

Brief Background:

New York Charter Schools Act: SUNY / Regents Authority Quick Facts on NYS Charter Schools

- The New York Charter Schools Act of 1998 as amended (the “Act”) named three “chartering entities,” or authorizers to receive and review applications for new charter schools. Each authorizer was also given ongoing responsibility for oversight and evaluation of the schools they authorize, including review of each school’s application for charter renewal.
- The Board of Trustees of the State University of New York (“SUNY”) and the New York State Board of Regents (“Regents”) were designated as state-wide charter school authorizers with the ability to approve charter schools in any area of the state. Each state-wide authorizer was given 100 charters to award.
- Local school districts were also given the authority to authorize charter schools in collaboration with the Regents, i.e., the Regents has final approval over new application, revision and renewal decisions made by local districts, and, any charter schools authorized by a district would be counted as one of the charters given to the Regents to award. To date, only the Buffalo City School District and the New York City Department of Education recommended charters. In New York City (by nature of it having a population of one million or more), the authority is given to the Chancellor of the New York City school system.
- The Act contains several additional provisions related to the authority of the two state-wide authorizers that are driving recent efforts by the Regents to have the Act further amended:
 - Currently, per the Act, charter school related decisions made by SUNY are sent to the Regents for review and possible approval.
 - Staff of at one of two offices of the New York State Education Department (Albany or New York City) conduct exhaustive reviews of each SUNY item and in turn make a recommendation to the Regents to either: approve the action, or return it to the SUNY Trustees with comments and suggestions for modifications.
 - If an item is returned, SUNY must consider the Regents comments and, in consultation with the applicant, vote to either: resubmit the action with modifications; resubmit it without modification; or abandon the action.
 - If the action is resubmitted, with or without modification, the Regents have 30 days to approve the action. If it is not so approved, on the 31st day post resubmission, the Regents must issue the new charter, revised charter, or renewal charter by operation of law.
 - *It is this ability of SUNY to ultimately have an action approved that the Regents may not agree with that the Regents are currently working to overturn.*
- In addition, the Act also stated that the Regents would have overarching monitoring authority over all charter schools regardless of authorizer.
 - This results in countless visits to SUNY authorized charter schools each year by State Education Department staff (recent documentation shows as many as 7 or 8 ‘pre visits’ leading up to a multiple day visit for the academic team, in addition to visits for Title I,

special education, etc.). Because the accountability and renewal standards for SUNY are different from those of the Regents, schools often receive conflicting messages as a result of these visits and often get cited for violations in public visit reports for things that are not in their charters. All of these visits are in addition to those performed by the SUNY Charter Schools Institute on behalf of the SUNY Trustees; visits which are uniquely aligned with SUNY's Charter Renewal Benchmarks and the goals of each school's academic accountability plan.

- *This duplication of effort, along with that noted above in terms of new application review, renewal application review, etc. has been a growing source of frustration for SUNY. More importantly, it violates the tenants of 'freedom from bureaucracy,' and 'independence and autonomy,' that are fundamental to the charter school effort.*
- In October of 2008, a new effort was initiated by SUNY Board Chairman Carl Hayden (himself a past leader of the Regents) and then Regents Chancellor Robert Bennett to address the respective concerns of SUNY and the Regents in hopes of not only resolving differences – knowing that in some instances the two entities would “agree to disagree,” but to foster increased communication and collaboration, particularly in the area of authorizer driven research. SUNY Charter Schools Institute Executive Director Jonas Chartock and State Education Department Senior Deputy Commissioner Johanna Duncan-Poitier were charged with implementation.
 - After several months of phone conversations and meetings between the two senior officers, the respective staffs were brought together for a meeting aimed at addressing those areas in which the two entities most frequently disagreed. It was a productive but brief meeting. Plans were made to identify times when two sub-group meetings could take place and a second date for the full staffs to come together again.

Multiple attempts by SUNY to have these subsequent meetings scheduled have been unsuccessful.

- Currently there are 115 charter schools in operation across New York State, an increase from 96 charter schools last year:
 - 49 schools authorized by SUNY;
 - 40 authorized by the New York City Schools Chancellor;
 - 24 authorized by the New York State Board of Regents; and
 - 2 authorized by the Buffalo City School District.
- By far the largest number of charter schools in the state, 82, are located in and around New York City. There are currently 10 charter schools in the Capital District and another 23 in Western/Central New York.
- New York State Charter Schools are serving over 30,000 students this year, the majority of whom are at risk of academic failure: 74.5% of all NYS charter school students qualify for free or reduced price lunch.
- Under the current cap on charter schools in New York State, SUNY has 28 remaining charters to award. The Regents and Districts (including the Schools Chancellor), have 21 charters remaining to award.