



The State University  
of New York

Office of the  
Board of Trustees

State University Plaza  
Albany, New York 12246

[www.suny.edu](http://www.suny.edu)

## **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 Grant Amber Charter School the Authority to Operate an Additional Charter School, Amber Charter School II (Manhattan or Queens)**

### **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, Amber 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 Amber Charter School, an existing education corporation (the "Education Corporation"), submitted a proposal seeking authority to operate one new school, to be named "Amber Charter School II" and located in Manhattan or Queens, 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 name of the Education Corporation will be changed from Amber Charter School to "Amber Charter Schools;" and, be it further

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

## **Background**

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

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

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

Prior to recommending the proposed charter school for approval, the Institute, acting on behalf of the Board of Trustees, conducted a rigorous review of the proposal and published its findings and recommendations in a Summary of

Findings and Recommendations ("Institute Report") (copy on file in the Office of the Secretary of the University and in the Albany office of the Institute, and available at: [http://www.suny.edu/Board\\_of\\_Trustees/meetingnotices.cfm](http://www.suny.edu/Board_of_Trustees/meetingnotices.cfm)), which was made available to the Charter Schools Committee. In addition to meeting all of the application requirements for non-RFP charters, the amended Act requires additional RFP findings reflected in the resolution.

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



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

## **Summary of Findings and Recommendations**

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***Proposal to Authorize Amber Charter School to Operate the Proposed  
Amber Charter School II***

May 27, 2014

## Executive Summary

The proposal to allow the existing SUNY authorized Amber Charter School (“Amber”) to operate the proposed Amber Charter School II (“Amber II”) 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 Amber 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.

The new school would open on September 8, 2015 with 250 students in Kindergarten and 1<sup>st</sup> grade. Amber II would add one grade each year until it reached its enrollment capacity of 650 students in Kindergarten through 5<sup>th</sup> grade in 2020. The school plans to expand through the 8<sup>th</sup> grade in the subsequent charter period, if granted. The school would admit new students to fill available open seats in Kindergarten and 1<sup>st</sup> grade. Amber intends to contract with the United Federation of Teachers for staffing at Amber II with what has become known as a “thin” contract of about 30 pages. For that reason the school would enroll more than 250 students in the first two years of operation. While the collective bargaining agreement would have to be negotiated, the labor cost has been factored into the Amber II budget. Amber intends to lease private space for Amber II located in New York City Department of Education (“NYCDOE”) Community School District (“CSD”) 6 (Bronx) or CSD 28 (Queens).

Amber II proposes to replicate the program in place at Amber. Institute evaluations of the performance of Amber indicate that the academic program, organizational, governance and fiscal performance of the existing school warrants replication as it is likely to provide additional high quality options for children and families. The SUNY Trustees approved Amber in January 2000 and the school commenced operation in fall of 2000. Student performance data for Amber is provided below. The charter school education corporation would create a chief executive officer and a shared services team composed of existing staff to provide leadership, back office support, services for special needs students, and facilities management to both schools. In order to ensure that the culture and programs are fully replicated and supported in the new school, the principal and lead teachers would be drawn from current staff.

Consistent with the Act, the Institute finds:

- 1) the proposal to allow Amber to operate Amber II rigorously demonstrates the criteria detailed in the Institute’s RFP including the mandatory criteria set forth in Education Law §2852(9)(b)(i) (that the proposed charter school would meet the enrollment and retention targets for students with disabilities, English language learners (“ELLs”) and students who qualify for the federal Free and Reduced Price Lunch (“FRPL”)) program);
- 2) the proposed school has conducted a thorough and meaningful public review processes to solicit community input regarding the proposal in accordance with the requirements in the RFP, which 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 Amber Charter School the authority to operate Amber Charter School II as an additional school within the one, existing education corporation.

### **Background and Description**

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

The Institute conducted a rigorous evaluation of the proposal under consideration including academic, fiscal and legal soundness reviews. In addition, the Institute engaged 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 has met with the applicant, the board of trustees which will oversee the 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 seek authority to operate the additional school.

The mission of Amber II would be, “to provide our students an academically rigorous and well-rounded education, along with strong character development, that will enable them to prosper in top middle schools and beyond”.

