



Charter Schools Institute
The State University of New York

Summary of Findings and Recommendations

*Application to Establish the
EHTP Pact Charter School*

May 3, 2010

Executive Summary

The application to establish the EHTP Pact Charter School (“EHTP Pact”), to be located in Community School District 4 (East Harlem) of New York City, was submitted to the Charter Schools Institute on January 11, 2010 by Co-Applicants Jeff Ginsburg and Thomas L. Webber. The applicants and founding team propose to open EHTP Pact in August 2011 with 100 students in Kindergarten and 1st grade, growing to serve 300 students in Kindergarten through 5th grade during the initial charter term. The mission of the proposed charter school would be to ultimately provide East Harlem families with a comprehensive Kindergarten through 8th grade learning community that combines a rigorous academic curriculum with innovative extended day and extended year enrichment.

The proposed school would partner with the East Harlem Tutorial Program, Inc. (“EHTP”), a New York not-for-profit corporation with deep educational roots in the East Harlem area. EHTP would provide financial and in-kind support and has plans to house the school after the first year of operation.

The Institute recommends that the Board of Trustees of the State University of New York (the “SUNY Trustees”) approve the charter application for the EHTP Pact Charter School.

Background and Description

The Institute conducted a rigorous review of the application, including an extensive staff review as well as review by a panel of nationally renowned experts in fields such as education (charter and traditional schools), school administration, charter and traditional school policy, finance, and curriculum. The application has also been subject to a fiscal soundness review conducted by the Institute’s school finance expert. Pursuant to its review protocols, the Institute has met with the applicants and the other members of the founding team. The Institute has required the applicant to revise, clarify and otherwise amend the applications as needed. In addition, the Chair of the SUNY Trustees’ Charter Schools Committee had an opportunity to interview the lead applicants and founding board members.

EHTP Pact would open in August 2011 serving 100 students in Kindergarten and 1st grade, adding one grade of 50 students each year, growing to serve 300 students in Kindergarten through 5th grade in the school’s initial charter term. The mission of the proposed charter school would be to provide East Harlem families with a comprehensive Kindergarten through 8th grade learning community that combines a rigorous academic curriculum with innovative extended day and extended year enrichment. The school would provide 195 days of instruction with a 7:30 a.m. - 5:30 p.m. school day. Each grade level would consist of two classes of approximately 25 students each in order to provide a small school environment that would support intensive and differentiated instruction.

The application cites multiple reasons for establishing a charter school in Community School District (CSD) 4 including high levels of poverty, a large percentage of students who are English language learners (ELLs) who are under-served, and rampant violence and gang activity in the community and some schools. EHTP Pact’s mission would be, “to provide East Harlem families with a comprehensive K-8 learning community that combines a rigorous academic curriculum with innovative extended day and extended year enrichment.”

EHTP Pact's mission will be achieved by instituting the following key design elements:

- The use of the workshop model, which is based on Howard Gardner's theories of multiple intelligences and Benjamin Bloom's taxonomy of higher order thinking, to deliver balanced, State performance standards-aligned instruction in all core subjects. The applicants note that this model facilitates differentiated instruction, and that it has been highly effective in supporting academic achievement for at-risk populations, including students who are ELLs or in need of Title I and/or special education services, and for academically gifted students. Tutors and certified assistant teachers would be available to facilitate these activities.
- An intense focus on English language arts and mathematics. Daily English language arts instruction would be provided for 120 minutes including phonics, whole language instruction and a Readers and Writers Workshop. English language arts would be reinforced throughout the school day in other subjects, along with academic support and interventions related to student improvement in English language arts. Daily mathematics instruction would be provided for 90 minutes in order for students to be able to progress to algebra by the time they reach middle school, and to lay the groundwork for its graduates to pursue advanced mathematics in high school and college.
- The extensive use of technology, including smart boards and computers in every classroom, the expectation that teachers use online and other technology-based learning resources, and a focus on student growth in technology starting with keyboarding in Kindergarten and continuing with increasingly complex computer applications through the 5th grade.
- A focus on professional development and a leadership structure that includes both a principal who will be an instructional leader and a director of curriculum and instruction whose responsibility would be to support teachers in the classroom and to expand and strengthen their instructional capacity.
- The use of State assessment and other data to inform teaching and to support differentiated instruction.
- A focus on the whole child through the identification of student needs and learning styles and appropriate adjustment of instructional strategies, as well as the use of a staff social worker.
- Inclusion of parents and the community as part of the school's culture, including a parent representative on the board, a parent organization, the inclusion of parents and community members in ad hoc committees, and a focus on reaching out to parents and community members to participate in various activities at the school. The school would work proactively to establish a culture that appreciates and respects the cultural, ethnic, language and other diversities reflected in the school community.

