MEMORANDUM

February 11, 2020

To: Members of the Charter Schools Committee

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

Subject: Approval of Revision to the Charter of The Academy Charter School – Uniondale (Hempstead and Uniondale)

Action Requested

The proposed resolution authorizes a revision, pursuant to New York Education Law § 2852(7), of the charter of The Academy Charter School, an education corporation with the authority to operate two schools, including The Academy Charter School – Uniondale (the “School”), to permit the School, which is currently permitted to serve Kindergarten through 6th grade by the 2022/23 school year, the final year of the current charter term, to expand to operate a 9th through 11th grade high school program commencing with 9th grade in the 2020/21 school year.

Resolution

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

Whereas The Academy Charter School (the “Education Corporation”), currently has the authority to operate two schools, The Academy Charter School – Uniondale (the “School”) located in Uniondale, which is chartered to serve approximately 475 students in Kindergarten through 6th grade by the 2022/23 school year, the final year of the School’s current charter term, and The Academy Charter School located in Hempstead (“The Academy”), which currently serves Kindergarten through 12th grade including a college preparatory high school program; and
Whereas the Education Corporation would like to provide a career and technical education option for its high school students but cannot do so at The Academy’s Hempstead high school site, and The Academy is restricted by Education Law § 2853(1)(b-1) from operating another high school site, the Education Corporation desires to revise the School’s charter to add a high school program resulting in a 2022/23 enrollment of approximately 850 students in Kindergarten through 6th grade and 9th through 11th 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 meet the requirements of Article 56 of the New York Education Law (and all other 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 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: 1) to enter into a proposed revision to the Education Corporation’s charter in accordance with this resolution, which proposed charter shall include such assurances and terms as the Institute deems necessary and appropriate; and, 2) thereafter to 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 State University of New York 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 overall health of The Academy Charter School (the “Education Corporation”) – academically, fiscally, and operationally – is positive. On December 12, 2017, the Charter Schools Committee approved a new school for the Education Corporation (Committee Resolution No. 52-2017), The Academy Charter School – Uniondale to open in the 2018/19 school year. The Institute’s Summary of Performance for the Education Corporation has been made available to the Board of Trustees (copy on file in the Office of the Secretary and the Albany office of the Institute). The proposed revision to add a career and technical education high school program will initially serve students at the Education Corporation’s original school that operates a college preparatory high school but, given real estate restrictions, cannot legally site more high school grades.

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 School is located regarding the receipt of an application for charter revision. As of February 3, 2020, the Institute received no comments.