



TO: P-12 Education Committee

FROM: Angelique Johnson-Dingle *Angelique Johnson-Dingle*

SUBJECT: Charter Schools: Proposed Charter Action for Charter Authorized by the Trustees of the State University of New York

DATE: January 5, 2026

AUTHORIZATION(S):

SUMMARY

Issue for Decision

Should the Board of Regents approve the Department's recommendation concerning the proposed charter action for a charter school authorized by the Trustees of the State University of New York?

- **Success Academy Charter School – Bronx 5 Lower** (NYC CSD 7 – The Bronx, proposed transfer to new education corporation under charter name "Strive Charter School").

The proposed charter actions for Success Academy Charter Schools – NYC, an existing education corporation authorized by the SUNY Board of Trustees to operate more than one charter school, include what are termed "revisions" to its charter to transfer authority to operate Success Academy Charter School – Bronx 5 Lower to a separate, currently non-existent but to be formed education corporation, Strive Charter School (Strive), under a separate board of trustees.

Reason(s) for Consideration

Required by State statute and review of policy.

Proposed Handling

This issue will come before the P-12 Education Committee for recommendation to the Full Board for action at its January 2026 meeting.

Procedural History

On **October 15, 2025**, the Trustees of the State University of New York (“the Trustees” or “SUNY”) approved the proposed charter action being presented to the Board of Regents pursuant to Article 56 of the Education Law¹.

Over the past few years, the Board of Regents has voted several times to send proposed charters back with comments for SUNY’s reconsideration (see “Related Regents Items”), and on most, but not all, occasions, SUNY has voted to resubmit the items to the Board of Regents without modification.

Background Information

The Department is forwarding these proposed charter actions for the above charter schools, as proposed by SUNY as a charter school authorizer under Article 56 of the Education Law.

Pursuant to Education Law §2852, the Board of Regents has the authority to issue charters to all charter schools in New York State. The process for schools authorized by SUNY is as follows:

- SUNY recommends that the Board of Regents issue a charter implementing the proposed charter actions and sends the proposed charter to the Board of Regents through the Department. In this case, SUNY sent the proposed charter to the Department on **October 29, 2025**.
- Once a complete proposed charter is received by the Department from SUNY, the Board of Regents has two options:
 1. If the Board of Regents takes no action on the proposed charter, the proposed charter typically goes into effect by operation of law 90 days after the initial complete submission to the Department; in this case, on **January 27, 2026**.
 2. Consider the proposed charter and vote on it with one of the following outcomes:
 - a. If the vote is affirmative, the action is effective immediately, or as otherwise recommended by SUNY.
 - b. If the vote is to send the proposed charter back to SUNY with comments, SUNY must reconsider the recommendation and can choose to resubmit the proposed charter to the Board of Regents with modifications, provided that the applicant consents in writing to such modifications; resubmit the proposed charter to the Board of Regents without modifications; or abandon

¹ See materials regarding these approvals and a recording of the SUNY Trustee Charter School Committee meeting at <https://www.suny.edu/about/leadership/board-of-trustees/meetings/meetingNotices.cfm?archivedPage=Y>.

the proposed charter. **This is the Department's recommendation to the Board of Regents for the current proposed charter action.**

- c. If the proposed charter is resubmitted to the Board of Regents, for SUNY-authorized charter schools only, the Board of Regents must approve and issue the proposed charter within 30 days of resubmission. If the Board of Regents does not do so, and absent further legal action, the charter shall be deemed approved and issued at the expiration of such period.

The Department's recommendation to return the proposed charter revision to allow Success Academy Charter Schools – NYC (SACS NYC), an education corporation, to establish a new education corporation to operate the charter for **Success Academy Charter School – Bronx 5 Lower** under the education corporation and charter name "**Strive Charter School**" is based upon the fact that there are no charters available for issuance in New York City and this "revision" is in actuality a circumvention of the cap.

Success Academy Charter School – Bronx 5 Lower is a charter school under the SACS NYC education corporation, which is chartered to serve 640 students in grades K-4 for the 2026-27 school year, the last year of the current charter term. Given that it opened in 2022 and last year served only K-2, little academic data is available at this time. SUNY represents that Strive (to be headed by the spouse of SACS CEO) would offer an innovative model using SACS NYC's educational program and include an extended school day and year schedule.

Success Academy Charter School – Bronx 5 Lower has no corporate status of its own and there is no procedure in the law for a school that is part of an education corporation to extricate itself from that education corporation. Further, there is nothing in Article 56 that provides for the Board of Regents to create an education corporation without simultaneously granting that education corporation the authority to operate a charter school.

Typically, when a new school is approved, the Charter School Office prepares a provisional charter which creates an education corporation and also authorizes that corporation to operate a charter school pursuant to Article 56. Creating a new education corporation for **Success Academy Charter School – Bronx 5 Lower** raises concerns about a potential violation of Education Law §2852(9) as there are no charters available in New York City. In order to effectuate the revision SUNY has approved, while also avoiding a violation of Education Law §2852(9), the Board of Regents must create a new education corporation for Strive Charter School without granting that education corporation the authority to operate a charter school. With SUNY's submission, they have included a petition from the board of trustees of Strive Charter School to establish an education corporation called "Strive Charter School."