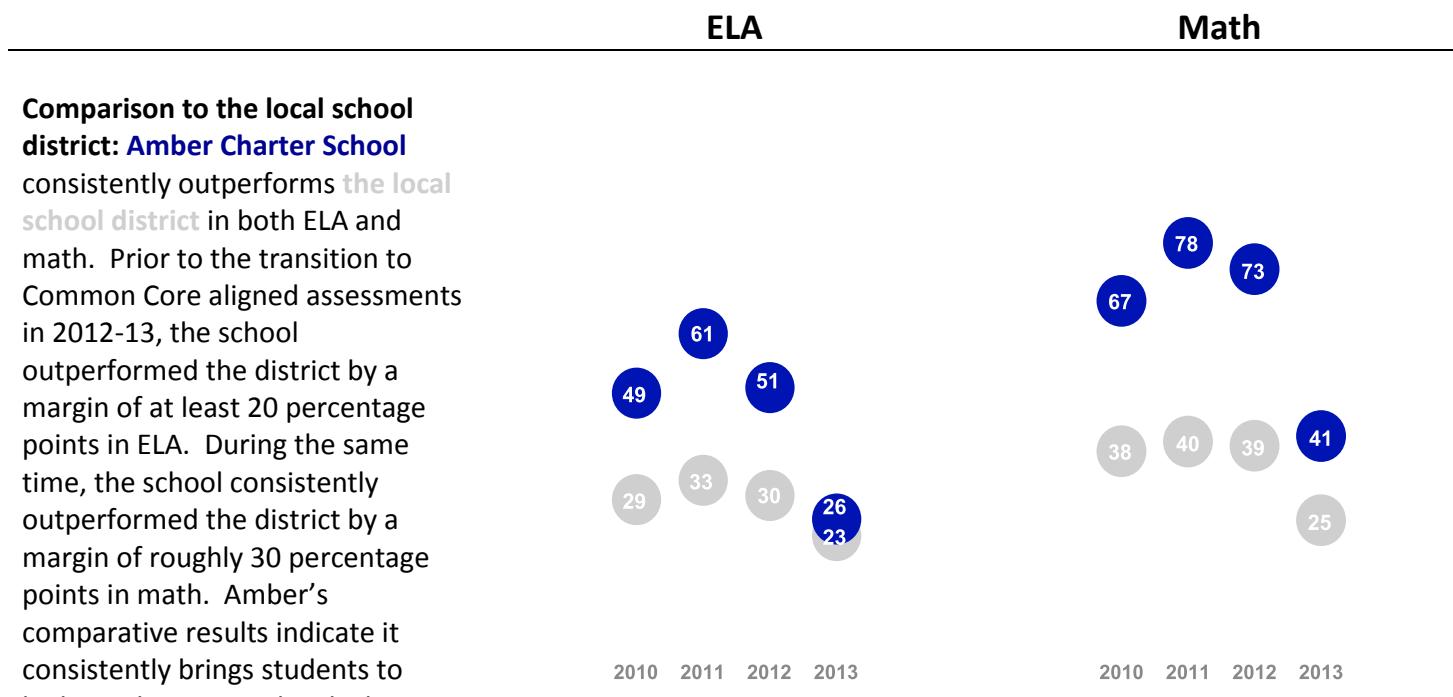
Key design elements of Amber II include:

- Literacy: 90 minutes of instruction per day.
- Mathematics: 90 minutes of math instruction per day.
- Science: 90 minutes of science instruction per week.
- Social Studies: 90 minutes of social studies instruction per week.

- Spanish as a Foreign Language: All students will learn Spanish language and culture.
- Enrichment: Students will have opportunities to learn: art, music, physical education, and Technology.
- School Culture: A strong culture of respect for learning is fostered through the infusion of the Amber Way throughout the student and adult culture. The Amber Way teaches the following character traits: Achievement, comMunity, responsiBility, honEsty and Respect.
- Service: Every student is required to complete a community service project every year. In this way, students begin to know their community, its needs and strengths, and see themselves as a vital contributor of their community.

