

SCHOOL CHOICE MATTERS

New York Policy Report

Introduction

PURPOSE

A combination of well-designed policies give all students access to the broadest range of educational opportunities, including key core policies and helpful policy enhancers. The purpose of this document is to provide insight to how well your state is doing at implementing the Ecosystem of School Choice Policies. This state report summarizes evidence across the seven policy buckets, with each policy component detailed in individual cells.

CORE POLICIES

Key policies expand student opportunities.



[Open Enrollment](#)



[Charter Schools](#)



[Private School Choice](#)



[Homeschooling](#)

POLICY ENHANCERS

Supporting policies enhance those opportunities.



[Part-time Enrollment/Course Access](#)



[Learn Everywhere](#)



[Transportation](#)

CORE POLICIES



Open Enrollment in New York

POLICY	RATING	POLICY OVERVIEW
Transfers Between Districts	<p>NO</p> <p>No policy or policy based on ad hoc agreements</p>	<p>New York does not have a statewide open enrollment policy – open enrollment is allowed at the discretion of individual districts.</p> <p>New York does have an interdistrict urban-suburban transfer program, although it is voluntary.</p>
Transfers Within Districts	<p>NO</p> <p>No policy</p>	
Year-round Transfer Window	<p>NO</p> <p>No policy</p>	
Tuition-Free Public Schools	<p>NO</p> <p>No program</p>	
School Capacity Transparency	<p>NO</p> <p>No transparency policy</p>	

Transfer Data Transparency	NO No transparency in data reporting	
Transparent Appeal Process	NO	



Charter Schools in New York

POLICY	RATING	POLICY OVERVIEW
<p>Multiple Charter Authorizers</p>	<p>LIMITED</p> <p>No real authorizer options</p>	<p>The following entities in New York may approve charter schools:</p> <ul style="list-style-type: none"> • The board of education of a school district – approval is limited to schools within the district’s geographic boundaries that are conversion schools only; • The board of trustees of the state university of New York; or • The board of regents. <p>The Board of Regents, however, is the only entity authorized to issue a charter. The entities above, upon their approval, will then submit the proposed charter application to the Board of Regents.</p> <p>(New York EDN 2851 Eligible applicants; applications; submission)</p>
<p>Charter Appeal Process</p>	<p>NO</p> <p>No appeals process</p>	<p>The denial of an application for a charter school by a charter entity is final and will not be reviewable by any court or administrative body.</p> <p>Following the submission of a proposed charter by the charter entity, the Board of Regents will approve or return the application for further reconsideration. If the Board of Regents returns a proposed charter for further amendments, the charter entity will reconsider the proposed charter, taking into account the recommendations from the Board, and then the charter entity will resubmit with modifications. The Board of Regents will then review the updated proposed charter. New York law provides that it is the duty of the Board of Regents to approve and issue a proposed charter that has been resubmitted within 30 days.</p> <p>(New York EDN 2851 Eligible applicants; applications; submission)</p>

<p>Charter Regulatory Flexibility</p>	<p>LIMITED</p> <p>Some or no exemptions</p>	<p>New York law provides as follows:</p> <ul style="list-style-type: none"> • “A charter school shall meet the same health and safety, civil rights, and student assessment requirements applicable to other public schools, except as otherwise specifically provided in this article. A charter school shall be exempt from all other state and local laws, rules, regulations or policies governing public or private schools, boards of education, school districts and political subdivisions, including those relating to school personnel and students, except as specifically provided in the school's charter or in this article.” <p>New York does require teachers to be certified, except charter schools may employ as teachers:</p> <ul style="list-style-type: none"> • uncertified teachers with at least 3 years of elementary, middle or secondary classroom teaching experience; • tenured or tenure track college faculty; • individuals with 2 years of satisfactory experience through the Teach for America program; • individuals who possess exceptional business, professional, artistic, athletic, or military experience. <p>These alternative teachers may not make up more than 30% of the total teaching staff, or five teachers, whichever is less; 5 teachers of mathematics, science, computer science, technology, or career and technical education; plus 5 additional teachers.</p> <p>New York law also provides that employees of charter schools, not conversion schools, are not to be considered members of any existing collective bargaining unit representing employees of the school district in which the charter school is located.</p> <p>(New York EDN 2854 General requirements)</p>
<p>Equitable Charter Funding</p>	<p>LIMITED</p> <p>Disparities exist</p>	<p>New York laws provide that charter schools are exempt to the same extent as other public schools from all taxation, fees, assessments, or special ad valorem levies on its earnings and its property, including property leased by the charter school.</p> <p>Charter schools may pledge, assign, or encumber its assets to be used as collateral for loans or extensions of credit.</p> <p>(New York EDN 2853 Charter school organization; oversight; facilities)</p> <p>New York law provides that the district of residence is required to pay directly to the charter school the charter school basic tuition for each student enrolled. New York law explains the formula for calculating the payment,</p>

