



Charter School Revision Guidelines

**New York State Board of Regents
State Education Department**

Charter School Office

89 Washington Avenue
Albany, New York 12234
www.p12.nysed.gov/psc/

November 2016

Table of Contents

Overview	3
Initial Steps for All Revisions	3
Determining Material versus Non-Material Revisions	4
Common Reasons Revisions are Denied	4
Revision Deadlines	5
Material Revisions	6
Submission Requirements for All Material Revisions	6
Common Material Revisions and the Additional Documents Required	7
Non-Material Revisions	9
Submission Requirements for all Non-Material Revisions.....	10
Common Non-Material Revisions and the Additional Documents Required	10
What to Expect After Submission	11
Other Changes Not Considered Revisions	12

Overview

Charter schools operate with expanded autonomy in exchange for increased accountability. A charter school is held accountable to the language set forth in the approved initial or renewal charter application, which becomes part of the school's charter. A revision is a change to the school design as set forth in the school's charter. These revisions may include, but are not limited to, changes to the academic program, governance structure, mission, location of the school, and/or certain policies and procedures.

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.

These guidelines are designed to provide general information about the process for requesting revisions to charters. However, there are also many operational changes that are not considered material revisions (e.g., adding members to the Board of Trustees) but that may require other processes and/or approval.

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. **Please contact your CSO liaison for assistance in determining whether a revision is material or non-material, and to determine whether other processes are required.** A liaison list is available on the CSO web site: <http://www.p12.nysed.gov/psc/contact.html> or by emailing CharterSchools@nysed.gov.

Initial Steps for All Revisions

1. Contact your CSO liaison for clarification whether the proposed revision is material, non-material, or neither, and to determine whether there are any significant issues the school should consider and address before submitting the proposal. The CSO strongly recommends starting this process as soon as possible in the fall prior to the year of implementation of the proposed revision.
2. Consider whether there are any other revisions being sought for the upcoming academic year that can be included in the proposal. Submitting one revision request with multiple changes, if applicable, will result in faster processing time and a more coherent presentation to the Board of Regents. Multiple revision requests in a single academic year are discouraged.
3. Prepare and submit the revision request to the charter school's Board of Trustees for approval, and prepare a resolution to include with the board meeting minutes for the applicable meeting.

4. Submit the proposed revision and required documents via email to the Charter School Office at: CharterSchools@nysed.gov. The subject line of the email should read: "Proposed Charter Revision for (Name of School)."

The deadline to submit material charter revisions for Board of Regents-authorized charter schools is December 15 of the year prior to the academic year in which the proposed revision will commence.

Determining Material versus Non-Material Revisions

Working with your liaison will ensure that any changes to the school's charter will be correctly categorized as a material or non-material change – or neither. The liaison will review the request and determine if the revision meets the criteria for a material revision as specified in [8 NYCRR 3.16\(c\)](#). Although there are exceptions, material charter revisions are considered to be those revisions that result in a significant change to the school's educational philosophy, mission or vision; governance or leadership structure; or curriculum model or school design changes that are inconsistent with that approved in the current charter. Material charter revisions also include hiring or termination of a management company; change in school name; a change in location, if such revision results in relocation to another school district or borough in New York City; the maximum authorized enrollment; and/or grade levels served.

Non-material revisions are generally less significant changes to the school's educational philosophy, mission or vision; governance or leadership structure; the curriculum model; or school design, as determined by the Commissioner. Non-material changes may also include changes to the school's calendar or schedule; the school's by-laws; code of conduct; and/or major policies and procedures.

Common Reasons Revisions Are Denied

1. The request is submitted after the December 15th deadline, and there are no exigent circumstances warranting an extension of time.
2. The request does not include all required information (e.g., justification, red-lined changes to the charter, meeting minutes/board resolution, enrollment charts, budget, etc.).
3. The school has mixed or poor academic results, or little to no academic data at the time of the request to support the proposed revision.¹
4. The school fails to enroll and retain students with disabilities, English language learners,

¹ Refer to the [Charter School Performance Framework](#) for a delineation of minimum academic performance standards expected of all Regents-authorized schools.

and economically disadvantaged students, in percentages comparable to the district of location, and fails to engage in extensive efforts to recruit and retain such students.²

5. The request violates the law or CSO policy (e.g., adding a board member employed by the school in violation of the General Municipal Law; adding preferences for student subgroups without a specific school design pursuant to Commissioner's Regulation §119.5
6. The request would result in a significant deviation from the school's chartered design (e.g., a school designed serve homeless and foster youth exclusively, is seeking a diversity model).
7. The school has submitted multiple material revisions requiring Board of Regents action in a limited timeframe. To the greatest extent possible, charter revisions should be submitted simultaneously. Please note: The [NYSED Application for Charter Renewal](#) and the [Guidelines for Submitting an Application for Merger/Consolidation](#) both contain sections for revision requests. Schools are strongly encouraged to submit material revision requests during renewal and/or merger or consolidation, and to limit material revisions submitted during the course of the charter term.