The principal of EHTP Pact would be responsible for the academic program and day-to-day operation of the school. The principal, as well as the proposed charter school's director of curriculum and instruction, director of operations and other administrators, would be selected and hired by the school's board of trustees. The principal would hire the proposed charter school's teachers and other staff, with the advice and consent of the school board and input by the director of curriculum and instruction and director of operations.

EHTP Pact plans to partner with the East Harlem Tutorial Program, a relationship that effectively represents an expansion of EHTP's mission, programs, and delivery of services to the children of the East Harlem community. EHTP has been involved in the East Harlem community since 1958 and the school would collaborate with EHTP to use the program's resources, experience, and reputation within the community to achieve success. EHTP has indicated that it will provide EHTP Pact with support in terms of the proposed charter school's academic program (such as tutoring, enrichment, and professional development), governance (EHTP representatives, as approved by the Institute, will serve on the board of the charter school), back-office support (such as bookkeeping, budgeting, personnel and payroll), and financial support (through in-kind services, development and fundraising, contributions through loans or grants to offset any budget deficits, and/or other services requested by the school).

Close collaboration and a strong partnership between EHTP Pact and EHTP would be ensured by more than 40% but less than 60% of the board of EHTP also serving as trustees of EHTP Pact. The applicants are requesting a waiver to the SUNY Trustees' normal 40% rule contained in SUNY charter agreements to effectively implement the proposed board structure. The applicants and founding team view the proposed board structure as necessary in order to: facilitate the effective coordination and continuity of EHTP Pact's governance as the school's programs are launched and implemented at the same time that EHTP is transitioning its programs to support the charter school; facilitate the long-term development of resources for the charter school including facilities; and maximize the charter school's access to the expertise of EHTP's board members in the areas of finance, facility development, education and not-for-profit management.

Based on Institute staff's conversations with the proposed trustees, they appear to clearly understand the roles and responsibilities of a board of trustees, and have the ability to ensure the appropriate and effective operation of the proposed charter school. The proposed board recognizes and appreciates the role of EHTP as a partner for the proposed charter school and anticipates establishing a thorough and ongoing evaluative process to ensure accountability, performance of school related functions, and maintenance of EHTP's capacity to serve the school. Most importantly, the school board and the EHTP trustees that will serve on the school board understand the potential for conflicts of interest, the need to disclose interests and recuse themselves in matters that overlap between the organizations and the fiduciary obligations each such trustee owes to the charter school and to EHTP. Moreover, the Institute has determined that the interests of EHTP and the charter school are aligned in this regard to the point where the EHTP trustees have stated that they are willing to allow the interests of EHTP be subordinated to the success, financial and academic, of the charter school.

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

1. **Jeffrey Ginsburg** (Co-Lead Applicant) – Executive Director, East Harlem Tutorial Program.
2. **Michael C. Brown** – Managing Director, US Trust, Bank of America Private Wealth Management; board member of the East Harlem Tutorial Program and the Hope & Heroes Children's Cancer Fund at New York Presbyterian Hospital. Former President and board member of the Board of Education in Paramus, NJ.
3. **Carolina Esquenazi-Shaio** – Principal at Compass Global Investments; former Executive Director and current board member of Genesis Foundation, Inc.; board member of the East Harlem Tutorial Program.

