveyMonkey Apply web-based workflow solution for the Charter Schools Office to integrate all phases of charter school authorizing, from new charter school applications to CSP subgrants to charter renewals. Estimated average annual cost of \$ [REDACTED] is based on the current license cost.

Line 8 — Other

New York is requesting funding to make 25 subgrant awards to new and replicating schools and an additional 25 subgrant awards to expanding schools over the five-year project period. NYSED also plans to make five continuation awards in Year 1 to existing subgrantees that will be unable to complete their approved projects prior to the expiration of our FY18 CSP grant.

Table 15. Total Estimated Subgrants (Years 1–5)

Award Type	Year 1	Year 2	Year 3	Year 4	Year 5	Totals
New School / Replication	9	2	2	2	10	25
Expansion	5	5	5	5	5	25
Total [New Subgrants]	14	7	7	7	15	50
Continuation Subgrants	5	0	0	0	0	5
Total	19	7	7	7	15	55

NYSED is requesting funding to award [REDACTED] subgrants to new, replicating, and expanding schools. As explained in the Project Narrative, all subgrantees will be eligible for a base award amount of [REDACTED] with an additional \$ [REDACTED] available to schools that meet one or more key program design priorities. During NYSED’s FY18 CSP-SE project period, [REDACTED] of the charter schools awarded a subgrant met one or more of their authorizer’s program design priorities; accordingly, we project the average award amount for subgrantees to be [REDACTED]

New York’s methodology for calculating these average and maximum subgrant award amounts is based on empirical data and rigorous analysis. Awarding [REDACTED] to each applicant group in New York is not just a matter of equity and opportunity for students attending charter schools, but a necessity driven by the unique economic landscape of the State and the evolving educational needs of our communities. Stated simply, New York is expensive. New and expanding schools that received subgrants under NYSED’s FY18 CSP-SE grant had little difficulty exhausting the full \$ [REDACTED] for which they were eligible. While delivering technical assistance to subgrantees, we routinely identified eligible expenses that schools could conceivably have pursued had they been awarded more money, thus illuminating the need for additional funding. Increasing the maximum subgrant amount to [REDACTED] is therefore a strategic imperative driven by the economic realities of New York State and the critical need to

provide adequate financial support for schools developing innovative educational models.

In New York City in particular, start-up costs come at a premium compared to charter schools in other regions. New York's real estate market is notoriously challenging. Charter schools receiving CSP funding from NYSED have historically allocated significant portions of their budgets to pre-opening rental costs associated with securing suitable facilities in competitive markets and to repairs required to bring their facilities up to code. Moreover, New York's high cost of construction is well-documented. According to industry reports and economic analyses, construction costs in New York consistently rank among the highest in the nation. This is particularly true for major urban centers like New York City, where real estate prices are significantly inflated compared to national averages. Therefore, any educational initiative requiring physical infrastructure, such as the establishment of welding bays or nursing practicum facilities, necessarily demands a higher level of investment in New York compared to other regions. We note that while construction and capital improvement costs are ineligible for reimbursement under federal CSP guidelines, they necessarily erode schools' start-up budgets in a way that makes it meaningfully more difficult for them to afford other essential start-up purchases that can, in fact, be covered by CSP funds.

Finally, the educational models we anticipate funding during the upcoming CSP project period are capital-intensive. Schools that promote CTE, while incredibly effective in preparing students for real-world careers and fostering critical thinking skills, often require substantial upfront investments in specialized equipment, materials, and facilities. For example, outfitting a school with state-of-the-art welding bays or equipping a nursing program with essential practicum materials entails significant costs that

cannot be overlooked. Recruiting, training, and compensating administrators and key instructional personnel — particularly those leading schools whose specialized models demand rare skill sets — all require significant pre-opening outlays as experienced staff command higher salaries within New York’s fiercely competitive labor market.

In light of our projections, we anticipate our average subgrant award size to be \$ [REDACTED] New York will obligate the full amount of each subgrant in the year in which it is awarded. Year-over-year costs attributable to subgrant awards are provided in Table 16.

Table 16. New York CSP Subgrant Distributions

Other (Subgrants)	Year 1	Year 2	Year 3	Year 4	Year 5	Total

Line 10 — Indirect Costs

NYSED’s approved FY24 indirect cost rate with the federal government is [REDACTED] (see attached agreement). This multiplier has been applied to the Personnel costs in Line 1. Accordingly, [REDACTED] of all Indirect costs (\$ [REDACTED]) will be attributable to Technical Assistance activities while the other [REDACTED] of Indirect costs \$ [REDACTED] will be allocated toward Administration.

Table 17. New York CSP Indirect Costs

Indirect	Year 1	Year 2	Year 3	Year 4	Year 5	Total
Indirect (TA)						
Indirect (Admin)						
Total Indirect						

INDIRECT COST RATE AGREEMENT
STATE EDUCATION AGENCY

Organization:

New York State Education Department
89 Washington Avenue
Albany, NY 12234

Date: October 26, 2023

Agreement No: [REDACTED]

Filing Reference: This replaces previous
Agreement No. 2022-002(A)
Dated: 6/15/2023

The approved indirect cost rates herein are for use on grants, contracts, and other agreements with the Federal Government. The rates are subject to the conditions included in Section II of this Agreement and regulations issued by the Office of Management and Budget (OMB) Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards under 2 CFR 200.

