



GUIDE TO CHARTER REVISIONS

FOR CHARTER SCHOOLS AUTHORIZED BY
THE STATE UNIVERSITY OF NEW YORK BOARD OF TRUSTEES

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DEFINITION OF TERMS

School: A school is a vehicle for the delivery of a complete educational program to students that has independent leadership; dedicated staff; and, defined facilities. An education corporation may have the authority to operate more than one school so long as a charter has been issued for each such school. Note that a school may be housed in more than one physical site. A school is its own Local Educational Agency (“LEA”) for federal program purposes except for the education of students with disabilities, and its own accountability unit for purposes of the federal Elementary and Secondary Education Act of 1965 (“ESEA”) as amended by the Every Student Succeeds Act (“ESSA”).

Site: A site is one of a number of facility locations for a single charter school. Sites are typically grouped by grade range (e.g., Kindergarten – 4th grade site, 5th – 8th grade site, or 9th – 12th grade site). A site would not be its own LEA or ESSA unit. More than one charter school building tightly clustered (i.e., a campus) would also be a “single site” under New York Education Law. Without additional authority, an education corporation may not educate students of the same grade level in more than one site. An education corporation may teach the same grade or grades at an additional site so long as it has obtained additional authority to do so through the issuance of an additional charter. The number of charters issued to an education corporation will determine the maximum number of sites it may have for any particular grade.

Charter School Education Corporation: A charter school education corporation is a New York not-for-profit charter school education corporation that comes into existence through the issuance of a charter and the subsequent formation of a corporation by the New York State Board of Regents (the “Board of Regents”). Each charter school education corporation is entitled to operate one school in one or more sites for each charter issued to it.

Partner Organization: A partner organization is a non-profit entity, such as a community-based organization, college, university, museum, educational institution, or other organization authorized to do business in New York that would provide space or support to the proposed school or be responsible for managing and/or providing services to the school whether or not such goods, services, facilities, etc. are provided free of charge or pursuant to a contract or shared service agreement with the education corporation.

Charter Management Organization (“CMO”): CMO describes any not-for-profit charter management organization, educational service provider, or partner organization providing a majority of the educational management services at a charter school.

SUNY Charter Schools Committee (the “Committee”): The SUNY Charter Schools Committee is a committee of the State University of New York Board of Trustees (the “SUNY Trustees”) that has been delegated the authority to act on behalf of the full SUNY Board of Trustees regarding approval of items related to charter schools authorized by SUNY.

INTRODUCTION

The New York Charter Schools Act of 1998 (the “Act”) designates the SUNY Trustees as one of two statewide chartering entities, or “authorizers,” along with the New York State Board of Regents. Each authorizer has the authority to grant charters for the purpose of organizing new charter school education corporations to operate one or more independent and autonomous public charter schools and the ability to revise the terms of charter agreements with those education corporations.

The SUNY Charter Schools Institute (the “Institute”) supports the SUNY Trustees’ commitment to the guiding principles of the Act through its rigorous processes for reviewing new charter, charter revision, and renewal applications. The new charter application and any subsequent renewal applications are made part of the charter agreement which provides the terms for which SUNY and the charter school education corporation have agreed. The material revision of terms of the charter agreement must be reviewed and approved by the Committee or its Institute. While charter schools enjoy expanded autonomy to operate programs, they must do so within the parameters of the charter agreement.

The following guidelines provide an overview regarding the process and requirements for submitting a charter revision application. Any questions regarding this guidance may be directed to the Institute’s Legal Department at Charter.Legal@suny.edu.

Material vs. Non-Material Revisions

The charter agreement provides an overview of when a revision may be considered material or non-material. Where the charter agreement and this guidance are silent as to materiality, the Institute makes all determinations of whether the proposed revision is material or not. If a school has any questions regarding the materiality of a proposed revision, please contact the Institute’s Legal Department for clarification.