The proposed school would offer 180 days of instruction with the first day of the 2015-16 school year on or around September 8, 2015 and the last day on or around June 21, 2016; subsequent years would follow a similar calendar. The school day would run from 8:10 a.m. to 3:10 p.m. Monday, Wednesday and Friday and to 3:45 p.m. on Tuesday and Thursday for all students.

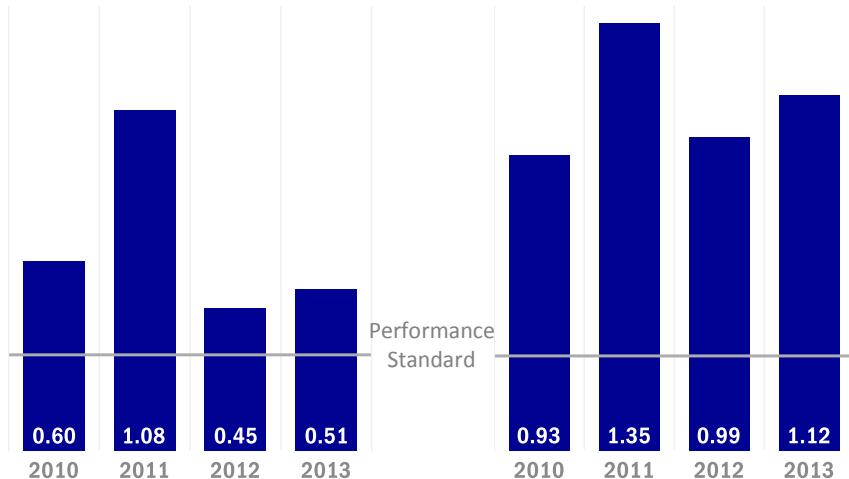
As noted above, the proposal reflects the education corporation's intent to replicate the success of Amber, which is in its 14<sup>th</sup> year of operation and serves 496 students in grades K-5. Amber has consistently performed better than its district of location and similar schools statewide on the state English language arts ("ELA") and math exams. The tables below illustrate student performance data.



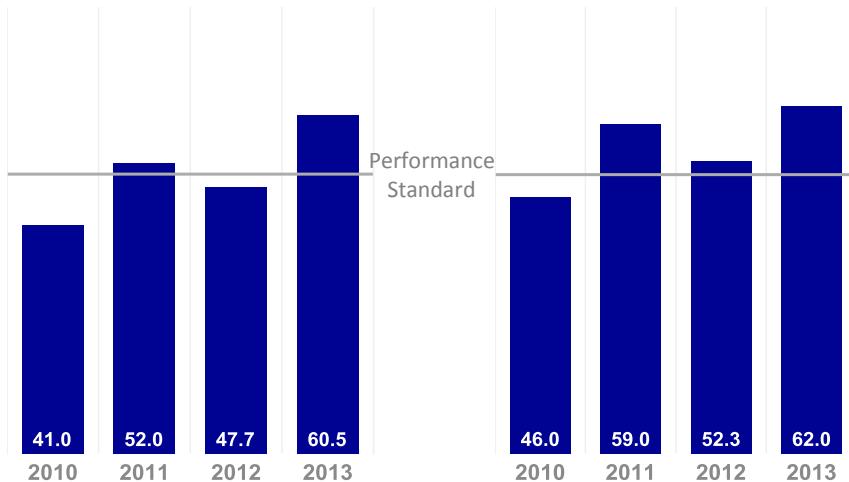
## ELA

## Math

**Effect Size:** According to the Institute's Effect Size analysis, Amber consistently performs higher than expected to a medium degree compared to demographically similar schools throughout New York State in both ELA and math. During each of the past four years, the school has exceeded the Institute's performance standard (an Effect Size of 0.3) in both ELA and math.



**Student Growth:** Amber'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 ELA, the school's growth exceeded the state's median growth (also the Institute's performance standard) during two of the last four years. In 2009-10 and 2011-12, the school fell just short of the statewide median. In math, the school's performance in student growth fell short of the Institute's performance standard during 2009-10. Since that year, the school has demonstrated adequate student growth compared to demographically similar students throughout New York State.



