



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 Brooklyn Ascend Charter School, Brownsville Ascend Charter School, Bushwick Ascend Charter School and Central Brooklyn Ascend Charter School into Canarsie Ascend Charter School (Brooklyn)**

### Action Requested

The proposed resolution authorizes the merger of five not-for-profit charter school education corporations (three authorized by the New York City Schools Chancellor and two authorized by the Board of Trustees) into one of the education corporations, Canarsie Ascend Charter School (authorized by the Board of Trustees), which would be renamed "Ascend 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 the following charter school education corporations located in Brooklyn:

- Brooklyn Ascend Charter School;
- Brownsville Ascend Charter School; and,
- Bushwick Ascend Charter School; (all authorized by the New York City Schools Chancellor), and,
- Central Brooklyn Ascend Charter School (authorized by the Board of Trustees) (collectively, the "Constituent Corporations"),

desire to merge into Canarsie Ascend Charter School (authorized by the Board of Trustees) (the "Education Corporation"), located in Brooklyn, which would be the sole successor education corporation (the "Merger"); 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 revisions of the charters of the Constituent Corporations authorized by the Board of Trustees, and of the Education Corporation, to permit them to implement 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 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 deems 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 Ascend Charter Schools (the "Education Corporation") would ultimately operate five charter schools. For the 2020/21 school year the Education Corporation would serve approximately 5,456 students. All of the schools contract with the not-for-profit charter management organization, Ascend Learning, Inc. for full educational and back office services. See the Institute's Summary of Performance for the education corporations, which was distributed to the Board of Trustees, and contains student performance and other information for each school as well as fiscal information.

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 corporations authorized by the Board of Trustees regarding the receipt of applications 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.