



Charter Schools Institute  
*The State University of New York*

## Summary of Findings and Recommendations

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*Application to establish the  
Brighter Choice Charter Middle School for Boys and the  
Brighter Choice Charter Middle School for Girls*

September 9, 2009

## **Executive Summary**

The Brighter Choice Charter Middle School for Boys and the Brighter Choice Charter Middle School for Girls (the “Schools”) applications were submitted to the Charter Schools Institute (the “Institute”) by co-applicants Vanessa Threatte and Thomas W. Carroll on April 29, 2009. The applicants and founding team propose to open the Schools in Albany, New York in September of 2010; each School will serve 54 students of the appropriate gender in 5<sup>th</sup> grade in its first year and grow to serve 220 students in grades five through eight during the term of its charter. The Schools will use the 2009-10 school year as a planning year. The mission of the Schools is “to prepare boys and girls for high school and college success while attending to the unique developmental needs of middle school students.”

The applicants for the Schools are associated with the existing, high performing Brighter Choice Charter School for Boys and the Brighter Choice Charter School for Girls, both authorized by the Board of Regents, and both applications are modeled on the programs in the Brighter Choice schools. While both of the existing schools applied to the Board of Regents for a charter revision to provide instruction in grades Kindergarten through five rather than Kindergarten through fourth grade, and were granted that request, the schools still desire to fully serve middle school students. In order to do so and to serve students from the same parts of Albany, the applicants for the Schools decided to apply to the Board of Trustees of the State University of New York (the “State University Trustees”) for two new charter middle schools. According to the applicants, if the Schools are approved, it is the intention of the existing schools to revise their charters to not teach fifth grade. The students from the existing charter elementary schools will have to be admitted through a lottery process and will not receive any additional preference in admission to the Schools. As described above, however, the Schools are more like extensions of existing charter schools in Albany rather than truly new schools.

The Institute recommends that the State University Trustees approve the applications to establish the Brighter Choice Charter Middle School for Boys and the Brighter Choice Charter Middle School for Girls.

## **Background and Description**

The applications to establish the Brighter Choice Charter Middle School for Boys and the Brighter Choice Charter Middle School for Girls were submitted to the Institute on April 29, 2009. The Institute conducted a rigorous review of each application, including an extensive staff review as well as review by a panel of nationally renowned experts in the charter school arena. Pursuant to its review protocols, the Institute has met with the lead applicants and founding board members of each School and has required the applicants to revise, clarify and otherwise amend the applications in numerous respects. Lastly, member(s) of the Board of Trustees’ Charter Schools Committee have had an opportunity to interview the lead applicants and proposed board of trustees.

To attain their mission, the schools’ key design elements include: differentiating instruction to meet the wide range of learning needs of the student body and flexible learning spaces that compliment and encourage varied instructional methods; emphasizing student choice with the school’s unique *iChoose: Citizenship, Integrity, Perseverance & Scholarship* character program; utilizing data from all aspects of the schools’ operation to inform decision making and improve student performance; committing to technology use and integration into the schools’ academic programs and culture;

providing each student with an adult advisor and small group seminar to support positive social and emotional development; and offering individualized counseling and guidance throughout the high school placement process.

The design of the proposed boys' and girls' middle schools includes a small class size of 19 students per teacher, a longer school day and a year round school year with four quarter sessions of three months each for a total of 213 days of instruction: Fall session being September through the November Thanksgiving holiday; Winter session being December through the President's Day holiday in February; Spring Session being March through the Memorial Day holiday in May; and Summer session being June through early to mid-August. The applications cite studies sponsored by the New York State Board of Regents and the American Federation of Teachers that underscore the negative impact of the extended summer break on the retention of academic learning, especially on students from economically disadvantaged families. One study found that students who were provided high-quality summer learning opportunities performed better academically, and another study recommended extending the school year by 20 days. Teaching staff would be strategically rotated throughout the calendar year to ensure continuity and consistency in instruction and to provide unique opportunities for professional development.

