



## **MEMORANDUM**

**June 4, 2014**

**To: Members of the Charter Schools Committee**  
**From: Joseph W. Belluck, Chair, Charter Schools Committee**  
**Subject: Approval of Proposal to Establish Finn Academy: An Elmira Charter School (Elmira)**

### **Action Requested**

The proposed resolution authorizes the granting of a new charter to the proposed Finn Academy: An Elmira Charter School pursuant to New York Education Law subdivision 2852(9-a).

### **Resolution**

I recommend that the Charter Schools Committee adopt the following resolution:

Whereas the SUNY Charter Schools Institute (the "Institute"), acting on behalf of the Board of Trustees and in accordance with the New York Charter Schools Act of 1998 (as amended, the "Act"), issued a request for proposals ("RFP") on January 6, 2014 to establish new not-for-profit charter school education corporations and to permit existing education corporations to operate additional charter schools; and

Whereas the applicant for Finn Academy: An Elmira Charter School (the "Applicant"), a proposed education corporation seeking authority to operate one school to be located in Elmira, submitted a proposal that the Institute reviewed, scored, ranked and recommends for approval (the "Recommended Proposal") as set forth in the Institute's Summary of Findings and Recommendations for the proposed school (the "Institute Report") (copy on file in the Office of the Secretary of the University and in the Albany office of the Institute), which was made available to the Charter Schools Committee (the "Committee"); and

Whereas the school district of location of the proposed school provided comments in opposition to the Recommended Proposal, which comments the Institute attached to or included in the Institute Report, and the Committee considered on behalf of the Board of Trustees; now, therefore, be it

Resolved that the Recommended Proposal rigorously demonstrates that the Proposal has met the following criteria: (1) the proposed charter school would meet or exceed enrollment and retention targets, prescribed by the Institute on behalf of Board of Trustees, of students with disabilities, English language learners, and students who are eligible applicants for the federal free and reduced price lunch program; and (2) that the Applicant has conducted public outreach, in conformity with a thorough and meaningful public review process prescribed by the Institute on behalf of the Board, 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; and, be it further

Resolved that the Committee, acting on behalf of the Board of Trustees, and based on: (1) a scoring rubric that best demonstrates how proposed schools will achieve the objectives set forth in Education Law subdivision 2852(9-a)(c); and (2) the Institute's scoring of all proposals recommended for approval, hereby grants priority to the Recommended Proposal; and, be it further

Resolved that the Recommended Proposal and the school described therein meet the requirements of the Act and all other applicable laws, rules and regulations; and, be it further

Resolved that the Applicant and the founding team described in the Recommended Proposal demonstrate the ability to operate the proposed school in an educationally and fiscally sound manner; and, be it further

Resolved that approving the Recommended Proposal is likely to improve student learning and achievement and materially further the purposes set out in Education Law subdivision 2850(2); and, be it further

Resolved that the Recommended Proposal be, and hereby is, approved; and, be it further

Resolved that the Institute be, and hereby is, directed to: (1) enter into a proposed charter with the Applicant, which shall include such assurances and terms as the Institute shall deem necessary and appropriate; and (2) thereafter to submit such proposed charter no later than November 1, 2014 as required by the Act to the Board of Regents for issuance by the Board of Regents on or before December 31, 2014.

### **Background**

Pursuant to Resolution No. 2012-038 dated June 12, 2012, the Board of Trustees delegated to the Charter Schools Committee the authority to approve or deny applications to establish new charter school education corporations, and applications by existing education corporations for authority to operate additional schools.

Amendments to the New York Charter Schools Act of 1998 (as amended, the "Act"), passed in 2010, increased the cap on the number of charter schools in New York by adding a new class of charters to be issued through requests for proposals ("RFPs"). Only the Board of Trustees and the Board of Regents may issue RFPs. Each entity may approve 130 new charters, only 57 of which may be located in New York City. Prior to approval of this resolution the Board of Trustees has approved 39 proposals for schools to be located in New York City and two outside of New York City; leaving 89 charters to be issued through the RFP process with no more than 18 to be located in New York City. The SUNY Charter Schools Institute (the "Institute") posted the RFP for the proposal to be approved by this resolution on January 6, 2014.

The Institute released and broadly distributed a draft RFP for public comment on December 6, 2013, and posted a document detailing its evaluation and response to public comments on January 6, 2014. The Institute received the proposal to be approved by this resolution by March 12, 2014, and then reviewed, scored (in accordance with a rubric required to be developed pursuant to Education Law subdivision 2852(9-a)(c)), and ranked it.

Prior to recommending the proposed charter school for approval, the Institute, acting on behalf of the Board of Trustees, conducted a rigorous review of the proposal and published its findings and recommendations in a Summary of Findings and Recommendations ("Institute Report") (copy on file in the Office of the Secretary of the University and in the Albany office of the Institute, and available at: [http://www.suny.edu/Board\\_of\\_Trustees/meetingnotices.cfm](http://www.suny.edu/Board_of_Trustees/meetingnotices.cfm)), which

was made available to the Charter Schools Committee. In addition to meeting all of the application requirements for non-RFP charters, the amended Act requires additional RFP findings reflected in the resolution.

For the proposal listed above, the Institute, pursuant to Education Law subdivision 2857(1), notified the school district in which the charter school proposes to be located as well as public and non-public schools in the same geographic area of the school regarding the receipt of the application for a new school (copy on file in the Albany Office of the Institute).



