



**Department of
Education**

Dennis M. Walcott, Chancellor

Frequently Asked Questions

New York City Department of Education (NYCDOE)
Charter Schools Office

These Frequently Asked Questions relate to the process of applying for and operating a charter school in New York City. Information in these FAQs is unique to New York City and may not be applicable to charter schools outside of the City. Furthermore, the FAQs are specific to the charter schools authorized by NYCDOE and may not be applicable to charter schools authorized by other entities (i.e. SUNY or SED).

I. GENERAL

Q. What is a charter school?

A. A charter school is an independent and autonomous public school. Charter schools are largely free from state and local regulation. This freedom gives charter schools the ability to establish their own policies, design their educational program, handle their human capital, and manage their budget / financial resources. In return for this autonomy, charter schools are accountable for high student achievement through the terms of a five-year performance contract. Charter schools must meet the same NYS Regents' performance standards established for all public schools as well as the goals established in their charter.

Charter schools are publicly funded and open to all students in New York City through a non-discriminatory admissions lottery. Students who attend charter schools do so by choice. And educators who teach at charter schools do so by choice. Each charter school is governed by a not-for-profit board of trustees that typically includes a mix of educational experts, business leaders, community members, and parents. Charter boards of trustees are legally responsible and accountable to the school, hire and fire the principal, and establish terms and conditions subject to the charter's agreement and in adherence with state law. Charter schools cannot charge tuition but are permitted to conduct their own fundraising efforts to obtain additional private funding.

Q. What are the objectives of charter schools?

A. Charter schools are authorized under New York State's 1998 Charter School Act. This Act authorizes the creation of a system of charter schools that provide teachers, parents, and community members with the opportunity to establish and maintain schools that operate independently of existing school districts in order to:

- 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 high quality choices in the types of educational opportunities that are available within the public school system
- Provide schools with a method to change from rule-based to performance-based accountability systems by holding charter schools accountable for meeting measurable student achievement results

Q. How many charter schools are operating in New York City?

A. As of the 2010-2011 school year, 125 charter schools are authorized to operate in NY, serving 39,000 students in NYC. 69 of these schools are authorized by the NYCDOE. In May 2010, New York's statewide cap on charter schools was increased to 460. Of the 260 new charters, a maximum of 114 may be issued to open schools in New York City.

For a complete listing of charter schools, see our website: <http://schools.nyc.gov/charters>

Q. What is the NYCDOE's position on charter schools?

A. Chancellor Walcott is a strong supporter of charter schools. He joins the ranks of urban superintendents across the country who believe charter schools are a powerful mechanism for bringing about education reform in school districts. Charter schools are aligned with and promote the NYCDOE's primary goals for all public schools: academic excellence, improved student achievement, leadership, autonomy, and accountability. Charter schools also encourage and nurture innovative instructional practices and high standards that benefit educators and students throughout the school system. In addition, charter schools have proven to produce excellent average attendance rates, high student performance levels, and a high level of parent satisfaction.

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II. APPLYING TO OPEN A PUBLIC SCHOOL CHARTER IN NYC

Q. Who may apply to establish and operate a charter school in New York City?

A. Teachers, parents, school administrators and community residents can submit an application to create a charter school. An application to establish a charter school may be filed in partnership conjunction with a college, university, museum, educational institution, or not-for-profit organization, authorized to do business in New York.

Q. Can existing traditional district schools in New York City apply to convert to a public charter school?

A. Yes. A traditional district school in New York City that has been in existence for at least one year can apply to convert the school to a public charter school. Such applications must meet the same requirements as other applications for a charter. A majority of the parents or guardians of the students enrolled in the existing school must vote in favor of converting the school to a charter school.

In addition, please be aware that employees of a charter school conversion are subject to collective bargaining, although such employees may vote to modify the existing collective bargaining agreements.

Q. May a charter school be religious in nature?

A. No. As with other public schools, charter schools must be non-denominational in their programs, admissions policies, governance, employment practices, and all other operations. The charter school's curriculum must be completely secular.