Section I - Rates and Bases

<u>Type</u>	<u>From</u>	<u>To</u>	<u>Rate</u>	<u>Base</u>	<u>Applicable To</u>
Fixed	4/1/2023	3/31/2024	[REDACTED]	SW	Unrestricted
Fixed	4/1/2023	3/31/2024	[REDACTED]	SW	Restricted

Distribution Base:

SW Total Direct Salaries & Wages only (fringe benefits are not included)

Applicable To:

Unrestricted Unrestricted rates apply to programs that do not require a restricted rate per 34 CFR 75.563 and 34 CFR 76.563.

Restricted Restricted rates apply to programs that require a restricted rate per 34 CFR 75.563 and 34 CFR 76.563.

Treatment of Fringe Benefits:

Fringe benefits applicable to direct salaries and wages are treated as direct costs. Pursuant to 2 CFR 200.431, (b), (3), Paragraph (i), unused leave costs for all employees are allowable in the year of payment. The treatment of unused leave costs should be allocated as an indirect cost except for those employee salaries designated as a direct cost for the restricted rate calculation.

Capitalization Policy: Items of equipment are capitalized and depreciated if the initial acquisition cost is equal to or greater than [REDACTED]

Section II – Particulars

Limitations: Application of the rates contained in this Agreement is subject to all statutory or administrative limitations on the use of funds, and payments of costs hereunder are subject to the availability of appropriations applicable to a given grant or contract. Acceptance of the rates agreed to herein is predicated on the following conditions: (A) that no costs other than those incurred by the Organization were included in the indirect cost pools as finally accepted, and that such costs are legal obligations of the Organization and allowable under the governing cost principles; (B) the same costs that have been treated as indirect costs are not claimed as direct costs; (C) that similar types of information which are provided by the Organization, and which were used as a basis for acceptance of rates agreed to herein, are not subsequently found to be materially incomplete or inaccurate; and (D) that similar types of costs have been accorded consistent accounting treatment.

Accounting Changes: The rates contained in this agreement are based on the organizational structure and the accounting systems in effect at the time the proposal was submitted. Changes in organizational structure or changes in the method of accounting for costs which affect the amount of reimbursement resulting from use of the rates in this agreement, require the prior approval of the responsible negotiation agency. Failure to obtain such approval may result in subsequent audit disallowance.

Provisional/Final/Predetermined Rates: A proposal to establish a final rate must be submitted. The awarding office should be notified if the final rate is different from the provisional rate so that appropriate adjustments to billings and charges may be made. Predetermined rates are not subject to adjustment.

Fixed Rate: The negotiated fixed rate is based on an estimate of the costs that will be incurred during the period to which the rate applies. When the actual costs for such period have been determined, an adjustment will be made to a subsequent rate calculation to compensate for the difference between the costs used to establish the fixed rate and the actual costs.

Notification to Other Federal Agencies: Copies of this document may be provided to other Federal agencies as a means of notifying them of the agreement contained herein.

Audit: All costs (direct and indirect, federal and non-federal) are subject to audit. Adjustments to amounts resulting from audit of the cost allocation plan or indirect cost rate proposal upon which the negotiation of this agreement was based may be compensated for in a subsequent negotiation.

Reimbursement Ceilings/Limitations on Rates: Awards that include ceiling provisions and statutory/regulatory requirements on indirect cost rates or reimbursement amounts are subject to the stipulations in the grant or contract agreements. If a ceiling is higher than the negotiated rate in Section I of this agreement, the negotiated rate will be used to determine the maximum allowable indirect cost.

Section III - Special Remarks

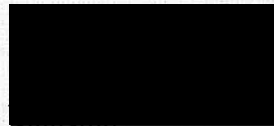
Alternative Reimbursement Methods: If any federal programs are reimbursing indirect costs by a methodology other than the approved rates in this agreement, such costs should be credited to the programs and the approved rates should be used to identify the maximum amount of indirect costs allocable.

Submission of Proposals: New indirect cost proposals are necessary to obtain approved indirect cost rates for future fiscal years. **The next indirect cost rate proposal is due six months prior to the expiration dates of the rates in this agreement.**

Section IV – Approvals

For the State Education Agency:

New York State Education Department
89 Washington Avenue
Albany, NY 12234



Signature

Edward Lenart

Name

Dir Agcy Budget Services 2

Title

10/26/2023

Date

For the Federal Government:

U.S. Department of Education
OFO / OAGRM / ICD
400 Maryland Avenue, SW
Washington, DC 20202-4500



Andre Hylton

Name


Director, Indirect Cost Division

Title

October 26, 2023

Date

Negotiator: Kayon Graham

Telephone Number: 

U.S. Department of Education
Grant Application Form for Project Objectives and Performance Measures Information
See Instructions.

Applicant Information

Legal Name:

New York State Education Department

1. Project Objective:

Increase the number of high-quality charter school seats in New York State, especially within those charter schools serving students who are at greatest risk of not meeting State academic standards

1.a. Performance Measure	Measure Type	Quantitative Data			
		Target			
		Raw Number	Ratio		%
By the end of the CSP project period, New York will issue 25 planning and implementation subgrants to new and replicating high-quality charter schools that foster high-quality independent options for all students, especially ELLs, students with disabilities, and economically disadvantaged students.	PROJECT	25		/	
1.b. Performance Measure	Measure Type	Quantitative Data			
		Target			
		Raw Number	Ratio		%
By the end of the CSP project period, New York will issue 25 planning and implementation subgrants to high-quality charter schools that are expanding in order to offer additional high-quality seats for all students, especially ELLs, students with disabilities, and economically disadvantaged students.	PROJECT	25		/	
1.c. Performance Measure	Measure Type	Quantitative Data			
		Target			
		Raw Number	Ratio		%
By the end of the CSP project period, New York will support the creation of 18,750 additional high-quality charter school seats that expand access to high-quality independent options for all students, especially ELLs, students with disabilities, and economically disadvantaged students.	PROJECT	18,750		/	

