





TO: P-12 Education Committee

FROM: James N. Baldwin 

SUBJECT: Merger Revision Recommendation for a Charter School Authorized by the Board of Regents and the New York City Department of Education Chancellor

DATE: June 2, 2022

AUTHORIZATION(S): 

SUMMARY

Issues for Decision

Should the Board of Regents approve the proposed merger of **Growing Up Green Charter School** (an education corporation authorized by the New York City Department of Education Chancellor), with and into **Growing Up Green Charter School II** (an education corporation authorized by the Board of Regents), with **Growing Up Green Charter School II** as the surviving education corporation under the amended name "**Growing Up Green Charter Schools**"?

Should the Board of Regents allow **Growing Up Green Charter School II** to amend its previously approved enrollment plan?

Reasons for Consideration

Required by State Statute.

Proposed Handling

This issue will come before the P-12 Education Committee and the Full Board for action at the June 2022 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 the law 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, the approval of all parties – the boards of trustees of the schools and each chartering entity – is required before any such merger may occur. In January 2022, Growing Up Green Charter School’s current authorizer, the New York City Department of Education Chancellor, consented to the proposed merger of Growing Up Green Charter School and Growing Up Green Charter School II.

Mergers have no impact on the number of charters available under the statutory charter cap. Mergers are generally administrative/governance-related revisions. The merger does not abridge the obligations of each of the affected charter schools from meeting all authorizer standards, and each school continues to be held accountable to such standards separately.

Related Regents Items

Growing Up Green Charter School

December 2008 [Initial Charter](#)

(<https://www.regents.nysed.gov/meetings/2008Meetings/December2008/1208emsca14.htm>)

December 2011 [Enrollment Expansion Revision](#)

(<https://www.regents.nysed.gov/common/regents/files/documents/meetings/2011Meetings/December2011/1212p12a1.pdf>)

December 2013 [First Renewal and Enrollment Expansion](#)

(<https://www.regents.nysed.gov/common/regents/files/1213p12a3%5b1%5d.pdf>)

April 2017 [Second Renewal and Enrollment Expansion](#)

(<https://www.regents.nysed.gov/common/regents/files/417p12a6.pdf>)

March 2018 [Enrollment Expansion Revision](#)

(<https://www.regents.nysed.gov/common/regents/files/318p12a2.pdf>)

April 2022 [Third Renewal and Enrollment Expansion](#)

(<https://www.regents.nysed.gov/common/regents/files/422p12a5.pdf>)

Growing Up Green Charter School II

December 2015 [Initial Charter](#)

(<http://www.regents.nysed.gov/common/regents/files/1215p12a3.pdf>)

February 2020 [Grade Level and Enrollment Expansion Revision](#)

(<https://www.regents.nysed.gov/common/regents/files/220p12a2revised.pdf>)

April 2021 [First Renewal](#)

(<https://www.regents.nysed.gov/common/regents/files/421p12a3.pdf>)

Recommendation

Growing Up Green Charter Schools

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

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

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

1. **Growing Up Green Charter School** be and hereby is merged with **Growing Up Green Charter School II**, with **Growing Up Green Charter School II** as the surviving education corporation under the amended name **Growing Up Green Charter Schools**.
2. **Growing Up Green Charter School II**, 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 **Growing Up Green Charter School** and **Growing Up Green Charter School II** hereby ceases, and **Growing Up Green Charter School II**, the surviving corporation under the amended name **Growing Up Green 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 **Growing Up Green Charter School II**, the surviving corporation under the amended name **Growing Up Green 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 **Growing Up Green Charter School II** under the amended name **Growing Up Green Charter Schools**, which is hereby amended to authorize the operation of two public charter schools as follows:
 - i. **Growing Up Green Charter School**; and
 - ii. **Growing Up Green Charter School II**

5. The merger herein shall take effect on July 1, 2022; and it is further

VOTED: That the Board of Regents finds that: (1) **Growing Up Green Charter Schools** meets the requirements set out in Article 56 of the Education Law, and all other applicable laws, rules, and regulations; (2) **Growing Up Green 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 **Growing Up Green 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 the above-named charter schools will become effective immediately, except the merger revision, which shall be effective on July 1, 2022.

