



TO: P-12 Education Committee

FROM: Cosimo Tangorra, Jr. 

SUBJECT: Charter Schools: Dissolution of Ark Community Charter School

DATE: April 6, 2015

AUTHORIZATION(S): 

SUMMARY

Issue for Decision

Should the Board of Regents issue an order of dissolution of Ark Community Charter School ("the School" or "Corporation") as requested by its Board of Trustees?

Reason(s) for Consideration

Required by New York State law.

Proposed Handling

This issue will be before the Board of Regents P-12 Education Committee and the Full Board for action at the April 2015 Regents 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

On March 20, 2001, the Board of Regents granted a provisional charter to the Ark Community Charter School (the "School" or "corporation"), for the purpose of operating a charter school located in the Enlarged City School District of Troy (Rensselaer County). The School opened for instruction in September 2001. In February 2006, a short-term renewal to the charter was granted to allow the School to continue operations through July 31, 2006. The charter was subsequently extended on May 23, 2006, October 11, 2008 and December 15, 2009. On April 10, 2014, the School's charter entity, the Board of Trustees of the State University of New York ("SUNY") denied the corporation's application for renewal of its provisional charter, which expired on July 31, 2014. The School ceased educational operations at the end of the 2013-2014 school year.

The School's Board of Trustees ("Trustees") is now petitioning the Board of Regents to dissolve the corporation's provisional charter on the basis that its charter was not renewed by SUNY, and that it was required to cease educational operations at the end of the 2013-2014 school year. The Trustees indicate that all taxes payable by the corporation have been paid, that the School holds no assets remaining for distribution that are legally required to be used for a particular purpose or that are encumbered by donor restrictions, 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 Enlarged City School District of Troy, and that the School notified the parents/ guardians of its students in July 2014 of their need to enroll their children in another school for the 2014-2015 school year. Pursuant to Education Law §2851 and subject to judicial approval pursuant to Education Law §220, the Trustees request Regents approval of the distribution of the corporation's assets to the following public school districts: the Enlarged City School District of Troy, the Lansingburgh Central School District, the Berlin Central School District, the Green Island Union Free School District, the Watervliet City School District and the Shenendowa Central School District, in the same proportion as the number of students placed by each school district and served by the School in the last school year in which children were served by the School bears to the total number of students served by the charter school in such school year.

Recommendation

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

VOTED: That the provisional charter of the Ark Community Charter School, located in the Enlarged City School District of Troy, County of Rensselaer, State of New York, which was granted by the Board of Regents on March 20, 2001, and extended by the Board of Regents on February 14, 2006, May 30, 2006, October 11, 2008 and December 15, 2009 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 recommends that any student records and/or any remaining assets of the corporation

be transferred and 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), subject to judicial approval pursuant to Education Law §220.

Timetable for Implementation

The Regents action is effective immediately.