



PRIOR ACTIONS GUIDANCE AND CHECKLIST

INTRODUCTION: WHAT IS THE PRIOR ACTIONS PROCESS?

Prior Actions is the process by which the Institute ensures new charters are prepared to welcome students in a timely, safe manner and in full compliance with all regulations and requirements to open for instruction.

The process requires submission of various critical documentation, as well as an onsite visit by a member of the Institute staff typically within a week to ten days of your planned opening date. Upon satisfactory completion of Prior Actions, the Institute issues a “Letter to Commence Instruction,” which formally grants permission to open your school for instruction.

The Institute is committed to maintaining open and frequent communication at each step in the process. Please do not hesitate to reach out at any time with questions or concerns; if you are unsure which staff member is best suited to help, please contact charters@suny.edu and we will ensure your question is routed quickly to the right staff member who can provide support.

Note: The Institute collects all required documentation through Epicenter, which is our document and compliance application. Whoever at your charter school is responsible for document submission must have an Epicenter login in order to submit requirements. To request an Epicenter username and login information, please email charter.epicenter@suny.edu.

TIMELINE AND WHAT TO EXPECT

While each individual new charter school's timeline may vary slightly depending on opening dates, the following chart outlines the general progression and timeline of the Prior Actions process, starting in January of the intended school opening year.

Timeframe	Action(s)
January-February	<ul style="list-style-type: none"> Initial Prior Actions Overview Meeting with Institute Staff Institute Issues Final Prior Actions Guidance Documents on Website
March-May	<ul style="list-style-type: none"> Institute and Charter School Staff Check-in Regularly to Address Questions and Update on Progress Institute Sets Up Submission Requirements in Epicenter (note some requirements are due June 1, others are due 10 days before onsite visit)
June-July	<ul style="list-style-type: none"> Charter School Staff Submit all Required submissions Institute staff review and communicate any required feedback or amendments to the documentation provided Institute contacts charter school staff to confirm opening date and schedule Pre-Opening Visit
August	<ul style="list-style-type: none"> Institute conducts Pre-Opening Visit Upon satisfactory completion of all items, Institute issues Letter to Commence Instruction
Remainder of School Year	<ul style="list-style-type: none"> If Letter to Commence Instruction identifies any outstanding areas, Institute follows up to ensure all items noted are complete

LIST OF SUBMISSION REQUIREMENTS

Please use the following checklists to track documents/deliverables due to the Institute via Epicenter by the date indicated. A detailed description of each document/deliverable follows below. Note that the first tranche of documents in the first table below is due June 1, and a second tranche of documents outlined in the second table below (next page) is due ten days prior to the pre-opening visit.

Item Number	Document/Deliverable	Date Due	Complete?
1. STAFFING			
1a	School Leader	June 1, 2023	<input type="checkbox"/>
1b	Fingerprint Policy	June 1, 2023	<input type="checkbox"/>
2. GOVERNANCE			
2a*	Management Contract (if applicable)	June 1, 2023	<input type="checkbox"/>
2b*	Ratified Bylaws	June 1, 2023	<input type="checkbox"/>
3. STUDENTS WITH DISABILITIES			
3a*	504 Policy	June 1, 2023	<input type="checkbox"/>
4. SCHOOL OPERATIONS			
4a	Handbooks & Other Policies	June 1, 2023	<input type="checkbox"/>
4b	School Calendar & Class Schedules	June 1, 2023	<input type="checkbox"/>
4d	Transportation	June 1, 2023	<input type="checkbox"/>
4e	Food Service	June 1, 2023	<input type="checkbox"/>
4f	Mandated Reporting	June 1, 2023	<input type="checkbox"/>
5. FINANCE			
5a**	Payroll	June 1, 2023	<input type="checkbox"/>
5b**	Initial Statement Process	June 1, 2023	<input type="checkbox"/>
6. WRITTEN ASSURANCES SIGNATURE FORM			
Submit a completed written assurances signature form with a valid digital signature		June 1, 2023	<input type="checkbox"/>

*Multi-school education corporations already under SUNY authorization are not required to submit these documents.

** Multi-school education corporations already under SUNY authorization are not required to submit these documents and can provide a single assurance via the written assurances signature form regarding these requests.

