



TO: P-12 Education Committee

FROM: John L. D'Agati *John L. D'Agati*

SUBJECT: Charter Schools: Initial Applications Authorized by the Board of Regents

DATE: November 21, 2019

AUTHORIZATION(S): *Sharon L. Tabor*

SUMMARY

Issue for Decision

The Acting Commissioner and Department staff recommend that the Board of Regents consider, approve, and issue an initial charter and provisional charter for the following proposed charter schools:

1. **Buffalo Academy of Science Charter School II** (proposed to locate in the Buffalo Public Schools District)
2. **Primary Hall Preparatory Charter School** (proposed to locate in the Buffalo Public Schools District)

Reason(s) for Consideration

Required by State statute.

Proposed Handling

This question will come before the P-12 Education Committee at its December 2019 meeting, where it will be voted on and action taken. It will then come before the Full Board at its December 2019 meeting for final action.

Procedural History

Under the New York Charter Schools Act of 1998, the Board of Regents is authorized to approve applications for initial charters.

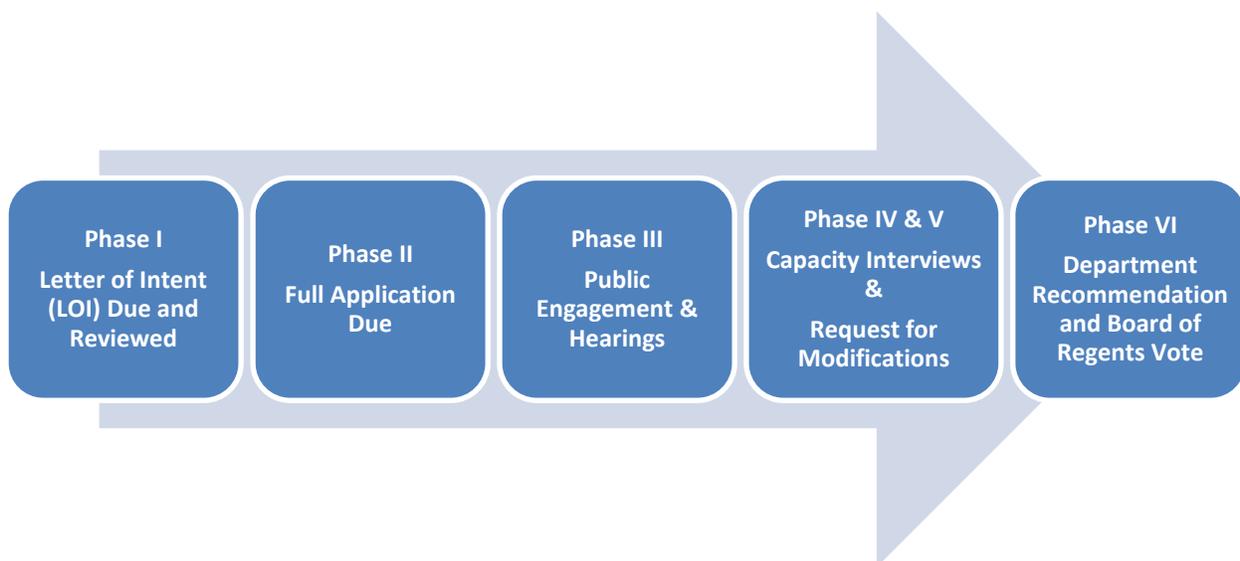
Background Information

The Charter Cap

Chapter 101 of the Laws of 2010 increased the cap on the number of charters that can be issued in New York State from 200 to 460. The law also designated the Board of Regents and the Board of Trustees of the State University of New York (SUNY) as the authorizers for the additional 260 charters (130 charters to be issued by each, with no more than 57 in New York City) and required that the two chartering entities create competitive Request for Proposals (RFP) processes for applications for the additional 260 charters. The law dictated the timetable for the RFPs that were issued in 2010, 2011, 2012, and 2013 and left the timetable for the release of RFPs in subsequent years to be determined by the Board of Regents and SUNY. Legislative amendments in 2015 allowed 22 charters that had been surrendered, revoked, terminated, or not renewed to be reissued by SUNY or the Board of Regents through an application process, and all those charters have been issued. Chapter 20 of the Laws of 2015 imposed a limit of 50 new charters in New York City.

There are currently no charters available for issuance in New York City, and 99 charters remain available for issuance outside of New York City. A Charter School Fact Sheet outlining the number of charters issued and those remaining as of July 2019 can be found at [Charter School Fact Sheet](http://www.p12.nysed.gov/psc/facts/nyscsfactsheet090119.pdf).
(<http://www.p12.nysed.gov/psc/facts/nyscsfactsheet090119.pdf>)

The Board of Regents Charter Process



Charter school applicant groups in New York State have their choice of authorizers. They may choose to apply to the Board of Regents due to the academic and operational resources available through the Department, as well as when they perceive that there is alignment between their mission and the Regents strategic priorities—namely, culturally responsive-sustaining education that reflects the cultural needs of all students, equity and access to high-quality educational opportunities for all students, work on standards and curricular content with strong connections to the Department’s Culturally Responsive-Sustaining Education Framework, educator diversity, and the holistic development of young people. The rigorous charter school RFP process is designed to ensure that applicant groups recommended by the Department align to those strategic priorities and meet the standards set forth in Article 56 of the Education Law as well as the NYSED New Charter School RFP.

Phase I – Letter of Intent

Each applicant group must submit a letter of intent that provides a brief description of the school mission and design, the proposed student population (including plans to meet enrollment and retention targets), evidence of existing and planned community outreach efforts and community support, a proposed school district and/or proposed facility, information about the founding group, and anticipated members of the initial board of trustees.

Phase II – Full Application

If the criteria of the Letter of Intent are met, each applicant group whose Letter of Intent was accepted must submit a written application that provides the full design of the proposed school, including instructional model and approach, targeted student population, organizational structure, and financial plan. The Full Application is structured to objectively evaluate the proposed school’s educational alignment and operational compliance to the requirements and educational priorities of the Charter Schools Act. Each accepted application is rigorously evaluated through a peer review process by a three-member expert panel, including national consultants, reviewers who are current educators in public schools or universities within New York State and across the nation, and experienced Department staff in the Charter School Office (CSO). The application is also typically reviewed by the NYSED Office of Bilingual Education and World Languages (OBEWL) and the NYSED Office of Special Education (OSE).

Phase III – Public Engagement and Hearings

The CSO and applicant groups applying to the Board of Regents have a deep commitment to community engagement, input, and collaboration. Throughout the charter school application process, the Department reviews public comments and other input provided through the Letter of Intent, the Full Application, the formal public hearings, and direct communication with the Department’s CSO. As mentioned above, for each full application received, the proposed district of location holds a formal public hearing to gather comments and feedback from the community. The proposed district of location also has the opportunity throughout the process to provide input and make written or oral comments. In addition, each applicant group is expected to engage in extensive ongoing

community engagement with parents, educators, community-based organizations, elected officials, and other groups.

Phase IV – Capacity Interviews

If the Full Application meets or exceeds the standards of the RFP, each applicable applicant group attends an interview to discuss the application and to demonstrate that they have the will, skill, knowledge, and capacity to successfully launch and operate the proposed school.

Phase V – Request for Modifications

Each applicant group makes technical modifications to their applications, as necessary and requested by the Department.