The curriculum designed for each school incorporates instruction to address the state's 28 learning standards in English language arts, mathematics/science/technology, social studies, career development and occupational studies, the arts, languages other than English, and health/physical education/family and consumer sciences. In addition, the proposed middle schools are designed to extend the key features of the currently operating and high-performing Brighter Choice Charter Schools, such as strong literacy and mathematics programs, uniforms, and a strict but nurturing school culture that focuses on encouraging students to make good choices.

In terms of single-gender instruction, the Brighter Choice Charter Middle School for Boys' application cites a finding by the U.S. General Accounting Office that urban males benefit from single-sex schools: "Many educators are convinced of the value of single-gender settings for urban minority males. Several program officials...reported improved test scores, better attendance, or improved behavior among students in single-sex settings." This work was also supported by the research of Dr. Cornelius Riordan, who found that the performance of African American and Hispanic students in single-sex schools is stronger on all tests, with scores, on average, almost one academic year above that of their peers in coeducational settings. The application indicates that the research confirms that single-sex schools benefit students that are the most educationally at-risk, including boys and minority students.

The Brighter Choice Charter Middle School for Girls' application cites a study by Valerie Lee and Anthony Byrk that found that girls' schools are beneficial in a variety of ways, "whether considering academic achievement..., gains in achievement..., future educational plans, affective measures of locus of control or self-image, sex role stereotyping, or attitudes and behaviors related to academics, we found that single-sex schools appear to deliver specific advantages to their studies. The results are particularly strong for girls' schools...."

The same team of individuals that created and helped lead the Brighter Choice elementary schools will play a governing role with the boys' and girls' middle schools. The proposed board of trustees will be led by the same chairman, vice chairman and treasurer as the existing Brighter Choice Charter (elementary) Schools. The proposed principal of the girls' middle charter school is the former assistant principal of the girls' elementary charter school. The proposed principal of the boys' middle charter school is the current principal of the current boys' elementary charter school. This

overlap is intended to reassure parents (whom are expected to apply to the Schools) that the quality of the new middle schools will meet the high standards established by the Brighter Choice elementary schools.

At the time the applications to establish the Schools were submitted, the proposed board of trustees included six members with one seat reserved for a parent representative. Based on conversations with the proposed trustees, they appear to clearly understand the roles and responsibilities of a board of trustees and the potential for conflicts of interest when serving on a school board governing multiple schools, and they have the ability to ensure the appropriate and effective operation of the proposed charter schools.

The proposed initial members of the board of trustees are set forth below.

1. *Vanessa Threatte* (lead applicant) - Currently middle level grades principal of the Brighter Choice Charter Schools, where she has worked for five years in a variety of instructional and leadership roles.
2. *M. Christian Bender* – Vice Chairman and Executive Director of the Brighter Choice Foundation and Vice Chairman of the Brighter Choice Charter School for Girls and the Brighter Choice Charter School for Boys (both authorized by the Board of Regents). Also, Chairman of the boards of the SUNY authorized Green Tech High Charter School and Achievement Academy Charter School. Trustee of the Albany Academy (for boys), the Bender Family Foundation, the Albany Medical Center Foundation and the Capital Region Sponsor a Scholar mentoring program.
3. *Wendy W. Berry* – Senior Vice President for Jefferies First Albany Securities, L.L.C. Previously served as a senior municipal bond analyst at Moody’s Investors Service. Also serves as a trustee of Brighter Choice Charter School for Boys and Brighter Choice Charter School for Girls.
4. *Thomas W. Carroll* – President of the Foundation for Education Reform and Accountability. Chairman of the Brighter Choice Foundation, board chair for the Brighter Choice Charter School for Boys and Brighter Choice Charter School for Girls. Board member of the Albany Leadership Charter High School for Girls (authorized by the State University Trustees).
5. *Katherine K. Ceaser* – Independent consultant who works with Albany area charter schools to increase the quality of planning and instruction at the middle school level. Previously taught pre-service teachers in SUNY Albany’s master’s level Secondary Education Program.
6. *Martha J. Snyder* – Education policy analyst who works as a Senior Consultant for HCM Strategists. Previously worked as a Senior Policy Advisor at the U.S. Department of Education.
7. One seat to be held by a parent representative (of a student enrolled at each school).

