



## MEMORANDUM

February 26, 2013

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

**FROM: Joseph W. Belluck, Chair**

**SUBJECT: Approval of the Application for Charter Renewal of Success Academy Charter Schools – NYC and Its Authority to Operate Success Academy Charter School – Harlem 3 (Manhattan)**

### Action Requested

The proposed resolution authorizes the approval of a five-year, full-term charter renewal for the Success Academy Charter Schools – NYC education corporation to the extent needed under the New York Charter Schools Act of 1998 (as amended), and its authority to operate its charter school, Success Academy Charter School – Harlem 3, for the same term pursuant to New York Education Law subdivision 2831(4).

### Resolution

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

Whereas the Board of Trustees has granted Success Academy Charter Schools – NYC education corporation (the “Education Corporation”), located in Manhattan, the authority to operate 11 charter schools including Success Academy Charter School – Harlem 3 (the “School”); and

Whereas the Education Corporation in its application for charter renewal requested renewal of the authority to operate the School for a full-term of five years to the extent needed under the New York Charter Schools Act of 1998 (as amended, the “Act”); and

Whereas the Charter Schools Committee, acting on behalf of the Board of Trustees, as required by Education Law subdivision 2851(4)(e), has considered, prior to approval of the application to renew the authority to operate the School, the means by which the School will meet or exceed the enrollment and retention targets of students with disabilities, English language learners, and students who are eligible applicants for the federal free and reduced price lunch program as set forth in the application, which targets were prescribed by the SUNY Charter Schools Institute (the "Institute") on behalf of the Board; now, therefore, be it

Resolved that the Education Corporation's application for charter renewal, be, and hereby is, approved for a full-term of five years to the extent needed by the Act; and be it further

Resolved that the Education Corporation's application for renewal of the authority to operate the School for an additional five years, be, and hereby is, approved; and be it further

Resolved that: 1) the Education Corporation's schools, including the School, as described in its application for charter renewal meet the requirements of the New York Charter Schools Act of 1998 (as amended) and applicable laws, rules and regulations; 2) the Education Corporation can demonstrate the ability to operate its schools, including the School, in an educationally and fiscally sound manner; and 3) so approving the application to renew the charter and the authority to operate the School is likely to improve student learning and achievement and materially further the purposes set out in subdivision 2850(2) of the Education Law; and be it further

Resolved that the Institute, acting for the Board of Trustees, be, and hereby is, directed to: 1) enter into a proposed renewal charter with the Education Corporation in accordance with this resolution, which proposed charter shall include such assurances and terms as the Institute shall deem necessary and appropriate; and 2) thereafter to submit the proposed renewal charter to the Board of Regents for its review, comment and potential approval.

## **Background**

The New York Charter Schools Act of 1998 (as amended, the “Act”) permits the Board of Trustees 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 renew charters to the Charter Schools Committee.

Pursuant to the *Practices, Policies and Procedures for the Renewal of Charter Schools Authorized by the State University Board of Trustees* (the “SUNY Renewal Policies”) (last amended on June 25, 2012 and available at: <http://www.newyorkcharters.org/schoolsRenewOverview.htm>) the SUNY 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 school staff; and produces a draft renewal report containing its findings and preliminary recommendation. The draft renewal report also contains an evaluation of a school’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.newyorkcharters.org/pubsReportsRenewals.htm>. 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 Success Academy Charter School - Harlem 3 (the “School”), which was distributed to the Board of Trustees, the Institute conducted a renewal review of the Success Academy Charter Schools –NYC education corporation (the “Education Corporation”) and the School pursuant to the SUNY Renewal Policies. As a result of this review, the Institute recommends that the Education Corporation’s application for initial charter renewal be granted for a full-term of five years without conditions to the extent needed by the Act, and that its request to extend its authority to operate the School for five years be granted without conditions. If this resolution is approved, the Education Corporation’s charter and its authority to operate the School will be renewed through July 31, 2018.

The Institute recommends renewal of the Education Corporation’s charter “the the extent needed by the Act” because on June 25, 2012, the Board of Trustees through the Act’s request for proposals process approved the Education Corporation to operate six additional schools to open in the fall of 2013. Pursuant to Education Law subdivisions 2851(2)(p) and 2852(9-a), the Board of Trustees’ approval of the six new schools should have extended the provisional charter (certificate of incorporation) of the Education Corporation for a period of

five years. However, the Board of Regents has not issued a revised provisional charter in final form, which confirms the charter term. As the charter for the Education Corporation with extension would otherwise expire after July 31, 2013, the Institute recommends that the Board of Trustees, out of an abundance of caution, renew the charter for a term of five years.

For the education corporation listed above, the Institute properly notified the school district in which the education corporation is located regarding the receipt of an application for charter renewal. As of February 5, 2013, no comments were received.