



Charter Schools Institute
The State University of New York

Summary of Findings and Recommendations

*Proposal to establish:
Explore Exceed Charter School*

June 5, 2011

Executive Summary

The proposal to establish the Explore Exceed Charter School (“Explore Exceed”) was submitted to the Charter Schools Institute (the “Institute”) by lead applicant Morty Ballen on February 28, 2011 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, 2011.

The proposed mission of Explore Exceed is for its students to demonstrate the academic skills and critical-thinking abilities they need to be successful in a college-preparatory high school. The founding board intends to contract with the nonprofit charter management organization Explore Schools Inc. and specifically desires to serve the 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, 18, 19 or 23 (all in Brooklyn).

The NYCDOE has indicated its support, however, such schools have not yet been identified and likely will not be until test scores are released by the State Education Department (“SED”). Additionally, a charter school cannot serve as an on-site replacement for a district school in New York City until a siting process has been completed by the NYCDOE and the Panel for Educational Policy, which processes are subject to SED appeals and litigation. Those siting decisions have also typically been made later in the year. Therefore, the applicant includes in the proposal an enrollment plan to open with 168 students in Kindergarten through 2nd grade adding one grade each year thereafter to serve 396 students in Kindergarten through 6th grade in the final year of the proposed charter period

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 board would seek a charter revision from the SUNY Trustees for waiver of the mandatory collective bargaining provisions in the New York Charter Schools Act (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 school would open in the fall of 2012 with 224 students in Kindergarten through 3rd grade and would add one grade each year thereafter through the initial charter period, serving 456 students in Kindergarten through 7th grade in the final year of the proposed charter period is also contained in the proposal. In either case, the applicant and founding team envision growing the school through the 8th grade in a subsequent charter period if granted.

Explore Schools, Inc. (“Explore Schools”), a New York based non-profit organization, currently manages two charter schools (authorized by the NYC Schools Chancellor) and has been approved to manage an additional school, Explore Excel Charter School (authorized by the SUNY Trustees and granted a waiver of the automatic collective bargaining provisions of the Act) in the fall of 2011. Explore Exceed would replicate the successful Explore Charter School and Explore Empower Charter School based on the model as set forth below. Student performance data for Explore Charter School is listed below.

Consistent with the May 2010 amendments to the Act, the Institute finds: 1) that the proposal for the Explore Exceed rigorously demonstrates the criteria detailed in the Institute’s RFP including the mandatory criteria set forth in Education Law subdivision 2852(9)(b)(i); 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 January 2011 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 for the Explore Exceed 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 made additional charters to create new education corporations available only through an RFP process. The Institute received 25 total proposals to create new charter schools in response to the RFP it issued on January 3, 2011. The current review cycle could legally result in a maximum of 63 new charters approved by the SUNY Trustees, per Education Law subdivision 2852(9), 30 of which reflect charters that were available but not awarded in response to the August 2010 RFP. Two of the current 25 proposals were submitted in response to the expedited timeline provided for in the January 2011 RFP and subsequently approved, leaving 61 possible charters to be approved.

The Institute conducted a rigorous evaluation of the Explore Exceed proposal including academic, fiscal and legal soundness reviews. 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 representative of Explore Schools. An Institute staff member also conducted a visit to one of the schools currently managed by Explore Schools as part of its due diligence review. In addition, members of SUNY Trustees' Education, College Readiness and Success Committee had an opportunity to interview the lead applicant and members of the founding board.

The mission the Explore Exceed 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 Exceed would contract with Explore Schools for charter management services including in the areas of compliance, facilities, finance, human resources, student recruitment, and leadership support and evaluation. The members of the Explore Schools team provide these services in exchange for a fee, as outlined in an agreement with the proposed board of trustees. The 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.

Currently Explore Schools contracts with two charter schools in Brooklyn authorized by the New York City School’s Chancellor, Explore Charter School and Explore Empower Charter School, which collectively serve 700 students. The third school contracting with Explore Schools is the SUNY authorized Explore Excel Charter School which will open in the fall of 2011. Only Explore Charter School has state testing data available. The following tables provide the performance of the school on the state English Language Arts (“ELA”) and math exams over the last three years.

