

# Guidance on Charter Revisions and Board of Trustee Changes



November 2012

# Session Overview

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## 3. Welcome and Introductions

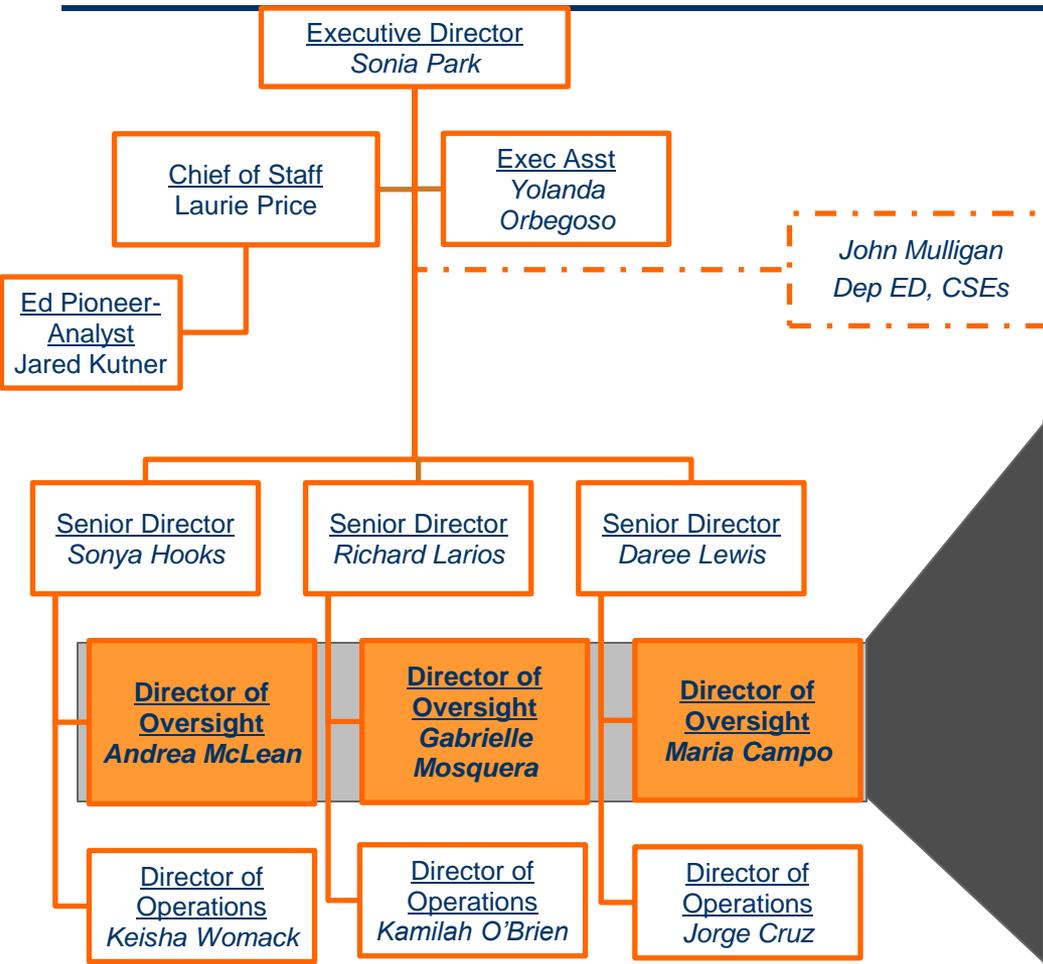
### Charter Revisions

4. Understanding Charter Revisions
5. 3 Elements of a Charter Revision Request
6. Non-Material Revisions Process
7. Material Revisions Process
8. Public Hearing for Material Revisions
9. Public Hearing Responsibilities
10. Post-Approval Procedures

### Board Additions and Resignations

11. Board Membership and the 2010 Law Amendments
12. 4 Elements of a Board Addition Approval Request
13. Notes on Board Addition Approvals and Member Resignations
14. Conflicts of Interest: Absolute and Case-by-Case
15. Resources
16. Directors of Oversight Contact Information

