



Office of the
Board of Trustees

State University Plaza
Albany, New York 12246

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MEMORANDUM

March 6, 2015

TO: Members of the Charter Schools Committee

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

SUBJECT: Approval of Revisions to Merge Excellence Charter Schools, Bedford Stuyvesant Collegiate Charter School, Brooklyn East Collegiate Charter School, Brownville Collegiate Charter School, Kings Collegiate Charter School, Leadership Preparatory Brownsville Charter School, Leadership Preparatory Canarsie Charter School, Leadership Preparatory Ocean Hill Charter School, Ocean Hill Collegiate Charter School, and Williamsburg Collegiate Charter School into Leadership Preparatory Bedford Stuyvesant Charter School (Brooklyn)

Action Requested

The proposed resolution authorizes revisions of the charters of 10 not-for-profit charter school education corporations (nine authorized by the Board of Trustees and one authorized by the New York City Schools Chancellor) to merge into one of the education corporations, Leadership Preparatory Bedford Stuyvesant Charter School (authorized by the Board of Trustees), which would be renamed "Uncommon New York City Charter Schools," and permits certain amendments to the terms of operation of each school to be operated by the successor education corporation.

Resolution

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

Whereas the following charter school education corporations:

- Excellence Charter Schools, with the authority to operate:
 - Excellence Boys Charter School of Bedford Stuyvesant; and,
 - Excellence Girls Charter School;
- Bedford Stuyvesant Collegiate Charter School;
- Brooklyn East Collegiate Charter School;
- Leadership Preparatory Brownsville Charter School;
- Leadership Preparatory Canarsie Charter School;
- Leadership Preparatory Ocean Hill Charter School; and,
- Ocean Hill Collegiate Charter School;

(all authorized by the Board of Trustees and located in Brooklyn), and,

- Williamsburg Collegiate Charter School (authorized by the Chancellor of the New York City Department of Education) (Brooklyn),

(collectively, the “Constituent Corporations”), desire to merge into Leadership Preparatory Bedford Stuyvesant Charter School (authorized by the Board of Trustees) (the “Education Corporation”), located in Brooklyn, which would be the sole successor education corporation (the “Merger”) and be renamed “Uncommon New York City Charter Schools;” and

Whereas the education corporations further desire to amend the terms of operation of their charters such that each school to be operated by the merged Education Corporation would have certain consistent policies and terms of operation (collectively, with the Merger, the “Proposed Changes in Program”); now, therefore, be it

Resolved that, pursuant to New York Education State Law §§ 2853(1)(b-1) and 2852(7)(a), the proposed revisions to:
a) the charters of each Constituent Corporation to permit each to implement the Proposed Changes in Program; and,
b) the charter of the Education Corporation to permit it to implement the Proposed Changes in Program; be, and hereby are, approved; and, be it further

Resolved that the Charter Schools Committee finds: 1) the Proposed Changes in Program including each of the revisions set forth above needed to implement the same, meet the requirements of Article 56 of the Education Law (and all other applicable laws, rules and regulations); 2)

approval of the Proposed Changes in Program (together with the other terms of each education corporation's charter) would permit the merged Education Corporation to operate in an educationally and fiscally sound manner; and, 3) approval of the Proposed Changes in Program is likely to improve student learning and achievement and materially further the objectives of the New York Charter Schools Act of 1998 (as amended); and, be it further

Resolved that upon the Merger, the Education Corporation will be named the "Uncommon New York City Charter Schools;" and be it further

Resolved that the State University of New York Charter Schools Institute, be, and hereby is, directed to enter into proposed revisions to each education corporation's charter, such proposed revisions to incorporate the terms and conditions of the Proposed Changes in Program and such assurances and terms as the Institute shall deem necessary and appropriate, and, thereafter, to submit such revisions to the New York State Board of Regents for its review, comment and potential approval.

Background

Pursuant to Resolution No. 2012-038 dated June 12, 2012, the Board of Trustees delegated authority to revise charters to the Charter Schools Committee.

The State University of New York Charter Schools Institute (the "Institute") determined that the changes set forth in this resolution require revisions of the charters of all of the education corporations involved in the proposed merger pursuant to New York State Education Law § 2852(7), which must be approved by the Board of Trustees in its capacity as a "charter entity" under the New York Charter Schools Act of 1998 (as amended) (the "Act"). Pursuant to New York State Education Law § 2857(1), the Institute notified the school district of location of the education corporations regarding the receipt of applications for charter revision (copies on file in the Albany Office of the Institute). As of February 27, 2015 the Board of Trustees did not receive any comments in response.

