



New York State Education Department

Opening Procedures Checklist for New York State Charter Schools Authorized by the Board of Regents

November 2011

The Regents of The University of the State of New York
Charter School Office
89 Washington Avenue
Albany, New York 12234
<http://www.emsc.nysed.gov/psc/>

Acknowledgements

Much of the information provided in this Opening Procedures Checklist was derived from exemplar materials created by charter school authorizers and other supporting organizations that are nationally recognized for their policies and procedures aimed at increasing the number of high quality charter schools. The Board of Regents and the New York State Education Department wish to acknowledge and thank the following organizations for their contributions and assistance in creating this Opening Procedures Checklist.

Charter Schools Institute

The State University of New York
41 State Street, Suite 700
Albany, NY 12207
www.newyorkcharters.org

Charter School Office

Massachusetts Department of Elementary and Secondary Education
75 Pleasant Street
Malden, MA 02148
www.doe.mass.edu/charter

New York City Charter School Center

111 Broadway, Suite 604
New York, NY 10006
<http://nyccharterschools.org/>

Office of Education Innovation

City of Indianapolis Mayor's Office
Indianapolis Charter Schools
2501 City County Building, 200 E. Washington Street
Indianapolis, IN 46201
<http://www.indy.gov/egov/mayor/programs/education/Charter/Pages/home.aspx>

Charter Schools Division

California Department of Education
1430 N Street
Sacramento, CA 95814
<http://www.cde.ca.gov/sp/cs/>

National Association of Charter School Authorizers

105 West Adams Street, Suite 3500
Chicago, IL 60603-6253
www.qualitycharters.org

Overview

The Opening Procedures Checklist (Checklist) has been developed by SED's Charter School Office to support successful start-up activities for new charter schools authorized by the Board of Regents. Most of the tasks listed in this checklist – such as preparing a facility for educational programming and partnering with initial vendors – are specific to start-up and will occur before or during a school's opening. Other tasks that may take place after the opening of the school to students that are one-time tasks unique to the first year of the charter are also included.

A number of the tasks listed throughout the Checklist represent exemplary actions that have proven successful in past charter school openings and are *recommended* by SED. These actions are not required by statute but are meant to provide support and technical guidance to charter schools as they embark upon critical start-up functions that will increase opportunities for academic and operational success. **Other tasks are required by federal and state statute or SED policy and are included in the school's charter contract with SED. Such tasks are considered 'Prior Actions' and must be completed before schools can provide instruction and receive public funds.**¹ These actions are monitored by SED staff upon submission and during a Prior Actions Site Visit to all new charter schools.²

Tasks fall in the three general areas of Academic Program, Organizational Viability; and Material Terms, though please note that checklist, tasks are itemized in discrete subcategories to allow for easier sorting by subcategory or due date. Please note that there are a number of tasks on the checklist that will not generally be directly monitored by SED, but are suggested and provided as guidance (these are shaded in gray).

- I. **Academic Program:** Tasks in this area help to ensure that schools are prepared to carry out functions pertaining to educational programming and general administration, including student learning time, curriculum and instruction, and accountability. These actions are instrumental in creating the academic foundation upon which charter schools should be based. SED will work closely with new schools to ensure that these activities are thoughtfully executed; however, it is the school's responsibility to maintain this information internally, communicating with the Charter School Office regularly, and following appropriate procedures if there are significant changes to the school's original application and/or charter agreement.
- II. **Organizational Viability:** Tasks in this area provide guidance to ensure that the school's leadership and governance model can lead to appropriate oversight of the school's organizational affairs. Specific requirements in this regard pertain to federal and state statute, as well as strategic recommendations around staffing, leadership and governance, fiscal solvency, education service partnerships, facilities, performance evaluation, and insurance. This section also discusses opening procedures that can help schools effectively implement operational plans around food services, school wellness and health, and technology. It is important to note that Organizational Viability for SED charter schools includes appropriate background checks for all paid and volunteer staff, contractors, and stakeholders that come into contact with students.
- III. **Material Terms:** Tasks in this area provide context for and outline specific terms upon which the school's charter was granted, including critical student-related matters such as enrollment and admissions procedures, recordkeeping, attendance, and special needs students. Other material terms include policy development and implementation, Title I participation, and general compliance issues. All such terms are included in a school's charter contract and SED will evaluate the school's ability to carry out these responsibilities during consistent monitoring and oversight. Any changes to the material terms of the charter require the school board to submit a request for a charter amendment to the Board of Regents.

