



The State University
of New York

Office of the
Board of Trustees

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M E M O R A N D U M

June 4, 2014

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

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

Subject: **Approval of Proposal to Establish The International Charter School of New York (Brooklyn)**

Action Requested

The proposed resolution authorizes the granting of a new charter to the proposed The International Charter School of New York pursuant to New York 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”) 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 the applicant for The International Charter School of New York (the “Applicant”), a proposed education corporation seeking authority to operate one school to be located in Brooklyn, submitted a proposal 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

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the Power of SUNY

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 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, 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 Applicant and the founding team described in the Recommended Proposal 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 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 Establish
The International Charter School of New York*

May 27, 2014

Executive Summary

The proposal to establish The International Charter School of New York (“International Charter School”) 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.

International Charter School intends to seek facility space from the New York City Department of Education (“NYCDOE”) for the new school in New York City Community School Districts (“CSD”) 13 (Brooklyn). The new school would open in August 2015 with 155 students in Kindergarten and 1st grade and would grow one grade each year to 549 students in Kindergarten through 5th grade. The school would ultimately seek to enroll students in Kindergarten through 8th grades in the subsequent charter term, if approved. The school would enroll new students in Kindergarten and 1st grade, and additional students if it experienced significant attrition.

Consistent with the New York Charter Schools Act of 1998 (as amended, the “Act”), the Institute finds:

- 1) the proposal for International Charter School 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 process 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 establish The International Charter School of New York.

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. The Institute received 14 total proposals to create new charter schools in response to the January 6, 2014 RFP. The current review cycle could legally result in a maximum of 89 new charters approved by the SUNY Trustees, 18 of which could be located in New York City, per Education Law §2852(9).

The Institute conducted a rigorous evaluation of the proposal under consideration including academic, fiscal and legal soundness reviews. In addition, the Institute engaged independent consultants to evaluate the academic, fiscal and organizational soundness of the school based on the criteria set forth in the RFP. Pursuant to its protocols, the Institute has met with the applicant, the proposed board of trustees which will oversee the school, other members of the founding team and key International Charter School leadership. In addition, SUNY Trustees' Charter Schools Committee Chairman Joseph Belluck had an opportunity to interview the founding team and proposed board.

The mission of International Charter School would be, "to prepare students from diverse ethnic and economic backgrounds for a lifetime of active and engaged citizenship in their city, their nation and the world."

Key design elements of International Charter School include:

- A comprehensive, content-rich curriculum that builds children's literacy, background knowledge, and international understanding from the earliest grades including foreign language instruction beginning in Kindergarten.
- A socio-economically diverse student body, preparing children for success in a pluralistic society.
- Socio-emotional learning that builds non-academic strengths like persistence, honesty, and respect that contribute to students' success in school and in life.
- Attracting and retaining high quality teachers with competitive salaries and extensive, structured professional development.
- Researched based organizational design that leverages the practices of high performing New York City charter schools to ensure the school is as efficient and effective as possible.

The proposed school would offer 183 days of instruction with the first day of the 2014-15 school year on or around August 24, 2015 and the last day on or around June 17, 2015; subsequent years would follow a similar calendar. The school day would run from 8:00 a.m. – 4:00 p.m. four days of the week and from 8:00 a.m. until between 12:30 p.m. and 2:00 p.m. one day a week.

International Charter School seeks to build in its students an appreciation for other cultures and experiences, and to help them locate the American experience in a broader context and has selected or created curriculum to further this goal. International Charter School would offer 500 minutes of reading and literacy instruction per week using the *Core Knowledge* program. Students would also receive 250 weekly minutes of math instruction based on *Jump Math*. Students would receive 250 weekly minutes of social studies instruction based on the *Core Knowledge sequence* and 100 weekly minutes of science instruction based on curriculum developed by the school staff using age appropriate non-fiction texts and developing units in alignment with the *Core Knowledge sequence* for science. Students will also receive 50 minutes weekly of Spanish instruction beginning in Kindergarten. The school would offer students center time allowing structured student choice of activities, art and music instruction supplemented by a variety of partnerships with community organizations, and offer further instruction in yoga and physical education. The school would use Responsive Classroom Management techniques and the Core Virtues literacy program its approach to creating a strong culture and discipline system.

International Charter School would adopt a Response to Intervention (“RtI”) program supported by intervention curriculum including *Wilson Reading* and *Just Words*. The school would offer an Integrated Co-Teaching (ICT) setting in at least one classroom per grade and Special Education Teacher Support Services (SETSS) along with a special education coordinator who would oversee special education programs and RtI implementation. The school will seek to hire a Spanish teacher with dual certification in English as a Second Language (ESL) and will provide a pull out ESL class for ELLs.

