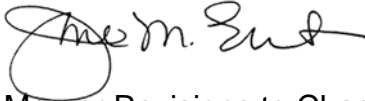





TO: P-12 Education Committee

FROM: Jhone M. Ebert 

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

DATE: March 2, 2017

AUTHORIZATION(S): 

SUMMARY

Issue for Decision

Should the Board of Regents approve the merger of Brooklyn Laboratory Charter High School (an Education Corporation authorized by the Board of Regents) with and into Brooklyn Laboratory Charter School (an Education Corporation authorized by the Board of Regents), with Brooklyn Laboratory Charter School as the surviving education corporation under the amended name “Brooklyn Laboratory 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 March 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 Brooklyn Laboratory Charter School and Brooklyn Laboratory Charter High School

Brooklyn Laboratory Charter School

Table 1: School Summary

Name of Charter School	Brooklyn Laboratory Charter School
Board Chair	Andrew J. Epstein
District of Location	New York City Geographic District #13
Opening Month/Year	September 2014
Current Charter Term	September 1, 2014 to June 30, 2019
Management Company:	N/A
Partner(s):	N/A
Current Maximum Approved Grade Levels/ Number of Students	Grades 6-8 / 660 Students
Proposed Revision	To merge Brooklyn Laboratory Charter School with Brooklyn Laboratory Charter High School, with Brooklyn Laboratory Charter School as the surviving education corporation under the amended name Brooklyn Laboratory Charter Schools. Both schools will be authorized by the Board of Regents. Brooklyn Laboratory Charter School also seeks to modify the maximum approved enrollment by growing by one grade each year through the end of the charter term. This will lead to a grade span of 6-10 and a maximum approved enrollment of 909 students in the 2018-2019 academic year, an increase of 249 students. The schools will continue to have separate student bodies and enrollment lotteries.
Timetable for Revision Implementation	The Regents action for Brooklyn Laboratory Charter School would take effect on July 1, 2017.

Table 2: Brooklyn Laboratory Charter School Academic Achievement

All Students	ELA					Math				
	BLCS	CSD 13	Variance to CSD 13	NYS	Variance to NYS	BLCS	CSD 13	Variance to CSD 13	NYS	Variance to NYS
2014-2015	25%	18%	+7%	31%	-6%	25%	26%	-1%	38%	-13%
2015-2016	41%	36%	+5%	38%	+3%	38%	30%	+8%	39%	-1%

According to the February 2016 ESEA accountability designations, Brooklyn Lab is In Good Standing.

Table 3: Brooklyn Laboratory Charter School Demographics Compared to District of Location

	2014 -2015			2015 -2016		
	BLCS	CSD 13	Variance	BLCS	CSD 13	Variance
Economically Disadvantaged	53%	69%	-16%	51%	66%	-15% ¹
English Language Learners (Current)	0%	4%	-4%	2%	4%	-2%
Students with Disabilities (Current)	18%	14%	+4%	25%	15%	+10%

¹ The school reports that it under-reported the number of economically disadvantaged students, which is approximately 76% currently.

Brooklyn Laboratory Charter School's (LAB's) ongoing recruitment and outreach includes, but is not limited to:

1. Hosting frequent open house events and information sessions at the school.
2. Working with a third party to send applications to eligible students in CSD 13 and neighboring districts with large concentrations of economically disadvantaged families.
3. Visiting and posting flyers at local elementary schools, after-school programs, and youth centers.
4. Organizing frequent open houses and information sessions.
5. Canvassing door-to-door in New York City Housing Authority (NYCHA) houses.
6. Reaching out to counselors, social workers, parents, and special education coordinators at public schools within CSDs 13, 14, and 16.
7. Posting flyers in supermarkets, churches, community centers, health centers, school guidance counselors' offices, and housing complexes.
8. Attending middle school fairs; and promoting the school via social media.
9. Conducting outreach to special education and ELL coordinators in CSD 13.
10. Assigning extra staff time to recruit special education and ELL students.
11. Recruiting students from local houses of worship for non/limited-English speaking families including working with community agencies such as Catholic migration services.
12. Reaching out through special education advocates and communities, ELL advocates, therapists, immigrant centers, and other social service providers.
13. Emphasizing that we work with all students regardless of their previous academic achievement.
14. Using extensive, multilingual advertising, and a range of media including email blasts, online news sites, social media, paper fliers and brochures, the school's web site, and direct mail.

