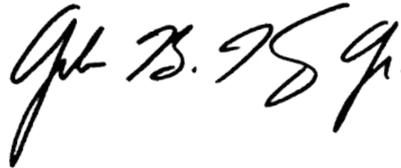




**TO:** P-12 Education Committee  
**FROM:** Ken Slentz   
**SUBJECT:** Charter Schools: Initial Applications and Charters  
Authorized by the Board of Regents

**DATE:** November 16, 2012

**AUTHORIZATION(S):**



SUMMARY

Issue for Decision

The Commissioner and Department staff recommend that the Board of Regents consider, approve and issue initial charters and provisional charters for the following two new charter schools, which the Regents reviewed at the November 2012 Board meeting:

New York City School District

- Math, Engineering, and Science Academy (MESA) Charter High School (proposed to locate in CSD 32)

Newburgh Enlarged City School District

- Newburgh Preparatory Charter High School

Reason(s) for Consideration

Required by State statute, Article 56, the NYS Charter Schools Act.

Proposed Handling

This item will come before the P-12 Education Committee for discussion and action at the December 2012 meeting.

## Background Information

The Commissioner and Department staff recommend that the Board of Regents issue the initial charters and provisional charters for the above listed two new charter schools. These application packages came before the P-12 Education Committee for discussion with eight other new schools in November. Because Department staff could not complete certain due diligence requirements that were delayed by disruptions related to Hurricane Sandy, the Committee could not take action on these two new school proposals at the November board meeting. As of November 13, 2012, all statutory requirements related to application review have been satisfactorily completed.

Together with the eight charter schools authorized in November, these new schools will add over 4500 high quality public K-12 seats for families in New York State. The schools represent a range of innovative educational and organizational approaches to improving learning outcomes and college and career readiness for students, with a strong focus on the needs of students who may be educationally or economically disadvantaged, English language learners or students with disabilities. Both schools will be high schools; one will serve over-age under-credited students who have dropped out or at risk of dropping out of high school. Additional details about the two proposed charter schools and how Department staff reviewed the applications is included in the attached *Summary, Findings and Recommendation* for each proposed school. These documents are also posted on the Regents Web page at: <http://www.regents.nysed.gov/meetings/>. The Full Applications for each school are posted at <http://www.p12.nysed.gov/psc/startcharter.html>.

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 statute also designates 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 requires that the two chartering entities create competitive Request for Proposal (RFP) processes for applications for the additional 260 charters. The two Boards are required to issue RFPs for new charter applications in cycles on August 1, 2010, January 1, 2011, January 1, 2012 and September 1, 2013. Charters not issued in each RFP round may be added to the number of charters to be issued in the subsequent RFP; and after September 1, 2013, the two Boards may issue any remaining charters through an RFP process on a timetable and at a pace which is left to their discretion.

The Board of Regents application and review process is designed to award charters to applicants that demonstrate the greatest probability of creating high quality public schools. The Department revised the charter school application process in the summer of 2010 to align with the criteria that is outlined in Chapter 101 of the Laws of 2010. The Department's first RFP was issued on August 1, 2010, and resulted in the issuance of seven initial charters for new Regents-authorized charter schools in December 2010. The Department's second RFP, issued on January 1, 2011, resulted in the issuance of nine initial charters in September 2011. In order to maximize the opportunity for applicants to submit charter school proposals and increase the number of high quality K-12 public school seats for students, the 2012 Request for Proposals to Establish Charter Schools Authorized by the Board of Regents outlined multiple rounds

of review. Round 1 resulted in the issuance of three charters for new Regents-authorized charter schools in June 2012. As a result of Round 2 of the 2012 RFP, in November 2012, the Regents approved and issued charters to eight new Regents-authorized charter schools. If the Regents approve and issue charters to the Math, Engineering, and Science Academy (MESA) Charter High School and Newburgh Preparatory Charter High School this month that will bring the 2012 Round 2 total to ten new Regents-authorized charter schools. A third application round was conducted in fall 2012 but yielded no viable applications.

