

New York State Education Department

Prior Actions Memo to Support New

Acknowledgements

Much of the information provided in this Prior Actions Memo was derived from exemplar materials created by charter school authorizers and other supporting organizations that are nationally recognized for their policies and procedures aimed at increasing the number of high quality charter schools. The Board of Regents

Overview

There are specific activities, or Prior Actions, that a Board of Regents authorized charter school must complete, or make significant progress toward completing, before a new school may officially open to the public.¹ The purpose of this document is to provide guidance to SED's Charter School Office (CSO) regarding protocols and the types of information to be reviewed and collected before and during a Prior Actions charter school site visit – or initial monitoring visit that occurs at least two weeks prior to the charter school's officially scheduled start date. This document is to be used as guidance, in conjunction with the Opening Procedures Checklist (Checklist). **CSO Staff will be responsible for approving all tasks marked "Yes" within the 'Submit to SED' and 'Prior Actions Site Visit' columns of the Checklist.**

Steps in this process include:

1. **Prior Actions Document Review and Audit:** ongoing review and auditing of charter school documents submitted to SED by dates highlighted in Checklist;
2. **Prior Actions Site Visit:** pre opening site visit to new charter schools to ensure completion of specific Prior Actions; and,
3. **Written Statement – SED Consent to Open:** written statement confirming completion or near completion of Prior Actions, drafted by CSO staff to schools and the Board of Regents.

There are three core school components under which all tasks and corresponding due dates are organized: I. Academic Program; II. Organizational Viability; and III. Material Terms.

- I. **Academic Program:** Completed tasks provide evidence and help to ensure that schools are prepared to carry out functions pertaining to educational programming and general administration, including student learning time, curriculum and instruction, and accountability. Completed actions within this section are instrumental in creating the academic foundation upon which charter schools should be based.
- II. **Organizational Viability:** Completed tasks provide evidence and help to ensure that the school's leadership and governance model can lead to appropriate oversight of the school's organizational affairs. Completion of these Prior Actions will further evidence a school's adherence to federal and state statute, fiscal solvency, facilities and insurance requirements, and successful operational planning.
- III. **Material Terms:** Completed tasks provide evidence and help to ensure a school's adherence to specific terms upon which its charter was granted. These include student related matters such as enrollment and admissions procedures, record keeping, attendance, and special needs students. Other material terms include policy development and implementation, as well as general compliance issues. All such terms are included in a school's charter contract, with any changes to these material terms requiring the school board to submit a request for a charter amendment to the Board of Regents.²

¹SED contract § 1.4 Prior Actions set forth in Section I, Opening Procedures, of the Oversight Plan.

²SED contract §§ 9.5 Terms and Conditions of Application and 9.6 Revision.

Oversight Plan – Opening Procedures/Prior Actions

1. Prior Actions Document Review and Audit

All newly authorized charter schools should receive the Opening Procedures Checklist upon approval and receipt of their charter contract. These schools, therefore, will have a comprehensive list of tasks mandated by SED and/or statute, as are noted within the **'Submit to SED' column on the Checklist. These tasks are considered Prior Actions that must be approved by SED before schools can officially open.** CSO staff will review all submissions and respond to schools within two weeks if there is a need for further clarification or additional information to support task completion. **This process will be ongoing, leading up to a school's Prior Actions Site Visit.** All documentation collected will be added to findings identified during the Site Visit and eventually used to inform SED's written statement to schools and the Board of Regents verifying the completion or near completion of all Prior Action tasks.

Please note: To view a snapshot of **all Prior Actions**, users must: 1. Select or highlight Row 1 (all headers shaded in grey); 2. Select *Data*; 3. Select *Auto Filter*; 4. Select arrows on '*Submit to SED*' header; 5. Select "Yes."

2. Prior Actions Site Visit

As briefly noted above, CSO staff will conduct Prior Action Site Visits **at least two weeks before a school's scheduled opening date.** The CSO should contact new

CSO staff will populate the following

