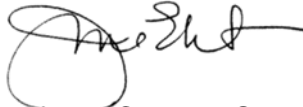




THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

TO: P-12 Education Committee

FROM: Jhone M. Ebert 

SUBJECT: Merger of KIPP Infinity Charter School and KIPP Always Mentally Prepared Charter School (both authorized by the New York City Department of Education) into KIPP NYC Public Charter Schools (an Education Corporation authorized by the Board of Regents to operate KIPP S.T.A.R College Prep Charter School and KIPP NYC Washington Heights Academy Charter School)

DATE: December 10, 2015

AUTHORIZATION(S):



SUMMARY

Issues for Decision

Should the Board of Regents approve the merger of KIPP Infinity Charter School and KIPP Always Mentally Prepared Charter School into KIPP NYC Public Charter Schools (an Education Corporation authorized by the Board of Regents to operate KIPP S.T.A.R College Prep Charter School and KIPP NYC Washington Heights Academy Charter School), with KIPP NYC Public Charter Schools as surviving education corporation, and approve the proposed revisions to the KIPP NYC Public Charter Schools provisional charter and charter to conform to such merger?

Reason(s) for Consideration

Required by New York State law.

Proposed Handling

These issues will be before the Board of Regents P-12 Education Committee and the Full Board for action at the December 2015 Regents meeting.

Procedural History

The May 2010 amendments to Education Law §2853(1)(b-1) eliminated language that prohibited education corporations in New York from operating more than one charter school, and now allows charter schools and the families they serve to realize the many potential benefits of governance and operational merger.

Background Information

The merger of existing charter school governing boards requires revisions to each of the charters of the merging schools, which must be approved by the respective chartering entity or entities involved. This means that, in situations where schools that wish to merge have different chartering entities (“cross-entity merger”), the approval of all parties – the boards of trustees of the schools and each chartering entity – is required before any such merger may occur.

KIPP NYC Public Charter Schools is an Education Corporation authorized by the Board of Regents. The Education Corporation currently operates two charter schools, KIPP S.T.A.R College Prep Charter School (previously authorized by the Trustees of the State University of New York) and KIPP NYC Washington Heights Academy Charter School. KIPP S.T.A.R College Prep Charter School and KIPP NYC Washington Heights Academy Charter School were previously merged by the Regents in March 2013.

The KIPP Infinity Charter School and KIPP Always Mentally Prepared Charter School Boards of Trustees have requested that the Board of Regents merge KIPP Infinity Charter School and KIPP Always Mentally Prepared Charter School with KIPP NYC Public Charter Schools, with KIPP NYC Public Charter Schools as the surviving education corporation, and approve proposed revisions to each affected provisional charter to conform to the merger. Other than the merger described herein, the Department has not received a request to revise any other aspects of the Education Corporation charters.

This action would terminate the existence of KIPP Infinity Charter School and KIPP Always Mentally Prepared Charter School as separate education corporations, bring each education corporation under the authorization of the Board of Regents, and authorize KIPP NYC Public Charter Schools to operate all four charter schools: KIPP Infinity Charter School, KIPP Always Mentally Prepared Charter School, KIPP S.T.A.R College Prep Charter School, and KIPP NYC Washington Heights Academy Charter School. All four schools will be held to the standards set forth in the Board of Regents Charter School Performance Framework in the current charter term.

The New York City Department of Education has approved of the proposed merger with an effective date of July 1, 2016, and held the required public hearings regarding the proposed charter revision and merger on December 3, 2015. There were seven attendees and one speaker in support at the hearing held for KIPP Infinity Charter School. There were six attendees, five speakers in support and one speaker in opposition at the hearing held for KIPP Always Mentally Prepared Charter School. Opposition focused on concern about the growth of charter schools. It is important to note that these revisions would not result in the growth of charter schools.

Table 1: KIPP Infinity Charter School Summary

Name of Charter School	KIPP Infinity Charter School
Management Company	KIPP NYC, LLC
District of Location	Community School District 5 (New York City)
Facility	Three separate NYC-DOE public school facilities
School Opened For Instruction	August 2005
Current Charter Term	March 15, 2015 to June 30, 2019
Current Grade Levels/ Number of Students	Grades K through 12; 1229 students
Maximum Enrollment	Grades K through 12; 1229 students

Table 2: Enrollment of Special Populations, Two Year Trend¹: KIPP Infinity

	2013-2014			2014-2015		
	Percent of Enrollment		Variance ²	Percent of Enrollment		Variance
	School	CSD		School	CSD	
Special Populations						
Economically Disadvantaged	93%	84%	+9.2	86%	83%	+2.9
English Language Learners	15%	13%	+2.1	17%	12%	+4.2
Students with Disabilities	19%	21%	-1.5	23%	22%	+1.5

¹ Source: Student Information Repository System (SIRS)

² Variance is defined as the percent difference of subgroup enrollment between the charter school and the district of location.

