



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 Brooklyn Prospect Charter School the Authority to Operate an Additional Charter School, Brooklyn Prospect Charter School – Downtown (Brooklyn)

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, Brooklyn Prospect Charter School, 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 Brooklyn Prospect Charter School, an existing education corporation (the “Education Corporation”), submitted a proposal seeking authority to operate one new school, to be named “Brooklyn Prospect Charter School – Downtown” and located in Brooklyn, 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 Applicant, 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), 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

***Proposal to Authorize Brooklyn Prospect Charter School to Operate
the Proposed Brooklyn Prospect Charter School - Downtown***

May 27, 2014

Executive Summary

The proposal to allow the existing SUNY authorized Brooklyn Prospect Charter School (“Brooklyn Prospect”) to operate the proposed Brooklyn Prospect Charter School - Downtown (“Brooklyn Prospect - Downtown”) was submitted to the SUNY Charter Schools Institute (the “Institute”) on March 12, 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 Brooklyn Prospect Charter School 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.

Brooklyn Prospect seeks to locate Brooklyn Prospect – Downtown in a private facility in New York City Community School Districts (“CSD”) 13 (Brooklyn). The new school would open in August 2015 with 100 students in 6th grade and would grow one grade each year to 300 students in 6th - 8th grades. The school would admit new students to fill available open seats in all grades.

Brooklyn Prospect proposes to replicate its International Baccalaureate program in place at its original school, which currently includes Kindergarten and 1st grade and 6th through 12th grades, at the new school. Institute evaluation of the performance of Brooklyn Prospect indicates that the academic program, organizational, governance and fiscal performance of the existing schools warrants replication as it is likely to provide additional high quality options for children and families. The SUNY Trustees approved Brooklyn Prospect in summer 2008 and the school commenced operation in September 2009. On January 27, 2014, the SUNY Charter Schools Committee granted a full-term five-year renewal to Brooklyn Prospect. Student performance data for Brooklyn Prospect is provided below.

Consistent with the Act, the Institute finds:

- 1) the proposal to allow Brooklyn Prospect to operate Brooklyn Prospect - Downtown 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 conform 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 Brooklyn Prospect Charter School the authority to operate Brooklyn Prospect Charter School - Downtown 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 that 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 an independent consultant 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 met with the applicant, the board of trustees which will oversee the new school and key education corporation staff. 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 Brooklyn Prospect- Downtown would be, “serving students in Kindergarten through twelfth grade, Brooklyn Prospect - Downtown pairs students with excellent teachers in a college preparatory environment using the pillars of the International Baccalaureate program. We prepare students for success as global citizens and help them to develop the love of learning that provides the foundation for lifelong personal and academic success. BPCS is committed to: teaching the academic and non-academic skills necessary for success in the global community; recruiting, training and retaining excellent teachers; and reflecting the diversity of Brooklyn's neighborhoods.”

Key design elements of Brooklyn Prospect - Downtown include:

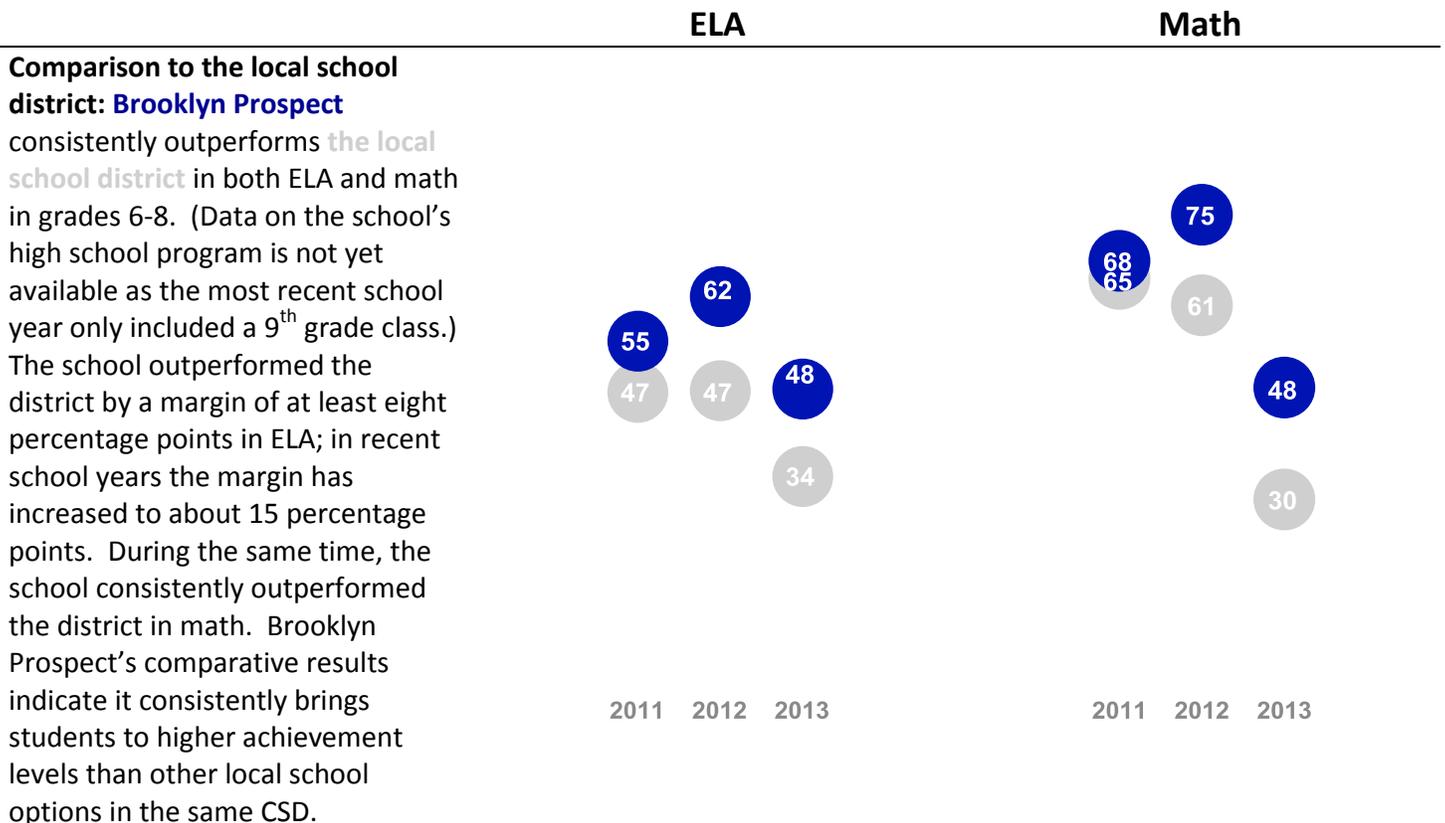
- Commitment to Diversity: Through a fair-minded commitment to a lottery system as well as through active recruiting efforts, Brooklyn Prospect’s ongoing goal will be to create a school population that reflects the demographic and academic diversity of CSDs 13 and 15. Brooklyn Prospect continues to be a leader, in collaboration with the New York City Department of Education (“NYCDOE”) and the greater charter movement, in establishing admissions policies that broaden the group of students attending charter schools. In addition to educating students side-by-side who do not look or think alike, Brooklyn Prospect has worked tirelessly to enroll students of the highest educational needs.
- Commitment to Teacher Quality: The leaders of Brooklyn Prospect believe that the most essential component for an outstanding learning community is a faculty of high-quality

educators. Brooklyn Prospect is committed to the recruiting, hiring, training and retaining high quality educators. Its supportive school culture empowers teachers to achieve their highest performance through ongoing professional development, collaborative decision-making, competitive compensation and a sustainable work-life balance.

- **Commitment to Global Citizenship:** Brooklyn Prospect is committed to the development of the skills and habits of mind that will serve students well in the near and distant future. Global Citizenship means becoming part of a larger community and preparing for the challenges of the next century not the previous. Brooklyn Prospect’s faculty would inspire creative inquiry and problem solving, innovative critical thinking, personal reflection and collaborative learning beyond the basic standards required by the New York State Board of Regents. Brooklyn Prospect would be committed to helping students express themselves in a variety of contexts to a wide array of audiences, and Brooklyn Prospect emphasizes project-based learning and community activism as suggested by the International Baccalaureate program.

The proposed school would offer 182 days of instruction with the first day of the 2015-16 school year on or around September 10, 2015 and the last day on or around June 29, 2016; subsequent years would follow a similar calendar. The school day would run from 8:30 a.m. – 3:45 p.m. for all students.