2. Project Objective:

Improve student academic outcomes in New York State charter schools, particularly for students who are at greatest risk of not meeting State academic standards, through high-quality charter authorizing and technical assistance

U.S. Department of Education
Grant Application Form for Project Objectives and Performance Measures Information

2.a. Performance Measure	Measure Type	Quantitative Data			
		Target			
		Raw Number	Ratio		%
During each year of the project period, the performance gap between charter school students and comparable students in traditional New York State public schools on the NYSTP 3-8 Assessments will increase. Comparisons will be made for the following subgroups: ELLs, students with disabilities, economically disadvantaged, and historically under-represented.	PROJECT			/	

2.b. Performance Measure	Measure Type	Quantitative Data			
		Target			
		Raw Number	Ratio		%
During each year of the project period, the graduation rates of charter school students will exceed those of comparable students in traditional New York State public schools. Comparisons will be made for the following subgroups: ELLs, students with disabilities, economically disadvantaged, and historically under-represented.	PROJECT			/	

2.c. Performance Measure	Measure Type	Quantitative Data			
		Target			
		Raw Number	Ratio		%
During each year of the CSP project period, the number of charter schools identified as in need of comprehensive or targeted support and improvement will decrease by at least one.	PROJECT	1		/	

3. Project Objective:

Promote the dissemination of effective practices that results in improved academic achievement for students attending both charter schools and traditional public schools across New York State

3.a. Performance Measure	Measure Type	Quantitative Data			
		Target			
		Raw Number	Ratio		%
NYSED will provide governance training to 100% of new school subgrantees during the project period with 90% of participants expressing satisfaction with the quality, usefulness, and relevance of trainings.	PROJECT		90	/	100
					90.00

3.b. Performance Measure	Measure Type	Quantitative Data			
		Target			
		Raw Number	Ratio		%
During the project period, NYSED will award at least 15 micro-grants to charter schools that propose projects featuring a new collaboration with at least one traditional public school or district.	PROJECT	15		/	

U.S. Department of Education
Grant Application Form for Project Objectives and Performance Measures Information

3.c. Performance Measure	Measure Type	Quantitative Data				
		Target				
		Raw Number	Ratio		%	
80% of micro-grant recipients meet their self-identified goals related to the impact of their cross-sector collaboration projects on academic outcomes within both charter schools and traditional public schools.	PROJECT		80	/	100	80.00

4. Project Objective:

Strengthen the overall quality of New York State charter school authorizing and CSP grant administration

4.a. Performance Measure	Measure Type	Quantitative Data				
		Target				
		Raw Number	Ratio			%
By June 30, 2025, NYSED will successfully complete a systematic review and alignment of oversight protocols and guidelines.	PROJECT	1		/		

4.b. Performance Measure	Measure Type	Quantitative Data				
		Target				
		Raw Number	Ratio			%
During each year of the project period, at least three representatives of a New York State charter authorizing entity will be invited to present on best practices related to charter authorizing and/or CSP grant oversight at a national or regional conference.	PROJECT	3		/		

4.c. Performance Measure	Measure Type	Quantitative Data				
		Target				
		Raw Number	Ratio			%
By Year 2 of the project period, 90% of authorizer staff report an increased capacity to utilize community-based authorizing practices.	PROJECT		90	/	100	90.00

INSTRUCTIONS GRANT APPLICATION FORM FOR PROJECT OBJECTIVES AND PERFORMANCE MEASURES INFORMATION

PURPOSE

Applicants must submit a **GRANT APPLICATION FORM FOR PROJECT OBJECTIVES AND PERFORMANCE MEASURES INFORMATION** via Grants.gov or in G5 when instructed to submit applications in G5. This form collects project objectives and quantitative and/or qualitative performance measures at the time of application submission for the purpose of automatically prepopulating this information into the U.S. Department of Education's (ED) automated Grant Performance Report form (ED 524B), which is completed by ED grantees prior to the awarding of continuation grants. Additionally, this information will prepopulate into ED's automated ED 524B that may be required by program offices of grant recipients that are awarded front loaded grants for their entire multi-year project up-front in a single grant award, and will also be prepopulated into ED's automated ED 524B for those grant recipients that are required to use the ED 524B to submit their final performance reports.

GENERAL INSTRUCTIONS

Applicant Information

- **Legal Name:** The legal name of the applicant that will undertake the assistance activity will prepopulate from the Application Form for Federal Assistance (SF 424 Form). This is the organization that has registered with the System for Award Management (SAM). Information on registering with SAM may be obtained by visiting www.Grants.gov.

Project Objectives Information and Related Performance Measures Data

Your grant application establishes project objectives stating what you hope to achieve with your funded grant project. Generally, one or more performance measures are also established for each project objective that will serve to demonstrate whether you have met or are making progress towards meeting each project objective.