Phase VI – Departmental Recommendation

Recommendations to award new charters are made to the Board of Regents by the Interim Commissioner on behalf of the Department. These recommendations are only made for groups that meet or exceed the rigorous RFP standards. These standards require that applicant groups have a strong educational plan that can demonstrate their readiness to launch and operate a highly effective public school, and whose application would have a significant educational benefit to the students expected to attend the proposed charter school. Based on a synthesis of information gathered throughout all stages of the process, the Department presents its recommendations to the Board.

The 2019-20 Board of Regents Application Process: Round 2

A Summary of the 2010-19 charter school application cycles is included as **Attachment A**. The 2019 RFP timeline for applicants seeking to establish new charter schools authorized by the Board of Regents is as follows:

2019-20 Application Cycles**			
Submission Rounds	Letter of Intent	Full Application	Regents Action
Round 1	No Letter of Intent	January 10	June 3-4
Round 2	April 5	May 6	December 9-10*

* The current items are being presented at the December 9-10, 2019 Board of Regents meeting.

**This timeline is subject to change at the discretion of NYSED and/or the Board of Regents.

In Round 2 of the 2019 application and review process:

- 23 applicant groups submitted Letters of Intent by April 6, 2019.
- Eight applicant groups were invited to submit a full application by May 6, 2019. All eight applicant groups submitted full applications by the deadline.

- Four applicant groups were invited to a Capacity Interview. The interviews were held at the New York State School for the Blind in Batavia, New York, on September 17-18, 2019.
- Two applicant groups are being recommended by the Department to the Board of Regents for authorization at the December 9-10, 2019 Board of Regents meeting.

The Acting Commissioner and Department staff recommend that the Board of Regents issue an initial charter and provisional charter for the above-listed new charter schools, which will add 1,044 high-quality seats for families in Buffalo, New York, when the proposed schools are at maximum enrollment. The Charter School Application Summary, Findings, and Recommendation for the proposed new schools are included as Attachments B, C and D. These applications are available on the Department's website at [Starting a Charter School](http://www.p12.nysed.gov/psc/startcharter/startcharter2019.html).
(<http://www.p12.nysed.gov/psc/startcharter/startcharter2019.html>)

Related Regents Items:

[P-12 Education 2019-2020 Priorities](https://www.regents.nysed.gov/common/regents/files/P-12%20-%20P-12%202020%20Priorities.pdf)

<https://www.regents.nysed.gov/common/regents/files/P-12%20-%20P-12%202020%20Priorities.pdf>

[2019 Round 1 RFP – Initial Applications Authorized by the Board of Regents](http://www.regents.nysed.gov/common/regents/files/1118p12a1.pdf)

<http://www.regents.nysed.gov/common/regents/files/1118p12a1.pdf>

Recommendation

VOTED: That the Board of Regents find that: (1) the proposed charter school meets the requirements set out in Article 56 of the Education Law, and all other applicable laws, rules and regulations; (2) the applicant can demonstrate the ability to operate the school in an educationally and fiscally sound manner; (3) granting the application is likely to improve student learning and achievement and materially further the purposes set out in subdivision 2 of Section 2850 of Article 56 of the Education Law; and (4) granting the application will have a significant educational benefit to the students expected to attend the charter school, and the Board of Regents approves and issues a charter to **Buffalo Academy of Science Charter School II**, and amends the provisional charter of the education corporation **Buffalo Academy of Science Charter School** to permit the operation of such school for a term of five years, in accordance with §2851(2)(p) of the Education Law.

VOTED: That the Board of Regents find that: (1) the proposed charter school meets the requirements set out in Article 56 of the Education Law, and all other applicable laws, rules and regulations; (2) the applicant can demonstrate the ability to operate the school in an educationally and fiscally sound manner; (3) granting the application is likely to improve student learning and achievement and materially further the purposes set out in subdivision 2 of Section 2850 of Article 56 of the Education Law; and (4) granting the application will have a significant educational benefit to the students expected to attend

the charter school, and the Board of Regents, therefore, approves and issues a charter and provisional charter to the **Primary Hall Preparatory Charter School** for a term of five years, in accordance with §2851(2)(p) of the Education Law.

Timetable for Implementation

The Regents action is effective immediately.

Attachments

SUMMARY OF 2010-2019 CHARTER SCHOOL APPLICATION CYCLES

Regents RFP Cycle	Letters of Intent Submitted	Full Applications Submitted	Charters Issued By BOR (# in NYC)
2010	39	35 prospectuses were submitted; 16 applicants were invited to submit full applications; 15 full applications were submitted	Regents: 7(5)
2011	100	80 prospectuses were submitted; 37 applicants were invited to submit full applications; 36 full applications were submitted	Regents: 9(7)
2012 Round 1	30	20 applicants were invited to submit full applications; 14 full applications were submitted	Regents: 3(3)
2012 Round 2	54	37 applicants were invited to submit full applications; 25 full applications were submitted	Regents: 10(8)
2012 Round 3	24	24 applicants were invited to submit full applications; 12 full applications were submitted	Regents: 0(0)
2013	99	60 applicants were invited to submit full applications; 55 full applications were submitted	Regents: 8(6)

Regents RFP Cycle	Letters of Intent Submitted	Full Applications Submitted	Charters Issued By BOR (# in NYC)
2014 Round 1	31	15 applicants were invited to submit full applications in either Round 1 or Round 2; 11 full applications were submitted for review	Regents: 2(1)
2014 Round 2	51	18 applicants were invited to submit full applications 15 full applications were submitted for review	Regents: 3(3)
2015 Round 1	38	15 applicants were invited to submit full applications 15 full applications were submitted for review	Regents: 0(0)
2015 Round 2	51	17 applicants were invited to submit full applications 11 full applications were submitted for review	Regents: 3(2)
2015 Round 3	N/A	Letters of Intent Waived 15 full applications were submitted for review	Regents: 1(1)
2016 Round 1 (June)	11	11 applicants were invited to submit full applications 11 full applications were submitted for review	Regents: 3(2)
2016 Round 2 (November)	25	15 applicants were invited to submit full applications 14 full applications were submitted for review	Regents: 3(2)
2016 Round 2 Continued (December)	25	15 applicants were invited to submit full applications 14 full applications were submitted for review	Regents: 1(0)
2017 Round 1 (June)	17	13 applicant were invited to submit full applications	Regents: 3(3)

Regents RFP Cycle	Letters of Intent Submitted	Full Applications Submitted	Charters Issued By BOR (# in NYC)
		10 full applications were submitted for review	
2017 Round 2 (November)	28	21 applicants were invited to submit full applications 18 full applications were submitted for review	Regents: 5(5)
2018 Round 1 (June)	19	14 applicants were invited to submit full applications 11 full applications were submitted for review	Regents: 6(6)
2018 Round 2 (Nov/Dec)	29	23 applicants were invited to submit full applications 19 full applications were submitted for review	Regents: 8(7) 7 approved in November; 1 in December
2019 Round 1 For New York City Replication Applicants Only (January)	No Letters of Intent were Required	5 full applications were submitted for review Cap on the number of charter school permitted in NYC reached with SUNY Trustees approval of 7 charter applications. Therefore, none of the applications were acted upon.	Regents: 0(0)
2019 Round 2 (December)	23	8 applicants were invited to submit full applications 8 full applications were submitted for review	Regents: 2(0)*

* Department recommendation at the December 9-10, 2019 Board of Regents meeting.



