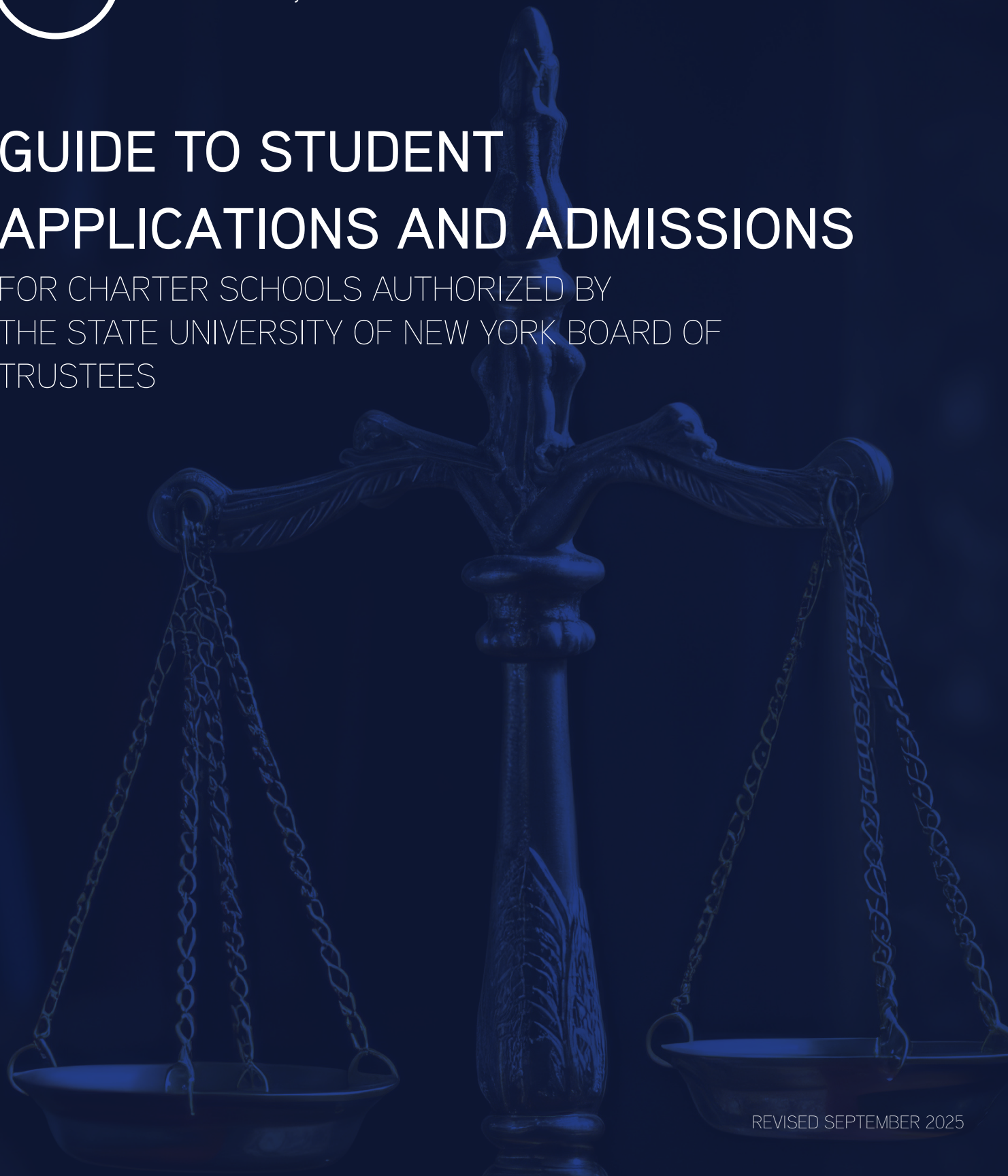




GUIDE TO STUDENT APPLICATIONS AND ADMISSIONS

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



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INTRODUCTION

Charter schools provide an opportunity for all students to make a choice regarding the school they wish to attend. The New York Charter Schools Act of 1999 (the "Act") requires charter schools to admit students free of discrimination and, where there are more applicants than seats available, through a random selection process commonly referred to as a lottery. It is imperative schools adhere to the following rules and regulations to ensure the integrity of their student admission process.

