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Q and A

Revisions to Charters Authorized by the Board of Regents

While charter schools operate with expanded autonomy in exchange for increased accountability, because charters are approved by the Board of Regents, revisions to a charter may require the approval of either the Board of Regents (for material charter revisions) or the Commissioner of Education (for non-material charter revisions), before the school can implement the change. A revision is a change to the school design (program, operational and fiscal plan) as set forth in the approved initial or renewal charter application, which becomes part of the School's charter.

This Q & A is designed to provide general information and guidance on the process for requesting revisions to charters and to answer frequently asked questions. All charter schools authorized by the Board of Regents have a staff member of the New York State Education Department's Charter School Office (CSO) designated as their liaison. If you have questions that are not included in this document, please contact your CSO liaison. A liaison list is available on the CSO web site: <http://www.p12.nysed.gov/psc/contact.html>

Q1. How do I know if what my Board of Trustees is proposing requires a revision to the charter?

- A. See **Q9** and **Q10** below for examples of charter revisions. These are examples only, not an exhaustive list of all possible charter revisions. There are also many operational changes that do not require a formal charter revision (e.g., hiring a new school principal, adding members to the Board of Trustees, etc.) but they may require other processes and/or approval. Please contact your CSO liaison for assistance in determining whether or not a charter revision is necessary.

Note: Specific guidance on the process for adding members to the Board of Trustees is posted on the CSO web site: <http://www.p12.nysed.gov/psc/AddingBoardofTrusteeMembers.html>

Q2. How does a charter school make a revision to its charter?

- A. All revisions to a School's charter must be approved through a resolution of the School's Board of Trustees. Depending upon the nature of the specific proposed charter revision,

it will also need to be approved by either the Board of Regents or the Commissioner of Education **before** it can be implemented by the School.¹

Submitting a Proposed Charter Revision for Approval

Q3. Who should submit a proposed charter revision to the Charter School Office for approval?

A. The President/Chairperson of the School's Board of Trustees (or an individual authorized by the Board of Trustees) must submit the request for a charter revision to the Charter School Office.

Q4. How/to whom should a proposed charter revision be submitted?

A. All proposed charter revisions should be submitted via email to the Charter School Office at: charterschools@mail.nysed.gov. The subject line of the email should read: "Proposed Charter Revision for (Name of School)"

Q5. What should be included in the materials submitted to the Charter School Office for approval of a proposed charter revision?

A. 1) **All** proposed charter revision requests must include the following information:

- Name and address of the Charter School
- Name and position of person submitting the proposed revision
- If the person submitting the proposed revision is not the President/Chairperson of the Board of Trustees, a statement, signed by the President/Chairperson, indicating that the Board of Trustees has authorized the individual to submit the proposed revision on behalf of the Board
- Contact information (telephone and email) for the person submitting the proposed revision
- A copy of the Board of Trustees' resolution approving the proposed charter revision
- A description of the charter revision being requested and an explanation of the reasons for the requested revision
- Evidence that the timeline for implementation of the charter revision is realistic

2) Any/all of the following which are relevant to the revision being requested:

- Current approved maximum enrollment
- Current approved grade span
- Evidence of academic success and organizational viability
- Evidence of the demand for additional seats and/or grades at the School
- Whether and how the increase enrollment and/or grades span would affect the distribution of students across grades in the School

¹ The Board of Regents delegated authority to the Commissioner to approve certain charter revisions. See §3.16(c) of the Rules of the Board of Regents (8NYCRR 3.16)

- Curriculum-related information for any new grades being proposed consistent with what was required in the original application for the charter
- Evidence that the School's budget and facilities are sufficient to support the proposed expansion
- Evidence of a clearly defined, performance-based relationship between the School's Board of Trustees and a proposed management company
- Evidence that a proposed management company has a demonstrated track record of positive academic results and responsible fiscal management
- Evidence that the School has the capacity to operate independently of its management company

3) Any other information that the School deems relevant to the proposed charter revision and any other information that the Charter School Office, on behalf of the Commissioner and the Board of Regents, may require.

Q6. When should I submit a proposed charter revision to the Charter School Office for approval?

A. **All** proposed charter revisions must be submitted to the Charter School Office, no later than **December 15th** of the year prior to the academic year in which the proposed revision will commence. For example, if a school wished to implement a charter revision in the 2015-16 school year, the proposed charter revision request must be submitted to the Charter School Office no later than December 15, 2014. **Please note: This is a change from the previous December 15th deadline that only applied to revision requests that involved changes in grades served or enrollment increases.**

Q7. What if a situation arises after December 15th that would necessitate a charter revision for the next school year?

A. Charter schools are strongly encouraged to plan ahead regarding charter revisions, particularly those of a material nature (see **Q9** below), and to communicate and consult with the Charter School Office when a revision request is anticipated. In the rare instance that extenuating circumstances preclude the submission of a propose charter revision by December 15th of the year prior to the academic year in which the proposed revision would commence, the School should contact its liaison in the Charter School Office promptly to discuss the need for the charter revision and the possibility of an alternative timeline for submitting the proposed revision.

