



## **Student Recruitment, Application and Admissions Guidance and Reporting Requirements (2020-21)**

### *SUNY Authorized Charter Schools*

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#### **NYSED Uniform Application**

The New York Charter Schools Act of 1998 (as amended, the “Act”) and regulations of the New York State Education Department (“NYSED”), 8 NYCRR § 119.5 (available at <http://www.p12.nysed.gov/psc/aboutcharterschools/Financing/csregs.html>), require all charter schools to use the *New York Charter School Uniform Application* form (the “NYSED Uniform Application”) in one of two ways:

- A. As provided by NYSED without modification (available at: <http://www.newyorkcharters.org/wp-content/uploads/NYSED-Uniform-Application-Form-1.pdf>); or,
  - B. Schools can adapt their own application forms by following the parameters set forth in the *Directions to Charter Schools for the Use of the New York State Education Department’s New York State Charter School Uniform Application Form* (the “NYSED Directions”) available at: <http://www.newyorkcharters.org/wp-content/uploads/NYSED-Uniform-Application-Instructions-1.pdf>. For example, schools can add their logo and branding elements such as a mission statement, theme or motto. However, the mandatory fields provided in the NYSED Uniform Application must still be included along with the specified non-discrimination statement.
- Schools with non-statutory at-risk admissions preferences, e.g., providing a priority to students who are English language learners (“ELLs”), qualify for free lunch, etc., can ask for certain additional information to assess eligibility for the at-risk designations **on a voluntary basis only**.

**Please note that the U.S. Department of Education has determined that schools offering this type of preference on an absolute or set-aside basis may not be eligible for federal Charter Schools Program (CSP) grant funds. Currently, the U.S. Department of Education will permit one extra weight in the lottery for these types of designations so long as the total extra lottery weight is only one. For example, a student who would receive one extra weight for being an ELL and one extra weight for qualifying for free lunch, would still only receive one extra weight in the lottery. Schools within their first three years of**

**operation may want to contact the SUNY Charter Schools Institute to revise their admission policies.**

- On an optional basis schools may provide a preference to children of employees of the charter school or of a charter management organization limited to 15% of the charter school's total enrollment.
  - Schools must affirmatively state they will use this preference by amending their admissions policies and applications.
  - SUNY will consider this a non-material charter revision but will review the revised policy for compliance with the law, and will let each school know if the revision is acceptable. Please contact the Institute if your school intends to modify its admission policy.
  - Schools with preferences for students of employees of the charter school education corporation or charter management organization may ask for certain additional information to assess eligibility for this preference.
  - Students must be eligible to attend New York State public schools; e.g., the student must reside in New York.
  - Schools eligible for CSP grants should be able to offer this preference.
  
- If a school adds any questions or requests for information beyond those in the NYSED Uniform Application template, they cannot be marked as *required*. However, in the case of admissions preferences, if the applicant does not provide the information requested, he or she would simply not be eligible for the lottery preference (and the application can state that fact), but must still be included in the lottery.
  
- Schools with at-risk admissions preferences can also add a modification to the required non-discrimination statement.
  
- Schools can also add additional information to the common application template that they feel is important for parents to know, but this should not include information to be collected at enrollment such as special education or ELL status.

### **General Instructions**

- Schools should identify an "Application Period," the period of time during which the school is accepting applications. The end date of the period should be clearly noted on the application, which may not be prior to close of business on April 1<sup>st</sup>.
  - A school may extend its Application Period beyond April 1<sup>st</sup> (see notes below regarding the April 1<sup>st</sup> date) but the Application Period cannot legally end before April 1<sup>st</sup> for any type of applicant including siblings. Once a charter school establishes an Application Period, the school must accept any applications received within the Application Period. In practice, the Application Period should not be shorter in duration than two months and there should be substantial overlap between the time the school recruits and the time it accepts applications.
  
- If your school only accepts applications for certain grades, that information should be clearly displayed on the Admissions Application and should match the related

admission policy in your charter agreement. If your school has changed or plans to change its Admissions Policy, please contact the Institute as doing so would likely require a revision to your charter.

- If your school's admission policy reserves the right to place students in another grade level based on post-admission evaluation or transcript, this information should also be clearly displayed in the application. Note: any student must be accepted before such placement decisions are made as the school cannot decline enrollment based on achievement or aptitude (or ELL or disability status).
- Note too that per the Act the final application must **“be made available by a charter school in languages predominately spoken in the community in which such charter school is located.”**
  - The term “community” was not defined in the Act and does not have to be the school district or community school district (CSD) (in New York City). The Institute recommends keeping records showing how the school defined the community and the languages into which the application was translated. In addition, for purposes of meeting the Act's enrollment and retention targets, a school should make the application available in the predominant languages in the communities in which it recruits in addition to its location.

