SUNY The State University of New York

Office of the Board of Trustees

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MEMORANDUM

October 15, 2015

To: **Members of the Charter Schools Committee**

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

Subject: **Approval of an Extension of the Authority of Achievement First Brooklyn Charter Schools to Operate Achievement First Aspire Charter School (Brooklyn)**

Action Requested

The proposed resolution, pursuant to New York State Education Law § 2851(4), authorizes a two and one half year extension of the authority of Achievement First Brooklyn Charter Schools, a charter school education corporation, to operate Achievement First Aspire Charter School, a charter school that opened in September of 2013 and previously used two planning years.

Resolution

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

> Whereas the State University of New York Charter Schools Institute (the "Institute"), acting on behalf of the Board of Trustees, conducted an analysis of the application for extension (renewal) of the authority of Achievement First Brooklyn Charter Schools (the "Education Corporation") to operate Achievement First Aspire Charter School (the "School"), located in Brooklyn, (the "Extension Application"), consistent with the *Policies for the Renewal of Not-for-Profit Charter School Education Corporations and Charter Schools Authorized by the State University Board of Trustees,* and has recommended that the Education Corporation's authority to operate the School be extended for a term consistent with the number of planning years taken, in this case through July 31, 2018; and

Whereas the Charter Schools Committee, acting on behalf of the Board of Trustees, as required by Subdivision 2851(4)(e), has considered, prior to approval of the application to extend the authority to operate the School, the means by which the Education Corporation will meet or exceed the enrollment and retention targets of students with disabilities, English language learners, and students who are eligible applicants for the federal free and reduced price lunch program as set forth in the application, which targets were prescribed by the Institute on behalf of the Board of Trustees now, therefore, be it

Resolved that: 1) the School as described in the Extension Application meets the requirements of the New York Charter Schools Act of 1998 (as amended) and applicable laws, rules and regulations; 2) the Education Corporation has demonstrated the ability to operate the School in an educationally and fiscally sound manner; and, 3) approving the Extension Application and extending the Education Corporation's authority to operate the School is likely to improve student learning and achievement and materially further the purposes set out in Education Law § 2850(2); and be it further

Resolved that the Extension Application be, and hereby is, approved and the Education Corporation's authority to operate the School be, and hereby is, extended commencing with the expiration of the current term of authority to operate the School and terminating after July 31, 2018 with authority to provide instruction as follows:

- 2015/16 – 364 students in Kindergarten – 3rd grade;
- 2016/17 – 456 students in Kindergarten – 4th grade; and,
- 2017/18 – 548 students in Kindergarten – 5th grade;

and be it further

Resolved that the Institute, be, and hereby is, directed to: 1) enter into a proposed amended charter with the Education Corporation in accordance with this resolution, which shall include such assurances and terms as the Institute shall deem necessary and appropriate; and, 2) thereafter to submit the proposed charter to the New York State Board of Regents for its review, comment and potential approval.

Background

The New York Charter Schools Act of 1998 (as amended) (the "Act") permits the Board of Trustees to extend or renew the charters of not-for-profit education corporations it has authorized, or to extend their authority to operate certain schools. Pursuant to Resolution No. 2012-038 dated June 12, 2012, the Board of Trustees delegated authority to extend charters for more than two school years to the Charter Schools Committee.

Pursuant to New York State Education Law § 2857(1), the State University of New York Charter Schools Institute (the "Institute") notified the school district of location of the charter school regarding the receipt of an application for charter extension (copy on file in the Albany Office of the Institute). As of October 1, 2015, the Board of Trustees did not receive any comments in response.

A charter school approved for a charter extension will typically operate in accordance with its original charter as supplemented and/or modified by the approved portions of its extension application. Before the end of the additional term, the education corporation must apply for a charter renewal, or renewal of authority to operate a school, of up to five years in order to continue to operate. An extension allows a school in its first charter term to operate for the same amount of time before renewal as a school which did not take one or more planning years, and, therefore, yields a similar data set upon which to base a renewal decision. The *Policies for the Renewal of Not-for-Profit Charter School Education Corporations and Charter Schools Authorized by the State University Board of Trustees* (last amended September 4, 2013 and available at: http://www.newyorkcharters.org/category/operational-resources/renewal/) describe charter extensions at page 8.

In this case, Achievement First Aspire Charter School was chartered in December of 2010, but did not commence instruction until September of 2013. The school originally planned on opening in August 2011, but then requested two planning years to focus on ensuring a high level of quality at currently operating schools partnered with Achievement First, Inc. in Brooklyn; finding a suitable school leader and securing a facility. Therefore, the school's request to commence instruction during the 2013/14 school year requires a two and one half year charter extension.

When the Achievement First Aspire Charter School charter was issued, the Act did not require enrollment and retention targets. The extension to be approved by this resolution legally is a renewal that must now carry targets for students with disabilities, English language learners ("ELLs") and students who are eligible for the federal Free and Reduced Price Lunch ("FRPL") program per Education Law § 2851(4)(e). To meet the targets, the Achievement First, Inc. student recruitment team uses a comprehensive strategy consisting of direct

outreach, open houses, presentations at community based organizations, targeted mailings, and both online and outdoor advertising. Demand numbers suggest these techniques have been successful in generating applications including those from low-income families. In 2010, all Achievement First, Inc. schools in Brooklyn implemented an at-risk school design admissions factor for low-income families. As a result, virtually all entering families (with the exception of a few siblings of families that enrolled before the preferences were in place) have qualified for FRPL. Extensive presentations to community organizations that serve low-income families, particularly Head Start, Urban Strategies, New York City Housing Authority daycare centers, have been effective at substantially matching the New York City Community School District percentages of low-income students for incoming classes. In 2014, all Achievement First, Inc. Brooklyn schools also implemented at-risk school design admissions factors for ELLs and students with disabilities.