



MEMORANDUM

January 22, 2026

To: Members of the Charter Schools Committee

From: Joseph W. Belluck, Chair, Charter Schools Committee

Subject: Resubmission to the Board of Regents of the Revision for Success Academy Charter School – Bronx 5 Lower

Action Requested

The proposed resolution authorizes the resubmission without modification to the New York State Board of Regents of the proposed revision to the charter of Success Academy Charter School – Bronx 5 Lower, approved by the Charter Schools Committee on October 15, 2025. The resubmission should result in the issuance of the proposed revision by the Board of Regents.

Resolution

I recommend that the Charter Schools Committee adopt the following resolution:

Whereas the Charter Schools Committee, acting on behalf of the Board of Trustees, has reconsidered the proposed revision for Success Academy Charter Schools – NYC (“SACS NYC” or the “Education Corporation”), an education corporation with the authority to operate more than one charter school, to revise the charter for one of its schools, Success Academy Charter School – Bronx 5 Lower (“Success Bronx 5 Lower” or the “School”) to provide an innovative model using SACS NYC’s educational program (the “Proposed Revision”), which the Committee approved on October 15, 2025 (copy on file in the Albany office of the State University of New York Charter Schools Institute (the “Institute”), taking into consideration the Board of Regents’ comments and recommendation to abandon the Proposed Revision (copy of letter from Mr. Matteson to Chair Tisch, dated January 13, 2026, on file in the Office of the Secretary

of the University and the Albany office of the Institute); and

Whereas the Proposed Revision seeks to deliver SACS NYC's academic program within an extended school day, week, and year model allowing families access to the academic program while also being provided free, before school, after school, weekend and summer care with enrichment and academic programming; and

Whereas collectively, SACS NYC is chartered to serve 24,542 students in Kindergarten-12th grades at schools in Manhattan, Brooklyn, Queens, and the Bronx; and

Whereas SACS NYC schools continue to demonstrate a track record of achieving strong student outcomes, with a combined proficiency rate of 92% in English language arts ("ELA") and 96% in mathematics on the 2024-25 NYS state exams; and

Whereas SACS NYC schools rank in the 89th percentile or above in ELA and in the 93rd percentile or above in mathematics when compared to schools statewide in 2024-25 with 24 SACS NYC schools ranked in the top 100 New York State public schools in ELA, and 27 SACS NYC schools ranked in the top 100 NYS public schools in mathematics; now, therefore, be it

Resolved that the resubmission to the Board of Regents of the Proposed Revision be, and hereby is, approved without modification; and, be it further

Resolved that the Institute, acting for the Board of Trustees, be, and hereby is, authorized to resubmit the Proposed Revision to the Board of Regents for approval.

Background

The New York Charter Schools Act of 1998 (as amended, the "Act") permits the Board of Trustees to approve new charters and to revise existing charters. Pursuant to Resolution No. 2012-038, dated June 12, 2012, the Board of Trustees delegated authority to revise charters to the Charter Schools Committee including the authority to return such items to the Board of Regents.

On October 15, 2025, the Charter Schools Committee approved a revision to permit Success Academy Charter Schools – NYC, a charter school education corporation with the authority to operate 41 charter schools, to revise the charter

for one its schools, Success Academy Charter School – Bronx 5 Lower (“Bronx 5 Lower”), to continue to operate under a separate education corporation offering the SACS NYC academic program while offering an extended, structured day, week, and year to assist families with child care needs.

The New York Stated Education Department’s (“NYSED’s”) position, as indicated in its letter dated January 13, 2026, is the creation of a new education corporation ***may*** violate NY Education Law § 2852(9) which provides “[t]he total number of charters issued pursuant to this article statewide shall not exceed four hundred sixty.” The law goes on to further limit the number of new charters available in New York City which we do not dispute. There are no new charters available in New York City.

NY Education Law § 2853(1)(b-1) provides “[an] education corporation operating a charter school shall be authorized to operate more than one school or house any grade at more than one site, provided a charter must be issued for each such additional school.” The number of charters is distinct from the number of education corporations permitted to operate them. Education corporations are the corporate vehicle permitted to operate a charter. Therefore, the creation of an education corporation is required to operate a charter but an education corporation may only operate the number of charters it is granted by an authorizer and the total number of charters is limited by the numbers set out in NY Education Law § 2852(9). Therefore, the creation of an education corporation to operate the charter of Bronx 5 Lower does not impact the number of charters available. Prior to the revision there was one charter for Bronx 5 Lower, and after the revision, the one charter continues to operate. This in no way impacts or circumvents the allowable number of charters to be authorized under NY Education Law § 2852(9).