4. **Laurie Giddins** – President, The Giddins Group, chairperson of the board for the East Harlem Tutorial Program.
5. **Carlos Morales** – Attorney; co-chairperson of the East Harlem Tutorial Board of Trustees; member of the Board of Directors for the Hispanic Federation.
6. **Thomas L. Webber, Ph.D.** (Co-Lead Applicant) – Adjunct Professor, Hunter College Graduate School of Education; President of the Board of Directors for the Edwin Gould Academy; board member of the East Harlem Tutorial Program.
7. **Ilana Ruskay-Kidd** – Director of the Saul and Carole Zabar Nursery School of the Jewish Community Center in Manhattan.
8. **Iris Chen** – President & CEO of the I Have A Dream Foundation; Harvard J.D./M.B.A.
9. *Reserved for parent of student enrolled in the proposed charter school.*

EHTP Pact anticipates locating in Community School District 4 in East Harlem. At the time of application submission, a facility had not been identified. However, the school and its partner, EHTP, are pursuing three possibilities: (1) the securing of incubation space in an underutilized New York City Department of Education (“NYCDOE”) public school; (2) identifying a non-NYCDOE, non-profit facility, such as other EHTP facilities; and (3) exploring opportunities in the private real estate market. The applicant noted that EHTP has held discussions with NYCDOE and the Office of the Mayor of New York City about accessing space through the NYCDOE. EHTP has begun fundraising and researching finance options to support this project.

The fiscal impact each of the proposed EHTP Pact Charter School the New York City School District is summarized below.

Number of Students	Per Pupil Aid Rate Assumed	Per Pupil Aid Revenue Only	Total Dollars to Charter School from NYC (includes SPED)	Total Budget for New York City (in billions)	(%) of Total NYC Ed. Budget
100 (2011-12 school year – year 1)	\$12,443	\$1,244,300	\$1,244,300	\$18.821	0.007%
300 (2015-16 school year – year 5)	\$12,443	\$3,732,900	\$3,732,900	\$20.308	0.018%

The school’s calculations assume that there will be no annual increase in per pupil aid over the span of the charter period. In measuring the fiscal impact on the district, the Institute utilized budgetary information made available by the New York City School District in their latest Financial Status Report (FSR), February 2010, published on the NYCDOE website. There was no information available for 2015-16 so a 3% increase in spending was assumed for that year, which was the average increase for the last two fiscal years provided in the report. It should be noted that the school district estimate is subject to unpredictable increases and decreases in any given year. The Institute’s calculations of total dollars provided to the charter school from the district does include SPED funding. It does not account for federal Title I funds, other federal grants and/or funds provided and

to be received by the school since the school's main funding stream comes from per pupil aid. However, the school has included in the application calculations accounting for federal Title I funds, other federal grants and/or funds provided by the district and to be received by the school.

The applicant made an assessment, and the Institute concurs, that the programmatic and fiscal impact of the proposed school on both the New York City School District and nonpublic schools in the same geographic area would be minimal.

The Institute has notified the NYCDOE as well as public and private schools in the same geographic area of the proposed school and as of the date of this summary had received no comment from these entities. (Copies of the notification letters are on file in the Albany office of the Institute.)

The applicants and founding team of the proposed EHTP Pact Charter School provided evidence of community interest and support sufficient to ensure that the school would meet its initial enrollment projections through multiple methods. First the group held a variety of public meetings to share information about the proposed charter school with the community. Second, the application contained petitions signed by 58 parents of children that will be eligible for kindergarten in the fall of 2011, 52 parents of children that will be eligible for first grade in the fall of 2011, and 54 signatures of parents who children would be eligible to attend the school in 2012 or beyond. The total of 164 signatures exceeds the 100 student projected opening enrollment. In addition, the East Harlem Tutorial Program has a long history of over 50 years in providing programs and services to students and their families in the community. The majority of EHTP's staff and volunteers reside in the East Harlem community, as do 85% of the students and families that participate in EHTP's programs and services. As evidence of community interest and support, the application included letters of support from community based organizations, such as the Union Settlement Association, Inc., Harlem RBI, the Supportive Children's Advocacy Network, the Human Services Consortium of East Harlem, and the Edwin Gould Academy. Finally, the application to establish the applicants also provided a letter of support from the Community Education Council for District 4, which is a significant indicator of the educational community's support.