DISCLAIMER

Nothing implied or stated in this guidance should be construed to be legal advice. The SUNY Charter Schools Institute (the "Institute") is not a law firm and this guidance should not be interpreted as creating an attorney-client or legal advisor relationship. For questions regarding your specific situation, please consult a qualified attorney. This guidance contains general information and may not reflect current statutes, case law, or other legal developments. The Institute does not guarantee the guidance's content is correct, complete, or up-to-date.

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NEW YORK CHARTER SCHOOL UNIFORM APPLICATION

The New York Charter Schools Act of 1998 (as amended, the “Act”) and regulations of the New York State Education Department (“NYSED”), 8 NYCRR § 119.5 (available at www.nysed.gov/charter-schools/charter-school-regulations-1195), require all charter schools to use the New York Charter School Uniform Application form (the “NYSED Uniform Application”) in one of two ways:

- A. As provided by NYSED without modification (available at: www.nysed.gov/charter-schools/forms); or,
 - B. Charters can adapt their own application forms by following the parameters set forth in the Directions to Charter Schools for the Use of the New York State Education Department’s New York State Charter School Uniform Application Form (the “NYSED Directions”) available at: www.nysed.gov/charter-schools/forms. For example, charters can add logos and branding elements such as a mission statement, theme, or motto. However, the mandatory fields provided in the NYSED Uniform Application must still be included along with the specified non-discrimination statement, and all voluntary fields must be clearly marked as voluntary.
 - i. The application is not a place to collect student registration information including special education or ELL status, unless related to a voluntary preference.
 - ii. Applications must be offered in a non-electronic format and may also be offered in electronic format, provided the information requested in all formats is the same.
- Preferences
 - Schools with non-statutory at-risk admissions preferences, (e.g., providing a priority to students who are English language learners (“ELLs”), who qualify for the federal Free and Reduced Price Lunch program (“FRPL”), etc.), can ask for certain additional information to assess eligibility for the at-risk designations on a voluntary basis only. If a charter adds any it: 1) cannot be marked as required; and, 2) must relate to an admissions preference or set-aside.
 - Please note that the U.S. Department of Education has determined that newly chartered schools receiving federal Charter Schools Program (“CSP”) grant funds may only provide non- statutory at-risk preference in conjunction with NYSED's weighted lottery generator and with NYSED's permission. For example, a student who would receive one extra weight for being an ELL and one extra weight for qualifying for FRPL would still only receive one extra weight in the lottery. For charters within their first three years of operation, please contact the SUNY Charter Schools Institute (the “Institute”) for more information.

- Schools may provide a preference to children of employees of the charter school education corporation or its charter management organization limited to 15% of the charter school's total enrollment. Charters must affirmatively state they will use this preference by amending their admissions policies and applications
- Charters with at-risk admissions preferences can also add a modification to the required non-discrimination statement stating, for example, that the charter only admits students who identify as a particular gender.

GENERAL INSTRUCTIONS

- Schools should identify an "Application Period," the period of time during which the school is accepting applications. The end date of the period should be clearly noted on the application, which may not be prior to the close of business on April 1st. A school may extend its Application Period beyond April 1st, but the Application Period cannot legally end before April 1st for any type of applicant, including siblings. Once a school establishes an Application Period, the charter must accept any applications received within the Application Period.
- If your school only accepts applications for certain grades, that information should be clearly displayed on the Admissions Application and match the related admission policy in your charter agreement. If your school has changed or plans to change its Admissions Policy, please contact the Institute, as doing so may require a revision to your charter.
- If your school's admission policy reserves the right to place students in another grade level based on post-admission evaluation or transcript, this information should also be clearly displayed in the application. Note: any student must be accepted before such placement decisions are made, as the school decline enrollment based on achievement or aptitude (or ELL or disability status).
- The final application must be made available in any language to allow equal access to the application process.

RANDOM SELECTION PROCESS (LOTTERY)

NYSED's regulations, Random Selection Process for Charter School Student Applicants, 8 NYCRR §119.5, apply to all charter schools. Please be sure to read carefully the NYSED regulations and share it and this Guidance, with all of those at the school involved in student recruitment, enrollment, and the lottery, including any external vendors.

