



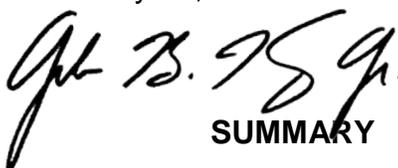
TO: The Honorable the Members of the Board of Regents

FROM: Ken Slentz 

SUBJECT: Amani Public Charter School

DATE: May 17, 2012

AUTHORIZATION(S):


SUMMARY

On October 18, 2011, the Board of Regents voted to approve and reissue a charter and provisional charter, *nunc pro tunc* to December 14, 2010, to the Amani Public Charter School (the "School" or "Amani") which is located in the Mount Vernon City School District. This action by the Board of Regents was taken in response to a Decision and Order by a Supreme Court Justice, issued on October 11, 2010 ("First Decision") which vacated a charter that was issued to the School by the Regents in December 2010, on the grounds that (1) the Court felt that the Board of Regents did not explicitly find that the School's application was likely to improve student learning and achievement as required by Education Law §2852(2)(c), and (2) that the School's application did not include an assessment of the projected programmatic and fiscal impact of the school on other public and nonpublic schools in the area as required by Education Law §2851(2)(q).

While we disagreed with the Court's First Decision, we recommended that the Board of Regents act immediately to "cure" the two technical deficiencies identified by the Court so that the education of the children attending Amani would not be disrupted. To address the Court's concerns, Amani's application was supplemented with information that was received on October 16, 2011, relating to the programmatic and fiscal impact of the School on other public and nonpublic schools in the area, and the "voted language" adopted by the Board of Regents was revised to make clear that all required findings, including that the proposed school was likely to improve student learning and achievement, was being made by the Board.

Copies of the December 2010 and October 2011 Regents items that the Board adopted concerning the Amani application, including the additional information received on October 16, 2011, is attached for your information (Attachment A).

On March 28, 2012, however, a second Decision and Order was issued by the same Supreme Court Justice in Matter of the Mount Vernon City School District, et. al.

v. The New York State Education Department, et. al., Supreme Court, Albany Co. (Teresi, J.), Index No. 457-12, RJI No. 01-12-ST3338 (“Second Decision”), which vacated the charter that was reissued to the School. Specifically, while acknowledging that the Regents had made the required Education Law §2852(2)(c) finding that the School “is likely to improve student learning and achievement and materially further the purposes set out in subdivision two of section 2850 of the Education Law,” the Court:

1. Found that while the fiscal and programmatic impact statement submitted on October 16, 2011 explicitly showed its fiscal impact on the Mount Vernon City School District, its programmatic analysis, in the opinion of the Court, was “wholly conclusory;” and
2. *Sua sponte* found that the School’s filing of the October 16, 2011, addendum constituted a “significant stage of the chartering process,” and that the amount of notice given by the Regents prior to its October 18, 2011 action, did not comply with Education Law §2857(1)’s notice provision.

We, again, strongly disagree with the Court’s decisions in this matter and note that appeals of both the Court’s First Decision and Second Decision are pending. In addition, on April 27, 2012, the Appellate Division, Third Department, issued a Decision and Order that, among other things, stayed the Supreme Court’s Second Decision to the extent that it vacated the charter that was re-issued to Amani on October 18, 2011. We feel that, ultimately, there is a strong likelihood of success on these appeals, and we believe that the Appellate Division’s grant of a stay in this matter is a testament to that. However, a decision on appeal is not likely until at least September 2012 (and most likely later than that), and we feel that it is in the best interests of everyone – including the faculty, staff and students of the School – to resolve this matter before then. Accordingly, we are again recommending that the Board act to “cure” the two alleged deficiencies identified by the Court in its Second Decision and Order.

Attached to this item (Attachment B) is information that was submitted on April 6, 2012, to supplement Amani’s application which relates to the projected programmatic and fiscal impact of the School on the other public and nonpublic schools in the area. This information, which replaces the information that was submitted on October 16, 2011, enhances what was submitted previously, and is consistent with the totality of information that was considered by the Department and the Board of Regents in December 2010 and again in October 2011.

Also, on April 6, 2012, the Department provided notice to the Mount Vernon City School District (“District”) and to other interested parties that this matter would be on the Regents May 2012 meeting agenda. This notice was also posted on the Department’s Charter School Office web site. In addition, and although a public hearing is not required, the District was given the opportunity to conduct a public hearing regarding Amani’s application, which it chose not to do. Accordingly, on April 27, 2012, the Department notified the District and all public and non-public schools in the same area as Amani of the Department’s intention to conduct a public hearing regarding the re-issuance of a charter to the School on Thursday, May 10, 2012. To ensure that the community impacted by the School was afforded every opportunity to comment, the Department made the hearing notice available in English, Spanish, and Portuguese,

and worked with the District's Board Clerk and the School to post these notices throughout the community. The notices were also sent to three local media outlets including public access television. Additionally, the notice and application materials including the supplemental information were made available for public inspection at the District's Board Office, the School, and the Mount Vernon Public Library. The public was notified that written comments could be submitted to the Department at the hearing or via mail and email to the Department through May 17, 2012.

