



Charter Schools Institute
The State University of New York

Summary of Findings and Recommendations

*Application to establish in Brooklyn
the Excellence Charter School for Girls*

April 25, 2008

Executive Summary

The Excellence Charter School for Girls (“Excellence Girls”) application was submitted to the Charter Schools Institute (the “Institute”) by John King and Paul Tudor Jones (co-applicants) on January 14, 2008. Excellence Girls will open in August 2009 with 116 Kindergarten and first grade students in its first year and will grow to serve 272 students in Kindergarten through fourth grade during the term of its charter. The mission of the proposed charter school is to prepare students to excel in demanding, college-preparatory high schools and colleges and to contribute to their communities as leaders. Ultimately, the founding team envisions a Kindergarten through eighth grade school. The school will be managed by Uncommon Schools, Inc. (“USI”), a nonprofit charter management organization that manages five other schools authorized by the Board of Trustees.

The Charter Schools Institute recommends that the Board of Trustees approve the charter application to establish the Excellence Charter School for Girls.

Background and Description

Motivated by the exceptional academic results posted by schools supported by USI, including Excellence Charter School of Bedford Stuyvesant (“Excellence Boys”), the founding team, formed from among the trustees of Excellence Boys, proposes to establish a second Excellence Charter School, this one for girls and modeled after Excellence Boys. The Institute conducted a rigorous review, including an extensive staff review as well as a 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/or curriculum. Pursuant to its review protocols, the Institute has met with members of the founding board, and the other members of the founding team. Additionally, for the purpose of performing due diligence, Institute staff met with the leadership and key staff members of USI, which will serve as the school’s educational service provider. The Institute has assessed the capacity of USI to perform all functions required by its management contract and its capability to deliver services and found it to be sufficient and exemplary. The Institute has required the applicants to revise, clarify and otherwise amend the application in numerous respects. Lastly, member(s) of the Trustees’ Committee on Charter Schools have had an opportunity to interview the co-applicants and members of the proposed board of trustees.

The school will be structured as two age-based academies: the elementary academy (Kindergarten through 4th grade) and the middle academy (to be established in the second charter term should the school be renewed: 5th through 8th grade). Although the academies would be closely integrated in the areas of curriculum development, teacher training and culture of achievement, they would each have their own teaching staff and traditions. The school’s board of trustees will hold the school to the goals outlined in its Accountability Plan. Ultimately, the applicants envision that the charter school will be a Kindergarten through 8th grade school.

The mission of the school is to prepare girls to excel in demanding college-preparatory high schools and colleges and to contribute to their communities as leaders. The applicants anticipate that this would be achieved through the school’s focused commitment to: holding all stakeholders accountable for student achievement, including both staff and parents; accommodating the school environment to reflect single sex educational practices and experiences; building a program based on the “best practices” of existing high-performing urban schools serving low-income students (i.e.,

high quality teachers, focus on literacy and numeracy, frequent and timely assessments, character education); and drawing on the considerable community resources available to the school.

The academic program would be anchored by a focus on literacy as demonstrated in a significant time commitment to the teaching of English language arts (210 minutes daily in Kindergarten through third grades and 150 minutes thereafter), and the use of a research-proven, balanced literacy program that reflects the findings of the National Reading Panel (such as Open Court Reading, Waterford Early Literacy program, or SRA Reading Mastery). In addition, the staffing model provides for one lead teacher and a co-teacher (teaching fellow) for each Kindergarten through second grade classroom and one lead teacher and a shared (0.5) co-teacher for each classroom grades three through five. This is intended to allow for more one-on-one and small group instruction. The curriculum would include a systematic approach to teaching basic math facts and computational skills, using Saxon Math along with a teacher-created component, and a content and cultural knowledge-rich program in the areas of social studies and science, using the Scott Foresman series, and music and art.

The application clearly demonstrates, through citing from research and in attachment narratives, recognition of the need to develop an educational environment designed to empower girls and provide them with a sense of the achievements of which they are capable. As such, the school will change the content of those elements and classes (e.g., recruitment of teachers, English language arts, core knowledge, character education, physical fitness) where differentiation is necessary and provides the most value. For example, the school will supplement the Scott Foresman curriculum for social studies with studies of the role of gender in different cultural and historical contexts and will profile women who have made contributions to all sectors of society. Additionally, the science and mathematics curriculum will be enriched by including profiles of women of color who have excelled in these areas and modifying and adapting science experiences as necessary to address the interests of girls.

To accommodate the achievement of the ambitious goals the school has established, the founding team plans to employ the use of an extended school day and year at the school.