		<p>which includes the charter school base tuition for the base year, total general fund expenditures, and other considerations.</p> <p>(New York EDN 2856 Financing of charter schools; see New York State Department of Education, Charter School Information: 2024-25 Charter School Basic Tuition)</p>
<p>Charter Facilities Funding</p>	<p>LIMITED</p> <p>Some or no facilities funding</p>	<p>New York laws provide that charter schools are exempt to the same extent as other public schools from all taxation, fees, assessments, or special ad valorem levies on its earnings and its property, including property leased by the charter school.</p> <p>Charter schools do not have the power to levy taxes or acquire property by eminent domain.</p> <p>New York laws allow charter schools to be located in part of an existing public school building, in space provided on a private work site, in a public building, or any other suitable location.</p> <p>The office of general services must annually publish a list of vacant, unused buildings and portions of buildings that are owned by the state that would be appropriate for the operation of a charter school.</p> <p>New York laws provide for various funding options for charter schools for facilities, depending on the size of the community in which the charter school will be located.</p> <p>(New York EDN 2853 Charter school organization; oversight; facilities)</p> <p>New York Administrative Rules provide for qualified public educational facility bonds. The remaining 5% of the annual aggregate face amount of tax-exempt financing must be allocated to eligible local educational agencies which are charter schools.</p> <p>(8 CRR-NY 155.26 Qualified public educational facility bonds)</p>
<p>Options for High-Performing Charters</p>	<p>LIMITED</p> <p>No opportunities for high-performing charter schools</p>	<p>New York law does not provide for incentives for high-performing charter schools.</p>

<p>Charter Zoning Exemptions</p>	<p>LIMITED</p> <p>Less than full protections</p>	<p>New York laws provide that for charters issued pursuant to 9a of Section 2852 (charters issued upon applications submitted directly to the Board of Regents or upon the recommendation of the Board of Trustees of the state university of New York) located outside a city school district in a city having a population of 1 million or more inhabitants, the Department will approve plans and specifications and issue certificates of occupancy. Further, these charters will be treated the same as other public schools for purposes of local zoning, land use regulation, and building code compliance. The Department is authorized to grant specific exemptions from the requirements in this section of the law if compliance would create “an undue economic hardship or that some other good cause exists that makes compliance with this [law] extremely impractical.”</p> <p>Charter schools are then deemed nonpublic schools for purposes of local zoning, land use regulation, and building code compliance if an exemption exists or if it is any other type of charter school in the state.</p> <p>(New York EDN 2853 Charter school organization; oversight; facilities)</p>
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SOURCE CITATIONS

Statutes	Administrative Code	State Department of Education
<p>New York EDN 2851 Eligible applicants; applications; submission</p> <p>New York EDN 2852 Issuance of charter</p> <p>New York EDN 2853 Charter school organization; oversight; facilities</p> <p>New York EDN 2854 General requirements</p> <p>New York EDN 2856 Financing of charter schools</p>	<p>8 CRR-NY 155.26 Qualified public educational facility bonds</p>	<p>New York State Department of Education, Charter Schools</p> <p>New York State Department of Education, Charter School Information: 2024-25 Charter School Basic Tuition</p>



Private School Choice in New York

POLICY	OVERALL RATING	PROGRAM OVERVIEW
Universal Eligibility	<p>NO</p> <p>No choice program</p>	<p>New York does not have a private school choice program.</p>
Comparable Student Funding	<p>NO</p> <p>No choice program</p>	
Uncapped Student Access	<p>NO</p> <p>No choice program</p>	
Extended Application Window	<p>NO</p> <p>No choice program</p>	
Student Testing Options	<p>NO</p> <p>No choice program</p>	
School Autonomy	<p>NO</p> <p>No choice program</p>	

