



## **MEMORANDUM**

**June 4, 2014**

**To: Members of the Charter Schools Committee**

**From: Joseph W. Belluck, Chair, Charter Schools Committee**

**Subject: Approval of Proposal to Grant Bronx Charter School for Better Learning the Authority to Operate an Additional Charter School, Bronx Charter School for Better Learning II (Bronx)**

### **Action Requested**

The proposed resolution authorizes the granting of authority to operate one new charter school to an existing education corporation authorized by the Board of Trustees, Bronx Charter School for Better Learning, pursuant to New York Education Law subdivisions 2852(9-a) and 2853(1)(b-1).

### **Resolution**

I recommend that the Charter Schools Committee adopt the following resolution:

Whereas the SUNY Charter Schools Institute (the "Institute"), acting on behalf of the Board of Trustees and in accordance with the New York Charter Schools Act of 1998 (as amended, the "Act"), issued a request for proposals ("RFP") on January 6, 2014 to establish new not-for-profit charter school education corporations and to permit existing education corporations to operate additional charter schools; and

Whereas Bronx Charter School for Better Learning, an existing education corporation (the "Education Corporation"), submitted a proposal seeking authority to operate one new school to be named "Bronx Charter School for Better Learning II" and located in the Bronx, that the Institute reviewed, scored, ranked and recommends for approval (the "Recommended Proposal") as set forth in the Institute's Summary of Findings and Recommendations for the proposed school (the "Institute Report") (copy on file in the Office of the Secretary of the University and in the Albany office of the Institute), which was made available to the Charter Schools Committee (the "Committee"); now, therefore, be it

Resolved that the Recommended Proposal rigorously demonstrates that the Proposal has met the following criteria: (1) the proposed charter school would meet or exceed enrollment and retention targets, prescribed by the Institute on behalf of Board of Trustees, of students with disabilities, English language learners, and students who are eligible applicants for the federal free and reduced price lunch program; and (2) that the Education Corporation has conducted public outreach, in conformity with a thorough and meaningful public review process prescribed by the Institute on behalf of the Board, to solicit community input regarding the proposed charter school and to address comments received from the impacted community concerning the educational and programmatic needs of students; and, be it further

Resolved that the Committee, acting on behalf of the Board of Trustees, and based on: (1) a scoring rubric that best demonstrates how proposed schools will achieve the objectives set forth in Education Law subdivision 2852(9-a)(c); and (2) the Institute's scoring of all proposals recommended for approval, hereby grants priority to the Recommended Proposal; and, be it further

Resolved that the Recommended Proposal and the school described therein meet the requirements of the Act and all other applicable laws, rules and regulations; and, be it further

Resolved that the Education Corporation as described in the Recommended Proposal demonstrates the ability to operate the proposed school in an educationally and fiscally sound manner; and, be it further

Resolved that approving the Recommended Proposal is likely to improve student learning and achievement and materially further the purposes set out in Education Law subdivision 2850(2); and, be it further

Resolved that approving the Recommended Proposal would have a significant educational benefit to the students expected to attend the proposed charter school within the meaning of Education Law subdivision 2852(2)(d); and, be it further

Resolved that the Recommended Proposal be, and hereby is, approved; and, be it further

Resolved that the Institute be, and hereby is, directed to: (1) enter into a proposed charter with the Education Corporation, which shall include such assurances and terms as the Institute shall deem necessary and appropriate; and (2) thereafter to submit such proposed charter no later than November 1, 2014 as required by the Act to the Board of Regents for issuance by the Board of Regents on or before December 31, 2014.

### **Background**

Pursuant to Resolution No. 2012-038 dated June 12, 2012, the Board of Trustees delegated to the Charter Schools Committee the authority to approve or deny applications to establish new charter school education corporations, and applications by existing education corporations for authority to operate additional schools.

Amendments to the New York Charter Schools Act of 1998 (as amended, the "Act"), passed in 2010, increased the cap on the number of charter schools in New York by adding a new class of charters to be issued through requests for proposals ("RFPs"). Only the Board of Trustees and the Board of Regents may issue RFPs. Each entity may approve 130 new charters, only 57 of which may be located in New York City. Prior to approval of this resolution the Board of Trustees has approved 39 proposals for schools to be located in New York City and two out of New York City; leaving 89 charters to be issued through the RFP process with no more than 18 to be located in New York City. The SUNY Charter Schools Institute (the "Institute") posted the RFP for the proposal to be approved by this resolution on January 6, 2014.

