



Charter Schools Institute
The State University of New York

Summary of Findings and Recommendations

*Proposal to establish:
Explore Envision Charter School*

June 15, 2012

Executive Summary

The proposal to establish the Explore Envision Charter School (“Explore Envision”) charter school education corporation was submitted to the Charter Schools Institute (the “Institute”) by lead applicant Morty Ballen on February 29, 2012 in response to the Institute’s Request for Proposals (“RFP”) that was released on behalf of the Board of Trustees of the State University of New York (the “SUNY Trustees”) on January 3, 2012.

If approved, the proposed elementary school would open in the fall of 2013. The founding education corporation board, composed of the same members as the governing boards of the SUNY authorized Explore Excel Charter School and Explore Exceed Charter School, intends to contract with Explore Schools Inc. (“Explore Schools”), a New York based non-profit charter management organization, and specifically desires to serve students and families of a school determined to be failing and therefore closed or phased out by the New York City Department of Education (“NYCDOE”) in the high needs New York City Community School Districts (“CSDs”) 17 or 18 (both in Brooklyn). The goal of the proposed school’s board is to locate Explore Envision in the same building as the closing/phasing out district school to serve as many of its students as possible.

The NYCDOE has indicated its support for the plans of the proposed school in a letter from Chancellor Walcott to the Institute dated May 22, 2012 (a copy of the letter is attached as Appendix A and also excerpted in the *Background and Description* section of this report below). However, the new school approval process and district determinations about school closures do not occur on the same timetables. Schools to be phased out or closed in 2013 have not yet been identified by the NYCDOE and likely will not be until an evaluation of 2011-12 state test results is completed (results are expected to be released in late summer/early fall by the New York State Education Department (“SED”). Further, while NYCDOE has indicated that it would recommend that Explore Envision occupy space in the same district building as a school being closed or phased out should such a situation be identified, any such co-location could not occur until completion of a statutorily mandated siting process, subject to SED appeals and possible litigation, that includes consideration and approval by the New York City Panel for Education Policy, and ultimately, approval by SUNY.

As a result, the proposal to establish Explore Envision includes an enrollment plan to open with 240 students in Kindergarten through 3rd grade adding one grade each year thereafter to serve 480 students in Kindergarten through 7th grade in the final year of the proposed charter period. Explore Envision would backfill available open seats at all grades, consistent with its commitment to serving as many students in need as possible.

The applicant and founding team envision growing the school through the 8th grade in a subsequent charter period, if granted. The applicant has indicated that should a specific closing or phased out school be identified, it may seek modifications to this enrollment plan to best accommodate the needs of the affected students, which may include serving a broader grade span.

In order to enact the current plan to serve students from a closed or phased out school, the applicant is seeking a waiver from the SUNY Trustees from the mandatory collective bargaining provisions in the New York Charter Schools Act (as amended, the “Act”). The Act requires all employees of any school enrolling more than 250 students in the first two years of operation to automatically be included in the bargaining units of their district school counterparts. The Act also

provides SUNY with authority to issue ten waivers from this provision. Notably, these waivers do not in any way prevent the staff of the school from voluntarily seeking to organize and collectively bargain. The waiver is from the automatic, enrollment driven, provision to make the employees members of negotiating unit in the same employee organizations that represent employees in the school district of location of the charter school. The SUNY Trustees have awarded eight of these waivers to date, most recently to Explore Exceed Charter School. In keeping with past practice, should this proposal to establish Explore Envision be approved, the school would later seek a waiver after further details are known regarding the siting of the school by the NYCDOE and the size of the district school slated to close or phase out. At that time, the Institute would consider the extent to which the school would be permitted to serve students in the way it anticipates as a replacement or phase out of an underperforming district school and perform related due-diligence regarding the need for the waiver.

