



The State University
of New York

Office of the
Board of Trustees

State University Plaza
Albany, New York 12246

www.suny.edu

MEMORANDUM

October 2, 2012

To: Members of the Charter Schools Committee

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

Subject: Approval of Proposal to Establish the Explore Enrich Charter School (Brooklyn)

Action Requested

The proposed resolution authorizes the granting of a new charter to the proposed Explore Enrich Charter School pursuant to Education Law subdivision 2852(9-a).

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") to establish new charter schools on January 3, 2012, in response to which Explore Enrich Charter School, a proposed education corporation seeking to operate one school to be located in Brooklyn, submitted a proposal that the Institute reviewed, scored and ranked, and recommends for approval (the "Recommended Proposal") as set forth in the Institute's Summary of Findings and Recommendations for the proposed education corporation (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"); and

To Learn
To Search
To Serve

the Power of 

Whereas the school district of location of the proposed education corporation's school commented on the Recommended Proposal, which comments the Institute attached to or included in the Institute Report and the Committee considered on behalf of the Board of Trustees; 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 the 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 applicant 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, has granted priority to the Recommended Proposal based on a scoring rubric that best demonstrates how proposed schools will achieve the objectives set forth in Education Law subdivision 2852(9-a)(c); and, be it further

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

Resolved that the applicant submitting the Recommended Proposal and the founding team described therein demonstrate 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 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 of the Recommended Proposal, 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, 2012 as required by the Act to the Board of Regents for issuance by the Board of Regents on or before December 31, 2012.

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 for authority to operate additional schools or sites.

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 to be formed 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 26 proposals for schools to be located in New York City; leaving 104 charters to be issued through the RFP process with no more than 31 to be located in New York City. RFPs may only commence on certain dates, each with a maximum number of charters set by statute. The RFP for the proposal to be approved by this resolution was posted on January 3, 2012 (the first business day after January 1st) and the maximum number of charters the Board of Trustees may still approve pursuant to the RFP is 71 (32 plus 48 remaining from prior RFPs minus 9 issued in June 2012).

The SUNY Charter Schools Institute (the "Institute") released and broadly distributed a draft RFP for public comment on November 22, 2011, held a public meeting in three locations across the state to solicit verbal comments on December 7, 2011, carefully reviewed all comments amending the draft RFP as appropriate, and posted a document detailing its evaluation and response to public comments on January 3, 2012. The Institute received the proposal to be approved by this resolution on or about July 3, 2012, and then reviewed, scored (in accordance with a rubric required developed in accordance with Education Law subdivision 2852(9-a)), and ranked it.

Prior to recommending the proposed charter school education corporation 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://newyorkcharters.org/SUNYTrusteesCommitteeMaterials.htm>), 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 that are 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 is proposed to be located as well as public and non-public schools in the same geographic area regarding the receipt of a proposal to establish a charter school education corporation to operate one school (copy on file in the Albany Office of the Institute). On September 18, 2012, the New York City Schools Chancellor provided comments on the proposal, which were attached to or included in the Institute Report.



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

Summary of Findings and Recommendations

Proposal to Establish the Explore Enrich Charter School

September 21, 2012

Executive Summary

The proposal to establish the Explore Enrich Charter School (“Explore Enrich”) education corporation was submitted to the SUNY Charter Schools Institute (the “Institute”) by lead applicant Morty Ballen on July 2, 2012 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 3, 2012.

If approved, the proposed school would open in the fall of 2013. The founding education corporation board, composed of the same individuals as the governing boards of the SUNY authorized Explore Excel Charter School, Explore Exceed Charter School and Explore Envision Charter School, intends to contract with Explore Schools, Inc. (“Explore Schools”), a New York based non-profit charter management organization, and specifically desires to serve students and families of a school determined to be failing and therefore closed or phased out by the New York City Department of Education (“NYCDOE”) in the high needs New York City Community School Districts (“CSDs”) 17 or 18 (both in Brooklyn). The goal of the proposed school’s board is to locate Explore Enrich in the same building as the closing/phasing out district school to serve as many of those students as possible.