Item Number	Document/Deliverable	Date Due	Complete?
1. STAFFING			
1c	Fingerprint Clearance Records	10 business days prior to pre-opening visit	<input type="checkbox"/>
1d	Teacher Cert. & Experience Roster/ Staff Directory	10 business days prior to pre-opening visit	<input type="checkbox"/>
1e	Teacher Certification Records	10 business days prior to pre-opening visit	<input type="checkbox"/>
3. STUDENTS WITH DISABILITIES			
3b	Serving Students with Disabilities	10 business days prior to pre-opening visit	<input type="checkbox"/>
4. SCHOOL OPERATIONS			
4c	Enrollment	10 business days prior to pre-opening visit	<input type="checkbox"/>
4g	School Nurse	10 business days prior to pre-opening visit	<input type="checkbox"/>
4h	SAVE Plan/Safety	10 business days prior to pre-opening visit	<input type="checkbox"/>

DESCRIPTION AND EXPLANATION OF REQUIRED SUBMISSIONS

Please read the following descriptions in their entirety and contact the Institute with any questions or concerns (if you're unsure the best contact person, please email charters@suny.edu and we'll quickly route your question to the right staff member). Note that all pre-visit documents are due by the date indicated.

1. STAFFING

a. School Leader (due June 1)

Please provide the name of the school leader and his/her official title, start date, email address, and phone number. Note that schools must also provide written notice to the institute within five days of the school leader's hire date.

What to Submit:

Microsoft Word® file or Adobe® Acrobat file named: **1a – School Leader**

b. Fingerprint Policy (due June 1)

Provide a copy of the school's fingerprint policy that covers all cafeteria, maintenance, and transportation personnel regardless of whether they are employed directly by the education corporation. The policy should implement a fingerprint/MorphoTrust - IDEMIA identification consistent with NYSED regulations and the charter agreement. For more information please see NYSED's Office of Educator Integrity at: nysed.gov/educator-integrity/fingerprinting. **Please note the charter agreement requires at least two staff members verify the clearance of each new employee/contractor hired by the education corporation prior to employment.**

What to Submit:

Microsoft Word® file or Adobe® Acrobat file named: **1b – Fingerprint Policy**

c. Fingerprint Clearance Records (due 10 days prior to pre-opening visit)

All school employees (and in some cases non-employees) including, but not limited to, teachers, administrative staff members, and non-instructional staff members (e.g., custodians, food service workers, security personnel, transportation providers, etc.) must have a criminal history background check conducted by the NYSED Office of School Personnel Review and Accountability ("OSPRA"). The Institute cannot accept third party background checks. Please see NYSED's guidance at www.nysed.gov/educator-integrity/who-must-be-fingerprinted-charts.

For NYSED to conduct the background check, the school must send employees to a third-party vendor (MorphoTrust/IDEMIA) for fingerprinting with the results sent to NYSED. This requires the school to register with TEACH through OSPRA in advance.

Contact information for OSPRA is available at www.nysed.gov/educator-integrity/contact-us. All schools must provide the Institute scanned copies of the fingerprint-supported background check certificates provided by NYSED for your school or printouts from the TEACH System for each employee or other person listed on the Staff Directory.

In the case of a person who has been hand scanned but is not yet cleared for employment by NYSED, the school must provide the Institute with documentary evidence that the school has followed the statutory procedures for an emergency conditional appointment, which includes ALL the following documentation:

- Proof of fingerprinting or prior NYSED or NYCDOE clearance;
- Proof of Emergency Conditional or Conditional Appointment including a signed statement regarding criminal record;
- An approved resolution from the education corporation board of trustees to extend such clearance to the employee(s), and if more than 20 business days have elapsed, an approved extension; AND,
- A supervision policy for such employee(s) approved by the board of trustees.

NOTE: For security purposes, please be sure to redact all parts of employees' social security numbers and dates of birth prior to submission.

What to Submit:

Please submit a single, merged Microsoft Word® file or Adobe® Acrobat file containing all staff fingerprint clearance records named: **1c – Fingerprint Clearance Records.**

d. Teacher Certification & Experience Roster/Staff Directory (due 10 days prior to pre-opening visit)

Complete and submit the “Teacher Certification Staff List Template” [available here on the Institute’s website](#).