Delegated vs. Non-Delegated Revisions

All material revisions must be approved by the SUNY Charter Schools Committee or the Institute. The SUNY Charter Schools Committee approves all revision applications to merge charter school education corporations; add a new elementary, middle, or high school program; or to take more than two planning years to open a charter. Most all other material revisions are delegated to the Institute for approval but the Committee is informed, in writing, of every approved material revision at its next scheduled meeting upon completed successful review.

REVISION REQUEST DEADLINES

It is imperative for planning purposes to submit revision requests in a timely fashion and allow for time to review and, in the case of material revisions, allow the Institute the time to process which may include district and public noticing, opportunity for the district to hold a public hearing, review of materials, and presentation to the SUNY Charter Schools Committee. Therefore, the following provides the due dates for revisions based on type. For more details on how the Institute processes revision applications, please see the Revision Process Timeline beginning on the following page.

ACTION	DATE
Merger Application or Application to Add a New Elementary, Middle, or High School Program	December 15, 2023
Enrollment or Admissions Policy Revisions for the 2024-25 School Year	February 15, 2024
All Other Material Revisions to be Implemented for the 2024-25 School Year	April 1, 2024 or 60 days before implementation
Schools Under Renewal Consideration	With Renewal Application
Non-Material Revision	Ongoing but at least 30 days before implementation

The Institute reserves the right to waive these deadlines upon a showing of *extenuating* circumstances which prevent the education corporation from appropriately planning and submitting a timely application.

REVISION PROCESS TIMELINE

		Merger or Addition of Elementary, Middle, or High School Program	Admissions Policy or All Other Enrollment Revisions	All Other Material Revisions
Submission	A charter school education corporation submits its Application for Charter Revision to the Institute. If the education corporation requires more time for completion, the Institute will review on a case-by-case basis. If the education corporation is anticipating delays in completing the application, then it should reach out to Institute staff members as soon as possible.	December 15, 2023	February 15, 2024	April 1, 2024 or 60 days before implementation
Notice and Opportunity for Public Comment	Pursuant to the Act, within 30 days of receipt of a material Application for Charter Revision, the Institute notifies the district of location about receipt of the application, when SUNY may act on it, and the district's obligation to hold a public hearing. The Institute also posts the notice on its website and invites and considers written comments from the public. The Institute considers all district and public comments. In some cases, the Institute may ask the education corporation to respond to such comments. Within 30 days of the above notice, the district of location holds a hearing to solicit comments from the community.	December-January	February-March	April
Application Review	The Institute reviews the Application as well as the existing data and records in its files collected over the history of the education corporation.	December-March	February-March	April
Application Revision (Request for Amendment Process)	The Institute may ask for amendments to parts of the Application, some of which may be required by statute, because the Institute incorporates parts of the Application into the charter agreement if SUNY grants revision.	December-March	February – March	April
Application Interview	The Institute, at its discretion, may request an interview with the education corporation's board of trustees and school leadership to discuss the Application.	February-March ¹	N/A	N/A

1. Please note: If the merger application is for a Non-SUNY authorized charter school to merge into a SUNY authorized charter school education corporation, the SUNY Charter Schools Committee will not act upon the application until the Board of Regents have decided. For more information regarding the timing of merger please refer to the [Institute's Guide to Mergers](#).

REVISION PROCESS TIMELINE

Action by SUNY	Where applicable, the SUNY Charter Schools Committee will act on material revisions recommended by the Institute. Where a material revision is delegated to the Institute, the Institute will approve or not approve the Application in writing.	February-March	March- April	May- June
Action of the Board of Regents	The Institute sends a proposed revision to the charter agreement to the education corporation for signature and then forwards it to the Board of Regents for action (consisting of either approval or return to the SUNY Trustees for further consideration). The Board of Regents has 90 days to review the proposed charter revision. If the Board of Regents takes no action on the proposed revision, it will be approved by operation of law and the charter will be revised. If the Board of Regents returns the proposed revision, the Committee or the Institute, on behalf of the SUNY Trustees, may either resubmit the proposed revision (with or without modification) or abandon the proposed revision. The education corporation must agree to any modification in writing. If SUNY resubmits the proposed revision, the Board of Regents has 30 days in which to act. If the Board of Regents does not vote to approve the resubmitted revision, the revision will be deemed approved and issued by operation of law on the 31 st day.	Within 90 days of the submission by the Institute		

REVISION SUBMISSION REQUIREMENTS

All revisions must be submitted to the Institute's Legal Department at Charter.Legal@suny.edu. The following provides the submission requirements by area. If the education corporation is proposing a revision that does not appear in this guide, please contact the Institute's Legal Department for further direction.