Four New York City charter schools contract with Explore Schools: Explore Charter School and Explore Empower Charter School, both authorized by the New York City Schools Chancellor, and, as noted above, Explore Excel Charter School and the soon to open Explore Exceed Charter School, authorized by the SUNY Trustees. The proposed Explore Envision would replicate the school model employed by each of the other schools as described in detail later in this report. Two of the operating charter schools have available student achievement data which is also provided below.

As part of a five-year business plan required by the Institute as part of its due diligence on charter management organizations, Explore Schools indicated that it intended to manage one additional charter school in New York. The Institute conducted an academic, legal and fiscal analysis of this plan including the philanthropy and human and other capacity required to implement the plan and concluded that Explore Schools has the human, financial and other resources to manage all of its current and future schools including Explore Envision.

Consistent with the May 2010 amendments to the Act, the Institute finds: 1) that the proposal for the Explore Envision Charter School rigorously demonstrates the criteria detailed in the Institute's RFP including the mandatory criteria set forth in Education Law subdivision 2852(9)(b)(i) (that the proposed charter school would meet the enrollment and retention targets for students with disabilities, English language learners and students who qualify for the federal Free and Reduced Price Lunch program); 2) that the proposed school has conducted thorough and meaningful public review processes to solicit community input regarding the proposal in accordance with the requirements in the RFP, which conform with Education Law subdivision 2852(9)(b)(ii); 3) the proposal is one that best satisfies the objectives contained within the RFP based on the content of the proposal and its supporting documentation, and is therefore qualified within the meaning of Education Law subdivision 2852(9-a)(d); and 4) the Institute has scored the proposal pursuant to Education Law subdivision 2852(9-a)(c), and there are enough charters to be issued by the SUNY Trustees pursuant to the January 2012 RFP to accommodate the proposal and all other RFP applicants the Institute is recommending for approval.

Based on the foregoing:

The Institute recommends that the SUNY Trustees approve the charter proposal to establish the Explore Envision Charter School.

Background and Description

While SUNY may still award a small number of charters pursuant to its traditional application process, amendments to the Act in 2010 made additional charters to create new education corporations available only through an RFP process. The Institute received 18 total proposals to create new charter schools in response to the RFP it issued on January 3, 2012. The current review cycle could legally result in a maximum of 80 new charters approved by the SUNY Trustees, 40 of which could be located in New York City, per Education Law subdivision 2852(9). Note that 48 of the 80 charters were available but not awarded in response to the August 2010 and January 2011 RFPs.

The Institute conducted a rigorous evaluation of the Explore Envision proposal including academic, fiscal and legal soundness reviews. In addition, the Institute engaged an independent consultant to evaluate the fiscal and organizational soundness of the school proposal and associated business plan submitted on behalf of Explore Schools. Pursuant to its protocols, the Institute conducted an interview with the applicant (who is the same applicant as the other two SUNY authorized Explore schools), the proposed board of trustees that will oversee the school (which the Institute has interviewed twice before), other members of the founding team, and a representative of Explore Schools. In addition, Ken O'Brien, Chair of the SUNY Trustees' Education, College Readiness and Success Committee and Joseph Belluck, now Chair of the SUNY Trustees' Charter Schools Committee, had an opportunity to interview the lead applicant and members of the founding board.

The mission of Explore Envision would be, "for its students to demonstrate the academic skills and critical-thinking abilities they need to be successful in a college-preparatory high school."

The founders would implement the following key design elements in pursuit of the school's mission:

- beginning with young children and continuing through 8th grade;
- longer school day and year;
- small class size;
- robust programs to meet the needs of at-risk students;
- continuous research to drive improvements;
- strategic instructional decision-making; and
- an organizational design with an explicit focus on teaching and learning.

As noted above, the board of trustees of Explore Envision would contract with Explore Schools for charter management services including curriculum and assessment programs, compliance, facilities, finance, human resources, student recruitment, and leadership support and evaluation. A draft contract between the parties indicates that the school will pay approximately \$1,555 per student, or 11.5% of the NYCDOE's per pupil expenditure to Explore Schools. The Institute has reviewed the draft contract as a part of its due diligence and will review the final contract pursuant to the charter

agreement on behalf of the SUNY Trustees prior to the contract's final approval. The education corporation board will evaluate the quality of the services provided by Explore Schools and have the opportunity to extend or cancel the agreement at the end of each contract period.

