



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 2012 Request for Proposals to
Establish Charter Schools Authorized by the Board of Regents
to establish the proposed:*

Newburgh Preparatory Charter High School

October 2012

Summary of the Proposed Newburgh Preparatory Charter High School

Name of Charter School	Newburgh Preparatory Charter High School
Lead Applicant(s)	Thomas J. Fitzgerald
District of Location	Newburgh Enlarged City School District
Opening Date	Summer/Fall 2013
Projected Charter Term	November 5, 2012 - June 30, 2018
Management Company	None
Partners	None
Facilities	Proposed lease with private landlord
Projected Enrollment and Grade Span during Charter Term	Opening with 105 students in grades 9 through 12 in 2013-2014; growing to 305 students in grades 9 through 12 in 2017-2018.
Projected Maximum Enrollment and Grade Span	305 students in grades 9 through 12
Mission Statement	<i>“Newburgh Preparatory Charter High School will provide over-aged and under-credited students 16-21 years of age living in the Greater Newburgh, NY, area - including students living in poverty, students who are English language learners, and students with special needs - the opportunity to return to school and, with intensive social-emotional support, to obtain a high school diploma through a rigorous NYSED standards-based education program that prepares them for college and career.”</i>

Newburgh Preparatory Charter High School’s primary objective is to provide over-aged and under-credited students with an opportunity to graduate from high school and to prepare for college and a career. The school model is a social-emotional and academic intervention program predicated on the assumption that students will have already failed or be at risk of failing at a traditional high school. To accomplish the mission, the founding group of the proposed Newburgh Preparatory Charter High School intends to offer an intensive intervention program for those with fewer than eleven high school credits, and for students who have earned eleven high school credits or more: an internship program, a college/career readiness program, and a program in the visual and performing arts.

Key design elements include:

- An individual learning plan for each student
- Daily Advisory periods for each student
- Social-emotional support
- Blended learning, which includes on-line course access for core course work
- All students will complete a community service project
- A longer school year and day
- Six week summer program for all students, culminating in August Regents exam offerings
- Professional learning community for staff and students
- One week summer session for staff to engage in ongoing professional development

The Intensive Intervention Program is designed to meet the needs of over-aged high school students who have earned fewer than eleven high school credits. Enrolled students will be required to complete four core credits per semester and participate in an Advisory period (“Advisory”) during which counseling services, tutoring and homework help will be available. An individual learning plan (ILP) will be developed and maintained for each student and, in addition to core subjects, will include course work in physical education, health, family and consumer science and art, embedded in community service projects. The Advisory and course work, coupled with a community service project, will help to foster a positive sense of self and community along with sound decision-making around healthy habits and life style choices.

The Intensive Intervention Program with Internship is for students with eleven or more high school credits, ten of which must be in the core subjects. Students in this program will have an opportunity to participate in a half-time internship that will provide them with a full-day work experience that alternates weekly with their academic program. Internships will offer students the “soft skills” necessary to succeed in the work environment (i.e. timeliness, dress, social behavior, work norms, etc.). While at school, students will work in a semi-independent and blended-learning study program. They will participate in core subject courses, as well as in daily Advisory, an elective course, and in the Visual and Performing Arts and the College/Career-Readiness programs.

The Internship, College/Career-Readiness, and Visual and Performing Arts programs have been designed to encourage students to complete their high school education while preparing them for higher education and a career. For students who have not yet earned eleven high school credits, these programs will provide an incentive as they move into positive community involvement activities and ultimately college and career pathways.

In order to meet the high needs of this student population, the school design includes a social-emotional curriculum embedded in the academic program along with the daily Advisory. During the daily Advisory, students will work to develop and refine their individual learning plan, receive some counseling services, and engage in activities to foster team-building and student self-reflection and responsibility.

The founders believe that through a workshop model, balanced instruction and blended learning, teachers will be able to meet the needs of students with a wide range of proficiency levels. The blended learning environment allows for targeted interventions and flexible groupings, as well as opportunities for collaboration among students. Providing students with targeted instruction based on their needs and at their own pace is expected to boost learning outcomes. Students will have an option to take one or more online courses. The founding group is evaluating the on-line services of NovaNET, which they recently observed in use at a charter school in western New York.

