



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

TO: P-12 Education Committee

FROM: Charles A. Szuberla, Jr. *Charles A. Szuberla Jr.*

SUBJECT: Charter Schools: Revision to a Charter Authorized by the Chancellor of the New York City Department of Education (NYCDOE)

DATE: June 10, 2015

AUTHORIZATION(S): *Elizabeth R Berlin*

SUMMARY

Issue for Decision

Should the Regents approve the proposed charter revision for PAVE Academy Charter School (PAVE), which is authorized by the Chancellor of the NYCDOE?

Reason(s) for Consideration

Required by New York State Law.

Proposed Handling

This issue will come before the P-12 Education Committee and the Full Board for action at the June 2015 Regents meeting.

Procedural History

The Chancellor of the NYCDOE has approved the proposed charter revision for the PAVE Academy Charter School as set forth below, and submitted a recommendation to the Regents for approval and issuance of the revised charter as required by Article 56 of the Education Law, the New York Charter Schools Act.

Background Information

I forward the recommendation for the revision to the charter of the PAVE Academy Charter School, as proposed by the Chancellor of the NYCDOE in her capacity as a charter school authorizer under Article 56 of the Education Law.

PAVE was first authorized by the Chancellor of the NYC DOE as a charter school to open for the 2008-2009 school year. PAVE is in its second charter term and was issued a full term renewal in March 2013. PAVE is authorized to serve 454 students in Grades K-8 over the course of its current charter term. PAVE currently enrolls 414 students in Grades K-7 and is projected to reach its authorized grade span of K-8 in 2015-2016.

PAVE has submitted a charter revision request to the Chancellor of the NYCDOE to take the following action: operate beginning as soon as contractually possible and no later than the start of the 2015-16 school year with a charter management organization (“CMO”).

The chart below outlines the material terms of the PAVE’s charter and the proposed revision.

PAVE Academy Charter School	
Board Chair(s)	Scott Whitworth
School Leader(s)	Kathryn Fabian (ES), Noah Green (MS)
Charter Management Organization (if applicable)	N/A
Other Partner(s)	N/A
District(s) of Location	NYC Community School District 15
Physical Address(es)	732 Henry Street, Brooklyn 11231
Facility Owner(s)	DOE (the school site is a Charter Partnership building)
School Opened For Instruction	2008-2009
Current Charter Term Expiration Date	June 30, 2018
Current Authorized Grade Span	K-8
Current Authorized Enrollment	454

Proposed Changes with Material Charter Revision	School will operate with a CMO.
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Recommendation

VOTED: That the Board of Regents finds that: (1) the charter school meets the requirements set out in Article 56 of the Education Law, and all other applicable laws, rules and regulations; (2) the charter school can demonstrate the ability to operate in an educationally and fiscally sound manner; (3) granting the request to revise the charter is 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) granting the request to revise the charter would have a significant educational benefit to the students expected to attend the charter school, and the Board of Regents therefore approves and issues the charter revision for the **PAVE Academy Charter School** as proposed by the Chancellor of the New York City Department of Education, and amends the provisional charter accordingly.

Timetable for Implementation

The Regents action for PAVE Academy Charter School will become effective immediately.

Attachments

School: PAVE Academy Charter School (84K651)

CSD: 15

Enrollment/ Grades Served in 2014-2015:¹ 414/ K-7

Revision Background

- PAVE received a full term renewal in March 2013. At the time of renewal, the School demonstrated academic achievement and progress.
- In the 2013-2014 school year, the School's percent of students proficient in math on the NYS assessments exceeded that of the Community School District (CSD) of location, CSD 15, by 2.9 percentage points. The School underperformed CSD 15 in ELA by 10.5 percentage points, however, it reduced the gap between the school and the CSD, from 2012-2013, by 9.2 percentage points. The School outperformed the City however in both ELA (by 3 percentage points) and math (by 15.7 percentage points) in 2013-2014.
- The revision sought would not impact grades served or student enrollment.
- The School seeks to operate with a charter management organization (CMO), PAVE Schools. PAVE Schools is a not-for-profit corporation, based in Brooklyn, New York, exempt from taxation under Section 501(c)(3) of the Internal Revenue Code. PAVE Schools was established by members of the founding team of the School, including the lead applicant on PAVE's charter, and current Executive Director, Spencer Robertson. The CMO was created in order to replicate the success of PAVE in other neighborhoods in New York City and in other urban cities throughout the country.
- The agreement will be effective as of the Effective Date and shall continue through June 30, 2018. The School and the CMO have to give written notice of their intent to renew or not renew the agreement on or before January 1, 2018.
- The management fee will be 10% of gross revenue in each year, payable in four quarterly installments. Gross revenue is defined as all funding provided by New York State and NYC DOE to the school, exclusive of restricted funding or private grants or charitable donations.
- To facilitate the transition from a community-based independent charter school to a CMO-operated school, the School and Board of Trustees will make a number of changes including the following:
 - By contracting with the CMO, the Executive Director and other current central office positions of the School, such as the Director of Finance and Human Resources and the Chief Operating and Financial Officer, will be moved to the CMO. The school leadership positions of Principal and Director of Operations will remain school-based.
 - The CMO will provide support to the School including, but not limited to, the educational program and curriculum, operations, business administration, facilities, communications, after-school programs, and finance. The roles and responsibilities of the School and the CMO are delineated in the Educational Services Agreement ("ESA").

