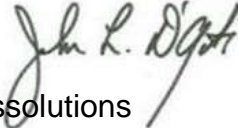





TO: P-12 Education Committee
FROM: John L. D'Agati 
SUBJECT: Charter School Dissolutions
DATE: March 4, 2021
AUTHORIZATION(S): 

SUMMARY

Issue for Decision

Should the Board of Regents consent to the filing of petitions for judicial dissolution by Ethical Community Charter School and Lefferts Gardens Charter School (both authorized by the New York City Department of Education Chancellor)?

Reason(s) for Consideration

Required by New York State Education Law §216-a and Not-For-Profit Corporation Law §1102.

Proposed Handling

This issue will come before the P-12 Education Committee for recommendation and to the Full Board for action at its March 2021 meeting.

Procedural History

Pursuant to Education Law §216-a and Article 11 of the New York State Not-for-Profit Corporation Law, the Board of Regents is authorized to consent to the filing of a petition for judicial dissolution of an education corporation, including charter schools, in the Supreme Court of the State of New York.

Background Information

Ethical Community Charter School

In January 2008, the Board of Regents granted a provisional charter to the Ethical Community Charter School (“School” or “Corporation”) for the purpose of operating a charter school in New York City Community School District 14. The School’s first renewal was issued on January 15, 2013, and a second renewal was issued on April 23, 2013, as a result of an initiative of the New York City Department of Education to create uniform charter term expiration dates for all schools they authorize. The New York City Department of Education Chancellor thereafter declined to renew the School’s charter, which expired on June 30, 2015. The School ceased educational operations at the end of the 2014-2015 school year.

The School’s board of trustees is now petitioning the Board of Regents for consent to file a petition for the judicial dissolution of the Corporation pursuant to Not-for-Profit Corporation Law §1102 on the basis that its charter was not renewed and it has remaining assets to be distributed by the New York Supreme Court. The School’s petition states that any and all taxes payable by the corporation have been paid, no taxes are now due or accrued from the petitioner Corporation, and all student records have been distributed to the respective districts and/or schools.

Staff recommend that the Board of Regents give consent to the filing by the School of a Petition for Judicial Dissolution pursuant to New York State Not-for-Profit Corporation Law Article 11, on notice to NYSED.

Lefferts Gardens Charter School

In December 2009, the Board of Regents granted a provisional charter to the Lefferts Gardens Charter School (“School” or “Corporation”) for the purpose of operating a charter school in New York City Community School District 17. The School’s first and only renewal was issued on January 15, 2015. The New York City Department of Education Chancellor declined to renew the School’s charter thereafter, and it expired on June 30, 2016. The School ceased educational operations at the end of the 2015-2016 school year.

The School’s board of trustees is now petitioning the Board of Regents for consent to file a petition for the judicial dissolution of the Corporation pursuant to Not-for-Profit Corporation Law §1102 on the basis that its charter was not renewed and it has remaining assets to be distributed by the New York Supreme Court. The School’s petition states that any and all taxes payable by the Corporation have been paid, no taxes are now due or accrued from the petitioner corporation, and all student records have been distributed to the respective districts and/or schools.

Staff recommend that the Board of Regents give consent to the filing by the School of a Petition for Judicial Dissolution pursuant to New York State Not-for-Profit Corporation Law Article 11, on notice to NYSED.

Related Regents Items

Not applicable.

Recommendation

It is recommended that the Board of Regents take the following action:

VOTED: That consent is hereby given to the Ethical Community Charter School to file a petition for judicial dissolution pursuant to Article 11 of the Not-for-Profit Corporation Law, on notice to NYSED.

VOTED: That consent is hereby given to the Lefferts Gardens Charter School to file a petition for judicial dissolution pursuant to Article 11 of the Not-for-Profit Corporation Law, on notice to NYSED.

Timetable for Implementation

The Regents action is effective immediately.