# Welcome and Introductions



## Directors of Oversight

Andrea McLean



Cohort 1

Gabrielle Mosquera



Cohort 2

Maria Campo



Cohort 3

# Understanding Charter Revisions

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- The framework for the revision process is based in NY Charter Law, section 2852(7)(a) and SED's Technical Advisory for Charter Revisions
  - "a revision of a charter shall be made only upon the approval of the charter entity and the Board of Regents..."
- Revisions may be categorized as material or non-material
- Material revisions require a public hearing; non-material revisions do not
- Most revisions may be accepted on a rolling basis
- Revisions involving changes to maximum enrollment or grade configurations must be submitted to DOE by November 1 of the previous academic year
  - DOE will submit to SED by December 15
  - Board of Regents has the final vote

# The 3 Elements of a Charter Revision Request

All charter revision requests must include the following 3 documents. These documents should be submitted to the DOE **after the pending revision has been voted on by the Board.\***

## 1. Letter Requesting Charter Revision

- Contact person's name, position, telephone number, and email
- School name and location
- Date/year of school's original charter
- Date(s)/year(s) of school's renewal(s)
- Description of the change(s) being requested, how it differs from charter
- Rationale for change(s)

## 2. Board Minutes

- Meeting minutes documenting the board's vote to approve of the changes being requested

## 3. Revised Charter Pages

- Pages should demonstrate the old and new language (pending approval)
- Use strikeouts for deleted text
- Use bold or italics for added text
- Include all affected pages of charter (and appendices)
- Submit actual pages, not an excerpt of revised text

**\*If Board delegates the revision submission to a school staffer, this must be noted in writing**

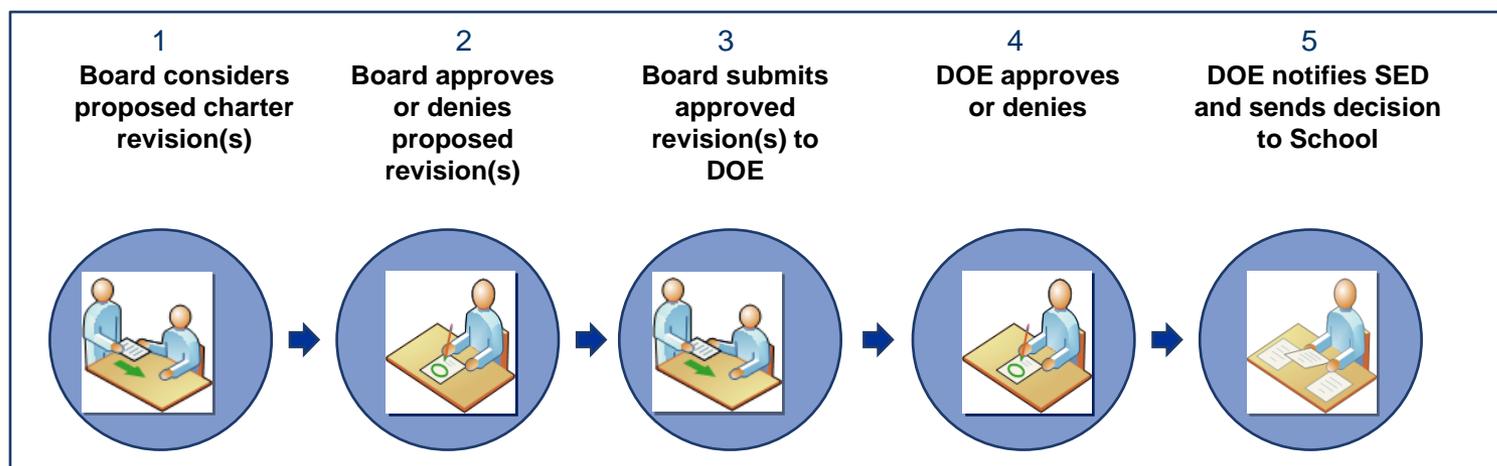
## Additional details for enrollment and grade configuration revisions

- Current maximum enrollment
- Current grade span
- Current students per grade
- Number of students requested (if applicable)
- Distribution of new students in school (if applicable)