**Charter Schools Institute**  
The State University of New York

## **Summary of Findings and Recommendations**

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***Proposal to Establish Finn Academy: An Elmira Charter School***

May 27, 2014

## **Executive Summary**

The proposal to start the Finn Academy: An Elmira Charter School (“Finn Academy”) was submitted to the SUNY Charter Schools Institute (the “Institute”) on March 12, 2014 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 6, 2014.

Finn Academy has located two potential facilities within the Elmira City School District including a district building that is no longer in use and a former federal building in downtown Elmira. The new school would open in August 2015 with 180 students in Kindergarten through 3<sup>rd</sup> grade and would grow one grade each year to 396 students in Kindergarten through 7<sup>th</sup> grade. The school would ultimately seek to enroll students in Kindergarten through 8<sup>th</sup> grade in the subsequent charter term, if approved.

Consistent with the Act, the Institute finds:

- 1) the proposal for the Finn Academy – An Elmira 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 (“ELLs”) and students who qualify for the federal Free and Reduced Price Lunch (“FRPL”) program);
- 2) the proposed school has conducted a thorough and meaningful public review process to solicit community input regarding the proposal in accordance with the requirements in the RFP, which conform with Education Law §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 §2852(9-a)(d); and
- 4) the Institute has scored the proposal pursuant to Education Law §2852(9-a)(c), and there are enough charters to be issued by the SUNY Trustees pursuant to the January 2014 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 proposal to establish Finn Academy: An Elmira Charter School.

## **Background and Description**

While SUNY may still award a small number of charters without using a RFP, amendments to the New York Charter Schools Act of 1998 (as amended, the “Act”) in 2010 made additional charters to create new charter schools available only through a RFP process. The Institute received 14 total proposals to create new charter schools in response to the January 6, 2014 RFP. The current review cycle could legally result in a maximum of 89 new charters approved by the SUNY Trustees, 18 of which could be located in New York City, per Education Law §2852(9).

The Institute conducted a rigorous evaluation of the proposal under consideration including academic, fiscal and legal soundness reviews. In addition, the Institute engaged independent consultants 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 applicant, the proposed board of trustees, which will oversee the school, other members of the founding team and key Finn Academy leadership. In addition, SUNY Trustees' Charter Schools Committee Chairman Joseph Belluck had an opportunity to interview the founding team and proposed board.

The mission of Finn Academy would be to, “engage students deeply in the arts, music, and in daily fitness. We will emphasize the importance of college attendance. We will nurture the character traits of leadership, scholarship, reflection, kindness, perseverance, and aspiration. We will strategically partner with community resources to be a model of best practice in education and to make a measurable difference in student learning. We seek to increase the number of college and career ready students our community launches into a life and a future- by better preparing them for demands and rigor of high school.”

Key design elements of Finn Academy include:

- College Preparation - Finn Academy would incorporate college preparation by intentionally acculturating college awareness into the school program, at every grade level. The requirements of the Common Core's “College and Career Ready” will be its core, as it endeavors to depict what “college and career-ready” looks like in every context. The school will actively seek a partnership with a higher education provider to become a model of best practice learning and teaching. Additionally, it will support collegial and professional learning for its staff.
- STREaM Education – Finn Academy would adopt a STREaM curriculum (STEM – Science, Technology, Engineering, & Math, plus reading and arts) to build a strong foundation in numeracy, and to stimulate students' problem-solving, logical reasoning, prototyping and spatial design, technological skill, curiosity and creativity, and practice of the scientific method in various scientific disciplines. The school would incorporate internationally renowned curricula along with authentic and purposeful community projects. Its curriculum would organize instruction thematically, incorporating community resources and community audiences, whenever possible. The model would include a STREaM Learning Lab, where scholars will become practicing scientists, technologists, engineers, and mathematicians whose authentic work integrates literacy and the arts.
- Extended Day, Extended Year, & Summer Learning Experience – Finn Academy would extend the day and year for all students. Its school year would add over 500 hours of additional, required learning – the equivalent of over ten additional weeks of learning per year. The extended day would offer students an array of experiences in the arts, technology, fitness, literacy and math, and service. Additionally, scholars would be required to attend a two-week learning experience in July, targeting reading fluency, geography, STREaM learning, teamwork, experiencing the natural resources of our area (the Chemung River and River Valley), college visitation, and lifelong fitness. The school would partner with the Friends of the Chemung River Valley Watershed to deliver a unique, standards-based experiential learning program for all scholars. The school would seek to partner with other cultural partners, like the Chemung Valley History Museum, to extend learning and deliver enriched, authentic educational experiences that promote culture competence and

community engagement.

