



GUIDANCE HANDBOOK

A RESOURCE FOR APPLICANTS RESPONDING TO THE:

2019 SUNY REQUEST FOR PROPOSALS
TO ESTABLISH NEW CHARTER SCHOOL EDUCATION
CORPORATIONS TO OPERATE CHARTER SCHOOL(S) IN NEW
YORK STATE; AND,

FOR EXISTING SUNY AUTHORIZED CHARTER SCHOOL
EDUCATION CORPORATIONS TO OPERATE ADDITIONAL
SCHOOL(S).

A large, semi-transparent silhouette of a person walking with a child, overlaid on a green diamond-shaped sign, is positioned on the left side of the page.

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)
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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, defined facilities, and encompasses all of the approved grades for a given charter. 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 site.

Site: A site is one of a number of facility locations for a single charter school. Sites are typically grouped by grade range; for example, a school may have a Kindergarten – 4th grade site, a 5th – 8th grade site, or a 9th – 12th grade site. Without additional authority, an education corporation may not educate students of the same grade level in more than one site.

Charter School Education Corporation: 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 entitles an education corporation to operate one school in one or more sites. Once a charter school education corporation has been formed, there is no need to form another education corporation in order to operate additional schools.

Partner Organization: A partner organization is 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.

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 SUNY authorized charter schools.

ABOUT THE GUIDANCE HANDBOOK

The SUNY Charter Schools Institute (the “Institute”) is pleased to issue this revised Guidance Handbook (“Handbook”), as outlined in the 2019 SUNY Request for Proposals (“RFP”). The Institute intends applicant groups planning to submit a proposal in response to the RFP to use the Handbook. Organized by the individual requests contained in the RFP, the Handbook contains specific technical guidance, legal interpretation, and further information about SUNY expectations.

The Handbook’s purpose is to enhance the clarity and utility of critical information for applicants. The Institute strongly recommends that applicants read through all of the guidance for each request to support them in developing their responses, as Institute staff considers all elements of the guidance when assessing the quality of proposals.

Guidance for Replication Proposals

Much of the guidance is the same for standard and replication proposal requests. However, where applicable, guidance specifically pertinent to replication proposal requests appears at the end of each relevant section.

Note that, unless otherwise specified, responses should pertain to the specific proposed school(s) and not the network or CMO, which would be described in an accompanying Business Plan available at www.newyorkcharters.org/request-for-proposals/.

The applicant may choose to submit information for multiple proposed schools within each response but must clearly identify each proposed school and delineate the separate information that pertains to each school, or clearly state that information applies to all proposed schools.

The Institute encourages applicants with any questions about the information contained in this Guidance Handbook or the 2019 SUNY Request for Proposals to contact Institute staff directly.

GUIDANCE FOR COMPLETING THE REQUIRED TRANSMITTAL AND SUMMARY FORM

The applicant should complete and sign the electronic Transmittal and Summary Form. The Institute accepts digital signatures and handwritten signatures. If a handwritten signature is used, the Institute must receive the original transmittal form no later than the proposal submission deadline. The Transmittal and Summary Form is available on the Institute's website at: www.newyorkcharters.org/request-for-proposals/.

Provide the following information:

- **Charter School Name:** Enter the name of the proposed charter school. The words "charter" and "school" must be included in the name.
- **Education Corporation Name:** Enter the name of the proposed or current charter school education corporation. The words "charter" and "school" must be included in the name. Please do not include words such as "Incorporated" or "Inc." in the name of the education corporation. See the Definition of Terms on page 1 for an explanation of education corporations.
- **Education Corporation Status:** Indicate whether the listed education corporation currently exists or is a proposed new education corporation.
- **Proposal Type:** Indicate whether a standard or replication proposal is being submitted.
- **School District (or NYC CSD):** Indicate the school district (or in New York City, the Community School District ("CSD")) in which the proposed school would be located.
- **Opening Date:** Indicate the date the proposed school would begin instruction.
- **Proposed Grades and Enrollment:** Indicate the grades to be served and the number of students to be enrolled in each year of the charter term. These numbers should correspond to the response to R-05 - Enrollment.
- **CMO:** If the proposed charter school will have a not-for-profit charter management organization, provide the organization's legal name and contact information. If the proposed charter school will not have a CMO, indicate "N/A" or "none."
- **Partner Organization:** If the proposed charter school will have a contract, or is applying in conjunction with any other partner organization, then provide the organization's name and contact information.
- **Lead applicant(s) / Applicants:** Please provide the name and contact information of each lead applicant and additional or co-applicant. If establishing a new education corporation,

TRANSMITTAL AND SUMMARY FORM GUIDANCE

indicate whether the applicant is a teacher, parent, school administrator, or community resident. The Institute considers all of the following board or proposed board officers to be co-applicants for purposes of criminal background checks: Chair; Vice Chair; Treasurer; and, Secretary.

All of the above persons should be listed on the Transmittal Form. See R-03a, Applicant Information, below, for more information.

Note: In the case of existing New York charter school education corporations applying for authority to operate additional schools, the lead applicant typically is the board chair, or some other person may be designated by the education corporation's board, as the existing charter school education corporation is applying per Education Law § 2853(1)(b-1).

- **Media/Public Contact Information:** Provide a phone number (required) and email address (optional) that can be made publically available.

Note: The Institute will not redact this contact information; the public contact for the proposed school should be an individual who is prepared to accept inquiries about the application from the media and/or members of the public.

- **Program Design, School Management, and Facility:** Please provide an overview of information about the proposed school design by filling out the following:
 - A mission statement for the proposed charter school (not to exceed 250 words);
 - A concise description of the school's key design elements intended to allow the school to achieve its mission and goals (not to exceed 250 words); and,
 - A brief overview of the academic program (not to exceed 500 words).
- A summary of the management structure of the proposed school (e.g., instructional and operational leadership positions and lines of reporting) (not to exceed 500 words).
- A discussion of any intended relationships with not-for-profit management organizations or other partner organizations that will play a significant role in the school including a brief overview of what that organization will do for the education corporation (not to exceed 500 words).

Note: Applicants are strongly encouraged to contact the Institute with questions about whether a proposed school's relationship with another entity constitutes a formal partnership.

- Information regarding the proposed facility for the school. If the applicants intends to pursue co-located public school space, the summary should also reflect an alternate facility should public school space not be available (not to exceed 250 words).

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- **Proposed Board of Trustees:** Please list the name of each proposed member of the proposed education corporation's board of trustees. Include a brief biographical summary for each proposed member (not to exceed 500 words). In the case of replication applications, please list the current members of the board of trustees, and include current biographical summaries.

PLEASE DO NOT HESITATE TO CONTACT THE INSTITUTE WITH ANY QUESTIONS ABOUT DOWNLOADING OR COMPLETING THIS FORM.

SCHOOL ESTABLISHMENT

1. Community Need and Proposed School Impact

a. Community Description and Need

- The applicant should consider the “community” as those areas from which the charter school intends to recruit the majority of its students, which may or may not be the school district (or in New York City, the CSD) of location alone. Depending on the anticipated location of the charter school, the applicant may define the community either more narrowly than the district or CSD of location, to specific neighborhoods for example, or more broadly, in cases where the charter school will border or intends to draw a significant number of students from two or more districts or CSDs.
- The description of the community should include the known demographic statistics of the student populations (e.g., race/ethnicity, poverty, students with disabilities and English language learners (“ELLs”)). The applicant can find some of this information at <https://data.nysed.gov> but should feel free to include additional demographic information from other current, reliable sources.
- The proposal should describe the characteristics of the students that the school intends to serve including demographic information, as well their educational needs based on evidence gathered about the proposed community.
- The applicant should explain how he or she selected the specific community for the proposed school including known or anticipated ties between the community and the founding group.
- The applicant should consider and address the strengths and weaknesses of the public and nonpublic school options in the community of the proposed charter school.
- If there are existing charter schools in the area, the response should explain how the proposed school’s program is different and how it will provide greater educational benefit to students who would attend the proposed school.
- The discussion of need should contribute to an applicant’s overall case that the proposed school is likely to improve student learning and achievement, and therefore materially further the purposes of the New York Charter Schools Act of 1998, (as amended, the “Act”).

b. Programmatic Impact

- The Act requires applicants to provide an assessment of the projected programmatic impact of the proposed charter school on public and non-public schools in the area of the proposed charter school.¹
- The applicant must identify the typical grade configuration and enrollment of surrounding schools (both public and nonpublic), describe whether the district has open enrollment options for students and if so at what grade levels, and attempt to project enrollment at nearby public and nonpublic and public schools.
- The response should address the anticipated impact of the proposed school on nearby public and nonpublic schools' academic programs, enrollment and overall viability.

Information for Replicators

If adding 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).

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.”²
- Complete the fiscal impact table in the budget template. Please note that this request requires the applicant to discuss the fiscal impact of the proposed school on public and nonpublic schools in the community. The applicant should identify the number and type of community public and nonpublic schools.

2. Addressing the Need

a. Mission

- In a few sentences, the mission statement needs to communicate the essence of the proposed charter school to its stakeholders and the public.
- The mission statement should be clear. The applicant should indicate what the school intends to do, for whom, and to what degree. It must focus at a minimum on achieving

¹ N.Y. Education Law § 2851(2)(q).

² Education Law § 2851(2)(q).

educational outcomes. A clear sense of drive and commitment to achieve the mission should be evident throughout the proposal.

- While specifying outcomes is essential, the applicant may also use the mission statement to briefly address how the school will accomplish the proposed outcomes where methodology is a particularly important aspect of the mission.
- While the mission should be succinct, measurable, and immediately applicable, the applicant may also choose to add a vision statement that describes the long term goals and/or impact that the applicant wants the school to accomplish.

b. Key Design Elements

- Key Design Elements should provide the most critical, non-negotiable aspects of the proposed school model. The applicant should not provide a comprehensive list or overview of the entire school model. Key Design Elements should be a concise summary of those elements described in detail in other parts of the proposal. The applicant should limit the discussion of the Key Design Elements to a maximum of five pages.
- Key Design Elements will vary by school, but might include:
 - Specific subject focus or theme (e.g., STEM, the arts, sustainability, health sciences, etc.);
 - Unique student populations (e.g., students with autism, gifted and talented, bilingual, over-age and under-credited students, etc.);
 - Specific programs (e.g., college prep, vocational, International Baccalaureate, etc.);
 - Unique calendar or schedule (e.g., extended day or year, or year-round calendar, extended literacy/numeracy blocks, etc.);
 - Particular pedagogical approaches (e.g., direct instruction, team teaching, collaborative, project-based learning, etc.);
 - Program features (e.g., skill grouping, inter-disciplinary classes, integrated curriculum, online or blended learning programs, etc.);
 - School culture (e.g., unique behavioral expectations, core values, discipline system, character education program, etc.);
 - Staffing (e.g., teachers with specific skills or experience, co-teaching models, mentoring or professional development models, etc.);
 - Assessment systems (e.g., interim or benchmark assessments, data analysis programs, portfolios, data-driven action planning, progress monitoring, program evaluation, etc.);
 - Student supports or interventions (e.g., targeted assistance program, academic intervention services, extracurricular activities or after school programs,

- tutoring, counseling or mentoring programs, Saturday or summer school, etc.); and,
- Special education settings (e.g., collaborative team teaching, resource room, self-contained programs, etc.) and services.
- The applicant should support these elements with the presentation of research studies and other evidence of effectiveness, if available, that offer conclusive evidence that the school’s program is likely to lead to increased student learning and achievement with the school’s anticipated student population.
- The Institute is open to innovative school models. Where possible, the applicant should point to schools or programs in which the model described has been successful and, where appropriate, demonstrate what elements of that school or program will be in place in the proposed charter school. The response should specifically address whether or not the populations the proposed school looks to serve are similar to those served by the exemplar school or program and if not, what modifications the applicant proposes to serve the target population.
- The strongest charter school proposals are ones where all aspects of the proposed charter school from staffing and scheduling to finances and facility align with and support the implementation of the school’s key design elements. The applicant should seek to develop a proposal with continuity within and between program elements, and no discrepancies between the proposed academic program and the school’s budget.