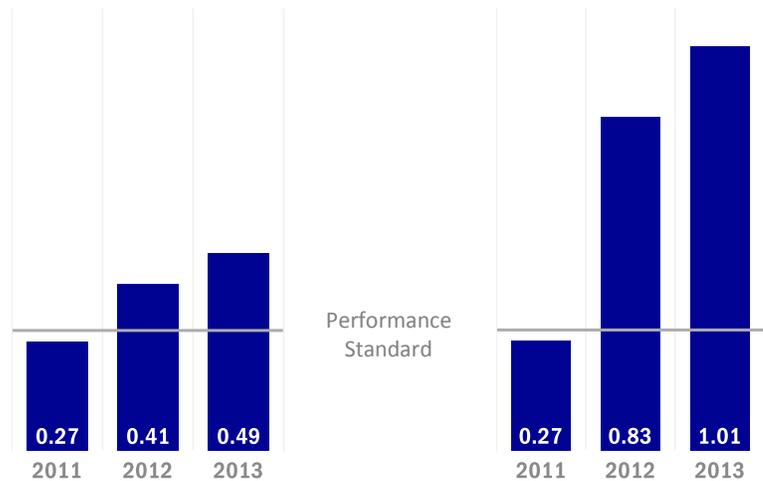
As noted above, the education corporation would seek to replicate the student academic performance of Brooklyn Prospect.



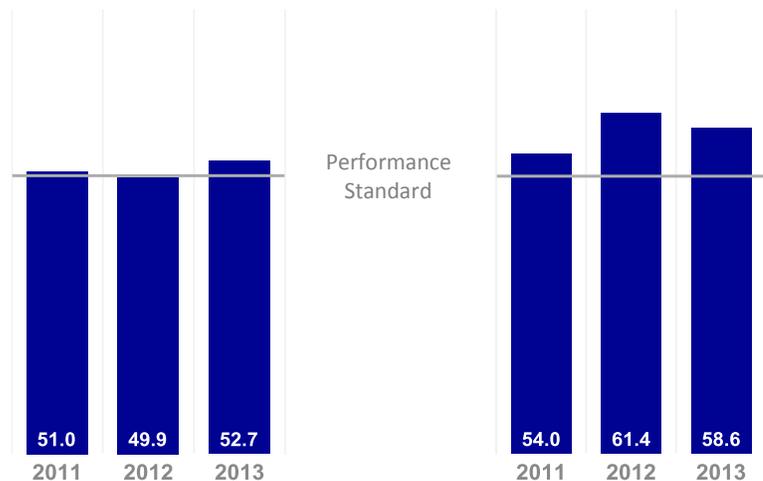
ELA

Math

Effect Size: According to the Institute's Effect Size analysis, Brooklyn Prospect performed higher than expected compared to demographically similar schools throughout New York State in both ELA and math during the last two years for which data is available. During 2010-11, the school nearly exceeded the Institute's performance standard (an Effect Size of 0.3) in both ELA and math.



Student Growth: Brooklyn Prospect's mean student growth percentiles demonstrate that the school's program grows student performance at a rate commensurate with the students' demographically similar peers throughout New York state. In both ELA and math, the school's growth exceeded the state's median growth (also the Institute's performance standard) during the three years for which data is available.



Brooklyn Prospect – Downtown's academic program would be aligned with the International Baccalaureate (I.B.) standards that are currently used in the Brooklyn Prospect middle and high schools, ensuring continuity throughout the schools. All students receive 230 weekly minutes of English language arts (ELA), math, humanities (social studies) and science. The ELA curriculum would use Teacher's College Readers Writers Workshop Curriculum supplemented by the Foundations intervention program. The core math curriculum would use Math in Focus. Both curriculum packages are closely aligned with the New York State Standards and the Common Core State Standards. The school's teachers develop science and humanities curriculum in alignment with the I.B. program, and supplement them with Prentice Hall's *Science Explorers* program and *History Alive!*, respectively. Students would also receive instruction in Spanish or Mandarin, the arts and physical education.

Brooklyn Prospect – Downtown has a Response to Intervention program that includes interventions such as an additional 230 minutes of reading per week for students who are one year or more behind in reading and additional small group instruction for students who are struggling with ELA

and/or math. The school's special education services include Integrated Co-Teaching ("ICT") and Special Education Teacher Support Services ("SETSS") settings. At least one of classroom lead teachers would be dual certified in Special Education and General Education per grade, or more if the school's enrollment required it. ELL services would be provided by one dual-certified classroom teacher per grade. The school uses a co-teaching model, allowing a dual certified classroom teacher to provide in-class, and pull-out interventions for ELLs.