- Wellness – Finn Academy would be dedicated to promoting physical and socio-emotional wellness, and would provide daily fitness – over 150 minutes per week – for every scholar. Each scholar would have a daily recess, and staff will be trained in the pro-social Playworks program that engages scholars in daily play and mitigates against bullying. Scholars would experience the nutritional, community, and academic benefits of an Edible SchoolYard program, to engage them in the work of planning for, cultivating, caring for, harvesting, and enjoying fresh vegetables. Finn Academy would employ staff to support wellness integration: two fitness educators, one executive chef who serves as an edible school yard educator, a Director of Culture/Counselor, a Community Partners and Programs Coordinator serving and engaging parents, and Instructional Aides, who will be trained in and will deliver the pro-social play-based learning. Socio-emotional counseling, classroom-based instruction, and a behavior-support system that is planned, explicitly taught, reinforced, acknowledged, measured and evaluated – would provide system supports for wellness. Morning meetings and advisory groups would contribute to a school-wide culture that promotes physical and socio-emotional well-being.
- Advisory Program – Scholars would have the opportunity to be mentored by a school staff member in an Advisory Program. All staff would participate as mentors, and would stay with their small (approximately 8 scholars) scholar advisory groupings for the duration of their time at Finn. The intent of this program is to foster pro-social, mentoring relationships for our scholars, to add another advocate for them, to demonstrate to them the power of mentoring relationships that exist over time, and to offer staff the opportunity to deliver a community-oriented leadership curriculum over the course of a school year, helping scholars experience and live out core values in another setting besides the classroom. Additionally, this program would serve to unite staff in a common vision for extending compassion and guidance over time to scholars and their families.
- Professional Learning & Teacher Support – Staff would have the opportunity to work in an environment that provides six hours of dedicated professional learning every week. An additional five hours of weekly planning time would allow teachers the time to prepare and organize materials. The school seeks to create a school that is itself a learning organization – not just a place where learning happens, but a vibrant system in which everyone continually learns. It envisions that everyone in its system will express their aspirations, build their knowledge, and develop their skill. The school would believe that learning is both personal and social, and that each learner in an affirming and focused culture can thrive and perform optimally. The leadership structure will support job-embedded learning, in which school leaders have scheduled opportunities to coach and provide real-time feedback to teachers as they engage learners in high-quality, differentiated lessons. Teachers would utilize data about scholar performance on a weekly basis to meet learners' needs and to become adept pedagogically. A three-four week boot-camp would launch staff into a yearlong learning endeavor.

The proposed school would offer 204.5 days of instruction with the first day of the 2015-16 school year on or around August 17<sup>th</sup> – 28<sup>th</sup>, 2015 with specific dates varying by grade level, and the last day on or around June 24, 2016; subsequent years would follow a similar calendar. The school day would run from 7:45 a.m. – 3:05 p.m. on Tuesday – Friday and students would be released at 2 p.m. on Mondays for teacher professional development and planning. All students would participate in additional extended day activities for one hour per day Tuesday – Friday meant to supplement core



instruction and provide students with a choice in activities

Finn Academy would take an interdisciplinary approach to planning and implementing its academic program with all curriculum aligned to the New York State Common Core Learning Standards and designed thematically around the National Geography Standards, emphasizing connections with the local community and designed in partnership with local organizations such as the Friends of the Chemung River Watershed, whose staff would work with Finn Academy staff on designing curriculum linked to the Chemung River. The school will also partner with *Expeditionary Learning* to provide professional development and support on implementing Common Core aligned inquiry based learning modules throughout the curriculum. Students would receive between 525 and 675 weekly minutes of integrated English language arts (“ELA”) and social studies instruction depending on their grade level. Within these blocks, reading instruction would be supported by the *Reach for Reading Common Core Program*, by National Geographic, as its reading curriculum. Students would also receive between 595 and 675 weekly minutes of integrated math and science instruction, with lessons aligned to the Next Generation Science Standards and supplemented by the FOSS science curriculum. Math instruction would be supplemented by Pearson’s Envisions. Students would also receive weekly art, music, fitness and advisory, as well as required after school activities that allow students to choose from additional art, music, fitness, community and service learning, and other topics as expertise is available.

Finn Academy would offer integrated co-teaching classes and would employ an on-site special education coordinator from year one. The school would be prepared to purchase resources for ELL instruction and would hire an English as a Second Language certified teacher when the school enrolls ELLs. The school would adopt a Response to intervention (RtI) process consisting of not only intervention and special education teachers, but also heads of academic directors and general education classroom teachers to ensure that all intervention and at-risk program is aligned with the general academic program.

The school would be led by the Head of School who would be responsible for reporting to the board, ensuring that the academic program is aligned and consistent with the school’s vision, overseeing other key leadership staff, and managing day-to-day operations of the school. Other key instructional leaders include the school’s Director of Literacy, who would oversee academic integrated English and social studies instruction, a Director of STReAM responsible for overseeing math, science and technology instruction and the Special Education Coordinator. Additionally, the school would have a Director of School Culture responsible for culture and discipline, as well as the coordination of community partnerships. The school would contract with a firm for full Chief Financial Officer services in year one and would work with the firm to hire an in-house Director of Business and Finance to address the non-instructional needs of the school starting year two.

The proposed by-laws of Finn Academy indicate that the school board would consist of not less than five and no more than nine voting members. The proposed initial members that would serve on the education corporation’s board of trustees are set forth below.

1. **Martina Baker** – Former Senior Associate Director of Annual Giving for the University at Buffalo within the Division of Development, and former Alumni Relations and Director of Annual Giving at the University of Montana; served as a member of the Development

Committee for the Board of Directors and as a member of the School Planning Team of the Buffalo Academy of Sacred Heart; proposed board chair.