The school design includes the Partnership for Innovation in Compensation for Charter Schools (PICCS) School Improvement Model. This model supports implementation of a data-driven culture, allowing teachers to use real-time data to inform instructional decisions. Data derived will assist teachers as they help to create and refine their students’ individual learning plans and differentiate classroom instruction to remediate or enrich as appropriate. The daily teacher schedule includes ninety minutes of planning time for data review, lesson planning and professional development.

Newburgh Preparatory Charter High School plans to have the facility open for ten hours each school day, between 8:00 a.m and 6:00 p.m. The school will be open year round, for a total of 215 school days. For students enrolled in the Intensive Intervention program, instruction will take place from 9:00 a.m.to 5:00 p.m. Each day, students will be engaged in five 55 minute instructional periods, a 90 minute instructional period, a 55 minute Advisory and a 25 minute lunch break. The longer school day will provide

opportunities for students to receive needed supports in the areas that have negatively impacted their prior school performance. For students involved in a community internship, they will be required to be on site from 9:00 a.m. to 5:00 p.m. each day, which mirrors the amount of time spent when employed full-time.

Newburgh Preparatory Charter High School will build on the successful educational programs currently in use at John V. Lindsay Wildcat Academy in Manhattan and planned for use at New Dawn Charter High School in Brooklyn, both serving a similar student population. Students will be offered a rigorous Common Core State Standards-based educational program integrated with intensive social-emotional support. In order to graduate, students will take and pass all the appropriate Regents exams, as well as complete all high school course and credit requirements as specified under the NYSED Part 100 Regulations, with particular attention to Part 100.2q High School Program Offerings.

During the planning year, Newburgh Preparatory Charter High School leaders will have access to the completed and audited educational curriculum crosswalks for grades 9 through 12 from John V. Lindsay Wildcat Academy. The submitted charter application includes a letter from the John V. Lindsay Wildcat Academy authorizing the sharing of these and other documents without cost to the proposed charter school. Using the curriculum crosswalks provided, staff at Newburgh Preparatory Charter High School will use the Sungard K-12 Education product *PerformancePLUS* to develop lesson plans. This product, which includes *Curriculum Connector*, *Performance Tracker*, and *Assessment Builder*, enables schools to map curriculum, manage and organize vital and timely student data, and create local assessments. Performance Tracker is designed to align all data results back to the curriculum as well as to the Common Core State Standards.

Literacy course work will be the foundation of the school's curriculum. Following the Common Core State Standards for English language arts and literacy, all subject area teachers will be responsible for ensuring that their students can read and write within the subject area while developing a strong content-knowledge base. A research-based literacy program, based on balanced instruction and the workshop model, will provide students with direct and explicit instruction, opportunities for self-directed learning, text-based collaborative learning, strategic tutoring, diverse texts, intensive writing, technology, blended learning; and ongoing formative assessments.

Courses in physical education and health will be a significant focus of the proposed school in order to encourage students to be physically active and learn to make positive, healthy life choices. Course work will focus on lifelong physical education, access to city recreational and athletic teams, opportunities to participate in health-related leadership and advocacy activities, injury prevention, mental and emotional health, nutrition and exercise, substance-abuse, family health and sexuality, and personal and consumer health.

The Career Development and Occupational Studies program is designed to create awareness and provide opportunities for exposure to careers in the health, math, science, technology and vocational industries that are particularly relevant to the greater Newburgh area. Students will be engaged in these targeted careers through internships and participation in the College/Career-Readiness Program. To facilitate the integration of these opportunities into daily action, student individual learning plans will include career goals.

The Visual and Performing Arts program, developed in collaboration with the Newburgh Performing Arts Academy and Safe Harbors through its Ann Street Art Gallery and Ritz Theater Project, will foster student engagement through the visual and performing arts and help students to make connections between the arts world, humanities and the sciences. Internships will be available through this collaboration.

Newburgh Preparatory Charter School will be located within the Newburgh Enlarged City School District, a demographically diverse school community. Languages other than English are spoken in 40% of Newburgh households. Most residents earn less than \$35,000 a year and 63% of Newburgh students are eligible for free-or reduced-price lunch. Many adults in the community have less than a ninth grade education. Unemployment in Newburgh is approaching 12% and the rate of violent crime is high.

Newburgh Preparatory Charter School will be the first charter school in the community and will provide an educational alternative by enrolling students not currently served in the school district or at risk of dropping out. The applicant group has engaged in rigorous, ongoing outreach efforts with the Newburgh Enlarged City School District community to share plans for the school and to secure input and comments about the educational and programmatic needs of students.