A principal would lead the proposed school and would provide on-going coaching and support to school staff. He or she would be assisted by a program coordinator who will assist the principal in coordinating operations of afterschool, specialty, and other programming. In the second year, the school would add a School Counselor and Dean of Students. As the school grows, the school would move experienced teachers up to new grade levels to ensure that new staff at all levels of the schools have strong mentors. This has been a consistent practice at Brooklyn Prospect, which has led to consistently high levels of teacher retention.

An executive director reports directly to the education corporation board on behalf of the school, and oversees all principals in the education corporation. He is also responsible for the facilitation of the school's mission and vision and numerous other operation aspects. In addition to the executive director, the Brooklyn Prospect education corporation would also include staff responsible for functions at all schools, including a deputy executive director who supports the executive director in all of his functions, a director of operations and finance who is responsible for finance, human resources and facilities, and a K-12 academic dean who supports all schools in the development and implementation of I.B. aligned curriculum and activities, as well as other support staff.

The by-laws of Brooklyn Prospect indicate that the school board would consist of not less than five and no more than twenty voting members. The current education corporation trustees are set forth below.

1. **Luyen Chou** – Board Chair and co-founder of Brooklyn Prospect. Currently employed by Pearson Education, Inc., previously served in multiple roles at The School at Columbia University, and was Founder, President, and CEO of Learn Technologies. Luyen has been involved in numerous education-related initiatives including: Teachers' Network, MOUSE, the Black Rock Forest Consortium, and the Appleseed Foundation, and has served in advisory roles for the NYCDOE. Luyen graduated magna cum laude from Harvard College.
2. **Anne Burns** – A founding Brooklyn Prospect board member, Lower School Director of the Hackley School in Tarrytown, NY, and formerly held leadership positions at the Harlem Day Charter School in Manhattan (currently authorized by SUNY as Harlem Prep Charter School) and The School at Columbia University. Anne was with The Brearley School for 17 years, has served on a number of educational boards, and has most recently been involved with Avenues. Anne holds degrees from Colgate University and Lesley College.
3. **Eliza Swann** – A founding board member, Eliza is a partner with the law firm of Shearman & Sterling LLP, and was previously a law clerk for the U.S. Department of Justice and the Supreme Court of the State of Delaware. Her pro bono experience includes general advice to not-for profit corporations and charitable foundations. She holds a JD degree from Cornell Law School and a BA from Williams College.

4. **Elizabeth Varley Camp** – A founding board member and President of Phare Capital, Inc. Elizabeth has 25 years of experience in the private equity industry, has served on several corporate boards, the advisory board of 22 private equity funds, and as a Trustee of Youth, I.N.C., and the Diller Quaile School of Music. Elizabeth holds a B.A. from Williams College and an M.B.A. from the Yale School of Management.
5. **Jaleh Amouzegar** – A board member and consultant in minority faculty recruiting at New York Interschool Association, Jaleh has over twenty years of experience as an educator in early childhood and in admissions, minority hiring, and training of developing teachers. Jaleh has an M.Ed. in Early Childhood Education from Lesley University, and a B.A. in Psychology from George Washington University.
6. **Roger Fortune** – A founding board member, Roger is Vice President at The Stahl Organization. He previously worked with the Downtown Brooklyn Partnership (DBP), the NYCEDC, Forest City Ratner Companies, Vornado Realty Trust and Bohlin Cywinski Jackson Architects. He received an MBA from Columbia Business School and a Bachelor of Architecture from Carnegie Mellon University.
7. **Christina Franz** – *Ex-officio* parent representative.
8. **Stacey Hightower** – An independent consultant in operational improvements, corporate turnarounds, and restructuring, Stacey has previously worked for LM +Co, and AlixPartners. He has consulted across a range of industries, including manufacturing, finance, mortgage lending, timeshare and telecommunications. Stacey was a Peace Corps volunteer in Kenya and holds a B.S.B.A from Washington University in St. Louis and an M.B.A. from Yale University School of Management.
9. **Pearl Rock Kane** – Founding board member, holds the Klingenstein Family Chair at Teachers College, Columbia University where she is a professor and the director of the Klingenstein Center. Previously a teacher and administrator in public and private schools in Michigan, Massachusetts and New York. She serves on several boards including Editorial Projects in Education, Uncommon Schools, and the United Nations International School. Pearl received a lifetime achievement award from the National Association of Principals of Schools for Girls, and an award for the promotion of international education from the European Council of International Schools. Pearl has a master's degree from Smith College and a doctorate from Teachers College, Columbia University.
10. **Candice Olson** – A founding board member, she is the co-founder and co-CEO of The Fullbridge Program, a new category of education that prepares high school and college graduates worldwide for the global workplace. She was awarded an Emmy for prime-time documentary television programming, the Matrix Award for contributions to online media, and the MIT Institute Award for Entrepreneurial Leadership, where she taught entrepreneurial leadership. Candice served on the Board of the Convent of the Sacred Heart in NYC and has taught at Regis and BB&N. Candice holds an MBA from Harvard.