¹ Enrollment reflects ATS data as of October 31, 2014

- The School's Board of Trustees remains the entity ultimately accountable to the NYC DOE for the School's performance and compliance in all areas of operation. The CMO will exercise management authority as set forth in the management agreement. The CMO will provide the School's Board and its Committees with frequent and detailed reports, which comprise part of the accountability structure.
- The School seeks to engage in a management agreement because it has determined that the CMO will place it in a better position from a financial and operational standpoint.

ES/MS students scoring at or above Level 3 on NYS assessments, compared to CSD, NYC and State averages Over the Current Charter Term

% Proficient in English Language Arts		
	2012-2013	2013-2014
PAVE Academy Charter School	20.9%	31.7%
CSD 15	40.6%	42.2%
Difference from CSD 15 *	-19.7	-10.5
NYC	28.0%	28.7%
Difference from NYC *	-7.1	3.0
New York State **	31.1%	30.6%
Difference from New York State	-10.2	1.1

% Proficient in Mathematics		
	2012-2013	2013-2014
PAVE Academy Charter School	58.1%	53.5%
CSD 15	44.5%	50.6%
Difference from CSD 15 *	13.6	2.9
NYC	32.7%	37.8%
Difference from NYC *	25.4	15.7
New York State **	31.1%	36.2%
Difference from New York State	27.0	17.3

* All comparisons to either the CSD or NYC take into account only grades the school itself served. CSD comparisons are particular to the CSD in which the school was sited each year.

** New York State proficiency rates were taken from data.nysed.gov.

Performance on the NYC Progress Report Over the Current Charter Term

Elementary/Middle School Progress Report Grades	2012-2013	2013-2014
Overall Grade	B	Progress Reports were discontinued beginning with the 2013-2014 school year.
Student Progress	C	
Student Performance	A	
School Environment	A	

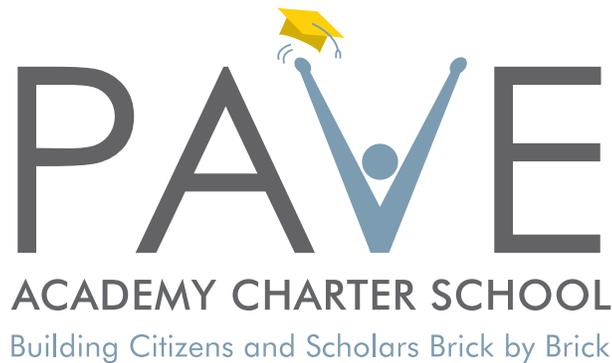
Enrollment of Special Populations Over the Current Charter Term²

Special Population		2012-2013	2013-2014
Free and Reduced Price Lunch (FRPL) ³	PAVE Academy Charter School	65.2%	67.1%
	CSD 15	69.6%	68.2%
	NYC	83.0%	82.4%
Students with Disabilities (SWD)	PAVE Academy Charter School	16.1%	18.6%
	CSD 15	17.3%	18.8%
	NYC	17.9%	19.9%
English Language Learners (ELL)	PAVE Academy Charter School	4.7%	4.7%
	CSD 15	24.0%	22.5%
	NYC	16.6%	15.6%

Additional Enrollment Information		
	2012-2013	2013-2014
Grades Served	K-5	K-6
CSD(s)	15	15

² Comparisons of a charter school's special populations to the CSD and City are made relative only to the grades served by the school. For example, if a charter school serves grades kindergarten through five, comparisons of that school's special populations will only be made relative to grades kindergarten through five in the CSD and citywide. CSD comparisons are particular to the grades served in each CSD each year. Enrollment rates reflect demographic characteristics as of June 1 and enrollment as of October 31 for each given school year, with the exception of enrollment in the 2012-2013 school year, which is as of October 26, 2012.

³ Please note that the school uses a private vendor for all school food services and as such does not report students who qualify for Free and Reduced Price Lunch (FRPL) to the NYC DOE. As a result the numbers reported above, may not accurately reflect all students enrolled in the school who qualify for FRPL.



Board Meeting

732 Henry Street, Brooklyn, NY 11231

July 15, 2014 @ 6:30pm

Board Members in Attendance: Emily Gelb, Daniel Greenblatt, Jamie Greenthal, Mike Healy, Melissa Melling, Allie Sweeney, Scott Whitworth

PAVE Staff in Attendance: Mark Dicus, Ali Donovan, Kathryn Fabian, Noah Green, Spencer Robertson, Cooper Westendarp

I. Review and adoption of prior meeting minutes (A. Donovan)

The minutes from the June 23, 2014 meeting were approved and adopted with the following amendment: Daniel Greenblatt was voted onto the PAVE Academy Charter School Board.

