



Community Education Council For District One

Opposition to New York City Charter School of the Arts

In Response to the 8/5/2015 Application of:

New York City Charter School of the Arts

**To Establish a New Charter School Education Corporation to
Operate a Charter School(s) in Community School District 1.**

[For Submission to the State University of New York Board of Trustees
Pursuant to Education Law §§ 2852(9-a) and 2853(1)(b-1)]

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I. The Impact of the Proposed “Arts Charter” on existing D1 Middle Schools

Is there a need for an additional school or additional charter seats on the D1/D2 border in Chinatown?

There is no need according to enrollment data in D1, where 3 middle schools very near the proposed lease location are facing a proposed consolidation next year due to under-enrollment (MS 332, MS 345, and the Henry Street School for International Studies). And the recent closing of Innovate Manhattan Charter Middle School, general low D1 charter enrollment, and unsuccessful charter efforts to increase enrollment in D1 indicate that charter seats in particular are not needed, despite any unverified, highly inflated, and self-serving wait list claim or assertion of demand, even if presented as “data.” Among 28 Community School Districts measured for charter school applicants, **D1 had the second fewest number of charter school applicants.**¹ As stated in a recent *New York Times* article, “[s]ome charter operators said it was typical for up to 60 percent of a charter’s lottery winners to choose another school to which they had applied,” making it clear also that any purported wait list number is not a reliable gauge of demand.² A study from the NEPC further points out the unreliability of reported wait lists.³ Finally, the applicants claim that because a charter middle school (Innovate) was closed last year, families were left with one less “choice.” In reality though, a different charter, Great Oaks, moved in to that vacated private space resulting in no net loss of charters in D1 and no need for an additional charter middle school.

Is it true, as Davidson, her co-founders, and Board of Trustees claim, that there are only a handful of middle schools in lower Manhattan and, of these, all of the “high-performing middle schools” require a “rigorous screening process,” creating a need for a “non-selective” charter?

NYCCSA has designated 5 D1 public middle schools as “Screened” and “High Performing” and designated the other 7 middle schools as “Open” and not “High Performing” to support their claim. Actually though, there is no qualitative difference in the admissions method of 10 of these schools and no basis for the claim that the schools designated as “high performing” require rigorous screening where others do not.⁴ In CSD1 there are 10 “Screened” schools, labeled as such by the DoE, and 2 “Limited Unscreened” schools (The School for Global Leaders and PS 34). Only the two Limited Unscreened schools could possibly be considered to have “Open” admissions (a Limited Unscreened school means that any D1 resident that signs into an event has top priority for admissions, followed by any D1 resident or student). Of the rest, including the so-called rigorously screened schools:

- Criteria for admission at all of the 10 D1 screened Middle Schools vary but may include elements such as attendance, interviews, review of grades, etc.
- Of these 10, **only 2 are over-subscribed Middle Schools in D1:** TSMS and ESCHS. **Neither screens for academics** (SGL, though it is also over-subscribed, cannot screen at all as a Limited Unscreened). Both TSMS and ESCHS do

¹ NYCCSC report of April 2014.

² New York Times, 9/11/15, Week In Review.

³ <http://nepc.colorado.edu/publication/charter-waitlists>

⁴ There is also no discernable basis for their distinguishing schools as “High Performing.” For example, PS 140’s 9% ELA proficiency is “High Performing,” but TASS, UNMS, and CASTLE, with greater ELA proficiency percentages, inexplicably do not warrant the designation. And Great Oaks Charter School, which recently had the 8th largest drop in English scores on the 2015 state test scores among all NYC schools, is inexplicably named a “High Performing District School.” Fundamentally too, NYCCSA relies on ELA and Math proficiency percentages without regard to the socio-economic status of the student population at each of the schools.

screen though for student academic diversity (the diversity that NYCCSA claims to seek). The Demographic Analysis section further details NYCCSA's mischaracterization of the population served by ESCHS.

- Shuang Wen School is designated as Screened: Language and screens with a first priority to ELL students, then to heritage speakers of the target language (Mandarin), and then to participants of Transitional Bilingual Education or Dual Language programs.

As there are only 3 over-enrolled middle schools in D1 and, of these, only 2 can screen and screen only for diversity, the charter applicant's claim that all local schools are selective and NYCCSA will be the only non-selective MS in the community is false. The other schools, only nominally "screened schools," are under-enrolled, so effectively do not screen. Another, NEST+m, is a CITYWIDE Gifted and Talented school that offers no D1 priority of any kind. As a matter of record, only 10 D1 students were even eligible for NEST Kindergarten entry in 2015.

Do students have little access to Arts Education in our schools, as the NYCCSA proposal claims?

There is no need according to an Arts Survey we just did on Middle Schools in D1.⁵ The survey evidenced a robust arts education for D1 middle school students, with results attesting to: comprehensive arts programming; specialized educators, art spaces and resources; integration with the school and the broader art community; and real collaboration with local partners. With one exception and despite severe funding inadequacies, every school responded that state guidelines for arts programming are being met. NYCCSA has promised only to meet these same guidelines. And any funding inadequacies that might prevent programs from maximizing their programming will only be exacerbated by NYCCSA, which ultimately proposes to take up much of the district budget. Encouragingly, as part of the city's expanded commitment to arts education, the DOE's Office of Arts and Special Projects has recently announced three programs to expand arts education at schools.

Will the school in fact be diverse as claimed?

It will not be diverse based on their stated outreach in D2's Chinatown, among the well-off, in other CSDs, in gentrified parts of Brooklyn, or even with those families straddling D1/D2.

- With a claim that the D2 Chinatown elementary schools have no "counterparts," NYCCSA seemingly intends to target families at AE Smith-PS 1 (67% Asian), Yung Wing-PS 124, Hernando De Soto-PS 130 (87% Asian), and Benjamin Altman-PS 42 (93% Asian). Drawing exclusively from these schools, with their high concentrations of Asian students, is not likely to achieve diversity in D1. The proposal cites the Lower East Side's Asian population at 43.8%, but a more relevant statistic is the figure of 23.8% Asian student enrollment in D1. The percentage of D1 Asian students is even smaller at the middle school level: see Demographic Analysis section.
- Tellingly though, NYCCSA, required to offer evidence of their outreach, has shown that they sell and attract well-off D2 families in Lower Manhattan. They tout Facebook sessions for CSD 2 and 3 in Manhattan, and for gentrifying or gentrified districts in Brooklyn.
- They also lay claim to have conducted social media outreach, using Facebook, Instagram and blog posts, including posts to the Brooklyn-based website, "A child grows in Brooklyn," and apparently following the State Senator Squadron's suggestion that they do more outreach in Brooklyn.

⁵ A copy of the Arts Survey can be found online on the CEC website.

- After founder Jamie Davidson first met the then CEC president, Davidson, explaining the NYCCSA change of plan from a D2 application to a D1 application (and now changed to both D1 and D2), said that she did not want to go to D2 as originally planned because NYCCSA wanted diversity and D2 applicants were overly privileged.

It will not be diverse based on the lack of a diversity plan in their admissions. They will serve a disproportionate number of wealthy, white families and underserve the most at-risk students in the community, much like the “diverse” charters they compare themselves to. See the **Demographics** section below for our analysis of these paper-thin claims of diversity.

And it will especially not be diverse according to their own budget. They assume a student body of 50% Economically Disadvantaged Students, 13% Students with Disabilities (D1 middle schools serve up to 32% SwD on average⁶), and 0% ELL students. While this might be diverse for Spence, Fieldston, or the other elite private schools the founders claim as inspiration and support, it is not diverse for D1. D1 middle schools serve up to 84% Economically Disadvantaged Students, 32% SWDs, and 10% ELL students.⁷

The impact on D1 middle schools will be that those schools will serve a higher proportion of high needs students with fewer resources, which will have a hugely negative impact on schools, students and families. This is consistent with a report by NYU, that found that schools within ½ mile of charters tend to increase in the number of free lunch-eligible and black students, and lose white students.⁸

How will the school serve Students with Disabilities and ELL students?

From the start, **they aim to underserve SwD**. The charter applicants maintain that **they expect at least 15%** of 6th graders to have disabilities (application, page 94). **The 2013-2014 D1 MS average of 25% SwD⁹ is nearly twice that.** Even so, looking at the budget provided in the application, they detail **a plan to have a 13% SwD population** (of which 2.6% will be receiving services more than 60% of the time, 5.2% will be receiving services between 20% and 60% of the time, and 5.2% receiving SETTS). They also plan to limit Special Education and ELL teachers’ responsibilities to only include: Push-in to / Pull out for targeted instruction; and Team teaching with general education teachers in inclusive environments/Oral and written proficiency in Spanish strongly preferred.

As for ELL students, the NYCCSA budget shows they don’t plan to serve ELL students at all. **In their budget, they assume a student body of 0% ELLs.**

⁶ See “6-8 Only” strand of disaggregated data, p. 10 of this report, based on a draft analysis of the DOE’s Demographic Snapshot (<http://schools.nyc.gov/Accountability/data/default.htm>).

⁷ See p. 10 of this report, based on a draft analysis of the DOE’s Demographic Snapshot (<http://schools.nyc.gov/Accountability/data/default.htm>).

⁸ http://steinhardt.nyu.edu/scmsAdmin/media/users/np52/Cordes_Working_Paper_final.pdf, “Do Charter Schools Ruin Local Public Schools in Poor Neighborhoods? Evidence from New York City”, May 2014

⁹ <http://data.nysed.gov/enrollment.php?instid=800000048532&year=2014&grades%5B%5D=06&grades%5B%5D=07&grades%5B%5D=08>

How does this arts-based charter school define academic success?

The applicants claim that 75% of students will obtain proficiency on 3rd-8th grade state tests in ELA, Math, and Science, even though the school serves only 6th-8th grades. Even so, the stated ELA, Math, and Science goals only apply to students after 2 years, meaning too that for the first year of any student's tenure at NYCCSA, neither the student nor NYCCSA will be held to any stated ELA, Math, or Science goal and that any negative performance is uncounted in compiling a 75% proficiency average.

Without regard to ability or interest or a proposed means of measurement, NYCCSA states that all students must read music fluently by graduation. NYCCSA does not provide a rationale or suggest a means of verification.

NYCCSA claims that in the Arts 90% of students will score 75 or better on the artistic jury, based on an internal metric that the school controls, also raising questions about the value of the claim.

The applicants further claim that 90% of students will get accepted into their High School of choice. This promise, also unverifiable, compares to the 45% of 77,043 8th grade students that got into their No. 1 pick in 2014, the nearly 75% that got into one of their top three schools, and the 84% that made it into one of their top five choices.¹⁰

Is there any evidence that the Arts support ELLs/ SwDs and that music will increase test scores?

The applicants claim they will serve a diverse student body of local students whose test scores currently average around 30% proficiency, yet, by adding Arts (such as music), they will raise test scores to 75% proficiency. Evidence for this is not provided.