2. **Ada Robinson-Perez** – New York State licensed social worker serving as an Intensive Case Manager for Children and Families at the Elmira Psychiatric Center as well as an adjunct instructor and advisor for the Keuka College Social Work Department. She holds a M.S.W. from Syracuse University.
3. **Jill Koski** – Business Retention and Expansion Program Coordinator, Southern Tier Economic Growth; board member for Sayre Incubator, Inc. and the Northern Tier Cultural Alliance.
4. **Kevin Murphy, LCSW** - New York State Licensed Clinical Social Worker specializing in the provision of trauma treatment to both children and adults; currently assistant professor of social work and director of field education for Mansfield University. Acted as a consultant to local schools on family and faculty engagement, counseling, anti-bullying initiatives, and student advocacy; M.A. in Counseling from Marywood University and Ed.D in Leadership and Administration, East Stroudsburg University (anticipated August 2014).
5. **A. Renée Sutton, Esq.** – Attorney specializing in family law, general business law, and information technology law and adjunct professor of business management at Keuka College; J.D. from Albany Law School and an M.B.A. from Cornell University.
6. **Bob Woods** – General mechanic for the Lansing Residential Center with extensive experience in facilities maintenance; former Elmira City School District School Board member from 2004 – 2008, where his major focus was providing the students with a safe and quality education as well as supporting the teachers and staff.
7. **William J. Lake** – Financial consultant to charter schools; formerly Chief Financial Officer of the Brighter Choice Foundation, Vice President for Fiscal Accountability at the SUNY Charter Schools Institute. Mr. Lake’s engagement is anticipated to be limited to one year of service.

The founding board has identified two facilities that could meet the needs of the school, especially in the early years. One is an unused Elmira City School District facility while the other is a former Federal building in downtown Elmira. The applicants have also identified other potential facilities should the first two options no longer be available. The Institute reserves the right to review all proposed facilities in accordance with the charter agreement.

The fiscal impact of Finn Academy on the district of residence, the Elmira City School District (the “District”), is summarized below.

<b>Expected Number of Students (A)</b>	<b>Basic Charter School Per Pupil Aid (B)</b>	<b>Projected Charter Per Pupil Revenue (C = A x B)</b>	<b>Elmira City School District Budget* (D)</b>	<b>Projected Impact to District (E = C / D)</b>
180 (2015-16 school year – Year 1)	\$11,012	\$1,982,160	\$113,982,977	1.739%
396 (2019-20 school year – Year 5)	\$11,012	\$4,360,752	\$113,982,977	3.826%

\*The Elmira City School budget was derived from and can be found on the District website:

<http://www.elmiracityschools.com/uploadeddocs/budgetbook14.pdf>

The calculations above assume the current basic per pupil aid will not increase 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. Based on these assumptions, and projections that the charter school will have full enrollment, Finn Academy would have a low fiscal impact on public schools in the District: 1.739% in the 2015-16 school year and 3.826% in the 2019-20 school year.

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 \$119,797,254 and the basic per pupil aid to charter schools remains unchanged, the impact to the District would remain low: 3.64% in the 2019-20 school year. 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 charter 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 District, and public charter (none), 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 schools on the District, public charter, public District and nonpublic schools in the same geographic area would also be minimal.

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

The RFP also contained the minimum eligibility requirements and preference criteria to reflect the requirements of the Education Law §2852(9-a). The 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 Finn Academy proposal 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 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 2014. 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 §§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 14 proposals in response to its January 2014 RFP, only seven have been recommended for approval. All of the seven proposals recommended for approval met the eligibility criteria and were therefore assigned a score using the rubric contained in the RFP. The proposal for Finn Academy earned a score of 44 preference points out of a possible total of 64. 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 Finn Academy – An Elmira Charter School, which would not exceed the statutory limit in Education Law §2852(9-a)(a).

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 it was posted on the Institute's website for public review. On May 15, 2014, the Institute received comments from the Elmira City School District School Board in opposition to the proposal, which can be found in Appendix 1. The Elmira City School District held a public hearing pertaining to the proposal on April 9, 2014. The Institute compiled public comments made at the hearing and received separately by the Institute in a Summary of Public Comments (Appendix 2). All public comments were carefully reviewed and considered (see discussion immediately below regarding District comments).

#### **Consideration of School District Comments:**

**Elmira City School District.** The District urged SUNY to deny the proposal to establish Finn Academy based on the concerns as follows:

- The proposal does not provide an appreciable alternative to the District. The existing programs in the District and those in the proposal are similar in the design, content, curriculum and standards. There would be no added benefit to the community or new learning opportunities.
- Student learning and achievement, learning opportunities for at-risk students, innovative teaching methods, professional development opportunities or expanded choice are not expected from the plan as it is not educationally sound.
- Plans are not financially viable and would only strain the resources of the District.

With respect to the similarity in academic program, the proposal anticipates providing an extended school day and year compared to the District, a summer learning program, learning opportunities that incorporate art, music, fitness and health through its Extended Day program and professional development opportunities for teachers of one hour per day with an extended period once per week and time in the summer. In terms of the financial viability of the proposal, the District argues that the proposal relies heavily on federal grants; however, the proposal includes only the allowable \$500,000 in federal Charter Schools Program Grants. Those grant funds flow timely and there is not a need for a grant writer as the District letter describes. Additionally, the E-Rate payments into the charter school occur within the fiscal year, so there is not a significant delay. The District used the Pre-Opening Budget in its analysis of expenses rather than the First Year Budget. In comparing the proposal to other operating charter schools in upstate New York, the proposal reflects reasonable

assumptions as to what the technology, equipment and furniture will cost. The proposed budget also includes fringe benefits, merit raises, retirement benefits and stipends.