### **Random Selection Process (Lottery)**

NYSED's regulations, *Random Selection Process for Charter School Student Applicants*, 8 NYCRR § 119.5, apply to all charter schools. Please be sure to read carefully the NYSED regulations and share them, and this Guidance, with all of those at your school involved in student recruitment, enrollment and the lottery including any external vendors. (Please note the regulations have yet to be updated to reflect the June 2015 change in law allowing students of employees of the charter school education corporation or charter management organization to be provided an admissions preference so long as this student population comprises no more than 15% of the charter school's total enrollment.)

- A random selection process (lottery) is required for all charter schools if the number of timely submitted applications of eligible students for admission to a grade exceeds the capacity of the grade level (or building if the school does not distinguish between grades).
- The lottery must be publicly noticed (date, time and location of the lottery), like a charter school board meeting, consistent with Public Officers Law § 104 (available at: [www.dos.ny.gov/coog/openmeetlaw.html](http://www.dos.ny.gov/coog/openmeetlaw.html)).
- Provide notice of the time and place of the lottery to the news media (the same media outlet your school uses to notice board meetings) at least one week prior to the lottery; AND
- Conspicuously post notice of the lottery in the one or more designated places where your school posts notice of its board meetings at least 72 hours before the lottery; AND,

- Conspicuously post notice of the lottery on the school’s website at the same time as the media notice.
- Per the NYSED regulations, the person(s) conducting the selection of lottery applicants or acting as an impartial observer of the selection of lottery applicants cannot be a board member, employee of the education corporation, or a parent, person in parental relationship, grandparent, sibling, aunt, uncle or first cousin of any applicant to the school or of any pupil enrolled in the school.
  - The lottery must be: 1) held in a space that is open and accessible to the public; and, 2) capable of accommodating the reasonably anticipated number of attendees.
    - If the reasonably anticipated attendance exceeds capacity, separate grade level lotteries may be held in separate locations provided that each lottery is publicized in a manner consistent with the requirements of Public Officers Law § 104 and Education Law § 2854(2)(b).
  - In addition, the location chosen for the lottery should be:
    - accessible by all persons in terms of being able to sign in or pass through security;
    - accessible by persons with disabilities (or reasonable accommodation should be made for them to access the space); and,
    - accessible for parents and guardians of ELLs with translators or translated materials available based on community need or targeted recruitment.
- The charter school should document the steps taken throughout its lottery process, and make such records available to NYSED and/or the Institute upon request. Records should be sufficiently detailed to enable the reviewer to identify the process used, compare the process used to the lottery procedures contained in the education corporation’s charter, and determine that the procedures used were consistent with those set forth in the charter.
- The Institute highly recommends that you schedule your lottery as soon as is practicable after the close of business on April 1<sup>st</sup>. We make this recommendation for two reasons. First, many other charter schools have lotteries at that time. As parents apply to multiple schools it is best to have them make decisions quickly and inform the other schools their students will not be attending rather than wait for a late lottery. Second, school districts will have more time to transfer student records, provide to the charter school the resources required under the law (such as text books), and better plan their own staffing for the upcoming year.
- **IMPORTANT TRANSPORTATION REMINDER.** Per a decision of the Commissioner of Education, charter school parents must request transportation from their school districts of residence BY NO LATER THAN APRIL 1<sup>ST</sup>. In many cases, this will mean parents must apply to the district for transportation before they know if their student will be attending a charter school. It is critically important to inform parents regarding this situation.

- Please note that the NYSED regulations DO NOT cover lotteries or admissions procedures for waiting lists or grades for which a charter school may accept applications but for which no seats are available. In these cases, charter schools should follow the procedures set forth in their charters and contact the Institute with any questions.

**Important Notes:**

Please keep in mind the following:

- The earliest a charter school can hold its lottery is the close of business on April 1, 2019. Therefore, every application received on or prior to April 1 should be considered a “live” application and must be processed according to your school’s procedures. Note that your school may set a later admissions deadline as long as all applications are accepted through that deadline.
- Charter schools are required to demonstrate good faith efforts to attract and retain a comparable or greater enrollment of students with disabilities, ELLs, and students who qualify for the federal Free and Reduced Price Lunch program (FRPL) when compared to the enrollment figures for such students in the school district (or CSD in New York City) in which the charter school is located.
- The Act mandates recruitment and retention targets for students with disabilities, ELLs and FRPL students for all schools with charters issued through the Request for Proposals process and all schools that apply for renewal.
  - Schools may need to revise admissions materials or practices to show such good faith efforts and work to meet the targets. Each school should document not only recruitment activities but also activities to serve these at-risk populations upon admission.
  - For example, schools may need to translate application materials into other languages in order to attract ELLs; specifically target low-income neighborhoods; or develop methods to reach out to parents of students with disabilities.
- **Charter schools entering their first year of operation are required to submit a standard form recording various outreach efforts (see *Reporting Requirements, below*).** Existing charter schools may find it helpful to use the same form to record such efforts, and it is strongly recommended for all schools in light of the enrollment and retention for students with disabilities, ELLs and FRPL students. Schools should also keep copies of admissions materials that were translated into other languages that are predominately spoken in the school district (or CSD) of location. Where appropriate, the Institute will use this information to suggest changes to your recruitment efforts. At the end of your recruitment period, the Institute may also compare the Student Recruitment and School Marketing Efforts (reported by first year, and certain other, schools to the Institute) to the steps actually taken by the school.