In support of the charter school application, letters were submitted from various stakeholder groups, including elected officials and organizations interested in future partnering opportunities. Organizations and individuals that expressed support for Newburgh Preparatory Charter School include Orange-Ulster BOCES, Mayor of Newburgh Judith Kennedy, Mount St. Mary College, The Greater Newburgh Partnership, Safe Harbors of Newburgh, St. Luke's Cornwall Hospital, Team Newburgh - a Substance Abuse Action Team, SUNY Orange, St. Christopher's Inc. and others. A letter of support from Ralph A. Pizzo, Superintendent of Newburgh Enlarged City School District, and Dawn FucHECK, Newburgh Board of Education President, is included with the application, though the support was later withdrawn (see "Public Hearing and Public Comments" below).

As required, a draft Admissions and Enrollment Policy was submitted with the application. The students targeted for attendance at the proposed school are over-aged and under-credited, defined as between the ages of 16 and 21, behind their four-year 9th grade cohort (peers with whom they started 9th grade), and either have already dropped out of high school, are in-school truants, or are behind grade level and struggling to remain in school. The majority of these students will be eligible for free or reduced-price lunch, will be English-language learners, and will have special learning needs. The founders estimate that the population of dropouts in Newburgh is 1200-1800 and is reaching out to this group in particular. There is a rigorous recruitment plan to reach the African-American and Latino communities in the City of Newburgh. The founding group anticipates that 90% of students enrolling in the school will be eligible for free and reduced-price lunch, 50% will be English language learners, and 20% will be students with disabilities. The group understands and anticipates that they will meet the enrollment and retention targets established by the Board of Regents for the school.

The lead applicant for Newburgh Preparatory Charter High School is Thomas Fitzgerald. The founding team for the school consists of ten individuals, of whom five will transition to the initial board of trustees, three will remain involved with the school on a volunteer basis, and two are proposed to become school employees. Four additional individuals who were not members of the planning group, have agreed to serve on the school's initial board of trustees. The overall founding group has a range of expertise in education, administration, finance, community outreach and engagement, real estate, higher education, alternative education and governance.

As required, the applicant has provided a set of draft by-laws and a draft code of ethics. Additionally, a School Trustee Background Information form, Statement of Assurance and resume or curriculum vitae is provided for each of the nine individuals who will compose the school's initial board of trustees.

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

- **James Kulisek** will chair the Internship Committee. After many years in the construction industry, he currently serves as a field superintendent for a local company. As a former county legislator, he has worked closely with community members and local government agencies.

- **Karen Mejia** is currently serving as a Deputy District Representative to a local Congressman as the liaison between diverse Orange and Sullivan County public, private and nonprofit constituents and key federal and state agencies. As a community organizer in the City of Newburgh, involved with a number of community groups and the parent of a school-age child in the district, Karen will serve the board as a liaison to the parents of the community, specifically the Latino community.
- **Phil Mehl** will serve the board as Chair of the Finance Committee. He is a NYS Certified Public Accountant with over eleven year of accounting experience. He currently owns and operates a growing accounting firm.
- **Joy Pittman** has extensive experience working with the youth of Newburgh and continues that work as Director, City of Newburgh Youth Bureau 21st Community Learning Center and will chair the Community Outreach Committee.
- **Judge Harold Ramsey**, with close to thirty years of experience, will lead the board on legal issues. He currently serves as Judge for the City of Newburgh Court. Past experiences include private practice law and college level teaching.
- **Mindy Ross** is the proposed Vice-Chair and will head up the College Readiness Committee. She currently serves as Vice-President of the Newburgh Campus of Orange County Community College. Mindy brings past experiences in alternative education and will be able to inform and support the success of the College Readiness Program. She is also affiliated with other colleges in the area including Mt. St. Mary College.
- **Danette Shepard** will serve as the chair of the Social Emotional Committee and is a social services consultant. Her expertise is in Positive Behavior Intervention System (PBIS) training and implementation.
- **Ramon Vega** is the proposed Board Chair and will chair the At-Risk Students Committee. He was a former special education teacher and administrator/supervisor for at-risk students. He has also been a supervisor for the NYS Department of Probation, working with the family court system and adult services providers. He is currently a local real estate agent and is involved in community outreach in the local Latino community.
- **Beverly Woods** will use her experience as an educator to chair the Curriculum Committee. As a middle school teacher and the former Principal of the Newburgh Enlarged City School District alternative school (now closed), Beverly brings extensive knowledge of the type of student Newburgh Prep will recruit, as well as knowledge of curriculum and learning styles of at-risk students. Her bilingual fluency will enable her to deal directly and effectively with all segments of the community.