The application and review process consists of multiple phases in which applicants are invited to advance on the basis of the successful evaluation of each submission.

The steps in the review process include:

- Submission and review of a Letter of Intent providing a brief description of the school mission and design; the proposed student population (including plans to meet enrollment and retention goals for target populations); initial evidence of community outreach efforts and community support; a proposed location and/or proposed facility; information about the founding group and anticipated members of the initial board of trustees. For Round 2 of the 2012 RFP, 54 Letters of Intent were submitted to the Charter School Office by June 25, 2012. Of the 54 Letters received, 37 applicants were invited to submit full applications; 16 Letters were not accepted because they did not meet submission requirements; and one applicant group withdrew from consideration at this stage.
- Submission and review of a written Full Application providing 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 School Act. Twenty-five applications were submitted by the July 31, 2012 deadline. One application was not accepted because it was incomplete. Each accepted application was rigorously evaluated by a four-member expert panel, each of which included qualified consultants, volunteer peer reviewers who are current active educators in public schools or universities, and experienced Department staff.
- Review of public comment provided through formal public hearings (required to be conducted by the school district of location for the proposed school) and through direct oral and written communication with the Assistant Commissioner of the Office of School Innovation.
- Capacity interviews with founding groups to discuss application details and to evaluate the skill and knowledge of the initial board of trustees to launch and operate the proposed school. The Department found that the Full Applications presented by eleven applicant groups (representing 14

proposed schools) met required evaluation criteria and these groups were invited to a capacity interview.

- Recommendations are made the Board of Regents by the Commissioner to award new charters to applicant groups with the strongest plan and presentation to launch and operate a highly effective public school. These recommendations are based on a synthesis of information gathered throughout all stages of the process. After full evaluation of the information provide through capacity interviews and public comments, staff recommends ten of the twenty-four submitted applications for consideration by the Regents. The Department found that the remaining 2012 Round 2 applications and applicant groups were fundamentally lacking in the presentation of a complete, comprehensive and viable school design plan or capacity to implement that plan. Department staff informed applicants of the option to withdraw the applications and resubmit in future RFP rounds.

An up-to-date summary of the RFP application cycles conducted by the Department on behalf of the Regents is presented below:

RFP Cycle	Letters of Intent Submitted	Full Applications Submitted	Charters issued (# in NYC)	Charters left under cap (# in NYC)
2010	39	35 prospectuses were submitted; 16 applicants were invited to submit full applications; <b>15 full applications were submitted</b>	7 (5)	123 (52)
2011	100	80 prospectuses were submitted; 37 applicants were invited to submit full applications; <b>36 full applications were submitted</b>	9 (7)	114 (45)
2012 Round 1	30	20 applicants were invited to submit full applications; <b>14 full applications were submitted</b>	3 (3)	111 (42)
2012 Round 2	54	37 applicants were invited to submit full applications; <b>25 full applications were submitted</b>	10 (8)	101 (34)

### Recommendation

That the Regents find that the proposed charter schools: (1) meet the requirements set out in Article 56 of the Education Law, and all other applicable laws, rules and regulations; (2) will operate in an educationally and fiscally sound manner; (3) are likely to improve student learning and achievement and materially further the purposes set out in subdivision two of section twenty-eight hundred fifty of Article 56 of the Education Law; and (4) will have a significant educational benefit to the students expected to attend the charter school, and therefore:

VOTED: That the Board of Regents approves and issues a charter and provisional charter to the Math, Engineering, and Science Academy (MESA) Charter School for a term of five years in accordance with §2851(2)(p) of the Education Law.

VOTED: That the Board of Regents approves and issues a charter and provisional charter to Newburgh Preparatory Academy Charter School for a term of five years in accordance with §2851(2)(p) of the Education Law.

Timetable for Implementation

The Regents action for these charter schools is effective immediately.

Attachments