



Charter Schools Institute
The State University of New York

Summary of Findings and Recommendations

Proposal to Establish
NEW YORK CENTER FOR AUTISM CHARTER SCHOOL BRONX

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Executive Summary

The applicants submitted the proposal to establish the **New York Center for Autism Charter School Bronx** (“NYCACs Bronx”) to the SUNY Charter Schools Institute (the “Institute”) on January 22, 2016 in response to the Institute’s Request for Proposals (the “RFP”) (available at: <http://www.newyorkcharters.org/2015-request-for-proposals-released-2/>) released on behalf of the State University of New York Board of Trustees (the “SUNY Trustees”) on July 2, 2015.

The board of trustees New York Center for Autism Charter School, a not-for-profit charter school education corporation authorized by the New York City Schools Chancellor currently operates one school, the New York Center for Autism Charter School in East Harlem (“NYCACs East Harlem”), and wishes to create another not-for-profit charter school education corporation authorized by the SUNY Trustees to operate an additional school. NYCACs East Harlem opened in 2005 as the first and only public charter school dedicated solely to serving students with Autism Spectrum Disorders. NYCACs East Harlem has since earned two full-term charter renewals. Also, Institute staff visited NYCACs East Harlem and found qualitative evidence to confirm the strength of the existing program on the ground.

NYCACs Bronx will provide students diagnosed with autism, all of whom are at risk for academic failure¹, with a comprehensive program of academic and support services based on the principles of Applied Behavior Analysis (“ABA”). If approved, NYCACs Bronx plans to be located in a public or private facility in New York City Community School District (“CSD”) 7 or 9 in the Bronx. The new school will open in September 2017 with 12 students in three ungraded cohorts to serve students with moderate, moderate-severe and severe Autism and will grow to serve 32 students during its first charter term. NYCACs Bronx will admit new students and backfill all vacant seats within its established cohorts.

The applicants present a shared leadership design between NYCACs East Harlem and NYCACs Bronx, which along with additional strategies to replicate instruction, teacher selection and commitment to teacher development, will codify and replicate the NYCACs East Harlem model. While each building will have individual school leaders, the shared executive director and other structures will provide general oversight and central office support to promote fidelity in program implementation within its schools. NYCACs Bronx and NYCACs East Harlem will share the key design elements, systems and instructional strategies that have produced a strong record of individualized student growth outcomes at the flagship school.

As a result of their cognitive disabilities, NYCACs students are unlikely to participate in the standard New York State testing program for English language arts and mathematics. The primary accountability metric utilized at the flagship school has historically been the percentage of student Individualized

¹ Please note that NYCACs East Harlem students are unlikely to be designated as English Language Learners (“ELLs”) or recommended for an ELL program due to their disability (Autism) being a determinant factor affecting their language acquisition and proficiency abilities. Also note that placement decisions in NYCACs East Harlem, as well as in the proposed NYCACs Bronx, are made jointly between the school and the NYCDOE’s Committee on Special Education as required by federal law.

Education Program (“IEP”) objectives mastered annually. This data demonstrates each student’s progress toward individualized, functional goal that teachers and parents identify and revise collaboratively. Additionally, students are assessed annually through the Verbal Behavior Milestones Assessment and Placement Program (VB-MAPP) for younger students and the Assessment of Functional Living Skills (AFLS) for older students, which track progress and also identify critical areas for future instruction. Another metric to which NYCACS East Harlem subscribes is the rate of student transition to a less restrictive environment. Since the school’s inception, 8 students have graduated to less restrictive educational environments – three have subsequently moved into regular education classrooms, and one just started college this past fall.

Other indicators of program effectiveness are the 16 students aged 13 and older spending up to one half day each week learning work readiness skills on the job through the flagship school’s supported work internship program. Since the inception of this program in 2010, NYCACS East Harlem has partnered with 12 different organizations including Fairway Market, White Castle, Harlem RBI, DREAM Charter School, Facebook NY, El Museo del Barrio and the Children’s Aid Society. NYCACS East Harlem is also currently partnering with JobPath, an organization that supports adults with developmental disabilities, in a pilot program through which the school’s oldest three students are receiving support in after-school employment.

The applicants aim to serve more students and families in the Bronx, where there is strong demand for specialized instructional programs for students with autism. The waitlist at NYCACS East Harlem ranges from 57-84 students applying for very few or zero openings each year. The flagship school has always received applicants from throughout New York City including the Bronx. Over the last three years an average of 29% of families who have applied to NYCACS East Harlem reside in the Bronx. Sixteen percent of students currently attending the school reside in the Bronx, and in the most recent lottery (2015-2016), 33% of applicants were Bronx residents.

