

FACILITY COMPLIANCE CHECKLIST

During site visits for preopening and charter renewals, the SUNY Charter Schools Institute (the “Institute”) uses this checklist to guide its compliance check of the school’s facility. For more information about the below items, please see the Institute’s [Legal Compliance](#) resource on its website or contact the Institute’s Legal Department at charter.legal@suny.edu.

Item	Deliverables	Legal Citation
Main Office		
Student Files	<input type="checkbox"/> Physical student files are kept in a locked or otherwise secure location.	34 CFR § 99.31(a)(1)(ii)
	<input type="checkbox"/> Electronic student files are password protected.	
	<input type="checkbox"/> Student health files are not stored in the same location as student files.	34 CFR § 99.31(a)
Record of Access or Log	<input type="checkbox"/> A student file record of access, or log, is attached to each individual student file and lists who requested/accessed the records, the date, and the legitimate educational interest for accessing the records. One log for the whole file cabinet of records is not compliant.	34 CFR § 99.32
	<input type="checkbox"/> Electronic student files have electronic access tracking.	
Freedom of Information Law (“FOIL”) Notice	<input type="checkbox"/> FOIL notice is posted or made easily available (i.e., in the handbook) in the main office.	21 NYCRR § 1401.9; Charter Agreement Section 7.2
Complaint Policy	<input type="checkbox"/> Complaint policy is posted or made easily available (i.e., in the handbook) in the main office.	Education Law § 2855(4); Charter Agreement Section 3.10
Flu Educational Materials	<input type="checkbox"/> The required flu educational materials are posted where families can easily see them.	Public Health Law § 613
Child Abuse or Neglect Reporting Information	<input type="checkbox"/> The school has posted in English and in Spanish the toll-free telephone number (1-800-342-3720) operated by the New York State Office of Children and Family Services (“OCFS”) to receive reports of child abuse or neglect and directions for accessing the OCFS website at http://ocfs.ny.gov/main/cps/ .	8 NYCRR § 100.2(nn)
Safe Schools Against Violence in Education (“SAVE”) Plan	<input type="checkbox"/> The school has a district-wide safety plan and a building-level emergency response plan.	Education Law § 2801-a; 8 NYCRR § 155.17
Cash Storage	<input type="checkbox"/> Any petty cash and cash collected (i.e., for student activities such as field trips or clubs) is kept in a lockable unit and there are procedures in place for reporting and processing.	Charter Agreement Section 5.1

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Automated External Defibrillator ("AED")	<input type="checkbox"/> A sign or notice is posted at the main entrance indicating the location of the school's AED(s).	Education Law § 917(3); Public Health Law § 3000-b(3)(f)
	<input type="checkbox"/> There are an appropriate number of operational AEDs, but at least one, to ensure ready and appropriate access for use during emergencies given the number of students, staff members, and other individuals in the building and the physical layout of the building.	Education Law § 917; 8 NYCRR § 136.4
	<input type="checkbox"/> Whenever the school is open for curricular or extracurricular events or activities, at least one staff member in the building is trained in the use of an AED.	
	<input type="checkbox"/> Whenever students are taken off campus for a school-sponsored athletic contest or competitive athletic event, the school ensures at least one staff member trained in the use of an AED is present and AED equipment is provided on-site.	
Student with Disabilities ("SWDs")		
Roster of Students with IEPs	<input type="checkbox"/> The school maintains a confidential and secure roster of students with IEPs.	34 CFR § 300.623; Charter Agreement Exhibit C Assurances Regarding Students with Disabilities
IEP Storage	<input type="checkbox"/> Copies of physical IEPs are kept in locked or otherwise secure locations and electronic IEPs are password protected.	
SWDs Discipline Policy	<input type="checkbox"/> School leaders are familiar with the SWDs discipline policy and the process for determining if a student has a disability before disciplining the student.	34 CFR § 300.530
Nurse's Office		
Medication and Regulated Waste	<input type="checkbox"/> Office can be locked.	Education Law Article 19; 29 CFR § 1910.1030; Charter Agreement Section 3.12
	<input type="checkbox"/> Locked storage is available for medication.	
	<input type="checkbox"/> A locked refrigerator is available for medication requiring refrigeration (i.e., insulin).	
	<input type="checkbox"/> Appropriate sharps disposal is available.	
Student Health Files	<input type="checkbox"/> Student health files are kept in a locked or otherwise secure location separate from other student files.	34 CFR § 99.31(a)

Employee Lounge/Area Staff Members Access		
State and Federal Employment Laws	<input type="checkbox"/> State and federal employment laws are posted in an area staff members can readily access and review them. These include: <ul style="list-style-type: none"> • Federal Fair Labor Standards Act (2016 version) and NYS Department of Labor Minimum Wage poster (updated each year) • OSHA Job Safety & Health Protection • Employee Rights and Responsibilities Under The Family and Medical Leave Act (FMLA) (2013 version or later) • Veterans’ Benefits & Services poster (if more than 50 FTE) (2024) • Prohibition on retaliation (2022) • A copy of Article 23-A regarding employment of people with a criminal conviction • Prohibition on discrimination by NYS Division of Human Rights (English and Spanish) 	For all the federal workplace posters and legal citations, please see the U.S. Dept. of Labor website . For all the state workplace posters and legal citations, please see the NYS Dept. of Labor website .
Facility Design and Safety		
Entrance Security	<input type="checkbox"/> School building doors are locked or there is a security personnel or process upon entering the building.	Education Law § 2801-a(2)(f)
Disability Accessibility	<input type="checkbox"/> The school is accessible under the Americans with Disabilities Act (“ADA”) and there are signs indicating accessibility and accommodations for individuals with disabilities.	8 NYCRR § 155.1; 42 USC § 12101 <i>et seq.</i>
Adequate Space	<input type="checkbox"/> All spaces, including classrooms, restrooms, and special purpose rooms, meet the requirements of the program and the number of students and staff members using the spaces.	8 NYCRR § 155.1
Certificate of Occupancy and Annual Fire and Building Safety Inspection	<input type="checkbox"/> Unless co-located in a NYC Department of Education building, a Certificate of Occupancy is available for inspection and the school complies with NYS Education Department’s (“NYSED’s”) annual fire and building safety inspection requirements.	Education Law §§ 2853(3)(a-1), 807-a
Custodial Closets	<input type="checkbox"/> If chemicals are stored in custodial closets, the closets are locked when personnel are not in the immediate vicinity.	Education Law § 305(19)
Science Labs	<input type="checkbox"/> All science chemicals are in lockable storage areas.	Education Law § 305(19)
	<input type="checkbox"/> Labs using chemicals have a wash station or shower.	8 NYCRR § 14.1; NYSED’s Manual of Planning Standards for School Buildings (2022)
	<input type="checkbox"/> Labs using gas lines have a cut-off valve so tabletop gas cannot be turned on.	
Religious Symbols	<input type="checkbox"/> Any religious symbols, signs, or representations are easily removed or covered.	U.S. Const., Amend. I