



Advocates for Children of New York

Protecting every child's right to learn

Questions and Answers about Charter Schools

What Is a “Charter” School?

Charter schools are public schools that are run by an independent team of private individuals, called a “board”; they are not private schools. Charter schools receive public funding, which covers the basic costs of operating the schools. Charter schools often raise private money as well. Charter schools are free and cannot charge tuition.

Where Are Charter Schools Located?

Charter schools can be located in their own buildings or in buildings shared with one or more traditional public schools. When charter schools are located in a building shared with a traditional public school, this is called a co-location. For more information about the legal requirements for co-locations, please see our fact sheet at http://www.advocatesforchildren.org/sites/default/files/library/colocation_parent_guide.pdf.

How Do I Apply to Charter Schools?

Each charter school has its own application. Most applications are due by April 1st of each year. Each charter school then holds a lottery to choose its students. Charter schools give preference in the lottery to siblings of current students and to students who live in the school district where the charter school is located. Charter schools may also give preference to certain groups of students such as those who are eligible for free or reduced price lunch. Some charter schools are for a specific population of students such as boys or girls. Charter schools cannot deny admission to students on the basis of low academic performance. A directory of NYC charter schools is available at <http://schools.nyc.gov/community/charters/information/directory.htm>. You should contact the charter school to get an application and ask when applications are due. You can also apply to some charter schools online at <https://app.jumpro.pe/CharterApplication.html#>.

How Can I Find Out About the Quality of Charter Schools?

You can find information about the quality of charter schools in several places. Charter schools, like traditional public schools, receive city report cards, which can be found at <http://schools.nyc.gov/Accountability/tools/report/FindAProgressReport.htm>, and state report cards, which can be found at <https://reportcards.nysed.gov>. You can also attend open houses, read school reviews at <http://insideschools.org>, and find information about individual charter schools at <http://www.nyccharterschools.org/data>. This information can be useful because some charter schools perform better and some worse than traditional public schools.

What Should I Ask if I am Considering a Charter School for My Child?

ADMISSIONS:

- Does the lottery give preference to certain students?

SPECIAL EDUCATION AND ENGLISH LANGUAGE LEARNERS (ELLs):

- What types of special education services are currently provided for students with IEPs?
- What types of resources, classes, programs, and services are available for ELLs?
- How many teachers have special education or bilingual certifications?
- What types of disabilities are currently represented in the school?
- How will the school provide services to meet my child's special education needs?
- What strategies or programs does the school use for students who are not performing on grade level?

DISCIPLINE:

- How is behavior managed at the school?
- What is the school's discipline policy and can I have a copy?
- What percentage of students leave the school for reasons other than graduation or moving out of the city?
- How often are students removed, suspended, and expelled from the school, removed from class, or asked to leave?

SCHOOL STRUCTURE:

- How is the school managed?
- What role does the Board play?
- Is there a Parent Teacher Association (PTA)?

What Are the Rights of Students and Parents in Charter Schools?

While charter schools do not have to follow all of the same local or state laws as other public schools, they do have to uphold certain student and parent rights.

→ SPECIAL EDUCATION AND SERVICES FOR ENGLISH LANGUAGE LEARNERS

Students with disabilities have the right to participate in the lottery for any charter school. Students attending charter schools have the right to receive all programs and services on their Individualized Education Programs (IEPs). The Committee on Special Education (CSE) is responsible for evaluating students who attend charter schools and developing their IEPs. The charter school is responsible for making sure the services and programs on the IEP are provided, but may ask the CSE to provide the services at the charter school. For more information about the rights of students with disabilities at charter schools and what to do if the charter school is not providing the services on your child's IEP, go to

http://www.advocatesforchildren.org/sites/default/files/library/charter_sch_sp_ed_fact_sheet.pdf.

English Language Learners (ELLs) have the right to participate in the lottery for any charter school, and students cannot be turned away because they do not speak English. Charter schools cannot ask about immigration status or require social security numbers for students to apply to, or enroll in, the school. Charter schools must provide a program for ELLs that will help them learn English such as ESL, bilingual education, or dual language. Charter schools must make an effort to communicate with immigrant parents in their preferred language so that they can equally participate and have access to school information. For more information on rights of immigrant parents and ELL students, go to

http://www.advocatesforchildren.org/sites/default/files/library/immigrant_rights_guide_english.pdf (also available in other languages at http://advocatesforchildren.org/get_help/guides_and_resources).

→ DISCIPLINE POLICIES AND PROCEDURES

Each charter school is required to create a discipline policy explaining the procedures school personnel must follow when disciplining its students. Be sure to ask for a copy of this policy. Your child has the right to stay in school and cannot be suspended or removed unless the school follows its own procedures as well as state and federal law. For example, all students facing suspension have the right to notice of the charges against them, an opportunity to present their side of the story, and the right to appeal. For more information on charter school suspensions, visit

http://www.advocatesforchildren.org/sites/default/files/library/charter_school_discipline.pdf.

What Should I Do if I Think My Charter School Is Not Following These Rules?

If the school does not address your concerns or if you disagree with how the school has responded to you, then in some circumstances you can file a formal complaint. A formal complaint can be filed against a charter school that is violating the law or its charter. To file a formal complaint you should write a letter to:

1. The charter school's board of trustees, then to
2. The school's authorizer (DOE, SUNY, or New York State Education Department). You can find out which authorizer is assigned to your school by checking the NYC Charter School Directory, <http://schools.nyc.gov/community/charters/information/directory.htm>, or by asking the charter school, then to
3. The NY State Education Department's Charter School Office by e-mailing your complaint to charterschools@mail.nysed.gov or mailing it to: Office of School Innovation | Charter School Office, Room 465 EBA | 89 Washington Avenue | Albany, NY 12234.

General information about complaint procedures is available at <http://schools.nyc.gov/community/charters/contacts/complaint.htm>.

You may also file a complaint concerning discrimination with the U.S. Department of Education's Office of Civil Rights. Information is available at <http://www.ed.gov/ocr/complaintintro.html>.

Have Questions or Need Assistance? Please call the Jill Chaifetz Education Helpline:

866-427-6033 (toll free) • 10:00am to 4:00pm • Monday – Thursday

This fact sheet does not constitute legal advice. This fact sheet attempts to summarize existing policies or laws without stating the opinion of AFC. If you have a legal problem, please contact an attorney or advocate.

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