



The State University
of New York

Office of the
Board of Trustees

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Albany, New York 12246

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MEMORANDUM

June 4, 2014

TO: Members of the Charter Schools Committee

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

SUBJECT: Approval of Revisions to Merge Explore Charter School, Explore Empower Charter School, Explore Exceed Charter School, Explore Envision Charter School and Explore Enrich Charter School into Explore Excel Charter School (Brooklyn)

Action Requested

The proposed resolution authorizes revisions of the charters of six not-for-profit charter school education corporations (four authorized by the Board of Trustees and two authorized by the New York City Schools Chancellor) to permit them to merge into one of the corporations, Explore Excel Charter School (authorized by the Board of Trustees), which would be renamed "Explore Charter Schools of Brooklyn," and permits certain amendments to the terms of operation of each school to be operated by the successor education corporation.

Resolution

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

Whereas the following charter school education corporations, all of which are located in Brooklyn:

- Explore Charter School
(authorized by the Chancellor of the New York City Department of Education);
- Explore Empower Charter School
(authorized by the Chancellor of the New York City Department of Education);
- Explore Exceed Charter School
(authorized by the Board of Trustees);
- Explore Envision Charter School
(authorized by the Board of Trustees); and
- Explore Enrich Charter School
(authorized by the Board of Trustees);

(the “Constituent Corporations”) desire to merge into Explore Excel Charter School (the “Education Corporation”) (authorized by the Board of Trustees), which would be the sole successor education corporation (the “Merger”); and

Whereas the education corporations further desire to amend the terms of operation of their charters such that each school to be operated by the merged Explore Charter Schools of Brooklyn would have certain consistent policies and terms of operation (collectively, with the Merger, the “Proposed Changes in Program”); now, therefore, be it

Resolved that, pursuant to New York Education Law subdivisions 2853(1)(b-1) and 2852(7)(a), proposed revisions to: a) the charters of each Constituent Corporation to permit each to implement the Proposed Changes in Program; b) the charter of the Education Corporation to permit it to implement the Proposed Changes in Program; be, and hereby are, 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 needed to implement same, 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 each 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 upon the Merger, the Education Corporation will be named “Explore Charter Schools of Brooklyn;” and be it further

Resolved that the SUNY Charter Schools Institute, be, and hereby is, directed to enter into proposed revisions to each education corporation’s charter, such proposed revisions to incorporate 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 such revisions 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 authority to revise charters to the Charter Schools Committee.

The SUNY Charter Schools Institute (the "Institute") determined that the changes set forth in this resolution require revisions of the charters of each of the education corporations involved in the proposed merger pursuant to Education Law 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"). Pursuant to New York Education Law § 2857(1), the Institute notified the school district of location of the education corporations regarding the receipt of applications for charter revision (copies on file in the Albany Office of the Institute). As of May 30, 2014 the Board of Trustees did not receive any comments in response.

If the Charter Schools Committee approves this resolution, the merged Explore Charter Schools of Brooklyn (the "Education Corporation") would ultimately operate six K-8 chartered schools under the governance of one board of trustees. At the end of the term of authority to operate Explore Charter Schools of Brooklyn, the merged education corporation would serve approximately 1,190 students. All six schools contract with the not-for-profit charter management organization, Explore Schools Inc.

The New York City Schools Chancellor approved Explore Charter School in 2001 and it opened in September 2002. The school has received two five year renewals in 2006 and 2011, respectively. In recent years, in comparison to demographically similar schools statewide, the school has performed on average better than expected to a large degree on state assessments as follows: 2011-12 English language arts ("ELA") effect size of 0.35 and math effect size of 1.49; and 2012-13 ELA effect size of 0.03, and math effect size of 1.27.

The New York City Schools Chancellor approved Explore Empower Charter School in December 2008 and it opened in September 2009. The school received a three year renewal in December of 2013. Over the course of the first charter term, the school achieved 53% of academic goals. In 2013-14, the school met 75% of its applicable charter goals. On the 2012-2013 state assessments, 77% of the school's students in the lowest third citywide experienced growth in math that, with adjustments, matched or exceeded the growth of 75% or more of other students citywide with the same starting math scores. This level of math growth for students in the lowest third citywide ranks Explore Empower Charter School in the top 4% of elementary schools citywide.

The Board of Trustees approved Explore Excel Charter School in May 2010 and it opened in September of 2011. While the school has generated only two years of data, in comparison to demographically similar schools statewide, the school has performed on average better than expected to a medium degree on state assessments as follows: 2011-12 English language arts (“ELA”) effect size of 0.21 and math effect size of 0.69; and 2012-13 ELA effect size of -0.033, and math effect size of 1.11. Also, the Institute’s first year visit found the school to be qualitatively strong.

The Board of Trustees approved Explore Exceed Charter School in June 2011 and opened in September of 2012. Only in its second year of operation, the school has no outcome data at this time. The Institute’s first year visit revealed the school leadership to be effective and promote an environment of high expectations for teacher performance and student success. The Institute found the school actively involves families, and teachers deliver purposeful lessons focused clearly on learning objectives that reflect deliberate planning.

The Board of Trustees approved Explore Envision Charter School and Explore Enrich Charter School in June and October of 2012, respectively. The schools are scheduled to open in the fall of 2015.

The merger would allow the schools to offer sibling preferences across schools as well as efficiencies associated with operations and capacity to share programs and resources across schools. In addition, the schools would explore the possibility of opening of a combined high school program. The Education Corporation board will increase efficiencies in oversight, governance and compliance, and be able to advocate for the network as a whole.

The Institute reviewed the academic program elements (including enrollment projections, curriculum and staffing), policies, and budgets to be affected by the requested charter revisions and found them satisfactory. The Institute also reviewed the proposed revisions from the legal and fiscal perspectives and finds them suitable under the Act and applicable law. Therefore, the Institute recommends the Charter schools Committee approve the requested merger.

If the Charter Schools Committee approves the resolution, 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 or by operation of law the merger would not be effective until the date set forth in the plan of merger (July 1, 2014) or, if approval comes after that date, then July 1, 2015.