



# Charter School Parent Guide

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

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# GUIDE TO CHARTER SCHOOLS IN NEW YORK STATE

## I. Introduction to Charter Schools

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### 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 35<sup>th</sup> 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.<sup>1</sup>

## 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

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<sup>1</sup> <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

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### 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 1<sup>st</sup> 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

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#### **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

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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

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### **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

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### 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

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### 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

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### **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.

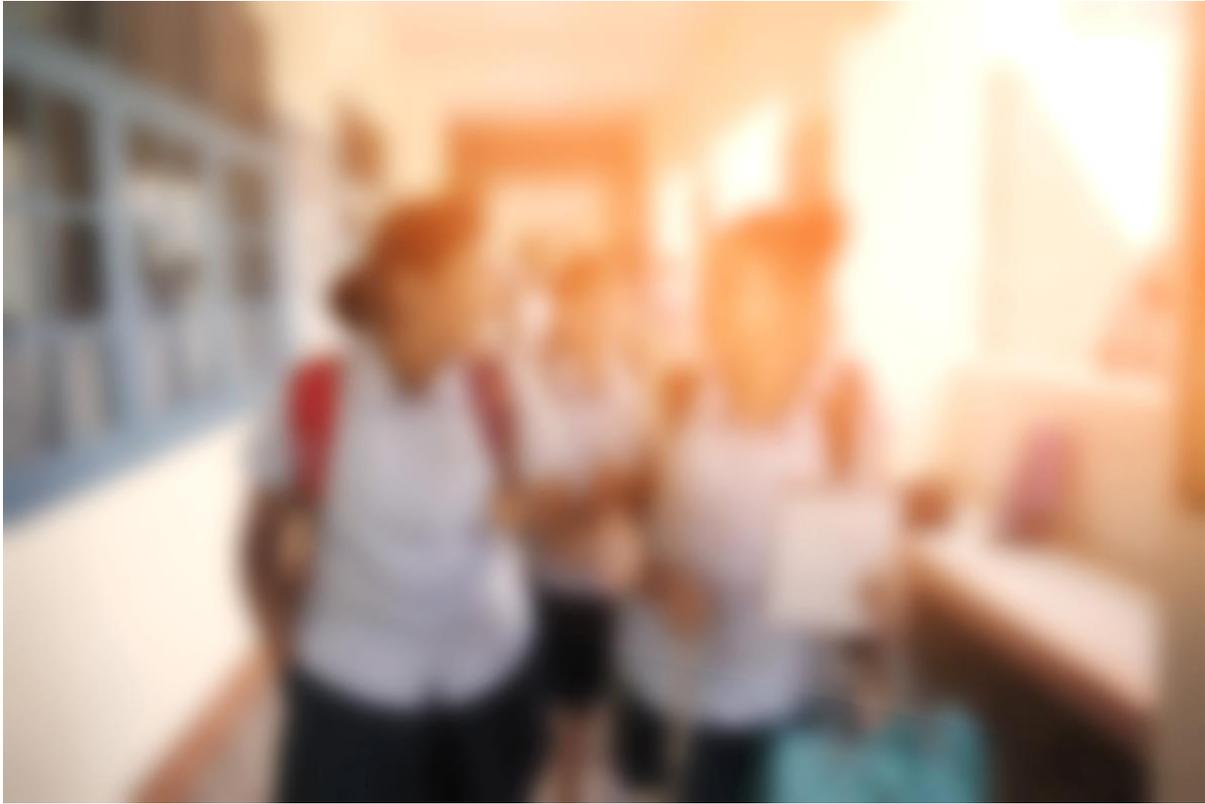


### Can charter school employees be represented by a union?

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

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### 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

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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](mailto: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](mailto: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

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### 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](mailto: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>