



Updated as of 3/27/2020

## COVID-19 Charter Schools FAQ

This document is intended to capture and summarize what we currently know about charter school issues related to COVID-19.

### School Closure and 180 Day Requirement

On March 27, 2020, Governor Cuomo issued [Executive Order No. 202.11](#), amending an earlier executive order, that now requires schools to be closed until April 15th. Any schools closed during the days covered by the earlier and more recent Executive Order (March 17th until April 15th) will not have those days counted against the requirement that school be in session for 180 days. Many schools were closed prior to the first Executive Order and plan to be closed past April 15th, although in many cases the additional days are due to previously planned school breaks. To accommodate any additional days, which are not covered by the Executive Order, a waiver process has been put in place by NYSED. It is also possible that the Governor will continue to extend the period of statewide school closure, as the March 27th Executive Order states that the closure will be re-assessed on or around April 15th..

***Our Guidance:** For now, schools do not need to do anything; our guidance is to follow the Governor's closure directive in terms of when to plan to re-open. If your home district's closure extends beyond the Governor's directive and you cannot open your school as a result, contact NYSED regarding the waiver process.*

### Core Aid Payment

Charter law outlines a schedule on which schools receive **payment** by submitting invoices to the student's district of residence. These are due to be paid 30 days after submission. April 1st is the last invoice of the current fiscal year, which districts will pay on or around May 1st. There has been no change to these laws.

***Our Guidance:** Charter schools should submit invoices to their host districts as per usual on April 1st. Schools that do not receive payment as expected on or around May 1st should notify NYCSA and their authorizer.*

### Reporting Distance Learning Efforts

Authorizers have asked that schools submit their current **distance learning plans**. There are not currently any requirements about what constitutes an "acceptable" plan; however, schools should anticipate and be able to articulate how they are:

- Ensuring that students have access to food



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- Documenting how the school is engaging with students (phone calls home, participation in an online platform, etc.)
- Providing students with learning materials
- Anticipating the needs of students with special needs or in difficult circumstances

**Our Guidance:** Schools that are acting in good faith, provide their authorizers with their plans and make adjustments as needed, and **document** their efforts to support and engage with students are meeting the current expectations for distance learning.

## Special Education Guidelines

The US Education Department issued [new guidance related to Special Education](#), specifically to relax HIPPA and FERPA requirements for some, but not all, online platforms. All other State and Federal Special Education laws remain in effect. The NYC DOE has announced that it will start providing remote services to Special Education Services via Teletherapy. Other host districts have yet to announce plans for serving Special Education students. NYSED has not issued formal guidance on this subject.

**Our Guidance:** Our guidance to schools is that they should have a system for engaging with students with special needs, as well as for tracking any services they would have received during the closure; we expect more guidance will be released about either compensatory services or other procedures for formally meeting the requirements of student IEPs.

## State Testing

**The State Board of Regents has canceled the following assessments: Grades 3-8 Math and ELA tests; Grades 4 and 8 Science Tests; Grades K-12 NYSESLAT; and Grades 3-8 NYSAA.** More information can be found [here](#). June Regents have not yet been canceled. The cancelation of the state tests raises a lot of questions for school accountability, including renewals, as well as student promotion and retention. Both authorizers are working to determine how their processes and procedures may be adapted in the coming year as a result.

**Our Guidance:** Schools with specific concerns about their renewal status should reach out to their authorizer. If you have students who were at risk of not being promoted to the next grade, our guidance would be to have open conversations with their parents now to jointly determine the best placement for the student next year.

## Lotteries



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Under charter law, there is a deadline for families to submit applications for new enrollment to a charter school by April 1st. If a school has more applicants than available seats as of April 1st, it must run a lottery. The April 1st deadline is not being extended; however, schools may elect to postpone their lotteries from previously scheduled dates by consulting with their authorizer. Schools are encouraged to make their lottery process as transparent as possible, including things like recording it and posting to the school's website or live streaming the process.

**Our Guidance:** *Schools should use technology to make their lotteries as transparent and accessible as possible and schedule the lottery to minimize disruption to parents and families and to maximize access to the school application process.*

## Governance and Board Meetings

Charter School Board meetings are subject to open meeting law. On March 12, Governor Cuomo signed Executive Order 202.1 to address, among other things, the New York Open Meetings Law that requires state and local agencies and authorities to conduct official business in an open and public matter. In doing so, the Executive Order allows meetings of public bodies to be held remotely by conference call or similar services, provided the public has the ability to view or listen to the proceedings and that the meetings are recorded and later transcribed. The Executive Order will remain in effect through April 11. Charter schools are similarly required to make their meetings available to the public in any way possible, including, but not limited to videotaping and posting the recording to the website as well as live streaming the meeting. Minutes must be taken and posted, as per usual.

**Our Guidance:** *Schools should do their best to make their board meetings as accessible as possible, using conference calls or video conferencing services to allow the public to view or listen to proceedings. These calls and/or videos should be recorded and posted on the school's website.*