- A random selection process (lottery) is required for all charter schools if the number of timely submitted applications of eligible students for admission to a grade exceeds the grade level capacity (or building if the charter does not distinguish between grades).
- The lottery must be publicly noticed (date, time, and location), like a charter school board-meeting, consistent with Public Officers Law § 104 (available at :<https://dos.ny.gov/open-meeting-law>).
- Provide notice of the time and place of the lottery to the news media (the same media outlet your charter uses to notice board meetings) at least one week before the lottery;and,
- Conspicuously post notice of the lottery in the one or more designated places where your charter posts notice of its board meetings at least 72 hours before the lottery;and,
- Conspicuously post notice of the lottery on the charter's website at the same time as the media notice.
- Per the NYSED regulations, the person(s) conducting the selection of lottery applicants or acting as an impartial observer of the selection of lottery applicants cannot be a board-member, an employee of the education corporation, or a parent, person in a parental-relationship, grandparent, sibling, aunt, uncle or first cousin of any applicant to the charter or of any pupil enrolled in the charter.
- The lottery must be:
 1. Held in a space that is open and accessible to the public; and
 2. Capable of accommodating the reasonably anticipated number of attendees.
 3. The location chosen for the lottery should be:
 4. Accessible by all persons in terms of being able to sign in or pass through security;
 5. Accessible by persons with disabilities (or reasonable accommodation should be made for them to access the space); and
 6. Accessible for parents and guardians of ELLS with translator or translated materials

- The charter school should document the steps taken throughout its lottery process and make such records available to NYSED and/or the Institute upon request. Records should be sufficiently detailed to enable the reviewer to identify the process used, compare the process used to the lottery procedures contained in the education corporation's charter, and determine that the procedures used were consistent with those set forth in the charter.
- The Institute highly recommends that you schedule your lottery as soon as is practicable after the close of business on April 1st. We make this recommendation for two reasons. First, many other charter schools have lotteries at that time. As parents apply to multiple charters, it is best to have them make decisions quickly and inform the other charters their students will not be attending rather than wait for a late lottery. Second, school districts will have more time to transfer student records, provide the charter school with the resources required under the law (such as textbooks), and better plan their staffing for the upcoming year.
- **IMPORTANT TRANSPORTATION REMINDER.** Per a decision of the Commissioner of Education, charter school parents must request transportation from their school districts of residence by no later than April 1st. In many cases, this means parents must apply to the district for transportation before they know if their student will attend a charter school. It is critically important to inform parents about this situation.
- Please note that the NYSED regulations DO NOT cover lotteries or admissions procedures for waiting lists or grades for which a charter school may accept applications but for which no seats are available. In these cases, charter schools should follow the procedures set forth in their charters and contact the Institute with any questions.

Important Notes:

Please keep in mind the following:

- The earliest a charter school can hold its lottery is the close of business on April 1. Therefore, every application received on or prior to April 1 should be considered a "live" application and must be processed according to your charter's procedures. Note that your charter may set a later admissions deadline as long as all applications are accepted through that deadline.
- Charter schools are required to demonstrate good faith efforts to attract and retain a comparable or greater enrollment of students with disabilities, ELLs, and students who qualify for FRPL when compared to the enrollment figures for such students in the school district (or CSD in New York City) in which the charter school is located.
- The Act mandates recruitment and retention targets for students with disabilities, ELLs, and FRPL students for all schools with charters issued through the Request for Proposals process and all charters that apply for renewal.
- Schools may need to revise admissions materials or practices to show such good faith efforts and work to meet the targets. Each charter should document recruitment activities and activities to serve these at-risk populations upon admission.
- For example, charters may need to translate application materials into other languages to

attract ELLs, specifically target low-income neighborhoods, or develop methods to reach out to parents of students with disabilities.

- Charter schools entering their first year of operation are required to submit a standard form recording various outreach efforts (see Reporting Requirements, below). Existing charter schools may find it helpful to use the same form to record such efforts, and it is strongly recommended for all charters considering the emphasis on enrollment and retention of students with disabilities, ELLs, and FRPL students. Charters should also keep copies of admissions materials translated into other languages that are predominately spoken in the school district (or CSD) of location. Where appropriate, the Institute will use this information to suggest changes to your recruitment efforts. At the end of your recruitment period, the Institute may also compare the Student Recruitment and School Marketing Efforts (reported by first-year charters and certain other charters) to the steps actually taken by the charter.