The Institute finds that the proposal for NYCACS Bronx rigorously demonstrates the criteria detailed in the Institute’s 2015 Request for Proposals (“RFP”), which are consistent with the New York Charter Schools Act (as amended, the “Act”).

Based on the proposal, as amended, and the foregoing:

The Institute recommends that the SUNY Trustees approve the proposal to establish the **New York Center for Autism Charter School Bronx.**

Findings

Based on the comprehensive evaluation of the proposal in accordance with the criteria and objectives contained within the RFP, and interviews of the applicants and the proposed education corporation's 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 New York 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 (“ELLs”);
 - the required policies for addressing issues related to student discipline, 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 operation of the education corporation's board of trustees; and,
 - the inclusion of an analysis of the projected fiscal and programmatic impact of the school on surrounding public and private schools.

2. The applicants have demonstrated the ability to operate the school in an educationally and fiscally sound manner as reflected in (among other things):
 - the provision of an educational program that meets or exceeds IEP goals;
 - 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 the school year as required of other public schools; and,

- the inclusion of methods and strategies for serving students with disabilities in compliance with federal laws and regulations.
3. Approving the proposal is likely to: a) have a significant educational benefit to the students expected to attend the proposed charter school; b) improve student learning and achievement; and, c) materially further the purposes of the Act. This finding is supported by (among other things):
 - a strong commitment to serving the most at-risk students with multiple programs to address the needs of students at-risk of academic failure, specifically students diagnosed as having Autism Spectrum Disorders;
 - extended learning opportunities with 1,800 minutes each week of highly individualized and structured instruction to meet the needs of each student;
 - the inclusion of a robust professional development program for instructional staff throughout the school year;
 - an organizational structure that provides ample instructional leadership to develop the pedagogical skills of all teachers;
 - an established internal pipeline to develop leadership candidates; and,
 - a deep commitment to providing comprehensive layers of support, in concert with families, caregivers and outside agencies, as a lever to produce high levels of student engagement and exceptional outcomes that are transferrable to the external community.
 4. The applicants have rigorously demonstrated that the proposed charter school would meet or exceed enrollment and retention targets, as prescribed by the SUNY Trustees, of students with disabilities, ELLs, and students who are eligible applicants for the federal Free and Reduced Price Lunch (“FRPL”) program as required by Education Law § 2852(9-a)(b)(i).
 5. The applicants have rigorously demonstrated that they 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 § 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 § 2852(9-a)(d) that should be submitted to the New York State Board of Regents (the “Board of Regents”) for approval.

Background and Description

Amendments to the Act in 2015 increased the total number of charter schools allowable in the state to 482 charters. The 2015 amendments to the Act allow the SUNY Trustees as well as the Board of Regents the ability to grant 50 of the 181 available charters to applicants seeking to open schools in New York City. Since the 2015 amendments, five charters have been granted to applicants seeking to open schools in New York City leaving 45 charters remaining for that area. The Institute received 17 total proposals to create new charter schools in response to the December round of the 2015 RFP.

The Institute developed the RFP “in a manner that facilitate[d] a thoughtful review of charter school applications, consider[ed] the demand for charter schools by the community, and s[ought] to locate charter schools in a region or regions where there may be a lack of alternatives and access to charter schools would provide new alternatives within the local public education system that would offer the greatest educational benefit to students,” in accordance with Education Law § 2852(9-a)(b). The Institute also posted the draft RFP for public comment and responded to same.

The Institute conducted a rigorous evaluation of the proposal under consideration including academic, fiscal and legal soundness reviews. In addition, the Institute engaged independent external consultants, including a Board Certified Behavior Analyst, to evaluate the academic, fiscal and organizational soundness of the school based on the criteria set forth in the RFP. Pursuant to its protocols, the Institute has met with the applicants, members of the proposed board of trustees, and key NYCACS Bronx leadership. In addition, SUNY Trustees’ Charter Schools Committee Chairman Joseph Belluck met with the founding team and proposed board.

Mission, Philosophy and Key Design Elements

The mission of NYCACS Bronx will be “to provide individualized, scientifically based educational services to children with Autism Spectrum Disorder (ASD). The NYCACS Bronx educational program will promote the achievement of high educational standards and the full intellectual, social, physical and emotional potential of each student. NYCACS Bronx will also extend educational programming beyond the school’s walls through organized outreach, training, consultation and support for students’ families, and offer ongoing professional development opportunities to NYCACS Bronx staff and educators in NYC and the surrounding area.”

