



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

TO: P-12 Education Committee
FROM: John B. King, Jr.
SUBJECT: Proposed Charter for Broome Street Academy Charter High School – Authorized by the Trustees of the State University of New York
DATE: October 1, 2010

AUTHORIZATION(S):

SUMMARY

I recommend that the Board of Regents approve the proposed charter for the Broome Street Academy Charter High School authorized by the Board of Trustees of the State University of New York (SUNY). The proposed charter was approved by the SUNY Board of Trustees at their regularly scheduled meeting on September 15, 2010, in their capacity as charter school authorizers under Article 56 of the Education Law and was approved by the SUNY Board of Trustees as one of the 18 remaining charters that they can authorize pursuant to the 2007 charter school statute cap.

The table below outlines information about the proposed charter:

Name of Proposed Charter School:	Broome Street Academy Charter High School
Lead Applicant(s):	Jeremy L. Kaplan
Management Company:	None
Other Partner(s):	The Door, A Center of Alternatives, Inc.
District of Location:	NYC Community School District 2
Opening Date:	August 2011
Grade Levels:	Grades 9 through 12 (beginning with Grade 9 in August 2011)
Number of Students:	325 (at full enrollment – beginning with 110 students in Grade 9 in August 2011)

Additional information about the application and proposed charter is included in the attached Summary of Findings and Recommendations presented to the SUNY Board of Trustees concerning the Broome Street Academy Charter High School.

Reasons for Recommendation

(1) The charter school described in the proposed charter meets the requirements set out in Article 56 of the Education Law, and all other applicable laws, rules, and regulations; (2) the applicants can demonstrate the ability to operate the school in an educationally and fiscally sound manner; and (3) approving and issuing the proposed charter is likely to improve student learning and achievement and materially further the purposes set out in subdivision two of section twenty-eight hundred fifty of Article 56 of the Education Law.

Motion for Approval

VOTED: That the Board of Regents approves and issues the charter of the Broome Street Academy Charter High School as proposed by the Trustees of the State University of New York (SUNY) and issues a provisional charter to it for a term of five years, up through and including October 18, 2015.

The Regents action for Broome Street Academy Charter High School is effective immediately.

Attachment



Charter Schools Institute
The State University of New York

Summary of Findings and Recommendations

*Application to establish the
Broome Street Academy Charter High School*

September 14, 2010

Executive Summary

The Broome Street Academy Charter High School (“Broome Street Academy”) application was submitted to the Charter Schools Institute (the “Institute”) by lead applicant Jeremy Kaplan on May 3, 2010. The school would be located at 121 6th Avenue in Community School District (“CSD”) 2 in Manhattan in a building owned and used by The Door – A Center for Alternatives, Inc., a not-for-profit 501(c)(3) organization. The space is currently leased by the New York City Department of Education (the “NYCDOE”) to house Unity High School, a public school not connected to The Door; however, that school will vacate the space in 2011. Broome Street Academy would lease the space from The Door. Broome Street Academy would open in August 2011 with 110 students in ninth grade and grow to include 325 students in ninth through twelfth grade during its charter term. Each grade would consist of four classes averaging 28 students per class in year one, and decreasing to 20 students per class in years four and five. The school’s mission would be, “to prepare vulnerable young people to graduate with a Regents diploma through a rigorous curriculum that is grounded in the principles of positive youth development.” To achieve this mission, an admissions factor would be given for all New York City at-risk youth, specifically: 1) those who are or have ever been enrolled in the child welfare system; 2) youth who are homeless; and/or 3) students who are graduating from a middle school where over 50% of the students perform below grade level on the New York State English language arts examination.

The school would partner with The Door, a nationally recognized non-profit in existence since 1972, currently assisting over 11,400 young people and serving as a New York City Department of Youth and Community Development “drop in center” for run-away and homeless youth. In addition to providing leased facility space to the school, The Door would provide a number of services to the school including assisting Broome Street Academy with start-up operations, providing space in the building that houses The Door, providing administrative and support services (including fiscal, human resources, and data management), information technology support, marketing and fundraising, and facilities maintenance and repairs. As with all management contracts, the Institute will review any contract pursuant to the charter and on behalf of the Board of Trustees of the State University of New York (the “SUNY Trustees”).

The Institute recommends that the SUNY Trustees approve the charter application for the Broome Street Academy Charter High School.

Background and Description

The Institute conducted a rigorous review of the application including an extensive staff review as well as a review by a panel of nationally renowned experts in fields such as education (charter and traditional schools), school administration, charter and traditional school policy, finance, and curriculum. The application has also been subjected to a fiscal soundness review conducted by the Institute’s school finance expert. Pursuant to its review protocols, the Institute has met with the applicant and the other members of the founding team. In addition, the Institute has required the applicant to revise, clarify and otherwise amend the applications as needed. The Institute conducted additional due diligence with respect to the proposed partner organization, The Door, including, but not limited to, extensive fiscal and legal document review, a review of the effectiveness of educational services provided by The Door, and an interview with the organization’s leadership. In addition, SUNY Trustee Pedro Noguera had an opportunity to interview the lead applicant and founding board members.