New York State Education Department Charter School Office

Charter School Application Summary, Findings and Recommendation

Application in response to the
New York State Education Department 2019 Round 2 Request for
Proposals to Establish Charter Schools Authorized by the Board of
Regents to establish the proposed:

Buffalo Academy of Science Charter School II
December 2019

Table 1: Summary of the Proposed School

Name of Charter School	Buffalo Academy of Science Charter School II
Lead Applicant(s)	Selcuk Acar, Ph.D.
District of Location	Buffalo City School District
Anticipated Opening Date	Fall 2020
Projected Charter Term	August 28, 2020 – June 30, 2025
Management Company	None
Facility	Private space
Projected Enrollment and Grade Span during Charter Term	Year 1 (SY 2020-21): K-1/88 Students Year 2 (SY 2021-22): K-2 & 9/ 248 Students Year 3 (SY 2022-23): K-3 & 9-10/432 Students Year 4 (SY 2023-24): K-4 & 9-11/576 Students Year 5 (SY 2024-25): K-5 & 9-12/720 Students
Mission Statement	<i>The mission of the Buffalo Academy of Science Charter School II (BASCS II) will be to fulfill the high demands of students in Grades K-12, their parents and the community. BASCS II is committed to fulfilling its mission by: 1) Providing an excellent academic educational plan with emphasis on math, science, and technology while providing the opportunity for students to excel in any field of study; 2) Providing a rigorous, innovative, challenging and enhanced curriculum focused on preparing students to attend the universities of their choice; 3) Preparing students for college from a community who are not served successfully by public education and cannot afford the private education services; 4) Preparing students to become responsible, educated citizens who have the skills and understanding to participate and work productively in a diverse, multicultural, globally oriented environment and who are ready to carry the torch of knowledge, freedom, and prosperity that has been passed from one generation to another in this great country and; 5) Creating a partnership and participation environment among the student-teacher-parent triad that will provide our youth with the support necessary to reach their highest potential – intellectually, socially, emotionally and physically.</i>

Buffalo Academy of Science Charter School II (BASCS II) is the proposed replication of the successful existing Board of Regents-authorized Buffalo Academy of Science Charter School (BASCS) located in the Buffalo Public Schools District and serving grades K-12. BASCS II is designed similarly to ensure an equitable, challenging, high quality education for students with disabilities (SWDs), English language learners/Multilingual learners (ELLs/MLLs) and economically disadvantaged students (ED). Demonstrating the success of the school to be replicated, students enrolled in the existing BASCS have: 1) attained significantly higher levels of academic proficiency in core subjects than their local district school peers and similar schools across the state; 2) achieved Mean Growth Percentiles in Mathematics and English Language Arts (ELA) that have been consistently above the State average for multiple years; 3) achieved significantly higher graduation rates than the students graduating from the local school district and across the state, with many receiving Regents with Advanced Designation; and 4) acceptance of all graduating students into 4-year colleges of the student's choice. Based on the track-record of BASCS, BASCS II will prove that any urban youth can radically change his/her life trajectory.

BASCS also has a longstanding commitment to collaboration with the Buffalo Public Schools as well as district schools across the region through the Western New York STEM hub. This approach to community, sharing effective practices, and providing opportunities for high-quality public education for all students will continue in the proposed BASCS II.

Key Design Elements

The key design elements for BASCS II are:

- *STEM Focus*. Components include: STEM (engineering design/inquiry-based learning), science investigations/scientific inquiry, online platforms, state-of-the-art teacher/student technology, wide selection of technology electives, STEM-infused academic enrichment and after-school projects, industry applications, science fairs, science Olympiads, coding camps, hackathons, etc.
- *Data-Driven Decision-making/Continuous Improvements*. Components include: range of standards-aligned assessments that inform Response to Intervention and regular classroom groupings and instruction, continuous improvement review of data and instructional modifications, grade-level collaborative planning based on review of assessments.
- *Six-Point Plan to Higher Student Achievement*. Components include: setting up a culture of excellence, articulating the curriculum, ensuring best practice, developing common assessments to obtain data, optimizing interventions and maintaining focus and responding to progress monitoring data.
- *Intervention and Special Programs*. Components include: Response to Intervention, differentiated instruction, individualized instruction/tutoring, double ELA and math classes, 9th period intervention program, after-school program/Saturday school with homework help, tutoring, and academic enrichment offerings, summer school, Title 1, ELL/MLL support, special education, 504 (stand-alone, integrated in regular classrooms,

and coach teachers), sentence/question frames focused on academic language, social language, instructional language.

- *Triad Partnership: Students-Parents-Teachers*. Components include: a strong and positive parent-student-teacher partnership/participation, communication, and interaction, 24/7 online access to student progress, homework, grades, and learning opportunities, home visits, instructional conferencing, close contact by counselor.
- *College Counseling and Preparation*. Components include: Strong counseling program working closely with each student to prepare for SAT/ACT tests, identify career interests and internships, meet graduation criteria, discover/apply to colleges of interest to the student with a career interest match, complete financial aid/scholarship applications, and ensure student acceptance into college or careers.
- *Role Modeling and Character Education*. Components include: teacher-student positive interaction and respect; consistent teaching techniques that value and honor each student's input and participation; positive communication skills; use of praise focused on enhancing students' academic/personal development; character education incorporated in daily school routines; teachers model each character quality; and model/guide students in positive interactions with all.
- *Foreign Language and Multicultural Competence*. Components include: Culturally responsive pedagogy that reflects the cultural needs of students, foreign language proficiency and use, critical languages taught, diversity, multicultural themes, intercultural competence, multicultural acceptance and appreciation, sentence and question frames to build English language proficiency, and foreign language awareness/exposure for both ELL/MLL students and English-speaking students.
- *Student Exchange and International Field Trips*. Components include: Multicultural competence skills in cultural and international field trips, foreign exchange/study abroad programs, summer study abroad, understanding of personal/professional role for global understanding and freedoms, research and advocacy on global issues.

Education Plan

BASCS II believes that all children should be given an opportunity to attend college or pursue meaningful careers and have an equal opportunity to excel, and that learning is enhanced when diversity and culturally relevant pedagogy is incorporated into the system. The applicant group has developed a Six-Point Plan to Higher Student Achievement that reflects the school's values, instructional focus, desired outcomes, and philosophy. The six points include: setting up a culture of excellence; articulating the curriculum; ensuring best practice; developing common assessments to obtain data; optimizing interventions; and maintaining focus and responding to progress monitoring data.

All curriculum, instruction, intervention, strategies/programs, and assessments are based on and aligned with the NYS Next Generation Learning Standards and Regents high school graduation requirements. Teachers, school leaders, and specialists plan together using the following: EngageNY curriculum maps, scope and sequence, curriculum modules, units and lessons, end-of-module assessments, and exemplars along with NY content-area frameworks for themes, unit lessons, student projects, academic enrichment activities, and intervention strategies.

The process for selecting and or developing curriculum is based on the Understanding by Design framework/approach using all NYS standards and assessment released items to backwards map units of instruction and lesson plans. Grade-level teachers and instructional specialists collaborate to horizontally align across subject areas and vertically align across grade levels. Curriculum is chosen for its ability to provide differentiated instruction. Teachers will plan collaboratively with specialists to modify resources.