The Brighter Choice Charter Middle School for Boys intends to locate in part of the existing Brighter Choice Charter School for Boys, a Kindergarten through 4<sup>th</sup> grade elementary school, for its first year since it will only have one grade level. The Brighter Choice Charter School for Boys is located at

116 North Lake Street in Albany, New York. The Brighter Choice Charter Middle School for Girls would be located at 250 Central Avenue, Albany, New York in the same facility as the Brighter Choice Charter School for Girls, also a Kindergarten through 4<sup>th</sup> grade elementary school. By both schools' second year of operation, it is anticipated that the Brighter Choice Charter Middle School for Boys and the Brighter Choice Charter Middle School for Girls will relocate to a newly constructed facility which will be owned by the Brighter Choice Foundation and leased to the schools. The facility will be constructed at 124 North Lake Street. The schools will occupy separate wings of the building and share the use of certain common spaces, such as the cafeteria and gymnasium. It should be noted that the two trustees associated with the Brighter Choice Foundation will recuse themselves from any facility negotiations on behalf of the Schools or the Foundation.

The fiscal impact of each Brighter Choice Middle School on the district of residence, the Albany City School District, is summarized below.

<b>Number of Students</b>	<b>Per Pupil Aid</b>	<b>Total Dollars to Charter School from Albany City School District</b>	<b>Total Budget for Albany City School District (in millions)</b>	<b>(%) of Total Budget</b>
54 (2010-11 School Year- year 1)	<b>\$11,712</b>	<b>\$695,456</b>	<b>212.0</b>	<b>0.328%</b>
199 (2014-15 School Year - year 5)	<b>\$13,701</b>	<b>\$2,949,290</b>	<b>248.0</b>	<b>1.189%</b>

The calculations conservatively assume that there will be a modest (4%) increase in per pupil aid beginning in 2011-2012 leaving 2010-11 flat in relation to 2009-10. The same 4% increase is assumed for the overall year to year budgets of the Albany City School District over the life of the proposed charter. Information on the Albany City School District budget(s) was only available for 2009-10. The Institute's calculations do not account for federal Title I funds or any federal or state grants that may be provided by the district and received by the School. However, each school has provided budget calculations accounting for federal Title I funds, grant revenue, or other funds provided by the district and to be received by the School in its application.

It should be noted that although the impact of each school on the Albany City School District only reaches 1.2%, the impact of all charter schools in the City of Albany is greater than 5% of the Albany City School District's budget. Therefore, the Charter Schools Act requires that either the proposed district of location consents to the establishment of the charter schools or the charter schools would have to provide a significant educational benefit to the students expected to attend the school. The significant educational benefits that the Schools will provide are provided in section four of the Findings at the end of this summary.

The applicant made an assessment that the programmatic and fiscal impact of the proposed schools on both the Albany City School District and nonpublic schools in the same geographic area would be modest.

The Institute has notified the school district as well as public and private schools in the same geographic area of the proposed schools, and at the time of this report, had received no comments from these entities.

As a gauge of parent and community support, the applications for each school included petitions signed by parents and community residents. At the time of submitting the application for the boys' school, the group had collected 224 signatures of supportive community members of which 137 represented parents of students who would be eligible to enter 5<sup>th</sup> grade in 2010. At the time of submitting the application for the girls' school, the group had collected 260 signatures of supportive community members of which 128 represented parents of students who would be eligible to enter 5<sup>th</sup> grade in 2010. In addition, community support and interest is reflected by the greater number of applications to the Brighter Choice elementary schools each year than available seats. Finally, the district's closure of one of its middle schools will leave hundreds of students and their families with decisions to make regarding where they will attend school.