Explore Charter School 2009-10							
Subject	Testing Grades	School Percent Proficient	District Percent Proficient	Time Adjusted Percent Proficient¹	Percent Free Lunch	Effect Size²	Percentile
ELA	3-8	43.1	33.7	67.8	50.4	-0.39	28
Math	3-8	66.6	42.7	96.4	50.4	0.49	56

In 2009-10, the most recent year for which data is available, with 43.1 percent of its students performing at or above proficiency on the ELA exam and 66.6 percent of its students performing at or above proficiency on the math exam, the school outperformed the district of location by 9.4 and 23.9 percentage points in ELA and math, respectively. With 50.4 percent of its students eligible for the federal free lunch program, The Explore Charter School performed lower than expected to a small degree when compared to similar schools statewide in ELA, demonstrating an Effect Size of -0.39. On the math exam, the school performed higher than expected to a small degree compared to similar schools statewide, demonstrating an Effect Size of 0.49.

¹ In 2009-10, the State Education Department (SED) raised its achievement standard, by increasing the scaled score cut off for proficiency or Level 3 performance on the English language arts and mathematics exams. In order to maintain a consistent standard for determining meeting the absolute and growth measures, the Institute requested that the school report 2009-10 results on these measures using a 650 scaled score cut-off, as SED had used a 650 cut-off in the previous few years. SED then refined the cut score for its own NCLB accountability system. While following the same principle of maintaining year-to-year consistency in cut scores, the state has also taken into account when the two exams were administered in 2010 compared to previous years. As the exams were administered later in the year, students had more learning opportunities prior to the exam. As such, SED set the cut scores slightly higher than 650 in each grade. For the purpose of evaluating the goals’ three absolute and growth measures, the Institute has adapted SED’s “time-adjusted” cut-offs. In developing the performance summaries for 2009-10, the “time-adjusted” cut offs are used where possible (the absolute and growth measures), while the previously released cut offs are used for all other measures.

² 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.

The Explore Charter School 2008-09						
Subject	Testing Grades	School Percent Proficient	District Percent Proficient	Percent Free Lunch	Effect Size	Percentile
ELA	3-8	83.7	62.4	49.1	0.81	57.5
Math	3-8	97.6	74.4	49.1	1.30	87.5

In 2008-09, with 83.7 percent of its students performing at or above proficiency on the ELA exam and 97.6 percent of its students performing at or above proficiency on the math exam, the school outperformed the district of location by 21.3 and 23.2 percentage points in ELA and math, respectively. With 49.1 percent of its students eligible for the federal free lunch program, The Explore Charter School performed higher than expected to a large degree when compared to similar schools statewide in ELA, demonstrating an Effect Size of 0.81. On the math exam, the school also performed higher than expected to a large degree, demonstrating an Effect Size of 1.30.

The Explore Charter School 2007-08						
Subject	Testing Grades	School Percent Proficient	District Percent Proficient	Percent Free Lunch	Effect Size	Percentile
ELA	3-8	74.5	51.3	59.5	0.94	52.5
Math	3-8	92.2	64.9	59.5	1.16	72.5

In 2007-08, with 74.5 percent of its students performing at or above proficiency on the ELA exam and 92.2 percent of its students performing at or above proficiency on the math exam, the school outperformed the district of location by 23.2 and 27.3 percentage points in ELA and math, respectively. With 59.5 percent of its students eligible for the federal free lunch program, The Explore Charter School performed higher than expected to a large degree when compared to similar schools statewide in ELA, demonstrating an Effect Size of 0.94. On the math exam, the school also performed higher than expected to a large degree, demonstrating an Effect Size of 1.16.

Explore Exceed 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 will 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 a 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 school'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.

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 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 Exceed'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 English language learners.

