

NEW YORK

(Law passed in 1998; 6th strongest of the nation's 43 charter laws)



New York's charter sector has received a lot of print as of late. But a recent lawsuit has pointed out some of the deficiencies in the Empire State's law that despite its model actions in authorizing, the funding mechanism treats a student in Buffalo very differently than one in Brooklyn (41 percent gap in base aid has been frozen for years). New York has a strong charter school law regardless, featuring high-quality components: a variety of independent authorizers, including a model higher-education authorizer in SUNY; blanket waivers from most traditional rules and regulations; and strong accountability. The cap on the number of schools allowed is increasingly problematic once again, as NYC is close to its limit and 50,000 families remain on waiting lists in the Big Apple.

INDEPENDENT OR MULTIPLE AUTHORIZERS - YES (3)

APPROVAL	School boards, the state board of education (New York Board of Regents) or the board of trustees of the State University of New York (SUNY) can all be authorizers. The Board of Regents is the only body that can officially issue a charter. In New York City, the Chancellor also has direct authorizing power subject to the Board of Regents approval.
APPEAL	None

OPERATIONAL AUTONOMY

STATE	Yes. Charter schools do receive a blanket waiver from most traditional public school rules and regulations. Virtual schools are not allowed. ESP management contracts are restricted to nonprofits for all charters that were approved after 2010, and there are strict conflict of interest provisions and additional regulations for providers. Additional rules and regulations from the state concerning charter school operations have been imposed over the years.
LOCAL	Limited. Districts impose many local rules and regulations on operations, facilities, etc. Charters are not considered their own LEA when it comes to special education.
TEACHER FREEDOM	Limited. Schools enrolling fewer than 250 students in the first year are exempt from collective bargaining agreements. For schools enrolling more than 250 students in the first two years, employees will be considered members of the union or employee organization within the district. Teachers in conversions remain covered by district collective bargaining agreement, but may, by mutual agreement, negotiate waivers from contract provisions. Charter employees may choose to be part of the relevant retirement system.

NUMBER OF SCHOOLS ALLOWED

CAP	Yes, a total of 460 new starts are permitted in the state, of which 114 are reserved for New York City, and 260 are evenly split between SUNY and the Board of Regents. There is no cap on conversion schools. While statewide the cap has not been reached, there are approximately only 25 charters left in New York City.
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EQUITY

<p>STUDENT FUNDING</p>	<p>Funds pass through the district. Each charter schools aid amount is determined as a proportion of what its spent per pupil by each student's host district (so a school drawing from 8 different districts will have 8 different per pupil funding rates it collects). As a district's spending goes up, thus so does the per-pupil amount a charter school gets. However, the base funding for charter schools has been frozen for years and a decision was made to freeze for an additional three years. Some qualifying charters will receive a temporary supplemental payment in the amount of \$250 per pupil in 2014-15, \$350 in 2015-16 and \$500 in 2016-17 to "take the edge off" of the continuing funding freeze.</p> <p>"The school district of residence shall pay directly to the charter school for each student enrolled in the charter school who resides in the school district the charter school basic tuition which shall be: (i) for school years prior to the two thousand nine--two thousand ten school year and for school years following the two thousand sixteen--two thousand seventeen school year, an amount equal to one hundred percent of the amount calculated pursuant to paragraph f of subdivision one of section thirty-six hundred two of this chapter for the school district for the year prior to the base year increased by the percentage change in the state total approved operating expense calculated pursuant to paragraph t of subdivision one of section thirty-six hundred two of this chapter from two years prior to the base year to the base year" N.Y. Educ. Law § 2856 (McKinney).</p>
<p>FACILITIES FUNDS</p>	<p>In NYC beginning in 2014-15, the district must provide charters that request co-location in a public school building a no-cost co-location or space in a different facility at the district's expense. A charter could appeal the district's offer or failure of an offer, but a charter could end up paying for their own facilities if the appeal is not ruled in their favor. N.Y. Educ. Law § 2853(4)(d) (McKinney).</p> <p>A charter schools stimulus fund provides financial support for start-up costs or renovation and construction of facilities. The state has appropriated \$3.1 million.</p>

IMPLEMENTATION POINTS

<p>+ 1</p>	<p>One point awarded for the state's responsible authorizing - opening strong charter schools while holding current charters accountable to their contracts and closing them as necessary.</p>
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[LINK TO THE NEW YORK CHARTER SCHOOL LAW](#)