



# New York State Education Department Charter School Office

## **Charter School Application Summary, Findings, and Recommendation**

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*Application in response to the  
New York State Education Department 2011 Request for Proposals to  
Establish Charter Schools Authorized by the Board of Regents  
to establish the proposed:*

**Brooklyn Urban Garden Charter School**

September 6, 2011

**Summary of the Proposed Brooklyn Urban Garden Charter School**

<b>Name of Charter School</b>	Brooklyn Urban Garden Charter School
<b>Lead Applicant(s)</b>	Susan Tenner
<b>District of Location</b>	NYC CSD 15
<b>Opening Date</b>	Summer/Fall 2012
<b>Projected Charter Term</b>	September 13, 2011 through June 30, 2017
<b>Management Company</b>	None
<b>Partners</b>	None
<b>Projected Enrollment and Grade Span during Charter Term</b>	Opening with 110 students in grade 6 in 2012-13, growing to 300 students (100 students per grade) in grades 6 through 8 in 2016-17.
<b>Maximum Enrollment and Grade Span</b>	300 students in grades 6 through 8
<b>Mission Statement</b>	“The Brooklyn Urban Garden Charter School (BUGS) will be a vibrant learning community dedicated to the stewardship of the environment and the interdisciplinary study of the science of sustainability. Through explorations of real-world problems and challenges, BUGS graduates will gain a deep knowledge of the core academic subjects, the problem-solving and critical thinking skills to succeed in high school, college, and the future workforce, and the ability to collaborate with others in an increasingly global society.”

The primary focus of the school is on the development of skills and building of knowledge in the core academic areas, progressing beyond the basic skills to more advanced levels. Key elements of the school’s design include:

- Education for Sustainability
- Rigorous and engaging academic program
- Data-driven climate
- Focus on services for students with special needs
- Technology infusion

Brooklyn Urban Garden Charter School (BUGS) will be a middle school focused on the science of sustainability, which incorporates the natural sciences, math, economics, history, social sciences, and the humanities to examine the intersection of human and ecological systems. This interdisciplinary field has the capacity to develop new knowledge and ways of thinking needed for students to become actively aware of the larger world, to ask significant and relevant questions, to wrestle with big ideas, to deepen understanding of core subjects, and to develop necessary 21st century skills. The sustainability curriculum will incorporate a project-oriented approach that will tie together elements from the four core subjects in a real-world, inquiry-based fashion. Students will use technology to become producers of information rather than simply consumers. The planning team has conducted extensive research on academic programs and teaching methods that align with the mission and goals of the proposed school.

The proposed school calendar includes 190 days of instruction. The daily schedule is structured to offer a longer school day, beginning at 8:00 a.m. and ending at 3:55 p.m. The daily schedule includes a 120 minute block for ELA instruction and a 60 minute block for Mathematics instruction. There will be an after school program offered daily from 4:00-6:00 pm.

When hiring staff, the proposed school indicates that it will seek middle school state-certified educators with a demonstrated record of effective teaching at the middle level and who have engaged in professional development that addresses the challenges of educating adolescents. The school plans to use the resources of the Cooke Center for Learning and Development, a not-for-profit agency that is a provider of inclusive special education services in New York City, to recruit and develop staff, particularly those serving special education roles.

In the initial years of operation, the proposed school will offer teacher salaries on the lower end of the New York City public school range. Salary increases will be provided as student enrollment grows and the board is able to raise funds. The founding group intends to offer teachers an at-will contract; however, consideration is being given to three-year contracts or a bonus structure as funds become available, in order to retain staff and ensure low turnover. Other strategies to retain staff include teaching assistant support (beginning in year three of the charter term) and professional development opportunities.

The school will utilize a school-wide data-driven instructional model to inform decisions about curriculum and instruction. In the classroom, teachers will utilize differentiated instruction and multiple instructional methodologies, informed by formative and summative assessments. Based on assessment data, at risk students (performing below grade level) will receive 4.5 hours per week of targeted individual instruction. Data will be used to assess and inform learning plans, instructional practices, teacher effectiveness, professional development and to maintain a respectful, trusting culture.

The founding group has developed a comprehensive professional development plan that includes time for instructional planning supported by ongoing, embedded professional development. The application outlines the school's vision, plan and delivery system. The plan will be adjusted yearly to reflect the ongoing evaluation and analysis of the curriculum, instruction, and assessment. The founding group is committed to "professional development that fosters the collective responsibility for improved student performance, is aligned with rigorous State student academic achievement standards, school improvement goals, and a shared commitment to serve ALL learners."