Amber uses Houghton Mifflin Harcourt's Journeys Common Core Reading Curriculum and GO Math! programs, which are designed to meet the objectives and intent of the Common Core state standards. In science, Kindergarten to 3<sup>rd</sup> grade will use K12 while 4<sup>th</sup> and 5<sup>th</sup> grade students will use the Scott Foresman Science program. The social studies curriculum incorporates language arts into units covering history, geography, economics, and civics. All students learn verbal communication skills in Spanish and gain cultural understanding of the countries that have Spanish

as their main language.

Amber's instructional model is data-driven with grade teams using aggregate and disaggregated data to evaluate the effectiveness of their instruction. Team leaders examine school-wide data to monitor the implementation and effectiveness of curriculum programs, instructional methods, intervention programs and grades and teachers. This information is used to target professional development, modify programs and consider teacher placement and retention. Data-driven interventions include after school tutoring and Saturday academies which include six weeks each of math and ELA. Intervention programs would include the Wilson Fundations program and the Orton-Gillingham program. A special education coordinator would coordinate special education services for both Amber and Amber II. Amber II would offer Special Education Teacher Support Services (SETSS) to students with disabilities. The school's Spanish teacher or other qualified staff member would receive training in English as a Second Language to serve the school's ELLs.

The executive director of the Amber would oversee both schools and supervise a shared services team as well as both schools' principals. The shared services team would provide back-office support, including finance, facilities, special education, and outreach. The principals would provide instructional and operational leadership at the school level. In addition, each school would have a special education coordinator, dean of students, grade level team leaders, and two staff developers who would provide ongoing coaching, observation and feedback, professional development and evaluation.

School culture is shaped by the Amber Way, which focuses on five character traits: Achievement, Community, Responsibility, Honesty and Respect. The school encourages these traits in lesson plans, focuses on them in school assemblies, and has an "Amber Hero" award in which students pick a peer who has modeled a particular trait. Community is a centerpiece of school culture and all students, teachers, and administrators are expected to follow the Amber Way.

The by-laws of Amber indicate that the school board consists of no fewer than seven voting members. The twelve current trustees of the education corporation are set forth below.

1. **David Briggs**, Board Chair — Co-founded Gowanus by Design, a nonprofit urban planning community-based advocacy group and founded Loci Architecture PC in 1998. He has served on the faculty of the Weimar Bauhaus University "Summer Academy in Rome," and Philadelphia University. David is a board member for four New Visions charter schools in Brooklyn, including two authorized by SUNY.
2. **Soledad Hiciano**: Board Vice Chair — She was born in the Dominican Republic, grew up in Washington Heights, and graduated from Mercy College in Dobbs Ferry, New York. Soledad serves as the Executive Director of La Asociación Comunal de Dominicanos Progresistas (ACDP) or Community Association of Progressive Dominicans. She is a founding member of Amber.
3. **Julio Sandoval**: Board Treasurer — Senior Vice President at Citigroup, a multinational financial services company. Before joining Citigroup, Julio worked as a consultant in Mexico

City and Miami. He has an Industrial Engineering degree from ITESM in Mexico City and a MBA from The Fuqua School of Business / Duke University.

4. **Jessica M. Jimenez**: Board Secretary — Associate in Barton LLP's Corporate Department where she advises clients on contractual matters and business transactions and has participated in the prosecution and defense of claims relating to corporate malfeasance, labor law, and intellectual property. She is fluent in Spanish and proficient in Italian.
5. **Jorge Romero** — He is an analytical fiscal executive and administrator with more than 30 years' experience in all aspects of financial control and accountancy. Jorge has received awards for his work and dedication leading a number of community agencies and institutions and has been an adjunct professor in the Business and Economics Department at Mercy College for the past 30 years.
6. **James N. Serafino** — Founder of Copper Hill Development, an Owners Representative firm that assists clients in the planning, design, and construction of their corporate facilities. Previously, James was the Associate Director of Facilities at SAC Capital Advisors where he oversaw an expansion of the business and helped develop domestic and international locations. Before joining SAC James worked at Salomon Smith Barney.
7. **Manny Morales** — Principal of MIM Consulting Services, Inc. that helps businesses with executive leadership and staff development. Manny began his career in architecture, working for firms such as Richard Gluckman Architects and Fox & Fowle Architects. Whether architecture, information technology, or consulting, Manny's career has focused on finding solutions for organizations to help them fulfill their vision.
8. **Frank Aldridge** — Assistant Vice President at Tradeweb Markets LLC, a leading firm in operating electronic over-the-counter marketplaces that has helped transform the way trading occurs in the fixed income and derivatives markets. Frank began his career at Ernst & Young LLP in their Financial Services Office where he worked in their audit and advisory practices.
9. **Jenna Pantel** — Associate at a New York City education law firm where she represents parents of students with disabilities. Jenna participated in the University of Miami's Center for Ethics and Public Service's Street Law program where she taught law and ethics to Miami Senior High School students.
10. **Ann Wiener** — She coaches new principals for the Leadership Academy, works with the Office of New Schools to select and train prospective new principals of new schools, and as a consultant to educational entities. Ann has been an elementary and secondary school teacher, was the Founding Principal at Crossroads School, and is the ex-chair of North Dakota Study Group's Planning Group. Ann is the Founder of Urban Teaching Fellows Program and served as a board chair at Whitby School, Buxton School, and The Prospect School.

