



MEMORANDUM

February 24, 2021

To: Members of the Charter Schools Committee

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

Subject: Approval of Revisions to Merge The International Charter School of New York into Brooklyn Prospect Charter School (Brooklyn)

Action Requested

The proposed resolution authorizes The International Charter of New York and Brooklyn Prospect Charter School, both not-for-profit charter school education corporations authorized by the Board of Trustees, to merge. Brooklyn Prospect Charter School, which operates three charter schools, will be the successor education corporation. The proposed charter revisions also permit certain other charter agreement amendments for consistency across schools, all pursuant to New York Education Law §§ 2852(7) and 2853(1)(b-1), and Article 9 of the New York Not-For-Profit Corporation Law.

Resolution

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

Whereas The International Charter School of New York (the “Constituent Corporation”) and Brooklyn Prospect Charter School (the “Education Corporation”), both education corporations authorized by the Board of Trustees and located in Brooklyn, desire to: 1) merge, leaving the Education Corporation as the sole successor education corporation; and, 2) undertake certain charter agreement revisions to have more consistent policies and terms of operation across schools (collectively, the “Proposed Changes in Program”); now, therefore, be it

Resolved that, pursuant to Subdivisions 2853(1)(b-1) and 2852(7)(a), 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 meet the requirements of New York Charter Schools Act of 1998 (as amended, the “Act”) (and all other applicable laws, rules, and regulations); 2) approval of the Proposed Changes in Program (together with the other terms of the Education Corporation’s charter) would permit the merged Education Corporation to operate its schools in an educationally and fiscally sound manner; and, 3) approval of the Proposed Changes in Program are likely to improve student learning and achievement, and materially further the objectives of the Act; and, be it further

Resolved that the State University of New York Charter Schools Institute (the “Institute”), be, and hereby is, directed to: 1) enter into proposed revisions to the charters of the Constituent Corporation and the Education Corporation to include the terms and conditions of the Proposed Changes in Program and such assurances and terms as the Institute shall deem necessary and appropriate, and, 2) thereafter, submit the proposed 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 to the Charter Schools Committee the authority to revise charters including the approval of mergers of charter school education corporations. The SUNY Charter Schools Institute (the “Institute”) determined that the changes set forth in this resolution require revisions to the charters of both education corporations involved in the proposed merger 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 Institute’s Summary of Performance for the education corporations, which was distributed to the Board of Trustees, contains student performance and other information for each school involved in the merger as well as fiscal information for each education corporation (copy on file in the Office of the Secretary and the Albany office of the Institute). The Institute reviewed certain

academic program elements (including enrollment projections and staffing), related policies, and budgets to be affected by the merger 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. The Institute further reviewed the student performance data of all schools involved in the merger and found the schools' performance satisfactory. Therefore, the Institute recommends that the Charter Schools Committee approve the requested merger.

If the Charter Schools Committee approves this resolution, the merged Brooklyn Prospect Charter School education corporation would operate four charter schools. 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 be effective July 1, 2021, or, if approval comes after that date, the date of the next succeeding start of a fiscal quarter.

Pursuant to 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 16, 2021, the Board of Trustees did not receive any comments in response.