- **Project Objective:** Enter each project objective that is included in your grant application. When completing this form in Grants.gov, a maximum of 26 project objectives may be entered. Only one project objective should be entered per row. Project objectives should be numbered sequentially, i.e., 1., 2., 3., etc. If applicable, project objectives may be entered for each project year; however, the year to which the project objective applies must be clearly identified as is presented in the following examples:
 1. **Year 1.** Provide two hour training to teachers in the Boston school district that focuses on improving test scores.
 2. **Year 2.** Provide two hour training to teachers in the Washington D.C. school district that focuses on improving test scores.
- **Performance Measure:** For each project objective, enter each associated quantitative and/or qualitative performance measure. When completing this form in Grants.gov, a maximum of 26 quantitative and/or qualitative performance measures may be entered. There may be multiple quantitative and/or qualitative performance measures associated with each project objective. Enter only one quantitative or qualitative performance measure per row. Each quantitative or qualitative performance measure that is associated with a particular project objective should be labeled using an alpha indicator. Example: The first quantitative or qualitative performance measure associated with project objective "1" should be labeled "1.a.," the second quantitative or qualitative performance measure for project objective "1" should be labeled "1.b.," etc. If applicable, quantitative and/or qualitative performance measures may be entered for each project year; however, the year to which the quantitative and/or qualitative performance measures apply must be clearly identified as is presented in the following examples:

- 1.a. **Year 1.** By the end of year one, 125 teachers in the Boston school district will receive a two hour training program that focuses on improving test scores.
- 2.a. **Year 2.** By the end of year two, 125 teachers in the Washington D.C. school district will receive a two hour training program that focuses on improving test scores.

- **Measure Type:** For each performance measure, select the appropriate type of performance measure from the drop down menu. There are two types of measures that **ED** may have established for the grant program:

1. **GPRA:** Measures established for reporting to Congress under the Government Performance and Results Act; and

2. **PROGRAM:** Measures established by the program office for the particular grant competition.

In addition, you will be required to report on any project-specific performance measures (**PROJECT**) that you established in your grant application to meet your project objectives.

In the **Measure Type** field, select one (1) of the following measure types: **GPRA; PROGRAM; or PROJECT.**

- **Quantitative Target Data:** For quantitative performance measures with established quantitative targets, provide the target you established for meeting each performance measure. Only quantitative (numeric) data should be entered in the Target boxes. If the collection of quantitative data is not appropriate for a particular performance measure (i.e., for **qualitative** performance measures), please leave the target data boxes blank.

The Target Data boxes are divided into three columns: **Raw Number; Ratio, and Percentage (%)**.

For performance measures that are stated in terms of a single number (e.g., the number of workshops that will be conducted or the number of students that will be served), the target data should be entered as a single number in the **Raw Number column** (e.g., **10** workshops or **80** students). Please leave the **Ratio and Percentage (%) columns** blank.

For performance measures that are stated in terms of a percentage (e.g., percentage of students that attain proficiency), complete the **Ratio column**, and leave the **Raw Number and Percentage (%) columns** blank. The **Percentage (%)** will automatically calculate based on the entered ratio. In the **Ratio column** (e.g., **80/100**), the numerator represents the numerical target (e.g., the number of students that are expected to attain proficiency), and the denominator represents the universe (e.g., all students served).

U.S. DEPARTMENT OF EDUCATION
BUDGET INFORMATION
NON-CONSTRUCTION PROGRAMS

OMB Number: 1894-0008
Expiration Date: 08/31/2026

Name of Institution/Organization

New York State Education Department

Applicants requesting funding for only one year should complete the column under "Project Year 1." Applicants requesting funding for multi-year grants should complete all applicable columns. Please read all instructions before completing form.

SECTION A - BUDGET SUMMARY
U.S. DEPARTMENT OF EDUCATION FUNDS

Budget Categories	Project Year 1 (a)	Project Year 2 (b)	Project Year 3 (c)	Project Year 4 (d)	Project Year 5 (e)	Project Year 6 (f)	Project Year 7 (g)	Total (h)
1. Personnel								
2. Fringe Benefits								
3. Travel								
4. Equipment								
5. Supplies								
6. Contractual								
7. Construction								
8. Other								
9. Total Direct Costs (lines 1-8)								
10. Indirect Costs*								
11. Training Stipends								
12. Total Costs (lines 9-11)								

***Indirect Cost Information (To Be Completed by Your Business Office):** If you are requesting reimbursement for indirect costs on line 10, please answer the following questions:

(1) Do you have an Indirect Cost Rate Agreement approved by the Federal government? ☒ Yes ☐ No

(2) If yes, please provide the following information:

Period Covered by the Indirect Cost Rate Agreement: From: 04/01/2023 To: 03/31/2024 (mm/dd/yyyy)

Approving Federal agency: ☒ ED ☐ Other (please specify):

The Indirect Cost Rate is %.

(3) If this is your first Federal grant, and you do not have an approved indirect cost rate agreement, are not a State, Local government or Indian Tribe, and are not funded under a training rate program or a restricted rate program, do you want to use the de minimis rate of 10% of MTDC? ☐ Yes ☐ No If yes, you must comply with the requirements of 2 CFR § 200.414(f).

(4) If you do not have an approved indirect cost rate agreement, do you want to use the temporary rate of 10% of budgeted salaries and wages?
☐ Yes ☐ No If yes, you must submit a proposed indirect cost rate agreement within 90 days after the date your grant is awarded, as required by 34 CFR § 75.560.

(5) For Restricted Rate Programs (check one) -- Are you using a restricted indirect cost rate that:

☒ Is included in your approved Indirect Cost Rate Agreement? Or, ☐ Complies with 34 CFR 76.564(c)(2)? The Restricted Indirect Cost Rate is %.