Approximately 350 people attended the public hearing, including a current member of the Mount Vernon Board of Education, a candidate for the Mount Vernon Board of Education, the President of the Mount Vernon Parent-Teacher Association (PTA), several District teachers, a member of the Mount Vernon City Council (who also serves on the Amani Board of Trustees), many Amani teachers and parents of students who attend Amani, and more than 40 Amani fifth grade students. Approximately 61 individuals presented remarks, including 23 Amani students.

Some speakers expressed concern and frustration about the quality of the educational system in the District, including large class sizes, limited availability of textbooks and resources for students, budget cuts, and community violence impacting the teaching and learning in the District. However, no one, including those speakers who were affiliated with the District, spoke in direct opposition to Amani or asked that it be closed, although the issue of the District resources that flow to charter schools was raised. The Mount Vernon School Board member who presented remarks at the hearing talked about the fiscal impact that Amani has on the District and the on-going litigation that the District initiated concerning Amani. In addition, he spoke about the possibility of merging a District school, which is a school in need of improvement, with Amani as a possible solution to the litigation, so that the District would benefit from the educational practices at Amani without loss of funds to an external organization. This idea was not supported by the teachers who attended the hearing and who teach at the District school in question.

In addition to the individuals who presented remarks at the hearing, 82 written comments were submitted at the hearing and approximately 30 written comments were received by the Department before and after the hearing, all of which expressed support for Amani.

A complete copy of the Amani Public Charter School application, including the addendum submitted on April 6, 2012, as well as copies of all of the written comments received by the Department are available for your review in the Regents Office. The application materials are also available on the Department's web site at: <http://www.p12.nysed.gov/psc/2010CharterSchoolApplicationCycle.html#approved>.

Recommendation

VOTED, that effective immediately, the Board of Regents finds that the proposed Amani Public Charter School: (1) meets 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) is likely to improve student learning and achievement and materially further the purposes set out in subdivision two of section

2850 of the Education Law; and (4) will have a significant educational benefit to the students expected to attend the charter schools, and the Board of Regents therefore approves and reissues a charter and provisional charter to the Amani Public Charter School for a term of five years in accordance with §2851(2)(p) of the Education Law, *nunc pro tunc* to December 14, 2010.

Timetable for Implementation

The Regents action for the Amani Public Charter School is effective immediately.

Attachments



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

TO: P-12 Education Committee

FROM: John B. King, Jr.

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

DATE: December 2, 2010

AUTHORIZATION(S):

SUMMARY

The Commissioner and Department staff recommend that the Board of Regents issue the initial charters and provisional charters for the following seven Charter Schools:

1. Amani Public Charter School
2. Democracy Prep III Charter School
3. Discovery Charter School
4. Launch Expeditionary Learning Charter School
5. Mott Hall Charter School
6. New York City Montessori Charter School
7. Urban Dove Charter School

The following tables outline information about each of these proposed charter schools. Additional information about each of the applications and the review of those applications is included in the attached Summary of Findings and Recommendations for each proposed school (Attachment A) which are also posted on the Regents Web page at: <http://www.regents.nysed.gov/meetings/>

Name of Proposed Charter School	Amani Public Charter School
Lead Applicant(s)	Stephanie McCaine
Management Company	N/A
Other Partner(s)	N/A
District of Location	Mount Vernon City School District
Proposed Opening Date	Fall 2011
Grade Levels/ Number of Students	Grades 5-8, 320 students

Name of Proposed Charter School	Democracy Prep III
Lead Applicant(s)	Seth Andrews
Management Company	Democracy Prep Public Schools
Other Partner(s)	N/A
District of Location	CSD 5
Proposed Opening Date	Fall 2011
Grade Levels/ Number of Students	Grades 6-8, 312 students

Name of Proposed Charter School	Discovery Charter School
Lead Applicant(s)	Daniel Aurelli
Management Company	N/A
Other Partner(s)	Expeditionary Learning Schools
District of Location	East Irondequoit CSD
Proposed Opening Date	Fall 2011
Grade Levels/ Number of Students	Grades K-6, 280 students

Name of Proposed Charter School	Launch Expeditionary Learning Charter School
Lead Applicant(s)	Evan Kilgore, Geoffrey Roehm
Management Company	N/A
Other Partner(s)	New York City Outward Bound Expeditionary Learning Schools
District of Location	CSD 16
Proposed Opening Date	Fall 2011
Grade Levels/ Number of Students	Grades 6-10, 461 students

Name of Proposed Charter School	Mott Hall Charter School
Lead Applicant(s)	Bob Lesser
Management Company	Replications, Inc.
Other Partner(s)	N/A
District of Location	CSD 8, 9
Proposed Opening Date	Fall 2011
Grade Levels/ Number of Students	Grades 6-8, 315 students

Name of Proposed Charter School	New York City Montessori Charter School
Lead Applicant(s)	Gina Sardi
Management Company	N/A
Other Partner(s)	South Bronx Overall Economic Development Corp (SoBRO)
District of Location	CSD 7
Proposed Opening Date	Fall 2011
Grade Levels/ Number of Students	Grade K-5, 294 students

Name of Proposed Charter School	Urban Dove Charter School
Lead Applicant(s)	Jai Nanda
Management Company	N/A
Other Partner(s)	Urban Dove
District of Location	CSD 22
Proposed Opening Date	Fall 2011
Grade Levels/ Number of Students	Ungraded (Ages 16-18), 240 students

Background

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 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, 2012.