The NYCDOE Chancellor Dennis Walcott provided a letter to the Institute dated September 18, 2012 indicating support for the proposal and indicating that NYCDOE would work with the applicants to find space in a building that houses a school that is phasing out to performance concerns. However, the New York Charter Schools Act of 1998’s (the “Act’s”) new school approval process and NYCDOE determinations about school closures (regulated by a different part of the Education Law) do not occur on the same timetables. While the NYCDOE has indicated that it would recommend Explore Enrich occupy space in the same district building as a school being closed or phased out should such a situation be identified, any such co-location could not occur until completion of a statutorily mandated siting process, subject to SED appeal and possible litigation, which includes consideration and approval by the New York City Panel for Education Policy, and a hearing by SUNY. For this reason SUNY mandates that applicants include a feasible private space budget even if the applicant would rather delay opening to be sited in public school space.

Explore Enrich will open with 180 students in Kindergarten through 2nd grade adding one grade each year thereafter to serve 420 students in Kindergarten through 6th grade in the final year of the proposed charter. In the event the school is provided an opportunity to serve students in a persistently low achieving or otherwise failing school or if it were granted enough facility space to open a K-3rd grade program without serving as a replacement school, the education corporation board would seek a charter revision from the SUNY Trustees to increase enrollment and for waiver of the mandatory collective bargaining provisions in the New York Charter Schools Act of 1998 (as amended, the “Act”). The Act requires the employees of any school enrolling more than 250 students in the first two years of operation to automatically be included in the bargaining units of their district school counterparts. The Act also provides SUNY with authority to issue ten waivers from this provision. Notably, these waivers do not in any way prevent the staff of the school from voluntarily seeking to organize and collectively bargain. While the applicant sought a waiver, the Institute is not recommending that Explore Enrich be granted one at this time. In keeping with past practice, should this proposal to establish Explore Enrich be approved, the education corporation

could later seek a waiver after further details are known regarding the siting of the school and the size of the district school slated to close or phase out. At that time, the Institute would consider the extent to which the school would be permitted to serve students in the way it anticipates as a replacement or phase out of an underperforming district school and perform related due-diligence regarding the need for the waiver. For this reason a contingent enrollment plan starting with 240 students in Kindergarten through 3rd grade, and serving 480 students in Kindergarten through 7th grade in the final year of the proposed charter period, is contained in the proposal.

Whether granted a waiver or not, the applicant and founding team envision growing the school through the 8th grade in a subsequent charter period if granted. Additionally, Explore Enrich would enroll students in open seats at all grade levels, consistent with its commitment to serving as many students in need as possible, a practice known as “backfilling.”

Four New York City charter schools contract with Explore Schools: Explore Charter School and Explore Empower Charter School, both authorized by the New York City Schools Chancellor, and Explore Excel Charter School and Explore Exceed Charter School, authorized by the SUNY Trustees. A fifth school, Explore Envision Charter School, was approved by the SUNY Trustees in June 2012 and is scheduled to open in fall 2013. The proposed Explore Enrich would replicate the school model employed by each of the other schools as described in detail later in this report.

As part of a five-year business plan required by the Institute as part of its due diligence on charter management organizations, Explore Schools indicated that it intended to manage six charter schools in New York. Explore Enrich would be the sixth, if approved. The Institute conducted an academic, legal and fiscal analysis of the plan including the philanthropy and human and other capacity required to implement the plan and concluded that Explore Schools has the human, financial and other resources to manage all of its current and planned schools including Explore Enrich.

Consistent with the May 2010 amendments to the Act, the Institute finds: 1) that the proposal for the Explore Enrich rigorously demonstrates the criteria detailed in the RFP including the mandatory criteria set forth in Education Law subdivision 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) that the proposed school has conducted 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 subdivision 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 subdivision 2852(9-a)(d); and 4) the Institute has scored the proposal pursuant to Education Law subdivision 2852(9-a)(c), and there are enough charters to be issued by the SUNY Trustees pursuant to the 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 charter proposal to establish the Explore Enrich Charter School.

Background and Description

While SUNY may still award a small number of charters pursuant to its traditional application process, amendments to the Act in 2010 made additional charters to create new education corporations available only through an RFP process. The Institute received 25 Letters of Intent to submit proposals resulting in 19 total proposals to create new charter schools in response to the Summer Cycle of the RFP. The current review cycle could legally result in a maximum of 71 new charters approved by the SUNY Trustees, 31 of which could be located in New York City, per Education Law subdivision 2852(9). Note that 48 of the 71 charters were available but not awarded in response to the August 2010 and January 2011 RFPs. The 71 remaining charters reflect nine that were approved in June 2012 in response to the Spring Cycle of the 2012 RFP.