Revision Deadlines

Charter schools are strongly encouraged to plan ahead regarding charter revisions, particularly those of a material nature. Therefore, **all** proposed material 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 wishes to implement a material charter revision in the 2017-18 school year, the proposed material charter revision request must be submitted to the Charter School Office no later than December 15, 2016.

In the **rare** instance that extenuating circumstances preclude the submission of a proposed charter revision by the December 15th deadline (e.g., severe damage from fire or flood that requires relocation to another district), the school should promptly contact its liaison in the CSO to discuss the need for the charter revision and the possibility of an alternative timeline for submitting the proposed revision.

Requests for changes to 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 or merger/consolidation. The only exceptions to this requirement will be:

² If the school is requesting an enrollment increase or grade expansion, this concern may be addressed by demonstrating the school will couple the admission of additional students with a policy of providing weighting or preferencing to student subgroups. In this case, a redlined version of the revised enrollment policy must be submitted for review and approval.

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 Charter Management Organization (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.

Non-material charter revision requests can be made to the CSO liaison at any time throughout the calendar year.

Material Revisions

Submission Requirements for All Material Revisions

1. Name and address of the charter school
2. Name, position and contact information of person submitting the proposed revision³
3. Details of the revision
4. Justification for the revision
5. A proposed timeline for implementation
6. Board meeting minutes related to the revision and its approval including a resolution approving the revision
7. Any other information that the school deems relevant to the proposed charter revision and any additional information that the Charter School Office, on behalf of the Commissioner and the Board of Regents, may require (see below)
8. Revised pages of the current charter, which show how all affected sections of the current charter will change. Use ~~strikethroughs~~ for deleted text. Use **bold** for added text. Please submit actual revised pages, not a summation of revised text. Note, the entire charter does not need to be resubmitted, only those sections which are changing

³ 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.

Common Material Revisions and the Additional Documents Required

A. Revisions that fundamentally alter a school’s mission, vision or educational philosophy

1. Line by line comparison of changes. Use ~~striketroughs~~ for deleted text. Use **bold** for added text

B. Significant changes in the organizational/leadership structure of the school (e.g., adding a new layer of administrative reporting).

1. Summary of changes to organizational/leadership structure
2. Current organizational chart
3. Proposed organizational chart
4. Revised staffing plan
5. Revised budget

C. Changes in the school design and/or educational program that are inconsistent with those in the approved charter.

1. Line by line comparison of changes. Use ~~striketroughs~~ for deleted text. Use **bold** for added text
2. Identify whether the revision is expected to increase or decrease the school’s budget. If a budgetary change is anticipated, a revised budget for each year through the end of the charter term must be included
3. Revised staffing plan

D. Relocation of the school.^{4,5}

1. Identify the current location of the school, grades served, the number of students served currently therein and the maximum number of students that can be served at capacity

⁴ Notice of the revision will be provided to the current school district and the proposed school district of locations. Hearings will take place in both districts.

⁵ Charter schools located in NYCDOE public school buildings must also coordinate with the New York City Department of Education on any proposal to expand within a current facility or relocate to another NYCDOE facility.

2. Identify the proposed location of the school, grades served, the number of students served currently therein (if any), and the maximum number of students that can be served at capacity
3. An analysis of the projected programmatic and fiscal impact of the charter school on the proposed new school district of location and other public and nonpublic schools in the area
4. A revised budget for each year through the end of the charter term

E. Contracting with a management company.⁶

1. Copy of all proposed contracts with management company (the contract requires separate CSO approval)
2. Copy of revised bylaws, which must include provisions required by Sections 2.13, 2.14, and Exhibit C of the Charter Agreement. Use ~~striketroughs~~ for deleted text. Use **bold** for added text
3. Evidence of a clearly defined, performance-based relationship between the school's Board of Trustees and proposed management company
4. Evidence that the management company is a not-for-profit entity
5. Evidence that a proposed management company has a demonstrated track record of positive academic results and responsible fiscal management
6. A revised budget for each year through the end of the charter term

F. Discontinuing a contract with a management company.

1. Copy of any amended contracts or agreements with the management company (may require separate CSO approval)
2. Copy of revised bylaws. Use ~~striketroughs~~ for deleted text. Use **bold** for added text
3. Evidence that the school has the capacity to operate independently of its management company
4. A revised budget for each year through the end of the charter term

G. Changing the name of the school.⁷

⁶ Please refer to the NYSED [Definition of an Entity That Provides Comprehensive Management Services](#)

1. The rationale for the proposed name change

H. Increases or decreases in the maximum approved enrollment and/or grade span.

1. Approved enrollment chart for the entire current charter term⁸
2. Proposed enrollment chart for the entire current charter term
3. Identify the current location of the school and any plans to secure additional or new space to accommodate the increased enrollment or grades
4. Evidence of the school's academic success⁹ and organizational viability
5. Evidence of the demand for additional seats and/or grades at the school
6. Whether and how the increased enrollment and/or grade span would affect the distribution of students across grades in the school
7. A plan for developing curriculum-related information for any new grades being proposed, consistent with what was required in the original application for the charter
8. A revised budget for each year through the end of the charter term
9. A revised staffing plan

I. Merger/Consolidation of Education Corporation

Please refer to the [Guidelines for Submitting an Application for Merger/Consolidation for complete information.](#)

Non-Material Revisions

Submission Requirements for All Non-Material Revisions

1. Name and address of the charter school
2. Name, position and contact information of person submitting the proposed revision¹⁰

⁷ The proposed name must include the words "charter school" and shall not include the name or identification of a for-profit business or corporate entity.

