



Response to Public Comments

Comments on Draft 2016 SUNY Request for Proposals

- **To Establish New Charter School Education Corporations to Operate Charter Schools in New York State; and,**
- **For Existing SUNY Authorized Charter School Education Corporations to Operate Additional Schools**

*Collected by the SUNY Charter Schools Institute on behalf of the
State University of New York Board of Trustees*

Issued: February 12, 2016

Defined Terms

Act – the Charter Schools Act of 1998, as amended

Board of Regents – the Board of Regents of the University of the State of New York

CEC – Community Education Council in New York City

CMO – Charter Management Organization

CSE – Committee on Special Education or “IEP Team” under the IDEA regulations

ELL – English Language Learner

FAPE – Free and Appropriate Public Education as defined in the IDEA

FRPL – the federal Free and Reduced Price Lunch Program

IDEA – the federal Individuals with Disabilities Education Act

IEP – an Individualized Education Program as required by the IDEA

Institute – the SUNY Charter Schools Institute

LEA – Local Educational Agency as defined in the IDEA

N-PCL – the New York State Not-for-Profit Corporation Law

NYCDOE – the New York City Department of Education

NYSED – The New York State Education Department

RFA – the Requests for Amendment process whereby the Institute works with charter school applicants to correct and/or provide additional detail to an application to resolve Institute concerns and assure compliance with the Act and all applicable laws, rules and regulations before it is recommended to the SUNY Trustees for approval

RFP –Request for Proposals

Partner Organization- a partner organization may be a CMO or non-profit entity authorized to do business in New York that would be responsible for managing and/or providing significant portion of the proposed school's academic program or operations

Proposal –document submitted in response to a RFP by an applicant seeking to establish a New York State charter school

SUNY Trustees – the State University of New York Board of Trustees (or its designee, as appropriate)

NOTE: All page references are to the Draft RFP published on the Institute website.

Comments/Discussion/ Changes as Noted

Comment 1: A commenter sought clarification on whether the instructions for existing SUNY education corporations seeking to add another school should identify the board chair as the nominal applicant in the Letter of Intent, as directed in the full proposal applicant information directions on p. 67 of the Draft RFP.

Discussion: The Institute agrees and will modify Letter of Intent, Question 1, Applicant Information to align directives accordingly.

Changes to RFP: Letter of Intent, Question 1, Applicant Information now instructs existing education corporations to include the name of the board chair as the nominal applicant, with no further information required in this section.

Comment 2: A commenter questioned whether the new dissolution procedures requirement for replicating applicants means the \$75,000 minimum dissolution reserve be available in escrow commencing in the school’s first year of instruction, which may pose a substantial financial burden to some education corporations.

Discussion: RFP Appendix B: Assurances (p. 103) discusses the amended dissolution procedures. For replicating education corporations, the assurance directs the reader to the charter agreement. Section 8.9 of the revised Model Charter Agreement (available at: www.newyorkcharters.org/model-charter-agreement/) describes the funding process. For the first two schools, \$25,000 per year should be placed in a separate account (not strictly a third party escrow) for each of the first three years of the charter term. Each additional school requires only an additional \$25,000 until the \$350,000 maximum is reached. Therefore, the financial impact is the same or less for replicating education corporations.

Changes to RFP: None.

Comment 3: A commenter questioned the submission of biographical statements for a minimum of five proposed board members with the Letter of Intent and resumes for the same with the full proposal, encouraging the requirements be amended to request both biographical statements and resumes with the Letter of Intent for ease and clarity.

Discussion: The Institute agrees and will modify the requirements for proposed board member information with the Letter of Intent.

Changes to RFP: Letter of Intent, Question 2, Founder Information now instructs applicants to provide both biographical statements and resumes for a minimum of five proposed board members.