



THE STATE UNIVERSITY OF NEW YORK

MEMORANDUM

September 15, 2010

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Chancellor

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To: Members of the Board of Trustees

From: Nancy L. Zimpher, Chancellor

Subject: Charter Schools Delegation

I recommend that the Board of Trustees adopt the following resolution:

Whereas the Charter Schools Act of 1998 (as amended, the "Act") (Education Law §2850 et seq.) vests the Board of Trustees with responsibilities as a charter entity, particularly with respect to the establishment, oversight and termination of charter schools, and the Board of Trustees desires to undertake such responsibilities in an efficient manner; now, therefore, be it

Resolved that the Board of Trustees delegates to the Education, College Readiness and Success Committee the following functions and responsibilities set forth in the Act:

- the approval of applications for charter renewal including the resubmission thereof to the Board of Regents with or without modification;
- the approval or denial of applications for charter revisions including the resubmission thereof to the Board of Regents with or without modification;
- the consideration of school district comments in connection with applications to establish, renew or revise charters;
- the resubmission to the Board of Regents with or without modification of any new charter application returned to the Board of Trustees by the Regents;
- the approval or denial of applications for federal and State charter school grants;

- the promulgation and revision of policy related to the authorizing of charter schools; and
- any other function related to charter schools not specifically retained by the Board of Trustees;

provided, however, that the Board, on its own initiative or on request of its Education, College Readiness and Success Committee, may take up any matter delegated by this resolution to the Education, College Readiness and Success Committee; and, be it further

Resolved that the Board of Trustees retains, and does not delegate to the Education, College Readiness and Success Committee the following functions and responsibilities:

- the approval, denial or abandonment of an application to establish a charter school, pursuant to Education Law §2852;
- the denial or abandonment of an application to renew a charter, pursuant to Education Law §§2851(4) and 2852;
- the closure of any charter school and the approval of any renewal or revision application to replace the school's educational program; and
- the termination or revocation of a charter, pursuant to Education Law §2855;

and, be it further

Resolved that the Board of Trustees delegates to the Charter Schools Institute authority to: (1) approve or deny minor charter revisions including name changes; changes in school opening date; enrollment changes that do not include the approval of new elementary, middle or high school programs; location changes; by-laws and policy changes; and curriculum, academic program, leadership and staffing changes; and (2) approve charter extensions of up to two years for schools that did not open opting instead to take one or more planning years prior to operation; provided, however, that the Board, on its own initiative may take up any matter delegated by this resolution to the Charter Schools Institute, and provided further, that the Education, College Readiness and Success Committee, on its

own initiative or on request of the Charter Schools Institute, may take up any matter delegated by this resolution to the Charter Schools Institute; and, be it further

Resolved that Resolution 2008-81, adopted May 13, 2008, be, and hereby is, repealed; and, be it further

Resolved that the Charter Schools Institute shall continue to have authority to facilitate the performance of obligations of the Board of Trustees pursuant to the Act.

Background

The resolution delegates to the Education, College Readiness and Success Committee similar duties and responsibilities of the Board of Trustees with respect to charter schools that the Board delegated to the Committee on Charter Schools by Resolution 2008-81, hereby repealed, and also delegates the approval of charter school grants. Among the functions of the newly created Education, College Readiness and Success Committee are those previously performed by the Committee on Charter Schools, now abolished. The resolution further delegates to the Charter Schools Institute the ability to approve or deny certain, minor charter revisions and charter extensions formerly handled by the Charter Schools Committee.

The Board of Trustees is charged with several tasks as a charter entity under the Charter Schools Act of 1998 (as amended, the "Act"), a great many of which are ministerial in nature. This resolution delegates to the Board of Trustees' Education, College Readiness and Success Committee many of those functions but reserves the creation and termination of charter schools to the Board. On its own initiative or on request of the Education, College Readiness and Success Committee, the Board of Trustees may take up any matter delegated by this resolution to the Education, College Readiness and Success Committee. Similarly, the Board of Trustees or the Education, College Readiness and Success Committee may take up any matter delegated by this resolution to the Charter Schools Institute.

This resolution continues the authority of the Charter Schools Institute to handle the day-to-day functions related to charter authorization, including the following: (1) entering into a proposed charter with an approved applicant, submitting it to the Board of Regents, and making clarifying changes required by law or requested by the Regents; (2) giving statutory notice to school districts and public and non-public schools related to charter approval, renewal and revision; (3) receiving and forwarding comments from the Board of Regents and school districts; (4) oversight of charter schools; (5) receiving required reports from charter schools; (6) holding hearings related to charter

school facilities; (7) hearing, investigating and responding to complaints pursuant to Education Law §2855(4); (8) receiving and reviewing applications for charter approval, renewal and revision, and charter school grants, and making recommendations to the Board of Trustees or the Education, College Readiness and Success Committee, as appropriate; and (9) drafting requests for proposals for new charter applications, affording the public an opportunity to comment thereon and responding to comments pursuant to Education Law §2852(9-a).