The educational philosophy and programming of NYCACS Bronx will align with the school’s mission. The proposed school’s philosophy is focused on the treatment of individual students and recognizes the centrality of the environment in shaping behavior, includes the use of the scientific method (observation, collection and recording of data, use of data to structure treatment or interventions) and assumes that progress can be achieved by every student.

NYCACS Bronx key design elements include:

- **Teaching strategies based upon the principles of ABA, the educational standard for individuals with autism.** As defined in the seminal article, “Some Current Dimensions of Applied Behavior Analysis” by Baer, Wolf and Risley (1968), “applied behavior analysis is the science in which procedures derived from the principles of behavior are systematically applied to improve socially significant behavior to a meaningful degree and to demonstrate experimentally that the procedures employed were responsible for the improvement in behavior.” It includes the identification of functional relationships between behavior and environmental variables, and uses direct observation and measurement of behavior to assess progress.
- **According to the philosophy of ABA, all people respond to their environment and, as a result, behavior can be affected by changes in that environment.** The manipulation of antecedents (events occurring before behavior) and consequences (events occurring after behavior such as reinforcement) can produce behavior change and learning. Thus, individuals can learn to engage in higher levels of pro-social behavior and lower levels of dangerous, socially inappropriate, or challenging behavior as a result of planned antecedent and consequent adjustments. NYCACS Bronx will employ these principles in providing instruction and treatment to the individuals it serves.
- **The educational philosophy of NYCACS Bronx will also emphasize the use of small classroom environments and optimal staff-student ratios to promote intensive, individualized instruction designed to deal specifically with autism-related issues** (e.g., excessive difficulties with attention or the need for numerous repeated learning opportunities to acquire skills). To ensure that each student receives an effective, personalized education, NYCACS Bronx will deliver its services via specialized teaching teams comprised primarily of certified special education teachers and highly trained instructors in a ratio determined by educational need and contained within student IEPs.
- **From the time a student enters the school at age five, his/her skill set (strengths and deficits across all curricular domains), learning style, level of independence, and rate of acquisition is closely monitored through objective data collection and analysis.** This ongoing analysis, shared regularly with parents and annually with the entire Committee on Special Education team, allows for decision-making related to appropriateness of instructional ratio, classroom placement, and educational setting.
- **For most students, small group instruction will increase over time within the 1:1 classroom model in an effort to promote independence and allow for more practice of the skills required for success in future settings.** This shift is determined primarily by a student’s ability to benefit from such instruction. A small subset of students may, at some point, demonstrate skills that

would indicate readiness to benefit from an alternate, less restrictive school environment. These skills include, but are not limited to, an ability to communicate effectively and with reasonable fluency and an ability to learn in a group and by observing peers.

- **The NYCACS Bronx educational philosophy holds that families are an integral part of the students' education, and that parental involvement is a highly desired element of the school's programs.** While no action will be taken against parents, or children of parents, who do not choose to participate, NYCACS Bronx will implement a variety of initiatives and activities that address the needs of students and their families during and beyond the school day including clinic meetings to review and enhance educational programming, scheduled observations that allow parents to observe specific educational activities, some of which may take place off-site in the community, and family education workshops and assistance with referrals to community resources.

- **Comprehensive services will be an integral part of the NYCACS Bronx program.** These services facilitate the home-school collaboration, which is an important characteristic of NYCACS Bronx and contributes to the development and maintenance of a school culture focused on the needs of the family. Home and Family Consultation is one of the services NYCACS Bronx will offer to families. It has several goals:
 - For parents to acquire skills necessary to promote more successful interactions with their child(ren);
 - For the student to display stimulus generalization across settings (i.e., from school to home);
 - For the student to be able to learn new functional skills in the home and community; and,
 - For NYCACS Bronx staff to identify, in conjunction with parents, additional targets to address during the school day that will assist with life at home or in the community.

Calendar and Schedule

NYCACS Bronx will offer an extended, 12 month school year with at least 210 days of instruction; the first day of the 2017-18 school year will be on or around September 6, 2017 and the last day will be on or around August 17, 2018. Subsequent school years will follow a similar calendar. The school day will run from 8:45-2:45 p.m. five days per week.

