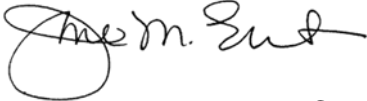





TO: P-12 Education Committee

FROM: Jhone M. Ebert 

SUBJECT: Charter Schools: Merger Revisions to Charters Authorized by the Board of Regents

DATE: March 31, 2017

AUTHORIZATION(S): 

SUMMARY

Issues for Decision

Should the Board of Regents approve the merger of Brilla College Preparatory Charter School (an education corporation authorized by the Board of Regents) with and into Brilla College Preparatory Charter School at Highbridge (an Education Corporation authorized by the Board of Trustees of the State University of New York), with Brilla College Preparatory Charter School at Highbridge as the surviving education corporation under the amended name “Brilla College Preparatory Charter Schools”?

AND

Should the Board of Regents approve the merger of Elmwood Village Charter School (an education corporation authorized by the Board of Regents) with and into Elmwood Village Charter School 2 (an Education Corporation authorized by the Board of Trustees of the State University of New York), with Elmwood Village Charter School 2 as the surviving education corporation under the amended name “Elmwood Village Charter Schools”?

Reason(s) for Consideration

Required by State Statute.

Proposed Handling

This issue will be before the Board of Regents P-12 Education Committee and the Full Board for action at the April 2017 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.

The New York State Education Department forwards the merger recommendations for the following charter schools.

**Merger of Brilla College Preparatory Charter School and
Brilla College Preparatory Charter School at Highbridge¹**

Brilla College Preparatory Charter School

Table 1: School Summary

Name of Charter School	Brilla College Preparatory Charter School
Board Chair	Scott Hamilton
District of Location	NYC CSD 7
Opening Month/Year	August 2013
Current Charter Term	August 21, 2013 to June 30, 2018 (Initial Term)
Management Company	N/A
Partner(s)	N/A
Approved Grade Levels/ Number of Students	K-8 / 742 Students
Proposed Revision	To merge Brilla College Preparatory Charter School with Brilla College Preparatory Charter School at Highbridge, with Brilla College Preparatory Charter School at Highbridge as the surviving education corporation under the amended name Brilla College Preparatory Charter Schools. Both schools will be authorized by the Board of Trustees of the State University of New York. Brilla College Preparatory Charter School at Highbridge also seeks to be renamed Brilla College Preparatory Charter School Veritas and to modify the maximum approved enrollment by commencing with Kindergarten only in 2017-2018, and growing by one grade each year through the end of the charter term. This will lead to a grade span of K-4 and a maximum approved enrollment of 450 students in the 2021-2022 academic year.
Timetable for Revision Implementation	The Regents action for Brilla College Preparatory Charter School would take effect on July 1, 2017.

¹ The merger described herein was approved by the SUNY Trustees on January 5, 2017, and notice was sent to the Board of Regents on February 22, 2017. The merger will be approved by operation of law on May 23, 2017. The merger will be effective on July 1, 2017.

Table 2: Brilla College Preparatory Charter School Academic Achievement

All Students	ELA					Math				
	Brilla CPCS	CSD 7	Variance to CSD 7	NYS	Variance to NYS	Brilla CPCS	CSD 7	Variance to CSD 7	NYS	Variance to NYS
2015-2016	38%	26%	+12%	38%	0%	53%	24%	+29%	39%	+14%

Table 3: Brilla College Preparatory Charter School Demographics Compared to District of Location

	2014 -2015			2015 -2016		
	Brilla CPCS	CSD 7	Variance	Brilla CPCS	CSD 7	Variance
Economically Disadvantaged	85%	92%	-7%	86%	92%	-6%
English Language Learners (Current)	19%	18%	+1%	21%	17%	+4%
Students with Disabilities (Current)	19%	24%	-5%	22%	25%	-3%