I. SUBMISSION REQUIREMENTS FOR NON-MATERIAL REVISIONS

For non-material revisions, please submit:

1. A cover letter with a description, rationale, and timeline for implementation of the proposed revision;
2. Evidence of the board of trustees' approval (finalized board meeting minutes or board resolution); and,
3. A copy of the updated document, policy, etc., if applicable.

The following provides additional information or documents required for common non-material revisions.

A. Relocation Within the District or Borough

If the education corporation wishes to temporarily locate/incubate or permanently relocate to a building within the school district or borough (New York City), as currently approved, no additional information is required except for the above and the typical documents required for the approval of any facility. For more information regarding newly acquired facilities, please refer to the Institute's [Facility Guidance](#).

For temporary or permanent relocation of one or more school facilities outside the school district or borough (New York City), as approved, please see below under material revisions.

B. Revisions to Mission, Key Design Elements, or Educational Program

If the education corporation wishes to make changes to the mission, key design elements, or educational programs of its schools including, but not limited to, the curriculum, pedagogical approach, and staffing structure as provided in the original or most recent renewal application and such changes do not fundamentally change the mission, key design elements, or design of the school, and are generally consistent with the terms of operation and applicable law, then the education corporation has the autonomy to make those changes and no additional information is required. Such revisions should be reported in the school's Annual Report. If the revision to the mission, key design elements, or educational program do fundamentally change, then please proceed to the material revision process. If you have a question as to the fundamental nature of the proposed change, please contact the Institute's Legal Department.

Please note that any changes made to the mission statement must be approved by the education corporation's board of trustees and shall be generally consistent with the key design elements set forth in the Terms of Operation of the charter agreement. All such changes should be reported as part of the school's Annual Report as required by section 6.1 of the Charter Agreement.

C. Revisions to School Policies

If the education corporation wishes to make changes to any school policies, including but not limited to bylaws, the code of ethics, conflicts of interest policy, codes of conduct, personnel policies, handbooks, complaint policy, etc., and such changes do not fundamentally change such policy and are generally consistent with the Terms of Operation and applicable law, then the education corporation has the autonomy to make those changes and no additional information is required. Such revisions should be reported in the school's Annual Report and will be submitted to the Institute upon the next renewal application.

D. Revisions to the School Schedule or Calendar

If the education corporation wishes to make a change to the school schedule or calendar and such changes still allow all grade levels to meet the minimum number of instructional hours and days, then the education corporation has the autonomy to make those changes and no additional information is required. Charter schools are required to provide at least as much instructional time as the district public schools. While district public schools must provide at least 180 instructional days, district public schools may use up to four superintendent conference days to count toward the 180 day minimum. Therefore, as long as the charter school provides at least 176 instructional days and a minimum of 900 instructional hours for grades K-6 or 990 instructional hours for grades 7-12, the charter school is in compliance. Please see Education Law §§ 2851(2)(n), 3604(7)-(8); 8 NYCRR § 175.5.

II. SUBMISSION REQUIREMENTS FOR MATERIAL REVISIONS

For all material revisions, please submit:

1. A cover letter with a description, rationale, and timeline for implementation of the requested revision;
2. Evidence of the board of trustees, approval (finalized board meeting minutes or board resolution);
3. A copy of the updated document, policy, etc., if applicable; and,
4. The **additional information** provided below as to specific subject area.

