



TO: The Honorable Members of the Board of Regents
FROM: Angelique Johnson-Dingle *Angelique Johnson-Dingle*
SUBJECT: Charter School Dissolutions
DATE: October 24, 2024
AUTHORIZATION(S): *Betty M...*

SUMMARY

Issue for Decision (Consent)

Should the Board of Regents issue orders of dissolution of **Key Collegiate Charter School** (authorized by the Board of Regents), **Innovate Manhattan Charter School** (authorized by the SUNY Trustees), and **Staten Island Community Charter School** (authorized by the Chancellor of the New York City Department of Education), and consent to the filing of a petition for judicial dissolution by **Aloma D. Johnson Charter School** (authorized by the Board of Regents), as requested by each schools' board of trustees?

Reason(s) for Consideration

Required by New York State Education Law §216-a and Not-For-Profit Corporation Law §1102.

Proposed Handling

These issues will come before the Full Board for action at the November 2024 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.

Pursuant to Education Law §216-a and Article 11 of the New York State Not-for-Profit Corporation Law, the Board of Regents is authorized to consent to the filing of a petition for judicial dissolution of an education corporation, including charter schools, in the Supreme Court of the State of New York.

Background Information

Key Collegiate Charter School

In June 2017, the Board of Regents issued a provisional charter to Key Collegiate Charter School (“School” or “Corporation”) for the purpose of operating a charter school in New York City. After not re-opening at the start of the 2022-2023 school year, on November 6, 2023, the Corporation’s Board of Trustees (“Trustees”) voted to approve a voluntary dissolution of the School.

The School’s Trustees now petition the Board of Regents to dissolve the Corporation’s provisional charter. The Trustees have provided evidence that all taxes payable by the Corporation have been paid and that the application is made by at least three-fourths of the trustees of the Corporation. In addition, the Trustees assert that the School will transfer all of its student records to the district(s) of residence of its former students. Pursuant to Education Law §§219 and 2853, the Trustees request that the Regents issue an order of dissolution of the Corporation, and approve its proposed plan of distribution of its remaining assets, which proposes to disburse its remaining assets to the New York City Department of Education.

Innovate Manhattan Charter School

In December 2010, the Board of Regents issued a provisional charter to Innovate Manhattan Charter School (“School” or “Corporation”), with the SUNY Trustees as the School’s authorizer, for the purpose of operating a charter school in New York City. On January 24, 2024, the Corporation’s Board of Trustees (“Trustees”) voted to approve a voluntary dissolution of the School. The School ceased operations effective July 1, 2015.

The School’s Trustees now petition the Board of Regents to dissolve the Corporation’s provisional charter. The Trustees have provided evidence that all taxes payable by the Corporation have been paid and that the 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 district(s) of residence of its former students. Pursuant to Education Law §§219 and 2853, the Trustees request that the Regents issue an order of dissolution of the Corporation, and approve its proposed plan of distribution of its remaining assets, which proposes to disburse its remaining assets to the New York City Department of Education.

Staten Island Community Charter School

In December 2009, the Board of Regents issued a provisional charter to Staten Island Community Charter School (“School” or “Corporation”) for the purpose of operating a charter school in New York City.

The School's authorizer, the Chancellor of the New York City Department of Education, declined to renew the school in 2016, and its charter expired on June 30, 2016. On August 24, 2016, the Corporation's Board of Trustees ("Trustees") voted to approve a voluntary dissolution of the School.

The School's Trustees now petition the Board of Regents to dissolve the Corporation's provisional charter. The Trustees have provided evidence that all taxes payable by the Corporation have been paid and that the 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 district(s) of residence of its former students. Pursuant to Education Law §§219 and 2853, the Trustees request that the Regents issue an order of dissolution of the Corporation, and approve its proposed plan of distribution of its remaining assets, which proposes to disburse its remaining assets to the New York City Department of Education.

Aloma D. Johnson Charter School

In February 2008, the Board of Regents granted a provisional charter to Aloma D. Johnson Charter School ("School" or "Corporation") for the purpose of operating a charter school in Buffalo, New York. The School's charter was renewed three times and expired on June 30, 2019. The School ceased educational operations at the conclusion of the 2018-2019 school year. On November 25, 2019, the Corporation's Board of Trustees ("Trustees") held a duly authorized meeting at which they authorized and approved the voluntary dissolution of the Corporation and resolved to seek Regents' consent for the judicial dissolution of the School.

As such, the Trustees are now petitioning the Board of Regents for consent to file a petition for the judicial dissolution of the Corporation pursuant to Not-for-Profit Corporation Law §1102 on the basis that the Corporation was unable to fulfill its mission due to low student enrollment. The School's petition states that any and all taxes payable by the Corporation have been paid, no taxes are now due or accrued from the petitioner Corporation, and all student records have been distributed to the respective districts and/or schools.

Staff recommend that the Board of Regents give consent to the filing by the School of a Petition for Judicial Dissolution pursuant to New York State Not-for-Profit Corporation Law Article 11, on notice to the New York State Education Department.

Related Regents Items

Not applicable.

Recommendation

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

VOTED: That the provisional charter of **Key Collegiate Charter School**, located in NYC CSD 23, County of Queens, State of New York, which was granted by the Board of Regents in June 2017, 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 directs that any student records and/or any remaining assets of the Corporation be transferred; and further that any funds remaining in the possession of the Corporation that can be attributed to public funding be 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) and on notice to the New York State Education Department; and further that, to the extent applicable and in accordance with Education Law §220, the Corporation shall, within three (3) months of said dissolution, petition the supreme court in the judicial district where the principal office of the Corporation is or was located for an order directing disposition of any remaining funds not distributed in accordance with Education Law §2851(2)(t).

VOTED: That the provisional charter of **Innovate Manhattan Charter School**, located in NYC CSD 1, County of New York, State of New York, which was granted by the Board of Regents in December 2010, 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 directs that any student records and/or any remaining assets of the Corporation be transferred; and further that any funds remaining in the possession of the Corporation that can be attributed to public funding be 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) and on notice to the New York State Education Department; and further that, to the extent applicable and in accordance with Education Law §220, the Corporation shall, within three (3) months of said dissolution, petition the supreme court in the judicial district where the principal office of the Corporation is or was located for an order directing disposition of any remaining funds not distributed in accordance with Education Law §2851(2)(t).

VOTED: That the provisional charter of **Staten Island Community Charter School**, located in NYC CSD 31, County of Richmond, State of New York, which was granted by the Board of Regents in December 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 directs that any student records and/or any remaining assets of the Corporation be transferred; and further that any funds remaining in the possession of the Corporation that can be attributed to public funding be 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) and on notice to the New York State Education Department; and further that, to the extent applicable and in accordance with Education Law §220, the Corporation shall, within three (3) months of said dissolution, petition the supreme court in the judicial district where the principal office of the Corporation is or was located for an order directing disposition of any remaining funds not distributed in accordance with Education Law §2851(2)(t).

VOTED: That consent is hereby given to **Aloma D. Johnson Charter School** to file a petition for judicial dissolution pursuant to Article 11 of the Not-for-Profit Corporation Law, on notice to the New York State Education Department.

Timetable for Implementation

The Regents' action is effective immediately.