Given the small percentages of students that enter charter schools each year through the lottery and the high number of siblings in those applicant pools, at-risk preferences are a key tool to use in trying to meet the statutory targets for students with disabilities, ELLs and FRPL students. Adding such preferences would constitute a revision of your charter. Note that the use of such preferences beyond a single weight in the lottery may foreclose the receipt of CSP grant funds, which is important to schools in their first three years of operation.

Charter schools must give a statutory admissions preference to students residing within the geographical boundaries of the school district or CSD in which the charter school is located. In New York City, SUNY's policy is to use the geographic boundaries of the CSDs as opposed to any form of "zoned" boundary as determined by the New York City Department of Education ("NYCDOE"). Use the following tool from the New York City Department of City Planning to generate the correct CSD for all addresses: <http://gis.nyc.gov/doitt/nycitymap/> by checking "School District." PLEASE DO NOT USE ANY OTHER ADDRESS LOCATORS, EVEN THOSE THAT MAY BE LOCATED ON THE NYCDOE WEBSITE.

- Please note that verifying whether or not an address is within the CSD of location of the charter school may take considerable time, especially if not done on a rolling basis. Schools should plan lottery dates accordingly. Note that applicants residing outside of the CSD of the charter school's location are treated the same as applicants residing outside of New York City (but within the State), i.e., there is no secondary New York City preference. Please also note that a school may operate sites in different CSDs. Therefore, the CSD of the site for the grade should be used for the preference. For example, if a school operates one site for K – 4<sup>th</sup> grade in one CSD and another site for 5<sup>th</sup> – 8<sup>th</sup> grade in another CSD, the preference may only be used where the grade is located.
- The preference for students residing in the CSD of location for New York City charter schools has generated questions regarding the status of other statutory preferences – siblings and returning students. While most schools automatically re-admit returning students who indicate that they will return to the school, some similarly admit siblings of existing students and employee students (up to 15%), the law does not mandate this result, which may be referred to as an absolute preference.
- While it is clear that siblings residing in the CSD would have more preference (or two preferences) and may be selected over siblings not residing in the CSD, the exact methodology is not set forth in the Act. Therefore, a school may, for example, use a random selection process whereby each sibling is given three (or some other number) of chances in the drawing while a child residing in the CSD is given two and a child outside of the CSD is given one.
- The key element is that the lottery criteria (or chances) are known to applicants before the lottery takes place and are preferably contained in the Admissions Application as well. Similarly, applicants should be fully aware of any at-risk preferences the school may use (as set forth in the school's charter agreement). The application should solicit sufficient information to apply such factors, should

indicate that at-risk factors take precedence over the CSD statutory preference, and should state that providing information to receive the benefit of such a factor is voluntary. In addition, any set-asides for at-risk students (e.g., a 15% set aside for ELLs) should be indicated on the Admissions Application and be made clear prior to the start of the lottery.

- While the school district residency preference is a statutory preference like the returning student, sibling, and student of an employee preferences, many schools have amended their charters to add at-risk preferences such as qualification for FRPL or attending a “failing” school (with some schools having more than one factor). Please note that any absolute at-risk preference (i.e., one that is not weighted by number of chances or tickets) must be given priority over the statutory residency preference. This does not mean, however, that the residency preference is ignored; rather, both must be applied together. For example, a school that has a free lunch at-risk design factor would establish its admission priority as follows:
  - Qualifies for free lunch and resides in the school district (or CSD) of location;
  - Qualifies for free lunch but does not reside in the school district (or CSD) of location;
  - Resides in the school district (or CSD) of location;
  - Does not reside in the school district (or CSD) of location.

If you have any questions about this or how weighted lotteries may be used instead of absolute priorities, please contact the Institute.