Academic Program

NYCACS Bronx will provide students with 1,800 minutes per week of instructional time dedicated to functional academic and life skills instruction, including instructional lunch, as linked to the school's core curriculum. This represents an increase of 20% over the state mandated minimum of 1,500 minutes

mandated in New York Education Law § 2851(2)(n) and 8 NYCRR § 175.5 (grades 1-6), and provided at the majority of New York City Department of Education (“NYCDOE”) schools.

NYCACS Bronx will utilize the curriculum developed and refined over the past decade at NYCACS East Harlem, which is aligned with and cross-walked to the New York State Common Core Curriculum. The curriculum is comprised of research-based teaching procedures and individualized skill acquisition programs that facilitate the development of skills across 22 curriculum areas including expressive language, social interaction, reading, mathematics, speech, fine motor, handwriting, behavior and self-care. Approximately 1200 targeted instructional lessons provide clearly defined behavioral objectives; specific teaching procedures; assessment procedures to determine the effectiveness of interventions; and, terminal goals to ensure maintenance and generalization. For each of these targeted instructional programs, a Curriculum Crosswalk identifies the domain, the goal, the program title, and the New York State Learning Standard and corresponding assessment tasks in two of the published assessment tools used by the school, the Verbal Behavior Milestones Assessment and Placement Program and the Assessment of Functional Living Skills.

Much of the NYCACS curriculum is devoted to the essential areas of self-care and life skills – areas of significant deficit for the majority of individuals diagnosed with severe to moderate autism. There are currently 101 skill acquisition programs written to specifically target self-care, 80 to target life skills, 45 to target skills required for community participation, 84 in the area of pre-vocation and 32 related to personal safety.

The school’s academic program will be implemented as follows:

- Each classroom will have a daily schedule that remains relatively consistent across the week. Within that classroom schedule there will be periods designated for individual, dyad, and small group instruction.
- Each student then will have his/her own schedule that further specifies programs, skills, and lessons being targeted during each of the periods outlined in the larger classroom schedule. Each program contained in the NYCACS curriculum, once identified as an objective for a particular student, will then be further individualized to a microscopic level—specifying targets (even sub-targets that may involve the use of prompting levels), language used as part of instruction, and procedures for reinforcement, and error correction.
- In addition to specifying the program or lesson to be taught at that time block, the schedule will also delineate the instructor/student ratio (i.e., one-to-one instruction, dyad, group), which staff member will be providing instruction, and where the lesson will take place. Skills will be developed through highly structured teaching sessions.
- As students will be, to the greatest degree possible, grouped in classrooms according to age and autism profile, daily schedules may look very different from one another, particularly when comparing the schedule of a cohort 3 (moderate) student to a cohort 1 (severe) student.

School Culture and Discipline

NYCACS Bronx will provide a safe, orderly, and respectful school environment in which to learn, recreating the climate of positivity successfully developed and implemented at the applicants' flagship school. It is presumed that the majority of instances or episodes of challenging or disruptive behavior exhibited by any student enrolled at NYCACS Bronx will be associated with his or her diagnosis. Consequently, the school will adhere to the following internal protocols in response to such instances: when a concerning behavior occurs, crisis management procedures may be used to ensure the safety of the student, other students in the classroom or larger school, and staff; if crisis management procedures are used that are not part of a student's existing behavior intervention plan, parents will be notified immediately; parental consent will then be obtained for collection of baseline data and assessment of the function of the target behavior; finally, if there are concerns about a prolonged assessment period given the severity of a particular topography of behavior, parental consent may be requested for an immediate behavior intervention probe or modification to an existing behavior intervention plan.

NYCACS Bronx will establish a Human Rights Committee; an independent review body comprised of at least six members. At least four of these members (a lawyer, a doctor, a behavior analyst, and a parent of a child with autism not enrolled at NYCACS Bronx) will have no connection to the school other than serving on this Committee, but will bring relevant experience to the issues being discussed. A NYCACS Bronx Board member and teacher will be members of the Committee as well. This committee will conduct reviews for all behavior intervention plans that contain any type of restrictive component (e.g., removal from the classroom) to ensure that: 1) plans are ethical; 2) they respect the rights of each student; and, 3) parental consent has been obtained. Finally, behavior intervention plans will be implemented consistently across staff and settings, and to the extent possible, the home and community, for which staff will provide hands-on training to parents and caregivers.