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 charter school application process was revised 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 as required by the statute.

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 process include:

1. Submission and review of written prospectus to demonstrate clear understanding of the New York State Charter Schools Act and alignment with the priorities stated in law. Thirty five prospectuses were submitted and reviewed in September 2010. Sixteen were invited to submit full applications; one applicant group withdrew, citing the need for more time and the intent to apply in the next cycle.
2. Submission and review of written full application to present the design of the proposed school, including instructional model and approach, targeted student population, organizational structure and financial plan. Fifteen applications were submitted and reviewed.
3. 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 Associate Commissioner of the Office for Innovative School Models.

4. Interviews with founding groups to discuss application details and to evaluate the skill and knowledge of the founding group to launch and operate the proposed school. Fifteen capacity interviews, each led by Department senior managers, were conducted in October 2010.
5. At the conclusion of the application and review process, seven of the fifteen applications were withdrawn by the applicants
6. Recommendations are made to 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.

The application for the Lamad Academy Charter High is **not** being recommended for approval by the Board of Regents because it did not meet the criteria established in §2852(9-a) of the Education Law and/or did not meet some or all of the following essential competencies identified in the RFP process:

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.

Additional information about this application and the review of the application is included in the attached Summary of Findings and Recommendations (Attachment B).

Reasons for Recommendation

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.

Recommendation

VOTED: That the Board of Regents approves and issues a charter and provisional charter to the Amani Public 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 the Democracy Prep III 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 the Discovery 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 the Launch Expeditionary Learning 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 the Mott Hall 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 the New York City Montessori 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 the Urban Dove Charter School for a term of five years in accordance with §2851(2)(p) of the Education Law.

The Regents action for these charter schools is effective immediately.



New York State Education Department Office of Innovative School Models

Summary of Findings and Recommendations

Application to establish the proposed Amani Public Charter School

December 2010

Executive Summary of the Proposed
Amani Public Charter School

Lead Applicant(s):	Debra Stern/Stephanie McCaine					
District of Location:	Mount Vernon City School District					
Opening Date/Facility:	September 2011 on property of the YMCA at 31 South Street in Mt. Vernon.					
Management Company:	None					
Partners:	Partners include the Mount Vernon Family YMCA, Powers of Peace, Young at Arts, the Mount Vernon Public Library, and the College of New Rochelle.					
Projected Enrollment:	Grade/Year	2011-12	2012-13	2013-14	2014-15	2015-16
	5th	80	80	88	88	88
	6th	--	80	80	88	88
	7th	--	--	72	72	72
	8th	--	--	--	72	72
	Total	80	160	240	320	320
	Projected Percentage of Students with Disabilities:		13 percent			
Projected Percentage of English Language Learners:		20 percent				

MISSION

The mission of the proposed Amani Public Charter School is to “provide students in grades 5 through 8 with the academic and critical thinking skills necessary to succeed in competitive high school programs, college, and the career of their choice. APCS graduates are academically accomplished, intellectually curious, and civically engaged young people who tackle challenges diligently and creatively.”

EDUCATIONAL PLAN

Key Design Elements - The founding group stated that there are three things that the proposed school will execute well: great teaching, an exemplary academic program, and strong school culture. To support the execution of such, the proposed school will adopt elements of the “No Excuses Model” that has proven successful in many charter schools. Additionally, every decision the proposed school makes will be made through a process of goal setting, data analysis, and program modification—referred to as the “Continuous Cycle for Improvement.” Key elements to the school’s design elements include:

- A longer school day and year (i.e., 7:45 am to 4:00 pm school day, 195 days of instruction)
- Focus on literacy and numeracy in 90 minute ELA and Math blocks daily
- A Director of Curriculum and Instruction to lead the development and implementation of the standards-based curriculum
- Clearly stated measurable goals (i.e., absolute, comparable, and value-added)
- Individualized learning plans for each student
- Differentiated instruction and multiple instructional methodologies
- Formative and summative assessments to assess and inform student learning plans, instructional practices, and effectiveness of school decisions.

- A disciplined, “no excuses”, learning environment with rules, routines, and structured time for remediation, enrichment, and advisories
- A learning environment requiring active parental involvement and community support
- Structured support to help transition from middle to the high school, and college prep study
- A desire to work with the Mt. Vernon CSD and offer District staff, specifically to invite the District staff to participate in the proposed school’s professional development opportunities
- A variety of strategies for recruiting certified, quality teachers including a reasonable beginning salary and providing more than 80 hours of professional development during the school year

Student Enrollment - The proposed charter school plans to open the school in September 2011 with 80 students in Grade 5, adding on a new grade each subsequent year. At full enrollment, the school will house 320 students in grades 5 through 8. The proposed school does not have an admissions preference.