What to Submit:

Excel® file named: **1d – Teacher Certification Roster/Staff Directory**

e. Teacher Certification Records (due 10 days prior to pre-opening visit)

Lead teachers must either be New York State certified or meet the requirements outlined in Education Law § 2854(3) (a-1), which stipulates that a charter school may employ non-certified teachers up to 30% of the teaching staff or five teachers (whichever is less), **plus** an additional five teachers, **plus** an additional five teachers of math, science, computer science, technology, or career/technical education (up to a maximum total of 15).

Non-certified teachers must meet at least one of the following criteria:

- Have at least three years of classroom teaching experience at the elementary or secondary level;
- Be a tenured or tenured-track college professor;
- Have two years’ satisfactory experience through Teach for America; or,
- Have exceptional business, professional, artistic, athletic, or military experience.

For the Institute to determine teacher qualifications, all schools must provide the following for each lead teacher identified in the teacher roster:

- For certified teachers, scanned copies of TEACH certification records or New York State Education Department (“NYSED”) teaching certificates; or,

- For non-certified teachers, appropriate proof of compliance with the requirements of the criteria listed above (e.g., a resume showing teaching or TFA experience).

NOTE: For information security purposes, please be sure to redact all parts of teachers' social security numbers and dates of birth prior to submission.

What to Submit:

Please submit a single, merged Microsoft Word® file or Adobe® Acrobat file named: **1e – Teacher Certification Records** containing all teacher certification records.

2. GOVERNANCE

a. Management Contract (due June 1)

Provide a copy of the management contract, signed by representatives of the management entity and board of trustees, if applicable.

Note: Multi-school education corporations already under SUNY authorization are not required to submit this document.

What to Submit:

Microsoft Word® file or Adobe® Acrobat file named: **2a – Management Contract**

b. By-laws (due June 1)

Provide a copy of the ratified by-laws or a board resolution approving the by-laws on file (if the board has not amended the by-laws from the charter application).

Note: Multi-school education corporations already under SUNY authorization are not required to submit this requirement.

What to Submit:

Microsoft Word® file or Adobe® Acrobat file named: **2b – By-laws**

3. STUDENTS WITH DISABILITIES

a. 504 Policy (due June 1)

Provide a copy of the 504 Policy that includes:

- Identification, evaluation, and reevaluation procedures;
- Placement procedures;
- Formation of a 504 team;
- Designation of a responsible employee to coordinate 504 efforts; and,
- A system of procedural safeguards for parents including notice, records review, hearing, appeal, and prompt and equitable complaint resolution in compliance with federal regulations (34 C.F.R. § 104 *et seq.*).

Note: Multi-school education corporations already under SUNY authorization are not required to submit this requirement.

What to Submit:

Microsoft Word® file or Adobe® Acrobat file named: **3a – 504 Policy**

b. Serving Students with Disabilities (due 10 days prior to pre-opening visit)

Provide a summary of students with disabilities and how the school will serve them including:

- A roster of students with disabilities and any information related to their settings and any known related services; and,
- Written documentation that the school has contacted the district CSE seeking records of each incoming student known to have a disability.

What to Submit:

Microsoft Word® file or Adobe® Acrobat file named: **3b – Serving Students with Disabilities**

4. SCHOOL OPERATIONS

a. Handbooks and Other Policies (due June 1)

Provide handbooks or other documents that include policies relating to:

- Discipline;
- Complaints;
- The Family Educational Rights and Privacy Act (“FERPA”);
- Health Policy;
- NY Freedom of Information Law (“FOIL”); and,
- NY Open Meetings Law.

For the school’s health policy, include the procedures for storage and administration of prescription and non-prescription medications to students, and for the provision of required health services. The policy should also address the accessibility, storage, and maintenance of student health records to be maintained separately from the student education record.

Guidance on each topic is available on the Institute’s website at:

www.newyorkcharters.org/compliance/.

What to Submit:

Microsoft Word® file(s) or Adobe® Acrobat file(s) named: **4a – Handbooks & Other Policies**

b. School Calendar and Class Schedules (due June 1)

Provide a copy of the school calendar and current class schedules.

What to Submit:

Microsoft Word® and/or Excel® file(s) or Adobe® Acrobat file(s) named: **4b – School Calendar & Class Schedules**

c. Enrollment (due 10 days prior to pre-opening visit))

Provide a current summary of school enrollment statistics including the number of currently enrolled students and number of students on the waiting list.