Brilla College Preparatory Charter School at Highbridge

Table 1: School Summary

Name of Charter School	Brilla College Preparatory Charter School at Highbridge
Board Chair	Anthony Denicola
District of Location	NYC CSD 9
Opening Month/Year	August 2017
Current Charter Term	August 14, 2017 to July 31, 2022
Management Company	N/A
Partner(s)	N/A
Approved Grade Levels/ Number of Students	K-5 / 540 Students
Proposed Revision	To merge Brilla College Preparatory Charter School at Highbridge with Brilla College Preparatory Charter School, with Brilla College Preparatory Charter School at Highbridge as the surviving education corporation under the amended name Brilla College Preparatory Charter Schools. Both schools will be authorized by the Board of Trustees of the State University of New York. Brilla College Preparatory Charter School at Highbridge also seeks to be renamed Brilla College Preparatory Charter School Veritas and to modify the maximum approved enrollment by commencing with Kindergarten only in 2017-2018, and growing by one grade each year through the end of the charter term. This will lead to a grade span of K-4 and a maximum approved enrollment of 450 students in the 2021-2022 academic year.
Timetable for Revision Implementation	The Regents action for Brilla College Preparatory Charter School at Highbridge would take effect on July 1, 2017.

In June 2012, the Board of Regents approved and chartered the Brilla College Preparatory Charter School (“Brilla” or the “School”), which operates in New York City School District (CSD) 7. The vision of Brilla is to “bring classical education into the 21st century through implementation of an innovative blended-learning model and a scholarly school culture focused on character development.” Brilla, the Spanish word for “shine,” was chosen as the school name because it “speaks to the beacon of hope and opportunity....” Students spend a significant portion of their core instructional time using computers to learn, which not only provides them with individualized instruction and appropriately challenging content but also creates the opportunity for teachers to work closely with students in small groups. The goal is to provide students with a solid

educational foundation and then accelerate their learning to levels not typically expected of children with their demographics and zip code. The school is built on the following foundational principles: high expectations of all students and staff; a focus on academic and personal performance; character development; commitment by students, faculty and families; more time on task; and content focus on math, science, and the classics of Western Civilization.

The school is seeking to merge with Brilla College Preparatory Charter School at Highbridge (Brilla Highbridge), which is authorized by the Board of Trustees of the State University of New York (hereinafter "SUNY"), and which is scheduled to begin instruction in the 2017-2018 school year. Brilla Highbridge will be the surviving education corporation under the amended name "Brilla College Preparatory Charter Schools" and both schools will be authorized by SUNY as a result of the merger. In addition, Brilla Highbridge charter school will be renamed "Brilla College Preparatory Charter School Veritas" and will modify its maximum approved enrollment by commencing with Kindergarten only in 2017-2018, and growing by one grade each year through the end of the charter term. This will lead to a grade span of K-4 and a maximum approved enrollment of 450 students in the 2021-2022 academic year, the final year of the charter term.

The schools expect the following benefits to result from the merger:

Simplified and Streamlined Governance Structure. Upon completion of the merger, there will exist only one Board of Trustees (with representatives from each School serving on such Board), which will be responsible for the oversight and strategic direction of the education corporation, Brilla College Preparatory Charter Schools, as well as the Schools. The consolidated Board of Trustees will be in a better position to understand and make strategic decisions that apply to all of the Schools, while still having the ability to focus on the oversight of each individual School. The consolidated Board of Trustees will have authority over a unified education corporation with a joint bank account. The Merger will remove operational redundancies such as the need for duplicative monthly meetings, which are burdensome and make recruitment of Board members a challenge.

Shared educational programming and resources. The merger will allow educational resources, including programs, services and staff, to be shared by the Schools. Specialized programming (*i.e.*, enhanced special education programming, tutoring services, and enrichment courses) may be offered to students attending any of the Schools at a common location. In addition, Brilla College Preparatory Charter Schools will be able to hire full-time staff to provide certain services, rather than each School employing part-time staff who share hours between the Schools.

Common oversight, handling of finances and cost efficiencies. The merger will allow the Schools to pool resources so that oversight of the Schools' finances and compliance obligations may be handled more efficiently, from both a cost and time perspective. In addition, Brilla College Preparatory Charter Schools will have more buying power when

purchasing items such as technology and educational materials and will be in a better position in the event it is necessary to enter financing arrangements for purchasing and improving school facilities in the future.