The Institute conducted a rigorous evaluation of the Explore Enrich proposal including academic, fiscal and legal soundness reviews. Pursuant to its protocols, the Institute conducted an interview with the applicant (who is the same applicant as the other three SUNY authorized Explore schools), the proposed board of trustees that will oversee the school (which the Institute has interviewed three times before), other members of the founding team, and a representative of Explore Schools. In addition, one or more members of the SUNY Trustees' Charter Schools Committee interviewed the lead applicant and members of the proposed education corporation board.

The mission of Explore Enrich would be, "for its students to demonstrate the academic skills and critical-thinking abilities they need to be successful in a college-preparatory high school."

The founders would implement the following key design elements in pursuit of the school's mission:

- beginning with young children and continuing through 8th grade;
- longer school day and year;
- small class size;
- robust programs to meet the needs of at-risk students;
- continuous research to drive improvements;
- strategic instructional decision-making; and
- an organizational design with an explicit focus on teaching and learning.

As noted above, the board of trustees of Explore Enrich would contract with Explore Schools for charter management services including curriculum and assessment programs, compliance, facilities, finance, human resources, student recruitment and leadership support and evaluation. A draft contract between the parties indicates that the school will pay approximately \$1,555 per student, or 11.5% of the NYCDOE's per pupil expenditure, to Explore Schools. The Institute has reviewed the draft contract as a part of its due diligence and will review the final contract pursuant to the charter agreement on behalf of the SUNY Trustees prior to the contract's final approval. The education corporation board will evaluate the quality of the services provided by Explore Schools and have the opportunity to extend or cancel the agreement at the end of each contract period.

The four operating Brooklyn charter schools that currently contract with Explore Schools collectively serve 1,140 students. Explore Charter School, Explore Empower Charter School (“Explore Empower”) (the non-SUNY schools), and the SUNY authorized Explore Excel Charter School (“Explore Excel”) have grown to the point where the schools have state testing data available.

School Name	Authorizer	Location	Year Opened	Grades Served 2012-13
Explore Charter School	New York City Department of Education	Brooklyn, NY	2002	K-8
Explore Empower Charter School	New York City Department of Education	Brooklyn, NY	2009	K-5
Explore Excel Charter School	SUNY Trustees	Brooklyn, NY	2011	K-4
Explore Exceed Charter School	SUNY Trustees	Brooklyn, NY	2012	K-3

Of the schools listed above, state testing data is available for Explore Charter School from 2009-10 through 2011-12, for Explore Empower from 2010-11 through 2011-12, and for Explore Excel for 2011-12 only. The schools achieved strong results in both English language arts (“ELA”) and mathematics, as illustrated below.

Explore Charter School: 2009-10 State Assessments					
	Testing Grades	School Percent Proficient	District Percent Proficient	School Percent Free Lunch	Effect Size ¹
Explore Charter School					
ELA	3-8	43.1	33.7	50.4	-0.39
Math	3-8	66.6	42.7	50.4	0.49

In 2009-10, 43.1 percent of Explore Charter School’s 3rd - 8th grade students were proficient on the state’s ELA exam and 66.6 percent of the school’s 3rd - 8th grade students were proficient on the state’s math exam. The school outperformed its district of location by 9.4 percentage points in ELA and by 23.9 percentage points in mathematics. Compared to demographically similar schools throughout the state, Explore Charter School performed lower than expected to a small degree in ELA, posting an effect size of -0.39; the school performed higher than expected to a small degree in mathematics, posting an effect size of 0.49.

¹ Effect Size is a statistical measure calculated by dividing the difference between the actual and predicted outcome by the standard deviation. It reflects the difference between a school’s attained and expected performance in each tested grade, relative to other schools with similar free-lunch statistics and tested grades. (The Effect Size for all grades is weighted by the number of students tested in each grade.) The school’s overall performance rating is based on the following Effect Size ranges: Above 0.79 - Higher than expected to a large degree; 0.50 to 0.79 - Higher than expected to a medium degree; 0.30 to 0.49 - Higher than expected to a small degree; 0.01 to 0.29 - Slightly higher than expected; -0.29 to -0.01 - Slightly lower than expected; -0.30 to -0.49 - Lower than expected to a small degree; -0.50 to -0.79 - Lower than expected to a medium degree; Below -0.79 - Lower than expected to a large degree.

