

MEMORANDUM

June 15, 2011

To: Members of the Board of Trustees

From: Pedro A. Noguera, Chair, Education, College Readiness and Success Committee

Subject: Approval of Proposal to Establish the Icahn Charter School 7 (Bronx)

Action Requested

The proposed resolution authorizes the granting of a new charter to the proposed Icahn Charter School 7 pursuant to Education Law subdivision 2852(9-a).

Resolution

I recommend that the Board of Trustees adopt the following resolution:

Whereas the 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") to establish new charter schools on January 3, 2011, in response to which Icahn Charter School 7, to be located in the Bronx, submitted a proposal 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 report for the proposed school (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 Board; and

Whereas the school district of location of the proposed school commented on the Recommended Proposal (comments attached), which comments the Board of Trustees must consider pursuant to the Act; and

Whereas the applicant has requested a waiver of the charter agreement provision usually imposed by the Board of Trustees that prohibits more than 40 percent of a charter school board from being affiliated with any single entity other than another charter school, in this case, the Foundation for a Greater Opportunity (the "Request for Waiver"), and the Institute recommends that the waiver be granted; 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, to be prescribed by the 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 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 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 applicant submitting the Recommended Proposal and the founding team described therein 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 subdivision 2850(2); and, be it further

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

Resolved that the Request for Waiver 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 of the Recommended Proposal, 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, 2011 as required by the Act to the Board of Regents for issuance by the Board of Regents on or before December 31, 2011.

Background

Amendments to the New York Charter Schools Act of 1998 (as amended, the "Act"), passed on May 28, 2010, increased the cap on the number of charter schools to be formed in New York by adding a new class of charters that must be issued through requests for proposals ("RFPs"). Only the Board of Trustees and the Board of Regents may issue RFPs with each entity allowed to 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 four proposals for schools to be located in New York City; leaving 126 charters to be issued through the RFP process with no more than 53 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, 2011 (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 61 (33 minus 2 already issued plus 30 remaining from the August 2010 RFP).

The Charter Schools Institute (the "Institute") released and broadly distributed a draft RFP for public comment on November 16, 2010, held a public meeting in three locations across the state to solicit verbal comments on November 29, 2010, 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, 2011. The proposal to be approved by this resolution was received by the Institute on or about February 28, 2011, reviewed, scored in accordance with a rubric required to be developed by Education Law subdivision 2852(9-a), and ranked.

Prior to recommending the proposed 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://newyorkcharters.org/SUNYTrusteesCommitteeMaterials.htm>), which was made available to the Board of Trustees. 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 is proposed to be located regarding the receipt of a proposal to establish a school (copy on file in the Albany Office of the Institute). On May 26, 2011, the New York City Schools Chancellor provided comments on the proposal, which are attached.