



The State University  
of New York

Office of the  
Board of Trustees

State University Plaza  
Albany, New York 12246

[www.suny.edu](http://www.suny.edu)

## MEMORANDUM

February 25, 2016

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

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

**SUBJECT: Approval of Revision to Merge Manhattan Charter School into Manhattan Charter School II (Manhattan)**

### Action Requested

The proposed resolution authorizes charter revisions for Manhattan Charter School, a not-for-profit charter school education corporation authorized by the New York City Schools Chancellor, to merge into Manhattan Charter School II, a not-for-profit charter school education corporation authorized by the Board of Trustees, which would be renamed "Manhattan Charter Schools, and permits certain amendments to the terms of operation of each school, 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 Manhattan Charter School (the "Constituent Corporation"), a charter school education corporation authorized by the New York City Schools Chancellor and located in Manhattan, desires to merge into Manhattan Charter School II (the "Education Corporation") authorized by the Board of Trustees and located in Manhattan, which would be the sole successor education corporation (the "Merger") and be renamed "Manhattan Charter Schools;" and

Whereas the education corporations further desire to amend the terms of operation of their charters such that each school to be 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 the proposed revision of the charter of the Education Corporation to permit it to implement the Proposed Changes in Program; be, and hereby is, 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 needed to implement same, meet the requirements of Article 56 of the Education Law (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 in an educationally and fiscally sound manner; and, 3) approval of the Proposed Changes in Program is likely to improve student learning and achievement and materially further the purposes set out in Education Law § 2850(2); and, be it further

Resolved that the State University of New York Charter Schools Institute (the “Institute”), be, and hereby is, directed: 1) to enter into a proposed revision to the Education Corporation’s charter, such proposed revision to incorporate 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 to submit such revision 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 authority to revise charters to the Charter Schools Committee.

The State University of New York Charter Schools Institute (the “Institute”) determined that the changes set forth in this resolution require revision of 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”).

If the Charter Schools Committee approves this resolution, the merged Manhattan Charter Schools education corporation would ultimately operate two charter schools.

If the Charter Schools Committee approves the resolution, the revisions effectuating the merger must be submitted to the New York State Board of Regents for action pursuant to the Act. If approved by the Board of Regents or by operation of law, the merger would not be effective until July 1, 2016 or, if approval comes after that date, the date of the next succeeding start of a fiscal quarter.

Pursuant to New York Education Law § 2857(1), the Institute notified the school district of location of the education corporation authorized by the Board of Trustees regarding the receipt of an application for charter revision (copy on file in the Albany Office of the Institute). As of February 12, 2016, the Board of Trustees did not receive any comments in response.