Explore Charter School and Explore Empower Charter School: 2010-11 State Assessments					
	Testing Grades	School Percent Proficient	District Percent Proficient	School Percent Free Lunch	Effect Size
Explore Charter School					
ELA	3-8	40.8	37.0	51.9	-0.49
Math	3-8	66.9	47.1	51.9	0.41
Explore Empower Charter School					
ELA	3	56.6	43.3	68.2	0.72
Math	3	61.2	48.8	68.2	0.61

In 2010-11, 40.8 percent of Explore Charter School's 3rd - 8th grade students were proficient on the state's ELA exam and 66.9 percent of the school's 3rd - 8th grade students were proficient on the state's math exam. Explore Charter School outperformed its district of location by 8.8 percentage points in ELA and by 19.8 percentage points in mathematics. Compared to demographically similar schools throughout the state, Explore Charter School performed lower than expected to a small degree in ELA and it performed higher than expected to a small degree in mathematics posting effect sizes of -0.49 and 0.41, respectively.

In the same year, 56.6 percent of Explore Empower's 3rd grade students scored proficient on the state's ELA exam and 61.2 percent of the school's 3rd grade students were proficient on the state's mathematics exam. The school outperformed its district of location by 13.3 percentage points in ELA and by 12.4 percentage points in mathematics. Compared to demographically similar schools throughout the state, Explore Empower performed higher than expected to a medium degree in both ELA and mathematics posting effect sizes of 0.72 and 0.61, respectively.

Explore, Explore Empower, and Explore Excel Charter Schools: 2011-12 State Assessments					
	Testing Grades	School Percent Proficient	District Percent Proficient	School Percent Free Lunch	Effect Size
Explore Charter School					
ELA	3-8	53.0	38.7	N/A	N/A
Math	3-8	85.8	50.5	N/A	N/A
Explore Empower Charter School					
ELA	3-4	47.9	42.8	N/A	N/A
Math	3-4	73.1	50.7	N/A	N/A
Explore Excel Charter School					
ELA	3	45.8	45.7	N/A	N/A
Math	3	62.7	49.1	N/A	N/A

In 2011-12, 53 percent of Explore Charter School's 3rd - 8th grade students were proficient on the state's ELA exam and 85.8 percent of the school's 3rd - 8th grade students were proficient on the state's mathematics exam. Explore Charter School outperformed its district of location by 14.3 percentage points in ELA and by 35.3 percentage points in mathematics. Effect sizes are not available for the 2011-12 school year because the data about students who are eligible for the FRPL Program required to perform the analysis is not yet available.

In the same year, 47.9 percent of Explore Empower's 3rd - 4th grade students scored proficient on the state's ELA exam and 73.1 percent of the school's 3rd - 4th grade students were proficient on the state's mathematics exam. The school outperformed its district of location by 5.1 percentage points in ELA and by 22.4 percentage points in mathematics. Effect sizes are not available for the 2011-12 school year because the data about students who are eligible for the FRPL Program required to perform the analysis is not yet available.

Also in 2011-12, 45.8 percent of Explore Excel's 3rd grade students scored proficient on the state's ELA exam and 62.7 percent of the school's 3rd grade students were proficient on the state's mathematics exam. The school outperformed its district of location by 0.1 percentage points in ELA and by 13.6 percentage points in mathematics. Effect sizes are not available for the 2011-12 school year because the data about students who are eligible for the FRPL Program required to perform the analysis is not yet available.

Explore Enrich would adopt the educational philosophy of its management organization:

To be successful, students require an educational program that balances explicit skills-instruction with a curriculum that encourages students to be critical thinkers and problem-solvers.

Instruction at Explore Enrich would be based on a curriculum that uses specific end-of-year benchmarks based on the New York State Standards for learning. "Skills-instruction" is defined as that which provides students with the basic tools they need to be literate in both English and math. For example, the early literacy program features a phonics component that provides students with the ability to decode the sounds that make up words, to recognize the letters of the alphabet, to identify the sounds those letters make, and to put letters together to make words. The school's instruction would be designed to provide students with opportunities to apply concepts to new situations. To support critical thinking in math, for example, students may conduct projects such as polling their classmates about an issue of importance, predicting the results of the survey, organizing the data in a chart, comparing their predictions to the actual results and making a decision based on the results.