3. Proposal History

a. Applicant Information

- Only individuals who are teachers, parents, school administrators, or community residents are eligible to serve as applicants to establish a new charter school education corporation.³
- Not-for-profit entities (e.g., museums, colleges, universities, and educational institutions) can submit a proposal in conjunction with eligible applicants (see guidance for R-13 below).
- The Institute requests that proposals identify no more than one or two persons as lead applicants. The Institute considers each proposed board of trustees’ officer (Chair, Vice-Chair, Secretary, and Treasurer) as a co-applicant for purposes of a fingerprint supported criminal background check. The Institute will pay the associated fees for the New York State Department of Criminal Justice Services (“DCJS”) hand scans (fingerprints) for the

³ Education Law § 2851(1).

first two lead applicants and the board officers. The Institute will charge the lead applicant (or education corporation) for each additional lead applicant (approximately \$100 per each additional lead applicant).

- For those proposed boards with a non-traditional corporate structure, such as multiple co-chairs, the Institute will conduct background checks on all officers, or all members of the proposed executive committee (minimum of five board members), which committee the Institute will make mandatory.
- Each applicant is responsible for securing hand scans. Scanning locations may be available outside of New York State, but the images must ultimately be processed by DCJS. Institute staff will send instructions at the appropriate time. Direct communication with the applicant(s) is critical during the proposal review process as the background check process, especially for those residing outside of New York State, may take considerable time. All contact information must be accurate and the applicant must be available to the Institute with relative ease. Therefore, each co-applicant should include at least two different consistently accessible phone numbers and an e-mail address.
- The Institute will make available the name and designated or work phone number (or home number if no other number is given) of the media contact person to the public. If there is no contact person, the Institute will use the lead applicant's contact information. Once assigned, the media contact information (or applicant contact information, lacking explicit media contact information) will not change and is not redacted in public postings of the proposal.

Information for Replicators

- If the proposal would establish a new education corporation, identify a traditional lead applicant.
- If the applicant is an existing SUNY authorized education corporation seeking authority to operate an additional school, the education corporation itself is the applicant and the board chair or some other person designated by the education corporation's board should be listed as the lead applicant.
- The board chair and any designated lead applicant must submit a new set of fingerprint scans together with each of the other board officers even if a person was the original applicant, or has been cleared by the New York State Education Department ("NYSED") as a teacher or school administrator. Federal criminal justice and other information needs to be updated since the last background check.

b. Proposal History

This response should clearly explain the genesis of the proposal and the process that the founders used to prepare it for submission, including the extent to which they used committees, advisory boards, or other organizations or organizational structures. 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.

c. List of Founding Team Members

- The table should list the key individuals involved in developing the application and a summary of their areas of expertise, including any paid or unpaid consultants. This list should not include proposed members of the education corporation's board of trustees, which should be included in responses to R-14.
- This response should also identify the overall leader of the effort to develop the proposal, the individual who served as the primary author, and the extent to which the founding team used consultants or similar external assistance.

d. Withdrawn, Rejected, and Concurrent Proposals

- Applicants submitting a business plan in conjunction with a proposal that addresses these questions do not need to include a full response, and may instead reference the business plan.
- The unsuccessful submission of a proposal to SUNY or the Board of Regents does not preclude an applicant from applying again. The applicant should use this response to demonstrate the steps taken to make improvements to the proposal to address concerns raised during prior submissions.
- Simultaneous proposal submissions to both authorizers will generally not be considered for review by the Institute. Simultaneous submission refers to a substantially similar proposal with a substantially similar applicant team (applicant, proposed board members, and/or administrative staff) and/or location contemporaneously under review by the Board of Regents.

e. Letters of Justification for Previously Denied/Withdrawn Applications

If a charter entity has provided any formal documentation to explain a decision not to move an application for a substantially similar school forward (resulting in an applicant withdrawal, or denial of the application), attach the document(s) as part of this Response. Note that this includes applications submitted in other states.

f. Founding Team Resumes

- This response should include updated resumes and brief biographical statements for any founding applicant team members, excluding board members. Submit any proposed board member information in R-14.

4. Community Outreach, Support, and Demand

a. Description and Analysis of Community Outreach (R-04d - Evidence of Outreach)

- The SUNY Trustees are not to consider any proposal that does not “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 charter school and to address comments received from the impacted community concerning the educational and programmatic needs of students.”⁴ 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 and 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.
- In addition to being a minimum eligibility requirement for recommending a proposal for approval, the response to this request will also contribute to the evaluation of the public outreach criteria on the preference scoring rubric.
- This response should support with concrete evidence (submitted as R-04d - Evidence of Outreach) the discussion about the community outreach strategies. Attributes that strengthen the value of the evidence include: dates, locations, information about whether respondents have children that would be eligible to apply to the proposed school, and a variety of media types.
- The applicant should use multiple strategies to solicit community input. Strategies for engaging the community in which the school would locate and incorporating that community’s input might include: partnering with community based organizations to host open meetings; holding planning meetings with community leaders; in New

⁴ Education Law § 2852(9-a)(b)(ii).

York City addressing the local Community Education Council(s) (“CECs”) and Community Boards; meeting with groups of local parents and/or interacting with community members in their native language; advertising in community newspapers or flyers in community business/organizations that clearly indicate ways in which the reader can provide comments, among other methods.

- Evidence of outreach (R-04d) might include dated invitations to discuss the proposal with stakeholders: correspondence between the founders and community members; copies of local media coverage; or, advertising including newspapers, radio, television, and social media; documentation of presentations at, or hosting of, public events; marketing plans and materials; etc.
- Please note that seeking input about the proposal is distinct from seeking support for the proposed school. While the applicant must also show evidence of community interest in and support for the school sufficient to support it through start up and to meet its proposed enrollment, that support alone does not demonstrate that the applicant gave the community the opportunity to provide input into the design of the proposed school or how the applicant carefully considered such input.
- The applicant should allow enough time prior to submitting a proposal to the Institute for stakeholders to become aware of the proposal and provide input and for the founding group to consider and incorporate into their proposal. Such activities should generally commence months before the submission of a proposal and allow the applicant to consider feedback and address it in the proposal as appropriate.
- The response should include the number, type, locations, and forms of outreach. R-04d - Evidence of Outreach should contain samples of any printed flyers or advertisements (online or print), as well as sample e-mail communications to community stakeholders.
- All written and verbal communication to the community should include details outlining how the founding group received comments (by regular mail, email, fax, at a public meeting, etc.). Communication should clearly indicate that it is a proposal about which comments are sought; a proposal that will be finalized after incorporating public comment as appropriate; and, a proposal that would need to earn approval by the SUNY Trustees.
- The response should include a complete record, and substantial sample, of comments that the applicant received, the applicant’s responses to those

comments, and a description of how the applicant revised the proposal, if at all. When no comments are received or attendees do not sign in, the applicant should note the number of attendees at a meeting, webinar, etc.

- The response should also make clear that the applicant provided all facets of the community, as defined in the response to R-01, with ample opportunity to comment on the proposal. Community stakeholders can include not only potential parents of students attending the school but also educators, politicians, leaders, and other citizens in the community.
- As opposed to the response to R-04a, which is a narrative description, the response to R-04d should contain concrete evidence of community outreach, such as flyers, information sessions, etc.

b. Description and Analysis of Community Support (R-04e - Evidence of Support)

- These responses differ from R-04a and R-04d, which focus on the outreach process and the intent to collect feedback on the proposal, while this response asks applicants to highlight evidence of support for the school and provide an honest assessment of known opposition. Inasmuch as these two responses overlap, the applicant may wish to reference some information from R-04a and R-04d instead of repeating information, keeping in mind the different purposes of the two responses.
- The applicant should describe specific support for and against the school from stakeholders such as elected officials, civic organizations, and community members.
- Evidence of community support can take a variety of forms, such as explicit letters of support, public statements captured in official meeting minutes or by the media, or memoranda of understanding (“MOU”) to provide support for the proposed school. The Institute does not require that evidence come in any particular form or combination of forms. A strong proposal will demonstrate adequate support to allow the school to effectively operate its academic program and achieve its mission.
- Evidence of support should be concrete and specific to this school. Generic support for charter schools or education innovation in general is not sufficient.
- Evidence of opposition to the charter will not in and of itself prevent the approval of a charter. However, if opposition has the potential to inhibit the school from implementing its programs and achieving its mission, the proposal should be straightforward about those challenges and demonstrate deliberate planning and contingencies to overcome them.

- As opposed to the response to R-04b, which is a narrative description, the response to R-04e should contain concrete evidence of community support, such as petitions, letters of support, etc.

c. Description and Analysis of Student Demand (R-04f – Evidence of Demand)

- These responses differ from R-04a/d and R-04b/e, which focus on the outreach process and evidence of support for the school, respectively, while this response asks applicants to highlight evidence that families with students of age to enroll in the school would consider enrolling in the school. Inasmuch as these two responses overlap, the applicant may wish to reference some information from R-04a/d and R-04b/e instead of repeating information, keeping in mind the different purposes of the two responses.
- Examples of evidence may include petitions that clearly indicate that signers have students of age to enroll in the school and would consider enrolling in the school.

Information 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. Also, please discuss any factors that would tend to diminish enrollment in the original school. For example if an Albany school that plans to replicate in Schenectady already draws significant enrollment from Schenectady, the proposal should discuss the impact on the original school.

5. School Enrollment

a. Enrollment Plan

- A charter school must, by law, serve at least one of 1st – 12th grade; a school cannot begin instruction with only Kindergarten (or pre-Kindergarten).⁵
- If a charter school offers Kindergarten, it generally must be open to all children otherwise eligible to attend who attain the age of five on or before December 31st of the year in which they first attend Kindergarten. A charter school may elect to admit students who turn five by a set date between December 1st and December 31st of the year in which they first attend. In deciding whether to set a cut-off date

⁵ Education Law § 2854(2)(c).

later than December 1st, charter schools are not required to abide by the practice of the school's or student's district of location. The response to this Request should indicate the Kindergarten cut-off date, if applicable.

- Charter schools may offer half-day Kindergarten so long as the proposal specifically requests to do so. The availability of such a program is not required to match that of the school district of location.
- Unless the school serves a geographically remote region, or presents some other compelling reason, the school must enroll a minimum of 50 students at a single site by its second year of operation.⁶ If the applicant believes there is a compelling need for this exemption, please contact the Institute to discuss.
- If a school's enrollment at any point in its first two years 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.⁷

Note: Applicants who submit enrollment plans that exceed 250 students in the first two years must demonstrate a school design and budget that reflect wages and benefits required in the applicable district collective bargaining agreement for all affected employees.