School culture

The applicant group plans to replicate the successful strategies and staffing plan that BASCS employs to develop and sustain its school culture of encouragement and support. BASCS has a high staff retention rate and believes it has had a positive impact on the school's supportive student culture. The key to success is in the triad model where teachers, families, and students are working together.

The school's mission is to meet the needs of the children they serve in Buffalo with an education that promotes their intellectual, social, emotional, healthy decision-making and physical development. They believe their STEM focus establishes a scientific inquiry atmosphere that relies on building positive collaborative partnerships between students, teachers, and the larger community. An emphasis on character education which views each student holistically and supports their social-emotional development will also support a positive school culture. Building a positive teacher-student environment will encourage an atmosphere where each student is known by the adults, where students feel safe and are encouraged to become critical thinkers.

The school will hire a social worker and a restorative justice coordinator to work with all students, especially those in crisis. A partnership with a local university will enable the school to have master's level social work students assist at the school under strong supervision. This supports BASCS II's mission to not only support their students but also support a learning environment that has a direct positive impact on the district schools that will benefit from the training of these social workers. Staff and students will have access to workshops, small-group discussions, and one-on-one sessions on a variety of topics including but not limited to: conflict resolution, drug and alcohol prevention, self-identify/self-awareness, personal advocacy, violence prevention, and goal setting.

Special Populations and Related Services

The school will work with the local Committee on Special Education to ensure that all students with disabilities receive a free and appropriate public education in the least restrictive environment. Students will be assessed quarterly in all subjects with summative and performance criterion-based

assessments. Benchmark assessments and interventions have been designed to align with NYS Learning Standards. BASCS II will provide in-class intervention groupings at the students' instructional/English language level; in-class tutoring; pull out special programs; 9th period intervention classes; after-school and Saturday school programs; online classes, available 24/7; home visits to support family participation in students' learning; ELL/MLL program in-class and pull-out as needed; instructional accommodations integrated in the general education classroom to meet specific needs of students classified as SWD; multidisciplinary teaming to address unique needs; and summer school.

Supports for ELL/MLL students will follow a similar student-focused design that has been successfully employed at BASCS. This approach has yielded academic outcomes for ELL/MLL students at the BASCS that far exceed city and state averages in ELA and Math as well as a 4-year cohort high school graduation rate for ELL/MLL students that is over 27 percentage points higher than the state average. The school will provide English as a New Language Program (ENL) along with integrated English and home language development support in the general education classroom. Additional supports and services for ELL/MLL students will be provided as necessary.

All students will have several options to extend their learning including participation in Advanced Placement classes, after-school and summer-school programming, science Olympiad, Robotics challenges, and early college/dual enrollment classes.

Recruitment and Retention

The applicant group has developed a robust outreach plan to recruit students and families. The applicant group plans to continue its presentations to specific enrollment priority groups via a variety of community support and advocacy organizations, not-for-profits working with SWDs and ELLs/MLLs, youth development programs, faith-based organizations, immigrant/refugee organizations, public institutions and early childhood/preschool programs. The applicant group plans to retain their students by building a strong school culture, fostering family partnerships, and providing all students with appropriate programs and services to meet individual needs.

Community presentations have focused on the successes at BASCS where emphasis is placed on the school's design elements such as: the STEM curriculum; college preparedness and literacy; smaller class sizes; and enrichment opportunities. Additionally, special emphasis is placed on the diversity of the school's services for SWDs and ELLs/MLLs.

Community Outreach

BASCS is a high-demand school as seen in its most recent enrollment lottery where over 800 applications were received for 180 seats. The number of applications submitted to BASCS and a survey of over 1,100 parent and community members in August of 2018 led to the development of this replication application to establish the BASCS II.

The proposed Board of Trustees led the outreach efforts with the support of the BASCS leadership team and four students. This extensive public outreach has allowed the applicant group to build upon the success of BASCS and share the design and plans for BASCS II, and has provided opportunities for stakeholder input which has informed the application—specifically the sections pertaining to instruction and programmatic offerings for ELL/MLL students. The applicant group has received this input at general public meetings and through surveys and responses to mailers, flyers and posters; targeted meetings with parents, community leaders, political representatives, and community partner organizations that serve Buffalo youth.

School Governance and Leadership

The Board of Trustees includes the following individuals:

Proposed Board Member	Proposed Role on Board
Selcuk Acar, Ph.D.	Chair
Mustafa Gokcek, Ph.D.	Secretary
Moyla Halimy	Treasurer
David Banks	Trustee
Murat Demirbas, Ph.D.	Trustee
Bernard B. Freedman	Trustee
Betty Jean Grant	Trustee

Facility

The applicant group intends to rent a private facility for BASCS II for the initial charter term and is working with local Buffalo area real estate firms. Supported by responses from stakeholder surveys and existing BASCS experience, multiple facility options in which to house the proposed school close to central Buffalo have been identified. Any facility selected will be renovated/remodeled to align with and ensure delivery of the mission and key design element to feature technology labs and science labs for the school.

Technical Modification(s)

For applicant groups recommended to the Board of Regents for authorization, NYSED may require that applicant groups make technical modifications to their applications following the Capacity Interviews. Such requests are made to technically align the information contained in the Full Application with the NYSED initial charter agreement template and/or comply with relevant laws and regulations. Other than modifications of a technical nature, as determined by the Department, applicants are not given the opportunity to substantially revise or augment their application once it has been submitted. The applicant group was sent technical modifications by NYSED. The applicant group agreed to these technical modifications and the charter of the school and, if approved by the Board of Regents, shall incorporate such changes.

Projected Fiscal and Programmatic Impact on District of Location

The applicant group provided an analysis of the fiscal and programmatic impact of the proposed school on public and non-public schools in the Buffalo City School District, indicating that the fiscal impact of BASCS II on the district of location is expected to be nominal.

The New York State Education Department also conducted additional analysis on the projected fiscal impact of the School on its district of location, which is summarized below.

Table 2: Projected Fiscal Impact Upon District of Location, SY 2020-21 to 2024-25-¹

Year	Number of Students Enrolled in Charter School Per Year ²	Charter School Basic Tuition Rate ³	Total Charter School Basic Tuition	Estimated District Special Education Payment ⁴	Total District General Fund Budget ⁵	Percent of District Budget
2020-21	88	\$14,081	\$1,239,128	\$208,462	\$1,088,823,548	0.13%
2021-22	248	\$14,461	\$3,586,328	\$599,234	\$1,108,024,785	0.38%
2022-23	432	\$14,851	\$6,415,632	\$1,301,305	\$1,127,564,633	0.68%
2023-24	576	\$15,252	\$8,785,152	\$1,447,997	\$1,147,449,063	0.89%
2024-25	720	\$15,653	\$11,270,160	\$1,846,196	\$1,231,212,845	1.07%

The calculations above assume charter school basic tuition rates in the charter period (2020-21 through 2024-25) are based on a trend analysis calculated by the CSO and approved by the Department's State Aid Office. In order to conservatively avoid underestimating the fiscal impact that the charter school will have on the district going forward, the Department is assuming no growth in the district's budget during the duration of the school's charter.⁶

It should be noted that, given the nature of district-based per-pupil funding, the estimates made by the Department in conducting this analysis are subject to unpredictable financial fluctuations. For forecasting purposes, the fiscal impact of this charter school on the district in which it will be located assumes that:

¹ In order to conservatively estimate the fiscal impact upon the district of location, maximum enrollment figures for each year were used.