### **Findings**

Based on the comprehensive review of the proposal and interviews of the applicant 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 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 ELLs;
  - the required policies for addressing the 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 the 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 applicant has 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 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 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. Granting the proposal is likely to: a) improve student learning and achievement; and, b) materially further the purposes of the Act. This finding is reflected by (among other things):
    - the use of an innovative, interdisciplinary Common Core aligned curriculum;
    - an extended day and year, offering significantly more educational experiences for students;
    - 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;
    - an organizational structure with an explicit focus on instructional leadership to improve teaching and student learning;
    - provide parents and students with expanded choices in the types of educational opportunities that are available within the public school system; and,
    - a commitment to providing an educational program focused on outcomes, not inputs.
  4. 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 FRPL program as required by Education Law §2852(9-a)(b)(i).
  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 §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" with the meaning of Education Law §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 Finn Academy: An Elmira Charter School in August 2015.

## Finn Academy: An Elmira Charter School

### Basic Identification Information

Lead Applicant(s):	Maggie Thurber
Management Co.:	None
Other Partners:	None
Location (District):	Elmira City School District
Student Pop./Grades:	Opening with 180 students in Kindergarten – 3 <sup>rd</sup> grade and adding one grade per year to 396 students in Kindergarten – 7 <sup>th</sup> grade.
Opening Date:	August 2015

Elmira City School District			
Enrollment:		6,544	
Percent:			
African-American:		17%	
Hispanic:		3%	
Asian, White, Other:		81%	
Students with Disabilities:		12%	
English Language Learners:		0%	
Percent Qualifying for Free or Reduced Priced Lunch:		53%	
English Language Arts (2012-13)		Mathematics (2012-13)	
Grade	Percent Proficient	Grade	Percent Proficient
3	19	3	21
4	14	4	13
5	15	5	11
6	17	6	15
7	15	7	14
8	21	8	14

Source: New York State Education Department 2012-13 Report Card.



*Elmira City  
School District*

**School Board**

951 Hoffman St. Elmira, NY 14905  
Phone: (607) 735-3010 • Fax: (607) 735-3000

May 13, 2014

Re: Proposal by Finn Academy: An Elmira Charter School

SUNY Charter Schools Institute  
41 State Street, Suite 700  
Albany, NY 12207

Dear Sir or Madam:

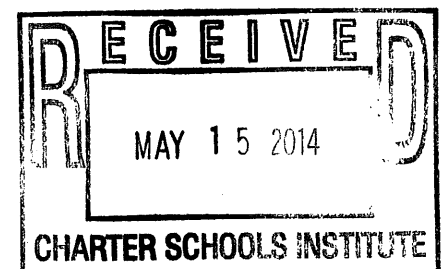
I am writing on behalf of the Board of Education of the Elmira City School District regarding the proposal of Finn Academy currently under review by the Institute. We understood that the current proposal was to have been an improvement on Finn Academy's earlier application (which was withdrawn by the proponents); however, a thorough review reveals that this application suffers from largely the same deficiencies as the first application. Ultimately, Finn Academy's proposal falls short of the requirements for the issuance of a charter.

First, there is nothing in the proposal to encourage a reader that the applicant is demonstrating the ability to operate a school in an educationally and fiscally sound manner. Second, the application fails to establish that Finn Academy is likely to improve student learning and achievement or materially further the purposes of the charter school law.

- It still appears that the Finn Academy will be operating a program that simply parallels the existing programs in the Elmira City School District. The proposed course of instruction provides no basis to determine that the school would improve student learning.

**School Board  
Members**

Sara Lattin,  
*President*  
Ed Cleary,  
*Vice President*  
Lynn Grottenthaler  
Kevin Lauper  
Scott Moore  
Claude Oliver  
Randy Reid  
Kevin Sullivan  
Mary Tucker



- To the extent that one can find some differentiation, this proposal again suggests no more than a nominal increase in learning opportunities. Moreover, there is no emphasis on expanded learning experiences for students who are at risk of academic failure.
- While the proposal does minimally encourage the use of “different” teaching methods, it still fails to lay out innovative teaching methods.
- Rather than creating new professional opportunities for school personnel, this new proposal outlines limited professional opportunities as compared with the Elmira City School District.
- This proposal still falls short of providing parents and students with expanded choices in educational opportunities. If anything, there will be very limited opportunities, especially for at-risk youth.
- There still appears to be no differentiation from the performance-based accountability systems being implemented through the Elmira City School District’s Common Core and APPR initiatives.
- Finally, the fiscal plan for the school appears to have significant deficiencies in personnel, infrastructure, and technology.

Simply, the Finn Academy will not provide an appreciable – nor fiscally prudent – alternative to the Elmira City School District. The Board’s impression is best summed up by the comments of Ted Kordela, who spoke at the public hearing:

Hello. Some of you might know me as the Director of Family Services, but I am here today as a resident of the community that’s raised two children who went through the Elmira School system. Prior to my twenty three years as the Director of Family Services, I worked in a similar agency in Chicago. There I helped develop a charter school. I served as the principal of that charter school. We achieved an eighty five percent graduation rate. Fifty percent of our students went on to college. And due to this experience, I can attest to the value of an alternative approach. It can make a difference to the community. It can make a difference to students’ lives. That is with the right mission, in the right place, at the right time. I don’t see any of those criteria being met here. . . . I don’t see this system as having failed. I’m not seeing mention of providing an alternative for persons that cannot succeed in public school. I do not see how this approval of this charter school would benefit the community as a

whole, but rather it would put further strain on the system at a time when it's suffered significant loss due to state economic difficulties and a current political climate where the public has carelessly accepted the disassembling of community building blocks and safety nets.

For your consideration, we again offer a detailed comparison between the existing programs in the Elmira City School District and the proposed elements of the Finn Academy. Unfortunately, the dearth of detail in the application prevents a reader from fully understanding what the proponents of the charter school might have in mind. Notwithstanding that failing in the proposal, the District has done its best to make some substantive comparisons.