**Merger of Growing Up Green Charter School
and Growing Up Green Charter School II**

**Growing Up Green Charter School
Table 1: Charter School Summary**

Name of Charter School	Growing Up Green Charter School
Board Chair	Marc Greenberg
District of Location	NYC CSD 30
Initial Commencement of Instruction	Fall 2009
Charter Term(s)	<ul style="list-style-type: none"> • Initial Charter: December 16, 2008 - December 15, 2013 • First Renewal: December 16, 2013 - June 30, 2017 • Second Renewal: July 1, 2017 - June 30, 2022
Current Term Authorized Grades/ Approved Enrollment	K - Grade 8 / 849 students
Facilities	<ul style="list-style-type: none"> • ES: 39-27 28th Street, Long Island City, NY 11101 – Private Space • MS: 36-49 11th Street, Long Island City, NY 11101 – Private Space
Mission Statement	<i>The Growing Up Green Charter School empowers children to be conscious, contributing members of their community through a rigorous curriculum and an engaging green culture. Graduates of GUGCS will be prepared to attend high-performing schools where their interdisciplinary academic foundation, knowledge of sustainability, and a strong sense of self-set them apart as leaders of the future.</i>
Key Design Elements	<ul style="list-style-type: none"> • Responsive Classroom and Developmental Design Principles • Morning Meeting and Circle of Power and Respect • Incorporating Green in the School and Curriculum • Student-Centered and Data-Driven Instruction • Response to Intervention • A Robust Special Education Program • Middle School Advisory
Recommended Material Revisions	None

Figure 1: Elementary/Middle School Assessment Proficiency State and District Differentials Over Time Comparison to NYC CSD 30 District

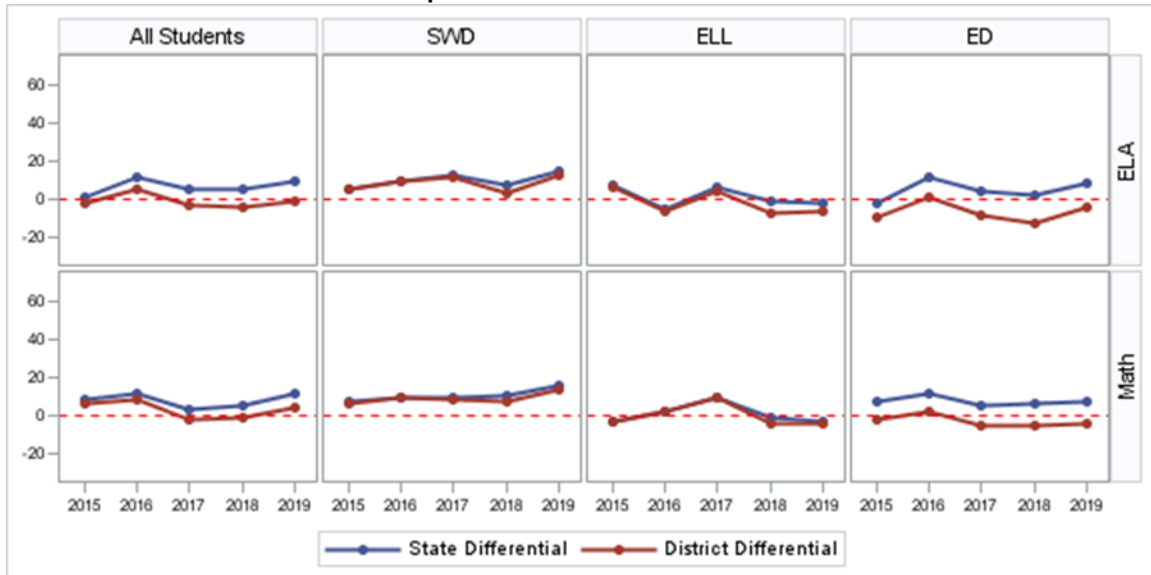


Table 2: Elementary/Middle School Assessment Proficiency Outcomes: Charter School, District & NYS

