



The State University
of New York

Office of the
Board of Trustees

State University Plaza
Albany, New York 12246

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MEMORANDUM

March 8, 2017

TO: Members of the Charter Schools Committee

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

SUBJECT: Approval of Revision to Merge Harlem Prep Charter School, Democracy Preparatory Charter School and Democracy Prep Charter School - Harlem into Bronx Preparatory Charter School (Bronx and Manhattan)

Action Requested

The proposed resolution authorizes charter revisions for Harlem Prep Charter School and Bronx Preparatory Charter School to merge with Democracy Preparatory Charter School and Democracy Prep Charter School - Harlem, not-for-profit charter school education corporations authorized by the New York City Schools Chancellor, such that Bronx Preparatory Charter School, would be the sole successor education corporation and be renamed "Democracy Prep New York 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 Democracy Preparatory Charter School and Democracy Prep Charter School - Harlem, education corporations authorized by the New York City Schools Chancellor, and Harlem Prep Charter School, an education corporation authorized by the Board of Trustees (the "Constituent Corporations"), all located in Manhattan, desire to merge into Bronx Preparatory Charter School (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 "Democracy Prep New York 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 revisions of the charters of the education corporations to permit the implementation of the Proposed Changes in Program including the proposed revision of the Constituent Corporations' terms of operation; 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 proposed revisions to the Education Corporation's and Harlem Prep Charter School's charters, such proposed revisions 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 revisions 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 charters of the SUNY authorized education corporations 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 as well as fiscal information. The Institute reviewed certain academic program elements (including enrollment projections, and staffing), policies, and budgets to be affected by the merger and found them satisfactory. The Institute also reviewed the proposed revisions from the legal and fiscal perspectives and finds them suitable under the Act and applicable law. The Institute reviewed the student performance data of all schools and found the schools' performance satisfactory. Therefore, the Institute recommends the Charter Schools Committee approve the requested merger.

If the Charter Schools Committee approves this resolution, the merged Education Corporation would ultimately operate four charter schools. Revisions effectuating the merger by SUNY and by the New York City Schools Chancellor 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 corporations authorized by the Board of Trustees regarding the receipt of applications for charter revision (copies on file

in the Albany Office of the Institute). As of February 17, 2017, the Board of Trustees did not receive any comments in response.