Brooklyn Laboratory Charter High School

Table 1: School Summary

Name of Charter School	Brooklyn Laboratory Charter High School
Board Chair	Kevin Heffel
District of Location	New York City Geographic District #13
Opening Month/Year	September 2017
Current Charter Term	September 1, 2017 to June 30, 2022
Management Company:	N/A
Partner(s):	N/A
Approved Maximum Grade Levels/ Number of Students	Grades 9-12 / 799 Students
Proposed Revision	To merge Brooklyn Laboratory Charter High School with Brooklyn Laboratory Charter School, with Brooklyn Laboratory Charter School as the surviving education corporation under the amended name Brooklyn Laboratory Charter Schools. Both schools will continue to be authorized by the Board of Regents, and will have separate student bodies and enrollment lotteries.
Timetable for Revision Implementation	The Regents action for Brooklyn Laboratory Charter High School would take effect on July 1, 2017.

In December 2013, the Board of Regents approved and chartered the Brooklyn Laboratory Charter School (“Brooklyn Lab” or the “School”), which operates in New York City School District 13. The founders of Brooklyn Lab believe that when students are given effective structure, teachers, curriculum tools, and mentorship, every single student can succeed. The founders are dedicated to serving the highest need students of Brooklyn, regardless of their academic level, English language proficiency, or disability status implementing an academic model designed to assure that students graduate having mastered the NYS Higher Learning Standards equipped with the knowledge and skills needed to graduate from a selective four-year college or university. To support success, the School provides a rigorous, college preparatory curriculum with a focus on literacy and will embrace next generation, data-driven assessment and personalized instruction to identify and meet the diverse needs of students.

The School is seeking to merge with Brooklyn Laboratory Charter High School (BLCHS), which is also authorized by the Board of Regents, and which is scheduled to begin instruction in the 2017-2018 school year. Brooklyn Lab will be the surviving education corporation under the amended name “Brooklyn Laboratory Charter Schools.” In addition, Brooklyn Lab will modify its maximum approved enrollment by growing by one grade each year through the end of the charter term. This will lead to a grade span of 6-10 and a maximum approved enrollment of 909 students in the 2018-2019 academic year.

Brooklyn Lab students attending the high school grades may eventually be co-located with students attending BLCHS. However, the schools will continue to serve separate student bodies, and will have separate enrollment lotteries after the merger and the expansion of Brooklyn Lab.

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

Generally: A merger will make it easier to share resources between the Schools and will result in economies of scale and economies of experience that will allow the Schools to devote more resources to the educational program rather than to administrative costs.

School Community: The formation of a new, durable public school entity serving students in grades 6-12 will benefit the community, which is in need of quality middle school and high school seats. The merger will further benefit the Brooklyn community by making it easier for parents and other stakeholders to learn about important developments at the Schools by attending a single meeting of the Board of Trustees each month for the Schools. Further, by becoming one entity, the Schools will present a unified public presence; this will enhance the School's visibility in the community and solidify relationships between the Schools and political, business, and educational professionals as well as other local stakeholders, resulting in greater impacts on students. The Schools have always recognized the importance of community support, which includes local support from universities (e.g., NYU in Brooklyn, Carnegie Mellon Center for Urban Science and Progress, and The New School), employers (e.g., Amplify and Etsy), and organizations serving youth (e.g. Hive NYC and Mouse).

School Leadership: The Schools already share key leadership staff members, including the Executive Director, the Director of School Operations, the Instructional Lead, the Curricular Lead, the Director of Student Services, and the Special Assistant. These staff members are employed by BLCS but salaries will be apportioned between the Schools, as applicable. Merging will allow staff members to service both Schools without having different employers, lessening the administrative and financial burdens on the Schools and the staff. Savings on staffing and administration will free up resources that can be put into the classroom and towards the development of instructional staff quality and effectiveness.

School Resources: 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. This includes efficiencies and quality improvements relating to the audit, general ledger maintenance, contracted financial management, and full time staff quality. In addition, the 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/or 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 Brooklyn Laboratory Charter High School and Brooklyn Laboratory Charter School on February 13, 2017. There were 45-50 attendees present at the hearing. There were 37 public comments made in support of the proposed charter revision. There were no comments in opposition of the proposal.

Related Regents Items

Brooklyn Laboratory Charter School

Initial Charter

<http://www.regents.nysed.gov/common/regents/files/1213p12a2%5B1%5D.pdf>

Brooklyn Laboratory Charter High School

Initial Charter

<http://www.regents.nysed.gov/common/regents/files/616p12a2.pdf>

Recommendation

Brooklyn Laboratory Charter Schools

VOTED: That the Board of Regents finds that: (1) the charter school meets the requirements set out in Article 56 of the Education Law, and all other applicable laws, rules and regulations; (2) the charter school can demonstrate the ability to operate in an educationally and fiscally sound manner; (3) granting the request to amend 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 amend the charter will have a significant educational benefit to the students expected to attend the charter school, and the Board of Regents therefore approves the charter revision for **Brooklyn Laboratory Charter School** and amends the provisional charter accordingly.

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

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

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

Timetable for Implementation

The Regents merger and revision actions for Brooklyn Laboratory Charter High School and Brooklyn Laboratory Charter School will become effective on July 1, 2017.