The Institute released and broadly distributed a draft RFP for public comment on December 6, 2013 and posted a document detailing its evaluation and response to public comments on January 6, 2014. The Institute received the proposal to be approved by this resolution by March 12, 2014, and then reviewed, scored (in accordance with a rubric required to be developed pursuant to Education Law subdivision 2852(9-a)(c)), and ranked it.

Prior to recommending the proposed charter school for approval, the Institute, acting on behalf of the Board of Trustees, conducted a rigorous review of the proposal and published its findings and recommendations in a Summary of Findings and Recommendations ("Institute Report") (copy on file in the Office of the Secretary of the University and in the Albany office of the Institute, and available at: [http://www.suny.edu/Board\\_of\\_Trustees/meetingnotices.cfm](http://www.suny.edu/Board_of_Trustees/meetingnotices.cfm)), which

was made available to the Charter Schools Committee. In addition to meeting all of the application requirements for non-RFP charters, the amended Act requires additional RFP findings reflected in the resolution.

For the proposal listed above, the Institute, pursuant to Education Law subdivision 2857(1), notified the school district in which the charter school proposes to be located as well as public and non-public schools in the same geographic area of the school regarding the receipt of the application for a new school (copy on file in the Albany Office of the Institute). As of May 22, 2014, the Board of Trustees received no district comments.



**Charter Schools Institute**  
The State University of New York

## **Summary of Findings and Recommendations**

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***Proposal to Authorize Bronx Charter School for Better Learning to  
Operate the Proposed Bronx Charter School for Better Learning II***

May 27, 2014

## Executive Summary

The proposal to allow the existing SUNY authorized Bronx Charter School for Better Learning (“Bronx Better Learning”) to operate the proposed Bronx Charter School for Better Learning II (“Bronx Better Learning II”) was submitted to the SUNY Charter Schools Institute (the “Institute”) on March 11, 2014 in response to the Institute’s Request for Proposals (“RFP”) that was released on behalf of the Board of Trustees of the State University of New York (the “SUNY Trustees”) on January 6, 2014. The board of trustees of the Bronx Better Learning education corporation, which currently operates one charter school, seeks to add the authority to operate one additional school. The 2010 amendments to the New York Charter Schools Act of 1998 (as amended, the “Act”) permit such an expansion so long as a charter is issued for each new school.

Bronx Better Learning intends to seek facility space from the New York City Department of Education (“NYCDOE”) for the new school in New York City Community School District (“CSD”) 11 (Bronx). The new school would open in August 2015 with 75 students in Kindergarten and would grow one grade each year to 375 students in Kindergarten through 4<sup>th</sup> grade. The proposed school would ultimately seek to enroll students in Kindergarten through 5<sup>th</sup> grade in the subsequent charter term, if approved. The school would admit new students to fill available open seats in all grades.

Bronx Better Learning proposes to replicate at the new school the program in place at Bronx Better Learning, which includes Kindergarten through 5<sup>th</sup> grade. The Institute’s evaluation of the performance of Bronx Better Learning indicates that the academic program, organizational, governance and fiscal performance of the existing schools warrants replication as it is likely to provide an additional high-quality option for children and families. The SUNY Trustees approved the charter in February 2003 and the school commenced operation in the fall of 2003. Student performance data for Bronx Better Learning is provided below. The SUNY Trustees renewed the charter in for a full term of five years in 2008 and again in the summer of 2013. The school is in compliance with all fiscal and legal requests, and an October 2012 visit by Institute staff found that the school’s program, structure and purpose are likely to improve student learning and achievement and materially further the purposes of the Act.

Consistent with the Act, the Institute finds:

- 1) the proposal to allow Bronx Better Learning the authority to operate Bronx Better Learning II rigorously demonstrates the criteria detailed in the Institute’s RFP including the mandatory criteria set forth in Education Law §2852(9)(b)(i) (that the proposed charter school would meet the enrollment and retention targets for students with disabilities, English language learners (“ELLs”) and students who qualify for the federal Free and Reduced Price Lunch (“FRPL”) program);
- 2) the proposed school has conducted a thorough and meaningful public review processes to solicit community input regarding the proposal in accordance with the requirements in the RFP, which conforms with Education Law §2852(9)(b)(ii);
- 3) the proposal is one that best satisfies the objectives contained within the RFP based on the content of the proposal and its supporting documentation, and is therefore qualified within the meaning of Education Law §2852(9-a)(d); and

- 4) the Institute has scored the proposal pursuant to Education Law §2852(9-a)(c), and there are enough charters to be issued by the SUNY Trustees pursuant to the January 2014 RFP to accommodate the proposal and all other RFP applicants the Institute is recommending for approval.