⁸ See Appendix A

⁹ See Appendix B. Data can be obtained from data.nysed.gov.

3. Details of the revision
4. Justification for the revision
5. A proposed timeline for implementation
6. Board meeting minutes related to the revision and its approval including a resolution approving the revision
7. Any other information that the school deems relevant to the proposed charter revision and any additional information that the Charter School Office, on behalf of the Commissioner and the Board of Regents, may require (see below)
 - a. Revised pages of the current charter, which show how all affected sections of the current charter will change. Use ~~striketroughs~~ for deleted text. Use **bold** for added text. Please submit actual revised pages, not a summation of revised text. Note, the entire charter does not need to be resubmitted, only those sections which are changing

Common Non-Material Revisions and the Additional Documents Required

A. 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.

1. Line by line comparison of changes. Use ~~striketroughs~~ for deleted text. Use **bold** for added text

B. Minor corrections/clarifications to the school’s organizational structure or charter.

1. Summary of changes to organizational/leadership structure, if applicable
2. Current organizational chart, if applicable
3. Proposed organizational chart, if applicable
4. Identify whether the revision is expected to increase or decrease the school’s budget. If a budgetary change is anticipated, a revised budget for each year through the end of the charter term must be included

¹⁰ 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.

C. Changes in the school’s bylaws, code of conduct, discipline policy, personnel policy, complaint policy, student/family handbook, or teacher/staff handbook.

1. Redlined version of the approved document, showing all additions and/or deletions. Use ~~striketroughs~~ for deleted text. Use **bold** for added text

D. Changes in the school’s admissions policy or enrollment process.

1. Redlined version of the approved document, showing all additions and/or deletions. Use ~~striketroughs~~ for deleted text. Use **bold** for added text

E. Minor changes in the school’s schedule that are consistent with the charter.

1. Redlined version of the approved document, showing all additions and/or deletions. Use ~~striketroughs~~ for deleted text. Use **bold** for added text

F. Adding a board of trustees member to an existing charter school.

Please refer to the guidance for adding members to the Board of Trustees posted on the CSO web site at <http://www.p12.nysed.gov/psc/addbotmember.html>.

What to Expect After Submission

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 and includes the specific information listed above, the evaluation of a charter revision request will be facilitated and expedited, if possible. The need to request additional information from the school and/or clarify information that has been submitted may prolong the approval process.

The Charter Schools Act 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. However, 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.

Any proposed revisions or portions thereof that are not specifically approved are deemed denied.

Other Changes Not Considered Revisions

Charter schools should always work with the school's liaison to determine which revision type a proposed change falls under or if it is considered a revision at all. There are several changes that do not constitute charter revisions, either material or non-material, including some changes to instructional approach, some governance policies, leadership or board composition, and fiscal changes, which require Board of Regents-authorized charter schools to notify their CSO liaison.

**FOR ADDITIONAL RESOURCES, PLEASE CONTACT YOUR CHARTER SCHOOL OFFICE LIAISON OR
EMAIL CHARTERSCHOOLS@NYSED.GOV.**

Appendix A: Sample Enrollment/Grade Revision Charts¹¹

**Table 1: Sample Charter School
Approved Enrollment/Grade Configuration**

	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019
Grade Configuration	K - 3	K - 4	K - 5	K - 5	K - 5
Total Approved Enrollment	100	200	300	300	300

**Table 2: Sample Charter School
Proposed Enrollment/Grade Configuration**

	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019
Grade Configuration	K - 3	K - 4	K - 5	K - 6	K - 7
Total Approved Enrollment	100	200	300	400	500

¹¹ List grade and enrollment configurations for each year in the current charter term, even if those years have passed.

Appendix B: Sample Academic Achievement Chart¹²

**Table 3: Sample Charter School
Academic Achievement**

All Students	ELA					Math				
	Sample Charter School	Sample CSD	Variance to Sample CSD	NYS	Variance to NYS	Sample Charter School	Sample CSD	Variance to Sample CSD	NYS	Variance to NYS
2013-2014	33%	22%	+11%	31%	+2%	34%	35%	-1%	36%	-2%
2014-2015	29%	25%	+4%	31%	-2%	38%	35%	+3%	38%	0%
2015-2016	39%	26%	+13%	38%	+1%	61%	36%	+25%	39%	+22%

¹² Use entire charter term. If there are less than three years of data in the current term, use data from previous charter terms. Data can be obtained from data.nysed.gov.