



The State University
of New York

Office of the
Board of Trustees

State University Plaza
Albany, New York 12246

www.suny.edu

MEMORANDUM

December 7, 2015

TO: Members of the Charter Schools Committee

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

SUBJECT: Approval of Revision to Merge Achievement First Crown Heights Charter School, Achievement First East New York Charter School and Achievement First Endeavor Charter School into Achievement First Brooklyn Charter Schools (Brooklyn)

Action Requested

The proposed resolution authorizes a charter revision for Achievement First Brooklyn Charter Schools, a not-for-profit charter school education corporation authorized by the Board of Trustees, to permit merger with three education corporations authorized by the New York City Schools Chancellor, with Achievement First Brooklyn Charter Schools to be the successor education corporation, and permits certain amendments to the terms of operation of each incoming 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 the following charter school education corporations authorized by the New York City Schools Chancellor and located in Brooklyn: Achievement First Crown Heights Charter School; Achievement First East New York Charter School; and, Achievement First Endeavor Charter School (collectively, the “Constituent Corporations”), desire to merge into Achievement First Brooklyn Charter Schools (the “Education Corporation”), which is located in Brooklyn, authorized by the Board of Trustees and has the authority to operate nine charter schools, and would be the sole successor education corporation (the “Merger”); and

To Learn
To Search
To Serve

the Power of 

Whereas the Constituent 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 are likely to improve student learning and achievement and materially further the objectives of the New York Charter Schools Act of 1998 (as amended); and, be it further

Resolved that the State University of New York Charter Schools Institute (the “Institute”), be, and hereby is, directed 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, 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 New York Education Law § 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 Charter Schools Committee approved the merger of three of the Brooklyn education corporations managed by the not-for-profit charter management organization, Achievement First, Inc., into Achievement First-Bushwick Charter School, which was renamed “Achievement First Brooklyn Charter Schools” (the “Education Corporation”) in March 2015 (Committee Resolution No. 26-2015). The overall health of the Education Corporation – academically, fiscally, and operationally – is positive. Four out of five schools in the Education Corporation earned initial full-term renewals and the one school that received a short-term renewal subsequently earned a full-term renewal. The Institute reviewed certain academic program elements (including enrollment projections, and staffing), policies, and budgets to be affected by the requested charter revision 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 reviewed the student performance data of all schools including other Achievement First, Inc. managed schools not authorized by SUNY, and found that data satisfactory. Therefore, the Institute recommends the Charter Schools Committee approve the requested merger. (See the Institute’s Summary of Performance for the Education Corporation, which was distributed to the Board of Trustees, and contains student performance and other information for each school as well as fiscal dashboards for each of the SUNY authorized schools.)

If the Charter Schools Committee approves this resolution, the merged Education Corporation would ultimately operate 12 charter schools. During the 2019/20 school year, the merged education corporation would serve approximately 10,405 students rather than a current projected 2019/20 enrollment of 6,942 students. All of the schools would contract with Achievement First, Inc. for full educational and back office services.

The merger would allow the schools formerly authorized by the New York City Schools Chancellor to offer cross-school sibling admissions preferences as well as greater enrollment flexibility. In addition, the schools should realize efficiencies associated with operations and capacity to share programs and resources across 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 April 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 November 30, 2015, the Board of Trustees did not receive any comments in response.