Excellence Girls will have a managerial structure that includes a co-director for curriculum and instruction and a co-director of operations. The co-director for curriculum and instruction will focus exclusively on issues of teaching and learning by serving as the instructional leader and overseeing curriculum development, assessment and student culture. The co-director of operations will oversee all aspects of school operations, including financial management, facilities and operations. The co-director for curriculum and instruction will report to the USI managing director who, in turn, will report to the proposed board of trustees. The USI managing director, working in concert with the USI services team, will be responsible for overseeing primarily external and non-academic functions including, but not limited to, establishing the school's cultural blueprint; managing the start-up by designing programs and assessing program development and training, supervising and coaching the school leaders on an ongoing basis; and ensuring the success of the instructional program. The school will also be served by a dean of students who will work with staff to ensure a tightly and consistently enforced code of conduct and promote a positive student culture.

The proposed board of trustees includes ten members who are currently board members of Excellence Boys (authorized by the Board of Trustees, chartered in February 2003 and also contracts with Uncommon Schools, Inc.) and two additional members. The founding team believes that maintaining a common board of trustees will ensure that Excellence Girls not only draws on the programmatic strengths of Excellence Boys, but also draws on the experience and expertise of its

primary governing body. The backgrounds and expertise of the proposed board of trustees reflect a variety of talents and skills. Based on conversations with members of the proposed board of trustees, they appear to clearly understand the roles and responsibilities of a board of trustees, have the ability to ensure the appropriate and effective operation of the proposed charter school, and are willing and able to maintain the community identity, individuality and integrity of each school. To that end, the proposed board of trustees has established cross school processes based upon a committee structure that looks to ensure consistency in governance, finance, development and program. Should a conflict of interest regarding resources arise between schools, the board proposes to employ a decision making process that identifies key factors and impact of those factors on student achievement. The outcome of the process is to ensure that each school has the resources that are needed to succeed and that resources are allocated equitably. The proposed board recognizes and appreciates the role of USI and has taken care to establish a thorough and ongoing evaluative process that looks to ensure accountability, performance of school related functions, and maintenance of the capacity to serve the schools.

The proposed initial members of the board of trustees are set forth below. The first ten individuals are currently trustees for Excellence Boys. These individuals have worked together to formulate the aforementioned application.

- John King – (Co-Applicant) Managing Director for Excellence and Preparatory networks for Uncommon Schools, Inc; founding director of Roxbury Preparatory Charter School (Roxbury, Ma.).
- Tokumbo Shobowale – (Co-Applicant) Vice President for Strategic Planning, Policy and Program Development for the New York City Economic Development Corporation.
- Norman Atkins – CEO of Uncommon Schools since 2004; formerly co-founder and co-director of North Star Academy Charter School (Newark); founder of the New Jersey Charter Schools Association.
- Rodney Buford – Special Assistant to the Head of School for Diversity (Horace Mann School); formerly a teacher at Poly Preparatory Country Day School (Brooklyn).
- Paul Tudor Jones – Founder, chairman and chief executive officer of the Tudor group of companies; founder and director of the Robin Hood Foundation.
- Steven Parham – Special Education Guidance Counselor in CSD 23 (Brooklyn); formerly teacher of special education.
- David Saltzman – Executive Director (since 1989) of the Robin Hood Foundation; formerly a special assistant to the President of the Board of Education (New York)
- Samantha Tweedy – Associate (litigation department) with the credit and banking group of Simpson, Thacher and Bartlett, LLP.
- Joseph Wayland – Litigation partner with Simpson, Thatcher and Bartlett, LLP.
- Shakima Williams-Jones – Owner of New Covenant Corporation (business management).

The remaining proposed board members include the following individuals.

- Samantha Charles – Associate with Wachtell, Lipton, Rosen and Katz, New York, NY.

- Rosa Alina Pizzi – Associate (litigation) with the credit and banking group Simpson, Thacher and Bartlett, LLP.

The school’s co-directors will serve as ex officio members of the proposed board.

Uncommon Schools, Inc., on behalf of the founding team of the proposed Excellence Girls, is currently in search of an appropriate facility in Bedford Stuyvesant. The current financial plan relies upon securing space in existing underutilized New York City Department of Education (NYCDOE) space. The application indicates that space capacity utilization of NYCDOE buildings in Bedford Stuyvesant is 55 %. In the event that space is not available, the founding team has included a contingency strategy in its financial planning that would provide funding to locate space on the open market. In addition, USI would be charged by the team to secure space through alternative means such as unused parochial space or partnerships with other school-facilities organizations.

The fiscal impact of Excellence Girls on the district of residence, the New York City School District, is summarized below.