The school has proposed a robust staffing model to support students and monitor their progress with close analysis of achievement data. The principal would be responsible for implementing and monitoring programmatic, fiscal, and compliance policies developed by Explore Schools and approved by the education corporation's board. The principal would manage academic directors, directors of culture, and a director of operations. Each of these positions would manage respective teams which support the academic, operational, financial and compliance-related activities of the school. A network chief academic officer and literacy specialist will provide further support to principals and school staff in implementing the academic program. Explore Schools would provide year-round professional development opportunities. The goal of the professional development program would be to assist teachers in meeting student academic needs and school goals by addressing identified shortcomings in student learning and teacher pedagogical skills and content knowledge. A combination of peer observations, administrative-led observations, learning walks, readings, lesson studies, contracted services, and attendance at professional conferences will support the attainment of professional development goals.

Given its proposed location in Brooklyn and explicit desire to serve students from a closing school, the applicant anticipates serving a large number of students at risk of academic failure. Explore Enrich's approach to meeting the needs of at-risk students (and thereby meeting a statutory purpose of the Act (Education Law § 2850(2)(b)) is a combination of high academic expectations, standards-based instruction, extended time to teach math and ELA, and ongoing and regular assessments to measure student achievement of the standards. These strategies will support students in need of remediation, students with Individualized Education Programs and ELLs.

The school would use a range of diagnostic instruments, based on age and grade level, to identify and assess students who need additional support and will then provide tailored support specific to the needs of the student. Classroom teachers, special education certified learning specialists and other members of the school's support services team, which includes a reading recovery specialist and academic intervention teachers, would work collaboratively to support at-risk students.

The Explore Enrich by-laws indicate that the education corporation board would consist of not less than five and not more than 16 voting members, with seven trustees serving on the initial board. When the board is initially seated, it must have at least six voting members or the trustee affiliated with Explore Schools cannot be seated per the terms of the charter agreement.

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

1. **Kyle Westaway** – Founding Partner and Director of Operations, Westaway Law; B.S., University of Tennessee; J.D./M.A., Regent University.
2. **James “J.R.” Randall** – Director of Partnerships and Ventures at VivaKI Nerve Center (part of Publicis Groupe, the world's third largest communications group); B.S., Stanford University; M.B.A., MIT Sloan School of Management.
3. **James McNamara** – Managing Director of Client Coverage at MSCI, Inc (previously a division of Morgan Stanley); B.A., College of the Holy Cross.
4. **Romy Horn** – Attorney at Innovation Interaction; President at Dough Re Me Kids. J.D., St. John's University School of Law.
5. **Lizz Pawlson** – Chief Operating Officer, Explore Schools; formerly Director of New Site Development, KIPP Foundation. M.B.A. University of North Carolina, Chapel Hill.
6. **Graeme Dayken** – Managing Director of Investor Relations at Magnitude Capital; formerly Executive Director of Equities Division of Goldman Sachs & Co.; M.A., University of Cambridge; M.B.A., Columbia University Graduate School of Business.
7. **Parent Member** – Seat reserved for a parent

Explore Enrich's board would also include the following non-voting members, who would not be counted toward the establishment of a quorum:

8. **Community Member** – Seat reserved for a community leader who will be the president of the Explore Parent Teacher Organization serving *ex officio*;
9. **Staff Member** – Seat reserved for a staff member who will represent the interests of the teachers and other school-based staff serving as *non-voting ex officio*; and

10. Principal – Seat reserved for principal, who will represent the interests of the school administration and serve *as non-voting ex officio*.

Similar to the plans for other schools managed by Explore Schools, the planning team for Explore Enrich anticipates locating the school in CSD 17 or 18 where the management organization has a strong relationship with the community and where there is a demonstrated need for high performing schools. State test scores in these districts are below average for New York City and New York State.

In the event that the NYCDOE moves forward with an elementary school closure or phase out in these communities, as noted above Explore Enrich has requested to serve as a “replacement” school for those students to the extent possible under the terms of its charter contract by setting an admissions priority for students attending failing schools. When that at-risk designation is coupled with the CSD admissions preference in the Act, the charter school should be able to serve those resident students in the same school space. The NYC Schools Chancellor has indicated his support for the school’s plans should such a situation occur as described below.