How does the proposed curriculum support these goals?

The applicants promise 90-minute math blocks, using Pearson's Connected Math CCLS and math from the KIPP, Uncommon Charters chain, and the DC Prep charter school. The Science program, FOSS, will be purchased from Harlem Village Academy Charter School (for \$8K). The ANET assessment and data tracking system, created by the Achievement First Charter chain, includes a coach, 4 interim assessments, and results to be reported on at every Board meeting, for the cost of \$34K per year plus another \$7K for a student accessible ANET program. No summer school will be offered, making failure the only option for students who do not meet the performance standard for promotion.

What approach to curriculum and instruction will guide the school?

There are several pedagogical approaches that guide the design of the school, some of which appear incompatible. NYCCSA plans to utilize inquiry-based, arts-infused programs, "progressive practices for 21st century teaching," and student-centered learning techniques at the same time that it will embrace "tools developed by other charter networks such as Uncommon Schools, KIPP, and DC Prep" (p. 66) and regular standardized testing. It is unclear¹¹ how teachers would merge inquiry-based learning with a highly-scripted approach to lesson-planning¹² (and research cautions against

¹⁰ <http://www.nydailynews.com/new-york/education/45-city-students-no-1-high-school-choice-article-1.1717700>

¹¹ The application provides course overviews listing essential questions for each course but does not provide detailed curricular plans.

¹² See Lemov, Doug (2010). *Teach Like A Champion*. San Francisco, CA: Jossey-Bass.

implementing widely divergent approaches to facilitating and assessing student learning¹³). It is also unclear why educators who “want to be mindful of over-testing our students” (p. 70) plan to design an instructional program in which “standardized tests will be administered frequently” (p. 68).

What will the impact look like at the schools and programs serving the families in D1 now?

At scale the City Arts Charter School will serve 306 students. Given the total D1 MS enrollment (2,697 in 2014-15), NYCCSA will enroll **11.35% of all D1 MS students** (assuming MS enrollment stability since total MS students in 2018 is unknown). The **budgetary impact** by the charter applicant is **\$1.6 million dollars in 2016** and **\$4.7 million by 2020**. Given how DoE's Fair Student Funding works, the loss of student enrollment will mean a direct loss of funding and resources to D1 middle schools. Looking at the NYCCSA budget against the total budget for (non HS) CSD 1 schools of \$78,697,174, the scope of the loss of funding and resources is clear.¹⁴

By Year 1:

- the NYCCSA budget will be greater than the entire district budget for school supplies (Total budget for D1 school supplies/ materials for 1 year = **\$1,344,501** (Computer Software, Consumable Supplies (e.g. notebooks, pens, pencils, etc.), Postage, Instructional and Athletic Supplies).
- alternatively, the NYCCSA budget is the equivalent of the entire district budget to pay per session for teachers and staff (Before/After School Services, Professional Development = **\$1,661,774**)

By Year 3:

- the equivalent of the entire district budget for student and family supports will go to NYCCSA (total D1 spending for Parent Coordinators, Therapists, Admin/Tech Support, SAPIS for 1 year = **\$3,910,781**)

By Year 5:

- the equivalent of the entire district budget for all Schools Aides and Substitutes will go to NYCCSA (Total D1 spending on School Aides, Per Diem Absence Coverage for 1 year = **\$4,483,614**).

Is there community support for this school?

No. Claimed support from almost all of the partners listed in the many applications (a prior 2 were rejected by the NYSED Regents; the one presently under consideration is being reviewed for authorization by the SUNY Charter School Institute) have either been totally unauthorized or are in fact interested parties who plan to benefit financially from the charters' funding stream--a spigot starting with a half million dollar Federal start-up grant for opening a new charter school (\$150 K to be spent in a 6 month planning period, \$275K in year 1 and \$75K in Year 2).

¹³ See Berliner, D. (2007). The incompatibility of high-stakes testing and the development of skills for the twenty-first century. In R. Marzano (Ed.), *On excellence in teaching* (pp. 113–143). Bloomington, IN: Solution Tree Press.; Cohen, D. K. (1995). What is the system in systemic reform? *Educational Researcher*, 24(9), 11-17, 31; Darling-Hammond, L. (2001). *The right to learn: A blueprint for creating schools that work*. San Francisco, CA: Jossey-Bass; Goertz, M. E., Floden, R. E., & O'Day, J. (1996). The bumpy road to education reform (RB-20-June 1996). Philadelphia, PA: Consortium for Policy Research in Education; Newmann, F. M., Smith, B., Allensworth, E., & Bryk, A. S. (2001). Improving Chicago's schools: School instructional program coherence: Benefits and challenges. Chicago, IL: Consortium on Chicago School Research; Payne, C. M. (2008). *So much reform, so little change: The persistence of failure in urban schools*. Cambridge, MA: Harvard Education Press.

¹⁴ <http://schools.nyc.gov/NR/rdonlyres/A09B6A4C-D6E0-44C8-8568-43E4F016F93A/186493/FY2016AggregateBudgetFINAL.pdf>

A number of organizations did not know that self-interested individuals had written letters of support on the letterhead of the institution they work for and have asked to have their official support withdrawn. These include:

- Loisaida Center;
- Henry Street Settlement;
- The Educational Alliance/ Manny Cantor Center; and
- The Future Project.

Other organizations, such as the Girls and Boys Project (mistakenly called the Girls and Boys Club in the application), are under new management or presented letters of support based on relations with individuals who were promised consulting work and other fee-for-service work, such as curriculum development and professional development. Many of these individuals, such as the LES Ecology Center Education Director, are no longer part of the local community, having moved on to other jobs in different areas and thus are no longer community representatives or supporters.

The "community partnerships" that do exist are fee-for service arrangements as identified in the budget, ranging from \$40 K to Camp Vacamas to a few thousand to The Yellin Center or The Academy for Teachers.

In addition to the many withdrawn and invalid claims of support, the charter application includes this anonymous testimonial we are unable to identify for attribution:

*We have sought guidance from a Catholic school principal in the East Village about local concern about **lack of demand** (sic) for new middle school options. He explained: "[As a selective catholic school,] we are by design a gifted program so we must take applicants from all 5 boroughs based on merit alone. It breaks my heart to turn away so many ambitious young people from this district whose families are looking for alternative options for middle school. You'd be the answer to their prayers." He went on to express his enthusiasm for a new school to which they may refer local parents.*

Every identifiable East Village Catholic school principal or director, including from the Immaculate Conception (female principal), the Cornelia Connelly Center (female principal or Executive Director Heather Raftery), St. Brigid's (Principal Steve Herson), La Salle Academy (Brother William Johnson), Father Peter of St. George Academy, and George Jackson Academy (leader Andre Del Valle), stated that they are not the source of the quote.

Are the local charter schools with middle school seats, Great Oaks and Girls Prep Charter School, both "High Performing District Middle Schools" as claimed because they outperform the city averages for Math and ELA?

They are not "High Performing" according to the recent news that Great Oaks had the 8th largest drop in English scores on the 2015 state test scores among all NYC schools. They are not "High Performing" according to the fact that many, many D1 schools outperform city averages.

Even so, do these 2 charters "outperform" screened schools and serve district averages of at-risk students?

The charts below, in the **Demographic Analysis** section, show that these two schools do not serve district averages of at-risk students. They especially underserve ELLs but also underserve SwDs. Further, the "screened" schools to which they

are being compared can “outperform” the charters, even according to NYCCSA’ own data on ELA and Math % proficiency.

Is it accurate to say that only one-third of the students in lower Manhattan’s CSD 1 are in “High Performing” schools?

No. The sources of data from the NYSED report cards for CSD 1 include citywide schools located in CSD 1 such as to make this statistic inaccurate (Bard High School Early College; Cascades High Schools; Forsyth Satellite Academy; Henry Street School; Lower East Side Prep High School; Marta Valle High School; New Explorations in Science, Technology & Math; University Neighborhood High School).

II. Demographic Analysis

Are the claimed and emulated diverse charters actually diverse? (Proposal Section: 1A) Community Description and Need (P. 4, Para. 1 of PDF)?

NYCCSA asserts,

In their robust work studying diversity and innovation in the charter school space, The Century Foundation’s Richard Kahlenberg and Halle Potter laid out compelling research to show that diverse schools such as Capital City, Community Roots, Brooklyn Prospect, and Blackstone Valley Prep offer their students “the best chance of succeeding in an evolving twenty-first century society and economy.”

However, at many of the schools mentioned above, underserved populations are disproportionately under-enrolled in comparison to city/district enrollment. Below, demographic data from three of the schools mentioned above are presented alongside related city/district data. Underserved groups under-enrolled in these schools are in bold and highlighted.

Community Roots Charter School

Community Roots Charter School 2013-2014 ¹⁵		NYC District 13, 2013-2014 ¹⁶		
Subgroup	Grades K-7 %	Subgroup	K-7 Student #s	K-7 %
			Total: 8585	Percentage of 8585
Asian	3%	Asian or Native Hawaiian/Other Pacific Islander	447	5%
Black	41%	Black or African American	5159	60%
Hispanic	11%	Hispanic or Latino	1697	20%
White	39%	White	1067	12%
ELLs	1%	LEPs	491	6%
Students with IEPs	25%	Students with Disabilities	1659	19%
% Free Lunch Eligible	27%	Economically Disadvan. Students	6109	71%

¹⁵ http://schools.nyc.gov/OA/SchoolReports/2013-14/School_Quality_Guide_2014_EMS_K536.pdf

¹⁶ <http://data.nysed.gov/enrollment.php?instid=800000045563&year=2014&grades%5B%5D=KF&grades%5B%5D=01&grades%5B%5D=02&grades%5B%5D=03&grades%5B%5D=04&grades%5B%5D=05&grades%5B%5D=06&grades%5B%5D=07> (NYSED Data Filtered for K-7, from 2013-2014 year). Note that analyses of all filtered data are in draft form.