Q8. If my school's charter has recently been renewed, can I still submit a proposed charter revision request?

A. To the greatest extent possible, all material charter revisions (see **Q9** below) should be included in charter renewal applications. If a school is considering requesting a material charter revision outside of the charter renewal process, you should contact your CSO liaison to discuss this before submitting the charter revision request.

Types of Charter Revisions

Q9. What kind of charter revisions are considered to be “material” revisions and therefore necessitate approval by the Board of Regents²?

A. Material charter revisions include:

- revisions that fundamentally alter a school’s mission, vision or educational philosophy
- significant changes in the organizational or leadership structure of the School (e.g., adding a new layer of administrative reporting)
- changes in the school design and/or educational program that are inconsistent with those in the approved charter
- relocation of the School to a different school district
- contracting with or discontinuing a contract with a management company
- changing the name of the School
- increases or decreases in the maximum approved enrollment
- adding or removing grades

As stated in **Q8**, to the greatest extent possible, material charter revisions should be made during the charter renewal process, not during the course of a charter term. In particular, if a School wished to make changes in maximum enrollment and/or grades served, those revision requests should be included in the renewal application so that they can be considered in conjunction with the plans described in the charter renewal application for the next charter term when the Regents are considering the renewal of the School’s charter.

Requests for changes in the name of charter schools authorized by the Board of Regents will not be considered or recommended for approval by the Board of Regents except as part of an application for Charter Renewal. The only exceptions to this requirement will be:

1. If a school has the name of a community in its name and is seeking approval to relocate outside of that community. In those cases, the request for a name change should be made at the same time the request is made to relocate the school.
2. If a school’s name reflects a CMO or other partnership relationship that is being terminated. In those cases, the request for a name change should be made at the time the request to terminate the CMO/partnership relationship is made.

² For material charter revisions, the school district in which the charter school is located is required to hold a public hearing to solicit comments from the community (§2857(1)). Upon receipt of a complete revision request, the Charter School Office will notify the school district of its obligation to hold the public hearing within 30 days of receipt of such notification. In the case of a proposed charter revision that involves the relocation of a charter school to a different school district, both school districts must hold public hearings within 30 days of receipt of such notification (Education Law §2852(7)(b), §2857(1) and §119.4 of the Regulations of the Commissioner (8 NYCRR 119.4)

Q10. What kind of charter revisions are considered to be “non-material” revisions and therefore necessitate approval by the Commissioner of Education?

A. Non-material charter revisions include:

- changes or corrections to the school’s mission or vision statement or other sections of the charter that do not fundamentally alter a school’s mission, vision or educational philosophy and are consistent with what is in the approved changes in the school design and/or educational program that are inconsistent with those in the approved charter
- minor corrections/clarifications to the school’s organizational structure or charter
- changes in the school’s bylaws, code of conduct, discipline policy, personnel policy, complaint policy, student/family handbook, or teacher/staff handbook
- changes in the school’s admissions policy or enrollment process
- changes in the school’s schedule (e.g., length of school year, school week or school day)

Q11. What if I am not sure if my proposed charter revision is “material” or “non-material”?

A. It is not necessary to identify your proposed charter revision as material or non-material. Upon receipt of a proposed charter revision, the Charter School Office at the New York State Education Department will inform the individual who submitted the propose revision if the revision is material or non-material and the next steps in the approval process before the revision(s) can be implemented by the School.

What to Expect after Submission of a Charter Revision Request

Q12. How will my proposed revision request be evaluated?

A. The Charter School Office, the Commissioner and the Board of Regents will consider all relevant information when evaluating a proposed charter revision, including but not limited to: evidence of the success of the School’s academic program, viability of the School as an organization, faithfulness of the School to the terms of its charter and capacity of the School to successfully implement the proposed charter revision. To the extent that the proposed charter revision request provides clear and complete information that addresses these issues as well as includes the specific information listed in **Q5** (above), the evaluation of a charter revision request will be facilitated and expedited. The need to request additional information from the School and/or clarify information that has been submitted may prolong the approval process.

Q13. When will I hear if my proposed charter revision has been approved?

A. Although the Charter School Statute does not specify a deadline by which the Board of Regents or the Commissioner must consider and make a decision about a proposed charter revision; every effort will be made to provide schools with timely decisions. Material charter revisions, which require the approval of the Board of Regents, are considered by the Regents at their regularly scheduled monthly meetings.

The Charter School Office will communicate with the School when a decision has been made about a proposed charter revision.

Additional Questions

Q14. Who should I talk to if I have questions about the charter revision process that aren't addressed in this Q&A?

- A. Contact your CSO liaison with any questions you have concerning the charter revision process. A liaison list is available on the CSO web site:
<http://www.p12.nysed.gov/psc/contact.html>

**Special note concerning charter schools co-located in public school buildings
in the New York City School District**

Charter schools located in NYCDOE public school buildings must coordinate with the New York City Department of Education's Division of Portfolio Planning on any proposal to expand within a current facility or relocate to another NYCDOE facility.