The additional members of the school's founding team and their proposed roles are described below:

- **Thomas J. Fitzgerald**, lead applicant, is the proposed Executive Director. He is a retired school and Central Office Administrator from the Newburgh Enlarged City School District. He is currently an educational consultant with the Center for Educational Innovation-Public Education Association (CEI-PEA).
- **Jack Caldwell** is a retired Newburgh Enlarged City School District teacher and administrator. As a volunteer to the school and in his current capacity as operations manager of Black Rock Forest Consortium in Cornwall, NY, he will assist in the area of internships.
- **Maryann Fitzgerald** is a retired teacher, who will support the school as a volunteer in the areas of reading and math basic skills instruction.
- **Neal Goldstein** is the proposed Director of Finance. He is a retired high school math teacher, with over twenty five years of experience in marketing and corporate finance. He brings to the school an ability to direct in the areas of accounting, purchasing, payroll, and human resources.
- **Runston Lewis**, a Newburgh Enlarged City School District (NECSD) Board of Education member for 22 years, will be the volunteer liaison between Newburgh Preparatory Charter High

School and the NECSD Board of Education. He will also provide outreach, particularly to the African-American community.

The organizational structure of Newburgh Preparatory Charter High School is designed to separate operational duties from academic responsibilities, and to allow instructional leaders to focus the majority of their time supporting instruction. The leadership team will be led by the Executive Director and will include the School Principal and the Director of Finance. The instructional team will include teachers with expertise in core subjects, special education, Spanish, English language learners, physical education/health, family/consumer science, college/career readiness, music and art. Social workers, counselors and teaching aides will also be hired. The leadership team will be focusing on pre-opening tasks during the planning year with the proposed Executive Director and Director of Finance, both of whom have served as part of the planning team for the school. A search for the School Principal will be initiated by the Board of Trustees.

The Executive Director will be responsible for the management and administration of all school activities, including management of day-to-day operations; resource allocation; oversight of budget preparation and implementation, including compliance with established financial controls and budgetary goals; facilities administration; pursuance of grants, strategic alliances, including business and community outreach; collaborating with education and human services programs and institutions; and connecting with cultural and civic organizations. Working closely with the leadership team, the Executive Director will provide the board with monthly reports on the progress and achievement levels of students based on assessment and other data disaggregated by grade, ethnicity, poverty level, special student populations, and other factors, as well as a report on the support services and financial status of the school.

The Principal will report to the Executive Director and have sole responsibility for all pedagogy, including the curriculum, educational programming, instruction, student admissions and enrollment, parent relations, implementation of strategies and initiatives to promote and facilitate parent involvement, hiring and evaluation of teachers, class scheduling, assessments, implementation of software tools, professional development, common planning time, professional learning communities and data-driven instruction. As an instructional leader, he/she will ensure that all curricula is mapped to the PerformancePlus system, that all teachers have lesson plans that are aligned to the curriculum, and that common assessments are developed. Additionally, the Principal will be responsible for oversight of support services, including the social workers/counselors, the Internship Program, the College/Career-Readiness Program, the Visual and Performing Arts Program, and the Advisory.

The Director of Finance reports to the Executive Director. Responsibilities include purchasing, accounting, payroll, and human resources. He/she will develop plans for diagnosing, prescribing, monitoring, and remedying financial matters. In addition, the Director of Finance will be responsible for facilities, health, safety, and data systems. He/she will work with an outside accounting agency that will be responsible for bookkeeping, reporting, and fiscal compliance to develop, policies and procedures around purchasing and the implementation of such.

The proposed founding board believes that hiring effective teachers is core to the success of the school. They plan to begin teacher recruitment shortly after charter approval. Newburgh Preparatory Charter School will initiate several recruitment campaigns including working with the Mt. St. Mary College and SUNY New Paltz Department of Education to identify prospective teachers, including student teachers.

