



THE STATE UNIVERSITY of NEW YORK

MEMORANDUM

Office of the
Board of Trustees

October 27, 2010

System Administration
State University Plaza
Albany, New York
12246

To: Members of the Board of Trustees

From: Pedro A. Noguera, Chair, Education, College Readiness and Success Committee

Subject: Approval of Proposal to Establish the Bronx Success Academy Charter School 3 (Bronx)

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

Whereas the Charter Schools Institute (the "Institute"), acting on behalf of the Board of Trustees and in accordance with the New York Charter Schools Act of 1998 (as amended, the "Act"), issued a request for proposals ("RFP") to establish new charter schools on August 2, 2010, in response to which the Bronx Success Academy Charter School 3, to be located in the Bronx, submitted a proposal that the Institute reviewed, scored and ranked, and recommends for approval (the "Recommended Proposal") as set forth in the Institute's Summary of Findings and Recommendations report for the proposed school (copy on file in the Office of the Senior Vice Chancellor and Secretary of the University and in the Albany office of the Institute), which the Board of Trustees has reviewed; now, therefore, be it

Resolved that the Recommended Proposal rigorously demonstrates that the Proposal has met the following criteria: (1) the proposed charter school would meet or exceed enrollment and retention targets, to be prescribed by the Board of Trustees, of students with disabilities, English language learners, and students who are eligible applicants for the federal free and reduced price lunch program; and (2) that the applicant has conducted public outreach, in conformity with a thorough and meaningful public review process prescribed by the Board of Trustees, to solicit community input regarding the proposed charter school and to address comments received from the impacted community concerning the educational and programmatic needs of students; and, be it further

Resolved that the Board of Trustees has granted priority to the Recommended Proposal based on a scoring rubric that best demonstrates how proposed schools will achieve the objectives set forth in Education Law subdivision 2852(9-a)(c); and, be it further

Resolved that the Recommended Proposal and the school described therein meet the requirements of the Act (as amended) and all other applicable laws, rules and regulations; and, be it further

Resolved that the applicant submitting the Recommended Proposal 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 Proposal 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 Proposal 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 Proposal, which shall include such assurances and terms as the Institute shall deem necessary and appropriate; and (2) thereafter to submit such proposed charter no later than November 1, 2010, as required by the Act, to the Board of Regents for issuance by the Board of Regents on or before December 31, 2010.

Background

Amendments to the New York Charter Schools Act of 1998 (as amended, the "Act"), passed on May 28, 2010, increased the cap on the number of charter schools to be formed in New York by adding a new class of charters that must be issued through requests for proposals ("RFPs"). Only the Board of Trustees and the Board of Regents may issue RFPs with each entity allowed to approve 130 new charters, only 57 of which may be located in New York City. RFPs may only be posted on certain dates for a maximum number of charters set by statute. The first RFP date was August 1, 2010 (effectively August 2, the first business day after the 1st) and the maximum

number of charters the Board of Trustees may approve as a result of the RFP process is 32. Thereafter RFPs will largely be issued on January 1st each year. Accordingly, the Charter Schools Institute (the "Institute") released and broadly distributed a draft RFP for public comment on July 12, 2010, held a public meeting in three locations across the state to solicit verbal comments, carefully reviewed all comments, amending the draft RFP as appropriate and posted a document detailing its evaluation and response to public comments on August 2, 2010, the same day it released the final RFP. Eight proposals were received on August 16, 2010 in response to the RFP. After review, scoring in accordance with a rubric required to be developed by Education Law subdivision 2852(9-a), and ranking, the Institute recommended two proposals for approval.

Based on the timing set forth in the Act, the Institute, acting on behalf of the Board of Trustees, conducted a rigorous review of each proposal modified slightly, significantly minimizing its traditional request for amendment phase, to accommodate the short legislatively mandated timeframe for this RFP cycle. The timing dictated that only the strongest proposals would move forward toward approval with several strong proposals not advancing but likely to be resubmitted in January 2011.

The Institute published its findings and recommendations regarding each recommended proposal in a Summary of Findings and Recommendations for each proposed school (copy on file in the Office of the Senior Vice Chancellor and Secretary of the University and in the Albany office of the Institute, and available at www.newyorkcharters.org), which was made available to the Board of Trustees. In addition to meeting all of the requirements for non-RFP charters, the RFP process in the Act requires additional findings that are reflected in the resolution.

For the proposal listed above, the Institute, pursuant to Education Law subdivision 2857(1), notified the school district in which the charter school is proposed to be located, the New York City School District, regarding the receipt of a proposal to establish a school (copy on file in the Albany Office of the Institute). As of October 12, 2010, the New York City Schools Chancellor provided no comments in response to the Board of Trustees.

The Education, College Readiness and Success Committee approved this resolution on September 14, 2010 with the understanding that the Board of Trustees would not act on this resolution until after October 1, 2010 when the comment period in the Act would have expired.