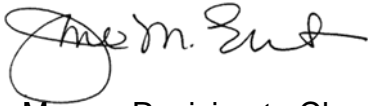
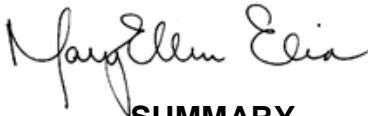




TO: P-12 Education Committee
FROM: Jhone M. Ebert 
SUBJECT: Charter Schools: Merger Revision to Charters Authorized by the Board of Regents
DATE: April 11, 2016
AUTHORIZATION(S): 

SUMMARY

Issue for Decision

Should the Board of Regents approve the merger of Brighter Choice Charter School for Boys and Brighter Choice Charter School for Girls (education corporations authorized by the Board of Regents), with Brighter Choice Charter School for Girls as the surviving education corporation under the amended name "Brighter Choice Elementary Charter Schools," and should the schools' proposed enrollment revision be approved?

Reason(s) for Consideration

Required by New York State law.

Proposed Handling

These issues will be before the Board of Regents P-12 Education Committee and the Full Board for action at the April 2016 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 would have the following effect:

Brighter Choice Charter School for Boys (BOR)

will merge with and into

Brighter Choice Charter School for Girls (BOR)

under the amended name “Brighter Choice Elementary Charter Schools”

This action would also terminate the existence of Brighter Choice Charter School for Boys and Brighter Choice Charter School for Girls as separate education corporations. In addition, each school is seeking to add a 5th grade.

A summary for each school is set forth below.

BRIGHTER CHOICE CHARTER SCHOOL FOR BOYS

Table 1: School Summary

Name of Charter School	Brighter Choice Charter School for Boys
Board Chair	Martha Snyder
District of Location	City School District of Albany
Opening Date	9/09/2002
Current Charter Term	7/01/2015 – 6/30/2018
Facility	116 North Lake Avenue, Albany, NY 12206
Current Grade Levels/Number of Students	K-4/270
Mission	<p>The Mission of the Brighter Choice Charter Schools is to ensure that Brighter Choice Charter School scholars have the same opportunities for future success as scholars attending the best public schools in the region. There are 3 significant components to achieving this mission:</p> <ul style="list-style-type: none">• Exemplary instruction that prepares scholars to think critically, problem-solve effectively, and to become engaged and responsible learners, successfully prepared for middle school, high school, and college• Focus on the development of social, behavioral, and organizational skills necessary for future school success• An education beyond the basics that includes performing arts, visual arts, science, and history

Proposed Revision	<ul style="list-style-type: none"> • Merge with Brighter Choice Charter School for Girls • Increase grade span from K-4 to K-5 • Increase maximum enrollment from 270 to 325 students
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In January of 2001, the Regents granted the Brighter Choice Charter School for Boys (“BCCSB”) an initial charter. The school opened in September of 2002. In January of 2006, BCCSB was renewed for a term of five years. In January of 2011, it was renewed for four and half years to place the end of the charter at the end of the school year for that and all subsequent renewals. In March of 2015, the school was renewed for a three-year term. The current charter term expires on June 30, 2018.

The School’s Trustees request that the Board of Regents approve material revisions to its charter. BCCSB wishes to merge with and into Brighter Choice Charter School for Girls, with Brighter Choice Charter School for Girls being the surviving education corporation in the merger. The education corporation will be renamed “Brighter Choice Elementary Charter Schools.” The Schools will be governed by a single Board of Trustees comprised of the current members serving on the Boards of the Schools plus three additional members.

The merger of BCCSG with BCCSB will enable the School to conserve funds to help meet the financial obligations. The two Schools, while having an informal partnership up until now, can formalize that partnership and share resources, share staff, give an enrollment preference to siblings, enhance the educational program, and lessen the financial and administrative costs of having staff across two different unmerged buildings. The School has already been taking positive steps to build capacity at both the school and board levels to improve its financial management.

In addition to the merger, both BCCSG and BCCSB propose a revision to their charters expanding their respective grade spans from K-4 to K-5, and are requesting an enrollment increase to compliment the grade expansion from 270 to 325. By extending the grade span of BCCSB to K-5, the School will be able to work with the middle school structure of the City School District of Albany whose middle school runs from grades 6-8. Without a grade five, students are sometimes forced to move between three different schools for grades 4, 5, and 6.

The addition of fifth grade at BCCSB will also allow the school to demonstrate growth trends from one New York State exam to the next. With a K-5 structure, BCCSB will have more available growth data with three NYS exams (grades 3-5) versus the current two (grades 3-4).

An enrollment increase would allow BCCSB to accommodate this additional grade level. The School believes its current building is able to meet the needs of its requested, revised maximum capacity enrollment, and would still allow the School to potentially keep class sizes to approximately 20 students per section, depending on actual enrollment.