If the Charter Schools Committee approves this resolution, the merged Uncommon New York City Charter Schools (the "Education Corporation") would ultimately operate 11 charter schools (three K-8 charter schools; three K-12 charter schools; and, five 5-8 charter schools) under the governance of one board of trustees. At the end of the term of authority to operate Leadership

Preparatory Bedford Stuyvesant Charter School, the merged education corporation would serve approximately 5,993 students. All of the schools are located in Brooklyn and contract with the not-for-profit charter management organization, Uncommon Schools, Inc.

The Board of Trustees approved Leadership Preparatory Bedford Stuyvesant Charter School in August of 2005, and the school opened in September of 2006. The school received a short term renewal in July of 2009 and a full term renewal in May of 2011.

The Board of Trustees approved Excellence Boys Charter School of Bedford Stuyvesant ("Excellence Boys") in February of 2003, and the school opened in August of 2004. The school received two full term renewals in March of 2009 and January of 2014. The Board of Trustees approved Excellence Girls Charter School ("Excellence Girls") in September of 2008, and the school opened in September of 2009. The school received a full term renewal in January of 2014. The Board of Trustees approved the merger of the Excellence schools in June of 2014 creating Excellence Charter Schools.

The Board of Trustees approved Bedford Stuyvesant Collegiate Charter School in October of 2007 and the school opened in August of 2008. The school received a full term renewal in March of 2013.

The Board of Trustees approved Brooklyn East Collegiate Charter School in September of 2008 and the school opened in August of 2010. The Board of Trustees currently has before it a recommendation from the Institute for a full term renewal through July of 2020.

The Board of Trustees approved Brownville Collegiate Charter School September of 2008 and the school opened in August of 2009. The school received a full term renewal in July of 2014.

The Board of Trustees approved Kings Collegiate Charter School in February of 2006 and the school opened in August of 2007. The school received a full term renewal in July of 2012.

The Board of Trustees approved Leadership Preparatory Brownsville Charter School in May of 2008 and the school opened in August of 2009. The received a full term renewal in July of 2014.

The Board of Trustees approved Leadership Preparatory Canarsie Charter School in May of 2008 and the school opened in August of 2013. The school received a full term renewal in April 2013.

The Board of Trustees approved Leadership Preparatory Ocean Hill Charter School in May of 2008 and the school opened in August of 2009. The

Board of Trustees currently has before it a recommendation from the Institute for a full term renewal through July of 2020.

The Board of Trustees approved Ocean Hill Collegiate Charter School in September of 2008 and the school opened in August of 2009. The Board of Trustees currently has before it a recommendation from the Institute for a full term renewal through July of 2020.

The Chancellor of the City School District of the City of New York (the "New York City Schools Chancellor") approved Williamsburg Collegiate Charter School in 2010 and the school opened in September of 2010. The school received a full term renewal in April of 2010 and is currently under renewal review. Its performance is such that the school should receive a positive renewal. The New York City Schools Chancellor will not approve the merger, which must also be further approved by the New York State Board of Regents (the "Regents") until the school has been renewed by the Board of Regents. Thus, SUNY is approving the ability of Leadership Preparatory Bedford Stuyvesant Charter School to merge with Williamsburg Collegiate Charter School, but it is not certain that the merger will be finally approved.

The merger would allow the schools to offer cross-school sibling admissions preferences as well as greater enrollment flexibility. In addition, the schools should realize efficiencies associated with operations and capacity to share programs and resources across schools. The Education Corporation board and Uncommon Schools, Inc. will increase efficiencies in oversight, governance and compliance, and be able to advocate for the New York City network as a whole.

The Institute reviewed the academic program elements (including enrollment projections, curriculum and staffing), policies, and budgets to be affected by the requested charter revisions and found them satisfactory. The Institute also reviewed the proposed revisions from the legal and fiscal perspectives and finds them suitable under the Act and applicable law. Therefore, the Institute recommends the Charter Schools Committee approve the requested merger.

If the Charter Schools Committee approves the resolution, the revisions effectuating the merger must be submitted to the Board of Regents for action pursuant to the Act. If approved by the Board of Regents or by operation of law the merger would not be effective until the date set forth in the plan of merger (July 1, 2015) or, if approval comes after that date, the date of the next succeeding start of a fiscal quarter.