



MEMORANDUM

May 4, 2021

To: Members of the Charter Schools Committee

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

Subject: Approval of Revision to Merge Key Collegiate Charter School (Brooklyn) into Forte Preparatory Academy Charter School (Queens)

Action Requested

The proposed resolution authorizes, 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, a charter revision for Forte Preparatory Academy Charter School, a not-for-profit charter school education corporation authorized by the Board of Trustees, to permit merger with Key Collegiate Charter School, a not-for-profit-education charter school education corporation authorized by the New York State Board of Regents. Forte Preparatory Academy Charter School would be the successor education corporation and renamed "Forte Preparatory Academy Charter Schools." The proposed revision also permits certain other charter amendments.

Resolution

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

Whereas Key Collegiate Charter School, an education corporation authorized by the Board of Regents and located in Brooklyn, (the "Constituent Corporation"), desires to merge into Forte Preparatory Academy Charter School (the "Education Corporation"), an education corporation authorized by the Board of Trustees and located in Queens (the "Merger"); and,

Whereas the Education Corporation desires to be the sole successor education corporation and be renamed "Forte Preparatory Academy Charter Schools;" and,

Whereas, the Education Corporation desires to amend the terms of operation of its charter agreement such that each school operated by the merged Education Corporation would have certain consistent policies and terms of operation (collectively, with the Merger, 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 revision to the Education Corporation’s charter 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 revision to the 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 charter of the SUNY authorized education corporation 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 revision from the legal and fiscal perspectives, and finds it 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 Forte Preparatory Academy Charter Schools education corporation would operate two charter schools. The revision effectuating the merger must be submitted to the Board of Regents for action pursuant to the Act. If approved by the Board of Regents, 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 SUNY authorized education corporation regarding the receipt of application for charter revision (copies on file in the Albany Office of the Institute). As of April 26, 2021, the Board of Trustees did not receive any comments in response.