Based on the foregoing:

The Institute recommends that the SUNY Trustees approve the proposal to allow Bronx Charter School for Better Learning the authority to operate Bronx Charter School for Better Learning II as an additional school within the one, existing education corporation.

### **Background and Description**

While SUNY may still award a small number of charters without using a RFP, amendments to the Act in 2010 made additional charters to create new charter schools available only through a RFP process. Each additional school must have a charter “issued” for it pursuant to Article 56 of the Education Law and counts against the cap of charters allowed to be issued in New York and New York City as set forth in Education Law §2852(9). The Institute received 14 total proposals to create new charter schools in response to the January 6, 2014 RFP. The current review cycle could legally result in a maximum of 89 new charters approved by the SUNY Trustees, 18 of which could be located in New York City, per Education Law §2852(9).

The Institute conducted a rigorous evaluation of the proposal under consideration including academic, fiscal and legal soundness reviews. In addition, the Institute engaged independent consultants to evaluate the fiscal and organizational soundness of the school proposal and associated business plan submitted on behalf of the education corporation. Pursuant to its protocols, the Institute has met with the applicant, the board of trustees of the existing education corporation, which will oversee the proposed school, other members of the founding team and key Bronx Better Learning leadership. In addition, SUNY Trustees’ Charter Schools Committee Chairman Joseph Belluck had an opportunity to interview the founding team and members of the existing board that seeks authority to operate the additional school.

The mission of Bronx Better Learning II would be to provide, “its students with a solid foundation for academic success, through achievement that exceeds citywide averages and meets or exceeds New York State Standards and national norms in all curriculum areas tested, especially in mathematics and language arts. Our teaching constantly adjusts to the needs of our students, leading to independence, autonomy, responsibility and a sustained love of learning, all of which contribute directly to high academic achievement.”

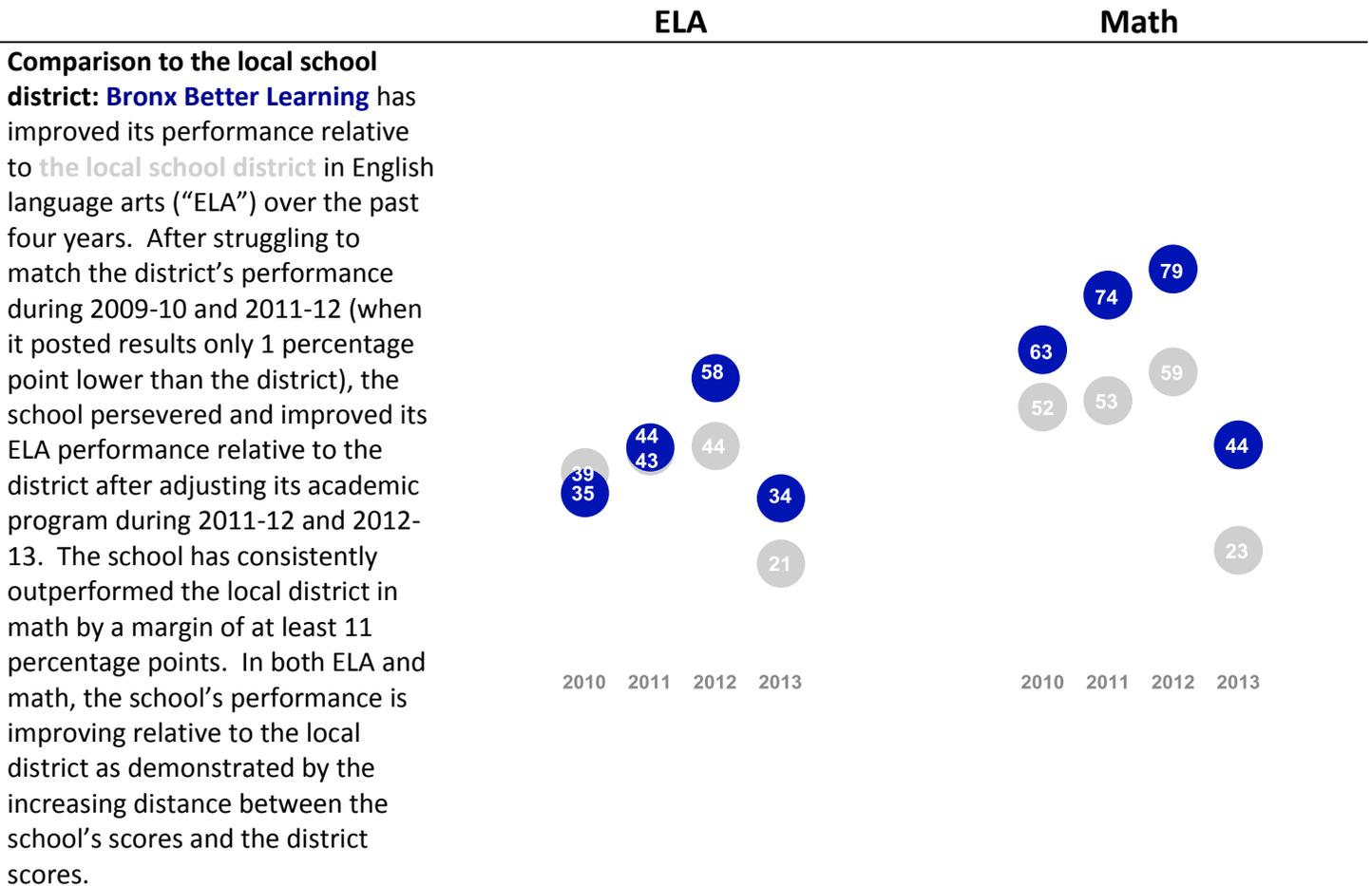
Bronx Better Learning’s key design elements are:

1. Instructional Rigor: To ensure that every student receives an instructional program that is rigorous and enriching;
2. Data Based Decision Making: To ensure that all instructional decisions are based on student performance data;

3. Meeting Individual Student Needs: To ensure that the instructional program regularly adapts to meet the needs of each student; and
4. Student Empowerment: To ensure that through an instructional program that emphasizes engagement, effort and efficacy all students develop a personal sense of their own innate abilities.

The proposed school would offer a minimum of 180 days of instruction with the first day of the 2015-16 school year matching the NYCDOE calendar; subsequent years would follow a similar calendar. The school day would run from 8:00 a.m. – 3:00 p.m. with students in need of supplemental support receiving an additional three hours each week after school. Two weeks of supplemental support is also provided during the summer break.

As noted above, the school would seek to replicate the student academic performance of Bronx Better Learning.



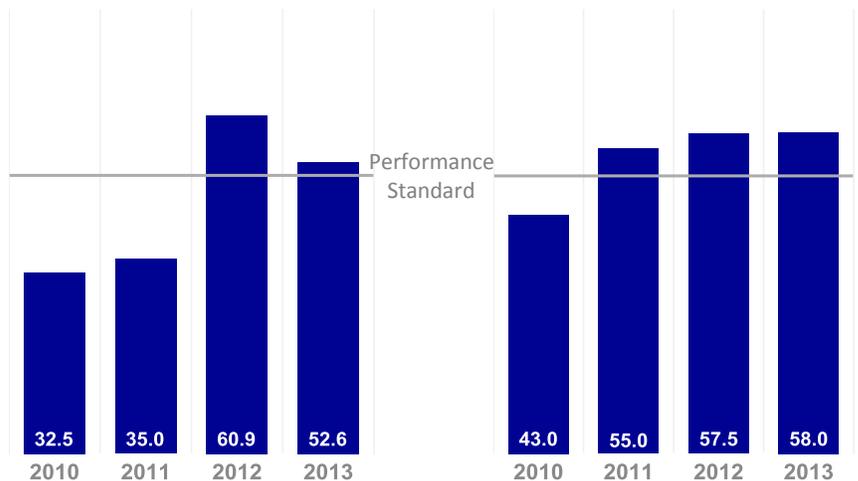
## ELA

## Math

**Effect Size:** According to the Institute's Effect Size analysis, the Bronx Better Learning has improved its performance in ELA compared to demographically similar schools throughout New York State during the last four years. During 2009-10, the school performed lower than expected in ELA. Commensurate with the district comparison scores, the school's performance improved during 2011-12 and 2012-13 when its ELA performance was higher than expected to a medium degree. In math, the school's performance fell below the Institute's standard of an Effect Size of 0.3 during 2009-10. Since that year, the school has performed higher than expected compared to demographically similar schools throughout New York State to a medium degree.



