



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

*The information below provides responses to specific questions asked by charter school applicant groups and the general public. Applicant groups are advised, and the public is encouraged to become familiar with New York State Education Law, Article 56: Charter Schools Act and all related regulatory provisions, most of which are available at [Law, Regulations & Current Memos](#). To submit an application to establish a new charter school authorized by the Board of Regents, applicant groups should review thoroughly the requirements for submission as contained in the current year's [Request for Proposals \(RFP\) and Application Kits](#) – Standard and Replicator Versions.*

*Additional questions about the application process may be submitted to the New York State Education Department Charter School Office at [charterschools@nysed.gov](mailto:charterschools@nysed.gov). Applicant groups experiencing any difficulties using the submission portal are encouraged contact the Charter School Office by phone at 518-474-1762, or via email to [charterschools@nysed.gov](mailto:charterschools@nysed.gov) with a copy to [support@fluidreview.com](mailto:support@fluidreview.com).*

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### **RFP AND APPLICATION QUESTIONS**

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

All Letters of Intent, Full Applications, and related materials must be submitted via the Charter School Office portal at <http://nysed-cso-fluidreview.com> by 3:00 PM on the specified due date.

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

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

#### **2. After the Letter of Intent is submitted, may the applicant continue to add individuals to the applicant group and the proposed founding board of trustees for the Full Application submission?**

Yes. If not previously identified in the Letter of Intent, the applicant group may add new members to Table 1 and submit for each new member the following documents:

- a. Applicant and Proposed School Trustee Background Information Sheet
- b. Resumé or Curriculum Vitae
- c. Copy of Diploma or Transcript from Highest Degree Granting Institution

- 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 education credentials to serve on a charter school’s Board of Trustees. To the extent available, such documentation is used for identity verification.

**3. In the Full Application, may we add an individual (not included in the Letter of Intent) to the proposed school's founding board? May we remove an individual that was named as a founding board member in the Letter of Intent?**

As stated above, it is reasonable and acceptable that there may be changes in the composition of the applicant group (including the proposed founding board of trustees) between the submission of the LOI and the Full Application. Applicant groups may reflect any additions or deletions by updating Table 1: Applicant Group Information.

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

No, references letters are no longer required.

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

No. The Department will NOT make transcripts available to the public. As a general practice, the Department will make Letters of Intent and Full Applications (including resumes and the completed applicant/proposed trustee background information sheets) available to the public. Personal information such as home or business phone numbers, home or business addresses, and email addresses are redacted.

**6. A member of the proposed board of trustees graduated 20 years ago and is unable to get degree transcripts. What can be done?**

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

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

All members of the applicant group will be required to undergo criminal background checks via fingerprint scans. NYSED staff will contact the members of the applicant group after the Capacity Interview to arrange for the required fingerprint scans. The results of the background check may be shared with senior managers at the Department and/or the Board of Regents if a concern is noted.

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

**8. The RFP states that the Letter of Intent is "limited to 6 pages of text, excluding all attachments." What attachments may be included at this stage? Can applicants submit attachments which reflect the community outreach that the applicant group has conducted?**

Required and Optional Attachments are identified in each phase (i.e. LOI or Full Application) and section (i.e., LOI Section IV: Public Outreach and Community Support) throughout the RFP. Additionally, the RFP contains a Section IV: Table of Required and Optional Attachments, which provides suggested page limits for each attachment and indicates which attachments are excluded from the 75-page limit of attachments. **Please read the RFP thoroughly, following instructions, and do not attach or submit documents other than those that are requested.**

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

**In the Letter of Intent**, the applicants are required to identify a proposed school location, specifically the school district or community school district of location and indicate whether the applicant group will request or has requested to be sited in co-located school district facilities.

**In the Full Application**, applicants are advised to review carefully the prompts in the evaluation criteria; express their intent to seek private space, public space or rental assistance; and present a facility plan reflecting the school mission, school design, and student needs—based on the knowledge available at the time of submission.

**10. By what point in the application process should an applicant secure a facility?**

During the application process, applicant groups must demonstrate the capacity to secure an appropriate facility for the school. Once the charter is issued, the school will formalize facility arrangements and ready the school for opening. NYSED will issue the Consent to Commence Instruction letter authorizing the school to open only after all pre-opening requirements are satisfied.

**11. The Letter of Intent and the Full Application asks if the applicant group has requested co-location from the NYC DOE. Where can applicants find additional information about the process?**

Applicants for charter schools in New York City can find information about the process for requesting co-located space in the [Charter School Space Request Form](#). The introduction outlines the entire request process, from the submission of the form to community engagement.