The key elements of the Broome Street Academy are:

- curriculum rooted in State standards, performance indicators in cores subject areas;
- instruction that incorporates the elements of flexible grouping;
- reading and writing infused throughout the curriculum;
- assessments that are linked to curriculum design and lesson planning;
- the development of an Individualized Achievement Plan guided by a teacher advisor for each student; and
- the recruitment, nurturing and retention of quality staff.

As stated above, the school’s mission would be, “to prepare vulnerable young people to graduate with a Regents diploma through a rigorous curriculum that is grounded in the principles of positive youth development.” To achieve this mission, an admissions “preference” would be given for all New York City at-risk youth, specifically: 1) those who are or have ever been enrolled in the child welfare system; 2) youth who are homeless; and/or 3) students who are graduating from a middle school where over 50% of the students perform below grade level on the state English language arts examination. In pursuit of its mission, Broome Street Academy would leverage the services of The Door, “to meet basic youth development needs, so students with difficult life experiences can focus on the school’s Regents preparatory curriculum.”

All students would receive two periods of English language arts and mathematics daily totaling 90 minutes each, and 45 minutes in all other subjects; small group instruction and flexible grouping in the classroom; daily academic enrichment opportunities offered during “Foundations” [a period provided to small groups each day and includes an alternating schedule of health/physical education, music/dance/art, tutoring and foreign language (in 10th - 12th grades)]; three extended-day periods each week; extended school year (190 days); and a remediation and/or enrichment program.

In addition, through The Door, students would have access to legal services, use of a licensed adolescent health provider, employment training and placement, college advisement, access to daily evening meals, and cultural and recreational activities. All students would be enrolled in The Door’s programs at no cost, and in its letter to the applicant, The Door indicated that it would provide services as in-kind contributions to the school. This arrangement would ensure that “the most ‘disconnected’ young people will have the opportunity to realize excellent academic achievement through the support they receive in an environment that is shaped by the main tenets of youth development” and “balance the academic and social supports our students need.”

The founding team also recognizes the importance of strong teachers, indicating that teachers would be “content experts.” The school would provide ample professional development funds and opportunities in the summer and throughout the school year, including two extended-day periods per week for the purposes of supporting teachers’ professional growth. The school’s organizational structure would include a principal who would serve as its chief operating officer and be responsible for managing all aspects of the school. The principal would supervise a director of instruction, who would serve as the instructional leader, and a business manager, who would oversee the school’s non-academic operations.

The Broome Street Academy by-laws indicate that board membership can range from seven to fifteen members, with The Door serving as the sole corporate member. The SUNY Trustees have approved such arrangements before and the Institute will insert appropriate safeguards in the charter agreement to ensure the autonomy of the charter school board of trustees. The proposed initial members of the board of trustees are set forth below.

1. **Holly Hillgardner** – Educator who helped develop a College Board School in the South Bronx, which included an advanced placement program.
2. **Travis Johnson** – Family Law Staff Attorney for The Door’s Legal Services Center. Previously a Staff Attorney with the Legal Aid Society, Juvenile Rights Practice.
3. **James G. Kagen** – Health care consultant and a Consulting Director of The Chartis Group, a health care advisory services firm. Former Deputy Commissioner of the New York City Health Department and Director of the State of New Jersey’s Division of Youth and Family Services. Member of The Door’s Board of Directors.
4. **Liz Murray** – Graduated from high school while living on the streets and overcame incredible odds to win a full scholarship to Harvard University. Founder and current Director of Manifest Training, a New York based company whose mission it is to empower adults to create the extraordinary in their own lives.
5. **Marlene Nadal** – Retired attorney with over 30 years of experience in the New York State Judicial System. Before retiring, she served as Special Counsel to Hon. Jonathan Lippman, former Chief Administrative Judge of the State of New York. Serves on the Board of Trustees of the Temple Shaaray Tefila.
6. **Janice M. Nittoli** – Associate Vice President of the Rockefeller Foundation. Formerly an executive at the Annie E. Casey Foundation, the nation’s largest private foundation dedicated to improving the lives of poor children, their families, and communities. Member of The Door’s Board of Directors.
7. **Maura Raggi** – Dean of Curriculum at the Williamsburg Collegiate Charter School.
8. **Samrong So** – An instructional leader at the Bronx Preparatory Charter School (authorized by the SUNY Trustees). Participated in the New and Aspiring School Leaders Program at the Harvard Graduate School of Education and also an Emerging Leader Fellow at the New York City Charter School Center.
9. **Monica de la Torre** – Public interest attorney who previously served as Director of The Door’s Legal Services Center. Formerly the Director of the Public Interest Law Center at New York University. Member of The Door’s Board of Directors.
10. **David Zurndorfer** – Partner in the law firm of Proskauer, LLP. As part of his practice, he has represented numerous school districts and educational institutions including the Board of Education (and the Department of Education) of the City of New York. Longtime Board member of Learning Leaders.