- Once the lottery has been conducted, notify all parents and guardians who submitted applications by the application deadline whether their children have been granted seats at the school or if they are on the waiting list.
- You will find that many parents and guardians submit applications to multiple schools in order to maximize the number of educational options available to them. As a result, the Institute recommends that after the lottery charter schools engage in a process of confirming a parent/guardian’s intent to enroll his/her child in the school. Doing so will provide a more accurate representation of enrollment figures to both the charter school and the Institute, and provide opportunities for students on the waiting list. It also provides an opportunity to gather additional information regarding special needs of students or ELLs, and other helpful information for school planning.

### **SUNY Reporting Requirements**

Your school must provide the following information regarding recruitment, applications and admission processes for the 2020-21 school year as noted below. The Institute will review the information your school provides and may suggest or require changes where appropriate. Accordingly, it is important that you submit the requested information in a timely fashion.

Please note that the forms referred to below are available on the Institute’s website at:  
[www.newyorkcharters.org/applications-admissions-materials/](http://www.newyorkcharters.org/applications-admissions-materials/).

Completed forms should be submitted no later close of business on the date listed below. Please submit completed forms via Epicenter.



## Reporting Requirements at a Glance

	<b>Reporting Requirement:</b>	<b>Due Date:</b>
<input type="checkbox"/>	Admission Application and other materials shared with applicants	January 2, 2020 or before distribution of application whichever is earlier
<input type="checkbox"/>	Student Recruitment and Marketing Efforts Summary (Pre-Opening Schools Only)	January 15, 2020
<input type="checkbox"/>	Application and Admission Summary	May 1, 2020

### **Admission Application**

Due: January 2, 2020

To protect the open, non-discriminatory nature of the admissions processes of SUNY authorized charter schools, the Institute conducts a review of all admission applications. Please send the school's Admission Application and related materials to the Institute **preferably before it is distributed to potential applicants but no later than January 2, 2020**. After reviewing the admission application, a member of the Institute's staff may contact the school to request revisions.

Since a charter school may produce a variety of admission materials that are distributed to potential applicants during the recruitment process, please provide all materials the school intends to distribute as the Institute would like to review these documents for compliance with applicable law and regulations.

### **Student Recruitment and Marketing Efforts Summary**

Due: January 15, 2020

In order to support new SUNY authorized charter schools in meeting their enrollment targets, the Institute requires schools report on their student recruitment and school marketing efforts. New charter schools that will open in the 2020-21 school year should indicate how they will communicate the availability of seats, as well as areas targeted by advertisements, by using the Student Recruitment and Marketing Efforts Summary form. Existing charter schools may wish to use this form as a template to document such efforts, as the Institute may request this information at a later time. All charter schools should maintain documentation of their recruitment and marketing efforts.

Should the Institute find that a charter school's student recruitment and marketing efforts have been insufficient, the Institute may suggest changes to the school's strategy.

Please download form at: [www.newyorkcharters.org/applications-admissions-materials/](http://www.newyorkcharters.org/applications-admissions-materials/).

### **Application and Admission Summary**

Due: May 1, 2020

The Application and Admission Summary will provide the Institute with important information regarding the extent to which members of your community are exercising the choice in public education afforded by your charter school. It is important that this form is completed correctly.

Please refer to the following guidance when completing the form, or call the Institute should you have any questions.

In the column labeled “Chartered Enrollment for 2020-21,” indicate the chartered enrollment for each grade.

In the column labeled “Available Seats for 2020-21,” indicate the number of vacant seats per grade that the school intends to fill with applicants from the lottery.

In the column labeled “Number of Timely New Applications Received,” indicate the number of new applications received for each grade. Only students who have not previously attended the school should be recorded as new applicants. Do not include the returning students in this column.

In the column headed “Total Number of Students on Waiting List,” indicate the total number of students you are unable to enroll as of the date you complete the form. Please include in this column all students who participated in the lottery, as well as those who were previously on the waiting list, if applicable. Applications that were submitted to the school after the application period (submitted late) should not be included in this number. You may have a waiting list for some grades and not others. For those grades for which there is not a waiting list, place a “0” under this column.

In the column headed “Projected Fall Enrollment as of May 1, 2020,” indicate the total anticipated enrollment of each grade based on returning students and new applicants accepted. This is not necessarily the chartered enrollment. Please do not use numbers that are not based on actual applications and returning students. If only 30 applications are received for an incoming class, do not put 50 as the projected number of students even if that is your chartered enrollment as those extra 20 students may not show up.

Please download form at: [www.newyorkcharters.org/applications-admissions-materials/](http://www.newyorkcharters.org/applications-admissions-materials/).

The school should also retain a copy of the correspondence sent to those applicants who received a seat in the lottery as well as a copy of the correspondence sent to those applicants who were waitlisted should the Institute request these documents.