Charter applicants are welcome to submit their requests while the charter school application is under review. However, please note that the NYCDOE will not consider the request until the application is approved by the authorizer.

The NYCDOE reviews all requests from charter schools for co-location in NYCDOE buildings. Please be advised that the NYCDOE may be unable to accommodate a charter school’s request for a co-location. Therefore, the NYCDOE recommends that a charter school develop a private facility plan concurrent to the processing of its co-location request to ensure timely opening of the school and/or continuity of operations.

Charter schools ultimately planning to pursue a private facility plan should also submit a request through the [Charter School Space Request Form](#). If that is the case, the charter school should answer “Yes” to the last question on the form.

**12. Can applicant groups seeking to establish new charter schools in New York City assume either district space or rental assistance in their full application budgets?**

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

### 13. How is charter school tuition calculated?

#### 2019-2020 Definition of Charter School Basic Tuition

Pursuant to paragraph (a) of subdivision 1 of section 2856 of the Education Law, as amended by Chapter 59 of the Laws of 2017, total 2019-20 Charter School Basic Tuition to be paid to charter schools is the lesser of:

- (A) the 2018-19 Charter School Basic Tuition times a multiyear Approved Operating Expense (AOE) Growth Factor derived from the average of the two lowest year-to-year quotients in the school district's AOE (starting from aid years 2014-15 to 2015-16 and ending with aid years 2016-17 to 2017-18) and the prior year's AOE Growth Factor (2017-18 CSBT Output Report Part 1 Entry 2).

Example of Quotient determination:

The average of the following three values:

1. Quotient of 2015-16 AOE / 2014-15 AOE is 101.03
2. Quotient of 2016-17 AOE / 2015-16 AOE is 106.66; this highest quotient is replaced with the 2018-19 AOE Growth Factor of 103.11
3. Quotient of 2017-18 AOE / 2016-17 AOE is 102.05
  - a. 2019-20 AOE Growth Factor equals  $(101.03+103.11+102.05)/3 = 102.06$
  - b. 2018-19 Charter School Basic Tuition = 15,541

$$a * b = 15,861$$

--OR--

- (B) 2017-18 TGFE / 2017-18 Public Enrollment = **20,519**.

The 2019-20 Supplemental Basic Tuition reimbursement to school districts, payable in 2020-21, is the sum of the 2016-17 Supplemental Basic tuition plus \$500.

### 14. Where should applicants go to find the actual per pupil charter school tuition for each district?

Charter school tuition rates are not available for the year your school plans to open. Use the most recent information posted on the NYSED State Aid at [2018-19 Charter School Tuition Rates](#).

### 15. Section I.F. Programmatic and Fiscal Impact: What is meant by “programmatic impact?”

Education Law requires that applicants provide an assessment of the projected programmatic and fiscal impact of the proposed school on other public and nonpublic schools in the area. A response to this section should include a discussion of the potential impact of the proposed new school on total and/or grade level enrollment and programs in other public and private schools in the area. Additionally, applicant groups are asked to complete following fiscal impact table with footnotes of sources and assumptions.

Projected Fiscal Impact upon District of Location							
School 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
2019-20							
2020-21							
2021-22							
2022-23							
2023-24							

**16. Please provide clarity about the level of specificity required in this section. Should academic goals be broad, as in goals regarding graduation from high school, or are we asked to specify grade by grade goals, such as “90% of our 8<sup>th</sup> graders will pass the Algebra Regents Exam?”**

Applicant groups are free to present achievement goals for their proposed school as they see fit. The goals, however, should be measurable and reflect the mission and vision of the proposed school. Applicant groups should keep in mind that, at renewal as set forth in the [New York State Charter School Performance Framework](#) Benchmark 1: Student Performance, the school is expected to meet or exceed growth and achievement goals based on the New York State assessments (elementary and middle school) or Regents examinations (high school), as well as college and career readiness measures.

**17. May we use the discipline policy of the school district in which our charter school is located or another school district’s discipline policy (i.e., the NYCDOE or Rochester City School District’s discipline policy)?**

Yes, applicant groups may adapt or adopt a school district’s discipline policy if the policy fully addresses all components described in Section II (G): School Culture and Climate of the RFP and ensures compliance with all applicable laws and regulations. When developing your discipline policy please also be aware of the charter school complaint process described in the NYS Charter School Act (Education Law §2855(4)). Applicant groups that adopt a district’s discipline policy should be able to articulate why the policy is being adopted, create a process for monitoring the district policy for any changes made by the district, and a process for amending the policy should the district make changes that is compliant with the [NYSED Charter Revision Guidance](#).

