



## **MEMORANDUM**

**October 6, 2020**

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

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

**Subject: Approval of Proposal to Establish Buffalo Commons Charter School (Buffalo)**

### **Action Requested**

The proposed resolution authorizes the granting of a new charter to the proposed Buffalo Commons Charter School pursuant to New York Education Law § 2852(9-a).

### **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 and in accordance with the New York Charter Schools Act of 1998 (as amended, the "Act"), issued a request for proposals on February 3, 2020 to establish new not-for-profit charter school education corporations and to permit existing education corporations to operate additional charter schools (the "RFP"); and

Whereas the applicant(s) for the Buffalo Commons Charter School (the "Applicant"), who seeks authority to operate one school to be located in Buffalo, submitted a proposal, which the Institute reviewed, scored, ranked, and recommends for approval (the "Recommended Proposal") as set forth in the Institute's Summary of Findings and Recommendations (copy on file in the Office of the Secretary of the University and in the Albany office of the Institute) that the Institute made available to the Board of Trustees; now, therefore, be it

Resolved that the Recommended Proposal rigorously demonstrates it has met the following criteria: 1) the proposed charter school would meet or exceed enrollment and retention targets, prescribed by the Institute on behalf of 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 Institute on behalf of 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 Charter Schools Committee, acting on behalf of the Board of Trustees, and based on: 1) a scoring rubric that best demonstrates how proposed schools will achieve the objectives set forth in Subdivision 2852(9-a)(c), and in the RFP; and, 2) the Institute's scoring of all proposals recommended for approval, hereby grants priority to the Recommended Proposal; and, be it further

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

Resolved that the Applicant and the founding team described in the Recommended Proposal 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 Education Law § 2850(2); and, be it further

Resolved that approving the Recommended Proposal would have a significant educational benefit to the students expected to attend the proposed charter school within the meaning of Subdivision 2852(2)(d); 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, 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 New York State Board of Regents for issuance in accordance with the Act.

### **Background**

Pursuant to Resolution No. 2012-038, dated June 12, 2012, the Board of Trustees delegated to the Charter Schools Committee the authority to approve or deny applications to establish new charter school education corporations, and applications by existing education corporations for authority to operate additional schools.

The New York Charter Schools Act of 1998 (as amended, the “Act”) permits new charters to be issued through requests for proposals (“RFPs”). Only the Board of Trustees and the Board of Regents may issue RFPs. Pursuant to the Act, for locations outside of New York City, 96 charters were available as of September 30, 2020.

The SUNY Charter Schools Institute (the “Institute”) released and broadly distributed a draft RFP for public comment on January 17, 2020. The Institute released the RFP on February 3, 2020 together with a document detailing its response to public comments. The Institute received the proposal to be approved by this resolution by the due date in the RFP, and then reviewed, scored (in accordance with a rubric required to be developed pursuant to Subdivision § 2852(9-a)(c)), and ranked it.

Prior to recommending the proposed charter school for approval, the Institute, acting on behalf of the Board of Trustees, conducted a rigorous review of the proposal and published its findings and recommendations in a Summary of Findings and Recommendations (copy on file in the Office of the Secretary of the University and in the Albany office of the Institute, and available at: <https://www.suny.edu/about/leadership/board-of-trustees/meetings/meetingNotices.cfm>), which was made available to the Board of Trustees.

For the proposal listed above, the Institute, pursuant to Education Law § 2857(1), notified the school district in which the charter school proposes to be located as well as public and non-public schools in the same geographic area of the school regarding the receipt of the application for a new school (copy on file in the Albany Office of the Institute). The Board of Trustees received a resolution of the Board of Education of the Buffalo City School District, dated September

16, 2020, in opposition to the application. The full text of the resolution may be found in the Summary of Findings and Recommendations described above.