Population to be served – Enrollment Preference - The founding group presented a detailed, substantive narrative of how the proposed school will attract and retain its students in particular those students who are English Language Learners and those students who have disabilities. The school anticipates that 13 percent of its students will be English Language Learners and 20 percent of its student population will be Students with Disabilities. The proposed charter school’s percentages are comparable to the District’s percentages for these two student populations.

Mount Vernon City School District Demographics (2008-09)¹

Total District Enrollment:	9014 students
Grade 5-8 Enrollment:	2764 students
White:	6%
African American:	79%
Hispanic/Latino:	14%
Asian/Other:	1%
Students with Disabilities:	13.67 % ²
English Language Learners:	8%
Free/Reduced Priced Lunch:	58%
Existing Charter Schools:	None

¹ Source: The New York State School Report Card for Mt. Vernon CSD District School, 2008-2009

² Source: The New York State School Report Card Information about Students with Disabilities for Mt. Vernon City School District, 2008-09

Mount Vernon City School District School Report Card Data (2009-2010)³

Grades	Proficiency Based on the 2009-10 State Assessments	
	English Language Arts	Mathematics
5	50.6 %	63.1 %
6	48.5 %	57.8 %
7	34.4 %	26.9 %
8	27.5 %	30.2 %

ORGANIZATIONAL PLAN

Governance - The founding group has articulated that a Board of Trustees is responsible for: the hiring, evaluation, and termination of the Executive Director; overseeing the educational program and ensuring the school meets its academic goals; ensuring that the school is fiscally sound and resources are mission-aligned; ensuring that the school is operationally sound and compliant with all applicable laws, and reporting requirements; maintaining good relations with the school's local community and promoting the interests of the school; and ensuring the effectiveness of the board in carrying out its responsibilities. The proposed school will have a governing body of seven but no more than 15 trustees, and five working committees—Executive, Academic Accountability, Governance, Development, and Finance.

Founding Board - As required, the founding group provided a set of draft By-laws and Code of Ethics. Additionally, a resume, a completed Statement of Assurances, and a completed Request for Information from Prospective Charter School Board Members 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, with experience in K through 12 education, higher education, legal compliance, real estate and facilities, financial management and accounting, fundraising and development, community engagement and parent involvement. These individuals are entrepreneurial and visionary problem solvers with demonstrated passion for education. Five of the 11 members are lifelong residents educated in the Mount Vernon City Schools.

School Leadership - Understanding its governance role as separate from day to day management of the proposed school, the founding group seeks to hire a dynamic Executive Director to lead the proposed school, a Director of Curriculum and Instruction to implement and manage instruction, curriculum design, and assessment, and a Director of Finance and Operations to manage the non-instructional operation of the proposed school. The founding group has also presented a well thought out teaching/staffing plan that is in alignment with the mission and educational plan.

³ Source: The New York State School Report Card for Mt. Vernon City District School, 2009-2010

Community Support - As a result of a number of preliminary outreach activities, the founding group has collected 391 signatures from parents representing 486 children, 108 of whom would be eligible to enroll in 2011. Additionally, the founding group has the support of several community organizations willing to serve as partners including the Mount Vernon Family YMCA, Powers of Peace, Young at Arts, and the Mt. Vernon City Library, and the College of New Rochelle.

Required Public Hearing - As required by the §2857 of the Charter Schools Act, the Mt. Vernon CSD held a hearing to solicit comments from the community concerning the proposed charter school. Approximately 100 community members attended the hearing. Those opposed to a charter school within their school district share the views articulated in a letter from the Superintendent and the President of the Mount Vernon CSD.

Dr. Walter Sawyer, the Superintendent of the District, expressed opposition to the proposed charter school in his letter to Assistant Commissioner Bachofer dated October 22, 2010. Dr. Sawyer stated that, "We remain cognizant of the fact that charter schools have been established to remove some of the organizational structures that frequently hamper our efforts to attain adequate academic progress for our students. Removing the finances however, that are required in our small urban district to help us make a difference, does have a deleterious impact on a school district that is already reeling from the financial trauma of experiencing two contingency budgets in the last three years." Mr. Derrick Claye, President of the Mt. Vernon CSD, writing on behalf of the entire board, stated that, "The Board is also concerned that to award a charter school at this time would exacerbate the District's financial challenges."

There were community residents in attendance who support having a charter school in their community, citing that the proposed charter school is "an alternative to the chronically failing public middle schools", "the board has little leverage in negotiating contracts and by existing state laws that favor the employees over the education of students...making it seemingly impossible to change the status quo", and that the entire district can benefit from the success of this school because it will create competition among the secondary schools."

Fiscal Impact on District of Location - The fiscal impact of a charter school on the district in which it will be located is based upon several assumptions, which may or may not occur: that all existing charter schools will also exist in the next five years and serve the same grade levels as they do now; that the charter schools will be able to meet their projected maximum enrollment; that all students will come from the district of location and no other districts; that all students will attend every day for a 1.0 FTE; that the District's budget will increase at the projected rate of 3 percent each year; and that the per pupil payment will increase at the projected rate of 4.5 percent each year. The impact, as shown in the table below, is projected to be less than 5 percent over the next five years.

