



GUIDE TO 2027-28 STUDENT APPLICATIONS, ENROLLMENT, AND REPORTING REQUIREMENTS

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

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 1998 (the “Act”) requires charter schools to admit students through a process 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 and provide required information to the SUNY Charter School Institute (the “Institute”) for review.

The SUNY Charter Agreement provides: § 3.4 Admissions; Enrollment; Attendance; Transfer.

Each school the Education Corporation is permitted to operate shall have in place and implement comprehensive policies for admissions, enrollment, and attendance, which policies shall be approved by the Education Corporation Board and shall be consistent with applicable law and regulations. Such policies shall provide in detail the procedures and practices utilized by each school in regards to the admission, enrollment, attendance and withdrawal of students including, inter alia:

- (i) the period in which applications for admission shall be timely;
- (ii) how to obtain an application for admission;
- (iii) the practices in operating the random selection process in accordance with section 119.5 of Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York (8 N.Y.C.R.R. § 119.5);
- (iv) the maintenance of a wait list;
- (v) the implementation of the preferences required by law and any at-risk school design factors pursuant to Education Law § 2854(2) as set forth in the Terms of Operation; and,
- (vi) the taking of attendance pursuant to 8 N.Y.C.R.R. § 104.1.

With the exception of any changes in the at-risk school design factors, the Education Corporation Board shall have the authority to make changes to such policies and such changes shall not require the permission of the Trustees or constitute a revision to the Charter Agreement. Such changes, however, must be consistent with applicable law and regulations, and the Education Corporation must report such changes to the Trustees as part of each school’s annual report as required by section 6.1 of the Charter Agreement.

- (b) The Education Corporation shall utilize reasonable outreach and marketing measures to make potential applicants aware of opportunities for enrollment at each of its schools. The Trustees, upon a finding that the outreach and marketing measures taken by the Education Corporation are inconsistent with applicable law; the Terms of Operation; or the enrollment and retention targets for students with disabilities, English language learners, and students who are eligible applicants for the federal Free and Reduced Price Lunch Program prescribed or to be prescribed by the Trustees for any school to be operated by the Education Corporation (the “Enrollment and Retention Targets”), may require the Education Corporation to take remedial action including, but not limited to, requiring the Education Corporation to extend any or all of its schools’ enrollment periods, delay or void random selection processes, implement at-risk school design factors, and/or conduct further specified outreach and marketing steps. Only to the extent specifically provided for in the Terms of Operation or the Additional

Assurances and Terms shall any school apply an at-risk of academic failure school design factor and/or limit admission to a single sex and any change to such factors as are provided for by the Terms of Operation or the Additional Assurances and Terms shall require the prior written approval of the Trustees, it being understood that such changes may also require a revision to the Charter, such determination to be made by the Trustees.

- (c) Applicants that have designated a particular school or schools on an application must be entered into a random selection process for those schools. However, the Education Corporation may offer admission in a different school in addition to, or if the applicant was not selected, in lieu of, admission to the designated school provided that the Education Corporation's or the schools' admissions policies in the Terms of Operation describe such process.
- (d) The Education Corporation may transfer students between schools it is authorized to operate, provided the following conditions are met:
 - (i) the Education Corporation or each involved school has a specific transfer policy set forth in the Terms of Operation;
 - (ii) the transfer policy treats similarly situated students in a like manner, does not unfairly discriminate against any student or group of students and comports with federal due process in terms of any disciplinary transfers; and,
 - (iii) the transfer policy does not or does not as applied have the effect of interfering or skewing the student performance results to be reported pursuant to each school's Accountability Plan as further described below.

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.

TABLE OF CONTENTS

2

SUNY Reporting Requirements

Reporting Requirements at a Glance

Student Admission Application

Student Recruitment and Marketing Efforts Summary

Application and Admission Summary

4

Student Application Instructions

7

Random Selection Process (Lottery)

SUNY REPORTING REQUIREMENTS

The Education Corporation must provide the following information regarding the recruitment, applications, and admission processes for the 2027-28 school year, as noted below. The Institute will review the school's information and may suggest or require changes where appropriate. Accordingly, it is important the school 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 "or Compass, as applicable" in case any of these end up porting over to Compass in the coming year

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 2, 2026 (Prior to distribution of the application)
Application and Admission Summary	May 3, 2027

STUDENT ADMISSION APPLICATION

DUE: NOVEMBER 2, 2026

To protect the open, non-discriminatory nature of SUNY-authorized charter schools' admissions processes, the Institute reviews student admission application forms. Please send the school's Student Admission Application Form to the Institute for review, before it is distributed to potential applicants but no later than November 2, 2026. After reviewing the admission application, an Institute staff member may contact the school to request revisions.

