



Charter Schools Institute

The State University of New York

How to Request a Change to Your Charter

General Guidance for SUNY Authorized Charter Schools

The following is not meant to be comprehensive but rather provide general guidance about requested charter revisions. As always, please contact the Institute with questions and/or for additional information. Generally, there are three categories of charter changes:

1. Changes that the school may do on its own (no prior permission required), e.g., change in Mission Statement, Charter Paragraph 2.1; or change in Class Size/ Number of Students in Grade, Charter Paragraph.2.2(b);
2. Non-material changes, changes that appear to require permission of the SUNY Trustees but the change is either small or just outside of a permissible charter range, e.g., change in the number of trustees outlined in school by-laws and such change is not contemplated by the by-laws; or projected enrollment change for *one* year and the number of students is not far outside acceptable range. Generally, in these types of situations, only Institute permission is needed. However, the Institute does inform SED and many of these changes are the subject of SED review and agreement. If SED is not in agreement, these requests may require a *material* change; and
3. Material changes require specific permission of the Board of Trustees of the State University of New York, e.g. enrollment for the life of charter; grade changes (except *not* teaching a grade for one year); or management company changes (moving to a different company, starting a new relationship with a management company, or ending a relationship with a management company).

Note: In the cases of changes that a school may do on its own, written notice should be provided to the Institute for its records and to verify in fact that the change does in fact qualify in this category.

If a school decides to request a change in program, it should follow the guidelines below:

1. Contact the Institute (especially if a school is unsure whether the change is material or non-material).
2. For a change the school considers to be non-material, the School must submit the request to the Institute in writing. The Institute will acknowledge the School's request in writing either confirming the status as non-material or clarify that in fact the request requires a material change.
 - In such cases as a request for an enrollment variance or a grade change for one year only, the NYS Education Department (SED) will be notified of the school's request and asked for its concurrence that the change is non-material. Once SED has responded, the Institute will add the change to the approved charter agreement program and notify the school.
 - Where a change is deemed to be material, the school must submit a detailed request in writing to the Institute.

Example 1:

If the request is to lower enrollment, the school must provide a reason for a decline in enrollment, a new budget and a plan that details how a the school will deal with attrition over the life of its charter.

Example 2:

For a grade change or to change enrollment more than what is provided for in the charter agreement (Paragraph 2.2(a), the school must submit:

- A letter detailing the request, including proposed class sizes and noting changes;

- A budget that corresponds with the request;
- For the addition of grades, a complete supplemental curriculum;
- If applicable, a curriculum crosswalk showing alignment to the New York State Standards;
- A staffing plan that corresponds to the requested grades and numbers of children served, administrative needs and special requirements (SPED, ELL, etc.); and
- How the plan fits the school's facility or facilities plans (If the School is adding a grade or expanding enrollment, provide the location if different than the current facility. Such a change will require you to follow the facility change provisions of the Charter (Paragraph 2.18).

If the Institute recommends the change after reviewing the schools request, it would then:

- Prepares a Summary of Findings and Recommendations for the SUNY Board of Trustees' Committee on Charter Schools;
- The Committee meets and votes on the change;
- If approved a resolution is forwarded to the full SUNY Board of Trustees for action at its next meeting (about once a month or less);
- If approved by the SUNY Board, a charter revision document is created and forwarded to the School's board chair for signature;
- The fully executed revision is then sent to the Board of Regents for approval; and
- After final approval, (see Ed. Law 2852 for process), the Institute will notify the school.

If the request is not granted, the Institute will inform the School in writing regarding the reasons why the request was not granted and may suggest:

- Further information or modifications that may change the Institute's determination; and
- Conditions under which the change would be granted. (For example, if the School shows strength in its 5th and 6th grade programs, it may apply to add 7th and 8th grades.)