- In the past, a few charter schools have been permitted to offer a developmental Kindergarten program, distinct from Universal Full-Day pre-Kindergarten (which is a program not a grade), to students who turn age four by August 1st prior to the commencement of their first school year. However, NYSED has made it clear that State aid will not be made available for such students and that NYSED will not intercept any district payments for charter school basic tuition for such students (i.e., the charter school must have an independent source of funding for such a program). The source of funding for any developmental Kindergarten or pre-Kindergarten must be separately detailed in the budget.
- Through a selective school district or NYSED process outside of the new charter application process, charter school education corporations may be able to offer Universal Full-Day pre-Kindergarten programs (contingent on several factors including state funding). More information may be found at: <http://www.p12.nysed.gov/upk/>.

⁶ Education Law § 2851(2)(i).

⁷ Education Law § 2854(3)(b-1).

- The proposal must include the ages of the children that the charter school would serve, which should be presented as ranges by grade.⁸
- If the proposed school's grade configuration would be different from the school district of location or other sending districts (e.g., a middle school serving 5th – 8th grade rather than 6th – 8th grade), the applicant should discuss any resulting impact on recruiting, parents of siblings not enrolled in the charter school and school choice options post-graduation from the charter school.
- Please consider the possibility that the school may retain or accelerate students upon acceptance based on performance, so long as the proposal details those possibilities. The applicant should consider such plans in creating the enrollment table, but should explain in detail student retention or acceleration policies in R-06e.
- The proposed enrollment chart must align with the Transmittal and Summary Form and the five year budget projection in years, grades, and enrollment totals.

b. Target Population Enrollment

- All applicants should complete the required information for all proposed schools.

c. Student Enrollment Table

- In projecting the number of students in Years 2-5 of the proposed charter term, the projected enrollment chart should reflect the effect student attrition may have on the school's total enrollment each year over the charter term, especially if the school would limit intake to certain grades.
- The projected enrollment chart should include yearly enrollment as an absolute number instead of a range. The Institute's charter agreement, if approved, allows the school to vary its total enrollment by 20 percent up or down each year. A strong enrollment rationale should articulate how the school will address shifting enrollment patterns programmatically and in allocating resources.

d. Admissions Policy

- The admissions policy must indicate:
 - In which grades the school would admit students;
 - Whether it would fill seats vacated by enrolled students from a waiting list or lottery; and,

⁸ Education Law § 2851(2)(l).

- If applicable, the date after which the school would no longer accept students (and any associated backfill cut-off dates).
- Further Institute guidance relating to school admissions including a new employee and CMO employee preference is available at:
www.newyorkcharters.org/applications-admissions-materials/.

Information for Replicators

- Replicating applicants with one or more unopened SUNY authorized charter schools who 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(s) under the 2019 RFP. Additionally, education corporations inside New York City may not apply for more than two charters under the 2019 RFP. There are no such restrictions on applicants seeking to operate outside of New York City.
- If the applicant is an existing SUNY authorized education corporation seeking the authority to operate an additional school, it may propose the school serve only Kindergarten in its first year.
- If the applicant is an existing SUNY authorized education corporation seeking the authority to operate an additional school, present separate enrollment charts for the proposed new school and for the overall education corporation. Approval of the proposed school would revise the existing education corporation's charter; therefore, the enrollment charts must account for enrollment levels at each school and the education corporation overall.
- For SUNY authorized charter schools seeking the authority to operate an additional school, the Institute interprets collective bargaining provisions to apply per school (i.e., to the new school only) and not the overall education corporation. Therefore, if the enrollment of the new school only would not exceed 250 students in its first two years the school would not be required to comply with the collective bargaining mandate. As the provision applies per school, the years of operation of another school in the education corporation will not be attributed to the new school, which will have the automatic collective bargaining provisions applied only if its enrollment exceeds 250 students in the first two years of its operation.
- An education corporation adding another school to its corporate structure could serve fewer than 50 students in its first or any other year of operation, but the proposal enrollment rationale (R-05), budget narrative (R-21a), and provided budgets (R-21e) should include justification and funding assurances that address low enrollment.
- 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-Kindergartens operated by community based organizations related to the charter school(s).

PROPOSAL GUIDANCE

- In the case of an existing education corporation proposing to operate an additional school, please note that each school may have its own admissions policy; they do not have to be uniform across schools. The education corporation would have the ability to offer its seats at one school to parents who applied but were not admitted to the other school so long as that is set forth in the admissions policy. Please note that siblings may attend any school of the corporation and still receive the sibling preference for admission to any school, and a student attending any school of the education corporation would qualify for the returning student preference. The Institute wants schools to specifically track such information.
-

ACADEMIC SUCCESS

6. Curriculum and Instruction

a. Curriculum Selection and Processes

- The proposed curriculum should be consistent with the school’s mission, target population, key design elements, approach to serving at-risk students, staffing plan, and other relevant components of the proposal. For example, a proposed college prep high school targeting dropouts with a technology focused program should explain how its curriculum will allow its teachers to accelerate student learning such that they can achieve a Regents diploma by the time they graduate.
- It is incumbent upon the applicant to provide a detailed description of the proposed academic program for each core subject area and to explain how this program will allow the school to meet the education needs of its target population. This description should include research on the effectiveness of the proposed curriculum and, wherever possible, evidence of its success with a comparable population.
- The Institute places significant emphasis on determining the extent to which a proposal reflects both an understanding of the importance of curriculum review and development, and indicates a commitment to ensuring that both are a part of the fabric of the proposed charter school.
- The proposal should articulate the “who, what, and when” regarding the implementation of a comprehensive and coherent curriculum that supports the school’s overall academic program and that ensures alignment to the most current New York State standards.
- The applicant should reflect on this response when completing R-22 - Action Plan, which should include a detailed plan for the finalization of curriculum in the pre-opening period.

b. Assessment System

- In detailing an assessment system, be specific about all planned assessments, the frequency of administration, and the distribution and use of results.
- Specific assessments might include state exams, nationally published norm-referenced tests, published checklists, electronically administered assessments, school-developed assessments, as well as teacher-scored student artifacts.

- Refer to the Institute’s Guidelines for Creating a SUNY Accountability Plan (www.newyorkcharters.org/accountability/) regarding the requirements for non-standardized assessments. For any such assessment, the applicant must demonstrate how the content of the assessment would be a valid measure of student achievement and the scoring of that assessment would be reliable and consistent.
- Note that the budget should reflect any expenses associated with the proposed assessment system, such as the cost of purchasing, administering, and scoring assessments; obtaining any independent support in developing assessments or providing training in their use; and, any equipment or software necessary for administering, scoring, or analyzing assessments.
- The proposed assessment system should demonstrate the applicant has considered:
 - The development or selection of valid and reliable assessments that align to the school’s curriculum and state standards and measure students’ higher order thinking or problem solving skills;
 - The school leadership’s use of assessment data to monitor and make improvements and changes to the school’s curriculum and instruction, (e.g., changes to remediation, professional development, personnel, etc.);
 - Teachers’ use of assessment data to make changes and improvements to curriculum and instruction, (e.g., planning for differentiation or re-teaching a key skill where data indicates that students did not learn it the first time);
 - Developing a common understanding between and among teachers and administrators of the meaning and consequences of assessment results, (e.g., access to remediation, promotion to the next grade); and,
 - The use of assessment data to determine accurately whether the school is achieving its Accountability Plan goals and it is on a path to make a strong case for renewal of the school’s charter.

c. Instructional Methods

- The applicant has the opportunity to explain the philosophy of learning and pedagogy that will guide the school and to describe any specific instructional methods that are critical to achieving the school’s mission. A strong response will indicate how teachers will deliver the curriculum and meet the needs of all students. Moreover, it should align with responses to other requests including the staffing plan, use of assessments, and professional development.

- The response to this request will be particularly important if proposing to implement an innovative or alternative instructional approach, such as a blended or online learning component, split grade level classrooms, programs designed specifically for at-risk students, etc.

d. Course or Subject Overview

- The course overview should provide a description of all courses the school would offer for all grades during the charter term. These descriptions should be brief (roughly one paragraph for each) but articulate the core skills and knowledge that the school will require students to attain.
- For high schools, the response should include the number of credits that the school will offer for successful course completion.
- Descriptions in the course overview should align with other relevant requests (e.g., R-07 - School Calendars). The applicant may reference the responses to other requests instead of repeating all information.

e. Promotion and Graduation Policy

- The promotion policy should clearly describe both the academic and nonacademic criteria the school will consider in making promotion or retention determinations. To the extent that the school would utilize any nonacademic criteria in making such determinations, the proposal should fully explain the rationale for consideration of those criteria.
- Identify the type(s) of diploma the proposed school would offer along with their credit and academic performance requirements. Information about NYSED diploma and credential requirements can be found at: www.p12.nysed.gov/ciai/gradreq/intro.html.
- If the school proposes holding students to additional graduation requirements or to confer a non-Regents high school diploma, attach a description of these requirements. Additional requirements might include completion of certain courses at certain levels of performance, culminating projects or performances, or community service.

f. Programmatic Audits

- The Act requires the applicant to provide “[r]equirements and procedures for programmatic ... audits at least once annually, with such audits being comparable in scope to those required of other public schools” in New York.

- The Institute asks the applicant to provide a plan to audit the effectiveness of the school’s educational program. Such audits may be conducted by consultants, CMOs, a partner or other organization, or school staff. The applicant has wide latitude in developing the scope of the programmatic audit, which may include the accountability plan, parent and student satisfaction, operational effectiveness, teacher effectiveness, governance, fiscal soundness, cost effectiveness of programming, and partnerships. The Institute requests that the audit culminate in an annual written report to be made available to the education corporation board, any CMO, and school leadership.
- Programmatic audits must include more than a review of state assessment and other assessment scores, or an analysis of how well the school is performing on its Accountability Plan.

g. Draft Accountability Plan

- This response requires the applicant to draft an Accountability Plan according to SUNY’s Guidelines for Creating an Accountability Plan, available on the Institute’s website at: www.newyorkcharters.org/category/operational-resources/accountability/. Should the SUNY Trustees grant the charter, Institute staff will work with the school leader and board during the school’s first year of operation to revise the Accountability Plan so that it incorporates all required measures.

Information for Replicators

- If the curriculum and instructional design of the proposed school will be the same as the replicating school, the applicant may incorporate this entire section by reference if the documents to be incorporated by reference were submitted to the Institute as part of an original, merger, renewal, or revision application after July 2015.
- If any elements of the curriculum and instructional design of the proposed school will be different from the original school, please describe the changes and why the applicant chose to change the elements. Provide changes under the appropriate sub-headings.
- In the case of an education corporation adding a school, if the approval of the proposal will change the curriculum and instructional design of the school to be replicated, please so indicate and provide the reasoning. Note that the Institute may have to process a charter revision for the original school to implement the change in curriculum.

7. Calendar and Schedules

a. School Calendar

- Education Law § 2851(2)(n) and 8 NYCRR § 175.5 require that charter schools provide at least as much instructional time during a school year as required of other public schools, which is generally 180 days of instruction with the following minimum hours of instruction per day:
 - 2.5 hours per day for half-day Kindergarten (note that a school must specifically include in its proposal a desire to offer half-day Kindergarten);
 - 5 hours per day for full day Kindergarten and 1st – 6th grade, exclusive of lunch and recess time (900 hours per school year); and,
 - 5.5 hours per day for 7th – 12th grade, exclusive of lunch time (990 hours).
- The school calendar must tally the total number of hours of instruction for each proposed grade that the school would offer, and the total number of full and half days.
- Accordingly, the minimum number of hours of instruction that a charter school can provide in a year is 180 multiplied by the minimum number of required hours of instruction per day for the grade at issue.
- 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 in generally equal amounts over no less than 170 days.
- If the school will offer summer instruction in June, July, or August, please specify if the instruction will be for all students or only for students identified as in need of additional academic support. Please provide similar information regarding any all-year or 12-month program and ensure that these programs are accounted for in the budget and assessment plan.

b. Sample Student Schedule

- Sample student schedules should indicate when students are involved in instruction as well as other activities such as lunch, recess, academic interventions, enrichment activities, advisory, etc.

c. Sample Teacher Schedule

- Student and teacher schedules are an effective way to illustrate the design of the school. Sample teacher schedules should indicate when teachers are involved in classroom instruction and what they will do at other times (e.g., planning, lunch, advising, tutoring, professional development, etc.).