The three operating Brooklyn charter schools that currently contract with Explore Schools collectively serve 1,018 students. The fourth school is scheduled to open in the fall of 2013 would serve 224 students in Kindergarten through 3rd grade. Only Explore Charter School and Explore Empower Charter School (the non-SUNY schools) have grown to the point where the schools have state testing data available. The following tables provide the performance of the schools on the state English Language Arts ("ELA") and math exams over the last three years.

Explore Empower Charter School 2010-11					
Subject	Testing Grades	School Percent Proficient	District Percent Proficient	Percent Free Lunch	Effect Size¹
ELA	3	56.6	43.0	68.2	0.72
Math	3	61.2	49.0	68.2	0.61

In 2010-11, the most recent and first year for which data is available for Explore Empower Charter School, with 56.6 percent of its students performing at or above proficiency on the ELA exam and 61.2 percent of its students performing at or above proficiency on the math exam, the school outperformed the district of location by 13.6 and 12.2 percentage points in ELA and math, respectively. With 68.2 percent of its students eligible for the federal free lunch program, Explore Charter School performed higher than expected to a medium degree when compared to similar schools statewide in ELA, demonstrating an Effect Size of 0.72. On the math exam, the school performed higher than expected to a medium degree compared to similar schools statewide, demonstrating an Effect Size of 0.61.

Explore Charter School 2010-11					
Subject	Testing Grades	School Percent Proficient	District Percent Proficient	Percent Free Lunch	Effect Size¹
ELA	3-8	40.8	37.1	51.9	-0.49
Math	3-8	64.1	54.8	51.9	0.41

In 2010-11, the most recent year for which data is available for Explore Charter School, with 40.8 percent of its students performing at or above proficiency on the ELA exam and 64.1 percent of its students performing at or above proficiency on the math exam, the school outperformed the

¹ Effect Size is a statistical measure calculated by dividing the difference between the actual and predicted outcome by the standard deviation. It reflects the difference between a school's attained and expected performance in each tested grade, relative to other schools with similar free-lunch statistics and tested grades. (The Effect Size for all grades is weighted by the number of students tested in each grade.) The school's overall performance rating is based on the following Effect Size ranges: Above 0.79 - Higher than expected to a large degree; 0.50 to 0.79 - Higher than expected to a medium degree; 0.30 to 0.49 - Higher than expected to a small degree; 0.01 to 0.29 - Slightly higher than expected; -0.29 to -0.01 - Slightly lower than expected; -0.30 to -0.49 - Lower than expected to a small degree; -0.50 to -0.79 - Lower than expected to a medium degree; Below -0.79 - Lower than expected to a large degree.

district of location by 3.7 and 9.3 percentage points in ELA and math, respectively. With 51.9 percent of its students eligible for the federal free lunch program, Explore Charter School performed lower than expected to a small degree when compared to similar schools statewide in ELA, demonstrating an Effect Size of -0.39. On the math exam, the school performed higher than expected to a small degree compared to similar schools statewide, demonstrating an Effect Size of 0.49.

Explore Charter School 2009-10					
Subject	Testing Grades	School Percent Proficient	District Percent Proficient	Percent Free Lunch	Effect Size ¹
ELA	3-8	43.1	33.7	50.4	-0.39
Math	3-8	66.6	42.7	50.4	0.49

In 2009-10, with 43.1 percent of its students performing at or above proficiency on the ELA exam and 66.6 percent of its students performing at or above proficiency on the math exam, Explore Charter School outperformed the district of location by 9.4 and 23.9 percentage points in ELA and math, respectively. With 50.4 percent of its students eligible for the federal free lunch program, the school performed lower than expected to a small degree when compared to similar schools statewide in ELA, demonstrating an Effect Size of -0.39. On the math exam, the school performed higher than expected to a small degree compared to similar schools statewide, demonstrating an Effect Size of 0.49.