**Student Growth:** Bronx Better Learning's mean student growth percentiles demonstrate that the school has begun to grow student performance at a rate that exceeds the state median during the two most recent school years. During 2009-10 and 2010-11, the school's student growth in ELA fell far below the Institute's performance standard (the state median growth percentile). The school improved its ELA performance during 2011-12 and 2012-13 and demonstrated much higher student growth than in previous years. In math, the school's growth metric fell just below the state median during 2009-10. Since that year, the school has posted math growth percentiles that exceed the state median.



Bronx Better Learning has consistently improved its ELA performance as measured by the Institute's comparative measures over the last four years. The school's steady increase in performance relative to the local CSD coincides with its consistent increase in performance compared to demographically similar schools throughout New York State. More recently, in 2012-13, the school continued its strong performance posting an ELA effect size of 0.87.

Bronx Better Learning has improved its already strong mathematics performance as measured by the Institute's comparative measures over the last four years. The school's steady increase in performance relative to the local CSD coincides with its increase in performance compared to demographically similar schools throughout New York State. The school continued its strong performance posting math effect sizes greater than 1.0 during the last two years.

Bronx Better Learning uses the subordination of teaching to learning as its pedagogical approach. The ELA and math curricula are closely aligned to the New York State Common Core Standards, with the ELA program incorporating phonemic awareness, phonics, fluency, vocabulary, and text comprehension through the "Words in Color" program. Bronx Better Learning additionally uses Reader's and Writer's Workshops throughout the school including the use of leveled readers. The "Gattegno Mathematics" program uses manipulatives to ensure that students develop swift and accurate computation skills and problem solving capacity that can be applied to the real world.

Special education services would include both "push-in" and "pull-out" instruction in order to effectively implement each student's Individualized Education Program (IEP). Additionally, Bronx Better Learning II would provide supplemental support for all students identified as being "at-risk" academically. Support teachers would provide additional instructional time in core subjects during the school day as well as after school. Also, support for ELLs will be provided by appropriately trained teachers and will include additional instructional time during the day and after school.

Bronx Better Learning conducts professional development through regular collaboration and a close study of student learning. It further uses a more traditional analysis of "step-back" student assessment information (e.g., state, standardized and interim testing results), and a "close-up" scrutiny of what students say and do during the unfolding of real lessons. The school provides training to its teachers in proven approaches to classroom management, such as "Responsive Classroom," in order to increase students' active mental engagement in classroom activities and promote responsible, self-directed compliance with all school rules.

A key element of the school's approach to student success is the Response to Intervention (RtI) program, including a Pupil Assistance Team, led by a full-time school psychologist, which addresses the needs of students who lag academically or socially and which assumes primary responsibility for referring students to the appropriate NYCDOE Committee on Special Education (CSE) for evaluation and services when necessary. Additionally, inclusive special education support services are available to all classified students.

All instructional activities at Bronx Better Learning II will be supervised by the on-site principal, including professional development. Bronx Better Learning will work closely with Bronx Better Learning II to provide necessary professional development for teachers and teaching assistants. Professional development will involve the coordination of in-house professional development specialists and contracted consultants and will focus on ELA, mathematics, social studies, science

and positive student management. The Bronx Better Learning II principal will observe classroom instruction and evaluate teacher and teaching assistant performance throughout the school year.

Functioning under the Bronx Better Learning board of trustees, Bronx Better Learning and Bronx Better Learning II's business operations will be coordinated as a central office function under the supervision of the business manager and the executive director. Additional central office functions will include special education/student services, development and public relations. The business manager and school principals will report to the executive director who will report to the board of trustees.

The by-laws of Bronx Better Learning indicate that the education corporation board would consist of eleven, thirteen, or fifteen members. The eleven current trustees of the education corporation are set forth below.