Findings

Based on the comprehensive review of the application, discussion with national experts and interviews of the applicants and the proposed board of trustees, the Institute makes the following findings.

1. The charter school described in the application meets 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 and English language learners;
 - 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 the proposed by-laws for the operation of the board of trustees; and
 - the inclusion of an analysis of the projected fiscal and programmatic impact on surrounding public and private schools.

2. The applicant has demonstrated the ability to operate the school in an educationally and fiscally sound matter as reflected in (among other things):
 - the provision of an educational program that meets or exceeds the State performance standards;
 - the articulation of a culture of self-evaluation and accountability at both the administrative and board level;
 - the student achievement goals articulated by the applicant;
 - an appropriate roster of educational personnel;
 - a sound mission statement;
 - a comprehensive assessment plan;
 - the provision of sound start-up, first-year, and five-year budget plans;
 - the plan to acquire comprehensive general liability insurance to include any vehicles, employees, and property;
 - evidence of adequate community support for, and interest in, the charter school sufficient to allow the school to reach its anticipated enrollment; and
 - the inclusion of procedures for programmatic and independent fiscal audits, at least, annually.

3. The SUNY Trustees' approval of the application 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):
 - the inclusion of a curriculum framework document that specifies how the proposed curriculum will ensure that students will meet or exceed the performance standards of the Board of Regents;
 - a comprehensive plan for the school to assess student achievement through the use of State tests, externally-verifiable standardized tests and other diagnostic assessments;
 - the use of the workshop model, which is based on Howard Gardner's theories of multiple intelligences and Benjamin Bloom's taxonomy of higher order thinking to deliver balanced, state performance standards-aligned instruction in all core subjects;
 - the extensive use of technology, including smart boards and computers in every classroom, the expectation that teachers use online and other technology-based learning resources, and a focus on student growth in technology starting with keyboarding in kindergarten and continuing with increasingly complex computer applications through fifth grade;
 - the inclusion of significant opportunities for professional development of instructional staff throughout the year;
 - an intense focus on English language arts (ELA) and mathematics;

- the plan for the education of students at-risk of academic failure;
- the inclusion of parents and the community as part of the school's culture, including a parent representative on the board, a parent organization, the inclusion of parents and community members in ad hoc committees, and a focus on reaching out to parents and community members to participate in various activities at the school; and,
- a commitment to providing an educational program focused on outcomes, not inputs.

Conclusion and Recommendations

Based on its review and findings, the Charter Schools Institute recommends that the SUNY Board of Trustees approve the application for the EHTP Pact Charter School to be located in East Harlem and open in the fall of 2011, and approve a waiver of the SUNY Trustees' prohibition on more than 40 percent of the charter school trustees being affiliated with any single organization (other than a charter school) to the extent that 60 percent of the EHTP Pact Charter School board may be affiliated with the East Harlem Tutorial Program, Inc.

EHTP Pact Charter School

East Harlem

Basic Identification Information

Co-Applicants:	Jeff Ginsburg and Thomas L. Webber
Management Co.:	None
Other Partners:	East Harlem Tutorial Program, Inc.
Location (District):	New York: CSD 4
Student Pop./Grades:	Opening with grades 100 students in K and 1 st grade and growing to include 300 students in K – 5 th grade
Opening Date:	August 2011

School District of Proposed Location Profile

New York City School District 4			
Enrollment (2008-09):		13960	
Percent (2008-09):			
White:		2	
African-American:		30	
Hispanic:		62	
Asian, Other:		6	
Percent Participating in Federal Lunch Program (2008-09):		87	
Percent Proficient on State Exams (2008-09)			
English Language Arts		Mathematics	
Grade	Percent Proficient	Grade	Percent Proficient
3	67	3	93
4	64	4	82
5	73	5	83
6	67	6	67
7	67	7	76
8	50	8	59

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