Explore Charter School 2008-09					
Subject	Testing Grades	School Percent Proficient	District Percent Proficient	Percent Free Lunch	Effect Size ¹
ELA	3-8	83.7	62.4	49.1	0.81
Math	3-8	97.6	74.4	49.1	1.30

In 2008-09, with 83.7 percent of its students performing at or above proficiency on the ELA exam and 97.6 percent of its students performing at or above proficiency on the math exam, Explore Charter School outperformed the district of location by 21.3 and 23.2 percentage points in ELA and math, respectively. With 49.1 percent of its students eligible for the federal free lunch program, the school performed higher than expected to a large degree when compared to similar schools statewide in ELA, demonstrating an Effect Size of 0.81. On the math exam, the school also performed higher than expected to a large degree, demonstrating an Effect Size of 1.30.

Explore Envision would adopt the educational philosophy of its management organization:

To be successful, students require an educational program that balances explicit skills-instruction with a curriculum that encourages students to be critical thinkers and problem-solvers.

Instruction at Explore Envision would be based on a curriculum that uses specific end-of-year benchmarks based on the New York State Standards for learning. "Skills-instruction" is defined as

that which provides students with the basic tools they need to be literate in both English and math. For example, the early literacy program features a phonics component that provides students with the ability to decode the sounds that make up words, to recognize the letters of the alphabet, to identify the sounds those letters make, and to put letters together to make words. The school's instruction would be designed to provide students with opportunities to apply concepts to new situations. To support critical-thinking in math, for example, students may conduct projects such as polling their classmates about a an issue of importance, predicting the results of the survey, organizing the data in a chart, comparing their predictions to the actual results and making a decision based on the results.

The school has proposed a robust staffing model to support students and monitor their progress with close analysis of achievement data. The principal would be responsible for implementing and monitoring programmatic, fiscal, and compliance policies developed by Explore Schools and approved by the education corporation's board. The principal would manage academic directors, directors of culture, and a director of operations. Each of these positions would manage respective teams which support the academic, operational, financial and compliance-related activities of the school.

Explore Schools would provide year-round professional development opportunities. The goal of the professional development program would be to assist teachers in meeting student academic needs and school goals by addressing identified shortcomings in student learning and teacher pedagogical skills and content knowledge. A combination of peer observations, administrative-led observations, learning walks, readings, lesson studies, contracted services, and attendance at professional conferences will support the attainment of professional development goals.

Given its proposed location in Brooklyn and explicit desire to serve students from a closing school, the applicant anticipates serving a large number of students at risk of academic failure. Explore Envision's approach to meeting the needs of at-risk students (and thereby meeting a statutory purpose of the Act (Education Law § 2850(2)(b)) is a combination of high academic expectations, standards-based instruction, extended time to teach math and ELA, and ongoing and regular assessments to measure student achievement of the standards. These strategies will support students in need of remediation, students with Individualized Education Programs and English language learners.

The school would use a range of diagnostic instruments, based on age and grade level, to identify and assess students who need additional support and will then provide tailored support specific to the needs of the student. Classroom teachers, special education certified learning specialists and other members of the school's support services team, which includes a reading recovery specialist and academic intervention teachers, would work collaboratively to support at-risk students.

The Explore Envision by-laws indicate that education corporation board would consist of not less than five voting members, and not more than 16 with seven trustees serving on the initial board. When the board is initially seated, it must have at least six voting members or the trustee affiliated with Explore Schools cannot be seated per the terms of the education corporation's charter agreement.

The proposed initial members of the board of trustees are set forth below.