A. Revisions to the Admissions Policies – At-Risk Preferences

Per the charter agreement, the education corporation has the authority to make changes to the admissions policy without SUNY approval except with regard to at-risk preference factors. Please note that any changes to the admissions policy must be consistent with applicable law and regulations. All changes to the admissions policy must be made well in advance of the lottery so families are aware of the policy that applies when applying for enrollment.

If the education corporation would like to add or delete an at-risk preference to its admissions policy, please submit a draft copy of the admissions policy incorporating the requested at-risk preference and provide a rationale for selecting the at-risk preference and research based evidence why the defined student population is at-risk of academic failure.

B. Revisions to Educational Program

While the education corporation has the right to make any modifications to the educational programs of its schools as it deems necessary including, but not limited to, the curriculum, pedagogical approach, and staffing structure, if such modifications are not consistent with the Terms of Operation of the charter agreement or modify the approved key design elements of the school, then the education corporation must seek SUNY approval. In addition to the required elements of a material revision outlined above, the education corporation should also include a rationale for the proposed changes and a summary of the timing for implementation.

C. Planning Years

An education corporation may have difficulty opening an approved charter within the timeline of original approval due to difficulties securing facilities, a school leader, etc. The charter agreement allows an education corporation to request additional planning years. Per the charter agreement, the Institute is delegated the authority to approve up to two planning years. If the education corporation wishes to seek additional planning years past two years, then such approval must be made by the Committee. In addition to the elements of a material revision outlined above, the education corporation must submit the reasoning for the request for additional planning years, specific timeline details for opening, and efforts made to open the charter in a timely fashion.

D. Enrollment Revisions

All enrollment revisions to the grades served or that provide for more than 120% or less than 80% of total chartered enrollment are material revisions requiring the approval of SUNY. Please note the charter agreement allows a school to vary the total amount of students per grade for the purpose of accommodating staffing exigencies, attrition patterns, and facilities without seeking approval as long as the school serves the approved grades and stays within 80% and 120% of the approved chartered enrollment.

i. Enrollment Revision to the Number of Students Served (Grades Served Remains the Same)

An enrollment revision to the number of students being served in the chartered grades, while a material revision, is delegated to the Institute for approval. In addition to the elements of a material revision outlined above, the education corporation must submit the following:

1. An updated enrollment chart for the remainder of the charter term;
2. An updated staffing plan for the remainder of the charter term; and,
3. An updated budget for the remainder of the charter term.

Please use this [template](#) for these additional items.

ii. Enrollment Revision to the Grades Served

An enrollment revision to add additional grades wherein the school would serve a new set of grades (i.e. an elementary program, a middle school program, or a high school program) is to be approved by the Committee. In addition to the elements of a material revision outlined above, the education corporation must submit the following:

1. Community Analysis: A narrative analysis of the community and target population for the school including:
 - a. A description of the community from which the proposed expanded program intends to draw students;
 - b. Community demographics;
 - c. Performance of local schools serving the proposed expanded grade levels in meeting the community's need;
 - d. How the proposed expanded program would provide a needed alternative for the community; and,
 - e. If there are existing charter schools in the area serving the proposed expanded grade levels, the response should explain how the proposed expanded program is different and how it will provide greater educational benefit to students who would attend the proposed expanded program.
2. Mission Statement: Updated mission statement, if applicable.
3. Enrollment: Updated five year enrollment chart.
4. Schedules: Daily student and teacher schedule for expanded grades.
5. Key Design Elements: Updated Key Design Elements, if applicable.
6. Organizational Chart: Updated organizational chart.
7. Staffing Plan: Updated staffing plan for each remaining year of the charter period and an overall organization chart (Exhibit 12 of Renewal Charter). The staffing plan should account for all instructional, non-instructional, and administrative positions for each remaining year, demonstrating how the school's staff would grow over time and should be consistent with the updated budget. The organization chart should clearly outline the reporting structure of all major groups of employees and be accompanied by a narrative that describes this structure.
8. Educational Program: A description of the academic program and how it would be similar to and different from the existing school programs, including curricular materials, assessment system, promotion requirements, and strategies for meeting the needs of at-risk student populations (students with disabilities, English language learners, and those generally at-risk of academic failure) within the context of the proposed program and proposed professional development activities. In addition, the response should describe how the school would ensure that the program is seamless from grade to grade, including the articulation of students from elementary to middle school grades. Please note: If another school under the education corporation already serves these grades and plans to implement the same academic program, the applicant may reference the program for this response.