The applicant has worked closely with the NYCDOE to seek facility space in a district school building, and in particular, in the building of a school that is being closed or phased out should the proposal be approved. As stated above, any NYCDOE space would have to be approved through provisions of the Education Law related to the co-location of charter schools. In addition, the Institute reserves the right to review and approve all facilities, and, pursuant to the Act, would have to hold a hearing on behalf of the SUNY Trustees prior to the school occupying district school space. The applicant also provided contingency budgets in the event that such public space is unavailable and the Institute has found that they are sound.

The fiscal impact of Explore Enrich Charter School on the district of residence, the New York City School 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)
180 (2013-14 - Year 1)	\$13,527	\$2,434,860	\$19,720,913,110	0.01%
420 (2017-18 - Year 5)	\$13,527	\$5,681,340	\$19,720,913,110	0.03%

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

The calculations above assume the current basic per pupil payment 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 also being conservative by leaving it unchanged in five years. Based on these assumptions, and projections that the charter school will have full enrollment, Explore Enrich will have minimal fiscal

impact on public schools in the New York City School District: 0.01% in the 2013-14 school year and 0.03% in the 2017-18 school year.

The estimates used by the Institute to conduct its analysis is 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 \$20.7 billion and the basic per pupil funding to charter schools remains unchanged, the impact to the district would remain minimal: 0.03% in the 2017-18 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 New York City School District, and public charter, public district and nonpublic schools in the same geographic area would be minimal. In the event that the schools open 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 charter school's proposed start-up and operating and fiscal plans for each year of the proposed charter term and supporting evidence. The Institute also reviewed the business plan and limited fiscal information of Explore Schools to determine whether the management organization 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 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 the receipt of the proposal. On September 18, 2012, the Institute received positive comments from the NYC Schools Chancellor (Appendix A) as follows:

This application is proposing to offer students and families a high quality option within a building that also houses a school that is phasing out due to performance concerns. It is a replication of an existing high-performing charter school. Chancellor Dennis Walcott recommends this charter application to support the children of New York City. The DOE has not made any decisions regarding potential phase-outs for the 2013-14 school year. However, we do see a need for higher quality elementary and middle school seats in the identified CSD's and in other CSDs. We will work with the applicant to identify space, if available.

A public hearing was duly held by the New York City Department of Education on August 14, 2012 following notice from the Institute on behalf of the SUNY Trustees. The proposal was posted on the Institute's website for public review and SUNY provided notice to education and parent organizations in the area. Public comments made at the hearing and received separately by the Institute have been compiled in a Summary of Public Comments (Appendix B) which was shared

with the SUNY Trustees and posted on the Institute's website at:
<http://www.newyorkcharters.org/SUNYTrusteesCommitteeMaterials.htm>.

The applicant has conducted public outreach, in conformity with a thorough and meaningful public review process prescribed in the RFP to solicit community input regarding the proposed schools (Educ. Law §2852(9-a)(b)(ii)). The Institute notes that it has determined that the applicant has appropriately demonstrated community support for the school.

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

- The proposal met the following basic criteria:
 - submitted by the appropriate deadline;
 - was complete, i.e., included a Transmittal Sheet, Proposal Summary and responses to all RFP requests;
 - individual responses adequately addressed each specific request; and
 - the proposal was coherent.
- The proposal met the standard for describing a quality educational program and provided sufficient evidence that the proposed school is likely to operate in an educationally and fiscally sound manner, to improve student learning and achievement and materially further the purposes set out in Education Law subdivision 2850(2) as well as demonstrated a rigorous commitment to student achievement.
- The proposal included a viable plan to meet the enrollment and retention targets to be established by the SUNY Trustees for students with disabilities, students who are ELLs, and students who are eligible to participate in the FRPL program (as detailed in Request No. 17 of the proposal). For the purposes of responding to the RFP, SUNY directed applicants to address overall targets for the school district of location, and in the case of New York City, the Community School District of location as identified by the Institute and available at: <http://www.newyorkcharters.org/documents/DistrictLevelDataonSubpopulations.pdf>. As set forth in the charter agreement, SUNY intends to assign more specific targets during the first year of the charter.
- The proposal provided evidence of public outreach that conforms to the process prescribed by the SUNY Trustees in the letter of intent and RFP for the purpose of soliciting and incorporating community input regarding the proposed charter school.