Brooklyn Prospect Charter School

Brooklyn Prospect Charter School, 2013-2014 ¹⁷		NYC District 15, 2013-2014 ¹⁸		
Subgroups	K; 6, 7 8 %	Subgroups	K; 6, 7, 8, Student #s	K; 6, 7, 8 %
			8304	Percentage of 8304
Asian	11%	Asian or Native Hawaiian/Other Pacific Islander	1195	14%
Black	11%	Black or African American	1006	12%
Hispanic	31%	Hispanic or Latino	3591	43%
White	47%	White	2349	28%
ELLs	1%	LEPs	1559	19%
Students with IEPs	20%	Students with Disabilities	1633	20%
% Free Lunch Eligible	28%	Economically Disadvan. Students	4928	59%

Capital City Charter School, Washington DC

Capital City CS, Washington, DC 2013-14 ¹⁹		DC State Education Profile 2012-2013 ²⁰		
Subgroup	%	Subgroup	Student #s K-12	%
			Total: 76,140	Percentage of 76,140
Asian	<3%	Asian or Pacific Islander	1,143	1.50%
Black	37%	Black	56,804	74.60%
Hispanic	47%	Hispanic	10,590	13.91%
White, not Hispanic	9%	White	6,370	8.37%
Multi-Racial, Other	4%	Two or More Races	1,149	1.51%
LEP Students	19%	LEPs	6,646	8.73%
Special Education Status Students	14%	IEP	12,585	16.53%
Free Lunch Elig.	73%	FRPL Eligible	46,416	60.96%

¹⁷ http://schools.nyc.gov/OA/SchoolReports/2013-14/School_Quality_Guide_2014_EMS_K707.pdf

¹⁸

<http://data.nysed.gov/enrollment.php?instid=800000045191&year=2014&grades%5B%5D=KF&grades%5B%5D=06&grades%5B%5D=07&grades%5B%5D=08> (filtered for K, 6, 7, and 8 to match source in footnote 3).

¹⁹ <http://www.ccpcs.org/about/our-students/>

²⁰ <http://nces.ed.gov/programs/stateprofiles/sresult.asp?mode=full&displaycat=1&s1=11>

Is NYCCSA accurately describing the demographics of their targeted district? (Proposal Section: 1A) Community Description and Need (P. 4, Para. 3 of PDF))

The proposal notes that “CSD1 is bound by East 14th Street, Delancey and Clinton Street, and the East River.” However, the Race and Ethnicity chart on page 5 (PDF version) is based on data drawn from significantly different boundaries, possibly from statisticalanalysis.com²¹. More recent data that reflects District 1 enrollment, rather than general Lower East Side population figures, appears below and differs significantly from the NYCCSA demographic chart.

The NYCCSA chart provides LES demographics as Asian: 43.8%, Black: 8.0%, Hispanic: 24.8%, Other: 1.2%, and White: 20.3%. Actual D1 K-12 demographic data for 2014-2015²² is shown below.

Year	Total Enrollment	% Female	% Male	% Asian	% Black
2014-15	12,316	49.0%	51.0%	22.8%	16.9%
% Hispanic	% Other	% White	% SwD	% ELLs	% Poverty
40.9%	2.5%	16.9%	19.9%	9.9%	70.0%

Other, different ways of looking at D1 school enrollment data but still based on NY City and State sources show that in every case, key demographics are **significantly off** in the NYCCSA proposal, which, again, fixes the LES demographic information as Asian: 43.8%, Black: 8.0%, Hispanic: 24.8%, Other: 1.2%, and White: 20.3%

²¹ <http://statisticalatlas.com/neighborhood/New-York/New-York/Lower-East-Side/Race-and-Ethnicity>

²² Demographic Snapshots from DOE: <http://schools.nyc.gov/Accountability/data/default.htm>. From the DOE data: All schools listed are as of the 2014-2015 school year. Schools closed before 2014-15 are not included in the school level tab but are included in the data for citywide, borough, and district. Programs and CBO PreK sites are not included on the school tab. Due to missing demographic information in rare cases at the time of the enrollment snapshot, demographic categories do not always add up to citywide totals. Students with disabilities are defined as any child receiving an IEP as of the end of the school year (or February 2nd for 2014-15). NYC DOE “Poverty” counts are based on the number of students with families who have qualified for free or reduced price lunch, or are eligible for Human Resources Administration (HRA) benefits. The poverty indicator also includes students enrolled in a Universal Meal School (where all students automatically qualify). During the 2014-15 school year, all students in middle schools were eligible for free lunch. In order to better reflect free and reduced price lunch status, Universal Meal School (USM) status for middle schools is based on their 2013-14 USM status. Approximately 25% of charter schools in NYC do not utilize NYC DOE School Food to provide meal services. The NYC DOE Office of School Food does not collect documentation on students’ eligibility for Free or Reduced Price Lunch from schools that do not utilize NYC DOE School Food. As a result, the Free and Reduced Lunch Eligible figures may be understated for approximately 25% of charter schools.

D1 Demographics for 2014-2015, Disaggregated by Schools Serving Different Grade Levels ²³

DBN	Total Enroll.	Female	Male	Asian	Black	Hispanic	Other	White	SWDs	ELLs	Poverty
School Enroll. Totals	10055	4935	5120	1985	1844	4627	215	1384	2278	1202	7755
K-12	w/o NEST+m	49.08%	50.92%	19.74%	18.34%	46.02%	2.14%	13.76%	22.66%	11.95%	77.13%
K-5 Only Totals	3980	1887	2093	573	598	1956	102	751	1012	327	2894
% of totals /enroll.		47.41%	52.59%	14.40%	15.03%	49.15%	2.56%	18.87	25.43%	8.22%	72.71%
K-5, some 6-8 Totals	5902	2851	3051	1127	920	2858	135	862	1456	607	4596
% of totals /enroll.		48.31%	51.69%	19.10%	15.59%	48.42%	2.29%	14.61	24.67%	10.28%	77.87%
6-8, some K-5 Totals	3558	1746	1812	772	667	1769	78	272	934	363	3003
% of totals /enroll.		49.07%	50.93%	21.70%	18.75%	49.72%	2.19%	7.64	26.25%	10.20%	84.40%
6-8 Only Totals	970	469	501	156	202	491	32	89	311	75	811
% of totals /enroll.		48.35%	51.65%	16.08%	20.82%	50.62%	3.30%	9.18	32.06%	7.73%	83.61%
6-8, some 9-12 Totals	2004	973	1031	299	398	1016	59	232	580	96	1554
% of totals /enroll.		48.55%	51.45%	14.92%	19.86%	50.70%	2.94%	11.58	28.94%	4.79%	77.54%

²³ Draft analysis based on the DOE's Demographic Snapshot (<http://schools.nyc.gov/Accountability/data/default.htm>).

District 1 Enrollment Data from NYSED, 2013-2014, K-12 Data²⁴

Students by Gender		Students by Ethnicity						Limited English Proficient Students	Students with Disabilities	Economically Disadvantaged Students
Male	Female	American Indian or Alaska Native	Black or African American	Hispanic or Latino	Asian or Native Hawaiian /Other Pacific Islander	White	Multi-racial			
5,781	5,607	91	2,039	4,678	2,488	1,930	162	1,256	2,521	7,422
51%	49%	1%	18%	41%	22%	17%	1%	11%	22%	65%
Total Enroll.	11,388									

District 1 Enrollment Data from NYSED, 2013-2014, Filtered for 6, 7, 8 Grade²⁵

Students by Gender		Students by Ethnicity						Limited English Proficient Students	Students with Disabilities	Economically Disadvantaged Students
Male	Female	American Indian or Alaska Native	Black or African American	Hispanic or Latino	Asian or Native Hawaiian /Other Pacific Islander	White	Multi-racial			
1248	1235	18	446	1139	480	372	28	182	616	1688
50.26%	49.74%	0.72%	17.96%	45.87%	19.33%	14.98%	1.13%	7.33%	24.81%	67.98%
Total Enroll.	2483									

²⁴ <http://data.nysed.gov/enrollment.php?instid=800000048532&year=2014>

²⁵ <http://data.nysed.gov/enrollment.php?instid=800000048532&year=2014&grades%5B%5D=06&grades%5B%5D=07&grades%5B%5D=08>. Source provides percentages of entire district, so here, percentages were obtained by dividing total # of students in particular categories by total grade 6-8 enrollment, N = 2,483. These results are very different from “**D1 Demographics for 2014-2015 Disaggregated by Schools Serving Different Grade Levels,**” because of how school levels were analyzed in that table.

Is NYCCSA misrepresenting the enrollment at East Side Community Middle School to further their claim of over-representation of the “White population” at “highest performing” D1 middle schools? (Proposal Section: 1A) Community Description and Need (Table, pp. 5-6 of PDF))

To demonstrate that “some of the highest performing middle schools in Lower Manhattan over-represent the White population and under-represent minorities,” the proposal offers statistics for “East Side Community” and “East Side Middle School.” The intention might be to describe East Side Community’s (01M450) Middle School, but the statistics provided for both schools are significantly different from those provided by East Side Community’s Middle School Quality Snapshot.

East Side Community Middle School, 2013-2014 ²⁶		D1 Middle School Statistics, 2014-2015 ²⁷ 6-8 Schools Only, D1	
	%		%
Asian	8% (lower than NYCCSA app cites for either of the “East Side” schools it lists)	Asian	16.08%
Black	23% (much higher than NYCCSA app cites for either of the “East Side” schools it lists)	Black	20.82%
Hispanic	55% (much higher than NYCCSA app cites for either of the “East Side” schools it lists)	Hispanic	50.62%
White	13% (much lower than NYCCSA app cites for either of the “East Side” schools it lists)	White	9.18%
Students with Special Needs	34%	Students with Disabilities	32.06%
% Free Lunch Eligible	73.6% (Grades 6-12)	Poverty	83.61%

²⁶ Middle School Quality Snapshot, http://schools.nyc.gov/OA/SchoolReports/2013-14/School_Quality_Snapshot_2014_EMS_M450.pdf

²⁷ Analysis Based on Demographic Snapshots from DOE: **D1 Demographics for 2014-2015 Disaggregated by Schools Serving Different Grade Levels** Chart Above, 6-8 Only Strand

III. Summary of Proposal Deficiencies

In considering this proposal, minimum statutory requirements as outlined in the RFP and RFP Guidance available on the SUNY Charter School Institute have not been met.²⁸ For example:

- Critically, the proposal does not include a viable plan to meet the enrollment and retention (“E&R”) targets established by the SUNY Trustees for students with disabilities (“SwD”), Limited English Proficient students (“LEP”), and students who are eligible to participate in the federal free and reduced-price lunch (“FRPL”) program. “Assigned targets will ultimately be applied to all charter schools either through the application process to establish as a new charter school.” NYCCSA, by their own Pre-Opening – Year 5 budget calculations are targeting a student body of 50% FRP, 0% English Language Learners (ELLs), and 13% SwD. These are static and far below any interpretation of the goals that SUNY will apply (76.3% FRPL, 11.8% ELLs, and 19.8% SwD) or district averages for Middle School students, and far beyond what the school is capable of meeting given their application.²⁹

County: MANHATTAN						
District: New York City Geographic District # 1						
District BEDS Code: 310100						
Enter Your Total Number of Students Enrolled Below:						
106						
	Free- and Reduced-Price Students		Limited English Proficient Students		Students with Disabilities	
	YOUR SCHOOL		YOUR SCHOOL		YOUR SCHOOL	
	Unadjusted	Effective	Unadjusted	Effective	Unadjusted	Effective
Gradespan	Target	Target	Target	Target	Target	Target
6th	83.1%	76.3%	16.9%	11.8%	26.1%	19.8%
6th-7th	82.9%	76.1%	16.0%	11.0%	25.9%	19.5%
6th-8th	82.5%	75.7%	14.6%	9.8%	25.0%	18.8%

- The evidence provided in the proposal of public outreach does not conform to the New York Charter Schools Act of 1998 (as amended, 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. The applicants have

²⁸ <http://www.newyorkcharters.org/category/creation-resources/>

²⁹ <http://www.newyorkcharters.org/operate/existing-schools/enrollment-retention/>

submitted evidence of prior outreach conducted on behalf of their 2 prior rejected applications to the NYS Board of Regents (the latest occurring on May 4, 2015), but have not presented more than minimal outreach connected with the current application. Some minimal outreach has also been exaggerated to the point of misrepresentation, as further detailed. The applicants have also disconcertingly misrepresented the outreach they have conducted by attempting to substitute engagement with financial partners for community outreach, by referring to appearances before the local community board that did not take place or were postponed but did not take place, and presenting letters of support from community based organizations when in fact those organizations did not support the applicants: the letters were merely acts of unauthorized individuals whose misrepresentations were used to further the applicants' interest.