Table 2: Brighter Choice Charter School for Boys Approved Enrollment

	Year 1 (2014- 2015)	Year 2 (2015- 2016)	Year 3 (2016- 2017)
Grade Configuration	K-4	K-4	K-4
Total Approved Enrollment	270	270	270

Table 3: Brighter Choice Charter School for Boys School Proposed Enrollment

	Year 1 (2014- 2015)	Year 2 (2015- 2016)	Year 3 (2016- 2017)
Grade Configuration	K-4	K-4	K-5
Total Proposed Enrollment	270	270	325

BCCSB outperforms both the district of location and the state in mathematics. In ELA, the school outperforms the district of location. The school has instituted a double-block of ELA and grouped classes by skill level for both the third and fourth grades; put interventions into place based on trends seen in assessment results; and expanded its STEP program into third grade this year and will be extending it to fourth and fifth grade next year.

Table 4: Brighter Choice Charter School for Boys Academic Achievement

	ELA					Math				
	BCCSB	Albany CSD	Variance to Albany CSD	NYS	Variance to NYS	BCCSB	Albany CSD	Variance to Albany CSD	NYS	Variance to NYS
2013-2014	39%	17%	+22%	32%	+7%	52%	17%	+35%	42%	+10%
2014-2015	15%	14%	+1%	32%	-17%	55%	16%	+39%	43%	+12%

BCCSB’s economically disadvantaged target population currently exceeds the district average by 36%, and as of the 2014-2015 academic year, 100% of its population fell into this category. The other two areas – English language learners and students with disabilities – while falling short of the enrollment targets, have been trending in a positive direction over the past three years. The School is also actively seeking to increase the proportion of English language learners and students with disabilities served through a variety of recruitment and enrollment strategies.

Table 5: Brighter Choice Charter School for Boys Demographics Compared to District of Location

	2013-2014			2014-2015		
	BCCSB	Albany CSD	Variance	BCCSB	Albany CSD	Variance
Economically Disadvantaged	100%	71%	+29.3	100%	64%	+36.0
English Language Learners (Former & Current)	3%	10%	-7%	3%	10%	-7%
Students with Disabilities (Former and Current)	4%	12%	-8%	5%	12%	-7%

On average, BCCSB has retained 76.8% of enrolled students over the current charter term. The Department reviewed the school’s retention rate of students from 2012 to 2015 using student level enrollment records submitted annually to the State Education Department. This review includes any student who was enrolled in the school at any time and persisted at the school between the 2012-2013 and 2014-2015 school years¹.

Summary of Public Comment

As required by the Charter School Act, the City School District of Albany held a public hearing about the proposed revision on February 11, 2016. One individual attended the hearing. No comments were recorded.

¹ Students who would have exited the school at the end of the school year in the highest grade were not included in this analysis. Students who were enrolled at the school for a duration of more than a day were included in this analysis.

BRIGHTER CHOICE CHARTER SCHOOL FOR GIRLS

Table 1: School Summary

Name of Charter School	Brighter Choice Charter School for Girls
Board Chair	Martha Snyder
District of Location	City School District of Albany
Opening Date	9/09/2002
Current Charter Term	7/01/2015 – 6/30/2018
Facility	250 Central Avenue, Albany, New York, 12206
Current Grade Levels/Number of Students	K-4/270
Mission	<p>The mission of the Brighter Choice Charter Schools is to ensure that Brighter Choice Charter School scholars have the same opportunities for future success as scholars attending the best public schools in the region. There are 3 significant components to achieving this mission:</p> <ul style="list-style-type: none"> • Exemplary instruction that ensures competency and mastery in reading, writing and mathematics. • Focus on the development of social, behavioral, and organizational skills necessary for future school success. • An education beyond the basics that includes performing arts, visual arts, science, and history.
Proposed Revision	<ul style="list-style-type: none"> • Merge with Brighter Choice Charter School for Boys • Increase grade span from K-4 to K-5 • Increase maximum enrollment from 270 to 325 students

Brighter Choice Charter School for Girls (“BCCSG”) is a public charter school authorized by the Board of Regents serving girls in kindergarten through fourth grade. The school began operating in 2002 with a mission to ensure that their students have the same opportunities for further success as students attending the best public schools in the Albany, New York region. In January of 2006, BCCSG was renewed for a term of five years. In January of 2011, it was renewed for four and half years to place the end of the charter at the end of the school year for that and all subsequent renewals. In March of 2015, the school was renewed for a three-year term. The current charter term expires on June 30, 2018.

The School’s Trustees request that the Board of Regents approve material revisions to its charter. BCCSG wishes to merge with and into Brighter Choice Charter School for Boys, with BCSSG being the surviving education corporation in the merger. The education corporation will be renamed “Brighter Choice Elementary Charter

Schools.” The Schools will be governed by a single Board of Trustees comprised of the current members serving on the Boards of the Schools plus three additional members.

The merger of BCCSG with BCCSB will enable the School to conserve funds to help meet the financial obligations. The two Schools, while having an informal partnership up until now, can formalize that partnership and share resources, share staff, give an enrollment preference to siblings, enhance the educational program, and lessen the financial and administrative costs of having staff across two different unmerged buildings. The School has already been taking positive steps to build capacity at both the school and board levels to improve its financial management.