What to Submit:

Microsoft Word® or Excel® file(s) or Adobe® Acrobat file(s) named: **4c – Enrollment**

d. Transportation (due June 1)

Provide evidence that appropriate provisions have been made for student transportation, if any. If applicable, provide a copy of the school's agreement with the provider of supplemental transportation services. Copies of fingerprint/hand scan supported background checks for employees of supplemental transportation services provider should be included with 1e – Fingerprint Clearance Records.

What to Submit:

Microsoft Word® file or Adobe® Acrobat file named: **4d – Transportation**

e. Food Service (due June 1)

Provide evidence that appropriate provisions have been made for food service in the form of a copy of the school's agreement with the food service provider, if applicable. Provide copies of fingerprint/scan supported background checks for employees of the food service provider, if applicable, with 1e – Fingerprint Clearance Records.

What to Submit:

Microsoft Word® file or Adobe® Acrobat file named: **4e – Food Service**

f. Mandated Reporting (due June 1)

Provide evidence that the school has developed required policies related to Mandated Reporter Child Abuse policies. Please see the [Guide to Child Abuse Reporting](#) for additional information.

What to Submit:

Microsoft Word® file or Adobe® Acrobat file named: **4f– Mandated Reporting**

g. School Nurse (due 10 days prior to pre-opening visit)

Provide documentation of the school's relationship with a registered nurse ("RN"), a licensed practical nurse ("LPN") supervised by a RN, and/or a physician. This may be documentation from the district or a separate employment agreement.

What to Submit:

Microsoft Word® file or Adobe® Acrobat file named: **4g – School Nurse**

h. SAVE Plan/Safety (due 10 days prior to pre-opening visit)

Provide evidence that written plans are in place for:

- Fire drills;
- Lockdown drills; and,
- Emergency evacuation including safety plans in accordance with Project SAVE including a copy of the school's draft SAVE plan.

For more information regarding the required elements of SAVE plans please visit [the SAVE plan page of the NYSED website](#).

What to Submit:

Microsoft Word® file(s) or Adobe® Acrobat file(s) named: **4h – Safety**

5. FINANCE

a. Payroll (due June 1)

Provide evidence that the school has established a payroll system and, if offered, properly allows employees to consent to a 12-month payroll. Note that schools may submit one copy of the contract if it covers all schools. Also, the school may submit one copy of the deduction policy, and if it was covered by the Initial Statement or related assurance, a copy is not required.

Provide a copy of a contract with a payroll company or documentation of employment of or contract with persons to handle payroll.

Note: Multi-school education corporations already under SUNY authorization are not required to submit these materials and can provide written assurance via the Written Assurances Signature Form.

What to Submit:

Microsoft Word® file or Adobe® Acrobat file named: **5a – Payroll**

b. Initial Statement Process (due June 1)

Provide confirmation that the Initial Statement process in the Charter Agreement is complete including all follow-up steps. If not complete, provide a report by the independent accountant of the status of the process including the status of the independent accountant's report including any required follow-up and the timeframe therefore in accordance with the Charter Agreement.

If the school is an additional school of an education corporation already operating one or more schools, the education corporation's treasurer, or an employee specifically authorized by the board, may certify that similar financial controls to the ones in the other schools of the education corporation have been instituted for the school.

Note: Multi-school education corporations already under SUNY authorization are not required to submit these materials and can provide written assurance via the Written Assurances Signature Form.

What to Submit:

Submit a Microsoft Word® file or Adobe® Acrobat file named: 5b – Initial Statement Process

6. WRITTEN ASSURANCES

Please provide all the following written assurances via the Written Assurances Signature Form. The Written Assurances Signature Form (found on the [Institute's Compliance Webpage in the Prior Actions section](#)) must be signed using a valid digital signature; typed and handwritten signatures are not acceptable. Please contact the Institute directly if you would like help in using digital signature validation (due June 1). The assurances are as follows:

Governance

The education corporation provides a media notice regarding each board meeting in accordance with the Open Meetings Law, and that the education corporation posts information regarding board meetings on its website in accordance with the Open Meetings Law. More information is available at [the Institute's website](#).