Table 3: KIPP Always Mentally Prepared (AMP) Charter School Summary

Name of Charter School	KIPP Always Mentally Prepared Charter School
Management Company	KIPP NYC, LLC
District of Location	Community School District 17 (New York City)
Facility	Three separate NYC-DOE public school facilities
School Opened For Instruction	August 2005
Current Charter Term	March 15, 2015 to June 30, 2018
Current Grade Levels/ Number of Students	Grades K through 12; 949 students
Maximum Enrollment	Grades K through 12; 949 students

Table 4: Enrollment of Special Populations, Two Year Trend³: KIPP AMP

	2013-2014			2014-2015		
	Percent of Enrollment		Variance ⁴	Percent of Enrollment		Variance
	School	CSD		School	CSD	
Special Populations						
Economically Disadvantaged	90%	83%	+7.4	79%	81%	-2.2
English Language Learners	2%	12%	-10.1	2%	12%	-9.5
Students with Disabilities	18%	15%	+2.2	16%	17%	-1.0

³ Source: Student Information Repository System (SIRS)

⁴ Variance is defined as the percent difference of subgroup enrollment between the charter school and the district of location.

Table 5: Approved Enrollment Table⁵

BEDS Code	School	School Year	Grades	Enrollment
331700860882	KIPP Always Mentally Prepared Charter School	2015-16	K-12	949
331700860882	KIPP Always Mentally Prepared Charter School	2016-17	K-12	949
331700860882	KIPP Always Mentally Prepared Charter School	2017-18	K-12	949

310500860883	KIPP Infinity Charter School	2014-15	K-12	949
310500860883	KIPP Infinity Charter School	2015-16	K-12	1229
310500860883	KIPP Infinity Charter School	2016-17	K-12	1229
310500860883	KIPP Infinity Charter School	2017-18	K-12	1229
310500860883	KIPP Infinity Charter School	2018-19	K-12	1229

310600861013	KIPP NYC Washington Heights Academy Charter School	2012-13	5	90
310600861013	KIPP NYC Washington Heights Academy Charter School	2013-14	5-6	174
310600861013	KIPP NYC Washington Heights Academy Charter School	2014-15	K-3, 5-7	669
310600861013	KIPP NYC Washington Heights Academy Charter School	2015-16	K-8	847
310600861013	KIPP NYC Washington Heights Academy Charter School	2016-17	K-9	920

310500860858	KIPP S.T.A.R College Prep Charter School	2013-14	K-2, 5-12	857
310500860858	KIPP S.T.A.R College Prep Charter School	2014-15	K, 5-12	652
310500860858	KIPP S.T.A.R College Prep Charter School	2015-16	K-1, 5-12	747
310500860858	KIPP S.T.A.R College Prep Charter School	2016-17	K-2, 5-12	837
310500860858	KIPP S.T.A.R College Prep Charter School	2017-18	K-3, 5-12	927

⁵ Approved enrollment for each school will remain as listed in Table 11.

Recommendation

VOTED: That pursuant to the authority contained in Education Law §§223 and 2853(1)(b-1)

1. KIPP Infinity Charter School, KIPP Always Mentally Prepared Charter School, and KIPP NYC Public Charter Schools be and hereby are merged, with KIPP NYC Public Charter Schools as the surviving corporation.
2. KIPP NYC Public Charter Schools, the surviving corporation, shall continue to administer the educational operations and purposes of the constituent corporations in the same manner as they presently exist.
3. The separate existence of the education corporations KIPP Infinity Charter School and KIPP Always Mentally Prepared Charter School hereby ceases, and KIPP NYC Public Charter Schools, the surviving corporation, is hereby vested with all the rights, privileges, immunities, powers and authority possessed by or granted by law to each of the constituent corporations. All assets and liabilities of the respective constituent corporations are hereby assets and liabilities of such surviving corporation. All property, real, personal and mixed and all debts to each of the corporations on whatever account are hereby attached to KIPP NYC Public Charter Schools, the surviving corporation, and may be enforced against it to the same extent as if the debts, liabilities and duties had been incurred or contracted by it.
4. The merged corporation shall operate under the provisional charter granted to KIPP NYC Public Charter Schools, which is hereby amended to authorize the operation of four K-12 public charter schools as follows:
 - i. KIPP Infinity Charter School
 - ii. KIPP Always Mentally Prepared Charter School
 - iii. KIPP S.T.A.R College Prep Charter School
 - iv. KIPP NYC Washington Heights Academy Charter School
5. The merger herein shall take effect on July 1, 2016; and it is further

VOTED: That the Board of Regents finds that: (1) **KIPP NYC Public Charter Schools** meets the requirements set out in Article 56 of the Education Law, and all other applicable laws, rules and regulations; (2) **KIPP NYC Public Charter Schools** can demonstrate the ability to operate in an educationally and fiscally sound manner; (3) granting the request to revise the charter is likely to improve student learning and achievement and materially further the purposes set out in subdivision two of section twenty-eight hundred fifty of Article 56 of the Education Law; and (4) granting the request to revise the charter would have a significant educational benefit to the students expected to attend the schools operated by **KIPP NYC Public Charter Schools**, and the Board of Regents therefore approves the charter revision for **KIPP NYC Public Charter Schools** and amends the provisional charter accordingly.

Timetable for Implementation

The Regents action is effective on July 1, 2016.

Attachments