



## MEMORANDUM

February 13, 2018

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

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

**Subject: Resubmission to the Board of Regents of a Proposed Revision to the Charter of Bronx Charter School for Better Learning**

### Action Requested

The proposed resolution authorizes the return to the New York State Board of Regents of a proposed charter revision, without modification, that permits Bronx Charter School for Better Learning, an education corporation with authority to operate two schools, to operate one of its schools for a full term of five years pursuant to Education Law § 2851(4). The return would cause the final approval of the renewal pursuant to New York Education Law § 2852(5-b), which the Charter Schools Committee approved on May 24, 2017.

### 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 reconsidered the proposed charter revision for Bronx Charter School for Better Learning (the "Education Corporation") permitting the full-term renewal of its authority to operate its school of the same name (the "Proposed Charter Revision"), which was approved by the Committee on May 24, 2017 (copies on file in the Office of the Secretary of the University and the Albany office of the State University of New York Charter Schools Institute (the "Institute")), taking into consideration the Board of Regents' comments and recommendation to abandon the Proposed Charter Revision (copies of letter from the New York State Education Department, dated July 18, 2017, on file in the Office of the Secretary of the University and the Albany office of the Institute); now, therefore, be it

Resolved that the resubmission to the Board of Regents of the Proposed Charter Revision, being in accordance with the New York Charter Schools Act of 1998 (as amended), be, and hereby is, approved without modification; and be it further

Resolved that the Institute, acting for the Board of Trustees, be, and hereby is, authorized to resubmit the Proposed Charter Revision to the Board of Regents for review, final approval and issuance in accordance with Subdivision 2852(5-b).

### **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 authorizes, and to renew such corporations’ authority to operate charter schools. Pursuant to Resolution No. 2012-038 dated June 12, 2012, the Board of Trustees delegated authority to renew charters to the Charter Schools Committee including the authority to return such items to the New York State Board of Regents.

The State University of New York Charter Schools Institute (the “Institute”) recommends the proposed charter revision for Bronx Charter School for Better Learning (the “Education Corporation”), which would renew the Education Corporation’s authority to operate its charter school of the same name (the “School”) for a full term of five years, and which the Charter Schools Committee, acting on behalf of the Board of Trustees, approved on May 24, 2017 (Committee Resolution No. 024-2017), be resubmitted to the Board of Regents without modification. The Board of Regents voted to return the proposed revision on July 17, 2017 with the following comments and recommendation:

Approving the renewal of any charter school years before the expiration of the charter does not allow timely review of the school’s educational and fiscal soundness, community support, legal compliance, or means by which the school will meet or exceed enrollment and retention targets for students with disabilities, English language learners and students who are eligible applicants for the free and reduced price lunch program. The charters [*sic*] should be abandoned, and the schools should be directed to

resubmit the application no earlier than one year prior to the expiration of the charter term.

For purposes of analyzing the Board of Regents' recommendation, the Institute interprets "one year prior to the expiration of the charter term" to be a reference to one year prior to the expiration of the Education Corporation's term of authority to operate the School, and not the expiration of the corporate charter on July 31, 2020.

The Act does not limit the timing of when proposed renewal charters may be sent by a charter entity such as the Board of Trustees to the Board of Regents. See Subdivision § 2851(4). In fact, the Act's only reference to renewal timing limits the renewal application period to "no later than six months prior to the expiration of the charter." Subdivision 2854(1). Since June 25, 2005, the *Policies for the Renewal of Not-for-Profit Charter School Education Corporations and Charter Schools Authorized by the State University Board of Trustees* (last amended September 4, 2013, and available at: <http://www.newyorkcharters.org/wp-content/uploads/SUNY-Renewal-Policies.pdf>) have contained a provision for early renewal. SUNY has voted on renewal charters during the school year prior to the school year of charter expiration since 2004.

With respect to SUNY's renewal application review and making the findings required by Subdivision 2852(2), the renewal application for the School was complete and reviewed by SUNY in accordance with Subdivisions 2854(1) and 2852(2) as described in the School's Renewal Report (available at: [http://www.suny.edu/about/leadership/board-of-trustees/meetings/webcastdocs/IIIA2\\_BBLRenewalRecReportFINAL.PDF](http://www.suny.edu/about/leadership/board-of-trustees/meetings/webcastdocs/IIIA2_BBLRenewalRecReportFINAL.PDF)). As set forth in Committee Resolution 024-2017, the Charter Schools Committee made the forward-looking findings required by Subdivision 2852(2) as of the date of the resolution including legal requirements, the ability to operate the School in an educationally and fiscally sound manner, and the likelihood to improve student learning and achievement. Notwithstanding the Board of Regents' implication, unlike the new application process described in Subdivision 2852(9-a), the Act's renewal process does not require any findings related to community support.

Pursuant to the Act, the Board of Trustees has three options if the Board of Regents returns a proposed charter revision: 1) resubmit the proposed revision without modification; 2) resubmit the proposed revision with modification so long as the education corporation agrees; or, 3) abandon the proposed revision. If this resolution is approved, the proposed charter revision that renews the Education Corporation's authority to operate the School for five years will be deemed approved by operation of law 30 days after resubmission to the Board of Regents unless the Board of Regents approves it sooner pursuant to Subdivision 2852(5-b).