Organizational Capacity

The Institute finds that NYCACS Bronx proposes a strong leadership structure, mirroring the successful structure in place at the existing NYCACS East Harlem school. Instructional and operational responsibilities are vested and appropriately overlap across several leaders to ensure consistency. An Executive Director charged with oversight of both NYCACS Bronx and NYCACS East Harlem will report directly to the NYCACS Bronx Board of Trustees on all matters concerning the school. A Head of School position will be added at each location to be responsible for day-to-day operations and academic programming. She/he will oversee the Clinical Supervisors, certified Special Education Teachers and the Instructors across all classrooms, as well as the school's Office Manager. A Chief Financial Officer ("CFO"), with oversight from the Executive Director and in liaison with the Board of Trustees Finance Committee, will develop the annual budget, provide on-going fiscal monitoring, and conduct all business management activities. The CFO oversees non-academic program operations and regulatory reporting. Given that the CFO will now be charged with oversight in these areas across both NYCACS East Harlem and NYCACS Bronx, the Business Manager position has been adjusted and an Office Manager position

has been introduced at each location. Additionally, increased Information Technology support will be added over the course of the school's initial charter term.

Governance

The proposed by-laws of NYCACS Bronx indicate that the education corporation board would consist of no fewer than five and no more than 17 voting members. The proposed initial members of the board of trustees are set forth below.

Founding Board Members

- 1. Carol Santiago-DeJesus, Proposed Board President.** Ms. Santiago-DeJesus has worked in the East Harlem community for over 15 years where she has demonstrated success in developing and operating highly effective workforce development and community social services programs. Ms. Santiago-DeJesus is currently with El Barrio's Operation Fightback as its Director of Workforce Development and resides in the Bronx with her family. Ms. Santiago-DeJesus has served on the Board of the NYC Autism Charter School since 2009, where her son has been a student since 2007. She also serves on the Board of *D3 Sports and Rec, Inc.*, a nonprofit that provides free/low-cost adapted sports and recreational opportunities to children and adolescents living with autism in the Bronx.
- 2. Ashley Garrett, Proposed Board Vice President.** Ms. Garrett is a freelance photographer. She earned an AB in theater from Smith College and her MBA from Harvard Business School. After working for several years in credit card marketing, she became the director of the All Souls Soup Kitchen, a privately funded operation that serves over 20,000 meals annually. In addition, Ms. Garrett has been an admissions associate, a coach and a service learning coordinator at The Brearley School in New York City. Ms. Garrett's other board affiliations include the Smith College President's Council, the Harvard College Parents Fund, and the All Souls School tuition assistance committee.
- 3. Hugh O'Rourke, Proposed Board Treasurer.** Mr. O'Rourke has varied and wide-ranging experience working for companies with very different product lines and markets. He has a business background of over 40 years centered on work in the area of finance, strategy and marketing with major Fortune 500 companies like PepsiCo, Citicorp, and Pfizer in both international markets and in the United States.
- 4. Ilene Lainer, Proposed Trustee.** Ms. Lainer is a co-founder and President of New York Collaborates for Autism (NYCA), an organization founded in 2003 dedicated to creating innovative replicable programs that address the needs of individuals and families living with Autism Spectrum Disorder (ASD) right now. NYCA has co-founded the NYC Autism Charter School, Hunter Autism Research, Practice & Policy Center, New York-Presbyterian Center for

Autism and the Developing Brain as well as Project SEARCH Collaborates for Autism, which uses an autism enhanced curriculum. In 2016, NYCA will open Neighborhood Network of New York (NNNY), a new community living model for adults with autism, in collaboration with CLO. Ms. Lainer was formerly a partner at the law firm of Grotta, Glassman & Hoffman where she practiced labor and employment law on behalf of management. She currently serves on the board of trustees for the NYCACS East Harlem, is the board chair of NNNY and is a board member of NYCA. She is the mother of two sons, one with autism.