# Non-Material Revisions Process

## Non-Material Revision Categories

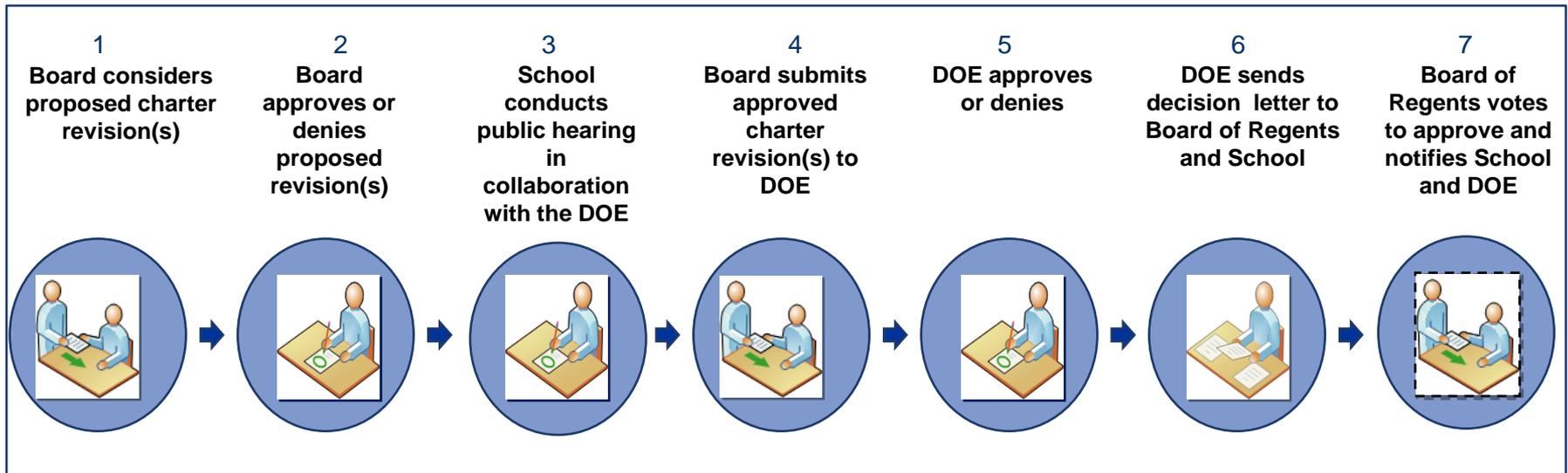
- By-laws
- Schedule (daily or yearly)
- Admissions policy or enrollment process
- Code(s) of conduct, disciplinary codes, personnel policies, complaint policies, student/family/teacher handbooks
- Clarifications of the mission statement or sections of the charter that do not affect the school's mission, organizational structure, or educational program
- Minor corrections/clarifications to a school's organizational structure or organizational chart



# Material Revisions Process

## Material Revision Categories

- Educational philosophy, mission, or vision
- Significant governance or leadership structure
- Curriculum model
- Maximum enrollment
- Grades served
- Hiring or termination of a management company
- School name



# Public Hearing for Material Revisions

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- Public notices should be distributed at least 2 weeks before the hearing is conducted
- The hearing **must** be held in the CSD where school is located
- Hearings for enrollment increases and grade configuration changes **must** be held before Dec. 15 of the year prior to when the change will take place

# Public Hearing Responsibilities

## School Responsibilities

- Providing hearing date, time, and location to the CSAS
- Securing extended use permit and translation services (if needed)
- Backpacking the hearing notice
- Informing staff of the hearing
- Posting hearing notice in school and on school website
- Providing a school representative for the hearing
- Providing hearing equipment (microphones, tables and chairs)

## CSAS and the school work together to develop and distribute the Notice of Public Hearing

**NYC Department of Education**  
David M. Weiser, Chancellor

**Notice of Public Hearing**

Date: XXXXXX

Time: Speaker Registration: 4:30 PM – 5:00 PM  
 Presentation, Comments, and Questions: 5:00 PM

Location: NAME OF SCHOOL  
 STREET  
 CITY, ZIP CODE

Event: This public hearing is open to anyone interested in learning about the following charter revision for a school located in Community School District #XX.

NAME OF SCHOOL is seeking to:

Name of Charter School	XXXXXXXX XXXXXXXX XXXXXX
Terms and Dates of Charter	First Renewal Charter DATE – DATE
Current Grade(s) and Approved Enrollment	FISCAL YEAR: Grades XXX, # STUDENTS
Current Year of Operation	2010/2011's 3rd Year of Operation
District of Location	CSD XX
Proposed Charter Revision	RATIONALE FOR REVISION

This school is authorized by the Board of Regents of the University of the State of New York. More information can be accessed at authorizer's website.