8. Specific Populations

- In responding to this request, the applicant should explain the strategies, programs, staff, and tools the school will use to identify students at risk of academic failure and explain plans for providing those students with supports and services that would permit them to meet or exceed state performance standards and the school's Accountability Plan goals.
- A strong response will reference and address the needs of the school's target population. It should demonstrate a detailed understanding of the fit between the proposed program model and the specific at-risk students that the school would serve. For example, if the school intends to serve over-age and under-credited students, the proposal should provide a credible plan for addressing or mitigating the factors that may have led the students to this status in order to enable them to graduate with a Regents diploma.
- The response must demonstrate not only an understanding of the legal requirements, but what it will take to meet the needs of at-risk students in a way that reflects the proposed school design and personnel.

a. Struggling Students

Strong responses to this request will include detailed descriptions of the identification process and programs for students who are generally struggling academically. The school's intervention, remedial, and other programs to support the needs of struggling students should be clearly outlined and remain consistent with other programmatic aspects of the proposal. The Institute acknowledges that Response to Intervention ("RTI") can refer to a wide variety of practices but expects to see that the applicant can demonstrate that the school would implement a targeted and systematic approach to intervention. It is incumbent upon the applicant to clearly define any RTI practice at the school to describe how the school would meet the full range of student learning needs represented in the anticipated student population.

b. Students with Disabilities

- The applicant must provide the “methods and strategies for serving students with disabilities in compliance with all federal laws and regulations relating thereto.”⁹
- A New York charter school is, for purposes of the federal Individuals with Disabilities Education Act (“IDEA”), a school within the local educational agency (“LEA”), i.e., a school within the school district (or more than one school district if enrolled students with disabilities reside in more than a single school district). The applicant’s response should discuss the relationship between the school and the district Committee on Special Education (“CSE”).
- A charter school’s primary obligation is to work with the school district(s) to ensure provision of services and settings required by each classified student’s Individualized Education Program (“IEP”) either at the charter school or in the district or some combination thereof. Charter schools are not required to offer the full continuum of special education placement options. If a student requires programs or services not included in the design of the charter school’s education program, the charter school could modify its program to include the necessary programs/services (including the necessary staffing and budget modifications), contract with a third party to provide the IEP required programs or services, or ask the student’s district of residence to provide the programs/services. The district is supposed to provide services in and to the charter school to the same extent as provided in and to district schools.
- The IDEA and the implementing federal regulations, 34 CFR § 300 et seq., coupled with Education Law §§ 2853(4)(a) and 2856(1) make clear that it is the responsibility of the CSE of each student’s district of residence to conduct initial evaluations of students to determine whether they are eligible to receive special education and related services after the parent or the charter school has made a referral. It is also a CSE’s responsibility to design, review, and revise the IEPs mandated by IDEA with input from relevant charter school personnel (general and special education instructors) as part of the IEP team, and to have in place the due process procedures available to students and parents in connection with the above.
- A charter school, upon notice to a student’s parents, may seek to have a child’s IEP reviewed, and possibly revised, by the CSE of the student’s district of residence, or to have the child’s status as a special education student re-evaluated by the CSE. Many charter schools undertake a systematic effort to have students’ IEPs reviewed upon enrollment to ensure the IEP reflects the charter school’s programs. CSEs are to take the unique settings, class ratios, and other programmatic elements of

⁹ Education Law § 2851(2)(s).

charter schools into account in structuring an IEP that could allow the student to remain in the charter school. To that end, the proposal should describe any services or settings the school would offer.

- The federal regulations implementing the IDEA, 34 CFR § 300 et seq., are available online at: idea.ed.gov/explore/view/p/%2Croot%2Cregs%2C300%2C.
- Additional information regarding charter schools and special education services is available at: <http://www.p12.nysed.gov/specialed/>.
- Nothing in the proposal should be contrary to the assurances outlined in Appendix B to the RFP, Assurances for the Provision of Special Education Services, which will be made part of the charter agreement if the SUNY Trustees approve the proposal.

c. English Language Learners

- The process for identifying students who are ELLs begins with the Home Language Questionnaire to screen all new entrants to New York State schools for potential limited English proficiency. If the home language is other than English or the student's native language is other than English, then appropriate school staff should conduct an informal interview in the student's native language and English. If a student speaks a language other than English and speaks little or no English, then the school should administer the New York State Identification Test for English Language Learners ("NYSITELL"). A score below the designated cut score for the child determines eligibility for English as a second language ("ESL") or bilingual services. The NYSITELL is administered only once to each incoming student.
- The exit criteria for students who are ELLs are as follows: Student achievement or progress in the English language is measured annually with the New York State English as a Second Language Achievement Test ("NYSESLAT"). The scores on the NYSESLAT indicate the proficiency level (Entering, Emerging, Transitioning, Expanding, or Commanding) the student has achieved each year, and whether or not the student's level of English is high enough to exit the ESL or bilingual program. Additional information regarding the NYSESLAT is available at: www.p12.nysed.gov/assessment/nyseslat/.
- For the legal requirements regarding the provision of instruction to students who are ELLs, the following publications of the United States Education Department's Office for Civil Rights will provide greater clarity: "Dear Colleague Letter, English Learner Students and Limited English Proficient Parents, January 7, 2015; "Policy Update on Schools' Obligations Toward National Origin Minority Students With Limited-English Proficiency (LEP students)," September 27, 1991; "Office for Civil

Rights Policy Regarding the Treatment of National Origin Minority Students Who Are Limited English Proficient,” April 6, 1990 (and attaching “The Office for Civil Rights’ Title VI Language Minority Compliance Procedures,” issued originally December 3, 1985); and, “Identification of Discrimination and Denial of Services On the Basis of National Origin,” May 25, 1970.

www2.ed.gov/about/offices/list/ocr/ellresources.html.

- Please be aware that charter schools do not have to follow Part 154 of the Regulations of the Commissioner of Education (8 NYCRR Part 154) unless they are receiving funds pursuant to those regulations. However, key elements of the regulations provide necessary elements of any compliant ELL program including identification of ELL students. Additional resources may be found at: www.nysed.gov/common/nysed/files/bilingual/ellidchartguidance7.1.15.pdf.
- The response should also address how the school will ensure that ELLs will not be classified as special education students solely on the basis of limited English proficiency. As with all responses, ensuring all personnel and costs associated with the programs are included in the application strengthens the proposal.
- The Institute now strongly suggests that the school employ at least a part-time ELL coordinator with appropriate qualifications to manage both regulatory and instructional requirements, provide professional development, and to evaluate the effectiveness of the ELL program.
- In addition to the academic program elements to ensure compliance with federal civil rights laws, the proposal should address how ELLs will be able to access after school and summer school programming and extracurricular activities. The school must describe or provide evidence of how it will provide necessary parent information to parents of ELLs who may not speak, read, or write English including complaint forms, assessment and grade information, and application materials as well as releases, Family Educational Rights and Privacy Act (“FERPA”) information, and other relevant materials.
- Should the applicant propose a dual-language ELL program, the proposal must indicate that the school will utilize certified English to Speakers of Other Languages (“ESOL”) teachers to implement the program. For any other proposed ELL instructional program, the proposal should describe the minimum qualifications for ELL teachers and general education teachers, and describe the professional development that the school will offer to each type of teacher to ensure such minimum qualifications are met.

- The proposal should describe the personnel responsible for, and the frequency of, conducting a review of the effectiveness of the proposed ELL program, and the means by which the school may modify the program in response to such review.
- Please describe any proposed arrangements to partner with other schools to participate in federal Title 1 or Title 3 funding, if applicable.

d. Gifted and Advanced Students

- Please note that the Institute recognizes that the terms “advanced” and “gifted” are not analogous, but asks that the applicant generally consider how the school would address the needs of students who are able to accelerate or go beyond the school’s curriculum and are at-risk of not having their individual education needs met by the general education program.

Information for Replicators

- If there are no changes to the programs for at-risk students, the applicant may incorporate this section by reference if the documents to be incorporated by reference were submitted to the Institute as part of an original, merger, renewal, or revision application after July 2015.
- If all aspects of the programs to serve specific populations will be the same as the replicating school, please so indicate.
- If any elements of the program to serve specific populations of the proposed school will be different from the replicating school, please describe the changes and why the applicant chose to change the elements. Provide changes under the appropriate sub-headings.
- In the case of an education corporation adding a school, if the approval of the proposal will change the programs to serve specific populations of the replicating school, please so indicate and provide the reasoning. Note that the Institute may have to process a charter revision for the original school to implement the changes to at-risk services.

9. Instructional Leadership

a. Instructional Leadership Roles

- Instructional leadership refers to those individuals in the organization who support the implementation of the academic program. These might include a principal, director of curriculum and instruction, instructional coaches, special education or ESL coordinators, grade team leaders, or department chairs. The school leader may

or may not be an instructional leader. For instance, some schools have an executive director or head of school focused on operations and external affairs who oversees an instructional leader such as a principal. Other schools have a principal at the top of the management structure who oversees other instructional leaders as well as non-academic staff such as a business manager.

Information for Replicators

If there are no changes to the instructional leadership roles, the applicant may incorporate this section by reference if the documents to be incorporated by reference were submitted to the Institute as part of an original, merger, renewal, or revision application after July 2015.

b. Teacher Supervision and Support

- This response should detail how leaders will supervise and support individual teachers on an ongoing basis.
 - The response might address a specific approach to coaching, philosophy on classroom observations, teacher needs assessment, curriculum development and instructional planning, classroom observation and clinical feedback, modeling, etc.
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Information for Replicators

If there are no changes to the approach to on-going teacher support and supervision, the applicant may incorporate this section by reference if the documents to be incorporated by reference were submitted to the Institute as part of an original, merger, renewal, or revision application after July 2015.

c. Professional Development

- The response should focus on school-wide programs or approaches that instill the skills and knowledge necessary for teachers to effectively support student achievement and the school's mission, curriculum, instruction, and assessment strategies.

- The proposal should ensure that the proposed school will allocate sufficient resources, including staff, time, and funds, to support a comprehensive professional development program.
 - The proposal should describe a process for assessing needs and creating professional development plans based on identified instructional weaknesses, teacher interests, and analyses of student performance on assessments.
-

Information for Replicators

- If there are no changes to the approach to professional development, the applicant may incorporate this section by reference if the documents to be incorporated by reference were submitted to the Institute as part of an original, merger, renewal, or revision application after July 2015.
 - If the only change would be that replication would permit an education corporation or network to share professional development services, please incorporate the existing program by reference with this change noted as an exception and describe that relationship and how the costs would be apportioned between schools. If this model would constitute a change to an existing school's charter please describe that as well.
-

d. Teacher Evaluation and Accountability

- The response to this request should differ from those above by describing the criteria and process that the school would use to evaluate the performance of teachers aside from support functions.
 - If the school would offer performance incentives within its compensation package for teachers as part of the evaluation process, the applicant should describe the criteria for those incentives in this response.
-

Information for Replicators

If there are no changes to the approach to teacher evaluation and accountability, the applicant may incorporate this section by reference if the documents to be incorporated by reference were submitted to the Institute as part of an original, merger, renewal, or revision application after July 2015.