- The applicants have not demonstrated the ability to operate the school in an educationally and fiscally sound manner. The application evidences an *ad hoc* approach to their education vision, alternately espousing music fluency and *Les Miserable* theater productions as a means of improving test scores yet embracing certain standard curriculum that does not distinguish them and seems opposite to their Arts-based interest. Their budget too is replete with questionable fiscal choices. For example, the pre-opening budget contains \$200,000 in expenses, of which only \$500 is for educationally related costs (testing and assessment) with the rest composed of line-items of \$100,000 for administrative salaries, \$45,000 in other consulting costs, \$8,000 in student recruitment/marketing, \$3,000 in staff recruitment, \$3,000 for auditing expenses, and \$1,000 in Board expenses. In the application rejected by the Board of Regents, the applicants were cited for a lack of evidence that the school has or will have the capacity to develop adequate policies and processes for tracking services for special populations of students and for failing to present budget priorities and assumptions consistent with the overall application. These deficiencies do not appear to have been rectified.
- And, generally and as detailed below, the proposal does not meet all of the requirements set out in the Act and all other applicable laws, rules and regulations, as well as falls short of the additional requirements established by the SUNY Trustees as part of their rigorous commitment to student achievement, as also detailed herein. This application, twice rejected by a different authorizing body and materially unchanged, does not satisfy the more stringent standards established by the SUNY Trustees.

Specific deficiencies in the applicant's proposal, ordered by Request number in the RFP, follows.

III. Specific Deficiencies

SCHOOL ESTABLISHMENT

1. Community Need and Proposed School Impact

(a) Community Description and Need

- The applicants’ professed commitment to diversity and acknowledgment of a “gap in diversity in the charter space” motivated their decision to open a charter school in diverse CSD 1 (or CSD 2), with its high concentration of FRPL, ELL, and SwD populations. Critically, their application misapprehends the demographics of the CSD 1 community. They also have a key misapprehension about the admission process and non-selective nature of the 12 middle schools in the district. Nonetheless, having so-defined the community they intend to draw from, they then rely on, mostly, anonymous statements of need and thin evidence from other communities, districts, and individuals, mostly unlike and unrepresentative of the at-risk populations within CSD 1, to misinform their perception of need. **Even so, the budgeted diversity enrollment, when measured against SUNY CSI enrollment and retention goals, falls so far short of the statutory goals that their application becomes unviable if they were to budget around accurate E&R targets.** Their application identifies 1 community, evidences outreach at another, and offers enrollment equity for yet a third.
- As detailed in the section entitled **Demographic Analysis**, the applicant has put forth an erroneous demographic description of their targeted CSD 1 student population, contributing to fundamental errors in their assessment of the community and the need, and to omissions regarding how they will fulfill their education obligations to certain classifications of students, whether by race/ethnicity, poverty, SwD, or ELLs. For example, they budget for a 50% FRPL population in a district that has approximately 80% of students meeting this description. The assumed community is entirely different and has different educational needs than the actual community.
- Ignoring and vastly understating their actual E&R obligations and targets means also that the applicants do not plan to meet or exceed these E&R targets.³⁰ The lack of a viable plan is not inconsequential, as state law requires that the applicant rigorously demonstrate that the proposed school would meet or exceed E&R targets.³¹
- **The SUNY Trustees must consider the likelihood of the proposed charter school meeting or exceeding the E&R targets and make that finding before approving the**

³⁰ At times the application refers to aspirations to meet more suitable enrollment targets; however, their budget and lack of a plan and dedicated resources undermine this pretense. And, with not a single current or prospective middle school family present at the public hearing in support of the application, much less a family from an at-risk population, the applicant’s ability to recruit, enroll, and retain any at-risk students should be seriously questioned.

³¹ Education Law § 2852(9-a)(b-1)

proposal. These applicants should not be considered likely to meet those targets, as they have not even evidenced the intent to meet the targets, based on their proposed budgets, and on that basis alone approval should be withheld.

- Notwithstanding the lack of a viable plan, should The Institute set targets for this charter school comparable to CSD 1, the school has not put forth evidence that it would be able to meet the targets. A stated reliance on, primarily, outreach, translated information materials, a founder’s fluency in Spanish, and leveraging of relationships with CBOs (many of whom have subsequently disavowed support) and others, shows that their focus is on marketing but less so on services (ELL instruction, IEP services, resources for FRPL students) that would make any one of these at-risk families decide to enroll.
- It is unclear why the applicants selected CSD 1 for the proposed school. In fact, they at first selected CSD 2, then CSD 1, then both Community School Districts. Enrollment data in D1 indicates several middle schools are under-enrolled. There is also a proposal to consolidate three of the middle schools. The recent closing of Innovate Manhattan Charter Middle School, general low D1 charter enrollment, and unsuccessful charter efforts to increase enrollment in D1 indicate that charter seats in particular are not needed. Among 28 Community School Districts measured for charter school applicants, **D1 had the second fewest number of charter school applicants.**³² NYCCSA, according to their Action Plan, is nonetheless anticipating mailing waitlist letters. Speculated waitlists though are surely even less a reliable gauge of demand than actual waitlists.^{33,34} Finally, the applicants claim that because a charter middle school (Innovate) was closed last year, families were left with one less “choice.” In reality though, a different charter, Great Oaks, moved in to that vacated private space resulting in no net loss of charters in D1 and no need for an additional charter middle school.
- The applicant does not appear to have fairly considered the strengths and weaknesses of the public and nonpublic school options in CSD 1. While nonpublic school options were barely considered, the applicant misstated their own strength by misunderstanding the admissions process to the local schools. They would not, as they claim and tout, be the only “non-selective” local middle school, because, of all the local schools, there are only 3 over-enrolled middle schools in D1 and, of these, only 2 can screen and screen only for diversity (and not for academics as is suggested by NYCCSA). The other schools, only nominally “screened schools,” are under-enrolled, so effectively do not screen. Another, NEST+m, is a Citywide Gifted and Talented school that offers no D1 priority of any kind. This analysis is further detailed above in Section I. And, in an effort to paint “open” schools as “low-performing,” the applicant mischaracterizes these schools as “open.” For these schools too, the DoE’s nominally “open,” “screened,” and “limited unscreened”

³² NYCCSC report of April 2014.

³³ New York Times, 9/11/15, Week In Review.

³⁴ <http://nepc.colorado.edu/publication/charter-waitlists>

admission policies are effectively the same due to district under-enrollment.

- The applicants are also not offering a unique arts program, claimed as a key strength and addressing a community weakness. Although the district middle schools have certified instructors and robust arts programming, in part relying on community partnerships and programmatic affiliations, the applicants have proposed that a skeleton staff, supported by non-arts partnerships of their own, such as Camp Vacamas and The Yellin Center, will be better able to deliver arts programming. Fundamentally, they have not included evidence that their proposed programming is likely to improve student learning and achievement.
- The applicants have not described how their proposed program is different from either of the 2 charter schools currently in CSD 1. They have not identified how their program will provide greater educational benefit to students who would attend the proposed school than the existing schools, which surely have integrated arts programming of their own.
- The applicants have not identified explicit demand for the application. They have provided testimonials of support from third parties, but not explicitly, or wholly insufficiently, from parents of students or students who might actually attend the school.

(b) Programmatic Impact

- The Act requires applicants to provide an assessment of the projected programmatic impact of the proposed charter school on public and non-public schools in the area of the proposed charter school.³⁵ As a statutory requirement, it is essential that the applicant respond to this request appropriately. For that reason, the applicant’s misrepresentation of the enrollment at East Side Community Middle School to further the claim of over-representation of the “White population” at “highest performing” D1 middle schools merits serious consideration. See the **Demographic Analysis** section for further details.
- In discussing programmatic impact, the applicants must describe whether the district has open enrollment options for students. As previously explained, they fundamentally mischaracterize the admissions options at the 12 public D1 middle schools.
- They also did not attempt to project enrollment at nearby public and nonpublic and public schools. Had they done so, the lack of a need for another school, in a district with approximately only 900 public middle school students, would have been obvious.³⁶ The applicants fail to address the anticipated impact of the proposed school on nearby public and nonpublic schools’ academic programs, enrollment and

³⁵ Education Law § 2852(2)(q).

³⁶ They instead calculate their impact based on all students enrolled in CSD 1.

overall viability. Had they done so, the negative effects (of attempting to enroll 10.5% (~104/900) of the total pool of 6th graders) on the 12 existing and mostly under-enrolled schools and on their overall viability would have been obvious. The public hearing testimony offered by Laura Peynado-Castro, principal of University Neighborhood Middle School, vividly supports this analysis and describes the likely impact to her and her colleagues' programs, enrollment, and survival.

- The applicant does not provide evidence of how D1 test score averages will be raised to 75% proficiency, across all subjects, after 2 years of arts & music. This will require a jump from School Year 2015 proficiencies of ELA (38.3%), Math (42.2%), and 8th grade Science (50.8%).

(c) Fiscal Impact

- The Act requires an applicant to provide “an assessment of the projected programmatic and fiscal impact of the school on other public and nonpublic schools in the area.”³⁷. The applicants, calculating their impact on the district budget, conclude only that they will have a “minimal” impact. Fairly, their impact should be calculated against the total middle school budget. Looking though against the total budget for (non HS) CSD 1 schools of \$78,697,174, the scope of the loss of funding and resources is still clear.³⁸
- At scale NYCCSA will serve 306 students. Given the total D1 MS enrollment (2,697 in 2014-15), NYCCSA will enroll **11.35% of all D1 MS students** (assuming MS enrollment stability since total MS students in 2018 is unknown). The **budgetary impact** by the charter applicant is **\$1.6 million dollars in 2016** and **\$4.7 million by 2020**. Given how DoE's Fair Student Funding works, the loss of student enrollment will mean a direct loss of funding and resources to D1 middle schools.

