MEMO

To: All NYC Charter Schools

From: New York City Charter School Center

Re: New provisions passed in the 2015 Legislative Session Affecting Charter Schools

Date: June 26, 2015

The Senate and Assembly have passed new legislation regarding charter schools. The new provisions are effective immediately and provide for the following.

1. Charter Cap Restrictions Revised
   The charter school sub-cap for New York City has been increased and now a maximum of 50 new charters have been allocated for potential use. In addition, and for the first time, there are no numerical limits for the two authorizers and no annual limits on the numbers of charters authorized. As such, the SUNY Board of Trustees (“SUNY”) or the Board of Regents (the “Regents”) are no longer restricted in how many charters each authorizes as long as together they do not exceed a total of 50. With the increase in the New York City sub-cap, and combined with schools that are currently growing or schools already approved but not yet opened, the sector will be able to create some 60,000 new seats in New York City. The statewide charter school cap of 460 has not changed, but it has effectively been increased by 22 as the new law has revived a subset of charters previously revoked (and which previously could not be used again). This means that there are 130 charters available outside of New York City for a total of 180 charters available statewide.

2. Teacher Qualification Flexibility
   The teacher certification exemption that allows charter schools to have uncertified teachers for 30 percent of their teaching staff or five teachers, whichever is less has been extended. This exemption still applies and schools can now have an additional ten uncertified teachers provided that five of these teachers are teaching math, science, computer science, technology, or career and technical education (the other five are not restricted). Uncertified teachers must still fall into one of four exception categories (three years prior teaching experience, completion of TFA, member of college faculty, or other specific exceptional experience) and be highly qualified per federal law.

1 Conversion charters remain unlimited and the Chancellor of DOE remains the exclusive authorizer for a conversion charter school in New York City; no school in New York City has converted since 2002.

2 The number of charters available outside of New York City may be 131 as there is a question as to whether one recent charter was in fact actually issued.
3. Permissive Enrollment Preference for Staff of a Charter School or CMO.

The new legislation allows charter schools, if they choose, to add an enrollment preference for children of employees of the charter school (including employees at the charter management organization), provided that the enrollment for this preference does not exceed 15 percent of the charter school’s total enrollment. Currently, charter schools are required to have enrollment preferences in their lottery for continuously enrolled students, siblings, and students living in the same community school district as the charter school. Charter schools are permitted to have enrollment preferences for at-risk students, students with disabilities, and English language learners. Because the law does not establish a priority in ordering preferences, we believe that this preference can be prioritized above the mandatory preference for students residing in the community school district in which the school is located. Of course, a school must still meet the comparability targets with CSDs for students eligible for free and reduced price lunch program, students who are receiving special education services and ELLs.