		ELA					Math				
		Growing Up Green CS	NYC CSD 30	Differential to District	NYS	Differential to NYS	Growing Up Green CS	NYC CSD 30	Differential to District	NYS	Differential to NYS
All Students	2014-2015	32%	34%	-2	31%	+1	50%	44%	+6	42%	+8
	2015-2016	48%	43%	+5	37%	+11	52%	44%	+8	41%	+11
	2016-2017	45%	48%	-3	40%	+5	43%	45%	-2	40%	+3
	2017-2018	50%	55%	-5	45%	+5	50%	51%	-1	45%	+5
	2018-2019	54%	55%	-1	45%	+9	58%	54%	+4	47%	+11
SWD	2014-2015	12%	7%	+5	7%	+5	21%	15%	+6	14%	+7
	2015-2016	18%	9%	+9	9%	+9	22%	13%	+9	13%	+9
	2016-2017	23%	12%	+11	11%	+12	23%	15%	+8	14%	+9
	2017-2018	23%	20%	+3	16%	+7	27%	20%	+7	17%	+10
	2018-2019	30%	18%	+12	15%	+15	33%	19%	+14	17%	+16
ELL	2014-2015	19%	13%	+6	12%	+7	19%	22%	-3	22%	-3
	2015-2016	8%	15%	-7	14%	-6	23%	21%	+2	21%	+2
	2016-2017	18%	14%	+4	12%	+6	28%	19%	+9	19%	+9
	2017-2018	24%	32%	-8	25%	-1	28%	32%	-4	29%	-1
	2018-2019	23%	30%	-7	25%	-2	28%	33%	-5	31%	-3
ED	2014-2015	19%	29%	-10	21%	-2	37%	39%	-2	30%	+7
	2015-2016	38%	37%	+1	27%	+11	41%	39%	+2	30%	+11
	2016-2017	33%	42%	-9	29%	+4	34%	40%	-6	29%	+5
	2017-2018	37%	50%	-13	35%	+2	40%	46%	-6	34%	+6
	2018-2019	44%	49%	-5	36%	+8	43%	48%	-5	36%	+7

Table 3: Subgroup Enrollment: Students with Disabilities, ELLs, and Economically Disadvantaged

	SWD			ELL			ED		
	Growing Up Green CS	NYC CSD 30	Differential to District	Growing Up Green CS	NYC CSD 30	Differential to District	Growing Up Green CS	NYC CSD 30	Differential to District
2016-2017	22%	17%	+5	12%	23%	-11	51%	66%	-15
2017-2018	24%	18%	+6	14%	29%	-15	51%	74%	-23
2018-2019	22%	18%	+4	15%	28%	-13	53%	71%	-18
2019-2020	23%	17%	+6	16%	28%	-12	55%	71%	-16
2020-2021	21%	17%	+4	8%	29%	-21	62%	73%	-11

Table 4: Aggregate and Subgroup Retention

	All Students			SWD			ELL			ED		
	Growing Up Green CS	NYC CSD 30	Differential to District	Growing Up Green CS	NYC CSD 30	Differential to District	Growing Up Green CS	NYC CSD 30	Differential to District	Growing Up Green CS	NYC CSD 30	Differential to District
2016-2017	91%	90%	+1	92%	89%	+3	95%	90%	+5	90%	91%	-1
2017-2018	88%	89%	-1	87%	89%	-2	89%	88%	+1	89%	90%	-1
2018-2019	86%	89%	-3	85%	89%	-4	88%	88%	0	88%	90%	-2
2019-2020	79%	89%	-10	81%	87%	-6	82%	89%	-7	81%	89%	-8
2020-2021	86%	81%	+5	84%	81%	+3	87%	78%	+9	90%	81%	+9

Table 5: Aggregate Enrollment: Reported vs Contracted – Target = 100%

Growing Up Green CS	Contracted Enrollment	Reported Enrollment	Percent of Contracted Enrollment
2016-2017	750	811	108%
2017-2018	819	843	103%
2018-2019	819	827	101%
2019-2020	819	793	97%
2020-2021	819	822	100%