The school does not plan to establish new enrollment preferences for students beyond those listed in statute. The first preference is for students who reside in the district of location. The second is for siblings. The school anticipates that 9.6 percent of its student population will be students with disabilities and 16 percent will be English language learners. Projections are based on data included in the New York State 2008-2009 school report card. The proposed school plans to enroll students in percentages equivalent to their representation in the CSD 15 population. The school will ensure that English language learners and students with Individual Educational Plans (IEPs) have the additional resources they need to thrive in the most challenging and least restrictive classes possible.

As required, the founding group provided a set of draft by-laws and code of ethics. Additionally, a curriculum vitae or resume, a completed statement of assurances, and a completed request for information from prospective charter school board member form was provided for each founding group member proposed for a seat on the school's board of trustees once the school is chartered.

The founding group consists of eleven individuals, all of whom will transition to the Board of Trustees. The group has a range of expertise in the areas of education (general education and special education) administration, curriculum development, law, financial planning, business management, not-for profit management, real estate, accounting, fundraising, community engagement and parent involvement.

The proposed initial members of the board of trustees are described below:

- **Leslie Billie** currently serves as the Manager of Operations and Communications for the Newark Education Trust. Her experiences also include Project Management of the National Teacher Project and family and youth counseling. She has a BS in Psychology from the University of Massachusetts, Amherst.
- **Beth Frazier** is currently a licensed realtor with the Corcoran Group in Brooklyn, New York, as well as an experienced accountant, who is co-owner of Frazier Vending Services. She is a graduate of Hunter College and New York University.
- **Holly Kilpatrick** is a social worker who has experience in hospital settings and private practice. For the past several years, she has devoted time to fundraising for various community programs. She is a graduate of the University of North Carolina at Chapel Hill as well as New York University in the fields of psychology and social work. She has also earned an M.S. in Public Administration.
- **Mark Lauterbach** serves as the Director of Research and Assessment at the Cooke Center for Learning and Development. As an experienced early childhood educator he has taught and led professional development workshops. He has a Ph.D. in Psychology from The City University of New York.
- **Ian McDonald** currently serves as a Learning Strategy and Instructional Design Contractor. He has built web-based training courses and learning portals for Fortune 500 companies. He has an M.A. in Education from Harvard University. He has worked as a teacher and administrator in the NYC Department of Education.
- **Miriam Nunberg** is the BUGS Co-Founder who currently serves as a staff attorney for the United States Department of Education. Her investigations and compliance reviews include, but are not limited to, the needs of special education students, English language learners and gifted and talented students. Early in her career she taught special education. She earned her Juris Doctor at the Benjamin N. Cardozo School of Law in New York City, and her Ed.M. from Smith College.
- **Robert Rodriguez** currently serves as the Assistant Vice President for Student Affairs at the City College of New York. Additionally, he serves as the Chair of Child Development and Family Services Center. He earned his Juris Doctor at Fordham University School of Law. For several years he served as the Senior Compliance Specialist/Attorney for the United States Department of Education, Office for Civil Rights. He brings to the charter school experiences around educational law, higher education and child development and family services.
- **Shannon Sharp** has fiscal experience in the banking and housing industries. She earned a Masters in Business Administration from the Wharton School, University of Pennsylvania.
- **Brooks Tanner** is an experienced investment banker and has served as a Chief Financial Officer. He earned an MBA from Harvard Graduate School and brings to the proposed charter school many years of fiscal experience and leadership.
- **Susan Tenner** is the lead applicant and BUGS Co-Founder. As a seasoned educational consultant, she has experience developing educational and social programs for children and families. She has served in managerial, direct service and teaching capacities. She is a graduate of Harvard University where she earned her Ed.M., with a focus on Organizational and Human Development.
- **Teri West** is a veteran educator who has expertise in the area of school improvement at the middle grades. She has served as a consultant, conducting researching, providing training and program development. She attended Harvard Graduate School earning an Ed.M. degree in Language and Literacy.

The organizational structure of the proposed school includes an Executive Director, who will report directly to the Board of Trustees. A school Principal will serve as the instructional leader of the school

and as the liaison between the faculty and the Executive Director. A Director of Finance will report directly to the Executive Director, but will have regular contact with the board of trustees. Working with the Principal will be a Dean of Students, Special Education Coordinator, English Language Learner Coordinator, Assessment Coordinator, Office Manager and faculty and staff.