Given the small percentages of students who enter charter schools each year through the lottery and the high number of siblings in those applicant pools, at-risk preferences are a key tool to use to meet the statutory targets for students with disabilities, ELLs, and FRPL students. Adding such preferences would constitute a revision of your charter. Note that using such preferences beyond a single weight in the lottery may foreclose the receipt of CSP grant funds, which is important to charters in their first three years of operation.

Charter schools must give a statutory admissions preference to students residing within the geographical boundaries of the school district or CSD in which the charter school is located. In New York City, SUNY's policy is to use the geographic boundaries of the CSDs as opposed to any form of "zoned" boundary as determined by the New York City Department of Education ("NYCDOE"). Use the following tool from the New York City Department of City Planning to generate the correct CSD for all addresses: gis.nyc.gov/doitt/nycitymap/ by checking "School District" included in the group labeled "Municipal Boundaries." PLEASE DO NOT USE ANY OTHER ADDRESS LOCATORS, EVEN THOSE THAT MAY BE LOCATED ON THE NYCDOE WEBSITE. (It may be necessary to try using a different web browser if you encounter difficulty accessing the website).

- Please note that verifying whether or not an address is within the CSD of the charter school's location may take considerable time, especially if not done on a rolling basis. Charters should plan lottery dates accordingly. Applicants residing outside of the CSD of the charter school's location
- Are treated the same as applicants residing outside of New York City (but within the State), i.e., there is no secondary New York City preference. Please also note that a charter may operate sites in different CSDs. Therefore, the CSD of the site for the grade should be used for the preference. For example, if a charter operates one site for K – 4th grade in one CSD and another site for 5th – 8th grade in another CSD, the preference may only be used where the grade is located.

- The preference for students residing in the CSD of location for New York City charter schools has generated questions regarding the status of other statutory preferences – siblings and returning students. While most charters automatically re-admit returning students who indicate that they will return to the charter, some similarly admit siblings of existing students and employee students (up to 15%), the law does not mandate this result, which may be referred to as an absolute preference.
- While it is clear that siblings residing in the CSD would have more preference (or two preferences) and may be selected over siblings not residing in the CSD, the exact methodology is not set forth in the Act. Therefore, a charter may, for example, use a random selection process whereby each sibling is given three (or some other number) of chances in the drawing while a child residing in the CSD is given two and a child outside of the CSD is given one.
- The key element is that the lottery criteria (or chances) are known to applicants before the lottery takes place and are preferably contained in the Admissions Application as well. Similarly, applicants should be fully aware of any at-risk preferences the charter may use (as set forth in the charter’s charter agreement). The application should solicit sufficient information to apply such factors, should indicate that at-risk factors take precedence over the CSD statutory preference, and should state that providing information to receive the benefit of such a factor is voluntary. In addition, any set-asides for at-risk students (e.g., a 15% set aside for ELLs) should be indicated on the Admissions Application and be made clear prior to the start of the lottery.
- While the school district residency preference is a statutory preference like the returning student, sibling, and student of employee preferences, many schools have amended their charters to add at-risk preferences such as qualification for FRPL or attending a “failing” school (with some charters having more than one factor). Please note that any absolute at-risk preference (i.e., one that is not weighted by the number of chances or tickets) must be given priority over the statutory residency preference. This does not mean, however, that the residency preference is ignored; rather, both must be applied together. For example, a charter that has a FRPL at-risk design factor would establish its admission priority as follows:
 - Qualifies for FRPL and resides in the school district (or CSD) of location;
 - Qualifies for FRPL but does not reside in the school district (or CSD) of location;
 - Resides in the school district (or CSD) of location;
 - Does not reside in the school district (or CSD) of location.

- If you have any questions about this or how weighted lotteries may be used instead of absolute priorities, please contact the Institute.
- Once the lottery has been conducted, notify all parents and guardians who submitted applications by the application deadline whether their children have been granted seats at the charter or if they are on the waiting list.
- You will find that many parents and guardians submit applications to multiple schools to maximize the number of educational options available to them. As a result, the Institute recommends that after the lottery, charter schools engage in a process of confirming a parent/guardian's intent to enroll his/her child in the charter. Doing so will provide a more accurate representation of enrollment figures to both the charter school and the Institute and provide opportunities for students on the waiting list. It also provides an opportunity to gather additional information regarding the special needs of students or ELLs and other helpful information for charter planning.