Q. What is the process for applying to open a public charter school in NYC?

A. All new charter school applicant teams will need to apply through the State Education Department (SED) or the State University of New York (SUNY) Charter Schools Institute RFP process. The timing varies for each RFP; please visit the SED or SUNY websites for more details:

- o SED – <http://www.p12.nysed.gov/psc/startcharter.html>
- o SUNY – <http://www.newyorkcharters.org/openAppKit.htm>

Q. What role is the NYCDOE playing in the creation of new charter schools in NYC?

A. The NYCDOE will be making recommendations to SED and SUNY for all NYC applicants. In order to be considered for a DOE recommendation, or to be sited in public space, charter school applications will need to be reviewed by the DOE for a formal recommendation.

Q. Is there a formal process to receive the recommendation of the NYCDOE?

Yes, please see the below timeline.

Step 1: Intent to Apply	As soon as planning teams determine that they intend to submit a charter application via the SED or SUNY RFP process, please submit your "Notice of Intent to Apply" form to DOE.
Step 2: Full Charter Application	Please send copy of submitted application to DOE. We will also request copies from SED and/or SUNY.

Step 3: Panel Interview	Evaluation of applications will include an interview with the founding team, including applicants and proposed members of the charter school’s board of trustees.
Step 4: Chancellor’s Recommendation	The Chancellor makes recommendations to SED and/or SUNY to grant charters for qualified applicants.

Q. Can a planning group partner with a for-profit management company?

A. No, none of the new 260 charters may be issued for schools that would be operated or managed by a for-profit entity. Existing charter schools with for-profit managers are not affected.

Q. Is help available to applicants in completing an application?

A. Yes. The NYCDOE’s Charter School Office staff is available to respond to applicant questions. We encourage all applicants to contact us early at 212.374.2324 or charterschools@schools.nyc.gov to discuss available space and/or programmatic needs.

III. OPERATING AS A NYCDOE-AUTHORIZED CHARTER SCHOOL

Legal Requirements

Q. What is the legal status of a charter school?

A. A charter school is an “independent and autonomous public school” and is legally organized as a not-for-profit education corporation [§ 2853(1)]. Each charter school is considered its own Local Education Agency (LEA).

Q. Are charter schools required to comply with federal laws?

A. Charter schools are subject to many of the same federal statutory and regulatory requirements applicable to all public schools, including laws governing the provision of special education and instruction to students who are English Language Learners and the No Child Left Behind Act (NCLB).

Q. What state and local laws, regulations, and laws apply to charter schools?

A. The New York Charter Schools Act defines the specific state and local laws, regulations, and rules that apply to charter schools. Charter schools are subject to the laws, rules, and regulations governing health and safety, civil rights, and student assessment in public schools and are also subject to the Open Meetings Law, General Municipal Law and Freedom of Information Law (FOIL). Unless otherwise stated in the Charter Schools Act, charter schools have a blanket waiver from all other state and local rules, regulations, and laws applicable to traditional public schools and school districts.

Charter School Oversight

Q. How are NYCDOE-authorized charter schools held accountable?

A. The NYCDOE, together with the Board of Regents, has oversight responsibility for the charter schools it authorizes and may visit, examine, and inspect any charter school under its charge [§2853 (2-a)]. The specific responsibilities for oversight are detailed in the contract between an individual charter school and the NYCDOE and are communicated through the NYCDOE Accountability Handbook.

Q. Do NYCDOE-authorized charter schools have required performance or achievement standards?

A. The Charter Schools Act requires charter schools to demonstrate that their educational programs meet or exceed the student performance standards adopted by the Board of Regents for other public schools. Furthermore, the NYCDOE has set performance standards for all NYCDOE-authorized charter schools. Those standards can be found in Appendix F as the Performance & Compliance Standards.

Q. Do NYC charter schools require parent associations?

A. In an amendment to the school governance law, the NYCDOE must ensure that each charter school located in NYC has a parent association and that meetings of the parents association are, among, other things, open to the general public. SUNY has stated, however, that contrary to the language in this amendment the NYCDOE has no authority to require a charter school to form a parent association if 1) the school is not authorized by the Chancellor; and 2) the school is not housed in a DOE building. The charter school or applicant should contact their authorizer for clarification.