By Year 1: the NYCCSA budget will be greater than the entire district budget for school supplies (Total budget for D1 school supplies/ materials for 1 year = **\$1,344,501** (Computer Software, Consumable Supplies (e.g. notebooks, pens, pencils, etc.), Postage, Instructional and Athletic Supplies). Alternatively, the NYCCSA budget is the equivalent of the entire district budget to pay per session for teachers and staff (Before/After School Services, Professional Development = **\$1,661,774**).

By Year 3: the equivalent of the entire district budget for student and family supports will go to NYCCSA (total D1 spending for Parent Coordinators, Therapists, Admin/Tech Support, SAPIS for 1 year = **\$3,910,781**).

³⁷ Education Law § 2851(2)(q)

³⁸ <http://schools.nyc.gov/NR/ronlyres/A09B6A4C-D6E0-44C8-8568-43E4F016F93A/186493/FY2016AggregateBudgetFINAL.pdf>

By Year 5: the equivalent of the entire district budget for all Schools Aides and Substitutes will go to NYCCSA (Total D1 spending on School Aides, Per Diem Absence Coverage for 1 year = **\$4,483,614**).

2. Addressing the Need

(a) Mission

- The stated mission is to inspire a diverse community of young people to engage with the arts as a pathway to rich and rigorous academic scholarship and a creative, purposeful life.

(b) Key Design Elements

- On 2 pages, the applicant provides their Key Design Elements, including an arts-infused (explained as analyzing fiction and non-fiction in historical and comparative contexts) humanities curriculum, 90-minute math blocks, FOSS science curriculum, and an artistic program with an artistic jury requiring “them to be fluent in reading music by the time they graduate.”
- The applicant does not support these elements with the presentation of research studies and other evidence of effectiveness that offer conclusive evidence that the school’s program is likely to lead to increased student learning and achievement with the school’s anticipated student population.
- The applicant does not point to schools or programs in which the model described has been successful.
- The proposed charter school staffing, scheduling, finances, and facility do not seem to align with and support the implementation of the school’s key design elements. The arts-infused learning lacks a correlating priority in the budget; the program scheduling, relying heavily on a handful of partnerships/consultants, pledges student and teacher support, summer academies, and school-year camping trips, but lacks a concrete sense of feasibility and practicality; the budget, as already detailed, lacks the commitment to students in poverty that the *Key Design: Culture* element would suggest; and no mention is made of how to implement any of the proposals given the limitations of the proposed facilities.

(c) 5% Districts

- NYCCSA has attempted to describe their “significant educational benefit to be derived by students who would attend the school.”
- Their narrative shows though that they are not likely to materially further key purposes of the Act, insofar as their proposal:

- Contains no evidence that “aligning the school day horizontally and across all disciplines” or “leveraging the arts” Improves Student Learning and Achievement;
- Is likely to decrease learning opportunities for certain district students who are at risk of academic failure by increasing the concentration of those students at other schools. While the arts may, as promised, be a “lifeline” to at-risk students, if the school does not enroll equitable numbers of these students, a greater number of students will be negatively impacted;
- Seems to substitute teacher collaboration for a mandate to adopt different and innovative teaching methods. Unifying themes by grades and adopting whole-school frameworks, while perhaps efficient, are also not novel;
- Has limited professional opportunities for teachers, school administrators and other school personnel, but does promise interdisciplinary professional development opportunities;
- Does not provide parents and students with expanded choices in the types of educational opportunities that are available within the public school system, as the District to which they are applying is already a district where parents of 900 or so Middle School students can choose to attend any 1 of 12 middle schools, 9 of which are undersubscribed and therefore are not “selective” despite what the applicants claim, and too all of which have robust arts programming despite federal, state, and city budget constraints, as evidenced by the recent arts survey performed by CEC 1; and
- Does not provide the SUNY-desired performance-based accountability system because they have largely proposed student achievement results that cannot be measured or, in the case of testing proficiency measurement, only propose to measure the students and the school after a students’ second year in the school.

(d) Draft Accountability Plan

- The Accountability Plan states goals of 75% of tested students who are enrolled in their second year will perform at proficiency on the ELA, Math, and Science exams. The school, the students, and the state by extension though are not accountable for the performance of first year students at NYCCSA.
- The Plan also states that 90% of students will receive a 75% on their artistic jury. In truth though, this is controlled internally and is not verifiable or public.
- The Plan also states that 90% of students will gain acceptance to the high school of their choice. This goal, also unverifiable, is better viewed in the context of high school admission acceptance rates (in Section I above).

3. Proposal History

(c) Proposal Development

- The genesis of the proposal and the process that the founders used to prepare it for

submission is not included in the proposal.

- This response does not identify the overall leader of the effort to develop the proposal, the individual who served as the primary author, and the extent to which consultants or similar external assistance was used.
- There is no table listing the key individuals involved in developing the application and a summary of their areas of expertise. There is also no identification of any paid or unpaid consultants.

(d) Community Outreach³⁹ and (g) Outreach Evidence

- The SUNY Trustees may not consider any proposal that does not “rigorously demonstrate” that the applicant has conducted public outreach “in conformity with a thorough and meaningful public review process” designed “to solicit community input regarding the proposed charter school and to address comments received from the impacted community concerning the educational and programmatic need of students.”⁴⁰
- In order for The Institute to recommend any proposal to the SUNY Trustees for approval, the proposal must include evidence of the following three criteria:
 - The applicant informed the community of the intent to develop a school proposal in a timely fashion and how to provide comment;
 - The community had meaningful opportunities for input on that proposal; and,
 - There was a thoughtful process for considering community feedback and incorporating it into the final proposal, especially regarding the educational program of the proposed school.
- Though the applicants have been seeking to develop a school “for over the last 15 months,” over the course of 3 applications to charter authorizers, key information about the proposal, including the proposed budget, curriculum, professed support, and consideration of feedback, was not widely available to the community until the application was posted online by The Institute. For instance, the basic information that the applicants intended to apply to both CSD 1 and CSD 2 was not well known prior to the application’s availability online.
- The applicants also have not provided the community the opportunity to provide input into the design of the proposed school or evidence that it carefully considered such input. Careful collection and consideration of feedback would have resulted in a changed proposal; instead the application was unchanged by any feedback.

³⁹ From Response 3(c) – Community Outreach and Response 3(g) – Outreach Evidence, which focus on the outreach process and the intent to collect feedback on the proposal while this Response 15(e) asks applicants to highlight evidence of support for the school and provide an honest assessment of known opposition. Inasmuch as these two responses overlap, the applicant may wish to reference some information from Response 3(c) and Response 3(g) instead of repeating information, keeping in mind the different purposes of the two Responses.

⁴⁰ Education Law § 2852(9-a)(b)(ii)

- After their application was rejected by the NYS Board of Regents, the applicants did not return to the community, schedule additional meetings with stakeholders, or otherwise conduct significant additional outreach. There was no follow up to a sparsely attended April 2015 Town Hall, which 14 people attended (including the founders). There was not another visit to the local CEC. A promised May Community Board 3 appearance was cancelled and not rescheduled, despite the claim that they would return in August (an impossibility, as there were no Community Board 3 hearings in August).
- The applicants cite unique visitors to their website since December 2014 as evidence of outreach. That Google Translator can translate their site into 88 languages is also cited as evidence of outreach. This is not a rigorous demonstration by any measure.
- They cite their blog as evidence of outreach and a way of informing families and community members about their proposed school. The blog has not had a post since April of 2015 and has had a total of 3 posts in 2015, all of which predate their rejected application to the NYS Board of Regents and are not fairly part of this application.
- They cite a monthly newsletter with 550 subscribers as evidence of outreach. Whether any of these are school age children or parents of school age children is unverifiable and not stated. The newsletter does not appear to be available on their website. They also cite their unverifiable email “open-rate” as evidence of engagement.
- The applicants also cite their Facebook and Instagram efforts as evidence of outreach. As detailed above in the Summary section, this outreach is particularly ill-suited for a sincere effort to reach D1 at-risk communities, including the ELL populations.
- For example, their Facebook post of October 5th, encouraging emails to The Institute suggests, “messages can be as short as a few simple sentences or as long as you like **(and you don't necessarily have to be an LES resident or a parent.)**” The NYCCSA outreach and support is clearly not community input from the impacted community, but outreach and support from afar. And while they trumpet an August post publicizing the acceptance of the SUNY Letter of Intent, in reality not more than 25 people even “shared” the post. This last minute attempt to garner support is an indication of the cynicism and unethical nature of charter school support and phony demand.
- Their online petition, also cited as outreach, is ineffective as a demonstration of support from parents of school-aged children that are interested in potentially sending their children to the proposed school. There is no information about whether the signatory has school-age children or would be inclined to send children

to NYCCSA if it opened.

- Dissemination of flyers and postcards is cited as outreach. It should be asked, *where?* and *to whom?* and *to what effect?* Particularly as these are some of the same Community Based Organizations that have disavowed their support. The proposal doesn't include samples of these printed flyers or advertisements, and doesn't include the complete record of email comments and feedback said to have been received.
- 5 of the Focus Groups/Informational Sessions/Planning Meetings characterized as outreach appear to be from 2014, when NYCCSA was still aiming to open a 6-12th grade charter school. Two weeks in February and March of 2015 accounted for 7 of the 8 rather small 2015 gatherings. Across these planning meetings NYCCSA can count no more than a handful of parents of individuals with school-aged children who were in attendance and none of which they offer as a supporter.
- The applicants provide limited evidence of any of this public outreach, substituting snippets of email exchanges for the full correspondence. Even so, 14 months of outreach yielded evidence of only 28 exchanges with individuals, whether an elected official, a CBO affiliate, a district resident, or a parent.
- 28 exchanges do not "rigorously demonstrate" that the applicants have conducted public outreach "in conformity with a thorough and meaningful public review process" designed "to solicit community input regarding the proposed charter school and to address comments received from the impacted community concerning the educational and programmatic need of students. And, in addition to being a minimum eligibility requirement for recommending a proposal for approval, the response to this request also should contribute to the evaluation of the public outreach criteria on the preference scoring rubric.

(d) Withdrawn, Rejected and Concurrent Proposals

- The applicants do not appear to have comprehensively addressed the feedback provided by the Board of Regents for their rejected application.

4. School Enrollment

- The applicants, in charting their enrollment, again show a misunderstanding of the proposed community: "[t]here is currently a lack of middle school options in these districts, compared with elementary and high school options, which led to an overwhelmingly positive response from members of the community, who were aware of this deficiency."
- The statement is not accurate. CSD 1 is a choice school district, with 9 of 12 middle schools under-enrolled, 2 additional charter school middle school options, and every

school available to any family in the district (by virtue of the district’s unzoned admission policies).