Projected Fiscal Impact⁴ of the Amani Public Charter School
On the Mount Vernon City School District

Number of Students Enrolled in Charter School Per Year	Per Pupil Aid Rate(Preliminary 2010-11 Tuition)	Per Pupil Aid Revenue Only	Total District General Fund Budget	Percent of District Budget
Year 1: 80	\$ 16,794 ⁵	\$ 1,343,520	\$ 202,860,580 ⁶	.67 %
Year 2: 160	\$ 17,549	\$ 2,807,840	\$ 208,946,397	1.3 %
Year 3: 240	\$ 18,339	\$ 4,401,360	\$ 215,214,788	2.04 %
Year 4: 320	\$19,164	\$ 6,132,480	\$ 221,671,231	2.76 %
Year 5: 320	\$20,026	\$ 6,408,320	\$ 228,321,367	2.80 %

Budget - The founding group presented a clear and reasonable picture of the school’s revenue projections; expenditure requirements; facilities needs; transportation and food service plans; and pre-opening plan that was aligned with the proposed charter school’s mission and educational plan.

Fiscal Management - The founding group presented a well written narrative demonstrating their understanding of how they intend to develop and manage the school’s infrastructure and finances. The founding group has drafted its internal control policies and described the fiscal responsibilities that will be assigned to the staff of the proposed school’s business office.

The reviewers find that the founding group was persuasive in its application materials and in demonstrating their individual and collective capacity to successfully comply with all applicable laws, to oversee the development and implementation of the education program, to fiscally manage the schools budget and finances, and to operate the proposed charter school. Based on the evaluation of the application materials and the capacity interview, there are no material concerns remaining that cannot be fully addressed during the pre-opening phase should Board of Regents approve this proposed charter school application.

Facility - The founding group has identified several sites in or near the south side of Mount Vernon to fully accommodate the proposed charter school’s 160 students in Year 1 and Year 2. The desired site is within the Mount Vernon Family YMCA located at 31 South Street. The founding group and the YMCA are in discussions about the possibility of constructing a new school facility on a vacant lot owned by the YMCA.

⁴ Note: Assumes a 4.5 percent annual increase in the average expense per pupil and a 3 percent annual increase in the district’s budget. Projections are subject to fluctuation in actual enrollments, FTE enrollments, AOE, and district budgets. Further assumes all students come from the district of location.

⁵ Source: NYS Education Department’s Office of State Aid, Updated Preliminary 2010-11 Basic Tuition used by Public School Districts with resident students attending Charter Schools

⁶ Source: Mt. Vernon City School District General Fund Budget for the 2010-11 School Year.



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

TO: The Honorable the Board of Regents
FROM: John B. King, Jr. 
SUBJECT: Amani Public Charter School

AUTHORIZATION(S):

SUMMARY

On October 11, 2011, a Decision and Order was issued by a Supreme Court Justice in Matter of the Mt. Vernon City School District, et. al. v. The New York State Education Department, et. al., Supreme Court, Albany Co. (Teresi, J.), Index No. 3197-11, RJI No. 01-11-ST2637, which would vacate the charter that was issued to the Amani Public Charter School by the Board of Regents in December 2010 and remand the matter back to the Regents for further consideration.

The Court set aside the Regents action on two technical grounds:

1) That the Board of Regents did not explicitly make the required finding that granting the application "is likely to improve student learning and achievement" in the actual voted language or the minutes of the Regents meeting and that having the Regents approve the item with the findings included in the Reasons for Recommendation was not sufficient.

2) That the application did not include an assessment of the projected programmatic and fiscal impact of the school on other public and nonpublic schools in the area as required by Education Law § 2851[2][q], and that such omission was not cured by any additional submissions.

In the Decision and Order, the Court rejected the other, more substantive, grounds cited by the petitioners for setting aside the Regents action, including allegations that the Board's approval was based on a faulty fiscal impact analysis.

While we disagree with the Court's decision, we recommend that the Board act immediately to cure the two technical deficiencies identified by the Court, so that the education of the children currently attending the Amani Public Charter School will not be disrupted. Any other course of action risks disruption of the education of the charter school students and the operation of the charter school at least temporarily.

First, we have revised the voted language to make clear that the Board of Regents has made the required findings including that the proposed school is likely to improve student learning and achievement.

Second, we are attaching additional information from the lead applicant for the Amani application, concerning the projected programmatic and fiscal impact of the school on the other public and nonpublic schools in the area (Attachment A). This information is not significantly different from the totality of information that was considered by the Department and the Board of Regents in December 2010, and when considered with the rest of the Amani application, does not change staff's recommendation with respect to the proposed Amani Public Charter School.

A copy of the December 2010 Regents item concerning the Amani Public Charter School's application is attached for your information (Attachment B). In addition, a complete copy of the Amani Public Charter School application – including the additional information submitted by the lead applicant – is available for your review in the Regents Office.

