



MEMORANDUM

March 6, 2015

To: Members of the Charter Schools Committee

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

Subject: Denial of the Application for Charter Renewal of the Brighter Choice Charter Middle School for Boys (Albany)

Action Requested

The proposed resolution denies the application for charter renewal of the Brighter Choice Charter Middle School for Boys education corporation pursuant New York Education Law § 2852(6), which would result in the closure of its charter school at the end of the current school year.

Resolution

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

Whereas the Charter Schools Committee, acting on behalf of the Board of Trustees, has considered, prior to denial of the application for charter renewal of the Brighter Choice Charter Middle School for Boys (the "Education Corporation"), located in Albany, the following:

- the renewal report of the State University of New York Charter Schools Institute (the "Institute's Renewal Report");
- the petition of the Education Corporation made in opposition to the Institute's non-renewal recommendation (the "Petition");
- the Institute's response thereto; and,

- the totality of the materials, arguments and evidence presented by the Education Corporation and the Institute at a hearing held by the Committee on March 6, 2015 in accordance with the *Policies for the Renewal of Not-for-Profit Charter School Education Corporations and Charter Schools Authorized by the Board of Trustees of the State University of New York* (the “Hearing”);

(copies of all materials referenced above on file in the Albany office of the Institute); now, therefore, be it

Resolved that the Education Corporation’s application for charter renewal be, and hereby is, denied for the reasons set forth in the Institute’s Renewal Report that was provided to the Board of Trustees, the Institute’s response to the Petition, and the materials and argument presented by the Institute at the Hearing; and be it further

Resolved that the Institute, acting for the Board of Trustees, be, and hereby is, directed to take steps necessary and appropriate to close the Education Corporation’s school at the end of the current school year, which closure shall occur prior to any summer school program; terminate its charter; and, assist the Education Corporation and the New York State Board of Regents in the dissolution of the Education Corporation and/or the revocation of its certificate of incorporation.

Background

The New York Charter Schools Act of 1998 (as amended) permits the Board of Trustees to deny applications to renew the charters of education corporations it has authorized. Pursuant to Resolution No. 2012-038 dated June 12, 2012, the Board of Trustees delegated authority to deny renewal applications and close charter schools to the Charter Schools Committee.

Pursuant to the *Policies for the Renewal of Not-for-Profit Charter School Education Corporations and Charter Schools Authorized by the Board of Trustees of the State University of New York* (the “SUNY Renewal Policies”) (last amended on September 4, 2013 and available at: <http://www.newyorkcharters.org/category/operational-resources/renewal/>), the State University of New York Charter Schools Institute (the “Institute”) conducts a renewal site visit; reviews the information in the renewal application as well as

other relevant information, such as assessment data and site visit reports; interviews education corporation trustees and staff; and produces a draft renewal report containing its findings and preliminary recommendation. The draft renewal report also contains an evaluation of an education corporation's performance over its charter term based on the criteria provided in the renewal benchmarks described in the SUNY Renewal Policies. The education corporation receives a copy of the draft renewal report and is given an opportunity to comment on it before it is finalized. The Institute makes final renewal reports available in its Albany office and at: <http://www.suny.edu/about/leadership/board-of-trustees/meetings/meetingNotices.cfm>. Copies of applications for renewal are on file in the Albany office of the Institute.

As set forth in the Institute's renewal report for the Brighter Choice Charter Middle School for Boys (the "Education Corporation"), the Institute conducted a renewal review of the Education Corporation pursuant to the SUNY Renewal Policies. As a result of this review, the Institute recommends that the Education Corporation's application for charter renewal should be denied.

When the Institute's preliminary recommendation is non-renewal, the education corporation is provided an opportunity to have Institute staff come to the school to hear a presentation by the education corporation board of trustees, school leadership, staff, parents and/or the school community at large regarding why the education corporation's charter should be renewed, which in this case took place on January 12, 2015. Thereafter, if the Institute's recommendation to the Charter Schools Committee remains non-renewal, the education corporation may petition the Committee directly, which the Education Corporation did on March 6, 2015.

The Education Corporation was issued a charter on January 12, 2010. On October 8, 2014, the Institute, acting on behalf of the Board of Trustees, approved an extension of the Education Corporation's charter through July 31, 2015. If this resolution is approved, the Education Corporation's school will close at the end of the current school year and will not provide summer instruction.

The Institute properly notified the school district in which the Education Corporation is located regarding the receipt of an application for charter renewal. The Institute received a letter dated December 29, 2014 from Marguerite Vanden Wyngaard, Superintendent of Schools for the Albany City School District, in opposition to the renewal, which was distributed to the Board of Trustees and is on file in the Office of the Secretary of the University and in the Albany office of the Institute.