During the application process, the Institute questioned the applicants with regard to two under-enrolled charter middle schools in Albany authorized by the State University Trustees. The applicants were specifically asked how their proposed schools would have sufficient enrollment when the other schools seemed unable to attract students. Two answers emerged from the discussion: 1) the Brighter Choice "brand" is at issue in this case inasmuch as the Brighter Choice Foundation, and those affiliated with the elementary schools will advertise and do everything possible to ensure full enrollment, and that the performance of the elementary schools is an attractor for the proposed middle schools; and 2) the Schools will attract students from the same neighborhoods as the fully enrolled elementary schools, especially in the first year when they are to be co-located. It was also noted that siting options and flagging performance have not helped the other charter middle schools at issue, and that those schools may be less attractive to parents of single-sex elementary school children because they are co-educational.

As part of the legal review of the application, the Institute examined the female-only and male-only admissions policy of each school. The Charter Schools Act, specifically, New York Education Law subdivision 2854(2), allows single-sex charter schools ("nothing in this article shall be construed to prevent the establishment of a single-sex charter school"). However, New York charter schools must also follow applicable federal law, including Title IX of the Education Amendments of 1972 and regulations promulgated thereunder, which prohibit discrimination on the basis of sex in education programs. The Institute's view that single-sex elementary and secondary education programs (that are not vocational programs) are not prohibited by Title IX so long as comparable facilities are available to both genders is supported by non-regulatory guidance of the U.S. Department of Education, Office of Civil Rights from May of 2000 (available at [http://www.uscharterschools.org/pdf/fr/civil\\_rights.pdf](http://www.uscharterschools.org/pdf/fr/civil_rights.pdf)). In this case, comparable facilities for males and females are available *inter alia* in the school proposed by the counterpart application, which should provide substantially similar education facilities to the opposite sex. Thus, the applications describe schools that comply with federal law and regulations.

The second federal issue raised by the proposed single-sex admission policies and examined by the Institute is the Equal Protection Clause of the 14th Amendment of the United States Constitution, which the United States Supreme Court has interpreted to prohibit gender-based discrimination in the provision of governmental services. The Supreme Court visited single-sex admission at the college level in 1996 in the case of *United States v. Virginia*, 518 U.S. 515 (1996). In order to be permissible, gender separation in education must serve "important governmental objectives" and be

"substantially related to the achievement of those objectives." The proposed schools meet this justification requirement by serving the unique needs of middle school aged female and male students, respectively, as described above and referenced by the applicants. The Schools' goals of preparing both males and females for high school through optimal educational settings, therefore, serve an important governmental objective, and the Schools' single-sex admission policies are substantially related to that objective and not based on invidious discrimination against females or males. Lastly, the addition of a public single-sex middle school for females and a public single sex middle school for males in Albany will promote public school diversity and choice, which has previously been available only to those who could afford private school. This not only is an objective of the Charter Schools Act, but also an important governmental objective itself.

### **Findings**

Based on the comprehensive review of the applications and interviews of the applicants and the proposed boards of trustees, the Institute makes the following findings.

1. The charter schools described in the applications meet the requirements of Article 56 of the Education Law and other applicable laws, rules, and regulations as reflected in (among other things):
  - the inclusion of appropriate policies and procedures for the provision of services and programs for students with disabilities, English language learners, and students at-risk of academic failure;
  - the required policies for addressing the issues related to student discipline, complaints, personnel matters, health services, Freedom of Information Law (FOIL), and the Open Meetings Law;
  - the inclusion of proposed by-laws for the operation of the board of trustees;
  - the inclusion of an analysis of the projected fiscal and programmatic impact on surrounding public and private schools; and
  - single-sex admissions policies that comply with the Charter Schools Act, federal law and regulations and the U.S. Constitution.
2. The applicants have demonstrated the ability to operate the schools in an educationally and fiscally sound matter as reflected in (among other things):
  - the articulation of a culture of self-evaluation and accountability at both the administrative and board level;
  - the student achievement goals articulated by the applicants;
  - appropriate rosters of educational personnel;
  - sound mission statements;