- The applicants also state an expectation of 7.5% attrition in 6th grade, based on their conversations with unnamed individuals and on unspecified literature. Whether this anticipated student attrition is consistent with the proposed admission policy needs to be verified against the response to Request 15(f).
- They maintain that any empty seats would be filled by waitlist, or by advertisement to the community. They also state they are confident, without providing evidence, that their Response to Intervention approach will enable students entering at later grades to succeed.
- NYCCSA also states that they would like to expand to a high school at some point. “If chartered, NYCCSA would ultimately like to serve students and both middle and high schools, should our model prove successful and the demand is represented in the community.” Given that expansion to a high school is the true desire, it is a fair question whether this proposal could ever be the basis of a high school program.
- Because The Institute’s charter agreement, if approved, allows the school to vary its total enrollment by 20 percent up or down each year, NYCCSA may actually enroll up to 120 students in Year 1. This variation would have a corresponding negative effect on district middle schools.
- The enrollment rationale does not articulate how NYCCSA will address the possibility of shifting enrollment patterns programmatically and in allocating resources.

ACADEMIC SUCCESS

5. Curriculum and Instructional Design

(a) Curriculum Selection and Processes

- **The application lacks research-based evidence of effectiveness.** Educational researchers have frequently written about the need for coherence in school curricula and instruction.⁴¹ This need is particularly pressing in schools that serve

⁴¹ See: Ball, S. J., Maguire, M., & Braun, A. (with Hoskins, K. & Perryman, J.) (2012). *How schools do policy: Policy enactments in secondary schools*. New York, NY: Routledge.; Berliner, D. (2007). The incompatibility of high-stakes testing and the development of skills for the twenty-first century. In R. Marzano (Ed.), *On excellence in teaching* (pp. 113–143). Bloomington, IN: Solution Tree Press.; Cohen, D. K. (1995). What is the system in systemic reform? *Educational Researcher*, 24(9), 11-17, 31.; Darling-Hammond, L. (2001). *The right to learn: A blueprint for creating schools that work*. San Francisco, CA: Jossey-Bass. ; Goertz, M. E., Floden, R. E., & O’Day, J. (1996). The bumpy road to education reform (RB-20-June 1996). Philadelphia, PA: Consortium for Policy Research in Education.; Newmann, F. M., Smith, B., Allensworth, E., & Bryk, A. S. (2001). Improving Chicago’s schools: School instructional program coherence: Benefits and challenges. Chicago, IL: Consortium on Chicago School Research.; Payne, C. M. (2008). *So much reform, so little change: The persistence of failure in urban schools*. Cambridge, MA: Harvard Education Press.

high-needs populations – populations that NYCCSA (inconsistently) purports to target.

- NYCCSA proposes to adopt a litany of approaches to curriculum and instruction. Some include inquiry-based math and science programs, “progressive practices for 21st century teaching,” student-centered learning, Studio Habits and Structures, and *Understanding by Design*-driven units planned around thematic grade-level strands. Others include “tools developed by other charter networks such as Uncommon Schools, KIPP, and DC Prep” (p. 66), and it is unclear how teachers will integrate these tools with an inquiry-based, student-centered approach. Many of the charter networks mentioned utilize highly scripted lessons in which answers to questions are predetermined.⁴² NYCCSA plans to require that each lesson uses a GANAG format in which students daily “receive new content delivery or direct instruction” (PDF, p. 74). Pedagogically, positioning students as receptacles of direct instruction is a strikingly different approach to teaching and learning from that of engaging students in inquiry. It would take a force of highly-skilled, experienced teachers to integrate these approaches, and there is little evidence to support the effectiveness of such potential integration (see Footnote 41).
- **The curriculum does not appear to be well-aligned to New York State standards.** The application states that “all core academic and artistic content will be aligned to the Common Core State Standards (CCSS) and National Core Arts Standards (NCAS)” (p. 77). Yet there are almost no explicit connections among the grade level themes/content-area themes (pp. 77-81) and the CCSS. If the alignment to state standards is performed after course overviews are designed, teachers run the risk of overlooking many of the standards.
- The application cites an approach to grammar instruction for which there is no clear rationale and which represents a failure of curriculum alignment to the CCLS (New York State’s version of the CCSS)⁴³. The application states that 6th graders will engage in something called the *Analytical Grammar Program* but that “no explicit grammar instruction will take place beyond 6th grade.” However, the CCLS delineates 18 Language Progressive Skills that “are particularly likely to require continued attention in higher grades as they are applied to increasingly sophisticated writing and speaking” (p. 69). It is unclear why the NYCCSA application suggests abandoning explicit grammar instruction after 6th grade, how grammar might thereafter be taught through less explicit means, and in general, how much of the school’s curriculum will be driven by the CCLS.
- **The rationale for the school’s choice to base curriculum around grade-level themes is tied to a single study.** The themes themselves are theoretically aligned to students’ developmental stages—the implication being that children progress neatly

⁴² See Lemov, Doug (2010). *Teach Like A Champion*. San Francisco, CA: Jossey-Bass.

⁴³ See <http://www.engageny.org/resource/new-york-state-p-12-common-core-learning-standards-for-english-language-arts-and-literacy>

from one grade-level-aligned stage to the next. There is no research provided to back the choices of “Systems” (6th grade), “Disruption” (7th grade), and “Paradox” (8th grade). The school’s mission is “to inspire a diverse community of young people to engage with the arts as a pathway to rich and rigorous academic scholarship...”, but no academic scholarship seems to have driven the choices of overarching themes that will shape curriculum.

(b) No explanation is provided of how teachers will know what to teach and when to teach it. No year-long curriculum maps by content area, detailed scope and sequences, pacing guides, or unit plans are provided in the application. Given the concerns raised in the first bullets of the **Curriculum Selection and Processes** section above, it is unclear how teachers will meet the many goals of facilitating high test scores, integrating arts across the curriculum, implementing theme-based units, engaging in culminating projects with external partners, and exposing students to wilderness education. Meeting this (non-exhaustive) list of goals would require extensive time and extraordinarily detailed planning, evidence of which is not provided in the application.

- When it comes to ELA, it is particularly unclear how the many reading-, writing-, and grammar-related goals will be achieved within humanities blocks. For example, a central part of the Humanities program will revolve around independent reading: NYCCSA’ staff “will message the importance of this practice beginning in the 6th grade” (p. 81) and “students will be expected to practice [related skills] independently so that they can make grow [*sic*] into independent, avid readers” (p. 81). There are no curricular artifacts provided that explain how this “messaging” will take place. When during the day will students read independently? How will teachers balance attention to shared and independent texts? When (during a given day, unit, or year) will they assess students’ use of reading comprehension strategies taught in class? Given the absence of curriculum resources in the application, similar questions remain unanswered across content areas about how and when teachers will balance a wide range of curriculum- and assessment-related goals in their daily practice.
- Underscoring the lack of clarity around the curriculum and instructional design, the Action Plan, as detailed in Request 22, does not include, as required by The Institute, even the barest plan for the finalization of curriculum in the pre-opening period.
- The “evidence” for the curriculum in fact comes from the collective experiences of the founders. Would-be founders from a 'no excuses' charter school that was taken over in 2014 by a large charter chain (Democracy Prep, with one of the city's highest attrition rates of 24% in 2012) after years of academic failure want to open a diverse non-select 'arts-based' charter in the LES/ Chinatown area, while using many of the tools, curriculum, and assessments imported from the no excuses model.
- The lack of clarity reflects the tension between the background and approach of the

would-be founders. These alumni of a 'no excuses' charter school, taken over in 2014 by Democracy Prep (a large charter chain with one of the city's highest attrition rates (24% in 2012)) after years of academic failure, propose to open a diverse non-select 'arts-based' charter in the LES/ Chinatown area, while using many of the broken tools, curriculum, and assessments imported from the 'no excuses' model.

- InsideSchools described Bronx Prep Charter, from which founders Jamie Davidson, Dr. Geoffrey Kiorpes, and Kate Quarfordt hail, this way: *The Learning Environment Survey has shown some dissatisfaction in the areas of safety and respect. Half the students say kids don't treat adults with respect. Most teachers say they look forward to work each day and trust the principals, but two-thirds report kids aren't getting the organizational and study skills needed for college. Test scores in the middle school are below average and the four-year high school graduation rate is only slightly above the city-wide average . . .*⁴⁴.
- Kate Quarfordt, in an article in Chalkbeat in February of 2013, discussed the high-attrition, no-excuses, boot-camp style: *Ten years ago I was in a trailer behind the church on Webster Avenue in the South Bronx where my school used to rent classroom space, staring at the bored, glazed-over faces of the kids in the first theater class I had ever taught. Those straight A's I was pulling in my graduate program at Teachers College didn't matter worth a damn in that makeshift theater classroom. Standing there in front of those kids, I felt like I had no idea how to teach anything to anyone, let alone an art form based on trust and vulnerability - A.) to African American and Latino teenagers whose experiences were worlds away from my upper-middle class suburban roots, B.) at a school that trained teachers to embody a top-down, boot-camp style of classroom management (and routinely fired the ones who couldn't pass muster), and C.) in a neighborhood where street codes punished kids for risking emotional openness with taunts and even violence.*
- Shortly after the 2014 takeover by the charter chain, a 15 year-old student reported that she had been raped by a 19 year-old student during the school day in an empty classroom, while waiting for a math teacher that did not show up. She alleges this was the fifth such incident to occur during the school day while classes were in session. The mother of the victim told the NY Daily News that the school's security is inadequate and police were not notified for several hours. In the published board minutes, there is no mention of the incident or any changes in security in response. The NY Daily News reported that, "[a] random state inspection on 12/2/14 found teachers had lost control of the class in nine of 18 classrooms visited. In a writing class of 18 students, 'four browsed [non-educational] videos on YouTube, one student was on Facebook and two others monitored social media feeds.'" The report went on to state that, "20 minutes into the class period, none of these students had started the writing assignment despite the teacher's repeated attempts to focus the class on lesson activities." In the 2013-14 school year

⁴⁴ <http://insideschools.org/component/schools/school/1298>

preceding the incident, 36 of 67 teachers left the school.⁴⁵

- Adopting any of the tools, curriculum, and assessments from this high-attrition, no-excuses, boot-camp style that Ms. Quarfordt rejected long ago, is simply incompatible with the proposed diverse non-select 'arts-based' charter.

(b) Assessment System

- There are inconsistencies in the application's approach to testing. The applicants at once note that "standardized tests will be administered frequently" (p. 68) and that "we want to be mindful of over-testing our students" (p. 70). Planned assessments include Achievement Network (ANet) tests, diagnostic writing tests, scholastic reading inventories, NYSITELL/NYSESLAT⁴⁶, culminating projects, state tests, and in-class assessments. Based on the number and range of assessments, it appears the school may indeed run the risk of over-testing students. Furthermore, the range of assessment types spans the gamut of approaches to measuring student learning, from project-based forms of assessment to standardized tests. It is unclear how teachers will master the task of (and find adequate time for) preparing students for success on these distinct forms of assessment.

