



THE STATE UNIVERSITY *of* NEW YORK

Office of the
Board of Trustees

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MEMORANDUM

May 11, 2010

To: Members of the Board of Trustees

From: Pedro A. Noguera, Chair, Charter Schools Committee

Subject: Approval of Application for Explore Excel Charter School (Brooklyn)

I recommend that the Board of Trustees adopt the following resolution:

Whereas the Charter Schools Institute (the "Institute") has determined that the application for the Explore Excel Charter School (the "Recommended Application"), to be located in Brooklyn, shows great promise and meets all applicable legal requirements, and has recommended that it be approved as set forth in the Institute's Summary of Findings and Recommendations for the proposed school (copy on file in the Office of the Vice Chancellor and the Secretary of the University and the Albany office of the Institute), which the Board of Trustees has reviewed; now, therefore, be it

Resolved that the Recommended Application and the school described therein meet the requirements of the New York Charter Schools Act of 1998 (as amended) and all other applicable laws, rules and regulations; and be it further

Resolved that the applicant submitting the Recommended Application and the founding team described therein demonstrate the ability to operate the proposed school in an educationally and fiscally sound manner; and be it further

Resolved that approving the Recommended Application is likely to improve student learning and achievement and materially further the purposes set out in subdivision 2850(2) of the Education Law, and be it further

Resolved that the Recommended Application be, and hereby is, approved; and be it further

Resolved that the Institute be, and hereby is, directed to: 1) enter into a proposed charter with the applicant of the Recommended Application, which shall include such assurances and terms as the Institute shall deem necessary and appropriate; and 2) thereafter to submit such proposed charter to the Board of Regents for its review, comment and potential approval.

Background

For the application listed above, the Charter Schools Institute (the "Institute"), pursuant to Education Law subdivision 2857(1), notified the school district in which the charter school is proposed to be located regarding the receipt of an application for a charter (copy on file in the Albany Office of the Institute). As of April 27, 2010, no comments in response had been received by the Board of Trustees.

Pursuant to the New York Charter Schools Act of 1998 (as amended, the "Act"), the Board of Trustees has authority as a "charter entity" to approve the establishment of charter schools. Prior to approving any application for a charter school, the Board of Trustees must make the following findings: (a) the charter school described in the application will meet the requirements of the Act and all other applicable laws, rules and regulations; (b) the applicant can demonstrate the ability to operate the school in an educationally and fiscally sound manner; (c) granting the application is likely to improve student learning and achievement and materially further the purposes of the Act; and (d) (in school districts in which more than five percent of the district's students currently attend charter schools) granting the application would have a significant educational benefit to the students expected to attend the proposed charter school (or receive the consent of the proposed school district of location). The Board of Trustees is not required to approve any application, even an application that it finds meets the threshold legal requirements.

The Institute, acting on behalf and at the direction of the Board of Trustees, conducted a rigorous review of the application. Consistent with its practices and policies, the Institute focused its review on answering two critical questions: Does the application meet the conditions imposed by the Act? If so, does the charter school described in the application have a strong likelihood of improving student learning and achievement? As always, the Institute relied on a thorough analysis of the application conducted both by its own staff and one or more external experts in fields such as education (charter and traditional schools), school administration, charter and traditional school policy and/or research, finance, and/or curriculum. In addition, the review

process included interviews of the applicant and proposed school trustees initially by Institute staff and finally by member(s) of the Board of Trustees' Charter Schools Committee. As the result of the Institute's review of the application, the applicant was required to amend the application to ensure viability, clarity and/or compliance with the Act and applicable laws, rules and regulations. The Institute published its findings and recommendations regarding the application in a Summary of Findings and Recommendations for the proposed school (copy on file in the Office of the Vice Chancellor and Secretary of the University and the Albany office of the Institute), which was distributed to the Board of Trustees.

This resolution, if approved, would give the Institute the power to enter into a proposed charter with the applicant of the above listed application and to submit it to the Board of Regents for its review and action. This resolution also provides the Institute with the authority to require further assurances and terms to be included in the proposed charter. These assurances and terms will permit further clarification on issues that by their nature may not be fully resolved until the date on which the charter is executed and allow the incorporation of changes suggested by the State Education Department and agreed to by the Institute and the applicant as part of the Board of Regents' review process.