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To: School Leaders and Board Chairs of Charter Schools authorized by the Board of Regents

From: David Frank, Chief of Staff, Office of Education Policy

Date: July 13, 2022

Subject: The Transfer of Students Attending Charter Schools Operated by the Same Education Corporation

NYSED policy allows students attending charter schools authorized by the Board of Regents to transfer to another charter school under the following conditions:

1. The sending and receiving charter schools are operated by the same education corporation;
 2. The parent(s)/guardian(s) must request the transfer, and the education corporation must maintain a record of all such requests;
 3. With the exception of schools that are closing, the transfer cannot cause the total number of students enrolled in the sending school to be less than 85% of the approved enrollment for a given academic year or fewer than 50 students;
 4. Enrolling the students cannot cause the receiving school's enrollment to exceed its authorized enrollment for a given academic year or the maximum authorized enrollment for the school;
 5. The sending and receiving charter schools must follow their authorizer-approved enrollment policies, including provisions relating to the admission lottery and waitlist. Charter schools meeting the above criteria are required to incorporate the student
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- enough seats to accommodate all students who wish to transfer, a lottery must be held to determine which of the sending school's students will be permitted to transfer;
9. All students transferred during the academic year must be placed in their current grade. If the transfer occurs at the end of the academic year students must be placed according to the sending school's recommendation, provided that if the recommendation is to retain the student in his/her current grade, parents/guardians must have been provided advanced written notification during the school year that the student's promotion was in doubt, and the student must have received all required IEP and ELL services (as applicable), increased supports, interventions, and an opportunity to demonstrate readiness for the next grade level. Schools may not require a pre-screening or assessment of student skills prior to the enrollment and placement of students in the receiving school. However, as with all students, once the student is able to fully participate in the receiving school's academic program, should the receiving school find that the student has been inappropriately placed in a grade based on multiple measures of student performance, it may reassess the student's placement in accordance with the school's authorizer-approved admission and promotion policies; and
 10. Pursuant to the policy of the U.S. Department of Education, charter schools currently receiving any Charter Schools Program grants may automatically enroll students from an affiliated charter school operated by the same education corporation only if there are enough seats in the enrolling school to accept all such students. If there is not, a lottery must be conducted for all students who apply to the charter school, and students from the affiliated school may not be given preference in that lottery. In addition, as seats become available in the receiving school during the year, those seats must be filled through the lottery waitlist, without a preference for students from an affiliated sending school.