Growing Up Green Charter School II

Table 1: Charter School Summary

Name of Charter School	Growing Up Green Charter School II
Board Chair	Marc Greenberg
District of Location	NYC CSD 28
Initial Commencement of Instruction	Fall 2016
Charter Term(s)	<ul style="list-style-type: none"> • September 1, 2016 - June 30, 2021 • First Renewal: July 1, 2021 - June 30, 2025
Current Term Authorized Grades/ Approved Enrollment	K - Grade 8 / 812 students ¹
Facilities	<ul style="list-style-type: none"> • ES: 84-35 152nd Street, Jamaica - Private Space • MS: 89-25 161st Street, Jamaica - Private Space
Mission Statement	<i>The Growing Up Green Charter School II empowers children to be conscious, contributing members of their community through a rigorous curriculum and an engaging green culture. Graduates of GUG II will be prepared to attend high-performing schools where their interdisciplinary academic foundation, knowledge of sustainability, and a strong sense of self-set them apart as leaders of the future.</i>
Key Design Elements	<ul style="list-style-type: none"> • Dedication to Academic Rigor. • Expansive Support Services that include: <ul style="list-style-type: none"> ○ Integrated Co-Teaching and Special Education Teacher Support Services. ○ Intervention. ○ English language learners. ○ Counseling. • Hands-On Learning in the Local Environment. • Actionable Assessment System. • Green Education. • Deliberate School Culture. • Professional Environment.
Recommended Material Revisions	To amend its previously approved enrollment plan to increase its authorized enrollment in the current charter term from 748 students to 812 students to be fully implemented by the 2023-2024 school year (year 3 of the current 4-year charter term). Currently, the school is authorized to serve 812 students starting in the 2026-2027 school year.

¹ In 2020, the Board of Regents approved a revision to GUG II's charter to add middle school grades and gradually expand enrollment each year, up to a total of 812 students in K - Grade 8 in the 2026-2027 school year.

Figure 1: Elementary/Middle School Assessment Proficiency State and District Differentials Over Time Comparison to NYC CSD 28 District

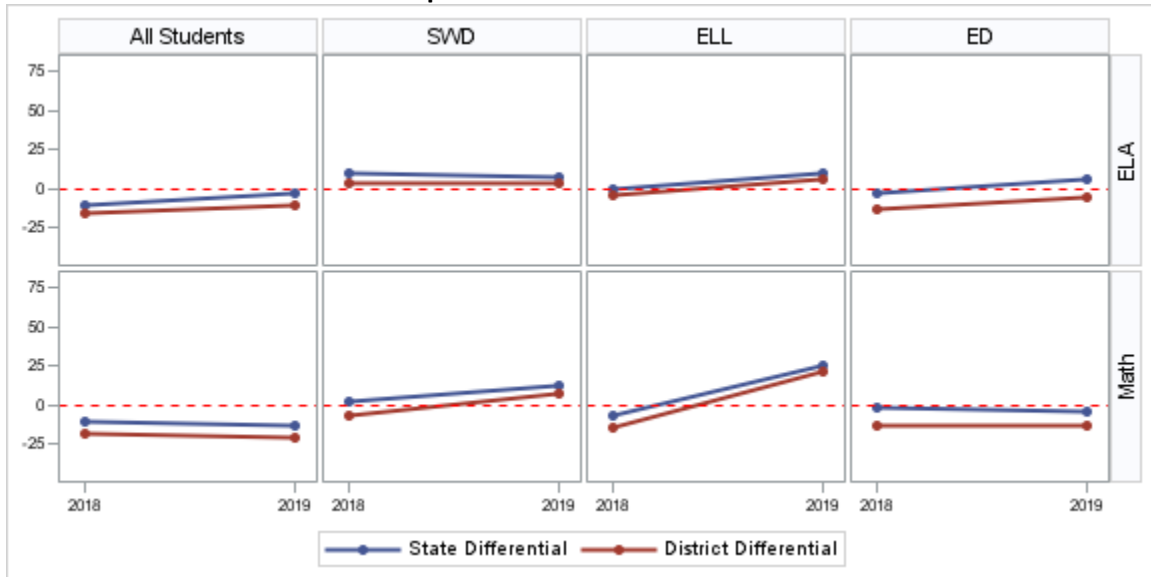


Table 2: Elementary/Middle School Assessment Proficiency Outcomes: Charter School, District & NYS

		ELA					Math				
		Growing Up Green CS II	NYC CSD 28	Differential to District	NYS	Differential to NYS	Growing Up Green CS II	NYC CSD 28	Differential to District	NYS	Differential to NYS
All Students	2017-2018	41%	57%	-16	51%	-10	44%	62%	-18	54%	-10
	2018-2019	47%	58%	-11	50%	-3	39%	59%	-20	52%	-13
SWD	2017-2018	33%	29%	+4	23%	+10	30%	37%	-7	28%	+2
	2018-2019	28%	25%	+3	20%	+8	37%	30%	+7	24%	+13
ELL	2017-2018	33%	37%	-4	33%	+0	33%	47%	-14	40%	-7
	2018-2019	43%	37%	+6	33%	+10	64%	43%	+21	39%	+25
ED	2017-2018	37%	50%	-13	40%	-3	41%	54%	-13	43%	-2
	2018-2019	46%	51%	-5	40%	+6	38%	51%	-13	42%	-4

