SUNY The State University of New York

Office of the
Board of Trustees

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M E M O R A N D U M

October 4, 2018

To: **Members of the Charter Schools Committee**

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

Subject: **Approval of Proposal to Establish Wildflower New York Charter School (Bronx)**

Action Requested

The proposed resolution authorizes the granting of a new charter to the proposed Wildflower New York Charter School pursuant to New York Education Law § 2852(9-a).

Resolution

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

> Whereas the State University of New York 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 on January 2, 2018 to establish new not-for-profit charter school education corporations and to permit existing education corporations to operate additional charter schools; and
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> Whereas the applicant(s) for the Wildflower New York Charter School (the "Applicant"), who seeks authority to operate one school to be located in the Bronx, submitted a proposal, which the Institute reviewed, scored, ranked and recommends for approval (the "Recommended Proposal") as set forth in the Institute's Summary of Findings and Recommendations (copy on file in the Office of the Secretary of the University and in the Albany office of the Institute) that the Institute made available to the Board of Trustees; now, therefore, be it

Resolved that the Recommended Proposal rigorously demonstrates it 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 has conducted public outreach, in conformity with a thorough and meaningful public review process prescribed by the Institute, on behalf of the Board of Trustees, 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 Charter Schools 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 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 Applicant and the founding team described in the Recommended Proposal demonstrate 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 § 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 Subdivision 2852(2)(d); and, be it further

Resolved that the Applicant presents a compelling justification to serve fewer than 50 students at any time after the first school year of operation based on the particular Montessori model set forth in the Recommended Proposal; 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 charter with the Applicant, 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, 2018 to the New York State Board of Regents for issuance on or before January 1, 2019.

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.

The New York Charter Schools Act of 1998 (as amended, the "Act") permits new charters to be issued through requests for proposals ("RFPs"). Only the Board of Trustees and the Board of Regents may issue RFPs. In 2015, amendments to the Act increased the cap on the number of charter schools to 460 charters with new RFP charters to be located in New York City limited to 50 regardless of chartering entity. (Twenty-two previously issued charters may be reissued and such reissuance shall not be counted toward the numerical limits). Prior to the date of approval of this resolution, 107 charters could be issued through a RFP process by either the Board of Trustees or the Board of Regents, and 44 of the 50 New York City charters had been issued.

The SUNY Charter Schools Institute (the "Institute") released and broadly distributed a draft RFP for public comment on November 10, 2017, and posted a document detailing its evaluation and response to public comments on January 2, 2018 with the release of the RFP. The Institute received the proposal to be approved by this resolution by the due date, and then reviewed, scored (in accordance with a rubric required to be developed pursuant to 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 (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 Board of Trustees. As the proposed charter school would serve fewer than 50 students in its second and third years of operation, the Charter Schools Committee must find the applicant presents a compelling justification therefor in the application per Education Law § 2851(2)(i).

For the proposal listed above, the Institute, pursuant to Education Law § 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 September 26, 2018, the Board of Trustees received no district comments.