- 5. Mitch Baum, Proposed Trustee.** Mr. Baum is a 25-year veteran of the advertising industry. Currently Business Director at J Walter Thompson, he heads the agency's work on the domestic and international communications program for T. Rowe Price. Mr. Baum is also the father of a 15-year-old boy with severe autism. Mr. Baum's business acumen has helped his son's school, Garden Academy, grow from three children in a church basement to a nationally recognized center for the treatment of autism in just 10 short years. Mr. Baum has also developed presentations about autism delivered to the NJ Bar Association, advised the New York Federal Reserve Bank on ways to be a more friendly employer to parents of children with disabilities, and been a trustee of NYCACS East Harlem for five years.
- 6. Chas Chigas, Proposed Trustee.** Mr. Chigas joined Natixis Securities Americas in November 2011 and currently has approximately 28-years of experience in investment banking and financial services. Mr. Chigas is the Head of Debt Capital Markets Origination at Natixis where his group is responsible for high yield and investment debt as well as Private Placements. Previously at The First Boston Corporation (now Credit Suisse), he was responsible for establishing and managing the Project Finance Capital Markets desk and was promoted to Managing Director in 1998. Mr. Chigas' experience includes an industry specialization in project finance, regulated and unregulated electric utilities/power generation, energy and infrastructure. He earned his MBA from The Amos Tuck School at Dartmouth College and his BA in Economics from Tufts University.
- 7. Benjamin Hartman, Proposed Trustee.** Mr. Hartman is responsible for designing and guiding Nextek's product roadmap and representing Nextek on several key national forums. He is an electrical engineer with 20 years of experience in technology and management consulting. For the EMerge Alliance™, Mr. Hartman is the chair of the Technical Standard Working Group, and guided representatives from the member companies to author the recently completed standard. A graduate of Tufts University and Columbia Business School, he has developed proprietary controls and precision devices for Technicon Inc., performed telecom and media strategic consulting for Booz Allen & Hamilton as well as corporate strategy and new business development for SNET (now AT&T).
- 8. Hannah Hoch, Proposed Trustee.** Ms. Hoch is a Board Certified Behavior Analyst and licensed clinical psychologist specializing in the education and treatment of individuals with autism. She received her doctorate in Psychology from the CUNY Graduate Center Learning Processes and Behavior Analysis Psychology program and now teaches in the Psychology Department of

Barnard College. Her clinical and research interests include reduction of challenging behavior and increasing language and social skills in children with autism.

- 9. Richard Larios, Proposed Trustee.** Mr. Larios was a classroom teacher in Brooklyn, New York and a curriculum developer before joining The Edison Project (later Edison Learning) for 16 years where he worked with Edison partnership schools around the country, both charter and traditional district schools. After Edison, he worked for three years as a Senior Director for accountability and support at the NYCDOE's charter school office. Since leaving the NYCDOE in 2014, he has worked as an educational consultant with clients around the country.

- 10. Paul O'Neill, Proposed Trustee.** Mr. O'Neill is an education attorney, advisor, professor and author. He is co-founder and senior fellow of the non-profit National Center for Special Education in Charter Schools. Mr. O'Neill is also founder & president of Tugboat Education Services and head of the education law practice group of Cohen Schneider & O'Neill LLP in New York. Much of his work is devoted to the intersection of special education and charter schools. This focus is also reflected in his academic work. He serves on the adjunct faculty of Teachers College, Columbia University where he teaches courses on education policy and law.

- 11. Alvin Shih, Proposed Trustee.** Mr. Shih has been employed in financial services IT for nearly two decades as a hands-on software developer as well as a software development manager. He became interested in autism after learning about children of fellow IT professionals exhibiting selective mutism or becoming completely nonverbal, as well as his own daughters being diagnosed with PDD-NOS. After taking a Coursera class on Behavior Analysis, he became a huge believer in the ABA-focus of the NYCACS East Harlem and serves on its board to support its ongoing success.

Facilities

The proposed education corporation has indicated that they will work with the NYCDOE to explore the option of using space in underutilized public schools in CSD 7 or 9. Their contingency plan is to locate in a private facility in CSD 7 or 9. The Institute reserves the right to review all proposed facilities in accordance with the charter agreement.

Fiscal Impact

The fiscal impact of NYCACS Bronx on the district of residence, the New York City School District (the "District"), is summarized below.

NYCACS BRONX

Charter Year	Expected Number of Students (A)	Basic Charter School Per Pupil Aid (B)	Projected Per Pupil Revenue (A x B=C)	Public Facility Aid (D)*	Total Project Funding from District to Charter School (C+D=E)	District Budget (F)**	Projected District Impact (E/F)
Year 1 (2017-18)	8	\$91,645	\$733,160	\$0	\$733,160	\$21.8B	0.003%
Year 5 (2021-22)	32	\$91,645	\$2,932,640	\$0	\$2,932,640	\$21.8B	0.013%

* 20% additional funding over standard per pupil funding if the schools are unable to locate in a public facility. Not to be included in this analysis as the amount is not determinable at this time because of the higher basic per pupil aid.