10. Culture and Discipline

a. Culture and Discipline

This response should provide reviewers with a clear sense of how the school will develop and maintain a strong school culture, including a description of any school-wide approaches to behavior management (i.e., Positive Behavioral Intervention and Supports (“PBIS”), strict no-excuses, Responsive Classroom, etc.). This narrative description should align with the specific discipline policies outlined below.

Information for Replicators

If there are no changes to the approach to school culture and discipline, the applicant may incorporate this section by reference if the documents to be incorporated by reference were submitted to the Institute as part of an original, merger, renewal, or revision application after July 2015.

b. Discipline Policy (general education)

- The discipline policy must specify the following: (i) the substantive acts for which a child may be disciplined; (ii) the consequences (or range of consequences) resulting from committing each such act (including suspension or expulsion); (iii) the due process procedures that the school will follow in applying its discipline policy (in accordance with federal law); and, (iv) the individuals responsible for carrying out the discipline policy and any appeals therefrom. In addition, please indicate how the school staff will be educated about, and trained to implement, the policy.
- A charter school, like its district public school counterparts, must provide alternative instruction to students who are suspended or expelled (whether in-school or out-of-school) as part of New York’s compulsory education law from which charter schools are not exempt. A school should provide alternative instruction to students as soon as practicable after suspension. In general, a school must provide such instruction by no later than the day after the suspension or expulsion goes into effect. Such instruction can be at a location and time of the school’s choosing, so long as each is reasonable (i.e., it may be in school or out of school). The school must provide alternative instruction in person (live instruction) by a certified teacher. Homework packets do not in and of themselves constitute alternative instruction. It is the Institute’s view that except for the brief time it would take for a student to re-enroll in another public school, charter schools do not have to, but may, provide

alternative instruction for expelled students understanding that expulsions occurring very late in the school year may require alternative instruction through the end of the school year.

- Alternative instruction for suspended students must be of sufficient duration to enable a student to cover all class material, take all tests and quizzes, keep pace with other students, and progress to the next grade level. NYSED has opined that one hour of alternative instruction per day is sufficient for students in Kindergarten – 6th grade, and two hours for students in 7th – 12th grade.
- Charter schools must comply with the federal Gun Free Schools Act, 20 U.S.C. § 7961. Please include a reference to its mandatory penalties in the proposed discipline policy. These requirements are available at: www2.ed.gov/policy/elsec/leg/esea02/pg54.html.
- The discipline policy must set forth the 14th Amendment due process protections for both short-term suspensions of 10 or fewer days based on U.S. Supreme Court case law (*Goss v. Lopez*, 419 U.S. 565 (1975)), namely, a student's (parent's) right to know the reason and evidence for the suspension and the right to tell his or her side of the story prior to or shortly after commencement of the suspension, and the greater protections for longer term suspensions (over 10 days) and expulsions including the right to counsel, to confront and present witnesses, and to challenge and present evidence. Please note that charter schools are free to define long- and short-term suspensions differently (i.e., a different number of days) so long as the school has in place the minimum federal due process protections. Charter schools need not follow state law or Commissioner of Education rules or regulations on discipline including the five day demarcation of long- and short-term suspension.
- While charter schools may impose penalties on students for not wearing uniforms, they may not indefinitely withhold students from class for not wearing a complete uniform. Brief trips to an office to record demerits or pick up missing uniform parts coupled with a return to class would be permissible, but placing students in a detention hall until a full uniform is available would not, and would require suspension due process protections and alternative instruction.

Information for Replicators

- If there are no changes to the discipline policy, the applicant may incorporate this section by reference if the documents to be incorporated by reference were submitted to the Institute as part of an original, merger, renewal, or revision application after July 2015.
- An existing education corporation operating more than one school provides the opportunity for disciplinary transfers between schools. If the education corporation wishes to have this option, it must be set forth specifically in the discipline policy of each school including the violations and/or status that would make a student eligible for such transfer and the due process procedures that would be part of same. SUNY will impose strict record keeping requirements on such transfers and track them for purposes of accountability. Please note that the disciplinary transfer of a special education student may constitute a change in placement and must only be done in consultation with and with the approval of the CSE of the student's school district of residence and after manifestation determination.

c. Special Education Policy

- Charter schools are subject to federal laws and regulations governing the discipline of students with disabilities including in particular the requirements of the IDEA and the U.S. Department of Education's implementing regulations, 34 CFR § 300 *et seq.* The policy should address topics such as the discipline of students who have a Behavioral Intervention Plan ("BIP") in their IEP and also detail how classroom teachers would be knowledgeable about such plans.
- These regulations are highly specific as to discipline and the additional due process protections afforded affected students and parents. Accordingly, please review 34 CFR §§ 300.530-36. These provisions and other information are available online, please visit: idea.ed.gov/explore/view/p/,root,dynamic,TopicalBrief,6,.html. In crafting the proposed discipline policy, remember that the student's district of residence forms the CSE, and that the charter school must work through and with that CSE. For example, a charter school cannot suspend a student with an IEP for more than 10 cumulative days in a school year without a manifestation determination by the CSE.
- These same due process protections are available for a student "suspected of having a disability" which is a student who has yet to be evaluated by a CSE, but who the school believes may be eligible for referral to a CSE or who is undergoing evaluation

at the time of the incident requiring discipline under the charter school’s special education discipline policy.¹⁰

- Certain aspects of the IDEA regulations are permissive, such as the provision of the removal to an interim alternative educational setting (that must be determined in conjunction with the CSE) of certain special education students that have engaged in certain types of activity as set forth in 34 CFR § 530(g). In other cases the IDEA regulations describe a minimum standard to which all schools must adhere, but the school is free to implement a higher standard. For example, the first 10 days of suspension for a student with an IEP need not provide all settings and services though the school may still provide them. The policy should discuss whether the school intends to use these provisions or whether it would have a different approach.
- Note that the federal Gun Free Schools Act states that it “must be construed in a manner consistent with the [IDEA],” and the school’s special education discipline policy should include that information.

Information for Replicators

If there are no changes to the special education discipline policy, the applicant may incorporate this section by reference if the documents to be incorporated by reference were submitted to the Institute as part of an original, merger, renewal, or revision application after July 2015.

d. Dress Code

- Dress codes that ban hats or stocking caps should take into account and provide an exception for head covers worn in connection with the exercise of religious practice. Please see the discussion in (b), above, regarding permissible discipline based on violations of the dress code.
- Through philanthropy or operating funds, many charter schools assist parents who cannot afford uniforms. Any such policies of the school should be included as part of this response.
- Please be aware the New York and federal case law related to student dress is in flux, especially regarding the wearing or display of religious items that may have

¹⁰ 34 CFR § 300.534.

gang-related significance. This is an area where consulting an attorney may be helpful especially if the proposed dress code is restrictive.

Information for Replicators

If there are no changes to the dress code policy, the applicant may incorporate this section by reference if the documents to be incorporated by reference were submitted to the Institute as part of an original, merger, renewal, or revision application after July 2015.

ORGANIZATIONAL VIABILITY

11. School Management and Leadership

a. Organizational Chart

- All applicants must complete this section in full.
- Charter schools have the autonomy to structure themselves in the most effective way to support teaching and learning. The proposal should make the lines of reporting and accountability in the school clear. Many different organizational models exist. For example: two co-leaders who serve distinct functions (e.g., one is responsible for administrative or operational matters (human services, facility management, budget and accounting, procurement, technology infrastructure, etc.) and the other focuses solely on instructional matters (teacher observation and feedback, coaching, mentoring, modeling, curriculum and assessment development, etc.); or, an executive director who oversees separate academic and operations staff. The applicant and founding team are encouraged to investigate models in use by high performing charter schools and then detail the option that works best for the proposed school in this response.
- For schools associated with management organizations, the applicant is required to provide a specific statement indicating to whom the leader of the school reports.
- The organization chart(s) should clearly show the growth in the organization's structure from the beginning to the end of the charter term.

b. School Leadership and Management Structure

- The school leader should be the person(s) at the top of the organizational chart within the school, and need not be the same person as the proposed instructional leader. For example, some schools have a principal that handles academic affairs and reports to an executive director. As noted, some schools have co-leaders and it should be clear who is accountable for the overall performance of the school, which may be one or both leaders. Contemporary research and the Institute's experience indicate that effective school leadership is one of the primary elements of a highly effective school. The Institute looks to see that the founding group has devoted serious thought to determining the type of school leader needed to establish and sustain an effective, academically high-performing charter school.

- If a leader has not yet been identified, the applicant should explain their school leader recruitment/selection plan, including potential recruitment sources, anticipated selection criteria, and anticipated timeline.

12. Personnel

a. Staffing Chart and Rationale

- The staffing chart should reflect every position, instructional and non-instructional, in the school, including those that are part-time. The staffing chart must correspond to the budgets for all years to ensure all positions are accounted for within the budgets.
- The rationale should demonstrate alignment between the proposed student enrollment numbers, key design elements, and budget. For instance, if the school design focuses on technology education then the staffing chart and personnel budget should reflect the school's capacity to support direct technology instruction for students as well as training for teachers to implement the school's educational model.

Information for Replicators

- Similar to the organizational chart, for SUNY authorized education corporations seeking the authority to operate an additional school within its existing corporate structure, the Institute will closely review the staffing chart and related plans to determine that the new school and overall education corporation will be effectively staffed. If the approval of the proposal would result in any changes to staffing at the replicating school, including the sharing of any employees, please include a staffing chart for the original school as well.
- The budget template includes a Staffing Plan tab to be completed first that will auto fill the budget. The staffing chart should reflect every position, instructional and non-instructional, in the school, including those that are part time. The staffing chart must correspond to the projected budgets for all years.
- If replication would permit an education corporation or network to add a level of supervision of school leadership, such as a superintendent, please describe that relationship and how the school would pay that leader or apportion the salary between schools. If this model would constitute a change to an existing school's charter, please describe that as well.
- The rationale should demonstrate alignment between the proposed student enrollment numbers, key design elements, and budget at the school and corporate level, as applicable. For instance, if the school design would focus on technology education then the staffing

chart and personnel budget should reflect the proposed school's capacity to support direct technology instruction for students as well as training for teachers to implement the school's educational model.

b. Qualifications and Responsibilities

- Provide a basic description of the responsibilities of each position employed by the education corporation. This response should address both full time, and part time employees. The descriptions should also include the qualifications for each position, such as certification, specific types of training, etc.
- The proposal must include both hiring and personnel policies including the qualifications to be used in hiring teachers, administrators, and other school employees, and a description of staff responsibilities.¹¹ If the design calls for the provision of staffing functions not by the school but by related service providers, include qualifications for such contractors.
- Teachers, administrators, and other school personnel are generally required to be employees of the education corporation formed to operate the charter school. Such personnel may generally not be employees of a management organization or other organization that has contracted with the education corporation.¹²

Information for Replicators

- If there are no changes to qualifications and responsibilities, the applicant may incorporate this section by reference if the documents to be incorporated by reference were submitted to the Institute as part of an original, merger, renewal, or revision application after July 2015.
- For existing SUNY authorized education corporations seeking the authority to operate an additional school, you may incorporate by reference job qualifications and responsibilities if the documents to be incorporated by reference were submitted to the Institute as part of an original, merger, renewal, or revision application after July 2015. The applicant for whom the qualifications and responsibilities of some staff have changed, or that are adding new types of staffing (for example those added directly as a result of replication), should provide new descriptions of the qualifications and responsibilities of these staff members.