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 Exceed by-laws indicate that school board would consist of not less than 5 voting members, and not more than 16. When the school 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 school's 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. **Kevin Pemberton** – Senior Vice President of Neuberger Berman, LLC.; former Vice President, CitiGroup Asset Management; A.B, Harvard University
5. **Ian Newton** – Managing Director of Operations at Explore Schools, Inc; formerly Director of Finance and Operations, Elizabeth Peabody House Association; B.A. and M.A., Clark University; M.B.A., Boston College

- 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
- 8. **Community Member** – Seat reserved for a community leader

Similar to the plans for Explore Excel Charter School, the planning team for Explore Exceed envisions locating the school in CSDs 17, 18, 19, or 23 where the management organization has a strong relationship with the community and where there is a strong need for high performing schools. State test scores in these districts are below average for New York City and New York State. For example, whereas only 33% of 8th graders in CSD 17 scored proficient or above on the 2010 New York State Math Exam, 86% of 8th graders at Explore Charter School scored proficient or above on the same exam. On the ELA exam, only 25% of 8th graders in CSD 17 scored proficient or above, compared to 54% of Explore Charter School 8th graders.

In the event that the NYCDOE moves forward with an elementary school closure in these communities, Explore Exceed has requested to serve as a “replacement” school for those students 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 students in the same school space. The NYC Schools Chancellor has preliminarily agreed to recommend such a transition should the situation arise.

The applicant has also worked closely with the NYCDOE to ensure the school would be provided public facility space if approved. Any NYCDOE space would have to be approved through the new 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 each school occupying district school space.

The fiscal impact of Explore Exceed on the district of residence, the New York City School District, is summarized below.

Number of Students	Per Pupil Aid Rate Assumed	Per Pupil Aid Revenue Only	Total Budget for New York City (in billions)	(%) of Total NYC Ed. Budget
168 (2011-12 school year – year 1)	\$13,527	\$2,272,536	\$19.007	0.012%
396 (2015-16 school year – year 5)	\$14,781	\$5,853,276	\$20.704	0.028%

The calculations above assume there will be no annual increase in per-pupil aid in years 1 and 2 (2012-13, 2013-14) and a three percent increase each year thereafter for the remainder of the charter period (2014-15 thru 2016-17). The NYCDOE yearly budget figures were accessed from the latest, December 2010, Financial Status Report (FSR) published on the NYCDOE website. No information was available for 2015-16 and 2016-17 so no increase in spending was assumed for that year. Using the moderately aggressive assumptions for per-pupil aid and revenue and the district’s four-year

operational budgeting assumptions, along with the fundamentally conservative assumptions for years four and five of the proposed charter period, illustrates a maximum fiscal impact of the proposed school on the district.

It should be noted that the NYCDOE estimate used by the Institute in conducting its analysis is subject to unpredictable increases and decreases in any given year given the nature of per-pupil funding for the district. 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 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, public charter and nonpublic schools in the same geographic area would be minimal. In the event that the school does open with the larger enrollment, the Institute has determined that the fiscal impact of the proposed school on the New York City School District, public charter and nonpublic schools in the same geographic area would also be minimal.

The Institute has notified the school district as well as public and private schools in the same geographic area of the proposed school. On May 26, 2011, the Institute received positive comments from the NYC Schools Chancellor as follows: "This application proposes to turnaround an existing school that has been slated for phase out/closure. 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 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 (Ed. Law §2852(9-a)(b)(ii)).

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

- The proposal was complete and met the following basic criteria:
 - submitted by the appropriate deadline;
 - was complete, i.e., include 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 established by the SUNY Trustees for students with disabilities, students who are English language learners, and students who are eligible to participate in the federal free and reduced-price lunch program (as detailed in Request No. 24).

The proposal provided evidence of public outreach that conforms to the process prescribed by the SUNY Trustees for the purpose of soliciting and incorporating community input regarding the proposed charter school.