² Source: Buffalo Academy of Science Charter School II Application

³ Source: Education Law §2856(1)(a)(iii) and NYS Education Department Office of State Aid Charter School Basic Tuition Rate Analysis

⁴ Source: Buffalo Public Schools, 2018-2019 Proposed Budget page 11. Cost includes special education, transportation and food services. The figure projected from \$15,959 in 2018-19 per pupil cost (plus increases per year)

⁵ Source: Buffalo Public Schools, Four-year Financial Plan (Revised) 2017-18 to 2020-21 (April 25, 2018) (plus increases/year)

⁶ Additional notes: While the school has included other federal grants and/or funds that may flow through the district to be received by the school in its proposed budget, this analysis does not account for these sources of potential revenue, nor does it include the value of certain services (e.g. transportation) that the district is required to provide the charter school. However, the analysis also does not account for district per-pupil expense and overall resource savings that are likely to result from a reduction in the number of students attending district schools as a result of students attending this proposed charter school and other charter schools located in the school district.

- There will be no fluctuation in the grade levels served by existing charter schools over the course of the charter term;
- The charter school will be able to meet its projected maximum enrollment;
- All students will come from the district of location; and
- All students will attend every day for a 1.0 FTE.

The specifics of the school’s enrollment composition are still unavailable; however, the Department acknowledges that the programmatic and fiscal impact of the proposed charter school on other public and private schools in the same area will also be influenced by the proportion of charter school enrollees that would have attended a same-district public or private school had it not been for the presence of this charter school.

Table 3: 2017-18 Demographic Detail for Proposed District of Location: Buffalo Public Schools⁷

	Total District Enrollment: 31,203	
All Students	21,444	
SWD	4,687	22%
ELL/MLL	4,516	21%
ED	17,446	81%

Table 4: 2018-2019 Elementary Academic Proficiency Rates on NYS Assessments for Buffalo Public Schools⁸

Assessments	Buffalo Public Schools Proficiency	NYS Proficiency
<i>ELA Grades 3-4 Aggregate</i>	30%	50%
<i>Grade 3 ELA</i>	32%	52%
<i>Grade 4 ELA</i>	28%	48%
<i>Math Grades 3-4 Aggregate</i>	25%	52%
<i>Grade 3 Math</i>	28%	55%
<i>Grade 4 Math</i>	21%	50%

⁷ Source: Student Information Repository System (SIRS) 2017-2018 End-of-Year BEDS data. ELL/MLL and SWD include both current and former designees.

⁸ Source: SIRS 2018-2019 NYSTP Tested/Not Tested data.

Table 5: High School Graduation Rates for Buffalo Public Schools⁹

		Buffalo Public Schools	NYS
<i>All Students</i>			
<i>2012 Cohort</i>	4 Year	64%	82%
	5 Year	67%	85%
<i>2013 Cohort</i>	4 Year	64%	82%
	5 Year	67%	85%
<i>2014 Cohort</i>	4 Year	64%	83%
<i>SWD</i>			
<i>2012 Cohort</i>	4 Year	40%	57%
	5 Year	43%	62%
<i>2013 Cohort</i>	4 Year	40%	58%
	5 Year	46%	64%
<i>2014 Cohort</i>	4 Year	45%	60%
<i>ELL/MLL</i>			
<i>2012 Cohort</i>	4 Year	36%	50%
	5 Year	40%	57%
<i>2013 Cohort</i>	4 Year	27%	42%
	5 Year	35%	50%
<i>2014 Cohort</i>	4 Year	55%	55%
<i>ED</i>			
<i>2012 Cohort</i>	4 Year	64%	75%
	5 Year	69%	81%
<i>2013 Cohort</i>	4 Year	62%	76%
	5 Year	65%	80%
<i>2014 Cohort</i>	4 Year	63%	76%

Summary of Public Comment

As required by the Charter Schools Act, the Buffalo City School District conducted a public hearing on July 17, 2019 to solicit comments from the community concerning the proposed Buffalo Academy of Science Charter School II. Eight members of the community were present, two of whom were applicant group members invited by the Buffalo Public Schools to give a public

⁹ Source: SIRS Total Cohort data; ELL/MLL and SWDs include both current and former designees.

presentation on the proposed charter school. No one from the community commented at the hearing or wrote letters in opposition of the proposed application.

Findings

Based on the comprehensive review of the application and of the applicant, founding group, and proposed board of trustees, the Department makes the following findings:

1. The charter school described in the application meets the requirements of Article 56 of the Education Law (as amended) and other applicable laws, rules, and regulations.¹⁰ This finding is based on the following, among other things:
 - The applicant has included in the application the information required by Education Law §2851(2).
 - The proposed charter school would meet or exceed enrollment and retention targets, as prescribed by the NYS Board of Regents,¹¹ of students with disabilities, English language learners, and students who are eligible applicants for the federal free and reduced price lunch program as required by Education Law §2852(9-a)(b)(i).
 - The applicant has conducted public outreach to solicit community input regarding the proposed charter school and to address comments received from the impacted community concerning the educational and programmatic needs of students in conformity with Education Law subdivision 2852(9-a)(b)(ii).
2. The applicant has demonstrated the ability to operate the proposed charter school in an educationally and fiscally sound manner.¹² This finding is based on the following, among other things:
 - i. The presentation in the application of a sound description of key features that are core to the school's overall design, and which rigorously addresses the criteria outlined in the Department's RFP in the areas of mission; key design elements; enrollment, recruitment and retention; and community to be served.
 - ii. The presentation in the application of a sound educational plan, which rigorously addresses the criteria outlined in the Department's RFP in the areas of achievement goals; school schedule and calendar; curriculum and instruction; assessment; school culture and climate; and special student populations and related services.
 - iii. The presentation in the application of a sound organizational and fiscal plan, which rigorously addresses the criteria outlined in the Department's RFP in the areas of founding group capacity; board of trustees and governance; management and

¹⁰ Education Law §2852(2)(a).

¹¹ Note, the data upon which to base the enrollment and retention targets mandated by the amendments to the Act was not available at the time the statute mandated the RFP be issued. As a result, the Department evaluated the plans for student enrollment, recruitment, and retention plans of each class of student referenced in the amendments to the Act such that the Department could make the determination that the applicant would meet or exceed the enrollment and retention targets when developed. During the first year of the charter term, the Department will develop such targets and incorporate these targets into the school's charter agreement performance expectations.

¹² Education Law §2852(2)(b).

staffing; evaluation; professional development; facilities; insurance; health, food and transportation services; family and community involvement; financial management; budget and cash flow; pre-opening plan; and dissolution plan.

- iv. An understanding of the New York State Charter Schools Act, and the skill, will and capacity to successfully launch and operate a high-quality public charter school.
3. Granting the proposed charter is likely to improve student learning and achievement, will materially further the purposes of the Act¹³ and will have a significant educational benefit to the students expected to attend the charter school.¹⁴ This finding is based on the totality of the information presented in the application and during the application review process, as summarized in this document.

Recommendation

Based on the Department's review and findings, the New York State Education Department recommends that the New York State Board of Regents approve the proposal to establish the Buffalo Academy of Science Charter School II to open in Fall 2020 in Buffalo, New York.

¹³ Education Law §2852(2)(c).