1. **Kyle Westaway** – Founding Partner and Director of Operations, Westaway Law; B.S., University of Tennessee; J.D./M.A., Regent University
2. **James “J.R.” Randall** – Director of Partnerships and Ventures at VivaKI Nerve Center (part of Publicis Groupe, the world’s third largest communications group); B.S., Stanford University; M.B.A., MIT Sloan School of Management
3. **James McNamara** – Managing Director of Client Coverage at MSCI, Inc (previously a division of Morgan Stanley); B.A., College of the Holy Cross
4. **Romy Horn** – Attorney at Innovation Interaction; President at Dough Re Me Kids
5. **Lizz Pawlson** – Chief Operating Officer, Explore Schools; formerly Director of New Site Development, KIPP Foundation
6. **Graeme Dayken** – Managing Director of Investor Relations at Magnitude Capital; formerly Executive Director of Equities Division of Goldman Sachs & Co.; M.A., University of Cambridge; M.B.A., Columbia University Graduate School of Business
7. **Parent Member** – Seat reserved for a parent

Explore Envision’s board would also include the following non-voting members, who would not be counted toward the establishment of a quorum:

8. **Community Member** – Seat reserved for a community leader who will be the president of the Explore Parent Teacher Organization serving *ex officio*;
9. **Staff Member** – Seat reserved for a staff member who will represent the interests of the teachers and other school-based staff; and
10. **Principal** – Seat reserved for principal, who will represent the interests of the school administration and serve *ex officio*.

Similar to the plans for other schools managed by Explore Schools, the planning team for Explore Envision anticipates locating the school in CSD 17 or 18 where the management organization has a strong relationship with the community and where there is a demonstrated need for high performing schools. State test scores in these districts are below average for New York City and New York State. For example, whereas only 42% of 8th graders in CSD 17 scored proficient or above on the 2011 New York State Math Exam, 64% of 8th graders at Explore Charter School scored proficient or above on the same exam. On the ELA exam, only 28% of 8th graders in CSD 17 scored proficient or above, compared to 46% of Explore Charter School 8th graders.

In the event that the NYCDOE moves forward with an elementary school closure or phase out in these communities, as noted above Explore Envision has requested to serve as a “replacement” school for those students to the extent possible under the terms of its charter contract by setting an admissions priority for students attending failing schools. When that at-risk designation is coupled with the CSD admissions preference in the Act, the charter school should be able to serve those resident students in the same school space. The NYC Schools Chancellor has indicated his support for the school’s plans should such a situation occur as described below.

The applicant has worked closely with the NYCDOE to seek facility space in a district school building, and in particular, in the building of a school that is being closed or phased out should the proposal be approved. As stated above, any NYCDOE space would have to be approved through provisions of the Education Law related to the co-location of charter schools. In addition, the Institute reserves the right to review and approve all facilities, and, pursuant to the Act, would have to hold a hearing on behalf of the SUNY Trustees prior to the school occupying district school space. The applicant also provided contingency budgets in the event that such public space is unavailable and the Institute has found that they are sound.

The fiscal impact of Explore Envision on the district of residence, the New York City School District, is summarized below.

Number of Students	Basic Per Pupil Aid Rate Assumed	Explore Envision Basic Per Pupil Aid Revenue Only	NYC DOE Operating Budget (in billions)	% of NYC DOE Operating Budget
240 (2013-14 school year – year 1)	\$13,527	\$3,246,480	\$18.500	0.0175%
480 (2017-18 school year – year 5)	\$13,527	\$6,492,960	\$18.500	0.0351%

The calculations above assume the current basic per pupil aid will not increase during the term of the charter. The NYCDOE yearly budget figure was derived from the December 2010 Financial Status Report (FSR) published on the NYCDOE website. The aggregate Explore Envision per pupil revenue (basic per pupil aid multiplied by expected enrollment), when compared to the operating budget of the NYCDOE illustrates that the potential fiscal impact of the proposed school on the district is minimal.