The founding team has indicated that they will work with the NYCDOE to explore the option of using space in an underutilized public school in CSD 13. Alternatively, the proposed school plans to

open the 6th grade in the facility currently housing Brooklyn Prospect’s elementary school at 80 Willoughby St. in downtown Brooklyn. The Institute has reviewed the facility plans and budget for locating in a private facility and found that such plans are legally sufficient and fiscally sound. The Institute reserves the right to review all proposed facilities in accordance with the charter agreement.

The fiscal impact of Brooklyn Prospect - Downtown on the district of location, the New York City School District (the “District”), is summarized below.

Expected Number of Students (A)	Basic Charter School Per Pupil Aid (B)	Projected Charter Per Pupil Revenue (C = A x B)	New York City School District Budget* (D)	Projected Impact to District (E = C / D)
100 (2015-16 school year – Year 1)	\$13,527	\$1,352,700	\$19,800,000,000	0.007%
300 (2019-20 school year – Year 5)	\$13,527	\$4,058,100	\$19,800,000,000	0.020%

*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, Brooklyn Prospect - Downtown will have minimal fiscal impact on public schools in the District: 0.007% in the 2015-16 school year and 0.020% 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: 0.020% in the 2019-20 school year. While the school 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 charter school, 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 Brooklyn Prospect to determine whether it could support an additional 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 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 9, 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 subdivision 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 Brooklyn Prospect - Downtown 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 agrees 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 Brooklyn Prospect - Downtown earned a score of 47 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 the SUNY Trustees approve the proposal to allow Brooklyn Prospect to operate Brooklyn Prospect – Downtown, 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 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 Brooklyn Prospect – Downtown would replicate, which supports that the school 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 the sharing of best practices between the schools under the same education corporation;
 - an organizational structure with an explicit focus on instructional leadership to improve teaching and student learning; 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 Brooklyn Prospect Charter School to operate Brooklyn Prospect Charter School - Downtown in August 2015.

Brooklyn Prospect Charter School - Downtown

Basic Identification Information

Lead Applicant(s):	Luyen Chou on behalf of Brooklyn Prospect Charter School Education Corporation
Management Co.:	None
Other Partners:	None
Location (District):	New York City Community School District ("CSD") 13
Student Pop./Grades:	Opening with 100 students in 6 th grade and would grow one grade each year to 300 students in 6 th – 8 th grades.
Opening Date:	August 2015

New York City School District 13			
Enrollment:		21,907	
Percent:			
African-American:		54%	
Hispanic:		15%	
Asian, White, Other:		30%	
Students with Disabilities		11%	
English Language Learners		4%	
Percent Qualifying for Free or Reduced Priced Lunch (2012-2013):		58%	
English Language Arts (2012-13)		Mathematics (2012-13)	
Grade	Percent Proficient	Grade	Percent Proficient
3	29	3	31
4	26	4	30
5	28	5	24
6	18	6	14
7	18	7	10
8	20	8	12

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



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

Brooklyn Prospect Charter School Downtown Proposal

A public hearing was held by the New York City Department of Education on April 9, 2014 for Brooklyn Prospect Charter School Downtown and International Charter School.

Attendees: 9. Speakers: 2.

Comments were as follows:

- A member of the Community Education Council spoke in opposition to the proposal because the focus should be on district schools. The introduction of charter schools creates competition.
- A member of the community and parent spoke in opposition to the proposal.

The Institute received the following comments via e-mail or in writing about this proposal.

- Multiple comments focused on the need for more middle school options rather than expanded elementary school options. There is not sufficient need in the district for additional elementary schools.
- Middle school grades at Brooklyn Prospect would be reserved only for students who attended elementary school at Brooklyn Prospect.
- The school is not focused on bridging the achievement gap and does not attract the low-income students it promises, rather the school attracts high-income students while draining resources for the rest of the district.
- Comments said the charter school would place a burden on the public school system. The financial costs would not outweigh the benefits.

- A comment objects to the proposal now that there is “forced co-location or money for rent” included in the State Budget.