<p>Accessible School Participation</p>	<p>NO No choice program</p>	
<p>ESAs and Parent-Directed Spending</p>		
<p>Freedom to Customize</p>	<p>NO No ESA or microgrant program</p>	<p>New York does not have an education scholarship account or microgrant program.</p>
<p>Freedom to Access</p>	<p>NO No ESA or microgrant program</p>	
<p>Carry-Over Funding</p>	<p>NO No ESA or microgrant program</p>	
<p>Tax Credits</p>		
<p>Full Tax Credit</p>	<p>NO No choice program</p>	<p>New York does not have an education tax credit program.</p>



Homeschooling in New York

POLICY	RATING	POLICY OVERVIEW
<p>Homeschool without Prior Approval</p>	<p>NO Permission required</p>	<p>New York laws relating to compulsory attendance provide that students may attend school at home.</p> <p>(New York EDN 3204 Instruction required)</p> <p>Once a parent submits the notice of intent to homeschool their child annually, Administrative Rules require the parent to then submit an individualized home instruction plan that must be approved by the school district.</p> <p>If the individualized home instruction plan is found to be deficient, the parents can contest this determination and appear before the local board of education. If the plan is still determined to be deficient, the parent may appeal this to the Commissioner of Education. When administration review of noncompliance is affirmed, the parents must then immediately provide for instruction of their children in a public school or elsewhere that would be in compliance with Education Laws.</p> <p>(8 CRR-NY 100.10 Home instruction)</p>
<p>No Extra Homeschool Notifications</p>	<p>NO Annual notification</p>	<p>New York Administrative Rules require parents to annually submit a form indicating their intent to homeschool their children by July 1 of each school year – this must be submitted to the superintendent of schools of their school district of residence.</p> <p>(8 CRR-NY 100.10 Home instruction)</p>
<p>No Certification to Homeschool</p>	<p>YES No certification requirement</p>	<p>New York Laws provide that students must be taught by a “competent teacher.”</p> <p>(New York EDN 3204 Instruction required)</p>

<p>Flexible Assessment Options</p>	<p>NO</p> <p>Standardized testing required</p>	<p>New York law requires instruction given to a student outside of a public school to be “at least substantially equivalent to the instruction given to minors of like age and attainments at the public schools of the city or district where the minor resides.”</p> <p>(New York EDN 3204 Instruction required)</p> <p>New York Administrative Rules provide that parents must submit quarterly reports. These must contain:</p> <ul style="list-style-type: none"> • the number of hours of instruction during the quarter; • a description of the material covered in each subject listed in the individualized home instruction plan; • either a grade for the child in each subject or a written narrative evaluating the child’s progress; and • a written explanation in the event that less than 80% of the amount of the course materials as set forth in the individualized home instruction plan planned for that quarter has been covered in any subject. <p>When the parent files the fourth quarterly report, the parent must also include the annual assessment results of the child from a commercially published norm referenced achievement test. Administrative Rules provides a list of commercially norm-referenced achievement tests that parents can use.</p> <p>Administrative Rules also provide for alternative evaluation methods, including written narratives from New York State-certified teachers, home instruction peer group review panels, or others.</p> <p>(8 CRR-NY 100.10 Home instruction)</p>
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SOURCE CITATIONS		
Statutes	Administrative Code	State Department of Education
<p>New York EDN 3204 Instruction required</p>	<p>8 CRR-NY 100.10 Home instruction</p>	<p>New York State Dept of Education, Home Instruction</p>

POLICY ENHANCERS



Part-time Enrollment in New York

POLICY	RATING	POLICY OVERVIEW
Resident Course Access	<p>NO</p> <p>No policy</p>	<p>New York does not have policies relating to part-time public school instruction.</p>
Nonresident Course Access	<p>NO</p> <p>No program</p>	<p>New York does not have policies relating to part-time public school instruction.</p>
Virtual Course Access	<p>LIMITED</p> <p>Access denied to some resident students, or students must take at least one class in a public school</p>	<p>Through the New York State Distance Learning Consortium, many online high school courses are offered for participating New York state districts participating in their local BOCES Distance Learning Coser.</p> <p>(NYSDLC, Distance Learning Courses)</p> <p>The New York State Department of Education has compiled a list of full online learning courses available to students throughout the state.</p> <p>(New York State Department of Education, Digital Content Resources – Full Online Learning Courses)</p>