The Institute notes that the NYCDOE estimate used by the Institute to conduct its analysis is subject to unpredictable increases and decreases in the NYCDOE’s budget in any given year and in the charter school per pupil funding. For example, the operating budget of the NYCDOE proposed by Mayor Bloomberg in May 2012 was \$19.6 billion. Using the aggregate per pupil revenue of the school against the proposed 2012 NYCDOE budget would yield even less impact to the district: 0.0165% and 0.0330% in 2013-14 and 2017-18 school years, respectively. While the school has included in its proposal estimated calculations accounting for special education revenue, federal Title I funds, other federal grants and/or funds provided by the district and to be received by the school, the Institute’s calculations and analysis do not account for these sources of potential revenue.

The Institute finds that the fiscal impact of the proposed school on the New York City School District, and public charter, public district and nonpublic schools in the same geographic area would be minimal.

The Institute reviewed the proposed start-up and operating budgets for each year of the proposed charter term and the fiscal plans for the school including supporting evidence. The Institute also reviewed the business plan and limited fiscal information of Explore Schools, Inc. to determine whether Explore Schools could support an additional school. The Institute finds the education corporation's budgets and fiscal plans are sound and that sufficient start-up funds will be available to the charter school.

The Institute has notified the school district as well as public and private schools in the same geographic area of the proposed school. On May 22, 2012, the Institute received positive comments (full letter attached as Appendix A) from the NYC Schools Chancellor as follows:

This application is proposing to offer students and families a high quality option within a building that also houses a school that is phasing out due to performance concerns. It is a replication of an existing high-performing charter school. Chancellor Dennis Walcott recommends this charter application to support the children of New York City. The DOE has not made any decisions regarding potential phase-outs for the 2013-14 school year. However, we do see a need for higher quality elementary and middle school seats in the identified CSD's and will work with the applicant to identify space, where available.

The applicant has conducted public outreach, in conformity with a thorough and meaningful public review process prescribed in the RFP, to solicit community input regarding the proposed schools (Ed. Law §2852(9-a)(b)(ii)).

The RFP also contained minimum eligibility and preference criteria to reflect the requirements of Education Law subdivision 2852(9-a). Each proposal met the eligibility requirements, as evidenced by the following:

- The proposal met the following basic criteria:
 - submitted by the appropriate deadline;
 - was complete, i.e., include a Transmittal Sheet, Proposal Summary and responses to all RFP requests;
 - individual responses adequately addressed each specific request; and
 - the proposal was coherent.
- The proposal met the standard for describing a quality educational program and provided sufficient evidence that the proposed school is likely to operate in an educationally and fiscally sound manner, to improve student learning and achievement and materially further the purposes set out in Education Law subdivision 2850(2) as well as demonstrated a rigorous commitment to student achievement.

- The proposal included a viable plan to meet the enrollment and retention targets to be established by the SUNY Trustees 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 (as detailed in Request No. 24 of the proposals). For the purposes of responding to the RFP, SUNY directed applicants to address overall targets for the school district of location, and in the case of New York City, the Community School District of location as identified by the Institute and available at: <http://www.newyorkcharters.org/documents/DistrictLevelDataonSubpopulations.pdf>. As set forth in the charter agreement, SUNY intends to assign more specific targets during the first year of the charter.
- The proposal provided evidence of public outreach that conforms to the process prescribed by the SUNY Trustees in the letter of intent and RFP for the purpose of soliciting and incorporating community input regarding the proposed charter school.

As the Explore Envision proposal met the eligibility criteria, the Institute's evaluation continued with a full review of the proposal, continued due diligence on Explore Schools, the proposed management partner, an interview of the founding team and proposed board of trustees, and requests for clarification and or amendments to the proposal. The review process then continued with an evaluation of the proposal in relation to the eleven Preference Criteria contained in the RFP for which proposals can earn credit as described in the RFP's Scoring Rubric. The purpose of the Scoring Rubric was to prioritize proposals in the event that the number of proposals meeting the SUNY Trustees' requirements exceeded the maximum number of charters to be issued in 2012. In the event of a tie for the last charter both proposals will be rejected unless one applicant agreed to withdraw his or her proposal for consideration in a subsequent RFP. The preference criteria, which in addition to eligibility criteria and the overall high standards established by the SUNY Trustees, included the demonstration of the following in compliance with Education Law subdivisions 2852(9-a)(c)(i)-(viii):