As the Explore Enrich proposal met the eligibility criteria, the Institute's evaluation continued with a full review of the proposal, continued due diligence on proposed management organization Explore Schools, 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 eleven 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 2012. 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 subdivisions 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 19 proposals in response to the summer round of its January 2012 RFP, only six have been preliminarily recommended for approval. All of the six proposals recommended for approval met the eligibility criteria and were therefore assigned a score using the rubric contained in the RFP. The proposal for Explore Enrich earned a score of 42 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 establish the Explore Enrich Charter School, which would not exceed the statutory limit in Education Law subdivision 2852(9-a)(a).

Findings

Based on the comprehensive review of the proposal and interviews of the applicant and the proposed 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, complaints, 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 matter as reflected in (among other things):
 - the provision of an educational program that meets or exceeds the State performance standards;
 - the articulation of a culture of self-evaluation and accountability at both the administrative and board level;
 - the student achievement goals articulated by the applicant;
 - an appropriate roster of educational personnel;
 - a sound mission statement;
 - a comprehensive assessment plan;
 - the provision of sound start-up, first-year, and five-year budget plans;
 - a plan to acquire comprehensive general liability insurance to cover 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 a school year as required of other public schools; and
 - the inclusion of methods and strategies for serving students with disabilities in compliance with all federal laws and regulations.
3. Granting the proposal is likely to: 1) improve student learning and achievement; and 2) materially further the purposes of the Act. 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 reflecting the adoption of the Common Core State Standards;
 - a comprehensive plan to assess student achievement through the use of state tests, externally-verifiable standardized tests and other diagnostic assessments;
 - an extended school year and school day;
 - 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;
 - a commitment to providing an educational program focused on outcomes, not inputs; and
 - an organizational structure with an explicit focus on instructional leadership to improve teaching and student learning.
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 subdivision 2852(9-a)(b)(i).

The data upon which to base specific enrollment and retention targets mandated by the amendments to the Act was not fully available at the time the statute mandated the RFP be issued. As a result, the Institute developed internal evaluation criteria regarding the enrollment and retention of each class of student referenced in the amendments to the Act such that the Institute could make the determination that the applicant would meet or exceed the enrollment and retention targets when developed. The Institute also developed initial targets based on school district or CSD averages to use in making the determination required to approve the proposal. Before the first year of the charter term, SUNY will develop final targets, and shall ensure: “(1) that such enrollment targets are comparable to the enrollment figures of such categories of students attending the public schools within the school district, or in a city school district in a city

having a population of one million or more inhabitants, the community school district, in which the proposed charter school would be located; and (2) that such retention targets are comparable to the rate of retention of such categories of students attending the public schools within the school district, or in a city school district in a city having a population of one million or more inhabitants, the community school district, in which the proposed charter school would be located.” The Institute will conduct separate analyses for setting enrollment and retention targets, respectively. Based on the foregoing, the Institute finds that the proposal has rigorously demonstrated that the proposed charter school would meet or exceed the enrollment and retention targets, set by the Institute to evaluate proposals and to be prescribed by SUNY during the first year of the charter in accordance with the Act.

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 subdivision 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” within the meaning of Education Law subdivision 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 establish the Explore Enrich Charter School to open in Brooklyn in August of 2013.

Explore Enrich

Basic Identification Information

Lead Applicant(s):	Morty Ballen
Management Co.:	Explore Schools, Inc.
Other Partners:	None
Location (District):	CSD 17 or 18
Student Pop./Grades:	Opening with 180 students in grades K - 2; growing to 420 students in grades K - 6.
Opening Date:	August, 2013

School District of Proposed Location Profile

Brooklyn District 18			
Enrollment (2010-11):		18,010	
Percent (2010-11):			
African-American:		91	
Hispanic:		7	
Asian, White, Other:		2	
Percent Qualifying for Free or Reduced Priced Lunch (2010-11):		80	
English Language Arts (2010-11)		Mathematics (2010-11)	
Grade	Percent Proficient	Grade	Percent Proficient
3	42	3	47
4	50	4	57
5	45	5	55
6	39	6	47
7	31	7	48
8	29	8	44

Brooklyn District 17	
Enrollment (2010-11):	26,188
Percent (2010-11):	
African-American:	83
Hispanic:	13
Asian, White, Other:	4
Percent Qualifying for Free or Reduced Priced Lunch (2010-11):	86

English Language Arts (2010-11)		Mathematics (2010-11)	
Grade	Percent Proficient	Grade	Percent Proficient
3	43	3	49
4	44	4	50
5	40	5	51
6	39	6	47
7	30	7	46
8	28	8	42

Source: Demographic data are from the New York State Accountability and Overview Report 2010-11; test data are from the 2010-11 results released on the New York City Department of Education’s website.