(6) For Training Rate Programs (check one) -- Are you using a rate that:

☐ Is based on the training rate of 8 percent of MTDC (See EDGAR § 75.562(c)(4))? Or, ☐ Is included in your approved Indirect Cost Rate Agreement, because it is lower than the training rate of 8 percent of MTDC (See EDGAR § 75.562(c)(4))?

PR/Award # S282A240007

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Name of Institution/Organization	Applicants requesting funding for only one year should complete the column under "Project Year 1." Applicants requesting funding for multi-year grants should complete all applicable columns. Please read all instructions before completing form.	
New York State Education Department		

SECTION B - BUDGET SUMMARY
NON-FEDERAL FUNDS

Budget Categories	Project Year 1 (a)	Project Year 2 (b)	Project Year 3 (c)	Project Year 4 (d)	Project Year 5 (e)	Project Year 6 (f)	Project Year 7 (g)	Total (h)
1. Personnel								
2. Fringe Benefits								
3. Travel								
4. Equipment								
5. Supplies								
6. Contractual								
7. Construction								
8. Other								
9. Total Direct Costs (lines 1-8)								
10. Indirect Costs								
11. Training Stipends								
12. Total Costs (lines 9-11)								

SECTION C - BUDGET NARRATIVE (see instructions)

ED 524

Name of Institution/Organization	Applicants requesting funding for only one year should complete the column under "Project Year 1." Applicants requesting funding for multi-year grants should complete all applicable columns. Please read all instructions before completing form.	
New York State Education Department		

IF APPLICABLE: SECTION D - LIMITATION ON ADMINISTRATIVE EXPENSES

(1) List administrative cost cap (x%):

(2) What does your administrative cost cap apply to? ☒ (a) indirect and direct costs or, ☐ (b) only direct costs

Budget Categories	Project Year 1 (a)	Project Year 2 (b)	Project Year 3 (c)	Project Year 4 (d)	Project Year 5 (e)	Project Year 6 (f)	Project Year 7 (g)	Total (h)
1. Personnel Administrative								
2. Fringe Benefits Administrative								
3. Travel Administrative								
4. Contractual Administrative								
5. Construction Administrative								
6. Other Administrative								
7. Total Direct Administrative Costs (lines 1-6)								
8. Indirect Costs								
9. Total Administrative Costs								
10. Total Percentage of Administrative Costs								

DISCLOSURE OF LOBBYING ACTIVITIES

Complete this form to disclose lobbying activities pursuant to 31 U.S.C.1352

OMB Number: 4040-0013

Expiration Date: 02/28/2025

1. * Type of Federal Action: <input type="checkbox"/> a. contract <input checked="" type="checkbox"/> b. grant <input type="checkbox"/> c. cooperative agreement <input type="checkbox"/> d. loan <input type="checkbox"/> e. loan guarantee <input type="checkbox"/> f. loan insurance	2. * Status of Federal Action: <input type="checkbox"/> a. bid/offer/application <input checked="" type="checkbox"/> b. initial award <input type="checkbox"/> c. post-award	3. * Report Type: <input checked="" type="checkbox"/> a. initial filing <input type="checkbox"/> b. material change
4. Name and Address of Reporting Entity: <div style="display: flex; justify-content: space-between;"><input checked="" type="checkbox"/> Prime <input type="checkbox"/> SubAwardee</div> <div>* Name <input type="text" value="New York State Education Department"/></div> <div>* Street 1 <input type="text" value="89 Washington Avenue"/> Street 2 <input type="text"/></div> <div>* City <input type="text" value="Albany"/> State <input type="text" value="NY: New York"/> Zip <input type="text" value="12234"/></div> <div>Congressional District, if known: <input type="text"/></div>		
5. If Reporting Entity in No.4 is Subawardee, Enter Name and Address of Prime: <div style="height: 100px;"></div>		
6. * Federal Department/Agency: <input type="text" value="United States Department of Education"/>	7. * Federal Program Name/Description: <input type="text" value="Charter Schools"/> <div>CFDA Number, if applicable: <input type="text" value="84.282"/></div>	
8. Federal Action Number, if known: <input type="text"/>	9. Award Amount, if known: \$ <input type="text"/>	
10. a. Name and Address of Lobbying Registrant: <div>Prefix <input type="text"/> * First Name <input type="text" value="N/A"/> Middle Name <input type="text"/></div> <div>* Last Name <input type="text" value="N/A"/> Suffix <input type="text"/></div> <div>* Street 1 <input type="text" value="N/A"/> Street 2 <input type="text"/></div> <div>* City <input type="text" value="N/A"/> State <input type="text"/> Zip <input type="text"/></div>		
b. Individual Performing Services (including address if different from No. 10a) <div>Prefix <input type="text"/> * First Name <input type="text" value="N/A"/> Middle Name <input type="text"/></div> <div>* Last Name <input type="text" value="N/A"/> Suffix <input type="text"/></div> <div>* Street 1 <input type="text" value="N/A"/> Street 2 <input type="text"/></div> <div>* City <input type="text" value="N/A"/> State <input type="text"/> Zip <input type="text"/></div>		
11. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when the transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure. <div>* Signature: <input type="text" value="Valerie Kowalski"/></div> <div>* Name: Prefix <input type="text"/> * First Name <input type="text" value="Sharon"/> Middle Name <input type="text"/></div> <div>* Last Name <input type="text" value="Cates-Williams"/> Suffix <input type="text"/></div> <div>Title: <input type="text" value="Executive Deputy Commissioner"/> Telephone No.: <input type="text"/> Date: <input type="text" value="06/12/2024"/></div>		
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U.S. Department of Education Supplemental Information for the SF-424
Application for Federal Assistance