- increasing student achievement and decreasing student achievement gaps in reading/language arts and mathematics;
- increasing high school graduation rates and focusing on serving specific high school student populations including, but not limited to, students at risk of not obtaining a high school diploma, re-enrolled high school drop-outs, and students with academic skills below grade level;
- focusing on the academic achievement of middle school students and preparing them for a successful transition to high school;
- utilizing high-quality assessments designed to measure a student's knowledge, understanding of, and ability to apply, critical concepts through the use of a variety of item types and formats;

- increasing the acquisition, adoption, and use of local instructional improvement systems that provide teachers, principals, and administrators with the information and resources they need to inform and improve their instructional practices, decision-making, and overall effectiveness;
- partnering with low performing public schools in the area to share best educational practices and innovations;
- demonstrating the management and leadership techniques necessary to overcome initial start-up problems to establish a thriving, financially viable charter school; and
- demonstrating the support of the school district in which the proposed charter school will be located and the intent to establish an ongoing relationship with such school district.

While the Institute received a total of 18 proposals in response to its January 2012 RFP, only nine have been preliminarily recommended for approval. All of the nine proposals recommended for approval met the eligibility criteria and were therefore assigned a score using the rubric contained in the RFP. The proposal for Explore Envision earned a score of 42 preference points out of a possible total of 64. Based on this score and the other information and findings set forth herein, the Institute recommends that the SUNY Trustees approve the proposal to establish the Explore Envision Charter School, which would not exceed the statutory limit in Education Law subdivision 2852(9-a)(a).

Findings

Based on the comprehensive review of the proposal and interviews of the applicant and the proposed board of trustees, the Institute makes the following findings.

1. The charter school described in the proposal meets the requirements of Article 56 of the Education Law (as amended) and other applicable laws, rules, and regulations as reflected in (among other things):
 - the inclusion of appropriate policies and procedures for the provision of services and programs for students with disabilities and English language learners;
 - the required policies for addressing the issues related to student discipline, complaints, personnel matters and health services;
 - an admissions policy that complies with the Act, federal law and the U.S. Constitution;
 - the inclusion of the proposed by-laws for the operation of the education corporation's board of trustees; and
 - the inclusion of an analysis of the projected fiscal and programmatic impact on surrounding public and private schools.

2. The applicant has demonstrated the ability to operate the school in an educationally and fiscally sound matter as reflected in (among other things):
 - the provision of an educational program that meets or exceeds the State performance standards;
 - the articulation of a culture of self-evaluation and accountability at both the administrative and board level;
 - the student achievement goals articulated by the applicant;
 - an appropriate roster of educational personnel;
 - a sound mission statement;
 - a comprehensive assessment plan;
 - the provision of sound start-up, first-year, and five-year budget plans;
 - a plan to acquire comprehensive general liability insurance to include any vehicles, employees, and property;
 - evidence of adequate community support for, and interest in, the charter school sufficient to allow the school to reach its anticipated enrollment;
 - the inclusion of descriptions of programmatic and independent fiscal audits, with fiscal audits occurring at least, annually;
 - the inclusion of a school calendar and school day schedule that provide at least as much instruction time during a school year as required of other public schools; and
 - the inclusion of methods and strategies for serving students with disabilities in compliance with all federal laws and regulations.

3. Granting the proposal is likely to: 1) improve student learning and achievement; and 2) materially further the purposes of the Act. This finding is reflected by (among other things):
 - the inclusion of a curriculum framework document that specifies how the proposed curriculum will ensure that students will meet or exceed the performance standards of the Board of Regents reflecting the adoption of the Common Core State Standards;
 - a comprehensive plan to assess student achievement through the use of state tests, externally-verifiable standardized tests and other diagnostic assessments;
 - an extended school year and school day;
 - robust programs to meet the needs of students at risk of academic failure, particularly students who are over-aged, under-credited;

- the inclusion of significant opportunities for professional development of the school's instructional staff prior the start of each school year and throughout the year;
 - a commitment to providing an educational program focused on outcomes, not inputs; and
 - an organizational structure with an explicit focus on instructional leadership to improve teaching and student learning.
4. The proposed charter school would meet or exceed enrollment and retention targets, as prescribed by the SUNY Trustees, of students with disabilities, English language learners, and students who are eligible applicants for the federal free and reduced price lunch program as required by Education Law subdivision 2852(9-a)(b)(i).