¹ SED contract §§ 1.4 Prior Actions and 6.2 Oversight Plan (a) Section I: Opening Procedures.

² SED Charter School Office staff will conduct a Prior Action Site Visit at each new school at least two weeks prior to school opening. See Prior Actions memo for additional information.

Please note the following distinctions for headers used on the Checklist spreadsheet:

Column Header	Definition	Recommended	Required	Guidance
Task #	Tasks are assigned specific labels for sorting and filtering purposes.			X
Category	Tasks are organized into categories or overarching components within a school model.			X
Task Description	Action-oriented tasks to be completed by schools.	X	X	
Notes	Technical assistance and guidance to provide context for tasks and support schools in implementing recommended or required opening procedures. <input type="checkbox"/> = action-oriented tasks, <input checked="" type="checkbox"/> = technical assistance-oriented tasks	X	X	X
Formal Charter School Board Approval Required	Tasks that necessitate charter school board approval.	X	X	
Due Date	Date by which all recommended and required tasks should/must be completed. Only those that are clearly marked "Yes" in 'Submit to SED' column are required for SED review and consideration. All others are recommended as best practice.	X	X	
Submit to SED	All SED-required tasks considered Prior Actions include a firm date listed (August 1 or earlier) within this column. SED staff will review documentation and contact schools within two weeks of submission deadlines with requests for necessary modifications or clarification. All tasks must be completed (or nearly completed) and approved by SED before a school can officially open.		X	
Considered Revision of the Charter / Future Changes Require SED Approval³	Tasks that require formal or material modifications to documents submitted with a school's original charter application to SED.		X	
Completion Verified	Once tasks have been completed, column for schools to use as an internal marker.			X
Statute/Citation	Statutory citations for required tasks.		X	
Prior Actions Site Visit	SED staff will collect and review documentation during a Prior Action Site Visit. Evidence of all tasks marked in this column must be available to SED at the time of a school's pre-opening visit. All tasks must be completed (or nearly completed) and approved by SED before a school can officially open.		X	
Resources	References and URLs to support required and recommended tasks.			X

³ SED contract §§ 9.5 Terms and Conditions of Application and 9.6 Revision. For additional information, see **Changes to Charter** on the page 6 below.

Notices/Submissions to SED

Please note that school requests, notices, demands, or submissions to SED can be delivered by hand, overnight courier, email, or facsimile by the respective due dates listed in the Checklist. If mailing via prepaid registered or certified mail, documents must be mailed to SED within five days prior to the due date referenced in the Checklist. This is particularly critical for submission dates mandated by the charter contract, and federal and state statute (listed within the 'Submit to SED' column). The following recipient will confirm receipt and proceed according to SED protocol and policy:

Susan Megna
Charter School Office
New York State Education Department
89 Washington Avenue
Albany, New York 12234
charterschools@mail.nysed.gov

Relevant Documents

Many of the actions required or suggested throughout this Checklist were extracted from several regulatory documents with which all charter schools should eventually become familiar. These include, but are not limited to:

- The school's charter contract with SED
- The school's Provisional Charter or Certification of Incorporation issued by the Board of Regents
- The school's By-laws
- The recently revised New York State Charter Schools Act, Education Law Article 56:
<http://www.p12.nysed.gov/psc/article56.html>

Other statutory regulations include but are not limited to:

- New York Codes, Rules and Regulations: <http://www.p12.nysed.gov/sss/lawsregs/>;
<http://www.dos.state.ny.us/info/nycrr.html>
- New York State Education Law: <http://law.onecle.com/new-york/education/index.html>
- Public Officers Law: <http://www.nysl.nysed.gov/libdev/excerpts/pbo106.htm>
- New York State Public Health Law: http://www.nysteachs.org/media/INF_LP_PubHealthLaw_Sect2164.pdf
- Code of Federal Regulations (34 CFR): <http://www.gpoaccess.gov/cfr/>
- Not-for-Profit Corporate Law: http://law.onecle.com/new-york/not-for-profit-corporation/NPC0602_602.html

Changes to Charter

Schools will be required to re-submit any major or 'material' structural changes to its school model that have occurred since the Regent's approval of the school's original application and issuance of its charter. Material changes can include, but are not limited to, modifications to protocols around a school's educational program, governance, enrollment, student learning time (school calendar), school-level policies, and facilities issues. Such changes may constitute a material change to the charter and require a formal charter revision. All tasks marked within the column entitled 'Considered Revision of the Charter / Future Changes Require SED Approval' will apply.⁴

⁴ SED contract §§ 9.5 Terms and Conditions of Application and 9.6 Revision.