Recommendation

VOTED, that effective upon entry of the Decision and Order dated October 11, 2011 issued by Supreme Court, Albany County in Matter of the Mt. Vernon City School District, et. al. v. The New York State Education Department, et. al., Supreme Court, Albany Co. (Teresi, J.), Index No. 3197-11, RJI No. 01-11-ST2637, the Board of Regents finds that the proposed Amani Public Charter School: (1) meets 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) is likely to improve student learning and achievement and materially further the purposes set out in subdivision two of section 2850 of the Education Law; and (4) will have a significant educational benefit to the students expected to attend the charter school, and the Board of Regents therefore approves and reissues a charter and provisional charter to the Amani Public Charter School for a term of five years in accordance with §2851(2)(p) of the Education Law, *nunc pro tunc* to December 14, 2010.

Timetable for Implementation

The Regents action for the Amani Public Charter School is effective upon entry of the Decision and Order dated October 11, 2011 issued by Supreme Court, Albany County in Matter of the Mt. Vernon City School District, et. al. v. The New York State Education Department, et. al., Supreme Court, Albany Co. (Teresi, J.), Index No. 3197-11, RJI No. 01-11-ST2637.

Attachment A

Amani Public Charter School
October 16, 2011 Fiscal and Programmatic Impact Statement
*Addendum to the Amani Public Charter School Application Submitted to the New York State
Education Department in response to the August 2010 Request For Proposals to Establish
New York State Charter Schools Authorized by the Board of Regents*

Amani Public Charter School
 Fiscal and Programmatic Impact Statement

The Amani Public Charter School (“Amani” or the “School”) will provide a significant educational benefit to the students of the Mount Vernon City School District (“MVCSD”), fulfilling Education Law Section 2851(2) (d). In addition, the School will have no significant fiscal impact on the district of location, or schools therein the Mount Vernon City School District in the 2011-2012 school years and beyond. Additionally, because we don’t expect to draw a significant number of students from nonpublic schools we do not anticipate having a significant fiscal impact upon them. As required by Education Law Section 2851(2) (q) below is an assessment of the projected programmatic and fiscal impact of the School on other public and nonpublic schools in the area.

Fiscal Impact

The School will have a miniscule fiscal impact on the district of location, The Mount Vernon City School District, and correspondingly the schools. Due to the size of the district and the high number of students in the community that qualify for the federal lunch program, it is assumed that a majority of the School’s enrollment, at least 78%, will qualify for free or reduced lunch.

It is estimated that the School will have the following financial impact on the Mount Vernon City School District's estimated budgets taking into account per pupil payments from the district.

**Potential Fiscal Impact of
 AMANI PUBLIC Charter School
 Mount Vernon City School District**

School Year	# Students	Per Pupil Allocation ¹	Projected Charter School Cost	District Budget ²	Projected Impact
2011-2012	80	\$16,794	\$1,343,520	\$202,860,580	0.6623%
2012-2013	160	\$17,298	\$2,767,651	\$208,946,397	1.3246%
2013-2014	240	\$17,817	\$4,276,021	\$215,214,789	1.9869%
2014-2015	320	\$18,351	\$5,872,402	\$221,671,233	2.6491%
2015-2016	320	\$18,902	\$6,048,574	\$228,321,370	2.6491%
Annual Increase		3.00%		3.00%	

¹ Assumes a 3 percent annual increase from the 2010-2011 estimated average per pupil Allocated Operating Expenses (AOE) of 16,794 (Note: this AOE estimate is subject to unpredictable increases and decreases in any given year.)

² Assumes a 3 percent annual increase from the 2011 MVCSD budget.

The School will not divert significant funding or students from the Mount Vernon City School District. The Mount Vernon City School District has budgeted \$202,860,580 million for the 2010-2011 year. In operating year 5 (2015-2016) we have estimated that Amani will serve 320 students. Amani would receive a per pupil allocation of approximately \$18,902 (assuming a 3% increase per pupil allocation), roughly equal to 2.6% of the MVCSD budget.

Amani Public Charter School
Fiscal and Programmatic Impact Statement

Additionally, because we anticipate that our student population will be largely from economically-disadvantaged families, and less likely to attend non public schools, we anticipate no significant fiscal impact upon them.

Programmatic Impact

Overall we anticipate having a net positive programmatic impact on other public schools, through modeling and sharing of effective practices, as well as providing a strong middle school choice to elementary schools, as well as developing a cadre of high school ready freshman for Mt. Vernon's high schools, as Amani's scholars graduate. There are 11 Elementary Schools in Mount Vernon City School District. The School's recruitment plan as outlined in the charter application anticipates recruiting from throughout the City of Mount Vernon with a concentration in the 10550 zip code. We hope that we are able to attract students uniformly from schools throughout the city. Thus no single public school will be the source of Amani students.

With respect to non-public schools, Amani- is not anticipated to have an effect on these institutions that presently exist in the City of Mount Vernon, except insofar as they learn from Amani's effective practices. These are primarily religiously based institutions. Further, we anticipate that overwhelming majority of Amani students will come from economically disadvantaged families that would not have the means to pay for private school tuition. The founders envision that Amani will appeal to families of students in the existing public schools since such a high percentage of these school are not meeting state standards.