The data upon which to base specific enrollment and retention targets mandated by the amendments to the Act was not fully available at the time the statute mandated the RFP be issued. As a result, the Institute developed internal evaluation criteria regarding the enrollment and retention of each class of student referenced in the amendments to the Act such that the Institute could make the determination that the applicant would meet or exceed the enrollment and retention targets when developed. The Institute also developed initial targets based on school district or CSD averages to use in making the determination required to approve the proposal. Before the first year of the charter term, SUNY will develop final targets, and shall ensure: "(1) that such enrollment targets are comparable to the enrollment figures of such categories of students attending the public schools within the school district, or in a city school district in a city having a population of one million or more inhabitants, the community school district, in which the proposed charter school would be located; and (2) that such retention targets are comparable to the rate of retention of such categories of students attending the public schools within the school district, or in a city school district in a city having a population of one million or more inhabitants, the community school district, in which the proposed charter school would be located." The Institute will conduct separate analyses for setting enrollment and retention targets, respectively. Based on the foregoing, the Institute finds that the proposal has rigorously demonstrated that the proposed charter school would meet or exceed the enrollment and retention targets, set by the Institute to evaluate proposals and to be prescribed by SUNY during the first year of the charter in accordance with the Act.

5. The applicant has conducted public outreach for the school, in conformity with a thorough and meaningful public review process prescribed by the SUNY Trustees, to solicit community input regarding the proposed charter school and to address comments received from the impacted community concerning the educational and programmatic needs of students in conformity with Education Law subdivision 2852(9-a)(b)(ii).

6. The Institute has determined that the proposal rigorously demonstrates the criteria and best satisfies the objectives contained within the RFP, and, therefore, is a “qualified application” within the meaning of Education Law subdivision 2852(9-a)(d) that should be submitted to the Board of Regents for approval.

Conclusion and Recommendations

Based on its review and findings, the Institute recommends that the SUNY Trustees approve the proposal to establish the Explore Envision Charter School to open in Brooklyn in August of 2013.

Explore Envision Charter School

Basic Identification Information

Lead Applicant(s):	Morty Ballen
Management Co.:	Explore Schools, Inc.
Other Partners:	None
Location (Districts):	New York City Community School District 17 or 18
Student Pop./Grades:	Opening with 240 students in K - 3 rd grade; growing to 480 students in K - 7 th grade.
Opening Date:	August 2013

School Districts of Proposed Location Profile

New York City School District 17			
Enrollment (2010-11):		26,188	
Percent (2010-11):			
African-American:		83	
Hispanic:		13	
Asian, White, Other:		4	
Percent Qualifying for Free or Reduced Priced Lunch (2010-11):		86	
English Language Arts (2010-11)		Mathematics (2010-11)	
Grade	Percent Proficient	Grade	Percent Proficient
3	43	3	49
4	44	4	50
5	40	5	51
6	39	6	47
7	30	7	46
8	28	8	42

New York City School District 18	
Enrollment (2010-11):	18,010
Percent (2010-11):	
African-American:	91
Hispanic:	7
Asian, White, Other:	2

Percent Qualifying for Free or Reduced Priced Lunch (2010-2011):		80	
English Language Arts (2010-11)		Mathematics (2010-11)	
Grade	Percent Proficient	Grade	Percent Proficient
3	42	3	47
4	50	4	57
5	45	5	55
6	39	6	47
7	31	7	48
8	29	8	44

Source: New York State Accountability and Overview Report 2010-11.