**18. May the sample promotion/exit standards be provided as an attachment rather than embedded in the narrative?**

Applicant groups should upload 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. uploaded as Attachment 3c. **Attachment 3c: Exit Standards**

**BASIC FACTS**

**19. Are charter schools required to enroll children with special needs?**

Yes. A charter school may not discriminate against or limit the admission of children on any unlawful basis, including based on ethnicity, national origin, gender, disability, intellectual ability, measures of achievement or aptitude, athletic ability, race, creed, religion or ancestry. Applicant groups should be aware of provisions of the Education Law regarding enrollment and retention requirements (see below).

## **20. Can a charter school operate as a single sex institution?**

Single-sex schools are permissible under State Education Law §2854(2)(a). Single-sex charter schools are eligible to receive USDOE CSP Grants.

## **21. If a charter school receives a Statewide Full Day Universal Pre-K Grant, can the charter school enroll pre-kindergarten students?**

No. Pursuant to Education Law §2854(2)(c), a charter school may serve one or more grades **kindergarten through 12**. A charter school may not enroll or serve pre-kindergarten students unless awarded a Universal Pre-K grant through their district of location after authorization. Such charter schools may enroll pre-kindergarten students in that program, which is separate and independent of the charter school program approved through the NYSED New Charter School RFP.

## **22. What are enrollment and retention targets?**

In accordance with the 2010 revisions to the Charter Schools Act, the Board of Regents and the State University of New York have worked collaboratively to establish targets for the enrollment and retention of students with disabilities, English language learners and students who are eligible for the free and reduced price lunch program. The targets are comparable to the figures for these categories of students within the public school district of location.

The Letter of Intent and Full Application should include detailed information about the school's planned strategies to recruit, serve and retain these targeted populations. As part of the evaluation of the charter school application, reviewers and NYSED staff will give careful consideration to the likelihood that the proposed school design will support the ability to meet or exceed these targets.

## **APPLYING FOR A REGENTS-AUTHORIZED CHARTER SCHOOL**

## **23. Who is eligible to apply to establish a charter school in New York State?**

An application to establish a charter school must be submitted by one or more individuals who are teachers, parents, school administrators, community residents or any combination thereof. The charter school application may 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.<sup>1</sup>

## **24. What is the applicant group?**

The applicant or founding group is a group of individuals who have come together to develop and present the proposal to establish the school. As such, they act as representatives for the proposed school prior to approval and issuance of the charter. Subsequent to the issuance of a charter, some members of the applicant group may become trustees or school employees.

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

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<sup>1</sup> N.Y. Education Law § 2851(1)

Yes. Education corporations, often referred to as existing operators, may operate more than one school, provided a charter is issued for each additional school<sup>2</sup>. Education corporations proposing to operate multiple schools should clearly describe in the appropriate sections the governance processes that will be used to effectively oversee each school.

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

Yes, as a charter is issued for each additional school pursuant to Education Law 2853(1)(b-1). Additionally, existing education corporations or charter management organizations 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.

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

All Letters of Intent and Full Applications are made available to the public through posting on the NYSED Charter School Office at [Start a Charter School](#). Names of individual applicant members and proposed trustees are identified, but personal contact information (personal address, phone number, email address) is redacted from the posted materials. Applicant groups are asked to identify a media contact name, email address, and telephone number as a resource for public inquiries about their charter school applications.

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

Yes, 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.

Please note: 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. 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. In this instance, applicant groups are encouraged to withdraw applications. There is no penalty for withdrawal and a decision to withdraw will not affect consideration of a future applications.

**29. Who will review and evaluate charter school Letters of Intent, Full Applications and the Capacity of founding groups?**

NYSED staff will conduct the initial review of the **Letter of Intent** to assure that the information provided is technically complete and addresses the requests in the RFP and Application Kit.

Each Full Application is evaluated by a panel of reviewers (referred to as peer reviewers) with expertise in charter school operations, and when appropriate, knowledge that is relevant to the proposed school design using an evaluation rubric found in Appendix A of the RFP. 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 and rate how well the applicant group’s responses address the evaluation criterion.

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<sup>2</sup> N.Y. Education Law 2853(1)(b-1)



Reviewers rate the response to each criterion as **Meets the Standard, Approaches the Standard, or Does Not Meet the Standard**. The review panelists develop a summary rating for each application section, as well as for the Full Application which is used by NYSED to assess whether the applicant group will advance to the Capacity Interview phase. An application must receive an overall rating of **Meets** to advance.