Serving Students with Disabilities

- The school has hired an appropriately certified students with disabilities coordinator for programs serving students with disabilities in accordance with Exhibit C of the Charter Agreement, *Assurances Regarding Students with Disabilities*. Certification may be in any student with disabilities title, or the coordinator may hold a related license such as a counsellor or therapist and have specific experience with students with disabilities and the I.D.E.A./CSE processes.
- The school is able to serve these students or has/will contact the CSE within 10 days to provide services to students with disabilities.
- Copies of student IEPs (Individualized Education Program) will be distributed to classroom teachers and are stored in lockable storage containers or password protected electronic storage systems.

Operations

- The school has distributed handbooks, policies, calendars, and class schedules to students and parents, or will distribute them within 10 days of the first day of classes.
- The school has requested or received each student's prior school records.
- Each student has proper immunization and health records on file, and students who have not been immunized or exempted will be barred from school after 14 days. (Note that state law no longer permits religious exemptions. More information is available at www.p12.nysed.gov/sss/schoolhealth/schoolhealthservices/#immunization.)
- The board has developed and adopted both a comprehensive district-wide school safety plan and a building-level emergency response plan ("SAVE Plans") in accordance with Education Law section 2801-a. With respect to the district-wide school safety plan, the board:
 - has/will convene make a copy of the draft plan available for public comment at least 30 days prior to adoption by the board;

- hold a hearing to meet with required groups (parents and teachers) prior to adoption of the plan;
- adopt a final SAVE plan; and,
- send the final SAVE plan to NYSED, and revise the plan as directed by NYSED.
- With respect to the building-level emergency response plan, the school has filed it with the appropriate local law enforcement agency and with the N.Y. State Police within 30 days of its adoption by the board.
- The school has adopted policies and procedures for annual school safety training for staff and students including annual staff training on the emergency response plan in accordance with Education Law § 2801(2)(h).
- The school has provided written materials to mandated reporters explaining the requirement and that the school has conducted or will conduct annual training.

Finance

- An accounting system with internal controls and fiscal policies is in place for the school, and those policies are the same as other schools with the Education Corporation, as applicable.
- The school has established a payroll system and, if offered, properly allows employees to consent to a 12-month payroll.
- The Initial Statement process in the Charter Agreement is complete including all follow-up steps.

What to Submit:

Submit an Adobe® Acrobat file named: **6 – Written Assurances Signature Form**

PART II: PRE-OPENING VISIT FACILITY CHECKLIST

The Institute checks the completion of the following items during the Pre-Opening Visit, typically conducted within 10 business days of the school's first day of instruction. Institute staff members contact the school's compliance manager via email to schedule the visit several weeks in advance. A full explanation of each item/deliverable is included following the checklist below.

NOTE: Should circumstances related to the COVID-19 pandemic necessitate opening the school in a virtual setting or preclude Institute staff members from visiting the school, the Institute will share additional information regarding the submission of necessary materials virtually.

ITEM/DELIVERABLE	School Checklist: Date Complete
FACILITY & FIXTURES	
Exterior Signage	
Religious Symbols	
Adequate Space	
Accessibility	
Kitchen/Cafeteria	
Nurse's Office	
SAFETY	
Security	
Exit Signage and Evacuation Maps	
Fire Safety Equipment	
Hazardous Areas	
Automated External Defibrillator (AED)	
Window Guards <i>(if applicable based on age of students)</i>	
POSTINGS AND POLICIES	
State and Federal Employment Laws	
Complaint Policy	
FERPA	
FOIL	
Child Abuse or Neglect Reporting Information (English & Spanish)	
Flu Educational Posting	
STUDENT RECORDS	
Locked Student Records	
FERPA Record List	
FERPA Staff Access List	
FERPA Access Log	

FACILITY AND FIXTURES

☐ Exterior Signage

Exterior signage identifying the charter school by name and signage of the address are in place. The address is visible from the street to be discernible by emergency responders.

☐ Religious Symbols

The space must be free from all religious symbols, signs, or representations. The school should bring to the Institute's attention a review of any items that are architectural and cannot be covered or removed.

☐ Adequate Space

The available space, including classrooms, restrooms, and special purpose rooms, meets the program's requirements and the number of students enrolled.

☐ Accessibility

Space is accessible to all students (including students with disabilities), clean, and well-lit. If the building is not required to be accessible to persons with disabilities in accordance with the latest law and regulations (Americans with Disabilities Act, amendments, and applicable regulations (42 U.S.C. § 1201 *et seq.* and 28 C.F.R. Parts 35 and 36)), provide procedures for reasonable accommodation.

