Charter School Governance & COVID-19

April 2, 2020
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New York State Executive Orders
Schools

• 202.1: Suspension of Aspects of Public Officers Law through April 11, 2020 and waiver of 180 day rule under certain parameters
• 202.4: Declaration of closure of schools ending April 1st
• 202.11: Extension of school closures until April 15th
Executive Order 202.1
Open Meetings

• Extent necessary
• Held remotely by conference call or similar service
• No public in-person access
• Public has the ability to view or listen
• Recorded and transcribed
OPEN MEETINGS LAW

QUICK REFERENCE GUIDE

New York State of Emergency Due to COVID-19
Charter School Governance & the N.Y. Open Meetings Law

With schools closed across the state, governing bodies must continue to govern their charter schools to ensure students have access to education and can continue in due course when civil authorities determine to reopen school buildings.

Executive Order 202.1

Governor Cuomo’s Executive Order 202.1 (“EO 202.1”) provides for the suspension of Article 7 of the Public Officers Law:

- to the extent necessary to permit any public body to meet and take such actions authorized by the law without permitting in public in-person access to meetings and authorizing such meetings to be held remotely by conference call or similar service, provided that the public has the ability to view or listen to such proceeding and that such meetings are recorded and later transcribed.

EO 202.1 is effective through April 11, 2020. The Institute will update this guidance if the order is extended. (The full text of EO 202.1 and similar authority is available at: https://www.governor.ny.gov/executiveorders).

Trustee Participation

EO 202.1 suspends the N.Y. Open Meetings Law requirements that boards meet in person or by videoconference only, and that each location of a trustee participating by video be included in the notice. Therefore, boards may choose a platform that allows members to participate from their homes. Board members may also participate by telephone without video, for the period of the order, and be counted toward quorum and vote on any and all matters.

Public Access

Under EO 202.1, the provisions for in-person public access were suspended. That said, meetings must be held in a manner which allows the public to listen or view. This can be done by different platforms that allow webcast or conferencing, or telephone conference call. The platform only has to allow the public to view or listen. EO 202.1 does not require access for public participation. The board should consider how it will receive feedback, and how it would allow for orderly comment during a webcast meeting or call. A board may consider questions being emailed prior to the meeting so the board may consider and/or respond, or a board may allow real time comments to be submitted during the meeting. A board may decide with what works best for it.
How Often?
How Often?

More Than Before.
Trustee Participation:
By conference or video call
Trustee Participation:
By conference or video call

What is a Meeting?
Convening of a public body for the purpose of conducting school related business
Trustee Participation:
By conference or video call

What is a Meeting?
Convening of a public body for the purpose of conducting school related business

Public Access?
The public may listen or view
Recording & Transcription
Minutes

• Date, time & location (video, conference call, etc.)

• What Trustees present?

• What Trustees not present?

• Brief description of discussion items

• Record of voting
Minutes

Open Meetings Law

(NAME) Charter School/Education Corporation
Board Minutes
(Date & Time & Location)

Notice was provided on [website] on [date].
The meeting was convened via telephone / video conference at [number] and/or [website]. Participant code ____________

A quorum of ________ trustees out of _________ total number of trustees was present as follows:

Attendance
Board Members Present: [Denote how each participated, phone or video]
Board Members Absent:
Staff Present: [Denote how each participated, phone or video]

I. Call to Order
II. Leadership Reports:
   a. Executive Director
   b. Operations
   c. Key School Leadership Reports
III. Committee Reports
IV. Special Projects (i.e. Fundraising, facilities, summer after school programming)
V. Business
   a. Approval of Minutes from [DATE] meeting
   b. Resolution XX
      i. Move:
      ii. Second:
      iii. Aye:
      iv. Nay:
      v. Abstain:
Minutes

• Date, time & location (video, conference call, etc.)
• What Trustees present?
• What Trustees not present?
• Brief description of discussion items
• Record of voting

Executive Session

• Motion from public session to go into Executive Session
• Reason for Executive Session
• Minutes of Votes Taken, if applicable
Notice

• More than a week in advance to 72 hours in advance

• Less than a week in advance “to the extent practicable”

• Provide date, time & means

• Provide to the news media

• Post on the school’s website

• Post in one or more designated public locations**
Notice

OPEN MEETINGS LAW

[SAMPLE PUBLIC NOTICE]

Pursuant to Governor Cuomo’s Executive Order 202.1 issued on March 12, 2020 suspending the in-person public participation provisions of the Open Meetings Law, the [Name of Education Corporation] meeting scheduled for ________, 2020 will be held electronically via [conference call][webinar]. Members of the public may [listen to] or [view] the board meeting by [insert instructions to dial into the conference call or log into the webinar]. A recording of the meeting will be transcribed and posted on the website at: [insert link].

[Attach Agenda here.]
Governance Considerations

- Governance
- Educational Continuity
- Workforce
- Operations
- Culture
Governance

- Frequency
- Meeting Set-up
- Reporting: What, How and Who?
- Bylaws Review
- Delegations
- Succession Plan
- Communication Plan
Educational Continuity

- Educational Plans for This Year
- At-Risk Populations
- Data Collection
- Plans and Supports for Return to School
Workforce
• Human Resource Considerations
• Expectations
• Supports
• Evaluation
• Staffing
• Recruitment
Operations

- Admission and Lottery
- Facilities
- Finances
  - Electronic Payments
  - Policies & Procedures
  - Internal Controls
- Compliance
- Resources
Culture

- Students & Families
  - Touchpoints with students
  - Supports for education
  - continuity plan, security,
  - and health

- Leadership & Staff
  - Touchpoints
  - Supports
Resource Center for Board Members, School Leaders and the Community

This Resource Center is intended to serve as a valuable tool for SUNY charter school board members, leaders, applicants, researchers, parents, and other members of the community. It includes a variety of information about the SUNY authorization process, key benchmarks, and compliance requirements, as well as model documents, guidelines, tools, templates, and performance reports. If you are unable to find the information you are seeking, please do not hesitate to reach out to the Institute at charters@suny.edu.

Tips for Using These Resources

- When reviewing recommended items for consideration, proactively prepare by considering items 2-3 months into the future. Similarly, review the calendar of compliance deadlines several months ahead to ensure board awareness of each requirement.
- After reviewing the complete list of recommended items for consideration, reflect on your own work as a board member over the last year. Which topics did the full board or individual committees were left unresolved or perhaps, not even discuss or consider?

Newyorkcharter.org/ResourceCenter
Resources

ed.gov/coronavirus

nysed.gov/coronavirus

newyorkcharters.org/coronavirus

nycharters.net/covid-19-coronavirus-updates/

nyccharterschools.org/covid19
Questions?
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