Summary of Public Comment

As required by the Charter School Act, the New York City Department of Education held a public hearing about the proposed revision to the charters of Brilla College Preparatory Charter School and Brilla College Preparatory Charter School at Highbridge on February 6, 2017. There was one attendee present at the hearing. There was one public comment made in support and no public comments in opposition to the proposed charter revision.

**Merger of Elmwood Village Charter School
and Elmwood Village Charter School 2²**

Elmwood Village Charter School

Table 1: School Summary

Name of Charter School	Elmwood Village Charter School
Board Chair	Mimi Barnes-Coppola
District of Location	Buffalo City School District
Opening Month/Year	September 2006
Current Charter Term	July 1, 2015 to June 30, 2020 (Full Term)
Management Company	N/A
Partner(s)	N/A
Approved Grade Levels/ Number of Students	K-8 / 450 Students
Proposed Revision	To merge Elmwood Village Charter School 2 with Elmwood Village Charter School, with Elmwood Village Charter School 2 as the surviving education corporation under the amended name Elmwood Village Charter Schools. The school currently operated by the education corporation Elmwood Village Charter School will be renamed Elmwood Village Charter School Days Park. The school currently operated by the education corporation Elmwood Village Charter School 2 will be renamed Elmwood Village Charter School Hertel. Both schools will be authorized by the Board of Trustees of the State University of New York.
Timetable for Revision Implementation	The Regents action for Elmwood Village Charter School would take effect on July 1, 2017.

² The merger described herein was approved by the SUNY Trustees on March 8, 2017, and notice was sent to the Board of Regents on March 10, 2017. The merger will be approved by operation of law on June 8, 2017. The merger will be effective on July 1, 2017.

Table 2: Elmwood Village Charter School Academic Achievement

All Students	ELA					Math				
	EVCS	Buffalo CSD	Variance to Buffalo	NYS	Variance to NYS	EVCS	Buffalo CSD	Variance to Buffalo	NYS	Variance to NYS
2014-2015	47%	12%	+35%	31%	+16%	50%	15%	+35%	38%	+12%
2015-2016	47%	16%	+31%	38%	+ 9%	50%	16%	+34%	39%	+11%

Table 3: Elmwood Village Charter School Demographics Compared to District of Location

	2014 -2015			2015 -2016		
	EVCS	Buffalo CSD	Variance	EVCS	Buffalo CSD	Variance
Economically Disadvantaged	49%	82%	-33%	53%	82%	-29%
English Language Learners (Current)	2%	15%	-13%	1%	15%	-14%
Students with Disabilities (Current)	12%	22%	-10%	11%	22%	-11%

Elmwood Village Charter School 2

Table 1: School Summary

Name of Charter School	Elmwood Village Charter School 2
Board Chair	Mimi Barnes-Coppola
District of Location	Buffalo City School District
Opening Month/Year	September 2017
Current Charter Term	September 1, 2017 to July 31, 2022
Management Company	N/A
Partner(s)	N/A
Approved Grade Levels/ Number of Students	K-6 350 Students
Proposed Revision	To merge Elmwood Village Charter School 2 with Elmwood Village Charter School, with Elmwood Village Charter School 2 as the surviving education corporation under the amended name Elmwood Village Charter Schools. The school currently operated by the education corporation Elmwood Village Charter School will be renamed Elmwood Village Charter School Days Park. The school currently operated by the education corporation Elmwood Village Charter School 2 will be renamed Elmwood Village Charter School Hertel. Both schools will be authorized by the Board of Trustees of the State University of New York.
Timetable for Revision Implementation	The Regents action for Elmwood Village Charter School 2 would take effect on July 1, 2017.

In January 2006, the Board of Regents approved and chartered the Elmwood Village Charter School (“Elmwood Village” or the “School”), which operates in the Buffalo City School District. The school offers small class sizes (maximum of 25) in a multi-age setting. The proposed charter school implements the Responsive Classroom model as well as the Cooperative Discipline model, and uses a combination of constructivist and systematic approaches. A focus of the School is social responsibility and community.