**The NYCDOE budget was derived from the NYCDOE's website: <http://schools.nyc.gov/AboutUs/funding/overview>.

The calculations above assume the current per pupil aid being paid to the operating NYCACS East Harlem by the NYCDOE, which is well above usual special education funding, would remain the same for the proposed charter school during the term of the charter. While it is likely that the District's budget will grow over time, the Institute is being conservative by leaving it unchanged in five years. Since the proposed school would seek to locate in public space, the uncertainty of the estimate to include the 20% addition to per pupil funding that the school would most likely receive if suitable public space were not available is not being calculated in the above chart. Based on these assumptions, and projections that the charter school would have full enrollment, NYCACS Bronx would have minimal fiscal impact on public schools in the District.

The estimates used by the Institute to conduct its analysis are subject to unpredictable changes in the District's budget in any given year, changes in the charter school per-pupil funding, and the actual enrollment in the charter school. For example, in the event that the budget of the District increases 5% in five years (assumes a 1% increase each year) to \$22.9 billion and the basic per pupil aid to charter schools remains unchanged, the impact to the District would remain minimal: 0.012% in the 2021-22 school year. While the proposed education corporation 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 charter school, the Institute's calculations and analysis do not account fully for these sources of potential revenue.

The Institute finds that the fiscal impact of the proposed school on the District, public charter, public District and nonpublic schools in the same geographic area would be minimal. In the event that the school opens with a slightly larger enrollment, the Institute has determined that the fiscal impact of the proposed school on the District, public charter, public District and nonpublic schools in the same geographic area would also be minimal.

The Institute reviewed the proposed education corporation's start-up and fiscal plans and supporting evidence for each year of the proposed charter term. The Institute finds the budgets and fiscal plans are sound and that sufficient start-up funds will be available to the new charter school.

Notification and Public Comments

The Institute notified the school district as well as public and private schools in the same geographic area of the proposed school about receipt of the proposal, and the proposal was posted on the Institute's website for public review. Chancellor Fariña of the NYCDOE submitted a letter of support for the proposed school to the Institute on January 21, 2016, noting particular commendation for the applicant team's commitment to equity and access for all students. The NYCDOE held a public hearing pertaining to the proposal on February 29, 2016. The Institute has compiled public comments made at the hearing and received separately by the Institute in a Summary of Public Comments (Appendix B). The Institute carefully reviews and considers all public comments before finalizing its recommendation.

Preference Scoring

Education Law § 2852(9-a)(c) requires authorizers to establish and apply preference criteria to applications meeting both statutory and authorizer standards. The purpose of the criteria is to prioritize proposals in the event that the number of proposals meeting the SUNY Trustees' requirements exceeds the maximum number of charters to be issued or issued in New York City. The RFP identified the minimum eligibility requirements and preference criteria required by Education Law § 2852(9-a), as described in greater detail below. The NYCACS Bronx proposal met the eligibility requirements, as evidenced by the following:

- The proposal was sufficiently complete, i.e., it included a Transmittal Sheet, Proposal Summary and responses to all RFP requests as prescribed by the Institute;
- The proposal included a viable plan to meet the enrollment and retention targets established by the SUNY Trustees for students with disabilities, ELLs, and students who are eligible to participate in the FRPL program (as detailed in Request No. 15); and,
- The proposal provided evidence of public outreach that conforms to the Act and the process prescribed by the SUNY Trustees for the purpose of soliciting and incorporating community input regarding the proposed charter school and its academic program (as detailed in Request No. 3).

As the NYCACS Bronx proposal submission met the eligibility criteria, the Institute's evaluation continued with a full review of the proposal, 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 10 Preference Criteria contained in the RFP for which proposals can earn credit as described in the RFP's Preference Scoring Guidance. In the event of a tie for the last charter, both proposals will be rejected unless one applicant agrees 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, include the demonstration of the following in compliance with Education Law §§ 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 17 proposals in response to the December round of the 2015 RFP, it recommends only four for approval. The four proposals recommended for approval met the eligibility criteria and were therefore assigned a score using the guidance contained in the RFP. The proposal for NYCACS Bronx earned a score of 41 preference points out of a possible total of 45. Based on this score and the other information and findings set forth herein, the Institute is recommending that the SUNY Trustees approve the proposal to establish the New York Center for Autism Charter School Bronx, which would not exceed the statutory limit in Education Law § 2852(9)(a).

Conclusion and Recommendations

Based on its review and findings, the Institute recommends that the SUNY Trustees approve the proposal to establish the New York Center for Autism Charter School Bronx education corporation and approve its authority to operate one school, **New York Center for Autism Charter School Bronx**, to open in September 2017.