Comments are welcome; speakers must register within 30 minutes of the hearing's start time. Written comments will also be collected on at the hearing or be submitted via email to: charter-school@schools.nyc.gov.

Pursuant to Education Law 2857(1), the New York City Department of Education is required to hold a public hearing to solicit comment from the community in connection with any revision proposal for a charter school.

Charter School Office      718 242 3633      CharterSchoolOperations@schools.nyc.gov

## CSAS Responsibilities

- Drafting the hearing notice
- Distributing the hearing notice to DOE Communications, Office of Public Affairs, DFACE, Space Planning, and CECs
- Facilitating the hearing, including materials
- Posting the hearing notice on the CSAS website
- Monitoring comments over a 48-hour window

# Post-Approval Procedures

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1. DOE sends its approval letter to Board Chair, who must sign acknowledgement of the approval letter and send it back to CSAS
2. CSAS signs this copy and sends fully signed notice to Board chair and school leader for their records
3. CSAS sends the fully signed copy to SED
4. School incorporates revised charter pages into master copy of charter

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# Board Additions and Resignations

# Board Membership and the 2010 Law Amendments

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- The CSAS is mandated to provide oversight of charter schools' Boards of Trustees
- The CSAS provides guidance and monitoring of board compliance, additions, resignations, financial disclosure, conflicts of interest, and governance

## 2010 Amendments to NYS Charter Law:

- Core autonomies of schools or boards are unchanged
- Amendment implications for Board membership:
  - Contain provisions requiring charter schools to abide by General Municipal Law covering conflicts of interest, bans on gift giving, and other topics to the same extent as school districts
  - Require Yearly Disclosure of Financial Interest forms to be completed, sent to SED
  - Restrict schools from paying Board members for services
  - Raise questions around staff members as Board members

# 4 Elements of a Board Addition Approval Request

1. Board meeting minutes that show approval vote of proposed trustee (full and ex officio)
2. Résumé
3. Disclosure of Financial Interest Form
4. CSAS's New Board Trustee Questionnaire
  - Use most current version
  - Must be filled out by new Board members themselves
  - Must be signed by hand

## Board Minutes

## Board Member Résumé

## Disclosure of Financial Interest

## Board Questionnaire

# Notes on Board Addition Approvals and Member Resignations

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- CSAS must be notified of additions/resignations within 5 business days
- New board members may attend Board meetings but may not vote until they are approved by CSAS
- New Board members are automatically approved after 90 days if the CSAS does not respond to notification of approval by that time
- Schools must submit an updated Board roster to CSAS within 5 business days of new member approval or member resignation

# Conflicts of Interest: Absolute and Case-by-Case

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Board membership is highly contingent upon verification that there are no conflicts of interest between the school, the board, and potential board member.

## Absolute Conflict

*Individuals who fall into these categories pose a clear conflict and may not be considered for addition to the BOT*

- Outside contractors who receive payment from the school in exchange for services provided
- Anyone who can make decisions that directly impact the school (e.g., co-located principal, CEC Superintendent, etc.)

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## Case-by-Case

*Individuals who fall into these categories may not pose a clear conflict of interest may not to be considered on a case-by-case basis*

- DOE employees
- School employees

# Resources

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## Charter Revision Resources

- [NYSED Guidance on Charter Revisions](#)
- [2012-13 Accountability Handbook for DOE-authorized Schools](#)

## Board Addition Resources

- [CSAS Board Questionnaire](#)
- [Disclosure of Financial Interest Form](#)
- [CSAS Board Roster Template](#)
- [NYS General Municipal Law](#)

## CSAS Cohort List

- [CSAS 2012-13 Cohort List](#)

# Directors of Oversight Contact Information

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## Contact us for more information

Cohort	Director of Oversight	E-mail
1	Andrea McLean	amclean5@schools.nyc.gov
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3	Maria Campo	mcampo3@schools.nyc.gov

Website	Phone
<a href="http://www.schools.nyc.gov/charters">www.schools.nyc.gov/charters</a>	212.374.5419