¹¹ Educational Law § 2851(2)(g).

¹² Education Law § 2854(3)(a-1).

- If there are no changes to the school leadership and management structure, the applicant may incorporate this section by reference if the documents to be incorporated by reference were submitted to the Institute as part of an original, merger, renewal, or revision application after July 2015.
 - If any elements of the school leadership and management structure of the proposed school will be different from the replicating school, please describe the changes and why the applicant chose to change the elements.
 - In the case of an education corporation adding a school, if the approval of the proposal will change the programs to serve specific populations, please so indicate and provide the reasoning. Note that the Institute may have to process a charter revision for the original school to implement the changes.
 - The applicant who is modifying any elements of this request may wish to refer to the Standard guidance for this request for the most up-to-date information about Institute expectations.
 - The Institute encourages the applicant to submit a resume for the proposed school leader, if known, as part of this request.
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c. Staff Recruitment and Retention

- A charter school may hire teachers who are not certified or otherwise approved by the Commissioner of Education (except in relation to special education teachers as noted below), so long as such teachers do not exceed the number of teachers as calculated by the following: (30 percent of the teaching staff or five, whichever is less) + five teachers + five teachers of mathematics, science, computer science, technology, or career and technical education.
- If the school plans on applying for federal Title I funding, paraprofessionals must meet federal standards.
- A charter school must employ at least three teachers after the first year of operation unless the charter school presents a compelling reason why it should not, such as being in a geographically remote region of the state.¹³
- Strong responses will demonstrate how the applicant has considered the availability of qualified staff that are available in geographic proximity to the proposed school, as well as other considerations such as reasonable wages and benefits compared to other local schools and in relation to any unique demands that may be made of

¹³ Education Law § 2851(2)(i).

teachers in the proposed school. Teacher wages should match the budget items reflecting labor costs.

Information for Replicators

If there are no changes to the school's approach to recruiting and retaining staff, the applicant may incorporate this section by reference if the documents to be incorporated by reference were submitted to the Institute as part of an original, merger, renewal, or revision application after July 2015.

d. Personnel Policies

- Personnel 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.
 - 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.
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Information for Replicators

If there are no changes to the Personnel Policies, the applicant may incorporate this section by reference if the documents to be incorporated by reference were submitted to the Institute as part of an original, merger, renewal, or revision application after July 2015.

13. Partner Organizations

a. Partner Organizations

- Identify any organization(s) that would partner with the school and provide a brief description of its primary purposes independent of the proposed school as well as the nature of the planned relationship with the school.
- Depending on the extent of the partner organization’s involvement with the proposed charter school, the Institute may require that the applicant have the partner organization complete the Institute’s Business Plan Requirements (described in the RFP) or an appropriately amended version. At its discretion, the Institute may require that representatives from the partner organization participate in an applicant interview.
- Please identify any education corporation trustees affiliated with or to be affiliated with any partner organization.
- A partner organization differs from a CMO in that the latter contemplates entering into a contractual, fee-based relationship with the charter school education corporation pursuant to which the management organization takes day-to-day responsibility for and management of the charter school’s educational program and/or other aspects of the school whereas a partner is typically an organization with which the school will have a substantial relationship, such as a youth services agency or community-based organization.
- A strong proposal will demonstrate that the founding group has done its due diligence in selecting a partner organization. The rationale for selecting the organization should describe the relevant capacity and experience of the organization to provide the proposed services and how these will achieve the school’s mission and Accountability Plan goals. The Institute is particularly interested in the specific steps that the applicant took to arrive at a decision to engage a partner. Boilerplate, unsupported statements to the effect that the partner was selected as the best candidate will not allow the proposal reviewers to effectively evaluate this decision.
- This response should detail the involvement of any partner organizations in the development of the program. It is not necessary to repeat information from other sections in completing this response; however, the applicant should reference these sections as necessary.

- Not every relationship that the school might have with community organizations requires that those organizations be identified formally as partners. For instance, if the proposed school plans on offering frequent field trips to local museums, those museums are not partners for these purposes.

Information for Replicators

If there are no changes to the partnerships, the applicant may incorporate this section by reference if the documents to be incorporated by reference were submitted to the Institute as part of an original, merger, renewal, or revision application after July 2015. However, any changes in the relationship or specific support for the proposed additional schools should be detailed by the applicant.

b. Partner Commitment

- A letter of commitment from a partner organization should specify any services (for a fee or otherwise) or financial or other assistance that the partner has agreed to provide to the proposed school. If the school would compensate the partner organization, the partner must have authority to do business in New York. If any school trustee would have an interest in or be employed by the partner organization all such transactions must be at or below market rates and the proposal should provide evidence of same. In addition, if the proposal represents that the partner will provide the school with a service for free or at a reduced rate from the partner organization, the letter from the partner must so indicate. For example: if the proposal states that a university partner will provide tutors on a volunteer basis, and those tutors are a component of the school's remedial education program, the university partner must provide a firm commitment to provide such tutors on such a basis. If the partner does not provide this commitment, the Institute will recalculate the school's budgeted expenses to account for the service at the prevailing market rate or the Institute will review the proposed remedial program with the assumption that the university partner will not provide tutors.
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Information for Replicators

If the proposed school would use the services of a partner organization that already provides services to an existing school under the education corporation, please provide evidence of the partner's commitment to serving the proposed school, as well as continued commitment to serving the existing school(s).

14. Governance

a. Board Members

- This response should list the proposed board members and a narrative of how members were recruited and selected.
- Please explain how the proposed board has the capacity to provide sound governance to the proposed school.

Information for Replicators

- List all existing board members, as well as any newly proposed board members that the board would add through the approval of the proposal.
- It is not necessary to provide a narrative response about board capacity since this information must be explained in the business plan that the education corporation submits in conjunction with the proposal.

b. Education Corporation Board Roles and Responsibilities

- The board of trustees of the education corporation shall have 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.¹⁴ The applicant may wish, therefore, to discuss in particular those decisions over which the board of trustees, as a general matter, intends to retain authority and those it intends to delegate. The applicant may also wish to discuss in more general terms the proposed board's governance philosophy.
- The Institute requires that the lead applicant(s) as well as the proposed or actual Chair, Vice Chair, Secretary, and Treasurer of the board of trustees be fingerprinted after submitting an application. This applies even if these individuals have been fingerprinted for prior charter applications. Institute staff will send instructions on completing the fingerprint process to the individual applicant(s) and proposed/actual board officers. Failure to complete fingerprinting in a timely manner may delay the application review process.
- In discussing the board of trustees' role, the applicant must indicate how the board is to be kept informed of the school's progress including what sources of data it will

¹⁴ Education Law § 2853(1)(f).

use to assess that the school is meeting its accountability and financial goals and whether the school is operating pursuant to the directives of the board.

- For schools with CMOs or partner organizations, the response should explain how (including metrics) the board of trustees would hold the CMO or partner entity accountable for the commitments outlined in the proposal and discuss the board's plans to address deficiencies should they arise.

Information for Replicators

If there are no changes to the board of trustees roles and responsibilities, the applicant may incorporate this section by reference if the documents to be incorporated by reference were submitted to the Institute as part of an original, merger, renewal, or revision application after July 2015.

c. Education Corporation Board Design

- The founding board must have at least five members including a Chair, Vice-Chair, Treasurer, and Secretary. The applicant may wish to discuss plans to grow the board over time or to change the skill sets of the board as it transitions from start-up board to mature board. For more information regarding requirements for the design of board membership please refer to the Institute's Guide to Board Governance available at: www.newyorkcharters.org/guide-to-board-governance/.

Information for Replicators

- If there are no changes to the education corporation board design, the applicant may incorporate this section by reference if the documents to be incorporated by reference were submitted to the Institute as part of an original, merger, renewal, or revision application after July 2015.
- If an existing education corporation seeks to operate an additional school, please describe any changes to governance such as board committees that may oversee individual schools. If the changes would require changes to the by-laws, describe the changes in this response and amend and submit the by-laws as described in R-14e below. The response may include a chart, if helpful. Even if there are no changes in governance structure, please describe how the board will address the issues and business at each school at its meetings.

- The discussion should also address the Act’s requirements boards of trustees to meet monthly at one of the schools. Education corporations that were not chartered through the RFP process but that are seeking to operate another school will not need to follow this restriction.
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d. Stakeholder Participation

- The applicant must provide the processes to be followed to promote staff and parental involvement in school governance.¹⁵ Due to the General Municipal Laws (“GMLs”) conflicts of interest provisions applicable to charter schools, generally no parent, teacher, or school administrator who the education corporation employs may serve on the education corporation’s board of trustees.
 - There may be an exception to the GML for teachers who the school employs under a collective bargaining agreement. SUNY has requested a formal New York Attorney General’s opinion on this issue and awaits a response. When the opinion is issued we will share the information with applicants.
 - The GML does not prohibit teachers, or school administrators from being non-voting school “trustees” or observers who would not count toward quorum.
 - There are many ways for parents to participate in the governance of the education corporation. These include having parents on the board, opportunities for parents to interact with the board such as open comment time at board meetings, or parent committees or organizations that make reports to the board.
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Information for Replicators

If there are no changes to the methods by which parents and staff (including teachers) can participate in the governance of the school, the applicant may incorporate this section by reference if the documents to be incorporated by reference were submitted to the Institute as part of an original, merger, renewal, or revision application after July 2015.

¹⁵ Education Law § 2851(2)(c).

e. By-laws

In drafting the proposed education corporation's by-laws, please review the Institute's Guide to Board Governance available at: www.newyorkcharters.org/guide-to-board-governance/.

Information for Replicators

Education corporations seeking to operate another school may need to amend the by-laws to accommodate governance of more than one school. Please include any such changes in the response. Education corporations may wish to include a supermajority or other provision specific to the closing of a school, which will now be separate from corporate dissolution and not carry a statutory supermajority provision.

f. Code of Ethics

Education Law § 2851(2)(v) requires that an applicant provide a "code of ethics for the charter school, setting forth for the guidance of its trustees, officers, and employees the standards of conduct expected of them including standards with respect to disclosure of conflicts of interest regarding any matter brought before the board of trustees" (emphasis added on revised language). The GML and N-PCL add further requirements for related party transactions. For assistance in drafting a Code of Ethics, please refer to the Institute's Guide to Board Governance available at: www.newyorkcharters.org/guide-to-board-governance/.

Information for Replicators

An education corporation seeking to operate an additional school may need to amend its Code of Ethics to have the language reflect the possibility of more than one school and conflicts with more than one school. The education corporation should have only one code of ethics no matter how many schools it operates.

g. Complaint Policy

Please refer to the complaint policy guidance available on the Institute's website at: www.newyorkcharters.org/complaint-policy-guidance/.

h. Board Member Resumes

Provide resumes for all proposed board members.

i. Board Member Request for Information Forms

- Include completed and signed “Potential Trustee Request for Information Form” (“RFI”) forms for each proposed board member. This form is available at www.newyorkcharters.org/reporting-requirements/board-members-new/.
- Proposed board members should not submit a “Trustees Financial Disclosure Form” along with the RFI form. The Trustees Financial Disclosure Form is submitted with the Annual Report if the charter is approved.

Information for Replicators

- The education corporation does not need to resubmit RFIs for existing board members, but does need to submit updated resumes for all board members. If new board members would be added to the board only if the application is approved, then provide RFIs and resumes for those proposed board members.
- The Institute requires that the lead applicant(s) as well as the proposed or actual Chair, Vice Chair, Secretary, and Treasurer of the board of trustees be fingerprinted after submitting an application. This applies even if these individuals have been fingerprinted for prior charter applications. Institute staff will send instructions on completing the fingerprint process to the individual applicant(s) and proposed/actual board officers. Failure to complete fingerprinting in a timely manner may delay the application review process.