In order to retain staff, the school plans to foster a professional learning community and has designed a career path for teachers. Each year teachers will create individual growth plans, of which a key component will be involvement in a professional learning community including daily common planning time and professional development opportunities. Teachers will be offered a competitive salary, with

differentiated compensation based on student performance. The PICCS Protocol for Teacher Assessment and Evaluation will be used to assess and evaluate teachers.

The founding team is working to secure facility space that will meet the needs of the program. They are currently considering a private facility in downtown Newburgh. An architect has drawn up possible floor plans and the founding group included budget projections and assumptions for the private space option in the application.

Projected Fiscal and Programmatic Impact on District of Location

The applicant provided an analysis of the fiscal and programmatic impact of the proposed school on public and non-public schools in the Newburgh Enlarged City School District. The applicant states that the fiscal impact of the proposed charter school on the district would be nominal since the target population is primarily students who are dropouts and for whom the district is not receiving state aid. As students are re-enrolled, the district would be able to draw aid to offset the charter school tuition. The impact on student enrollment of other district and charter public and non-public schools in the district is also expected to be minimal since the target population is students who have already dropped out or are at risk of dropping out.

The New York State Education Department (“Department”) also conducted additional analysis on the projected fiscal impact of the Newburgh Preparatory Charter High School on its district of residence, the Newburgh Enlarged City School District, which is summarized below.

Year	Number of Students Enrolled in Charter Schools Per Year ¹	Charter School Basic Tuition Rate ²	Total Charter School Basic Tuition Only	Estimated District Special Education Payment ¹	Total District General Fund Budget ³	Percent of District Budget
2013-14	105	\$16,342	\$1,715,910	\$201,965	\$228,476,702	0.84%
2017-18	305	\$19,625	\$5,985,625	\$586,661	\$228,476,702	2.88%

The calculations above assume charter school basic tuition rates in the charter period (2013-14 thru 2017-18) based on a trend analysis provided 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 Newburgh Enlarged City School District budget during the duration of the school’s charter. 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, given the unique target population of the charter school, it is likely that the Newburgh Enlarged City School District may be paid additional state aid due to students who may not currently be accounted for in the district’s foundation

¹ Source: Newburgh Preparatory Charter School Application

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

³ Source: Newburgh Enlarged City School District 2012-2013 Fiscal Year Budget: <http://newburghschools.org/subpages/boe/agendas/5.16.12CanvassOfVotes.pdf>

enrollment; the analysis above does not incorporate any additional state aid that may be due to the district. Additionally, the analysis does not account for any transitional aid that may be due to the district, nor does it provide for district per-pupil expense and overall resource savings that may result from a reduction in the number of students attending district public schools.

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 the Newburgh Enlarged City School District, and all students will attend school 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.

Below, for your reference, please find additional data on Newburgh Enlarged City School District.⁴

Newburgh Enlarged City School District

Enrollment Data	SD
Total District Enrollment:	11,227
Grade 9 through 12 Enrollment:	3,440
White:	27%
Black/African-American:	28%
Hispanic/Latino:	42%
American Indian/Alaskan Native:	0%
Asian/Native Hawaiian/Pacific Islander:	2%
Free/Reduced Priced Lunch:	65%
English Language Learners:	15%
Students with Disabilities:⁵	13.2%
Graduation Rate	SD
2007 Graduation Rate:	69%

Grades 9-12 (2007 cohort) State Assessments (% proficient)	
English Language Arts	73%
Mathematics	75%

Public Hearing and Public Comment

As required by the Charter Schools Act, the Newburgh Enlarged City School District held a hearing on Thursday, September 27, 2012 to solicit comments from the community concerning Newburgh Preparatory Charter High School. At the hearing, the district’s Assistant Superintendent for Finance presented information about the anticipated impact on district taxpayers of the proposed school over the charter term. Seventeen people spoke at the hearing: two spoke against the proposed school citing the loss of funding to the district, four spoke of their dissatisfaction with the district’s student achievement outcomes and the implications for the community. Eleven spoke in support of the charter application; two of the speakers are associated with the charter application. The remaining ten spoke in favor of the proposal based on the needs of district students and community at large.