11. **Aileen Wilson** — Associate Professor, Art and Design Education, at Pratt Institute where she was Director of the Saturday Art School from 2002-2009. She has worked with the Inner London Education Authority and Hackney Social Services as an art teacher in programs serving at risk youth and as a middle school art teacher in Harlem.
12. **Cecilia Castro** — Office manager at Kauftheil's D.D.S. Dental Office. Previously, Cecilia volunteered for the Mount Carmel Holy Rosary Elementary School's Parent Association and for Lasalle Academy High School's Parents Association. She graduated from Norman Thomas High School.

Amber has been located in a private facility since inception and has considerable experience with facility management, renovation and financing. Amber has initiated a facility search in CSD 6 and CSD 28 and has established partnerships with two organizations that are interested in supporting the creation and siting of Amber II: Broadway Housing Communities in CSD 6 and the leadership of the Lutheran Church Our Savior in CSD 28. Facilities currently under consideration include the Sugar Hill community housing project at 404-414 West 155th Street, and Our Savior Lutheran School at 64033 Woodhaven Boulevard in Rego Park. The Institute reserves the right to review all proposed facilities in accordance with the charter agreement.

The fiscal impact of Amber II 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)
250 (2015-16 school year – Year 1)	\$13,527	\$3,381,750	\$19,800,000,000	0.017%
650 (2019-20 school year – Year 5)	\$13,527	\$8,792,550	\$19,800,000,000	0.044%

\*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, Amber II will have minimal fiscal impact on public schools in the District: 0.017% in the 2015-16 school year and 0.044% 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: 0.042%

in the 2019-20 school year. While the education corporation has included in its proposal estimated calculations accounting for special education revenue, federal Title I funds, other federal grants and/or funds provided by the District and to be received by the education corporation, the Institute's calculations and analysis do not account for these sources of potential revenue.

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

The Institute reviewed the charter school'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 Amber 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 3, 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 the date of this report, the District did not provide any comments to the SUNY Trustees.

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 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 Amber II proposal met the eligibility criteria, the Institute's evaluation continued with a full review of the proposal, an interview of the founding team and proposed board of trustees, and requests for clarification and/or amendments to the proposal. The review process then continued with an evaluation of the proposal in relation to the 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 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 Amber II 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 is recommending that the SUNY Trustees approve the proposal to allow Amber to operate Amber II, which would not exceed the statutory limit in Education Law §2852(9-a)(a).

### **Findings**

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

1. The charter school described in the proposal meets the requirements of Article 56 of the Education Law (as amended) and other applicable laws, rules, and regulations as reflected in (among other things):