15. District Relations

- When possible, the applicant may obtain a written representation of the district of proposed location’s willingness to develop an ongoing relationship with the proposed charter school. The letter should provide an outline of what the relationship will entail, although it may not be explicitly clear at this point in the charter school’s evolution.
- If it is not possible to provide a letter from the school district, the applicant should provide evidence of the ways in which they have attempted to establish a relationship with the district and the results of such outreach.

- Strong responses will openly, honestly, and thoughtfully address potential challenges in the school’s relationship with the district.
- Strong plans for school partnerships will include deliberate plans to identify best practices and innovations should the charter school show evidence of success. The Institute will consider innovative plans to reach out to low performing public schools. In New York City, these plans could include, but are not limited to, the establishment of or participation in borough-wide cooperatives and/or more formal structures mediated by the NYCDOE or education or charter school support organizations.
- If a proposed new education corporation models its school design after an existing charter school, and the proposed school would be located in the same community as the existing school, then describe the existing school's community activities, and how the proposed school’s activities will differ.

Information for Replicators

If the education corporation currently operates a school in the target area, please describe existing community activity and relations.

16. Facilities

a. Facility Needs

This response should outline facility needs consistent with the proposed enrollment and any unique mission or school design elements that impact space usage.

b. Facility Selection

- The applicant must provide a school district of proposed location even if the location is not absolutely certain. For purposes of notice, New York City is considered one district but SUNY requests the borough and CSD as well for two reasons: 1) the NYCDOE must hold a hearing regarding the new proposal and NYSED has required that the hearing be held in the proposed CSD; and, 2) amendments to the Act require enrollment targets for students with disabilities, ELLs, and students who are eligible to participate in the federal Free and Reduced Price Lunch program that will be compared to schools within the CSD of location. As more information becomes

available to the applicant, it is possible to change school district or CSD, but this would likely require additional notice or even a modification to the charter if issued.

- If the proposed charter school plans to be located in a school district outside of New York City, NYSED must approve its facility plans and specifications. NYSED must also issue a certificate of occupancy prior to the school beginning operation. Just as traditional public schools, the charter school must comply with all health, safety, sanitation, and building code requirements of NYSED. The proposed budget must reflect this significant expense. The applicant may find it helpful to access NYSED’s facility resource website at: www.p12.nysed.gov/facplan/. The website provides useful information including recommended square footage for classroom sizes. The Educational Facilities Clearinghouse website at: www.efc.gwu.edu/ is also a useful resource tool.
- If the proposed charter school would locate in New York City in private space, it will need approval of the New York City Buildings Department and must have a certificate of occupancy that displays an appropriate “school use” code.
- A charter school can locate or co-locate in public school space in New York City that the NYC Schools Chancellor has identified as a building that may be used for that purpose. The NYC Schools Chancellor must make that information, along with the rationale for the identification, publicly available and provide notice of such availability. Additional information for applicants who intend to seek public facility space from the NYCDOE follows:
- Any applicant seeking to co-locate in NYCDOE facilities should review the NYC Charter Center publication found at: www.nyccharterschools.org/resources/facility-access-process-co-location-and-private-space.
- Applicants should contact the NYCDOE Office of District Planning in the Division of Operations directly to learn about next steps and options. SUNY has no role in the space allocation process.
- The proposal should clearly address facilities-related communication with the NYCDOE and provide documentation supporting any progress toward free or subsidized space.
- Applicants must present contingency private space facility plans in the event that public facilities are not available. Under the Act, the NYCDOE has the option of not providing space and instead paying a 30% increase in per pupil charter school basic

tuition. In that case, the charter school must still find private facilities but will have enhanced revenue to offset related facility costs.

- Any co-located charter school in New York City is prohibited from spending more than \$5,000 to renovate public school space regardless of the source of funding unless the NYC Schools Chancellor approves the expenditure in writing. In that case, the NYCDOE must spend the same amount of funds as will be spent by or for the charter school on each district (non-charter) school in the building. Unless such a letter is included in the proposal, any amount over \$5,000 in the renovation budget should be regarded as discretionary, and an alternative use for that money should be described in the event that such facilities renovations are not approved. Further, if the NYCDOE denies such planned facilities renovations, and as a result, the charter school would seek or require alternate facility plans, please indicate that in this response.
- If co-located space is the primary option and the budget template has been completed under that assumption but the applicant would also investigate other options for space including private space, discuss those alternative plans in a narrative. At such time as it is deemed necessary, a budget reflecting the secondary assumptions may be requested to be completed under the direction of the Institute.

c. Facility Related Conflicts of Interest

Please refer to the Institute's Guide to Board Governance available at:

www.newyorkcharters.org/guide-to-board-governance/.

d. Facilities Documents (if applicable)

- The applicant should provide information such as blueprints, maps, certified estimates, etc. as part of this response.
- Provide documentation (e.g., deposits, written assurances, leases, etc.) if the applicant has entered into a formal or informal agreement(s) relating to a particular facility.
- Note: If a facility has already been identified, include certification from an architect that confirms that the proposed facility will be able to meet NYSED or NYC specifications, as applicable, by the date that the school would commence instruction and the cost of bringing the facility into compliance with the specifications, which must be accounted for in the proposed budget.

17. Food Services

- The applicant should be aware that many school districts allow charter schools to participate in district food service contracts or programs.
- Whether a school serves meals prepared elsewhere (in which case heaters and coolers for such meals are needed) or it is outfitted with its own kitchen, the proposal should also reflect the concomitant budget and staffing ramifications. Kitchens also require specific local permitting and may not be permissible under all leases.

Information for Replicators

If there are no changes to the methods by which the school would provide food services, the applicant may incorporate this section by reference if the documents to be incorporated by reference were submitted to the Institute as part of an original, merger, renewal, or revision application after July 2015.

18. Health Services

- State immunization requirements and other helpful information are available at: www.p12.nysed.gov/sss/schoolhealth/schoolhealthservices/.
- Charter schools must provide a program of health services similar to those provided in district schools. While a permanent school nurse is not specifically required, it is highly recommended, and may be required to meet student health needs. School nurses must be Registered Nurses (“RNs”) or Licensed Practical Nurses (“LPNs”) serving under the supervision of a RN.
- Accordingly, in responding, the applicant may first wish to ask the school district in which the applicant proposes to locate for a description of the services it is currently providing to other charter schools under Education Law § 912. Also, charter schools sharing district space may be able to arrange to share the district’s nurse. In that case the charter school will likely follow most or all of the district’s procedures for health services.
- Note that the NYCDOE and NYC Department of Health and Mental Health typically will not provide a free school nurse for charter schools with less than 200 students

based on a provision of the NYC Administrative Code. This may lead the school to include a nurse in the staffing plan and budget.

- As part of this response the applicant should specifically indicate the plans and procedures the proposed charter school will establish for the provision of medication to students who require it on a daily basis. Please note that it is illegal for non-licensed staff to administer medication in New York.
- The response should also cover the collection/storage of immunization and medical records.

Information for Replicators

- If there are no changes to the methods by which the school would provide health services, the applicant may incorporate this section by reference if the documents to be incorporated by reference were submitted to the Institute as part of an original, merger, renewal, or revision application after July 2015.
- In the case of an existing education corporation proposing to operate more than one school, please state whether the schools would share any health staff.

19. Transportation

- For purposes of transportation, charter schools are considered nonpublic schools under New York law. In light of this classification, charter school students are eligible for the same transportation services from the school district in which they reside as other students attending nonpublic schools.
- Parents of students seeking transportation services must submit a written request each year, no later than April 1st, to the school district in which they reside. The request forms are generally available from the district's administrative office. The Act mandates an admissions lottery date for new students of no earlier than the evening of April 1st of any given year. As a result, parents must make transportation requests prior to being admitted to the charter school. See the Institute's guidance memo on this subject at: www.newyorkcharters.org/applications-admissions-materials/.
- A charter school is not required to provide any supplemental transportation. However, if the proposal indicates the intent to do so, the specifics must be included in the proposal and additional costs should be reflected in the budget.

- Other charter schools have found that transportation becomes a major issue if the charter school calendar is not coordinated with that of the school district in which the charter school is located. School districts of location are not required to provide transportation when their schools are not in session. The applicant should seriously consider how students would be transported during days when the proposed charter school is in session but the district is not when planning the school's calendar. The additional cost for such transportation, as well as transportation for sports and field trips, should also be reflected in the school's budgets.
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Information for Replicators

- If there are no changes to the methods by which the school would provide transportation services, the applicant may incorporate this section by reference if the documents to be incorporated by reference were submitted to the Institute as part of an original, merger, renewal, or revision application after July 2015.
 - In the case of an existing education corporation seeking to operate more than one school, any transportation of students between schools whether for instruction or for extracurricular activity would be supplemental transportation that would be the responsibility of the education corporation. Please detail any such transportation and make certain that it is included in the appropriate school budgets as well.
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20. Insurance

- Please include the costs for annual premiums in the proposal's budgets.
- Charter schools must obtain insurance coverage for liability, property loss, and the personal injury of students as well as any other insurance that the school deems necessary or is set forth in the Terms of Operation of the Charter Agreement. These insurance policies must be in effect by July 30 of the year in which the school's charter is granted. In the case of liability insurance policies must be in force by the date that the school contracts with any employee. All such insurance policies must contain a provision requiring notice to the Institute, at least 30 days in advance, of any material change, non-renewal or termination of the policy. This may also be accomplished by listing the Institute as an "additional insured," but it is not necessary to do so. Education corporations must also comply with any joint regulations of the New York State Commissioner of Education and Superintendent of Insurance specifically created pursuant to the Act. Currently, there are no such regulations.

21. Fiscal Soundness

a. Budget Narrative

- The applicant should realistically determine the expenses that the school would cover with soft funds raised through philanthropic efforts and note this accordingly, especially in relation to staffing. Furthermore, the applicant should explain how the school would fund such expenses in the absence of soft money, explaining when and how the expense will transfer to recurring revenue streams.
- The Pre-Opening Period Budget refers to the period of time before the school officially opens. The budget for the cash management, purchasing and expenditures, and facilities equipment should show revenues and expenditures the education corporation anticipates receiving and incurring while getting the school up and running. The typical start-up period usually consists of either the six to eight months prior to receiving the first per pupil aid payment on July 1st or a full planning year prior to opening. The template is set up for either scenario.
- The Pre-Opening and First Year Cash Flow projections should reflect a well thought out timetable of anticipated receipts and outlays on a month-by-month basis. This monthly cash flow should match the Pre-Opening Period Budget.
- When preparing budgets and cash flows, the applicant may include up to \$550,000 in federal CSP grant funds unless a CMO that was previously awarded federal replication grant funds would manage the proposed school. NYSED will require the applicant to submit additional information following approval in order to secure such funds as described in Appendix A. The applicant should be sure to propose utilizing CSP funds only for allowable expenses. More information is available at: www.p12.nysed.gov/psc/funding/1517cspapp.html. The applicant should carefully consider the proposed timing of release of grant funds. For example, it may not be prudent or realistic to expect that the school would receive all or a majority of the funds during the pre-opening period as opposed to more evenly distributed over the three year grant period. Also, CSP funds have use restrictions and those restrictions may vary from the planning period to the implementation period of the grant.
- There are opportunities to receive increased levels (up to an additional \$250,000) of CSP funding following the criteria presented in Appendix A of the RFP. The Institute will determine which proposals meet such criteria during and following charter award; therefore, the budget should reflect no more than \$550,000 in CSP grant funds.