Education Law §2852(2) requires the charter entity to make certain specific findings prior to the issuance of a charter. After considering the statutory requirements, the Department recommends that the Board of Regents return the proposed charter for **Success Academy Charter School – Bronx 5 Lower** to the SUNY Trustees for reconsideration, with the following comment and recommendation:

The Regents are unable to make the required findings in accordance with Education Law §2852(2)(a) that the charter school described in the application meets the requirements set out in this article, and all other applicable laws, rules and regulations. Specifically, the proposed action may be a violation of Education Law §2852(9) because there are no charters available for issuance in New York City. Although the proposed charter action is identified as a revision, the nature of the proposed charter action evidences the creation of a new charter school, in potential violation of the law. This proposed charter action should be abandoned.

Related Regents Items

[April 2017: Charter Schools: Renewals to Charters Authorized by the Trustees of the State University of New York](https://www.regents.nysed.gov/common/regents/files/417p12a5.pdf)

(<https://www.regents.nysed.gov/common/regents/files/417p12a5.pdf>)

[July 2017: Charter Schools: Renewals to Charters Authorized by the Trustees of the State University of New York](https://www.regents.nysed.gov/common/regents/files/717p12a1.pdf)

(<https://www.regents.nysed.gov/common/regents/files/717p12a1.pdf>)

[June 2019: Charter Schools: Renewals to Charters Authorized by the Trustees of the State University of New York](https://www.regents.nysed.gov/common/regents/files/619p12a1.pdf)

(<https://www.regents.nysed.gov/common/regents/files/619p12a1.pdf>)

[January 2020: Charter Schools: Renewals to Charters Authorized by the Trustees of the State University of New York](https://www.regents.nysed.gov/common/regents/files/120p12a2.pdf)

([http://www.regents.nysed.gov/common/regents/files/120p12a2.pdf](https://www.regents.nysed.gov/common/regents/files/120p12a2.pdf))

[March 2020: Charter Schools: Renewals to Charters Authorized by the Trustees of the State University of New York](https://www.regents.nysed.gov/common/regents/files/320p12a2.pdf)

(<https://www.regents.nysed.gov/common/regents/files/320p12a2.pdf>)

[April 2021: Charter Schools: Renewals to Charters Authorized by the Trustees of the State University of New York](https://www.regents.nysed.gov/common/regents/files/421p12a5.pdf)

(<https://www.regents.nysed.gov/common/regents/files/421p12a5.pdf>)

[July 2021: Proposed Charter Actions for Charters Authorized by the Trustees of the State University of New York](https://www.regents.nysed.gov/sites/regents/files/721p12a1.pdf)

(<https://www.regents.nysed.gov/sites/regents/files/721p12a1.pdf>)

[December 2021: Charter Schools: Initial Applications to be Authorized by the Trustees of the State University of New York](https://www.regents.nysed.gov/sites/regents/files/1221p12a1.pdf)

(<https://www.regents.nysed.gov/sites/regents/files/1221p12a1.pdf>)

[June 2022: Renewal Recommendations for Charter Schools Authorized by the Trustees of the State University of New York](https://www.regents.nysed.gov/sites/regents/files/622p12a7.pdf)

(<https://www.regents.nysed.gov/sites/regents/files/622p12a7.pdf>)

June 2023: Renewal Recommendations for Charter Schools Authorized by the Trustees of the State University of New York

(<https://www.regents.nysed.gov/sites/regents/files/623p12a4revised.pdf>)

May 2024: Renewal Recommendations for a Charter School Authorized by the Trustees of the State University of New York

(<https://www.regents.nysed.gov/sites/regents/files/524p12a2.pdf>)

June 2024: Renewal Recommendations for Charter Schools Authorized by the Trustees of the State University of New York

(<https://www.regents.nysed.gov/sites/regents/files/624p12a3.pdf>)

December 2025: Charter Schools: Initial Applications for Charters Authorized by the Trustees of the State University of New York

(<https://www.regents.nysed.gov/sites/regents/files/1225p12a1.pdf>)

Recommendation

It is recommended that the Board of Regents take the following action:

VOTED: That the Board of Regents return the proposed charter for **Success Academy Charter School – Bronx 5 Lower** to the Trustees of the State University of New York for reconsideration, with the following comment and recommendation, “The Regents are unable to make the required findings in accordance with Education Law §2852(2)(a) that the charter school described in the application meets the requirements set out in this article, and all other applicable laws, rules and regulations. Specifically, the proposed action may be a violation of Education Law §2852(9) because there are no charters available for issuance in New York City. Although the proposed charter action is identified as a revision, the nature of the proposed charter action evidences the creation of a new charter school, in potential violation of the law. This proposed charter action should be abandoned.”

Timetable for Implementation

The Board of Regents action for the above-named charter school will become effective immediately.