¹⁴ As applicable pursuant to Education Law §2852(2)(d).



New York State Education Department Charter School Office

Charter School Application Summary, Findings and Recommendation

Application in response to the
New York State Education Department 2019 Round 2 Request for
Proposals to Establish Charter Schools Authorized by the Board of
Regents to establish the proposed:

PRIMARY HALL PREPARATORY CHARTER SCHOOL
December 2019

Table 1: Summary of the Proposed School

Name of Charter School	Primary Hall Preparatory Charter School
Lead Applicant(s)	Rochelle Brown
District of Location	Buffalo City School District
Anticipated Opening Date	Fall 2020
Projected Charter Term	August 24, 2020 – June 30, 2025
Management Company	None
Facility	Private space
Projected Enrollment and Grade Span during Charter Term	Year 1 (SY 2020-21): K-1/ 108 Students Year 2 (SY 2021-22): K-2/ 162 Students Year 3 (SY 2022-23): K-3/ 216 Students Year 4 (SY 2023-24): K-4/ 270 Students Year 5 (SY 2024-25): K-5/ 324 Students
Mission Statement	<i>Through rigorous curriculum, individualized supports, and positive character development, Primary Hall Preparatory Charter School ensures all students in Kindergarten through fifth grade are prepared for academic and personal success in middle school, high school, and college.</i>

Primary Hall Preparatory Charter School (“Primary Hall”) is designed to ensure that students from Buffalo’s East Side are prepared with strong foundational skills in literacy and mathematics that will enable them access to, and success with, rigorous middle and high school curricula that leads to college and career success. The Primary Hall applicant group is from this community and are deeply embedded and committed to the East Side of Buffalo, to a diverse board of trustees and school workforce, and to a curricula that celebrates and supports student differences and grounds learning content in the cultural milieu of their student body.

The educational program and social-emotional supports at Primary Hall will support all students, including those from economically disadvantaged backgrounds, students with disabilities, and those identified as English language learners/Multilingual learners (ELLs/MLLs), to achieve ambitious goals. The school will provide strong academic and developmental intervention services using data and strong connections between students and adults within the school community. The school will support all learners with individualized supports and small group instruction, and fully embraces an inclusion model where differences between students are supported and curricula is modified to differentiate instruction for the learning needs of all students.

Key Design Elements

The key design elements for Primary Hall are:

- *Rigorous curriculum and high-quality instruction drive achievement.* The school will focus on literacy and mathematics, curricular and instructional choices, and professional development for teachers that prioritizes strong engagement techniques, practice-based learning, intellectual preparation of content, and individualized coaching. In addition to a rigorous curriculum and instruction aligned to the NYS Learning Standards, the school will hire diverse and passionate educators who are committed to doing the intellectual work of understanding their content area and State standards, and who have the desire and ability to engage deeply in the school’s professional development to implement that content aligned to the standards in every class, every day.
- *Structure, joy, and individualized supports lead to academic and personal success.* The School will create a structure that allows for focus on learning, individualized supports, and a sense of joy in learning. Along with ensuring structure, the School values building connections and making school a desirable place to be. Joy in the classroom is not a separate act, but rather a component of teaching and learning; and joy allows students to take ownership of their learning, celebrate new accomplishments and acquired skills, and participate in school and classroom chants and cheers. The daily routines to mark transitions are critical to developing a community of structure and joy as seen through Morning Meetings, and celebrations and acknowledgements of a job well done.
- *Intentional character development equips students with skills needed for life.* The school will prepare young people to be responsible, hard-working, and contributing members of our community by infusing values of Integrity, Mastery, Perseverance, Ambition, Confidence, and Teamwork (“IMPACT values”). The school’s IMPACT values provide students the ethical compass and grit needed to succeed in school, to strengthen the Buffalo community, and rewrite the narrative on the East Side of Buffalo as a community-based school. Primary Hall students will engage in daily positive affirmations with their class, participate in two brief mindfulness sessions during the school day, and weekly Community Meetings as a school body to recognize students for embodying the school’s IMPACT values and academic achievement, thereby instilling pride in self, community, and their capacity to be successful as students and as people.

Education Plan

The applicant group is rooted in their mission to ensure that all students have the foundational skills needed to thrive in middle school, high school, college, and beyond. The school design has three core tenets; academics, access, and impact. At Primary Hall, the academic focus will be on reading, composition, and mathematics in order to close the academic gaps in the East Buffalo community and to ensure that all students have the opportunity to access selective, college preparatory courses of study in middle school and high school. This will put these students in a position to have a positive impact on their family and community. Primary Hall believes that a strong education should make a three generational impact—on the student, the student’s family and the family that the young person will one day have themselves.

Curricula will be adopted and developed using the Wiggins and McTighe’s Understanding by Design. It will be aligned to the New York State Next Generation Learning Standards. Various developmentally appropriate assessments will be administered as a tool for data gathering to inform instruction and support the development of both students and teachers.

Primary Hall believes that literacy is a life-long requirement and plans to have twice the amount of time devoted each day in comparison to students in local traditional district schools. Depending on the grade level, literacy instruction will be 175-185 minutes each day. Primary Hall will leverage small group instruction and targeted interventions groups to individualized learning based on the data they gather. The school will have two teachers in each classroom along with a shared grade level special educator to implement the academic program. Additional supports will be provided as needed to ensure the success of each student.

The education plan also includes school-wide structures and systems to allow students and teachers the space to grow, learn, and teach. This will ensure that there is room to infuse joy in learning, one of the school’s key design elements. This can be accomplished by teaching students the enjoyment of problem solving, accomplishing goals, thinking critically, and building relationships. The applicant group believes that through individualized supports and consistent, data-driven and personalized attention, academic and personal success can be fostered.

School culture

Primary Hall will cultivate a joyful, achievement-oriented, supportive, and rigorous academic culture for all students. High expectations coupled with a values-based education that is connected to the community through strong relationships and ongoing dialogue will prepare students to excel. As the school may be the first structured learning environment for many of the incoming Kindergarteners, the school will diligently and consistently foster positive behavioral expectations, encouragingly reinforce school norms, utilize a tiered approach to discipline that emphasizes community and learning, and provide embedded opportunities for joy and positive recognition (i.e., family nights, themed activities in math, literacy, science or civic studies, newsletters, and home visits). The school will engage in mindfulness practices each day to teach discipline and self-regulatory skills and provide support for students who require greater individualization for behavioral needs. As a school focused on community, the proposed Primary Hall will engage in

constant communication with families on their student's attendance, behavior, and academic progress.

The school will use a color chart and star/check system for behavior management. Having a visual representation of rewards and consequences allows students to begin the process of self-regulation along with participation in Mindfulness exercises and practices. Teachers will offer support to students to encourage self-reflection.

The Head of School and Dean of Students will support the implementation of a school-wide Response to Intervention (RTI) strategy. Opportunities for parents and families to share their experiences with the school, particularly the culture and climate, will include the invitation for families to participate in a survey administered twice per year as well as ongoing communication and open-house events. The goal is to ensure that the school's systems and implementation of these systems allow all students to build success, to share that success with their families and community, and to use data to continuously inform decisions and practices.