- Both the District and the Academy will be aligned to New York State standards, incorporating the Common Core. The Academy suggests that it will do more, but the application actually suggests less. Notably, the Academy proposes that 51-57% of the instructional day will be spent in core academics. The District focuses on core academics for 77% of each student's day.
- While the District provides pre-K through 12 programming, the Academy will be initially limited to K through 3, adding only a single grade level over the course of four years. The Elmira City School District directs its learning outcomes towards preparing students to be career and college ready through an all-encompassing program, Pre-K through 12, with each year building upon the last. This vertically unified program seems much better suited to producing positive academic outcomes; the Academy would need to offer something remarkable to make the change worthwhile.
- The District has been working hard to significantly reduce its student mobility rate through the reconfiguration of schools. Reduced mobility minimizes learning gaps, improves family relationships, maximizes instructional time, and fosters peer relationships. The creation of a charter school with a limited grade profile would increase mobility in a community sorely requiring stability for its children.
- Both the District and the Academy incorporate expeditionary learning, FOSS (expanding to grades 7 and 8 in the 2014-15 school year), and next-generation science standards. Both the District and

the Academy use the Chemung River Project to aid in social studies instruction.

- While the Academy references a math instructional block which includes math centers and mathematical practices, the District makes use of the NYS math modules; fully incorporates Standards for Mathematical Practice; uses an inquiry-based learning approach with increased emphasis on fluency building and automaticity; and provides 60-minute blocks for whole group, small group, and differentiated instructional opportunities.
- While the District provides both arts and music programming, the Academy suggests it will put an emphasis on the arts. The District has certainly been facing tough times in finding ways to fund a robust arts and music program, but it is not at all apparent how the Academy might differ in its overall impact.
- The District provides AP courses, honors courses, and other opportunities to accelerate individual students who are ready for greater challenges. The Academy suggests that it will provide some kind of pre-AP program.
- The District provides a variety of supports and enrichment programming including morning meetings, reading celebrations, the Rockwell Museum Artist-in-Residency program, a Notre Dame High School partnership, and community partnerships with a variety of local not-for-profits and businesses.
- While the Academy proposes generic student mentoring and advising, the District already implements a variety of programs including business volunteers and students from a private high school reading with primary students, peer mentoring, peer conflict managers, and adventure-based learning activities.
- While the District will be complying with the Common Core math standards by using the enVisionMATH program by Pearson, the Academy says it will be using Singapore Math. Our review suggests that Singapore Math emphasizes the same essential math skills as those in the Common Core, so it is not apparent how the Academy will provide appreciably different instruction.

- The Academy suggests it will be offering STEM. The District already partners with a community consortium to supplement STEM instruction.
- Both the District and the Academy provide virtual field trips and utilize a response-to-intervention process.
- The District uses a data-driven program that differentiates reading instruction for all students. While the Academy proposes a two-hour integrated literacy block, the District's K-6 schools all incorporate a 90-minute reading block, a 30-minute writing block, and a 30-minute stamina reading block. The District's intermediate schools fully incorporate reading and writing in a 120-minute timeframe.
- The Academy proposes to explore the feasibility of using the Core Knowledge domains; the District already utilizes Core Knowledge in its K-2 programming. The Academy proposes to explore the feasibility of using the Expeditionary Learning modules; District teachers have been fully utilizing the Expeditionary Learning modules for a year now. The Academy proposes to use Appendix B and Great Book Foundation resources; the District already uses Appendix B materials to supplement general instruction and provide small group instruction.
- The Academy proposes the use of curriculum-based assessments, DIBELS, Terra Nova, and NWEA, while the District has already been using NWEA map assessments in reading and math, NWEA screening tests for kindergartners aligned to foundational skills, DIBELS, primary assessments based on the work of the Teachers College Reading and Writing Project at Columbia University, math benchmarks aligned with the Common Core, and Common Core standards-based report cards in 2014-15.
- For instruction, the District and the Academy are both using Standards of Mathematical Practice. The District also uses a plethora of instructional strategies – Kagan Cooperative Learning, Whole Brain Teaching, Teach Like a Champion, and other programs.
- The Academy is suggesting that it will require mandatory parent participation. The District does not, of course, have mandatory parent participation, but it does provide extensive resources to encourage parent involvement in every building through its Parent

Partner program. The District also runs parent workshops to support student learning at home and has parents serving on multiple building and District-wide committees.

- The District utilizes the Danielson Framework for teacher evaluation while the Academy will be using the Marzano Casual Teacher Evaluation Model. The District considered both going into the new APPR standards and is not aware of any significant difference between the two.
- There appears to be no appreciable difference in student relationship-building goals. The District employs a system of positive behavioral interventions. The Academy suggests it will use the web-based Class Dojo (which is just one of the tools utilized by teachers in the District).
- The District maintains a dress code while the Academy will be requiring uniforms, but it is unclear that any benefit will be derived from the difference.
- The Academy is proposing professional learning communities. The District has already implemented Pre-K through 6th grade monthly grade-level team meetings and collaborative teacher groups focused on developing curriculum, analyzing student achievement, and strengthening classroom instruction.
- The Academy's instructional technology proposal indicates that it will have a primarily wireless infrastructure. It does not, however, cite specific software applications and services, referring only broadly to Web 2.0 tools and cloud-based services. The District has provided a wireless infrastructure since 2009 with a parallel wired infrastructure to enhance reliability. Moreover, because the District does not have to resort to cloud-based services, privacy and data mining issues are obviated.
- Moreover, the District already provides interactive whiteboards in every classroom, is able to prepare students for online assessments, integrates technology-based teaching and learning, and is running iPad pilot programs to implement tablet technology in the classroom. The District integrates a variety of technology applications including Starfall, Compass Odyssey, Reading A-Z/Raz-Kids, Handwriting

Without Tears, BrainPop, SmartMusic, Type to Learn, Read: OutLoud, and Discovery Education Streaming.

