



The State University
of New York

Office of the
Board of Trustees

State University Plaza
Albany, New York 12246

www.suny.edu

MEMORANDUM

January 5, 2017

TO: Members of the Charter Schools Committee

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

SUBJECT: Approval of Revision to Merge Brilla College Preparatory Charter School into Brilla College Preparatory Charter School at Highbridge (Bronx)

Action Requested

The proposed resolution authorizes charter revisions for Brilla College Preparatory Charter School, a not-for-profit charter school education corporation authorized by the New York State Board of Regents, to merge into Brilla College Preparatory Charter School at Highbridge, an education corporation authorized by the Board of Trustees, which would be renamed "Brilla College Preparatory 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 Brilla College Preparatory Charter School (the "Constituent Corporation"), a charter school education corporation authorized by the New York State Board of Regents (the "Board of Regents") and located in the Bronx, desires to merge into Brilla College Preparatory Charter school at Highbridge (the "Education Corporation") authorized by the Board of Trustees and located in the Bronx, which would be the sole successor education corporation (the "Merger") and be renamed "Brilla College Preparatory Charter Schools;" and

Whereas the Constituent and Education Corporations 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 including the proposed revision of the Constituent Corporation’s terms of operation; 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 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”).

The Board of Trustees approved the charter of Brilla College Preparatory Charter School at Highbridge (the “Education Corporation”) on April 13, 2016 and the school is scheduled to open in August 2017 with 170 students in Kindergarten and 1st grade. (See the Institute’s Summary of Findings at: http://www.suny.edu/about/leadership/board-of-trustees/meetings/webcastdocs/B1_2016%20Brilla%20Summary%20of%20Findings%20FINAL.pdf.) Brilla College Preparatory Charter School is in its fourth year of operation and currently serves students in Kindergarten through 4th grade. It has generated one year of promising state assessment data set forth in the Institute’s Summary of Performance, which was distributed to the Board of Trustees. At scale, both schools will serve students in Kindergarten through 8th grade.

If the Charter Schools Committee approves this resolution, the merged Education Corporation would ultimately operate two charter schools. Revisions effectuating the merger by SUNY and by the New York State Education Department must be submitted to the New York State Board of Regents (the “Board of Regents”) for action pursuant to the Act. If approved by the Board of Regents, the merger would not be effective until July 1, 2017 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 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 December 21, 2016, the Board of Trustees did not receive any comments in response.