  - the inclusion of appropriate policies and procedures for the provision of services and programs for students with disabilities and ELLs;
  - the required policies for addressing the issues related to student discipline, personnel matters and health services;
  - an admissions policy that complies with the Act, federal law and the U.S. Constitution;
  - the inclusion of the 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 Amber II would replicate, which supports the assertion that Amber II would allow students to meet or exceed State standards;
  - 400 weekly minutes of instruction per subject in literacy, math, science and social studies;
  - 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;
  - data-driven interventions including Title I reading support using Wilson Fundations and enhanced by after school tutoring and Saturday academies;
  - an organizational structure that provides ample sharing of best practices between the schools under the same education corporation; and,
  - a commitment to providing an educational program focused on outcomes, not inputs.
4. The proposed charter school would meet or exceed enrollment and retention targets, as prescribed by the SUNY Trustees, of students with disabilities, ELLs, and students who are eligible applicants for the FRPL program as required by Education Law §2852(9-a)(b)(i).
  5. The applicant has conducted public outreach for the school, in conformity with a thorough and meaningful public review process prescribed by the SUNY Trustees, to solicit community input regarding the proposed charter school and to address comments received from the impacted community concerning the educational and programmatic needs of students in conformity with Education Law §2852(9-a)(b)(ii).
  6. The Institute has determined that the proposal rigorously demonstrates the criteria and best satisfies the objectives contained within the RFP, and, therefore, is a "qualified application" with the meaning of Education Law §2852(9-a)(d) that should be submitted to the Board of Regents for approval.

### **Conclusion and Recommendations**

Based on its review and findings, the Institute recommends that the SUNY Trustees approve the proposal to allow Amber Charter School to operate Amber Charter School II in September 2015.

**Amber Charter School II**  
**Basic Identification Information**

Lead Applicant(s):	Vasthi Acosta for Amber Charter School
Management Co.:	None
Other Partners:	None
Location (District):	New York City CSD 6 or 28
Student Pop./Grades:	Opening with 250 students in K - 1 <sup>st</sup> grade; growing to 650 students K -5
Opening Date:	September 2015

**School District of Proposed Location Profile**

New York City School District 6			
Enrollment :	23,949		
Percent:			
African-American:	7%		
Hispanic:	88%		
Asian, White, Other:	4%		
Students with Disabilities	15%		
English Language Learners	34%		
Percent Qualifying for Free or Reduced Priced Lunch:	87%		
English Language Arts (2012-13)		Mathematics (2012-13)	
Grade	Percent Proficient	Grade	Percent Proficient
3	18	3	21
4	13	4	20
5	17	5	17
6	11	6	16
7	13	7	13
8	13	8	15

New York City School District 28	
Enrollment:	37,448
Percent:	
African-American:	26%
Hispanic:	26%
Asian, White, Other:	48%
Students with Disabilities	13%
English Language Learners	31%
Percent Qualifying for Free or Reduced Priced Lunch (2012-2013):	57%

English Language Arts (2012-13)		Mathematics (2012-13)	
Grade	Percent Proficient	Grade	Percent Proficient
3	32	3	37
4	29	4	38
5	32	5	34
6	29	6	35
7	28	7	29
8	31	8	29

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



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

### **Amber Charter School II**

A public hearing was held by the New York City Department of Education on April 3, 2014 in Community School District 28.

Attendees: 21. Speakers: 0.

No public comments were received by the New York City Department of Education. Members of the community did ask questions including whether the school would serve students with special needs or English language learners, what the fiscal impact would be on the district, whether religious instruction would be provided and how the admissions lottery works.

A second public hearing was held by the New York City Department of Education on April 10, 2014 in Community School District 6.

Attendees: 12. Speakers: 6.

- A member of the Community Education Council said he believes in multiple options, but he thinks the district already has them. He said the concentration should be on fixing schools that already exist rather than creating more new schools.
- A member of the Community Education Council said it was difficult to understand the proposal without more information. The member was not in support of charter schools because it is the privatization of public education and the choice language is propaganda. The member said district schools will suffer if charter schools get more access to public space.
- The current Community Education Council president had concerns because the original Amber Charter School needed a waiver to continue operating due to performance. The president wanted more information about where students in existing schools reside.

- The former Community Education Council president said it is uncertain what choice the school offers that doesn't already exist in the district. The former president said funding for this school takes funding away from students in the district.
- A community member said no one should be denied education so if the school is tuition free then why not offer it to parents.
- Another community member said that Amber Charter School has been a part of the choice movement since it began. It was started by a teacher in Community School District 6 who had two children go through the district. It should be offered as another choice to the community.

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