Amani would represent a significant educational benefit to the Mount Vernon City School District's families, and to the district overall by providing an alternative for students of at-risk of academic failure which the district would no longer have to serve. As noted above, we will center our recruitment efforts around those schools in particular that reflect this population, specifically, Parker, Grimes, Graham and Williams's schools. We anticipate that Amani's high expectations, safe and structured school environment, and rigorous academic program will have a positive impact on local schools, both public and private. We expect that as we realize success, local schools will work to implement aspects of our program, including offering teachers meaningful professional development and continuous feedback, holding students to high expectations while focusing on developing basic skills, and viewing parents as partners in education. The Mount Vernon City School District, in fact, has partnered with the local Freedom School to increase the length of the school year, following the example of high quality charter schools.

Amani's focus on achieving measurable improvements in academic quality will allow the non-chartered schools to focus on the same in their local schools. Competition, expressed in this constructive way, raises the performance of all participants. Any school district official or official from nonpublic schools will be welcome to observe and benefit for the model of success that we anticipate Amani to be.

Amani Public Charter School
Fiscal and Programmatic Impact Statement

As we expect to educate a cohort group of at-risk students at a very high level preparing them to succeed in high school, and college. We believe that we can influence the public education system by delivering to the local Mount Vernon City School District high schools a cadre of students well prepared to graduate. This will allow the high schools to offer rigorous academic courses and ultimately assist the district in increasing their graduation rates.

Amani Public Charter School

April 6, 2012 Fiscal and Programmatic Impact Statement

*Addendum to the Amani Public Charter School application submitted to the
New York State Education Department in response to the August 2010 Request for Proposals
to Establish New York State Charter Schools Authorized by the Board of Regents*

Amani Public Charter School
 Fiscal and Programmatic Impact Statement

The Amani Public Charter School (“the School” of “Amani”) will provide a significant educational benefit to the students of the Mount Vernon City School District (“the District”), fulfilling Education Law §2851(2) (d). As required by Education Law §2851(2) (q) below is an assessment of the projected programmatic and fiscal impact of the School on other public and nonpublic schools in the area.

Fiscal Impact

The School will have a relatively small fiscal impact on the Mount Vernon City School District, representing approximately 0.65% of the District’s total operating budget for the 2011-2012 school year and approximately 2.52% of the District’s total operating budget when the school is at full capacity.

Below is our modeling of the financial impact on the Mount Vernon City School District budget, based on the authorized enrollment, estimated per pupil allocation and estimated District budget.

**Potential Fiscal Impact of
 AMANI PUBLIC CHARTER SCHOOL
 on the Mount Vernon City School District**

School Year	# Students	Per Pupil Allocation¹	Projected Charter School Cost	District Budget²	Projected Impact
2011-2012	80	\$16,794	\$1,343,520	\$206,743,435	0.65%
2012-2013	160	\$16,794	\$2,687,040	\$212,945,738	1.26%
2013-2014	240	\$17,298	\$4,151,477	\$219,334,110	1.89%
2014-2015	320	\$17,817	\$5,701,361	\$225,914,133	2.52%
2015-2016	320	\$18,351	\$5,872,402	\$232,691,558	2.52%

¹ Assumes a 3 percent annual increase from the 2012-2013 estimated average per pupil Allocated Operating Expenses (AOE). (Note: this AOE estimate is subject to unpredictable increases and decreases in any given year.)

² Assumes a 3 percent annual increase from the 2011-2012 budget.

Amani Public Charter School
Fiscal and Programmatic Impact Statement

We do not believe that the Amani Public Charter School will have a significant financial impact on the Mount Vernon City School District. There's no indication that positions have been cut in the 2011-12 budget. In addition, we know that the District is not currently considering any reductions in teaching staff.³

Furthermore, the District currently pays Charter School tuition to five charter schools: three in the Bronx, one in Harlem and one in Yonkers. The Yonkers charter school presently enrolls 23 Mount Vernon resident students. According to a Mount Vernon Board of Education resolution dated September 7, 2011; the District presently pays charter school tuition for approximately 100 students, excluding Amani Public Charter School.⁴

Programmatic Impact

The programmatic impact of the Amani Public Charter School on existing public and non-public schools in the District is based primarily on two types of factual evidence: (1) statement made by District representatives expressing internal District assessments of programmatic impact and (2) our own assessments based on the facts available to us and assumptions around likely outcomes.

District representatives have posited several possible programmatic impacts that The School might hypothetically have on the programs of public schools. While we do not necessarily share similar assessments of the likelihood of these programmatic impacts, we nonetheless include them as empirical data of projected impacts.

The District's former Superintendent, Welton Sawyer, indicated that some of the programmatic effects of the School would include:

Cuts in the GED program

Cuts in Pre-K programs

Drawing more high achieving parents out of the District schools, this is presumed to have negative impact on those schools.⁵

While we recognize that a reduction in funding received by the District will require some reductions in expenditures (or increases in revenues) and that those invariably may have programmatic effects, based on our analysis, many of the District's assessments may be overstated.

We anticipate that there will not be a significant impact on any one elementary school program in the District because the School recruits broadly and will not draw a critical mass from any one single

³ January 22, 2012, Mount Vernon City School district Preliminary 2012-2013 Budget Presentation.