1. **Kimberly Kelly**, Esq., Board Chair — Founding member of Bronx Better Learning and current Chair of the board of trustees. Mrs. Kelly serves as an attorney with the federal government.
2. **Marvin Waldman**, Board Vice-Chair, Development Com., Strategic Planning Com. — Founding member of Bronx Better Learning and current Vice Chair of the board of trustees. Mr. Waldman is a retired advertising executive.
3. **Dr. Marilyn Maye**, Board Treasurer, Finance Committee, Education Committee, Strategic Planning Committee — Founding member of Bronx Better Learning and current Treasurer of the board of trustees. Dr. Maye is a long time resident of the Bronx and an Assistant Professor with New Jersey City University's Department of Education.
4. **William Bernhardt**, Board Secretary, Education Committee — Founding member of Bronx Better Learning and current Secretary of the board of trustees. Mr. Bernhardt is an Associate Professor of English, Speech and World Literature with the City University of New York.
5. **Jeffreyson Barnes**, Esq., Development Committee — Mr. Barnes is an attorney at law with a general practice in the Bronx.
6. **Robert Bata**, Esq., Development Committee, Strategic Planning Committee — Mr. Bata is the Principal of Warwick Place Legal, LLC, a management consulting firm that advises law firms on their international strategies.
7. **Andrew Waldman**, Finance Committee, Development Committee — Mr. Waldman is a Principal of 360 Capital Management, a private investment firm based in White Plains.
8. **Woody Swain**, Education Committee, Finance Committee — Mrs. Swain serves on a number of not-for-profit boards.
9. **Gregg Swain**, Development Committee — Mr. Swain is a retired advertising executive.
10. **Sheryl Jackson**, Parent Representative, Education Committee — Mrs. Jackson is the parent representative on the board.
11. **Dr. Kevin Brennan**, Executive Director (non-voting) — Currently serving as the Executive Director for Bronx Better Learning under the direction of the board of trustees.

For the first two years of the charter, Bronx Better Learning II will be housed at the Bronx Bethany Church of the Nazarene Community Center at 971 East 227th Street in the Bronx, which can accommodate approximately 9 classrooms. Beginning in the third year of the charter Bronx Better Learning II will require a different facility.

The founding group provided two plans for acquiring a facility in the third year. First, the founding group met with the NYCDOE to request space in an underutilized public school in CSD 11. Second the founding group met with Civic Builders (<http://www.civicbuilders.org/>) to identify private space in case public space is unavailable or deemed unsuitable for the charter school’s purposes. The Institute has reviewed the facility plans along with their budgets and finds such plans are legally sufficient and fiscally sound.

The fiscal impact of Bronx Better Learning II on the district of location, the New York City School District (the “District”), is summarized below.

<b>Expected Number of Students (A)</b>	<b>Basic Charter School Per Pupil Aid (B)</b>	<b>Projected Charter Per Pupil Revenue (C = A x B)</b>	<b>New York City School District Budget* (D)</b>	<b>Projected Impact to District (E = C / D)</b>
75 (2015-16 school year – Year 1)	\$13,527	\$1,014,525	\$19,800,000,000	0.005%
375 (2019-20 school year – Year 5)	\$13,527	\$5,072,625	\$19,800,000,000	0.026%

\*The NYCDOE budget was derived from and can be found on the NYCDOE’s website: <http://schools.nyc.gov/AboutUs/funding/overview/default.htm>

The calculations above assume the current basic per pupil aid will not increase during the term of the charter. While it is likely that the District’s budget will grow over time, the Institute is being conservative by leaving it unchanged in five years. Based on these assumptions, and projections that the charter school will have full enrollment, Bronx Better Learning II will have minimal fiscal impact on public schools in the District: 0.005% in the 2015-16 school year and 0.026% in the 2019-20 school year.

The estimates used by the Institute to conduct its analysis are subject to unpredictable changes in the District’s budget in any given year, changes in the charter school per-pupil funding, and the actual enrollment in the charter school. For example, in the event that the budget of the District increases 5% in five years (assumes a 1% increase each year) to \$20.8 billion and the basic per pupil aid to charter schools remains unchanged, the impact to the District would remain minimal: 0.024% in the 2019-20 school year. While the education corporation has included in its proposal estimated calculations accounting for special education revenue, federal Title I funds, other federal grants and/or funds provided by the District and to be received by the education corporation, the Institute’s calculations and analysis do not account for these sources of potential revenue.