- The Year One Budget & Assumptions refers to the first year the school will be in operation. This is arguably the most fiscally crucial year in the initial charter term. The template for year one will require potential education corporations to break down the budget into program (i.e., regular education, special education, and other) and support services (i.e., fundraising and management, and general). This budget format is consistent with the required audited financial statement format for charter schools authorized by SUNY. In addition to the budget, be sure to state the assumptions used in all calculations by filling in column O of the spreadsheet. Reviewers cannot conduct a meaningful review of a budget without a full set of stated assumptions.
- The Year One Cash Flow is a cash flow projection for the education corporation's first year that should reflect a well thought out timetable of anticipated receipts and outlays on a month-by-month basis. The totals in this template should match the year one budget totals and assumptions. Due to the importance of the first operational year, it is crucial that potential education corporations think about and plan out every month to ensure fiscal stability.
- The Five Year Budget and Cash Flow Adjustments is a five year outlook for a potential education corporation for the first five years of school operation. The applicant should complete this tab and include all assumptions for calculations used in years two through five in column N, for example: 3% salary increases annually, 5 instructional staff added in year 3, etc. Year one on the five year outlook tab should tie to the year one budget and cash flow. The applicant can also make adjustments that affect cash flow (depreciation, capitalized expenditures, etc.) to the bottom of the template so that the budget can accurately depict actual cash flow. The Staffing Plan tab should be completed first and the budget will auto-fill with the salary costs.
- State grant funds, such as Charter School Stimulus Fund awards are highly competitive. The applicant should not include these funds in budgets. Likewise, it is important that the applicant only use federal Title I grant funding to supplement the amount of funds available from non-federal sources for the education of students participating in Title I. The education corporation cannot use these federal funds to supplant funds that the school, in the absence of Title I funds, would have spent on Title I students. Budgets should demonstrate (in the assumption(s) column(s)) that Title I expenses supplement and not supplant the school's program(s). More information on Title funding is available on SED's website at <http://www.p12.nysed.gov/funding/currentapps.html>.
- When preparing budget documents, the applicant should use the per-pupil aid projections included in the most current version of the Institute's Budget Template

which can be found here: <http://www.newyorkcharters.org/request-for-proposals/>. All budgets should reflect conservative or no growth of per-pupil funding over the charter term. The Institute prefers flat per-pupil funding, but if necessary, applicants may increase the per-pupil funding to a cumulative total of not more than 5% over the five year period. The Institute always reserves the right to request additional or modified budget information as it deems necessary.

- Under the Act, the NYCDOE has the option of not providing space to applicants seeking to co-locate in NYCDOE facilities and instead paying a 30% increase in per pupil charter school tuition. In that case, the charter school must still find private facilities but will have enhanced revenue to offset the facility costs. Applicants should submit one 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.
- The Act requires an applicant to provide supporting evidence that the fiscal plan for the education corporation is sound and that sufficient start-up funds will be available to the school.¹⁶ Some applicants choose to have an independent certified public accountant, certified financial advisor, or other qualified professional review their financial plan. While this is a good way to fulfill the requirement in the Act, it is expensive. As an alternative, the applicant can indicate in their response the steps that they have taken to ensure that the fiscal plan is sound. For instance, the applicant could point out conservative assumptions used in planning (in the realization of revenue and potential expenses), that the budget contains a substantial contingency fund, or that all revenues are non-contingent or if contingent, discounted, etc. In addition, this response can demonstrate other ways in which the budget takes into account contingencies in staffing, cost overruns, etc.
- Whether the founding team reviews the financial plans or has a qualified professional review the plans, it is particularly important that the applicant ensures that the enrollment assumptions and personnel, equipment, and construction costs identified in other parts of the proposal are consistent with the budget. Enrollment charts and staffing plans need to cross-check to all years of the projected budgets. For instance, if the proposal identifies a remedial program that includes after school tutoring, the budget must provide an entry for costs associated with that tutoring.

¹⁶ Education Law § 2851(2)(e).

- The submission of draft fiscal policies that at a minimum cover accounting and reporting, revenue, and inventory controls will bolster the claim that the fiscal plans are sound.

Information for Replicators

If the applicant is a SUNY authorized education corporation seeking the authority to operate an additional school, the proposal should include a budget for the new school and a budget for the overall education corporation (which would include the income and expenses for the both the new and existing school(s)) in order for the Institute to determine if both the existing and new school would operate in a fiscally sound manner. The applicant should specifically note inflows and outflows to and from the proposed school and the education corporation.

b. Financial Planning

Please see general guidance above about the proposed budget.

c. Fiscal Audits

- Audits must, at a minimum, meet the scope of audits required of other public schools, and all audits must be performed at least annually. For the first annual fiscal audit, the audit period would include the start-up period through the end of the first fiscal year, June 30th, with the financial statements noting the start-up portion of the financials in footnotes.

- Note: The four main schedules contained in the annual audit (statement of financial position, activities, cash flow, and functional expenses) must be completed using the Institute’s mandatory audit templates. The mandatory audit file, Audited Financial Report Template, containing the templates is available on the Institute’s website at: www.newyorkcharters.org/operate/reporting-requirements/audit-report.
- Audits should be conducted in accordance with auditing standards generally accepted in the United States of America and Government Auditing Standards issued by the Comptroller General of the United States.

Information for Replicators

When an education corporation operates multiple schools, the education corporation may engage a single audit so long as individual schedules are prepared for each school as well as the education corporation as a whole. Cash flows between schools should be specifically reported.

d. Dissolution Procedures

- The response should detail the following:
- How to transfer all student records, testing materials, etc. to the school district of location of the charter school and to make available a copy of such records to each student’s parent or legal guardian.
- How to assist in the transfer of students.
- The process for holding public meeting(s) to provide parents information on the school’s closure.
- How to implement the school’s closure plan (available at: <http://www.newyorkcharters.org/compliance/>) (the Institute will provide an outline in the event of closure) and transfer the school’s fixed assets (if any, after the payment of all debts) to either another charter school within the school district or to the school district in which the charter school is located (transferring assets to any other entity, governmental, not-for-profit corporation, or other organization, is not permitted). The proposal should be specific regarding which entity (charter school or district) is the preferred first choice. Please note that an amendment to Education Law § 2851(2)(t) requires that upon dissolution, any remaining funds “that can be attributed to public funding, after all of its debts and obligations have

been paid, shall be paid over to each school district having resident children served by the charter school.”

- How to designate one or more trustees and/or school employees to assist in the closure of the school, from an operational and financial perspective.
- A commitment to establish an escrow account of no less than \$75,000 to pay for legal, final audit, and other wind up expenses that would be associated with a dissolution should it occur. The budget should reflect this commitment and include funding of \$25,000 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.
- A response that does not set forth fairly specific procedures (approximate timeline, individuals in charge, etc.), but only provides an assurance that the school’s procedures will abide by law or repeats the restrictions noted above is not sufficient.

Information for Replicators

- Please note that in the case of a single education corporation operating multiple schools, closing one school will not necessarily result in the dissolution of the education corporation. Therefore, the proposal should include a school closure plan and procedures in addition to any updates to the education corporation’s dissolution plans or procedures.
- The SUNY charter agreement does not require \$75,000 to be reserved for each school in a multi-school education corporation, rather, a schedule capped at \$350,000 is set forth in the charter agreement available at: <http://www.newyorkcharters.org/compliance/> (Model Charter Agreement).

e. Budget Template

- The applicant should use the Institute’s electronic budget templates, which can be found at: www.newyorkcharters.org/request-for-proposals/.
- The applicant should submit a single budget that reflects the most likely facility cost scenario.
- Note: Applicants must use the most up to date version of the electronic budget template available on the Institutes website at www.newyorkcharters.org/request-for-proposals/. Budget plan submitted using previous years’ budget templates will not be considered.

f. Letters of Commitment

Letters of financial commitment should be specific, including the historical amount and timing of that commitment in order for the applicant to appropriately use those funds within the Budget Template. Such letters should not simply reflect an overall interest in working with the proposed school but rather should explicitly commit to providing the specified level of financial resources.

g. Non-SUNY Financials

This Request only applies to the applicant associated with private schools or charter schools that SUNY did not authorize. Please include all IRS Form 990s, and, for the last five years, all audited financial statements and management letters for the replicating school and, if applicable, network of schools.

22. Action Plan

- Starting a charter school is an immense undertaking. The action plan should demonstrate that the founding team understands the many pieces involved in start-up (e.g., student recruitment, staff hiring and training, facility preparation, board development, etc.) and that there is a reasonable plan for putting all of those pieces into place prior to opening the school to students.
- The action plan should include details about how and when the school will develop key components of the academic program and have them in place when the school commences instruction.

Information for Replicators

The Institute will rely on the replicating school's success in opening one or more schools to determine if the replicating group understands the challenges of opening a school. The applicant using the Replication Requests need not submit an Action Plan unless they feel that it would provide information that would support the presentation of the plans to replicate the school. For example, if the replicating group had any difficulties in opening one or more schools in the past, the inclusion of an action plan may address concerns about this area of capacity.

SUPPLEMENTAL INFORMATION

23. Supplemental Information

- In the event that the applicant feels that the Institute and the SUNY Trustees should have other information regarding the proposed charter school which does not fit within any of the other Requests, the applicant may provide such information in response to this Request.
- R-23a should include a narrative about any supplemental documents submitted in R-23b, which should contain the actual documents.
- The applicant should carefully consider the value of supplemental documents and limit inclusion to only those documents critical to supporting the overall proposal.
- If any material annexed as R-23 is referenced in response to any other Response to this RFP, the reference should indicate exactly where the referenced material can be located (e.g., “see pages 7-12 of Attachment 15 for further information”).

FULL MERGED APPLICATION

24. Full Merged Application

- All applicants must submit a single Adobe Acrobat® file that contains responses to every request in the RFP, in the order listed within the RFP.
- All individual documents and pages within the merged file must be legible and conform with formatting guidance described in the RFP. All spreadsheets must be clearly legible and formatted to print on letter-sized paper.
- A model of what the merged file should look like may be found at <http://www.newyorkcharters.org/wp-content/uploads/Valence-Full-Application.pdf>.

Note: This document contains redactions for purposes of public posting.

GUIDANCE FOR RFP APPENDICES

The 2019 SUNY RFP contains two appendices that contain both additional requirements for proposal submission and important resource information.

APPENDIX A: CHARTER SCHOOLS PROGRAM (“CSP”) GRANT PRIORITIES

All proposals that are ultimately approved by the SUNY Trustees may be eligible to receive a federal CSP grant, which is administered by NYSED. Note that the CSP program is currently in transition and all applicants may not receive the same or similar funding depending on when certain federal funds are exhausted and which particular grant is being used at the time of award. More information should be available from NYSED on its website in the coming months.

Appendix A outlines program priorities for the CSP grant, which could result in the receipt of increased funds. It is for that reason that all applicants should read carefully the information in this section to determine what impact, if any, the availability of these funds will have on the proposal development itself. For example, additional funding may be available for replications of SUNY approved schools that meet specific academic eligibility requirements or for proposed new schools with a specific focus on serving at-risk students or schools.

APPENDIX B: ASSURANCES

Appendix B provides an overview of assurances that all applicants must make with respect to the provision of services to students with special education needs, fiscal audits, and dissolution of the education corporation. It is important for all applicants to become familiar with these assurances as all charter agreements will incorporate the assurances.



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