Special Populations and Related Services

The applicant group will implement a comprehensive Multi-Tiered System of Support and RTI to ensure all students thrive in an academically rigorous environment. This system will ensure that individual student needs and goals set forth in students' Individual Education Programs (IEPs) and 504 plans are met with fidelity, as the school is committed to equipping all students with the academic and character foundation needed for future success. The school will work with the local Committee on Special Education to ensure that all students with disabilities receive a free and appropriate public education in the least restrictive environment. The proposed Head of School (Year 1), and Director of Student Supports (Year 2+), are both licensed New York State special educators, who will work with families and the Child Study Team in all years to determine appropriate supports for our students.

The school year begins with a Primary Summit, which consists of 20 days of professional development, where all teachers will be trained and subsequently responsible for accessing and interpreting students' IEPs, providing required accommodations and modifications, and monitoring progress towards IEP goals through classroom instruction and learning activities. Professional development will continue weekly throughout the school year. The Head of School in Year 1 and Director of Student Supports starting in Year 2 will be responsible for providing the professional development.

The school seeks to hire New York State Certified English to Speakers of Other Languages (ESOL) teachers as needed to ensure the academic growth and English proficiency of all ELL/MLL students. Targeted professional development regarding the learning needs of ELL/MLL students will be provided to all teachers each year. The school will also leverage ESOL programs and experts at local universities such as Canisius College, Niagara University, SUNY Erie, University at Buffalo, and Buffalo State University to inform staff training and retain quality pedagogues. The school also will leverage its relationship with Teacher for America Buffalo to attract and retain quality ESOL certified teachers.

The school will provide an integrated English as a New Language (ENL) program with supports determined by the student's English language proficiency level (Entering, Emerging, Transitioning, Expanding). An ESOL certified teacher will push into literacy rotations each day to provide targeted support and ENL instruction, in addition to providing stand-alone ENL instruction for Entering and Emerging students. Literacy rotations will be staggered to ensure that the ENL teacher is able to provide instruction during phonics and/or guided reading in each classroom. With an anticipated ELL/MLL population of approximately 15%, an additional ESOL certified teacher will be hired in Year 3. At full growth, the school plans to have at least one ESOL certified classroom teacher per grade level.

All teachers will be trained on how to scaffold instruction in order to meet the needs of ELLs/MLLs. Culturally relevant pedagogy will be employed throughout the school. Teachers will receive at least 75 minutes of duty-free planning per day, with 120 planning minutes on alternate days for co-teacher and ESOL teacher collaboration and communication, to support the learning needs of students, including ELLs/MLLs. Additionally, one grade level meeting per week will be dedicated to sharing student information and needs across the grade. ESOL teachers will attend these meetings and will lead the sharing of pertinent information for ELLs/MLLs.

Recruitment and Retention

The applicant group is committed to equity and access for all students and will ensure that its student body will reflect the demographics of Buffalo Public Schools in general and the East Side community specifically. Recruitment and Retention for Primary Hall begins with a strong commitment to having a diverse workforce that mirrors the communities of the East Side, as well as authentic partnerships with families, community-based organizations, and the district.

Recruitment: To recruit students, the school plans to leverage the community relationships the school has built through its community outreach activities with organizations that serve the Buffalo—and specifically the East Side—Community, including local Head Start, Boys and Girls Clubs, Community Action Organization of Western New York, Historic East Side Neighborhood Initiative, Buffalo Federation of Neighborhood Centers, and faith-based communities. The applicant group plans for the school to have an active presence at Buffalo Municipal Housing Authority locations across the city to recruit potential students. Recruitment materials will be available in other languages, prioritizing the top three non-English languages spoken in Buffalo (Spanish, Arabic, and Karen), and while canvassing, have native speakers with us to aid in translation when needed. The applicant group plans to seek the assistance of the International Institute of Buffalo to aid in material translations and interpretations for potential families, and will seek partnership with Journey's End Refugee Services to engage families with age-eligible students new to the country. School recruitment materials will also include information regarding inclusion of special education and ELLs/MLLs and the school's approach to individualized learning supports.

Retention: To retain students, the school will build and sustain meaningful, mission-driven partnerships with families, maintain open lines of communications with families, and provide

families with an opportunity to share feedback regularly. The school plans to conduct home visits and family nights at the school. Teachers and leadership will be in regular communication with families. Students will receive the academic and social-emotional supports they need to be successful. The applicant group seeks to establish the Primary Families for Achievement, a parent group that will meet monthly to expose families to curriculum, conduct parent workshops, organize parent volunteers, and identify any additional school-related needs that will directly benefit our students. The school will host six Family Nights each school year and three quarterly Parent/Teacher Conferences to invest parents in partnership practices and partner with local organizations like the Resource Council of WNY and the Edward Saunders Community Center for afterschool services. The school will invest in one uniform per student enrolled; have chosen uniform pieces that can be easily and affordably purchased from a local vendor; purchase all school materials and supplies that students need to learn and be fully engaged in lessons; employ ESOL certified teacher(s) in all years; and seek staff members who are native speakers of languages represented in the school, to reduce/remove barriers that may impede student learning and access.

Community Outreach

The applicant group has conducted extensive public outreach in Buffalo to inform community; establish community-wide support; and solicit meaningful input from a variety of stakeholders, including community leaders, for-profit and not-for-profit organizations, faith-based organizations, educators and educational leaders, and local families. The applicant group has engaged in a variety of outreach efforts, including canvassing the community, attending local events, frequent tabling events, holding public meetings, and community surveys.

Specifically, the applicant group affirmed their own educational beliefs and learned that during interactions and conversations with community and families that the East Side of Buffalo cares about (1) culturally responsive practices, (2) a diverse teaching staff, (3) individualized supports for all students, and (4) transportation. The applicant group has taken stakeholder input to heart and incorporated the feedback to strengthen the school’s design and immersed itself in the East Side.

School Governance and Leadership

The Board of Trustees includes the following individuals:

Proposed Board Member	Proposed Role on Board
Rochelle N. Brown	Chair
Christopher Hayes	Vice Chair
Madeleine Fierstein	Secretary
Breanna Penque	Treasurer
Kerisha Hawthorne- Greer	Trustee
Desmond Rudd	Trustee

Facility

The applicant group has established a Facilities Task Force committed to doing the work necessary to procure a safe, affordable, and reasonable private facility to house the school within the East Side of Buffalo. The applicant group plans to identify a facility that will serve as an incubation site for the first few years of operation, while identifying a facility that would house the school at full growth.

Technical Modification(s)

For applicant groups recommended to the Board of Regents for authorization, NYSED may require that applicant groups make technical modifications to their applications following the Capacity Interviews. Such requests are made to technically align the information contained in the Full Application with the NYSED initial charter agreement template and/or comply with relevant laws and regulations. Other than modifications of a technical nature as determined by the Department, applicants are not given the opportunity to substantially revise or augment their application once it has been submitted. The applicant group was sent technical modifications by NYSED. The applicant group agreed to these technical modifications and the charter of the school and, if approved by the Board of Regents, shall incorporate such changes.

Projected Fiscal and Programmatic Impact on District of Location

The applicant group provided an analysis of the fiscal and programmatic impact of the proposed school on public and non-public schools in the Buffalo City School District, indicating that the fiscal impact of the Primary Hall on the district of location is expected to be nominal.

The New York State Education Department also conducted additional analysis on the projected fiscal impact of the School on its district of location, which is summarized below.