Table 3: Subgroup Enrollment: Students with Disabilities, ELLs, and Economically Disadvantaged

	SWD			ELL			ED		
	Growing Up Green CS II	NYC CSD 28	Differential to District	Growing Up Green CS II	NYC CSD 28	Differential to District	Growing Up Green CS II	NYC CSD 28	Differential to District
2016-2017	26%	18%	+8	10%	17%	-7	78%	63%	+15
2017-2018	22%	18%	+4	13%	18%	-5	81%	68%	+13
2018-2019	22%	18%	+4	14%	19%	-5	79%	67%	+12
2019-2020	21%	17%	+4	13%	20%	-7	72%	66%	+6
2020-2021	19%	19%	+0	5%	19%	-14	67%	66%	+1

Table 4: Aggregate and Subgroup Retention

	All Students			SWD			ELL			ED		
	Growing Up Green CS II	NYC CSD 28	Differential to District	Growing Up Green CS II	NYC CSD 28	Differential to District	Growing Up Green CS II	NYC CSD 28	Differential to District	Growing Up Green CS II	NYC CSD 28	Differential to District
2017-2018	82%	88%	-6	84%	87%	-3	94%	89%	+5	80%	87%	-7
2018-2019	80%	87%	-7	71%	86%	-15	64%	88%	-24	78%	86%	-8
2019-2020	82%	87%	-5	79%	87%	-8	75%	86%	-11	83%	87%	-4
2020-2021	90%	74%	+16	90%	73%	+17	91%	73%	+18	89%	75%	+14

Table 5: Aggregate Enrollment: Reported vs Contracted – Target = 100%

Growing Up Green CS II	Contracted Enrollment	Reported Enrollment	Percent of Contracted Enrollment
2016-2017	166	184	111%
2017-2018	249	255	102%
2018-2019	336	359	107%
2019-2020	420	434	103%
2020-2021	542	572	106%

In December 2008, the Board of Regents approved and chartered the Growing Up Green Charter School (“GUGCS 1”), which operates in NYC CSD 30. In December 2015, the Board of Regents approved and chartered the Growing Up Green Charter School II (“GUGCS 2”), which operates in NYC CSD 28. If the proposed merger is approved, Growing Up Green Charter School II will be the surviving education corporation and will be renamed “Growing Up Green Charter Schools”. Both schools will be authorized by the Board of Regents after the merger, and the individual school names will not change.

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

The schools and their education corporations are currently operating as separate entities but under a board with the same members. The merger will allow the schools, which already have an informal partnership, to 1) formalize that partnership; 2) share resources, staff, and effective educational practices; 3) enhance the educational programs; 4) provided additional educational opportunities and a greater number of courses, enrichment, and intervention opportunities to students; and 5) lessen the financial and administrative costs of having staff across different unmerged entities.

School Leadership and Staff: Since opening GUGCS 2 in 2016, the GUGCS 1 leadership team has worked to centralize certain functions across both schools. GUGCS 1 and GUGCS II share an executive director and have two identical Boards of Trustees, and the goal of opening GUGCS II was to take the best practices learned at GUGCS 1 and apply them to GUGCS 2. In order to scale successfully, in 2019, the school centralized the operations, finance, and human resources function by implementing director-level positions that were shared across GUGCS 1 and GUGCS 2. The senior director of operations,

director of finance, and director of personnel were charged with norming practices across both schools. Their salaries have been split between both entities based on student enrollment. Merging the schools will further streamline this work, allowing Growing Up Green Charter Schools to continue to scale in a way that promotes best practices and cost savings for the organization. For example, Growing Up Green Charter Schools will be able to avoid duplicative salaries at each school, resulting in more funding for academic programming.

Hiring is already a centralized process for both schools, which share a manager of talent and a recruitment coordinator, who reports to the director of personnel. The recruitment team has a process in place that includes interviewing each school leader and understanding the needs of their individual school. Since the recruitment team is positioned across schools, they have a global view of the needs of the organization and can recommend candidates to individual schools based on the needs of the school and the candidate. This has helped the schools with their goals of hiring a staff that is more representative of the student body. Since centralizing the recruitment team in 2019, the schools have seen a combined 17% increase in new hires who identify as Black or African American and doubled the number of new hires who identify as Asian.