(c) Instructional Methods

- The "Habits and Structures" that will undergird the school's pedagogy will be imparted to all staff during the school's Summer Institute. A summer training is unlikely to provide enough time for faculty to learn, practice, become normed to, and prepare to teach using a distinctive instructional framework. This framework is not necessarily in concert with many of the other approaches to teaching and learning referenced in the application, and faculty would likely need extensive time and training in order to clarify their instructional approaches and weave them into carefully-planned, highly-detailed curricular materials.
- The Instructional Methods section of the application is silent on matters of "research or existing models that support the use of these instructional methods, especially considering the school's target population." It also provides no specifics about "co-teaching or aides, technology, physical space, [and] approaches to classroom management."

⁴⁵ <http://www.nydailynews.com/new-york/nyc-crime/exclusive-mom-speaks-sexually-abused-daughter-article-1.2384478>

⁴⁶ SUNY notes that "the persons responsible for administering the NYSITELL must have special training in administering the NYSITELL and/or NYSESLAT," (p. 6, <http://www.p12.nysed.gov/assessment/nysitell/nysitellguiderevw.pdf>). The charter application is not clear on matters of ELL student enrollment and ELL teacher training.

(d) Course or Subject Overview

- See the concerns raised in the section on **Curriculum Selection and Processes**: there is minimal rationale for the proposed school’s organization around grade-level themes and its choice of specific themes. The course overviews provided include neither “a general description of the content and skills that would be addressed in the course” nor the assessments for each course. The course overviews appear to be merely lists of essential questions for each course.

(e) Promotion and Graduation Policy

- As mentioned in 2(d), the applicants state that 90% of students will gain acceptance to the high school of their choice (“a high quality good fit high school” (p. 86)) or be advised to repeat 8th grade. No clear rationale for this percentage/advisement approach is given.

6. Calendar and Schedules

(a) School Calendar

- It does not appear that the school is providing the minimum instructional time on Thursdays for grades 6 or 7-8. Under Education Law § 2851(2)(n) and 8 NYCRR § 175.5, charter schools are to provide 5 hours per day of instructional time for grade 6, and 5.5 hours per day for grades 7-8. NYCCSA offers no more than 3 hours and 40 minutes on Thursday, exclusive of lunch and recess time.
- The calendar does not tally the total number of hours of instruction for each proposed grade that the school would offer, and the total number of full and half days. Fulfilling this requirement would allow a reader to know if the charter offers the minimum number of hours of instruction for the proposed grades.
- The calendar does not specify the hours of any summer instruction or the students for whom it would be offered.

(b) Sample Student Schedule

- The blacked-out or redacted block on the sample 6th grade student schedule is assumed to be “Creative Connections/Physical Education.” On Thursdays, a day of early dismissal due to professional development for teachers, 6th grade students seemingly will receive 3 hours and 40 minutes of instructional time (compared to 5.0 as required by Education Law § 2851(2)(n) and 8 NYCRR § 175.5).
- It also appears that some students may not receive minimum instruction per week, with the total weekly minutes of instruction identified on the 6th grade sample schedule as 1,565, which is more than the required 5 hours a day for 6th graders

(1,500 minute requirement) but not the 5.5 hours a day for 7th and 8th graders (1,650 minute requirement).

(c) Sample Teacher Schedule

- Teachers will have two or three, undefined, “prep” periods per day and on most days they will have more “prep” periods than classroom instruction. It is not indicated what they will do at these times or during “Opening Circle.” “Ensemble” participation or responsibility for academic intervention comprises the rest of the sample teacher’s time.

7. Specific Populations

- NYCCSA details a Response to Intervention model to identify students at risk of academic failure and explains their plans for providing for those students. They also identify the Director of Student Support as the primary point person for identifying ELL students and assessing their progress.
- Fatally though, they lack a plan to enroll and retain these at-risk students and therefore don’t demonstrate an understanding of what it will take to meet their needs.
- As referred to above, from the start they aim to underserve or limit their obligations to serve SwD and ELLs. The charter applicants maintain that they expect at least 15% of 6th graders to have disabilities (p. 94). The 2013-2014 D1 MS average of 25% SwD⁴⁷ is nearly twice that. Even so, looking at the budget provided in the application, they detail a plan to have a 13% SwD population (of which 2.6% will be receiving services more than 60% of the time, 5.2% will be receiving services between 20% and 60% of the time, and 5.2% receiving SETTSS). They also plan to limit Special Education and ELL teachers’ responsibilities to only include: Push-in to / Pull out for targeted instruction; and Team teaching with general education teachers in inclusive environments/Oral and written proficiency in Spanish strongly preferred.
- **Charter schools are not required to offer the full continuum of special education placement options.** If a student requires programs or services not included in the design of the charter school’s education program, the charter school could modify its program to include the necessary programs/services (including the necessary staffing and concomitant budget modifications), contract with a third party to provide the IEP required programs or services, or ask the student’s district of residence to provide the programs/services. The district is supposed to provide services in and to the charter school to the same extent as provided in and to district schools.

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<http://data.nysed.gov/enrollment.php?instid=800000048532&year=2014&grades%5B%5D=06&grades%5B%5D=07&grades%5B%5D=08>

- **Many charter schools undertake a systematic effort to have students' IEPs reviewed upon enrollment to ensure the IEP reflects the charter school's programs.** Charter schools do not have to follow Part 154 of the Regulations of the Commissioner of Education (8 N.Y.C.R.R. Part 154) unless they are receiving funds pursuant to those regulations. However, key elements of the regulations provide necessary elements of any compliant ELL program including identification of ELL students.
- As for ELL students, the NYCCSA budget shows they don't plan to serve ELL students at all. **In their budget, they assume a student body of 0% ELLs.** They also don't address how ELLs will be able to access after school and summer school programming and extracurricular activities.

8. Instructional Leadership

(a) Instructional Leadership Roles

- The Instructional leadership team appears to lack any person responsible for the community diversity claimed to be central to their mission and of paramount importance to the school.
- Recruitment of a high-quality teaching staff appears to rely on relationships cultivated "in professional networks such as the Julliard School, Teach for America, High Performing Charter Schools Network, the Harvard Graduate School of Education, and Independent Schools such as Spence, Packer, and the Blue School," rather than on any independent merit and making the staff more likely to reflect the the homogeneity of those networks.

(b) On-going Teacher Supervision and Support

- NYCCSA details their intent to replicate best practices at certain schools, two of which (City Neighbors Charter School and Ocean Hill Collegiate) they cite for fostering an atmosphere of joyful collaboration and "feeling valued at work."

(c) Professional Development

- Though all teachers are "eligible for a \$1,500 stipend each year," it is not clear if the amount is reflected in the budget.
- The planned summer institute, "on-boarding," other support programs, and school year evaluations do not clearly identify the allocation of resources, whether staff, time, and funds, to support the described programs.

(d) Teacher Evaluation and Accountability

- NYCCSA proposes using the "Danielson Framework for Teaching" to evaluate the performance of teachers and that the school will not use student assessment

outcomes to determine compensation.

9. School Culture and Discipline

(a) School Culture and Discipline

- NYCCSA cites Boston Arts Academy, a public high school, as a model of service to a diverse population. Unlike the NYCCSA budgeted population though, over 70% of BAA’s students come from low-income families, 33% speak English as a second language, and 40% enter high school reading below grade level. Unmentioned too is how BAA has fostered a culture that NYCCSA wishes to emulate. NYCCSA does outline a sea of ethics, domains, behaviors, agreements, breeches, and a sequence of reflection, leading up to a 3-day suspension for “possession of weapon.” The envisioned sequence seems at odds with the dueling vision of harmony.

(b) Discipline Policy (general education)

- NYCCSA outlines a discipline policy with actionable offenses. Honesty and integrity, said to be core components of the code of conduct, would seemingly require that NYCCSA amend their proposal to reflect the withdrawal of support by certain community organizations, as outlined above, whose support was claimed but not authorized.
- NYCCSA will impose harsh penalties on students for not wearing uniforms, advising that they may not be permitted to attend class and that families may be asked to pick up students who are not in school uniform. This would appear to be in violation of The Institute’s guidance against indefinitely withholding students from class for not wearing a complete uniform.

(c) Special Education Discipline Policy

- NYCCSA has pledged to work with the Committee on Special Education (CSE) in CSD 1 or 2, so that clear guidelines for designing and administering disciplinary procedures for special education students are established.

(d) Dress Code Policy

- Despite an acknowledgment of the tension created by a dress code in a school that celebrates artistic creativity, NYCCSA intends to require a uniform to create solidarity and a strong sense of school identify.

ORGANIZATIONAL VIABILITY

10. School Management and Leadership

(a) Organizational Chart

- NYCCSA will use a dual leadership structure, splitting instructional and operational responsibilities between the Principal and, an as yet unidentified, Director of Operations. While the proposal attempts to make the lines of reporting and accountability in the school clear, the overlapping roles, succession plans, and responsibility and title changes (e.g., the Principal as Humanities Department Chair will be succeeded by a Teacher Leader whose former duties will be assumed in part by an Apprentice Teacher who may or may not be one of three Grade Level Deans who along with Department Chairs will be called the Coalition of Teacher Leaders who will split their time between teaching and fulfilling leadership roles) make the organization's actual structure unclear.
- The organization chart, provided for year 1, is followed only by a list of staffing changes for each year, and fails to show the growth in the organization's structure from the beginning to the end of the charter term. A year 5 Organization Chart is not provided.

(b) School Leadership and Management Structure

- The founding group does not show in their Response to this request that they have devoted serious thought to determining the type of Director of Operations needed to establish and sustain an effective, academically high-performing charter school.
- A recruitment/selection plan for the Director of Operations, a leader of the school, is not included and neither are potential recruitment sources, anticipated selection criteria, or an anticipated timeline.

11. Personnel

(a) Staffing Chart and Rationale

- The staffing chart does not cross tie to the budgets for all years to ensure all positions are accounted for equally within the budgets. For instance, in Year 1 the staffing chart identifies 3 Directors, salaried at \$240,000 (each at \$80,000). The Year 1 Budget though identifies 3 Deans/Directors, salaried at \$224,145. The Year 1 Budget also identifies Administrative Staff, salaried at \$55,000. The Staffing Chart omits this position in Year 1.
- The rationale also clarifies those services that the school will not be providing. For instance, a physical education teacher is not hired until Year 4. Few positions require the language skills that would be necessary for comprehensive service for an

ELL population.

(b) Qualifications and Responsibilities

- NYCCCSA provides a basic description of the responsibilities of each position employed by the education corporation. Qualifications of the principal include demonstrated previous success in raising academic achievement in urban settings. Evidence that this principal has met this qualification is not provided in the proposal.