<p>Extracurricular Access</p>	<p>NO</p>	<p>No requirement to make extra/co-curricular opportunities available to all students</p>	<p>In order for students to be eligible for interscholastic athletic programs, the child must be a “bona fide student, enrolled during the first 15 school days of such semester, is registered in the equivalent of three regular courses, is meeting the physical education requirement, has not graduated from high school...and has been in regular attendance 80 percent of the school time...”</p>
			<p>(8 CRR-NY 135.4 Physical education)</p>
			<p>New York’s charter school laws provide that the school district of residence for children attending charter schools may, but is not required to, allow charter school students to participate in athletic and extracurricular activities of the district’s schools.</p>
			<p>(New York EDN 2853 Charter school organization; oversight; facilities)</p>

SOURCE CITATIONS

Statutes	Administrative Code	State Department of Education	Other Resources
<p>New York EDN 2853 Charter school organization; oversight; facilities</p>	<p>8 CRR-NY 135.4 Physical education</p>	<p>New York State Department of Education, Digital Content Resources – Full Online Learning Courses</p>	<p>NYS DLC, Distance Learning Courses</p>



Learn Everywhere in New York

POLICY	RATING	POLICY OVERVIEW
Provider Qualification Standard	NO No program	New York has not adopted a Learn Everywhere program.
Course Credit Standard	NO No program	
Core Course Opportunities	NO No program	
Central State List	NO No program	



Transportation in New York

POLICY	RATING	POLICY OVERVIEW
Open Enrollment Transit	<div style="background-color: red; width: 10px; height: 100%;"></div> NO	<p>New York does not have a statewide open enrollment program.</p>
Fair Transportation Access	<div style="background-color: green; width: 10px; height: 100%;"></div> YES	<p>Education laws in New York provide that sufficient transportation facilities must be provided by the school district for all children residing within the school district to and from the school they legally attend, who are in need of such transportation because of the remoteness of the school to the child or for the promotion of the best interest of such children.</p> <p>Parents of students attending independent schools must request transportation be provided. With voter approval, non-city school districts may provide transportation beyond specified limits. In other cases, school districts that provide transportation to a nonpublic school for students living within a specified distance from the school must designate one or more public schools as centralized pick-up points and then must provide transportation between those points and such nonpublic schools for students living in the district who live too far from the nonpublic school to qualify for transportation between home and school. The district may provide transportation directly to a student’s home where the residence is located on an established route to the centralized pick-up point, provided this does not result in additional costs to the district.</p> <p>If transportation is provided for children residing within a city school district, the transportation must be offered equally to all children in like circumstances.</p> <p>(New York EDN 3635 Transportation; New York State Department of Education, Transportation for Students Enrolled in Nonpublic Schools)</p> <p>New York’s charter school laws provide that charter schools are deemed nonpublic schools for purposes of transportation. A charter school application must provide for transportation for students ineligible for transportation under the law. School districts may enter into contracts with charter schools to provide supplemental transportation services, which will be provided by the school district at cost.</p> <p>(New York EDN 2853 Charter school organization; oversight; facilities)</p>

<p>Vehicle Flexibility</p>	<p>YES</p>	<p>New York Administrative Rules require every school bus to comply with the State Vehicle and Traffic Law and rules and regulations of the Department of Transportation.</p> <p>(8 CCR-NY 156.4 Bus purchase approval)</p> <p>School bus is defined in Administrative Rules to be a motor vehicle which “has a seating capacity of 11 or more adult passengers in addition to the driver...to a place of vocational, academic or religious instruction...”</p> <p>(15 CRR-NY 6.2 Definitions)</p>
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SOURCE CITATIONS

<p>Statutes</p>	<p>Administrative Code</p>	<p>State Department of Education</p>
<p>New York EDN 2853 Charter school organization; oversight; facilities</p> <p>New York EDN 3635 Transportation</p>	<p>8 CCR-NY 156.4 Bus purchase approval</p> <p>15 CRR-NY 6.2 Definitions</p>	<p>New York State Department of Education, Religious and Independent School Support, Transportation</p> <p>New York State Department of Education, Pupil Transportation Services</p> <p>New York State Department of Education, Transportation for Students Enrolled in Nonpublic Schools</p>