The school is seeking to merge with Elmwood Village Charter School 2 (EVCS 2), which is authorized by the Board of Trustees of the State University of New York (SUNY), and which is scheduled to begin instruction in the 2017-2018 school year. EVCS 2 will be the surviving education corporation under the amended name “Elmwood Village Charter Schools.” Both schools will be authorized by SUNY as a result of this merger. In addition, both schools will be renamed. The school currently operated by the

education corporation Elmwood Village Charter School will be renamed Elmwood Village Charter School Days Park. The school currently operated by the education corporation Elmwood Village Charter School 2 will be renamed Elmwood Village Charter School Hertel.

The Schools expect the following benefits to result from the merger:

Generally: Merging will benefit students in a multitude of ways, including the opportunity for instructional staff from both schools to collaborate, as well as through increased opportunities to share staff who serve students with special needs, such as ELL services, Academic Intervention Services, accelerated classes, mental health services, etc. A merger will also create the opportunity for teachers to collaborate with four instead of just two grade-level colleagues, and will give the organization the ability to share staff to better address students' academic and social needs. The proposed merger of EVCS Days Park and EVCS Hertel will benefit the community/stakeholders by ensuring that EVCS Hertel is a true replication model because it will have shared administrative and instructional staff.

School Leadership: Currently EVCS is authorized by the Board of Regents and EVCS 2 is authorized by SUNY. The two schools share the same Trustees but they currently have two back to back meetings, gaveling in and out for each entity. A merger of the two schools under one authorizer (SUNY) will allow the Board to have one meeting for both schools, and have a more comprehensive view of the finances, professional development, policies, and procedures for both buildings. Policies can more easily be reviewed, maintained, and updated across both schools as needed. The Directors of EVCS and EVCS 2 will report directly to the board and will manage the organization as part of a management team, which will also include a shared Director of Curriculum and Instruction and the Director of Operations, who will be available to report out to the board when appropriate.

School Resources: EVCS will be able to take advantage of having increased capacity at two schools and share the cost, not only of staff (teachers, custodians, special education, HR, operations and curriculum) but also of services like accounting, legal, E-rate consulting, hosted student management system, etc. EVCS anticipates that the costs for these services will be less than if they were deployed at two separate schools. The benefits of the merger include increased collaboration, enhanced human capital, shared services, costs savings, simplified oversight, and expanded fundraising opportunities. The merged corporation will be stronger and more capable of serving students at the two campuses.

School Community: The Board of EVCS spent a good deal of time exploring both the benefits and risks of replicating and merging. Among the risks was that if one school was not as academically successful, it might tarnish the reputation of the original school and endanger full enrollment. The Board also explored the possibility that if EVCS 2 were under-enrolled, it might drain the reserves of EVCS. The Board determined that it would be vigilant in monitoring academic and programmatic integrity, as well as the

implementation of EVCS's school culture through shared administrative and instructional staff. EVCS is doing increased outreach with grant monies that were awarded to support the successful replication through a local PR firm with strong ties to the community. Additionally, the use of the Responsive Classroom behavior management program in both schools will create a common culture of belonging, respect and problem solving throughout both schools under the EVCS organization.

Summary of Public Comment

As required by the Charter School Act, the Buffalo City School District held a public hearing about the proposed revision to the charters with **Elmwood Village Charter School and Elmwood Village Charter School 2** on February 15, 2017. There were five attendees present at the hearing. There was one public comment made in support and no public comments in opposition to the proposed charter revision.

Related Regents Items

Brilla College Preparatory Charter School

Initial Charter

<http://www.regents.nysed.gov/common/regents/files/documents/meetings/2012Meetings/June2012/612p12a2.pdf>

Brilla College Preparatory Charter School at Highbridge

(SUNY Authorized - Approved by Operation of Law)

Elmwood Village Charter School

Initial Charter

<http://www.regents.nysed.gov/common/regents/files/documents/meetings/2006Meetings/January2006/106emscvesida2.htm>

First Renewal

<http://www.regents.nysed.gov/common/regents/files/documents/meetings/2010Meetings/December2010/1210p12a1.pdf>

Second Renewal

<http://www.regents.nysed.gov/common/regents/files/meetings/Apr%202015/415p12a8.pdf>

Elmwood Village Charter School 2

(SUNY Authorized - Approved by Operation of Law)