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 2027-28,” indicate the chartered enrollment for each grade.
- In the column labeled “Available Seats for 2027-28,” indicate the number of vacant seats per grade the charter intends to fill with new applicants..
- In the column labeled “Number of Timely New Applications Received,” indicate the number of new applications received for each grade.
- In the column labeled “Total Number of Students on Waiting List,” indicate the total number of students the school is unable to enroll as of the date the form is completed. Please include in this column all students who participated in the lottery and applications submitted to the school after the application period. There may be 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 3, 2027,” indicate the total enrollment of each grade based on returning students and new applicants accepted as of the date the form is completed.

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

STUDENT APPLICATION INSTRUCTIONS

- **FORM:** The New York Charter Schools Act of 1998 (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:

- As provided by NYSED without modification (available at: www.nysed.gov/charter-schools/forms); or,
- Adapt 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, 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.

The application is not a place to collect student registration information including special education or English language learners (“ELLs”) status, unless related to a voluntary preference. 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.

- **ACCESS:** The final application must be made available in any language to allow equal access to the application process.
- **GRADES SERVED:** If your school only accepts applications for certain grades, that information should be clearly displayed on the Admission Application and match the related admission policy in your charter agreement. 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 may not decline enrollment based on achievement or aptitude (or ELL or disability status)
- **PREFERENCES:** Schools with non-statutory at-risk admissions preferences, (e.g., providing a priority a priority to students who are 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 it adds any field related to non-statutory at-risk preferences, each field: 1) cannot be marked as required; and, 2) must relate to an admissions preference currently included in the Charter Agreement. In addition, any set-asides for at-risk students (e.g., a 15% set aside for ELLs) should be indicated on the Admission Application and be made clear prior to the start of the lottery.
 - **Residency:** Charter schools must give a statutory admissions preference to students residing within the geographical boundaries of the school district or Community School District (“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 New York City Public Schools (NYCPS”).

- **New York City Only:** Applicants residing outside of the CSD of the 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 school 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 schools automatically re-admit returning students who indicate that they will return and 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 school 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.

- **Employee Preference.** 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. This preference does not extend to children of board of trustee members. The application must affirmatively state they will use this preference. 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 schools having more than one factor).
- **Absolute At-Risk Preference:** 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 preferences, please contact the Institute's Legal Department at Charter.Legal@suny.edu.

- **APPLICATION PERIOD:** 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. **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.**
- **ENROLLMENT AND RETENTION TARGETS:** 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. 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.

RANDOM SELECTION PROCESS (LOTTERY)

- **Applicability:** 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 school does not distinguish between grades). NYSED's regulations, Random Selection Process for Charter School Student Applicants, 8 NYCRR119.5, apply to all charter schools. Read the NYSED regulations carefully and share them and this Guidance with all of those at the school involved in student recruitment, enrollment, and the lottery, including any external vendors.
- **Notice:** The lottery must be publicly noticed (date, time, and location), like a board meeting, consistent with Public Officer Law (available at: <https://dos.ny.gov/open-meetings-law>).
 - Provide notice of the time and place of the lottery to the news media (the same media outlet the school uses to notice board meetings) at least one week before the lottery.
 - Post notice of the lottery in one or more designated places where the school posts notice of its board meetings at least 72 hours before the lottery.
 - Post notice of the lottery on the school website at least one week before the lottery.
- **Impartial Observer:** 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 school or of any pupil enrolled in the school.
- **Accessibility:** The lottery must be:
 - Held in a space that is open and accessible to the public;
 - Capable of accommodating the reasonably anticipated number of attendees;
 - Accessible by all persons in terms of being able to sign in or pass through security;
 - Accessible by persons with disabilities (or reasonable accommodation should be made for them to access the space); and,
 - Accessible for parents and guardians of ELLs with interpreter or translated materials.
- **Record:** 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.

- **Scheduling:** 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.
- **Waitlist:** Please note that the NYSED regulations DO NOT cover lotteries or admissions procedures for waiting lists or grades for which a school may accept applications but for which no seats are available. In these cases, schools should follow the procedures set forth in their admissions policy and contact the Institute with any questions.
- **Transparency:** The key element is that the lottery criteria are known to applicants before the lottery takes place and are preferably contained in the Admission Application as well. Similarly, applicants should be fully aware of any at-risk preferences the school may use (as set forth in the school 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.
- **Notification:** 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.

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 school. 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 and other helpful information for school planning.



Charter Schools Institute
The State University of New York

www.newyorkcharters.org

H. Carl McCall SUNY Plaza
353 Broadway
Albany, New York 12246
518-445-4250