An executive director would lead the proposed school and would serve as the school’s Chief Financial Officer while also overseeing the work of the school’s principal who would serve as the school’s instructional leader. The principal would oversee development and implementation of the academic program and would be supported by a leadership team consisting of an assistant principal, special education coordinator, social worker, guidance counselor, and lead and specialty teachers. The school would also employ a director of operations to assist in operational implementation in year one, and would add a director of finance in year four to take on more day-to-day financial responsibilities.

The proposed by-laws of International Charter School indicate that the education corporation board would consist of not less than five and no more than 25 voting members. The ten proposed initial trustees who would serve on the board of trustees are set forth below.

1. **Daria Rigney** - Former superintendant, CSD 2 (Manhattan); Senior Advisor, New York City Leadership Academy; proposed board chair.
2. **Ashley Garret** - Director of the All Souls Soup Kitchen; trustee of the New York City Center for Autism Charter School; MBA Harvard University.
3. **Monir Hoque** – Chief Financial Officer of Mohican Quarries and Managing Partner at Terra Materials Group; M.S. Columbia University.
4. **Joseph Lewis** - Director of JCRA Financial; Former Trustee, Leadership Prep Bed-Stuy Charter School (authorized by SUNY); Former representative, NYC Panel on Educational Policy; board member of the organizations Teaching Matters and Opportunity Agenda; M.A. Economics from New York University.
5. **Emma Lindsay** - Senior Associate at Simpson, Thacher & Bartlett LLP; LL.M. in International Law from New York University; resident of CSD 13.
6. **David Maya** - Partner at Oliver Wyman, former head of strategy for JP Morgan Chase and consultant with McKinsey & Co; Fulbright scholar at Oxford where he earned a M.S. in Economics.
7. **Kenneth Mbonu** - Director for Economic Development at the Bridge Street Development Corporation; M.B.A. from Pace University; resident of CSD 13.
8. **Robert Pondiscio** - Executive director, Citizenship First; former vice president, Core Knowledge Foundation and former teacher at PS 277 (Bronx); M.S. Mercy College.
9. **Andrew Sternleib** - President, Salem Realty Capital, a real estate investment firm; member of the Fiscal Advisory Committee of the North Salem Central School District; student at Teachers College, M.Ed. expected in 2014.

10. Jennifer Stillman, Ph.D. - Director, Assessment and Evaluation, New Classrooms Innovation Partners; former research analyst, NYCDOE Office of Innovation; Ph.D., Politics & Education, Teachers College, Columbia University.

The founding group has identified three potential facilities within CSD 13 including a building in the Ft. Greene neighborhood and two facilities in downtown Brooklyn. The applicants continue to consider other potential private locations for the school. The Institute reserves the right to review all proposed facilities in accordance with the charter agreement. As an alternative, if the NYCDOE determines that there is a sufficient public school building to site the school, then the founding group would consider entering into discussions to locate in that building.

The fiscal impact of International Charter School on the district of residence, 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)
155 (2015-16 school year – Year 1)	\$13,527	\$2,096,685	\$19,800,000,000	0.011%
549 (2019-20 school year – Year 5)	\$13,527	\$7,426,323	\$19,800,000,000	0.038%

*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, International Charter School York will have minimal fiscal impact on public schools in the District: 0.011% in the 2015-16 school year and 0.038% 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: 0.036% in the 2019-20 school year. While the education corporation has included in its proposal estimated calculations accounting for special education revenue, federal Title I funds, other federal grants and/or funds provided by the District and to be received by the education corporation, the Institute’s calculations and analysis do not account for these sources of potential revenue.

The Institute finds that the fiscal impact of the proposed school on the District, and public charter, public District and nonpublic schools in the same geographic area would be minimal. In the event

that the school opens with a slightly larger enrollment, the Institute has determined that the fiscal impact of the proposed school 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 finds the 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 have not received any District comments.

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

- The proposal was sufficiently complete, i.e., it included a Transmittal Sheet, Proposal Summary and responses to all RFP requests as prescribed by the Institute;
- The 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 International Charter School proposal met the eligibility criteria, the Institute's evaluation continued with a full review of the proposal, an interview of the founding team and proposed board of trustees, and requests for clarification and/or amendments to the proposal. The review process then continued with an evaluation of the proposal in relation to the 11 Preference Criteria contained in the RFP for which proposals can earn credit as described in the RFP's Scoring Rubric. The purpose of the Scoring Rubric was to prioritize proposals in the event that the number of proposals meeting the SUNY Trustees' requirements exceeded the maximum number of charters to be issued in 2014. In the event of a tie for the last charter, both proposals will be rejected unless one applicant agreed to withdraw his or her proposal for consideration in a subsequent RFP. The preference criteria, which in addition to eligibility criteria and the overall high standards established by the SUNY Trustees, included the demonstration of the following in compliance with Education Law §§2852(9-a)(c)(i)-(viii):