(c) Staff Recruitment and Retention

- A charter school may hire teachers who are not certified or otherwise approved by the Commissioner of Education (except in relation to special education teachers as noted below), so long as such teachers do not exceed in total more than 30 percent of the teaching staff or five teachers, whichever is less, and, in addition, each such uncertified teacher fits within one of the criteria set forth in Education Law §§ 2854(3)(a-1)(i-iv). It is unclear if NYCCCSA intends to rely on this exception to the law.
- There is no evidence that the applicant has carefully considered the availability of highly qualified staff that are available in geographic proximity to the proposed school, as well as other considerations such as reasonable wages and benefits compared to other local schools and in relation to any unique demands that may be made of teachers in the proposed school. In particular, one of two proposed Director of Operation candidates is said to reside in Washington, D.C.

(d) Personnel Policies

- At odds with their earlier professed commitment to rely on personal professional networks for hiring staff, NYCCCSA maintains that they are committed to finding a diverse and talented staff and will hire by posting job openings on websites and national publications.
- While quantitative instruments will be used to track professional growth, NYCCCSA maintains that results of evaluations will not impact compensation.

12. Partner Organizations

- As explained by the testimony of one longtime community leader at the public hearing, behind NYCCCSA's claims of community support and partnership is often a financial relationship. Organizations such as Loisada Center, the Lower East Side Ecology Center, The Yellin Center, Camp Vacamas, and The Juillard School all have a monetary relationship with NYCCCSA, but have been alternately referred to throughout the applicant's proposal as supporters/partners.

13. Governance

(a) Education Corporation Board Roles and Responsibilities

- NYCCSA has identified Arthur Levine, Joseph Polisi, Laura Blankfein, Danal Abrams, Alejandro Duran, Benjamin Gliklich, Daniel Hew, and Elizabeth Burke as founding board members who are “driven by their desire to make an impact on the students and overall community in lower Manhattan.” Among the proposed responsibilities delegated by this Board to the School Leadership is student recruitment, alternately delegated to the DoO in this Response but delegated primarily to the Principal in the Action Plan. Assessment data, including for SwD and ELLs, is a related performance metric that has been confusingly delegated to both the Principal and the DoO (in the form of “Key Compliance Considerations” and “Progress toward meeting Recruitment and Retention targets”). In both cases, the lack of clear responsibility suggests that E&R targets will not be well-monitored.

(b) Education Corporation Board Design

- As stated in the proposal, the NYCCSA board will consist of between nine (9) and fifteen (15) members. Despite the representation, the founding Board appears to have only eight (8) members, evidencing some inattention by the applicant or an outdated submission.

(b) Stakeholder Participation

- The applicant has provided some processes to be followed to promote staff and parental involvement in school governance, including by establishing a “Families Association,” whose members will be encouraged to attend Board meetings. No mention is made of a Parent Association, to act independently of the Board. The applicant also promises “a Student and/or Family Handbook (final format TBD)” to explain how families can bring concerns to the board and initiate a formal complaint process.

(d) By-laws

- In drafting the proposed education corporation’s by-laws, the applicant has submitted draft by-laws, filled with bracketed language, blank spaces not filled in to properly indicate the number of initial, minimum, and maximum Board Members, and blanks indicating uncertain composition of committees.

(e) Code of Ethics

- The revised Education Law § 2851(2)(v) requires that an applicant provide a “code of ethics for the charter school.” The applicant does not appear to have provided a code of ethics.

14. District and School Relations

- Other than replication of portions of email correspondence with the CEC, the applicant has not provided evidence of a meaningful attempt to establish a relationship with the district, to maintain an ongoing relationship, and to openly, honestly, and thoughtfully address potential challenges in the school’s relationship with the district.
- The proposal lacks any concrete plans to identify best practices and innovations to be shared with the district schools should the charter school show evidence of success.

15. Student Demand, Community Support, Recruitment and Retention

(a) General Student Population

- As detailed throughout this report, NYCCSA is unlikely to meet its enrollment figures, because there is no demand for this charter school within CSD 1 community, especially as educational alternatives exist.
- The lack of demand is corroborated by the lack of a single parent or student testifying in support of the school at the public hearing.

(b) Target Population Enrollment

- The applicant has not met the obligation under state law to “rigorously demonstrate” that the proposed school would meet or exceed enrollment and retention targets.
- A finding that the proposed charter school is likely to meet or exceed enrollment and retention targets must be made before approving the proposal.

(c) Evidence of Student Demand

- The applicant did not furnish a response to Request 15(c) explaining the student demand.
- They have not furnished any petitions connected with this application much less any that indicate that signers have students of age to enroll in the school and would consider enrolling in the school. To the extent they furnished petitions, they are signatures connected with a prior failed or withdrawn application to the Board of Regents. In fact, the last signature of support for their petition was approximately 8 months ago. No students of age or parents of students of age appeared at the public hearing to support the school.

- They have not submitted evidence of a more than an isolated desire for alternatives, as expressed by parents of students of age, in the proposed CSD 1. They have not submitted evidence of waiting lists at other charter schools in CSD 1.
- They have not submitted evidence that the alternatives now available are insufficient.
- The proposal does not have sufficient student support to meet its enrollment goal.

(d) Community Support

- As detailed herein, there is not support for the school from the community and the applicant has not provided evidence to the contrary. This is additionally set forth in the section seeking evidence of community support.

16. Facility

(a) Facility Needs

- Fortunately, in their proposal and testimony, the applicants have stated they will not be attempting to open and co-locate in a DOE building. Nonetheless, as per the Facilities Access Process, the applicants' will submit a written request for co-location to the NYCDOE.

(d) Additional facility information

- The applicant has suggested throughout the proposal that a facility agreement is imminent but has not provided any documentation or information relating to their particular facility other than a non-specific letter from the Charter School Facility.

18. Health Services

- The applicant has proposed outsourcing of nursing services, despite the recommendation of The Institute to have a permanent school nurse.

22. Action Plan

- The action plan lacks any provision for staff training or facility preparation.
- The action plan lacks any detail about how or when the school will develop its academic program and have it in place when the school commences instruction.

V. Summary of Public Testimony

NYCCSA Testimony, 10/1/2015

- The 3 founders from NYCCSA made a brief summary of their proposal. In addition, their former student from Bronx Prep, a no-excuses charter school recently turned over to the Democracy Prep Charter school chain, spoke on their behalf. 2 affiliated supporters, associate Jim Chu from Special on C and a fellow Bronx charter school teacher, also spoke in support.
- There was no support expressed by any district parent, or parent in general, nor was there any support from any elected official, community board member, CBO, community partner, or community member.

Testimony in Opposition to NYCCSA

- The collective presentation in opposition to the charter school was factual, impassioned, and moving, encompassing the essential aspects of the proposal. Presenters spoke from the heart, basing their concerns on a deep-rooted understanding of the local community and the schools that serve the community.
- Speakers lamented the structural flaw that results in there being no requirement for those accountable for regulating the charter sector, the SUNY authorizers or the NYSED Regents, to be present at the so-called "approval" hearing.
- And, although the SUNY Trustees will receive a written summary prior to their vote to approve this proposal at the October 15, 2015 meeting, it is nonetheless clear that a written transcript or a limited written summary (potentially biased or incorrect) will never be as powerful as listening to verbal testimony: testimony that people had to leave work early to sign up for, curtail their family obligations to make time for, and overcome a possible fear of public speaking to make.
- Community members in attendance were worried that the hearing and approval process presented a mere charade of an opportunity to express opposition. A parent with children in both district and charter schools in CSD1 talked about the reality in charter schools for students identified as ELLs and SwD. She recounted how in two different charter schools the needs of her child with learning disabilities went unanswered and that it has been her direct experience that charter schools screen-out for the easiest to instruct children, leaving high-needs students over-concentrated in local community schools. For these reasons, she was opposed to the proposal.
- A District 1 parent with children in different schools spoke in opposition to the proposal, arguing that the proposal was not designed to actually create a diverse school as promised. In fact, no set aside or admissions priority was laid out in the nearly 400-page application. Too, the outreach and targeted marketing to specific elementary schools in Chinatown and

other parts of D2 and D3, and in gentrified Brooklyn (D13 and another Brooklyn district, though misidentified as D12, which is actually in the Bronx) are unlikely to create a diverse admissions pool for the unaudited, unverified lottery process. And, finally, after a supposed 18 months of workshops and focus groups, not one of the supposed thousands of supporters—not a single parent of a school age child, not a single parent who will be looking for middle schools for enrollment for their child in Fall 2016—spoke in favor of the proposal or even attended the hearing.

- A longtime community leader in educational issues spoke in opposition to the proposal and exposed the numerous ways that the claims of community support and partnership were not reflective of actual support. Indeed, a great number of potential community partners sent letters of support that were not authorized by the CBOs whose letterhead was used for that purpose and who had asked that no institutional support be expressed. These included key local CBOs and other essential education-related service providers, and many of the unauthorized individuals who sent the letters of support have since moved out of their positions and no longer represent the community or are no longer available for partnership. One cited testimonial was denied by the supposed author, who was not identified until this hearing. And the remaining supporters are in fact potential recipients of fee-for-service, related quid-pro-quo arrangements, or forms of financial partnership.
- These partners include payment of fees of between \$25,000 and \$40,000 for Camp Vacamas and \$5,000 to Community of Unity. Such self-interested business arrangements are not qualified to stand in for "community support" and raise questions about the ethics informing the proposal. The same speaker questioned the feasibility of the contradictory claim and promises made about diametrically opposed aspects of the curriculum and mission, a mash up of whole-child focused integrated arts and social-emotional self-discovery served up alongside of high stakes assessments and standards purchased from no-excuses charter chains. For example, the proposed budget cites spending \$34K on ANet, an interim assessment program and coach provided by Achievement First (with an additional \$7k spent on the student access program), and \$8K to purchase FOSS science from Harlem Village Academy, along with materials from DC Prep, Uncommon Schools, and KIPP.
- A representative from NYS Assembly member Deborah Glick's office delivered testimony in opposition to the proposal, based in particular on the local expression of community needs and the lack of regulation of the charter sector in general.
- A CEC 1 member spoke in opposition to the proposal, expressing the need to help the existing 12 middle school options in D1 and in D2 and the families and students they support before creating additional options that will drain and dilute limited resources.
- A local MS Principal talked about the damaging effect on her middle school when schools come in and do not take their share of at-risk students and how the further dilution of resources among 12 schools currently serving fewer than 900 MS students will cause irreparable harm if the proposal by NYCCSA comes to be.

- The President of CEC 2 spoke in opposition to the proposal, referring to the CEC 2 resolution to oppose the creation of any additional charters until a study of any real demand had been undertaken.
- A local resident of NYCHA, an organizer in the low income public housing developments, and parent of students in charter and public schools spoke about the lack of outreach, and how the proposal was virtually unknown to NYCHA residents but for the CEC's notification and outreach.