APPENDIX A

NEW YORK CENTER FOR AUTISM CHARTER SCHOOL BRONX

Basic Identification Information

Lead Applicant(s):	Julie Fisher Carol Santiago
Management Company:	N/A
Partner Organization:	New York Center for Autism Charter School (East Harlem)
Location (District):	New York City CSD 7 or 9
Student Pop./Grade Span at Scale:	32 students/ Ungraded Elementary
Opening Date:	September 2017

APPENDIX B



Summary of Public Comments Received During the SUNY Public Comment Period through March 30, 2016

On or about February 2, 2016, in accordance with Education Law § 2857(1), the Institute notified the NYCDOE as well as public and private schools in the same geographic area of the proposed school about receipt of the proposal to establish the New York Center for Autism Charter School Bronx. The notice reminded the district that the New York State Commissioner of Education's regulations require the school district to hold a public hearing within 30 days of the notice for each new charter application. A redacted copy of the New York Center for Autism Charter School Bronx proposal was also posted on the Institute's website for public review at:

<http://www.newyorkcharters.org/create/request-for-proposals/2015-suny-request-for-proposals-round-2-december-cycle/new-york-center-for-autism-charter-school-bronx>.

The District held a public hearing pertaining to the proposal on February 29, 2016, and provided one comment from that hearing to the Institute: a member of the NYCACS East Harlem school community articulated that they are "very much in support of the application."

Additionally, Chancellor Fariña of the NYCDOE submitted the following letter of support for the proposed school to the Institute on January 21, 2016, noting particular commendation for the applicant team's commitment to equity and access for all students.

The Institute has received no direct public comments relating to this proposal.



**Department of
Education**

Carmen Fariña, Chancellor

Susan Miller Barker
Executive Director
Charter Schools Institute
State University of New York
41 State Street, Suite 700
Albany, New York 12207

January 21, 2016

Re: Letter of support for the proposed New York Center for Autism Charter School Bronx

Dear Ms. Barker,

I am writing to provide our support of the proposed New York Center for Autism Charter School Bronx, a replication of an existing Chancellor-authorized charter school, whose Letter of Intent to Apply was approved by the Charter Schools Institute on behalf of the State University of New York (SUNY) Board of Trustees in response to the December Cycle of the 2015 SUNY Request. The New York City Department of Education (DOE) genuinely commends the passion and commitment of this founding group to want to serve New York City's school children and provide more high quality options.

Attached is our guiding framework that outlines the core principles that we share with all proposed charter school applicants who reach out to the DOE to request letters of support. Among these guiding principles, which we feel this applicant team embodies, we especially highlight a commitment to equity and access for all students as demonstrated by a commitment to:

- Serve all students, including English Language Learners and Students with Disabilities, as demonstrated by an applicant's commitment to meet or exceed the Enrollment and Retention Targets as set forth by the New York Charter Schools Act.
- Enrollment policies that backfill students at all grade levels served.

For over eleven years, the New York Center for Autism Charter School has proven to be a high quality option for parents with children on the Autism spectrum, and a truly inclusive school for children in need. We welcome the opportunity to deepen and expand the collaboration between the DOE and the proposed New York Center for Autism Charter School Bronx.

We plan to invite all of the recommended applicants who get approved by the SUNY Board of Trustees into our offices this summer to discuss ways in which the DOE can help support academic and operational excellence.

Sincerely,

Carmen Fariña
Chancellor, the New York City Department of Education

New York City Department of Education
Framework of Core Principles for Proposed Charter School Applicants in New York City

Criteria	Evidence
A commitment to collaboration	The proposed school has a commitment to sharing best-practices among all public schools, district and charter.
District Need	There is a demonstrated need for either quality seats and/or the district has excess capacity.
Equity and Access	The proposed school has a commitment to backfilling students at all grade levels served and after October 1 of each academic year as well as meeting or exceeding applicable Enrollment and Retention Targets for English language learners, students with disabilities, and students eligible for free and reduced price lunch, at the end of their initial charter term.
Founding Group and Board Representation	Every member of the founding group has been identified. Members of founding group includes community representation and has the robust and diverse skill set to govern effectively as the local education authority.
Innovative Design	The proposed school design implements programs/interventions that are new to New York City while having a research based track-record of closing the achievement gap for all students.
Strong Family – Community Ties	There is a clear understanding of the needs of the district, community, and proposed families that the school intends to serve through community partnerships, extensive engagement and representation on the proposed school’s board of trustees. The governance plan includes opportunities for family and student voice.