II. Executive Director Report (S. Robertson)

Leadership Transition

- Relay Graduate School of Education – National Principals Academy Fellowship
 - Many of our school leaders have been out of the building over the last two weeks participating in this program
 - Great opportunity to align everyone and improve upon the instructional leadership practices at PAVE, including data-driven instruction, student and school culture, and coaching/feedback
 - The program is comprised of a two-week summer program and 4 weekend sessions throughout the school year
- Coaching
 - Donna Rossi Smithers is continuing to consult with PAVE – one of her current projects is coaching Kathryn, Jill, and Noah between now and the beginning of the school year

Retreat Follow-Up

- Organizational Priorities + Returning Staff Retreat
 - We just held a returning staff meeting today, where we shared the results from the survey and our three organizational priorities going into next year:
 - Align and Act
 - Cultivating Adult Culture
 - Defining Success
 - Donna helped facilitate this meeting

III. **Hiring Report (A. Donovan)**

- Since the June Board meeting, we have hired 3 Middle School teachers
- Outstanding hires:
 - Elementary School: 2 K-4 teachers and 1 Intervention Specialist
 - Middle School: ELA Teacher

IV. **Principals Report (K. Fabian, N. Green)**

New Hire Training

- On June 26 + 27, we lead a 1 and ½ day intensive training for all new instructional staff
- We observed them interacting with others, taking feedback, and practicing; it was insightful and productive for everyone involved

All Staff Institute

- All staff will return on August 18 for two weeks of professional development
- The focus will be on aligning all of our programs by establishing a strong staff culture and providing important instructional professional development

V. **Approvals (C. Westendarp)**

Budget

- The board voted to approve the 2014 – 2015 budget

Management Agreement

- The board voted to adopt the management agreement with PAVE Schools

Resolution for Interim Management Services

- The board voted to adopt the Resolution for Interim Management Services, which allows certain employees to be employed by PAVE Academy Charter School until the management agreement is fully executed, at which time these employees will move to PAVE Schools. PAVE Schools agrees to reimburse PAVE Academy Charter School for all costs associated with these employees.

VI. **Board Administration (S. Whitworth)**

Welcome New Members!

- Please reference the Board Expectations sheet, which outlines expectations around attendance, committee engagement, fundraising, and acting as an ambassador for the school

Committees

- The following committees will be established this fall: community engagement, education, finance, fundraising, and governance
- Please email Scott with your committee preference/interest
- PAVE will suggest committee goals, based on what would be most helpful for the school

VII. **2014 – 2015 Meeting Schedule (A. Donovan)**

We are in the process of establishing a meeting calendar for 2014 – 2015. We will disseminate this in August.

PAVE ACADEMY CHARTER SCHOOL

Resolutions of the Board of Trustees Adopted
July 15, 2014

The resolutions hereinafter set forth as the action of the Board of Trustees of PAVE ACADEMY CHARTER SCHOOL (the "School") have been duly adopted at a meeting of the Board of Trustees of the School (the "Board") duly called and held for such purpose, and do hereby direct that these Resolutions be filed in the minute book of the School:

WHEREAS, the School desires to engage PAVE Schools, Inc. ("PAVE, Inc.") as its charter management organization for the remainder of the School's charter term and has begun the process of seeking the necessary approvals to modify the School's charter to include PAVE, Inc. as the School's charter management organization by submitting to the New York City Department of Education (the "DOE") a request for a modification (collectively, the "Approvals"); and

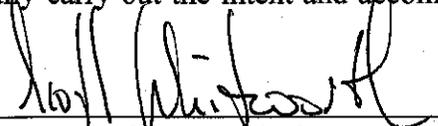
WHEREAS, the School acknowledges that PAVE, Inc. is a management company that provides management services to other schools;

NOW THEREFORE, IT IS HEREBY RESOLVED, that the School enter into an Educational Services Agreement, also known as a Management Agreement, with PAVE, Inc. in a form substantially similar to the ESA attached hereto, which shall be effective as of the date the DOE issues its Approvals to the School's charter to include PAVE, Inc. as the School's Charter Management Organization with a term not to exceed the expiration of the School's Provisional Charter (as may be extended from time to time); and

IT IS HEREBY FURTHER RESOLVED, that the members of the Board, be and hereby are, authorized and directed, without the signature or approval of any other person or entity, jointly and severally, in the name and on behalf of the School, to execute and deliver any agreements, certificates, instruments, consents and documents necessary, proper and advisable to fully carry out the intent and accomplish the purposes of the foregoing resolutions (including but not limited to modifications to the Management Agreement which may be suggested by the DOE)

IT IS HEREBY FURTHER RESOLVED, that the members of the Board, be, and hereby are, authorized and directed, without the signature or approval of any other person or entity, jointly and severally, in the name and on behalf of the School, to pay all such expenses and otherwise undertake all other actions, as in their judgment shall be necessary, proper and advisable in order to fully carry out the intent and accomplish the purposes of the foregoing resolutions.

Adopted: July 15, 2014


Secretary of the Board of Trustees
Chair