Governance: Following the merger, the board of Growing Up Green Charter Schools will have one board meeting. Currently, the boards have multiple back-to-back meetings, review two separate budgets, and liaise with two separate authorizers. Paperwork and compliance burdens will be reduced, due to the elimination of one education corporation and the ability to have consolidated board meetings. The meeting times will also be shortened because the board will remove the redundancy of having different meetings. The board will still focus on the oversight of each individual school but will no longer have to create duplicative and identical resolutions for each school when voting on measures that affect both. Moreover, the board will liaise with the same authorizer for both schools. Having only one authorizer will streamline communication with the Board and build a stronger relationship with the Board of Regents as the surviving authorizer.

School Resources: The merger would create efficiencies in operations and finance, which ultimately translate into more resources for teaching and learning (both in terms of dollars and staff time). Currently, both schools benefit from the guidance of the director of finance and share the same systems, policies, and procedures for accounting, administration, purchasing, insurance, and financial audits. In addition, the schools receive the same food and health services from the Department of Education but different services for student transportation, due to the location of schools in Districts 28 and 30. After the merger, both Growing Up Green Schools will be held accountable to the same fiscal guidelines set forth by the Board of Regents Performance Benchmarks, specifically Benchmark 4 (Financial Condition) and Benchmark 5 (Financial Management).

School Community: After the merger, there will be more collaboration across schools, which will result in increased implementation of best practices to increase the success of students, teachers, and leaders. Other areas that will impact the students after the merger include systems to support students' social and emotional health. Particularly since the return to in-person learning, the schools are dedicated to collectively working to support not only student well-being but also the well-being of their staff and family community.

In addition to the merger, Growing Up Green Charter School II is requesting to expedite the implementation of its already-authorized enrollment increase because access to the school is widely sought after in the community. The school is currently authorized to increase its enrollment from 748 to

812 students by the 2026-2027 school year and is seeking to fully implement that enrollment increase by the 2023-2024 school year (year 3 of the current 4-year charter term) and maintain an enrollment of 812 students thereafter. See Tables 6 and 7 for additional detail.

***Table 6: Current Grade Levels and Approved Enrollment**

	Year 1 2021 to 2022	Year 2 2022 to 2023	Year 3 2023 to 2024	Year 4 2024 to 2025
Grade Configuration	K - Grade 7	K - Grade 8	K - Grade 8	K - Grade 8
Total Approved Enrollment	624	697	721	748

* In 2020, the Board of Regents approved a revision to GUG II's charter to add middle school grades and gradually expand enrollment each year, up to a total of 812 students in K - Grade 8 in the 2026-2027 school year.

***Table 7: Recommended Grade Levels and Recommended Enrollment**

	Year 1 2021 to 2022	Year 2 2022 to 2023	Year 3 2023 to 2024	Year 4 2024 to 2025	2025 to 2026*	2026 to 2027*
Grade Configuration	K - Grade 7	K - Grade 8	K - Grade 8	K - Grade 8	K - Grade 8	K - Grade 8
Total Approved Enrollment	624	748	812	812	812	812

*The proposed chart was submitted by the Growing Up Green Charter School II. It is subject to approval by the Board of Regents. Enrollment for the 2025-2026 and 2026-2027 school years would be in the subsequent charter term and is conditional on a renewal approved by the Board of Regents and conditions thereof.

Summary of Public Comment

The required public hearing was held by the New York City Department of Education on April 14, 2022. One person attended and spoke in favor of the merger and enrollment revision. None were opposed.

In addition, as required for all charter school revisions, including mergers, the school was required to conduct extensive community engagement prior to submitting the merger revision request. Outreach and engagement for each school began through communication with school leadership teams and the schools' board of trustees, which shared the announcement of the proposed merger with school leaders at each school and then at the centralized leadership meeting held weekly and attended by the executive director, school leaders, assistant school leaders, and general counsel, directors of operations, finance, development, counseling, curriculum and instruction, and assessment. The schools also shared the announcement at their public board meeting on November 16, 2021. This announcement provided the reasoning behind the revision, a timeline for the revision application progress, and an explanation of how a potential revision would impact the schools' governance and accountability processes. Since all board meetings are open to the entire GUGCS community, families who attended the board meeting were given the opportunity to share questions or concerns regarding the merger proposal.