



**TO:** P-12 Education Committee

**FROM:** James N. Baldwin

**SUBJECT:** Charter School Dissolutions

**DATE:** March 31, 2022

**AUTHORIZATION(S):**

## SUMMARY

### Issue for Decision

Should the Board of Regents issue an order of dissolution of the following charter schools that have ceased operation, as requested by each school's board of trustees:

- **ROC Achieve Charter School** (authorized by the SUNY Board of Trustees), which ceased operations at the conclusion of the 2018-2019 school year
- **Heketi Community Charter School** (authorized by the SUNY Board of Trustees), which ceased operations at the conclusion of the 2019-2020 school year

### 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 April 2022 meeting.

### Procedural History

Pursuant to Education Law §219(3), the Board of Regents is authorized to order the dissolution of a charter school education corporation, upon application of at least three-fourths of the trustees of the corporation, if the Board of Regents is satisfied that there is no sufficient reason for the continuance of the corporation, and if all taxes chargeable to the corporation have been paid. Furthermore, Education Law §2853(1) provides that, upon termination or nonrenewal of the charter of a charter school, the

certificate of incorporation (i.e., provisional charter) of the charter school shall be revoked by the Board of Regents pursuant to Education Law §219.

### **Background Information**

#### **ROC Achieve Charter School**

In January 2014, upon the recommendation of the SUNY Board of Trustees (“Authorizer”), the Board of Regents granted a provisional charter to the ROC Achieve Charter School (“School” or “Corporation”) for the purpose of operating a charter school in the Rochester City School District. The school was initially named the “PUC Achieve Charter School.” The School was not renewed by its authorizer, and its charter expired on July 31, 2019. The School ceased educational operations at the conclusion of the 2018-2019 school year.

The School’s Board of Trustees (“Trustees”) is now petitioning the Board of Regents to dissolve the Corporation’s provisional charter. The Trustees indicate that all taxes payable by the Corporation have been paid and that the instant application is made by at least three-fourths of the trustees of the Corporation. In addition, the Trustees assert that the School has transferred all of its student records to the districts of residence of its former students: the Rochester City School District, Greece Central School District, and the Gates-Chili Central School District. Pursuant to Education Law §§219 and 2853, the Trustees request that the Regents issue an order of dissolution of the Corporation. The Authorizer has stated that it has no objection to the dissolution of this provisional charter.

#### **Heketi Community Charter School**

In December 2010, upon the recommendation of the SUNY Board of Trustees (“Authorizer”), the Board of Regents granted a provisional charter to the Heketi Community Charter School (“School” or “Corporation”) for the purpose of operating a charter school in the NYC CSD 7, in the Bronx. The School was not renewed by its authorizer, and its charter expired on July 31, 2020. The School ceased educational operations at the conclusion of the 2019-2020 school year.

The School’s Board of Trustees (“Trustees”) is now petitioning the Board of Regents to dissolve the Corporation’s provisional charter. The Trustees indicate that all taxes payable by the Corporation have been paid and that the instant application is made by at least three-fourths of the trustees of the Corporation. In addition, the Trustees assert that the School has transferred all of its student records to the district of residence of its former students, the New York City Department of Education. Pursuant to Education Law §§219 and 2853, the Trustees request that the Regents issue an order of dissolution of the Corporation. The Authorizer has stated that it has no objection to the dissolution of this provisional charter.

### **Related Regents Items**

Not applicable.

### **Recommendation**

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

VOTED: That the provisional charter of the **ROC Achieve Charter School**, located in the Rochester City School District, County of Monroe, State of New York, which was granted by the Board of Regents in January 2014, be, and the same hereby is, dissolved, that notice to such effect be given to the board of trustees of the Corporation and the State University of New York Trustees, and that the Board of Regents directs that any student records and/or any remaining assets of the Corporation be transferred, and that any funds remaining in the possession of the Corporation that can be attributed to public funding be distributed, to each school district having resident children served by the charter school in the last school year, in accordance with the provisions of Education Law §2851(2)(t), and that, in accordance with Education Law §220, the Corporation shall, within three (3) months of said dissolution, petition the supreme court in the judicial district where the principal office of the Corporation is or was located for an order directing such disposition.

VOTED: That the provisional charter of the **Heketi Community Charter School**, located in NYC CSD 7, County of Bronx, State of New York, which was granted by the Board of Regents in December 2010, be, and the same hereby is, dissolved, that notice to such effect be given to the board of trustees of the Corporation and the State University of New York Trustees, and that the Board of Regents directs that any student records and/or any remaining assets of the Corporation be transferred, and that any funds remaining in the possession of the Corporation that can be attributed to public funding be distributed, to each school district having resident children served by the charter school in the last school year, in accordance with the provisions of Education Law §2851(2)(t), and that, in accordance with Education Law §220, the Corporation shall, within three (3) months of said dissolution, petition the supreme court in the judicial district where the principal office of the Corporation is or was located for an order directing such disposition.

### **Timetable for Implementation**

The Regents action is effective immediately.