In keeping with the SUNY Trustees' 40 percent rule, no more than 40 percent of the school's board of trustees may be affiliated with The Door per the proposed charter agreement. The affiliated trustees will also recuse themselves from voting on matters related to The Door, its lease and its delivery of services to students. The proposed school board has demonstrated a thorough understanding of the conflict of interest issues involved and would seek outside counsel as needed to handle questions regarding same.

The school would be located at 121 6th Avenue in CSD 2 in Manhattan, a building that is owned by The Door and where The Door operates. Space in the building would be leased to the school. The space is currently leased by the NYCDOE to house Unity High School. However, that school will vacate the space in 2011 at the expiration of its current lease with The Door.

The fiscal impact of Broome Street Academy 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
110 (2011-12 school year – year 1)	\$13,527	\$1,487,970	\$18.447	0.008%
325 (2015-16 school year – year 5)	\$15,225	\$4,948,046	\$19.403	0.026%

The calculations above assume that there will be an annual increase in per-pupil aid of three percent in each year of the charter period. The NYCDOE yearly budget figures were accessed from the latest, May 2010, Financial Status Report (FSR) published on the NYCDOE website. No information was available for 2015-16 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 assumption for year five of the proposed charter period, illustrates the 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 application 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 programmatic and fiscal impact of the proposed school on both the New York City School District and nonpublic schools in the same geographic area would 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 and, as of the date of this report, has received no comments from these entities.

The applicant has demonstrated significant community interest in and support of the proposed school such that the school would reach its projected enrollment. Letters of endorsement were provided from foster care agencies and groups that provide services to runaway and homeless youth. In addition, letters from the following were presented in support of the school: New York State Office of Children and Family Services, New York City Department of Youth and Community Development, New York City Administration for Children's Services, New York City Councilwoman Letitia James, The Children's Village, Good Shepherd Services, Safe Space, Hetrick-Martin Institute, Henry Street Settlement, and United Neighborhood Houses. The application also included a large number of petitions that further illustrate community support for the establishment of the school.

Findings

Based on the comprehensive review of the application, discussion with national experts and interviews of the applicant and the proposed board of trustees, the Institute makes the following findings required for approval of an application by Education Law subdivision 2852(2).

1. The charter school described in the application 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 New York Charter Schools Act of 1998 (as amended, 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; and
 - the inclusion of descriptions of programmatic and independent fiscal audits, with fiscal audits occurring at least, annually.
3. Granting the application: 1) is likely to 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 crosswalk document that specifies how the proposed curriculum will ensure that students will meet or exceed the performance standards of the Board of Regents;
 - a comprehensive plan to assess student achievement through the use of State tests, externally-verifiable standardized tests and other diagnostic assessments resulting in an Individualized Achievement Plan for each student;
 - the articulation of strategies to amend and differentiate instruction through small group structures where assessment data indicates such need;
 - a strong focus on English language arts and mathematics, evidenced by the provision to provide all students with two instructional periods daily in each of these subject areas;
 - effective strategies to incorporate reading and writing across the curriculum;
 - supplemental student services provided by the proposed partner organization, such as legal assistance, health services, college advisements, individual tutoring, and counseling;
 - the inclusion of significant opportunities for professional development of the school's instructional staff throughout the year; and
 - a commitment to providing an educational program focused on academic outcomes rather than inputs, indicated in part by the proposed mission statement.

Conclusion and Recommendations

Based on its review and findings, the Institute recommends that the SUNY Board of Trustees approve the application for the Broome Street Academy Charter High School to open in Manhattan in the fall of 2011.

The Broome Street Academy Charter High School

Basic Identification Information

Lead Applicant(s):	Jeremy L. Kaplan
Management Co.:	None
Other Partners:	The Door, A Center of Alternatives, Inc.
Location (District):	New York City Community School District 2
Student Pop./Grades:	Opening with 110 students in 9 th grade; growing to 325 students in 9 th through 12 th grade
Opening Date:	August 2011

School District of Proposed Location Profile

New York City School District 2			
Enrollment (2008-09):		59,740	
Percent (2008-09):			
White:		19	
African-American:		21	
Hispanic:		37	
Asian, Other:		22	
Percent Qualifying for Free or Reduced Priced Lunch (2008-09):		62	
English Language Arts (2009-10)		Mathematics (2009-10)	
Grade	Percent Proficient	Grade	Percent Proficient
3	70.0	3	79.7
4	70.3	4	82.1
5	72.4	5	82.4
6	63.0	6	74.3
7	65.3	7	74.8
8	58.2	8	70.0

Source: demographic data is from the New York State Accountability and Overview Report 2008-09; test data are from the 2009-10 results released on the New York City Department of Education's website.