OMB Number: 1894-0007
Expiration Date: 04/30/2026

1. Project Director and Applicable Entity Identification Numbers:

Prefix:	* First Name:	Middle Name:	* Last Name:	Suffix:
<input type="text"/>	<input type="text" value="Valerie"/>	<input type="text"/>	<input type="text" value="Kowalski"/>	<input type="text"/>

* Project Director Level of Effort (percentage of time devoted to grant):

Address:

* Street1:	<input type="text" value="89 Washington Avenue"/>
Street2:	<input type="text"/>
* City:	<input type="text" value="Albany"/>
County:	<input type="text"/>
* State:	<input type="text" value="NY: New York"/>
* Zip Code:	<input type="text" value="12234-1000"/>
* Country:	<input type="text" value="USA: UNITED STATES"/>

* Phone Number (give area code) Fax Number (give area code)

<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>

Alternate Email Address:

OPE ID(s) (if applicable)

NCES School ID(s) (if applicable)

NCES LEA/School District ID(s) (if applicable)

2. New Potential Grantee or Novice Applicant:

☒ N/A. This item is not applicable because the program competition's notice inviting applications (NIA) does not include a definition of either "New Potential Grantee" or "Novice Applicant." This item is not applicable when the program competition's NIA does not include either definition.

For NIA's that include a definition of "New Potential Grantee" or "Novice Applicant," complete the following:

a. Are you either a new potential grantee or novice applicant as defined in the program competition's NIA?

☐ Yes ☐ No

3. Human Subjects Research:

a. Are any research activities involving human subjects planned at any time during the proposed Project Period?

☐ Yes ☒ No

b. Are ALL the research activities proposed designated to be exempt from the regulations?

☐ Yes Provide Exemption(s) #(s): ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ 8

☐ No Provide Federal Wide Assurance #(s), if available:

c. If applicable, please attach your "Exempt Research" or "Nonexempt Research" narrative to this form as indicated in the definitions page in the attached instructions.

Add Attachment

Delete Attachment

View Attachment

4. Infrastructure Programs and Build America, Buy America Act Applicability:

If the competition Notice Inviting Applications (NIA) in section III. 4. "Other" states that the program under which this application is submitted is subject to the Build America, Buy America Act (Pub. L. 117-58) (BABAA) domestic sourcing requirements, complete the following:

☒ This application does not include any infrastructure projects or activities and therefore **IS NOT** subject the BABAA domestic sourcing requirements.

☐ This application **IS** subject to the BABAA domestic sourcing requirements, because the proposed grant project described in this application includes the following infrastructure projects or activities:

☐ Construction

☐ Remodeling

☐ Broadband Infrastructure

If this application **IS** subject to the BABAA domestic sourcing requirements, please list the page numbers from within the application narrative where the proposed infrastructure project or activities are described:

NOTICE TO ALL APPLICANTS: EQUITY FOR STUDENTS, EDUCATORS, AND OTHER PROGRAM BENEFICIARIES

Section 427 of the General Education Provisions Act (GEPA) ([20 U.S.C. 1228a](#)) applies to applicants for grant awards under this program.

ALL APPLICANTS FOR NEW GRANT AWARDS MUST INCLUDE THE FOLLOWING INFORMATION IN THEIR APPLICATIONS TO ADDRESS THIS PROVISION IN ORDER TO RECEIVE FUNDING UNDER THIS PROGRAM.

Please respond to the following requests for information. Responses are limited to 4,000 characters.

1. Describe how your entity's existing mission, policies, or commitments ensure equitable access to, and equitable participation in, the proposed project or activity.

NYSED's Commitment to Equitable Access and Participation
Mission Statement and Core Values: The mission of the New York State Education Department (NYSED) is to elevate the knowledge, skills, and opportunities of all people in New York State. This mission underscores a commitment to providing equitable educational opportunities and ensuring inclusivity across all NYSED's programs and services.

Core Values:

- **Equity:** NYSED is dedicated to ensuring that every student, regardless of background, has access to high-quality education and the necessary resources to succeed.
- **Inclusivity:** Programs are designed to support students from diverse cultural, socioeconomic, and linguistic backgrounds.
- **Non-Discrimination:** NYSED enforces a strict non-discrimination policy that applies to all its operations, prohibiting exclusion based on race, color, religion, sex, national origin, age, disability, marital status, sexual orientation, or any other protected class.

Policies Promoting Equitable Access:

- **Non-Discrimination Policy:** This policy ensures that no individual is excluded from participation or denied benefits based on protected characteristics, applicable to both employment practices and public service delivery.
- **Accessibility Standards:** NYSED is committed to making all materials and resources accessible, adhering to the Americans with Disabilities Act (ADA) standards to ensure usability for everyone.
- **Diversity and Inclusion Framework:** The Culturally Responsive-Sustaining (CR-S) Education Framework guides educators in creating environments that support equity and inclusivity. It focuses on:
 1. **Welcoming and Affirming Environments:** Creating spaces where all individuals feel valued and respected.
 2. **High Expectations and Rigorous Instruction:** Providing challenging and engaging learning opportunities for all students.
 3. **Inclusive Curriculum and Assessment:** Ensuring teaching materials and assessments reflect diverse perspectives and experiences.
 4. **Ongoing Professional Learning:** Supporting educators in continuous learning and cultural competence.

Commitments to Equity and Participation:

- **Equitable Funding Allocation:** NYSED ensures funding for programs and initiatives is distributed equitably, with a focus on supporting underserved communities and schools with high needs through targeted grants and technical

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assistance.

