



MEMORANDUM

June 10, 2019

To: Members of the Charter Schools Committee

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

Subject: Approval of Revision to Merge Capital Preparatory Harlem Charter School into Capital Preparatory Bronx Charter School (Manhattan and Bronx)

Action Requested

The proposed resolution authorizes a charter revision for Capital Preparatory Bronx Charter School, a not-for-profit charter school education corporation authorized by the Board of Trustees, to permit: 1) merger with Capital Preparatory Harlem Charter School, an education corporation authorized by the New York State Board of Regents such that Capital Preparatory Bronx Charter School will be the successor education corporation; 2) a name change to "Capital Prep Charter Schools NY"; and, 3) certain amendments to the terms of operation of the charter agreement of the successor education corporation, 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 Capital Preparatory Harlem Charter School, an education corporation authorized by the New York State Board of Regents and located in Manhattan, desires to merge into Capital Preparatory Bronx Charter School (the "Education Corporation"), which is located in the Bronx and authorized by the Board of Trustees, and would be the sole successor education corporation, and be renamed "Capital Prep Charter Schools NY" (the "Merger"); and,

Whereas the Education Corporation desires to amend the terms of operation of its charter agreement such that each school 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; 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 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 are likely to improve student learning and achievement and materially further the objectives of the New York Charter Schools Act of 1998 (as amended); and, be it further

Resolved that the State University of New York Charter Schools Institute (the “Institute”), be, and hereby is, directed to enter into a proposed revision to the Education Corporation’s charter to include the terms and conditions of the Proposed Changes in Program and such assurances and terms as the Institute shall deem necessary and appropriate, and, thereafter, to submit the 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 to the Charter Schools Committee the authority to revise charters to merge with other education corporations. The State University of New York Charter Schools Institute (the “Institute”) determined that the changes set forth in this resolution require revision to 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 Institute’s Summary of Performance, which was distributed to the Board of Trustees, contains student performance and other information for the open, non-SUNY 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 revision from the legal and fiscal perspectives and finds it suitable under the Act and applicable law. The Institute reviewed the student performance data of the open school and found the school’s 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 two charter schools. The revisions effectuating the merger must be submitted to the Board of Regents for action pursuant to the Act. If approved by the Board of Regents, the merger would be effective July 1, 2019, 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 application for charter revision (copies on file in the Albany Office of the Institute). As of May 31, 2019, the Board of Trustees did not receive any comments in response.