Table 2: Projected Fiscal Impact Upon District of Location, 2020-21 to 2024-25.¹⁵

Year	Number of Students Enrolled in Charter School Per Year¹⁶	Charter School Basic Tuition Rate¹⁷	Total Charter School Basic Tuition	Estimated District Special Education Payment¹⁸	Total District General Fund Budget¹⁹	Percent of District Budget
2020-21	108	\$13,495	\$1,389,985	\$272,478	927,400,000	0.018%
2021-22	162	\$13,495	\$2,076,881	\$407,332	927,400,000	0.026%
2022-23	216	\$13,495	\$2,769,174	\$542,437	927,400,000	0.036%
2023-24	270	\$13,495	\$3,461,468	\$679,558	927,400,000	0.045%
2024-25	324	\$13,495	\$4,153,761	\$814,663	927,400,000	0.054%

The calculations above assume charter school basic tuition rates in the charter period (2020-21 through 2024-25) are based on a trend analysis calculated by the Charter School Office and approved by the Department’s State Aid Office. In order to conservatively avoid underestimating the fiscal impact that the charter school will have on the district going forward, the Department is assuming no growth in the district’s budget during the duration of the school’s charter.²⁰

It should be noted that, given the nature of district-based per-pupil funding, the estimates made by the Department in conducting this analysis are subject to unpredictable financial fluctuations. For forecasting purposes, the fiscal impact of this charter school on the district in which it will be located assumes that:

- There will be no fluctuation in the grade levels served by existing charter schools over the course of the charter term;
- The charter school will be able to meet its projected maximum enrollment;
- All students will come from the district of location; and
- All students will attend every day for a 1.0 FTE.

The specifics of the school’s enrollment composition are still unavailable; however, the Department acknowledges that the programmatic and fiscal impact of the proposed charter school on other public and private schools in the same area will also be influenced by the proportion of charter school enrollees that would have attended a same-district public or private school had it not been for the presence of this charter school.

¹⁵ In order to conservatively estimate the fiscal impact upon the district of location, maximum enrollment figures for each year were used.

¹⁶ Source: Primary Hall Preparatory Charter School Application

¹⁷ Source: Education Law §2856(1)(a)(iii) and NYS Education Department Office of State Aid Charter School Basic Tuition Rate Analysis

¹⁸ Source: Buffalo City 2019-20 Adopted Budget

¹⁹ Source: Buffalo City 2019-20 Adopted Budget

²⁰ Additional notes: While the school has included other federal grants and/or funds that may flow through the district to be received by the school in its proposed budget, this analysis does not account for these sources of potential revenue, nor does it include the value of certain services (e.g. transportation) that the district is required to provide the charter school. However, the analysis also does not account for district per-pupil expense and overall resource savings that are likely to result from a reduction in the number of students attending district schools as a result of students attending this proposed charter school and other charter schools located in the school district.

**Table 3: 2014-15 Demographic Detail for Proposed District of Location:
Buffalo Public Schools²¹**

	Total District Enrollment: 31,203	
All Students	14,704	
SWD	3,653	25%
ELL/MLL	3,270	22%
ED	12,545	85%

**Table 4: 2018-2019 Elementary/Middle School Academic Proficiency Rates on NYS
Assessments Based for Proposed School²²**

Assessments	Buffalo Public Schools Proficiency	NYS Proficiency
<i>ELA Grades 3-5 Aggregate</i>	26%	46%
<i>Grade 3 ELA</i>	32%	52%
<i>Grade 4 ELA</i>	28%	48%
<i>Grade 5 ELA</i>	26%	46%
<i>Math Grades 3-5 Aggregate</i>	23%	50%
<i>Grade 3 Math</i>	28%	55%
<i>Grade 4 Math</i>	21%	50%
<i>Grade 5 Math</i>	20%	46%

Summary of Public Comment

As required by the Charter Schools Act, Buffalo Public Schools conducted a public hearing on July 17, 2019 to solicit comments from the community concerning the proposed Primary Hall Preparatory Charter School. Twenty members of the community were present, two of whom were members of the applicant group invited by the district to give a public presentation on the proposed charter school. No one from the community commented at the hearing or wrote letters in opposition to the proposed application. No other comments in opposition were received.

²¹ Source: Student Information Repository System (SIRS) 2017-2018 End-of-Year BEDS data. ELL/MLL and SWD include both current and former designees.

²² Source: SIRS 2018-2019 NYSTP Tested/Not Tested data.

Findings

Based on the comprehensive review of the application and of the applicant, founding group, and proposed board of trustees, the Department makes the following findings:

1. The charter school described in the application meets the requirements of Article 56 of the Education Law (as amended) and other applicable laws, rules, and regulations.²³ This finding is based on the following, among other things:
 - The applicant has included in the application the information required by Education Law §2851(2).
 - The proposed charter school would meet or exceed enrollment and retention targets, as prescribed by the NYS Board of Regents,²⁴ of students with disabilities, English language learners, and students who are eligible applicants for the federal free and reduced price lunch program as required by Education Law §2852(9-a)(b)(i).
 - The applicant has conducted public outreach to solicit community input regarding the proposed charter school and to address comments received from the impacted community concerning the educational and programmatic needs of students in conformity with Education Law subdivision 2852(9-a)(b)(ii).
2. The applicant has demonstrated the ability to operate the proposed charter school in an educationally and fiscally sound manner.²⁵ This finding is based on the following, among other things:
 - i. The presentation in the application of a sound description of key features that are core to the school's overall design, and which rigorously addresses the criteria outlined in the Department's RFP in the areas of mission; key design elements; enrollment, recruitment and retention; and community to be served.
 - ii. The presentation in the application of a sound educational plan, which rigorously addresses the criteria outlined in the Department's RFP in the areas of achievement goals; school schedule and calendar; curriculum and instruction; assessment; school culture and climate; and special student populations and related services.
 - iii. The presentation in the application of a sound organizational and fiscal plan, which rigorously addresses the criteria outlined in the Department's RFP in the areas of founding group capacity; board of trustees and governance; management and staffing; evaluation; professional development; facilities; insurance; health, food and transportation services; family and community involvement; financial management; budget and cash flow; pre-opening plan; and dissolution plan.

²³ Education Law §2852(2)(a).

²⁴ Note, the data upon which to base the enrollment and retention targets mandated by the amendments to the Act was not available at the time the statute mandated the RFP be issued. As a result, the Department evaluated the plans for student enrollment, recruitment, and retention plans of each class of student referenced in the amendments to the Act such that the Department could make the determination that the applicant would meet or exceed the enrollment and retention targets when developed. During the first year of the charter term, the Department will develop such targets and incorporate these targets into the school's charter agreement performance expectations.

²⁵ Education Law §2852(2)(b).

- iv. An understanding of the New York State Charter Schools Act, and the skill, will and capacity to successfully launch and operate a high quality public charter school.
3. Granting the proposed charter is likely to improve student learning and achievement, will materially further the purposes of the Act²⁶ and will have a significant educational benefit to the students expected to attend the charter school.²⁷ This finding is based on the totality of the information presented in the application and during the application review process, as summarized in this document.

Recommendation

Based on the Department's review and findings, the New York State Education Department recommends that the New York State Board of Regents approve the proposal to establish the Primary Hall Preparatory Charter School to open in Fall 2020 in Buffalo, New York.

²⁶ Education Law §2852(2)(c).

²⁷ As applicable pursuant to Education Law §2852(2)(d).