☐ Kitchen/Cafeteria

If the school will serve food, the school has both food/beverage coolers and heaters in the kitchen/cafeteria area, or all equipment necessary to prepare and serve food in accordance with applicable law and regulations including documentation of such approval.

☐ School Nurse

The school has adequately secure facilities for the school nurse including:

- A locked office;
- A locked refrigerator;
- Locked student health files;
- Locked medications including self-directed medications (unless a doctor has given permission to have the medication carried by student or staff (e.g., Epipen or inhaler)); and,
- Provisions for the disposal of sharps.

SAFETY

☐ Security

The space is safe and secure; entrance and congestion from the school's space is adequately controlled.

☐ Exit Signage and Evacuation

Appropriate exit signage and/or fire evacuation maps are in place in each room occupied or utilized by the school where students may be present.

☐ Fire Safety Equipment

Fire extinguishers are present on all floors occupied by the school and have been inspected by duly qualified personnel within the past calendar year, or as required by applicable law. Sprinklers, smoke

doors, fire hoses, lit emergency exit signs, alarm systems, fire escapes, access windows, etc., as applicable, are in place and approved operating condition.

☐ **Hazardous Areas**

Hazardous areas are off limits to students including:

- All electrical rooms, mechanical rooms, breaker or fuse boxes, janitorial closets with cleaners/chemicals, or other hazardous areas off limits to students are locked except when access is required by authorized personnel;
- If science/cooking instruction rooms will use gas or chemicals, a gas shut off valve is present and operational, chemicals are in locked storage, and eye/body wash stations are operational, as applicable; and,
- Roof and under stairs access is locked.

☐ **Automated External Defibrillator (“AED”)**

The school has the requisite number of automated external defibrillators in place as required by 8 NYCRR § 136.4 to ensure ready and appropriate access, and an appropriate number of staff members are trained in AED operation and use in school and at school sponsored events.

☐ **Window Guards**

As appropriate for students under the age of six, window stops or gates are operable, if present.

POSTINGS AND POLICIES

☐ **State and Federal Employment Laws**

Required state and federal employment laws are posted in an area that staff can readily access/review them. Posting requirements may be found at: <https://dol.ny.gov/posting-requirements-0>

☐ **Complaint Policy**

A copy of the school’s complaint policy is on file in the main school office and accessible to parents upon demand.

☐ **FERPA**

The FERPA policy notice is posted or available in the school’s main office.

☐ **Freedom of Information Law (FOIL)**

The school’s FOIL notice is posted 1) in the school office or another location accessible to parents and staff, and 2) posted on the school’s website together with other required information. (See the FOIL guidance at www.newyorkcharters.org/wp-content/uploads/FOIL-Guide.pdf for more information).

The school must also maintain:

- a category list of records held by the school whether or not they can be disclosed under FOIL;
- a list of employees, their workstations, titles, and salaries; and,
- the education corporation’s FOIL regulations.

☐ **Child Abuse or Neglect Reporting Information**

The school has posted in the main office in English and Spanish the toll-free telephone number (1-800-342-3720) operated by OCFS to receive reports of child abuse or neglect and the following website link to access the OCFS website: <http://ocfs.ny.gov/main/cps/>.

☐ **Flu Educational Posting**

Pursuant to [Section 613](#) of the New York State Public Health Law, all schools are required to post flu educational material in plain view throughout the school building. The fliers are available here for schools:

https://www.health.ny.gov/diseases/communicable/influenza/seasonal/child_care_and_schools/.

STUDENT RECORDS

☐ **Locked Student Records**

All student records (academic, Individualized Education Programs (“IEPs”), health, etc.) are stored in lockable storage containers or password protected electronic storage systems. Health records are stored separately from student education records.

☐ **FERPA Record List**

The school maintains a FERPA list of records typically found in a student file.

☐ **FERPA Staff Access List**

The school maintains a list of staff members that have access to student files.

☐ **FERPA Access Log**

Each student record file contains a FERPA Access Log indicating who accessed it. (See the FERPA guidance at <https://www.newyorkcharters.org/resource-center/school-leaders/compliance/confidentiality-of-student-records/> for more information.