After reviewing the proposal at length, the Elmira City School District still does not believe that the Finn Academy will improve learning and achievement, increase learning opportunities with special emphasis for at-risk students, encourage the use of innovative teaching methods, create appreciable new professional opportunities, or provide students with expanded choices and educational opportunities. Rather, it appears that the Finn Academy will simply take the model being used by the District and make very slight changes reflecting the idiosyncrasies of the educators involved in the proposal.

The deficiencies in the academic program are matched by an array of deficiencies in the financial plan. For a variety of reasons, the proposal falls short of a well-conceived and robust plan.

- On the income side, the plan relies heavily on federal charter school program grants to be successful. Timely support from such grants is, however, questionable given the length and complexity of the process. (Relatedly, the plan contains very little money on the expense side to cover grant development.)
- The E-Rate revenue appears to be greatly overestimated. E-Rate funds are provided on a reimbursement basis well after the initial expenditures. Further, that reimbursement is prorated to reflect the proportion of free and reduced cost lunch numbers. A conservative number for the population in this community would see reimbursement only around 80%. There is no indication that the amount of spending in year 1 will create the reimbursement amount they calculate (and which would not be received until year two).
- On the expense side, there are many more issues.
- As noted above, the grant writing area appears to be underfunded. The District receives a significant amount of grant funding, and the charter school proposal does not show a proportionate expenditure in grants management.
- The Academy's technology budget is set at \$42,000, but it does not add up both literally and figuratively. If the proposed expenditures are multiplied by each unit (e.g., one laptop equals \$900), the actual budget is approximately \$60,000 for technology. In light of the

likely delay in E-Rate funding and the mathematical error found here, the expenses for implementation will greatly exceed returns.

- Another fundamental flaw in the technology budget is the lack of any detail regarding wireless infrastructure. At most, professional services for technology infrastructure seem to be lumped into a \$68,000 line item with legal, fiscal, staff development, professional development and evaluations, and International Baccalaureate programs. Purchasing, installing, and licensing all the equipment necessary for a robust wireless system could easily use the full \$68,000.
- The proposal relies on five positions to work an entire year at half time. It will be difficult to attract quality staff to part-time positions, and it will be difficult to provide basic, much less expanded, educational opportunities for students.
- The start-up furniture and equipment expense is listed at \$1,500. In light of the number of students and staff, this is woefully deficient to outfit a program for even the limited number of students at the outset. Also, there does not appear to be a component in the plan for the purchase of food service equipment.
- No detail regarding fringe benefits is outlined in the application, so it appears possible that individuals may be asked to work without healthcare benefits. Fringe benefits are budgeted at a flat 13% of total payroll. Again, this is not the type of compensation that would attract the best and the brightest.

While there will be no appreciable benefit offered to the parents and students of the Elmira City School District, the District itself will suffer from an unproductive diversion of financial resources. The District has been dealing for several years with both funding and demographic changes. It is working hard to build a leaner, stronger, more productive educational system for its students. The District has worked diligently to pursue consolidation and increased efficiencies; the establishment of a charter school receiving public funds to merely duplicate programming at another location for a small group of students sends the opposite message – expansion of services, diffusion of resources, and decreasing efficiencies are still rewarded in the current fiscal climate.

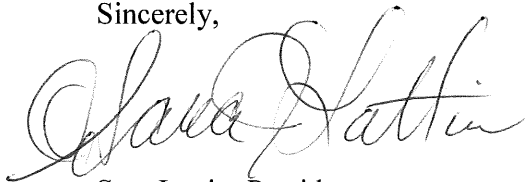
This letter on behalf of the Board can conclude in exactly the same way our prior submission did: The Board of Education of the Elmira City School District



appreciates the difficult job the Institute has in reviewing these proposals and considering the unique needs of every community. We hope that the information provided in this letter gives you a glimpse into our District and our community. I can fairly say that individual members of our Board of Education do support charter schools in principle as one tool in a robust public education system. However, this Board of Education as a whole does not believe that the current proposal put forward by the Finn Academy provides any benefit to this community that outweighs the diversion of resources away from the Elmira City School District.

Thank you for your time and consideration in reading this information. If you require anything further, please do not hesitate to contact us.

Sincerely,

A handwritten signature in cursive script, reading "Sara Lattin". The signature is fluid and elegant, with the first name "Sara" being more prominent than the last name "Lattin".

Sara Lattin, President  
Board of Education  
Elmira City School District



**Summary of Public Comments Received  
During SUNY Public Comment Period**

**Finn Academy: An Elmira Charter School Proposal**

A public hearing was held by the Elmira City School District on April 9, 2014.

Speakers: 28.