Student Enrollment

Q. Who can enroll in charter schools?

A. Any child eligible for admission to a traditional public school is eligible for admission to a public charter school. Admission to a charter school cannot be limited on the basis of disability, race, creed, gender, national origin, religion, ancestry, intellectual ability, measures of achievement or aptitude, or athletic ability.

Q. Can Special Education and English Language Learners enroll in a charter school?

A. Any child eligible for admission to a traditional public school is eligible for admission to a public charter school. This includes students with Individual Education Plans (IEPs) who are in need of special education services, English Language Learners (ELLs), or Students with Limited English Proficiency (LEP).

Q. What if more students apply than a charter school can enroll?

A. If the number of applicants exceeds the number of available seats, a random selection process, such as a lottery, must be used. However, the Charter Schools Act does require that a charter school give preference to siblings of students already enrolled in the charter school, and in the second and subsequent years of operation, students returning to the charter school. In addition, the Charter Schools Act requires that a charter school in New York City give admissions preference to students residing in the community school district (CSD) in which the charter school is located.

Funding and Facilities

Q. How are charter schools in New York City funded?

A. The General Education Charter School per pupil rate is determined by the New York State Education Department (NYSED), and is based on a formula used for all traditional public school districts. The formula divides the district's Approved Operating Expenditures (AOE) by Total Allowable Pupil Units (TAPU). Special Education funding is an allocation that Charter Schools may qualify for and receive for serving students that receive special education services for more than 20% of the week as mandated by an IEP (Individual Education Plan).

In addition to per-pupil funding, New York City charter schools receive funding for initial start-up expenses that include: (1) set up of classroom and library facilities (2) provision and installation of communication and record-keeping equipment (3) recruitment and enrollment of students (4) orientation programs and (5) staff development services. The fixed start-up allocation is \$51,000 plus an additional a per-capita start-up allotment based on number of new students (\$391 for K-5; \$443 for 6-8; \$475 for 9-12). New Charter Schools receive this funding for the first year of operation.

Q. Are charter schools entitled to federal funds?

A. Yes. As public schools, charter schools are eligible for federal funds that go to public schools such as IDEA and Title funds (I, II, etc)

Q. Are charter schools eligible for consideration to share space in DOE facilities with district schools?

A. Yes. The charter schools funding formula in New York State does not provide financial support for facilities. The Chancellor has made it a priority to secure facilities for charter schools when feasible; however, given the scarce supply of NYC public school buildings, all charter applications must demonstrate pursuit of private facility options.

In the cases where charter schools use DOE buildings, possible public school space might include available space in an underutilized building. Space might also become available in a building if a district or charter school has to close as a result of ongoing failure. In these cases, charter schools should be prepared to accommodate students in the immediate community who are impacted by local school closures.

While the provision of facilities frees up funds that a charter school can redirect toward the instructional needs of its students, applicants should have a clear understanding of the challenges implicit in this opportunity, including the following:

- Co-locating with another school or schools to share a single facility, requiring you to build collaborative relationships with other NYCDOE and/or charter principals and share common space (cafeteria, gymnasium, auditorium)
- Making modifications to the charter's proposed growth plan, enrollment configuration and/or admissions policy
- Being housed in a facility that may not be located in the specific community you wish to serve
- Working within the DOE timeline to plan facilities
- Potentially occupying an "incubator" space for fewer years than your charter and then moving into another space (which may or may not be permanent)

Q. Did the Charter School Law Amendments implemented in summer 2010 affect the DOE space sitting process?

A. Yes. There are new processes for locating or co-locating charter schools in NYC buildings. The first of the new requirements is that the NYCDOE must publicly identify which buildings might be subject to a charter school location or co-location. Second, where a specific location or co-location has been identified, the NYCDOE must prepare a detailed building utilization plan which is incorporated into the Educational Impact Statement that the NYCDOE is already required to create.