September 18, 2012

Susan Miller Barker
Executive Director
Charter Schools Institute
State University of New York
41 State Street, Suite 700
Albany, New York 12207

Dear Ms. Barker,

The New York City Department of Education's Office of Portfolio Management has reviewed four charter school applications submitted to SUNY's Charter School Institute's 2012 round 2 process that have requested public space. I genuinely commend the passion and commitment of these founding groups for wanting to serve New York City's school children and provide more high quality options.

Attached are my recommendations for the charter schools that have requested public space and whom I would like to see move forward at this time. During the last few months, the Office of Portfolio Management evaluated applications that were submitted. After reviewing each application, meeting with many of the founding groups and evaluating with the Planning teams within the Office of Portfolio Management, we have decided on the attached recommendations.

For high quality applicants aligned to the needs of the community, we try to provide public school space when it is available. The identification of viable public school space is an ongoing and complex process. Support for an application does not guarantee the availability or viability of public school space and all applicants should have private facility plans in place. We plan to invite all of the recommended applicants who are approved by SUNY into our offices this Fall to discuss their space needs.

I look forward to many more collaborations between SUNY and the NYCDOE in the near future.

Sincerely,

A handwritten signature in black ink that reads 'Dennis M. Walcott'. The signature is written in a cursive, flowing style.

Dennis M. Walcott
Chancellor

2012 SUNY New Charter Applications – NYC Chancellor Recommendations

<u>Proposed School Name</u>	<u>Applicant Desired CSD</u>	<u>Overall Comments</u>	<u>Comments on Space Availability</u>
Achievement First Central Brooklyn Charter School	17, 23, 32	This proposal is a replication of existing high-performing charter schools. Chancellor Dennis Walcott recommends this charter application to support the children of New York City.	There is need for higher quality seats in Brooklyn and we will work with the applicant on space availability in their identified CSDs and in other CSDs with performance concerns. We will work with the applicant to consider split siting schools and modifying enrollment to tailor to space availability.
East Harlem Scholars Academy Charter School II	4	This proposal is a replication of an existing high-performing charter school. Chancellor Dennis Walcott recommends this charter application to support the children of New York City.	With limited space in Harlem, we recommend that they continue to look for private space. We will work with them on identifying public space options if available.
Explore Enrich Charter School	17,18	This application is proposing to offer students and families a high quality option within a building that also houses a school that is phasing out due to performance concerns. It is a replication of an existing high-performing charter school. Chancellor Dennis Walcott recommends this charter application to support the children of New York City.	The DOE has not made any decisions regarding potential phase-outs for the 2013-14 school year. However, we do see a need for higher quality elementary and middle school seats in the identified CSD's and in other CSDs. We will work with the applicant to identify space, if available.



Summary of Public Comments Received During SUNY Public Comment Period

Proposal to Establish the Explore Enrich Charter School

A joint public hearing was held by the New York City Department of Education (NYCDOE) on August 14, 2012 for the Explore Enrich proposal and the Achievement First Central Brooklyn proposal.

Attendees: 19. Speakers: 8.

Comments were as follows:

- Multiple speakers said that they needed more information about the schools.
- Multiple speakers said they oppose the fact that the hearing is being held in August; would like hearing in September.
- Multiple speakers said that they did not feel enough notice was given about the hearing.
- One commenter said he does not like charter schools or charter school access to personal information
- Another commenter said she would like more information from the people at the charter schools and would like more information on all charter schools

Note 1: According to NYCDOE notices were sent a week in advance of hearing. Notices included information on obtaining copies of the application and contact information for the NYCDOE for questions.

Note 2: CEC 17 President Claudette Agard asked the Institute for additional time to submit comments (until 8/19 from the original posted deadline of 8/15). As of the close of business on 8/19, no additional comments received.

Note 3: The officers of Community Education Council 17 submitted a letter to the Charter School Office of the State Education Department objecting to summer hearings and the NYCDOE's hearing protocols which ask for comments within 48 hours of the hearing.