



## **MEMORANDUM**

**May 4, 2021**

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

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

**Subject: Approval of Revision to the Charter of Atmosphere Academy  
Public Charter Schools (Bronx)**

### **Action Requested**

The proposed resolution authorizes a charter revision, pursuant to New York Education Law § 2852(7), for Atmosphere Academy Public Charter Schools to add a new high school program. Atmosphere Academy Public Charter Schools, which currently serves 6<sup>th</sup> through 8<sup>th</sup> grade, would expand to operate a high school program commencing with 9<sup>th</sup> and 10<sup>th</sup> grade in the 2022/23 school year growing to serve 6<sup>th</sup> through 12<sup>th</sup> grade by the 2024/25 school year, the final year of its charter term.

### **Resolution**

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

Whereas Atmosphere Academy Public Charter Schools (the “Education Corporation”), located in the Bronx, which is chartered to serve 600 students in 6<sup>th</sup> through 8<sup>th</sup> grade for the 2022/23 school year; and

Whereas, the Education Corporation desires to revise its charter to add a high school program starting with approximately 400 students in 9<sup>th</sup> and 10<sup>th</sup> grade in the 2022/23 school year and adding 200 students per new grade until the 2024/25 school year when the high school program would serve 800 students in 9<sup>th</sup> through 12<sup>th</sup> grade (the “Proposed Change in Program”); now, therefore, be it

Resolved that the Proposed Change in Program be, and hereby is, approved; and, be it further

Resolved that the Charter Schools Committee finds: 1) the Proposed Change in Program meets the requirements of the New York Charter Schools Act of 1998 (as amended) and all applicable laws, rules, and regulations; 2) approval of the Proposed Change in Program (together with the other terms of the Education Corporation's charter) would permit the Education Corporation to operate its school in an educationally and fiscally sound manner; and, 3) approval of the Proposed Change in Program 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 State University of New York Charter Schools Institute (the "Institute"), acting for the Board of Trustees, be, and hereby is, directed to: 1) enter into a proposed revision to the Education Corporation's charter in accordance with this resolution, which proposed revised charter shall include such assurances and terms as the Institute deems necessary and appropriate; and, 2) thereafter, submit the proposed revision 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 SUNY Charter Schools Institute (the "Institute") determined that the changes set forth in this resolution require a revision of the charter school education corporation's charter pursuant to Subdivision 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").

The Board of Trustees approved the charters of Atmosphere Academy Public Charter Schools (the "Education Corporation") on June 4, 2014. The Board of Trustees granted the School a full-term, five year renewal on December 18, 2019. (See the Institute's renewal report available at: [www.newyorkcharters.org/suny-authorized-schools/atmosphere-academy-public-charter-school/](http://www.newyorkcharters.org/suny-authorized-schools/atmosphere-academy-public-charter-school/).)

The overall health of the Education Corporation – academically, fiscally, and operationally – is positive. The Institute’s Renewal Report provides the most recent summary of academic and operational performance.

The Institute monitors the financial condition of the Education Corporation along with enrollment and notes the actual enrollment is consistently in the 120% of chartered enrollment range as demand for the school remains high. During the COVID pandemic the actual enrollment has been strong at 99% of chartered enrollment. The Institute monitors the financial condition of the Education Corporation closely as operating three facilities is costly. The upward trajectory of the Education Corporation’s financial condition should continue to improve through the grade and enrollment increases with economies of scale realized after the initial investment in the high school program.

The Institute reviewed the proposed high school program elements (including enrollment projections, curriculum, and staffing) and budgets and found them satisfactory. The Institute also reviewed the proposed revision from the legal and fiscal perspectives and finds it suitable under the Act and applicable law. Based on the foregoing, the Institute recommends the Charter Schools Committee approve the requested revision.

Pursuant to Education Law § 2857(1), the Institute properly notified the school district in which the education corporation is located regarding the receipt of an application for charter revision. As of April 26, 2021, the Institute received no comments.