



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

March 8, 2017

TO: Members of the Charter Schools Committee

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

**SUBJECT: Approval of Revision to Merge New York Center for Autism
Charter School into New York Center for Autism Charter
School Bronx (Bronx)**

Action Requested

The proposed resolution authorizes charter revisions for New York Center for Autism Charter School Bronx to merge with New York Center for Autism Charter School, a not-for-profit charter school education corporation authorized by the New York City Schools Chancellor, such that New York Center for Autism Charter School Bronx, would be the sole successor education corporation and be renamed "NYC Autism Charter Schools," and permits certain amendments to the terms of operation of each school, 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 New York Center for Autism Charter School, an education corporation authorized by the New York City Schools Chancellor and located in Manhattan, and New York Center for Autism Charter School Bronx (the "Education Corporation"), an education corporation authorized by the Board of Trustees and located in the Bronx (collectively, the "Constituent Corporations"), desire to merge into the Education Corporation, which would be the sole successor education corporation (the "Merger") and be renamed "NYC Autism Charter Schools;" and

Whereas the Constituent Corporations desire to amend the terms of operation of their charters such that each school to be 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 revisions of the charter of the Education Corporation to permit the implementation of the Proposed Changes in Program including the proposed revision of the Constituent Corporations’ terms of operation; 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 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 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 State University of New York Charter Schools Institute (the “Institute”), be, and hereby is, directed: 1) to enter into proposed revisions to the Education Corporation’s and Harlem Prep Charter School’s charters, 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, 2) thereafter to submit such revisions to the New York State 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 State University of New York Charter Schools Institute (the “Institute”) determined that the changes set forth in this resolution require revision of the charters 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 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 revisions from the legal and fiscal perspectives and finds them suitable under the Act and applicable law. The Institute reviewed the student performance data of the operating 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. Revisions effectuating the merger by SUNY and by the New York City Schools Chancellor must be submitted to the New York State Board of Regents (the “Board of Regents”) for action pursuant to the Act. If approved by the Board of Regents, the merger would not be effective until July 1, 2017 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 corporations authorized by the Board of Trustees regarding the receipt of applications for charter revision (copies on file in the Albany Office of the Institute). As of February 17, 2017, the Board of Trustees did not receive any comments in response.