



# THE STATE UNIVERSITY of NEW YORK

## MEMORANDUM

September 15, 2010

Office of the  
Board of Trustees

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**To:** Members of the Board of Trustees

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

**Subject:** Denial of Application for the Elmira Community Charter School (Elmira)

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

Resolved that the application to establish the Elmira Community Charter School to be located in Elmira (copy on file in the Albany office of the Charter Schools Institute) be, and hereby is, denied; and, be it further

Resolved that that the Charter Schools Institute be, and hereby is, authorized to notify the applicant of the Board of Trustees' determination in accordance with the New York Charter Schools Act of 1998 (as amended).

### 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 August 31, 2009, 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 review applications for the establishment of charter schools. In accordance with subdivision 2852(3) of the Education Law, the Board of Trustees need not approve an application for a charter; however, subdivision 2852(1) requires that the Board, by January 1<sup>st</sup>, "act on" each application submitted prior to July 1<sup>st</sup> of the immediately preceding year. The Board of Trustees must inform an applicant in writing if his/her application is denied and state the reasons therefor. Those reasons are set forth in the Institute's Summary of Findings and Recommendations for the application that was made available to the

Board of Trustees and posted at [www.newyorkcharters.org](http://www.newyorkcharters.org) (copies on file in the Office of the Secretary and the Albany office of the Institute).

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? In addition, the review process included an interview of the applicant and proposed school trustees by Institute staff. After consideration of all information gained from each phase of the Institute's review of the above application, Institute staff had questions of sufficiently serious magnitude and number to recommend that the application not be approved. No further investigation or review is warranted.