SUNY REPORTING REQUIREMENTS

Your charter must provide the following information regarding the recruitment, applications, and admission processes for the 2025-26 school year, as noted below. The Institute will review your charter's information and may suggest or require changes where appropriate. Accordingly, it is important that you submit the requested information in a timely fashion.

Please note that the forms below are available on the Institute's website at: www.newyorkcharters.org/applications-admissions-materials/. Completed forms should be submitted no later than the close of business on the dates listed below. Please submit completed forms via Epicenter.

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Reporting Requirements at a Glance

(All reporting must be submitted via Epicenter)

	Reporting Requirement:	Due Date:
	Admission Application and any other related admissions materials shared with applicants (e.g., instructions)	No later than November 3, 2025 (Prior to distribution of the application)
	Student Recruitment and Marketing Efforts Summary (Pre-Opening Charters Only)	December 1, 2025.
	Application and Admission Summary	May 1, 2026.

ADMISSION APPLICATION

DUE: NOVEMBER 3, 2025

To protect the open, non-discriminatory nature of SUNY-authorized charter schools' admissions processes, the Institute reviews admission applications. Please send the charter's Admission Application and related materials to the Institute, before it is distributed to potential applicants but no later than November 3, 2025. After reviewing the admission application, an Institute staff member may contact the charter to request revisions.

Since a charter school may produce a variety of admission materials distributed to potential applicants during the recruitment process, please provide all materials the charter intends to distribute, as the Institute would like to review these documents for compliance with applicable laws and regulations.

STUDENT RECRUITMENT AND MARKETING EFFORTS SUMMARY DUE: DECEMBER 1, 2025

To support new SUNY-authorized charter schools in meeting their enrollment targets, the Institute requires charters to report on their student recruitment and charter marketing efforts. New charter schools that will open in the 2025-26 school year should indicate how they will communicate the availability of seats, as well as areas targeted by advertisements, by using the Student Recruitment and Marketing Efforts Summary form.

Existing charter schools may wish to use this form as a template to document such efforts, as the Institute may request this information later. All charter schools should maintain documentation of their recruitment and marketing efforts.

Should the Institute find that a charter school's student recruitment and marketing efforts have been insufficient, the Institute may suggest changes to the charter's strategy.

Please download the form at: www.newyorkcharters.org/applications-admissions-materials.

APPLICATION AND ADMISSION SUMMARY

DUE: MAY 1, 2026

The Application and Admission Summary will provide the Institute with important information regarding the extent to which members of your community are exercising the choice in public education afforded by your charter school. It is important that this form is completed correctly. Please refer to the following guidance when completing the form or call the Institute should you have any questions.

In the column labeled "Chartered Enrollment for 2025-26," indicate the chartered enrollment for each grade.

In the column labeled "Available Seats for 2025-26," indicate the number of vacant seats per grade that the charter intends to fill with applicants from the lottery.

In the column labeled "Number of Timely New Applications Received," indicate the number of new applications received for each grade. Only students who have not previously attended the charter should be recorded as new applicants. Do not include the returning students in this column.

In the column labeled "Total Number of Students on Waiting List," indicate the total number of students you are unable to enroll as of the date you complete the form. Please include in this column all students who participated in the lottery and those who were previously on the waiting list, if applicable. Applications submitted to the charter after the application period (submitted late) should also be included in this number. You may have a waiting list for some grades and not others. For those grades for which there is no waiting list, place a "0" under this column. In the column labeled "Projected Fall Enrollment as of May 1, 2026," indicate the total anticipated enrollment of each grade based on returning students and new applicants accepted.

This is not necessarily the approved chartered enrollment number. Please use numbers based on actual returning students, new students who have accepted seats, and a realistic estimate of additional anticipated recruitment to fill vacant seats.

Please download the form at: www.newyorkcharters.org/applications-admissions-materials.

The charter should also retain a copy of the correspondence sent to those applicants who received a seat in the lottery and a copy of the correspondence sent to those applicants who were wait-listed should the Institute request these documents.



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