The Institute finds that the fiscal impact of the proposed school on the District, and public charter, public District and nonpublic schools in the same geographic area would be minimal. In the event that the school opens with a slightly larger enrollment, the Institute has determined that the fiscal impact of the proposed schools on the District, public charter, public District and nonpublic schools in the same geographic area would also be minimal.

The Institute reviewed the education corporation's proposed start-up and fiscal plans for each year of the proposed charter term and supporting evidence. The Institute also reviewed the business plan and fiscal information of Bronx Better Learning to determine whether it could support an additional school. Although, the original school had operating deficits for the last two fiscal years, it was determined that those cost over runs were targeted and approved expenditures that did not have an overall negative effect on the historical fiscal strength of the school. The Institute finds the education corporation's budgets and fiscal plans are sound and that sufficient start-up funds will be available to the new charter school.

The Institute notified the school district of location as well as public and private schools in the same geographic area of the proposed school about receipt of the proposal and it was posted on the Institute's website for public review. The NYCDOE held a public hearing pertaining to the proposal on April 8, 2014. The Institute compiled public comments made at the hearing and received separately by the Institute in a Summary of Public Comments (Appendix 1). All public comments were carefully reviewed and considered. As of May 23, 2014, the SUNY Trustees did not receive any District comments regarding the proposal.

The RFP also contained the minimum eligibility requirements and preference criteria to reflect the requirements of the Education Law §2852(9-a). The proposal met the eligibility requirements, as evidenced by the following:

- The proposal was sufficiently complete, i.e., it included a Transmittal Sheet, Proposal Summary and responses to all RFP requests as prescribed by the Institute;
- The proposals was accompanied by complete Business Plans where required;
- The proposal included a viable plan to meet the enrollment and retention targets established by the SUNY Trustees for students with disabilities, ELLs, and students who are eligible to participate in the FRPL program (as detailed in Request No. 15); and,
- The proposal provided evidence of public outreach that conforms to the Act and the process prescribed by the SUNY Trustees for the purpose of soliciting and incorporating community input regarding the proposed charter school and its academic program (as detailed in Request No. 3).

As the Bronx Better Learning II proposal met the eligibility criteria, the Institute's evaluation continued with a full review of the proposal, an interview of the founding team and proposed board of trustees, and requests for clarification and/or amendments to the proposal. The review process then continued with an evaluation of the proposal in relation to the 11 Preference Criteria contained in the RFP for which proposals can earn credit as described in the RFP's Scoring Rubric. The purpose of the Scoring Rubric was to prioritize proposals in the event that the number of proposals meeting the SUNY Trustees' requirements exceeded the maximum number of charters to be issued in 2014. In the event of a tie for the last charter, both proposals will be rejected unless one applicant agreed to withdraw his or her proposal for consideration in a subsequent RFP. The

preference criteria, which in addition to eligibility criteria and the overall high standards established by the SUNY Trustees, included the demonstration of the following in compliance with Education Law §§2852(9-a)(c)(i)-(viii):

- increasing student achievement and decreasing student achievement gaps in reading/language arts and mathematics;
- increasing high school graduation rates and focusing on serving specific high school student populations including, but not limited to, students at risk of not obtaining a high school diploma, re-enrolled high school drop-outs, and students with academic skills below grade level;
- focusing on the academic achievement of middle school students and preparing them for a successful transition to high school;
- utilizing high-quality assessments designed to measure a student's knowledge, understanding of, and ability to apply, critical concepts through the use of a variety of item types and formats;
- increasing the acquisition, adoption, and use of local instructional improvement systems that provide teachers, principals, and administrators with the information and resources they need to inform and improve their instructional practices, decision-making, and overall effectiveness;
- partnering with low performing public schools in the area to share best educational practices and innovations;
- demonstrating the management and leadership techniques necessary to overcome initial start-up problems to establish a thriving, financially viable charter school; and
- demonstrating the support of the school district in which the proposed charter school will be located and the intent to establish an ongoing relationship with such school district.

While the Institute received a total of 14 proposals in response to its January 2014 RFP, only seven have been recommended for approval. All of the seven proposals recommended for approval met the eligibility criteria and were therefore assigned a score using the rubric contained in the RFP. The proposal for Bronx Better Learning II earned a score of 43 preference points out of a possible total of 64. Based on this score and the other information and findings set forth herein, the Institute recommends that the SUNY Trustees approve the proposal to allow Bronx Better Learning operate a Bronx Better Learning II, which would not exceed the statutory limit in Education Law §2852(9-a)(a).

