

MEMORANDUM

October 2, 2012

To: Members of the Charter Schools Committee

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

Subject: Approval of Proposal to Grant East Harlem Scholars Academy Charter School the Authority to Operate an Additional Charter School, East Harlem Scholars Academy Charter School II (Manhattan)

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, East Harlem Scholars Academy 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 3, 2012 to establish new charter school education corporations and to permit existing education corporations to operate additional charter schools; and

Whereas East Harlem Scholars Academy Charter School, an existing education corporation, submitted a proposal seeking authority to operate one new school to be located in Manhattan that the Institute reviewed, scored and ranked, and recommends for approval (the "Recommended Proposal") as set forth in the Institute's Summary of Findings and Recommendations for the proposed new 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"); and

Whereas the school district of location of the proposed new school commented on the Recommended Proposal, which comments the Institute attached to or included in the Institute Report, and the Committee considered on behalf of the Board of Trustees; 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 applicant 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 has granted priority to the Recommended Proposal based on a scoring rubric that best demonstrates how proposed schools will achieve the objectives set forth in Education Law subdivision 2852(9-a)(c); and, be it further

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

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

Resolved that the Institute be, and hereby is, directed to: (1) enter into a proposed amended charter with the applicant of the Recommended Proposal to reflect the authority to operate one new school, 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, 2012 as required by the Act to the Board of Regents for issuance by the Board of Regents on or before December 31, 2012.

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 for authority to operate additional schools or sites.

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 26 proposals for schools to be located in New York City; leaving 104 charters to be issued through the RFP process with no more than 31 to be located in New York City. RFPs may only commence on certain dates, each with a maximum number of charters set by statute. The RFP for the proposal to be approved by this resolution was posted on January 3, 2012 (the first business day after January 1st) and the maximum number of charters the Board of Trustees may still approve pursuant to the RFP is 71 (32 plus 48 remaining from prior RFPs minus 9 issued in June 2012).

The Charter Schools Institute (the "Institute") released and broadly distributed a draft RFP for public comment on November 22, 2011, held a public meeting in three locations across the state to solicit verbal comments on December 7, 2011, carefully reviewed all comments amending the draft RFP as appropriate, and posted a document detailing its evaluation and response to public comments on January 3, 2012. The Institute received the proposal to be approved by this resolution on or about July 3, 2012, and then reviewed, scored (in accordance with a rubric required developed in accordance with Education Law subdivision 2852(9-a)), 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://newyorkcharters.org/SUNYTrusteesCommitteeMaterials.htm>), 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 that are 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 a proposal to have an existing charter school education corporation operate one new school (copy on file in the Albany Office of the Institute). On September 18, 2012, the New York City Schools Chancellor provided comments on the proposal, which were attached to or included in the Institute Report.