- increasing student achievement and decreasing student achievement gaps in reading/language arts and mathematics;
- increasing high school graduation rates and focusing on serving specific high school student populations including, but not limited to, students at risk of not obtaining a high school

- diploma, re-enrolled high school drop-outs, and students with academic skills below grade level;
- focusing on the academic achievement of middle school students and preparing them for a successful transition to high school;
 - utilizing high-quality assessments designed to measure a student's knowledge, understanding of, and ability to apply, critical concepts through the use of a variety of item types and formats;
 - increasing the acquisition, adoption, and use of local instructional improvement systems that provide teachers, principals, and administrators with the information and resources they need to inform and improve their instructional practices, decision-making, and overall effectiveness;
 - partnering with low performing public schools in the area to share best educational practices and innovations;
 - demonstrating the management and leadership techniques necessary to overcome initial start-up problems to establish a thriving, financially viable charter school; and
 - demonstrating the support of the school district in which the proposed charter school will be located and the intent to establish an ongoing relationship with such school district.

While the Institute received a total of 14 proposals in response to its January 2014 RFP, only seven have been recommended for approval. All of the seven proposals recommended for approval met the eligibility criteria and were therefore assigned a score using the rubric contained in the RFP. The proposal for International Charter School earned a score of 44.5 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 International Charter School, which would not exceed the statutory limit in Education Law §2852(9-a)(a).

Findings

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

1. The charter school described in the proposal meets the requirements of Article 56 of the Education Law (as amended) and other applicable laws, rules, and regulations as reflected in (among other things):
 - the inclusion of appropriate policies and procedures for the provision of services and programs for students with disabilities and ELLs;
 - the required policies for addressing the issues related to student discipline, personnel matters and health services;
 - an admissions policy that complies with the Act, federal law and the U.S. Constitution;
 - the inclusion of the proposed by-laws for the operation of the education corporation's board of trustees; and
 - the inclusion of an analysis of the projected fiscal and programmatic impact of the school on surrounding public and private schools.

2. The applicant has demonstrated the ability to operate the school in an educationally and fiscally sound manner as reflected in (among other things):
 - the provision of an educational program that meets or exceeds the state performance standards;
 - the articulation of a culture of self-evaluation and accountability at both the administrative and board level;
 - the student achievement goals articulated by the applicant;
 - an appropriate roster of educational personnel;
 - a sound mission statement;
 - a comprehensive assessment plan;
 - the provision of sound start-up, first-year, and five-year budget plans;
 - a plan to acquire comprehensive general liability insurance to include any vehicles, employees, and property;
 - evidence of adequate community support for, and interest in, the charter school sufficient to allow the school to reach its anticipated enrollment;
 - the inclusion of descriptions of programmatic and independent fiscal audits, with fiscal audits occurring at least, annually;
 - the inclusion of a school calendar and school day schedule that provide at least as much instruction time during the school year as required of other public schools; and
 - the inclusion of methods and strategies for serving students with disabilities in compliance with federal laws and regulations.
3. Granting the proposal is likely to: a) have a significant educational benefit to the students expected to attend the proposed charter school; b) improve student learning and achievement; and, c) materially further the purposes of the Act. This finding is reflected by (among other things):
 - extended learning opportunities with 500 weekly minutes of English language arts and 250 weekly minutes of math instruction;
 - a comprehensive plan to assess student achievement through the use of state tests, externally-verifiable standardized tests and other diagnostic assessments;
 - programs to meet the needs of all students at risk of academic failure;
 - 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 establish The International Charter School of New York in August 2015.

The International Charter School of New York

Basic Identification Information

Lead Applicant(s):	Matthew Levey and Tiphanie Yanique
Management Co.:	None
Other Partners:	None
Location (District):	New York City Community School District ("CSD") 13
Student Pop./Grades:	Opening with 155 students in grades K and 1 and would grow one grade each year to 549 students in grades K – 5.
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

The International Charter School of New York 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. According to the member, 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.
- Multiple comments spoke in support of the application for its pedagogical approach and international viewpoint.
- Comments said the charter school would place a burden on the public school system. The financial costs would not outweigh the benefits.
- A comment objected to the proposal now that there is “forced co-location or money for rent” included in the State Budget.

- A comment said that the school will target the upper middle class and become disproportionately wealthy and not serve the neediest children. Assertions in the application that the only two charters and two district schools are providing acceptable options for district children is either misinformed or deliberately misleading. A district school recently received a grant for a STEM program and Mandarin dual language program. The educational options and analysis in the application is not accurate. Finally, the planned use of space is problematic. CSD 13 is saturated with elementary schools and those schools need space to continue operating.