### **Findings**

Based on the comprehensive review of the proposal and interviews of the applicant and the education corporation's board of trustees, the Institute makes the following findings.

1. The charter school described in the proposal meets the requirements of Article 56 of the Education Law (as amended) 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 ELLs;
  - the required policies for addressing the issues related to student discipline, personnel matters and health services;

- an admissions policy that complies with the Act, federal law and the U.S. Constitution;
  - the inclusion of the proposed by-laws for the operation of the education corporation's board of trustees; and
  - the inclusion of an analysis of the projected fiscal and programmatic impact of the school on surrounding public and private schools.
2. The applicant has demonstrated the ability to operate the school in an educationally and fiscally sound manner 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;
  - a 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;
  - the inclusion of descriptions of programmatic and independent fiscal audits, with fiscal audits occurring at least, annually;
  - the inclusion of a school calendar and school day schedule that provide at least as much instruction time during the school year as required of other public schools; and
  - the inclusion of methods and strategies for serving students with disabilities in compliance with federal laws and regulations.
3. Granting the proposal is likely to: a) have a significant educational benefit to the students expected to attend the proposed charter school; b) improve student learning and achievement; and, c) materially further the purposes of the Act. This finding is reflected by (among other things):
- the qualitative and quantitative outcomes from the school that Bronx Better Learning II would replicate, which supports would allow students to meet or exceed state standards;
  - an innovative, rich Common Core aligned curriculum;
  - programs to meet the needs of all students at risk of academic failure;
  - the inclusion of significant opportunities for professional development of the school's instructional staff prior the start of each school year and throughout the year;
  - an organizational structure that provides ample sharing of best practices between the schools under the same education corporation; and,
  - a commitment to providing an educational program focused on outcomes, not inputs.
4. The proposed charter school would meet or exceed enrollment and retention targets, as prescribed by the SUNY Trustees, of students with disabilities, ELLs, and students who are eligible applicants for the FRPL program as required by Education Law §2852(9-a)(b)(i).

5. The applicant has conducted public outreach for the school, in conformity with a thorough and meaningful public review process prescribed by the SUNY Trustees, to solicit community input regarding the proposed charter school and to address comments received from the impacted community concerning the educational and programmatic needs of students in conformity with Education Law §2852(9-a)(b)(ii).
6. The Institute has determined that the proposal rigorously demonstrates the criteria and best satisfies the objectives contained within the RFP, and, therefore, is a “qualified application” with the meaning of Education Law §2852(9-a)(d) that should be submitted to the Board of Regents for approval.

### **Conclusion and Recommendations**

Based on its review and findings, the Institute recommends that the SUNY Trustees approve the proposal to allow Bronx Charter School for Better Learning to operate Bronx Charter School for Better Learning II in August 2015.

## Bronx Charter School for Better Learning II

### Basic Identification Information

Lead Applicant(s):	Kimberly Kelly on behalf of Bronx Charter School for Better Learning
Management Co.:	None
Other Partners:	None
Location (District):	New York City Community School District ("CSD") 11
Student Pop./Grades:	Opening with 75 students in Kindergarten; growing to 375 students in grades K-4
Opening Date:	August 2015

### School District of Proposed Location Profile

New York City School District 11			
Enrollment:		37,566	
Percent:			
African-American:		43%	
Hispanic:		42%	
Asian, White, Other:		15%	
Students with Disabilities		17%	
English Language Learners		10%	
Percent Qualifying for Free or Reduced Priced Lunch (2012-2013):		79%	
English Language Arts (2012-13)		Mathematics (2012-13)	
Grade	Percent Proficient	Grade	Percent Proficient
3	21	3	24
4	20	4	24
5	21	5	22
6	15	6	20
7	16	7	16
8	18	8	15

Source: New York State Education Department 2012-13 Report Card.



**Summary of Public Comments Received  
During SUNY Public Comment Period**

**Bronx Charter School for Better Learning II Proposal**

A public hearing was held by the New York City Department of Education on April 9, 2014.

Attendees: 3. Speakers: 1.

Comments were as follows:

- Reverend Richard Griffiths of the Bronx Bethany Church and Corporation spoke in support of the proposal for a second school and has experience working with Bronx Charter School for Better Learning.

The Institute received no comments via e-mail or in writing about this proposal.