Recommendation

Brilla College Preparatory Charter Schools

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

1. Brilla College Preparatory Charter School be and hereby is merged with Brilla College Preparatory Charter School at Highbridge, with Brilla College Preparatory Charter School at Highbridge as the surviving education corporation under the amended name Brilla College Preparatory Charter Schools.
2. Brilla College Preparatory Charter School at Highbridge, 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 Brilla College Preparatory Charter School and Brilla College Preparatory Charter School at Highbridge hereby ceases, and Brilla College Preparatory Charter School at Highbridge, the surviving corporation under the amended name Brilla College Preparatory Charter Schools 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 Brilla College Preparatory Charter School at Highbridge, the surviving corporation under the amended name Brilla College Preparatory Charter Schools, 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 Brilla College Preparatory Charter School at Highbridge under the amended name Brilla College Preparatory Charter Schools, which is hereby amended to authorize the operation of two public charter schools as follows:
 - i. Brilla College Preparatory Charter School, and
 - ii. Brilla College Preparatory Charter School at Highbridge (to be renamed Brilla College Preparatory Charter School Veritas)
5. The merger herein shall take effect on July 1, 2017; and it is further

VOTED: That the Board of Regents finds that: (1) **Brilla College Preparatory Charter School at Highbridge** meets the requirements set out in Article 56 of the Education Law, and all other applicable laws, rules and regulations; (2) **Brilla College Preparatory Charter School at Highbridge** 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 **Brilla College Preparatory Charter School at Highbridge**, and the Board of Regents therefore approves the charter revision and amends the provisional charter accordingly.

VOTED: That the Board of Regents finds that: (1) **Brilla College Preparatory Charter Schools** meets the requirements set out in Article 56 of the Education Law, and all other applicable laws, rules and regulations; (2) **Brilla College Preparatory 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 **Brilla College Preparatory Charter Schools**, and the Board of Regents therefore approves the charter revision and amends the provisional charter accordingly.

Elmwood Village Charter Schools

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

1. Elmwood Village Charter School be and hereby is merged with Elmwood Village Charter School 2, with Elmwood Village Charter School 2 as the surviving education corporation under the amended name Elmwood Village Charter Schools.
2. Elmwood Village Charter School 2, 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 Elmwood Village Charter School and Elmwood Village Charter School 2 hereby ceases, and Elmwood Village Charter School 2, the surviving corporation under the amended name Elmwood Village Charter Schools 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 Elmwood Village Charter School 2, the surviving corporation under the amended name Elmwood Village Charter Schools, 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 Elmwood Village Charter School 2 under the amended name Elmwood Village Charter Schools, which is hereby amended to authorize the operation of two public charter schools as follows:
 - i. Elmwood Village Charter School (to be renamed Elmwood Village Charter School Days Park); and
 - ii. Elmwood Village Charter School 2 (to be renamed Elmwood Village Charter School Hertel)

5. The merger herein shall take effect on July 1, 2017; and it is further

VOTED: That the Board of Regents finds that: (1) **Elmwood Village Charter School** meets the requirements set out in Article 56 of the Education Law, and all other applicable laws, rules and regulations; (2) **Elmwood Village Charter School** 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 **Elmwood Village Charter School**, and the Board of Regents therefore approves the charter revision and amends the provisional charter accordingly.

VOTED: That the Board of Regents finds that: (1) **Elmwood Village Charter School 2** meets the requirements set out in Article 56 of the Education Law, and all other applicable laws, rules and regulations; (2) **Elmwood Village Charter School 2** 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 **Elmwood Village Charter School 2**, and the Board of Regents therefore approves the charter revision and amends the provisional charter accordingly.

VOTED: That the Board of Regents finds that: (1) **Elmwood Village Charter Schools** meets the requirements set out in Article 56 of the Education Law, and all other applicable laws, rules and regulations; (2) **Elmwood Village 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 **Elmwood Village Charter Schools**, and the Board of Regents therefore approves the charter revision and amends the provisional charter accordingly.

Timetable for Implementation

The Regents action for Brilla College Preparatory Charter School and Brilla College Preparatory Charter School at Highbridge will become effective on July 1, 2017.

The Regents action for Elmwood Village Charter School and Elmwood Village Charter School 2 will become effective on July 1, 2017.