- **Technical Assistance and Support:** Partnerships with advocacy groups and educational institutions provide technical assistance to schools and communities, aiding in grant applications, program implementation, and overcoming specific challenges.
- **Monitoring and Compliance:** Mechanisms are in place for monitoring compliance with equity and accessibility standards, including regular audits, feedback mechanisms, and corrective action plans.
- **Community Engagement:** NYSED engages community stakeholders through surveys, focus groups, and public hearings, ensuring diverse community voices inform policies and practices.

Specific Strategies for Equitable Access:

1. **Pre-Engagement with Stakeholders:** Sessions with potential participants and advocacy groups help understand specific access requirements, allowing NYSED to tailor its programs to diverse needs.
2. **Accessible Facilities and Resources:** In-person sessions are held in ADA-compliant facilities, and digital resources are designed with accessibility features such as alternative texts, captions, and compatibility with assistive technologies.
3. **Cultural Sensitivity Training:** Training on cultural sensitivity and ADA compliance helps staff address biases, ensuring fair treatment for all participants.
4. **Multi-Lingual Services:** Translation of materials and provision of interpreters accommodate participants from diverse linguistic backgrounds.
5. **Assistive Technology:** Devices such as screen readers for visually impaired individuals and hearing aids for those with auditory impairments are provided.
6. **Public Information Access:** Information is made available online and compatible

2. Based on your proposed project or activity, what barriers may impede equitable access and participation of students, educators, or other beneficiaries?

1. **Lack of Understanding and Resources in Low-Income Communities:** In many low-income communities, there is often a lack of understanding of the requirements for new school applications or grant applications. Limited resources and technical knowledge can impede effective participation in NYSED's programs. These communities may not have access to the necessary tools, guidance, or support to navigate the complexities of the application processes.
2. **Accessibility Challenges:** Educators and participants with disabilities may face significant barriers when accessing online materials if these are not designed with universal accessibility in mind. Challenges can include navigating websites, reading documents, or accessing digital content, which might not be optimized for use with assistive technologies like screen readers or alternative input devices.
3. **Shortages of Qualified Personnel:** There is a recognized statewide shortage of special education teachers and service providers, particularly those who are bilingual or culturally competent. This shortage affects the ability to deliver equitable educational services to students with disabilities, hindering their access to appropriate educational opportunities.
4. **Regional Disparities in Resources:** Certain regions, especially rural areas and large urban districts, face challenges in staffing evaluators and providing timely special education services. These regional disparities can result in inconsistent access to educational resources and support, making it difficult for students and educators in these areas to fully participate in NYSED's programs.
5. **Cultural and Linguistic Barriers:** Students and educators from diverse

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cultural and linguistic backgrounds may encounter barriers related to language and cultural understanding. Without adequate support, such as multilingual services and culturally responsive teaching practices, these individuals may struggle to engage fully with educational programs and resources.

6. Technical Barriers: Participants may face technical barriers, such as limited access to reliable internet or appropriate technology, which can impede their ability to engage with online educational resources and activities. This is particularly challenging in low-income or rural areas where digital infrastructure may be lacking.

3. Based on the barriers identified, what steps will you take to address such barriers to equitable access and participation in the proposed project or activity?

1. Enhancing Understanding and Resources in Low-Income Communities:

- **Technical Assistance:** Partner with charter advocacy groups and educational institutions to offer technical assistance and additional services, helping low-income communities and schools understand and navigate the requirements for new school and grant applications.

- **Outreach and Support Programs:** Develop and implement outreach programs that provide guidance and support to these communities. This includes workshops, webinars, and one-on-one consultations to build capacity and understanding of the application processes.

2. Improving Accessibility:

- **Accessibility Standards Implementation:** Ensure that all grant-related materials and online content adhere to accessibility principles, including the use of alternative texts for images, clear headings for data tables, and compatibility with various assistive technologies.

- **Ensuring Usability Across Devices:** Design materials to be accessible from multiple devices and browsers.

- **ADA Compliance:** All non-digital and digital resources will be compliant with ADA standards, including the provision of alternative formats such as braille, large print, or audio versions.

- **Accessible Communication Channels:** Provide multiple accessible communication channels for participants to engage with NYSED, including text-based, auditory, and visual methods.

3. Addressing Shortages of Qualified Personnel:

- **Recruitment Initiatives:** Launch recruitment drives targeting bilingual and culturally competent special education teachers and service providers, focusing on regions with significant shortages.

- **Partnership with Institutions:** Develop MOUs with institutions such as the City University of New York (CUNY) to expand the availability of certification programs for special education teachers, particularly those focusing on bilingual and special needs education.

- **Tuition Assistance Programs:** Implement programs providing tuition assistance and certification support for current and prospective special education teachers.

4. Mitigating Regional Disparities:

- **Regional Support Networks:** Establish regional support networks to provide resources, training, and technical assistance tailored to the specific needs of rural and urban districts.

- **Mobile and Remote Solutions:** Develop mobile and remote educational solutions to reach underserved areas, including virtual training programs and remote consultations.

- **Resource Allocation:** Allocate additional resources to regions facing significant disparities, ensuring equitable distribution of support services

and educational materials.

5. Addressing Cultural and Linguistic Barriers:

- Culturally Responsive Training: Provide ongoing training for educators on culturally responsive teaching practices and strategies to engage students from diverse backgrounds.
- Multilingual Support: Expand multilingual services, including translation of materials and provision of interpreters during educational activities and communications.
- Inclusive Curriculum Development: Develop and distribute curriculum materials that reflect diverse cultural perspectives and are accessible in multiple languages.