**30. Will the Board of Regents give preference to certain kinds of applications and applicant groups?**

Preference will be given to those applications and applicant groups that demonstrate the greatest probability of creating public charter schools of the highest quality by meeting the rigorous and comprehensive criteria of the Board of Regents' application process. If the number of high quality applications exceeds the number of available charters, Charter School Office staff will prioritize the applications according to the criteria set forth in Appendix C: New York State Priority Scoring Rubric.

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

Applications that do not meet the criteria outlined in the 2018 charter school application kit will not be recommended to the Board of Regents for approval. Each application and the capacity of the applicant group to establish a successful charter school will be judged on the basis of the written application materials, the capacity interview, and additional research and due diligence conducted by NYSED staff, including criminal background checks and employment references of proposed governing board members and school administrators. Public comments are also taken into consideration. Overall, NYSED will not recommend that the Board of Regents issue charters to applicant groups which do not present a high quality educational program design supported by a sound operational and fiscal plan, as well as the governance capacity to successfully implement the proposed educational program.

**32. If the Board of Regents rejects a charter application, can the applicant appeal?**

No. If NYSED or the Board of Regents acts to deny an application for a charter school, the denial is final and not reviewable by any authority, including a court of law. The applicant group may revise or further develop the proposed school plan and re-apply to NYSED in a future cycle or apply to another charter entity.

## **OPERATING A CHARTER SCHOOL**

**33. What happens after a school has been approved by the Board of Regents?**

Upon issuance of a charter, the Board of Regents establishes the education corporation and enters into a charter agreement with the newly formed education corporation's board members. The signed charter agreement (which includes the initial application) becomes the definitive document outlining the terms and conditions of the relationship between the Board of Regents and the governing board of the charter school.

**34. What is the allowable extent/duration of a charter?**

The term of an initial or a renewed charter may not exceed five years.

**35. Who oversees charter schools?**

The charter entity ("authorizer") that approved the charter school provides oversight throughout the term of the charter. This includes the right to visit, examine and inspect the charter school and its records. To permit the Board of Regents to fulfill this oversight function under the Charter Schools Act and ensure that



each charter school is in compliance with all applicable laws and regulations, and terms and conditions of the charter, each Regents-authorized school agrees to abide by and implement a [Regents Oversight Plan](#).

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

A charter school is subject to the same health and safety, civil rights, and student assessment requirements as other public schools, but is exempt from all other State and local laws, rules, regulations, or policies governing public or private schools, other than the provisions of the Charter Schools Act.<sup>3</sup>

### **37. Do charter school teachers have to be certified?**

Yes, however, charter schools have a great deal of flexibility as established in law. Charter Schools may employ uncertified teachers with at least three years of classroom teaching experience or two years of satisfactory Teach for America experience, or who are tenured or tenure-track college faculty, or individuals with exceptional business, professional, artistic, athletic, or military experience. The number of uncertified teachers employed by a charter school may not be more than the sum of: (A) thirty per centum of the teaching staff of a charter school, or five teachers, whichever is less; plus (B) five teachers of mathematics, science, computer science, technology, or career and technical education; plus (C) five additional teachers.<sup>4</sup>

## **CHARTER SCHOOL FUNDING**

### **38. How much money do charter schools receive?**

The amount depends on the number of students the charter school serves and the approved operating expense (AOE) based on local, State, and federal funds of the respective districts of residence of enrolled students. Current information about charter school basic tuition rates paid by districts is available on the NYSED [State Aid webpage](#). If the charter school provides special education programs and services to its students, rather than have such services provided by the school districts of residence, the charter school will also receive federal, state and local aid in proportion to the level of services provided.

### **39. Are charter schools entitled to federal funds?**

Yes. As public schools, charter schools are eligible for federal funds that are available to traditional public schools. Charter Schools must apply to NYSED to receive Title funds. IDEA, however, flows from the district of residence to the charter schools.

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

**Federal Charter Schools Program (CSP) Planning and Implementation Grant<sup>5</sup>:** As part of New York State's 2018 \$95.5 million 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 \$1,000,000 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:

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<sup>3</sup> N.Y.S. Education Law § 2854(1)(b)

<sup>4</sup> N.Y.S. Education Law § 2854(3)(a-1)

<sup>5</sup> Subject to grant funding availability.

- 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 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 of the **2020 Request for Proposals (RFP) and Charter School Application Kit** for full details.

#### **41. Can charter schools use tuition reimbursement funds to lease facilities?**

Yes. Charter schools may use per pupil funding (charter school basic tuition) to pay for lease payments, mortgage payments, rents and other operational costs bundled or associated with these facilities payments. Charter schools may also per pupil funding to pay for construction costs.