



The State University
of New York

Office of the
Board of Trustees

State University Plaza
Albany, New York 12246

www.suny.edu

MEMORANDUM

February 11, 2019

To: Members of the Charter Schools Committee

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

Subject: Approval of the Application for Charter Renewal of Explore Charter Schools of Brooklyn and Its Authority to Operate Explore Excel Charter School (Brooklyn)

Action Requested

The proposed resolution authorizes: 1) the approval of a five year charter renewal for Explore Charter Schools of Brooklyn (the "Education Corporation"), a charter school education corporation with authority to operate more than one school; and 2) renewal of the Education Corporation's authority to operate one of its schools, Explore Excel Charter School, for a full term of five years, both pursuant to New York Education Law § 2851(4); and, 3) an agreement by the Education Corporation to work with SUNY to convey the authority to operate two unopened schools to one or two existing or proposed education corporations.

Resolution

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

Whereas the Board of Trustees has granted Explore Charter Schools of Brooklyn (the "Education Corporation") the authority to operate more than one school including Explore Excel Charter School (the "School"), which is located in Brooklyn, and two unopened schools, Explore Enrich Charter School and Explore Envision Charter School (each, an "Unopened School"); and

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Whereas the Education Corporation has requested: 1) renewal of the authority to operate the School; and 2) renewal of its charter, both for full terms of five years pursuant to Subdivision 2851(4); and

Whereas the Education Corporation has agreed with the State University of New York Charter Schools Institute (the "Institute"), acting on behalf of the Board of Trustees, to cooperate with SUNY and take reasonable actions to convey the authority to operate each Unopened School to another education corporation or proposed education corporation, as the case may be and arise; and

Whereas the Charter Schools Committee, acting on behalf of the Board of Trustees, as required by Subdivision 2851(4)(e), has considered, prior to approval of the application for charter renewal and application to renew the authority to operate the School, the means by which the School, and the other schools operated by the Education Corporation, will meet or exceed the enrollment and retention targets of students with disabilities, English language learners, and students who are eligible applicants for the federal Free and Reduced Price Lunch program as set forth *inter alia* in the School's renewal application, which targets were prescribed by the Institute on behalf of the Board of Trustees; now, therefore, be it

Resolved that the Education Corporation's application for renewal of the authority to operate the School for an additional five years be, and hereby is, approved; and be it further

Resolved that the Education Corporation's application for charter renewal, be, and hereby is, approved and its charter be, and hereby is, renewed for a full term of five years through and including July 31, 2024; and be it further

Resolved that: 1) the Education Corporation's schools as described in its application for charter renewal including the School, meet the requirements of the New York Charter Schools Act of 1998 (as amended) and applicable laws, rules and regulations; 2) the Education Corporation can demonstrate the ability to operate its schools including the School in an educationally and fiscally sound manner; 3) approval of both the application to renew the Education Corporation's authority to operate the School, and the application for charter renewal, 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 Charter Schools Committee agrees that, if the opportunity arises, SUNY should work with the Education Corporation to have it convey the authority to operate each Unopened School to another education corporation or proposed education corporation, as appropriate, and subject to such further approval as required by law; and be it further

Resolved that the Institute, acting for the Board of Trustees, be, and hereby is, directed to: 1) enter into a proposed renewal charter with the Education Corporation in accordance with this resolution, which proposed charter shall include such assurances and terms as the Institute shall deem necessary and appropriate, and shall memorialize the agreement contained herein; and, 2) thereafter to submit the proposed charter to the New York State Board of Regents for its review, comment and potential approval.

Background

The New York Charter Schools Act of 1998 (as amended) permits the Board of Trustees to renew and revise the charters of education corporations it has authorized, and to renew such corporations' authority to operate charter schools. Pursuant to Resolution No. 2012-038 dated June 12, 2012, the Board of Trustees delegated authority to renew and revise charters to the Charter Schools Committee.

Pursuant to the *Policies for the Renewal of Not-for-Profit Charter School Education Corporations and Charter Schools Authorized by the Board of Trustees of the State University of New York* (the "SUNY Renewal Policies") (last amended September 4, 2013 and available at: <http://www.newyorkcharters.org/>)

[category/operational-resources/renewal/](#)), the SUNY Charter Schools Institute (the “Institute”) conducts a renewal site visit; reviews the information in the renewal application as well as other relevant information, such as assessment data and site visit reports; interviews education corporation trustees and staff; and produces a draft renewal report containing its findings and preliminary recommendation. The draft renewal report also contains an evaluation of the performance of an education corporation’s school over the charter term based on the criteria provided in the renewal benchmarks described in the SUNY Renewal Policies. The education corporation receives a copy of the draft renewal report and is given an opportunity to comment on it before it is finalized. The Institute makes final renewal reports available in its Albany office and at: <http://www.suny.edu/about/leadership/board-of-trustees/meetings/meeting-Notices.cfm>. Copies of applications for charter renewal are on file in the Albany office of the Institute.

As set forth in the Institute’s Renewal Report for Explore Excel Charter School (the “School”), which was distributed to the Board of Trustees, the Institute pursuant to the SUNY Renewal Policies conducted a renewal review of the School, which is operated by Explore Charter Schools of Brooklyn (the “Education Corporation”). As a result of this review and a review of the other schools the Education Corporation is permitted to operate, the Institute recommends that the Education Corporation’s applications for charter renewal and to extend its authority to operate the School be granted for a full term of five years without conditions. If this resolution is approved, the Education Corporation’s charter and authority to operate the School will be renewed through July 31, 2024.

For the school and education corporation listed above, the Institute properly notified the school district in which the education corporation is located regarding the receipt of an application for charter renewal and for renewal of authority to operate a school. As of February 1, 2019 no comments were received.