6. Overcoming Technical Barriers:

- Technology Grants: Offer grants and funding opportunities to schools and communities to improve access to reliable internet and educational technology.
- Digital Literacy Programs: Implement digital literacy programs to help students, educators, and community members effectively use technology for educational purposes.
- Technical Support Services: Provide technical support services to assist participants with setting up and using digital resources and platforms.

4. What is your timeline, including targeted milestones, for addressing these identified barriers?

Year 1: Initiation and Early Implementation

Q1-Q2:

- Publicize CSP Funding Availability: Announce funding opportunities through multiple channels, focusing on low-income areas.
 - o Milestone: CSP funding availability announced.
- Publish RFP for New Applicants: Develop and release the Request for Proposals for new charter schools.
 - o Milestone: RFP published.
- Develop Partnerships: Establish partnerships with advocacy groups and institutions for technical assistance.
 - o Milestone: MOUs signed with CUNY and other partners.

Q3-Q4:

- Train Staff and Peer Reviewers: Conduct initial training on ADA compliance, cultural sensitivity, and technical assistance for grant applications.
 - o Milestone: Initial training sessions conducted.
- Start Accessibility Enhancements: Begin redesigning online materials following accessibility guidelines.
 - o Milestone: Draft of accessibility guidelines completed.

Year 2: Implementation and Expansion

Q1-Q2:

- Launch Tuition Assistance Programs: Implement the MOU with CUNY and offer tuition assistance for special education certification.
 - o Milestone: Tuition assistance program launched.
- Accessibility Implementation: Apply accessibility principles to all grant-related materials and online content.
 - o Milestone: Accessibility enhancements applied to initial materials.

Q3-Q4:

- Monitor and Review Applications: Review and approve new school and subgrant applications, ensuring compliance with accessibility and equity

measures.

- o Milestone: Initial review of applications completed.
- Expand Training: Continue and expand training programs for more staff and peer reviewers.
- o Milestone: Expanded training sessions conducted.

Year 3: Continuous Improvement

Q1-Q2:

- Evaluate Accessibility Enhancements: Conduct assessments of the effectiveness of the implemented accessibility measures.
- o Milestone: Evaluation report on accessibility measures completed.
- Ongoing Technical Assistance: Provide continuous technical assistance to applicants and schools, addressing any emerging challenges related to equitable access and participation.
- Milestone: Regular technical assistance sessions conducted and documented.

Q3-Q4:

- Expand Support Services: Increase support for educators in underserved areas through targeted programs and resources.
- o Milestone: Additional support services launched.
- Data Collection and Analysis: Systematically collect and analyze data on program participation, accessibility issues, and regional needs.
- o Milestone: Data collection system operational and initial analysis completed.

Year 4: Evaluation and Refinement

Q1-Q2:

- Conduct Surveys and Focus Groups: Gather feedback from participants to identify ongoing barriers and areas for improvement.
- o Milestone: Surveys and focus groups conducted, results analyzed.
- Review and Update Policies: Use feedback to refine and update policies and procedures to enhance equitable access.
- o Milestone: Updated policies implemented based on feedback.

Q3-Q4:

- Enhance Accessibility Features: Continue refining and expanding accessibility features for all materials and platforms based on feedback and evaluation results.
- o Milestone: Second phase of accessibility enhancements completed.

Year 5: Finalization and Dissemination

Q1-Q2:

- Final Evaluation: Conduct a comprehensive evaluation of all implemented measures to assess their effectiveness and identify any remaining gaps.
- o Milestone: Final evaluation report completed and recommendations made.
- Long-Term Planning: Develop a long-term plan for maintaining and enhancing equitable access, ensuring sustainability of the efforts beyond the initial five years.
- o Milestone: Long-term plan finalized and approved.

Q3-Q4:

- Disseminate Findings: Share the results and best practices through reports, presentations, and publications to stakeholders, including schools, educators, and community members.
- o Milestone: Findings disseminated and shared through various channels.

Notes:

1. Applicants are not required to have mission statements or policies that align with equity in order to submit an application.
2. Applicants may identify any barriers that may impede equitable access and participation in the proposed project or activity, including, but not limited to, barriers based on economic disadvantage, gender, race, ethnicity, color, national origin, disability, age, language, migrant status, rural status, homeless status or housing insecurity, pregnancy, parenting, or caregiving status, and sexual orientation.
3. Applicants may have already included some or all of this required information in the narrative sections of their applications or their State Plans. In responding to this requirement, for each question, applicants may provide a cross-reference to the section(s) and page number(s) in their applications or State Plans that includes the information responsive to that question on this form or may restate that information on this form.

Paperwork Burden Statement

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. The valid OMB control number for this information collection is 1894-0005. Public reporting burden for this collection of information is estimated to average 3 hours per response, including time for reviewing instructions, searching existing data sources, gathering, and maintaining the data needed, and completing and reviewing the collection of information. The obligation to respond to this collection is required to obtain or retain a benefit. If you have any comments concerning the accuracy of the time estimate or suggestions for improving this individual collection, send your comments to ICDocketMgr@ed.gov and reference OMB Control Number 1894-0005. All other comments or concerns regarding the status of your individual form may be addressed to either (a) the person listed in the FOR FURTHER INFORMATION CONTACT section in the competition Notice Inviting Applications, or (b) your assigned program officer.