The founding group Facilities Committee has been in contact with the New York City Department of Education and is aware that co-location space is unlikely. They are considering three privately owned spaces which would meet the needs of the school from opening to full capacity, and have been considering the possibility of incubation space for two years through co-location with Brooklyn Prospect Charter School.

### **Fiscal Impact on District of Location**

The projected fiscal impact of the Brooklyn Urban Garden Charter School on its district of residence, the New York City School District (“NYCSD”), is summarized below.

Year	Number of Students Enrolled in Charter Schools Per Year <sup>(1)</sup>	Charter School Basic Tuition Rate <sup>(2)</sup>	Total Charter School Basic Tuition Only	Estimated District Special Education Payment <sup>(1)</sup>	Total District General Fund Budget <sup>(3)</sup>	Percent of District Budget
2012-13	110	\$13,527	\$1,487,970	\$167,706	\$19,218,074,295	0.009%
2016-17	300	\$17,199	\$5,159,700	\$475,251	\$19,218,074,295	0.029%

The calculations above assume that there will be no annual increase in the charter school basic tuition rate in year one (2012-13) and a 6.2% average annual increase each year thereafter for the remainder of the charter period (2013-14 thru 2016-17). Per the latest NYCSD Financial Status Report (FSR),<sup>4</sup> dated May 2011 and published on the NYCDOE website, the NYCDOE is projecting its NYCSD budget to increase at a rate of 1.59% over the next three years. In order to conservatively avoid underestimating the fiscal impact that the charter school will have on the district going forward, the New York State Education Department (the “Department”) is assuming no growth in the NYCSD budget during the duration of the school’s charter.<sup>5</sup>

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 fluctuations 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 NYCSD; and, all students will attend every day for a 1.0 FTE.

<sup>1</sup> Source: Brooklyn Urban Garden Charter School Application.

<sup>2</sup> Source: Education Law §2856(1)(a)(iii) and NYS Education Department Office of State Aid Charter School Basic Tuition Rate Analysis, September 2011.

<sup>3</sup> Source: New York City DOE Financial Status Report May 2011.

<sup>4</sup> NYCSD’s Total District General Fund Budget includes federal special education revenue and other federal grants and/or funds provided.

<sup>5</sup> 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 is likely to result from a significant reduction in the number of students attending district public schools.

The specifics of the school’s enrollment composition is 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.

Below, for your reference, please find additional data on New York City Community School District 15.<sup>6</sup>

**New York City Community School District 15 Data**

<b>Enrollment Data</b>	
<b>Total District Enrollment:</b>	25,162
<b>Grade 6 through 8 Enrollment:</b>	5,129
<b>White:</b>	21%
<b>Black/African-American:</b>	23%
<b>Hispanic/Latino:</b>	44%
<b>American Indian/Alaskan Native:</b>	0%
<b>Asian/Native Hawaiian/Pacific Islander:</b>	12%
<b>Free/Reduced Priced Lunch:</b>	67%
<b>English Language Learners:</b>	16%
<b>Students with Disabilities:<sup>7</sup></b>	14%

<b>2009-10 State Assessments (% proficient)</b>		
<b>Grade level</b>	<b>English Language Arts</b>	<b>Mathematics</b>
6	46%	60%
7	48%	60%
8	46%	48%

<sup>6</sup> Source: 2009-2010 New York State School Report Card (<http://www.p12.nysed.gov/irs/reportcard/2010/home.html>) and Special Education School District Data Profile for 2009-10 (<http://eservices.nysed.gov/sepubrep/>).

<sup>7</sup> This figure is the available city-wide classification rate: the ratio of the count of school-age students with disabilities (ages 4-21) to the total enrollment of all school-age students in the school district, including students who are parentally placed in nonpublic schools located in the school district. The numerator includes all school-age students for whom a district has Committee on Special Education (CSE) responsibility to ensure the provision of special education services. The denominator includes all school-age students who reside in the district. In the case of parentally placed students in nonpublic schools, it includes the number of students who attend the nonpublic schools located in the school district. Source data are drawn from the Student Information Repository System (SIRS) and from the Basic Education Data System (BEDS).