As the Explore Exceed 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 2011. 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 25 proposals in response to its January 2011 RFP, only 14 have been recommended for approval, including two in March 2011 which were approved by the SUNY Trustees. All of the 14 proposals recommended for approval met the eligibility criteria and were therefore assessed a score using the rubric contained in the RFP. The proposal for Explore Exceed

earned a score of 38 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 establish the Explore Exceed 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 proposals 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 English language learners;
 - 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 school's board of trustees; and
 - the inclusion of an analysis of the projected fiscal and programmatic impact 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 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 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;
 - robust programs to meet the needs of students at risk of academic failure, particularly students who are over-aged, under-credited;
 - 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, English language learners, and students who are eligible applicants for the federal free and reduced price lunch program as required by Education Law subdivision 2852(9-a)(b)(i).

The data upon which to base the enrollment and retention targets mandated by the amendments to the Act was not 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. During the first year of the charter term, SUNY will develop such 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. The former analysis will be based on the demographic and classification characteristics of cohorts of students first entering the school; the latter analysis will be based on the characteristics of cohorts of students leaving the school. The comparison will be to an individual school or schools within the district that are representative of the districts’ relevant sub-populations. During each year in the charter period, the same methodology will be applied to each charter school to determine if it has met its district-based target. Based on the foregoing, the Institute finds that the proposals have rigorously demonstrated that the proposed charter schools would meet or exceed enrollment and retention targets, to be prescribed by SUNY during the first year of each charter in accordance with the amendments to 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 Exceed Charter School to open in Brooklyn in September of 2012.

Explore Exceed Charter School

Basic Identification Information

Lead Applicant(s):	Morty Ballen
Management Co.:	Explore Schools, Inc.
Other Partners:	None
Location (Districts):	New York City Community School District 17, 18, 19 or 23
Student Pop./Grades:	Opening with 224 students in K - 3 rd grade or 168 students in K - 2 nd Grades; growing to 456 in K - 7 th grade students or 396 students in K - 6 th grade.
Opening Date:	September 2012

School Districts of Proposed Location Profile

New York City School District 17			
Enrollment (2009-10):		26,897	
Percent (2009-10):			
African-American:		85	
Hispanic:		11	
Asian, White, Other:		4	
Percent Qualifying for Free or Reduced Priced Lunch (2009-10):		87	
English Language Arts (2009-10)		Mathematics (2009-10)	
Grade	Percent Proficient	Grade	Percent Proficient
3	42	3	49
4	36	4	46
5	39	5	48
6	31	6	40
7	31	7	42
8	25	8	34

New York City School District 18			
Enrollment (2009-10):		18,297	
Percent (2009-10):			
African-American:		91	
Hispanic:		7	
Asian, White, Other:		2	
Percent Qualifying for Free or Reduced Priced Lunch (2009-010):		78	
English Language Arts (2009-10)		Mathematics (2009-10)	
Grade	Percent Proficient	Grade	Percent Proficient
3	44	3	49
4	39	4	52
5	45	5	55
6	31	6	45
7	30	7	40
8	27	8	36

New York City School District 19			
Enrollment (2009-10):		25,657	
Percent (2009-10):			
African-American:		53	
Hispanic:		40	
Asian, White, Other:		7	
Percent Qualifying for Free or Reduced Priced Lunch (2009-010):		89	
English Language Arts (2009-10)		Mathematics (2009-10)	
Grade	Percent Proficient	Grade	Percent Proficient
3	39	3	44
4	32	4	48
5	34	5	45
6	27	6	39
7	24	7	39
8	22	8	31

New York City School District 23

Enrollment (2009-10):		11,816	
Percent (2009-10):			
African-American:		81	
Hispanic:		17	
Asian, White, Other:		2	
Percent Qualifying for Free or Reduced Priced Lunch (2009-010):		85	
English Language Arts (2009-10)		Mathematics (2009-10)	
Grade	Percent Proficient	Grade	Percent Proficient
3	31	3	30
4	29	4	33
5	27	5	35
6	30	6	41
7	28	7	36
8	26	8	30

Source: demographic data are from the New York State Accountability and Overview Report 2009-10; test data are from the 2009-10 results released on the New York City Department of Education's website.