Comments were as follows:

- Multiple speakers commented that the creation of Finn Academy would create division and disunity in the community. One speaker said equality of opportunity is fundamental and the creation of a separate school system would be destructive to this opportunity.
- A majority of the comments in opposition to Finn Academy expresses concerns about the financial impact the school would have on the Elmira City School District. In the first year aid totaling \$1.7 million would be taken from the district, however, the reduction in students would not be enough to eliminate teaching positions. It would force the district to make additional cuts to programs like art, music and other non-mandated courses.
- One speaker was in favor of the concept of charter schools but thought the Elmira community did not have the base, student population or economic base to support a charter school.
- A member of the Elmira City School Board said the district has begun operating more like a business and started to turn things around. The board member was concerned about what impact Finn Academy will have on the district's progress and expressed concerns that Finn did not have the proper business management in place to handle school finances.
- One speaker was concerned about millions in taxpayer dollars going to a charter school where there is little accountability over how the money is spent.

- Some speakers were concerned about which students Finn Academy would attract. It is more likely that upper and middle income students would populate the school while resources are drained from the district. Additionally, a member of the Elmira City School Board said Finn Academy will cause student mobility issues as students filter in and out of the charter school back into the district.
- Some speakers from the district said the proposed program offered by Finn Academy is not significantly different than what is offered at the district.
- One speaker said Elmira already has three private schools for parents to choose from.
- Multiple members of Finn Academy's founding team spoke in favor of the proposal.
- The director of the Friends of the Chemung River said that by partnering with his organization, Finn Academy will teach volunteering, giving back to the community and the importance of respecting and protecting the environment. The charter school would provide another choice for parents in the community.
- A speaker said a majority of the comments have focused on finances, which does not address the fact that right now Elmira is ranked 418 out of 429 upstate schools in terms of academic scoring. Clearly students are not making it and a charter school would be an investment in the future of the children of Elmira.
- Another speaker said Finn Academy should be embraced by the Elmira City School District as a viable option to an already troubled system. The district offers overcrowded and undisciplined school rooms. Finn Academy would give children a greater opportunity to learn and become productive individuals while bringing back dignity to the schools as well as classrooms.
- Other said that the district continues to struggle so why not try something new like a charter school to see if it can make a difference.

Additional comments by email:

- Administrators from the Elmira City School District said Finn Academy would be detrimental to both the finances of the district and the students who would attend the proposed school. The curriculum plan is ill-designed and does not align with the applicant's vision of being a STReAM school. The plan is either duplicative of programming offered at the district or the plan is vague in its content. Multiple comments from teachers at the district also raised this issue.

- A majority of comments in opposition to the proposal raised concerns about the \$1.7 million impact to the Elmira City School District in the first year and the increase in the following years. One comment said this amounted to 25-30 teaching positions. The loss of revenue could result in cuts that make bigger class sizes and eliminate or reduce art and music. Budgetary concerns also jeopardize new regional STEM initiative at the district.
- Comments from multiple community members said that the school would ultimately enroll students that are already well served by the district and not reach the students struggling the most. This will increase the challenges for the Elmira City School District where the poverty rate is approaching 60 percent. Comprehensive improvements to the district as a whole would be a better approach. Other comments added that educating a small number of students at a charter school does not help the majority of the school population – the problems in the Elmira community that are causing the educational issues (i.e., parental apathy) will continue to exist.
- A letter from a school administrator in the district said that the district is finally in a position where it is stabilizing. The introduction of a charter school would devastate the fiscal future of the district and result in major losses for the more than 6,700 students the district serves. Additionally, one of the co-applicants was laid off by the school district due to budget cuts which fosters an environment of “us vs. them.”
- One community member said that charter schools do not perform better than public schools and may have poorer test scores, depending on the school, especially with for profit charter management organizations. Traditional public schools have to accept all children regardless of physical, emotional or mental handicapping conditions. Our society has changed and schools are not the cause of change, but reflect that change. Society has failed our public education system.
- A community member was concerned about what will happen to Finn Academy students with severe discipline issues, and if it expels those students, the district must take them back.
- A parent in the school district supports the proposal as she is encouraged by the long-term possibility of a stronger, more robust, community-wide effort that considers the needs of all students and provides for them creatively, constructively and collaboratively. Finn Academy offers the willingness to try new things to reach all children and to prove itself in five years.

- A community member said that Finn Academy's founding partners have the leadership, commitment, instructional skills, humility and resilience it will take to make the school successful.
- Multiple comments supported Finn Academy for bringing expanded school choice to the community.
- A parent of an Elmira middle school student said the addition of a charter school would be a welcome new option. Public schools do not hold students accountable for their actions while charter schools do. Charter schools have higher expectations that result in a higher level of student performance. Another community member said that a charter school added to the many public schools in the Elmira community represents a true democratic option that is the fundamental basis of the education of all children.
- Another community member said that everyone should work together in educating children. Finn Academy puts kids first and is just another group of educators who want the best for the kids in Elmira.
- A community member said the Elmira City School District should remember that public education dollars belong to the people, not the district. There is no reason not to try something new in the community especially when Finn Academy will be held accountable for its performance. Another parent said it would be a welcome option, one which will focus on high standards of achievement.
- Some comments said the founders of Finn Academy are based in the community so they are in touch with the needs of students and care about what happens to the community.
- One community member said both the charter school and district should work together because there is no one size fits all approach. Another called for the Elmira City School District to have an open mind and work to collaborate with any educational institution that would benefit this area and students.
- A business owner and parent supports the new initiatives proposed by Finn Academy including STREaM learning, the extended school day and summer learning program.

The Institute, through the Elmira City School District, received a written comment:

- Assemblyman Chris Friend wrote in support of Finn Academy and its focus on STEM or STREaM education plans. He said Finn Academy would be a welcome new option for the families of Elmira.