⁴ See Exhibit A

⁵ Letter Communication to the Board of Regents from Superintendent Welton Tony Sawyer, October 22, 2010

Amani Public Charter School
Fiscal and Programmatic Impact Statement

school. Mount Vernon has 11 elementary schools, and based on our projected enrollment pattern, which is 80 students per grade coming from 11 schools, we believe that our recruitment will result in geographically dispersed enrollment patterns. In the first year of operation the School drew no more than 12 students from any individual elementary school in the District. The highest number of students came from the largest elementary school, Lincoln School. The next highest amount of students are from Graham School (10 students) which is designated as a school in need of improvement.⁶ Of the remaining nine elementary schools between one and eight students from each school are enrolled at Amani. We also have enrolled children from a parochial school located in Mount Vernon that closed (3 students). The rest of our students are from a number of local private schools (one student from each of seven schools), including two students from a parochial school located in Mount Vernon, which is still in operation.⁷ A reduction of 6 to 12 students in any single elementary school in any given year will likely not have a direct impact on lead classroom teacher staffing and, if anything, would likely decrease class sizes. In addition, we anticipate insignificant programmatic impact to the local private schools based on our past enrollment patterns.

We project the School will have several positive programmatic effects on the Mount Vernon City School District, by providing a model of efficient and responsive education for underserved students. We will offer to share our effective practices with the District schools and to help them improve, hopefully increasing program quality for all students in the District. Furthermore, we have already seen some of our practices being emulated by the District. As an example, Amani offers a Saturday Academy. We have seen that some Mount Vernon public schools began running Saturday Academies this year. Specifically Holmes, Lincoln and Traphagen elementary schools for the first time ever offered Saturday programs this year. We believe that the presence of an alternative public school option will have a positive impact on the programs of other public schools in the community. Furthermore there is some evidence that increasing educational options for families tends to drive up overall educational quality.⁸

We believe that The Mount Vernon City School District has not made any significant reductions in staff or changes in security as a result of the Amani Public Charter School. The District warned that they would be forced to make cuts to the Pre-K program as a result of the loss of funds from the School.⁹ However, as of March 2012, the District continues to offer its Pre-K program and is enrolling children in the program for the 2012-2013 school year. There have not been significant cuts to the program.

With respect to non-public schools, the School is not anticipated to have an effect on these institutions as the overwhelming majority of its students will come from low-income families that would not have the means to pay for private school. In a survey of families as to why they chose

⁶ January 22, 2012, Mount Vernon City School district Preliminary 2012-2013 Budget Presentation.

⁷ See Exhibit B

⁸ Everyone Wins: How Charter Schools Benefit All New York City Public School Students *Civic Report 60, October 2009.*

⁹—Letter Communication to the Board of Regents from Superintendent Welton Tony Sawyer, October 22, 2010

Amani Public Charter School
Fiscal and Programmatic Impact Statement

Amani, 20% of the parents noted that they enrolled at the School because they were seeking an alternative to the District's public schools. The city's population is largely disadvantaged—i.e. the median household income in Mount Vernon is a full \$24,000 less than the average for Westchester County, and the Census Poverty Index is not only 3 basis points above the average CPI for New York State but also a whopping 10 points higher than that of Westchester County. 76% of the District's middle school students are eligible for free and reduced lunch (78% of Amani's presently enrolled students are eligible for free and reduced lunch). We believe that these parents would not be able to choose private school and therefore there would not be a significant programmatic impact on non-public school enrollment.¹⁰

In addition we do not anticipate a significant programmatic impact, in particular due to the fact that the non-public elementary schools in Mount Vernon are exclusively religiously-based programs and do not provide an affordable alternative for the majority of the School's students.

¹⁰ Sources for the school and community demographic data include the New York State District Report Card, Accountability and Overview Report for Mount Vernon City School District, 2007-08; the New York State District Report Card, Comprehensive Information Report Card for Mount Vernon City School District, 2007-08; and the Mount Vernon School District: Demographic Study, Arete Educational Consulting, September 2008

AMENDED -- ELIMINATED AMANI CHARTER SCHOOL

RESOLUTION

Resolution No. _____

COMMITTEE: **FINANCE, WAYS and MEANS**

TAB NO. 21

Offered at the "Regular Business Meeting" of the Mount Vernon Board of Education, held on Wednesday, September 7, 2011.

AUTHORIZATION TO PAY CHARTER SCHOOLS

RESOLVED: that upon the recommendation of the Superintendent of Schools, this Board of Education approves the following Charter Schools for payment:

SCHOOL	AMOUNT PER PUPIL PER YEAR
Bronx Preparatory Charter Schools	\$16,794
Carl C. Icahn Charter Schools	\$16,794
Charter School of Educational Excellence	\$16,794
The Bronx Charter Schools	\$16,794
The Sisulu-Walker Charter School of Harlem	\$16,794

Budget Code: A92815 4010 00

ABSTRACT

Total estimated students are 100.

Submitted by: Ingerman Smith,LLP

Approved by: W.L. Sawyer, Ed.D., Superintendent of Schools

EXHIBIT B