In addition to the merger, both BCCSG and BCCSB propose a revision to their charters expanding their respective grade spans from K-4 to K-5, and are requesting an enrollment increase to compliment the grade expansion from 270 to 325. By extending the grade span of BCCSG to K-5, the School will be able to work with the middle school structure of the City School District of Albany whose middle school runs from grades 6-8. Without a grade five, students are sometimes forced to move between three different schools for grades 4, 5, and 6.

The addition of fifth grade at BCCSG will also allow the school to demonstrate growth trends from one New York State exam to the next. With a K-5 structure, BCCSG will have more available growth data with three NYS exams (grades 3-5) versus the current two (grades 3-4).

An enrollment increase would allow BCCSG to accommodate this additional grade level. The School believes its current building is able to meet the needs of its requested, revised maximum capacity enrollment, and would still allow the School to potentially keep class sizes to approximately 20 students per section, depending on actual enrollment.

Table 2: Brighter Choice Charter School for Girls Approved Enrollment

	Year 1 (2014- 2015)	Year 2 (2015- 2016)	Year 3 (2016- 2017)
Grade Configuration	K-4	K-4	K-4
Total Approved Enrollment	270	270	270

Table 3: Brighter Choice Charter School for Girls School Proposed Enrollment

	Year 1 (2014- 2015)	Year 2 (2015- 2016)	Year 3 (2016- 2017)
Grade Configuration	K-4	K-4	K-5
Total Proposed Enrollment	270	270	325

BCCSG outperforms the district of location in both English and mathematics and demonstrates positive trends towards meeting the New York State average proficiency level in both academic areas.

Table 4: Brighter Choice Charter School for Girls Academic Achievement

	ELA					Math				
	BCCSG	Albany CSD	Variance Albany CSD	NYS	Variance to NYS	BCCSG	Albany CSD	Variance Albany CSD	NYS	Variance to NYS
2013- 2014	33%	17%	16%	32%	-1%	30%	17%	13%	42%	-12%
2014- 2015	17%	14%	+3%	32%	-15%	29%	16%	+13%	43%	-14%

While BCCSG is currently below enrollment targets for English language learners students and students with disabilities, it exceeds its economically disadvantaged population target by 36.4% over the district average. As of the 2014-2015 school year, 100% of BCCSG’s student population is comprised of economically disadvantaged students. The School is actively seeking to increase the proportion of English language learners and students with disabilities served through a variety of recruitment and enrollment strategies.

Table 5: Brighter Choice Charter School for Girls Demographics Compared to District of Location

	2013-2014			2014-2015		
	BCCSG	Albany CSD	Variance	BCCSG	Albany CSD	Variance
Economically Disadvantaged	100%	71%	+29%	100%	64%	+36%
English Language Learners (Former & Current)	5%	10%	-5%	4%	10%	-6%
Students with Disabilities (Former and Current)	4%	12%	-8%	3%	12%	-9%

On average, BCCSG has retained 70.3% of enrolled students over the current charter term. The Department reviewed the school’s retention rate of students from 2012 to 2015 using student level enrollment records submitted annually to the State Education Department. This review includes any student who was enrolled in the school at any time and persisted at the school between the 2012-2013 and 2014-2015 school years².

Summary of Public Comment

As required by the Charter School Act, the City School District of Albany held a public hearing about the proposed revision on February 11, 2016. One individual attended the hearing. No comments were recorded.

² Students who would have exited the school at the end of the school year in the highest grade were not included in this analysis. Students who were enrolled at the school for a duration of more than a day were included in this analysis.

Recommendation

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

1. Brighter Choice Charter School for Boys is hereby merged with Brighter Choice Charter School for Girls, with the Brighter Choice Charter School for Girls as the surviving corporation, under the amended name “Brighter Choice Elementary Charter Schools.”

2. Brighter Choice Elementary Charter Schools, 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 the education corporations Brighter Choice Charter School for Boys and Brighter Choice Charter School for Girls hereby ceases, and Brighter Choice Elementary Charter Schools, the surviving corporation, is hereby vested with all the rights, privileges, immunities, powers and authority possessed, 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 Brighter Choice Elementary Charter Schools, the surviving corporation, 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 Brighter Choice Charter School for Girls (renamed “Brighter Choice Elementary Charter Schools”), which is hereby amended to authorize the operation of two public charter schools, both authorized to serve a maximum of 325 students in Kindergarten through the fifth grade.

5. The merger herein shall take effect on July 1, 2016; and it is further

VOTED: That the Board of Regents finds that: (1) **Brighter Choice Elementary Charter Schools** meets the requirements set out in Article 56 of the Education Law, and all other applicable laws, rules and regulations; (2) **Brighter Choice Elementary 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 **Brighter Choice Elementary Charter Schools**, and the Board of Regents therefore approves the charter revision for **Brighter Choice Elementary Charter Schools**, as proposed by the New York State Education Department and amends the provisional charter accordingly.

Timetable for Implementation

The Regents action for the Brighter Choice Charter School for Girls and the Brighter Choice Charter School for Boys merger will become effective July 1, 2016.

Attachments.