## **Public Hearing and Public Comment**

As required by the Charter Schools Act, the New York City Department of Education (NYCDOE) held a hearing on May 26, 2011 to solicit comments from the community concerning three proposed charter schools. Approximately 40 community members attended the hearing and indicated interest in the proposed Brooklyn Urban Garden Charter School. Multiple individuals provided written letters of support for the proposed school, citing the academic program, project based learning, GREEN focus, overcrowding in district middle schools, and additional options for families as the reasons for support. Two areas of concern were raised during the presentation: one questioned the impact on MS 442 of the proposed school and one raised concern regarding the proposed charter school's location. A founding group member representing the proposed school responded to the concerns voiced. She assured the audience that the facilities under consideration must be accessible for all areas of the community and that there will be an "equal recruitment" of students.

The Department directly notified the Chancellor of the NYCDOE, as well as public and private schools in the region, of the charter school application, and issued an open call for written public comment via the State Education Department Charter School Office website. The Chancellor was contacted by letter and invited to comment directly. Chancellor Walcott submitted a letter in support of the Brooklyn Urban Garden Charter School, noting: "The NYCDOE found this proposal to be well-designed and features a rigorous educational model ... [and] recommends this charter application to support the children of New York City."

## **Application Review Process**

On January 3, 2011, as required by the New York State Charter Schools Act, the New York State Education Department (the "Department") released the *2011 Request for Proposals ("RFP") to Establish Charter Schools Authorized by the Board of Regents*. In this cycle, the Department could legally award 58 new charters per Education Law subdivision 2852(9), 25 of which reflect charters that were available but not awarded during the 2010 RFP cycle. The charter school application process utilized by the Board of Regents and the Department during the 2011 RFP cycle is multi-stage, and designed to ensure that any charter school applicant presented to the Board of Regents for possible approval demonstrates four essential competencies:

1. The applicant demonstrates clear understanding of the New York State Charter Schools Act and what it means to comply with the Act.
2. The applicant's proposed school demonstrates clear alignment with the educational priorities stated in the law.
3. The applicant presents a coherent and practical design for the proposed school.
4. The applicant demonstrates the necessary experience, skill and will to manage the challenging and dynamic process of opening and operating a public charter school.

During this 2011 cycle, 100 letters of intent were received in January 2011, 80 charter school prospectuses were submitted by January 31, 2011, and after an initial review process, 37 applicants were invited to submit full applications. The Department received 36 full applications, including the application for Brooklyn Urban Garden Charter School.

To assess all four necessary competencies, the Department reviewed and evaluated a letter of intent, a prospectus, and a full application. The prospectus, and the educational, organizational, and fiscal plan presented in the full application were evaluated by Department and external reviewers. After determining that the written materials submitted sufficiently met application criteria, the Department staff also

conducted a two-hour capacity interview with the founding group and proposed board members for the school.

### 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.<sup>8</sup> This finding is based on the following (among other things):
  - the applicant has included in the application the information required by §2851(2)
  - the proposed charter school would meet or exceed enrollment and retention targets, as prescribed by the NYS Board of Regents,<sup>9</sup> of students with disabilities, English language learners, and students who are eligible applicants for the federal free and reduced price lunch program as required by Education Law subdivision 2852(9-a)(b)(i)
  - the 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<sup>10</sup> and the four essential competencies prescribed by the Regents for charter approval noted above. This finding is based on the following (among other things):
  - The presentation of a sound educational plan in the application, which rigorously addresses the criteria outlined in the Department's RFP in the areas of curriculum and instruction, school calendar and daily schedule, target population, assessment, and school climate and discipline.
  - The presentation of a sound organizational plan in the application, which rigorously addresses the criteria outlined in the Department's RFP in the areas of governing body, founding group, management and operation, staffing and human resources, student recruitment, enrollment and evidence of demand, and community involvement.
  - The presentation of a sound financial plan in the application, which rigorously addresses the criteria outlined in the Department's RFP in the areas of budget and cash flow, financial management, facility, transportation, food service, facility, and pre-opening plan.
  - 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 Act,<sup>11</sup> and will have a significant educational benefit to the

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<sup>8</sup> Education Law §2852(2)(a).

<sup>9</sup> 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.

<sup>10</sup> Education Law §2852(2)(b).

<sup>11</sup> Education Law §2852(2)(c).

students expected to attend the charter school.<sup>12</sup> 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, Commissioner John B. King, Jr. recommends that the New York State Board of Regents approve the proposal to establish the Brooklyn Urban Garden Charter School to open in 2012 in New York City.

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<sup>12</sup> As applicable pursuant to §2852(2)(d).