



MEMORANDUM

June 4, 2014

To: Members of the Charter Schools Committee

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

Subject: Approval of Proposal to Grant Amber Charter School the Authority to Operate an Additional Charter School, Amber Charter School II (Manhattan or Queens)

Action Requested

The proposed resolution authorizes the granting of authority to operate one new charter school to an existing education corporation authorized by the Board of Trustees, Amber Charter School, pursuant to New York Education Law subdivisions 2852(9-a) and 2853(1)(b-1).

Resolution

I recommend that the Charter Schools Committee adopt the following resolution:

Whereas the SUNY Charter Schools Institute (the "Institute"), acting on behalf of the Board of Trustees and in accordance with the New York Charter Schools Act of 1998 (as amended, the "Act"), issued a request for proposals ("RFP") on January 6, 2014 to establish new not-for-profit charter school education corporations and to permit existing education corporations to operate additional charter schools; and

Whereas Amber Charter School, an existing education corporation (the "Education Corporation"), submitted a proposal seeking authority to operate one new school, to be named "Amber Charter School II" and located in Manhattan or Queens, that the Institute reviewed, scored, ranked and recommends for approval (the "Recommended Proposal") as set forth in the Institute's Summary of Findings and Recommendations for the proposed school (the "Institute Report") (copy on file in the Office of the Secretary of the University and in the Albany office of the Institute), which was made available to the Charter Schools Committee (the "Committee"); now, therefore, be it

Resolved that the Recommended Proposal rigorously demonstrates that the Proposal has met the following criteria: (1) the proposed charter school would meet or exceed enrollment and retention targets, prescribed by the Institute on behalf of Board of Trustees, of students with disabilities, English language learners, and students who are eligible applicants for the federal free and reduced price lunch program; and (2) that the Education Corporation has conducted public outreach, in conformity with a thorough and meaningful public review process prescribed by the Institute on behalf of the Board, to solicit community input regarding the proposed charter school and to address comments received from the impacted community concerning the educational and programmatic needs of students; and, be it further

Resolved that the Committee, acting on behalf of the Board of Trustees, and based on: (1) a scoring rubric that best demonstrates how proposed schools will achieve the objectives set forth in Education Law subdivision 2852(9-a)(c); and (2) the Institute's scoring of all proposals recommended for approval, hereby grants priority to the Recommended Proposal; and, be it further

Resolved that the Recommended Proposal and the school described therein meet the requirements of the Act and all other applicable laws, rules and regulations; and, be it further

Resolved that the Education Corporation as described in the Recommended Proposal demonstrates the ability to operate the proposed school in an educationally and fiscally sound manner; and, be it further

Resolved that approving the Recommended Proposal is likely to improve student learning and achievement and materially further the purposes set out in Education Law subdivision 2850(2); and, be it further

Resolved that approving the Recommended Proposal would have a significant educational benefit to the students expected to attend the proposed charter school within the meaning of Education Law subdivision 2852(2)(d); and, be it further

Resolved that the Recommended Proposal be, and hereby is, approved; and, be it further

Resolved that the name of the Education Corporation will be changed from Amber Charter School to “Amber Charter Schools;” and, be it further

Resolved that the Institute be, and hereby is, directed to: (1) enter into a proposed charter with the Education Corporation, which shall include such assurances and terms as the Institute shall deem necessary and appropriate; and (2) thereafter to submit such proposed charter no later than November 1, 2014 as required by the Act to the Board of Regents for issuance by the Board of Regents on or before December 31, 2014.

Background

Pursuant to Resolution No. 2012-038 dated June 12, 2012, the Board of Trustees delegated to the Charter Schools Committee the authority to approve or deny applications to establish new charter school education corporations, and applications by existing education corporations for authority to operate additional schools.

Amendments to the New York Charter Schools Act of 1998 (as amended, the “Act”), passed in 2010, increased the cap on the number of charter schools in New York by adding a new class of charters to be issued through requests for proposals (“RFPs”). Only the Board of Trustees and the Board of Regents may issue RFPs. Each entity may approve 130 new charters, only 57 of which may be located in New York City. Prior to approval of this resolution the Board of Trustees has approved 39 proposals for schools to be located in New York City and two out of New York City; leaving 89 charters to be issued through the RFP process with no more than 18 to be located in New York City. The SUNY Charter Schools Institute (the “Institute”) posted the RFP for the proposal to be approved by this resolution on January 6, 2014.

The Institute released and broadly distributed a draft RFP for public comment on December 6, 2013, and posted a document detailing its evaluation and response to public comments on January 6, 2014. The Institute received the proposal to be approved by this resolution by March 12, 2014, and then reviewed, scored (in accordance with a rubric required to be developed pursuant to Education Law subdivision 2852(9-a)(c)), and ranked it.

Prior to recommending the proposed charter school for approval, the Institute, acting on behalf of the Board of Trustees, conducted a rigorous review of the proposal and published its findings and recommendations in a Summary of

Findings and Recommendations (“Institute Report”) (copy on file in the Office of the Secretary of the University and in the Albany office of the Institute, and available at: http://www.suny.edu/Board_of_Trustees/meetingnotices.cfm), which was made available to the Charter Schools Committee. In addition to meeting all of the application requirements for non-RFP charters, the amended Act requires additional RFP findings reflected in the resolution.

For the proposal listed above, the Institute, pursuant to Education Law subdivision 2857(1), notified the school district in which the charter school proposes to be located as well as public and non-public schools in the same geographic area of the school regarding the receipt of the application for a new school (copy on file in the Albany Office of the Institute). As of May 22, 2014, the Board of Trustees received no district comments.