- comprehensive assessment plans;
  - the provision of sound start-up, first-year, and five-year budget plans;
  - plans to acquire comprehensive general liability insurance to include any vehicles, employees, and property;
  - evidence of adequate community support for, and interest in, each charter school sufficient to allow each school to reach its anticipated enrollment; and
  - the inclusion of procedures for programmatic and independent fiscal audits, at least, annually for each school.
3. The State University Trustees' approval of the applications is likely to improve student learning and achievement and materially further the purposes of the Charter Schools Act (as amended). This finding is reflected by (among other things):
- low student-teacher ratio of approximately 19:1;
  - the inclusion of curriculum framework documents that specify how the proposed curricula will ensure that students will meet or exceed the performance standards of the Board of Regents;
  - a data-driven instructional approach that helps teachers identify student learning gaps, refine teaching methods and resources, and prepare students for passing all required Regents exams;
  - rigorous academic curricula that fulfill the state's standards;
  - a focus on high-quality teachers to allow for concentrated, focused and differentiated instruction;
  - the inclusion of significant opportunities for professional development of the schools' instructional staff throughout the year;
  - daily blocks of time scheduled for literacy and numeracy;
  - plans for the education of students at-risk of academic failure; and
  - a commitment to providing educational programs focused on outcomes, not inputs.
4. Based on all of the foregoing, granting each application would have a significant educational benefit to the students expected to attend each respective proposed charter school as reflected in (among other things) the Schools' ability to:
- provide the only single-gender, public middle school options in the city of Albany, complementing the single gender, public options currently available to parents for their children at the elementary and high school levels;

- provide the only year-round middle school options in the state;
- have the smallest planned enrollment (220) of any public middle school in Albany;
- have a low maximum student class size of just 19 students;
- offer an educational program that provides each student with an adult advisor and small-group seminar to support the positive social and emotional development of each student; and
- offer relatively high average salaries and merit-based compensation for teachers, including bonuses, that will attract qualified, experienced faculty with subject expertise.

### **Conclusion and Recommendations**

Based on its review and findings, the Charter Schools Institute recommends that the State University Trustees approve the applications for the Brighter Choice Charter Middle School for Boys and the Brighter Choice Charter Middle School for Girls to open in Albany, New York in September 2010.

# Brighter Choice Charter Middle School for Boys and Brighter Choice Charter Middle School for Girls

## Basic Identification Information

Lead Applicant(s):	Vanessa Threatte and Thomas W. Carroll
Management Co.:	None
Other Partners:	None
Location (District):	Albany, New York
Student Pop./Grades:	Each school would open with 54 students in 5 <sup>th</sup> grade and grow to include 220 students in 5 <sup>th</sup> – 8 <sup>th</sup> grades
Opening Date:	September 2010

## School District of Proposed Location Profile

Albany City School District			
Enrollment (2007-08):		8,336	
Percent (2007-08):			
White:		20%	
African-American:		63%	
Hispanic:		11%	
Asian, Other:		4%	
Percent Participating in Federal Lunch Program (2007-08):		57%	
Percent Proficient on State Exams (2008-09)			
English Language Arts		Mathematics	
Grade	Percent Proficient	Grade	Percent Proficient
3	61.4	3	81.9
4	67.1	4	74.5
5	69.4	5	69.5
6	62.4	6	59.8
7	59.8	7	57.1
8	43.1	8	55.3

Source: demographic data is from the New York State Accountability and Overview Report 2007-08; test data are from the 2008-09 results on the State Education Department website.