The Department directly contacted the Superintendent of the Newburgh Enlarged City School District, as well as public and private schools in the region, to inform them of the charter school application and

⁴ Source: 2010-2011 New York State School Report Card (<https://reportcards.nysed.gov/view.php?schedist=district&county=none&year=2011>); 2011-2012 state assessment data for Grades 3 through 8 English language arts and mathematics (<http://www.p12.nysed.gov/irs/ela-math/>); 2007 cohort graduation rates (<http://www.p12.nysed.gov/irs/pressRelease/20120611/home.html>).

⁵ Source: Special Education School District Data Profile for 2010-11 <http://eservices.nysed.gov/sepubrep/>. 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).

issued an open call for written public comment via the State Education Department Charter School Office website. The Superintendent of Newburgh Enlarged City School District was invited to comment directly to Department senior officials. In a letter dated October 25, 2012, the Superintendent described the severe hardship that the financial requirements of charter school will cause to the district, and included details about eliminated programs and 3 years' worth of budget reductions that the district has faced due to no increases in state aid and the mandated property tax cap. The Superintendent asks the Commissioner to "not allow this charter school proposition to come to fruition," signaling a withdrawal of the support of the charter school proposal previously submitted. No additional public comments have been received.

Application Review Process

On January 3, 2012, as required by the New York State Charter Schools Act, the New York State Education Department (the "Department") released the 2012 Request for Proposals ("RFP") to Establish Charter Schools Authorized by the Board of Regents. The charter school application process utilized by the Board of Regents and the Department during the 2012 RFP cycle is multi-staged and designed to ensure that any charter school applicant presented to the Board of Regents for possible approval demonstrates a detailed and complete school design plan that:

- includes a clear plan to meet or exceed enrollment and retention targets for students with disabilities, students who are English language learners, and students who are eligible to participate in the federal free and reduced-price lunch program;
- provides evidence of public outreach that conforms to the process prescribed by the Regents for the purpose of soliciting and incorporating community input regarding the proposed charter school;
- meets all requirements set forth in the Charter Schools Act as well as all other applicable laws, rules, regulations;
- demonstrates the ability to operate the school in an educationally and fiscally sound manner;
- is likely to improve student learning and achievement and materially further the purposes of the Act; and
- would have a significant educational benefit to the students expected to attend the proposed charter school.

In addition, the applicant group and founding board of trustees must demonstrate appropriate knowledge, capacity, and abilities to effectively create, maintain, and oversee a high-quality charter school.

During 2012 Round 2, 54 letters of intent were received in June 2012 and, after an initial review process, 37 applicants were invited to submit full applications. The Department received 25 full applications, including the application for Newburgh Preparatory Charter High School.

To assess whether to recommend approval or denial of the charter application to the Board of Regents, the Department established multi-person review panels to thoroughly evaluate each full application. Each of these panels was comprised of professional expert consultants, peer reviewers who are school leaders and educators active in charter and public schools in New York, as well as qualified Department staff members. The review panel members reviewed, rated, and commented on each section of the application according to the criteria published in the Application Kit.

Department staff conducted a two-hour capacity interview with six initial board members of the proposed school and six additional founding group members on Friday, September 21, 2012. Questions posed to the proposed initial trustees included general questions around New York State Charter School Law, roles and responsibilities of the school community and the board to the community and various stakeholder groups as well to as the Board of Regents as authorizer. To fully understand the proposed academic

program, governance role and fiscal viability of the proposed school, targeted questions were asked to clarify information provided in the full application.

The responses demonstrated adequate knowledge and grasp of key areas. Members of the applicant group as a whole and individually demonstrated knowledge of the charter school application and the proposed school. Structures, systems, protocols and procedures are in place to permit the board to effectively govern the school. The applicants addressed questions posed with specific and detailed information that presented a clear, realistic picture of how the school expects to operate.

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.⁶ This finding is based on the following (among other things):
 - the application included 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,⁷ of students with disabilities, English language learners, and students who are eligible applicants for the federal free or 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 §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.⁸ This finding is based on the following (among other things):
 - 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.
 - 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.
 - 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;

⁶ Education Law §2852(2)(a).

⁷ 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.

⁸ Education Law §2852(2)(b).

- family and community involvement; financial management; budget and cash flow; pre-opening plan; and dissolution 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 Act⁹ and will have a significant educational benefit to the students expected to attend the charter school.¹⁰ 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 Newburgh Preparatory Charter High School to open in 2013 in Newburgh, New York.

⁹ Education Law §2852(2)(c).

¹⁰ As applicable pursuant to §2852(2)(d).