



**TO:** P-12 Education Committee

**FROM:** Allison Armour-Garb

**SUBJECT:** Charter School Dissolutions

**DATE:** September 2, 2021

**AUTHORIZATION(S):**

## SUMMARY

### Issues for Decision

Should the Board of Regents issue an order of dissolution of the following charter schools, as requested by each schools' board of trustees?

- Achievement Academy Charter School (authorized by the SUNY Trustees)
- Newburgh Preparatory Charter High School (authorized by the Board of Regents)
- Rochester Career Mentoring Charter School (authorized by the Board of Regents)

### 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 September 2021 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**

#### **Achievement Academy Charter School**

In December 2004, the Board of Regents granted a provisional charter to the Achievement Academy Charter School (“School” or “Corporation”) for the purpose of operating a charter school in the Albany City School District. The School’s first and second renewals were issued on June 21, 2011. The school thereafter declined to submit a renewal application, and the School’s charter expired on July 31, 2013. The School ceased educational operations at the end of the 2012-2013 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 Albany City School District. Pursuant to Education Law §§219 and 2853, the Trustees request that the Regents issue an order of dissolution of the Corporation. The SUNY Board of Trustees has no objection to the dissolution of provisional charter.

#### **Newburgh Preparatory Charter High School**

In December 2012, the Board of Regents granted a provisional charter to the Newburgh Preparatory Charter High School (“School” or “Corporation”) for the purpose of operating a charter school in the Newburgh Enlarged City School District. The School withdrew its 2017 renewal application, and the School’s charter expired on June 30, 2018. The School ceased educational operations at the end of the 2017-2018 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 Newburgh Enlarged City School District. Pursuant to Education Law §§219 and 2853, the Trustees request that the Regents issue an order of dissolution of the Corporation.

#### **Rochester Career Mentoring Charter School**

In September 2011, the Board of Regents granted a provisional charter to the Rochester Career Mentoring Charter School (“School” or “Corporation”) for the purpose of operating a charter school in the Rochester City School District. On March 13, 2017, the Board of Regents voted to not renew the school’s charter, which expired on June

30, 2017. The School ceased educational operations at the end of the 2016-2017 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 Rochester City School District. Pursuant to Education Law §§219 and 2853, the Trustees request that the Regents issue an order of dissolution of the Corporation.

### **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 **Achievement Academy Charter School**, located in the Albany City School District, County of Albany, State of New York, which was granted by the Board of Regents on December 4, 2004, and extended by the Board of Regents on June 21, 2011, be, and the same hereby is, dissolved; that notice to such effect be given to the board of trustees of the Corporation; 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 **Newburgh Preparatory Charter High School**, located in the Newburgh Enlarged City School District, County of Orange, State of New York, which was granted by the Board of Regents on December 11, 2012, be, and the same hereby is, dissolved, that notice to such effect be given to the board of trustees of the Corporation, 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 **Rochester Career Mentoring Charter School**, located in the Rochester City School District, County of Monroe, State of New York, which was granted by the Board of Regents on September 13, 2011, be, and the same hereby is, dissolved, that notice to such effect be given to the board of trustees of the Corporation, 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.