Number of Students	Per Pupil Aid (including special education and federal entitlement grants)	Total Dollars to Charter School from NYCDOE	Total Budget for NYCDOE (in billions)	% of Total Budget
116 (2009-10 school year – year 1)	11,694	1, 356,504	17.5	.008
272 (2012-13 school year – year 5)	12,778	3,475,616	19.1	.018

The calculations conservatively assume that there will be a modest (3 %) annual increase in per pupil aid and in the overall budget of the New York City School District over the life of the proposed charter. The Institute’s calculations do not include special education, federal Title I funds or other grants or funds provided by the district and to be received by the school. However, the school has included in its application calculations accounting for special education, federal Title I funds or other grants or funds provided by the district and to be received by the school. The applicants have determined that the educational (programmatic) and fiscal impact on both the New York City School District and private schools in the same geographic area as the proposed school will be negligible.

The Institute has notified the New York City Department of Education as well as public and private schools in the geographic area of the application and, as of April 25, 2008, had received no comment from these entities.

As a gauge of parent and community support, the founding team gathered petitions and met with numerous community residents of the proposed location. The application contained a petition bearing the signatures of 250 community members (194 of whom indicated they were parents of children who might attend the proposed charter school), as well as well as letters of support from Assemblymen Karim Camara and William Boyland, Jr. In addition, letters of support were also received from several foundations such as the New Schools Venture Fund, Robertson Foundation, Charter School Growth Fund, Broad Foundation, and the Robin Hood Foundation. In addition, the

school plans to feature an arts and athletic enrichment program in the afternoon and is seeking to partner with local organizations to strengthen enrichment offerings. The linkages to be established will provide for community outreach, program enrichment involving youth and their families, Saturday programs, and additional support services.

As part of the legal review of the application, the Institute examined the female-only admission policy of the 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 secondary education 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. Moreover, the applicants are part of the board of trustees of Excellence Boys, a middle school that provides similar education facilities for males in New York City. In addition, the curriculum of Excellence Girls will be founded on the identical learning standards taught in New York City public schools and indeed in schools across all of New York State. Based on the foregoing, and the fact that New York City has many other male-only education programs, the Institute finds that comparable facilities and programs for males do exist in the New York City School District at the elementary and middle school level. Thus, the application describes a school that complies with federal statutes.

The second federal issue raised by the School’s proposed admission policy 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 school meets this justification requirement by serving the needs of elementary and, (if renewed), middle school aged female students in New York City, who may have difficulty or not excel in the New York City School District as referenced by the applicants. The school’s goal of promoting equal educational opportunity for females, therefore, serves an important governmental objective, and its single-sex admission policy is substantially related to that objective, and not based on invidious discrimination against males. Lastly, the addition of a single-sex elementary school for females in New York City will promote public school diversity and choice, which 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 application, discussion with national experts and interviews of an applicant and members of 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 school’s board of trustees;
 - the inclusion of an analysis of the projected fiscal and programmatic impact on surrounding public and private schools; and
 - a single-sex admissions policy that complies with the Charter Schools Act and federal law.
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 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 as articulated by the applicants;
 - the 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 employees and property;
 - evidence of adequate community support for, and interest in, the proposed 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 Board of 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 to assess student achievement through the use of State tests, externally-verifiable standardized tests and other diagnostic assessments;
- the articulation of strategies to amend and differentiate instruction where assessment data indicates such need;
- the staffing of Kindergarten through second grade classes with two, high-quality teachers to allow for more concentrated, focused and differentiated instruction;
- the inclusion of significant opportunities for professional development of the school's instructional staff throughout the year;
- daily blocks of time scheduled for literacy and numeracy;
- the plan for the education of students at -risk of academic failure; and
- a commitment to providing a strong educational program for girls focused on outcomes, not inputs.

Conclusion and Recommendations

Based on its review and findings, the Charter Schools Institute recommends that the Board of Trustees approve the application for the Excellence Charter School for Girls to open in Bedford Stuyvesant (Brooklyn) in August 2009.

Excellence Charter School for Girls (Excellence Girls)

Basic Identification Information

Lead Applicants:	John King and Paul Tudor Jones
Management Co.:	Uncommon Schools, Inc.
Other Partners:	None
Location (District):	Bedford-Stuyvesant section of Brooklyn, CSD 16
Student Pop./Grades:	Excellence Girls - 116 K-1st grade students; expanding to 272 students grades K-4
Opening Date:	August 2009

School Districts of Proposed Location Profile

CSD 16			
Enrollment (2005-06):		13396	
Percent (2005-06):			
White:		1	
African-American:		86	
Hispanic:		11	
Asian, Other:		2	
Percent Participating in Federal Lunch Program (2005-06):		70	
Percent Proficient on State Exams (2006-07)			
English Language Arts		Mathematics	
Grade	Percent Proficient	Grade	Percent Proficient
3	48	3	72
4	43	4	59
5	43	5	58
6	29	6	42
7	28	7	35
8	27	8	30

Source: Demographic data is from the New York State Accountability and Overview Report 2005-06; test data are from the 2006-07 results released on the State Education Department website.