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July 23, 2012

TO: New York State Charter Schools
Other Interested Parties

FROM: Sally Bacher, Assistant Commissioner

A handwritten signature in blue ink, appearing to read "Sally Bacher", with a date stamp "7/23/12" and a time stamp "10:14 AM" below it.

SUBJECT: Charter Schools as Local Educational Agencies (LEAs)

New York's Charter School Law provides that federal funds for services for students with disabilities flow from the school district of residence to charter schools, but is silent about LEA status for other federal programs. Based on the provisions of the Charter School Law that establish charter schools as independent, autonomous public schools and the applicable federal LEA definition, in 2001, the New York State Commissioner of Education determined that, starting with the 2001-2002 school year, charter schools will be deemed to be LEAs for all federal funding programs under the Elementary and Secondary Education Act of 1965. For purposes of the Individuals with Disabilities Education Act, however, the school district of residence serves as the LEA, with charter schools treated as schools of the school district. Charter school LEA status for any other non-ESEA program or any new ESEA program will be determined on a case-by-case basis, though charter schools will be treated as LEAs unless the federal LEA definition applicable to the particular program indicates that New York charter schools should be treated as schools of the school district.

Any charter school that elects to participate in a federal funding program will have to follow the same procedures as public school districts. This means that charter schools must follow the procedures for applying, requesting payment, and reporting for financial and programmatic purposes for each federal program in which they elect to participate.

A list of approved NYS Charter Schools can be found on the NYS Education Department's web site at: <http://www.p12.nysed.gov/psc/cs>