9. Curriculum Development: A detailed description of the process that would be used to develop curricula for additional grades, including but not limited to the timeline for completion, who would oversee and lead the process, how teachers would be involved, and how the school would ensure continued alignment to the New York State Core Curriculum.
10. Accountability Plan: Updated Accountability Plan using the Institute [template](#) for the applicable grades.
11. Budget: Updated five year budget.
12. Facility Plan: A detailed description of the facility plan. This plan should be consistent with the details of the updated budget. If a draft lease is available, it should also be provided.
13. Updated policies (if applicable): Please provide for any updated school policies. For example, if the school is going to have different discipline policies for the middle and high schools, a copy of the revised policy should be included. Further, if the school board is going to change its oversight in any way (e.g., new committee structure), updated bylaws should be included.

E. Change to Charter Management Organization

A revision to the charter management organization, while a material revision, is delegated to the Institute for approval. In addition to the elements of a material revision outlined above, the education corporation must submit the following:

1. Mission Statement: Updated mission statement, if applicable.
2. Key Design Elements: Updated Key Design Elements, if applicable.
3. Proposed CMO Agreement: Please provide a copy of the proposed management agreement with the new entity. If the education corporation is proposing to provide the services of the current CMO within the organization and not partner with a new charter management organization, please provide a narrative of how the education corporation will provide all services previously provided by the CMO.
4. Organizational Chart: Updated organizational chart.
5. Enrollment: If the school will revise the chartered enrollment, please submit an updated five year enrollment chart, budget, and staffing plan using this [template](#).
6. Board Membership: Please provide a list of the updated board, if applicable. If you are proposing any new board members, the Institute will require them to go through the SUNY approval process.
7. Transition Plan: Please provide a summary of how the school(s) will transition to the proposed new program. Please indicate what work has already been completed. Within your response please indicate how the following areas of school structure will be dealt with:
 - a. Curriculum and Educational Program. Please describe any changes to the curriculum or educational program including areas where branded material of the previous CMO were utilized.
 - b. Staffing. Please describe any changes in the staffing structure.
 - c. Professional Development. Please include the onboarding of staff to new programs, policies, and structures.
 - d. School Culture. Please include the onboarding of staff and students to any culture policy shifts including the discipline policy.

8. Communication Plan: Please provide a summary of how changes have been and will be communicated to families, students, staff, and other stakeholders ensuring any transition for students is provided for in the least disruptive manner.
9. Action Plan: Provide a detailed action plan outlining the steps the education corporation will undertake to ensure a successful transition. In a well-organized chart, the action plan should include:
 - a. All projected key steps in the transition period including, but not limited to: staffing transitions, curriculum or educational programming changes, operational system changes, communication planning, staff on-boarding, and changes to financial structures.
 - b. The start date and projected completion date of each task; and,
 - c. The person(s) responsible for each task.
10. Revisions to Charter Agreement: Please review the exhibits and responses incorporated into the current charter agreement for the education corporation. If the education corporation needs a current copy of the exhibits and responses, please contact the Institute's Legal Department. Provide an updated response for each response and exhibit which will change under the new CMO including but not limited to the educational program.
11. Business Plan: If the education corporations will be contracting with a new charter management organization that is not currently associated with a charter school authorized by SUNY, then the organization will have to submit a business plan. The elements of a business plan may be found page 72 of the 2024 [Request for Proposals](#).

For additional resources or any assistance in process a revision request, please contact the Institute's Legal Department at Charter.Legal@suny.edu.



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